

**2011 Se1 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB14)**

Received: 11/02/2011

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Lena Taylor (608) 266-5810**

By/Representing: **Eric Peterson**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - costs and fees**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Taylor@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:**

Retain interest rate at 12 for judgments in an action commenced by an agent of the state

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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>
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/1	tkuczens 11/02/2011	csicilia 11/02/2011	phenry 11/02/2011	_____	sbasford 11/02/2011	sbasford 11/02/2011	

FE Sent For:

<END>

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/?	tkuczens	1 cjs 11/2 11	1/2 Ph	1/2 Ph			

<END>

## Kuczenski, Tracy

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**From:** Peterson, Eric  
**Sent:** Tuesday, November 01, 2011 11:15 PM  
**To:** Kuczenski, Tracy  
**Subject:** RUSH Drafting for Taylor - Simple for SS SB 14 - need for floor Wed AM

**Importance:** High

Tracy:

Senator Taylor would like a simple amendment to Senate Sub Amendment 1 for Sept 2012 Special Session SB 14. The amendment should exempt from the provisions of the bill any judgement against a party in an action commenced by an agent of the state (ie: DOJ)

Eric

### ***Eric M. Peterson***

Chief of Staff -- Senator Lena C. Taylor  
Ranking Member, Joint Committee on Finance  
*608-266-5810 o, 608-267-2353 f*

## Kuczenski, Tracy

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**From:** Peterson, Eric  
**To:** Kuczenski, Tracy; Hurley, Peggy  
**Subject:** Re: RUSH Drafting for Taylor - Simple for SS SB 14 - need for floor Wed AM

Where the state prevails; 12%

Sent from my HTC Inspire™ 4G on AT&T

----- Reply message -----

From: "Kuczenski, Tracy" <Tracy.Kuczenski@legis.wisconsin.gov>  
To: "Peterson, Eric" <Eric.Peterson@legis.wisconsin.gov>  
Subject: RUSH Drafting for Taylor - Simple for SS SB 14 - need for floor Wed AM  
Date: Wed, Nov 2, 2011 00:33

Hi Eric -

Two questions:

1. Does it matter whether the state prevails?
2. What interest rate applies instead of prime plus 1 percent?

Tracy K. Kuczenski  
Legislative Attorney  
Wisconsin Legislative Reference Bureau  
tracy.kuczenski@legis.wisconsin.gov  
(608) 266-9867

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Sent: Tuesday, November 01, 2011 11:15 PM  
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Tracy:

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Eric

Eric M. Peterson  
Chief of Staff -- Senator Lena C. Taylor Ranking Member, Joint Committee on Finance  
608-266-5810 o, 608-267-2353 f



*Before 11:00 please*

State of Wisconsin  
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBa19402-1  
TKK.....

*#RPN* *PMR*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO SENATE BILL 14**

*gjs*

*bill draft*

*11/2/11*

*Wanted for floor session today*

**INS A**

**(a)** ← PLAIN

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 3: after "statutes is" insert "renumbered 807.01 (4) (a) and".
- 3 **2.** Page 1, line 4: delete "If" and substitute "If Except as provided in par. (b),
- 4 if".
- 5 **3.** Page 1, line 11: after that line insert:
- 6 **"SECTION 1m.** 807.01 (4) (b) of the statutes is created to read:
- 7 807.01 (4) (b) If, in an action commenced by or on behalf of this state, there is
- 8 an offer of settlement by the state under this section which is not accepted and the
- 9 state recovers a judgment which is greater than or equal to the amount specified in
- 10 the offer of settlement, the state is entitled to interest at the annual rate of 12 percent
- 11 on the amount recovered from the date of the offer of settlement until the amount is

INS X

1 paid. Interest under this paragraph is in lieu of interest computed under ss. 814.04  
2 (4) and 815.05 (8)."/> ✓

3 **4.** Page 2, line 2: delete "in s. 807.01 (4)" and substitute "in ~~s.~~ ss. 807.01 (4) and  
4 815.05 (8)".

5 **5.** Page 2, line 8: after "statutes is" insert "renumbered 815.05 (8) (a) and".

6 **6.** Page 2, line 14: after that line insert:

7 "SECTION 3m. 815.05 (8) (b) of the statutes is created to read:

8 815.05 (8) (b) An execution upon a judgment for the recovery of money in an  
9 action commenced by or on behalf of this state and in which the state prevails shall  
10 direct the collection of interest at an annual rate of 12 percent on the amount  
11 recovered from the date of the entry of the judgment until it is paid.".

12 (END)

④ #. Page 2, line 9: after  $\underbrace{\checkmark(8)\checkmark}_{(B)}$  insert

$\checkmark(a)\checkmark \odot$

④ #. Page 2, line 9: after  $\checkmark$ provided in $\checkmark$   
insert  $\checkmark$  ~~par.~~ par. (b) and  $\checkmark \odot$   
↑  
score

④ #. Page 1, line 3: before that line insert.

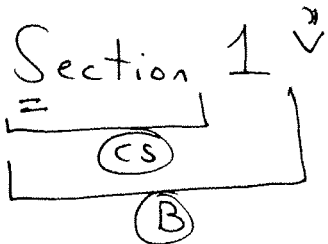
④ Section 1d. 93.06 (1z) of the statutes is amended to read:

93.06(1z) <sup>no B</sup> (CS)

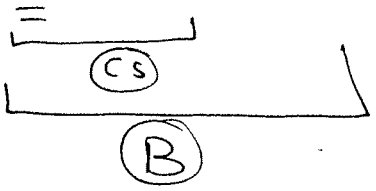
④ (1z) Interest on overdue service fees. Establish an interest rate for, and charge interest on, an overdue payment for fees for any service rendered under sub. (1m), (1p), (1r) or (1w). The department may charge interest on an overdue payment beginning on the day after the payment due date that is stated 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 #. Page 1, line 3: delete Section 1 and



substitute Section 1f.



INS X

- 1 ✓ **1.** Page 2, line 1: after “statutes is” insert “renumbered 814.04 (4) (a) and”.
- 2 ✓ **2.** Page 2, line 2: after “(4)” insert “(a)”.
- 3 ✓ **3.** Page 2, line 2: delete “INTEREST ON VERDICT.”.
- 4 ✓ **4.** Page 2, line 2: after “provided in” insert “par. (b) and”.
- 5 ✓ **5.** Page 2, line 7: after that line insert:
- 6 ✓ **“SECTION 2m.** 814.04 (4) (b) of the statutes is created to read:
- 7 814.04 (4) (b) If the judgment is for the recovery of money in an action
- 8 commenced by or on behalf of this state and in which the state prevails, interest at
- 9 the rate of 12% per year from the time of verdict, decision or report until judgment
- 10 is entered shall be computed by the clerk and added to the costs.”.

percent