

2011 DRAFTING REQUEST

Senate Amendment (SA-SB426)

Received: 02/23/2012

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - Wis works**

Addl. Drafters:

Extra Copies: **Pam Kahler**

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Intentional program violations

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>
/?	fknepp 02/24/2012	mduchek 02/24/2012		_____			
/1			jfrantze 02/24/2012	_____	sbasford 02/24/2012	sbasford 02/24/2012	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Amendment (SA-SB426)

Received: 02/23/2012

Received By: **fknepp**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Terry**

May Contact:

Drafter: **fknepp**

Subject: **Public Assistance - Wis works**

Addl. Drafters:

Extra Copies: **Pam Kahler**

Submit via email: **YES**

Requester's email: **Sen.Risser@legis.wisconsin.gov**

Carbon copy (CC:) to: **fern.knepp@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Intentional program violations

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	fknepp						
----	--------	---	---	---	--	--	--

FE Sent For:

<END>

Knepp, Fern

From: Tuschen, Terry
Sent: Thursday, February 23, 2012 3:46 PM
To: Knepp, Fern
Subject: Senator Risser amendment request for SB-426

Importance: High

Attachments: SA to SB426 due process.pdf

Hi Fern, Senator Risser would like this language drafted into a simple amendment to SB-426. The jist of it is that there should be a fact finding hearing before an individual's benefits are suspended for intentional violation of a public assistance program. Take a look at the attached language and let me know if you have any questions or concerns. We suspect this bill will come up for an executive session on Tuesday morning and the Senate Judiciary, et... committee has a 24-hour rule for offering amendments. So if we could get this by end of the day tomorrow, or very early Monday morning, that would be helpful.

I will be out of the office tomorror but at home and I will be checking my email during the day. If for any reason you need to speak with me, my cell # is 695-0519.
Thanks again, Terry



SA to SB426 due
process.pdf (4...

Terry Tuschen
Office of State Senator Fred Risser
130 South, State Capitol
Madison, WI 53702
608.266.1627
Terry.Tuschen@legis.wisconsin.gov

*Bob
Anderson
Legal Action*

Hearing Before Suspending Benefits For Intentional Violation of Public Assistance Program

Amendment to ~~AB 534~~ SB 426

1. On page 2, line 9, at the beginning after "If" restore the stricken material ending with "hearing" on page 2, line 10, and insert the following after that restored language:

"as provided in par. (b)"

2. On page 3, delete lines 10-14 and insert the following:

(b) ^{The dept, W-2 agencies, or city dep or agency under article 49.155} The individual who is alleged to have committed an intentional program violation shall be

given a notice, as prescribed by the department by administrative rule, of a fact finding hearing

under s. 49.152 for ^a the denial of benefits under ^{s. 49.738 or ss. 49.141 to 49.161} Wisconsin Works or for Emergency Assistance,

or of a fair hearing under Chapter 227 for ^{a violation of s. 49.155} Wisconsin Shares, which shall be conducted before

benefits are denied under this section. If it is determined at the hearing that the individual has

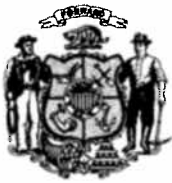
^{committed an intentional program violation} violated this section, benefits shall be denied in accordance with the provisions of this section.

The individual may appeal the determination in the same manner as any appeal may be

conducted of a fact finding determination under s. 49.152 for Wisconsin Works or Emergency

Assistance or under Chapter 227 for a determination under Wisconsin Shares."

shall provide a notice to an



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2482(?) / 17
FFK:..... rme
med

In 2-24
Out 2-24
draft

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2011 SENATE BILL 426**

Bm

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

2 **1.** Page 3, line 10: delete "denied benefits" and substitute "determined to have
3 committed an intentional program violation".

4 **2.** Page 3, line 10: delete "denial following" and substitute "determination
5 following".

6 **3.** Page 3, line 10: delete "denial is" and substitute "determination is".

7 **4.** Page 3, line 14: delete "denial." and substitute "determination."

8 **5.** Page 3, line 14: after "denial." insert "If an individual requests a review,
9 including a contested case hearing, under this paragraph, benefits may not be denied
10 under par. (a) before the review process is exhausted and the review results in a
11 determination that the individual committed an intentional program violation."

12

(END)

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

LRBa24820dn
FFK:.....

7
med

Date

1

2

To Senator Risser:

3

4

5

6

7

This amendment provides that a participant who requests a review of denial of benefits based on intentional program violations will continue to receive benefits until the review process is complete. Under section 49.152, a petition for review must be submitted within 45 days of the denial. Under proposed 49.151 (2) (b), a request for a contested case hearing must be made within 30 days of the denial.

8

9

10

11

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov

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

LRBa2482/1dn
FFK:med:jf

February 24, 2012

To Senator Risser:

This amendment provides that a participant who requests a review of denial of benefits based on intentional program violations will continue to receive benefits until the review process is complete. Under section 49.152, a petition for review must be submitted within 45 days of the denial. Under proposed 49.151 (2) (b), a request for a contested case hearing must be made within 30 days of the denial.

Fern Knepp
Legislative Attorney
Phone: (608) 261-6927
E-mail: fern.knepp@legis.wisconsin.gov