



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 426**

**Senate Amendments 1 and 2**

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*Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)*

Senate Bill 426 relates to intentional program violations (IPVs) of the Wisconsin Works Program (W-2).

### **Current Law**

Under current law, if a court finds or it is determined after an administrative hearing that an individual who is a member of a W-2 group applying for or receiving benefits under W-2, has intentionally violated, on three separate occasions, any provision of W-2 statutes or any rule promulgated under those statutes, for the purpose of establishing or maintaining eligibility for those benefits or for the purpose of increasing the value of those benefits, the W-2 agency may permanently deny W-2 benefits to the individual. Current law does not define “intentional program violation” for purposes of W-2.

### **Senate Bill 426**

Senate Bill 426 creates a definition of IPV. Under the bill, IPV means intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking public assistance benefits.

For W-2, the bill provides that if the Department of Children and Families (DCF), a W-2 agency, or a county department or agency under contract with DCF to determine eligibility of individuals to receive Wisconsin Shares (collectively, “agency”) determines that an individual applying for or receiving W-2 benefits or emergency assistance has committed an IPV relating to any provision of W-2 or emergency assistance statutes or rules for the purpose of establishing or maintaining eligibility for

those benefits or increasing the value of those benefits, the agency must deny W-2 or emergency assistance benefits to the individual as follows:

- For a first IPV, for six months.
- For a 2<sup>nd</sup> IPV, for one year.
- For a 3<sup>rd</sup> IPV, permanently.

### **Senate Amendment 1**

Senate Amendment 1 repeals a provision of the current Wisconsin Shares statute under which a person may be ineligible for Wisconsin Shares child care subsidies for up to five years if it is found by a court or at an administrative hearing that the person has violated a statute or rule governing Wisconsin Shares.

### **Senate Amendment 2**

Senate Amendment 2 provides that the definition of “IPV” includes an *intentional* violation of state or federal law. The bill includes a violation of state or federal law.

### **Legislative History**

Senator Darling offered Senate Amendments 1 and 2. On March 1, 2012, the Senate Committee on Judiciary, Utilities, Commerce and Government Operations voted unanimously to recommend adoption of Senate Amendments 1 and 2. The committee recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

AS:ksm