

AS:ty

12/06/2010

1 **AN ACT** *to amend* 49.151 (2) of the statutes; **relating to:** determinations of
2 intentional program violations.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Special Committee on Public Assistance Program Integrity.

Under current law, if a court finds or it is determined after an administrative hearing that a person has intentionally violated, on 3 separate occasions, any statute or rules governing the Wisconsin works program, a Wisconsin works agency may permanently deny the individual Wisconsin works benefits.

The draft clarifies that a Wisconsin works agency determines whether a person has intentionally violated a provision of the Wisconsin works program and includes emergency assistance in the list of programs to which the provision applies. Also, the draft provides an opportunity for a person to have a determination of an intentional program violation reviewed.

3 **SECTION 1.** 49.151 (2) of the statutes is amended to read:

4 49.151 (2) INTENTIONAL PROGRAM VIOLATIONS. ~~If a court finds or it is determined after~~
5 ~~an administrative hearing that an individual who is a member of a Wisconsin works group~~
6 ~~applying for or receiving benefits under ss. 49.138 or 49.141 to 49.161, for the purpose of~~
7 ~~establishing or maintaining eligibility for those benefits or for the purpose of increasing the~~
8 ~~value of those benefits, has intentionally violated, on 3 separate occasions, any provision in~~
9 ~~ss. 49.138 or 49.141 to 49.161 or any rule promulgated under those sections, the Wisconsin~~
10 ~~works agency or the department may permanently deny benefits under ss. 49.138 or 49.141~~
11 ~~to 49.161 to the individual. An individual aggrieved by determination under this subsection~~
12 ~~may request a review of the determination under s. 49.152 or, if the determination is based~~

- 1 upon a violation of s. 49.155, may request a contested case hearing under ch. 227 by filing with
2 the department a request for a hearing within 30 days after the date of the order.

NOTE: Clarifies that a Wisconsin works agency determines whether a person has intentionally violated a provision of the Wisconsin works program and permits a person to have a determination of an intentional program violation reviewed. The draft also applies this provision to the emergency assistance program.

COMMENT: Should there be consequences for a 1st and 2nd intentional program violation? Should these consequences be set forth in statute or established by Department of Children and Families (DCF) in rules?

Should the only option after a 3rd violation be permanent denial of benefits or should DCF have the option to order a shorter duration of denial of benefits? Alternatively, should a person who is permanently denied benefits be permitted to reapply and show rehabilitation after a given number of years?