

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **04/23/99**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 7-7417**

By/Representing: **Doty**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

LFB:.....Doty -

Topic:

Require department to publish date that support lien docket is operational

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 04/26/99	ygeller 04/26/99		_____			
/1			martykr 04/28/99	_____	lrb_docadmin 04/28/99		
/2	kahlepj 05/18/99	ygeller 05/18/99	martykr 05/19/99	_____	lrb_docadmin 05/19/99		

FE Sent For:

<END>

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/?	kahlepj 04/26/99	jgeller 04/26/99		_____			
/1		12/5/18 jg	martykr 04/28/99	_____	lrb_docadmin 04/28/99		
			Am 5/19	JA 5/19 Am 19			

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1/?	kahlepj	1 4/26 jlg	km 4/27	Hit 4/27	km 4/27		
		1					

FE Sent For:

<END>

Kahler, Pam

From: Doty, Kelsie
Sent: Thursday, April 22, 1999 7:14 PM
To: Kahler, Pam
Subject: Child support: drafting requests

Pam -

Finance took up child support yesterday (the issue papers are on the internet at www.legis.state.wi.us -- select "LFB" and then "1999-01 Budget Papers"). Here is the list of drafts we will need. Please give me a call.

1. The committee adopted a motion to extend the provisions related to CR&D income assignment and withholding to the counties (Motion #174 -- I'll fax a copy of it over).
2. For issue paper #1072 (state child support payments to counties), the committee adopted alternatives: 2, 3a & 4. This will consolidate ss. 49.23 and 49.23 into one program (LRB 0497/4).
3. For issue paper #1073, the committee deleted the Governor's provision to make the state a real party in interest in child support cases if the parent receives food stamps (LRB 0535/1).
4. For issue paper #1074 (making a grant or loan to obligors), the committee adopted alternative 3. The provision will stay in (LRB 0589/2). However, the effective date will need to be modified (see the alternative).

Kelsie Doty
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Madison, WI 53703
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Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

April 22, 1999

Joint Committee on Finance

Paper #1074

Certification of Delinquent Payments (DWD-- Child Support)

[LFB 1999-01 Budget Summary: Page 714, #9]

CURRENT LAW

Under current law, the Department of Workforce Development (DWD) certifies the amount of delinquent child support, family support or maintenance, medical expenses and birth expenses. These certifications are provided to the federal Internal Revenue Service (IRS) and the Wisconsin Department of Revenue (DOR) for use in intercepting income tax refunds of delinquent obligors. In addition, DWD may provide these certifications to certain state agencies and authorities. Grants, loans and waivers are denied to individuals whose name appears on these certifications, with the exception of certain programs administered by the Department of Veterans' Affairs that allow for approved repayment arrangements. The state agencies and authorities that receive the certifications and the applicable grant, loan and waiver programs include the following:

Commerce -- Grants for private sewage system replacement or rehabilitation.

Higher Education Assistance Board -- Education grants and Minnesota-Wisconsin tuition reciprocity waivers.

Justice -- Awards for victims of crimes.

Military Affairs -- Education benefits.

Natural Resources -- Financial assistance for nonpoint source water pollution abatement.

University of Wisconsin System -- Financial aid.

Veterans' Affairs -- Tuition and fee reimbursement, personal loans and housing loans.

Wisconsin Housing and Economic Development Authority -- Loans for housing projects and homeownership and economic development, small business development and agricultural production loan guarantees.

GOVERNOR

Eliminate the current law provision that allows DWD to provide a certification of delinquent support to these state agencies and authorities for use in determining an individual's eligibility for grant, loan and waiver programs. Instead, prohibit the agencies and authorities listed above from providing grants, loans or waivers to individuals whose name appears on the statewide support lien docket, unless the individual provides a payment agreement to the agency or authority that has been approved by the county child support agency and that is consistent with rules promulgated by DWD.

DISCUSSION POINTS

Use of Support Lien Docket

1. As required under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 1997 Wisconsin Act 191 made a number of changes to the state's child support enforcement laws, including the imposition of liens against property and license suspensions of delinquent obligors. In order to implement these provisions, DWD is establishing a statewide support lien docket.

2. Under current law, if a person fails to pay court-ordered support, the delinquent amount becomes a lien in favor of DWD upon all of the person's property. The lien becomes effective when the information is entered into the statewide support lien docket and the docket is delivered to the register of deeds. Proposed rules regarding these provisions were submitted to the Legislature on March 24, 1999. The rules specify that an obligor's name will be placed on the lien docket when the amount owed equals or exceeds the greater of the monthly amount due or \$500. Once the delinquent amount is paid in full, the lien is extinguished and the obligor's name is removed from the lien docket. It is expected that the lien docket will be fully operational by June, 2000.

3. Certification of delinquent amounts would still be provided to the IRS and DOR under the bill for purposes of intercepting tax refunds and credits. However, the other state agencies would instead refer to the statewide support lien docket to determine if an individual is ineligible for a grant, loan or waiver because of delinquent support. According to DWD, the lien docket would be easier for other agencies to use when determining eligibility for a grant or loan and would be updated more frequently than the certification list.

Alternative Payment Arrangements

4. The statutes specify that DWD may enforce the lien once an obligor's name appears on the lien docket unless the individual pays the delinquent amount in full or makes satisfactory alternative payment arrangements with DWD or a county child support agency. In addition, delinquent support can cause the obligor's driver's, professional, occupational and recreational licenses to be restricted, suspended or denied for five years or until the individual satisfies the support delinquency or enters into an alternative payment arrangement. DWD is granted rule-making authority under current law to establish guidelines for alternative payment plans. The proposed rules allow an obligor to negotiate an alternative payment plan with a child support agency that consists of either a lump-sum payment or periodic payments on the arrearage or both. Such an agreement would suspend any administrative enforcement action against the obligor as long as the obligor complies with the plan.

5. The bill would also allow a grant, loan or waiver to be made to an individual whose name appears on the lien docket if the obligor enters into a payment agreement that has been approved by the county child support agency and that is consistent with rules promulgated by DWD. Although county child support agencies have historically entered into repayment arrangements with delinquent obligors, only the tuition and fee reimbursement program and loans administered by the Department of Veterans' Affairs (DVA) currently allow a grant or loan to be made if the applicant has entered into a repayment agreement. By making this modification, the bill would make the other grant, loan and waiver programs consistent with the administrative enforcement provisions and DVA programs that currently allow for such agreements.

Effective Date

6. As drafted, the new provisions would take effect on the bill's general effective date. However, as noted, DWD anticipates that the lien docket will not be operational until June, 2000, which is likely to be after enactment of the budget bill. In order to ensure that the provision regarding use of the lien docket does not take effect before the lien docket is operational, the bill could be modified to: (a) direct the Department to publish a notice in the Wisconsin Administrative Register that states the date on which the lien docket will begin operating; and (b) specify that either one or both of these provisions would take effect on the date indicated in the Administrative Register or on the bill's general effective date, whichever is later.

7. Since county child support agencies presently enter into repayment arrangements with delinquent obligors, the provision that would specifically allow grants, loans or waivers to be made if the delinquent obligor has entered into a repayment arrangement could continue to take effect with the bill's general effective date.

ALTERNATIVES

1. Adopt the Governor's recommendation to eliminate the current provision that allows DWD to certify delinquent support obligors to state agencies and authorities and, instead, prohibit

the state agencies and authorities listed above from providing grants, loans or waivers to individuals whose name appears on the statewide support lien docket, unless the individual provides a payment agreement to the agency or authority that has been approved by the county child support agency.

2. Adopt the Governor's recommendation with modifications to: (a) direct the Department to publish a notice in the Wisconsin Administrative Register that states the date on which the lien docket will begin operating; and (b) specify that the provision that would require agencies and authorities to refer to the lien docket instead of the certification list would take effect on the date indicated in the Administrative Register or on the bill's general effective date, whichever is later. The provision related to alternative payment arrangements would continue to take effect on the bill's general effective date.

3. Adopt the Governor's recommendation with modifications to: (a) direct the Department to publish a notice in the Wisconsin Administrative Register that states the date on which the lien docket will begin operating; and (b) specify that the provision regarding use of the lien docket and the provision allowing for alternative payment arrangements would take effect on the date indicated in the Administrative Register or on the bill's general effective date, whichever is later.

4. Maintain current law.

Dec 589

Prepared by: Kelsie Doty

create & repeal 49.854(2)(e)

create → same date as budget

repeal → delay

all others → delay

double draft 39.38(2)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0193/1
PJK.....

↑
jlg

LFB:.....Doty – Require department to publish date that support lien docket is operational

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

SOON
(4-26)

1 At the locations indicated, amend the bill as follows:

2 1. Page 550, line 14: delete the material beginning with that line and ending
3 with page 551, line 4 and substitute:

4 “39.38 (2) Grants under this section shall be based on financial need, as
5 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
6 which not more than \$1,100 may be from the appropriation under s. 20.235 (1) (fb)
7 (k). State aid from this appropriation may be matched by a contribution from a
8 federally recognized American Indian tribe or band that is deposited in the general
9 fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall
10 be awarded to students for full-time or part-time attendance at any accredited
11 institution of higher education in this state. The board may not make a grant under

1 this section to a student if the board receives a certification under s. 49.855 (7) that
 2 the student is delinquent in child support or maintenance payments or owes past
 3 support, medical expenses or birth expenses. Grants shall be renewable for up to 5
 4 years if a recipient remains in good academic standing at the institution that he or
 5 she is attending.

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

6

SECTION 912c. 39.38 (2) of the statutes, as affected by 1999 Wisconsin Act

7 (this act), is amended to read:

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

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

24

2. Page 757, line 17: after that line insert:

1 “SECTION 1486j. 49.854 (2) (e) of the statutes is created to read:

2 49.854 (2) (e) *Date that support lien docket is operational.* The department
3 shall publish a notice in the Wisconsin Administrative Register that states the date
4 on which the statewide support lien docket is first operational. The department shall
5 publish the date as soon as possible after the statewide support lien docket begins
6 operating or, if the department is able to determine with certainty the date on which
7 the statewide support lien docket will begin operating, as soon as possible after the
8 department determines that date.

9 SECTION 1486k. 49.854 (2) (e) of the statutes, as created by 1999 Wisconsin Act
10 (this act), is repealed.”

11 **3.** Page 1479, line 10: after that line insert:

12 “(6) PROHIBITION OF FINANCIAL ASSISTANCE IF NAME ON SUPPORT LIEN DOCKET. The
13 treatment of sections 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1) (b), 39.30 (2) (e),
14 39.38 (2) (by SECTION 912c), 39.435 (6), 39.44 (4), 39.47 (2m), 45.25 (4) (b) (intro.) and
15 2., 45.356 (6) (intro.) and (b), 45.396 (6) (intro.) and (b), 45.74 (6) (intro.) and (b),
16 49.855 (7), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c), 234.65 (3) (f),
17 234.83 (2) (a) 3., 234.90 (3) (d) and (3g) (c), 234.905 (3) (d), 281.65 (8) (L) and 949.08
18 (2) (g) of the statutes and the repeal of section 49.854 (2) (e) of the statutes take effect
19 on the date stated in the notice published by the department of workforce
20 development in the Wisconsin Administrative Register under section 49.854 (2) (e)
21 of the statutes, as created by this act, or on the effective date of this subsection,
22 whichever is later.”

23

(END)

60193/8
PSK

notice

this is okay

on which the statewide support lien docket is first operational. The department shall publish the date as soon as possible after the statewide support lien docket begins operating or, if the department is able to determine with certainty the date on which the statewide support lien docket will begin operating, as soon as possible after the department determines that date.

SECTION 1486k. 49.854 (2) (e) of the statutes, as created by 1999 Wisconsin Act ... (this act), is repealed.”.

226. Page 757, line 19: delete lines 19 and 20.

227. Page 759, line 1: delete lines 1 and 2.

***NOTE: This item deletes a redundant definition.

228. Page 769, line 22: delete the material beginning with that line and ending with page 770, line 2.

229. Page 771, line 21: delete lines 21 to 25.

230. Page 772, line 1: delete lines 1 to 10.

231. Page 773, line 7: delete lines 7 to 14.

232. Page 776, line 12: delete lines 12 to 22.

233. Page 777, line 16: delete the material beginning with that line and ending with page 779, line 13.

234. Page 779, line 14: delete lines 14 to 18.

235. Page 779, line 19: delete that line.

236. Page 779, line 20: delete lines 20 to 24.

237. Page 780, line 1: delete lines 1 to 23.

238. Page 780, line 24: delete that line.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0193/2
PJK:jlg:km

miss run

LFB:.....Doty - Require department to publish date that support lien docket is operational

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

*(5-18-99)
SUN
J-note*

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 550, line 14: delete the material beginning with that line and ending
3 with page 551, line 4, and substitute:

4 "39.38 (2) Grants under this section shall be based on financial need, as
5 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
6 which not more than \$1,100 may be from the appropriation under s. 20.235 (1) ~~(f)~~
7 (k). State aid from this appropriation may be matched by a contribution from a
8 federally recognized American Indian tribe or band that is deposited in the general
9 fund and credited to the appropriation account under s. 20.235 (1) (gm). Grants shall
10 be awarded to students for full-time or part-time attendance at any accredited
11 institution of higher education in this state. The board may not make a grant under

1 this section to a student if the board receives a certification under s. 49.855 (7) that
2 the student is delinquent in child support or maintenance payments or owes past
3 support, medical expenses or birth expenses. Grants shall be renewable for up to 5
4 years if a recipient remains in good academic standing at the institution that he or
5 she is attending.

6 **SECTION 912c.** 39.38 (2) of the statutes, as affected by 1999 Wisconsin Act ...
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8 39.38 (2) Grants under this section shall be based on financial need, as
9 determined by the board. The maximum grant shall not exceed \$2,200 per year, of
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18 (2) (g) of the statutes and the repeal of section 49.854 (2) (e) of the statutes take effect
19 on the date stated in the notice published by the department of workforce
20 development in the Wisconsin Administrative Register under section 49.854 (2) (e)
21 of the statutes, as created by this act, or on the effective date of this subsection,
22 whichever is later."

23

(END)

notice stating the

Note (over)

Kelsie:

¶ This redraft adds "notice stating
the" in front of "date" on p. 3,
line 5. ✓

PKK

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

LRBb0193/2dn
PJK:jlj:km

May 19, 1999

Kelsie:

This redraft adds "notice stating the" in front of "date" on p. 3, line 5.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0193/2
PJK:jlg:km

LFB:.....Doty – Require department to publish date that support lien docket
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21 under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2)
22 (a). Grants shall be renewable for up to 5 years if a recipient remains in good
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2 49.854 (2) (e) *Date that support lien docket is operational.* The department
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15 2., 45.356 (6) (intro.) and (b), 45.396 (6) (intro.) and (b), 45.74 (6) (intro.) and (b),
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22 whichever is later.”.

23

(END)