

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB20)

Received: **04/27/2009**

Received By: **gmalaise**

Wanted: **04/28/2009**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **John Wagnitz**

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: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Employment discrimination fee; elimination of

Instructions:

See attached--delete employment discrimination fee

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>
/?	gmalaise 04/27/2009	bkraft 04/27/2009		_____			
/1			jfrantze 04/27/2009	_____	mbarman 04/28/2009	mbarman 04/28/2009	

FE Sent For:

<END>

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/?	gmalaise	1 bjk 4/27					

FE Sent For:

<END>

Malaise, Gordon

From: Wagnitz, John
Sent: Monday, April 27, 2009 4:34 PM
To: Malaise, Gordon
Subject: RE: AB 31 and SB 20 Substitute Amendment

Gordon,

please draft another amendment to eliminate the surcharge completely. sorry for the late request.

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

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
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.

04/27/2009

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.

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

IN 4/27
Floor Two

LRBa0265/0
GMM:.....
bjk

SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 20

bh

→ DATE

1 At the locations indicated, amend the substitute amendment as follows:

- 2 1. Page 1, line 5: delete lines 5 and 6 and substitute "to pay compensatory and
- 3 punitive damages."
- 4 2. Page 2, line 1: delete lines 1 to 7.
- 5 3. Page 6, line 1: delete lines 1 to 9.
- 6 4. Page 6, line 10: delete "or (b)".
- 7 5. Page 7, line 10: delete lines 10 to 13.

8 (END)

Date

Senator Hanson

This amendment deletes the employment discrimination fee

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0265/1dn
GMM:bjk:jf

April 27, 2009

Senator Hansen:

This amendment deletes the employment discrimination fee.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov