

# State of Wisconsin



2011 Senate Bill 426

Date of enactment:  
Date of publication\*:

## 2011 WISCONSIN ACT

AN ACT *to repeal* 49.155 (8); *to renumber and amend* 49.151 (2); and *to create* 49.001 (3m) and 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes; **relating to:** intentional program violations of public assistance programs.

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

**SECTION 1.** 49.001 (3m) of the statutes is created to read:

49.001 (3m) "Intentional program violation" means intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking benefits under this chapter.

**SECTION 2.** 49.151 (2) of the statutes is renumbered 49.151 (2) (a) (intro.) and amended to read:

49.151 (2) (a) (intro.) If ~~a court finds or it is determined after an administrative hearing~~ the department, a Wisconsin Works agency, or a county department or agency under contract under s. 49.155 (1m) determines that an individual ~~who is a member of a Wisconsin works group~~ applying for or receiving benefits under s. 49.138 or ss. 49.141 to 49.161, for the purpose of establishing or maintaining eligibility for those benefits or for the purpose of increasing the value of those benefits, has ~~intentionally violated, on 3 separate occasions, committed an intentional program violation related to~~ any provision in s. 49.138 or ss. 49.141 to 49.161 or any rule promulgated under those sections, the Wisconsin works Works agency

~~may permanently, the county department or agency under contract under s. 49.155 (1m), or the department shall deny benefits under s. 49.138 or ss. 49.141 to 49.161 to the individual; as follows:~~

**SECTION 3.** 49.151 (2) (a) 1., 2. and 3. and (b) of the statutes are created to read:

49.151 (2) (a) 1. For a first intentional program violation, for 6 months.

2. For a 2nd intentional program violation, for one year.

3. For a 3rd intentional program violation, permanently.

(b) An individual who is denied benefits under par. (a) may request a review of the denial following the procedure under s. 49.152 or, if the denial is based upon a violation of s. 49.155, may request a contested case hearing under ch. 227 by filing a request for a hearing with the department within 30 days after the date of the denial.

**SECTION 3m.** 49.155 (8) of the statutes is repealed.

**SECTION 4. Initial applicability.**

(1) INTENTIONAL PROGRAM VIOLATIONS. The treatment of section 49.155 (8) of the statutes, the renumbering and amendment of section 49.151 (2) of the statutes, and the creation of section 49.151 (2) (a) 1., 2., and 3. and (b) of the statutes first apply to acts or omissions that occur on the effective date of this subsection.

\* Section 991.11, WISCONSIN STATUTES 2009-10 : 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 5. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

---