



2009 SENATE BILL 577

March 2, 2010 - Introduced by Senators GROTHMAN, SCHULTZ, LAZICH, DARLING, LEIBHAM, KAPANKE, KEDZIE and OLSEN, cosponsored by Representatives MURSAU, KLEEFISCH, ZIEGELBAUER, VOS, NYGREN, KESTELL, KNODL, SUDER, NEWCOMER, VAN ROY, NASS, KERKMAN, PRIDEMORE, ROTH, BIES, DAVIS, HONADEL, LEMAHIEU, MEYER and PETROWSKI. Referred to Committee on Ethics Reform and Government Operations.

1 **AN ACT** *to renumber and amend* 49.84 (5); and *to create* 49.84 (5) (a), 49.84
2 (5) (b) 2. and 49.84 (5) (c) of the statutes; **relating to:** limiting eligibility for
3 public assistance programs to U.S. citizens and qualifying aliens, requiring
4 documentary proof of citizenship or satisfactory immigration status, granting
5 rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, as a condition of eligibility for Wisconsin Works (W-2), Medical Assistance (MA), or the food stamp program, a person who applies for any of those programs must 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, Badger Care, or Senior Care an applicant or recipient who declares himself or herself to be a U.S. citizen or national must provide satisfactory documentary 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.

W-2, MA, Badger Care, Senior Care, and the food stamp program are public assistance programs that provide cash benefits and job assistance, medical care, prescription drug-purchasing assistance, or assistance with food purchases to low-income persons who satisfy other eligibility criteria generally relating to age, pregnancy, or disability. W-2 is administered by the Department of Children and

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Families (DCF); MA, Badger Care, Senior Care, and the food stamp program are administered by the Department of Health Services (DHS).

This bill provides that, to the extent permitted under federal law if there are any conflicting federal provisions, only a person who is a U.S. citizen or an alien lawfully admitted for permanent residence, or otherwise permanently residing in the United States under color of law, is eligible for any 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). The bill requires that any person who applies for a public assistance program must, as a condition of eligibility for that program, provide documentary proof of citizenship or satisfactory immigration status. Under the bill, besides W-2 and the food stamp program, public assistance programs include relief block grants, with which counties provide health care services to eligible persons; 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; the program that reimburses persons infected with human immunodeficiency virus (HIV) for the cost of the drug azidothymidine (AZT); 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 proof and specifying the nature of the documentary proof. Any person who falsely certifies that he or she received documentary proof is subject to a \$250 forfeiture, in addition to any other penalties that might apply under current law.

Applicants for MA programs, including Badger Care and Senior Care, are specifically excluded from the requirements under the bill by excluding those programs from the definition of public assistance programs. Current law already provides that, except for treatment of emergency medical conditions, medical assistance may be provided only to persons who are U.S. citizens or aliens lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law. Also under current law, certain MA recipients who declare themselves to be citizens or nationals of the United States must provide documentary evidence of that assertion. The bill retains the requirement under current law that MA applicants for MA programs provide a declaration of citizenship or satisfactory immigration status.

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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) 1. and amended
2 to read:

3 49.84 (5) (b) 1. ~~A person applying for Wisconsin works under ss. 49.141 to~~
4 ~~49.161, aid to families with dependent children under s. 49.19, medical assistance~~
5 ~~under subch. IV or food stamp program benefits under 7 USC 2011 to 2029~~
6 Notwithstanding any other eligibility requirements specified in this chapter, to the
7 extent permitted under federal law, an applicant for an assistance program under
8 this chapter shall, as a condition of eligibility, provide a declaration and other
9 verification documentary proof of citizenship or satisfactory immigration status as
10 required by rule by the department by rule administering the program or as required
11 in 42 USC 1320b-7 (d), and only a person who is a U.S. citizen or an alien lawfully
12 admitted for permanent residence or otherwise permanently residing in the United
13 States under color of law is eligible for an assistance program under this chapter.

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

15 49.84 (5) (a) In this subsection:

16 1. “Applicant” does not include any person applying for a program specified in
17 sub. (6) (c) 1., 2., or 3. or any person excepted under sub. (6) (c) 1. a. to e. or 2.

18 2. “Assistance program under this chapter” means any program administered
19 by the department of health services or the department of children and families
20 under this chapter under which the department administering the program provides

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1 services, benefits, or other assistance, except that “assistance program under this
2 chapter” does not include any program specified in sub. (6) (c) 1., 2., or 3.

3 **SECTION 3.** 49.84 (5) (b) 2. of the statutes is created to read:

4 49.84 (5) (b) 2. Except as provided in s. 49.45 (27), a person applying for the
5 Medical Assistance program under subch. IV, the Badger Care health care program
6 under s. 49.665, or the part of the prescription drug assistance for elderly persons
7 program under s. 49.688 that is supported by a Medical Assistance waiver under 42
8 USC 1315 (a), as authorized under s. 49.688 (11), shall, as a condition of eligibility,
9 provide a declaration and other verification of citizenship or satisfactory
10 immigration status as required under sub. (6) or by the department of health services
11 by rule or as required in 42 USC 1320b-7 (d).

12 **SECTION 4.** 49.84 (5) (c) of the statutes is created to read:

13 49.84 (5) (c) 1. Every application for an assistance program under this chapter
14 shall include a certification clause, which shall be completed by the welfare worker
15 or other person processing the application, certifying that he or she has received from
16 the applicant documentary proof that the applicant is a U.S. citizen or an alien
17 lawfully admitted for permanent residence or otherwise permanently residing in the
18 United States under color of law, and stating the nature of the documentary proof.

19 2. In addition to any other penalty, any person processing an application for an
20 assistance program under this chapter who falsely certifies on the application that
21 he or she received documentary proof under subd. 1. shall be required to pay a
22 forfeiture of \$250 for each false certification. Notice of the penalty under this
23 subdivision shall be printed on the application directly below the certification clause
24 required under subd. 1.

25 **SECTION 5. Initial applicability.**

