State of Misconsin 2023 - 2024 LEGISLATURE

LRB-1627/1 JPC:skw

2023 ASSEMBLY BILL 822

December 8, 2023 - Introduced by Representatives Macco, Ortiz-Velez, Kitchens, Conley, Goyke, McGuire, O'Connor, Allen, C. Anderson, J. Anderson, Andraca, Baldeh, Bare, Considine, Emerson, Hong, Joers, Madison, Mursau, Neubauer, Ohnstad and Snyder, cosponsored by Senators Taylor, James, Hesselbein, Tomczyk, Agard, Carpenter, Larson, Roys and Spreitzer. Referred to Committee on Regulatory Licensing Reform.

AN ACT to create 995.40 of the statutes; relating to: eligibility to receive occupational credentials for recipients of deferred action under the Deferred Action for Childhood Arrivals program.

Analysis by the Legislative Reference Bureau

Currently, federal law prohibits all but certain noncitizens from receiving any "state or local public benefit," which is defined to include any "professional license, or commercial license provided by an agency of a state or local government." However, federal law allows states to explicitly allow eligibility for certain public benefits. This bill allows certain individuals who are not U.S. citizens to receive credentials to practice certain occupations in this state if he or she meets all other requirements for the credential. Under the bill, an eligible individual is an individual to whom all of the following apply: 1) the individual has been granted deferred action under the Deferred Action for Childhood Arrivals program of the U.S. Department of Homeland Security; 2) the individual's deferred action is not expired; and 3) the individual possesses an unexpired employment authorization document issued by the U.S. Department of Homeland Security. Any credential issued to an individual under the bill is only valid for the period of time during which the individual's employment authorization document is valid.

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For further information see the state 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:

SECTION 1. 995.40	0 of the statutes	is created to read:
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995.40 Eligibility of certain individuals who are not U.S. citizens for occupational authorization. (1) In this section:

- (a) "Affiliated credentialing board" has the meaning given in s. 15.01 (1g).
- (b) "Department" has the meaning given in s. 15.01 (5). "Department" includes the state superintendent of public instruction.
 - (c) "Division" has the meaning given in s. 15.01 (6).
 - (d) "Examining board" has the meaning given in s. 15.01 (7).
- (e) "Independent agency" has the meaning given in s. 15.01 (9). "Independent agency" includes the commissioner of insurance.
- (f) "Issuing authority" means the department, division, independent agency, examining board, section of an examining board, or affiliated credentialing board that issues an occupational authorization.
- (g) "Occupational authorization" means any credential, license, certificate, permit, registration, or approval that is issued to an individual by any department, division, independent agency, examining board, section of an examining board, or affiliated credentialing board.
- (2) Pursuant to 8 USC 1621 (d), an individual who is not a U.S. citizen is eligible to receive any occupational authorization despite the individual's citizenship status if all of the following apply:

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- (a) The individual has been granted deferred action under the deferred action for childhood arrivals program of the federal department of homeland security.
- (b) The individual's deferred action under the deferred action for childhood arrivals program of the federal department of homeland security is not expired.
- (c) The individual possesses an unexpired employment authorization document issued by the federal department of homeland security.
- (3) Nothing in this section affects any requirement or qualification for an applicant to obtain an occupational authorization that is not related to the citizenship status of the applicant.
- (4) For each individual who applies for an occupational authorization and to whom this section applies, the issuing authority shall verify the individual's employment authorization document issued by the federal department of homeland security through the systematic alien verification for entitlements program operated by the federal department of homeland security or an equivalent program designated by the federal department of homeland security.
- (5) Any occupational authorization issued to an individual to whom this section applies shall be valid only for the period of time during which the individual's employment authorization document issued by the federal department of homeland security is valid.
- **(6)** Nothing in this section may be construed to grant eligibility to an individual for any public benefits other than receiving an occupational authorization.

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