

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: 06/22/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters:

Subject: Public Assistance - Wis works

Extra Copies:

**Pre Topic:**

SDC:.....Walter - #1536,

**Topic:**

Public assistance overpayment and collections

**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>
/1	yacketa 06/23/99	chanaman 06/24/99	hhagen 06/27/99	_____	lrb_docadmin 06/27/99		
/2	yacketa 06/29/99	chanaman 06/29/99	martykr 06/29/99	_____	lrb_docadmin 06/29/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB133)**

Received: **06/22/99**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus 6-2257**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

**Pre Topic:**

SDC:.....Walter - #1536,

**Topic:**

Public assistance overpayment and collections

**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>
/1	yacketa 06/23/99	chanaman 06/24/99	hhagen 06/27/99	_____	lrb_docadmin 06/27/99		
FE Sent For:		cm4 6/29 12	<i>[Signature]</i> 6/29	JED/MGD 6/29 <END>			

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/22/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Walter

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters:

Subject: Public Assistance - Wis works

Extra Copies:

Pre Topic:

SDC:.....Walter - #1536,

Topic:

Public assistance overpayment and collections

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>
/?	yacketa	cm H 6/29 /1		_____ _____			

FE Sent For:

<END>

yes

SIDC

**Agency: Workforce Development - Other Economic Support Provisions**

caucus number 1536

duplicate flag:  
duplicate with:

Other reference numbers: Paper 1117, alt. 2, 3abc, 4ab, 5, 6, 8a	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Paper 1117 - alternatives 2, 3abc, 4ab, 5, 6, 8a. All relate to public assistance overpayment and collections.

**other notes**

drafting instructions: Paper 1117 - alternatives 2, 3abc, 4ab, 5, 6, 8a.

more instructions:

caucus number 1538

duplicate flag:  
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Specify that Job Access Loans can be used for the purchase or repair of a vehicle. Loans for this shall not exceed \$1,000 and must be paid back within 12 months of issuance unless a caseworker grants an extension.

**other notes**

drafting instructions: See above.

more instructions:

Agency: **Workforce Development - Other Economic Support Provisions**

Number of Amendments: 2

+

**WORKFORCE DEVELOPMENT—OTHER ECONOMIC SUPPORT PROVISIONS**

**Public Assistance Overpayment and Collections  
[Paper #1117]**

**CN 1536**

**Motion:**

**Move alternatives 2, 3abc, 4ab, 5, 6, 8a in Budget Paper #1117.**

**[Fiscal effect \$200,000 GPR, -\$34,600 FED, -\$34,700 PR]**

fully able to process overpayments and follow appropriate collection methods.

44. The Department has estimated that the combination of additional staff and additional collection ability through liens and levies would result in increased collections of approximately \$300,000 annually. However, these amounts would be offset by new federal regulations regarding payments to the federal government from the collection of AFDC overpayments. Therefore, the bill contains no increased program revenue.

45. Based on a review of vacant positions within DWD's Division of Economic Support as of March 27, 1999, there are a total of 48 positions that have been vacant for seven months or longer and of these, 10 have been vacant for 13 months or more.

46. At the Joint Committee on Finance's meeting on April 22, 1999, 15 positions related to child support that were requested by the Governor in the budget bill were deleted. Instead, the Committee authorized the Department to reallocate vacant positions. Therefore, of the 48 positions identified above, 33 would remain vacant after reallocating positions for the child support program.

47. Because a number of vacant positions would remain outstanding, the Committee may wish to delete the positions recommended by the Governor and authorize the Department to reallocate some of its vacant positions in the Division of Economic Support for these duties. This option would result in savings of \$14,900 PR and \$14,800 FED in 1999-00 and \$19,800 PR and \$19,800 FED in 2000-01.

48. As a compromise alternative, one of the positions recommended by the Governor could be removed from the bill. Under this option, funding could be reduced by \$7,500 PR and \$7,400 FED in 1999-00 and \$9,900 PR and \$9,900 FED in 2000-01.

## **ALTERNATIVES**

### **1. Approve the Governor's Recommendation**

Provide \$14,900 PR and \$14,800 FED in 1999-00 and \$19,800 PR and \$19,800 FED in 2000-01 and 2.0 positions (1.0 PR and 1.0 FED) in the Public Assistance Collection Unit in the Division of Unemployment Insurance in order to increase collections of public assistance overpayments. The two positions would be converted from LTE staff to permanent positions. In addition, approve the Governor's proposal regarding the provisions relating to the collection of debt from public assistance recipients.

### **2. Notification to Recipient**

Modify the Governor's proposal regarding the collection process by requiring the Department to promulgate rules regarding the notification procedures that would correspond with current law related to the child support program. Under this provision, the rules promulgated by the Department would have to require notification at the following points in the collection process: (a)

when the Department first determines that an overpayment has been made; (b) after the Department has issued a warrant that acts as a lien upon the person's right, title and interest in all real and personal property located in the county in which the warrant is entered; (c) after issuing an execution of a warrant or enforcing a levy upon a financial account or other personal property; (d) prior to levy upon real property; and (e) prior to issuing an execution to sell the property.

### **3. Reviews and Hearings**

#### *When May a Review or Hearing be Requested*

a. Modify the Governor's recommendation by requiring the Department to promulgate administrative rules that specify when requests for reviews, hearings and appeals may be made. Specify that DWD would have to include in the rule provisions for hearings or reviews at the following points in the process: (a) when the Department first notifies the individual that an overpayment has been made; (b) after a warrant has been issued; (c) prior to execution of the warrant which would allow property to be seized; (d) after the Department has notified a financial institution that a levy has been placed on an account of the obligor; (e) prior to enforcing a levy upon real property; (f) immediately after personal property is seized; and (g) prior to the Department issuing an execution to sell the property, which would then be sold within 90 days of the date of the execution. For each of these, the rules would have to specify the amount of time that the person would have to file a request for a hearing or review, and would have to allow for joint owners or third parties with an interest in the property to have the opportunity for a hearing.

#### *Procedure*

Modify the Governor's recommendation by approving one or both of the following:

b. Clarify that for collections on all overpayments of benefits from W-2 subsidized employment and custodial parent of infant grants the individual would first have opportunity for review under the W-2 dispute resolution process, and if not satisfied would then be allowed review under the administrative hearing process. All persons liable for overpayments related to other benefits would have opportunity for review under the administrative hearing process only. Further, require that, under the W-2 dispute resolution process, all decisions by the W-2 agency related to an overpayment would have to be reviewed by the Department.

c. Require DWD to promulgate rules that specify the procedure to be used for reviews and hearings at all points in the collection process at which a request for a review or hearing is allowed to be made. For each of these, the rules would have to specify the amount of time that the person would have to file a request for a hearing or review.

### **4. Limitations on Authority to Issue Liens and Levy Upon Property**

Modify the Governor's recommendation by approving one or more of the following:

a. Specify that all actions to enforce a lien must be suspended if payment arrangements

have been made and the obligor complies with the payment schedule.

b. Require the Department to promulgate rules that specify a minimum amount that must be due prior to initiating any administrative enforcement procedure.

### 5. Collections of Overpayments from Current Benefit Recipients

Modify the Governor's recommendation by providing \$200,000 GPR in 2000-01 and specifying that DWD may not recover overpayments of AFDC benefits from current W-2 recipients by reducing the amount of the recipient's W-2 benefit check.

<u>Alternative 5</u>	<u>GPR</u>
1999-01 FUNDING (Change to Bill)	\$200,000

### 6. Waiving the Recovery of Benefits

Modify the Governor's recommendation by requiring the Department to waive recovery of benefits that were erroneously paid if the overpayment was the result of departmental error.

### 7. Tax Intercept for Job Access Loans

Modify the Governor's recommendation by authorizing the Department to recover overpayments or delinquent payments of job access loans through tax intercept.

### 8. Position Authority and Funding

Modify the Governor's recommendation by approving one of the following:

a. Delete the 2.0 positions recommended by the Governor and authorize the Department to reallocate vacant positions for these duties. Reduce funding by \$14,900 PR and \$14,800 FED in 1999-00 and \$19,800 PR and \$19,800 FED in 2000-01.

↓  
(3)(n)

<u>Alternative 8a</u>	<u>FED</u>	<u>PR</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Bill)	-\$34,600	-\$34,700	-\$69,300
2000-01 POSITIONS (Change to Bill)	-1.00	-1.00	-2.00

↓  
(3)(L)

b. Delete one of the positions recommended by the Governor and reduce funding by



\$7,500 PR and \$7,400 FED in 1999-00 and \$9,900 PR and \$9,900 FED in 2000-01. Authorize the Department to reallocate one of its vacant positions from within the Division of Economic Support for these duties.

<u>Alternative 8b</u>	<u>FED</u>	<u>PR</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Bill)	- \$17,300	- \$17,400	- \$34,700
2000-01 POSITIONS (Change to Bill)	- 0.50	- 0.50	- 1.00

**9. Maintain Current Law**

Delete the statutory provisions, positions and funding recommended by the Governor. Provide \$765,300 GPR in 2000-01 to reflect: (a) a reduction in the amount of overpayments that may be collected; and (b) that the Department would not have the authority to recover an overpayment under the AFDC program from an individual's W-2 benefit check.

<u>Alternative 9</u>	<u>GPR</u>	<u>FED</u>	<u>PR</u>	<u>TOTAL</u>
1999-01 FUNDING (Change to Bill)	\$765,300	- \$34,600	- \$34,700	\$696,000
2000-01 POSITIONS (Change to Bill)	0.00	- 1.00	- 1.00	- 2.00

Prepared by: Joanne T. Simpson

## APPENDIX

### Detailed Description of the Governor's Proposal

The bill would provide \$14,900 PR and \$14,800 FED in 1999-00 and \$19,800 PR and \$19,800 FED in 2000-01 and 2.0 positions (1.0 PR and 1.0 FED) in the Public Assistance Collection Unit in the Division of Unemployment Insurance in order to increase collections of public assistance overpayments. The two positions would be converted from LTE staff to permanent positions. In addition, the Governor's proposal would modify the provisions relating to the collection of debt from public assistance recipients as described in the following sections.

*Collecting Overpayments from Current Benefit Recipients.* Under the bill, DWD would be required to collect overpayments of benefits paid under the former AFDC program from recipients of those benefits who are also recipients of W-2 subsidized employment benefits. The Department would be allowed to deduct the overpayment from the recipient's W-2 benefits.

*Determination of an Overpayment and Notice to Recipient.* The Governor's proposal would require the county, tribal governing body, W-2 agency or Department to determine whether an overpayment has been made under the former AFDC program, W-2 employment position benefits including caretaker of an infant benefits, the child care program or transportation assistance, and the amount of the overpayment. The county, tribal agency, W-2 agency or Department would be required to provide notice of the overpayment to the person to whom it was made, and give that person the opportunity for a review or administrative hearing. The review process would be the same as that under current law related to review of agency decisions under the W-2 program. DWD would continue to be required to promulgate rules regarding the determination of an overpayment and notice to the recipient or former recipient.

*Issuance and Execution of a Warrant.* The bill would authorize DWD to issue a warrant that would place a lien against any property of a person who fails to pay any amount of overpayment, if no review or appeal of the overpayment is pending and the time for requesting a review or taking an appeal has expired. Under current law regarding the review of agency decisions under the W-2 program, a person has 45 days in which to petition a W-2 agency for review of an action, and 21 days after the date on which a certified copy of the W-2 agency decision is mailed to petition the Department for a review of the W-2 agency decision.

The warrant would be considered a final judgment constituting a perfected lien upon the person's right, title and interest in all real and personal property located in the county in which the warrant is entered. DWD would be required to pay any fees regarding the filing of the warrant, and to collect the fees from the person named in the warrant. The fee for each filing is currently specified in the statutes as \$5.

Further, the Department would be allowed to file an execution that directs the sheriff of the county to seize and sell sufficient real and personal property of the person to pay the amount

stated in the warrant, except for certain property that is exempt from execution under current state law. If a warrant is not satisfied in full, the Department would be allowed to enforce the amount due as if a judgment was rendered against the person, and take other actions to collect the debt. DWD would be required to issue a satisfaction of the warrant when the amount in the warrant has been paid in full and all costs due to the Department have been paid. The satisfaction would have to be filed with the clerk of circuit court and the Department would be required to send a copy of the satisfaction to the person named in the warrant.

Finally, DWD would be authorized to issue a release of any warrant, if it finds that the interests of the state would not be jeopardized, and to maintain a garnishee action or attachment to enforce a judgment with regard to a warrant. The Department would be required to withdraw an erroneous warrant.

*Collection of An Overpayment Through Levy.* The bill would also authorize the Department to collect any debt or overpayment by levy upon any property belonging to a person to whom an overpayment is made, and to collect from the person any expenses related to the levy. Such action may be taken if no appeal or other proceeding for review is pending and the time for taking an appeal or petitioning for review has expired. The Department would be required to first make a demand for payment of the debt and give at least a 10-day notice that legal action to collect the debt may be pursued. This notice and the levy would have to be delivered personally or by any type of mail service that requires a signature of acceptance. Refusal or failure to accept or receive the notice or the levy would not invalidate the levy.

An exemption from levy would be provided equal to the greater of: (a) a subsistence allowance of 75% of the debtor's disposable earnings then due and owing; or (b) an amount equal to 30 times the federal minimum wage for each full week of the debtor's pay period, or an equivalent amount in the case of earnings for a pay period other than a week. For purposes of (a), the definition of disposable earnings would allow deductions for amounts required to be withheld from pay by law, life and health insurance premiums, union dues, child support and other prior levies, wage assignments or garnishments. The first \$1,000 in any bank account of the debtor would also be exempt from levy.

Anyone who fails or refuses to surrender property under a levy would be subject to proceedings to enforce the amount of the levy. Any person who is subject to a levy proceeding made by the Department would be allowed to appeal the levy proceeding. The appeal would be limited to questions of prior payment of the debt and mistaken identity of the debtor. The levy would not be stopped or delayed pending an appeal.

A third party would be required to provide certain information to the Department within 20 days after the service of a levy. A levy would be effective from the date on which the levy is first served on a third party until any liability is satisfied, the levy is released or until one year from the date of service, whichever occurs first. Any third party that refuses to surrender property under a levy would be liable to the Department for up to 25% of the debt. Any third

party would be entitled to a levy fee of \$5 for each levy in any case where property is secured through the levy.

Furthermore, any third party that claims an interest in property that has been levied upon and claims that the property was wrongfully levied upon would be allowed to bring a civil action against the state in the circuit court for Dane County. The court could enjoin enforcement of the levy if it finds that the levy would irreparably injure rights to property. In addition, if the court determines that the property has been wrongfully levied upon, it could grant a judgement for the amount of money obtained by levy. No other action could be made to question the validity of or restrain a levy by the Department.

For purposes of a judicial proceeding, the amount of debt determined by the Department conclusively would be presumed valid. The Department would determine its expenses to be paid in all cases of levy.

The bill would authorize the Department to: (a) contract with or employ collection agencies or other persons to enforce a repayment obligation; (b) release a levy to facilitate the collection of the liability; and (c) grant relief from a wrongful levy or return property or moneys from a wrongful levy. The bill would also specify penalties for concealing any property upon which a levy is authorized (a \$5,000 fine, imprisonment for up to three years or both) or discriminating against employes whose wages were subject to a levy (a \$1,000 fine, imprisonment for up to one year or both). The imprisonment penalty for these offenses would be increased to four and one-half years and two years, respectively, effective December 31, 1999, to conform with 1997 Act 283, which increases all felony penalties on that date.



(2000)  
**State of Wisconsin**  
**1999 - 2000 LEGISLATURE**

LRBb0992/1

TAY.....

cmm

KMR

SDC:.....Walter - #1536, Public assistance overpayment and collections

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 1999 ASSEMBLY BILL 133**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 212, line 9: increase the dollar amount for fiscal year 2000-01 by  
3 \$200,000 for the purpose of accounting for money lost by foregoing recovery of  
4 overpayments made under the aid to families with dependent children program.

5 2. Page 213, line 6: decrease the dollar amount for fiscal year 1999-00 by  
6 \$14,900 and decrease the dollar amount for fiscal year 2000-01 by \$19,800 to reduce  
7 the authorized FTE positions for the department of workforce development by 1.0 PR  
8 position.

9 3. Page 677, line 1: delete "or 49.19".

10 4. Page 693, line 2: delete "and" and substitute ". The department".

1           **5.** Page 693, line 3: delete "~~or~~" and substitute "if the person received the  
2 overpayment under s. 49.141 to 49.161, and". <sup>for</sup>

3           **6.** Page 693, line 7: after "subsection." insert "The department may not recover  
4 overpayments made as a result of department error.". ✓

5           **7.** Page 693, line 24: delete "60" and substitute "90". ✓

6           **8.** Page 695, line 9: after that line insert: ✓

7           “(h) If the department ✓ arranges a payment schedule with the debtor and the  
8 debtor complies with the payment schedule, the department shall issue a notice of  
9 withdrawal of the warrant to the clerk of circuit court for the county in which the  
10 warrant is filed. The clerk shall void the warrant and the resulting liens.” ✓

11           **9.** Page 697, line 11: delete “No other action to”. ✓

12           **10.** Page 697, line 12: delete lines 12 and 13. ✓

13           **11.** Page 702, line 2: after that line insert: ✓

14           “SECTION 1346c. 49.195 (3s) of the statutes is created to read: ✓

15           49.195 (3s) The department shall specify by rule when requests for reviews,  
16 hearings and appeals under this section may be made. In promulgating the rules,  
17 the department shall provide for a hearing or review after a warrant under sub. (3m)  
18 has been issued and before the warrant has been executed, before property is levied  
19 under sub. (3m) or (3n) and after levied property is seized and before it is sold. The  
20 department shall specify by rule the time limit for a request for review or hearing.  
21 The department shall also specify by rule a minimum amount that must be due  
22 before collection proceedings under this section may be commenced.” ✓

23           **12.** Page 1566, line 17: after that line insert:

ection

Remarks  
①  
②

4g  
①

POSITION DECREASE. The authorized FTE positions for the department of workforce development funded from the appropriation under s/20.445 (3) (n) are decreased by 1.0 FED position on the effective date of this <sup>subsection</sup> ~~paragraph~~.

③

4

(END)

of  
the  
Statutes

**Yacker, Tina**

---

**From:** Simpson, Joanne  
**Sent:** Monday, June 28, 1999 12:18 PM  
**To:** Yacker, Tina  
**Subject:** LRB 0992/1 - overpayments

Tina: Several questions regarding the overpayments draft: I don't see these provisions in the draft. Am I overlooking them, or did you not get instructions to draft these?

1. It was my understanding that they wanted to require DWD to promulgate rules regarding the notification procedures that would correspond with current law related to the child support program. *693*

2. It was also my understanding that they wanted to modify the current dispute resolution process (49.152) to require DWD to review all decisions by the W-2 agency related to overpayments. *from rules dept. not to be done*

3. I also thought that DWD was to promulgate rules regarding the process to be used for reviews and hearings, including the amount of time that the person would have to file a request for a review or hearing.

4. Finally I thought that they wanted to require DWD to promulgate rules that specify the minimum amount of money that must be due to the Department prior to initiating any administrative enforcement procedure.

In addition,

On page 677 of the bill, I see that you deleted 49.19 from collections of overpayments related to trial jobs (line 1); should 49.19 also be deleted from line 11?

Thanks  
joanne





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0992/107  
TAY:cmh:ksh

RMR

SDC:.....Walter - #1536, Public assistance overpayment and collections

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 212, line 9: increase the dollar amount for fiscal year 2000-01 by  
3 \$200,000 for the purpose of accounting for money lost by foregoing recovery of  
4 overpayments made under the aid to families with dependent children program.

5 **2.** Page 213, line 6: decrease the dollar amount for fiscal year 1999-00 by  
6 \$14,900 and decrease the dollar amount for fiscal year 2000-01 by \$19,800 to reduce  
7 the authorized FTE positions for the department of workforce development by 1.0 PR  
8 position.

9 **3.** Page 677, line 1: delete "or 49.19".

# Page 677, line 11: delete "or 49.19".

10 **4.** Page 693, line 2: delete "and" and substitute ". The department".

- 2 -  
The rules shall include notification procedures similar to those established for child support collections.

1           **5.** Page 693, line 3: delete "or for" and substitute "if the person received the  
2 overpayment under s. 49.141 to 49.161, and for".

3           **6.** Page 693, line 7: after "subsection." insert "The department may not recover  
4 overpayments made as a result of department error.".

5           **7.** Page 693, line 24: delete "60" and substitute "90".

6           **8.** Page 695, line 9: after that line insert:

7           "(h) If the department arranges a payment schedule with the debtor and the  
8 debtor complies with the payment schedule, the department shall issue a notice of  
9 withdrawal of the warrant to the clerk of circuit court for the county in which the  
10 warrant is filed. The clerk shall void the warrant and the resulting liens."

11           **9.** Page 697, line 11: delete "No other action to".

12           **10.** Page 697, line 12: delete lines 12 and 13.

13           **11.** Page 702, line 2: after that line insert:

14           "**SECTION 1346c.** 49.195 (3s) of the statutes is created to read:

*to be used for the reviews, hearings and appeals of*

15           49.195 (3s) The department shall specify by rule when requests for reviews,  
16 hearings and appeals under this section may be made. In promulgating the rules,

*and the process for making a request*

17 the department shall provide for a hearing or review after a warrant under sub. (3m)  
18 has been issued and before the warrant has been executed, before property is levied  
19 under sub. (3m) or (3n) and after levied property is seized and before it is sold. The  
20 department shall specify by rule the time limit for a request for review or hearing.  
21 The department shall also specify by rule a minimum amount that must be due  
22 before collection proceedings under this section may be commenced."

23           **12.** Page 1566, line 17: after that line insert:





State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0992/2  
TAY:cmh:km

SDC:.....Walter - #1536, Public assistance overpayment and collections  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION  
CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 212, line 9: increase the dollar amount for fiscal year 2000-01 by  
3 \$200,000 for the purpose of accounting for money lost by foregoing recovery of  
4 overpayments made under the aid to families with dependent children program.

5 **2.** Page 213, line 6: decrease the dollar amount for fiscal year 1999-00 by  
6 \$14,900 and decrease the dollar amount for fiscal year 2000-01 by \$19,800 to reduce  
7 the authorized FTE positions for the department of workforce development by 1.0 PR  
8 position.

9 **3.** Page 677, line 1: delete "or 49.19".

10 **4.** Page 677, line 11: delete "or 49.19".

- 1           **5.** Page 693, line 2: delete “and” and substitute “. The department”.
- 2           **6.** Page 693, line 3: delete “or for” and substitute “if the person received the  
3 overpayment under s. 49.141 to 49.161, and for”.
- 4           **7.** Page 693, line 7: after “subsection.” insert “The rules shall include  
5 notification procedures similar to those established for child support collections. The  
6 department may not recover overpayments made as a result of department error”.
- 7           **8.** Page 693, line 24: delete “60” and substitute “90”.
- 8           **9.** Page 695, line 9: after that line insert:  
9           “(h) If the department arranges a payment schedule with the debtor and the  
10 debtor complies with the payment schedule, the department shall issue a notice of  
11 withdrawal of the warrant to the clerk of circuit court for the county in which the  
12 warrant is filed. The clerk shall void the warrant and the resulting liens.”.
- 13           **10.** Page 697, line 11: delete “No other action to”.
- 14           **11.** Page 697, line 12: delete lines 12 and 13.
- 15           **12.** Page 702, line 2: after that line insert:  
16           “**SECTION 1346c.** 49.195 (3s) of the statutes is created to read:  
17           49.195 (**3s**) The department shall specify by rule when requests for reviews,  
18 hearings and appeals under this section may be made and the process to be used for  
19 the reviews, hearings and appeals. In promulgating the rules, the department shall  
20 provide for a hearing or review after a warrant under sub. (3m) has been issued and  
21 before the warrant has been executed, before property is levied under sub. (3m) or  
22 (3n) and after levied property is seized and before it is sold. The department shall  
23 specify by rule the time limit for a request for review or hearing. The department

1 shall also specify by rule a minimum amount that must be due before collection  
2 proceedings under this section may be commenced.”.

3 **13.** Page 1566, line 17: after that line insert:

4 “(4g) POSITION DECREASE. The authorized FTE positions for the department of  
5 workforce development funded from the appropriation under section 20.445 (3) (n)  
6 of the statutes are decreased by 1.0 FED position on the effective date of this  
7 subsection.”.

8

(END)