

HOUSE BILL NO. 534

INTRODUCED BY D. HOWARD

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A BILL FOR AN ACT ENTITLED: "AN ACT DENYING CERTAIN STATE SERVICES TO ILLEGAL ALIENS; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Certain state services denied to illegal aliens. (1) To the extent allowed by federal law and the Montana constitution and notwithstanding any other state law, a state agency may not provide a state service to an illegal alien.

~~(2) For the purpose of determining whether an applicant for a state services is an illegal alien, the agency may not conduct an investigation except as provided in this section.~~

~~(3)~~(2) To determine whether an applicant for a state service is an illegal alien, the agency ~~may~~ SHALL use ~~only~~ the systematic alien verification for entitlements program OR THE E-VERIFY PROGRAM, OR BOTH, provided by the United States department of homeland security or its successor.

(3) A STATE AGENCY SHALL NOTIFY APPROPRIATE PERSONNEL IN IMMIGRATION AND CUSTOMS ENFORCEMENT UNDER THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY OR ITS SUCCESSOR OF ANY ILLEGAL ALIEN APPLYING FOR A STATE SERVICE.

(4) AN AGENCY SHALL REQUIRE A PERSON SEEKING A STATE SERVICE TO PROVIDE PROOF OF UNITED STATES CITIZENSHIP OR LEGAL ALIEN STATUS.

~~(4)~~(5) As used in this section, the following definitions apply:

(a) "Agency" means a department, board, commission, committee, authority, or office of the legislative or executive branches of state government, including a unit of the Montana university system.

(b) "Illegal alien" means an individual who is not a citizen of the United States and who has entered or remains unlawfully in the United States.

(c) "State service" means a payment of money, the grant of a state license or permit, or the provision of another valuable item or service under any of the following programs and provisions of law:

(i) employment with a state agency;

~~(ii) admission of a minor to school for the purposes of secondary education, as provided in 20-5-101~~



1 STATE SUPPORT OF SECONDARY EDUCATION PURSUANT TO TITLE 20, CHAPTER 9;

2 (iii) qualification as a student in the university system for the purposes of a public education, as provided  
3 in 20-25-502;

4 (iv) student financial assistance, as provided in Title 20, chapter 26;

5 (v) issuance of a state license or permit to practice a trade or profession, as provided in Title 37;

6 (vi) unemployment insurance benefits, as provided in Title 39, chapter 51;

7 (vii) workers' compensation benefits, as provided in Title 39, chapter 71;

8 (viii) children's services, as provided for in Title 52, chapter 2, and Title 53, chapter 4;

9 (ix) adult services, as provided for in Title 52, chapter 3;

10 (x) health care services, as provided in Title 53, chapter 6;

11 (xi) vocational rehabilitation, as provided in Title 53, chapter 7;

12 (xii) services for victims of crime, as provided in Title 53, chapter 9;

13 (xiii) services for the physically disabled, as provided in Title 53, chapter 19;

14 (xiv) services to persons with developmental disabilities, as provided in Title 53, chapter 20;

15 (xv) services to the mentally ill, as provided in Title 53, chapter 21;

16 (xvi) a license or permit for the purposes of hunting, fishing, or trapping, as provided in Title 87, chapter  
17 2; and

18 (xvii) a grant, as provided in Title 90.

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20 ~~NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured,~~  
21 ~~penalties that were incurred, or proceedings that were begun before [the effective date of this act].~~  
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23 NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable  
24 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part  
25 remains in effect in all valid applications that are severable from the invalid applications.

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27 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an  
28 integral part of Title 1, chapter 1, part 4, and the provisions of Title 1, chapter 1, part 4, apply to [section 1].  
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30 NEW SECTION. SECTION 4. APPLICABILITY. [THIS ACT] APPLIES TO THE PROVISION OF A STATE SERVICE, AS

1 DEFINED IN [SECTION 1], APPLIED FOR OR INTENDED TO BE MADE AFTER OCTOBER 1, 2011.

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