



**ASSEMBLY AMENDMENT 8,
TO ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO 1995 ASSEMBLY BILL 591**

March 7, 1996 – Offered by Representatives KRUG, NOTESTEIN, RILEY and R. YOUNG.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 58, line 15: after that line insert:

3 “(4m) PROHIBITED REASON FOR DENIAL. Notwithstanding sub. (4), a Wisconsin
4 works agency may not deny benefits to an individual who fulfills eligibility
5 requirements solely because the Wisconsin works agency lacks sufficient funding to
6 provide those benefits.”

7 **2.** Page 66, line 14: after the period insert: “A Wisconsin works agency may
8 not deny benefits for a failure to provide the information requested under this
9 paragraph if the person of whom the information is requested is unable, after a
10 diligent effort, to obtain or provide the information.”

11 **3.** Page 67, line 20: delete “establishing additional eligibility criteria and”.

12 **4.** Page 68, line 22: after the period insert: “A Wisconsin works agency may
13 not deny benefits for a failure to provide the information requested under this

1 paragraph if the person of whom the information is requested is unable, after a
2 diligent effort, to obtain or provide the information.”.

3 **5.** Page 69, line 1: delete “180” and substitute “30”.

4 **6.** Page 69, line 2: before the period insert: “, except for good cause”.

5 **7.** Page 69, line 12: delete lines 12 and 13.

6 **8.** Page 70, line 1: on lines 1 and 2, delete “, in accordance with rules
7 promulgated by the department,”.

8 **9.** Page 70, line 3: after “period.” insert: “All of the following constitute
9 unusual circumstances:

10 a. The participant is unable, despite a good faith effort, to find unsubsidized
11 employment within a one-hour traveling time from the participant’s home.

12 b. The participant will be unable, without a Wisconsin works employment
13 position, to provide the basic necessities for the Wisconsin works group including
14 shelter and utility needs, food and clothing.

15 c. The unemployment rate in the geographical area serviced by the Wisconsin
16 works agency that serves the participant exceeds 4%.”.

17 **10.** Page 83, line 19: delete “Wisconsin works under s. 49.147 (1) to (5)” and
18 substitute: “any component of Wisconsin works”.

19 **11.** Page 83, line 23: delete “Wisconsin works agency” and substitute
20 “department”.

21 **12.** Page 84, line 1: delete lines 1 to 25 and substitute:

22 “(2) REVIEW. Upon receipt of a timely petition under sub. (1), the department
23 shall give the applicant or participant reasonable notice and opportunity for a fair

1 hearing. The department may make such additional investigation as it considers
2 necessary. Notice of the hearing shall be given to the applicant or participant and
3 to the county clerk. The Wisconsin works agency may be represented at the hearing.
4 The department shall render its decision as soon as possible after the hearing and
5 shall send a certified copy of its decision to the applicant or participant, the county
6 clerk and the Wisconsin works agency. The decision of the department shall be final,
7 but may be revoked or modified as altered conditions may require. The department
8 shall deny a petition for a hearing or shall refuse to grant relief if any of the following
9 applies:

10 (a) The applicant or participant withdraws the petition in writing.

11 (b) The sole issue in the petition concerns an automatic grant adjustment or
12 change for a class of participants as required by state or federal law.

13 (c) The applicant or participant abandons the petition. Abandonment occurs
14 if the applicant or participant fails to appear in person or by representative at a
15 scheduled hearing without providing the department with good cause therefor.

16 **(3) SUSPENSION OF BENEFITS.** If a participant requests a hearing in a timely
17 manner, benefits shall not be suspended, reduced or discontinued until a decision is
18 rendered after the hearing but may be recovered by the department if the contested
19 decision or failure to act is upheld. Until a decision is rendered after the hearing, the
20 manner or form of benefit payment to the participant shall not change to a protective,
21 vendor or 2-party payment. Benefits shall be suspended, reduced or discontinued
22 if any of the following applies:

23 (a) The participant is contesting a state or federal law or a change in state or
24 federal law and not the participant's benefit computation.

1 (b) The participant is notified of a change in his or her benefit while the hearing
2 decision is pending but the participant fails to request a hearing on the change.

3 (4) NOTICE TO PARTICIPANT. The participant shall be promptly informed in
4 writing if benefits are to be suspended, reduced or terminated pending the hearing
5 decision.

6 (5) RETROACTIVE BENEFITS. If the department reverses a decision of the
7 Wisconsin works agency to deny an application for a Wisconsin works employment
8 position based solely on a determination of financial ineligibility, the petitioner shall
9 receive, retroactive to the date that the Wisconsin”.

10 **13.** Page 89, line 9: delete “, (L)”.

11 **14.** Page 90, line 4: delete “, (L)”.

12 **15.** Page 99, line 9: delete lines 9 and 10.

13 (END)