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State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2289/1 MED:cjs:cs

2015 SENATE BILL 140

April 28, 2015 – Introduced by Senators Cowles, Gudex, Nass, Olsen, Petrowski, Wanggaard and Marklein, cosponsored by Representatives Kerkman, Jacque, Allen, Brandtjen, Edming, Gannon, Heaton, Horlacher, Jagler, Jarchow, Kapenga, Kitchens, Knodl, Knudson, Kremer, Kulp, T. Larson, Macco, Murphy, A. Ott, Quinn, Ripp, Sanfelippo, Steffen and Tranel. Referred to Committee on Workforce Development, Public Works, and Military Affairs.

AN ACT to create 108.04 (11) (br) and 108.04 (11) (cr) of the statutes; relating

to: acts of concealment and misrepresentations in filing for or claiming unemployment insurance benefits.

Analysis by the Legislative Reference Bureau

Under current law, if a claimant for unemployment insurance (UI) benefits conceals any material fact relating to his or her eligibility for benefits or conceals any of his or her wages or hours worked (act of concealment), the claimant is ineligible for benefits in an amount ranging from to two to eight times the claimant's weekly benefit rate, depending on the number of acts of concealment committed, for each single act of concealment, and is liable for an additional penalty. This bill provides that, in addition to being ineligible for benefits and liable for penalties, a claimant who commits an act of concealment is ineligible for UI benefits for a period of seven years if he or she commits another act of concealment with respect to a subsequent benefit year.

In addition, under current law, if any person makes a false statement or representation in order to obtain UI benefits in the name of another person (act of impersonation), the person may be required to repay the amount of benefits obtained and also pay an administrative assessment. This bill provides that, in addition to being required to repay those UI benefits and pay an administrative assessment, an individual who commits an act of impersonation is ineligible for UI benefits for a period of seven years if the individual commits another, distinct act of impersonation.

SENATE BILL 140

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

Section 1. 108.04 (11) (br) of the statutes is created to read:

108.04 (11) (br) In addition to any ineligibility for benefits resulting from concealment as provided in par. (be) and any penalty assessed under par. (bh), if a claimant commits an act of concealment described in par. (a) or (b) and subsequently commits an act of concealment described in par. (a) or (b) with respect to a subsequent benefit year, the claimant shall be ineligible for benefits under this chapter for a period of 364 weeks, beginning with the week in which any determination is made that the claimant committed an act of concealment with respect to a subsequent benefit year. The acts of concealment need not be of the same type for this paragraph to apply. For purposes of this paragraph, only acts of concealment committed after the effective date of this paragraph [LRB inserts date], shall be counted.

Section 2. 108.04 (11) (cr) of the statutes is created to read:

108.04 (11) (cr) In addition to any requirement to repay benefits or an assessment under par. (cm), if an individual commits a violation of par. (cm) and subsequently commits another violation of par. (cm), the individual shall be ineligible for benefits under this chapter for a period of 364 weeks, beginning with the week in which any determination is made that the individual committed such a subsequent violation. For purposes of this paragraph, only violations committed after the effective date of this paragraph [LRB inserts date], shall be counted.

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