

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB462)**

Received: 10/13/2009

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Robin Vos (608) 266-9171**

By/Representing: **Jenny Toftness**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **Kim.Swissdorf@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Person waiting for a fair hearing may not receive child care subsidy

---

**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 10/14/2009	jdye 10/15/2009		_____			
/1			phenry 10/15/2009	_____	mbarman 10/15/2009	mbarman 10/15/2009	
/2	pkahler 10/27/2009	bkraft 10/27/2009	chanaman 10/27/2009	_____	chanaman 10/27/2009	mbarman 10/28/2009	

FE Sent For:

<END>

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1/?

pkahler

1 10/15 jld

10/15 ph

10/15 [Signature]

FE Sent For:

<END>

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB  
.....

2. Change Fair Hearing rules so recipients (parents) of Wisconsin Shares waiting for a fair hearing cannot continue to ask for a continuance of benefits

Jenny Toftness by email 10-12-09

for Rep Vos

amdt to AB462



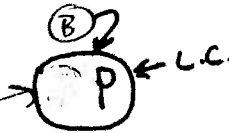
*JLD*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 462**

*SOON  
(in Oct 15)  
D-vote*

*#. Page 2, line 2: after "provided" insert ", withholding child care subsidy payments under Wisconsin Works pending a hearing on a matter,".*



1 At the locations indicated, amend the bill as follows:

2 1. Page 21, line 12: after that line insert:

3 **SECTION 36m.** 49.155 (3m) (f) of the statutes is created to read:

4 49.155 (3m) (f) Pending the outcome of the hearing process, no funds  
5 distributed under par. (a) may be used for child care services that are provided for  
6 a child whose parent has requested a hearing on any matter relating to the program  
7 under this section."

8 2. Page 24, line 1: delete "This act" and substitute "Except for the treatment  
9 of section 49.155 (3m) (f) of the statutes, this act".

10 3. Page 24, line 7: after that line insert:

1

“(1b) NO CHILD CARE SUBSIDY PENDING HEARING. The treatment of section 49.155

2

(1m) (b) 3. of the statutes first applies to hearings requested on the effective date of this subsection.”

3

4

4. Page 24, line 13: after that line insert:

5

“(1b) NO CHILD CARE SUBSIDY PENDING HEARING. The treatment of section 49.155

6

(3m) (f) of the statutes and SECTION 40 (1b) of this act take effect on the day after publication.”

7

8

(END)

*D-vote*

~~This amendment may be considered  
non-prior under Assembly Rule 54 (3)(f) if  
it is determined to substantially expand the  
scope of the bill.~~

*[Handwritten signature]*



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0861/1dn  
PJK:.....

date

Jkd

unilaterally

This amendment may be considered nongermane under Assembly Rule 54 (3) (f) if it is determined to substantially expand the scope of the bill.

This amendment may also present due process problems. First, a recipient's benefits (subsidies) are discontinued for no reason related to eligibility and without an opportunity for the recipient to make a case for not discontinuing them. Second, a recipient has a right under the statutes to request a hearing on certain matters. Automatically discontinuing the subsidy if the recipient requests a hearing discourages a recipient from exercising the right that they have under the law.

\*

recipient has

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

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

LRBa0861/1dn  
PJK:jld:ph

October 15, 2009

This amendment may be considered nongermane under Assembly Rule 54 (3) (f) if it is determined to substantially expand the scope of the bill.

This amendment may also present due process problems. First, a recipient's benefits (subsidies) are unilaterally discontinued for no reason related to eligibility and without an opportunity for the recipient to make a case for not discontinuing them. Second, a recipient has a right under the statutes to request a hearing on certain matters. Automatically discontinuing the subsidy if the recipient requests a hearing discourages a recipient from exercising the right that the recipient has under the law.

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

**Kahler, Pam**

---

**From:** Toftness, Jennifer  
**Sent:** Tuesday, October 27, 2009 1:51 PM  
**To:** Kahler, Pam  
**Cc:** McGinnis, Cindy; Sappenfield, Anne; Swissdorf, Kim  
**Subject:** Changes to LRB 0861 - Fair Hearings

Pam,

Please change this amendment to stipulate that during the fair hearing process, shares recipients are allowed one continuance before Shares benefits are suspended. Please specify that a judgement must be reached within 30 days of the original appeal.

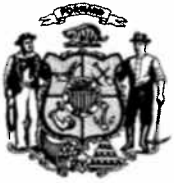
Thanks,

Jenny

Jenny Toftness  
Office of State Representative Robin Vos  
63rd Assembly District  
(888) 534 0063

*even if continuance, must  
still be w/in the 30 day*

*6-9171*



State of Wisconsin  
2009 - 2010 LEGISLATURE

IN  
5:00 PM  
10-27-09

LRBa0861  
PJK:jld:ph

stays  
r m is new  
bj

ASSEMBLY AMENDMENT,  
TO 2009 ASSEMBLY BILL 462

bh SA  
+CCC x-ref

Insert

today  
(10-27) NOW

and limiting the  
time for making a  
decision

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 2: after "provided" insert ", withholding child care subsidy  
3 payments under Wisconsin Works pending a hearing on a matter".

4 **2.** Page 21, line 12: after that line insert:

5 **"SECTION 36p. 49.155 (3m) (f)** of the statutes is created to read:

49.152(2)(e)

6 49.155 (3m) (f) Pending the outcome of the hearing process, no funds  
7 distributed under par. (a) may be used for child care services that are provided for  
8 a child whose parent has requested a hearing on any matter relating to the program  
9 under this section."

10 **3.** Page 24, line 1: delete "This act" and substitute "Except for the treatment  
11 of section 49.155 (3m) (f) of the statutes, this act".

152 2 e

12 **4.** Page 24, line 7: after that line insert:

Insert 1-9

Wisconsin Shares review (CS)

(152)

(1)

~~“(1d) NO CHILD CARE SUBSIDY PENDING HEARING.”~~ The treatment of section 49. ~~CS~~ e

(2)

~~(1d)~~ of the statutes first applies to ~~hearings~~ reviews requested on the effective date of this

3

subsection.”.

4

5. Page 24, line 13: after that line insert:

(CS)

Wisconsin Shares review

(152)

(5)

~~“(1d) NO CHILD CARE SUBSIDY PENDING HEARING.”~~ The treatment of section 49. ~~CS~~ e

(6)

~~(1d)~~ of the statutes and SECTION 40 (1d) of this act take effect on the day after

7

publication.”.

8

(END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0861/2ins  
PJK:.....

INSERT 1-9

1 49.151 (2) (e) If the department reviews a decision of a Wisconsin Works agency  
2 that relates to the child care subsidy program under s. 49.155, all of the following  
3 apply:

4 1. The department may allow the individual who petitioned for the review  
5 under this section one or more continuances.

6 2. If the department grants the individual a <sup>2nd</sup> ~~second~~ continuance, all child care  
7 subsidy payments on behalf of the individual shall be suspended pending the  
8 decision of the department.

9 3. Notwithstanding par. (d), the department shall render its decision within 30  
10 days after receipt of the petition or request under par. (c), regardless of whether the  
11 department has granted one or more continuances.”

(END OF INSERT 1-9)