

House Bill 1009

By: Representatives Everson of the 106th, Coan of the 101st, Sheldon of the 105th, Lunsford of the 110th, Talton of the 145th, and others

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 for the public policy of this state with respect to the
3 provision of state or local public benefits to aliens; to recognize the existence and primacy
4 of federal law on this subject; to declare that it is the policy of this state that state or local
5 public benefits may be provided to aliens only as specifically authorized under federal law;
6 to define terms; to require compliance by state departments and agencies and provide for
7 annual reports with respect to compliance; to provide for other related matters; to provide an
8 effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

13 "50-1-9.

14 (a) The General Assembly finds that under federal law, codified as 8 U.S.C.A. Section
15 1621, aliens who are not qualified aliens, nonimmigrants, or paroled into the United States
16 for less than one year are generally not eligible for state or local public benefits unless
17 made eligible by a state law enacted after August 22, 1996.

18 (b) It is the public policy of this state that no state or local benefits be provided to aliens
19 except as specifically authorized under federal law. Those state and local benefits which
20 may be so provided under federal law are:

- 21 (1) Assistance for health care items and services that are necessary for the treatment of
22 an emergency medical condition of the alien involved and are not related to an organ
23 transplant procedure;
- 24 (2) Short-term, non-cash, in-kind emergency disaster relief;

1 (3) Public health assistance for immunizations with respect to immunizable diseases and
2 for testing and treatment of symptoms of communicable diseases whether or not such
3 symptoms are caused by a communicable disease;

4 (4) Programs, services, or assistance (such as soup kitchens, crisis counseling and
5 intervention, and short-term shelter) specified by the United States Attorney General, in
6 the Attorney General's sole and unreviewable discretion after consultation with
7 appropriate federal agencies and departments, which:

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

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

12 (C) Are necessary for the protection of life or safety;

13 (5) A contract, professional license, or commercial license for a nonimmigrant whose
14 visa for entry is related to such employment in the United States, or to a citizen of a freely
15 associated state, if Section 141 of the applicable compact of free association approved in
16 Public Law 99-239 or 99-658 (48 U.S.C.S. Section 1681 nts.) or a successor provision
17 is in effect;

18 (6) Benefits for an alien who as a work authorized nonimmigrant or as an alien lawfully
19 admitted for permanent residence under the federal Immigration and Nationality Act
20 qualified for such benefits and for whom the United States under reciprocal treaty
21 agreements is required to pay benefits, as determined by the United States Secretary of
22 State, after consultation with the United States Attorney General; and

23 (7) The issuance of a professional license to, or the renewal of a professional license by,
24 a foreign national not physically present in the United States.

25 (c) As used in this Code section, the term 'state or local public benefit' means:

26 (1) Any grant, contract, loan, professional license, or commercial license provided by an
27 agency of state or local government or by appropriated funds of state or local
28 government; and

29 (2) Any retirement, welfare, health, disability, public or assisted housing, postsecondary
30 education, food assistance, unemployment benefit, or any other similar benefit for which
31 payments or assistance are provided to an individual, household, or family eligibility unit
32 by an agency of state or local government or by appropriated funds of state or local
33 government.

34 Any other term used in this Code section which is also used in 8 U.S.C.S. Section 1621
35 shall have the same meaning as provided for in federal law.

36 (d) It shall be unlawful for any entity of state or local government in this state to provide
37 any state or local benefit to an alien in violation of this Code section. Each state agency

1 or department which administers any program of state or local public benefits shall provide
2 an annual report with respect to its compliance with this Code section."

3 **SECTION 2.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law
5 without such approval.

6 **SECTION 3.**

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