

Amendments to House Bill No. 297
Reference Copy

Requested by Representative David Howard

For the House Free Conference Committee

Prepared by Helen Thigpen
April 16, 2013 (3:53pm)

1. Title, page 1, line 13.

Following: "AUTHORITY;"

Insert: "AMENDING SECTION 1-1-411, MCA;"

2. Page 6, following line 3.

Insert: "Section 8. Section 1-1-411, MCA, is amended to read:

"1-1-411. Certain state services denied to illegal unauthorized 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~~ unauthorized alien and shall comply with the requirements of this section.

(2) To determine whether an applicant for a state service is an ~~illegal~~ unauthorized 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~~ unauthorized 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) A state agency shall execute any written agreement required by federal law to implement this section.

(6) 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~~ "Unauthorized 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~~ is not a "qualified alien" pursuant to 8 U.S.C. 1641.

(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;

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

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

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

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

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

(viii) services for the physically disabled, as provided in Title 53, chapter 19, parts 3 and 4;

(ix) a grant, as provided in Title 90."

{Internal References to 1-1-411: None.}"

Renumber: subsequent sections

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