

HOUSE BILL NO. 638

INTRODUCED BY D. HOWARD

1
2
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DENYING CERTAIN STATE-FUNDED SERVICES TO ILLEGAL
5 ALIENS; ESTABLISHING PROCEDURES FOR DETERMINING A PERSON'S CITIZENSHIP STATUS;
6 PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA;
7 AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 NEW SECTION. Section 1. Certain state services denied to illegal aliens. (1) To the extent allowed
12 by federal law and the Montana constitution and notwithstanding any other state law, a state agency may not
13 provide a state service to an illegal alien AND SHALL COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

14 (2) To determine whether an applicant for a state service is an illegal alien, the agency may use the
15 systematic alien verification for entitlements program provided by the United States department of homeland
16 security or any other lawful method of making the determination.

17 (3) A state agency shall notify appropriate personnel in immigration and customs enforcement under the
18 United States department of homeland security or its successor of any illegal alien applying for a state service.

19 (4) An agency shall require a person seeking a state service to provide proof of United States citizenship
20 or legal alien status.

21 (5) A STATE AGENCY SHALL EXECUTE ANY WRITTEN AGREEMENT REQUIRED BY FEDERAL LAW TO IMPLEMENT THIS
22 SECTION.

23 ~~(5)~~(6) As used in this section, the following definitions apply:

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

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

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

30 (i) employment with a state agency;

- 1 (ii) qualification as a student in the university system for the purposes of a public education, as provided
 2 in 20-25-502;
- 3 (iii) student financial assistance, as provided in Title 20, chapter 26;
- 4 (iv) issuance of a state license or permit to practice a trade or profession, as provided in Title 37;
- 5 (v) unemployment insurance benefits, as provided in Title 39, chapter 51;
- 6 ~~(vi) children's services, as provided for in Title 52, chapter 2, and Title 53, chapter 4;~~
- 7 ~~(vii) adult services, as provided for in Title 52, chapter 3;~~
- 8 ~~(viii) health care services, as provided in Title 53, chapter 6;~~
- 9 ~~(ix)(vi)~~ vocational rehabilitation, as provided in Title 53, chapter 7;
- 10 ~~(x)(vii)~~ services for victims of crime, as provided in Title 53, chapter 9;
- 11 ~~(xi)(viii)~~ services for the physically disabled, as provided in Title 53, chapter 19, PARTS 3 AND 4;
- 12 ~~(xii) services to persons with developmental disabilities, as provided in Title 53, chapter 20;~~
- 13 ~~(xiii) services to the mentally ill, as provided in Title 53, chapter 21; and~~
- 14 ~~(xiv)(ix)~~ a grant, as provided in Title 90.

15

16 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
 17 integral part of Title 1, chapter 1, part 4, and the provisions of Title 1, chapter 1, part 4, apply to [section 1].

18

19 **COORDINATION SECTION. SECTION 3. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 534 IS PASSED**
 20 **AND APPROVED, THEN [THIS ACT] IS VOID.**

21

22 **NEW SECTION. Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable
 23 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
 24 remains in effect in all valid applications that are severable from the invalid applications.

25

26 **NEW SECTION. Section 5. Effective date.** If approved by the electorate, [this act] is effective January
 27 1, 2013.

28

29 **NEW SECTION. Section 6. Applicability.** [This act] applies to the provision of a state service, as
 30 defined in [section 1], applied for or intended to be made on or after January 1, 2013.

