

HOUSE BILL NO. 638

INTRODUCED BY D. HOWARD

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A BILL FOR AN ACT ENTITLED: "AN ACT DENYING CERTAIN STATE-FUNDED SERVICES TO ILLEGAL ALIENS; ESTABLISHING PROCEDURES FOR DETERMINING A PERSON'S CITIZENSHIP STATUS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN EFFECTIVE DATE AND 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) To determine whether an applicant for a state service is an illegal alien, the agency may use the systematic alien verification for entitlements program provided by the United States department of homeland security or any other lawful method of making the determination.

(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.

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



- 1 (iii) student financial assistance, as provided in Title 20, chapter 26;
2 (iv) issuance of a state license or permit to practice a trade or profession, as provided in Title 37;
3 (v) unemployment insurance benefits, as provided in Title 39, chapter 51;
4 (vi) children's services, as provided for in Title 52, chapter 2, and Title 53, chapter 4;
5 (vii) adult services, as provided for in Title 52, chapter 3;
6 (viii) health care services, as provided in Title 53, chapter 6;
7 (ix) vocational rehabilitation, as provided in Title 53, chapter 7;
8 (x) services for victims of crime, as provided in Title 53, chapter 9;
9 (xi) services for the physically disabled, as provided in Title 53, chapter 19;
10 (xii) services to persons with developmental disabilities, as provided in Title 53, chapter 20;
11 (xiii) services to the mentally ill, as provided in Title 53, chapter 21; and
12 (xiv) a grant, as provided in Title 90.

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14 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
15 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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17 **NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable
18 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
19 remains in effect in all valid applications that are severable from the invalid applications.
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21 **NEW SECTION. Section 4. Effective date.** If approved by the electorate, [this act] is effective January
22 1, 2013.
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24 **NEW SECTION. Section 5. Applicability.** [This act] applies to the provision of a state service, as
25 defined in [section 1], applied for or intended to be made on or after January 1, 2013.
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27 **NEW SECTION. Section 6. Submission to the electorate.** [This act] shall be submitted to the qualified
28 electors of Montana at the general election to be held in November 2012 by printing on the ballot the full title of
29 [this act] and the following:

30 [] FOR denying certain state services to illegal aliens.

