

2009 DRAFTING REQUEST

Assembly Amendment (AA-SB190)

Received: 10/28/2009

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Mary Matthias**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wirch@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**
mary.matthias@legis.wisconsin.gov
michael.tierney@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Add elevator/escalator exemption, revise co-op exemption

Instructions:

See attached

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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FE Sent For:

<END>

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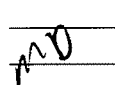
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1?	csundber	1 nwn 10/28					

FE Sent For: 10/28/09 <END>

Sundberg, Christopher

From: Matthias, Mary
Sent: Monday, October 26, 2009 5:05 PM
To: Sundberg, Christopher
Cc: Tierney, Michael
Subject: SB 190:co-ops

Chris-

I just talked to Mike and here's what he wants:

1. Exempt all contracts between a co-op and a member of the co-op.
2. Exempt all contracts in which a co-op is the seller.
3. The provisions of the bill apply to all contracts in which a co-op is the customer.

(Co-op = any cooperative association organized under ch. 185)

thanks!

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

Sundberg, Christopher

From: Matthias, Mary
Sent: Tuesday, October 27, 2009 3:45 PM
To: Tierney, Michael; Sundberg, Christopher
Cc: Farnsworth, Kathy
Subject: RE: Last addition to the one amendment to be done for SB 190

Looks fine to me.

Just to confirm—am I correct that we'll have one simple amendment to the sub that has 4 items in it?

1. exemption for certain contracts involving co-ops.
2. initial applicability dates
3. unjust enrichment clarification
4. elevator/escalator maintenance

thanks--

Mary Matthias

Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830

From: Tierney, Michael
Sent: Tuesday, October 27, 2009 3:31 PM
To: Sundberg, Christopher; Matthias, Mary
Cc: Farnsworth, Kathy
Subject: Last addition to the one amendment to be done for SB 190

Hi Chris and Mary -

This is the last addition we would like for the amendment to be introduced in the Assembly to SB 190.

Thank you.

Mike

12. A contract for the lease, maintenance, repair, service, or inspection of elevator or escalator systems including mechanical and electrical components of such systems when built into real property.

10/28/2009



**ASSEMBLY AMENDMENT ,
TO 2009 SENATE BILL 190**

and a member of the cooperative, or a contract under which a cooperative association organized under ch. 185 is a seller

INS 1-5

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At the locations indicated, amend the bill as shown by senate substitute amendment 1, as follows:

1. Page 3, line 16: after that line insert:

"13. A contract ^{between} for the purchase of services or for the lease of equipment from a cooperative association organized under ch. 185 ~~to its members only~~ ^{period stays}."

2. Page 3, line 23: after "contract" insert "that is entered into, modified, or renewed after the effective date of this subsection [LRB inserts date],".

3. Page 5, line 2: after "extension," insert "and the deadline for the customer to decline renewal or extension of the contract is more than 60 days after the effective date of this subsection [LRB inserts date],".

4. Page 6, line 12: before "may" insert "that is entered into, modified, or renewed after the effective date of this subsection [LRB inserts date],".

1 **5.** Page 7, line 1: before that line insert:

2 “(am) Notwithstanding par. (a) 1., if a seller who fails to give to a customer a
3 notice required under sub. (3) subsequently receives notice that the customer
4 declines renewal or extension and agrees to terminate the contract as of the date the
5 customer notified the seller, the customer is responsible for charges incurred by the
6 customer under the contract before the date on which the customer notified the seller
7 and the customer may not bring an action against the seller based on the seller’s
8 failure to provide the required notice, unless the seller’s failure to provide the
9 required notice was willful or malicious.”.

10 **6.** Page 7, line 24: delete the material beginning with that line and ending with
11 page 8, line 3.

12

(END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0985/lins
CTS:.....

1 **Insert 1-5:**

2 14. A contract for the lease, maintenance, repair, service, or inspection of
3 elevator or escalator systems, including mechanical and electrical components of
4 such systems when built into real property.”[✓]