

2009 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB31)

Received: 04/27/2009

Received By: gmalaise

Wanted: 04/28/2009

Identical to LRB:

For: Christine Sinicki (608) 266-8588

By/Representing: Mary Beth George

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Sinicki@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Employment discrimination surcharge

Instructions:

See attached--delete fee and substitute surcharge

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/?	gmalaise	1bjk4/27		MD 4/27			

FE Sent For:

<END>

Malaise, Gordon

From: Wagnitz, John
Sent: Monday, April 27, 2009 3:24 PM
To: Malaise, Gordon; George, Mary Beth
Cc: Wadd, Jay
Subject: RE: AB 31 and SB 20 Substitute Amendment

yes, please.

Thanks,

John

From: Malaise, Gordon
Sent: Monday, April 27, 2009 2:59 PM
To: George, Mary Beth; Wagnitz, John
Cc: Wadd, Jay
Subject: RE: AB 31 and SB 20 Substitute Amendment

Right. As Nancy Rottier points out below, prior law used to be all across the board, i.e., fees, assessments, surcharges, etc. 2003 Act 139 rationalized that system, so that now each term has a precise meaning.

So, should I go ahead and draft an amendment restoring "surcharge" as in the original bill?

Gordon

From: George, Mary Beth
Sent: Monday, April 27, 2009 2:55 PM
To: Malaise, Gordon; Wagnitz, John
Cc: Wadd, Jay
Subject: RE: AB 31 and SB 20 Substitute Amendment

This is my fault -- I used the word fee (as in "court fees", which is used colloquially only, apparently?) when proposing the amendment language to Gordon.

Mary Beth George
Office of State Rep. Christine Sinicki
(Chair, Assembly Committee on Labor)
Room 114 North Capitol
P.O. Box 8953, Madison WI 53708
608/266-8588 or 888/534-0020 (t-f)
608/282-3620 (fx)
marybeth.george@legis.wi.gov

From: Malaise, Gordon
Sent: Monday, April 27, 2009 2:54 PM
To: Wagnitz, John; George, Mary Beth

04/27/2009

Cc: Wadd, Jay
Subject: RE: AB 31 and SB 20 Substitute Amendment

John:

Of course, and an easy amendment at that. The amendment would simply delete from the sub "fee" and the language created in s. 814.61 and restore "surcharge" and the language created in s. 814.75 as per the original bill. Like Nancy Rottier said, we had it right the first time.

Gordon

From: Wagnitz, John
Sent: Monday, April 27, 2009 2:51 PM
To: Malaise, Gordon; George, Mary Beth
Cc: Wadd, Jay
Subject: RE: AB 31 and SB 20 Substitute Amendment

Gordon,

can these concerns be addressed with an amendment?

John Wagnitz
Office of State Senator Dave Hansen
18 South, State Capitol
phone: (608) 266-5670

From: Nancy Rottier [mailto:Nancy.Rottier@wicourts.gov]
Sent: Monday, April 27, 2009 2:48 PM
To: Wagnitz, John; Malaise, Gordon; George, Mary Beth
Cc: Vandercook, Marcia L - COURTS; Gervasi, Sheryl A - COURTS
Subject: AB 31 and SB 20 Substitute Amendment

After examining the substitute amendment to AB 31 and SB 20 (that are on the 4/28/09 calendars for the Assembly and Senate), I believe there is a significant problem with the change made to the 10% of the damages that is added on by the court. Our objection is not to the substance of what is being proposed, but the manner in which it is framed.

In the original bill, this 10% add-on was labeled a surcharge and was put in s. 814.75 with all the other surcharges. In the substitute, this is labeled a "fee" for some reason and put into s. 814.61. This does not appear to fit with the other items in s. 814.61 that are truly fees -- filing fees, jury fees, copying charges, etc. We think you had it in the right place in the original bill.

The court system went through a lengthy study on the issue of surcharges several years ago in order to reorganize the many surcharges and make them easier for everyone to find. In addition, they were all labeled surcharges instead of the previous system that had used various terms like assessments, costs, fees and surcharges. That reorganization was in 2003 Act 139. (Bob Nelson was the drafter of that legislation.) Since that time, we have tried very hard to insure that surcharges are organized in the same fashion and labeled the same thing so that we do not return to the hodgepodge we had in the statutes before the 2003 session.

Please let me know if we can work with your offices to address this concern. I would be happy to discuss this with you further if you have questions.

04/27/2009

Nancy M. Rottier
Legislative Liaison, Supreme Court
16 East, State Capitol
P.O. Box 1688
Madison, WI 53701-1688
(608) 267-9733
Nancy.Rottier@wicourts.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

EN 4/27

LRBa0263

GMM:.....

g ljk

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FLOOR-TUES

ASSEMBLY AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 31

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SA

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 5: delete "fee" and substitute "surcharge".
- 3 **2.** Page 2, line 2: delete "fees. All moneys received from fees" and substitute
- 4 "surcharges. All moneys received from surcharges".
- 5 **3.** Page 2, line 5: delete "fees" and substitute "surcharges".
- 6 **4.** Page 6, line 2: delete "fee" and substitute "surcharge".
- 7 **5.** Page 6, line 4: delete "fee" and substitute "surcharge".
- 8 **6.** Page 6, line 5: delete "fee" and substitute "surcharge".
- 9 **7.** Page 7, line 10: delete lines 10 to 13 and substitute:
- 10 "SECTION 7m. 814.75 (28) of the statutes is created to read:

