



State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 12/13/2005 (Per: PJK)




Appendix A

 The 2005 drafting file for LRB 05a0963/1 (all)
has been copied/added to the 2005 drafting file for

LRB 05a1877

 The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST

Senate Amendment (SA-SB123)

Received: 09/09/2005

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Don Dyke

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.state.wi.us

Carbon copy (CC:) to: don.dyke@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Miscellaneous changes to chapter 767 rewrite

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 09/16/2005	lkunkel 09/19/2005		_____			
/P1			rschluet 09/20/2005	_____	mbarman 09/20/2005		
/1	pkahler 09/20/2005	lkunkel 09/20/2005	jfrantze 09/20/2005	_____	lemery 09/20/2005	lemery 09/20/2005	

LRBa0963

09/20/2005 08:59:43 PM

Page 2

FE Sent For:

<END>

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/P1			rschlue 09/20/2005	_____	mbarman 09/20/2005		

1/mk 9/20
6/9/20
9/20

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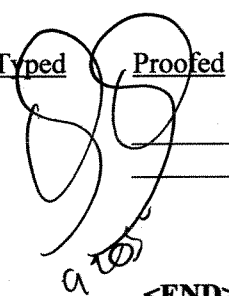
Topic:

Miscellaneous changes to chapter 767 rewrite ✓

Instructions:

See Attached

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/?	pkahler	pl/mk 9/19					

FE Sent For:

<END>

do landt to SB123

for
Grothman

- ✓ (1) p115 delete Section 213 (+ NOTE if possible)
- ✓ (2) p59 l12 add ↓
previously ordered to be paid to the
other parent"
- ✓ (3) p9 sets? leave as is
- ✓ (4) 3 DWI requests
- ✓ (5) de A925
any reconciliation "problems" that
should be corrected by amendment?
- ✓ (6) p109, ll 17+18 sh the court shall, unless s. 767.84
(1)(a) 2. applies, order granted...
hearing is Tues. (see p.136)
- (by Don Dyke) ~~§~~
9-16 - Don Dyke
- ✓ (7) p59, instead of amending new sentence (see 2 above)
delete new sentence
- ✓ (8) change eff date to Jan 1, 2007

Dyke, Don

re. #4 request

From: Chesnik, Connie
Sent: Tuesday, September 06, 2005 3:37 PM
To: Dyke, Don
Subject: Recodification of Chapter 767

Hi Don. With the hearing on SB 123 coming up, I wanted to touch base with you regarding the Department's testimony. I had previously requested some additional amendments to the bill and you had agreed that two of them were technical in nature and could possibly be added by Legislative Council. I wanted to see if that was still the case and whether I should address them in my testimony. Additionally, I wanted to follow up on a concern that attorney Leslie Shear from the UW Law School had raised. Finally, there is one additional request that has been made within the child support program which I plan to raise in our testimony. The two amendments we had previously discussed were:

✓ 1. 767.265(7m) Effective with the 1997 budget bill, Clerks of Court no longer receipt and disburse child support payments and all references to the clerks were removed from the statutes, with one exception. There was an oversight in this section. The reference to the Clerk of Court should be changed to the child support agency to reflect the entity actually responsible for amending withholding orders when there is a change in payroll period.

✓ 2. 767.25(4m) (c)2 1997 Wis Act 191, enacted to comply with federal PRWORA provisions, amended the income withholding provisions in 767.265 to provide that notices of assignment would be sent by either the court, the FCC or the child support agency. However, a corresponding change was never made with respect to the notice to withhold for health insurance premiums. The language still refers only to the court, although in practice the notices are being sent by child support agencies. ~ p 57

The issue that Professor Shear had raised deals with the proposed amendments to current s.767.25(6) dealing with interest on arrearages. The proposed revision would allow additional court ordered costs for the child to be rolled into the child support arrearage and interest at the 12% annual rate assessed. Her concern was that the terminology is very broad and could be interpreted to include court costs, genetic test costs, R & D fees, etc.

✓ Finally, we plan to request that current s. 767.295(2)© be amended to require the court, when entering an order for an NCP in a Children First program, to set an amount determined by using the percentage standard and deleting the subsequent language "to the income a person would earn by working 40 hours per week for the federal minimum wage..." That language is antiquated and inconsistent with our percentage standard which provides a specific formula for setting support in low income cases. I do not expect this to be controversial as the amount of an order required under the current language is usually significantly higher than what would be ordered under our low income formula. Low income advocates would prefer that the guidelines be used and this amendment would make the statutes consistent with those guidelines. p 81

Let me know your thoughts. Thanks,

Connie

Connie M. Chesnik

Attorney

Department of Workforce Development

ph: 608-267-7295

fax: 608-267-2824

email: connie.chesnik@dwd.state.wi.us

Connie M. Chesnik

Attorney

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Re. # 5 Request

767.078(1) - as affected by Act 25

767.29(1m)(c)

(1m) + paragraph
(2)

would have to do separate numbers for

767.29(1) ^(insert) (a), (b), (c), (cm), (d) ← as aff by
(2) as aff by (combine amendments)
(3)
(4) as aff by

but on renumbering, as I can do as one block

affected are:

767.29(1m)(c)

767.29(2)

767.29(4)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0963A

PJK:.....

Imk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2005 SENATE BILL 123

Whistler

D-note
needed Tues
(9-20)

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 "circuit court commissioner, or county
5 child support agency under s. 59.53 (5)".

6 3. Page 57, line 14: delete "clerk of court" and substitute "clerk of court, circuit
7 court commissioner, or county child support agency under s. 59.53 (5)".

8 4. Page 59, line 11: delete the material beginning with "The" and ending with
9 "subsection" on line 13.

10 5. Page 64, line 11: delete "(4) and (6)" and substitute "(4), (6) and (7m) (b)
11 (intro.) and (c)".

12 6. Page 69, line 2: after that line insert:

1 [✓](7m) (b) (intro.) If after an assignment is in effect the payer's employer
 2 changes its payroll period, or the payer changes employers and the new employer's
 3 payroll period is different from the former employer's payroll period, the clerk of
 4 court county child support agency under s. 59.53 [✓](5) may, unless otherwise ordered
 5 by a judge, amend the withholding assignment or order so that all of the following
 6 apply:

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9; 2001 a. 16, 61, 105.

7 (c) ~~The clerk of court~~ county child support agency shall provide notice of the
 8 amended withholding assignment or order by regular mail to the payer's employer
 9 and to the payer." [✓]

History: 1971 c. 110; 1975 c. 94 s. 91 (3); 1975 c. 199; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; Stats. 1979 s. 767.265; 1981 c. 20, 186; 1983 a. 27, 384; 1985 a. 29; 1987 a. 38 s. 136; 1987 a. 332 s. 64; 1987 a. 398, 403; 1989 a. 31, 56, 212, 336; 1991 a. 287; 1993 a. 16, 326, 389, 481; 1995 a. 27 s. 9130 (4); 1995 a. 279, 404; 1997 a. 27, 191; 1999 a. 9; 2001 a. 16, 61, 105.

10 7. Page 78, line 1: after "statutes" insert ", as affected by 2005 Wisconsin Act
 11 25." [✓]

12 8. Page 78, line 17: delete "46.22," and substitute "46.22," [✓]

13 9. Page 79, line 8: after "receiving" insert "aid under s. 46.261 or" [✓]

14 10. Page 79, line 11: before "48.57" insert "46.261 (3)," [✓]

15 11. Page 79, line 11: delete "(4) (h) 1.," and substitute "(4) (h) 1.," [✓]

16 12. Page 79, line 12: before "48.57" insert "46.261 (3)," [✓]

17 13. Page 79, line 12: delete "(4) (h) 1.," and substitute "(4) (h) 1.," [✓]

18 14. Page 81, line 3: delete the material beginning with "to the income" and
 19 ending with "206 (a) (1)" on line 5 and substitute ~~"to the income a person would earn~~
 20 ~~by working 40 hours per week for the federal minimum hourly wage under 29 USC~~
 21 ~~206 (a) (1)~~" [✓]

1 **15.** Page 109, line 17: delete the material beginning with "court may" and
2 ending with "shall," on line 18 and substitute: "court may, or upon the request of any
3 party shall, unless s. 767.84 (1) (a) 2. applies.".

4 **16.** Page 115, line 23: delete the material beginning with that line and ending
5 with page 116, line 2 and substitute:

6 **SECTION 214^m** 767.50 of the statutes is renumbered 767.883, and 767.883 (1),
7 as renumbered, is amended to read: "

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

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

10 "(9^m) The treatment of section 767.295 (2) (c) of the statutes first applies to
11 child support orders that are granted on the effective date of this subsection."

12 **19.** Page 149, line 21: after "767.457 (2)," insert "767.458 (2)."

13 **20.** Page 150, line 13: delete "July 1, 2006" and substitute "January 1, 2007".

14

(END)

D-note

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

LRBa0963/^{PJ}~~dn~~
PJK:.....

(date)

This is a preliminary version of the omnibus amendment to Senate Bill 123 for your advance review. I understand from Don Dyke that there may be one remaining issue to add.

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**

LRBa0963/P1dn
PJK:lmk:rs

September 20, 2005

This is a preliminary version of the omnibus amendment to Senate Bill 123 for your advance review. I understand from Don Dyke that there may be one remaining issue to add.

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

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Don Dyke

9-20

① remove "in court" from items 2+3

because of new definition that

includes "cc in court"

② try to remove ~~NOTE~~ after

line 15 on p 59





State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa09637

PJK:lmk:rs

help
v mls run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
SENATE AMENDMENT,
TO 2005 SENATE BILL 123

Wed pm

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 "circuit court commissioner, or county
5 child support agency under s. 59.53 (5)".

6 3. Page 57, line 14: delete "clerk of court" and substitute "clerk of court, circuit
7 court commissioner, or county child support agency under s. 59.53 (5)".

8 4. Page 59, line 11: delete the material beginning with "The" and ending with
9 "subsection" on line 13.

10 5. Page 64, line 11: delete "(4) and (6)" and substitute "(4), (6) and (7m) (b)
11 (intro.) and (c)".

12 6. Page 69, line 2: after that line insert:

Insert 1-9

1 “(7m) (b) (intro.) If after an assignment is in effect the payer’s employer
2 changes its payroll period, or the payer changes employers and the new employer’s
3 payroll period is different from the former employer’s payroll period, the ~~clerk of~~
4 ~~court~~ county child support agency under s. 59.53 (5) may, unless otherwise ordered
5 by a judge, amend the withholding assignment or order so that all of the following
6 apply:

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

10 **7.** Page 78, line 1: after “statutes” insert “, as affected by 2005 Wisconsin Act
11 25.”.

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

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

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

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

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

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

18 **14.** Page 81, line 3: delete the material beginning with “to the income” and
19 ending with “206 (a) (1)” on line 5 and substitute “~~to the income a person would earn~~
20 ~~by working 40 hours per week for the federal minimum hourly wage under 29 USC~~
21 ~~206 (a) (1)~~”.

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0963/lins
PJK:lk:es

~~INSERT 1-9~~

- 1 #. Page 59, line 15: delete the material beginning with that line and ending
2 with line 17 and substitute: "payments received for child support as follows:
3 ¶ (7) EFFECT OF JOINT LEGAL CUSTODY. An order of joint legal custody under s.
4 767.24 ~~767.41~~ does not affect the amount of child support ordered." ✓

~~END OF INSERT 1-9~~

didn't work w/proof draft per Jean - had to go
other route

INSERT 1-9

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

¶ INS-INS

end of INSERT 1-9

SENATE BILL 123

1 ~~767.51 (5) LIABILITY FOR PAST SUPPORT.~~ Subject to ss. ~~767.51 (4) and 767.62 (4m)~~
 2 ~~767.805 (4m) and 767.89 (4),~~ liability for past support shall be is limited to the period
 3 after the birth of the child.

INS-INS

4 (6) INTEREST ON ARREARAGE. (intro.) A party ordered to pay child support under
 5 this section shall pay simple interest at the rate of 1% per month on any amount in
 6 arrears that is equal to or greater than the amount of child support due in one month.
 7 If the party no longer has a current obligation to pay child support, interest at the
 8 rate of 1% per month shall accrue on the total amount of child support in arrears, if
 9 any. Interest under this subsection is in lieu of interest computed under s. 807.01
 10 (4), 814.04 (4), or 815.05 (8) and is paid to the department or its designee under s.

11 767.29 767.57 The court may determine amounts owed for specific expenses related
 12 to the support of a child previously ordered and may add the amounts to any
 13 arrears of record under this subsection. Except as provided in s. 767.29 767.57
 14 (1m), the department or its designee, ~~whichever is appropriate,~~ shall apply all
 15 payments received for child support as follows:

NOTE: Clarifies that for purposes of interest on child support arrearages the court may also determine amounts owed for previously ordered specific expenses and may add the amounts to any other arrearage under the subsection.

16 ¶ (7) EFFECT OF JOINT LEGAL CUSTODY. An order of joint legal custody under s.
 17 767.24 767.41 does not affect the amount of child support ordered.

end of ins-ins

18 **SECTION 106.** 767.253 (title) of the statutes is repealed.
 19 **SECTION 107.** 767.253 of the statutes is renumbered 767.55 (1) and amended
 20 to read:

21 767.55 (1) GENERALLY. In an action for modification of a child support order
 22 under s. ~~767.32~~ 767.59 or an action in which an order for child support is required
 23 under s. ~~767.25 (1), 767.51 (3) or 767.62 (4)~~ 767.511 (1), 767.805 (4), or 767.89 (3), the



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0963/1
PJK:lmk:jf

SENATE AMENDMENT ,
TO 2005 SENATE BILL 123

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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.”.

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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
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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:

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- 1 **11.** Page 79, line 11: delete “(4) (h) 1.” and substitute “(4) (h) 1.”.
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- 3 **13.** Page 79, line 12: delete “(4) (h) 1.” and substitute “(4) (h) 1.”.
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9 ending with “shall,” on line 18 and substitute: “court may, or upon the request of any
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- 11 **16.** Page 115, line 23: delete the material beginning with that line and ending
12 with page 116, line 2 and substitute:
13 “SECTION 214m. 767.50 of the statutes is renumbered 767.883, and 767.883 (1),
14 as renumbered, is amended to read:”.
- 15 **17.** Page 149, line 10: delete lines 10 and 11.
- 16 **18.** Page 149, line 18: after that line insert:
17 “(9m) The treatment of section 767.295 (2) (c) of the statutes first applies to
18 child support orders that are granted on the effective date of this subsection.”.
- 19 **19.** Page 149, line 21: after “767.457 (2),” insert “767.458 (2).”.
- 20 **20.** Page 150, line 13: delete “July 1, 2006” and substitute “January 1, 2007”.

21

(END)