

State of Wisconsin



January 2018 Special Session
Assembly Bill 3

Date of enactment: April 10, 2018
Date of publication*: April 11, 2018

2017 WISCONSIN ACT 269

AN ACT to amend 49.145 (3) (a); and to create 49.145 (3) (c), 49.155 (1m) (cr), 49.155 (2m), 49.79 (1p) and 49.823 of the statutes; relating to: asset restrictions on eligibility for FoodShare, Wisconsin Works, and Wisconsin Shares.

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

SECTION 1. 49.145 (3) (a) of the statutes is amended to read:

49.145 (3) (a) *Resource limitations.* The individual is a member of a Wisconsin works Works group whose assets do not exceed \$2,500 in combined equity value. ~~In~~ Except as provided under par. (c), in determining the combined equity value of assets, the Wisconsin works Works agency shall exclude the equity value of vehicles up to a total equity value of \$10,000, and one home, valued at no more than 200 percent of the statewide median value for homes, that serves as the homestead for the Wisconsin works Works group. In calculating the value of the homestead, the Wisconsin Works agency shall exclude the value of agricultural land owned by the Wisconsin Works group.

SECTION 2. 49.145 (3) (c) of the statutes is created to read:

49.145 (3) (c) *Hardship exemption.* The department may promulgate a rule that establishes a hardship exemption for the resource limitation under par. (a). If an individual qualifies for a hardship exemption under the department's rule, the Wisconsin Works agency shall exclude the equity value of vehicles up to a total equity value of \$10,000, and of one home, valued at any amount,

that serves as the homestead for the Wisconsin Works group in determining whether the Wisconsin Works group's combined equity value of assets exceeds \$2,500.

SECTION 3. 49.155 (1m) (cr) of the statutes is created to read:

49.155 (1m) (cr) Except as provided under sub. (2m), the individual's family meets all of the following asset restrictions:

1. The individual's family owns no more than one home, which is used as the individual's primary residence, and which is valued at no more than 200 percent of the statewide median value for homes. In calculating the value of a home under this subdivision, the value of any agricultural land owned by the individual's family shall be excluded.

2. The combined equity value of any vehicles, except those used for business purposes, owned by the individual's family is no more than \$20,000.

SECTION 4. 49.155 (2m) of the statutes is created to read:

49.155 (2m) **HARDSHIP EXEMPTION.** The department may promulgate a rule that establishes a hardship exemption for the asset restrictions under sub. (1m) (cr). If the individual qualifies for a hardship exemption under the department's rule, the asset restrictions under sub. (1m) (cr) do not apply to the individual.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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SECTION 5. 49.79 (1p) of the statutes is created to read:

49.79 (1p) **ELIGIBILITY; RESTRICTIONS ON CERTAIN ASSETS.** (a) In this subsection, “elderly, blind, or disabled individual” has the meaning given for “elderly or disabled member” in [7 USC 2012](#) (j).

(b) To the extent allowed under federal law, an individual who is not an elderly, blind, or disabled individual and who is at least 19 years of age is ineligible to participate in the food stamp program in a month in which any of the following applies:

1. The individual owns more than one home.
2. The individual owns a primary residence that is worth more than 200 percent of the statewide median home value. In calculating the home value, the value of any agricultural land owned by the individual is excluded.
3. The combined equity value of vehicles, except those used for business purposes, owned by the individual is more than \$20,000.

(c) If the department promulgates a rule establishing a hardship exemption, par. (b) does not apply to an individual who meets the criteria for a hardship exemption.

SECTION 5j. 49.823 of the statutes is created to read:

49.823 Public benefit database review. The department of health services and the department of children and families shall, at least once every 3 months, perform a comparison of each department’s respective public benefit database information against nationally recognized databases that contain information on death records, including the federal social security administration’s Death Master File, to identify participants in public benefit programs that are deceased. If a department determines during a review under this section that a participant is deceased, the department shall designate that individual as ineligible for benefits in any applicable database. The requirements under this section do not apply to the department of children and families with regard to child care subsidies under s. 49.155.

SECTION 6. Initial applicability.

(1) **WISCONSIN SHARES ELIGIBILITY REQUIREMENTS.** The creation of section 49.155 (1m) (cr) of the statutes first applies to a Wisconsin Shares participant who applies for the program on the effective date of this subsection.

SECTION 7. Effective date.

(1) **RESTRICTIONS ON ASSETS.** This act takes effect on January 1, 2019.