

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/25/2014** Received By: **pkahler**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Major**  
May Contact: Drafter: **pkahler**  
Subject: **Dom. Rel. - miscellaneous** Addl. Drafters:  
Extra Copies:

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

---

**Pre Topic:**

DOA:.....Major, BB0075 -

---

**Topic:**

Tax intercept of delinquent receipt and disbursement fees in non-IV-D cases

---

**Instructions:**

See attached

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**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 9/25/2014	jdyer 9/26/2014		_____			
/1	pkahler 1/26/2015		rschluet 9/26/2014	_____	srose 9/26/2014		State
/2		jdyer 1/26/2015	jmurphy 1/26/2015	_____	lparisi 1/26/2015		State

FE Sent For:

<END>

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/?	pkahler 9/25/2014	jdye 9/26/2014		_____			
/1		<i>12/26 jld</i>	rschlue 9/26/2014	_____	srose 9/26/2014		State

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<END>

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DOA:.....Major, BB0075 -

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**Topic:**

Tax intercept of delinquent receipt and disbursement fees in non-IV-D cases ✓

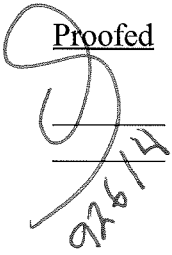
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**Instructions:**

See attached

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**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	1 9/26 jcd	jcd				

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, September 25, 2014 3:14 PM  
**To:** Kahler, Pam; Shea, Elisabeth; Malaise, Gordon  
**Subject:** FW: Statutory Language Drafting Request - BB0075

**From:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov) [mailto:[katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)]  
**Sent:** Thursday, September 25, 2014 3:06 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0075

Biennial Budget: 2015-17

DOA Tracking Code: BB0075

Topic: State Tax Intercepts of Non-IV-D Centralized Receipt and Disbursement Fees 13-4552

SBO Team: GGCF

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

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

LRB 4552

Attachments: False

Please send completed drafts to [SBOStatlanguage@webapps.wi.gov](mailto:SBOStatlanguage@webapps.wi.gov)

**Kahler, Pam**

---

**From:** Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>  
**Sent:** Tuesday, September 02, 2014 3:06 PM  
**To:** Kahler, Pam  
**Subject:** LRB -4552/P1 Topic: Tax intercept of delinquent receipt and disbursement fees in non-IV-D cases

Hi Pam—

There was one comment on this draft. In the LRB summary, it talks about certification by DCF being made upon application by a child support agency. I was told that this should actually be an application by an individual for child support services under s. 59.53(5), rather than the agency. The draft language itself is fine.

I've never asked for a summary to be changed before. Let me know what you think. 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](mailto: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: PJK) (Date: 9/25/14)

## Note:

**BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"**

*(exception: companion bills)*




 Please transfer the drafting file for  
**2013 LRB** 4552 (For: Rep./Sen. DCF)

to the drafting file for

**2015 LRB** 0313 (For: Rep./Sen. DOA)

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

 Please copy the drafting file for  
**2015 LRB** \_\_\_\_\_ / \_\_\_\_\_ (include 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:



0313/1  
jld

# DOA Budget

run with run

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

(w 9-25)

PWF

do not  
gen cut



4

1 AN ACT to renumber and amend 49.855 (1) of the statutes; relating to:

2

certifications to the Department of Revenue of delinquent payments of

3

centralized receipt and disbursement fees.

the budget

Insert A

### Analysis by the Legislative Reference Bureau

Under current law, the Department of Children and Families (DCF) must certify to the Department of Revenue (DOR), for purposes of collection through intercepting state income tax refunds, delinquent payments of child support, family support, maintenance, past support, medical expenses, birth expenses, and centralized receipt and disbursement fees, which must be paid annually by persons who are obligated to pay support or maintenance. These certifications by DCF must be made upon application by a county child support agency. Consequently, certifications of these delinquent payments affect only persons receiving services from county child support agencies. This bill provides that DCF must also, at least annually, certify to DOR delinquent payments of centralized receipt and disbursement fees that DCF has not certified upon application by a county child support agency. Thus, DCF must also certify delinquent centralized receipt and disbursement fees that are owed by persons not receiving services from county child support agencies.

for child support

in cases not involving





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

LRB-0313/ins  
PJK:.....

*print name*

**INSERT A**

**HEALTH AND HUMAN SERVICES ✓**

**OTHER HEALTH AND HUMAN SERVICES ✓**

**(END OF INSERT A)**

**Kahler, Pam**

---

**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Thursday, January 22, 2015 1:48 PM  
**To:** Swissdorf, Kim M - DCF  
**Cc:** Chesnik, Connie - DCF; Kahler, Pam; Kraus, Jennifer - DOA  
**Subject:** RE: 0313/1

Yes, please...Connie and Pam, can you please see if you can figure out a solution? Thanks!

---

**From:** Swissdorf, Kim M - DCF  
**Sent:** Thursday, January 22, 2015 11:55 AM  
**To:** Major, Katrina L - DOA  
**Subject:** FW: 0313/1

Let us know if you want Connie to talk with Pam on this.

**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](mailto:KimM.Swissdorf@wisconsin.gov)

\*\*\*\*\*

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---

**From:** Chesnik, Connie - DCF  
**Sent:** Thursday, January 22, 2015 10:53 AM  
**To:** Swissdorf, Kim M - DCF  
**Subject:** RE: 0313/1

Hi Kim,

I think Katie has hit the nail on the head here☺ I don't think anybody really knows what phrase, "upon application under s.59.53(5)" means. There is no 'application' under that section. The counties don't apply to us to have a case eligible for tax intercept. It's an automated process. Similarly, we don't just certify cases where someone applied for services. People who receive public assistance are automatically eligible for our services and the noncustodial parent's taxes are intercepted in those cases too.

I think what it's trying to get at is that we can only certify IV-D cases for tax intercept. If you took the phrase out entirely, the language would provide that we certify all cases for tax intercept which wouldn't be correct. My recommendation would be to amend that phrase to provide that we certify payments either for cases receiving services under s.49.22 or cases in which the state is a real party in interest under s.767.205.

I'd be happy to work with Pam to figure out how best to draft it.

Connie

*Connie M. Chesnik*

*Attorney, Office of Legal Counsel*

*Wisconsin Department of Children and Families*

608-267-7295 (office)

608-692-7379(cell)

608-261-6972 (fax)

[connie.chesnik@wisconsin.gov](mailto:connie.chesnik@wisconsin.gov)

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---

**From:** Swissdorf, Kim M - DCF  
**Sent:** Wednesday, January 21, 2015 2:55 PM  
**To:** Chesnik, Connie - DCF  
**Subject:** FW: 0313/1

Hi Connie—

Can you take a look at their question?

**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](mailto:KimM.Swissdorf@wisconsin.gov)

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---

**From:** Major, Katrina L - DOA  
**Sent:** Wednesday, January 21, 2015 1:09 PM  
**To:** Swissdorf, Kim M - DCF  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** FW: 0313/1

Hi Kim, can you clarify this on your end please? Talking about the draft that expands intercept to those not receiving county child support services...

Thanks,  
k

---

**From:** Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]  
**Sent:** Tuesday, January 20, 2015 10:20 AM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: 0313/1

Hi, Katie:

I must admit that the language DCF relies on doesn't jump out at me as doing what they interpret it as doing, but this is apparently how they interpret it. Under s. 49.855 (1), DCF certifies delinquent child support and related payments to DOR "upon application under s. 59.53 (5)." That is the phrase they rely on and it is somewhat cryptic. Section 59.53 (5) requires counties, through the county child support agencies, to administer the "child and spousal support and establishment of paternity program" and the "medical support liability program" created under Title IV (referred to as IV-D) of the social security act. Section 59.53 (5) does not contain any mention of "applying" for anything, or who would be doing the "applying." Therefore, when this drafting request originally came over, before it was an official DOA budget request, I interpreted what they wanted as meaning that a child support agency would apply to DCF to have a delinquent payment certified to DOR for collection through tax intercept. As you relayed to me, DCF interprets "upon application under s. 59.53 (5)" to mean that upon an individual applying for IV-D services, DCF will make a certification to DOR. So maybe it means that DCF does not certify all delinquent payments, only the ones that are owed to someone who applies for IV-D services from a county child support agency. I must admit, I'm trying hard to fit the interpretation to the language. Obviously, it's not drafted with the utmost clarity!

Pam

---

**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Monday, January 19, 2015 3:55 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 0313/1

Hi Pam, in this draft, is the phrase "upon application under s. 59.53(5)" the part that says that section applies to people receiving county child support services? Can you explain how that reference works please? Thanks, k



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0313/1  
PJK:jld:rs

due TODAY

DOA:.....Major, BB0075 - Tax intercept of delinquent receipt and disbursement fees in non-IV-D cases

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

(in 1-26)

4  
1 don't gen ✓  
AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DCF must certify to DOR, for purposes of collection through intercepting state income tax refunds, delinquent payments of child support, family support, maintenance, past support, medical expenses, birth expenses, and centralized receipt and disbursement fees, which must be paid annually by persons who are obligated to pay support or maintenance. These certifications by DCF must be made upon application by persons for child support services from county child support agencies. This bill provides that DCF must also, at least annually, certify to DOR delinquent payments of centralized receipt and disbursement fees that are owed in cases not involving persons receiving services from county child support agencies.

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:*

1 SECTION 1. 49.855 (1) of the statutes is renumbered 49.855 (1) (a) and amended  
2 to read:

3 49.855 (1) (a) If a person obligated to pay child support, family support,  
4 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is  
5 delinquent in making any of those payments, or owes an outstanding amount that  
6 has been ordered by the court for past support, medical expenses, or birth expenses,  
7 upon application under s. 59.53 (5) the department of children and families shall  
8 certify the delinquent payment or outstanding amount to the department of revenue  
9 and, at.

Present 2-9

10 (b) At least annually, the department of children and families shall certify to  
11 the department of revenue delinquent payments of the receiving and disbursing fee  
12 under s. 767.57 (1e) (a) not certified under par. (a) and shall provide to the  
13 department of revenue any certifications of delinquencies or outstanding amounts  
14 that it receives from another state because the obligor resides in this state.

15 (END)

~~and the payee of the support, maintenance,  
medical expenses, birth expenses, or  
payments for which the receiving and  
disbursing fee is owed is  
receiving services under s. 49.22,~~

ignore →

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0313/2ins  
PJK:.....

INSERT A

*note* for cases in which the payee is receiving services under DCF's child and spousal support and establishment of paternity and medical support liability program or in which the state is a real party in interest as specified under current law *PT*  
(END OF INSERT A)

INSERT 2-9

1 *49* 49.855 (1) (a) *✓* If a person obligated to pay child support, family support,  
2 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is  
3 delinquent in making any of those payments, or owes an outstanding amount that  
4 has been ordered by the court for past support, medical expenses, or birth expenses,  
5 ~~upon application under s. 59.53 (5) for cases in which the payee is receiving services~~  
6 under s. 49.22<sup>✓</sup> or the state is a real party in interest under s. 767.205 (2), the  
7 department of children and families shall certify the delinquent payment or  
8 outstanding amount to the department of revenue and, *at* <sup>✓</sup>.

(END OF INSERT 2-7)





State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-0313/2  
PJK:jld:jm

DOA:.....Major, BB0075 - Tax intercept of delinquent receipt and disbursement fees in non-IV-D cases

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DCF must certify to DOR, for purposes of collection through intercepting state income tax refunds, delinquent payments of child support, family support, maintenance, past support, medical expenses, birth expenses, and centralized receipt and disbursement fees, which must be paid annually by persons who are obligated to pay support or maintenance. These certifications by DCF must be made for cases in which the payee is receiving services under DCF's child and spousal support and establishment of paternity and medical support liability program or in which the state is a real party in interest as specified under current law. This bill provides that DCF must also, at least annually, certify to DOR delinquent payments of centralized receipt and disbursement fees that are owed in cases not involving persons receiving services from county child support agencies.

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

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

