



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0169/1
PJK:kjf

**ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO ASSEMBLY BILL 200**

November 3, 2015 - Offered by Representative JORGENSEN.

1 **AN ACT to create** 13.94 (1) (n), 13.94 (1s) (c) 9. and 49.79 (11) of the statutes;
2 **relating to:** limiting the number of replacement cards under FoodShare.

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

3 **SECTION 1.** 13.94 (1) (n) of the statutes is created to read:

4 13.94 (1) (n) Annually conduct a financial audit of the procedures performed
5 by the department of health services under s. 49.79 (11) and file a copy of each audit
6 report under this paragraph with the distributees specified in par. (b).

7 **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

8 13.94 (1s) (c) 9. The department of health services for the cost of an audit
9 performed under sub. (1) (n).

10 **SECTION 3.** 49.79 (11) of the statutes is created to read:

11 49.79 (11) LIMITS ON REPLACEMENT CARDS. (a) In this subsection:

1 1. “Elderly or disabled member” has the meaning given in 7 USC 2012 (j).

2 2. “Homeless individual” has the meaning given in 7 USC 2012 (l).

3 3. “Household” has the meaning given in 7 USC 2012 (m).

4 4. “Recipient” means a household that is eligible for and receiving benefits
5 under the food stamp program.

6 (b) 1. Subject to pars. (c) and (d), the department shall limit the number of
7 replacement benefit cards that it issues in a 12-month period to a recipient to 4
8 replacement cards.

9 2. If a recipient requests a 4th replacement benefit card in a 12-month period,
10 the department shall issue the card and provide the recipient the notice under subd.

11 3.

12 3. The notice that the department must provide a food stamp program recipient
13 who requests a 4th replacement benefit card in a 12-month period shall inform the
14 recipient of all of the following:

15 a. That the recipient has reached the threshold for the number of replacement
16 cards that is determined to be excessive in a 12-month period.

17 b. That, if the recipient requests another replacement card in the same
18 12-month period, the recipient’s benefit account may be referred to the office of the
19 inspector general for review for possible misuse in connection with the recipient’s
20 benefit card.

21 c. Any other information required by the department.

22 (c) 1. If a recipient requests a 5th replacement benefit card in a 12-month
23 period, the department shall issue the card, provide the recipient the notice under
24 subd. 2., and refer the recipient’s benefit account to the office of the inspector general
25 for review for possible misuse in connection with the recipient’s benefit card.

1 2. Except as provided in par. (d) 2., the notice that the department each time
2 must provide a recipient who requests 5 or more replacement benefit cards in a
3 12-month period shall inform the recipient of all of the following:

4 a. That the recipient has exceeded the threshold for the number of replacement
5 benefit cards that is determined to be excessive in a 12-month period and that, as
6 a result, the recipient's benefit account is being reviewed by the office of the inspector
7 general for possible misuse in connection with the recipient's benefit card.

8 b. That, if the recipient requests any more replacement benefit cards in the
9 same 12-month period, the recipient will be required to contact the department to
10 provide an explanation for the need for the replacement card.

11 c. How to contact the department to comply with the requirement under subd.

12 2. b.

13 d. Any other information required by the department.

14 (d) 1. Except as provided in subd. 2., if a recipient requests more than 5
15 replacement benefit cards in a 12-month period, all of the following apply to each
16 request:

17 a. The department shall provide the recipient the notice under par. (c) 2.

18 b. The recipient must contact the department to provide an explanation for the
19 need for the replacement card.

20 c. If the recipient does not contact the department as required under subd. 1.
21 b., the department shall not issue a replacement card and shall conduct an
22 investigation.

23 d. If the recipient contacts the department but refuses to provide an
24 explanation for the need for the replacement card, or provides an explanation that

1 appears to indicate trafficking benefits, the department shall conduct an
2 investigation.

3 e. If the recipient contacts the department, regardless of whether the recipient
4 provides an explanation for the need for the replacement card, the department shall
5 issue the replacement card so that the recipient has access to benefits during any
6 investigation and while the recipient is awaiting a hearing, if any.

7 2. If a recipient requests a replacement benefit card after the recipient has
8 already requested 5 or more replacement benefit cards in the same 12-month period,
9 the department provides the recipient the notice under par. (c) 2., and the recipient
10 contacts the department and provides an appropriate explanation for the need for
11 the replacement card, the department shall educate the recipient on the proper use
12 of the benefit card and shall not require the recipient to contact the department upon
13 any subsequent requests for replacement cards unless the pattern of card activity
14 has changed since the recipient contacted the department and indicates possible
15 trafficking activity.

16 (dm) Whenever the department provides notice to a recipient under this
17 subsection, the department shall provide the notice by at least 2 different methods,
18 such as by mail, telephone, or electronic mail, to ensure that the recipient receives
19 notice in a manner that is understandable to the recipient.

20 (e) If a food stamp program caseworker suspects that a recipient or another
21 person may be committing fraud in connection with a request for a replacement card,
22 the caseworker shall report that suspicion to the department.

23 (f) The department shall not count temporary benefit cards or temporary
24 replacement benefit cards when determining the number of replacement benefit
25 cards requested by or issued to a recipient in a 12-month period.

1 (g) In all cases, the department shall act to protect households that contain
2 homeless individuals, elderly or disabled members, victims of crime, or other
3 vulnerable persons who may lose benefit cards but who are not committing fraud.

4 (h) The department shall discontinue the procedures under this subsection if
5 the department determines, or an audit under s. 13.94 (1) (n) shows, that the costs
6 of performing the procedures exceed the savings realized by the procedures.

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(END)