

1999 DRAFTING REQUEST

Bill

Received: **10/15/98**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-8219**

By/Representing: **Sajna**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Dom. Rel. - child support**

Extra Copies: **PG**

Topic:

DOA:.....Sajna - Making a grant or loan to an obligor who enters into a payment agreement with the county child support agency

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>
/?	kahlepj 10/15/98	gilfokm 10/21/98		_____			
/P1			ismith 10/22/98	_____	lrb_docadmin 10/22/98		
/P2	kahlepj 11/6/98	gilfokm 11/7/98	martykr 11/10/98	_____	lrb_docadmin 11/10/98		
/1	kahlepj 11/19/98	gilfokm 11/20/98	jfrantze 11/20/98	_____	lrb_docadmin 11/20/98		
/2	kahlepj 02/2/99	gilfokm 02/2/99	hhagen 02/2/99	_____	lrb_docadmin 02/2/99		

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/1	kahlepj 11/19/98	gilfokm 11/20/98	jfrantze 11/20/98	_____	lrb_docadmin 11/20/98		

FE Sent For: *12-2-99 King* *11/15 2/2*

<END>

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FE Sent For:		11-11-20 KMG	11/20	11/20			<END>

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Wanted: **Soon**

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For: **Administration-Budget 6-8219**

By/Representing: **Sajna**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Dom. Rel. - child support**

Extra Copies: **RPN**

Topic:

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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:			<i>HH</i> <i>Km 11/10</i> <END>		<i>Submit</i> <i>P/S</i>		

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May Contact:

Alt. Drafters:

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1?	kahlepj	/P1-10-21 KMG	IS 10/21	IS/HH 10/21	do submit P's		

FE Sent For:

<END>

**DEPARTMENT OF WORKFORCE DEVELOPMENT
FY 1999-2001 BIENNIAL BUDGET
STATUTORY LANGUAGE PROPOSAL FORMAT**

Division: Economic Support
Appropriation:
Issue: Child Support/Denial of student grants/loans
Contact: Susan Pfeiffer 7-0926
Connie Chesnik 7-7295

PROBLEM

Under current statutes, a state agency may only deny a grant or loan based on the certified list the Department provides them. The statutes currently authorize the Department to provide the same list to other state agencies that is provided to the Department of Revenue for purposes of state tax offset. However, that list includes cases for which a lump sum amount is owing, but for which no periodic payment has been ordered. There has, therefore, never been a missed payment, because none was ever ordered. The Department does not consider this a true arrearage.

Legislation passed during the last session (1997 Wis Act 115) created a requirement for Veteran's grants that a veteran must have entered into a payment plan with the Child Support Agency and have been current on that plan for six months before they would be eligible for a grant. The legislation requires that the Clerk of Court sign a statement for the Department of Veterans Affairs attesting that the veteran has been current for six months.

PROPOSED CHANGE

Repeal s.49.855(7) and amend ss. 21.49(2)(e), 36.111(6)(b), 36.25(14), 36.34(1), 39.30(2)(e), 39.38(2), 39.435(6), 39.44(4), 39.47(2m), ~~45.25(4)(b)~~, 45.245(5m)(b), 234.04(2), 234.49(1)(c), 234.59(3)(c), 234.65(3)(f), 234.90(3)(d) and (3g)(c), 234.905(3)(d), 281.65(8)(L) and 949.08(2)(g) to provide that agencies that issue grants and loans may issue a grant or loan to an applicant if the agency receives notification that that individual's name is on the statewide support lien docket under s. 49.854 only if that applicant provides to the agency a payment agreement that they have entered into with the county child support agency consistent with the rules promulgated under s.49.858(2).

Amend s.45.25(4)(b)2, s.45.356(6)(b), s. 45.396(6)(b), and s.45.74(6)(b) to permit the Department or its designee (rather than the Clerk of Court) to sign the statement for the Department of Veteran's Affairs.

EXPLANATORY NOTE

When determining whether to approve a grant or loan request, the reviewing agency will no longer rely on the certification list received from the Department which contains only IV-D cases. They would be required to review the lien docket maintained by the Register of Deeds which will include only those cases in which a periodic payment is required.

(b)
45.25(4)(b)
45.356(6)
45.396(6)
45.74(6)
234.83(2)
(a) 3.

The provisions for Veterans enacted as a part of 1997 Wis. Act 115 remain as enacted to require six months compliance with the terms of the payment plan before a grant or loan could be issued. For all other agencies that issue grants and loans, the applicant must enter into a payment plan or pay off the arrearage to be eligible for the grant or loan, but would not have to be current in payments under that plan for any period of time.

With the implementation of Centralized Receipt and Disbursement, the Clerk of Court will no longer be maintaining payment records and so the Department or its designee must sign the statement for the Department of Veterans Affairs attesting the the veteran has been current in payments for six months.

FISCAL IMPACT

None.

DESIRED EFFECTIVE DATE

Passage of the bill.

20.445(3)(kp)

(kp) *Delinquent support and maintenance payments.* All moneys received from the department of revenue and the department of administration under s. 49.855 for child support, maintenance, medical expenses or birth expenses, to be distributed in accordance with state law and federal regulations.

20.855(7)(j)

(j) *Delinquent support and maintenance payments.* All moneys received under s. 49.855 for child support, maintenance, medical expenses or birth expenses, to be distributed to clerks of court.

21.49(2)(e)

(e) Delinquent in child support or maintenance payments and who does not owe past support, medical expenses or birth expenses, as established by the receipt by the department of a certification under s. 49.855 (7).

36.11(6)(b)

(b) The board may not make a grant under par. (a) to a person if it receives a certification under s. 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

36.25(14)

(14) Graduate student financial aid. The board shall establish a grant program for minority and disadvantaged graduate students enrolled in the system. The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The board shall give preference in awarding grants under this subsection to residents of this state. The board may not make a grant under this subsection to a person if it receives a certification under s. 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

36.34(1)(b)

(b) The board shall establish a grant program for minority undergraduates enrolled in the system. The board shall designate all grants under this subsection as Lawton grants. Grants shall be awarded from the appropriation under s. 20.285 (4) (dd). The board may not make a grant under this subsection to a person if it receives a certification under s. 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

39.30(2)(e)

(e) The board may not make a grant to a student if the board receives a certification under s. 49.855 (7) that the student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

39.38(2)

✓ (2) Grants under this section shall be based on financial need, as determined by the board. The maximum grant shall not exceed \$2,200 per year, of which not more than \$1,100 may be from the appropriation under s. 20.235 (1) (fb). State aid from this appropriation may be matched by a contribution from a federally recognized American Indian tribe or band that is deposited in the general fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be awarded to students for full-time or part-time attendance at any accredited institution of higher education in this state. The board may not make a grant under this section to a student if the board receives a certification under s. 49.855 (7) that the student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. Grants shall be renewable for up to 5 years if a recipient remains in good academic standing at the institution that he or she is attending.

39.435(6)

✓ (6) The board may not make a grant under this section to a person if the board receives a certification under s. 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

39.44(4)

✓ (4) The board shall notify an institution or school receiving funds under sub. (2) if the board receives a certification under s. 49.855 (7) that a student is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. An institution or school may not award a grant under this section to a student if it receives a notification under this subsection concerning that student.

39.47(2m)

✓ (2m) No resident of this state may receive a waiver of nonresident tuition under this section if the board receives a certification under s. 49.855 (7) that the resident is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

← ✓ 45.25(4)(b)

(b) (intro.) The department may provide reimbursement under sub. (2) to an individual who is delinquent in child support or maintenance payments or who owes past support, medical expenses or birth expenses, as established by the receipt by the department of a certification under s. 49.855, only if the individual provides the department with one of the following:

← ✓ 45.356(6)

(6) (intro.) The department may provide a loan under this section after the department receives a certification under s. 49.855 (7) that the applicant is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses only if the applicant does one of the following:

← ✓ 45.396(6)

(6) (intro.) The department may make a grant to an applicant under this section after the department receives a certification under s. 49.855 (7) that the applicant is delinquent in child

support or maintenance payments or owes past support, medical expenses or birth expenses only if the applicant provides the department with one of the following:

45.74(6)

(6) (intro.) Delinquent support payments. The person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses, as evidenced by a certification under s. 49.855 (7), unless the person provides the department or authorized lender with one of the following:

49.855 Certification of delinquent payments.

49.22(8)

(8) The department may charge other states and counties seeking collection of child and spousal support for any administrative costs it incurs in providing services related to interstate child support collections, the federal parent locator service under 42 USC 653, the interception of unemployment compensation under 42 USC 654 or the withholding of state and federal income tax refunds under s. 49.855 and 42 USC 664.

49.855

49.855 Certification of delinquent payments.

49.855(1)

(1) If a person obligated to provide child support or maintenance is delinquent in making court-ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, the clerk of circuit court or county support collection designee under s. 59.53 (5m), whichever is appropriate, upon application of the county designee under s. 59.53 (5) or the department of workforce development, shall certify the delinquent payment or outstanding amount to the department of workforce development.

49.855(2)

(2) At least annually, the department of workforce development shall provide to the department of revenue the certifications that it receives under sub. (1) and any certifications of delinquencies or outstanding amounts that it receives from another state because the obligor resides in this state.

49.855 - ANNOT.

NOTE: Subs. (1) and (2) are consolidated, renumbered sub. (1) and amended eff.

October 1, 1999 or the date stated in the Wisconsin Administrative Register under s. 767.29

(1) (f), whichever is earlier, by 1997 Wis. Act 27 to read:

49.855 - ANNOT.

(1) If a person obligated to provide child support, family support or maintenance is delinquent in making court-ordered payments, or owes an outstanding amount that has been ordered by the court for past support, medical expenses or birth expenses, upon application under s. 59.53 (5) the department of workforce development shall certify the delinquent payment or outstanding amount to the department of revenue and, at least annually, shall provide to the department of revenue any certifications of delinquencies or outstanding amounts that it receives from another state because the obligor resides in this state.

49.855(2m)

(2m) At least annually, the department of health and family services shall certify to the department of revenue any obligation owed to the department of health and family services under s. 46.10 if the obligation is rendered to a judgment.

49.855(2p)

(2p) At least annually, the department of corrections shall certify to the department of revenue any obligation owed to the department of corrections under s. 301.12 if the obligation is rendered to a judgment.

49.855(3)

(3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days the obligor may request a hearing before the circuit court rendering the order. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or family court commissioner, the clerk of circuit court or county support collection designee under s. 59.53 (5m) is prohibited from disbursing the obligor's state tax refund or credit. The family court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance. An obligor may, within 20 days of receiving notice that the amount certified shall be withheld from his or her federal tax refund or credit, request a hearing under this subsection.

49.855 - ANNOT.

NOTE: Sub. (3) is repealed and recreated eff. 10-1-99 or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under s. 767.29 (1) (f), whichever is earlier, by 1997 Wis. Act 237 to read:

49.855 - ANNOT.

(3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall

provide that within 20 days the obligor may request a hearing before the circuit court rendering the order. Within 10 days after receiving a request for hearing under this subsection, the court shall set the matter for hearing. Pending further order by the court or family court commissioner, the department of workforce development or its designee, whichever is appropriate, is prohibited from disbursing the obligor's state tax refund or credit. The family court commissioner may conduct the hearing. The sole issues at that hearing shall be whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld from a tax refund or credit shall be paid to the obligor or held for future support or maintenance. An obligor may, within 20 days of receiving notice that the amount certified shall be withheld from his or her federal tax refund or credit, request a hearing under this subsection.

49.855(4)

(4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of workforce development for distribution to the appropriate clerk of circuit court or county support collection designee under s. 59.53 (5m). The department of workforce development shall make a settlement at least annually with the department of revenue and with each clerk of circuit court or county support collection designee under s. 59.53 (5m) who has certified a delinquent obligation or outstanding amount for past support, medical expenses or birth expenses. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and returned to the clerk of circuit court or county support collection designee under s. 59.53 (5m) and the administrative costs incurred by the department of revenue. The department of workforce development may charge the county whose clerk of circuit court or county support collection designee under s. 59.53 (5m) certified the obligation or outstanding amount the related administrative costs incurred by the department of workforce development and the department of revenue.

49.855 - ANNOT.

NOTE: Sub. (4) is amended eff. October 1, 1999 or the date stated in the Wisconsin Administrative Register under s. 767.29 (1) (f), whichever is earlier, by 1997 Wis. Act 252 to read:

49.855 - ANNOT.

(4) The department of revenue shall send that portion of any state or federal tax refunds or credits withheld for delinquent child support or maintenance or past support, medical expenses or birth expenses to the department of workforce development or its designee for distribution to the obligee. The department of workforce development shall make a settlement at least annually with the department of revenue. The settlement shall state the amounts certified, the amounts deducted from tax refunds and credits and the administrative costs incurred by the department of revenue.

49.855(4m)

(4m)

49.855(4m)(a)

(a) In this subsection, "vendor" means a person providing goods or services to this state under subch. IV or V of ch. 16 or under ch. 84 or any medical assistance provider, as defined under s. 49.43 (10).

49.855(4m)(b)

(b) The department of revenue may provide a certification that it receives under sub. (2), (2m) or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the clerk of circuit court or county support collection designee under s. 59.53 (5m) may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or maintenance.

49.855 - ANNOT.

NOTE: Par. (b) is repealed and recreated eff. 10-1-99 or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under s. 767.29 (1) (f), whichever is earlier, by 1997 Wis. Act 237 to read:

49.855 - ANNOT.

(b) The department of revenue may provide a certification that it receives under sub. (1), (2m) or (2p) to the department of administration. Upon receipt of the certification, the department of administration shall determine whether the obligor is a vendor or is receiving any other payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46, 108 or 301. If the department of administration determines that the obligor is a vendor or is receiving payments from this state, except for wages, retirement benefits or assistance under s. 45.352, 1971 stats., s. 45.351 (1), this chapter or ch. 46, 108 or 301, it shall begin to withhold the amount certified from those payments and shall notify the obligor that the state intends to reduce any payments due the obligor by the amount the obligor is delinquent under the support or maintenance order, by the outstanding amount for past support, medical expenses or birth expenses under the court order or by the amount due under s. 46.10 (4) or 301.12 (4). The notice shall provide that within 20 days after receipt of the notice the obligor may request a hearing before the circuit court rendering the order. An obligor may, within 20 days after receiving notice, request a hearing under this paragraph. Within 10 days after receiving a request for hearing under this paragraph, the court shall set the matter for hearing. The family court commissioner may conduct the hearing. Pending further order by the court or family court commissioner, the department of workforce development or its designee, whichever is appropriate, may not disburse the payments withheld from the obligor. The sole issues at the hearing are whether the obligor owes the amount certified and, if not and it is a support or maintenance order, whether the money withheld shall be paid to the obligor or held for future support or

maintenanc.

49.855(4m)(c)

(c) Except as provided by order of the court after hearing under par. (b), the department of administration shall continue withholding until the amount certified is recovered in full. The department of administration shall transfer the amounts withheld under this paragraph to the department of workforce development for distribution to the appropriate clerk of court, county support collection designee under s. 59.53 (5m), department of health and family services or department of corrections, whichever is appropriate.

49.855 - ANNOT.

NOTE: Par. (c) is repealed and recreated eff. 10-1-99 or the date stated in the notice published by the department of workforce development in the Wisconsin Administrative Register under s. 767.29 (1) (f), whichever is earlier, by 1997 Wis. Act 237 to read:

49.855 - ANNOT.

(c) Except as provided by order of the court after hearing under par. (b), the department of administration shall continue withholding until the amount certified is recovered in full. The department of administration shall transfer the amounts withheld under this paragraph to the department of workforce development or its designee, the department of health and family services or the department of corrections, whichever is appropriate. The department of workforce development or its designee shall distribute amounts withheld for delinquent child or family support or maintenance or past support, medical expenses or birth expenses to the obligee.

49.855(4m)(d)

(d) A setoff under s. 73.12 (3) has priority over withholding under this subsection.

49.855(5)

(5) Certification of an obligation to the department of workforce development does not deprive any party of the right to collect the obligation or to prosecute the obligor. The clerk of court or county support collection designee under s. 59.53 (5m), whichever is appropriate, shall immediately notify the department of workforce development of any collection of an obligation that has been certified by the clerk of court or county support collection designee under s. 59.53 (5m). The department of workforce development shall correct the certified obligation according to the amount the county has collected and report the correction to the department of revenue.

49.855 - ANNOT.

NOTE: Sub. (5) is amended eff. October 1, 1999 or the date stated in the Wisconsin Administrative Register under s. 767.29 (1) (f), whichever is earlier, by 1997 Wis. Act 27 to read:

49.855 - ANNOT.

(5) Certification of an obligation to the department of revenue does not deprive any party of the right to collect the obligation or to prosecute the obligor. The department of workforce development or its designee shall immediately notify the department of revenue of any collection of an obligation that has been certified to the department of revenue.

49.855(6)

(6) If the state implements the child and spousal support and paternity program under ss. 49.22 and 59.53 (5), the state may act under this section in place of the county child support agency under s. 59.53 (5).

49.855 - ANNOT.

NOTE: Sub. (6) is shown as affected by two acts of the 1997 legislature and as merged by the revisor under s. 13.93 (2) (c).

49.855(7)

(7) The department of workforce development may provide a certification under sub. (1) to a state agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2) (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.356 (6), 45.396 (6), 45.74 (6), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f), 234.83 (2) (a) 3., 234.90 (3) (d) or (3g) (c), 234.905 (3) (d), 281.65 (8) (L) or 949.08 (2) (g).

49.855 - ANNOT.

History: 1981 c. 20, 391; 1983 a. 27; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 421; 1989 a. 31; 1989 a. 56 s. 259; 1991 a. 39; 1993 a. 16, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 227, 279; 1995 a. 404 ss. 50 to 59; Stats. 1995 s. 49.855; 1997 a. 3, 27, 35, 237, 252; s. 13.93 (2) (c).

49.855 - ANNOT.

State's right to certification and interception is not extinguished by children's attainment of majority. Marriage of Howard v. Howard, 130 W (2d) 206, 387 NW (2d) 96 (Ct. App. 1986).

71.75(1)

(1) Except as provided in ss. 49.855, 71.77 (5) and (7) (b) and 71.935, the provisions for refunds and credits provided in this section shall be the only method for the filing and review of claims for refund of income and surtaxes, and no person may bring any action or proceeding for the recovery of such taxes other than as provided in this section.

71.75(9)

(9) All refunds under this chapter are subject to attachment under ss. 49.855, 71.93 and 71.935.

71.80(3)

(3) Crediting of overpayments on individual or separate returns. In the case of any overpayment, refundable credit or refund on an individual or separate return, the department, within the applicable period of limitations, may credit the amount of overpayment, refundable credit or refund including any interest allowed, against any liability in respect to any tax collected by the department, a debt under s. 71.93 or 71.935 or a certification under s. 49.855 on the part of the person who made the overpayment or received the refundable credit or the refund and shall refund any balance to the person. The department shall presume that the overpayment, refundable credit or refund is nonmarital property of the filer. Within 2 years after the crediting,

the spouse or former spouse of the person filing the return may file a claim for a refund of amounts credited by the department if the spouse or former spouse shows by clear and convincing evidence that all or part of the state tax overpayment, refundable credit or refund was nonmarital property of the nonobligated spouse.

71.80(3m)(a)

(a) Against any liability of either spouse or both spouses in respect to an amount owed the department, a certification under s. 49.855 that is subject to s. 766.55 (2) (b) or a debt under s. 71.93 or 71.935 that is subject to s. 766.55 (2) (b) and that was incurred during marriage by a spouse after December 31, 1985, or after both spouses are domiciled in this state, whichever is later, except as provided in s. 71.10 (6) (a) and (b) and (6m).

71.80(3m)(b)2.

2. In respect to a debt under s. 71.93 or 71.935 or a certification under s. 49.855 if that debt or certification is not subject to s. 766.55 (2) (b).

71.88(1)(a)

(a) *Contested assessments and claims for refund.* Except for refunds set off under s. 71.93 in respect to which appeal is to the agency to which the debt is owed, except for refunds set off under s. 71.935 in respect to which an appeal is held under procedures that the department of revenue establishes and except for refunds set off under s. 49.855 in respect to which a hearing is held before the circuit court, any person feeling aggrieved by a notice of additional assessment, refund, or notice of denial of refund may, within 60 days after receipt of the notice, petition the department of revenue for redetermination. A petition or an appeal by one spouse is a petition or an appeal by both spouses. The department shall make a redetermination on the petition within 6 months after it is filed.

77.59(5)

(5) The department may offset the amount of any refund for a period, together with interest on the refund, against deficiencies for another period, and against penalties and interest on the deficiencies, or against any amount of whatever kind, due and owing on the books of the department from the person claiming the refund. If the refund is to be paid to a buyer, the department may also set off amounts in the manner in which it sets off income tax and franchise tax refunds under s. 71.93 and may set off amounts for child support or maintenance or both in the manner in which it sets off income taxes under ss. 49.855 and 71.93 (3), (6) and (7).

145.245(5m)(b)

(b) The department shall notify a governmental unit if it receives a certification under s. 49.855 (7) that an individual is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. The department or a governmental unit shall deny an application under this section if the department receives a certification under s. 49.855 (7) that the applicant or an individual who would be directly benefited by the grant is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

234.04(2)

(2) The authority may make or participate in the making and enter into commitments for the making of long-term mortgage loans to eligible sponsors of housing projects for occupancy by persons and families of low and moderate income, or for the making of homeownership mortgage loans or housing rehabilitation loans to persons and families of low and moderate income, an applicant under s. 234.59 or other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon the determination by the authority that they are not otherwise available from private lenders upon reasonably equivalent terms and conditions. The authority may not make a loan to a person if it receives a certification under s. 49.855 (7) that the person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. The authority may employ, for such compensation as it determines, the services of any financial institution in connection with any loan.

234.49(1)(c)

(c) "Eligible beneficiary" means a person for whom the authority has not received a certification from the department of workforce development under s. 49.855 (7) or a family who or which falls within the income limits specified in par. (f).

234.59(3)(c)

(c) The authority shall notify an eligible lender if it receives a certification under s. 49.855 (7) that a person is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses. An eligible lender may not make a loan to an applicant if it receives notification under this paragraph concerning the applicant.

234.65(3)(f)

(f) The authority has not received a certification under s. 49.855 (7) that the person receiving the loan is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

234.83(2)(a)3.

3. The authority has not received a certification under s. 49.855 (7) that the owner of the business is delinquent in making child support or maintenance payments.

234.90(3)(d)

(d) The authority has not received a certification under s. 49.855 (7) that the farmer is delinquent in making child support or maintenance payments or owes past support, medical expenses or birth expenses.

234.90(3g)(c)

(c) The authority has not received a certification under s. 49.855 (7) that the farmer is delinquent in making child support or maintenance payments or owes past support, medical expenses or birth expenses.

234.905(3)(d)

(d) The authority has not received a certification under s. 49.855 (7) that the farmer is delinquent in making child support or maintenance payments or owes past support, medical expenses or birth expenses.

281.65(8)(L)

(L) A grant may not be made to an individual if the department receives a certification under s. 49.855 (7) that the individual is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

565.30(5)

(5) Withholding of delinquent state taxes, child support or debts owed the state. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of workforce development under s. 49.855 (2) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

565.30 - ANNOT.

(5) Withholding of delinquent state taxes, child support or debts owed the state. The administrator shall report the name, address and social security number of each winner of a lottery prize equal to or greater than \$1,000 to the department of revenue to determine whether the payee of the prize is delinquent in the payment of state taxes under ch. 71, 72, 76, 77, 78 or 139 or in court-ordered payment of child support or has a debt owing to the state. Upon receipt of a report under this subsection, the department of revenue shall first ascertain based on certifications by the department of workforce development or its designee under s. 49.855 (1) whether any person named in the report is currently delinquent in court-ordered payment of child support and shall next certify to the administrator whether any person named in the report is delinquent in court-ordered payment of child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by the department of revenue or upon court order the administrator shall withhold the certified amount and send it to the department of revenue for remittance to the appropriate agency or person. At the time of remittance, the department of revenue shall charge its administrative expenses to the state agency that has received the remittance. The administrative expenses received by the department of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee of the prize is

delinquent both in payments for state taxes and in court-ordered payments of child support, or is delinquent in one or both of these payments and has a debt owing to the state, the amount remitted to the appropriate agency or person shall be in proportion to the prize amount as is the delinquency or debt owed by the payee.

949.08(2)(g)

✓ (g) Has been certified to the department under s. 49.855 (7) as being delinquent in child support or maintenance payments or as owing past support, medical expenses or birth expenses.

Cross-Reference Post-Drafting-Check For 99-0589/?

Thursday, October 15, 1998 3:00 pm

TREATMENT	REFERENCE
21.49(2)(e)	49.855(7)
21.49	45.25(3)(a)
21.49	45.25(3)(am)
36.11(6)(b)	49.855(7)
36.11	16.85(1)
36.25(14)	20.285(4)(b)
36.25(14)	49.855(7)
36.34(1)	20.285(4)(dd)
36.34(1)	49.855(7)
39.30(2)(e)	49.855(7)
39.30	20.235(1)(b)
39.30	39.285(2)
39.30	39.285(3)
39.30	39.31(intro.)
39.30	39.45(1)(a)
39.38(2)	20.235(1)(gm)
39.38(2)	49.855(7)
39.38	20.235(1)(fb)
39.38	20.235(1)(gm)
39.38	39.31(intro.)
39.435(6)	49.855(7)
39.435	20.235(1)(fe)
39.435	20.235(1)(ff)
39.435	36.11(6)(c)
39.435	38.04(7m)
39.435	39.30(3)(c)
39.435	39.31(intro.)
39.435	39.39(2)(b)
39.435	39.45(1)(a)
39.44(4)	49.855(7)
39.44	20.235(1)(fg)
39.44	39.31(intro.)
39.47(2m)	49.855(7)
39.47	20.235(1)(e)
39.47	45.25(1)
39.47	45.25(4)(a)
39.47	71.05(6)(b)28.(intro.)
45.25	20.485(2)(tf)
45.25	25.36(1)

45.25	45.397(2)(cm)
45.356(6)(c)	45.356(2)
45.356(6)(a)	45.356(6)(c)
45.356(6)(b)	45.356(6)(c)
45.356(6)	49.855(7)
45.356	20.485(2)(yn)
45.356	25.36(1)
45.356	45.35(15)
45.356	45.35(5m)(a)(intro.)
45.356	45.79(7)(a)9.
45.356	45.79(7)(c)
45.396(6)	49.855(7)
45.396	20.485(2)(th)
45.396	25.36(1)
45.396	45.25(4)(c)
45.396	45.35(8)(b)4.
45.396	45.397(2)(cm)
45.73 to 45.77	45.79(12)
45.74(6)	45.35(8)(b)3.
45.74(6)	49.855(7)
45.74	45.71(6)
<hr/> 49.855(7)	<hr/> —145.245(5m)(b)
49.855(7)	—21.49(2)(e)
49.855(7)	—234.04(2)
49.855(7)	—234.49(1)(c)
49.855(7)	—234.59(3)(c)
49.855(7)	—234.65(3)(f)
49.855(7)	—234.83(2)(a)3.
49.855(7)	—234.90(3)(d)
49.855(7)	—234.90(3g)(c)
49.855(7)	—234.905(3)(d)
49.855(7)	—281.65(8)(L)
49.855(7)	—36.11(6)(b)
49.855(7)	—36.25(14)
49.855(7)	—36.34(1)(b)
49.855(7)	—39.30(2)(e)
49.855(7)	—39.38(2)
49.855(7)	—39.435(6)
49.855(7)	—39.44(4)
49.855(7)	—39.47(2m)
49.855(7)	—45.356(6)(intro.)
49.855(7)	—45.396(6)(intro.)
49.855(7)	—45.74(6)(intro.)
49.855(7)	—949.08(2)(g)
<hr/> 49.855	<hr/> 20.445(3)(kp)
49.855	20.855(7)(j)

49.855	45.25(4)(b)(intro.)
49.855	49.22(8)
49.855	71.75(1)
49.855	71.75(9)
49.855	71.80(3)
49.855	71.80(3m)(a)
49.855	71.80(3m)(b)2.
49.855	71.88(1)(a)
49.855	77.59(5)
145.245(5m)(b)	49.855(7)
145.245	20.143(3)(de)
234.04(2)	49.855(7)
234.49 to 234.55	234.49(1)(intro.)
234.49(1)(c)	49.855(7)
234.49	234.04(2)
234.49	234.265(2)
234.49	234.622(5)
234.59(3)(c)	49.855(7)
234.59	234.04(2)
234.59	234.265(2)
234.65(3)(f)	49.855(7)
234.65(3)	234.65(1m)
234.65(3)	234.65(3m)
234.65	20.143(1)(h)
234.65	234.03(26)
234.65	234.03(2m)
234.65	234.265(2)
234.65	234.40(4)
234.65	234.50(4)
234.65	234.60(2)
234.65	234.61(1)
234.65	234.66(3)(b)
234.65	71.05(1)(c)1.
234.65	71.26(1m)(e)
234.65	71.36(1m)
234.65	71.45(1t)(e)
234.83(2)(a)3.	49.855(7)
234.83(2)	234.83(1)(a)
234.83	234.265(2)
234.83	600.01(1)(b)8.
234.90(2) to (3g)	234.90(3j)(a)
234.90(2) to (3g)	234.90(3j)(intro.)
234.90(3)(d)	49.855(7)
234.90(3)	234.90(4)(a)
234.90	234.265(2)
234.90	234.91(5)(c)1.

234.90	234.91(5)(c)2.
234.90	234.91(5)(c)3.
234.90	600.01(1)(b)8.
234.90(3g)(c)	49.855(7)
234.90(3g)	234.90(2)(bm)
234.90(3g)	234.90(2)(j)
234.90(3g)	234.90(3)(intro.)
234.90(3g)	234.90(3p)
234.90(3g)	234.90(4)(a)
234.905(3)(d)	49.855(7)
234.905(3)	234.905(4)(a)
234.905	234.265(2)
234.905	600.01(1)(b)8.
281.65(8)(cm)	20.370(6)(aa)
281.65(8)(b)	281.65(11)
281.65(8)(e)	281.65(11)
281.65(8)(f)	281.65(11)
281.65(8)(gm)	281.65(8)(f)
281.65(8)(f)	281.65(8)(gm)
281.65(8)(f)	281.65(8)(jm)
281.65(8)(f)	281.65(8)(m)
281.65	20.370(4)(mr)
281.65	20.370(6)(aa)
281.65	20.370(6)(ag)
281.65	20.370(6)(aq)
281.65	20.370(6)(at)
281.65	20.370(7)(ca)
281.65	20.866(2)(te)
281.65	20.866(2)(tf)
281.65	23.094(2)(c)5.
281.65	281.16(3)(e)
281.65	281.16(4)
281.65	443.14(10)
281.65	443.14(11)
281.65	470.025(6)
281.65	470.025(7)
281.65	66.33(5)
281.65	823.08(3)(c)2.
281.65	92.05(1)
281.65	92.05(3)(j)
281.65	92.07(2)
281.65	92.105(1)
281.65	92.14(12)
281.65	92.14(13)
281.65	92.14(14)
281.65	92.14(6)(g)

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949.08(2)(g)

92.14(6)(i)2.
92.14(8)
92.15(4)
92.18(1)(b)
946.13(2)(g)
49.855(7)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0589/ P1
PJK... King

DOA:.....Sajna – Making a grant or loan to an obligor who enters into a payment agreement with the county child support agency

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

SOON
(10-15)
J-note

do not
give out

1 AN ACT . . .; relating to: making a grant or loan to an obligor who enters into a
2 payment agreement.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 21.49 (2) (e) of the statutes is amended to read:
4 21.49 (2) (e) Delinquent in child support or maintenance payments and who
5 does not owe past support, medical expenses or birth expenses, as established by the
6 receipt by the department of a certification under s. 49.855 (7) notification that the

1 guard member's name is on the statewide support lien docket under s. 49.854 (2) (b),
2 unless the guard member provides to the department a payment agreement that has
3 been approved by the county child support agency under s. 59.53 (5) and that is
4 consistent with rules promulgated under s. 49.858 (2) (a).

History: 1977 c. 29, 418; 1981 c. 20; 1985 a. 29; 1987 a. 27, 403; 1989 a. 31; 1991 a. 39, 269; 1993 a. 399; 1995 a. 19; 1995 a. 27, ss. 1219t to 1223, 9127 (1); 1995 a. 404; 1997 a. 27, 237.

5 **SECTION 2.** 36.11 (6) (b) of the statutes is amended to read:

6 36.11 (6) (b) The board may not make a grant under par. (a) to a person if it
7 receives a ~~certification under s. 49.855 (7) that the person is delinquent in child~~
8 ~~support or maintenance payments or owes past support, medical expenses or birth~~
9 ~~expenses~~ notification that the person's name is on the statewide support lien docket
10 under s. 49.854 (2) (b), unless the person provides to the board a payment agreement
11 that has been approved by the county child support agency under s. 59.53 (5) and that
12 is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1973 c. 335; 1975 c. 39, 41, 224, 400; 1977 c. 29, 418; 1979 c. 32 s. 92 (8); 1979 c. 221; 1981 c. 20; 1983 a. 27, 366; 1983 a. 435 s. 7; 1983 a. 484; 1985 a. 62, 120; 1985 a. 332 ss. 47, 49, 50; 1985 a. 332 s. 251 (1); 1987 a. 27, 287; 1989 a. 31, 56, 121, 177, 359; 1991 a. 39, 203, 250, 269, 285, 315; 1993 a. 16, 213, 227, 399; 1995 a. 27 ss. 1757 to 1762y, 9130 (4); 1995 a. 201, 404, 448; 1997 a. 3, 27, 128, 237.

13 **SECTION 3.** 36.25 (14) of the statutes is amended to read:

14 36.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant
15 program for minority and disadvantaged graduate students enrolled in the system.
16 The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The
17 board shall give preference in awarding grants under this subsection to residents of
18 this state. The board may not make a grant under this subsection to a person if it
19 receives a ~~certification under s. 49.855 (7) that the person is delinquent in child~~
20 ~~support or maintenance payments or owes past support, medical expenses or birth~~
21 ~~expenses~~ notification that the person's name is on the statewide support lien docket
22 under s. 49.854 (2) (b), unless the person provides to the board a payment agreement

1 that has been approved by the county child support agency under s. 59.53 (5) and that
2 is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1973 c. 333 ss. 68, 201f (2); 1973 c. 335; 1975 c. 39, 339, 408 Supp.; 1975 c. 430 s. 80; 1977 c. 26, 29; 1977 c. 418 ss. 271 to 273, 924 (18) (e), (50); 1977 c. 422; 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 90 s. 23; 1979 c. 177; 1981 c. 20, 93, 237, 314, 346; 1983 a. 27, 387, 524; 1983 a. 538 s. 271; 1985 a. 29; 1985 a. 182 s. 57; 1985 a. 332 s. 251 (1); 1987 a. 27, 186, 399, 403; 1989 a. 31, 56, 249, 299, 325, 335, 353, 359; 1991 a. 32, 39, 167, 269; 1993 a. 16, 27, 399, 455; 1995 a. 27 ss. 1767 to 1775k, 9116 (5), 9126 (19), 9145 (1); 1995 a. 54, 101, 216, 225, 227, 378, 404, 417; 1997 a. 27, 164, 178; 1997 a. 237 ss. 82v, 722s; 1997 a. 283.

3 **SECTION 4. 36.34 (1) (b) of the statutes is amended to read:**

4 **36.34 (1) (b)** The board shall establish a grant program for minority
5 undergraduates enrolled in the system. The board shall designate all grants under
6 this subsection as Lawton grants. Grants shall be awarded from the appropriation
7 under s. 20.285 (4) (dd). The board may not make a grant under this subsection to
8 a person if it receives ~~a certification under s. 49.855 (7) that the person is delinquent~~
9 ~~in child support or maintenance payments or owes past support, medical expenses~~
10 ~~or birth expenses~~ notification that the person's name is on the statewide support lien
11 docket under s. 49.854 (2) (b), unless the person provides to the board a payment
12 agreement that has been approved by the county child support agency under s. 59.53
13 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1985 a. 29; 1987 a. 27 ss. 666g, 666i, 670 to 673, 675; 1989 a. 31; 1991 a. 39; 1993 a. 16; 1995 a. 404.

14 **SECTION 5. 39.30 (2) (e) of the statutes is amended to read:**

15 **39.30 (2) (e)** The board may not make a grant to a student if the board receives
16 ~~a certification under s. 49.855 (7) that the student is delinquent in child support or~~
17 ~~maintenance payments or owes past support, medical expenses or birth expenses~~
18 notification that the student's name is on the statewide support lien docket under s.
19 49.854 (2) (b), unless the student provides to the board a payment agreement that
20 has been approved by the county child support agency under s. 59.53 (5) and that is
21 consistent with rules promulgated under s. 49.858 (2) (a).

History: 1971 c. 125; 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 224; 1979 c. 34; 1981 c. 20; 1985 a. 29; 1987 a. 27; 1991 a. 316; 1993 a. 437; 1995 a. 27, 404; 1997 a. 27, 222.

22 **SECTION 6. 39.38 (2) of the statutes is amended to read:**

1 39.38 (2) Grants under this section shall be based on financial need, as
2 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
3 which not more than \$1,100 may be from the appropriation under s. 20.235 (1) (fb).
4 State aid from this appropriation may be matched by a contribution from a federally
5 recognized American Indian tribe or band that is deposited in the general fund and
6 credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be
7 awarded to students for full-time or part-time attendance at any accredited
8 institution of higher education in this state. The board may not make a grant under
9 this section to a student if the board receives a ~~certification under s. 49.855 (7) that~~
10 ~~the student is delinquent in child support or maintenance payments or owes past~~
11 ~~support, medical expenses or birth expenses~~ notification that the student's name is
12 on the statewide support lien docket under s. 49.854 (2) (b), unless the student
13 provides to the board a payment agreement that has been approved by the county
14 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
15 under s. 49.858 (2) (a). Grants shall be renewable for up to 5 years if a recipient
16 remains in good academic standing at the institution that he or she is attending.

17 History: 1971 c. 125; 1979 c. 34; 1981 c. 20; 1987 a. 27; 1991 a. 39; 1995 a. 27, 404; 1997 a. 27.

17 **SECTION 7.** 39.435 (6) of the statutes is amended to read:

18 39.435 (6) The board may not make a grant under this section to a person if the
19 board receives a ~~certification under s. 49.855 (7) that the person is delinquent in child~~
20 ~~support or maintenance payments or owes past support, medical expenses or birth~~
21 ~~expenses~~ notification that the person's name is on the statewide support lien docket
22 under s. 49.854 (2) (b), unless the person provides to the board a payment agreement

1 that has been approved by the county child support agency under s. 59.53 (5) and that
2 is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1973 c. 90; 1973 c. 335 s. 13; 1975 c. 39, 189, 224; 1977 c. 26 s. 75; 1979 c. 34; 1983 a. 27 ss. 926d to 926t, 2202 (22); 1985 a. 332 s. 251 (1); 1987 a. 27; 1989 a. 31; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27.

3 **SECTION 8.** 39.44 (4) of the statutes is amended to read:

4 39.44 (4) The board shall notify an institution or school receiving funds under
5 sub. (2) if the board receives ~~a certification under s. 49.855 (7) that a student is~~
6 ~~delinquent in child support or maintenance payments or owes past support, medical~~
7 ~~expenses or birth expenses~~ notification that a student's name is on the statewide
8 support lien docket under s. 49.854 (2) (b). An institution or school may not award
9 a grant under this section to a student if it receives a notification under this
10 subsection concerning that student, unless the student provides to the institution or
11 school a payment agreement that has been approved by the county child support
12 agency under s. 59.53 (5) and that is consistent with rules promulgated under s.
13 49.858 (2) (a).

History: 1985 a. 29; 1987 a. 27; 1993 a. 399; 1995 a. 27, 404; 1997 a. 27.

14 **SECTION 9.** 39.47 (2m) of the statutes is amended to read:

15 39.47 (2m) No resident of this state may receive a waiver of nonresident tuition
16 under this section if the board receives ~~a certification under s. 49.855 (7) that the~~
17 ~~resident is delinquent in child support or maintenance payments or owes past~~
18 ~~support, medical expenses or birth expenses~~ notification that the resident's name is
19 on the statewide support lien docket under s. 49.854 (2) (b), unless the resident
20 provides to the board a payment agreement that has been approved by the county
21 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
22 under s. 49.858 (2) (a).

History: 1973 c. 90; 1977 c. 29; 1979 c. 221; 1983 a. 27; 1987 a. 27; 1989 a. 184; 1995 a. 27, 404; 1997 a. 27, 200.

23 **SECTION 10.** 45.25 (4) (b) (intro.) of the statutes is amended to read:

1 45.25 (4) (b) (intro.) The department may provide reimbursement under sub.
2 (2) to an individual who is delinquent in child support or maintenance payments or
3 who owes past support, medical expenses or birth expenses, as established by the
4 ~~receipt by the department of a certification under s. 49.855~~ notification that the
5 individual's name is on the statewide support lien docket under s. 49.854 (2) (b), only
6 if the individual provides the department with one of the following:

7 History: 1993 a. 254; 1995 a. 27, 255, 404; 1997 a. 27, 115, 121, 237.

7 **SECTION 11.** 45.25 (4) (b) 2. of the statutes is amended to read:

8 45.25 (4) (b) 2. A statement that the individual is not delinquent in child
9 support or maintenance payments and does not owe past support, medical expenses
10 or birth expenses, signed by the ~~clerk of circuit court~~ department of workforce
11 development or its designee within 7 working days before the date of the application.

12 History: 1993 a. 254; 1995 a. 27, 255, 404; 1997 a. 27, 115, 121, 237.

12 **SECTION 12.** 45.356 (6) (intro.) of the statutes is amended to read:

13 45.356 (6) (intro.) The department may provide a loan under this section after
14 the department receives a ~~certification under s. 49.855 (7) that the applicant is~~
15 ~~delinquent in child support or maintenance payments or owes past support, medical~~
16 ~~expenses or birth expenses~~ notification that the applicant's name is on the statewide
17 support lien docket under s. 49.854 (2) (b) only if the applicant does one of the
18 following:

19 History: 1993 a. 16; 1995 a. 404; 1997 a. 27, 115.

19 **SECTION 13.** 45.356 (6) (b) of the statutes is amended to read:

20 45.356 (6) (b) Provides to the department a statement that the applicant is not
21 delinquent in child support or maintenance payments and does not owe past support,
22 medical expenses or birth expenses, signed by the ~~clerk of circuit court~~ department

1 of workforce development or its designee within 7 working days before the date of the
2 application.

History: 1993 a. 16; 1995 a. 404; 1997 a. 27, 115.

3 **SECTION 14. 45.396 (6) (intro.) of the statutes is amended to read:**

4 45.396 (6) (intro.) The department may make a grant to an applicant under this
5 section after the department receives a ~~certification under s. 49.855 (7) that the~~
6 ~~applicant is delinquent in child support or maintenance payments or owes past~~
7 ~~support, medical expenses or birth expenses~~ notification that the applicant's name
8 is on the statewide support lien docket under s. 49.854 (2) (b) only if the applicant
9 provides the department with one of the following:

History: 1971 c. 42; 1971 c. 125 s. 522 (1); 1971 c. 154, 198, 307; 1975 c. 39, 199, 224, 422; 1979 c. 34 ss. 819b, 2102 (56) (a); 1981 c. 20; 1983 a. 481, 503, 538; 1985 a. 29, 129; 1987 a. 27, 242; 1989 a. 31, 56; 1991 a. 39, 166; 1993 a. 16; 1995 a. 27, 404; 1997 a. 27, 115, 121.

10 **SECTION 15. 45.396 (6) (b) of the statutes is amended to read:**

11 45.396 (6) (b) A statement that the applicant is not delinquent in child support
12 or maintenance payments and does not owe past support, medical expenses or birth
13 expenses, signed by the ~~clerk of circuit court~~ department of workforce development
14 or its designee within 7 working days before the date of the application.

History: 1971 c. 42; 1971 c. 125 s. 522 (1); 1971 c. 154, 198, 307; 1975 c. 39, 199, 224, 422; 1979 c. 34 ss. 819b, 2102 (56) (a); 1981 c. 20; 1983 a. 481, 503, 538; 1985 a. 29, 129; 1987 a. 27, 242; 1989 a. 31, 56; 1991 a. 39, 166; 1993 a. 16; 1995 a. 27, 404; 1997 a. 27, 115, 121.

15 **SECTION 16. 45.74 (6) (intro.) of the statutes is amended to read:**

16 45.74 (6) DELINQUENT SUPPORT PAYMENTS. (intro.) The person is delinquent in
17 child support or maintenance payments or owes past support, medical expenses or
18 birth expenses, as evidenced by a ~~certification under s. 49.855 (7)~~ notification that
19 the person's name is on the statewide support lien docket under s. 49.854 (2) (b),
20 unless the person provides the department or authorized lender with one of the
21 following:

History: 1973 c. 208; 1975 c. 26, 224; 1977 c. 29, 381, 418, 446; 1979 c. 220, 221, 355; 1987 a. 9, 27, 319, 399; 1989 a. 31; 1991 a. 39; 1993 a. 16, 254; 1995 a. 255, 404; 1997 a. 27, 115, 121, 237.

22 **SECTION 17. 45.74 (6) (b) of the statutes is amended to read:**

1 45.74 (6) (b) A statement that the person is not delinquent in child support or
2 maintenance payments and does not owe past support, medical expenses or birth
3 expenses, signed by the ~~clerk of circuit court~~ department of workforce development
4 or its designee within 7 working days before the date of the application.

History: 1973 c. 208; 1975 c. 26, 224; 1977 c. 29, 381, 418, 446; 1979 c. 220, 221, 355; 1987 a. 9, 27, 319, 399; 1989 a. 31; 1991 a. 39; 1993 a. 16, 254; 1995 a. 255, 404; 1997 a. 27, 115, 121, 237.

5 **SECTION 18.** 49.855 (7) of the statutes is repealed.

6 **SECTION 19.** 145.245 (5m) (b) of the statutes is amended to read:

7 145.245 (5m) (b) The department shall notify a governmental unit if it receives
8 ~~a certification under s. 49.855 (7) that an individual is delinquent in child support~~
9 ~~or maintenance payments or owes past support, medical expenses or birth expenses~~
10 notification that an individual's name is on the statewide support lien docket under
11 s. 49.854 (2) (b). The department or a governmental unit shall deny an application
12 under this section if the department receives ~~a certification under s. 49.855 (7)~~
13 notification that the name of the applicant or an individual who would be directly
14 benefited by the grant is delinquent in child support or maintenance payments or
15 owes past support, medical expenses or birth expenses on the statewide support lien
16 docket under s. 49.854 (2) (b), unless the applicant or individual who would be
17 benefited by the grant provides to the department or governmental unit a payment
18 agreement that has been approved by the county child support agency under s. 59.53
19 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404.

20 **SECTION 20.** 234.04 (2) of the statutes is amended to read:

21 234.04 (2) The authority may make or participate in the making and enter into
22 commitments for the making of long-term mortgage loans to eligible sponsors of
23 housing projects for occupancy by persons and families of low and moderate income,

1 or for the making of homeownership mortgage loans or housing rehabilitation loans
2 to persons and families of low and moderate income, an applicant under s. 234.59 or
3 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
4 the determination by the authority that they are not otherwise available from
5 private lenders upon reasonably equivalent terms and conditions. The authority
6 may not make a loan to a person if it receives ~~a certification under s. 49.855 (7) that~~
7 ~~the person is delinquent in child support or maintenance payments or owes past~~
8 ~~support, medical expenses or birth expenses~~ notification that the person's name is
9 on the statewide support lien docket under s. 49.854 (2) (b), unless the person
10 provides to the authority a payment agreement that has been approved by the county
11 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
12 under s. 49.858 (2) (a). The authority may employ, for such compensation as it
13 determines, the services of any financial institution in connection with any loan.

History: 1971 c. 287; 1975 c. 221; 1977 c. 418; 1979 c. 361 s. 113; 1981 c. 349; 1985 a. 29; 1987 a. 27, 359; 1991 a. 221; 1995 a. 404.

14 **SECTION 21.** 234.49 (1) (c) of the statutes is renumbered 234.49 (1) (c) (intro.)

15 and amended to read:

16 234.49 (1) (c) (intro.) "Eligible beneficiary" means a any of the following:

17 1. A person for whom the authority has not received a certification from the
18 department of workforce development under s. 49.855 (7) or a notification that the
19 person's name is on the statewide support lien docket under s. 49.854 (2) (b), except
20 that a person for whom the authority has received such notification is an "eligible
21 beneficiary" if the person provides to the authority a payment agreement that has
22 been approved by the county child support agency under s. 59.53 (5) and that is
23 consistent with rules promulgated under s. 49.858 (2) (a).

1 **2. A family who or which falls within the income limits specified in par. (f).**

History: 1977 c. 418; 1979 c. 110 s. 60 (13); 1979 c. 361 s. 59; Stats. 1979 s. 560.06; 1981 c. 21, 314; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1985 a. 29 ss. 2124d, 2244 to 2260, 3200 (14), 3202 (14); 1985 a. 120; Stats. 1985 s. 234.49; 1987 a. 27, 359, 395; 1987 a. 403 s. 256; 1989 a. 346; 1991 a. 39, 221, 269; 1993 a. 437; 1995 a. 27 ss. 6303, 9126 (19); 1995 a. 201, 404; 1997 a. 3.

2 **SECTION 22. 234.59 (3) (c) of the statutes is amended to read:**

3 **234.59 (3) (c)** The authority shall notify an eligible lender if it receives a
4 ~~certification under s. 49.855 (7) that a person is delinquent in child support or~~
5 ~~maintenance payments or owes past support, medical expenses or birth expenses~~
6 ~~notification that a person's name is on the statewide support lien docket under s.~~
7 ~~49.854 (2) (b).~~ An eligible lender may not make a loan to an applicant if it receives
8 notification under this paragraph concerning the applicant, unless the ~~person~~
9 ~~provides to the lender a payment agreement that has been approved by the county~~
10 ~~child support agency under s. 59.53 (5) and that is consistent with rules promulgated~~
11 ~~under s. 49.858 (2) (a).~~

applicant

History: 1981 c. 349; 1983 a. 82, 192; 1985 a. 29 ss. 2127, 2261 to 2269, 3200 (14); 1985 a. 332; Stats. 1985 s. 234.59; 1987 a. 27, 359; 1987 a. 403 s. 256; 1989 a. 31, 346; 1991 a. 221; 1993 a. 286, 287; 1995 a. 27, 404.

12 **SECTION 23. 234.65 (3) (f) of the statutes is amended to read:**

13 **234.65 (3) (f)** The authority has not received ~~a certification under s. 49.855 (7)~~
14 ~~that the person receiving the loan is delinquent in child support or maintenance~~
15 ~~payments or owes past support, medical expenses or birth expenses~~ notification that
16 ~~the name of the person receiving the loan is on the statewide support lien docket~~
17 ~~under s. 49.854 (2) (b).~~ The condition under this paragraph is met if the person
18 provides to the authority a payment agreement that has been approved by the county
19 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
20 under s. 49.858 (2) (a).

History: 1983 a. 83, 192; 1985 a. 29 s. 3202 (28); 1985 a. 299, 334; 1987 a. 27, 186; 1989 a. 31, 78, 281; 1991 a. 37; 1993 a. 112, 243, 437; 1995 a. 27 s. 9116 (5); 1995 a. 56, 404; 1997 a. 27.

21 **SECTION 24. 234.83 (2) (a) 3. of the statutes is amended to read:**

22 **234.83 (2) (a) 3.** The authority has not received ~~a certification under s. 49.855~~
23 ~~(7) that the owner of the business is delinquent in making child support or~~

1 maintenance payments notification that the name of the owner of the business is on
2 the statewide support lien docket under s. 49.854 (2) (b). The condition under this
3 subdivision is met if the owner of the business provides to the authority a payment
4 agreement that has been approved by the county child support agency under s. 59.53
5 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1991 a. 39; 1993 a. 394; 1997 a. 27.

6 **SECTION 25.** 234.90 (3) (d) of the statutes is amended to read:

7 234.90 (3) (d) The authority has not received a certification under s. 49.855 (7)
8 that the farmer is delinquent in making child support or maintenance payments or
9 owes past support, medical expenses or birth expenses notification that the farmer's
10 name is on the statewide support lien docket under s. 49.854 (2) (b). The condition
11 under this paragraph is met if the farmer provides to the authority a payment
12 agreement that has been approved by the county child support agency under s. 59.53
13 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

History: 1985 a. 9, 29, 153, 332, 334; 1987 a. 7, 27, 178, 421; 1989 a. 1, 10, 31, 336; 1991 a. 4, 39, 221; 1993 a. 1; 1995 a. 5, 150, 404.

14 **SECTION 26.** 234.90 (3g) (c) of the statutes is amended to read:

15 234.90 (3g) (c) The authority has not received a certification under s. 49.855
16 (7) that the farmer is delinquent in making child support or maintenance payments
17 or owes past support, medical expenses or birth expenses notification that the
18 farmer's name is on the statewide support lien docket under s. 49.854 (2) (b). The
19 condition under this paragraph is met if the farmer provides to the authority a
20 payment agreement that has been approved by the county child support agency
21 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
22 (a).

History: 1985 a. 9, 29, 153, 332, 334; 1987 a. 7, 27, 178, 421; 1989 a. 1, 10, 31, 336; 1991 a. 4, 39, 221; 1993 a. 1; 1995 a. 5, 150, 404.

23 **SECTION 27.** 234.905 (3) (d) of the statutes is amended to read:

1 234.905 (3) (d) The authority has not received a certification under s. 49.855
2 (7) that the farmer is delinquent in making child support or maintenance payments
3 or owes past support, medical expenses or birth expenses notification that the
4 farmer's name is on the statewide support lien docket under s. 49.854 (2) (b). The
5 condition under this paragraph is met if the farmer provides to the authority a
6 payment agreement that has been approved by the county child support agency
7 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
8 (a).

9 History: 1987 a. 421; 1989 a. 2, 10, 31, 336; 1991 a. 4, 39, 221; 1995 a. 404.

9 **SECTION 28.** 281.65 (8) (L) of the statutes is amended to read:

10 281.65 (8) (L) A grant may not be made to an individual if the department
11 receives a certification under s. 49.855 (7) that the individual is delinquent in child
12 support or maintenance payments or owes past support, medical expenses or birth
13 expenses notification that the individual's name is on the statewide support lien
14 docket under s. 49.854 (2) (b), unless the individual provides to the ~~authority~~ a department
15 payment agreement that has been approved by the county child support agency
16 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
17 (a).

18 History: 1977 c. 418; 1979 c. 34, 221; 1979 c. 355 s. 241; 1981 c. 20; 1981 c. 346 s. 38; 1983 a. 27; 1983 a. 189 s. 329 (16); 1983 a. 416; 1985 a. 29; 1987 a. 27; 1989 a.
31, 336, 366; 1991 a. 39, 309; 1993 a. 16, 166, 213, 246, 491; 1995 a. 27, 201, 225; 1995 a. 227 s. 428; Stats. 1995 s. 281.65; 1995 a. 404 s. 204; 1997 a. 27, 209, 237.

18 **SECTION 29.** 949.08 (2) (g) of the statutes is repealed and recreated to read:

19 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
20 (2) (b), unless the victim provides to the department a payment agreement that has
21 been approved by the county child support agency under s. 59.53 (5) and that is
22 consistent with rules promulgated under s. 49.858 (2) (a).

23 **SECTION 9457. Effective dates; workforce development.**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0589/1dn P1
PJK...
Kmg

1. Section 565.30 (5) ✓ relies upon the certification under s. 49.855 (2) ✓ to the department of revenue. Do you want to make any changes to that provision?

2. Under ss. 39.44 (4) ✓ and 234.59 (3) (c) ✓ there are (at least) two different entities to whom the person could provide the agreement. Are these two provisions drafted as you want? Alternatively, the board (under s. 39.44 (4)) ✓ or the authority (under s. 234.59 (3) (c)) could refrain from notifying the other entity(ies) if the person provides the agreement to the board or authority.

3. Does the department intend to actually notify each agency of the names that are on the support lien docket or will it instead be the responsibility of each agency to check the support lien docket? (Section 49.854 (2) (b) ✓ states that the department will provide a copy of the docket to each state agency *that titles personal property*.) If the department will not actually be notifying each state agency that makes a grant or loan under this bill draft, the language in this draft should be modified.

Pamela J. Kahler
Senior Legislative Attorney
266-2682

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0589/P1dn
PJK:kmg:ijs

October 21, 1998

1. Section 565.30 (5) relies upon the certification under s. 49.855 (2) to the department of revenue. Do you want to make any changes to that provision?

2. Under ss. 39.44 (4) and 234.59 (3) (c) there are (at least) two different entities to whom the person could provide the agreement. Are these two provisions drafted as you want? Alternatively, the board (under s. 39.44 (4)) or the authority (under s. 234.59 (3) (c)) could refrain from notifying the other entity(ies) if the person provides the agreement to the board or authority.

3. Does the department intend to actually notify each agency of the names that are on the support lien docket or will it instead be the responsibility of each agency to check the support lien docket? (Section 49.854 (2) (b) states that the department will provide a copy of the docket to each state agency *that titles personal property*.) If the department will not actually be notifying each state agency that makes a grant or loan under this bill draft, the language in this draft should be modified.

Pamela J. Kahler
Senior Legislative Attorney
266-2682

Use "shall" and not a rebuttable presumption

9. LRB 0537/1 – Failure to Comply with %-Expressed Order Justifies Change to Fixed-Dollar Order. The drafter notes that existing statutes relating to order revision provide for circumstances where something "shall" constitute a substantial change of circumstances and instances where something "may" constitute a substantial change of circumstances. She then notes that our proposal simply says that failure to comply "constitutes" a substantial change of circumstances. The language could be amended to indicate "shall". We had recommended that it be a part of a separate paragraph because it does not pertain to order revision, but rather, a change in the way the order is state-percentage expressed v. fixed dollar.

add about summary?

10. LRB 0586/1 – Definition of Support. The drafter notes that we can't define "support" as amounts ordered for past "support". In looking at this language again, since past support does not necessarily reflect a 'past-due' amount, we have determined that for our purposes, it really is not necessary to define 'past support' as it would be encompassed in the reference to 'child support' in s.49.854(1)(f)1. S.49.854(1)(f)5 should still be repealed (reference to interest).

only 49.854 would not past support + lien docket

S.49.854(2) should also be amended to provide that "If a person obligated to pay support fails to pay any make periodic payments on any court-ordered amount of support...". The lien docket will only contain arrearages on missed payments. Court ordered amounts for which no payment schedule is established will not be included.

put in ss lien docket + draft

11. LRB 0589/1 – Grants and Loans. The drafter asks whether we want to make any changes to s.565.30(5), the lottery intercept provision which still relies on the tax intercept certification list. We do not want to change that. The major difference between the use of the lien docket and the use of the tax certification list is that the tax list will include lump sum amounts for which no periodic payments were ordered. We would still like to be able to recoup those amounts from lottery winnings.

The drafter also asks whether ss. 39.44(4) and 234.59(3)(c) are drafted as we want, noting that there are at least two different entities to whom the person could provide the agreement. The Department is satisfied with the drafts as proposed. The sections cited relate to the Higher Educational Aids Board and the Housing and Economic Development Authority. While either of them may wish to have the agreement provided to a different entity within their organization, the draft is satisfactory for our purposes.

misses pt but s/b ok

Finally, the drafter asks whether the Department intends to actually notify each agency of the names that are on the support lien docket or whether it will be the responsibility of each agency to check the docket. The language as drafted is satisfactory. The Department does intend to provide some type of notification to each agency that issues grants and loans; however it will not be an individualized

Summary - includes what he is leading

notice and we do not plan to transmit the docket electronically to each of those agencies.

12. LRB 0593/1 Collection of Unpaid Receipt & Disbursement Fees. The Department would prefer use of the language negotiated as part of the 1999 State/County contract to refer to unpaid fees "shown on the department's automated payment and collection system", rather than the language that authorizes collection of amounts "not transferred by a county by Dec. 31, 1998..."

The drafter also asked whether "institute proceedings" to collect the unpaid fee is what we had in mind. If the drafter thinks it is better to differentiate between fees owed to the Department and fees formerly owed to the clerk, rather than in one section, that is fine. However, she did not include any language in the section on fees formerly owed to the clerk indicating what type of enforcement actions could be taken to collect the fee. It is our intention to use the same enforcement measures to collect the old fees as we will use to collect current R & D fees. If there are to be two sections, then the language from 767.29(1)(d) indicating how the fees may be collected should be included in 767.29(1)(dm).

as provided / specified in para (d)

Kahler, Pam

From: Sajna, Jennifer [jennifer.sajna@doa.state.wi.us]
Sent: Thursday, November 05, 1998 2:57 PM
To: Kahler, Pam
Subject: FW: Additional questions on the comments

FYI

-----Original Message-----

From: Chesnik, Constance
Sent: Thursday, November 05, 1998 1:12 PM
To: Sajna, Jennifer
Subject: RE: Additional questions on the comments

1) I simply meant by that that we don't intend to tailor list unique to each agency that issues grants or loans. We will, however, provide a list to each agency similar to the way we provided them the tax intercept certification list, although we will be able to provide updates more frequently. They will still need to call us for information on anything that may have changed between the date of the last update and the date of application for a grant or loan.

2) We didn't like "institute proceedings" because it's not clear what type of proceedings would be permissible. Under existing law, it is clearly specified that a Clerk may not deduct the R & D fee from a child support payment. It is also specified what they can do: move the court for contempt or apply for an income assignment. We had proposed putting both the collection of the old fees that accrued prior to 1/1/99 and the new fees in the same section. Pam broke them out into two sections, I am assuming to differentiate between fees formerly owed to the clerk and fees now owed to the Department. But in so doing, she didn't specify for the old fees "HOW" we could collect them other than to say "institute proceedings".

-----Original Message-----

From: Sajna, Jennifer -DOA
Sent: Wednesday, November 04, 1998 5:55 PM
To: Chesnik, Constance
Subject: Additional questions on the comments

=====

ii
ii

1) your answer in #11 (Grants and Loans) re: the department sending a copy of the docket to each agency confused me—can you expand on what the

department's
intent
is if not and individualized notice or electronic transmission of the
docket?

2)in #12 - why do you not like the drafter's language? I forwarded the
comments but
to be honest I didn't follow the discussion on instituting proceedings—
let's
discuss tomorrow.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0589/72
PJK:kmg:ijs

rmirun

P2

DOA:.....Sajna - Making a grant or loan to an obligor who enters into a payment agreement with the county child support agency

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

soon
(11-6)
D-note

do not
get cut

1 AN ACT relating to: making a grant or loan to an obligor who enters into a
2 payment agreement.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

This is a preliminary draft. An analysis will be provided in a later version.

insert
A →

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

3 SECTION 1. 21.49 (2) (e) of the statutes is amended to read:

4 21.49 (2) (e) Delinquent in child support or maintenance payments and who

5 does not owe past support, medical expenses or birth expenses, as established by the

6 receipt by the department of a certification under s. 49.855 (7) ~~by the~~ the

7 guard member's name on the statewide support lien docket under s. 49.854 (2) (b).

plain text

appearance of

1 unless the guard member provides to the department a payment agreement that has
 2 been approved by the county child support agency under s. 59.53 (5) and that is
 3 consistent with rules promulgated under s. 49.858 (2) (a).

4 SECTION 2. 36.11 (6) (b) of the statutes is amended to read:

5 36.11 (6) (b) The board may not make a grant under par. (a) to a person if it
 6 ~~receives a certification under s. 49.855 (7) that the person is delinquent in child~~
 7 ~~support or maintenance payments or owes past support, medical expenses or birth~~
 8 ~~expenses~~ ^{whose} ~~name~~ ^{appears} ~~on the statewide support lien docket~~
 9 under s. 49.854 (2) (b), unless the person provides to the board a payment agreement
 10 that has been approved by the county child support agency under s. 59.53 (5) and that
 11 is consistent with rules promulgated under s. 49.858 (2) (a).

12 SECTION 3. 36.25 (14) of the statutes is amended to read:

13 36.25 (14) GRADUATE STUDENT FINANCIAL AID. The board shall establish a grant
 14 program for minority and disadvantaged graduate students enrolled in the system.
 15 The grants shall be awarded from the appropriation under s. 20.285 (4) (b). The
 16 board shall give preference in awarding grants under this subsection to residents of
 17 this state. The board may not make a grant under this subsection to a person if it
 18 ~~receives a certification under s. 49.855 (7) that the person is delinquent in child~~
 19 ~~support or maintenance payments or owes past support, medical expenses or birth~~
 20 ~~expenses~~ ^{whose} ~~name~~ ^{appears} ~~on the statewide support lien docket~~
 21 under s. 49.854 (2) (b), unless the person provides to the board a payment agreement
 22 that has been approved by the county child support agency under s. 59.53 (5) and that
 23 is consistent with rules promulgated under s. 49.858 (2) (a).

24 SECTION 4. 36.34 (1) (b) of the statutes is amended to read:

1 36.34 (1) (b) The board shall establish a grant program for minority
2 undergraduates enrolled in the system. The board shall designate all grants under
3 this subsection as Lawton grants. Grants shall be awarded from the appropriation
4 under s. 20.285 (4) (dd). The board may not make a grant under this subsection to
5 a person if it receives a certification under s. 49.855 (7) that the person is delinquent
6 in child support or maintenance payments or owes past support, medical expenses
7 or birth expenses ~~of the person whose name appears~~ ^{whose} ^{appears} on the statewide support lien
8 docket under s. 49.854 (2) (b), unless the person provides to the board a payment
9 agreement that has been approved by the county child support agency under s. 59.53
10 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

11 SECTION 5. 39.30 (2) (e) of the statutes is amended to read:

12 39.30 (2) (e) The board may not make a grant to a student if the board receives
13 a certification under s. 49.855 (7) that the student is delinquent in child support or
14 maintenance payments or owes past support, medical expenses or birth expenses
15 ~~of the person whose name appears~~ ^{whose} ^{appears} on the statewide support lien docket under s.
16 49.854 (2) (b), unless the student provides to the board a payment agreement that
17 has been approved by the county child support agency under s. 59.53 (5) and that is
18 consistent with rules promulgated under s. 49.858 (2) (a).

19 SECTION 6. 39.38 (2) of the statutes is amended to read:

20 39.38 (2) Grants under this section shall be based on financial need, as
21 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
22 which not more than \$1,100 may be from the appropriation under s. 20.235 (1) (fb).
23 State aid from this appropriation may be matched by a contribution from a federally
24 recognized American Indian tribe or band that is deposited in the general fund and
25 credited to the appropriation account under s. 20.235 (1) (gm). Grants shall be

1 awarded to students for full-time or part-time attendance at any accredited
 2 institution of higher education in this state. The board may not make a grant under
 3 this section to a student if the board receives a certification under s. 49.855 (7) that
 4 the student is delinquent in child support or maintenance payments or owes past
 5 support, medical expenses or birth expenses ~~notification of a person's name~~ ^{whose}
 6 on the statewide support lien docket under s. 49.854 (2) (b). unless the student
 7 provides to the board a payment agreement that has been approved by the county
 8 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
 9 under s. 49.858 (2) (a). Grants shall be renewable for up to 5 years if a recipient
 10 remains in good academic standing at the institution that he or she is attending.

11 SECTION 7. 39.435 (6) of the statutes is amended to read:
 12 39.435 (6) The board may not make a grant under this section to a person if the
 13 board receives a certification under s. 49.855 (7) that the person is delinquent in child
 14 support or maintenance payments or owes past support, medical expenses or birth
 15 expenses ~~notification of a person's name~~ ^{whose} on the statewide support lien docket
 16 under s. 49.854 (2) (b). unless the person provides to the board a payment agreement
 17 that has been approved by the county child support agency under s. 59.53 (5) and that
 18 is consistent with rules promulgated under s. 49.858 (2) (a).

19 SECTION 8. 39.44 (4) of the statutes is amended to read:
 20 39.44 (4) The board shall notify an institution or school receiving funds under
 21 sub. (2) if the board receives a certification under s. 49.855 (7) that a student is
 22 delinquent in child support or maintenance payments or owes past support, medical
 23 expenses or birth expenses ~~notification of a student's name~~ on the statewide
 24 support lien docket under s. 49.854 (2) (b). An institution or school may not award
 25 a grant under this section to a student if it receives a notification under this

appears to read

1 subsection concerning that student, unless the student provides to the institution or
 2 school a payment agreement that has been approved by the county child support
 3 agency under s. 59.53 (5) and that is consistent with rules promulgated under s.
 4 49.858 (2) (a).

5 **SECTION 9.** 39.47 (2m) of the statutes is amended to read:

6 39.47 (2m) No resident of this state ^{insert 5-6} may receive a waiver of nonresident tuition
 7 under this section if ^{↓ ↓ ↓ ↓} the board receives a certification under s. 49.855 (7) that the
 8 resident is delinquent in child support or maintenance payments or owes past
 9 support, medical expenses or birth expenses ~~as established by the resident's name as~~
 10 ~~on the statewide support lien docket under s. 49.854 (2) (b) unless the resident~~
 11 provides to the board a payment agreement that has been approved by the county
 12 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
 13 under s. 49.858 (2) (a).

14 **SECTION 10.** 45.25 (4) (b) (intro.) of the statutes is amended to read:

15 45.25 (4) (b) (intro.) The department may provide reimbursement under sub.
 16 (2) to an individual who is delinquent in child support or maintenance payments or
 17 who owes past support, medical expenses or birth expenses, as established by ^{the} ~~the~~
 18 receipt by the department of a certification under s. 49.855 ~~and the~~ ^{the}
 19 individual's name ~~on~~ ^{on} the statewide support lien docket under s. 49.854 (2) (b), only
 20 if the individual provides the department with one of the following:

21 **SECTION 11.** 45.25 (4) (b) 2. of the statutes is amended to read:

22 45.25 (4) (b) 2. A statement that the individual is not delinquent in child
 23 support or maintenance payments and does not owe past support, medical expenses
 24 or birth expenses, signed by the clerk of circuit court department of workforce
 25 development or its designee within 7 working days before the date of the application.

*the
plain
text*

appearance of

1

SECTION 12. 45.356 (6) (intro.) of the statutes is amended to read:

2

45.356 (6) (intro.) The department may provide a loan under this section ~~after~~

3

~~the department receives a certification under s. 49.855 (7) that the applicant is~~

4

~~delinquent in child support or maintenance payments or owes past support, medical~~

5

~~expenses or birth expenses~~ ~~of the applicant whose name is on the statewide~~

6

~~support lien docket under s. 49.854 (2) (b) only if the applicant does one of the~~

7

following:

appears

to an applicant whose

8

SECTION 13. 45.356 (6) (b) of the statutes is amended to read:

9

45.356 (6) (b) Provides to the department a statement that the applicant is not

10

delinquent in child support or maintenance payments and does not owe past support,

11

medical expenses or birth expenses, signed by the clerk of circuit court department

12

of workforce development or its designee within 7 working days before the date of the

13

application.

14

SECTION 14. 45.396 (6) (intro.) of the statutes is amended to read:

15

45.396 (6) (intro.) The department may make a grant ~~to an applicant~~ under this

16

~~section after the department receives a certification under s. 49.855 (7) that the~~

17

~~applicant is delinquent in child support or maintenance payments or owes past~~

18

~~support, medical expenses or birth expenses~~ ~~of the applicant whose name~~

19

~~is on the statewide support lien docket under s. 49.854 (2) (b) only if the applicant~~

20

provides the department with one of the following:

21

SECTION 15. 45.396 (6) (b) of the statutes is amended to read:

22

45.396 (6) (b) A statement that the applicant is not delinquent in child support

23

or maintenance payments and does not owe past support, medical expenses or birth

24

expenses, signed by the clerk of circuit court department of workforce development

25

or its designee within 7 working days before the date of the application.

appear

1 SECTION 16. 45.74 (6) (intro.) of the statutes is amended to read:

2 45.74 (6) DELINQUENT SUPPORT PAYMENTS. (intro.) The person is delinquent in
3 child support or maintenance payments or owes past support, medical expenses or
4 birth expenses, as evidenced by a certification under s. 49.855 (7) ~~that the person's name is~~
5 the person's name on the statewide support lien docket under s. 49.854 (2) (b),
6 unless the person provides the department or authorized lender with one of the
7 following:

the appearance of

8 SECTION 17. 45.74 (6) (b) of the statutes is amended to read:

9 45.74 (6) (b) A statement that the person is not delinquent in child support or
10 maintenance payments and does not owe past support, medical expenses or birth
11 expenses, signed by the clerk of circuit court department of workforce development
12 or its designee within 7 working days before the date of the application.

13 SECTION 18. 49.855 (7) of the statutes is repealed.

14 SECTION 19. 145.245 (5m) (b) of the statutes is amended to read:

15 145.245 (5m) (b) The department shall notify a governmental unit if it receives
16 ~~a certification under s. 49.855 (7) that an individual is delinquent in child support~~
17 ~~or maintenance payments or owes past support, medical expenses or birth expenses~~
18 ~~notification that an individual's name is on the statewide support lien docket under~~
19 ~~s. 49.854 (2) (b). The department or a governmental unit shall deny an application~~
20 ~~under this section if the department receives a certification under s. 49.855 (7)~~
21 ~~notification that the name of the applicant or an individual who would be directly~~

Insert 7-21

22 benefited by the grant is delinquent in child support or maintenance payments or
23 owes past support, medical expenses or birth expenses on the statewide support lien
24 docket under s. 49.854 (2) (b), unless the applicant or individual who would be
25 benefited by the grant provides to the department or governmental unit a payment

1 agreement that has been approved by the county child support agency under s. 59.53
2 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

3 SECTION 20. 234.04 (2) of the statutes is amended to read:

4 234.04 (2) The authority may make or participate in the making and enter into
5 commitments for the making of long-term mortgage loans to eligible sponsors of
6 housing projects for occupancy by persons and families of low and moderate income,
7 or for the making of homeownership mortgage loans or housing rehabilitation loans
8 to persons and families of low and moderate income, an applicant under s. 234.59 or
9 other eligible beneficiaries as defined in s. 234.49. The loans may be made only upon
10 the determination by the authority that they are not otherwise available from
11 private lenders upon reasonably equivalent terms and conditions. The authority
12 may not make a loan to a person ^{↓↓↓} if it receives a certification under s. 49.855 (7) that
13 the person is delinquent in child support or maintenance payments or owes past
14 support, medical expenses or birth expenses ~~notification under s. 49.854 (2) (b)~~
15 on the statewide support lien docket under s. 49.854 (2) (b), unless the person
16 provides to the authority a payment agreement that has been approved by the county
17 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
18 under s. 49.858 (2) (a). The authority may employ, for such compensation as it
19 determines, the services of any financial institution in connection with any loan.

20 SECTION 21. 234.49 (1) (c) of the statutes is renumbered 234.49 (1) (c) (intro.)
21 and amended to read:

22 234.49 (1) (c) (intro.) "Eligible beneficiary" means a any of the following:

- 23 1. A person for whom the authority has not received a certification from the
24 department of workforce development under s. 49.855 (7) or a notification that the
25 person's name is on the statewide support lien docket under s. 49.854 (2) (b), except

whose

does not appear

whose name appears

whose name appears on the statewide support lien docket

1 that a person ~~whose name appears on the statewide support lien docket~~ is an "eligible
2 beneficiary" if the person provides to the authority a payment agreement that has
3 been approved by the county child support agency under s. 59.53 (5) and that is
4 consistent with rules promulgated under s. 49.858 (2) (a).

5 2. A family who or which falls within the income limits specified in par. (f).

6 SECTION 22. 234.59 (3) (c) of the statutes is amended to read:

7 234.59 (3) (c) The authority shall notify an eligible lender if it receives a
8 certification under s. 49.855 (7) that a person is delinquent in child support or
9 maintenance payments or owes past support, medical expenses or birth expenses.

10 ~~Notification~~ *appears* a person's name *is* on the statewide support lien docket under s.
11 49.854 (2) (b). An eligible lender may not make a loan to an applicant if it receives
12 notification under this paragraph concerning the applicant, unless the applicant
13 provides to the lender a payment agreement that has been approved by the county
14 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
15 under s. 49.858 (2) (a).

16 SECTION 23. 234.65 (3) (f) of the statutes is amended to read:

17 234.65 (3) (f) The authority ~~has not received a certification under s. 49.855 (7)~~
18 that the person receiving the loan is delinquent in child support or maintenance
19 payments or owes past support, medical expenses or birth expenses ~~notification~~

20 ~~The~~ name of the person receiving the loan *is* on the statewide support lien docket
21 under s. 49.854 (2) (b). The condition under this paragraph is met if the person
22 provides to the authority a payment agreement that has been approved by the county
23 child support agency under s. 59.53 (5) and that is consistent with rules promulgated
24 under s. 49.858 (2) (a).

25 SECTION 24. 234.83 (2) (a) 3. of the statutes is amended to read:

for a person whose name does appear

does not appear

for an owner whose name does appear

1 234.83 (2) (a) 3. The authority has not received a certification under s. 49.855
 2 (7) that the owner of the business is delinquent in making child support or
 3 maintenance payments ~~of the owner of the business~~ name of the owner of the business on
 4 the statewide support lien docket under s. 49.854 (2) (b). The condition under this
 5 subdivision is met if the owner of the business provides to the authority a payment
 6 agreement that has been approved by the county child support agency under s. 59.53
 7 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

SECTION 25. 234.90 (3) (d) of the statutes is amended to read:

8
 9 234.90 (3) (d) The authority has not received a certification under s. 49.855 (7)
 10 that the farmer is delinquent in making child support or maintenance payments or
 11 owes past support, medical expenses or birth expenses ~~of the farmer's~~ farmer's
 12 name on the statewide support lien docket under s. 49.854 (2) (b). The condition
 13 under this paragraph is met if the farmer provides to the authority a payment
 14 agreement that has been approved by the county child support agency under s. 59.53
 15 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

SECTION 26. 234.90 (3g) (c) of the statutes is amended to read:

16
 17 234.90 (3g) (c) The authority has not received a certification under s. 49.855
 18 (7) that the farmer is delinquent in making child support or maintenance payments
 19 or owes past support, medical expenses or birth expenses ~~of the farmer's~~
 20 farmer's name on the statewide support lien docket under s. 49.854 (2) (b). The
 21 condition under this paragraph is met if the farmer provides to the authority a
 22 payment agreement that has been approved by the county child support agency
 23 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
 24 (a).

SECTION 27. 234.905 (3) (d) of the statutes is amended to read:

name to appear

for a farmer whose name does appear

1 234.905 (3) (d) The authority has not received a certification under s. 49.855
 2 (7) that the farmer is delinquent in making child support or maintenance payments
 3 or owes past support, medical expenses or birth expenses ~~notification that the~~
 4 farmer's name ~~is~~ on the statewide support lien docket under s. 49.854 (2) (b). The
 5 condition under this paragraph is met if the farmer provides to the authority a
 6 payment agreement that has been approved by the county child support agency
 7 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
 8 (a).

for a farmer whose name
 does appear

does not appear

9 SECTION 28. 281.65 (8) (L) of the statutes is amended to read:
 10 281.65 (8) (L) A grant may not be made to an individual if the department
 11 receives a certification under s. 49.855 (7) that the individual is delinquent in child
 12 support or maintenance payments or owes past support, medical expenses or birth
 13 expenses ~~notification that the~~ ^{whose} name ~~is~~ ^{appears} on the statewide support lien
 14 docket under s. 49.854 (2) (b), unless the individual provides to the department a
 15 payment agreement that has been approved by the county child support agency
 16 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
 17 (a).

18 SECTION 29. 949.08 (2) (g) of the statutes is repealed and recreated to read:
 19 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
 20 (2) (b), unless the victim provides to the department a payment agreement that has
 21 been approved by the county child support agency under s. 59.53 (5) and that is
 22 consistent with rules promulgated under s. 49.858 (2) (a).

23 SECTION 9457. Effective dates; workforce development.
 24 (1) CERTIFICATION OF NONDELINQUENCY. The treatment of sections 45.25 (4) (b)
 25 2., 45.356 (6) (b), 45.396 (6) (b) and 45.74 (6) (b) of the statutes takes effect on the date

1 stated in the notice published by the department of workforce development in the
2 Wisconsin Administrative Register under section 767.29 (1) (f) of the statutes, or on
3 October 1, 1999, whichever is earlier.

4

(END)

D - note

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0589/P2ins
PJK:kmg:ijs

INSERT A

Under current law, the department of workforce development (DWD) certifies to the department of revenue (DOR) the names of individuals who are obligated to pay child or family support, maintenance, medical expenses of a child or birth expenses (support) and who have failed to make one or more payments. DOR uses the information to intercept income tax refunds that would be paid to those delinquent obligors. DWD provides the certifications that it makes to DOR to various specified state agencies that make grants or loans to individuals. Any individual who is the subject of such a certification is prohibited from receiving a grant or loan.

Also under current law, if an individual who has a court-ordered obligation to make periodic payments of support fails to make a payment, the amount of the delinquent support automatically becomes a lien against all of the individual's property. DWD is required to maintain a statewide support lien docket that lists the delinquent obligors and the amount of support that each owes. DWD is required to provide a copy of the lien docket to each county register of deeds and each county child support agency.

This bill eliminates the requirement that DWD provide to the various^{se} specified state agencies the certifications that it provides to DOR. Instead, each agency is prohibited from making a grant or loan to an individual whose name is included on the statewide support lien docket. An individual whose name is on the lien docket may still receive a grant or loan, however, if the individual provides to the agency a copy of a payment agreement that has been approved by a county child support agency for the payment of the delinquent support. ←

(END OF INSERT A)

Insert 5-6 ✓

with

whose name appears on the statewide

support lien docket under s. 49.854(2)(b) ^b

(all
under
secret) →

(end of ins. 5-6)

Insert 7-21 ✓

Section #. 145.245 (5m) (b) of the statutes is amended to read:

145.245 (5m) (b) The department shall notify a governmental unit if ~~it receives a certification under s. 49.855 (7) that an individual is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.~~ The department or a governmental unit shall deny

an application under this section if the ~~department receives a certification under s. 49.855 (7) that~~ the applicant or an individual who would be directly benefited by the grant is delinquent in child support or maintenance payments or owes past support, medical expenses or birth expenses.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 189 s. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw, 2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404.

name of

→ an individual's name appears on the statewide support lien docket under

s. 49.854 (2)(b)

(end of ins 7-21)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0589/P2dn

PJK: ~~ljs~~ ijs

King

1. I changed the language to refer to just the appearance of the payer's name on the statewide support lien docket, instead of to notification that the payer's name is on the docket, because there is no requirement that DWD provide any notification of the names that are on the docket. I know that DWD intends to provide a list to each agency, but because there is no explicit requirement, I thought it best to make the language more neutral. Let me know if for any reason you would like the old language restored.

Pamela J. Kahler
Senior Legislative Attorney
266-2682

2. I also removed the delayed effective date provision since DWD will be taking over the centralized receipt and disbursement on January 3, 1999.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0589/P2dn
PJK:kmg:km

November 10, 1998

1. I changed the language to refer to just the appearance of the payer's name on the statewide support lien docket, instead of to notification that the payer's name is on the docket, because there is no requirement that DWD provide any notification of the names that are on the docket. I know that DWD intends to provide a list to each agency, but because there is no explicit requirement, I thought it best to make the language more neutral. Let me know if for any reason you would like the old language restored.

2. I also removed the delayed effective date provision since DWD will be taking over the centralized receipt and disbursement on January 3, 1999.

Pamela J. Kahler
Senior Legislative Attorney
266-2682

✓ 7. LRB 0589/2 – Grants and Loans to Obligor. There are two minor typos. Page 5, line 21 the word “unless” is used twice. Page 8, line 6 the words “if the” should not be struck.

8. ~~LRB 0593/1 (Nov. 6 Redraft) - Collection of Unpaid Receipt & Disbursement Fees.~~
This draft is OK. ~~HOLD~~

9. LRB 0698/1 – SSNs and Periodic Payment of Arrearages on Electronic Docket. Placement on the lien docket, under our proposal, was contingent on failure to make payments. Under the drafter's proposal, it is contingent on failure to pay any court ordered amount. By way of example, if an obligor is ordered to pay \$3,000 in birth expenses at the rate of \$20 per month and is current in those payments, the drafter's language would require us to submit them to the lien docket. We propose instead: “If a person obligated to pay support, fails to make periodic payments on any court ordered amount of support,....”