



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5306/1
JPC:skw

2023 SENATE BILL 828

December 19, 2023 - Introduced by Senators TAYLOR, JAMES, HESSELBEIN, TOMCZYK, AGARD, CARPENTER, LARSON, ROYS and SPREITZER, cosponsored by Representatives MACCO, ORTIZ-VELEZ, KITCHENS, CONLEY, GOYKE, O'CONNOR, MCGUIRE, ALLEN, C. ANDERSON, J. ANDERSON, ANDRACA, BALDEH, BARE, CONSIDINE, EMERSON, HONG, JOERS, MADISON, MURSAU, NEUBAUER, OHNSTAD, SNYDER, SINICKI, SUBECK, SCHRAA and JACOBSON. Referred to Committee on Licensing, Constitution and Federalism.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 995.40 of the statutes; **relating to:** eligibility to receive
2 occupational credentials for recipients of deferred action under the Deferred
3 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:

1 **SECTION 1.** 995.40 of the statutes is created to read:

2 **995.40 Eligibility of certain individuals who are not U.S. citizens for**
3 **occupational authorization. (1)** In this section:

4 (a) “Affiliated credentialing board” has the meaning given in s. 15.01 (1g).

5 (b) “Department” has the meaning given in s. 15.01 (5). “Department” includes
6 the state superintendent of public instruction.

7 (c) “Division” has the meaning given in s. 15.01 (6).

8 (d) “Examining board” has the meaning given in s. 15.01 (7).

9 (e) “Independent agency” has the meaning given in s. 15.01 (9). “Independent
10 agency” includes the commissioner of insurance.

11 (f) “Issuing authority” means the department, division, independent agency,
12 examining board, section of an examining board, or affiliated credentialing board
13 that issues an occupational authorization.

14 (g) “Occupational authorization” means any credential, license, certificate,
15 permit, registration, or approval that is issued to an individual by any department,
16 division, independent agency, examining board, section of an examining board, or
17 affiliated credentialing board.

18 **(2)** Pursuant to 8 USC 1621 (d), an individual who is not a U.S. citizen is eligible
19 to receive any occupational authorization despite the individual’s citizenship status
20 if all of the following apply:

