

2015 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB136)

Received: **10/8/2015** Received By: **pkahler**
For: **Thomas Tiffany (608) 266-2509** Same as LRB:
May Contact: By/Representing: **Tim**
Subject: **Public Assistance - fdshre(SNAP)** Drafter: **pkahler**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Tiffany@legis.wi.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

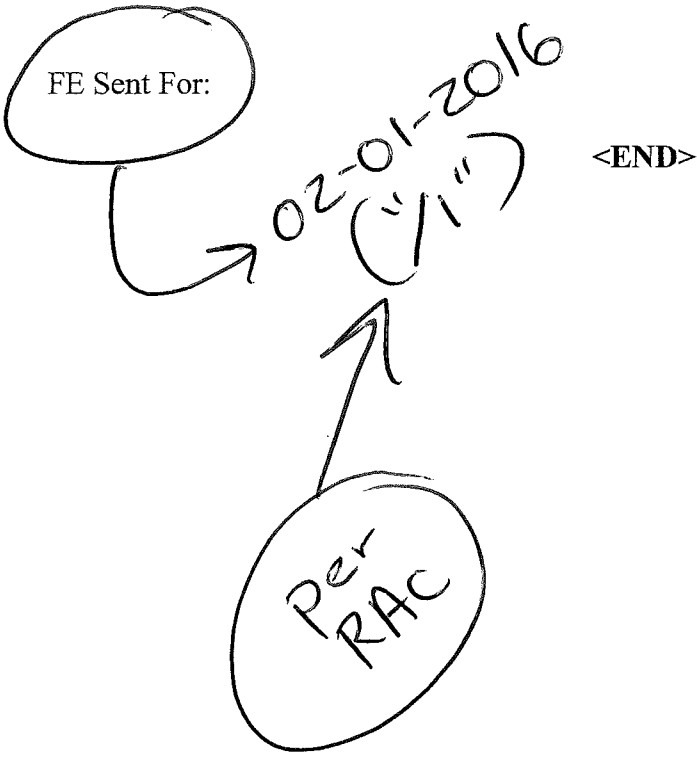
The procedure for limiting the number of replacement cards

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 10/9/2015	kfollett 10/9/2015	_____			
/P1	pkahler 10/12/2015		_____	srose 10/9/2015		
/1		kmochal 10/12/2015	_____	sbasford 10/12/2015	sbasford 10/12/2015	



Kahler, Pam

From: Duffy, Timothy
Sent: Friday, October 09, 2015 10:12 AM
To: Kahler, Pam
Subject: Re: Amendment P-Drafts to ASA 1 to AB 200

Pam,

That is correct. Thank you for clarifying.

Tim

Sent from my iPhone

On Oct 9, 2015, at 9:36 AM, Kahler, Pam <Pam.Kahler@legis.wisconsin.gov> wrote:

Tim,

Perhaps you know that Rep. Heaton is going with an amendment that Rep Jorgensen introduced, which was the same as an amendment that Rep Heaton requested but had not yet introduced. I assume you'd like a sub that incorporates the Jorgensen amendment, correct?

Pam

From: Duffy, Timothy
Sent: Thursday, October 08, 2015 11:18 AM
To: Kahler, Pam <Pam.Kahler@legis.wisconsin.gov>
Subject: RE: Amendment P-Drafts to ASA 1 to AB 200

Thanks much!

From: Kahler, Pam
Sent: Thursday, October 08, 2015 11:13 AM
To: Duffy, Timothy
Subject: RE: Amendment P-Drafts to ASA 1 to AB 200

Yes, I can produce a Senate sub amendment to SB 136 that incorporates the simple amendment(s) to ASA 1 to AB 200 – once I hear back from Tyler on which one(s).

Pam

From: Duffy, Timothy
Sent: Thursday, October 08, 2015 11:07 AM
To: Kahler, Pam <Pam.Kahler@legis.wisconsin.gov>
Cc: Longsine, Tyler <Tyler.Longsine@legis.wisconsin.gov>
Subject: RE: Amendment P-Drafts to ASA 1 to AB 200

Pam -

Thanks for all your work with us on AB200/SB136.

Tyler should be getting back to you on which amendments that Rep. Heaton would like to formally include to ASA 1 to AB 200. Once this happens, can you then turn around an identical P-draft as Senate sub amendment to SB 136?

To recap, It is our goal to introduce a Senate sub amendment that incorporates the ASA 1 to AB 200, AND Rep. Heaton's proposed amendments to ASA 1 (TBD). SB 136 will be heard on Wednesday, October 14 and we'd like to have a sub introduced before then.

Let me know if you have any questions.

Thank you again for all your work,

Tim

From: Longsine, Tyler
Sent: Monday, October 05, 2015 10:06 AM
To: Kahler, Pam
Cc: Duffy, Timothy
Subject: RE: Amendment P-Drafts to ASA 1 to AB 200

Pam,

No, we need them for the executive session next Tuesday, October 13th.

Tyler Longsine
Office of Representative Dave Heaton
Wisconsin's 85th Assembly District
(608) 266-0654
Tyler.Longsine@legis.wisconsin.gov

From: Kahler, Pam
Sent: Monday, October 05, 2015 10:03 AM
To: Longsine, Tyler <Tyler.Longsine@legis.wisconsin.gov>
Subject: RE: Amendment P-Drafts to ASA 1 to AB 200

Tyler:

I assume these amendments will be for the floor, is that right?

Pam

From: Longsine, Tyler
Sent: Friday, October 02, 2015 1:37 PM
To: Kahler, Pam <Pam.Kahler@legis.wisconsin.gov>
Cc: Duffy, Timothy <Timothy.Duffy@legis.wisconsin.gov>
Subject: Amendment P-Drafts to ASA 1 to AB 200

Pam,

Please prepare two p-draft amendments to ASA 1 to AB 200. We received these recommendations from Margit at Leg. Council. For the first amendment please make the change below.

For the first provision, it looks like it should be specified in ASA 1, on page 4, lines 12 and 13, that if the recipient has already given an appropriate explanation the requirement to contact DHS does not apply, unless the pattern of activity has changed. Lines 16 to 18 already specify that DHS will educate the recipient.

Below is the language from the federal regulations.

- The State agency shall educate the client on the proper use of the card **if the explanation is deemed appropriate and the State agency shall not require contact upon subsequent requests, unless** the pattern of card activity has changed since the initial contact and indicates possible trafficking activity. [7 C.F.R. s. 274.6 (b) (5) (ii) (B).]

•
For the 2nd amendment please make the same changes as in the 1st amendment and then add language directing DHS not to count temporary replacement cards.

Please call me with any questions.

Tyler Longsine

Office of Representative Dave Heaton

Wisconsin's 85th Assembly District

(608) 266-0654

Tyler.Longsine@legis.wisconsin.gov

From: Kelley, Margit

Sent: Wednesday, September 30, 2015 10:31 AM

To: Longsine, Tyler <Tyler.Longsine@legis.wisconsin.gov>; Duffy, Timothy <Timothy.Duffy@legis.wisconsin.gov>

Cc: Ramirez, Zach <Zach.Ramirez@legis.wisconsin.gov>

Subject: ASA 1 to 2015 AB 200

Hi Tyler and Tim,

The two provisions from the federal regulations that Vicky Selkove from Legal Action mentioned at the hearing yesterday on 2015 AB 200 were these:

- The State agency shall educate the client on the proper use of the card **if the explanation is deemed appropriate and the State agency shall not require contact upon subsequent requests, unless** the pattern of card activity has changed since the initial contact and indicates possible trafficking activity. [7 C.F.R. s. 274.6 (b) (5) (ii) (B).]

- In all cases, a State agency shall act to protect households containing **homeless persons, elderly or disabled members, victims of crimes and other vulnerable persons** who may lose EBT cards but are not committing fraud. [7 C.F.R. s. 274.6 (b) (5) (iii).]

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For the second provision, a directive could be added to ASA 1 for DHS to protect those populations, or it could be left for DHS to follow that provision of the federal regulations in its general program policies.

And I just wanted to note that although it was mentioned that temporary cards might be counted, those instances were not counted for purposes of the LAB Report, No. 12-8 (beginning on page 50 of the report). That report also does not say whether or not DHS would count temporary cards as a replacement. Again, a directive could be added to ASA 1 that DHS may not count temporary cards, or that could be left for DHS to address in its program policies.

Margit Kelley
Senior Staff Attorney
Wisconsin Legislative Council
608-266-9280

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Margit Kelley
Senior Staff Attorney
Wisconsin Legislative Council
608-266-9280



State of Wisconsin
2015 - 2016 LEGISLATURE

s0129/p1
LRBs0116/1
PJK:kjf

SENATE
ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 200 136
SENATE

today

September 28, 2015 - Offered by Representative HEATON.

Regen

1 AN ACT to create 49.79 (11) of the statutes; relating to: limiting the number of
2 replacement cards under FoodShare.

Analysis by the Legislative Reference Bureau

This substitute amendment places a four-card threshold on the number of replacement benefit cards that is determined to be excessive in a 12-month period under FoodShare and provides for notice and other requirements if a household requests replacement cards at or over that threshold.

The federal Supplemental Nutrition Assistance Program (SNAP), known as FoodShare in Wisconsin and formerly known as the Food Stamp Program, provides benefits to eligible low-income households for the purchase of food. FoodShare is administered by the Department of Health Services (DHS). The state and the federal government share the cost of administration. Benefits, which are electronically debited to a Quest card, are paid entirely with federal funds. Under federal regulations, there is no limit on the number of replacement cards that must be issued to a household for cards that are reported lost, stolen, or damaged. However, under the federal regulations, a state may opt to require a household member to contact the state agency to provide an explanation if the number of replacement cards requested reaches a threshold that is determined to be excessive, which threshold may not be fewer than four replacement cards in a 12-month period. The household must be given notice that it has reached the threshold and that it must contact the state agency. If a household member does not contact the state agency, no replacement card is issued and the case is referred for investigation.

This substitute amendment makes four replacement cards the threshold number of replacement cards under FoodShare that is determined to be excessive in a 12-month period. If a household requests a fourth replacement card in a 12-month period, DHS must issue the card but must also send the household a notice advising that the threshold has been reached and, if another request for a replacement card is made, the household's FoodShare account may be referred to the Office of the Inspector General for review for possible misuse in connection with the card. If a household requests a fifth replacement card in a 12-month period, DHS must issue the card, refer the household's FoodShare account to the Office of the Inspector General for review for possible misuse in connection with the card, and send the household a notice advising that the threshold has been exceeded, that the household's FoodShare account is being reviewed by the Office of the Inspector General, and that if the household makes any further requests for a replacement card a household member will have to contact DHS to explain the need for the replacement card. If a household requests more than five replacement cards in a 12-month period, for each such request DHS must send the notice that was sent after the request for a fifth replacement card. If a household member does not contact DHS, DHS may not issue a replacement card. If a household member contacts DHS and provides an appropriate explanation for the need for the replacement card, DHS must educate the member on the proper use of the card. If a household member contacts DHS but refuses to provide an explanation for the need for the replacement card, or provides an explanation that appears to indicate trafficking, DHS must conduct an investigation. In any case, if a household member contacts DHS, regardless of whether an explanation is provided, DHS must issue a replacement card so that the household will have FoodShare benefits during an investigation or while waiting for a hearing.

The substitute amendment also requires a FoodShare caseworker to report to DHS any suspicion that a household receiving FoodShare benefits, or any other person, may be committing fraud in connection with a request for a replacement card.

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

SECTION 1. 49.79 (11) of the statutes is created to read:

49.79 (11) LIMITS ON REPLACEMENT CARDS. (a) In this subsection, "recipient" means a household, as defined in 7 USC 2012 (n), that is eligible for and receiving benefits under the food stamp program.

Insert A

and

e

e

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

4 2. If a recipient requests a 4th replacement benefit card in a 12-month period,
5 the department shall issue the card and send the recipient the notice under subd. 3.

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

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

11 b. That, if the recipient requests another replacement card in the same
12 12-month period, the recipient's benefit account may be referred to the office of the
13 inspector general for review for possible misuse in connection with the recipient's
14 benefit card.

15 c. Any other information required by the department.

16 (c) 1. If a recipient requests a 5th replacement benefit card in a 12-month
17 period, the department shall issue the card, send the recipient the notice under subd.
18 2., and refer the recipient's benefit account to the office of the inspector general for
19 review for possible misuse in connection with the recipient's benefit card.

20 2. The notice that the department each time must send a recipient who requests
21 5 or more replacement benefit cards in a 12-month period shall inform the recipient
22 of all of the following:

23 a. That the recipient has exceeded the threshold for the number of replacement
24 benefit cards that is determined to be excessive in a 12-month period and that, as

→ Except as provided in par. (d) 2.,

1 a result, the recipient's benefit account is being reviewed by the office of the inspector
2 general for possible misuse in connection with the recipient's benefit card.

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

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

7 2. b.

8 d. Any other information required by the department.

9 (d) If a recipient requests more than 5 replacement benefit cards in a 12-month
10 period, all of the following apply to each request:

11 1. The department shall send the recipient the notice under par. (c) 2.

12 2. The recipient must contact the department to provide an explanation for the
13 need for the replacement card.

14 3. If the recipient does not contact the department as required under subd. 2.,
15 the department shall not issue a replacement card.

16 4. If the recipient contacts the department and provides an appropriate
17 explanation for the need for the replacement card, the department shall educate the
18 recipient on the proper use of the benefit card.

19 5. If the recipient contacts the department but refuses to provide an
20 explanation for the need for the replacement card, or provides an explanation that
21 appears to indicate trafficking benefits, the department shall conduct an
22 investigation.

23 6. If the recipient contacts the department, regardless of whether the recipient
24 provides an explanation for the need for the replacement card, the department shall

1 issue the replacement card so that the recipient has access to benefits during any
2 investigation and while the recipient is awaiting a hearing, if any.

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

6 (END)

Insert 5-2

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0129/?ins
PJK:...

INSERT A

wjg
If a household member contacts DHS and provides an appropriate explanation for the need for the replacement card, DHS must educate the member on the proper use of the card and the household will not have to contact DHS for any subsequent requests for replacement cards unless the pattern of card activity has changed since the household member contacted DHS and indicates possible trafficking activity.

(END OF INSERT A)



**ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 200**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 3, line 20: delete "The notice" and substitute "Except as provided in
3 par. (d) 2., the notice".

4 **2.** Page 4, line 9: delete the material beginning with that line and ending with
5 page 5, line 2, and substitute:

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

9 a. The department shall send the recipient the notice under par. (c) 2.

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

Insert 5-2



Insert 5-2 cont'd

1 c. If the recipient does not contact the department as required under subd. 1.

2 b., the department shall not issue a replacement card.

3 d. If the recipient contacts the department but refuses to provide an
4 explanation for the need for the replacement card, or provides an explanation that
5 appears to indicate trafficking benefits, the department shall conduct an
6 investigation.

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

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

20 (END) *of insert 5-2)*



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0129/P1
PJK:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 136

*no changes
today, please*

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

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- 2 **49.79 (11) LIMITS ON REPLACEMENT CARDS.** (a) In this subsection, "recipient"
- 3 means a household, as defined in 7 USC 2012 (n), that is eligible for and receiving
- 4 benefits under the food stamp program.

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

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