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Overview of State Legislation Related to Immigrants Introduced Jan-April 2006

As of April 28, 2006, state legislators in 43 states¹ had introduced 461 bills related to immigration or immigrants.

Main Topics:

Benefits	42 bills	22 states
Congressional Action	42 bills	17 states
Education	46 bills	18 states
Employment	83 bills	33 states
Human Trafficking	36 bills	19 states
Identification issues	59 bills	28 states
Law Enforcement	68 bills	24 states
Legal Services	16 bills	11 states

Other issues:

Border issues	7 bills
Firearms	9 bills
Studies	12 bills
Miscellaneous ²	41 bills

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¹ Arkansas, Montana, Nevada, North Dakota, and Texas have no regular session in 2006. Louisiana and North Carolina have not convened nor prefiled bills yet.

² Agriculture, English only, marriage, taxes, vital records, cultural celebrations, environment, housing, alcohol/tobacco; property; civic integration, and omnibus bills.

BENEFITS

Total: 42 bills introduced in 22 states. Alabama, Alaska, Arizona, California, Georgia, Hawaii, Illinois, Iowa, Indiana, Kansas, Maine, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, Oklahoma, Rhode Island, Tennessee, Washington, Wisconsin.

There are 23 bills in 12 states (Alabama, Arizona, California, Georgia, Iowa, Kansas, Minnesota, New Jersey, Oklahoma, Rhode Island, Tennessee and Wisconsin) that would restrict services to legal immigrants and citizens and require proof of citizenship or legal immigration status. Under health care, nine bills in six states (California, Illinois, Maine, Maryland, Tennessee and Washington) would provide access to healthcare services for immigrants. Nine bills in seven states (Alaska, Arizona, Hawaii, Indiana, Minnesota, Mississippi and Missouri) would deny healthcare benefits to non-citizens. One state, Nebraska has recently enacted legislation that will allow non-U.S. citizens who have been lawfully admitted, to be eligible for food stamps.

CALLS FOR CONGRESSIONAL ACTION:

Total: 42 bills in 17 states. Alabama, Arizona, California, Colorado, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, New Mexico, New Jersey, New York, Oklahoma, and Washington. Generally, the bills seek Congressional action on the DREAM act, comprehensive immigration reform; and border enforcement. New York is the only state that is calling for the rejection of House Resolution 4437.

EDUCATION

Total: 46 bills in 18 states. Arizona, California, Colorado, Connecticut, Florida, Georgia, Kansas, Kentucky, Maryland, Mississippi, Nebraska, New Jersey, New Mexico, New York, Utah, Virginia, West Virginia, Wyoming

In 2006, 46 bills have been introduced in 18 states related to education assistance and immigrants or enrollment requirements. Specifically related to in-state tuition, bills in Connecticut, Florida, Maryland, Mississippi, Nebraska, New Jersey, and Virginia would provide in-state tuition; bills in California, Kansas, New Mexico and Utah would repeal their laws; and Arizona, Kentucky, Missouri, and Virginia would require students to prove lawful status. Other states call on Congress to pass the DREAM act or clarify eligibility for financial assistance for certain immigrant students; and several would bar unauthorized immigrants from enrollment. Wyoming enacted legislation barring unauthorized immigrants from a new scholarship program.

Enacted: In April, 2006, **Nebraska** became the 10th state to enact legislation to allow certain long-term unauthorized immigrant students to become eligible for in-state tuition.

EMPLOYMENT

Total: 83 bills in 33 states. Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, Washington, Wisconsin, and West Virginia.

These bills can be divided into two broad categories, employer based (prohibiting employment of unauthorized workers; adding penalties, and requiring verification of work authorization), and worker based (eligibility for workers' benefits and employee sanctions.)

Employers: Fourteen states have introduced legislation that would provide penalties to employers that hired illegal workers. Penalties range from fines, loss of tax credits, loss of government contracts to criminal penalties depending on the state. Additionally ten states have introduced legislation that reiterates IRCA by barring the employment of illegal workers. Fourteen states have also introduced legislation that would require employers in some or all industries to verify that their employees were authorized to work in the US.

Employees: bills address job training; labor certification; English proficiency. 11 states would deny illegal immigrants worker benefits, such as unemployment insurance and worker's comp.

HUMAN TRAFFICKING

Total: 36 bills in 19 states. Alaska, Colorado, Florida, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, New Jersey, New York, Oklahoma, Rhode Island, Virginia, Washington, West Virginia.

In general, adds criminal penalties for trafficking and for destroying immigration documents; establishes services for victims; establishes a task force; establishes penalties for forced labor and forced sexual servitude.

IDENTIFICATION: DRIVER'S LICENSES AND VOTING

Total: 59 bills in 28 states

42 bills related to driver's licenses/IDs in 21 states

17 bills related to voting in 12 states

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Mexico, New York, Oklahoma, Rhode Island, Tennessee, Utah, Virginia, Washington

DL/IDs: Alaska, Arizona, California, Connecticut, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, New Mexico, New York, Rhode Island, Utah, Virginia, Washington. Most bills would restrict licenses to citizens and legal immigrants; several address the acceptable documents to provide identity; add penalties for false documents; and a few (Indiana, Mississippi, New Jersey and Washington) would extend driving certificates to unauthorized immigrants.

Voting: most would require proof of citizenship or identity. Alabama, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Kansas, Oklahoma; Tennessee, Utah, Washington

LAW ENFORCEMENT

Total: 68 bills in 24 states. Alabama, Arizona, California, Colorado, Georgia, Florida, Hawaii, Illinois, Kentucky, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia and Washington

15 states are considering bills that authorize cooperation with federal immigration authorities, prohibit noncooperation, or offer enhanced authority to state and local law enforcement related to immigration. The states are: Arizona; California; Colorado, Georgia, Hawaii, Kentucky, Minnesota, Mississippi, New Hampshire, New Mexico, New York, Oklahoma, Tennessee, Utah and Virginia. Georgia, New Hampshire, Tennessee, and Virginia specifically mention the MOU with DHS. Washington bills would limit authority of peace officers to enforce federal immigration law or inquire about the immigration status of crime victims or witnesses.

LEGAL SERVICES

Total 16 bills in 11 states. California, Hawaii, Idaho, Kansas, Louisiana, Maine, New Jersey, New York, Oklahoma, Tennessee, and Vermont.

In general, bills would protect immigrants from unscrupulous practices by immigration consultants or notary publics, and advise defendants of the immigration consequences of criminal convictions., e.g., deportation; or add penalties for fraud by immigration consultants.

OMNIBUS BILL ENACTED:

Georgia's SB 529 (The Georgia Security and Immigration Compliance Act) covers multiple topics and was signed by the Governor on April 17, 2006. The bill requires public employers to participate in a federal **work authorization** program for all new employees beginning July 1, 2007; subcontractors must also register and participate (section 2). The bill increases the penalties for **human trafficking** (section 3). The bill authorizes the state to negotiate a memorandum of understanding with the U.S. Department of Justice or U.S. Department of Homeland Security regarding **enforcement** of federal immigration and customs laws (section 4). If a person is charged with a felony or drunk driving and confined to **jail**, an effort shall be made to determine the nationality; if the person is a foreign national, a reasonable effort shall be made to determine that the person has been admitted into the United States lawfully (section 5). The bill also establishes and enforces standards of ethics by those that provide **immigration assistance services** who are not licensed attorneys (section 6). The bill denies certain deductible **business expenses** unless the worker has been authorized and verified to work in the U.S., beginning in 2008 (section 7). The bill requires **income tax withholding** at 6 percent for those who failed to provide a correct taxpayer identification number (section 8). State agencies must also verify the lawful presence of an individual before awarding certain **benefits**; emergency assistance, vaccines and other programs are exempted (section 9).