

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:*

8

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

11

12 ARTICLE 2

13 BENEFITS TO LAWFUL RESIDENTS

14

15 **6-2-201. Definitions.**

16

1 (a) As used in this article:

2

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

5

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;

11

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:

18

19 (A) United States passport;

20

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

23

1 (I) Contains a photograph of the
2 individual and such other personal identifying information;

3

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

6

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

10

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.

15

16 (iv) "State or local public benefit" means any
17 grant, contract, loan, professional license or commercial
18 license and any retirement, welfare, health, disability,
19 public or assisted housing, postsecondary education, food
20 assistance, unemployment benefit or other similar benefit
21 for which payments or assistance are provided to an
22 individual or household by a governmental entity or by
23 appropriated funds of a governmental entity, but does not
24 include:

1

2 (A) Assistance for health care items and
3 services that are necessary for the treatment of an
4 emergency medical condition of the alien involved and are
5 not related to an organ transplant procedure;

6

7 (B) Short-term, noncash, in-kind emergency
8 disaster relief;

9

10 (C) Public health assistance for
11 immunizations with respect to immunizable diseases and for
12 testing and treatment of symptoms of communicable diseases
13 whether or not such symptoms are caused by a communicable
14 disease;

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

18

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

22

23 (II) Do not condition the provision of
24 assistance, the amount of assistance provided, or the cost

1 of assistance provided on the individual recipient's income
2 or resources; and

3

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

6

7 **16-2-202. State or local public benefit to issue to**
8 **persons lawfully in the United States only.**

9

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

15

16 (b) An applicant for any state or local public
17 benefit shall prove his identity with a secure and
18 verifiable document before the benefit is awarded. The
19 agency, board, commission or division shall not sell or
20 utilize the information contained in the secure and
21 verifiable document for any purpose other than those
22 specified in law and shall keep such information
23 confidential unless disclosure is required by law.

24

1 (c) For purposes of this section, an individual is
2 unlawfully present in the United States if the individual
3 is an alien who is not:

4
5 (i) A qualified alien as defined in 8 U.S.C. §
6 1641;

7
8 (ii) A nonimmigrant under the immigration and
9 nationality, P.L. 82-414, as amended;

10

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

14

15 (d) The provisions of this section shall be enforced
16 without regards to race, religion, gender, ethnicity or
17 national origin.

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

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22 **27-14-102. Definitions.**

23

24 (a) As used in this act:

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

15

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

17

18 (END)