



2011 SENATE BILL 426

1 **AN ACT** *to repeal* 49.155 (8); *to renumber and amend* 49.151 (2); and *to create*
2 49.001 (3m) and 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes; **relating to:**
3 intentional program violations of public assistance programs.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 49.001 (3m) of the statutes is created to read:

5 49.001 **(3m)** “Intentional program violation” means intentionally making a
6 false or misleading statement, intentionally misrepresenting or withholding facts,
7 or intentionally committing any act that constitutes a violation of state or federal law
8 for the purpose of using, presenting, transferring, acquiring, receiving, possessing,
9 or trafficking benefits under this chapter.

10 **SECTION 2.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and
11 amended to read:

SENATE BILL 426**SECTION 2**

1 49.151 (2) (a) (intro.) ~~If a court finds or it is determined after an administrative~~
2 ~~hearing the department, a Wisconsin Works agency, or a county department or~~
3 ~~agency under contract under s. 49.155 (1m) determines~~ that an individual who is a
4 member of a Wisconsin works group applying for or receiving benefits under s. 49.138
5 or ss. 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for
6 those benefits or for the purpose of increasing the value of those benefits, has
7 ~~intentionally violated, on 3 separate occasions, committed an intentional program~~
8 ~~violation related to~~ any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule
9 promulgated under those sections, the Wisconsin works Works agency may
10 ~~permanently, the county department or agency under contract under s. 49.155 (1m),~~
11 ~~or the department shall~~ deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the
12 individual. as follows:

13 **SECTION 3.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to read:

14 49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

15 2. For a 2nd intentional program violation, for one year.

16 3. For a 3rd intentional program violation, permanently.

17 (b) An individual who is denied benefits under par. (a) may request a review
18 of the denial following the procedure under s. 49.152 or, if the denial is based upon
19 a violation of s. 49.155, may request a contested case hearing under ch. 227 by filing
20 a request for a hearing with the department within 30 days after the date of the
21 denial.

22 **SECTION 3m.** 49.155 (8) of the statutes is repealed.

23 **SECTION 4. Initial applicability.**

24 (1) INTENTIONAL PROGRAM VIOLATIONS. The treatment of section 49.155 (8) of the
25 statutes, the renumbering and amendment of section 49.151 (2) of the statutes, and

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1 the creation of section 49.151 (2) (a) 1., 2., and 3. and (b) of the statutes first apply
2 to acts or omissions that occur on the effective date of this subsection.

3 **SECTION 5. Effective date.**

4 (1) This act takes effect on the first day of the 7th month beginning after
5 publication.

6 (END)