

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB751)

Received: 01/11/2006

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Steve Kestell (608) 266-8530

By/Representing: Connie Chesnik

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - child support

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kestell@legis.state.wi.us

Carbon copy (CC:) to: connie.chesnik@dwd.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Add issue for hearing of ability to pay if court determines that father is at or below poverty level

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>
/?	pkahler 01/12/2006	jdye 01/13/2006		_____			
/P1			pgreensl 01/13/2006	_____	mbarman 01/13/2006		
/1	pkahler 01/20/2006	jdye 01/23/2006	jfrantze 01/23/2006	_____	sbasford 01/23/2006	sbasford 01/23/2006	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB751)

Received: **01/11/2006**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Connie Chesnik**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - child support**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to: **connie.chesnik@dwd.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Add issue for hearing of ability to pay if court determines that father is at or below poverty level

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>
/?	pkahler 01/12/2006	jdye 01/13/2006		_____			
/P1		<i>1/23 jld</i>	pgreensl 01/13/2006	_____	mbarman 01/13/2006		

FE Sent For:

[Handwritten signature]
1/23
<END>

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB751)

Received: 01/11/2006

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Connie Chesnik**

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

Drafter: **pkahler**

May Contact:

Adtl. Drafters:

Subject: **Dom. Rel. - child support**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to: **connie.chesnik@dwd.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Add issue for hearing of ability to pay if court determines that father is at or below poverty level

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>
/?	pkahler	1/11/06	1/13/06	1/13/06			

FE Sent For:

<END>

1-11
 Connie describe → if determined that father's
 income is poverty level or
 below, father gets
 opportunity for hearing on
 issue of ability to
 pay & tax
 refunds going to be
 intercepted

might work, only issue at
 that hearing is whether
 owes the \$ or not)

for amendment to AB 751





State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa20647

PJK:.....

RP1
Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 751

D-note
SOON
(1-12)

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 **"SECTION 1c.** 49.855 (3) of the statutes is amended to read:

4 49.855 (3) Receipt of a certification by the department of revenue shall

5 constitute a lien, equal to the amount certified, on any state tax refunds or credits

6 owed to the obligor. The lien shall be foreclosed by the department of revenue as a

7 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines

8 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the

9 obligor that the state intends to reduce any state tax refund or credit due the obligor

10 by the amount the obligor is delinquent under the support, maintenance, or receiving

11 and disbursing fee order or obligation, by the outstanding amount for past support,

12 medical expenses, or birth expenses under the court order, or by the amount due

1 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the
2 obligor may request a hearing before the circuit court rendering the order under
3 which the obligation arose. Within 10 days after receiving a request for hearing
4 under this subsection, the court shall set the matter for hearing. Pending further
5 order by the court or a circuit court commissioner, the department of workforce
6 development or its designee, whichever is appropriate, is prohibited from disbursing
7 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
8 hearing. The sole issues at that hearing shall be whether the obligor owes the
9 amount certified and, if not and it is a support or maintenance order, whether the
10 money withheld from a tax refund or credit shall be paid to the obligor or held for
11 future support or maintenance, except that the obligor's ability to pay shall also be
12 an issue at the hearing if the obligation relates to an order under s. 767.51 (3) (e) 1.
13 or 767.62 (4) (d) 1. and the order specifies that the court found that the obligor's
14 income was at or below the poverty line established under 42 USC 9902 (2).

History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 38, 237, 252; 1999 a. 9, 32; 2001 a. 16, 61, 105; 2005 a. 22, 25.

15 **SECTION 1h.** 49.855 (4m) (b) of the statutes is amended to read:

16 49.855 (4m) (b) The department of revenue may provide a certification that it
17 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
18 receipt of the certification, the department of administration shall determine
19 whether the obligor is a vendor or is receiving any other payments from this state,
20 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
21 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
22 determines that the obligor is a vendor or is receiving payments from this state,
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
24 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount

1 certified from those payments and shall notify the obligor that the state intends to
2 reduce any payments due the obligor by the amount the obligor is delinquent under
3 the support, maintenance, or receiving and disbursing fee order or obligation, by the
4 outstanding amount for past support, medical expenses, or birth expenses under the
5 court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
6 provide that within 20 days after receipt of the notice the obligor may request a
7 hearing before the circuit court rendering the order under which the obligation arose.
8 An obligor may, within 20 days after receiving notice, request a hearing under this
9 paragraph. Within 10 days after receiving a request for hearing under this
10 paragraph, the court shall set the matter for hearing. A circuit court commissioner
11 may conduct the hearing. Pending further order by the court or circuit court
12 commissioner, the department of workforce development or its designee, whichever
13 is appropriate, may not disburse the payments withheld from the obligor. The sole
14 issues at the hearing are whether the obligor owes the amount certified and, if not
15 and it is a support or maintenance order, whether the money withheld shall be paid
16 to the obligor or held for future support or maintenance, except that the obligor's
17 ability to pay is also an issue at the hearing if the obligation relates to an order under
18 s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. and the order specifies that the court found that
19 the obligor's income was at or below the poverty line established under 42 USC 9902
20 (2)."

History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 61, 105; 2005 a. 22, 25.

21 **2.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1s".

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2064/dn
PJK:.....

This is drafted in preliminary form [✓] so that changes can be made, if necessary, without your having to send the stripes back.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

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

LRBa2064/P1dn
PJK:jld:pg

January 13, 2006

This is drafted in preliminary form so that changes can be made, if necessary, without your having to send the stripes back.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

v m is reu
LRBa2064/P1
PJK:jld:pg
"Kay" →

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**ASSEMBLY AMENDMENT ,
TO 2005 ASSEMBLY BILL 751**

*SODU
(1-20)*
(no change)

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 2, line 1: before that line insert:
3 **"SECTION 1c.** 49.855 (3) of the statutes is amended to read:
4 49.855 (3) Receipt of a certification by the department of revenue shall
5 constitute a lien, equal to the amount certified, on any state tax refunds or credits
6 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
7 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
8 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
9 obligor that the state intends to reduce any state tax refund or credit due the obligor
10 by the amount the obligor is delinquent under the support, maintenance, or receiving
11 and disbursing fee order or obligation, by the outstanding amount for past support,
12 medical expenses, or birth expenses under the court order, or by the amount due

1 under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the
2 obligor may request a hearing before the circuit court rendering the order under
3 which the obligation arose. Within 10 days after receiving a request for hearing
4 under this subsection, the court shall set the matter for hearing. Pending further
5 order by the court or a circuit court commissioner, the department of workforce
6 development or its designee, whichever is appropriate, is prohibited from disbursing
7 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
8 hearing. The sole issues at that hearing shall be whether the obligor owes the
9 amount certified and, if not and it is a support or maintenance order, whether the
10 money withheld from a tax refund or credit shall be paid to the obligor or held for
11 future support or maintenance, except that the obligor's ability to pay shall also be
12 an issue at the hearing if the obligation relates to an order under s. 767.51 (3) (e) 1.
13 or 767.62 (4) (d) 1. and the order specifies that the court found that the obligor's
14 income was at or below the poverty line established under 42 USC 9902 (2).

15 **SECTION 1h.** 49.855 (4m) (b) of the statutes is amended to read:

16 49.855 (4m) (b) The department of revenue may provide a certification that it
17 receives under sub. (1), (2m), or (2p) to the department of administration. Upon
18 receipt of the certification, the department of administration shall determine
19 whether the obligor is a vendor or is receiving any other payments from this state,
20 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
21 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
22 determines that the obligor is a vendor or is receiving payments from this state,
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
24 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
25 certified from those payments and shall notify the obligor that the state intends to

1 reduce any payments due the obligor by the amount the obligor is delinquent under
2 the support, maintenance, or receiving and disbursing fee order or obligation, by the
3 outstanding amount for past support, medical expenses, or birth expenses under the
4 court order, or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall
5 provide that within 20 days after receipt of the notice the obligor may request a
6 hearing before the circuit court rendering the order under which the obligation arose.
7 An obligor may, within 20 days after receiving notice, request a hearing under this
8 paragraph. Within 10 days after receiving a request for hearing under this
9 paragraph, the court shall set the matter for hearing. A circuit court commissioner
10 may conduct the hearing. Pending further order by the court or circuit court
11 commissioner, the department of workforce development or its designee, whichever
12 is appropriate, may not disburse the payments withheld from the obligor. The sole
13 issues at the hearing are whether the obligor owes the amount certified and, if not
14 and it is a support or maintenance order, whether the money withheld shall be paid
15 to the obligor or held for future support or maintenance, except that the obligor's
16 ability to pay is also an issue at the hearing if the obligation relates to an order under
17 s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. and the order specifies that the court found that
18 the obligor's income was at or below the poverty line established under 42 USC 9902
19 (2)."

20 **2.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1s".

21 **3.** Page 2, line 7: on lines 7 and 20, after "specify" insert "the court's findings
22 as to whether the father's income is at or below the poverty line established under
23 42 USC 9902 (2), and shall specify".

24 (END)