

House Bill 1799

By: Representatives Rogers of the 15th, Reece of the 21st, and White of the 3rd, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state
2 government in general, so as to provide that state and local agencies and entities shall
3 determine what persons are eligible for services and benefits on the basis of citizenship,
4 residency, and legality of presence in the United States; to provide for agencies and entities
5 to require appropriate evidence of eligibility for services and benefits; to provide for certain
6 reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government
10 in general, is amended by adding at its end a new Code Section 50-1-8 to read as follows:

11 "50-1-8.

12 (a) Every department, agency, or other entity of the executive branch of state government
13 or local government which provides public services or benefits to persons physically
14 present in this state shall with respect to each service or benefit so provided by that entity:

15 (1) Determine whether such service or benefit is to be made available to each of the
16 following classes of persons present in the state:

17 (A) Citizens of the United States who are residents of this state;

18 (B) Citizens of the United States who are not residents of this state;

19 (C) Persons resident in this state who are not citizens of the United States but who are
20 legally present in the United States;

21 (D) Persons not resident in this state who are not citizens of the United States but who
22 are legally present in the United States;

23 (E) Persons resident in this state who are not legally present in the United States; and

24 (F) Persons not resident in this state who are not legally present in the United States;
25 and

1 (2) Where a service or benefit is to be provided to less than all persons physically present
2 in the state, establish appropriate procedures to require identification, documentation, or
3 other appropriate evidence of a recipient's eligibility to receive the service or benefit. In
4 no event shall self-declaration alone constitute appropriate evidence of eligibility.

5 (b) In making the determinations required under subsection (a) of this Code section, there
6 shall be a presumption that a service or benefit is not to be provided to persons not legally
7 present in the United States, unless the department, agency, or other entity determines that:

8 (1) the provision of such service or benefit to such persons is specifically required by law;
9 or (2) the failure to provide such service or benefit to such persons would be in violation
10 of federal law or the Georgia Constitution.

11 (c) Every department, agency, or other entity of the executive branch of state government
12 which provides public services or benefits shall include with its budget estimate submission
13 in 2004 and future years a report of the manner in which it has complied with this Code
14 section."

15 **SECTION 2.**

16 All laws and parts of laws in conflict with this Act are repealed.