

1999 DRAFTING REQUEST

Bill

Received: **10/6/98**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Sajna**

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

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

Topic:

DOA:.....Sajna - Application window for burial reimbursements

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>
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FE Sent For:

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Priority = medium

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FE Sent For:

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FY99-01 BIENNIAL BUDGET**STATUTORY LANGUAGE PROPOSAL FORMAT**

Division: Division of Economic Support
Appropriation:
Issue: Application window for burial reimbursements.
Contact: Stephen M. Dow

PROBLEM

DES has adopted a policy we believe to be in the public interest and good administration that requires a request for burial (funeral and cemetery) reimbursement be made within 12 months of the recipient's death.

PROPOSED CHANGE

Add to s. 49.30 that requires an application for reimbursement under that section be made by the recipient's representative within 12 months of the recipient's death.

EXPLANATORY NOTE

In a fair hearing (MED-43/17817, Oneida County) the hearing officer found DES had no administrative rule nor statutory basis for this policy. The application for reimbursement in this case was far past 12 months. The hearing officer found in favor of the recipient's representative.

FISCAL IMPACT

Doing this change will reduce expenditures in staff time and salary in searching associated records for eligibility when requests for reimbursement is made long after the recipient's death. It may also have some reduction in the amount actually expended for reimbursements, but this should be minimal; requests for reimbursements beyond the 12 month period are believed to be quite infrequent.

DESIRED EFFECTIVE DATE

As soon as possible.



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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0500/1

TAY.....

DOA:.....Sajna – Application window for burial reimbursements

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

✓ **HEALTH AND HUMAN SERVICES**

✓ **PUBLIC ASSISTANCE**

Under current law, if a recipient of certain public assistance benefits dies and the estate of the deceased recipient is insufficient to pay for the funeral, burial and cemetery expenses, the county or applicable tribal governing body or organization responsible for burial of the recipient must pay the cemetery expenses that are not paid by the deceased recipient's estate (but not more than \$1,000) and must pay the funeral and burial expenses that are not paid by the deceased recipient's estate (but not more than \$1,000). With certain exceptions, the department of workforce development (DWD) is required to reimburse the county, tribal governing body or organization responsible for burial of the deceased recipient only for those expenditures that the county, tribal governing body or organization was required to pay.

Under this bill, a county, tribal governing body or organization responsible for burying the recipient is not required to make a payment for funeral, burial or cemetery expenses if the request for the payment is made more than 12 months after the recipient died.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0500/1
TAY;jlg:km

DOA:.....Sajna – Application window for burial reimbursements

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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

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HEALTH AND HUMAN SERVICES

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Under this bill, a county, tribal governing body or organization responsible for burying the recipient is not required to make a payment for funeral, burial or cemetery expenses if the request for the payment is made more than 12 months after the recipient died.

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

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

1 **SECTION 1.** 49.30 (1m) (c) of the statutes is created to read:

2 49.30 (1m) (c) If a request for payment under sub. (1) is made more than 12
3 months after the death of the recipient, the county or applicable tribal governing
4 body or organization responsible for burial of the recipient is not required to make
5 a payment for cemetery, funeral or burial expenses.

6

(END)