



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBa1269/3  
PJK:kmg:ijs

**ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 476**

January 15, 1998 - Offered by COMMITTEE ON JUDICIARY.

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

2 **1.** Page 1, line 3: after "awarding" insert "or".

3 **2.** Page 3, line 2: after that line insert:

4 **"SECTION 3m.** 767.10 (2) (d) of the statutes is created to read:

5 767.10 (2) (d) A court shall approve a stipulation that conditionally waives  
6 maintenance payments for either party if all of the following apply:

7 1. The court assigns to the other party under s. 767.255 responsibility for the  
8 repayment of any debt for which the party conditionally waiving maintenance has  
9 liability or property that is available under s. 766.55 to satisfy the debt.

10 2. The waiver of maintenance is based on the condition that the party assigned  
11 a debt specified in subd. 1. does not secure a discharge in bankruptcy of the debt.

12 3. The stipulation contains a statement by the party conditionally waiving  
13 maintenance that he or she understands that, if the court approves the conditional

1 waiver of maintenance payments, the court will not award maintenance payments  
2 to the party under s. 767.26 (1), the court will not award maintenance payments to  
3 the party under s. 767.26 (2) unless the other party secures a discharge in  
4 bankruptcy of a debt specified in subd. 1., and the court will not revise or alter a  
5 judgment or order with respect to maintenance payments to the party under s.  
6 767.32 unless the court awards maintenance payments to the party under s. 767.26  
7 (2).”.

8 **3.** Page 3, line 10: delete “specified in sub. (1)” and substitute “for annulment,  
9 divorce or legal separation”.

10 **4.** Page 3, line 13: delete lines 13 to 16 and substitute:

11 “(a) The party seeking maintenance under this subsection conditionally waived  
12 maintenance under s. 767.10 (2) (d).”.

13 **5.** Page 3, line 17: delete “(c)” and substitute “(b)”.

14 **6.** Page 3, line 17: after “maintenance” insert “under this subsection”.

15 **7.** Page 3, line 18: delete “(d)” and substitute “(c)”.

16 **8.** Page 3, line 18: after “sought” insert “under this subsection”.

17 **9.** Page 3, line 20: after “767.255” insert “and for which the party seeking  
18 maintenance has liability or property that is available under s. 766.55 to satisfy the  
19 debt”.

20 **10.** Page 5, line 3: after “767.255” insert “, and for which the other party has  
21 liability or property that is available under s. 766.55 to satisfy the debt,”.

22 **11.** Page 5, line 5: after that line insert:

23 **“SECTION 9. Initial applicability.**

