

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?

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(END)