

BOTH SIDES: LR 121, denying certain state services to illegal aliens

Posted on [October 9, 2012](#) by [Dan Boyce](#)

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We continue our look into each of the five ballot measures appearing on this November ballot, looking into Legislative Referendum 121, an act denying certain state services to undocumented immigrants.

State lawmakers make the call to put legislative referenda on the ballot with a simple majority. Partly, it's a strategy to bypass a veto from the governor's office, putting a bill up to a vote of the people instead. But Republican Speaker of the State House of Representatives Mike Milburn says it's a risky strategy that should be used sparingly.

"We are a representative form of government," Milburn said. "That means we are elected to go in and study the issues...evaluate them and then make the best choice."

Milburn says the legislature has an entire staff dedicated to making sure everybody has the best information possible. He says issues are then debated thoroughly through a very redundant system. Milburn believes the problem with the ballot measure process is that kind of debate doesn't happen.

"So most people go into the election process not knowing much about the Initiatives or Referendums or whatever it might be that are put up," he said.

Milburn says Republican lawmakers were careful in which measures they decided to put on the ballot. He calls

them comparatively simple, easy to understand, and largely values-based.

That brings us to LR 121, “an act denying certain state-funded services to illegal aliens.”

[\(SEE FULL LR 121 LANGUAGE HERE\)](#)

The measure requires anyone seeking these services prove their citizenship. Those who can't must submit to a federal database search.

“If you're not paying your taxes, if you're not a resident of our country, of our state, then you shouldn't have access to the benefits we all pay into,” Milburn said.

These are services like unemployment insurance or workers compensation. LR 121 would not allow illegal aliens to work for state government or receive a permit to practice a trade or profession. It also denies services for the physically disabled or those who are victims of crimes.

Helena immigration attorney Shahid Haque-Hausrath believes that's just wrong.

“I think the average Montanan would say all victims of crime, regardless of immigration status should be able to access certain services to be able to seek redress for the crime they've been a victim of,” he said.

And while LR-121 provides greater enforcement for much that is already illegal, Haque-Hausrath points out it also makes some services illegal to undocumented immigrants for the first time. Like the right to attend a public university.

“If you're gonna pay your own way and you're not gonna be getting any college tuition, I don't see why we should be limiting access to public education to anyone,” Haque-Hausrath said.

Proponents of LR 121 tout the measure as a way to quickly and equitably screen for citizenship, much in the same way we do when applying for a state driver's license.

Haque-Hausrath and other opponents say the state would be charged for using the federal database to check citizenship when it's not presented. He says it would cost Montana taxpayers between 50 cents and two dollars for every search.

“The state of Montana would be paying the federal government to do its own job, which is enforce immigration laws,” Haque-Hausrath said.

Haque-Hausrath calls the measure an unwanted federal intrusion, a sweeping change from the way the state provides services now, to combat a problem he says isn't even known to exist.

Speaker Milburn pretty much agrees with that last part, saying “we don’t have a big problem with that in Montana.” But again, he says it’s the principle of the matter. He says LR-121 is Montana’s effort to follow controversial immigration legislation in other states like Arizona and Alabama.

“It’s kind of the theory that there’s strength with the more states that jump on board with something like this,” Milburn said.

This story uses excerpts from my Montana PBS special on the ballot measures, [“From the People: Montana’s 2012 Ballot Measures”](#)

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