
Wisconsin Legislative Council

AMENDMENT MEMO



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2023 Assembly Bill 822

**Assembly
Amendment 1**

BACKGROUND

Federal law generally does not allow certain noncitizens to receive any state or local public benefit, which includes a professional or commercial license. However, federal law allows a state to provide noncitizens access to a public benefit through an enactment of a state law.¹

2023 ASSEMBLY BILL 822

2023 Assembly Bill 822 provides that certain noncitizen individuals are eligible for an occupational authorization if the individual satisfies the following requirements: (1) the individual was granted deferred action under the Deferred Action for Childhood Arrivals (DACA) program; (2) the individual's deferred action is not expired; and (3) the individual has an unexpired employment authorization document issued by the U.S. Department of Homeland Security. The authority that issues the occupational authorization must verify the individual's federal employment authorization. The bill does not affect any requirement of the occupational authorization other than an applicant's citizenship status. Also, the state occupational authorization is only valid for the period of time that the federal employment authorization is valid.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes various changes that generally clarify how an individual's state occupational authorization relates to the individual's federal employment authorization. Those changes include the following:

- Clarifying that the state issuing authority must verify an individual's federal employment verification prior to issuing the occupational authorization.
- Specifying that if an individual's federal employment authorization is withdrawn, the individual must cease to practice under the state occupational authorization and notify the state issuing authority.
- Requiring that the expiration date for an individual's state occupational authorization match the expiration of the individual's federal employment authorization and providing a process for renewing the state authorization when this federal authorization expires.
- Allowing the state issuing authority to assess a fee that corresponds to the cost of collecting information required under federal law to make certain verifications.

¹ 8 U.S.C. s. 1621 (c).

Finally, the amendment specifies that an individual who is granted deferred action under DACA following the effective date of the bill is not eligible for the state occupational authorization created in the bill.

BILL HISTORY

Representative Macco offered Assembly Amendment 1 on January 23, 2024. On January 24, 2024, the Assembly Committee on Regulatory Licensing Reform recommended adoption of Assembly Amendment 1 and passage of the bill, as amended, on votes of Ayes, 9; Noes, 0.

For a full history of the bill, visit the Legislature's [bill history page](#).

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