

SENATE BILL NO. 100

BY SENATOR MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact Chapter 23 of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 49:1511 through 1518, relative to the legal status of individuals receiving
4 state services; to provide for responsibilities of certain state agencies; to provide for
5 annual reporting and publication of data; to provide for data collection and
6 verification; to provide for penalties; to provide relative to implementation; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 23 of Title 49 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 49:1511 through 1518, is hereby enacted to read as follows:

11 **CHAPTER 23. STATE SERVICES AND BENEFITS LEGAL**

12 **STATUS AND ACCOUNTABILITY ACT**

13 **§1511. Short title**

14 **This Chapter shall be known and may be cited as the "State Services and**
15 **Benefits Legal Status and Accountability Act".**

16 **§1512. Legislative intent**

17 **A. The purpose of this Chapter is to ensure accountability and**
18 **transparency in the provision of state services and benefits and to ascertain the**
19 **extent to which state services and benefits are provided to aliens within the**
20 **following categories: "illegal aliens" and "unaccompanied alien children".**
21 **Executive Order Number JML 24-05, concerns identifying, quantifying, and**
22 **mitigating the adverse effects of illegal immigration on Louisiana. Executive**
23 **Order JML 24-05 provides numerous reasons for why it is important for the**
24 **state of Louisiana to identify individuals receiving state services and benefits**
25 **who are illegal aliens or unaccompanied alien children, and to be able to**
26 **quantify and calculate the cost to the state of providing such services and**
27 **benefits. The reasons provided in Executive Order Number JML 24-05 are**

1 adopted by reference herein as the legislature's declaration of purpose in
2 enacting this Chapter.

3 B. It is the intent of this Chapter that the Louisiana Department of
4 Health, state Department of Education, office of motor vehicles, Governor's
5 Office of Homeland Security and Emergency Preparedness, Department of
6 Public Safety and Corrections, Department of Children and Family Services,
7 Department of Revenue, and Louisiana higher education institutions determine
8 the legal status of individuals receiving state services and benefits and to
9 calculate and report the total dollar value of services and benefits provided to
10 individuals identified as "illegal aliens" or "unaccompanied alien children" as
11 defined by federal law.

12 §1513. Definitions

13 For the purposes of this Chapter:

14 (1) "Agency" means the Louisiana Department of Health, state
15 Department of Education, office of motor vehicles, Governor's Office of
16 Homeland Security and Emergency Preparedness, Department of Public Safety
17 and Corrections, Department of Children and Family Services, Department of
18 Revenue, and Louisiana higher education institutions.

19 (2) "Annual report" means a report that details the legal status of
20 individuals who have received state services and the estimated total dollar value
21 of those services, compiled by the relevant state agencies.

22 (3) "Illegal alien" means an "alien" described in 8 U.S.C. 1101, who is
23 present in the United States without lawful immigration status and therefore
24 subject to removal pursuant to federal law. An alien granted parole under 8
25 U.S.C. 1182(d)(5), temporary protected status, deferred action, deferred
26 enforced departure, or similar exercise of administrative grace or prosecutorial
27 discretion shall not be deemed to have lawful immigration status.

28 (4) "State services and benefits" means all services and benefits provided
29 by the Louisiana Department of Health, state Department of Education, office
30 of motor vehicles, Governor's Office of Homeland Security and Emergency

1 Preparedness, Department of Public Safety and Corrections, Department of
2 Children and Family Services, Department of Revenue, and Louisiana higher
3 education institutions, including but not limited to healthcare, education,
4 licenses, emergency assistance, and tax benefits.

5 (5) "Unaccompanied alien child" has the meaning set forth in 6 U.S.C.
6 279(g).

7 §1514. Responsibilities of state agencies

8 Each agency shall determine the eligibility of individuals receiving state
9 services and benefits from the agency, including determining which individuals
10 attempting to receive such state services and benefits are "illegal aliens" or
11 "unaccompanied alien children". Each agency shall determine and collect
12 information as to what services or benefits have been afforded to "illegal aliens"
13 or "unaccompanied alien children" and calculate the total dollar amount of
14 services provided to individuals identified as "illegal aliens" or
15 "unaccompanied alien children".

16 §1515. Annual reporting requirements

17 A. Each agency shall submit an annual report to the governor, the
18 attorney general, and the legislature. The annual report shall be submitted one
19 week before the legislature convenes for its regular session and shall include all
20 of the following:

21 (1) The total number of individuals receiving state services categorized
22 by legal status.

23 (2) The total dollar amount of state services or benefits provided to all
24 individuals identified as "illegal aliens" and "unaccompanied alien children".

25 (3) A breakdown of services provided, including healthcare, education,
26 motor vehicle services, emergency preparedness, tax benefits, and other
27 relevant services and benefits.

28 (4) A summary of any actions taken to ensure compliance with federal
29 immigration law in meeting its obligations under this Chapter.

30 B. Each agency shall post the full report on publicly accessible websites

1 to ensure transparency.

2 C. Every state agency, board, and commission shall adhere to and
3 comply with federal immigration law and all other laws applicable to
4 confidentiality and privacy of the information gathered, compiled, reported,
5 and published.

6 §1516. Data collection and verification

7 A. Each agency shall implement a standardized process for verifying the
8 legal status of individuals seeking state services, which may include, but is not
9 limited to any of the following:

10 (1) Requesting proof of United States citizenship or lawful presence in
11 the United States, such as a United States passport, permanent resident card,
12 or other proof of lawful presence in the United States issued by the United
13 States Department of Homeland Security or United States Department of State.

14 (2) Coordinating with the United States Department of Homeland
15 Security or other federal agencies, including but not limited to utilizing the
16 Systematic Alien Verification for Entitlements (SAVE) online service
17 administered by the United States Citizenship and Immigration Services, to
18 verify the legal status of individuals.

19 B. Each agency shall make reasonable efforts to ensure that any state
20 service or benefit is provided only to individuals who meet the legal criteria for
21 eligibility in accordance with federal and state laws.

22 §1517. Penalties for noncompliance

23 If any agency fails to comply with the provisions of this Chapter, the
24 agency's funding may be withheld until compliance is achieved, subject to
25 applicable laws and procedures.

26 §1518. Subject to Appropriation

27 The implementation of this Chapter shall be subject to the appropriation
28 of funds by the legislature for this purpose.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____