

AS:ty

12/06/2010

1       **AN ACT** *to create* 49.006 (1) of the statutes; **relating to:** statements made and  
2       information provided in applications for public assistance.

*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, s. 49.95, stats., which contains general public assistance offenses and penalties, provides that any person who makes any statement in a written application for aid under ch. 49, stats., is considered to have made an admission as to the existence, correctness, or validity of any fact stated. This admission may be used in an enforcement action under ch. 49, stats.

The draft includes similar language in a separate provision of ch. 49, stats. [s. 49.006 (1)]. The draft also specifies that information provided by an applicant for any aid or benefit under ch. 49, stats., must be sworn to as being true and correct to the best of the applicant's knowledge. Under the draft, an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant that the information given is true and correct to the best of the applicant's knowledge.

3       **SECTION 1.** 49.006 (1) of the statutes is created to read:

4       49.006 (1) AFFIRMATION OF STATEMENTS IN APPLICATIONS. (1) Any person who makes  
5       any statement in a written application for any aid or benefit provided under this chapter shall  
6       be considered to have made an admission as to the existence, correctness, or validity of any  
7       fact stated. Such a statement shall be considered to be prima facie evidence against the person  
8       making it in any complaint, information, or indictment, and in any action brought for  
9       enforcement of any provision of this chapter.

(2) The information provided by an applicant for any aid or benefit under this chapter shall be sworn to as being true and correct to the best of the applicant's knowledge, and any employee of a county department, a Wisconsin works agency, the department of health services, or the department of children and families accepting such application shall have the authority to administer an oath to the applicant that the information given is true and correct to the best of the applicant's knowledge.

**NOTE:** Provides that a statement made in a written application for any aid or benefit under ch. 49, stats., is considered to be an admission as to the existence, correctness, or validity of any fact stated. In addition, this SECTION provides that information provided by an applicant for any aid or benefit under ch. 49, stats., must be sworn to as being true and correct and that an employee who accepts an application for aid or a benefit has the authority to administer an oath to the applicant.

**(END)**