

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:

State and federal incentive payments to counties

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 04/27/99	jgeller 04/27/99		_____			
/1			martykr 04/28/99	_____	lrb_docadmin 04/28/99		
/2	kahlepj 05/18/99	jgeller 05/18/99	martykr 05/19/99	_____	lrb_docadmin 05/19/99		

FE Sent For:

<END>

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/?	kahlepj 04/27/99	jgeller 04/27/99		_____			
/1		<i>12 5/18 jlg</i>	martykr 04/28/99	_____	lrb_docadmin 04/28/99		
			<i>dm 5/19</i>	<i>dm 5/19</i>			

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/?	kahlepj	1 4/27 JG	1/4/27	H/A 4/27	Km 27		

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).

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Madison, WI 53703
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Fax: (608) 267-6873
Kelsie.Doty@legis.state.wi.us

p. 715, l 4
p. 715, l 17+18?



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 #1072

State Child Support Payments to Counties (DWD -- Child Support)

[LFB 1999-01 Budget Summary: Page 713, #7]

CURRENT LAW

The state distributes federal child support incentive payments to counties and also provides state funding for paternity establishment, collection enforcement and order revision. The following programs are outlined in state statute:

State Supplemental Funding. State PR funding from child support assigned to the state by public assistance recipients is provided to offset reduced federal incentive payments that resulted from declining public assistance caseloads. The payments of state funding made under this program are distributed in accordance with a formula developed by DWD in consultation with county representatives.

The combined amount of federal incentive payments and state supplemental funding provided under this program is limited to \$10.5 million annually. The state's supplemental payment for the 1998-99 fiscal year may not exceed \$3,850,000. Under this funding mechanism, if the amount of federal incentive funding exceeds \$6.65 million, the amount of state funding is reduced from the \$3.85 million maximum so that the combined total does not exceed \$10.5 million. However, if federal funding falls below \$6.65 million, the total amount distributed to the counties falls below \$10.5 million since the state contribution is capped at \$3.85 million. Since the federal incentive payment has historically been greater than \$6.65 million, the state supplemental contribution has been less than \$3.85 million.

State Incentive Program. Under state law, DWD must provide incentive payments, in a total amount of at least \$259,000 GPR annually, to counties that meet child support administrative efficiency criteria, according to a distribution formula established by DWD. The formula must provide an incentive for counties to increase child support collections made on behalf of families who receive public assistance benefits as well as those who do not receive such benefits and to increase paternity establishments.

The statutes also specify that state incentive payments made to a county be of an amount so that the total of state and federal incentive payments does not exceed 105% of the county's child support program costs. In addition, the statutes specify that a county that receives a state incentive payment under this program may use the funds only to pay the costs of the county's child support enforcement program.

Order Revision Program. State law requires DWD to award grants to counties for programs to revise child support orders, based on each county's percentage of statewide cases with orders. State GPR is currently used to fund this program. The program was created in response to a 1993 federal law that requires states to review child support orders every three years for all public assistance cases and upon request for other cases. Base level funding for the state incentive and order revision programs is \$1,840,100.

GOVERNOR

Modify the programs that distribute state funding to counties for paternity establishment and child support enforcement as follows:

a. Replace \$1,840,100 annually in GPR funding for the order revision program and state incentive program with PR funding from child support payments assigned to the state by public assistance recipients.

b. Eliminate the current law provision that specifies that no state incentive payment can be made to a county if the total of state and federal incentive payments exceeds 105% of the county's child support program's cost.

DISCUSSION POINTS

1. The federal Child Support Performance and Incentive Act of 1998 (P.L. 105-200) phased-out the prior federal incentive program over federal fiscal years 2000 and 2001 and created a new incentive program, which will be fully implemented by FFY 2002. Previously, states received federal incentive monies based on the percentage of support collections made on behalf of public assistance recipients and the percentage of collections made on behalf of other families. In recent years, Wisconsin's incentive payment has declined from \$12.4 million in FFY 1995 to \$7.2 million in FFY 1998 due to declining public assistance caseloads.

2. The new federal incentive program will be based on the following five performance measures: (a) paternity establishment; (b) establishment of support orders; (c) collection of current support due; (d) collection of child support arrearages; and (e) cost-effectiveness. In addition, the federal legislation requires the Secretary of the federal Department of Health and Human Services to develop a performance measure on the establishment and enforcement of medical support to be submitted in a report to Congress by October 1, 1999. States will compete with each other for available funding under the new incentive program. It is projected that Wisconsin's payment could

be between \$7 million and \$9 million annually. However, the actual amount will depend on Wisconsin's performance relative to the performance of other states.

3. The federal incentive program was also modified to prohibit federal incentive dollars from being used to fund programs or services other than child support enforcement. Previously, incentive payments earned by states did not have to be reinvested in enforcement programs, but could be used for other purposes.

4. Due to the changes in the federal incentive program, DWD consolidated the state's incentive programs for counties, not including the order revision program, with the federal incentive dollars into a single performance-based program. The new program was developed by DWD and county child support agencies and was part of the 1998 and 1999 state and county contracts. Calendar year 1998 represented a transition year from the old federal and state incentive programs to the new, consolidated performance-based program.

5. Under the state's new performance-based program, an allocation is determined for each county based on its share of statewide support cases that receive enforcement services from a county child support agency. Each county is guaranteed one-half of its allocation. The remaining allocation is earned based on two standards: (a) 50% is based on the percentage of child support cases with a collection; and (b) 50% is based on the percentage of paternities established for non-marital children. High performing counties can earn up to 105% of their allocation under each standard if there are unearned funds available from other counties.

6. The Department indicates that the new performance-based program was developed in order to improve Wisconsin's ability to compete with other states for federal incentive dollars. As noted above, the new federal incentive payments will be based on each state's performance relative to others.

7. The Governor's budget bill provision would modify a current law provision that relates to how state incentive payments are distributed to counties. As noted above, the statutes currently provide that state incentive payments to a county can not cause the combined amount of state and federal incentive payments to exceed 105% of a county's costs. The bill would eliminate this provision. The administration indicates that, in response to the federal law change, the intent of the modification is to ensure that all federal and state incentive dollars are spent only on county child support programs. However, it is unclear how this modification would be applied since it would remove language that, for purposes of eligibility for state incentive funds, imposes a 105% cap on the combined amount of state and federal incentive funding. It could be interpreted that the act of removing the 105% limit eliminates the overall funding cap on federal incentive payments. An amendment to the bill could be adopted to specify that the total of state and federal incentive payments could not exceed 100% of the county's child support program costs. This change would conform with the administration's intent.

8. Since state funding and the federal incentive dollars have already been administratively consolidated into a single program, an amendment could be adopted to replace the

current statutory programs with a single county incentive program that more closely follows current practice. The order revision program could also be combined into a consolidated program because the order revision function is now a standard part of child support enforcement. The statutes could be modified to direct DWD to distribute state funding and federal incentive payments to counties in accordance with a formula developed by DWD in consultation with county representatives. It could also be specified that counties that receive a payment under this program must use the funds only to pay the costs of their child support programs.

9. Under the bill, the counties would be eligible for up to \$10.5 million in federal and state supplemental incentive payments and another \$1.84 million in state funding for a total of \$12.34 million. Of the \$12.34 million, no more than \$5.69 million (\$1.84 million plus up to \$3.85 million) is made up of state dollars.

10. Funding for the program could be structured in one of three ways, which are outlined below. The options vary depending on whether the counties are guaranteed a certain amount or if the amount of state funding is limited.

a. Specify that the combined amount of federal and state funding distributed to the counties would be limited to \$12.34 million each year. In addition, provide that the state contribution would be limited to \$5.69 million annually. Under this option, the total amount distributed to the counties could fall below \$12.34 million if the federal incentives were less than \$6.65 million for the year. However, the state contribution would be less than \$5.69 million if the federal incentive payment exceeded \$6.65 million. This is similar to how the distribution of state supplemental incentive funding and federal incentive payments is structured under current law.

b. Specify that the state contribution to the county incentive program would be \$5.69 million annually. Under this option, the combined amount of state and federal funding distributed to the counties would equal the federal payment plus the \$5.69 million in state funds. If the federal incentives were less than \$6.65 million, counties would receive a combined amount of less than \$12.34 million. On the other hand, if the federal incentive payment exceeded \$6.65 million, the total amount distributed to the counties would be higher.

c. Specify that a combined total of \$12.34 million in federal and state funding would be distributed to the counties each year. The state's share would equal the difference between the federal incentive payment and \$12.34 million. The state's contribution would exceed \$5.69 million if the federal incentive were below \$6.65 million. If the federal incentive payment exceeded \$6.65 million, the state's share would be less than \$5.69 million.

11. The Department could be directed to promulgate an administrative rule, in consultation with county representatives, that outlines how the state funding and federal incentive payments would be distributed to the counties. This would provide some legislative oversight of a program that would distribute amounts of approximately \$12.34 million on an annual basis, including \$5.69 million of state dollars. There are currently no administrative rules regarding the funding of the existing county child support enforcement programs.

ALTERNATIVES

1. Adopt the Governor's recommendation to eliminate the current law provision that specifies that no state incentive payment can be made to a county if the total of state and federal incentive payments exceed 105% of the county's child support program's cost.

② Modify the Governor's recommendation by specifying that the total of state and federal incentive payments may not exceed 100% of the county's child support program's cost.

3. Delete the Governor's recommendation as it relates to how state incentive funding is distributed to counties. In addition, repeal the three current law county child support programs and replace them with one program that directs DWD to distribute state funding and federal incentive payments to counties in accordance with a formula developed by the Department in consultation with county representatives. Specify that counties that receive a payment under this program must use the funds only to pay the costs of their child support programs.

One of the following three funding distribution mechanisms would also need to be adopted:

① a. Specify that the combined amount of federal and state funding distributed to the counties would be limited to \$12.34 million each year and provide that the state contribution would be limited to \$5.69 million annually. *↑ amounts under 49.24(1) + (2)?*

b. Specify that the state would contribute \$5.69 million each year to the county incentive program.

c. Specify that the combined total of federal and state funding distributed to the counties would be \$12.34 million each year. Under this option, the state share would be calculated by subtracting the federal incentive payment from \$12.34 million.

④ 4. Direct the Department to promulgate an administrative rule, in consultation with county representatives, that outlines how the state funding and federal incentive payments would be distributed to the counties. *49.24(2)*

get rid of fiscal

Prepared by: Kelsie Doty

ask 3. ~~ask~~
49.24 (b) → State & Federal

in a year

get rid of 49.23

* work in concept under 49.23(2)(a)3.

change ~~of~~ total \$

language about rule



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0194/1
PJK.....

JG

LFB:.....Doty – State and federal incentive payments to counties

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

SOON
(4-27)

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

2 1. Page 442, line 3: delete lines 3 to 9[✓] and substitute:

3 “20.445 (3) (k) *Child support transfers*. All moneys transferred from the
4 appropriation account under par. (r), to be expended under the Wisconsin works
5 program under subch. III of ch. 49 and to be distributed as child support incentive
6 payments[✓] as provided in s. 49.24 and for the support of dependent children in
7 accordance with applicable federal and state statutes, federal regulations and state
8 rules.”[✓]

NOTE: NOTE: Par. (k) is shown as repealed and recreated eff. 1-4-99 by 1997 Wis. Act 191. Prior to 1-4-99 it reads:NOTE:

10 (k) *Child support transfers*. All moneys transferred from the appropriation account under par. (r), to be distributed for the support of dependent children in accordance with applicable federal and state statutes, federal regulations and state rules.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 239; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (f); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545s, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; s. 13.93 (2) (c).

1 **2.** Page 714, line 13: delete the material beginning with that line and ending
2 with page 715, line 11 and substitute:

3 "SECTION 1350m. 49.23 of the statutes is repealed."

4 **3.** Page 715, line 14: delete lines 14 to 18 and substitute:

5 "49.24 (1) From the appropriation under s. 20.445 (3) (k), the department shall
6 provide child support incentive payments to counties to offset reduced federal child
7 support incentive payments. Total payments under this subsection may not exceed
8 \$3,178,000 in fiscal year 1997-98 or \$3,850,000 in fiscal year 1998-99 \$5,690,000 per
9 year.

NOTE: NOTE: Sub. (1) is shown as amended eff. 1-4-99 by 1997 Wis. Act 27. Prior to 1-4-99 it reads: NOTE:
10 (1) From the appropriation under s. 20.445 (3) (g), the department shall provide child support incentive payments to counties to offset reduced federal child support
11 incentive payments. Total payments under this subsection may not exceed \$3,178,000 in fiscal year 1997-98 or \$3,850,000 in fiscal year 1998-99.

12 History: 1997 a. 27. SECTION 1352f. 49.24 (2) of the statutes is renumbered 49.24 (2) (a) and
13 amended to read:

14 49.24 (2) (a) The department shall distribute the payments under sub. (1) in
15 accordance with a formula developed by the department, in consultation with
16 representatives of counties, promulgate a rule that specifies the formula according
17 to which the payments under sub. (1) and federal child support incentive payments
18 will be distributed to counties. The rule shall provide that the total of state and
19 federal incentive payments to a county may not exceed the costs of the county's child
20 support program under s. 49.22.

21 (b) The total of payments made to counties under sub. (1) and in federal child
22 support incentive payments may not exceed \$10,500,000 in a state fiscal \$12,340,000
23 per year.

24 History: 1997 a. 27. SECTION 1352g. 49.24 (3) of the statutes is amended to read:

1 49.24 (3) A county that receives any state child support incentive payment
2 under sub. (1) or any federal child support incentive payment may use the funds only
3 to pay costs under its child support program under s. 49.22.”✓

History 1997 a. 27.

4

(END)

Should this have a limitation such as "may not exceed per year" ...

representatives of counties, promulgate a rule that specifies the formula according to which the payments under sub. (1) and federal child support incentive payments will be distributed to counties. The rule shall provide that the total of state and federal incentive payments to a county may not exceed the costs of the county's child support program under s. 49.22.

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SECTION 1352g. 49.24 (3) of the statutes is amended to read:

49.24 (3) A county that receives any state child support incentive payment under sub. (1) or any federal child support incentive payment may use the funds only to pay costs under its child support program under s. 49.22."

221. Page 735, line 11: substitute "1999-2000" for "2000-01".

***NOTE: This item corrects an incorrect state fiscal year reference.

222. Page 741, line 16: delete "(B)" and substitute "(D)".

***NOTE: Corrects U.S. code cite.

223. Page 744, line 16: delete lines 16 to 20.

224. Page 749, line 25: delete the material beginning with that line and ending with page 750, line 2.

***NOTE: This item deletes a provision that was contrary to the drafting instructions.

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

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

49.854 (2) (e) *Date that support lien docket is operational.* The department shall publish a notice in the Wisconsin Administrative Register that states the date

*60194/3
PSR*

*ask
(edit
if she wants
(per year))*

per year

per year



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0194/2
PJK:jlg:km

Wm is run

LFB:.....Doty – State and federal incentive payments to counties

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

*SOON
(5-18-99)
D-note*

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4 appropriation account under par. (r), to be expended under the Wisconsin works
5 program under subch. III of ch. 49 and to be distributed as child support incentive
6 payments as provided in s. 49.24 and for the support of dependent children in
7 accordance with applicable federal and state statutes, federal regulations and state
8 rules.”.

9 2. Page 714, line 13: delete the material beginning with that line and ending
10 with page 715, line 11, and substitute:

11 “SECTION 1350m. 49.23 of the statutes is repealed.”.

1 **3.** Page 715, line 14: delete lines 14 to 18 and substitute:

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5 ~~\$3,178,000 in fiscal year 1997-98 or \$3,850,000 in fiscal year 1998-99~~ \$5,690,000 per
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12 to which the payments under sub. (1) and federal child support incentive payments
13 will be distributed to counties. The rule shall provide that the total of state and
14 federal incentive payments ^{per year} to a county may not exceed the costs of the county's child
15 support program under s. 49.22. _{per year}

16 **(b)** The total of payments made to counties under sub. (1) and in federal child
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18 per year.

19 **SECTION 1352g.** 49.24 (3) of the statutes is amended to read:

20 49.24 (3) A county that receives any state child support incentive payment
21 under sub. (1) or any federal child support incentive payment may use the funds only
22 to pay costs under its child support program under s. 49.22.”

23

(END)

D-note

D-note

Kelsie:

This redraft adds "per year"
ⓑ after "payments" and after "costs"
in the last sentence of A. 49.24[✓](2)(a).

AJK

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

LRBb0194/2dn
PJK:jlg:km

May 19, 1999

Kelsie:

This redraft adds "per year" after "payments" and after "costs" in the last sentence of s. 49.24 (2) (a).

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



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0194/2
PJK:jlg:km

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7 accordance with applicable federal and state statutes, federal regulations and state
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11 "SECTION 1350m. 49.23 of the statutes is repealed."

