



## 1995 ASSEMBLY BILL 576

September 25, 1995 - Introduced by Representatives NOTESTEIN, WIRCH, PLACHE, R. YOUNG, ROBSON, RILEY, BOCK, CARPENTER, KRUG, WILLIAMS, MORRIS-TATUM, L. YOUNG, BOYLE and BALDWIN, cosponsored by Senators ANDREA and WINEKE. Referred to Committee on Welfare Reform.

1     **AN ACT to repeal** 49.032 (1) (a); **to renumber** 49.176; **to renumber and amend**  
2         49.41 and 49.53 (1m); **to amend** 20.435 (7) (ee), 46.208, 49.015 (2), 49.032 (1)  
3         (a), 49.19 (3) (a), 49.19 (3) (a), 49.41, 49.53 (1m), 812.30 (9), 812.30 (9), 812.44  
4         (4), 812.44 (4), 812.44 (5), 812.44 (5), 814.29 (1) (d) 1. and 814.29 (1) (d) 1.; **to**  
5         **repeal and recreate** 46.208 and 49.015 (2); **to create** 20.435 (7) (ee) and  
6         49.176 of the statutes; and **to affect** 1995 Wisconsin Act 27, sections 2939 and  
7         2940, 1995 Wisconsin Act 27, sections 3143 and 3144, 1995 Wisconsin Act 27,  
8         section 9426 (13) (a) and 1995 Wisconsin Act 27, section 9426 (14); **relating to:**  
9         temporary assistance for applicants for the federal supplemental security  
10         income program, eligibility for the general relief program, providing an  
11         exemption from emergency rule-making procedures, granting rule-making  
12         authority and making an appropriation.

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

Under federal law, certain aged, blind or disabled individuals are eligible for payments under the federal supplemental security income (SSI) program. Under current state law, the state supplements the federal SSI program by making state supplemental payments to eligible individuals. This bill creates a temporary assistance program to provide benefits to individuals who have applied for benefits under the SSI program, but have not yet begun receiving benefits under that program. The temporary assistance program created by the bill includes the following features:

1. County or tribal governing body participation. A county or tribal governing body (TGB) may elect to establish a schedule of monthly benefits to be paid to individuals eligible for temporary assistance. In order to be eligible for partial reimbursement of the costs of providing temporary assistance, the county or TGB must meet certain conditions. The county or TGB must adopt a resolution authorizing participation in the temporary assistance program, must submit a plan to the department of health and social services (DHSS), must obtain DHSS approval of the plan and must operate the program in accordance with the approved plan.

2. Eligibility criteria. An individual is eligible for payments under the temporary assistance program if the individual resides in a participating county or on tax-free land where the TGB has elected to participate, meets certain state residency requirements, has applied for SSI but not yet begun receiving benefits under the SSI program, agrees to repay the county or TGB for temporary assistance benefits paid to him or her from any SSI benefits that he or she receives and agrees to provide the county or TGB with certain information. In addition to meeting these requirements, the county or TGB must determine that the individual is likely to be eligible for benefits under the SSI program. The bill requires DHSS to promulgate rules regarding the form of the repayment agreements under which the individual agrees to repay temporary assistance benefits and to promulgate rules establishing standards for a county or TGB to use in determining whether an individual is likely to be eligible for benefits under the SSI program.

3. Benefits. The county or TGB must include in its plan, submitted to DHSS for approval, a schedule of benefits to be paid to recipients under the temporary assistance program. Under this schedule, the amount of the monthly benefit for any class of temporary assistance applicants may not exceed the county's or TGB's estimate of the average monthly supplemental security income benefit for that class of applicants, if all individuals in that class were found to be eligible for SSI benefits. DHSS is required to promulgate rules to be used by the counties or TGBs in estimating monthly SSI benefits.

4. Partial state reimbursement. Under the bill, if a county or TGB meets the criteria for participating in the temporary assistance program, DHSS provides partial reimbursement to the county or TGB for expenses incurred in providing temporary assistance benefits. The amount of the reimbursement is determined by subtracting any amounts recovered by the county, under benefit recovery provisions or under repayment agreements, from the expenses incurred in providing temporary assistance benefits and by multiplying the result by 85%. The bill specifies filing requirements for obtaining partial reimbursement and deadlines for payment of the partial reimbursement by DHSS. Reimbursement is made from a sum sufficient appropriation created in the bill.

5. Waiver. The bill requires DHSS to seek a waiver from the federal department of health and human services to allow DHSS to share information with counties and TGBs information that it has regarding the eligibility of persons receiving temporary assistance benefits. If the waiver is granted, the bill directs DHSS to implement a system of information sharing with the counties and TGBs to prevent temporary assistance benefits from being paid to individuals who are not eligible. However, the

implementation of the temporary assistance program is not contingent upon receipt of a federal waiver.

6. General relief changes. The temporary assistance program in the bill generally takes effect on January 1, 1996, the date on which 1995 Wisconsin Act 27 repeals the general relief program and creates a relief block grant program. The bills amends the general relief provisions in effect prior to January 1, 1996, to allow a county to limit eligibility for general relief cash benefit to a specific class or classes of dependent persons.

7. Miscellaneous provisions. The bill requires the county or TGB to seek recovery of any benefits incorrectly paid to a temporary assistance recipient as a result of fraud on the part of the recipient. The bill contains provisions regarding maintaining confidentiality of information regarding temporary assistance recipients, subject to certain exceptions for disclosure of information to law enforcement officers. The bill prohibits an individual from being eligible for relief under the relief block grant program or under the aid to families with dependent children program in the same month that the individual has received temporary assistance benefits, or in which temporary assistance benefits were immediately available to the individual. The bill contains provisions exempting temporary assistance benefits from garnishment or attachment and permitting DHSS to audit the temporary assistance program records of counties and TGBs. The bill grants DHSS emergency rule-making authority to promulgate the rules required under the bill.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* 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.** 20.435 (7) (ee) of the statutes is created to read:

2           20.435 (7) (ee) *Temporary assistance to supplemental security income*  
3 *applicants.* A sum sufficient to make payments under s. 49.176 (5) to counties and  
4 tribal governing bodies.

5           **SECTION 2.** 20.435 (7) (ee) of the statutes, as created by 1995 Wisconsin Act ....

6 (this act), is amended to read:

1           20.435 (7) (ee) *Temporary assistance to supplemental security income*  
2 *applicants.* A sum sufficient to make payments under s. ~~49.176~~ 49.78 (5) to counties  
3 and tribal governing bodies.

4           **SECTION 3.** 46.208 of the statutes, as affected by 1995 Wisconsin Act 27, is  
5 repealed and recreated to read:

6           **46.208 Relief block grants; functions of state department.** (1) All  
7 records of the county or tribal governing body relating to the administration of relief  
8 that is funded by a relief block grant under ch. 49 or temporary assistance under s.  
9 49.176 shall be open to inspection at all reasonable hours by authorized  
10 representatives of the department.

11           **(2m)** The department may at any time audit all records of the county relating  
12 to the administration of relief funded by a relief block grant under ch. 49 or  
13 temporary assistance under s. 49.176 and may at any time conduct administrative  
14 reviews of a county department under s. 46.215, 46.22 or 46.23. The department shall  
15 furnish a copy of the county audit or administrative review report to the chairperson  
16 of the county board of supervisors and the county clerk in a county with a  
17 single-county department or to the county boards of supervisors and the county  
18 clerks in counties with a multicounty department, and to the county director of the  
19 county department under s. 46.215, 46.22 or 46.23.

20           **SECTION 4.** 46.208 of the statutes, as affected by 1995 Wisconsin Acts 27 and  
21 .... (this act), is amended to read:

22           **46.208 Relief block grants; functions of state department.** (1) All  
23 records of the county or tribal governing body relating to the administration of relief  
24 that is funded by a relief block grant under ch. 49 or temporary assistance under s.

1     ~~49.176~~ 49.78 shall be open to inspection at all reasonable hours by authorized  
2     representatives of the department.

3           **(2m)** The department may at any time audit all records of the county relating  
4     to the administration of relief funded by a relief block grant under ch. 49 or  
5     temporary assistance under s. ~~49.176~~ 49.78 and may at any time conduct  
6     administrative reviews of a county department under s. 46.215, 46.22 or 46.23. The  
7     department shall furnish a copy of the county audit or administrative review report  
8     to the chairperson of the county board of supervisors and the county clerk in a county  
9     with a single-county department or to the county boards of supervisors and the  
10    county clerks in counties with a multicounty department, and to the county director  
11    of the county department under s. 46.215, 46.22 or 46.23.

12           **SECTION 5.** 49.015 (2) of the statutes, as affected by 1995 Wisconsin Act 27, is  
13    repealed and recreated to read:

14           49.015 (2) RECIPIENTS OF OTHER AID. Except as provided in sub. (3), an  
15    individual is not eligible for relief for a month in which the individual has received  
16    aid to families with dependent children under s. 49.19, temporary assistance under  
17    s. 49.176 or supplemental security income under 42 USC 1381 to 1383c or in which  
18    aid to families with dependent children, temporary assistance or supplemental  
19    security income benefits are immediately available to the individual.

20           **SECTION 6.** 49.015 (2) of the statutes, as affected by 1995 Wisconsin Acts 27 and  
21    .... (this act), is amended to read:

22           49.015 (2) RECIPIENTS OF OTHER AID. Except as provided in sub. (3), an  
23    individual is not eligible for relief for a month in which the individual has received  
24    aid to families with dependent children under s. 49.19, temporary assistance under  
25    s. ~~49.176~~ 49.78 or supplemental security income under 42 USC 1381 to 1383c or in

1 which aid to families with dependent children, temporary assistance or  
2 supplemental security income benefits are immediately available to the individual.

3 **SECTION 7.** 49.032 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
4 section 2717b, is amended to read:

5 49.032 (1) (a) Unless a county makes an election not to provide nonmedical  
6 benefits under sub. (2) (a), the general relief agency in that county shall make a  
7 benefit payment at least monthly in accordance with written criteria determined by  
8 the general relief agency. The written criteria may include eligibility criteria that  
9 limit payments to a specific class or classes of dependent persons. Depending on the  
10 type and amount of the eligible dependent person's income or resources, if any, or  
11 number of days or type of need during a month, the benefit payments under this  
12 section may be adjusted in accordance with written criteria established by the  
13 general relief agency.

14 **SECTION 8.** 49.032 (1) (a) of the statutes, as affected by 1995 Wisconsin Acts 27  
15 and .... (this act), is repealed.

16 **SECTION 9.** 49.176 of the statutes is created to read:

17 **49.176 Temporary assistance to supplemental security income**  
18 **applicants.** (1) DEFINITIONS. In this section, "supplemental security income  
19 program" means the federal supplemental security income program under 42 USC  
20 1381 to 1383d.

21 (2) COUNTY ELIGIBILITY. A county or tribal governing body is eligible for  
22 reimbursement under sub. (5) if all of the following conditions are met:

23 (a) The county board or tribal governing body adopts a resolution authorizing  
24 participation in the temporary assistance program under this section.

1 (b) The county or tribal governing body submits to the department a plan for  
2 providing benefits under this section in a year. The plan shall include all of the  
3 following:

4 1. The benefit schedule that the county or tribal governing body has established  
5 under sub. (4).

6 2. How the county or tribal governing body intends to recover amounts under  
7 repayment agreements under sub. (3) (d).

8 3. Other information required by the department by rule.

9 (c) The department has approved the plan under par. (b). The department shall  
10 approve or disapprove the plan within a reasonable period of time after the plan is  
11 submitted.

12 (d) The county or tribal governing body operates the program under this section  
13 in conformity with the plan submitted under par. (b), as may be amended from time  
14 to time by the county or tribal governing body, with the approval of the department.

15 **(3) INDIVIDUAL ELIGIBILITY CRITERIA.** An individual is eligible for temporary  
16 assistance under this section if the individual meets all of the following conditions:

17 (a) The individual resides in a county or on tax-free land that is eligible, under  
18 sub. (2), to receive reimbursement under sub. (5).

19 (b) The individual meets the state residency requirements under s. 49.015 (1m)  
20 for relief funded by a relief block grant under s. 49.025, 49.027 or 49.029.

21 (c) The individual has applied for benefits under the supplemental security  
22 income program, but has not yet begun to receive benefits under that program.

23 (d) The individual agrees to repay the county or tribal governing body for the  
24 benefits provided under this section from any supplemental security income benefits

1 received by the individual. The department shall promulgate rules regarding the  
2 form of repayment agreements under this section.

3 (e) The individual agrees to provide the county or tribal governing body with  
4 any information necessary for the county or tribal governing body to obtain  
5 repayment under par. (d) or to determine continued eligibility for, or the amount of,  
6 benefits under this section.

7 (f) The county or tribal governing body determines that the individual is likely  
8 to be eligible for benefits under the supplemental security income program. The  
9 department shall promulgate rules establishing standards to be used by a county or  
10 tribal governing body in making a determination under this paragraph.

11 (4) Benefits. A county or tribal governing body may establish a schedule of  
12 monthly benefits to be paid to individuals eligible under sub. (3). The amount of the  
13 monthly benefit for any class of applicants may not exceed the county or tribal  
14 governing body's estimate of the average monthly supplemental security income  
15 benefit for that class of applicants, if all individuals in that class were found to be  
16 eligible for benefits under the supplemental security income program. The  
17 department shall promulgate rules establishing standards to be used by counties or  
18 tribal governing bodies that elect to provide benefits under this subsection in  
19 estimating monthly supplemental security income benefits.

20 (5) REIMBURSEMENT. (a) *Amount of reimbursement.* If a county or tribal  
21 governing body is eligible to receive reimbursement under this section, the  
22 department shall pay, from the appropriation under s. 20.435 (7) (ee) and as partial  
23 reimbursement to the county or tribal governing body for expenses in providing  
24 benefits under a program under this section in a particular year, an amount  
25 determined as follows:



1           1. The department shall subtract the amount that the county or tribal  
2 governing body has recovered under sub. (6) or under repayment agreements under  
3 sub. (3) (d) in that year from the county's or the tribal governing body's cost of  
4 providing benefits under this section in that year.

5           2. The department shall multiply the amount determined under subd. 1. by  
6 85%.

7           (b) *Filing requirements.* Each county or tribal governing body that is eligible  
8 for reimbursement under this subsection shall prepare an annual report, prepared  
9 in accordance with rules promulgated by the department, detailing the amount that  
10 it has recovered under repayment agreements under sub. (3) (d) in that year and the  
11 cost of benefits provided under this section in that year. The report shall be filed with  
12 the department no later than March 1 of the year immediately following the year for  
13 which the reimbursement is claimed.

14           (c) *Deadline for payment of reimbursement.* The department shall provide the  
15 reimbursement under par. (a) to each eligible county or tribal governing body no later  
16 than July 31 of the year immediately following the year for which reimbursement is  
17 claimed or within 30 days after the effective date of the act that provides funding for  
18 that year for the appropriation from which the reimbursement is paid, whichever is  
19 later.

20           **(6) RECOVERY.** The county or tribal governing body shall seek to recover any  
21 benefits incorrectly paid under this section as a result of fraud on the part of the  
22 recipient.

23           **(7) DISCLOSURE OF INFORMATION TO LAW ENFORCEMENT.** (a) A county or tribal  
24 governing body shall, upon request, provide all of the following information

1 concerning each person receiving temporary assistance during that month to a law  
2 enforcement officer for use under par. (b):

3 1. Name, including middle initial, address, date of birth and gender.

4 2. Temporary assistance case number.

5 (b) 1. A law enforcement officer may review information provided under par.  
6 (a) to determine whether an outstanding warrant has been issued for the arrest of  
7 a recipient of temporary assistance.

8 2. If a law enforcement officer believes, on reasonable grounds, that an  
9 outstanding warrant has been issued for the arrest of a temporary assistance  
10 recipient, the law enforcement officer may request that a law enforcement officer be  
11 notified when the recipient appears to obtain his or her check.

12 3. At the request of a law enforcement officer under subd. 2., a county employe  
13 who disburses temporary assistance checks may notify a law enforcement officer  
14 when the recipient appears to obtain a temporary assistance check.

15 **(8) WAIVER.** The department of health and social services shall seek a waiver  
16 from the federal department of health and human services to allow the department  
17 of health and social services to share, with counties and tribal governing bodies  
18 receiving reimbursement under sub. (5), information that the department of health  
19 and social services possesses regarding the eligibility of persons receiving benefits  
20 under this section for supplemental security income benefits. If the waiver is granted  
21 and in effect, the department of health and social services shall implement a system  
22 to share this information with counties and tribal governing bodies to prevent  
23 benefits under this section from being paid to individuals who are not eligible.

24 **SECTION 10.** 49.176 of the statutes, as created by 1995 Wisconsin Act ... (this  
25 act), is renumbered 49.78.

1           **SECTION 11.** 49.19 (3) (a) of the statutes is amended to read:

2           49.19 (3) (a) After the investigation and report and a finding of eligibility, aid  
3 as defined in sub. (1) shall be granted by the county department under s. 46.215 or  
4 46.22 as the best interest of the child requires. No such aid shall be furnished any  
5 person for any period during which that person is receiving supplemental security  
6 income or temporary assistance under s. 49.176 or for any month if, on the last day  
7 of the month, that person is participating in a strike or to any person who fails to  
8 apply for or provide such social security account numbers as required by federal law.

9           **SECTION 12.** 49.19 (3) (a) of the statutes, as affected by 1995 Wisconsin Act ....  
10 (this act), is amended to read:

11           49.19 (3) (a) After the investigation and report and a finding of eligibility, aid  
12 as defined in sub. (1) shall be granted by the county department under s. 46.215 or  
13 46.22 as the best interest of the child requires. No such aid shall be furnished any  
14 person for any period during which that person is receiving supplemental security  
15 income or temporary assistance under s. ~~49.176~~ 49.78 or for any month if, on the last  
16 day of the month, that person is participating in a strike or to any person who fails  
17 to apply for or provide such social security account numbers as required by federal  
18 law.

19           **SECTION 13.** 49.41 of the statutes is amended to read:

20           **49.41 Assistance grants exempt from levy.** All grants of aid to families with  
21 dependent children, payments made for social services, cash benefits paid by  
22 counties under s. 59.07 (154), temporary assistance benefits under s. 49.176 and  
23 benefits under ~~ss. 49.032, 49.046~~ and s. 49.177 or federal Title XVI, are exempt from  
24 every tax, and from execution, garnishment, attachment and every other process and  
25 shall be inalienable.

1           **SECTION 14.** 49.41 of the statutes, as affected by 1995 Wisconsin Act .... (this  
2 act), is renumbered 49.96 and amended to read:

3           **49.96 Assistance grants exempt from levy.** All grants of aid to families with  
4 dependent children, payments made for social services, cash benefits paid by  
5 counties under s. 59.07 (154), temporary assistance benefits under s. ~~49.176~~ 49.78  
6 and benefits under and s. ~~49.177~~ 49.77 or federal Title XVI, are exempt from every  
7 tax, and from execution, garnishment, attachment and every other process and shall  
8 be inalienable.

9           **SECTION 15.** 49.53 (1m) of the statutes is amended to read:

10           49.53 **(1m)** Except as provided under sub. (2), or (3) or (4), no person may use  
11 or disclose information concerning applicants and recipients of ~~general relief under~~  
12 ~~s. 49.02~~ funded by a relief block grant, temporary assistance under s. 49.176, aid to  
13 families with dependent children, social services, child and spousal support and  
14 establishment of paternity services under s. 46.25, or supplemental payments under  
15 s. 49.177, for any purpose not connected with the administration of the programs.  
16 Any person violating this subsection may be fined not less than \$25 nor more than  
17 \$500 or imprisoned in the county jail not less than 10 days nor more than one year  
18 or both.

19           **SECTION 16.** 49.53 (1m) of the statutes, as affected by 1995 Wisconsin Act ....  
20 (this act), is renumbered 49.83 and amended to read:

21           49.83 Except as provided under sub. ~~(2) or (3)~~ s. 49.32 (9) and (10), no person  
22 may use or disclose information concerning applicants and recipients of relief funded  
23 by a relief block grant, temporary assistance under s. ~~49.176~~ 49.78, aid to families  
24 with dependent children, social services, ~~child and spousal support and~~  
25 ~~establishment of paternity services under s. 46.25~~, or supplemental payments under

1 s. ~~49.177~~ 49.77, for any purpose not connected with the administration of the  
2 programs. Any person violating this subsection may be fined not less than \$25 nor  
3 more than \$500 or imprisoned in the county jail not less than 10 days nor more than  
4 one year or both.

5 **SECTION 17.** 812.30 (9) of the statutes, as affected by 1995 Wisconsin Act 27,  
6 is amended to read:

7 812.30 (9) "Need-based public assistance" means aid to families with  
8 dependent children, relief funded by a block grant under ch. 49, relief provided by  
9 counties under s. 59.07 (154), medical assistance, temporary assistance under s.  
10 49.176, supplemental security income, food stamps, or benefits received by veterans  
11 under s. 45.351 (1) or under 38 USC 501 to 562.

12 **SECTION 18.** 812.30 (9) of the statutes, as affected by 1995 Wisconsin Acts 27  
13 and ... (this act), is amended to read:

14 812.30 (9) "Need-based public assistance" means aid to families with  
15 dependent children, relief funded by a block grant under ch. 49, relief provided by  
16 counties under s. 59.07 (154), medical assistance, temporary assistance under s.  
17 ~~49.176~~ 49.78, supplemental security income, food stamps, or benefits received by  
18 veterans under s. 45.351 (1) or under 38 USC 501 to 562.

19 **SECTION 19.** 812.44 (4) of the statutes, as affected by 1995 Wisconsin Act 27,  
20 is amended to read:

21 812.44 (4) The notice of exemption served upon the garnishee under s. 812.35  
22 (4) shall be in substantially the following form:

23 STATE OF WISCONSIN

24 CIRCUIT COURT:.... County

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1  
2 A.B., Creditor  
3 vs. File or Reference Number...  
4 C.D., Debtor EXEMPTION NOTICE  
5 and EARNINGS GARNISHMENT  
6 E.F., Garnishee

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8 To the debtor:

9 The creditor was awarded a judgment against you or your spouse by... (County  
10 Circuit or Federal District) Court on the.... day of..., 19.. That judgment not having  
11 been fully paid, the creditor has now filed a garnishment proceeding against your  
12 earnings from the garnishee. This means that the creditor is seeking to take some  
13 of your earnings to satisfy part or all of the judgment against you or your spouse.

14 The total amount of the creditor’s claim is as follows:

15	Unpaid balance on judgment	\$....
16	Unpaid postjudgment interest	\$....
17	Costs:	
18	a. Garnishment filing fee	\$....
19	b. Garnishee fee	\$....
20	c. Service of process (estimate)	\$....
21	TOTAL	\$....

22 By law, you are entitled to an exemption of not less than 80% of your disposable  
23 earnings. Your “disposable earnings” are those remaining after social security and  
24 federal and state income taxes are withheld.

25 Your earnings are completely exempt from garnishment if:



1 periods beginning within 13 weeks after it was served on the garnishee. You may  
2 agree in writing with the creditor to extend it for additional 13-week periods until  
3 the debt is paid.

4 **PENALTIES**

5 If you wrongly claim an exemption or defense in bad faith, or if the creditor  
6 wrongly objects to your claim in bad faith, the court may order the person who acted  
7 in bad faith to pay court costs, actual damages and reasonable attorney fees.

8 **SECTION 20.** 812.44 (4) of the statutes, as affected by 1995 Wisconsin Acts 27  
9 and ... (this act), is amended to read:

10 812.44 (4) The notice of exemption served upon the garnishee under s. 812.35  
11 (4) shall be in substantially the following form:

12 STATE OF WISCONSIN

13 CIRCUIT COURT:.... County

14 \_\_\_\_\_  
15 A.B., Creditor

16 vs.

File or Reference Number....

17 C.D., Debtor

**EXEMPTION NOTICE**

18 and

**EARNINGS GARNISHMENT**

19 E.F., Garnishee  
20 \_\_\_\_\_

21 To the debtor:

22 The creditor was awarded a judgment against you or your spouse by... (County  
23 Circuit or Federal District) Court on the.... day of...., 19.. That judgment not having  
24 been fully paid, the creditor has now filed a garnishment proceeding against your



1 earnings from the garnishee. This means that the creditor is seeking to take some  
2 of your earnings to satisfy part or all of the judgment against you or your spouse.

3 The total amount of the creditor's claim is as follows:

4	Unpaid balance on judgment	\$....
5	Unpaid postjudgment interest	\$....
6	Costs:	
7	a. Garnishment filing fee	\$....
8	b. Garnishee fee	\$....
9	c. Service of process (estimate)	\$....
10	TOTAL	\$....

11 By law, you are entitled to an exemption of not less than 80% of your disposable  
12 earnings. Your "disposable earnings" are those remaining after social security and  
13 federal and state income taxes are withheld.

14 Your earnings are completely exempt from garnishment if:

15 1. Your household income is below the federal poverty level, or this  
16 garnishment would cause that to happen. See the enclosed schedules and worksheet  
17 to determine if you qualify for this exemption.

18 2. You receive aid to families with dependent children, relief funded by a relief  
19 block grant under ch. 49, relief provided by counties under section 59.07 (154) of the  
20 Wisconsin Statutes, medical assistance, temporary assistance under section 49.176  
21 49.78 of the Wisconsin Statutes, supplemental security income, food stamps, or  
22 veterans benefits based on need under USC 501 to 562 or section 45.351 (1) of the  
23 Wisconsin Statutes, or have received these benefits within the past 6 months.

24 3. At least 25% of your disposable earnings are assigned by court order for  
25 support.



1 STATE OF WISCONSIN  
2 CIRCUIT COURT:.... County

3 \_\_\_\_\_

4 A.B., Creditor

5 vs.

File or Reference Number...

6 C.D., Debtor

EARNINGS GARNISHMENT

7 and

DEBTOR'S ANSWER

8 E.F., Garnishee

9 \_\_\_\_\_

10 To the garnishee:

11 My earnings are COMPLETELY EXEMPT from earnings garnishment because:

12 ... 1. The judgment has been paid or is void.

13 ... 2. I receive, am eligible for, or have within 6 months received, aid to families with  
14 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
15 by counties under section 59.07 (154) of the Wisconsin Statutes, medical assistance,  
16 temporary assistance under section 49.176 of the Wisconsin Statutes, supplemental  
17 security income, food stamps, or veterans benefits based on need under 38 USC 501  
18 to 562 or section 45.351 (1) of the Wisconsin Statutes.

19 ... 3. At least 25% of my disposable earnings are assigned for support by court order.

20 ... 4. My household income is less than the poverty line, or this garnishment would  
21 cause that to happen.

22 ... 5. I have another defense to this earnings garnishment (explain briefly).

23 .....

24 .....

1 I understand that if I claim a complete exemption or defense in bad faith, I may  
2 be held liable to the creditor for actual damages, costs and reasonable attorney fees.

3 DATE .... Signature of Debtor ....

4 Address ....

5 Telephone Number ....

6 Date Received by Garnishee ....

7 **SECTION 22.** 812.44 (5) of the statutes, as affected by 1995 Wisconsin Acts 27  
8 and .... (this act), is amended to read:

9 812.44 (5) The debtor's answer form under s. 812.37 shall be in substantially  
10 the following form:

11 STATE OF WISCONSIN

12 CIRCUIT COURT:.... County

13 \_\_\_\_\_

14 A.B., Creditor

15 vs. File or Reference Number....

16 C.D., Debtor EARNINGS GARNISHMENT

17 and DEBTOR'S ANSWER

18 E.F., Garnishee

19 \_\_\_\_\_

20 To the garnishee:

21 My earnings are COMPLETELY EXEMPT from earnings garnishment because:

22 ... 1. The judgment has been paid or is void.

23 ... 2. I receive, am eligible for, or have within 6 months received, aid to families with  
24 dependent children, relief funded by a relief block grant under ch. 49, relief provided  
25 by counties under section 59.07 (154) of the Wisconsin Statutes, medical assistance,

1 temporary assistance under section ~~49.176~~ 49.78 of the Wisconsin Statutes,  
2 supplemental security income, food stamps, or veterans benefits based on need  
3 under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

4 ... 3. At least 25% of my disposable earnings are assigned for support by court order.

5 ... 4. My household income is less than the poverty line, or this garnishment would  
6 cause that to happen.

7 ... 5. I have another defense to this earnings garnishment (explain briefly).

8 .....

9 .....

10 I understand that if I claim a complete exemption or defense in bad faith, I may  
11 be held liable to the creditor for actual damages, costs and reasonable attorney fees.

12 DATE .... Signature of Debtor ....

13 Address ....

14 Telephone Number ....

15 Date Received by Garnishee ....

16 **SECTION 23.** 814.29 (1) (d) 1. of the statutes, as affected by 1995 Wisconsin Act  
17 27, is amended to read:

18 814.29 (1) (d) 1. That the person is a recipient of means-tested public  
19 assistance, including aid to families with dependent children, relief funded by a relief  
20 block grant under ch. 49, relief provided by counties under s. 59.07 (154), medical  
21 assistance, relief provided by counties under s. 49.176, supplemental security  
22 income, food stamps or benefits received by veterans under s. 45.351 (1) or under 38  
23 USC 501 to 562.

24 **SECTION 24.** 814.29 (1) (d) 1. of the statutes, as affected by 1995 Wisconsin Acts  
25 27 and .... (this act), is amended to read:

1           814.29 (1) (d) 1. That the person is a recipient of means-tested public  
2 assistance, including aid to families with dependent children, relief funded by a relief  
3 block grant under ch. 49, relief provided by counties under s. 59.07 (154), medical  
4 assistance, relief provided by counties under s. ~~49.176~~ 49.78, supplemental security  
5 income, food stamps or benefits received by veterans under s. 45.351 (1) or under 38  
6 USC 501 to 562.

7           **SECTION 25.** 1995 Wisconsin Act 27, sections 2939 and 2940 are repealed.

8           **SECTION 26.** 1995 Wisconsin Act 27, sections 3143 and 3144 are repealed.

9           **SECTION 27.** 1995 Wisconsin Act 27, section 9426 (13) (a) is amended to read:

10           [1995 Wisconsin Act 27] Section 9426 **(13)** RELIEF BLOCK GRANTS AND OTHER  
11 COUNTY RELIEF PROGRAMS. (a) The treatment of sections 16.20 (1) (fm) (by SECTION  
12 239f), 16.352 (5) (a) and (b), 20.435 (1) (bs), (bt) and (bu), 29.544 (3), 46.208, 46.21 (1)  
13 (d), 46.215 (1) (fm), 46.23 (2) (a), 46.254 (1) (by SECTION 2145), (2) (by SECTION 2148)  
14 and (3) (a) (by SECTION 2152), 49.01 (2), (2g), (3), (3m) (b), (5r), (8p), (9) and (10),  
15 49.015 (title), (1) (a) and (b) (intro.), 1., 2., 3., and 4., (2) (a) and (c), (3) (title) and (a)  
16 and (4), 49.02 (title), (1), (1e), (2), (2r), (4), (5) (title), (am), (ar), (b), (c), (cr), (cw), (d),  
17 (e) and (g), (6), (6c), (6g), (6r), (7), (7m), (8), (9), (10) (b) and (c), (11) and (12), 49.025,  
18 49.027, 49.029, 49.031, 49.035, 49.043, 49.046 (title), (1) (intro.), (a) and (b), (2), (3),  
19 (4) and (5), 49.047, 49.048, 49.049, 49.05, 49.055, 49.057, 49.06, 49.08 (by SECTION  
20 2766), 49.083, 49.12 (title), (1), (2), (3), (4m) (intro.), (a) (by SECTION 2776) and (b), (5),  
21 (6), (7), (8), (9), (10) and (11), 49.123 (title), (1) and (2), 49.13 (title), (1), (2), (3) (intro.),  
22 (a) and (b), (4) and (5), 49.15 (2), 49.17 (2), 49.19 (16), 49.27 (4) (d) 2. b., 49.29 (title),  
23 49.30 (1) (intro.) (by SECTION 2921), 49.45 (2) (b) 4., (6y) (title) and (a) (by SECTION  
24 2985e), (6z) (title) and (a) (intro.) and (11), 49.46 (2) (d), 49.50 (11), 49.51, 49.53 (4),  
25 49.90 (6), 59.07 (98), (109) and (154), 71.52 (6), 71.54 (2) (a) (intro.), 71.93 (1) (a) 3.

1 (by SECTION 3427), 101.38 (1) (g) (by SECTION 3722), 118.17, 146.89 (3) (d) 1. and 4.,  
2 252.08 (3), 756.04 (2) (am) 1. f. (by SECTION 7073), 812.30 (9), 812.44 (4) and (5) and  
3 814.29 (1) (d) 1. of the statutes, the repeal of sections 46.22 (1) (b) 4., 49.002 (1), 49.01  
4 (5m), 49.015 (2) (b), 49.02 (1m), (3) and (6m), 49.032, 49.037, 49.053 and 142.07 (4)  
5 (a) of the statutes, the renumbering and amendment of sections 49.002 (2), 49.015  
6 (3) and 49.02 (10) (a) of the statutes, the amendment of sections 20.435 (4) (de),  
7 46.032, 46.033 (1) (a), 46.22 (1) (b) 14., ~~49.41~~, 49.52 (1) (ad) 2., 49.53 (~~1m~~) and (2) (a),  
8 49.65 (7) (c), 49.70 (2) and 632.72 (1g) (b) of the statutes, the creation of sections 49.01  
9 (7m) and 49.015 (1) of the statutes and SECTION 9326 (11), (12), (13), (14), (15), (16),  
10 (17), (18) and (19) of this act take effect on January 1, 1996.

11 **SECTION 28.** 1995 Wisconsin Act 27, section 9426 (14) is amended to read:

12 [1995 Wisconsin Act 27] Section 9426 **(14)** TRANSFER OF CERTAIN PUBLIC  
13 ASSISTANCE PROGRAMS TO THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS.  
14 The treatment of sections 13.101 (6) (a), 13.94 (4) (a) 1. and (b), 16.20 (1) (fm) (by  
15 SECTION 239h), 16.39 (3) and (4) (b), 16.54 (2) (b), 20.435 (1) (am), (e) (by SECTION 814)  
16 and (im), (3) (ma), (mb), (mc), (md), (na) and (nL), (4) (title), (a), (br), (cn), (cr), (dc),  
17 (dg), (dn), (ds), (i), (jb), (kx), (ky), (kz), (m), (ma), (mb), (mc), (md), (n), (na) and (nL)  
18 and (7) (b) and (ed), 20.445 (3) (br), (i), (m), (ma), (mb), (mc), (md), (n), (na) and (nL),  
19 20.505 (7) (km), 20.512 (1) (i), 38.28 (1m) (a) 1. (by SECTION 1812), 46.011 (intro.),  
20 46.03 (8), (18) (a), (20) (a) and (d), (23), (35) and (36), 46.031 (2g) (b), 46.032 (title),  
21 46.033 (title), (1) (intro.) and (b) and (2), 46.036 (1) (by SECTION 2051), 46.10 (2) (by  
22 SECTION 2055), 46.175, 46.18 (13), 46.206, 46.21 (2m) (c) and (7), 46.215 (1) (intro.),  
23 (d), (j), (L) and (n), (2) (b) and (3), 46.22 (1) (am), (b) (intro.), 1., 5., 6., 7., 8., 9., 10.,  
24 12., 13. and 15., (d) and (e) 1. and 2., (2) (b), (2g) (d) and (3m) (a) and (b) 12. and 17.  
25 b., 46.23 (3) (a), (am) 4., (c) and (e), (5) (b), (5m) (c), (6) (a) (intro.) and 3., (6m) (a) and

1 (7), 46.252, 46.253 (title), (1), (2), (3), (4), (5), (6) and (7), 46.254 (title), (1) (by SECTION  
2 2146), (2) (by SECTION 2149), (3) (intro.), (a) (by SECTION 2153), (b) to (e) and (f), (4)  
3 and (5), 46.27 (4) (c) 4., (5) (i) and (7) (am) (by SECTION 2224) and (c) 2., 46.275 (1m)  
4 (a) and (5) (b) 2., 46.277 (1m) (a), 46.278 (1m) (b), 46.30 (3) (a) 1. and (4) (a) and (cm),  
5 46.32, 46.40 (2) (by SECTION 2281s), 46.45 (intro.), 46.75 (2) (a), 46.765 (2) (intro.),  
6 46.77, 46.94, 46.985 (2) (a) 4., 48.06 (1) (b) and (4), 48.57 (3) (a) (intro.) and 3. and (b),  
7 49.001 (1), (2), (3), (4) and (5m), 49.01 (intro), (1), (1m), (4), (5), (5g), (6), (6m), (7), (8g),  
8 (8j), (8m) and (8r), 49.085, 49.11, 49.125 (1), 49.133 (title), (1), (2), (3) and (5), 49.14  
9 (title), (1), (2), (3), (4) and (5), 49.15 (title), (1) and (3), 49.16 (title), (1), (2) and (3),  
10 49.17 (title), (1) and (3), 49.171 (title), (1), (2), (3) (intro.), (a) and (b) and (4), 49.172,  
11 49.173, 49.174, 49.175 (title), (1), (2), (3), (4) and (6), 49.178, 49.19 (10) (a) and (11)  
12 (a) 1. a. (intro.) (by SECTION 2865b) and (b) (intro.) (by SECTION 2865n), 49.191 (title),  
13 49.193 (2) (b) 2., (8) (bm) and (c), (9) and (10m), 49.195 (3), 49.197 (1m), (3) and (4),  
14 49.20 (3), 49.21 (title), 49.27 (2), (4) (g) 1. a. (by SECTION 2906) and c., (5) (c) 3. and  
15 5. and (f), (6) (c) and (11) (c) and (g), 49.275, 49.30 (1) (intro.) (by SECTION 2922), 49.32  
16 (title), (1), (2), (6), (8), (9) (title) and (10) (title), 49.325, 49.33 (1) (intro.), (3) (title),  
17 (9) and (10), 49.34, 49.35, 49.43 (1), (3e), (10) and (10s), 49.45 (2) (a) 15., (3) (a), (5),  
18 (6m) (br) 1. and (h), (6u) (intro.) and (b) 2. and 2m., (6w) (intro.), (a) 2. and (b) 2. b.,  
19 (7) (d) 4., (34) and (40), 49.46 (1) (a) 4., (d) 4. and (e), 49.47 (4) (c) 1., 49.48 (title), (1),  
20 (1m), (2) and (3) (title), (a), (b), (c), (d) and (e), 49.483 (title), (1) and (2), 49.485 (title),  
21 (1), (2), (4), (5), (6), (7) (title), (a) 1., 2., 4. and 5. and (b) and (8), 49.487 (title), (1) and  
22 (2), 49.495, 49.496 (4) and (5), 49.50 (title), (2), (3), (4), (5), (6), (6e) (title) and (a), (6g),  
23 (6k) (a) and (b), (6n), (9) and (10), 49.52 (title), (1) (am), (b), (d), (dc), (f) and (g), (2),  
24 (4) and (5), 49.53 (title), (2) (b) and (c) and (3), 49.54, 49.65 (title), (1), (2), (4), (5), (6),  
25 (7) (title), (a), (b), (d) and (e), (8) and (9) (intro.), (a), (b) and (c), 49.66, 49.80 (title),



1 (1), (2) (title), (a) and (b), (3) (intro.), (b), (c), (d) and (e) (intro.), 1., 3., 6. and 7., (4)  
2 (title), (a) and (b), (5) (intro.), (b), (c) and (d), (6), (7) and (8), 49.82 (title), 49.84 (2) and  
3 (5), 49.85 (2) (b), (3) (b) and (4) (b), 49.86, 49.89 (7) (bm) and (d) 2., 49.90 (1) (b), (2g)  
4 and (4), 49.95 (4m) (a), 50.03 (14) (b), 50.037 (3), 50.135 (1), 50.39 (3), 51.01 (14), 51.42  
5 (3) (e), 51.421 (1), 51.423 (5) (a) (intro.), 55.06 (8) (intro.), 59.07 (153) (a) and (b),  
6 59.15 (2) (c), 71.05 (3), 71.26 (1) (e), 71.93 (1) (a) 3. (by SECTION 3428) and 4., 101.123  
7 (1) (b), 101.30, 101.38 (by SECTION 3721), 101.40, 101.42, 101.43, 108.02 (13) (k),  
8 115.347, 118.125 (2) (i) and (5) (b), 118.28, 119.82 (1) (a) 3., 146.89 (3) (d) 2., 150.84  
9 (2), 155.01 (6), 175.45 (9), 230.08 (2) (e) 5., 230.147 (1) and (2), 230.45 (1) (e), 252.076  
10 (3), 252.14 (1) (d), 253.085 (1), 255.05 (1) (a), 302.38 (3), 456.01 (2), 560.73 (1) (i) 1.  
11 and 2., 560.75 (11), 601.57 (1) (a), 609.65 (1) (b) (intro.), 619.10 (6), 619.12 (3) (b),  
12 632.895 (3), 705.04 (2g) (by SECTION 7065c), 756.04 (2) (am) 1. f. (by SECTION 7074),  
13 767.078 (1) (d) 1. c. and 3., 767.10 (2) (b), 767.25 (4m) (a) and (e) 1., 767.29 (2), 767.295  
14 (2) (a) (intro.) (by SECTION 7106) and 2. and (c), 767.51 (3m) (a) and (e) 1., 769.316 (4),  
15 803.03 (2) (a), 815.18 (13) (a), 859.02 (2) (a) (by SECTION 7190c), 859.07 (2) (by SECTION  
16 7191c), 867.01 (3) (a) 4. (by SECTION 7193c) and (3) (d) (by SECTION 7194c), 867.02 (2)  
17 (a) 6. (by SECTION 7195c), 867.03 (1) (c) (by SECTION 7197c) and (1m) (a) (by SECTION  
18 7198c) and (b) (by SECTION 7199c), 867.035 (1) (intro.) (by SECTION 7200c) and (4) (by  
19 SECTION 7206c), 880.195, 905.15 (1), 948.45 (2) and 978.05 (4m) of the statutes, the  
20 repeal of section 49.50 (1) (title) and (11) and the unnumbered subchapter titles  
21 preceding sections 49.001, 49.19, 49.43 and 49.50 of the statutes, the renumbering  
22 of sections 20.435 (4) (e) and (eb), 46.22 (1) (b) 2. and 14., 49.01 (7m), 49.177, 49.482  
23 (title), (1) (intro.), (b) and (c), (2) (b) to (f) and (4) (b) and (5), 49.486, 49.50 (6k) (title)  
24 and (8), 49.53 (2) (a), 49.65 (3m) (title), (a), (b) and (c) 1. to 4., 49.70 and 49.80 (3) (e)  
25 2. of the statutes, the renumbering and amendment of sections 20.435 (4) (d), (de),

1 (df), (dk), (L), (Lm) and (p), 46.032, 46.033 (1) (a), 46.215 (2) (a) and (c), 46.22 (1) (b)  
2 3. and (e) 3., 46.23 (5) (a), (c) and (n), 46.25 (12), 46.31, 49.001 (intro.), 49.41, 49.482  
3 (1) (a), (2) (a), (3) and (4) (a), 49.50 (1) and (6k) (c), 49.52 (1) (ad), ~~49.53 (1m)~~ and 49.65  
4 (3), (3m) (c) (intro.) and (7) (c) of the statutes, the amendment of sections 20.435 (6)  
5 (ee), 49.02 (5) (bm), 49.035 (1m), 560.795 (3) (e), 560.797 (4) (e) and 767.295 (2) (a)  
6 1m. of the statutes and the creation of sections 46.215 (2) (a) 2. and (c) 2., 46.22 (1)  
7 (b) 2., 3. and 4m. and (e) 3. b., 46.23 (5) (a) 2., (c) 2. and (n) 2., 49.001 (intro.) and 49.124  
8 (2) (title) and (3) (title) and subchapters I (title), II (title), III (title), IV (title), V (title)  
9 and VI (title) of chapter 49 of the statutes and SECTION 9126 (15) and (27) of this act  
10 take effect on July 1, 1996.

11 **SECTION 29. Nonstatutory provisions.**

12 (1) EMERGENCY RULE MAKING.

13 (a) The department of health and social services shall submit in proposed form  
14 the rules required under section 49.176 of the statutes, as created and renumbered  
15 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
16 later than the first day of the 6th month beginning after the effective date of this  
17 paragraph.

18 (b) Using the procedure under section 227.24 of the statutes, the department  
19 of health and social services shall promulgate rules required under section 49.176  
20 of the statutes, as created and renumbered by this act, for the period before the  
21 effective date of the rules submitted under paragraph (a), but not to exceed the period  
22 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding  
23 section 227.24 (1) and (3) of the statutes, the department of health and social services  
24 is not required to make a finding of emergency.

