

**2011 Se1 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA1-AB14)**

Received: 10/24/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Jim Ott (608) 266-0486

By/Representing: Virginia

May Contact:

Drafter: tkuczens

Subject: Courts - costs and fees

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.OttJ@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

change interest rate to prime plus one percent for all judgments

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**Instructions:**

See attached

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**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>
/?							
/1	tkuczens 10/24/2011	csicilia 10/24/2011	rschluet 10/24/2011	_____	lparisi 10/24/2011	lparisi 10/24/2011	

FE Sent For:

<END>

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**Assembly Substitute Amendment (ASA-AB14)**

Received: 10/24/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: <sup>Jim</sup> ~~Alvin~~ Ott (608) 266-5831

By/Representing: Virginia

May Contact:

Drafter: tkuczens

Subject: Courts - costs and fees

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ott@legis.wisconsin.gov

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**2011 Se1 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB14)**

Received: 10/24/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Alvin Ott (608) 266-5831

By/Representing: Virginia

May Contact:

Drafter: tkuczens

Subject: Courts - costs and fees

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ott@legis.wisconsin.gov

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/?	tkuczens	Tjs 10/24/11	10/24/11	PT			

FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Hurley, Peggy  
**Sent:** Friday, October 21, 2011 3:29 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Ott amendment request

Hi Tracy,

I spoke with Virginia; she wants the "prime + 1%" to apply to everyone. I told her that a sub would probably be necessary, then, because that's a pretty big change to the bill. They need it by Wednesday, so if you are swamped or want me to draft the amendment for any reason, I can.

---

**From:** Hanaman, Cathlene  
**Sent:** Friday, October 21, 2011 3:04 PM  
**To:** Hurley, Peggy; Kuczenski, Tracy  
**Subject:** FW: Ott amendment request

Oops, Tracy is out. I think they want this Monday morning.

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**From:** Hanaman, Cathlene  
**Sent:** Friday, October 21, 2011 3:03 PM  
**To:** Kuczenski, Tracy  
**Subject:** Ott amendment request

Rep Jim Ott's office called (I think it was Virginia). They want an amendment to -3105 (SS AB-14) to remove the exemption. She is at 6-0486 (or 608 712-8283 if she has left for the day).

93.06(1z)

**(1z) Interest on overdue service fees.** Establish an interest rate for, and charge interest on, an overdue payment for fees for any service rendered under sub. (1m), (1p), (1r) or (1w). The department may charge interest on an overdue payment beginning on the day after the payment due date that is stated on the fee invoice sent to a recipient of such service. The department shall state the interest rate charged for an overdue payment on the fee invoice, and may charge the recipient of the service not more than that rate on an overdue payment. An interest rate established under this subsection may not exceed the amount of the interest rate under s. 814.04 (4).



State of Wisconsin  
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBs02279

TKK:.....

(D-note)

RMR  
d-note

gjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY SUBSTITUTE AMENDMENT,**  
**TO ASSEMBLY BILL 14**

billist ✓

10/24/11

Today

Gen Cat

1 AN ACT ~~/~~; relating to: interest rates on judgments in civil actions.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 807.01 (4) of the statutes is amended to read:

3 807.01 (4) If there is an offer of settlement by a party under this section which  
4 is not accepted and the party recovers a judgment which is greater than or equal to  
5 the amount specified in the offer of settlement, the party is entitled to interest at the  
6 an annual rate of 12% equal to 1 percent plus the prime rate in effect on the day the  
7 judgment is entered, as reported by the federal reserve board in federal reserve  
8 statistical release H. 15, on the amount recovered from the date of the offer of  
9 settlement until the amount is paid. Interest under this section is in lieu of interest  
10 computed under ss. 814.04 (4) and 815.05 (8).

1 SECTION 2. 814.04 (4) of the statutes is amended to read:

2 814.04 (4) INTEREST ON VERDICT. Except as provided in s. 807.01 (4), if the  
3 judgment is for the recovery of money, interest at the an annual rate of ~~12% per year~~  
4 equal to 1 percent plus the prime rate in effect on the day the judgment is entered,  
5 as reported by the federal reserve board in federal reserve statistical release H. 15,  
6 on the amount of the money judgment from the time of verdict, decision, or report  
7 until judgment is entered shall be computed by the clerk and added to the costs.

History: Sup. Ct. Order, 50 Wis. 2d vii (1971); 1971 c. 141; Sup. Ct. Order, 67 Wis. 2d 585, 761, 780 (1975); Stats. 1975 s. 814.04; 1977 c. 209; 1979 c. 110 s. 60 (13); 1979 c. 271, 355; 1981 c. 123, 317; 1985 a. 52, 311; 1987 a. 348; 1991 a. 39, 65, 189, 295; 1993 a. 98, 326, 486, 490, 491; 1995 a. 24, 27, 133, 149, 262, 417; 1997 a. 55, 164, 254; 1999 a. 32, 82, 122, 190; 2001 a. 6, 16; 2003 a. 138; Sup. Ct. Order No. 03-06A, 2005 WI 86, 280 Wis. 2d xiii; 2005 a. 155, 325; 2005 a. 443 s. 265; 2005 a. 458; 2007 a. 96; 2009 a. 20; 2011 a. 2.

8 SECTION 3. 815.05 (8) of the statutes is amended to read:

9 815.05 (8) Except as provided in s. 807.01 (4), every execution upon a judgment  
10 for the recovery of money shall direct the collection of interest at the an annual rate  
11 ~~of 12% per year~~ equal to 1 percent plus the prime rate in effect on the day the  
12 judgment is entered, as reported by the federal reserve board in federal reserve  
13 statistical release H. 15, on the amount recovered from the date of the entry of the  
14 judgment until it is paid.

History: 1971 c. 141; Sup. Ct. Order, 67 Wis. 2d 585, 761, 781 (1975); Stats. 1975 s. 815.05; 1977 c. 305; 1979 c. 110 s. 60 (13); 1979 c. 271, 355; 1993 a. 486; 1995 a. 224; 1999 a. 85 ss. 153 to 155, 157; 1999 a. 186.

(END)

15

④ SECTION #10  
③ Initial applicability

④ (1) This act first applies to an execution on a judgment entered on the effective date of this subsection.

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

LRBs0227/1dn  
TKK:l:....

js

— late

Representative Ott:

I wanted to bring to your attention the fact that the changes to the interest rates on judgments effected by this substitute amendment will also change the interest rate on overdue service fees due to the Department of Agriculture, Trade and Consumer Protection under s. 93.06 (1z). Overdue service fees subject to the interest rate include fees for examination of farm products and review of dairy or food processing equipment and plans.

The sum of prime plus one percent is currently less than the 12% interest rate provided for under ss. 93.06 (1z) and 814.04 (4). However, it is possible that prime plus one percent may increase above the current law interest rate of 12% which would, in turn, increase the interest rate due on such service fees. Okay?

percent

cap

percent

cap  
for

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: tracy.kuczenski@legis.wisconsin.gov



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

LRBs0227/1dn  
TKK:cjs:rs

October 24, 2011

Representative Ott:

I wanted to bring to your attention the fact that the changes to the interest rates on judgments effected by this substitute amendment will also change the interest rate on overdue service fees due to the Department of Agriculture, Trade and Consumer Protection under s. 93.06 (1z). Overdue service fees subject to the interest rate include fees for examination of farm products and review of dairy or food processing equipment and plans.

The sum of prime plus one percent is currently less than the 12 percent interest rate cap provided for under s. 93.06 (1z). However, it is possible that prime plus one percent may increase above the current law interest rate of 12 percent which would, in turn, increase the interest rate cap for such service fees. Okay?

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

## **Kuczenski, Tracy**

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**From:** Ruby, Erin  
**Sent:** Tuesday, November 01, 2011 3:17 PM  
**To:** Kuczenski, Tracy  
**Subject:** LRB s0227/1

Tracy,

Just a quick note to let you know that LRB s0227/1 was inadvertently delivered to Rep. Al Ott, when it should have gone to Rep. Jim Ott (I just walked it over to them last week when it arrived). I see the amendment is listed on our (Al Ott) monthly drafting status report, so I wanted to make sure to notify you so that the record accurately reflects which member requested the draft.

Thanks!

***Erin Ruby***  
*Research Assistant*  
*Office of State Representative Al Ott*  
*608.266.5831*  
*erin.ruby@legis.wi.gov*