



## 2005 SENATE BILL 567

February 3, 2006 – Introduced by Senators REYNOLDS and LEIBHAM. Referred to Committee on Labor and Election Process Reform.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, as a condition of eligibility for Wisconsin Works, Medical Assistance, 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. Wisconsin Works, Medical Assistance, and the food stamp program are public assistance programs that provide cash benefits and job assistance, medical care, or assistance with food purchases to low-income persons who satisfy other eligibility criteria generally relating to age, pregnancy, or disability. Wisconsin Works is administered by the Department of Workforce Development (DWD); Medical Assistance and the food stamp program are administered by the Department of Health and Family Services (DHFS).

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

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by DHFS or DWD 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. Besides Wisconsin Works, Medical Assistance, and the food stamp program, public assistance programs include relief block grants, with which counties provide health care services to eligible persons; the Badger Care health care program, which provides health care services to certain low-income children and families; the program that provides prescription drug assistance for elderly persons (commonly known as SeniorCare); 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 proof and specifying the nature of the documentary proof. Any person who falsely certifies that he or she received the documentary proof is subject to a \$250 forfeiture, in addition to any other penalties that might apply under current law.

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*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 in this chapter, to the extent permitted under federal law, any person applying for  
5 Wisconsin works under ss. 49.141 to 49.161, aid to families with dependent children  
6 under s. 49.19, medical assistance under subch. IV or food stamp program benefits  
7 under 7 USC 2011 to 2029 any program under this chapter shall, as a condition of  
8 eligibility, provide ~~a declaration and other verification~~ documentary proof of

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1 citizenship or satisfactory immigration status as required by rule by the department  
2 by rule administering the program or as required in 42 USC 1320b-7 (d), and, except  
3 as provided in s. 49.45 (27), only a person who is a U.S. citizen or an alien lawfully  
4 admitted for permanent residence or otherwise permanently residing in the United  
5 States under color of law shall be eligible for a program under this chapter.

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

7 49.84 (5) (a) In this subsection, “program under this chapter” means any  
8 program administered by the department of health and family services or the  
9 department of workforce development under this chapter under which the  
10 department administering the program provides services, benefits, or other  
11 assistance.

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

13 49.84 (5) (c) 1. Every application for a program under this chapter shall include  
14 a certification clause, which shall be completed by the welfare worker or other person  
15 processing the application, certifying that he or she has received from the applicant  
16 documentary proof that the applicant is a U.S. citizen or an alien lawfully admitted  
17 for permanent residence or otherwise permanently residing in the United States  
18 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 a  
20 program under this chapter who falsely certifies on the application that he or she  
21 received documentary proof under subd. 1. shall be required to pay a forfeiture of  
22 \$250 for each false certification. Notice of the penalty under this subdivision shall  
23 be printed on the application directly below the certification clause required under  
24 subd. 1.

25 **SECTION 4. Initial applicability.**

