

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:

Pre Topic:

No specific pre topic given

Topic:

Discontinue subsidy if case is being referred to district attorney for suspicion of fraud

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 10/15/2009	bkraft 10/15/2009		_____			
/1			rschluet 10/16/2009	_____	cduerst 10/16/2009	cduerst 10/16/2009	

FE Sent For:

<END>

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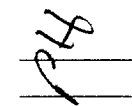
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/?	pkahler	1bjk 10/15					

FE Sent For:

<END>

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....

1 .Allow local agencies to terminate a recipient (parent)
at the point a suspicion of fraud case is filed with the DA. Draft this to
mirror the unemployment process, which is the condition of fraudulently
claiming UI is prohibited from collecting benefits until they have been proven
innocent.

LPS -
This is not an
insert. It is
part of the
drafting file.



re
Lbjk

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 462

bh SA
ccc x-ref
SOON
(w/ 10-15)
D-note

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

2 **1.** Page 2, line 2: after "provided" insert ", terminating child care subsidy
3 payments under Wisconsin Works if a case is referred to the district attorney on
4 suspicion of fraud,".

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

6 "SECTION 36r. 49.155 (3m) (g) of the statutes is created to read:

7 49.155 (3m) (g) If, on the basis of a reasonable suspicion of fraud on the part
8 of an individual receiving a child care subsidy under this section, a county
9 department or agency refers the matter to a district attorney, the county department
10 or agency may terminate payment of any child care subsidy for child care services
11 provided for a child of the individual. If the county department or agency decides to
12 terminate an individual's child care subsidy under this paragraph, and the

1 individual does not rectify the situation after notice under s. 49.153 and either does
2 not timely petition for review under s. 49.152 of the termination of benefits or timely
3 petitions for review under s. 49.152 but does not prevail, the individual shall not be
4 eligible for a subsidy again until the earliest of any of the following occurs:

5 1. Six months elapse since the referral and the district attorney has not charged
6 the individual with a crime in connection with the referral.

7 2. All charges filed in connection with the referral are dismissed.

8 3. The trial court reaches final disposition for all charges in connection with the
9 referral and the individual is not adjudged guilty of a crime in connection with the
10 referral.

11 4. The individual was adjudged guilty of a crime in connection with the referral
12 and the conviction is reversed, set aside, or vacated. *Dr. O ←*

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

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

16 "(2g) DISCONTINUATION OF CHILD CARE SUBSIDY IF MATTER REFERRED TO DISTRICT
17 ATTORNEY. The treatment of section 49.155 (3m) (g) of the statutes first applies to
18 matters *based on a reasonable suspicion of fraud* that are referred to a district attorney on the effective date of this
19 subsection."

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

21 "(2g) DISCONTINUATION OF CHILD CARE SUBSIDY IF MATTER REFERRED TO DISTRICT
22 ATTORNEY. The treatment of section 49.155 (3m) (g) of the statutes and SECTION 40
23 (2g) of this act take effect on the day after publication."

24 (END)

D. note

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

LRBa0867/Adn
PJK:.....

g1
L bjk

Date

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 is drafted to avoid any unconstitutional violation of due process by incorporating all of the notice and hearing rights under current law.

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

For proposed Δ 490155 Δ (3m) Δ (g) I chose
"6 months" based on what I thought was
reasonable. Δ Δ You can change that time frame
reasonable Δ Δ if you wish Δ Δ change that time frame

[S]ix

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0867/1dn
PJK:bjk:rs

October 16, 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 is drafted to avoid any unconstitutional violation of due process by incorporating all of the notice and hearing rights under current law.

For proposed s. 49.155 (3m) (g) I chose "[s]ix months" based on what I thought was reasonable. You can change that time frame if you wish.

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