



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1049/1
RPN:jld:rs

**ASSEMBLY AMENDMENT 1,
TO 2007 ASSEMBLY BILL 669**

January 23, 2008 – Offered by COMMITTEE ON URBAN AND LOCAL AFFAIRS.

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

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

3 “**SECTION 1d.** 565.30 (5r) (a) of the statutes is amended to read:

4 565.30 (**5r**) (a) Annually, the administrator shall provide each municipal court
5 and clerk of circuit court in the state with a list of the winners or assignees of a lottery
6 prize that is payable in installments. The list shall include each winner or assignee
7 since the date of the previous list.

8 **SECTION 1g.** 565.30 (5r) (b) of the statutes is amended to read:

9 565.30 (**5r**) (b) Subject to par. (c), if the administrator receives a notice under
10 s. 778.30 (2) (a), 800.09 (1) (d), or 973.05 (5) (a) ~~or 778.30 (2) (a)~~ of the assignment of
11 lottery prizes under s. 778.30 (2) (a), 800.09 (1) (d), or 973.05 (4) (c) ~~or 778.30 (1) (e)~~
12 and determines that the person subject to the assignment is a winner or assignee of
13 a lottery prize that is payable in installments, the administrator shall withhold the

1 amount of the judgment that is the basis of the assignment from the next installment
2 payment. The administrator shall submit the withheld amount to the court that
3 issued the assignment. At the time of the submittal, the administrator shall charge
4 the administrative expenses related to that withholding and submittal to the winner
5 or assignee of the lottery prize and withhold those expenses from the balance of the
6 installment payment. The administrator shall notify the winner or assignee of the
7 reason that the amount is withheld from the installment payment. If the initial
8 installment payment is insufficient to pay the judgment and administrative
9 expenses, the administrator shall withhold and submit to the court an amount from
10 any additional installment payments until the judgment and administrative
11 expenses are paid in full and the assignment is no longer in effect. The
12 administrative expenses received by the department shall be credited to the
13 appropriation under s. 20.566 (1) (h).”.

14 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

15 **3.** Page 2, line 5: delete “judgments” and substitute “judgment”.

16 **4.** Page 2, line 17: after “(d)” insert “1. In this paragraph, “employer” includes
17 the state and the political subdivisions of the state.

18 2.”.

19 **5.** Page 2, line 21: after that line insert:

20 “3. Upon entry of the assignment under subd. 2., unless the court finds that
21 income withholding is likely to cause the defendant irreparable harm, the court shall
22 provide notice of the assignment by regular mail to the last-known address of the
23 person from whom the defendant receives or will receive money. If the municipal
24 court does not receive the money from the person notified, the court shall provide

1 notice of the assignment to any other person from whom the defendant receives or
2 will receive money. Notice of an assignment under subd. 2. shall inform the intended
3 recipient that, if a prior assignment under subd. 2. or s. 778.30 (1) or 973.05 (4) has
4 been received relating to the same defendant, the recipient is required to notify the
5 municipal court that sent the subsequent notice of assignment that another
6 assignment has already been received. A notice of assignment shall include a form
7 permitting the recipient to designate on the form that another assignment has
8 already been received.

9 4. If, after receiving the annual list under s. 565.30 (5r) (a), the municipal court
10 determines that a person identified in the list may be subject to an assignment under
11 subd. 2., the court shall send the notice of that order to the administrator of the
12 lottery division of the department of revenue, including a statement of the amount
13 owed under the judgment and the name and address of the person owing the
14 judgment. The municipal court shall notify the administrator of the lottery division
15 of the department of revenue when the judgment that is the basis of the assignment
16 has been paid in full.

17 5. Notice under this paragraph may be a notice of the court, a copy of the
18 executed assignment or a copy of that part of the court order that directs payment.

19 6. For each payment made under the assignment under subd. 2., the person
20 from whom the defendant under the order receives money shall receive an amount
21 equal to the person's necessary disbursements, not to exceed \$3, which shall be
22 deducted from the money to be paid to the defendant.

23 7. A person who receives notice of the assignment under this paragraph shall
24 withhold the amount specified in the notice from any money that person pays to the
25 defendant later than one week after receipt of the notice of assignment. Within 5

1 days after the day on which the person pays money to the defendant, the person shall
2 send the amount withheld to the municipal court of the jurisdiction providing notice.
3 If the person has already received a notice of an assignment under this paragraph
4 or s. 778.30 (2) or 973.05 (5), the person shall retain the later assignment and
5 withhold the amount specified in that assignment after the last of any prior
6 assignments is paid in full. Within 10 days of receipt of the later notice, the person
7 shall notify the municipal court that sent the notice that the person has received a
8 prior notice of an assignment under subd. 2. Section 241.09 does not apply to
9 assignments under this section.

10 8. If after receipt of notice of assignment under this paragraph the person from
11 whom the defendant receives money fails to withhold the money or send the money
12 to the municipal court as provided in this paragraph, the person may be proceeded
13 against under the principal action under s. 800.12 for contempt of court or may be
14 proceeded against under ch. 778 and be required to forfeit not less than \$50 nor more
15 than an amount, if the amount exceeds \$50, that is equal to 1 percent of the amount
16 not withheld or sent.

17 9. If an employer who receives notice of an assignment under this paragraph
18 fails to notify the municipal court within 10 days after an employee is terminated or
19 otherwise temporarily or permanently leaves the employer's employment, the
20 employer may be proceeded against under the principal action under s. 800.12 for
21 contempt of court.

22 10. Compliance by the person from whom the defendant receives money with
23 the order operates as a discharge of the person's liability to the defendant as to that
24 portion of the defendant's commission, earnings, salaries, wages, benefits, or other
25 money so affected.

