



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-5703/1  
ARG:cdc

## 2023 SENATE BILL 1036

February 19, 2024 - Introduced by Senators AGARD, ROYS, L. JOHNSON, LARSON and SPREITZER, cosponsored by Representatives VINING, CLANCY, SUBECK, C. ANDERSON, EMERSON, CONLEY, SINICKI, MOORE OMOKUNDE, HONG, J. ANDERSON, BARE and OHNSTAD. Referred to Committee on Financial Institutions and Sporting Heritage.

1     **AN ACT** *to amend* 20.144 (1) (g), 25.17 (3) (a), 69.14 (1) (a) and 69.22 (6); and *to*  
2            **create** 20.144 (5) (title), 20.144 (5) (a), 20.144 (5) (c), 20.144 (5) (j), 20.144 (5)  
3            (q), 25.14 (1) (a) 20., 25.17 (1) (aL), 25.18 (1) (q), 25.32, 69.20 (3) (b) 6., 69.20 (3)  
4            (i), 71.05 (6) (b) 57., 71.78 (4) (w) and 224.58 of the statutes; **relating to:**  
5            creating a baby bond program and baby bond fund, granting rule-making  
6            authority, and making an appropriation.

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### ***Analysis by the Legislative Reference Bureau***

This bill requires the Department of Financial Institutions to establish and administer a baby bond program and creates a baby bond trust fund managed by the State of Wisconsin Investment Board.

Under the bill, the State Registrar of Vital Records must provide to DFI a copy of the record of birth for each child born in the state on or after the bill's effective date. In consultation with the Department of Health Services and the Department of Revenue, DFI must determine whether, on the day before the child was born, the child's mother met the income requirements for the Medical Assistance program, and if this criteria is satisfied, DFI must establish a baby bond account for the child, with the child designated as the account beneficiary. DFI must then deposit \$3,000 into the baby bond trust fund and credit this amount to the child's baby bond account. The amount in the account consists of the initial \$3,000, investment income generated through management of the baby bond trust fund by SWIB, and any

**SENATE BILL 1036**

allocated donations, gifts, grants, bequests, or other contributions received by the baby bond program. When the account beneficiary attains 18 years of age, if certain conditions are satisfied, the account beneficiary may receive distribution of the full account balance to pay expenses associated with postsecondary education of the account beneficiary; child care or education of a minor dependent of the account beneficiary; the purchase of a home by the account beneficiary; starting a business by the account beneficiary; or contributing to a retirement savings account by the account beneficiary. Upon application to DFI, an account beneficiary is eligible for distribution of the account balance if all of the following requirements are satisfied: 1) the account beneficiary is at least 18 years of age; 2) with an exception, the account beneficiary and at least one of the account beneficiary's parents is a Wisconsin resident; 3) the account beneficiary has successfully completed a financial literacy course developed by DFI; and 4) the account beneficiary certifies that the account beneficiary will use the money distributed only to pay expenses described above. If an account beneficiary or the account beneficiary's parents relocate from Wisconsin prior to the account beneficiary's 18th birthday, the account beneficiary is eligible for the distribution if the account beneficiary returns to Wisconsin and remains a Wisconsin resident for at least one year thereafter. A distribution from an account is not subject to state income tax. DFI may terminate an account beneficiary's account if the account beneficiary dies, the account balance is \$0, or the account beneficiary is at least 30 years of age and has not requested a distribution or has failed to satisfy the conditions for distribution. The balance of an account that is terminated remains in the baby bond trust fund for further use for the baby bond program.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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

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

1           **SECTION 1.** 20.144 (1) (g) of the statutes is amended to read:  
2           20.144 (1) (g) *General program operations.* The amounts in the schedule for  
3 the general program operations of the department of financial institutions. Except  
4 as provided in pars. (a), (h), (i), (j), and (u) and ~~sub.~~ subs. (3) and (5), all moneys  
5 received by the department, other than by the office of credit unions and the division  
6 of banking, and 88 percent of all moneys received by the office of credit unions and

**SENATE BILL 1036**

1 the department's division of banking shall be credited to this appropriation, but any  
2 balance at the close of a fiscal year under this appropriation shall lapse to the general  
3 fund. Annually, \$150,000 of the amounts received under this appropriation account  
4 shall be transferred to the appropriation account under s. 20.575 (1) (g).

5 **SECTION 2.** 20.144 (5) (title) of the statutes is created to read:

6 20.144 (5) (title) **BABY BOND PROGRAM.**

7 **SECTION 3.** 20.144 (5) (a) of the statutes is created to read:

8 20.144 (5) (a) *Administrative expenses.* A sum sufficient for the administrative  
9 expenses of the baby bond program under s. 224.58.

10 **SECTION 4.** 20.144 (5) (c) of the statutes is created to read:

11 20.144 (5) (c) *Deposits into baby bond fund.* A sum sufficient for deposits into  
12 the baby bond fund as provided in s. 224.58 (3) (b) 2.

13 **SECTION 5.** 20.144 (5) (j) of the statutes is created to read:

14 20.144 (5) (j) *Donations, gifts, and grants.* All moneys received from donations,  
15 gifts, grants, bequests, or other contributions to the baby bond program under s.  
16 224.58, to carry out the purpose for which received, including deposit into the baby  
17 bond fund.

18 **SECTION 6.** 20.144 (5) (q) of the statutes is created to read:

19 20.144 (5) (q) *Payment of distributions; crediting accounts.* From the baby bond  
20 fund, a sum sufficient for the payment of distributions under s. 224.58 (4) and to  
21 credit accounts under s. 224.58 (3) (b) 2.

22 **SECTION 7.** 25.14 (1) (a) 20. of the statutes is created to read:

23 25.14 (1) (a) 20. The baby bond fund.

24 **SECTION 8.** 25.17 (1) (aL) of the statutes is created to read:

25 25.17 (1) (aL) Baby bond fund (s. 25.32);

**SENATE BILL 1036****SECTION 9**

1           **SECTION 9.** 25.17 (3) (a) of the statutes is amended to read:

2           25.17 **(3)** (a) Invest the core retirement investment trust, baby bond fund, state  
3 life fund, local government property insurance fund, veterans trust fund, and injured  
4 patients and families compensation fund in loans, securities, and any other  
5 investments authorized by s. 620.22, and in bonds or other evidences of indebtedness  
6 or preferred stock of companies engaged in the finance business whether as direct  
7 lenders or as holding companies owning subsidiaries engaged in the finance  
8 business. Investments permitted by sub. (4) are permitted investments under this  
9 subsection.

10           **SECTION 10.** 25.18 (1) (q) of the statutes is created to read:

11           25.18 **(1)** (q) Invest any of the assets of the baby bond fund in any investment  
12 that is an authorized investment for assets in the variable retirement investment  
13 trust under s. 25.17 (5).

14           **SECTION 11.** 25.32 of the statutes is created to read:

15           **25.32 Baby bond fund. (1)** There is established a separate nonlapsible trust  
16 fund designated as the baby bond fund. The fund shall consist of all of the following:

17           (a) Money deposited into the fund under s. 224.58 (3) (b) 2.

18           (b) All donations, gifts, grants, bequests, or other contributions deposited into  
19 the fund under s. 224.58 (6).

20           (c) All earnings and other investment income of the fund.

21           **(2)** Except as provided in s. 25.187, moneys in the baby bond fund may be  
22 expended only for the purpose of making distributions under s. 224.58 (4) and  
23 deposits under s. 224.58 (3) (b) 2.

24           **SECTION 12.** 69.14 (1) (a) of the statutes is amended to read:

**SENATE BILL 1036****SECTION 12**

1           69.14 (1) (a) *Filing deadline.* A record of birth for every birth that occurs in this  
2 state shall be filed within 5 days after the birth with the state registrar, who shall  
3 register the birth under this subchapter. The state registrar shall submit a copy of  
4 the record of birth to the department of financial institutions, but shall redact from  
5 the copy any parent's social security number.

6           **SECTION 13.** 69.20 (3) (b) 6. of the statutes is created to read:

7           69.20 (3) (b) 6. The information is submitted to the department of financial  
8 institutions for the purpose of administering the baby bond program under s. 224.58.

9           **SECTION 14.** 69.20 (3) (i) of the statutes is created to read:

10          69.20 (3) (i) The state registrar shall disclose information on birth records,  
11 other than a parent's social security number, to the department of financial  
12 institutions for use in the administration of the baby bond program under s. 224.58.

13          **SECTION 15.** 69.22 (6) of the statutes is amended to read:

14          69.22 (6) The state registrar may charge a reasonable fee for providing  
15 searches of vital records and for providing copies of vital records to state agencies for  
16 program use, except that no fee may be charged for providing a copy of the record of  
17 birth to the department of financial institutions under s. 69.14 (1) (a). The register  
18 of deeds may provide free searches and free copies to agencies in his or her county  
19 at the direction of the county board.

20          **SECTION 16.** 71.05 (6) (b) 57. of the statutes is created to read:

21          71.05 (6) (b) 57. The amount of a distribution made to an account beneficiary,  
22 as defined in s. 224.58 (1) (b), under s. 224.58 (4).

23          **SECTION 17.** 71.78 (4) (w) of the statutes is created to read:

24          71.78 (4) (w) The department of financial institutions and the department of  
25 health services for the purpose of determining eligibility under s. 224.58 (3) (a) 1.

**SENATE BILL 1036****SECTION 18**

1           **SECTION 18.** 224.58 of the statutes is created to read:

2           **224.58 Baby bond program. (1) DEFINITIONS.** In this section:

3           (a) “Account” means a baby bond account established by the department under  
4 sub. (3).

5           (b) “Account beneficiary” means an individual for whom the department  
6 establishes an account.

7           (c) “Domestic business entity” has the meaning given in s. 180.1100 (2).

8           (d) “Eligible expense” means an expense associated with any of the following:

9           1. Postsecondary education of an account beneficiary.

10           2. Child care or education of a minor dependent of the account beneficiary.

11           3. The purchase of a home by an account beneficiary.

12           4. Starting a business by an account beneficiary if the business is a domestic  
13 business entity or is a foreign business entity registered or authorized to do business  
14 in this state under ch. 178, 179, 180, 181, or 183.

15           5. Contributing to a traditional individual retirement account, a Roth IRA, an  
16 account associated with a 401 (k), 403 (b), 457, or Keogh plan, or a similar retirement  
17 savings account by an account beneficiary.

18           (e) “Foreign business entity” has the meaning given in s. 180.1100 (3).

19           (f) “Last-known address” means the most recent contact information provided  
20 to the department according to the department’s records, which may be either a  
21 physical address or an electronic mail address.

22           **(2) BABY BOND PROGRAM.** The department shall establish and administer a baby  
23 bond program as described in this section.

24           **(3) ESTABLISHING ACCOUNTS.** (a) For each record of birth submitted to the  
25 department under s. 69.14 (1) (a), the department shall do all of the following:

**SENATE BILL 1036**

1           1. In consultation with the department of health services and the department  
2 of revenue, determine whether, on the day before the child was born, the mother  
3 meets the income level described under s. 49.471 (4) (a) 1. or 2.

4           2. If the criteria in subd. 1. is satisfied, establish a baby bond account for the  
5 child, with the child designated as the account beneficiary.

6           (b) Upon establishing an account for a child under par. (a) 2., the department  
7 shall promptly do all of the following:

8           1. Provide written notice of the account to the last-known address of the child's  
9 parents.

10          2. From the appropriation account under s. 20.144 (5) (c) or (j), deposit \$3,000  
11 into the baby bond fund and credit this amount to the child's account or, from the  
12 appropriation amount under s. 20.144 (5) (q), credit \$3,000 to the child's account if  
13 such funds are available for this purpose as provided in s. 224.58 (5) (b).

14          (c) An account established under this subsection shall include the amount  
15 specified in par. (b) 2., the account beneficiary's pro rata share of total net investment  
16 earnings of the baby bond fund, and any amount allocated to the account under sub.  
17 (5) (b) or (6) (b).

18          **(4) DISTRIBUTIONS.** (a) Not later than 30 days before an account beneficiary's  
19 18th birthday, the department shall provide notice to the last-known address of the  
20 account beneficiary and the account beneficiary's parents that the account  
21 beneficiary may be eligible for distribution of the account balance.

22          (b) Upon application to the department by an account beneficiary, the  
23 department shall distribute to the account beneficiary the full balance of the account  
24 if all of the following requirements are satisfied:

25          1. The account beneficiary is at least 18 years of age.

**SENATE BILL 1036****SECTION 18**

1           2. Except as provided in par. (c), the account beneficiary and at least one of the  
2 account beneficiary's parents is a resident of this state.

3           3. The account beneficiary has successfully completed the financial literacy  
4 course developed by the department under sub. (7) (a) 4.

5           4. The account beneficiary certifies that the account beneficiary will use the  
6 money distributed only to pay eligible expenses.

7           (c) If an account beneficiary or the account beneficiary's parents have relocated  
8 from this state as of the account beneficiary's 18th birthday, the account beneficiary  
9 is eligible for distribution of the account balance under par. (b) if the account  
10 beneficiary returns to this state and remains a resident of this state for at least one  
11 year thereafter.

12           (d) An account beneficiary may use moneys distributed from the account only  
13 to pay for eligible expenses.

14           **(5) ACCOUNT TERMINATION.** (a) The department may terminate an account  
15 beneficiary's account if any of the following occurs:

16           1. The account beneficiary dies.

17           2. The account balance is \$0.

18           3. The account beneficiary is at least 30 years of age and has not requested  
19 distribution of the account balance or has failed to satisfy the conditions for  
20 distribution of the account balance under sub. (4) (b) and (c).

21           (b) If an account is not distributed and is terminated under par. (a) with a  
22 balance in the account, the balance shall remain in the baby bond fund and may be  
23 used to fund new accounts or allocated in the manner described in sub. (6) (b).

24           (c) Not fewer than 90 days before terminating an account for the reason  
25 provided in par. (a) 3., the department shall provide notice to the last-known address



**SENATE BILL 1036**

1 of the account beneficiary and the account beneficiary's parents of the department's  
2 intent to terminate the account and the date on which the termination will occur if  
3 the account beneficiary has not applied for distribution of the account balance by that  
4 date.

5 **(6) DONATIONS AND OTHER CONTRIBUTIONS TO PROGRAM.** (a) The department may  
6 receive donations, gifts, grants, bequests, or other contributions to the baby bond  
7 program and use them for the purposes for which they are made.

8 (b) If no purpose is stated for a donation, gift, grant, bequest, or other  
9 contribution received by the department, the department may deposit the amount  
10 into the baby bond fund and use the amount to fund new accounts or to equitably  
11 allocate the amount among existing accounts.

12 (c) The department may receive only monetary donations, gifts, grants,  
13 bequests, or other contributions. The department may not accept property or other  
14 in-kind donations, gifts, grants, bequests, or contributions.

15 **(7) POWERS AND DUTIES OF THE DEPARTMENT.** (a) The department shall do all of  
16 the following:

17 1. Collaborate with the department of health services and the department of  
18 revenue to determine eligibility under sub. (3) (a) 1.

19 2. From the pooled assets and investments of the baby bond fund, maintain an  
20 accounting under which each account beneficiary's share of the total is identified as  
21 a separate account.

22 3. Provide to each account beneficiary and the account beneficiary's parents,  
23 at their last-known addresses, an annual statement of the account beneficiary's  
24 account, including the account balance, the date the account beneficiary is eligible

**SENATE BILL 1036****SECTION 18**

1 for distribution of the account balance, and the requirements the account beneficiary  
2 must satisfy to receive the distribution.

3 4. Develop and maintain an online, interactive financial literacy course. The  
4 course shall be organized into modules, with a test of knowledge at the conclusion  
5 of each module. The course shall require the course participant to successfully  
6 complete the test before continuing to the next module, but the course may not limit  
7 the number of times the participant may retake the test to achieve successful  
8 completion.

9 5. Maintain as confidential all personal and financial information pertaining  
10 to an account beneficiary and the account beneficiary's parents.

11 (b) The department may do any of the following:

12 1. Enter into contracts for the services of accountants, actuaries, attorneys,  
13 consultants, or other professionals to assist in the administration of the baby bond  
14 program established under this section.

15 2. Conduct marketing, advertising, and fundraising for the baby bond program,  
16 including through contracts with 3rd parties.

17 3. Promulgate rules to implement and administer this section.

18 **(8) EXCLUSION FROM CONSIDERATION FOR NEED-BASED PROGRAMS OR BENEFITS.**

19 Notwithstanding any other provision of law, neither the balance of an account  
20 beneficiary's account nor distributions to the account beneficiary may be considered  
21 for purposes of determining the account beneficiary's eligibility for any state or local  
22 program or benefit in which the account beneficiary's income, assets, or financial  
23 need is a criteria for eligibility.

24 **SECTION 19. Initial applicability.**

