

FIRST REGULAR SESSION

SENATE BILL NO. 133

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Pre-filed December 18, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0783S.011

AN ACT

To repeal section 208.009, RSMo, and to enact in lieu thereof one new section relating to the public benefit of postsecondary education.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 208.009, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 208.009, to read as follows:

208.009. 1. No alien unlawfully present in the United States shall receive
2 any state or local public benefit, except for state or local public benefits that may
3 be offered under 8 U.S.C. 1621(b). Nothing in this section shall be construed to
4 prohibit the rendering of emergency medical care, prenatal care, services offering
5 alternatives to abortion, emergency assistance, or legal assistance to any person.

6 2. As used in this section, "public benefit" means any grant, contract, or
7 loan provided by an agency of state or local government; or any retirement,
8 welfare, health, [postsecondary education,] state grants and scholarships,
9 disability, housing, or food assistance benefit under which payments, assistance,
10 credits, or reduced rates or fees are provided, **or any postsecondary**
11 **education pursued with the status of resident.** The term "public benefit"
12 shall not include unemployment benefits payable under chapter 288, RSMo. The
13 unemployment compensation program shall verify the lawful presence of an alien
14 for the purpose of determining eligibility for benefits in accordance with its own
15 procedures. **A student enrolled as a nonresident at a Missouri public**
16 **institution of higher education who is paying nonresident tuition and**
17 **fees shall not be construed to be receiving a "public benefit" under this**
18 **subsection solely as a result of the student attending the public**
19 **institution of higher education.**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 3. In addition to providing proof of other eligibility requirements, at the
21 time of application for any state or local public benefit, an applicant who is
22 eighteen years of age or older shall provide affirmative proof that the applicant
23 is a citizen or a permanent resident of the United States or is lawfully present in
24 the United States, provided, however, that in the case of state grants and
25 scholarships, such proof shall be provided before the applicant receives any state
26 grant or scholarship. Such affirmative proof shall include documentary evidence
27 recognized by the department of revenue when processing an application for a
28 driver's license, a Missouri driver's license, as well as any document issued by the
29 federal government that confirms an alien's lawful presence in the United States.
30 In processing applications for public benefits, an employee of an agency of state
31 or local government shall not inquire about the legal status of a custodial parent
32 or guardian applying for a public benefit on behalf of his or her dependent child
33 who is a citizen or permanent resident of the United States.

34 4. An applicant who cannot provide the proof required under this section
35 at the time of application may alternatively sign an affidavit under oath,
36 attesting to either United States citizenship or classification by the United States
37 as an alien lawfully admitted for permanent residence, in order to receive
38 temporary benefits or a temporary identification document as provided in this
39 section. The affidavit shall be on or consistent with forms prepared by the state
40 or local government agency administering the state or local public benefits and
41 shall include the applicant's Social Security number or any applicable federal
42 identification number and an explanation of the penalties under state law for
43 obtaining public assistance benefits fraudulently.

44 5. An applicant who has provided the sworn affidavit required under
45 subsection 4 of this section is eligible to receive temporary public benefits as
46 follows:

47 (1) For ninety days or until such time that it is determined that the
48 applicant is not lawfully present in the United States, whichever is earlier; or

49 (2) Indefinitely if the applicant provides a copy of a completed application
50 for a birth certificate that is pending in Missouri or some other state. An
51 extension granted under this subsection shall terminate upon the applicant's
52 receipt of a birth certificate or a determination that a birth certificate does not
53 exist because the applicant is not a United States citizen.

54 6. An applicant who is an alien shall not receive any state or local public
55 benefit unless the alien's lawful presence in the United States is first verified by

56 the federal government. State and local agencies administering public benefits
57 in this state shall cooperate with the United States Department of Homeland
58 Security in achieving verification of an alien's lawful presence in the United
59 States in furtherance of this section. The system utilized may include the
60 Systematic Alien Verification for Entitlements Program operated by the United
61 States Department of Homeland Security.

62 7. The provisions of this section shall not be construed to require any
63 nonprofit organization organized under the Internal Revenue Code to enforce the
64 provisions of this section, nor does it prohibit such an organization from providing
65 aid.

66 8. Any agency that administers public benefits shall provide assistance
67 in obtaining appropriate documentation to persons applying for public benefits
68 who sign the affidavit required by subsection 4 of this section stating they are
69 eligible for such benefits but lack the documents required under subsection 3 of
70 this section.

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Bill

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