



State of Wisconsin
1997 - 1998 LEGISLATURE
April 1998 Special Session

LRB-5231/1
TAY:jlg:ijs

ASSEMBLY BILL 6

May 12, 1998 - Introduced by COMMITTEE ON ASSEMBLY ORGANIZATION, by request of Governor Tommy G. Thompson. Referred to Joint committee on Finance.

1 **AN ACT to amend** 20.445 (3) (dz); and **to create** 49.124 (1) (df), 49.124 (8) and
2 49.175 (1) (fs) of the statutes; **relating to:** food stamps for qualified aliens and
3 making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the department of workforce development (DWD) administers the federal food stamp program. Under the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), aliens who are not qualified aliens, and certain qualified aliens, are not eligible for the federal food stamp program. A qualified alien who is a refugee or an asylee becomes ineligible for food stamps 5 years after the date that the alien's deportation is withheld or 5 years after the date that the alien is admitted to the United States as a refugee, is granted asylum, is granted status as a Cuban and Haitian entrant or is admitted to the United States as an Amerasian immigrant. ("Qualified alien" is defined in the federal law as an alien who is lawfully admitted for permanent residence in the United States under the Immigration and Nationality Act (INA), a refugee who is admitted to the United States under the INA, an alien who is granted asylum under the INA, an alien who is paroled into the United States under the INA, an alien whose deportation is being withheld under the INA, an alien who is granted conditional entry, an alien who is a Cuban and Haitian entrant or an alien who has been battered or subjected to extreme cruelty in the United States by a family member.) Therefore, currently most legal immigrants in Wisconsin are ineligible for the federal food stamp program.

Under the 1997 federal Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law (P.L.) 105-18), states are given the option to provide food stamp benefits to individuals who are ineligible to participate in the federal food stamp program solely because of the application of the PRWORA provision regarding qualified aliens. Under P.L. 105-18, to be eligible to issue those food stamp benefits, a state agency must submit a plan to the secretary of the federal department of agriculture and obtain approval of that secretary. States must also pay to the secretary of the federal department of agriculture an amount equal to the value of the benefits and other federal costs for food stamps issued to qualified aliens who would be ineligible for food stamp benefits solely because of the application of the PRWORA provision.

This bill requires DWD to submit a plan to the secretary of the federal department of agriculture to permit the issuance of food stamp benefits to qualified aliens who are ineligible for food stamps solely because of the application of the PRWORA provision. Under the bill, if the plan is approved, DWD must begin issuing the benefits, to the extent that the benefits are not restored by the federal government, on August 1, 1998, or on the day the plan is approved, whichever is later.

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.** 20.445 (3) (dz) of the statutes, as affected by 1997 Wisconsin Act 27,
2 section 627, is amended to read:
3 20.445 **(3)** (dz) (title) *Wisconsin works and other public assistance*
4 *administration and benefits.* The amounts in the schedule for administration and
5 benefit payments under Wisconsin works under ss. 49.141 to 49.161, the job
6 opportunities and basic skills program under s. 49.193, the learnfare program under
7 s. 49.26, the work experience and job search program under s. 49.36, the food stamp
8 ~~employment and training~~ program under s. 49.124 ~~(1m)~~ and the parental
9 responsibility pilot program under s. 49.25; for payment distribution under s. 49.33
10 (8) for county administration of public assistance benefits and medical assistance
11 eligibility determination and payments to American Indian tribes for administration

1 of public assistance programs; to provide state aid for county administered public
2 assistance programs for which reimbursement is provided under s. 49.33 (9); for child
3 care costs under ss. 49.191 (1) and (2), 49.193 (8) and 49.26 (1) (e); for the new hope
4 project under s. 49.37; for aid to 18-year-old students under s. 49.20; and for funeral
5 expenses under s. 49.30. Payments may be made from this appropriation to counties
6 for fraud investigation and error reduction under s. 49.197 (1m) and (4). Moneys
7 appropriated under this paragraph may be used to match federal funds received
8 under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department
9 may transfer funds between fiscal years under this paragraph. All funds allocated
10 by the department but not encumbered by December 31 of each year lapse to the
11 general fund on the next January 1 unless transferred to the next calendar year by
12 the joint committee on finance.

13 **SECTION 2.** 49.124 (1) (df) of the statutes is created to read:

14 49.124 (1) (df) "Qualified alien" has the meaning given in 8 USC 1641 (b).

15 **SECTION 3.** 49.124 (8) of the statutes is created to read:

16 49.124 (8) **BENEFITS FOR QUALIFIED ALIENS.** Not later than June 15, 1998, the
17 department shall submit a plan to the secretary of the federal department of
18 agriculture to provide benefits under this section to a qualified alien who is ineligible
19 for benefits under this section solely because of the application of 8 USC 1612 or 1613.
20 If the secretary of the federal department of agriculture approves the plan, the
21 department shall provide benefits under this section beginning on August 1, 1998,
22 or on the day that the plan is approved, whichever is later, to a qualified alien who
23 is otherwise eligible for benefits under this section. This subsection does not apply
24 to the extent that federal food stamp benefits for qualified aliens are restored by the
25 federal government.

