2007 DRAFTING REQUEST

Bill

Received: **02/01/2007**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Terry Musser (608) 266-7461**

By/Representing: **Marlene Reineking**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - maintenance**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Musser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit consideration of veterans' disability payments for maintenance

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Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pkahler 02/06/2007	jdyer 02/26/2007		_____ _____			
/1			pgreensl 02/27/2007	_____ _____	cduerst 02/27/2007	cduerst 03/28/2007	

FE Sent For: none

<END>

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/?	pkahler	/1 2/25 jld	2/27 pk	2/27 pk/ KS			

FE Sent For:

<END>

Kahler, Pam

From: Hurley, Peggy
Sent: Wednesday, January 17, 2007 2:11 PM
To: Kahler, Pam
Subject: FW: AB-50.pdf

Attachments: AB-50.pdf

From: Reineking, Marlene
Sent: Wednesday, January 17, 2007 2:11 PM
To: Hurley, Peggy
Subject: AB-50.pdf

AB-50.pdf (12 KB)

05-1291

Hi Peggy

Would you please re-draft this for the new session

Thanks

Marlene @ Mussers
6-7461

State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1291/1
PJK:mkrs

2005 ASSEMBLY BILL 50

January 27, 2005 – Introduced by Representatives MUSSER, ALBERS, HUNDERTMARK, NASS, OWENS, BIES, OTT, VAN ROY, AINSWORTH, TOWNSEND, VRAKAS and PETTIS, cosponsored by Senators LASSA and REYNOLDS. Referred to Committee on Veterans Affairs.

AN ACT ***to renumber and amend*** 767.26; and ***to create*** 767.26 (2m) of the statutes; **relating to:** prohibiting consideration of veterans disability payments when ordering maintenance.

Analysis by the Legislative Reference Bureau

Under current law, a court may include in a judgment for annulment, divorce, or legal separation an order requiring one party to pay maintenance (previously known as alimony) to the other party for a limited time or an indefinite time. In deciding whether to order maintenance and the amount to order, the court must consider a number of factors, such as the length of the marriage, the age and physical health of the parties, the property division that the court has already made, the earning capacity of the party seeking maintenance, the educational level of each party at the beginning of the marriage and at the commencement of the action, and any other factors the court determines to be relevant.

This bill prohibits a court from considering a party's receipt of veterans disability payments when determining whether to require the party to pay maintenance or when determining the amount of maintenance the party must pay. Currently, since disability payments are intended to compensate for lost income, they are generally treated as income and may be used as the basis for awarding maintenance.

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

SECTION 1. 767.26 of the statutes is renumbered 767.26 (1m), and 767.26 (1m) (intro.) and (j), as renumbered, are amended to read:

767.26 **(1m)** (intro.) Upon every judgment of annulment, divorce, or legal separation, or in rendering a judgment in an action under s. 767.02 (1) (g) or (j), the court may, subject to sub. (2m), grant an order requiring maintenance payments to either party for a limited or indefinite length of time after considering:

(j) ~~Such~~ Subject to sub. (2m), such other factors as the court may in each individual case determine to be relevant.

SECTION 2. 767.~~26~~ 56 (2m) of the statutes is created to read:

767.~~26~~ 56 **(2m)** In deciding whether to require a party to pay maintenance or in determining the amount of maintenance that a party must to pay, the court may not consider any veterans disability payments that the party receives.

SECTION 3. Initial applicability.

(1) This act first applies to maintenance determinations in actions or proceedings, including actions or proceedings to modify a judgment or order previously granted, that are commenced on the effective date of this subsection.

(END)

Insert 2-8

(CS)

VETERANS DISABILITY PAYMENTS.

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

PJK

INSERT 2-8

SECTION 1. 767.56 of the statutes is renumbered 767.56 (1m), and 767.56 (1m) (intro.) and (j), as renumbered, are amended to read:

767.56 **(1m)** FACTORS TO CONSIDER FOR ORDER. (intro.) Upon a judgment of annulment, divorce, or legal separation, or in rendering a judgment in an action under s. 767.001 (1) (g) or (j), the court may, subject to sub. (2m), grant an order requiring maintenance payments to either party for a limited or indefinite length of time after considering:

History: 1971 c. 220; 1973 c. 12 s. 37; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.26; 2005 a. 443 s. 110; Stats. 2005 s. 767.56.

(j) ~~Such~~ Subject to sub. (2m), such other factors as the court may in each individual case determine to be relevant.

History: 1971 c. 220; 1973 c. 12 s. 37; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.26; 2005 a. 443 s. 110; Stats. 2005 s. 767.56.

(END OF INSERT 2-8)

Duerst, Christina

From: Reineking, Marlene
Sent: Wednesday, March 28, 2007 4:25 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1801/1 Topic: Prohibit consideration of veterans' disability payments for maintenance

Please Jacket LRB 07-1801/1 for the ASSEMBLY.