



Immigrant Policy Project

April 27, 2010

2010 Immigration-Related Bills and Resolutions in the States

(January-March 2010)

With federal immigration reform currently stalled in Congress, state legislatures continue to tackle immigration issues at an unprecedented rate. In the first quarter of this year, state legislators in **45 states introduced 1,180 bills and resolutions** relating to immigrants and refugees. (Montana, Nevada, North Dakota and Texas are not in regular session in 2010 and North Carolina's legislative session begins in May.) The number of bill introductions is comparable to the first quarter of 2009, with 50 states considering 1,040 bills and resolutions pertaining to immigrants.

As of March 31, 2010, **34 state legislatures enacted 107 laws and adopted 87 resolutions; 38 bills were pending signatures on governors' desks.** For the same period in 2009, 25 states had enacted 35 laws and adopted 40 resolutions.

As in past years, employment, identification/drivers' licenses, and law enforcement remained top areas of interest for bills introduced related to immigrants. The number of resolutions introduced in state legislatures more than doubled from the same time period last year, from 91 to 188.

Among enacted laws, the top areas of interest were education, employment, identification/driver's licenses, law enforcement and resolutions. In **education**, Washington state encourages high school graduation through collaborative partnerships for vulnerable youth including recent immigrants. In **employment**, three states – Utah, Virginia, and West Virginia – now require public and/or private employers to use the federal E-Verify system. In **identification/driver's licenses**, states continue to address the eligibility of noncitizens for driver's licenses and commercial driver's licenses. In **law enforcement**, Alabama enacted a law regarding child abduction to include the flight risk if the parent has a strong familial, financial, emotional or cultural tie to a country outside the United States. In **resolutions**, New Mexico asks Congress to enact comprehensive immigration reform that includes ensuring efficient border security, the reunification of immigrant families, a path to citizenship for undocumented workers, and a legal means for temporary workers to enter the United States.

Getting the most attention this year has been Arizona's immigration enforcement law (SB 1070). Introduced in the first quarter of 2010, it was enacted by the legislature on April 19 and signed into law by the governor on April 23, 2010. This law includes the following provisions: requires law enforcement to reasonably attempt to determine immigration status where reasonable suspicion of unlawful presence exists; allows state residents to sue state and local agencies for noncompliance; creates a state violation for failure to carry an alien registration document; establishes crimes involving trespassing by illegal aliens, stopping to hire or soliciting work under specified circumstances, and transporting, harboring or concealing unlawful aliens. More information on Arizona's law can be found at <http://www.ncsl.org/default.aspx?tabid=20242>.

(AZ SB 1070 is counted in the total number of bill introductions but because it was enacted after March 31, it is not counted in the total number of enacted bills for this report).

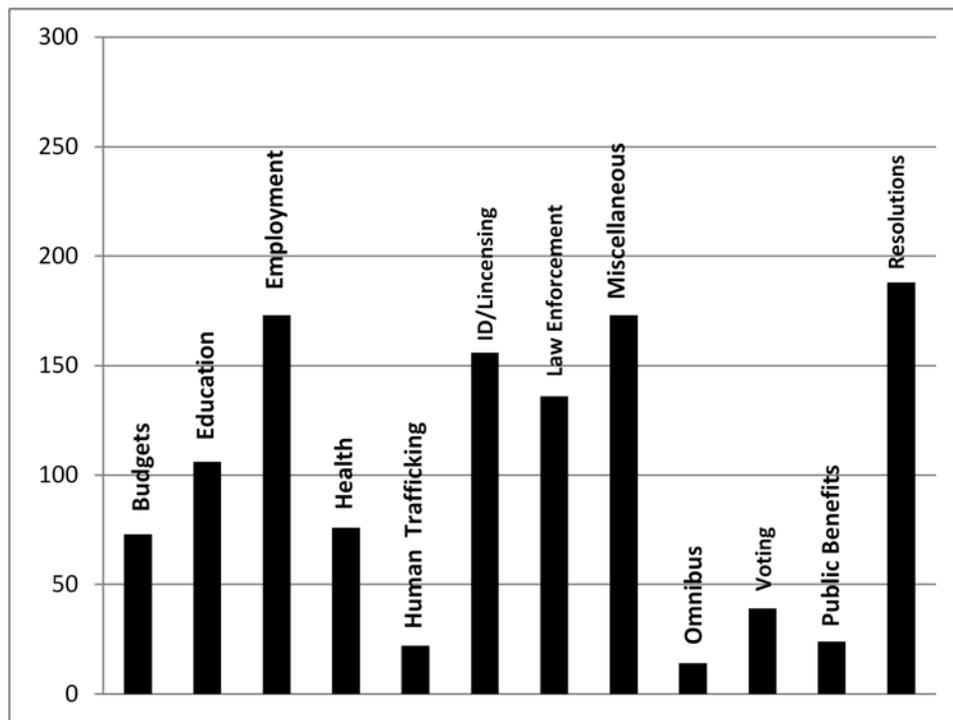
Methodology

This report provides a first look at introduced legislation in 2010 and presents selected examples of enacted laws and adopted resolutions. **Please note:** Beginning with this report, budget bills will be removed from the miscellaneous category, while legal services bills will be combined with law enforcement bills. The NCSL report to be released in July will identify and summarize in 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 Area

As of March 31, 2010



Source: NCSL, Immigrant Policy Project, 2010

Main Topics	Bills Introduced	Number of States	Enacted Laws	Number of States
Budgets	73	25	11	10
Education	106	29	8	5
Employment	173	36	8	7
Health	76	27	3	3
Human Trafficking	22	12	2	2
ID/Licensing	156	32	13	9
Law Enforcement	136	33	8	4
Miscellaneous	173	34	14	9
Omnibus/Multi-Issue	14	10	1	1
Public Benefits	39	18	1	1
Voting	24	12	3	1
Resolutions	188	31	87	24

Source: NCSL, *Immigrant Policy Project, 2010*

NOTE: Below are general descriptions of legislation introduced from January 1-March 31, 2010 and selected examples of enacted laws and adopted resolutions. The July 2010 report will include all enacted laws and resolutions for January-June .

Budgets

73 bills were introduced in 25 state legislatures: *Arkansas, Arizona, California, Colorado, Delaware, Florida, Hawaii, Iowa, Illinois, Kansas, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington, and West Virginia.*

These bills include budget and appropriation provisions affecting immigrants, refugees, migrant and seasonal workers. (Please note: budget bills were previously included in the Miscellaneous category.)

Enacted

Arkansas H 1038

This bill allocates \$12,000 in funding for the Arkansas Refugee Resettlement Program.

Education

106 bills were introduced in 29 state legislatures: *Alaska, Alabama, Arizona, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Utah, Virginia, Washington, West Virginia, and Wyoming.*

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

Enacted

Idaho S 1367

This law amends existing law relating to public institutions of higher education to provide resident student status for admittance to certain veterans, active duty military, and their dependents. A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee parolee" or "conditional entrant" status does not qualify for resident student status.

Utah H 114

This law requires higher education institutions to disclose to the state Board of Regents any gifts of \$50,000 or more received from a foreign person.

Washington H 2913

This law authorizes the creation of inter district cooperative high school programs designed to provide interdisciplinary curriculum and instruction themes through online, direct classroom instruction at multiple and varying locations, and other mechanisms to maximize access for geographically dispersed students including migrant students.

Washington S 6403

This law seeks to improve high school graduation rates through the development of a collaborative infrastructure of state and local education agencies that serve vulnerable youth, including recent immigrants, that are at- risk for school failure.

Washington S 6467

This law authorizes the granting of honorary degrees for students at public institutions of higher education who were ordered into internment camps in 1942 and as a result did not graduate. The honorary degree may also be requested by a representative of deceased persons who meet the requirements.

Employment

173 bills were introduced in 36 state legislatures: *Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New Mexico, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, 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

Iowa S 2181

This law grants authority to the Division of Labor Services of the Department of Workforce Development to establish guidelines, as needed, to bring Iowa occupational safety and health standards into compliance with federal standards. The law also includes a provision on migrant labor that requires every person, firm, or corporation employing migrant laborers to obtain and keep on file a work permit for migrant laborers prior to their employment.

Utah S 251

This law requires employers in the state of Utah to verify the legal status of their employees via a federally approved employment verification system.

Virginia H 737

This law requires state agencies, public contractors, localities, and employers with 15 or more employees within the Commonwealth to enroll in the E-Verify Program by December 1, 2010, and to use the Program for each newly hired employee. The law has provisions to suspend or revoke the licenses of employers that do not comply.

West Virginia H 3301

This law requires employers in the state of West Virginia to verify the legal status of their employees. It sets penalties for employers who knowingly employ unauthorized workers including penalties that increase with successive violations up to permanent revocation of business licenses.

Health

76 bills were introduced in 27 state legislatures: *California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Maine, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Rhode Island, Tennessee, Utah, Virginia, Washington, and West Virginia.*

These bills address eligibility requirements of immigrants and immigrant children for health programs and services and licensing requirements for foreign-educated health professionals.

Enacted

Idaho H 470

This law requires that foreign-educated physical therapists provide proof of passing scores on standardized English proficiency examinations as a qualification for licensure.

Minnesota S 460

This law revises and adds provisions regarding general assistance medical care to include mental health care and consultation. It also includes provisions on antipsychotic and attention deficit disorder medications and coordinated care delivery systems. Under this law, undocumented noncitizens and immigrants are ineligible for general assistance medical care.

Mississippi S 3004

This law modernizes the terminology used for individuals with intellectual disabilities. The law also expands the maximum amount of TANF benefits available to families with children who have intellectual disabilities. These provisions exclude immigrant families who do not otherwise qualify for TANF.

Human Trafficking

22 bills were introduced in 12 state legislatures: *Alabama, Arizona, California, Colorado, Florida, Hawaii, Oklahoma, Rhode Island, South Carolina, Utah, Vermont, and Washington.*

These bills provide for increased penalties for extortion, coercion, human smuggling, sex trafficking and human trafficking. Some bills provide for services to protect victims of human trafficking.

Enacted

Utah H 230

This law defines human trafficking for forced sexual exploitation as a second degree felony and human smuggling for profit as a third degree felony in the state of Utah.

Washington S 6332

This law requires international labor recruiters and domestic employers of foreign workers to disclose federal and state labor laws to foreign workers including information on the minimum wage and occupation safety and health laws. The law also mandates employers to provide information to workers on available services for human trafficking victims.

Identification, Driver's Licenses and Other Licenses

156 bills were introduced in 32 state legislatures: *Alabama, Arizona, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and West Virginia.*

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. Several bills require that all tests for driver's licenses be administered in English.

Enacted

Idaho H 444

This law revises requirements for a license to carry concealed weapons and mandates that the application these licenses include place of birth and citizenship.

Mississippi H 930

This law defines the requirements for issuing or renewing a noncitizen's driver's license or state identification card.

South Dakota H 1107

This law provides for the renewal of certain nonresident commercial driver licenses, requires evidence of legal presence in the United States upon the renewal of nonresident commercial driver license, and allows the Department of Transportation to renew a nonresident commercial driver license without a skills or knowledge test if the license has been expired for a period less than one year.

Law Enforcement

136 bills were introduced in 33 state legislatures: *Alabama, Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming.*

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

municipal government in immigration enforcement. (Please note: Legal services bills are now included in this category.)

Enacted

Alabama H 213

This law creates a Uniform Child Abduction Prevent act designed to clarify procedures for a parent or guardian and for a court to follow to prevent a child abduction. Factors that can be considered by the court to determine risk of abduction include: lack of strong familial, financial, emotional, or cultural ties to the state or the United States; strong familial, financial, emotional, or cultural ties to another state or country; and is likely to take the child to a country that is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child.

Oklahoma H 2837

This law requires any immigrant unlawfully present under federal immigration law to upon arrest submit to DNA testing for law enforcement identification purposes.

Miscellaneous

173 bills were introduced in 34 state legislatures: *Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia and Wisconsin.*

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.

Enacted

Nebraska L 139

This law renames the Commission on Mexican-Americans as the Commission on Latino-Americans.

Omnibus/Multi-Issue Legislation

14 bills were introduced in 10 state legislatures: *Alabama, Arizona, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Oklahoma, and Washington.*

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.

NOTE: The Arizona law (SB1070), which includes provisions relating to immigration law enforcement including trespassing, harboring and transporting illegal immigrants, alien registration documents, as well as provisions related to employer sanctions and human smuggling, was enacted April 23 and is not included in the total count for this first quarter report.

Enacted

Mississippi H 338

The Mississippi law, “Major Economic Impact Act,” is an economic stimulus bill that provides exemptions for contracts made by the state major economic impact authority, provides grants and loans for infrastructure projects, authorizes the county board of supervisors to negotiate with the school district as to the amount of the fee-in-lieu to be allocated to the school district, requires pipe manufacturers to create and maintain a specified number of new full-time jobs in order to qualify for tax exemptions. Within the “minority owned business” section of the law (which allows any agency or governing authority to set aside up to twenty percent of its anticipated annual expenditures for the purchase of commodities from minority businesses), minority business is defined as: “...a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States,” and who are Asian, Black, Hispanic or Native American, according to definitions specified in the act.

Public Benefits

39 bills were introduced in 18 state legislatures: *Alaska, Alabama, Arizona, California, Colorado, Florida, Illinois, Indiana, Maryland, Michigan, Minnesota, Mississippi, New York, Oklahoma, Tennessee, Washington, Wisconsin, 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.

Enacted

Washington H 2782

This law reorganizes delivery of services to recipients of public assistance, requires specified agencies to work on the expansion of the food stamp employment and training program, and establishes the disability lifeline program and implements strategies to improve the employment and basic support outcomes of persons under the program. It requires that individuals receiving disability benefits be legal residents of the United States.

Voting

24 bills were introduced in 12 state legislatures: *Alabama, Arizona, California, Illinois, Kansas, Maryland, Mississippi, New Hampshire, Oklahoma, South Carolina, Utah, and Virginia.*

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

Utah H 254

This law defines which forms of personal identification are valid for voter identification. Valid forms of identification include certified naturalization documentation.

Utah S 18

This law relates to election laws. It creates provisions for the deadline for filing declarations of candidacy, requires the consent of the Senate for the governor to appoint a lieutenant governor, and clarifies the type of identification that can be used on a voter registration form. The law requires two

forms of voter identification, including naturalization documentation, to confirm a voter resides in the voting precinct.

Utah S 53

This law defines the circumstances under which someone can challenge the validity of a person's right to vote including claims the person is not a citizen of the United States.

Resolutions

188 resolutions were introduced in 31 state legislatures: *Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, Wisconsin, and West Virginia.*

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

Alabama SJR 31

This joint resolution urges Congress to continue the funding for the E-verify Program.

New Jersey SR 23

This resolution urges Congress to enact Haitian Protection Act of 2009 to grant qualifying Haitian nationals in the U.S. temporary protected status.

New Mexico HM 60

This House Memorial urges the United States Congress to enact comprehensive immigration reform legislation and that the legislation include elements to ensure efficient border security, the reunification of immigrant families, a path to citizenship for undocumented workers currently in the United States, a legal means of immigration for foreign nationals who want to work in the United State temporarily, as well as for those who desire to become legal permanent residents or gain citizenship, and resources for cities.



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