



## 2011 ASSEMBLY BILL 172

June 8, 2011 – Introduced by Representatives KNODL, PRIDEMORE, KRUG, JACQUE, PETRYK, KERKMAN, HONADEL, WYNN, SPANBAUER, LEMAHIEU, NASS, STEINEKE, BROOKS, KLEEFISCH, KAUFERT and KUGLITSCH, cosponsored by Senator WANGGAARD. Referred to Committee on Children and Families.

1     **AN ACT** *to amend* 49.148 (4) (a); and *to create* 49.148 (4) (am) of the statutes;  
2           **relating to:** increasing the reduction in Wisconsin Works benefits based on a  
3           positive drug test, paying the amount of the reduction to dependent children in  
4           the group, and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

Among the types of assistance that the Wisconsin Works (W-2) program under current law provides are work experience and benefits for low-income custodial parents who are at least 18 years old. W-2 has three categories of employment positions: 1) trial jobs, under which an individual receives at least minimum wage from an employer and the W-2 agency pays a wage subsidy to the employer equal to the wages that the employer actually pays the individual, up to 40 hours per week at minimum wage; 2) community service jobs, under which an individual works in a project that serves a useful public purpose or that will generate revenue to wholly or partially offset the project's cost and receives a monthly grant of up to \$673 from the W-2 agency; and 3) transitional placements, under which an individual participates in work activities in a community rehabilitation program, a job similar to a community service job, or volunteer activities and receives a monthly grant of up to \$628 from the W-2 agency.

Under current law, if an individual in a community service job or a transitional placement was convicted after August 22, 1996, in any state or federal court of a felony that has as an element possession, use, or distribution of a controlled substance, the individual must submit to a test for use of a controlled substance (drug

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use test). If the drug use test results are positive, the individual's benefit is reduced by up to 15 percent for at least 12 months, and the W-2 agency may require the individual to participate in a drug abuse evaluation, assessment, and treatment program.

This bill increases the possible reduction in an individual's benefit for a positive drug use test result to at least 25 percent but not more than 50 percent and provides that the other members of the individual's W-2 group who are dependent children would continue to receive the amount by which the individual's benefit is reduced in the form of protective or vendor payments in the manner prescribed by the Department of Children and Families by rule. A W-2 group consists of all of the following: 1) an individual who is a custodial parent and his or her dependent children; 2) all dependent children with respect to whom the individual's dependent child is a custodial parent; and 3) the individual's spouse or nonmarital coparent residing in the same household and all dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent. A dependent child is defined as a child who lives with a parent and who is under 18 years old, or under 19 years old if he or she is a full-time student in a secondary school or a vocational or technical equivalent.

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:***

1           **SECTION 1.** 49.148 (4) (a) of the statutes is amended to read:

2           49.148 (4) (a) A Wisconsin ~~works~~ Works agency shall require a participant in  
3 a community service job or transitional placement who, after August 22, 1996, was  
4 convicted in any state or federal court of a felony that had as an element possession,  
5 use, or distribution of a controlled substance to submit to a test for use of a controlled  
6 substance as a condition of continued eligibility. If the test results are positive, the  
7 Wisconsin ~~works~~ Works agency shall decrease the presanction benefit amount for  
8 that participant by not less than 25 percent nor more than 15% 50 percent for not  
9 fewer than 12 months, or for the remainder of the participant's period of participation  
10 in a community service job or transitional placement, if less than 12 months. If, at  
11 the end of 12 months, the individual is still a participant in a community service job

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1 or transitional placement and submits to another test for use of a controlled  
2 substance and if the results of the test are negative, the Wisconsin works Works  
3 agency shall discontinue the reduction under this paragraph.

4 **SECTION 2.** 49.148 (4) (am) of the statutes is created to read:

5 49.148 (4) (am) During any period in which a participant's benefit amount is  
6 reduced under par. (a), the other members of the participant's Wisconsin Works  
7 group who are dependent children shall continue to receive the amount by which the  
8 participant's benefit amount is reduced in the form of protective or vendor payments  
9 as prescribed by the department by rule.

10 (END)