



Immigrant Policy Project

August 9, 2011

2011 Immigration-Related Laws and Resolutions in the States

(January-June)

In the first half of 2011, state legislators introduced 1,592 bills and resolutions relating to immigrants and refugees in all 50 states and Puerto Rico. The number of bill introductions is an increase of 16 percent compared to the first half of 2010, when 46 states considered 1,374 bills and resolutions pertaining to immigrants.

As of June 30, 2011, **40 state legislatures enacted 151 laws and adopted 95 resolutions for a total of 246**. Twelve additional bills passed but were vetoed by governors. As of June 30, an additional 10 bills were pending governors' approval – these bills are not included in this report of enacted laws. For the same period in 2010, 44 state legislatures passed 191 laws and adopted 128 resolutions, for a total of 314. An additional five bills were vetoed. The 2011 total of laws and resolutions is a decrease of 22 percent.

As in previous years, law enforcement, identification/driver's licenses and employment remained the top issues addressed in state legislation related to immigrants. Several states – Alabama, Idaho, Kansas, Michigan, South Dakota and Utah – enacted sex offender registries that include a requirement of proof of citizenship or immigration documents. Montana required that the DMV use the SAVE program to verify a driver's license or an ID applicant's lawful presence. E-Verify legislation was enacted in 9 states: Alabama, Georgia, Indiana, Louisiana, North Carolina, South Carolina, Tennessee, Utah, and Virginia. Florida added an E-Verify requirement by executive order. Eighteen states now have an E-Verify requirement.

Five states – Alabama, Georgia, Indiana, South Carolina and Utah – crafted omnibus laws following the example of Arizona's SB.1070. The legislation includes provisions that require law enforcement to attempt to determine the immigration status of a person involved in a lawful stop; allowing state residents to sue state and local agencies for noncompliance with immigration enforcement; requiring E-Verify; and making it a state violation for failure to carry an alien registration document. Alabama's HB.56 requires schools to verify students' immigration status. Court challenges based on preemption and civil rights have been filed against the Alabama, Georgia, and Indiana laws and Utah's HB497.

Utah took the immigration debate in a new direction, crafting a package of bills to support immigration enforcement and a legal immigrant workforce (HB.116, HB.466, HB.469 and HB.497). Key provisions include seeking a federal waiver to obtain foreign workers; creating a multi-agency strike force to combat crimes associated with illegal immigration and human trafficking; creating an advisory Utah Commission on Immigration and Migration; and requiring studies on the economic, legal, cultural and educational impact of immigration and a state plan on immigration and integration.

In education, Maryland and Connecticut will permit unauthorized immigrant students to be eligible for in-state tuition. Twelve states now have similar statutes that typically condition eligibility on attendance and graduation from a state high school and college admission.

In the health and public benefits categories, Washington state offers services to ethnic minority children participating in foster care ages 18 to 21. Indiana established a county domestic violence fatality review team and provides migrant child care if domestic violence is found. Nevada created the Silver State health insurance exchange and permits lawfully present immigrants to participate.

More information on these omnibus laws can be found under the omnibus category in this report and online. See also NCSL's publications on Arizona's law <http://www.ncsl.org/?tabid=20263> and on omnibus bills in 2011 <http://www.ncsl.org/default.aspx?TabId=22529>.

State laws related to immigration have increased dramatically in recent years:

- In 2005, 300 bills were introduced; 38 laws were enacted and 6 vetoed.
- In 2006, 570 bills were introduced, 84 laws were enacted and 12 resolutions adopted.
- In 2007, 1,562 bills were introduced, 240 laws were enacted and 50 resolutions adopted.
- In 2008, 1,305 bills were introduced, 206 laws were enacted and 64 resolutions adopted.
- In 2009, more than 1,500 bills were introduced, 222 laws were enacted and 131 resolutions adopted.
- In 2010, more than 1,400 bills were introduced, 208 laws were enacted, and 138 resolutions adopted.
- As of June 30, 2011, 40 state legislatures enacted 150 laws and adopted 95 resolutions for a total of 245.

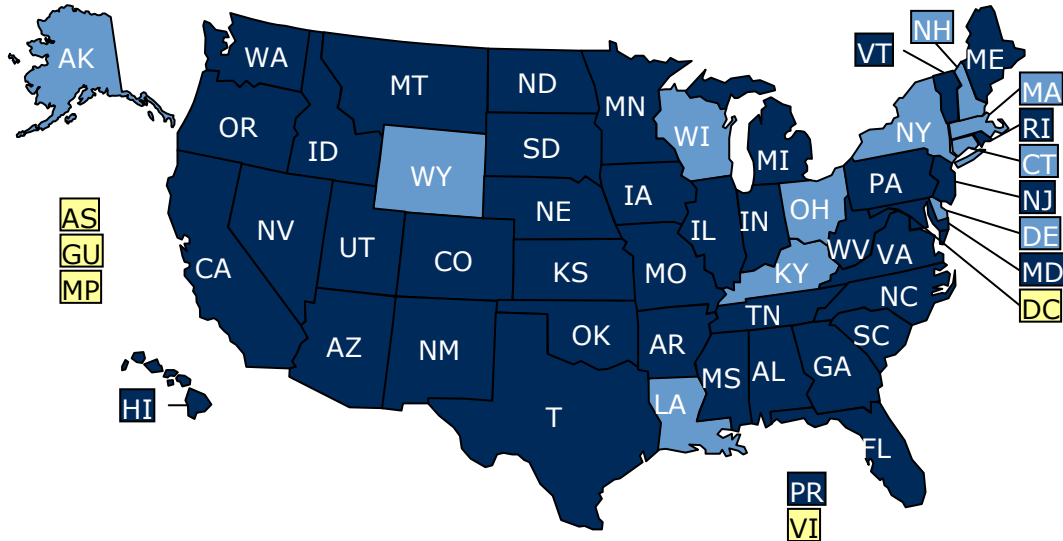
Summaries of all enacted laws and resolutions are available online sorted alphabetically by state and by category at: www.ncsl.org/programs/immig.

- Enacted laws and resolutions as of June 30, 2011 by state
- Enacted laws and resolutions as of June 30, 2011 by subject

Methodology

This report summarizes laws and resolutions enacted between Jan. 1 and June 30, 2011. Legislative proposals included in this overview address legal immigrants, migrant and seasonal workers, refugees or unauthorized immigrants. Terms used in this report by and large reflect the terms used in state legislation. In some state legislative language, unauthorized immigrants are also described as illegal or undocumented immigrants or aliens.

STATES AND IMMIGRANT-RELATED LAWS



AL, AZ, AR, CA, CO, FL, GA, HI, ID, IL, IN, IA, KS, ME, MD, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, PR



States that have enacted immigration-related laws or adopted resolutions in the first half of 2011.

AK, CT, DE, KY, LA, MA, NH, NY, OH, WI, WY



States and territories that have not enacted immigration-related laws or adopted resolutions in the first half of the 2011.

DC, AS, GU, MP, VI



Data were not collected

Source: NCSL Immigrant Policy Project, 2011

Laws and Resolutions Passed by Legislatures in 2010 v. 2011

	January-June 2010	January- June 2010	January-June 2011	January- June 2011
Main Topics	Number of Laws Enacted	Number of States	Number of Laws Enacted	Number of States
Budgets	41	26	18	14
Education	13	10	12	9
Employment	27	20	23	15
Health	15	12	16	13
Human Trafficking	7	7	4	4
ID/Driver's Licenses and Other Licenses	23	16	23	15
Law Enforcement	33	17	38	19
Miscellaneous	22	16	10	8
Omnibus/Multi-Issue Measures	2	1	6	5
Public Benefits	3	3	10	9
Voting	5	2	3	3
Total	191	43	163	40
Resolutions	128	26	95	24
Total laws and resolutions passed/adopted by state legislatures	319	44	258	40
Vetoed by governors	5	4	12	7
Total enacted laws and resolutions	314		246	

Please note: These figures reflect laws that have passed out of legislatures, but do not include those still pending a Governor's signature.

Source: NCSL Immigrant Policy Project, 2011.

The full report of state laws is available online by state and by category. The brief summary below describes the categories and provides examples of laws enacted in 2011.

BUDGET (18)

Eighteen budget laws were enacted in 14 states: Arizona, Arkansas, California, Colorado, Georgia, Indiana, Mississippi, Missouri, Montana, Nevada, Utah, Vermont, Virginia, Washington. Two laws were vetoed from California and Minnesota.

These laws typically appropriate funds for migrant health centers, education, law enforcement, refugee resettlement or naturalization assistance programs.

Example: Virginia H.1500 appropriates money for a multilingual outreach campaign to inform qualified aliens and their children, who are U.S. citizens, of their eligibility for federal food stamps and to ensure that they have access to benefits under the food stamp program. To the extent permitted by federal law, the State Plan for Temporary Assistance for Needy Families (TANF) shall provide assistance to aliens who qualify.

Example: Washington H.1087 requires that on Dec. 1, 2011, and annually thereafter, the Department of Social and Health Services must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must include the number of clients served and outcome data.

EDUCATION (11)

Eleven laws were enacted in 9 states: Connecticut, Georgia, Indiana, Maryland, North Carolina, North Dakota, Virginia, Washington, and West Virginia. Two additional laws are pending governor's approvals in California and Oregon.

These laws generally address in-state tuition eligibility and financial assistance.

Example : Indiana H.1402 states that a person unlawfully present in the United States is ineligible to pay the resident tuition rate.

Example : Maryland S.167 and Connecticut H.6390 permit certain unauthorized immigrant students to be eligible for in-state tuition. For more information, please see NCSL's publication at <http://www.ncsl.org/default.aspx?tabid=13100>.

EMPLOYMENT (23)

Twenty-three laws were enacted in 14 states and Puerto Rico: Idaho, Maine, Michigan, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Oregon, Tennessee, Texas, Utah, Virginia, and Washington. Two laws were vetoed from Maine and New Jersey. One additional law is pending governor's approval in Iowa.

Many of these laws provide employer sanctions related to the hiring of unauthorized workers, employment eligibility verification requirements and penalties. These laws also include measures on unemployment benefits and workers' compensation.

E-Verify legislation was enacted in 10 states: Alabama, Florida, Georgia, Indiana, Louisiana, North Carolina, South Carolina, Tennessee, Utah, and Virginia. For additional information on E-Verify, please see NCSL's publication at <http://www.ncsl.org/default.aspx?TabId=13127>.

Example : Mississippi S.2238 states employment benefits are only payable to lawfully present individuals.

HEALTH (16)

Sixteen laws were enacted in 13 states: Arizona, Arkansas, Florida, Idaho, Indiana, Maryland, Nebraska, Nevada, North Dakota, Texas, Vermont, Washington, and West Virginia. Two laws were vetoed from Minnesota and New Mexico. Six additional laws are pending governor's approvals in Illinois, Iowa, New York, and Oregon.

These laws generally address eligibility for health care benefits and licensing of health care professionals and interpreters.

Example: Nebraska L19 requires customers to show a valid driver's license, a Nebraska state identification card, a military identification card, an alien registration card, or a passport as proof of identification in order to obtain ephedrine-based drugs.

Example : Nevada S.440 creates the Silver State Health Insurance Exchange and allows participation by an alien who is lawfully present in the United States.

HUMAN TRAFFICKING (4)

Four laws were enacted in 4 states: Georgia, Kansas, Texas, and Vermont.

These laws add definitions relating to human trafficking, human smuggling and forced labor, create new state penalties and offer assistance to victims.

Example: Georgia H.200 addresses human trafficking, sexual servitude and their crimes and offenses. Sex trafficking is punishable by imprisonment for not less than ten nor more than 20 years and a fine not to exceed \$100,000. A person may not destroy, conceal or remove passports or other immigration documents.

ID / DRIVER'S LICENSES AND OTHER LICENSES (23)

Twenty-three laws were enacted in 15 states: Arizona, Arkansas, Florida, Indiana, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Utah, Vermont, Virginia, and Washington. One additional law is pending governor's approval in Illinois.

These laws relate to documentation and eligibility requirements for IDs and driver's licenses, professional licenses, and firearm and hunting/fishing licenses.

Example: Arizona H.2102 requires agencies to only issue a license, fingerprint clearance card, or any state ID to a person who provides photo ID proof of citizenship or alien status.

Example: Montana H.178 requires that the DMV use the SAVE program to verify a driver's license or an ID applicant's lawful presence.

LAW ENFORCEMENT (38)

Thirty-eight laws were enacted in 19 states: Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Kansas, Michigan, Mississippi, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia and Washington. Three laws were vetoed from Minnesota, Montana, and New Mexico.

These laws generally deal with collaboration with federal law enforcement agencies, immigrant detention processes, bail determinations and law enforcement officer responsibilities. Several states enacted sex

offender registration, requiring proof of citizenship or immigration documents: Alabama, Idaho, Kansas, Michigan, South Dakota and Utah.

Example: Arizona S.1406 allows the governor to enter a compact with other states to provide construction and maintenance for a secure fence along the Arizona-Mexico border.

Example: Virginia H2330 establishes a criminal information exchange program with willing states that share a border with Canada or Mexico. Information areas include drugs, gangs, unlawful presence, and terrorism. It also requires cooperation with federal law enforcement agencies.

MISCELLANEOUS (10)

Ten laws were enacted in 8 states: Colorado, Maryland, North Dakota, Tennessee, Texas, Utah, Virginia, and Washington. Two laws were vetoed from Arizona and New Jersey. One additional law is pending governor's approval in Illinois.

These laws address immigration-related issues like housing assistance, tax withholdings, and studies. The studies show the impact immigrants have on the state.

Example: Virginia S.1471 establishes the Interagency Migrant Worker Policy Committee to serve the interests of migrant and seasonal farmworkers and employees.

OMNIBUS / MULTI-ISSUE LEGISLATION (6)

Six laws were enacted in 5 states: Alabama, Georgia, Indiana, South Carolina, and Utah.

Omnibus bills include multiple topics in one bill such as immigration law enforcement, employment verification, human trafficking, and verification of lawful status for public benefits.

For descriptions of these omnibus laws, please see NCSL's publication at <http://www.ncsl.org/default.aspx?TabId=22529>

PUBLIC BENEFITS (10)

Ten laws were enacted in 9 states: California, Indiana, Iowa, Maryland, Montana, Nebraska, Pennsylvania, Virginia, and Washington.

These laws typically relate eligibility and verification of immigration status for public benefits, such as requiring proof of lawful presence in the United States or extending benefits for certain refugee or immigrant populations. Some require state agencies to use certain eligibility verification systems or to deny public benefits to unauthorized immigrants. Some make funds available for certain immigrants and refugees. One law was vetoed from Montana.

Example : Montana H. 638 allows the state to deny services to an illegal alien to the extent allowed by federal laws and the Montana constitution. A state agency shall require a person seeking a state service to provide proof of U.S. citizenship or legal alien status. This act is submitted for 2013 if approved by voters on the 2012 ballot.

Example : Indiana S.465 establishes a county domestic violence fatality review team and provides migrant child care if domestic violence is found.

VOTING (3)

Three laws were enacted in 3 states: Alabama, Kansas and Utah. One additional law is pending governor's approval in California.

Bills address regulations regarding voter registration, including verification of citizenship.

Example : Kansas H.2067 requires proof of U.S. citizenship to vote.

Example : Utah S.165 identifies acceptable forms of valid voter identification. They include a valid driver's license, ID card, U.S. passport, birth certificate, social security card, naturalization documents, or financial statements.

RESOLUTIONS (95)

Ninety-five resolutions and memorials were adopted in 24 states: Arkansas, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Idaho, Michigan, Mississippi, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, and Washington.

Most of these resolutions and memorials celebrate America's ethnic heritage and other programs or individuals that serve refugees or immigrants. Six of the resolutions urge the President or Congress to act on an immigration matter.

Example: North Dakota HCR.3045 directs Legislative Management to study the feasibility and desirability of requiring private or public employers or both to use the federal E-Verify program for new hires.

Example: Virginia HJR.822 commends those who have immigrated to the United States while adhering to the immigration and citizenship laws of the United States and the Commonwealth of Virginia.

Example: Vermont HJR.14 urges Congress and the U.S. Departments of Labor and of Homeland Security to authorize H-2A visas for 12-month agricultural workers.



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