



Immigrant Policy Project

April 22, 2009

2009 Immigration-Related Bills and Resolutions in the States (January-March 2009)

State legislatures continue to tackle immigration issues at an unprecedented rate. In the first quarter of 2009, state legislators in all 50 states introduced 1,040 bills and resolutions relating to immigrants and refugees. This is comparable to the record numbers of bills and resolutions introduced during the first quarter of 2008, with 44 states considering 1,149 bills and resolutions pertaining to immigrants.

As of March 31, 2009, twenty-five states have enacted 35 laws and adopted 40 resolutions. For the same time period in 2008, twenty-six states had enacted 44 laws and adopted 38 resolutions.

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

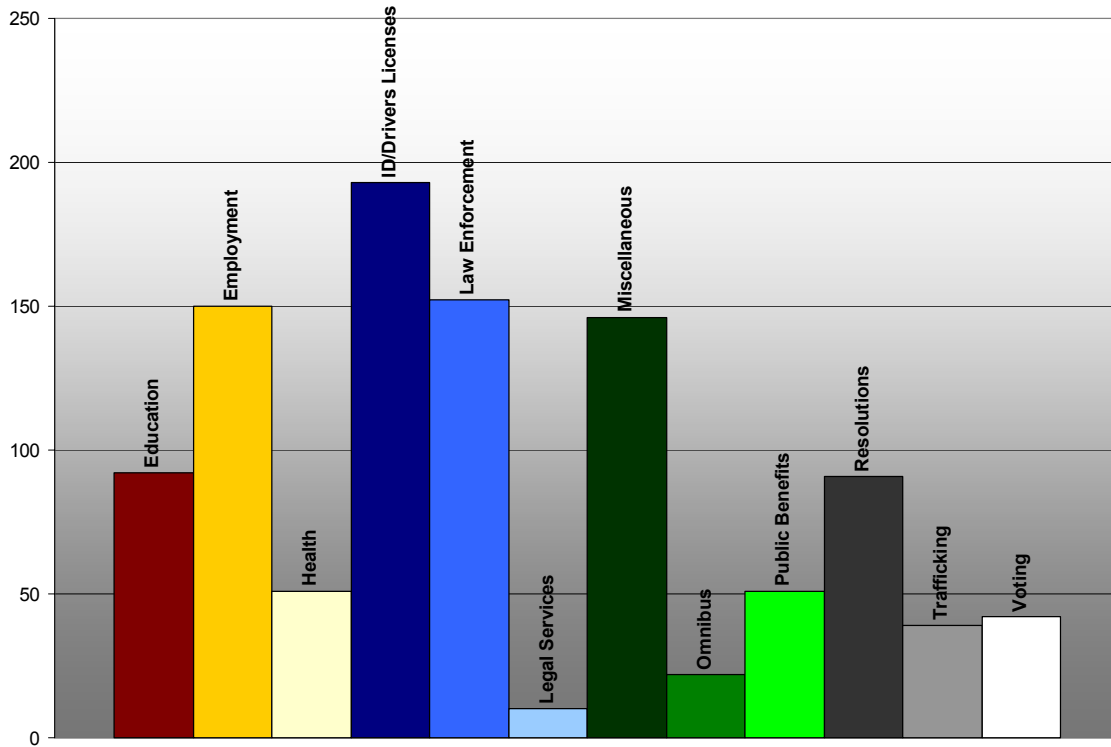
- In 2005, 300 bills were introduced and 38 laws were enacted.
- In 2006, activity doubled: 570 bills were introduced and 84 laws were enacted.
- In 2007, activity tripled: 1,562 bills were introduced and 240 laws were enacted.
- In 2008, activity remained consistent: 1,305 bills were introduced and 206 laws were enacted.

As in past years, the top three areas of interest remain employment, identification/drivers licenses and law enforcement. States also are considering new policy approaches in the education, health and benefits sectors.

This report provides a first look at introduced legislation in 2008 and presents selected examples of enacted laws and adopted resolutions. The NCSL report to be released in July will identify and summarize in more detail all enacted legislation from January-June.

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.

Proposed State Immigration Legislation, by Policy Arena
As of March 31, 2009



Source: NCSL, Immigrant Policy Project, 2009

Main Topics	Bills Introduced	Number of States
Education	92	31
Employment	150	41
Health	51	16
Human Trafficking	39	16
ID/Driver's Licenses	193	41
Law Enforcement	152	36
Legal Services	10	7
Miscellaneous	147	40
Omnibus/Multi-Issue	22	16
Public Benefits	51	19
Voting	42	16
Resolutions	91	26
TOTAL	1040	50

Source: NCSL, Immigrant Policy Project, 2009

Education

92 bills were introduced in 31 state legislatures: *Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Virginia and Washington.*

These bills generally address students' lawful residency requirements with respect to scholarships, postsecondary education benefits and admission to educational institutions. Some laws also address early childhood education and limited English proficiency issues.

Enacted

Arkansas HB 1044

This law expands the membership of the state early childhood commission and adds a migrant/seasonal head start representative.

Arkansas HB 1002 / SB 26

This law establishes a scholarship lottery; supplements higher education scholarships with net proceeds from the lottery; and provides for the exchange of data needed to evaluate state-supported student financial assistance. Scholarships are limited to citizens or lawful permanent residents, defined as those eligible under 8 USC 1622.

Employment

150 bills were introduced in 41 state legislatures: *Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, Nebraska, New Jersey, Nevada, New York, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, West Virginia and Wyoming.*

Bills address employment verification issues, including the federal electronic employment eligibility verification system E-Verify, immigrant eligibility for unemployment compensation and foreign worker visas.

Enacted

Virginia HB 2126

This Act relocates provisions that require the cancellation of limited liability companies, limited partnerships, and business trusts upon conviction for violating federal law for actions of its members or managers constituting a “pattern or practice” of employing unauthorized aliens in the Commonwealth.

Idaho SB 1076

The Act amends existing law relating to the Idaho Conrad J-1 Visa Waiver Program to establish the National Interest Waiver Program for foreign physicians.

Health

51 bills were introduced in 16 state legislatures: *Arizona, California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New York, Tennessee, Texas, Utah, Vermont and Washington.*

These bills address eligibility requirements of immigrants and immigrant children for health programs and services and identify programs that support certain immigrant and refugee communities and their access to health care.

To Governor

Colorado HB 1103

The bill would authorize the state to seek federal approval to allow people who are in need of long-term care to be presumptively eligible for Medicaid. Presumptive eligibility requires a declaration of immigration status. If an application for Medicaid long-term care indicates that the person is eligible, services would be provided and paid for through Medicaid.

Human Trafficking

39 bills were introduced in 16 state legislatures: *Alabama, Arizona, California, Colorado, Florida, Massachusetts, Minnesota, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, Texas and Virginia.*

These bills provide for increased penalties for extortion, coercion, human smuggling, sex trafficking and human trafficking. Some bills provide for services to and the protection of victims of human trafficking. Several pieces of legislation also provide for the establishment of human trafficking task forces and commissions charged to perform further studies.

Enacted

Virginia HB 2016

This Act addresses abduction of a person for the purposes of forced labor. The law expands the definition of the term "intimidation" to include destroying, concealing, confiscating, withholding a passport, immigration document, or other governmental identification or threatening to report an individual as being illegally present in the United States.

Identification, Driver's Licenses and Other Licenses

193 bills were introduced in 41 state legislatures: *Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Massachusetts, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia and Wyoming.*

These bills predominantly deal with lawful immigration status or citizenship requirements for driver's licenses and other state issued licenses. State awarded licenses referenced include professional licenses, firearm licenses, hunting and retail licenses.

Enacted

Arkansas HB 1860

The Act limits the validity period for driver's licenses and identification cards issued to applicants who are not citizens of the United States.

Idaho HB 55

The law provides for an alternative way to qualify for a practical and a professional nursing license for those persons having a professional or registered nurse license issued by another state, territory, or foreign country and that meet established board requirements.

Alabama HB 95

The law requires that applicants for translator licensure be U.S. citizens or legally present in the United States.

Law Enforcement

152 bills were introduced in 36 state legislatures: *Alabama, Arizona, Arkansas, Colorado, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Mexico, New York, North Carolina, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont and Virginia.*

These bills address bail, parole, no-plea bargains and other court proceedings with respect to immigrants, including release and deportation requirements. Some bills address cooperative agreements (the 287(g) program) in which states can enter a Memorandum of Understanding with the U.S. Department of Homeland Security, regarding the enforcement of federal immigration laws. Several bills also address the role of municipal government in immigration enforcement.

Enacted

Utah HB 64

The law grants the attorney general authority to administer and coordinate a multi-agency task force that combats violent crime and other major felonies related to illegal immigration.

Arkansas HB 1338

The Act gives judges the authority to grant arrest warrants for unauthorized immigrants within six months from a previous arrest warrant with confirmation from Immigration and Customs Enforcement that the arrested person will be taken into federal custody.

Legal Services

10 bills were introduced in 7 state legislatures: *Connecticut, Kentucky, Massachusetts, New York, Oregon, South Carolina, and Texas*

These bills pertain to immigration provider licensure requirements, restrictions on services that a notary can perform for an immigrant, and required advertising of those restrictions.

Miscellaneous

147 bills were considered in 40 state legislatures: *Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin and Wyoming.*

These bills deal with a variety of issues, such as Task Forces and reports related to immigrants, language issues, family law, local governments and tenancy regulations. These bills also include budget and appropriation provisions affecting immigrants, refugees, migrants and seasonal workers.

Enacted

Arizona SB 1001

This Act appropriates \$10 million for the multi-jurisdictional task force known as the gang and immigration intelligence team enforcement mission (GIITEM).

Omnibus/Multi-Issue Legislation

22 bills were considered in 16 state legislatures: *Arkansas, Florida, Illinois, Indiana, Kentucky, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Rhode Island, Tennessee, Texas, Utah, West Virginia and Wyoming.*

These bills address multiple immigration-related topics within one bill, such as employment, law enforcement and public benefits. They often include provisions regarding employer sanctions for hiring unauthorized workers; the use of federal employment eligibility verification systems; cooperation with the federal government on the enforcement of federal immigration laws; prohibitions on harboring or transporting unauthorized immigrants and the verification of citizenship/immigration status with respect to public benefits eligibility.

Public Benefits

51 bills were introduced in 19 state legislatures: *Alabama, Arizona, Arkansas, California, Hawaii, Idaho, Illinois, Indiana, Maryland, Massachusetts, Minnesota, Mississippi, New York, North Dakota, Oregon, Pennsylvania, Tennessee, Texas and West Virginia.*

These bills relate to individuals and their eligibility to receive public benefits, such as requiring proof of lawful presence in the United States before receiving certain public benefits. Some bills would require state agencies to use certain eligibility verification systems or to deny public benefits to unauthorized immigrants. Several bills would also make funds available for certain immigrants and refugees.

Voting

42 bills were introduced in 16 state legislatures: *Arizona, Colorado, Georgia, Illinois, Maine, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia and Washington.*

Bills address regulations regarding voter registration, including verification of citizenship. These proposals also pertain to the ability of immigrants to vote and to be elected for public office.

Enacted

Virginia HB 2642

This law requires proof of citizenship with voter registration applications.

Resolutions

91 resolutions were considered in 26 state legislatures: *Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Kentucky, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, Washington, Wisconsin and Wyoming.*

These resolutions and memorials declare the intent of the chamber or the full state legislature regarding a specific immigration issue. Several resolutions request action from the federal government regarding reform of the U.S. immigration system; others honor the achievements and contributions of ethnic groups, organizations and individuals.

Adopted

North Dakota SCR 4003

This resolution expresses support for the development of a balanced national immigration policy and urges Congress to work to develop a policy that protects and preserves the safety

and interests of the United States and its citizens while recognizing the needs of businesses to have a stable and legal supply of workers.

Nevada ACR 24

In this concurrent resolution, the Nevada Legislature recognizes the great contributions that immigrants have made to the vitality and growth of Nevada and America and urges the residents of Nevada to celebrate the ethnic and cultural diversity of its people and their traditions which have added to Nevada's wealth of great music, art, education, science and intellect.

South Carolina SB 428

This concurrent resolution memorializes the Congress of the United States to make permanent the E-Verify program, an electronic employment eligibility verification system.

Utah SCR 1

This resolution urges the United States Congress to grant the state waivers to establish an employer-sponsored work program and to withhold federal FICA and Medicare revenue and apply it toward the costs of the program to address illegal immigration in the state.



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