



2011 ASSEMBLY BILL 222

August 18, 2011 - Introduced by Representatives MURSAU, LITJENS, BERNIER, JACQUE, NYGREN, THIESFELDT, AUGUST, KAPENGA, HONADEL, WILLIAMS, KUGLITSCH, STEINEKE, STROEBEL, PETERSEN, LEMAHIEU and ENDSLEY, cosponsored by Senators GROTHMAN, GALLOWAY and LASEE. Referred to Committee on Homeland Security and State Affairs.

1 **AN ACT to renumber and amend** 49.84 (5); **to amend** 49.84 (6) (b) 1.; and **to**
2 **create** 49.84 (5) (a) and 49.84 (7) of the statutes; **relating to:** requiring
3 documentary evidence of citizenship or satisfactory immigration status for
4 public assistance programs, granting rule-making authority, and providing a
5 penalty.

Analysis by the Legislative Reference Bureau

Wisconsin Works (W-2), Medical Assistance (MA), and the Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program, are public assistance programs that provide cash benefits and job assistance, medical care, and assistance with food purchases to low-income persons who satisfy other eligibility criteria generally relating to age, pregnancy, or disability. Each of these programs is administered by the Department of Children and Families (DCF) or the Department of Health Services (DHS).

Under current law, a person who applies for W-2, MA, or SNAP must, as a condition of eligibility, provide a declaration of citizenship or satisfactory immigration status and may be required to provide additional verification of citizenship or satisfactory immigration status. Current law also provides, with some exceptions, that as a condition of eligibility for MA, including BadgerCare Plus, or the program that provides prescription drug assistance for elderly persons, commonly known as SeniorCare, an applicant or recipient who declares himself or herself to be a U.S. citizen or national must provide satisfactory documentary

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evidence that he or she is a citizen or national. Satisfactory documentation for this purpose consists of those documents and other forms of evidence specified under federal law.

This bill provides that, to the extent permitted under federal law if there are any conflicting federal provisions, any person who applies for a program that is administered by DHS or DCF under the public assistance chapter of the statutes and that provides services, benefits, or other assistance (public assistance program) must, as a condition of eligibility for that program, provide documentary evidence of citizenship or satisfactory immigration status. In addition to SeniorCare and MA, including BadgerCare Plus, which have their own documentation requirement under current law for persons who declare themselves to be citizens or nationals of the United States, the public assistance programs to which the new requirement under the bill applies include W-2, including the child care subsidy program known as Wisconsin Shares; SNAP; the program that provides eligible persons with assistance in establishing the paternity of a child, establishing or modifying child support obligations, enforcing child support or maintenance (alimony) obligations, and locating persons who owe child support or children taken by parents in violation of court orders; the programs that provide state supplemental payments to persons receiving federal supplemental security income; the program that pays funeral, burial, and cemetery expenses for persons whose estates are insufficient to pay those expenses; and the disease aids program that provides assistance in paying the costs of medical treatment for eligible persons with cystic fibrosis, hemophilia, or chronic renal (kidney) disease.

The bill requires every application for a public assistance program to include a certification clause, to be completed by the welfare worker or other person processing the application, certifying that he or she has received from the applicant the necessary documentary evidence and specifying the nature of the documentary evidence. Any person who falsely certifies that he or she received the documentary evidence is subject to a \$250 forfeiture, in addition to any other penalties that might apply under current law.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 49.84 (5) of the statutes is renumbered 49.84 (5) (b) and amended
2 to read:
3 49.84 (5) (b) ~~A~~ Notwithstanding any other eligibility requirements specified
4 for the public assistance program, to the extent permitted under federal law, any
5 person applying for Wisconsin works under ss. 49.141 to 49.161, aid to families with

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1 ~~dependent children under s. 49.19, medical assistance under subch. IV or food stamp~~
2 ~~program benefits under 7 USC 2011 to 2029~~ a public assistance program shall, as a
3 condition of eligibility, provide a declaration and ~~other verification~~ documentary
4 evidence of citizenship or satisfactory immigration status as required ~~by rule~~ by the
5 department ~~by rule~~ administering the program or as required in 42 USC 1320b-7 (d)
6 or under sub. (6).

7 **SECTION 2.** 49.84 (5) (a) of the statutes is created to read:

8 49.84 (5) (a) In this subsection, “public assistance program” means any
9 program administered by the department of health services or the department of
10 children and families under this chapter under which the department administering
11 the program provides services, benefits, or other assistance.

12 **SECTION 3.** 49.84 (6) (b) 1. of the statutes is amended to read:

13 49.84 (6) (b) 1. ~~Notwithstanding any other eligibility requirements for the~~
14 ~~programs specified in par. (c), unless~~ Unless excepted by par. (c), an applicant for or
15 recipient under any of those the programs specified in par. (c) who declares himself
16 or herself to be a citizen or national of the United States shall provide, as a further
17 condition of eligibility, satisfactory documentary evidence, as provided in par. (d),
18 that he or she is a citizen or national of the United States.

19 **SECTION 4.** 49.84 (7) of the statutes is created to read:

20 49.84 (7) (a) Every application for a public assistance program, as defined in
21 sub. (5) (a), shall include a certification clause, which shall be completed by the
22 welfare worker or other person processing the application, certifying that he or she
23 has received from the applicant documentary evidence required under sub. (5) or (6),
24 whichever is applicable, and stating the nature of the documentary evidence.

