

2015 DRAFTING REQUEST

Bill

Received: **9/10/2014** Received By: **pkahler**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget** By/Representing: **Major**
May Contact: Drafter: **pkahler**
Subject: **Public Assistance - misc** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **Elisabeth.Shea@legis.wisconsin.gov**
sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Major, BB0055 -

Topic:

Authority to collect overpayments of emergency assistance

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>
/?	pkahler 9/10/2014	wjackson 9/10/2014		_____			
/1	pkahler 9/25/2014		rschluet 9/10/2014	_____	lparisi 9/10/2014		State
/2		wjackson 9/26/2014	jmurphy 9/26/2014	_____	srose 9/26/2014		State

FE Sent For:

<END>

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/?	pkahler 9/10/2014	wjackson 9/10/2014		_____			
/1	pkahler	1/2 WJ 9/26 rschluet 9/10/2014		Jan 9/26	lparisi 9/10/2014		State

FE Sent For:

<END>

Kahler, Pam

From: Malaise, Gordon
Sent: Thursday, September 25, 2014 1:15 PM
To: Hanaman, Cathlene
Cc: Kahler, Pam; Shea, Elisabeth
Subject: RE: Statutory Language Drafting Request - BB0055

Pam already drafted this.

From: Hanaman, Cathlene
Sent: Thursday, September 25, 2014 12:17 PM
To: Shea, Elisabeth; Malaise, Gordon
Subject: FW: Statutory Language Drafting Request - BB0055

From: katrina.major@wisconsin.gov [mailto:katrina.major@wisconsin.gov]
Sent: Thursday, September 25, 2014 12:16 PM
To: Hanaman, Cathlene
Cc: Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA
Subject: Statutory Language Drafting Request - BB0055

Biennial Budget: 2015-17

DOA Tracking Code: BB0055

Topic: Recover emergency assistance overpayments 0132

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA
Phone: 608-266-2288
E-mail: katrina.major@wisconsin.gov

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

LRB 0132

Attachments: False

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

2015 DRAFTING REQUEST

Bill

Received: **9/10/2014** Received By: **pkahler**
Wanted: **As time permits** Same as LRB:
For: **Children and Families** By/Representing: **Kim Swissdorf**
May Contact: Drafter: **pkahler**
Subject: **Public Assistance - misc** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **KimM.Swissdorf@wisconsin.gov**
Carbon copy (CC) to: **Elisabeth.Shea@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Authority to collect overpayments of emergency assistance

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>
/?	pkahler 9/10/2014	wjackson 9/10/2014		_____			
/1			rschluet 9/10/2014	_____	lparisi 9/10/2014		State

FE Sent For:

<END>

2015 DRAFTING REQUEST

Bill

Received: 9/10/2014 Received By: pkahler
Wanted: As time permits Same as LRB:
For: Children and Families By/Representing: Kim Swissdorf
May Contact: Drafter: pkahler
Subject: Public Assistance - misc Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: KimM.Swissdorf@wisconsin.gov
Carbon copy (CC) to: Elisabeth.Shea@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Authority to collect overpayments of emergency assistance ✓

Instructions:

See attached

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<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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/? pkahler

1 wj 9/10

9/10/14

cm

FE Sent For:

<END>

Kahler, Pam

From: Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>
Sent: Tuesday, September 09, 2014 1:17 PM
To: Kahler, Pam
Subject: draft 4561/p1

This is the one for emergency assistance collections. There was a comment that the draft should make it clear that DCF has the ability to use lien and levy for emergency assistance debts. Since this is the last comment I got, I assume that's what we want to do:

The draft does refer back to s. 49.195(3) which is good, but a cross-reference adding EA there might also be a good idea. That would make it very clear that we have the ability to utilize lien and levy for EA debts if that is the intent. We do not have lien and levy authority for JALs.

Thanks!

Kim Swissdorf
Budget and Policy Manager
Department of Children and Families

201 East Washington Avenue
Madison, WI 53703

T: (608) 261-0616
E: KimM.Swissdorf@wisconsin.gov

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"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**

(Request Made By: PTK) (Date: 9/10/14)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for
2013 LRB 4561 (For: Rep./Sen. DCF)

to the drafting file for

2015 LRB 0132 (For: Rep./Sen. DCF)

----- **OR** -----

Please copy the drafting file for
2015 LRB _____ / _____ (includes the version) (For: Rep. / Sen. _____)

and place it in the drafting file for

2015 LRB _____ (For: Rep. / Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file:



0132/1

run not run
Wij

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Thurs pm, please
(in 9-10)
D-note

regenerate ↓

1 AN ACT to amend 49.85 (1), 49.85 (2) (b), 49.85 (3) (b) 1. and 71.93 (1) (a) 4.; and
2 to create 49.138 (5) of the statutes; relating to: authority of the Department
3 of Children and Families to recover overpayments of emergency assistance.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Children and Families (DCF) provides emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The assistance is provided with federal Temporary Assistance to Needy Families (TANF) funds. This bill authorizes DCF to recover overpayments of emergency assistance resulting from a misrepresentation by an individual applying for the assistance with respect to a fact affecting the individual's eligibility for or the amount of the assistance granted. If an overpayment of emergency assistance results from an error by a Wisconsin Works (W-2) agency, DCF must recover the overpayment from the W-2 agency. Overpayments may be recovered by any legal means, including by a certification of the amount to the Department of Revenue for collection through intercepting a state income tax refund.



Insert A

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

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

from an individual receiving

1 SECTION 1. 49.138 (5) of the statutes is created to read:

2 49.138 (5) (a) The department shall recover an overpayment of emergency
3 assistance provided under this section if the overpayment resulted from a
4 misrepresentation by the individual applying for the assistance with respect to any
5 fact having an effect on the individual's eligibility for, or the amount of, the assistance
6 granted.

7 (b) If an overpayment of emergency assistance provided under this section
8 resulted from an error made by a Wisconsin Works agency, the department shall
9 recover the overpayment from the Wisconsin Works agency and may do so by
10 offsetting the amount from amounts otherwise due the agency under a contract
11 under s. 49.143.

12 (c) The department may recover overpayments of emergency assistance under
13 par. (a) or (b) in the manner ^{→ R} provided in ^S ~~§~~ 49.85. ^{→ 49.195 (3m) and} Nothing in this paragraph or par.
14 (b) precludes the department from recovering emergency assistance overpayments
15 through any other legal means.

Insert 2-15

16 SECTION 2. 49.85 (1) of the statutes is amended to read:

17 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
18 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
19 Indian tribe or band determines that the department of health services may recover
20 an amount under s. 49.497, 49.793, or 49.847, or that the department of children and
21 families may recover an amount under s. 49.138 (5), 49.161, or 49.195 (3) or collect
22 an amount under s. 49.147 (6) (cm), the county department or governing body shall
23 notify the affected department of the determination. If a Wisconsin Works agency
24 determines that the department of children and families may recover an amount
25 under s. 49.138 (5), 49.161, or 49.195 (3), or collect an amount under s. 49.147 (6) (cm),

an overpayment of the emergency assistance

STG

1 the Wisconsin Works agency shall notify the department of children and families of
2 the determination.

3 **SECTION 3.** 49.85 (2) (b) of the statutes is amended to read:

4 49.85 (2) (b) At least annually, the department of children and families shall
5 certify to the department of revenue the amounts that, based on the notifications
6 received under sub. (1) and on other information received by the department of
7 children and families, the department of children and families has determined that
8 it may recover under ss. 49.138 (5), 49.161, and 49.195 (3) and collect under s. 49.147
9 (6) (cm), except that the department of children and families may not certify an
10 amount under this subsection unless it has met the notice requirements under sub.
11 (3) and unless its determination has either not been appealed or is no longer under
12 appeal.

13 **SECTION 4.** 49.85 (3) (b) 1. of the statutes is amended to read:

14 49.85 (3) (b) 1. Inform the person that the department of children and families
15 intends to certify to the department of revenue an amount that the department of
16 children and families has determined to be due under s. 49.138 (5), 49.161, or 49.195
17 (3) or to be delinquent under a repayment agreement for a loan under s. 49.147 (6),
18 for setoff from any state tax refund that may be due the person.

19 **SECTION 5.** 71.93 (1) (a) 4. of the statutes is amended to read:

20 71.93 (1) (a) 4. An amount that the department of children and families may
21 recover under s. 49.138 (5), 49.161, or 49.195 (3) or collect under s. 49.147 (6) (cm),
22 if the department of children and families has certified the amount under s. 49.85.

23 (END)

D-note

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0132/?ins
PJK:.....

INSERT A

NOT
or by levying against property of the individual to whom the overpayment was made

(END OF INSERT A)

INSERT 2-15

1 SECTION 1. 49.195 (title) of the statutes is amended to read:

2 49.195 (title) Recovery of aid to families with dependent children and,
3 Wisconsin ~~works~~ Works benefits, and overpayments of emergency
4 assistance.

History: 1977 c. 29; 1981 c. 93, 317; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 307; 1989 a. 31, 96, 173; 1993 a. 16; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 25; 2007 a. 20; 2009 a. 28.

5 SECTION 2. 49.195 (3) of the statutes is amended to read:

6 49.195 (3) A county, tribal governing body, Wisconsin ~~works~~ Works agency, or
7 the department shall determine whether an overpayment has been made under s.
8 ~~49.19~~ 49.138, 49.148, 49.155 ~~or~~, 49.157, or 49.19 and, if so, the amount of the
9 overpayment. The county, tribal governing body, Wisconsin ~~works~~ Works agency, or
10 department shall provide notice of the overpayment to the liable person. The
11 department shall give that person an opportunity for a review following the
12 procedure specified under s. 49.152, if the person received the overpayment under
13 s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96, the
14 department shall promptly recover all overpayments made under s. ~~49.19~~ 49.138,
15 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under s.
16 49.138 (5), 49.161, or 49.19 (17) or as a setoff under s. 71.93 and shall promulgate
17 rules establishing policies and procedures to administer this subsection. The rules

1 shall include notification procedures similar to those established for child support
2 collections.

History: 1977 c. 29; 1981 c. 93, 317; 1983 a. 27; 1985 a. 29; 1985 a. 332 s. 251 (1); 1987 a. 27, 307; 1989 a. 31, 96, 173; 1993 a. 16; 1995 a. 27, 289; 1997 a. 27; 1999 a. 9, 185; 2001 a. 109; 2005 a. 25; 2007 a. 20; 2009 a. 28.

(END OF INSERT 2-15)

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

LRB-01327/dn
PJK:.....

Wm not run

Kim:

2015
↑

This draft is the redraft of LRB 13-4561. I've added collecting overpayments of emergency assistance to s. 49.195 (3). Consequently, s. 49.195 (3m) applies, also. I have not made any explicit exclusion in sub. (3m) for overpayments due to W-2 agency error, which are to be collected from the W-2 agency. The language of s. 49.195 (3) could apply to an overpayment due to W-2 agency error, but I don't think the language of sub. (3m) would. I assume this will be handled informally, similar to a tax setoff certification to DOR, which wouldn't apply to an overpayment due to W-2 agency error. Let me know, however, if you think I need to specifically exclude overpayments due to W-2 agency error from sub. (3m).

Note that the collection procedures under ss. 49.195 (3m) and 49.85 both may be applied to

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

W-2 agencies. Okay?

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

LRB-0132/1dn
PJK:wlj:rs

September 10, 2014

Kim:

This draft is the 2015 redraft of LRB 13-4561. I've added collecting overpayments of emergency assistance to s. 49.195 (3). Consequently, s. 49.195 (3m) applies, also. Note that the collection procedures under ss. 49.195 (3m) and 49.85 both may be applied to W-2 agencies. Okay?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0132/1
PJK:wlj:rs

stays
this is

2015 BILL

(w-9-25)

X

do not
gen cat
↓

1 AN ACT to amend 49.195 (title), 49.195 (3), 49.85 (1), 49.85 (2) (b), 49.85 (3) (b)
2 1. and 71.93 (1) (a) 4.; and to create 49.138 (5) of the statutes; relating to:
3 authority of the Department of Children and Families to recover overpayments
4 of emergency assistance. the budget

Analysis by the Legislative Reference Bureau

Insert A-1

Under current law, the Department of Children and Families (DCF) provides emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The assistance is provided with federal Temporary Assistance to Needy Families (TANF) funds. This bill authorizes DCF to recover overpayments of emergency assistance resulting from a misrepresentation by an individual applying for the assistance with respect to a fact affecting the individual's eligibility for or the amount of the assistance granted. If an overpayment of emergency assistance results from an error by a Wisconsin Works (W-2) agency, DCF must recover the overpayment from the W-2 agency. Overpayments may be recovered by any legal means, including by a certification of the amount to the Department of Revenue for collection through intercepting a state income tax refund or by levying against property of the individual to whom the overpayment was made.

to DOR

BILL

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

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

1 **SECTION 1.** 49.138 (5) of the statutes is created to read:

2 49.138 (5) (a) The department shall recover from an individual receiving
3 emergency assistance under this section an overpayment of the emergency
4 assistance if the overpayment resulted from a misrepresentation by the individual
5 applying for the assistance with respect to any fact having an effect on the
6 individual's eligibility for, or the amount of, the assistance granted.

7 (b) If an overpayment of emergency assistance provided under this section
8 resulted from an error made by a Wisconsin Works agency, the department shall
9 recover the overpayment from the Wisconsin Works agency and may do so by
10 offsetting the amount from amounts otherwise due the agency under a contract
11 under s. 49.143.

12 (c) The department may recover overpayments of emergency assistance under
13 par. (a) or (b) in the manners provided in ss. 49.195 (3m) and 49.85. Nothing in this
14 paragraph or par. (b) precludes the department from recovering emergency
15 assistance overpayments through any other legal means.

16 **SECTION 2.** 49.195 (title) of the statutes is amended to read:

17 **49.195 (title) Recovery of aid to families with dependent children and,**
18 **Wisconsin works Works benefits, and overpayments of emergency**
19 **assistance.**

20 **SECTION 3.** 49.195 (3) of the statutes is amended to read:

BILL

1 49.195 (3) A county, tribal governing body, Wisconsin ~~works~~ Works agency, or
2 the department shall determine whether an overpayment has been made under s.
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6 department shall give that person an opportunity for a review following the
7 procedure specified under s. 49.152, if the person received the overpayment under
8 s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96, the
9 department shall promptly recover all overpayments made under s. ~~49.19~~ 49.138,
10 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under s.
11 49.138 (5), 49.161, or 49.19 (17) or ^{received} as a setoff under s. 71.93 and shall promulgate
12 rules establishing policies and procedures to administer this subsection. The rules
13 shall include notification procedures similar to those established for child support
14 collections.

15 **SECTION 4.** 49.85 (1) of the statutes is amended to read:

16 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
17 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
18 Indian tribe or band determines that the department of health services may recover
19 an amount under s. 49.497, 49.793, or 49.847, or that the department of children and
20 families may recover an amount under s. 49.138 (5), 49.161, or 49.195 (3) or collect
21 an amount under s. 49.147 (6) (cm), the county department or governing body shall
22 notify the affected department of the determination. If a Wisconsin Works agency
23 determines that the department of children and families may recover an amount
24 under s. 49.138 (5), 49.161, or 49.195 (3), or collect an amount under s. 49.147 (6) (cm),

BILL

1 the Wisconsin Works agency shall notify the department of children and families of
2 the determination.

3 **SECTION 5.** 49.85 (2) (b) of the statutes is amended to read:

4 49.85 (2) (b) At least annually, the department of children and families shall
5 certify to the department of revenue the amounts that, based on the notifications
6 received under sub. (1) and on other information received by the department of
7 children and families, the department of children and families has determined that
8 it may recover under ss. 49.138 (5), 49.161, and 49.195 (3) and collect under s. 49.147
9 (6) (cm), except that the department of children and families may not certify an
10 amount under this subsection unless it has met the notice requirements under sub.
11 (3) and unless its determination has either not been appealed or is no longer under
12 appeal.

13 **SECTION 6.** 49.85 (3) (b) 1. of the statutes is amended to read:

14 49.85 (3) (b) 1. Inform the person that the department of children and families
15 intends to certify to the department of revenue an amount that the department of
16 children and families has determined to be due under s. 49.138 (5), 49.161, or 49.195
17 (3) or to be delinquent under a repayment agreement for a loan under s. 49.147 (6),
18 for setoff from any state tax refund that may be due the person.

19 **SECTION 7.** 71.93 (1) (a) 4. of the statutes is amended to read:

20 71.93 (1) (a) 4. An amount that the department of children and families may
21 recover under s. 49.138 (5), 49.161, or 49.195 (3) or collect under s. 49.147 (6) (cm),
22 if the department of children and families has certified the amount under s. 49.85.

23 (END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0132/2ins
PJK:.....

INSERT A-1

HEALTH AND HUMAN SERVICES ✓

PUBLIC ASSISTANCE ✓

(END OF INSERT A-1)



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0132/2
PJK:wlj:jm

DOA:.....Major, BB0055 – Authority to collect overpayments of emergency assistance

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF provides emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The assistance is provided with federal Temporary Assistance to Needy Families (TANF) funds. This bill authorizes DCF to recover overpayments of emergency assistance resulting from a misrepresentation by an individual applying for the assistance with respect to a fact affecting the individual's eligibility for or the amount of the assistance granted. If an overpayment of emergency assistance results from an error by a Wisconsin Works (W-2) agency, DCF must recover the overpayment from the W-2 agency. Overpayments may be recovered by any legal means, including by a certification of the amount to DOR for collection through intercepting a state income tax refund or by levying against property of the individual to whom the overpayment was made.

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

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

1 **SECTION 1.** 49.138 (5) of the statutes is created to read:

2 49.138 (5) (a) The department shall recover from an individual receiving
3 emergency assistance under this section an overpayment of the emergency
4 assistance if the overpayment resulted from a misrepresentation by the individual
5 applying for the assistance with respect to any fact having an effect on the
6 individual's eligibility for, or the amount of, the assistance granted.

7 (b) If an overpayment of emergency assistance provided under this section
8 resulted from an error made by a Wisconsin Works agency, the department shall
9 recover the overpayment from the Wisconsin Works agency and may do so by
10 offsetting the amount from amounts otherwise due the agency under a contract
11 under s. 49.143.

12 (c) The department may recover overpayments of emergency assistance under
13 par. (a) or (b) in the manners provided in ss. 49.195 (3m) and 49.85. Nothing in this
14 paragraph or par. (b) precludes the department from recovering emergency
15 assistance overpayments through any other legal means.

16 **SECTION 2.** 49.195 (title) of the statutes is amended to read:

17 **49.195 (title) Recovery of aid to families with dependent children and,**
18 **Wisconsin works Works benefits, and overpayments of emergency**
19 **assistance.**

20 **SECTION 3.** 49.195 (3) of the statutes is amended to read:

21 49.195 (3) A county, tribal governing body, Wisconsin works Works agency, or
22 the department shall determine whether an overpayment has been made under s.
23 49.19 49.138, 49.148, 49.155 or, 49.157, or 49.19 and, if so, the amount of the
24 overpayment. The county, tribal governing body, Wisconsin works Works agency, or
25 department shall provide notice of the overpayment to the liable person. The

1 department shall give that person an opportunity for a review following the
2 procedure specified under s. 49.152, if the person received the overpayment under
3 s. 49.141 to 49.161, and for a hearing under ch. 227. Notwithstanding s. 49.96, the
4 department shall promptly recover all overpayments made under s. ~~49.19~~ 49.138,
5 49.148, 49.155 ~~or~~, 49.157, or 49.19 that have not already been received under s.
6 49.138 (5), 49.161, or 49.19 (17) or received as a setoff under s. 71.93 and shall
7 promulgate rules establishing policies and procedures to administer this subsection.
8 The rules shall include notification procedures similar to those established for child
9 support collections.

10 **SECTION 4.** 49.85 (1) of the statutes is amended to read:

11 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
12 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
13 Indian tribe or band determines that the department of health services may recover
14 an amount under s. 49.497, 49.793, or 49.847, or that the department of children and
15 families may recover an amount under s. 49.138 (5), 49.161, or 49.195 (3) or collect
16 an amount under s. 49.147 (6) (cm), the county department or governing body shall
17 notify the affected department of the determination. If a Wisconsin Works agency
18 determines that the department of children and families may recover an amount
19 under s. 49.138 (5), 49.161, or 49.195 (3), or collect an amount under s. 49.147 (6) (cm),
20 the Wisconsin Works agency shall notify the department of children and families of
21 the determination.

22 **SECTION 5.** 49.85 (2) (b) of the statutes is amended to read:

23 49.85 (2) (b) At least annually, the department of children and families shall
24 certify to the department of revenue the amounts that, based on the notifications
25 received under sub. (1) and on other information received by the department of

1 children and families, the department of children and families has determined that
2 it may recover under ss. 49.138 (5), 49.161, and 49.195 (3) and collect under s. 49.147
3 (6) (cm), except that the department of children and families may not certify an
4 amount under this subsection unless it has met the notice requirements under sub.
5 (3) and unless its determination has either not been appealed or is no longer under
6 appeal.

7 **SECTION 6.** 49.85 (3) (b) 1. of the statutes is amended to read:

8 49.85 (3) (b) 1. Inform the person that the department of children and families
9 intends to certify to the department of revenue an amount that the department of
10 children and families has determined to be due under s. 49.138 (5), 49.161, or 49.195
11 (3) or to be delinquent under a repayment agreement for a loan under s. 49.147 (6),
12 for setoff from any state tax refund that may be due the person.

13 **SECTION 7.** 71.93 (1) (a) 4. of the statutes is amended to read:

14 71.93 (1) (a) 4. An amount that the department of children and families may
15 recover under s. 49.138 (5), 49.161, or 49.195 (3) or collect under s. 49.147 (6) (cm),
16 if the department of children and families has certified the amount under s. 49.85.

17 (END)