

**SENATE AMENDMENT 1,
TO 2005 SENATE BILL 123**

February 6, 2006 – Offered by COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY.

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

2 **1.** Page 20, line 15: after “statutes” insert “, as affected by 2005 Wisconsin Act
3 25,”.

4 **2.** Page 57, line 5: after “court” insert “or county child support agency under
5 s. 59.53 (5)”.

6 **3.** Page 57, line 14: delete “clerk of court” and substitute “~~clerk of court~~ or
7 county child support agency under s. 59.53 (5)”.

8 **4.** Page 59, line 4: delete lines 4 to 17 and substitute:

9 “**(6)** INTEREST ON ARREARAGE. (intro.) A party ordered to pay child support under
10 this section shall pay simple interest at the rate of 1% per month on any amount in
11 arrears that is equal to or greater than the amount of child support due in one month.
12 If the party no longer has a current obligation to pay child support, interest at the
13 rate of 1% per month shall accrue on the total amount of child support in arrears, if

1 any. Interest under this subsection is in lieu of interest computed under s. 807.01
2 (4), 814.04 (4), or 815.05 (8) and is paid to the department or its designee under s.
3 ~~767.29~~ 767.57. Except as provided in s. ~~767.29~~ 767.57 (1m), the department or its
4 designee, ~~whichever is appropriate~~, shall apply all payments received for child
5 support as follows:

6 **(7)** EFFECT OF JOINT LEGAL CUSTODY. An order of joint legal custody under s.
7 ~~767.24~~ 767.41 does not affect the amount of child support ordered.”.

8 **5.** Page 64, line 11: delete “(4) and (6)” and substitute “(4), (6) and (7m) (b)
9 (intro.) and (c)”.

10 **6.** Page 69, line 2: after that line insert:

11 “**(7m)** (b) (intro.) If after an assignment is in effect the payer’s employer
12 changes its payroll period, or the payer changes employers and the new employer’s
13 payroll period is different from the former employer’s payroll period, the ~~clerk of~~
14 ~~court~~ county child support agency under s. 59.53 (5) may, unless otherwise ordered
15 by a judge, amend the withholding assignment or order so that all of the following
16 apply:

17 (c) The ~~clerk of court~~ county child support agency shall provide notice of the
18 amended withholding assignment or order by regular mail to the payer’s employer
19 and to the payer.”.

20 **7.** Page 78, line 1: after “statutes” insert “, as affected by 2005 Wisconsin Act
21 25,”.

22 **8.** Page 78, line 17: delete “46.22,” and substitute “46.22,”.

23 **9.** Page 79, line 8: after “receiving” insert “aid under s. 46.261 or”.

24 **10.** Page 79, line 11: before “48.57” insert “46.261 (3),”.

1 **11.** Page 79, line 11: delete “(4) (h) 1.” and substitute “(4) (h) 1.”.

2 **12.** Page 79, line 12: before “48.57” insert “46.261 (3).”.

3 **13.** Page 79, line 12: delete “(4) (h) 1.” and substitute “(4) (h) 1.”.

4 **14.** Page 81, line 3: delete the material beginning with “to the income” and
5 ending with “206 (a) (1)” on line 5 and substitute “~~to the income a person would earn~~
6 ~~by working 40 hours per week for the federal minimum hourly wage under 29 USC~~
7 ~~206 (a) (1)~~”.

8 **15.** Page 93, line 4: delete “If Except as provided in sub. (8), if” and substitute
9 “If”.

10 **16.** Page 109, line 17: delete the material beginning with “court may” and
11 ending with “shall,” on line 18 and substitute: “~~court may, or upon the request of any~~
12 ~~party shall, unless s. 767.84 (1) (a) 2. applies.~~”.

13 **17.** Page 115, line 23: delete the material beginning with that line and ending
14 with page 116, line 2 and substitute:

15 “**SECTION 214m.** 767.50 of the statutes is renumbered 767.883, and 767.883 (1),
16 as renumbered, is amended to read:”.

17 **18.** Page 149, line 10: delete lines 10 and 11.

18 **19.** Page 149, line 18: after that line insert:

19 “(9m) The treatment of section 767.295 (2) (c) of the statutes first applies to
20 child support orders that are granted on the effective date of this subsection.”.

21 **20.** Page 149, line 21: after “767.457 (2),” insert “767.458 (2).”.

22 **21.** Page 150, line 13: delete “July 1, 2006” and substitute “January 1, 2007”.

23

(END)