



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0166/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 212**

November 3, 2015 - Offered by Representatives JORGENSEN and ZAMARRIPA.

1 **AN ACT** *to create* 108.04 (11) (cr), 108.09 (8) (c) and 977.05 (4) (jr) of the statutes;
2 **relating to:** misrepresentations in filing for or claiming unemployment
3 insurance benefits.

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

4 **SECTION 1.** 108.04 (11) (cr) of the statutes is created to read:
5 108.04 (11) (cr) In addition to any requirement to repay benefits or an
6 assessment under par. (cm), if an individual commits a violation of par. (cm) and
7 subsequently commits another violation of par. (cm), the individual shall be
8 ineligible for benefits under this chapter for a period of 364 weeks, beginning with
9 the week in which any determination is made that the individual committed such a
10 subsequent violation. This paragraph shall only apply to individuals whom the
11 department refers to the district attorney in the county in which the individual

1 resides for prosecution. For purposes of this paragraph, only violations committed
2 after the effective date of this paragraph [LRB inserts date], shall be counted. The
3 legislative audit bureau shall annually conduct a performance evaluation audit of
4 the department's application of this paragraph.

5 **SECTION 2.** 108.09 (8) (c) of the statutes is created to read:

6 108.09 (8) (c) Whenever the department issues a determination in which the
7 application of s. 108.04 (11) (cr) to the person is at issue, or a determination that could
8 result in the application of s. 108.04 (11) (cr) to the person, the department shall
9 notify the person of the availability of representation by the state public defender
10 under s. 977.05 (4) (jr).

11 **SECTION 3.** 977.05 (4) (jr) of the statutes is created to read:

12 977.05 (4) (jr) At the request of a person determined by the state public
13 defender to be indigent, represent the person in proceedings under s. 108.09 or
14 108.095 in which the application of s. 108.04 (11) (cr) to the person is at issue, or
15 proceedings that could result in the application of s. 108.04 (11) (cr) to the person,
16 before an appeal tribunal appointed under s. 108.09 (3) or the labor and industry
17 review commission and in any subsequent judicial proceedings.

18 **SECTION 4. Nonstatutory provisions.**

19 (1) WEEKLY CLAIM CERTIFICATION REVISION. The department of workforce
20 development shall revise the weekly claim certification questions to address any
21 federal department of labor concerns regarding the questions' compound, complex
22 nature.

23 (2) IMPLEMENTATION. Notwithstanding the effective date of this act, the
24 department of workforce development shall implement section 108.04 (11) (cr) of the
25 statutes, as created by this act, only after the council on unemployment insurance

1 approves any revisions to the weekly claim certification questions made under
2 subsection (1).

3 (END)