

2015 DRAFTING REQUEST

Bill

Received: 10/2/2014 Received By: phurley
Wanted: As time permits Same as LRB:
For: Administration-Budget By/Representing: Major
May Contact: Drafter: phurley
Subject: Dom. Rel. - child support/maint. Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email:
Carbon copy (CC) to: sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Major, BB0115 -

Topic:

Assigning public employee benefits for child support

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>
/P1	phurley 1/28/2015	wjackson 10/3/2014	jmurphy 10/3/2014	_____	srose 10/3/2014		State S&L
/P2		jdyer 1/28/2015	jfrantze 1/28/2015	_____	lparisi 1/28/2015		State S&L

FE Sent For:

<END>

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P2 1/28 jld To ps

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/P1 phurley

/P1 WJ 10/3

Jim
10/3

FE Sent For:

<END>

Hurley, Peggy

From: Hanaman, Cathlene
Sent: Thursday, October 02, 2014 2:22 PM
To: Kahler, Pam; Hurley, Peggy; Champagne, Rick
Subject: FW: Statutory Language Drafting Request - BB0115

From: katrina.major@wisconsin.gov [mailto:katrina.major@wisconsin.gov]
Sent: Thursday, October 02, 2014 2:21 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0115

Biennial Budget: 2015-17

DOA Tracking Code: BB0115

Topic: Public Employee Benefits- Police and Fire Fighters

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

Authorize assignment of duty disability paid to police and firefighters to provide child support.

Attachments: False

Please send completed drafts to SBOSatlanguage@webapps.wi.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4559/P2
PJH:cjs&kjf:rs

Wij
0 377/11
/mnr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

9-2-14

Do Not Gen

1 AN ACT to amend 40.08 (1c), 46.10 (14) (e) 1., 49.345 (14) (e) 1., 301.12 (14) (e)
2 1., 767.75 (1f), 767.75 (2m) (a) 1. and 767.75 (2m) (a) 2. of the statutes; relating
3 to: assigning state income continuation insurance benefits and certain
4 disability payments for child support.

the Budget

Analysis by the Legislative Reference Bureau

Under current law, if a person has been ordered to pay child or family support or maintenance, a portion of the person's income may be assigned, or set aside by the person's employer, to satisfy his or her support obligations and to pay back any support arrearages. Under current law, for the purpose of assigning money for support or arrearage payments, the person's income includes commissions, earnings, salaries, wages, pension benefits, workers' compensation or unemployment payments, certain lottery prizes, and other money due or to be due to the person.

Under this bill, state income continuation insurance benefits and, if a recipient's occupation is law enforcement or fire fighting, duty disability benefits may be assigned for support or arrearage payments.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

head ↓
COURTS AND PROCEDURE ✓
Domestic Relations
Subhead ↑

person's

No ff

the

1 **SECTION 1.** 40.08 (1c) of the statutes is amended to read:

2 40.08 (1c) WITHHOLDING OF ANNUITY AND CERTAIN BENEFIT PAYMENTS.

3 Notwithstanding sub. (1), any monthly annuity paid under s. 40.23, 40.24, 40.25 (1)
4 or (2), or 40.63 and any benefit paid under s. 40.62 or duty disability payment paid
5 under s. 40.65 is subject to s. 767.75. The board and any member or agent thereof
6 and the department and any employee or agent thereof are immune from civil
7 liability for any act or omission while performing official duties relating to
8 withholding any annuity payment pursuant to s. 767.57.

9 **SECTION 2.** 46.10 (14) (e) 1. of the statutes is amended to read:

10 46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a) or
11 48.363 (2) for support determined under this subsection constitutes an assignment
12 of all commissions, earnings, salaries, wages, pension benefits, income continuation
13 insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits
14 under ch. 102 or 108 and other money due or to be due in the future to the county
15 department under s. 46.22 or 46.23 in the county where the order was entered or to
16 the department, depending upon the placement of the child as specified by rules
17 promulgated under subd. 5. The assignment shall be for an amount sufficient to
18 ensure payment under the order.

19 **SECTION 3.** 49.345 (14) (e) 1. of the statutes is amended to read:

20 49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or
21 48.363 (2) for support determined under this subsection constitutes an assignment
22 of all commissions, earnings, salaries, wages, pension benefits, income continuation
23 insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits
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25 department under s. 46.22 or 46.23 in the county where the order was entered or to

1 the department, depending upon the placement of the child as specified by rules
2 promulgated under subd. 5. The assignment shall be for an amount sufficient to
3 ensure payment under the order.

4 **SECTION 4.** 301.12 (14) (e) 1. of the statutes is amended to read:

5 301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4., 938.357
6 (5m) (a) or 938.363 (2) for support determined under this subsection constitutes an
7 assignment of all commissions, earnings, salaries, wages, pension benefits, income
8 continuation insurance benefits under s. 40.62, duty disability benefits under s.
9 40.65, benefits under ch. 102 or 108 and other money due or to be due in the future
10 to the county department under s. 46.215, 46.22 or 46.23 in the county where the
11 order was entered or to the department, depending upon the placement of the child
12 as specified by rules promulgated under subd. 5. The assignment shall be for an
13 amount sufficient to ensure payment under the order.

14 **SECTION 5.** 767.75 (1f) of the statutes is amended to read:

15 767.75 (1f) PAYMENT ORDER AS ASSIGNMENT OF INCOME. A payment order
16 constitutes an assignment of all commissions, earnings, salaries, wages, pension
17 benefits, income continuation insurance benefits under s. 40.62, duty disability
18 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable
19 in installments, and other money due or to be due in the future to the department
20 or its designee. The assignment shall be for an amount sufficient to ensure payment
21 under the order, obligation, or stipulation and to pay any arrearages due at a periodic
22 rate not to exceed 50% of the amount of support due under the order, obligation, or
23 stipulation so long as the addition of the amount toward arrearages does not leave
24 the party at an income below the poverty line established under 42 USC 9902 (2).

25 **SECTION 6.** 767.75 (2m) (a) 1. of the statutes is amended to read:

SECTION 6

1 767.75 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 1m.
 2 constitutes an assignment of all commissions, earnings, salaries, wages, pension
 3 benefits, income continuation insurance benefits under s. 40.62, duty disability
 4 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable
 5 in installments, and other money due or to be due in the future to the department
 6 or its designee.

7 **SECTION 7.** 767.75 (2m) (a) 2. of the statutes is amended to read:

8 767.75 (2m) (a) 2. An obligation to pay unpaid fees under s. 767.57 (1e) (b) 2m.
 9 constitutes an assignment of all commissions, earnings, salaries, wages, pension
 10 benefits, income continuation insurance benefits under s. 40.62, duty disability
 11 benefits under s. 40.65, benefits under ch. 102 or 108, lottery prizes that are payable
 12 in installments, and other money due or to be due in the future to the clerk of court
 13 to whom the fees are owed, or to his or her successor.

14 **SECTION 8 Initial applicability;** *Children and Families.*

15 (1) ~~This act~~ first applies to benefits paid on the effective date of this subsection.

16 (9306) (CS) ASSIGNMENT OF BENEFITS. (END) The treatment of
 sections 40.08(1c), 46.10(17)(e)1.,
 49.345(17)(e)1., 301.12(17)(e)1.,
 and 767.75(1f) ^{and} (2m)(a)1. ^{or} and
 (2m)(a)2. of the statutes



State of Wisconsin
2015 - 2016 LEGISLATURE

PS
LRB-0347/P1
PJH:wlj:jm/rv

due TODAY

DOA:.....Major, BB0115 - Assigning public employee benefits for child support

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

date

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1
don't gen

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DOMESTIC RELATIONS

Under current law, if a person has been ordered to pay child or family support or maintenance, a portion of the person's income may be assigned, or set aside by the person's employer, to satisfy his or her support obligations and to pay back any support arrearages. Under current law, for the purpose of assigning money for support or arrearage payments, the person's income includes commissions, earnings, salaries, wages, pension benefits, workers' compensation or unemployment payments, certain lottery prizes, and other money due or to be due to the person. Under this bill, state income continuation insurance benefits and, if the person's occupation is law enforcement or fire fighting, duty disability benefits may be assigned for support or arrearage payments.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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5 under s. 40.65 is subject to s. 767.75. The board and any member or agent thereof
6 and the department and any employee or agent thereof are immune from civil
7 liability for any act or omission while performing official duties relating to
8 withholding any annuity payment pursuant to s. 767.57.

9 **SECTION 2.** 46.10 (14) (e) 1. of the statutes is amended to read:

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16 the department, depending upon the placement of the child as specified by rules
17 promulgated under subd. 5. The assignment shall be for an amount sufficient to
18 ensure payment under the order.

19 **SECTION 3.** 49.345 (14) (e) 1. of the statutes is amended to read:

20 **49.345 (14) (e) 1.** An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or
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13 to whom the fees are owed, or to his or her successor.

14 **SECTION 9306. Initial applicability; Children and Families.**

15 (1) ASSIGNMENT OF BENEFITS. The treatment of sections 40.08 (1c), 46.10 (14) (e)
16 1., 49.345 (14) (e) 1., 301.12 (14) (e) 1., and 767.75 (1f) and (2m) (a) 1. and 2. of the
17 statutes first applies to benefits paid on the effective date of this subsection.

18 (END)

(as it relates to income continuation insurance benefits and duty disability benefits)

d-note
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0347/P²dn
PJH: ~~ml~~jm

date

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This draft reconciles LRB-0347[✓] and LRB-0407[✓]. Both of these drafts should continue to appear in the compiled bill.

Peggy J. Hurley
Senior Legislative Attorney
(608) 266-8906
peggy.hurley@legis.wisconsin.gov

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

LRB-0347/P2dn
PJH:jld:jf

January 28, 2015

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0347/P2
PJH:wlj:jf

DOA:.....Major, BB0115 - Assigning public employee benefits for child support

FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION

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25 **SECTION 6.** 767.75 (2m) (a) 1. of the statutes is amended to read:

