

HOUSE BILL NO. HB0135

Restrictions on public benefits.

Sponsored by: Representative(s) Jennings, Clem, Edmonds,
Edwards, Eklund, Laursen, Lindholm, Miller,
Pownall, Reeder and Steinmetz and Senator(s)
Hicks and Meier

A BILL

for

1 AN ACT relating to public benefits; conditioning
2 eligibility for public benefits on lawful presence in the
3 United States; requiring verification of lawful presence in
4 the United States upon application for public benefits;
5 providing a penalty; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 9-21-101 and 9-21-102 are created to
10 read:

11

12 CHAPTER 21

13 RESTRICTIONS ON PUBLIC BENEFITS

14

1 **9-21-101. Definitions.**

2

3 (a) As used in this chapter:

4

5 (i) "Emergency medical condition" means as
6 defined in 42 U.S.C. § 1396b(v) (3);

7

8 (ii) "Federal public benefit" means as defined
9 in 8 U.S.C. § 1611;

10

11 (iii) "State or local public benefit" means as
12 defined in 8 U.S.C. § 1621.

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14 **9-21-102. Lawful presence required for public**
15 **benefits; verification; exceptions; reporting.**

16

17 (a) Except as otherwise provided in subsection (e) of
18 this section or where exempted by federal law, any natural
19 person fourteen (14) years of age or older shall be
20 lawfully present in the United States to receive state or
21 local public benefits or federal public benefits that are
22 administered by this state.

23

1 (b) No agency or political subdivision of the state
2 shall provide any state or local public benefit or federal
3 public benefit to an applicant whose lawful presence in the
4 United States has not been verified if required pursuant to
5 this chapter.

6
7 (c) Each agency or political subdivision of the state
8 shall verify the lawful presence in the United States of
9 each natural person fourteen (14) years of age or older who
10 applies for state or local public benefits or for federal
11 public benefits that are administered by an agency or
12 political subdivision of this state for which lawful
13 presence in the United States is required by law, ordinance
14 or rule.

15
16 (d) This chapter shall be enforced without regard to
17 race, religion, gender, ethnicity or national origin.

18
19 (e) Lawful presence in the United States and
20 verification thereof shall not be required:

21
22 (i) For obtaining health care items and services
23 that are necessary for the treatment of an emergency

1 medical condition of the person involved and are not
2 related to an organ transplant procedure;

3

4 (ii) For short-term, noncash, in-kind emergency
5 disaster relief;

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7 (iii) For public health assistance for
8 immunizations with respect to diseases and for testing and
9 treatment of symptoms of communicable diseases whether or
10 not such symptoms are caused by a communicable disease;

11

12 (iv) For programs, services or assistance such
13 as soup kitchens, crisis counseling and intervention and
14 short-term shelters that:

15

16 (A) Deliver in-kind services at the
17 community level, including services through public or
18 nonprofit agencies;

19

20 (B) Do not condition the provision of
21 assistance, the amount of assistance provided or the costs
22 of assistance provided on the individual recipient's income
23 or resources; and

1

2 (C) Are necessary for the protection of
3 life or safety.

4

5 (v) For the purpose of receiving any other
6 public benefit for which lawful presence in the United
7 States is not required by law, ordinance or rule.

8

9 (f) For verification of the lawful presence of an
10 applicant in the United States, the agency or political
11 subdivision required to make such verification shall
12 provide notary public services at no cost to the applicant
13 and require that the applicant execute an affidavit under
14 penalty of perjury that:

15

16 (i) He is a United States citizen; or

17

18 (ii) He is a qualified alien under the federal
19 Immigration and Nationality Act and is lawfully present in
20 the United States.

21

22 (g) For any applicant who has executed an affidavit
23 pursuant to paragraph (f)(ii) of this section, eligibility

1 for benefits shall be determined through the systematic
2 alien verification of entitlement program operated by the
3 United States department of homeland security or a
4 successor program designated by the United States
5 department of homeland security. Until such eligibility
6 verification is made, an affidavit executed pursuant to
7 subsection (f) of this section may be presumed to be proof
8 of lawful presence in the United States for the purposes of
9 this section.

10
11 (h) Any person who knowingly makes a false or
12 fraudulent statement of representation in an affidavit
13 executed pursuant to subsection (f) of this section shall
14 be subject to criminal penalties under W.S. 6-5-303(a). If
15 the affidavit constitutes a false claim of United States
16 citizenship under 18 U.S.C. § 911, a complaint shall be
17 filed by the agency or political subdivision which required
18 the affidavit with the United States attorney for the
19 district in which the affidavit was executed.

20
21 (j) Errors and significant delay by the federal
22 systematic alien verification of entitlement program shall
23 be reported to the United States department of homeland

1 security and to the United States secretary of state to
2 ensure that the application of the federal systematic alien
3 verification of entitlement program is not wrongfully
4 denying benefits to legal residents of this state.

5

6 **Section 2.** This act is effective July 1, 2016.

7

8 (END)