



LEGISLATIVE TRACKING LIST:

CURRENT LEGISLATION IN MICHIGAN RELATED TO IMMIGRATION, CITIZENSHIP STATUS, AND MIGRANT FARM WORKERS

STATE BILLS – 2013-2014 LEGISLATIVE SESSION

Current as of 10/18/2013

To view the entire content of these bills:

- (1) Go to www.legislature.mi.gov, and then type the bill number (without the “HB” or “SB”) in the appropriate space under “Legislative Bill Search”, OR
- (2) For resolutions, select the appropriate category on the left-hand menu of the above webpage, and then follow the same procedure above.

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IMMIGRATION & CITIZENSHIP STATUS

HB 4160 – E-Verify for Public Benefits

Primary Sponsor: **Thomas Hooker** (Republican – Byron Township and the City of Wyoming)

Other Sponsors (5): Joel Johnson (R), Kenneth Kurtz (R), Ed McBroom (R), Dan Lauwers (R), Ken Yonker (R)

Bill Status:

1/31/2013: Introduced in the Michigan House and referred to Committee on Families, Children, and Seniors.

Bill Summary: This bill would require the Michigan Department of Human Services to use the Department of Homeland Security's E-Verify system to determine whether or not applicants are eligible to receive any benefits, services, or assistance.

Background and Analysis: E-verify only reveals whether an immigrant is authorized to work, which is usually not relevant for the purposes of determining benefit eligibility. Not all employment authorized immigrants are eligible for public benefits and not all immigrants lacking employment authorization are ineligible for all public benefits. The Department of Human Services currently uses a program called the Systematic Alien Verification for Entitlements Program (SAVE) which informs the Department whether an alien is eligible to receive public benefits or not.

The bill also requires the Michigan Department of Human Services to report the addresses of those who receive a "negative confirmation of legal residency status" from the E-Verify system to immigration authorities. However, the E-verify system does not give "negative confirmation of legal residency status;" it gives information about work authorization.

HB 4372 – Designation of English as the Official State Language

Primary Sponsor: **Kenneth Kurtz** (Republican – Branch County and Hillsdale County)

Other Sponsors (7 – all Republicans): Tom McMillin, Ed McBroom, Bob Genetski, Ray Franz, Pat Somerville, Mike Shirkey, Joel Johnson

Bill Status:

3/6/2013: Introduced in Michigan House and referred to Committee on Government Operations.

Bill Summary: The bill would designate English as the official language of the state. English would be the language used for public records, public meetings, and official acts of the state. In addition to printing official documents and forms in English, a state agency or a local unit of government may use or print official documents and forms in languages other than English.

This requirement would not apply if there is a conflict with federal law or if the public safety, health, or justice requires the use of non-English languages. The requirement would also not apply to the instruction of a foreign language, instruction designed to assist limited-English proficient students, or to the promotion of international commerce, tourism, sporting events, or cultural events.

HB 4528 – Revise the Regulation of Immigration Clerical Assistants

Primary Sponsor: **Klint Kesto** (Republican – Part of Oakland County: Commerce Township, part of West Bloomfield Township, city of Wixom)

Other Sponsors (8): Rashida Tlaib (D), Hugh D. Crawford (R), Michael D. McCready (R), Phil Cavanagh (D), Adam Zemke (D), Marcia Hovey-Wright (D), Dan Lauwers (R), Ed McBroom (R)

Bill Status:

4/10/2013: Introduced in Michigan House and referred to Committee on Regulatory Reform

4/23/2013: Committee on Regulatory Reform voted in favor of the bill by vote of 13-0

5/1/2013: The full House voted in favor of the bill by vote of 110-0

5/2/2013: Senate referred the bill to the Committee on Regulatory Reform

Bill Summary: In the version that passed the House, the bill would eliminate the requirement that an immigration clerical assistant register with the state Department of Licensing and Regulatory Affairs (LARA), and eliminates the requirement that LARA maintain a list of registered immigration clerical assistants. The bill would also eliminate the requirement that an immigration clerical assistant obtain a surety bond (which is currently required to be at least \$50,000).

The bill would also increase the potential damages that a person injured by an immigration clerical assistant under this law could obtain as relief in a court action. Current law allows the injured person to obtain actual damages; the bill would allow the person to obtain up to 3 times the actual damages for a willful violation of the law.

HB 4617 – Establish the Office of Immigrant Integration

Primary Sponsor: **Rashida Tlaib** (Democrat – Part of Southwest Detroit)

Other Sponsors (11 – all Democrats): Harvey Santana, Jeff Irwin, Brandon Dillon, Marcia Hovey-Wright,

Andrew J. Kandrevas, David Knezek, Sam Singh,
Rose Mary C. Robinson, Ellen Cogen Lipton, George
T. Darany, Andy Schor

Bill Status:

4/24/2013: Introduced in Michigan House and referred to Committee on Michigan Competitiveness

Bill Summary: The bill would establish the Office of Immigrant Integration within the Michigan Strategic Fund under the Michigan Strategic Fund Act. The bill would also create an Immigrant Integration Fund within the state treasury.

The office would do the following:

- Conduct studies and recommend proposals affecting immigrant integration services in the areas of education, employment, civil rights, health, housing, English language instruction, and other areas that promote social, cultural, and economic integration.
- Recommend to federal, state, and local governmental departments and agencies the creation of services, programs, and facilities it considers necessary or advisable to aid in immigrant integration.
- Serve as a clearinghouse for the collection and distribution of information on immigrant integration.
- Apply for and accept grants and gifts from governmental and private sources for deposit into the Immigrant Integration Fund.
- Administer the Immigrant Integration Fund.
- Review and approve grants to be made from federal, state, or private funds that are administered by the office.
- Cooperate with and obtain assistance from state and local governmental departments and agencies to provide immigrants with access to information, resources, and services to assist the integration of immigrants in this state.
- Implement and coordinate a unified policy and plan of action to encourage and facilitate the integration of immigrants in this state.

The Office would expend money from the Fund to facilitate the integration of immigrants in this state and to coordinate the delivery of information, resources, and services that are available for immigrant integration in the areas of education, employment, civil rights, health, housing, English language instruction, and other areas that promote social, cultural, and economic integration.

HB 4618 – In-State Tuition Rates for Certain Non-Citizens

Primary Sponsor: Jeff Irwin (Democrat – Part of Washtenaw County; part of Ann Arbor city, Ann Arbor Township, part of Pittsfield Township, part of Scio Township)

Other Sponsors (6 – all Democrats): Rashida Tlaib, Adam Zemke, David Rutledge, Brandon Dillon, Sam Singh, Andy Schor

Bill Status:

4/24/2013: Introduced in Michigan House and referred to Committee on Government Operations

Bill Summary: The bill indicates that it is the intent of the legislature that a noncitizen student who meets all of the following requirements would be eligible to pay resident tuition at any public university that received state appropriations:

- Has received Deferred Action for Childhood Arrivals (DACA) or is a non-citizen other than one who has a visa under subparagraphs (A) through (S) of 8 USC 1101(a)(15) (commonly known as the letter visas, A Visa through S Visa).
- The student attended public or private high school in Michigan for 3 or more years.
- The student graduated from a public or private high school in Michigan or received the equivalent of a high school diploma.
- If the student is a non-citizen without lawful immigration status, he or she files an affidavit with the public university that states that the student has filed an application for lawful permanent residence with USCIS or will file an application for lawful permanent residence as soon as he or she is eligible to do so.

HB 4802 – Use of SAVE Program for Benefit Applicants

Primary Sponsor: Joel Johnson (Republican - all of Arenac, Clare and Gladwin Counties, part of Bay County)

Bill Status:

6/5/2013: Introduced in Michigan House and referred to Committee on Families, Children, and Seniors

Bill Summary: The bill would change the Social Welfare Act by adding the following provision: “Before granting any type of assistance under this Act, the county department must use the Systematic Alien Verification for Entitlements (SAVE) program established by the United States Citizenship and Immigration Service to assist in determining the immigration status of the applicant for assistance.”

Background and Analysis:

For over 15 years, federal regulations have required states to verify status using SAVE for those benefits that have an immigration status requirement. See <http://www.gpo.gov/fdsys/pkg/FR-1997-11-17/pdf/97-29851.pdf>

The Michigan Department of Human Services already uses the SAVE program to verify the immigration status of non-citizens when the Department receives information during the application process. The Department then uses the SAVE response to make a determination as to the applicant’s eligibility for

benefits. See Bridges Eligibility Manual 225A:
<http://www.mfia.state.mi.us/olmweb/ex/bem/225A.pdf>

The use of SAVE for benefits programs that do not have an immigration status requirement could potentially violate federal regulations.

SJR-K – Illegal Aliens Prohibited from Receiving Public Assistance

Primary Sponsor: Joseph Hune (Republican – Livingston county, Shiawassee county, and the southern part of Ingham county: includes Bunkerhill, Leslie city, Leslie township, Mason, Stockbridge and Vevay)

Bill Status:

1/30/2013: Introduced in the Michigan Senate and referred to Committee on Families, Children, and Seniors.

Bill Summary: This Senate Joint Resolution would amend the state constitution by adding a new section that states, “A person who is an illegal alien in this country is prohibited from receiving any type of public assistance from this state.”

Background and Analysis: If this resolution passed in the legislature, it would have to be voted on by the people in the next general election. Generally, unauthorized immigrants and many authorized immigrants and Lawful Permanent Residents (“green card holders”) with less than 5 years in that status are currently ineligible for most public assistance programs.

Were this amendment to be enacted following a vote of the people, it could affect Michigan's participation in the Emergency Services Only Medicaid program which covers emergency life-saving medical treatment that most hospitals are obligated to provide under federal law regardless of income or insurance status.

DRIVER’S LICENSES AND STATE ID CARDS

HB 4619 – Establish Driver’s License Eligibility for Non-Citizens with Deferred Action for Childhood Arrivals

Primary Sponsor: Sam Singh (Democrat – Part of Ingham County: part of East Lansing city, Lansing city, Locke Township, Meridian Township, Williamstown Township)

Other Sponsors (6 – all Democrats): Rashida Tlaib, Jeff Irwin, Adam Zemke, Brandon Dillon, David Knezek, Andy Schor

Bill Status:

4/24/2013: Introduced in Michigan House and referred to Committee on Transportation and Infrastructure

Bill Summary: The bill would establish driver’s license eligibility for non-citizens who are granted Deferred Action for Childhood Arrivals (DACA).

Background: As of February 19, 2013, the Michigan Secretary of State made an administrative determination that non-citizens who have been granted DACA are eligible for driver’s licenses and state ID cards. This bill would establish this eligibility in state law.

Deferred Action for Childhood Arrivals

Primary Sponsor: Adam Zemke (Democrat – Part of Washtenaw County: part of Ann Arbor city, part of Ann Arbor Township, August Township, part of Milan city, part of Pittsfield Township, York Township)

Other Sponsors (6 – all Democrats): Jeff Irwin, Brandon Dillon, Sam Singh, Rashida Tlaib, Andy Schor, David Knezek

Bill Status:

4/24/2013: Introduced in Michigan House and referred to Committee on Transportation and Infrastructure

Bill Summary: The bill would establish state ID eligibility for non-citizens who are granted Deferred Action for Childhood Arrivals (DACA).

Background: As of February 19, 2013, the Michigan Secretary of State made an administrative determination that non-citizens who have been granted DACA are eligible for driver’s licenses and state ID cards. This bill would establish this eligibility in state law.

HB 4620 – Establish State ID Eligibility for Non-Citizens with

HB 4621 – Establish Commission to Study the Legal Presence Requirement for Driver’s Licenses and State ID Cards

Primary Sponsor: Brandon Dillon (Democrat – Part of the city of Grand Rapids in Kent County)

Other Sponsors (11 – all Democrats): Rashida Tlaib, Jeff Irwin, Adam Zemke, Sam Singh, Andy Schor, Marcia Hovey-Wright, Harvey Santana, Rose Mary C. Robinson, Thomas F. Stallworth III, Ellen Cogen Lipton, David Rutledge

Bill Status:

4/24/2013: Introduced in Michigan House and referred to Committee on Government Operations

Bill Summary: The bill would establish a commission within the Department of Civil Rights to assess the economic, social, and security impact of the legal presence requirement for Michigan driver's licenses and state ID cards.

The commission would do the following:

- Determine if the Michigan Department of State promulgated rules to implement the legal presence requirement.

- Determine if the department of state has administered the legal presence requirement fairly and efficiently.
- Evaluate how the legal presence requirement has affected individuals relating to citizenship and immigration status.
- Assess the economic impact the legal presence requirement is having on this state. The assessment under this subdivision includes, but is not limited to, the legal presence requirement's impact on the insurance industry and the agricultural industry.
- Assess the legal presence requirement's impact on public safety and security.
- Assess the legal presence requirement's impact on the delivery of health and human services in this state.
- Develop findings and recommendations related to the topics listed above, including suggestions for legislation it considers appropriate

EMPLOYMENT

HB 4958 – Exclude Work Done under H2B and J Visas from Unemployment Eligibility

Primary Sponsor: Frank Foster (Republican – Chippewa County, Emmet County, Mackinac County, and part of Cheboygan County)

Bill Status:

9/4/2013: Introduced in Michigan House and referred to Committee on Commerce

10/16/2013: Committee on Commerce voted in favor of substitute H-1 version of the bill by vote of 16-0

10/16/2013: Bill pending before full House

Bill Summary and Analysis: The bill would change the unemployment law's definition of "employment" by excluding work done by individuals who have H2B visas or J visas. The result will be that employers will not have to pay unemployment taxes on those workers. Presumably, if those workers change status to one that is "unemployment-eligible," their work done under the H2B or J visa will still not be countable towards their benefits calculation.