

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 743 & 673, Page 4, Section 173.1551, Line 43, by
2 inserting immediately after said section and line the following:

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

8 2. As used in this section, "public benefit" means any grant, contract, or loan provided by an agency
9 of state or local government; or any retirement, welfare, health, disability, housing, or food assistance benefit
10 under which payments, assistance, credits, or reduced rates or fees are provided. The term "public benefit"
11 shall not include ~~postsecondary education public benefits as defined in section 173.1110,~~ any municipal
12 permit, or contracts or agreements between public utility providers and their customers, or unemployment
13 benefits payable under chapter 288. The unemployment compensation program shall verify the lawful
14 presence of an alien for the purpose of determining eligibility for benefits in accordance with its own
15 procedures.

16 3. In addition to providing proof of other eligibility requirements, at the time of application for any
17 state or local public benefit, an applicant who is eighteen years of age or older shall provide affirmative proof
18 that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United
19 States. Such affirmative proof shall include documentary evidence recognized by the department of revenue
20 when processing an application for a driver's license, a Missouri driver's license, as well as any document
21 issued by the federal government that confirms an alien's lawful presence in the United States. In processing
22 applications for public benefits, an employee of an agency of state or local government shall not inquire
23 about the legal status of a custodial parent or guardian applying for a public benefit on behalf of his or her
24 dependent child who is a citizen or permanent resident of the United States.

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

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

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

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

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6. An applicant who is an alien shall not receive any state or local public benefit unless the alien's lawful presence in the United States is first verified by the federal government. State and local agencies administering public benefits in this state shall cooperate with the United States Department of Homeland Security in achieving verification of an alien's lawful presence in the United States in furtherance of this section. The system utilized may include the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security. After an applicant's lawful presence in the United States has been verified through the Systematic Alien Verification for Entitlements Program, no additional verification is required within the same agency of the state or local government.

7. The provisions of this section shall not be construed to require any nonprofit organization duly registered with the Internal Revenue Service to enforce the provisions of this section, nor does it prohibit such an organization from providing aid.

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

~~[173.1110. 1. No covered student unlawfully present in the United States shall receive a postsecondary education public benefit. Educational institutions awarding postsecondary education public benefits to covered students shall verify that these students are United States citizens, permanent residents, or lawfully present in the United States.~~

~~2. The following documents, in hard copy or electronic form, may be used to document that a covered student is a United States citizen, permanent resident, or is lawfully present in the United States:~~

~~(1) The Free Application for Student Aid Institutional Student Information Record;~~

~~(2) A state-issued driver's license;~~

~~(3) A state-issued nondriver's identification card;~~

~~(4) Documentary evidence recognized by the department of revenue when processing an application for a driver's license or nondriver's identification card;~~

~~(5) A United States birth certificate;~~

~~(6) A United States military identification card; or~~

~~(7) Any document issued by the federal government that confirms an alien's lawful presence in the United States.~~

~~3. All postsecondary higher education institutions shall annually certify to the department of higher education that they have not knowingly awarded a postsecondary education public benefit to a covered student who is unlawfully present in the United States.~~

~~4. As used in this section, the following terms shall mean:~~

~~(1) "Covered student", a student eighteen years of age or older, who has graduated from high school and is attending classes on the campus of a postsecondary educational institution during regularly scheduled academic sessions;~~

~~(2) "Postsecondary education public benefit", institutional financial aid awarded by public postsecondary educational institutions and state-administered postsecondary grants and scholarships awarded by all postsecondary educational institutions to covered students.];~~

~~and~~

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.