

2011 DRAFTING REQUEST

Bill

Received: 12/20/2010

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Daniel Knodl (608) 266-3796**

By/Representing: **BJ Dernbach**

May Contact:

Drafter: **pkahler**

Subject: **Public Assistance - Wis works**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Knodl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

W-2 benefits

Instructions:

Redraft of 2009 AB 874

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 12/20/2010	kfollett 12/22/2010		_____			State
/1			mduchek 01/03/2011	_____	sbasford 01/03/2011		State
/2	pkahler 01/10/2011	kfollett 01/11/2011	jfrantze 01/11/2011	_____	sbasford 01/11/2011	mbarman 05/11/2011	

FE Sent For:

*at intro
6/8*

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/1		12 kjf 1/1/11	mduchek 01/03/2011	_____	sbasford 01/03/2011		

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Jg 1/11 *Rs* 1/11
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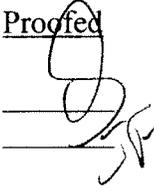
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/?	pkahler	1/16/11 12/22	12/27				

FE Sent For:

<END>



PWF

2011
2009 ASSEMBLY BILL 874

(in 12-20)

March 19, 2010 - Introduced by Representatives KNODL, BROOKS, FRISKE, GUNDERSON, HONADEL, NEWCOMER, NYGREN, PETROWSKI, PRIDEMORE, STRACHOTA, SUDER, TAUCHEN, TOWNSEND, VOS and ZIPPERER, cosponsored by Senators DARLING, LAZICH and LEIBHAM. Referred to Committee on Children and Families.

1 **AN ACT** *regenerate* **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.

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 of up to \$300 per month to the employer; 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. If the test results are positive, the individual's benefit is reduced by up to 15 percent

Insert A-1

drug use

(drug use test)

ASSEMBLY BILL 874

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 test result for the use of a controlled substance to up to 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.

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 more than ~~15%~~ [✓] 50 percent [✓] for not fewer than 12 months, or
9 for the remainder of the participant's period of participation in a community service
10 job or transitional placement, if less than 12 months. If, at the end of 12 months, the
11 individual is still a participant in a community service job or transitional placement
12 and submits to another test for use of a controlled substance and if the results of the

drug use

ASSEMBLY BILL 874

1 test are negative, the Wisconsin ~~works~~ Works agency shall discontinue the reduction
2 under this paragraph.

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

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

9 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-07587⁷¹ins
PJK:.....

INSERT A-1

w/h equal to the wages that the employer actually pays the individual, up to 40
hours per week at minimum wage

(END OF INSERT A-1)

1-10

Greg from Rep. Knodl's office

LRB-0758

redraft to make penalty

not less than 25% nor more

than 50%



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0758/A
PJK:kjf:md

r mis run

2011 BILL

(in 1-10)

Regen

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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

BILL

at least 25 percent but not more than

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 ~~up to~~ 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.

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7 participant's benefit amount is reduced in the form of protective or vendor payments
8 as prescribed by the department by rule.

9 (END)

Barman, Mike

From: Rep.Knodl
Sent: Wednesday, May 11, 2011 11:23 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-0758/2 Topic: W-2 benefits

Please Jacket LRB 11-0758/2 for the ASSEMBLY.