

HOUSE BILL NO. HB0145

Professional and commercial licenses-lawful residents.

Sponsored by: Representative(s) Simpson and Mercer and  
Senator(s) Perkins

A BILL

for

1 AN ACT relating to the administration of government;  
2 providing that any state or local benefit shall be awarded  
3 only to a person lawfully in the United States as  
4 specified; providing definitions; and providing for an  
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 16-2-201 and 16-2-202 are created to  
10 read:

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12

ARTICLE 2

13

BENEFITS TO LAWFUL RESIDENTS

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15 **16-2-201. Definitions.**

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1 (a) As used in this article:

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3 (i) "Alien" means any person not a citizen or  
4 national of the United States;

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6 (ii) "Governmental entity" means any state  
7 office, department, board, commission, institution or other  
8 operating entity of the state including any city or town,  
9 county, the University of Wyoming, community college  
10 districts or school districts;

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12 (iii) "Secure and verifiable document" means a  
13 document issued by a state or federal jurisdiction or  
14 recognized by the United States government and that is  
15 verifiable by federal or state law enforcement,  
16 intelligence or homeland security agency, including, but  
17 not limited to:

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19 (A) United States passport;

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21 (B) Resident alien card, alien registration  
22 card or other document if the document:

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1 (I) Contains personal identifying  
2 information;

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4 (II) Is evidence of authorization of  
5 employment in the United States; and

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7 (III) Contains security features to  
8 make it resistant to tampering, counterfeiting and  
9 fraudulent use.

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11 (C) Social security account number card,  
12 other than such a card which specifies on the face that the  
13 issuance of the card does not authorize employment in the  
14 United States;

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16 (D) Driver's license or similar document  
17 issued for the purpose of identification by a state, if it  
18 contains a photograph of the individual or other personal  
19 identifying information. The driver's license or similar  
20 document shall be current or expired less than one (1)  
21 year.

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23 (iv) "State or local public benefit" means any  
24 grant, contract, loan, professional license or commercial

1 license and any retirement, welfare, health, disability,  
2 public or assisted housing, postsecondary education, food  
3 assistance, unemployment benefit or other similar benefit  
4 for which payments or assistance are provided to an  
5 individual or household by a governmental entity or by  
6 appropriated funds of a governmental entity, but does not  
7 include:

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9 (A) Assistance for health care items and  
10 services that are necessary for the treatment of an  
11 emergency medical condition of the alien involved and are  
12 not related to an organ transplant procedure;

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14 (B) Short-term, noncash, in-kind emergency  
15 disaster relief;

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17 (C) Public health assistance for  
18 immunizations with respect to immunizable diseases and for  
19 testing and treatment of symptoms of communicable diseases  
20 whether or not such symptoms are caused by a communicable  
21 disease;

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23 (D) Programs, services or assistance, such  
24 as soup kitchens, crisis counseling and intervention and  
short-term shelter, which:

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(I) Deliver in-kind services at the community level, including through public or private nonprofit agencies;

(II) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

(III) Are necessary for the protection of life or safety.

(E) Worker's compensation benefits pursuant to title 27, article 14 of the Wyoming statutes.

**16-2-202. State or local public benefit to issue to persons lawfully in the United States only.**

(a) A governmental entity shall award or renew a state or local public benefit only to an individual who is legally present in the United States and shall immediately deny any benefit or benefit renewal upon determining that an individual is unlawfully present in the United States.

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2 (b) An applicant for any state or local public  
3 benefit shall prove his identity with a secure and  
4 verifiable document before the benefit is awarded. The  
5 agency, board, commission or division shall not sell or  
6 utilize the information contained in the secure and  
7 verifiable document for any purpose other than those  
8 specified in law and shall keep such information  
9 confidential unless disclosure is required by law.

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11 (c) For purposes of this section, an individual is  
12 unlawfully present in the United States if the individual  
13 is an alien who is not:

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15 (i) A qualified alien as defined in 8 U.S.C. §  
16 1641;

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18 (ii) A nonimmigrant under the immigration and  
19 nationality, P.L. 82-414, as amended;

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21 (iii) An alien who is paroled into the United  
22 States under 8 U.S.C. § 1182(d)(5) for less than one (1)  
23 year.

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1 (d) The provisions of this section shall be enforced  
2 without regards to race, religion, gender, ethnicity or  
3 national origin.

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5 **Section 2.** W.S. 27-14-102(a)(vii)(intro) is amended  
6 to read:

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8 **27-14-102. Definitions.**

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10 (a) As used in this act:

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12 (vii) "Employee" means any person engaged in any  
13 extrahazardous employment under any appointment, contract  
14 of hire or apprenticeship, express or implied, oral or  
15 written, and includes legally employed minors, aliens  
16 authorized to work by the United States department of  
17 justice, office of citizenship and immigration services,  
18 and aliens whom the employer reasonably believes, at the  
19 date of hire and the date of injury based upon  
20 ~~documentation~~ copies of at least one (1) secure and  
21 verifiable document as defined by W.S. 6-2-201(a)(iii) in  
22 the employer's possession, to be authorized to work by the  
23 United States department of justice, office of citizenship  
24 and immigration services. "Employee" does not include:

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**Section 3.** This act is effective July 1, 2008.

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(END)