



**LEGISLATIVE TRACKING LIST:
CURRENT LEGISLATION IN MICHIGAN RELATED TO
IMMIGRATION, CITIZENSHIP STATUS,
AND MIGRANT FARM WORKERS**

STATE BILLS – 2011-2012 LEGISLATIVE SESSION

Current as of 9/17/2012

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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EMPLOYMENT

Public Act 200 of 2012 - HB 5365 – Employer Sanctions: Add E-Verify Requirement for Two Michigan Departments

Primary Sponsor: Chuck Moss (Republican – Oakland County, including Birmingham, Bloomfield Hills)

Bill Status:

2/7/2012: Introduced in Michigan House and referred to Committee on Appropriations

4/25/2012: House passed version H-2 by vote of 58-52

5/2/2012: Senate passed version S-1 by vote of 26-11-1

5/31/2012: House adopted conference report 61-49

5/31/2012: Senate adopted conference report 20-16-2

6/26/2012: Governor approved bill; assigned Public Act 200 of 2012

Bill Summary: This is an omnibus budget bill that contains two E-Verify provisions.

Article X, Section 291 says that the Michigan Department of Human Services shall use the federal E-Verify system for (1) all new department employees and (2) new hire employees of the department’s contractors and subcontractors paid from funds appropriated by Article X. The department may verify this information directly or may require contractors and subcontractors to verify the information and submit a certification to the department.

Article XVII, Section 381 says that the Michigan Department of Transportation “shall require as a condition of each contract or subcontract for construction, maintenance, or engineering services that the prequalified contractor or prequalified subcontractor agree to use the E-Verify system to verify that all persons hired during the contract term by the contractor or subcontractor are legally present and authorized to work in the United States. The department may verify this information directly or may require contractors and subcontractors to verify the information and submit a certification to the department.”

The version of the bill that passed the House on 4/25/2012 also contained a similar E-Verify provision added by Rep. Matt Lori (R-Constantine) that applied to the Department of Community Health, but that provision is not contained in the bill’s final version.

HB 4024 – Employer Sanctions: Add E-Verify Requirement for Public Employers

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships

of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (13 – all Republicans): Ken Yonker, Thomas Hooker, Kevin Cotter, Mike Callton, Matt Lori, Anthony Forlini, Marty Knollenberg, Joel Johnson, Andrea LaFontaine, Kurt Damrow, Greg MacMaster, Pat Somerville, Kevin Daley

Bill Status:

1/13/2011: Introduced in Michigan House and referred to Committee on Commerce

6/21/2011: House Commerce Committee took testimony on the bill but no vote was taken

6/22/2011: House Commerce Committee took testimony on the bill but no vote was taken

9/13/2011: House Commerce Committee took testimony on the bill but no vote was taken

Bill Summary: This bill would be known as the “Public Contract and Employment Eligibility Verification Act.” The bill would require a public employer (i.e., all departments, agencies, or political subdivisions of the state of Michigan) to register with and participate in the federal E-verify program to verify the work authorization of each new employee.

The bill would prohibit a public employer from entering into a contract for services within Michigan unless the contractor registers with and participates in the E-Verify program to verify the work authorization status of all of the contractor’s new employees.

The bill would prohibit a contractor or subcontractor from entering into a contract or subcontract with a public employer concerning services unless the contractor or subcontractor registers with and participates in the E-Verify program to verify the work authorization status of all new employees.

An employer or an agency or political subdivision of the state would be required to verify the lawful presence of an individual in the U.S. as required above by obtaining an affidavit that the individual executed under penalty of perjury and states one of the following: (1) he or she is a U.S. citizen, or (2) he or she is a “qualified alien” under federal immigration law and is “lawfully present” in the U.S. The employer or agency or political subdivision would further verify the status of an individual who has executed the affidavit through the E-Verify system. Until the further eligibility verification is made, the affidavit is presumed to be proof of lawful presence for the purposes of this section. An individual who knowingly and willfully makes a false statement in an affidavit is guilty of perjury.

The bill would also prohibit an employer from discharging an employee who is a citizen or Lawful Permanent Resident if, on the date of the discharge, the employer knowingly employed an alien who is not

authorized to work in the United States. The discharged employee shall have a private cause of action to bring suit in court. This prohibition would not apply to a discharge with cause.

SB 0254

Primary Sponsor: Arlan Meekhof (Republican – all of Ottawa County; Sparta and Grandville in Kent County)

Bill Status:

3/10/2011: Introduced in the Michigan Senate and referred to the Committee on Economic Development.

3/15/2011: Reassigned to the Committee on Regulatory Reform

Bill Summary: The original content of this bill is the same as HB 4024 (summary above).

HB 4026 – Employer Sanctions: Add E-Verify Requirement for Staffing Companies

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (9 – all Republicans): Ken Yonker, Thomas Hooker, Kurt Damrow, Greg MacMaster, Mike Callton, Marty Knollenberg, Joel Johnson, Kevin Daley, Andrea LaFontaine

Bill Status:

1/13/2011: Introduced in Michigan House and referred to Committee on Commerce.

6/21/2011: House Commerce Committee took testimony on the bill but no vote was taken

6/22/2011: House Commerce Committee took testimony on the bill but no vote was taken

9/13/2011: House Commerce Committee took testimony on the bill but no vote was taken

Bill Summary: This bill would require that employment agencies (also known as staffing agencies or personnel agencies) use the federal E-Verify system to verify the work authorization of individuals before referring those individuals for employment.

SB 0255

Primary Sponsor: Arlan Meekhof (Republican – all of Ottawa County; Sparta and Grandville in Kent County)

Bill Status:

3/10/2011: Introduced in Michigan Senate and referred to Committee on Economic Development.

3/15/2011: Reassigned to Committee on Regulatory Reform

Bill Summary: The original content of this bill is the same as HB 4026 (summary above).

HB 4197 - Employer Sanctions under Michigan Strategic Fund

Primary Sponsor: Marilyn Lane (Democrat – Part of Macomb County: Part of Clinton township, part of Fraser, and Mt. Clemens)

Other Sponsors (35-all Democrats): Tim Melton, George Darany, Dian Slavens, Harold L. Haugh, Andrew J. Kandrevas, Jim Townsend, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Kate Segal, Vicki Barnett, Joan Bauer, Timothy Bledsoe, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Jon Switalski, Thomas Stallworth, Douglas Geiss, Phil Cavanagh, Ellen Cogen Lipton, Barb Byrum, Fred Durhal, Jr., Steven Lindberg, Lisa Howze, Harvey Santana, Alberta Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to the Committee on Commerce.

Bill Summary: The bill would amend the Michigan Strategic Fund Act to specify that the board of the Michigan Strategic Fund could not approve a request for assistance for a project on an economic development project, or a loan or grant under the 21st Century Jobs Program, unless the applicant agrees in writing not to knowingly hire, or contract with any business entity that knowingly hires, an individual who is not authorized under federal law to work in the United States.

The written agreements under the bill would have to contain a remedy provision that provides for all of the following: (1) a requirement that the applicant's financing, loan, or grant is revoked if the applicant is in violation; and (2) a requirement that the applicant may be required to repay some or all of the benefits received if the applicant is determined to be in violation.

The applicants would also have to agree in writing that they would employ residents and businesses that hire only residents of Michigan to work on projects that receive grant money, unless (1) that would violate federal law, or (2) individual non-residents with special skills are required, or (3) it would not have a significant adverse effect on Michigan residents.

HB 4198 – Employer Sanctions under Brownfield Redevelopment

Primary Sponsor: Dian Slavens (Democrat – part of Wayne County, including Belleville, Van Buren Township, and part of Canton Township)

Other Sponsors (36-all Democrats): Tim Melton, Marilyn Lane, George Darany, Harold L. Haugh, Jim

Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Kate Segal, Vicki Barnett, Joan Bauer, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Jeff Irwin, Timothy Bledsoe, Jon Switalski, Douglas Geiss, Thomas Stallworth, Phil Cavanagh, Ellen Cogen Lipton, Barb Byrum, Fred Durhal, Jr., Steven Lindberg, Lisa Howze, Harvey Santana, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Alberta Tinsley Talabi, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to the Committee on Commerce.

Bill Summary: The bill would amend the Brownfield Redevelopment Financing Act, which allows the use of tax increment financing revenues to engage in cleanup and development activities at contaminated sites. It would prohibit a brownfield authority from using tax increment revenues to pay or reimburse a business entity for eligible activities on eligible properties unless the business states in writing that it will not knowingly hire or contract with any business entity that knowingly hires an individual who is not authorized under federal law to work in the United States

The written agreements under this bill would have to contain a remedy provision that provides that the business may be required to repay some or all of the benefits received if the business is determined to be in violation.

The written agreement would also have to contain a provision that states that the business entity will hire residents of the state to perform eligible activities on eligible properties. There is an exception to this if authorities determine that the activities can't be performed only by resident because it would violate federal law or because the project requires skilled non-residents.

The Michigan Attorney General or appropriate agency would have enforcement authority necessary to ensure compliance after the written agreements are signed.

HB 4199 – Employer Sanctions under Management and Budget Act

Primary Sponsor: Douglas Geiss (Democrat- part of Wayne County including Romulus and Taylor)

Other Sponsors (34-all Democrats): Tim Melton, Marilyn Lane, George Darany, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Kate Segal, Vicki Barnett, Joan Bauer, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Timothy Bledsoe, Jon Switalski, Thomas Stallworth, Phil Cavanagh, Ellen Cogen Lipton, Barb Byrum, Fred Durhal, Jr., Steven Lindberg, Lisa Howze, Harvey Santana, Alberta

Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to Committee on Commerce.

Bill Summary: This bill amends the Management and Budget Act. Under the bill as introduced, contracts for construction, alteration, repair, or rebuilding of state buildings would have to contain a clause requiring the company performing the work and their subcontractors to employ only individuals who have been Michigan residents for at least one year. Non-residents can be employed if (1) residents are not available or (2) in order to comply with federal laws or regulations concerning federal funds being used for the project. This section is also inapplicable to employers who are part of a collective bargaining agreement that allow them to hire interstate workers. Breach of this clause would be considered a material breach of the contract.

HB 4200 – Employer Sanctions for State Contractors

Primary Sponsor: Woodrow Stanley (Democrat – part of the city of Flint in Genesee County)

Other Sponsors (36-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Timothy Bledsoe, Jon Switalski, Douglas Geiss, Thomas Stallworth, Phil Cavanagh, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Steven Lindberg, Lisa Howze, Harvey Santana, Alberta Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to the Committee on Commerce.

Bill Summary: Under the bill as introduced, the Department of Management and Budget would be able to debar a vendor from participation in the bid process and from contract award if the Department has received notice that a federal agency has found the vendor to have violated federal law related to (1) the knowing hiring or employment of an individual under the contract who is not authorized to work in the United States under federal law, or (2) failure to comply with federal I-9 requirements for workers under the contract. Debarment would also be possible if the vendor has knowingly or repeatedly violated the provisions of the state prevailing wages provisions in the performance of a state contract.

The Department shall include a clause requiring the contractor to allow only individuals who are authorized to work in the United States to perform

services under the contract and a clause stating that the contractor shall not knowingly or repeatedly violate the state prevailing wages provisions in each contract it enters into that includes services.

SB 0067

Primary Sponsor: **Glenn Anderson** (Democrat – Garden City, Livonia, Redford Township, and Westland)

Other Sponsors (2- both Democrats): Steven Bieda, Bert Johnson

Bill Status:

1/26/2011: Introduced in the Michigan Senate and referred to Committee on Economic Development.

Bill Summary: The original content of this bill is the same as HB 4200(summary above).

HB 4202 – Employer Sanctions under Renaissance Zones

Primary Sponsor: **Jim Townsend** (Democrat – Part of Oakland County including Madison Hts. and Royal Oak)

Other Sponsors (36-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Jeff Irwin, Timothy Bledsoe, Douglas Geiss, Jon Switalski, Phil Cavanagh, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Steven Lindberg, Lisa Howze, Harvey Santana, Alberta Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to the Committee on Commerce.

Bill Summary: Under the bill as introduced, when designating a renaissance zone the board of the Michigan Strategic Fund should give preference (all else being equal) to applicants who agree to two conditions in writing.

First, they agree to hire only Michigan residents unless the board determines that the facility cannot be run by Michigan residents alone because (1) it would violate federal laws or regulations or (2) the specialized skills of individual non-residents are needed.

Secondly, they agree to contract with businesses that agree to hire only residents to construct the facility unless (1) this would violate federal laws or regulations or (2) the specialized skills of individual non-residents are needed.

The bill also provides that a business taxpayer could not claim an exemption, deduction, or credit under the Michigan Renaissance Zone Act unless the taxpayer enters into a contract that provides that, for any work in the zone, the taxpayer will not knowingly hire or

contract with a business entity that knowingly hires an individual who is not authorized under federal law to work in the U.S.

The contract would also have to contain a remedy provision providing (1) a requirement that the taxpayer is not eligible to claim any future exemptions, deductions, or credits if the taxpayer is determined to have violated these provisions; and (2) a requirement that the taxpayer could be required to repay some or all of the exemptions, deductions, or credits received if determined to be in violation.

HB 4203 – Employer Sanctions under Michigan Economic Growth Authority

Primary Sponsor: **Steven Lindberg** (Democrat – Alger County, Luce County, and part of Marquette County)

Other Sponsors (35-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Timothy Bledsoe, Douglas Geiss, Jon Switalski, Phil Cavanagh, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Lisa Howze, Harvey Santana, Alberta Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to the Committee on Commerce.

Bill Summary: The bill would amend the Michigan Economic Growth Authority Act to prohibit MEGA from entering into a written agreement with an eligible business unless the eligible business states in writing that it will not knowingly hire or contract with any business entity that knowingly hires an individual who is not authorized under federal law to work in the United States.

The contract would also have to contain a remedy provision providing (1) the business's credits are revoked if the business is determined to have violated these provisions; and (2) a requirement that the business could be required to repay some or all of the benefits received under this Act if determined to be in violation.

The bill also states that in determining which businesses qualify for tax credits under the act preference should be given (all else being equal) to businesses who (1) hire only Michigan residents and (2) contract with companies that hire only Michigan residents. There are exceptions granted if the authority decides that the facility cannot be constructed only by residents.

HB 4204 – Employer Sanctions under Historic Preservation Credit

Primary Sponsor: David Rutledge (Democrat – part of Washtenaw County including the townships of Augusta, Salem, Superior, and Ypsilanti)

Other Sponsors (36-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Jeff Irwin, Timothy Bledsoe, Douglas Geiss, Jon Switalski, Phil Cavanagh, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Steven Lindberg, Lisa Howze, Harvey Santana, Alberta Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to the Committee on Commerce.

Bill Summary: As introduced, the bill would amend the Michigan Business Tax Act so that a qualified business taxpayer could not claim an historic preservation credit unless the taxpayer enters into a contract with the Michigan Historical Center that provides that, for any work on the rehabilitation plan, the taxpayer will not knowingly hire or contract with a business entity that knowingly hires an individual who is not authorized under federal law to work in the U.S. The bill would also give preference to applicants who agree to hire only Michigan residents (unless certain exceptions apply).

HB 4193 – Employer Sanctions under Obsolete Property Tax Abatement

Primary Sponsor: Brandon Dillon (Democrat – part of Grand Rapids in Kent County)

Other Sponsors (34-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Timothy Bledsoe, Douglas Geiss, Jon Switalski, Phil Cavanagh, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Lisa Howze, Steven Lindberg, Harvey Santana, Alberta Tinsely Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack.

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to Committee on Commerce.

Bill Summary: The bill would amend the Obsolete Property Rehabilitation Act to prohibit a local unit of government from approving an application for an obsolete property exemption certificate (for a property tax abatement) unless the applicant promises in writing not to knowingly hire or contract with any

business entity that knowingly hires an individual who is not authorized under federal law to work in the U.S. The applicant would also have to agree in writing that they will make a good faith effort to (1) employ Michigan residents (if they are qualified), (2) contract with Michigan firms for any construction on the facilities, (3) utilize Michigan-based suppliers and vendors.

Finally, the written agreement would be required to contain a remedy provision that includes (1) a requirement that the applicant's exemption certificate is to be revoked if the applicant is determined to be in violation of the hiring or contracting requirements and (2) a requirement that the applicant might be required to repay some or all of the benefits received under the act if found in violation.

HB 4194 – Employer Sanctions under Industrial Development Revenue Bonds

Primary Sponsor: Charles Brunner (Democrat – part of Bay County: Auburn city, Bangor township, Bay City city, Beaver township, Essexville city, Frankenlust township, Hampton township, Merritt township, part of Midland city, Montitory township, Portsmouth township, Williams township)

Other Sponsors (35-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Timothy Bledsoe, Douglas Geiss, Jon Switalski, Phil Cavanagh, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Lisa Howze, Steven Lindberg, Harvey Santana, Alberta Tinsely Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack.

Bill Status:

2/8/2011: Bill introduced in the Michigan House and referred to Committee on Commerce.

Bill Summary: The bill would amend the Industrial Development Revenue Bond Act to prohibit a municipality from issuing bonds to construct, improve, or finance improvements to industrial buildings unless the applicant agrees in writing not to knowingly hire or contract with any business entity that knowingly hires an individual who is not authorized under federal law to work in the U.S. Additionally, the written agreement would have to contain a provision in which the applicant agreed to make a good faith effort to hire Michigan residents and construction firms.

The written agreement would also have to contain a remedy provision that provides for (1) a requirement that the applicant's industrial facilities exemption

certificate is to be revoked if the applicant is determined to be in violation of the hiring or contracting requirements and (2) a requirement that the applicant might be required to repay some or all of the benefits received under the act if found in violation.

HB 4195 – Employer Sanctions under Industrial Facilities Property Tax Abatement

Primary Sponsor: Alberta Tinsley Talabi (Democrat – Part of Detroit in Wayne County)

Other Sponsors (35-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Joan Bauer, Kate Segal, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Timothy Bledsoe, Douglas Geiss, Phil Cavanagh, Jon Switalski, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Lisa Howze, Steven Lindberg, Harvey Santana, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack,

Bill Status:

2/8/2011: Introduced in Michigan House and referred to Committee on Commerce.

Bill Summary: The bill would amend the Plant Rehabilitation and Industrial Development Districts Act, so that a local governmental unit could not approve an application for an industrial facilities exemption certificate (a PA 198 certificate for a property tax abatement) unless the applicant promises in writing not to knowingly hire or contract with any business entity that knowingly hires an individual who is not authorized under federal law to work in the U.S.

Additionally, the written agreement would have to contain a provision in which the applicant agreed to make a good faith effort to hire Michigan residents and construction firms.

The written agreement would also have to contain a remedy provision that provides for (1) a requirement that the applicant's exemption certificate is to be revoked if the applicant is determined to be in violation of the hiring or contracting requirements and (2) a requirement that the applicant might be required to repay some or all of the benefits received under the act if found in violation.

HB 4196 – Employer Sanctions under Transportation Economic Development Fund

Primary Sponsor: Timothy Bledsoe (Democrat – part of Wayne County: including part of Detroit, Grosse Pointe township, the cities of Grosse Point, Grosse

Point Farms, Grosse Point Park, Grosse Point Woods, and Harper Woods)

Other Sponsors (35-all Democrats): Tim Melton, Marilyn Lane, George Darany, Dian Slavens, Harold L. Haugh, Jim Townsend, Andrew J. Kandrevas, Charles Smiley, Jim Ananich, Brandon Dillon, Sean McCann, Lesia Liss, David Rutledge, Bob Constan, Vicki Barnett, Kate Segal, Joan Bauer, Maureen Stapleton, Marcia Hovey-Wright, Rudy Hobbs, Douglas Geiss, Phil Cavanagh, Jon Switalski, Thomas Stallworth, Barb Byrum, Ellen Cogen Lipton, Fred Durhal, Jr., Lisa Howze, Steven Lindberg, Harvey Santana, Alberta Tinsley Talabi, Charles Brunner, Stacy Erwin Oakes, Lisa Brown, Jimmy Womack

Bill Status:

2/8/2011: Introduced in the Michigan House and referred to Committee on Commerce.

Bill Summary: The bill would amend the Transportation Economic Development Fund Law to prohibit the use of any proceeds from the Fund for a project unless the applicant agrees in writing not to knowingly hire or contract with any business entity that knowingly hires an individual who is not authorized under federal law to work in the U.S.

Additionally, the written agreement would have to contain a provision in which the applicant agreed to make a good faith effort to hire Michigan residents and construction firms.

The written agreement would also have to contain a remedy provision that provides for (1) a requirement that the applicant would not longer be eligible to receive financing if the applicant is determined to be in violation of the hiring or contracting requirements and (2) a requirement that the applicant might be required to repay some or all of the benefits received under the act if found in violation.

HB 4307 – Change Definition of Agricultural Operations to Include Christmas Tree Farms

Primary Sponsor: Jon Bumstead (Republican– Lake, Oceana and Newaygo counties)

Other Sponsors (14 – all Republicans): Kevin Cotter, Matt Huuki, Ed McBroom, Joel Johnson, Holly Hughes, Wayne A. Schmidt, Frank Foster, Dave Agema, Greg MacMaster, Amanda Price, Thomas Hooker, Philip Potvin, Bruce Rendon, Peter Pettalia

Bill Status:

2/22/2011: Introduced in the Michigan House and referred to the Committee on Regulatory Reform.

5/18/2011: The subcommittee reported with the recommendation that the substitute H-2 be added and that the bill should then pass.

5/26/2011: Substitute H-2 adopted by the House.

6/7/2011: Passed by the House with a vote of 109-0.

6/8/2011: Transmitted to Michigan Senate and referred to the Committee on Regulatory Reform.

Bill Summary: This bill would change the classification system used to define “agricultural operations” under the Michigan Occupational Safety and Health Act. Currently the Standard Industrial Classifications (SIC) is used to define agricultural operations as production of crops, livestock, and animal specialties. The bill would replace the current classification system with the North American Industry Classification System (NAICS) Sector 11. This would expand the definition to include forestry, fishing, and hunting. Under the forestry code nursery floricultural production

(including Christmas tree farms) would now be considered agricultural operations.

This would restrict MIOSHA’s authority over the occupational safety and health standards over the newly designated agricultural operations (i.e. Christmas tree farms). If the state occupational safety and health standards in these newly classified agricultural operations are not “at least as effective” as federal standards then Michigan could lose its status as an OSHA State Plan state (in accordance with the federal Occupational Safety and Health Act).

IMMIGRATION & CITIZENSHIP STATUS

HB 4414 – Marriage Licenses

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (20 – all Republicans): Thomas Hooker, Ben Glardon, Peter MacGregor, Lisa Lyons, Marty Knollenberg, Gail Haines, Joe Haveman, Greg MacMaster, Wayne A. Schmidt, Kurt Heise, Kenneth Horn, Matt Huuki, Pat Somerville, Paul Opsommer, Kevin Daley, Judson Gilbert, Philip Potvin, Ray Franz, Brad Jacobsen, Eileen Kowall

Bill Status:

3/10/2011: Introduced in Michigan House and referred to Committee on Families, Children, and Seniors.

Bill Summary: As introduced, the bill would change Michigan law regarding the issuance of a marriage license by a county clerk. Currently, marriage license applicants are required to state under perjury that they are legally able to marry. The bill would change this system and require any applicant who was previously married to produce a divorce judgment or death certificate to show how the prior marriage was terminated.

Additionally, only U.S. citizens who can prove their citizenship (through a birth certificate or naturalization certificate) and some immigrants who possess certain immigration-related documents would be allowed to obtain a marriage license. These documents include: a U.S. permanent resident card, a work visa, a student visa, and a foreign passport with a valid visa.

This means immigrants without any of these documents (which might include refugees, asylees, recipients of Temporary Protected Status, immigrants approved under humanitarian relief, immigrants with Employment Authorization but no passport, and immigrants who lack legal immigration status) would not be allowed to obtain a marriage license in Michigan.

In addition, U.S. citizens who do not currently possess a birth certificate or naturalization certificate would not be allowed to obtain a marriage license.

SB 0257

Primary Sponsor: Arlan Meekhof (Republican – all of Ottawa County, part of Kent County: Sparta and Grandville)

Bill Status:

3/10/2011: Introduced in Michigan Senate and referred to Committee on Judiciary.

Bill Summary: The original content of this bill is the same as HB 4414 (summary above).

HB 4388 – E-Verify for Public Benefits

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

Other Sponsors (17): Dave Agema (R), Sharon Tyler (R), Ken Yonker (R), Holly Hughes (R), Kurt Damrow (R), Lesia Liss (D), Rick Outman (R), Kevin Daley (R), Kurt Heise (R), Paul Opsommer (R), Nancy Jenkins (R), Brad Jacobsen (R), Peter MacGregor (R), Matt Lori (R), Ken Goike (R), Bill Rogers (R), Jon Bumstead (R)

Bill Status:

3/8/2011: 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 for public benefits are eligible to receive them.

Background and Analysis: E-verify only reveals whether an alien is authorized to work, which is usually not relevant for the purposes of determining benefit eligibility. Some aliens who are eligible for some public benefits are not authorized to work and many aliens who are authorized to work are not eligible for most public benefits. The Department of Human Services currently used a program called the Systematic Alien Verification for Entitlements Program (SAVE) which tells 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 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 only gives information about work authorization.

HB 4305 – Authorize Non-Federal Enforcement of Federal Immigration Laws

Primary Sponsor: David Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (16 – all Republicans): Tomas Hooker, Peter Pettalia, Bob Genetski, Ray Franz, Matt Huuki, Marty Knollenberg, Joel Johnson, Anthony Forlini, Ben Glardon, Dale W. Zorn, Philip Potvin, Paul Opsommer, Kirt Damrow, Bill Rogers, Matt Lori, Paul Scott.

Bill Status:

2/22/2011: Introduced in Michigan House and referred to Committee on Judiciary.

Bill Summary: The bill would be known as the “Support Our Law Enforcement and Safe Neighborhoods Act.”

Verification for Public Benefits

The bill provides that “Except where exempted by federal law, every state agency or political subdivision of this state shall verify the lawful presence in the United States of any natural person 18 years of age or older who has applied for federal public benefits, state public benefits, or local public benefits, as defined in [federal law] that are administered by a state agency or a political subdivision of this state.”

Verification of lawful presence would not be required for:

- Health care items and services related to an emergency medical condition. Verification of lawful presence would be required for services related to organ transplants.
- Short-term, noncash, in-kind emergency relief.
- “Public health assistance for immunizations with respect to diseases and for testing and treatment of symptoms of communicable diseases, whether or not such symptoms are caused by a communicable disease.”
- “Programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the attorney general of the United States, in the sole and unreviewable discretion of the attorney general of the United States after consultation with appropriate federal agencies and departments, which meet all of the following criteria:
 - Deliver in-kind services at the community level, including through public or private nonprofit agencies.
 - Do not condition the provision of assistance, the amount of assistance provided, or the cost of

assistance provided on the income or resources of the individual recipient.

- Are necessary for the protection of life or safety.

Verification of lawful presence would require that the applicant sign an affidavit under penalty of perjury that the person is either a U.S. citizen or a qualified alien for the benefit under federal law and is lawfully present.

A non-citizen applicant for benefits would be run through the federal SAVE program to determine eligibility.

A person who makes a false statement on the affidavit would be guilty of a misdemeanor with a possible penalty of 91 days in jail and/or a fine of \$500. If the affidavit constitutes a false claim to citizenship, the matter will be referred to the U.S. attorney’s office.

Exchange of Information Between Governmental Entities

The bill provides that “An official or agency of this state or a political subdivision of this state shall not adopt a policy that limits or restricts enforcement of federal immigration laws to less than the full extent permitted by federal law.”

The bill also provides that officials, agencies, and political subdivisions of Michigan shall not be prohibited from exchanging information with any governmental entity regarding criminal or civil offenses, eligibility for public benefits, verifying a claim of residence or domicile, confirming the identity of a detained person, and determining whether a person is in compliance with federal registration laws.

Requirement for Police to Check Immigration Status

The bill provides that “When a law enforcement officer has lawfully stopped, detained, or arrested, for a violation of a law of this state or any political subdivision of this state, a person who is or should reasonably be suspected of being unlawfully present in the United States, a complete, full, and appropriate attempt shall be made to verify the person’s immigration status with the federal government.”

There would be a presumption that the person is not here illegally if the person has a valid Michigan driver’s license or state ID card, or any other valid U.S., state, or local government-issued I.D. document if the issuing agency requires proof of legal presence in the U.S. before issuing the document.

Requirement for Federal Authorities to Take Custody

The bill provides that “If an alien who is unlawfully present in the United States is convicted of a violation of state law or local ordinance upon discharge from imprisonment or assessment of any fine that is imposed, the alien shall be transferred immediately to the custody of the United States Immigration and Customs Enforcement or the United States Customs and Border Protection.”

Local Police Power to Arrest for Deportable Offenses

The bill provides that “A law enforcement officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that the person has committed a public offense that makes the person removable from the United States.”

Right of Private Individual to Sue Government Officials to Enforce This Law

A person can sue any official or agency of Michigan or any political subdivision in Michigan if the person wants to challenge whether the official or agency has adopted or implemented a policy limiting or restricting enforcement of federal immigration laws to less than the full extent permitted by federal law. The official or agency would be subject to fines between \$1,000 and \$5,000 per day beyond the seventh day after being notified of the lawsuit.

New Crime for Failing to Carry Alien Documents

The bill creates a misdemeanor of willful failure to apply for or carry an alien registration document” if the person is in violation of 8 USC 1304(e) or 1306(a). The possible penalty would be 91 days in jail and/or a \$500 fine. The court would also order a civil fine of \$500 for the first violation, and \$1,000 for a second or subsequent offense.

The possible penalty would increase to 6 months in jail and a \$1,000 fine if the person is in possession of an illegal controlled substance, a deadly weapon, or property used for the purpose of committing an act of terrorism

Protection of Everyone’s Rights

The bill provides that “the provisions of this act shall be implemented in a manner consistent with federal laws regulating immigration while protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.”

HB 4769 – Restriction of the Application of Foreign Laws

Primary Sponsor: **David Agema** (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (41 – all Republicans): Thomas Hooker, Sharon Tyler, Tom McMillin, Pete Lund, Jon Bumstead, Ben Glardon, Kurt Heise, Bill Rogers, Peter MacGregor, Aric Nesbitt, Greg MacMaster, Ray Franz, Chuck Moss, Philip Potvin, Bob Genetski, Joe Haveman, Matt Lori, Peter Pettalia, Gail Haines, Mike Shirkey, Margaret O'Brien, Marty Knollenberg, Lisa Lyons, Ed McBroom, Paul Opsommer, Joel Johnson, Cindy Denby, Paul Muxlow, Rick Outman, Kurt Damrow, Brad Jacobsen, Bruce Rendon, Holly Hughes, Kenneth Kurtz, Amanda Price, Ken Yonker, Kevin Daley, Eileen Kowall, Matt Huuki, Paul Scott, Kevin Cotter

Bill Status:

6/16/2011: Introduced in Michigan House and referred to Committee on Judiciary

9/12/2012: **Sponsor moved that the bill be discharged from committee; consideration of the motion postponed to 11/27/2012**

Bill Summary: The bill states that “A court, arbitrator, administrative agency, or other adjudicative, mediation, or enforcement authority shall not enforce a foreign law

if doing so would violate a right guaranteed by the constitution of this state or of the United States.”

In addition, if a contract provides for the choice of foreign law or for choice of venue outside the U.S. and if the contract provision would result in a violation of a constitutional right, then the contract would be modified if possible, or declared void if not possible to be modified.

HB 4906 – Designation of English as the Official State Language

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

Other Sponsors (8 – all Republicans): Kurt Damrow, Ken Goike, Kevin Daley, Matt Lori, Kevin Cotter, Pat Somerville, Paul Scott, Dave Agema

Bill Status:

9/7/2011: **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. Except as otherwise required by law, a state agency would not be required to provide documents, publish written materials, or provide website content in any language other than the official language of the state.

Background and Analysis: According to a press release issued by the Primary Sponsor upon the introduction of an identical bill in the last term, “state departments would not publish documents in a language other than English” [see <http://tinyurl.com/chnely>]. However, the bill does permit a state agency to publish materials in a foreign language if it so chooses. Therefore, it is unclear how this bill would change the current practices of state agencies.

HB 4993 – Prohibition on Receiving No-Fault Insurance PIP Benefits

Primary Sponsor: **Eileen Kowall** (Republican – Oakland County: Highland Township, Independence Township, Springfield Township, Village of Clarkston, White Lake Township)

Other Sponsors (5 – all Republicans): Kevin Cotter, Peter MacGregor, Earl Poleski, Jon Bumstead, Cindy Denby

Bill Status:

9/20/2011: Introduced in Michigan House and referred to Committee on Insurance

6/7/2012: **House Committee on Insurance voted in favor of version H-1 of the bill by vote of 11-3-2, and the House referred the bill to a second reading**

Bill Summary: The bill would change the state's no-fault auto insurance provisions that deal with who is eligible to be paid personal protection insurance benefits for accidental bodily injury, commonly referred to as PIP benefits. The bill would exclude from coverage anyone who "was not authorized under federal law to be present in the United States" at the time of the accident. The bill

does not contain information about who would be making the legal presence determination or whether the injured person would have the right to appeal a determination about his or her legal presence.

HB 5221 – Require Satisfactory Proof of Citizenship to Register to Vote

Primary Sponsor: Dave Agema (Republican – Kent County: Alpine Township and City of Grandville; Ottawa County: City of Coopersville and Townships of Crockery, Georgetown, Polkton, Tallmadge, and Wright)

Other Sponsors (30 – all Republicans): Ray Franz, Margaret O'Brien, Pat Somerville, Kurt Heise, Ben Glardon, Paul Opsommer, Kevin Cotter, Rick Olson, Greg MacMaster, Hugh D. Crawford, Sharon Tyler, Amanda Price, Peter MacGregor, Bruce Rendon, Nancy Jenkins, Frank Foster, Gail Haines, Brad Jacobsen, Kurt Damrow, Ed McBroom, Ken Yonker, Thomas Hooker, Kenneth Kurtz, Joe Haveman, Jon Bumstead, Eileen Kowall, Tom McMillin, Matt Huuki, Cindy Denby, Andrea LaFontaine

Bill Status:

12/13/2011: Introduced in Michigan House and referred to Committee on Redistricting and Elections.

Bill Summary: This bill would require that all persons in Michigan who submit a voter registration application must provide proof of U.S. citizenship. Currently, applicants must sign statements under penalty of perjury indicating that they are U.S. citizens.

The bill states that the person processing voter registration applications (for example, at the Secretary of State office, a voter registration agency, or the clerk of a county, city, township, or village) will decide if satisfactory evidence of citizenship is presented.

"Satisfactory evidence" includes:

- (1) a driver's license or state ID number from Michigan or another state, if that state indicates on the license or card that the person has provided satisfactory evidence of U.S. citizenship
- (2) photocopy of the applicant's birth certificate that "verifies United States citizenship to the satisfaction of the person processing the voter registration application"
- (3) the applicant's U.S. passport
- (4) photocopy of the pertinent pages of the applicant's U.S. passport
- (4) the applicant's naturalization documents or certificate number. If only the number of the certificate of naturalization is provided, then the applicant shall not be added to the registered voter rolls "until the person processing the application verifies the number of the certificate of naturalization with the United States Immigration and Naturalization Service."
- (5) other documents or proof that are used to establish U.S. citizenship pursuant to the federal Immigration Reform and Control Act of 1986
- (6) the applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number

According to the bill, persons already registered to vote in Michigan would not have to present proof of citizenship unless they move their residence to another city, township or village.

According to the bill, the city, township, or village clerk must keep the documents that were submitted to prove citizenship for at least 2 years, after which time the documents may be destroyed.

HB 5281 – Require Use of Federal SAVE Program Before Granting Welfare

Benefits

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

Other Sponsors (3 – all Republicans): Dave Agema, Wayne Schmidt, Jon Bumstead)

Bill Status:

1/24/2012: 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: 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>

SB 0638 - Designation of English as the Official State Language

Primary Sponsor: Roger Kahn (Republican – Gratiot County and Saginaw County)

Other Sponsors (6 – all Republicans): Michael Green, Patrick Colbeck, Howard Walker, Jack Brandenburg, Goeffrey Hansen, John Pappageorge

Bill Status:

9/13/2011: Introduced in Michigan Senate and referred to Committee on Government Operations.

Bill Summary: The bill would designate English as the official language of the state. Government entities would be allowed to use non-English languages in the following circumstances:

- To teach or encourage the learning of languages other than English.
- To protect the public health or safety.
- To teach English to those who are not fluent in the language.

- To comply with the Native American Languages Act, the Individuals with Disabilities Education Act, or any other federal law.
- To protect the rights of criminal defendants and victims of crime.
- To perform acts involving the customary use of a language other than English.
- To utilize terms of art or terms or phrases from other languages which are commonly used in communications otherwise in English.

Except as noted above, a law, ordinance, decree, program, or policy of this state, or a political subdivision of this state, shall not require the use of any language other than English for any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications that do any of the following:

- Promote trade, commerce, and tourism
- Create or promote state or agency mottoes
- Inscribe public monuments

A person who speaks only the English language shall be eligible to participate in all programs, benefits, and opportunities, including employment, provided by this state and its political subdivisions, except when required to speak another language as provided above.

A law, ordinance, decree, program, or policy of this state or a political subdivision of this state shall not penalize or impair the rights, obligations, or opportunities available to any person solely because a person speaks only the English language.

HR 0030 – Birthright Citizenship

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

Other Sponsors (5): Dave Agema (R), Peter MacGregor (R), Matt Huuki (R), Eileen Kowall (R), Lesia Liss (D)

Bill Status:

2/17/2011: Introduced in the Michigan House and referred to Committee on Government Operations.

Bill Summary: This resolution seeks to “memorialize Congress” to provide that children of foreign nationals born in the United States are not automatically granted U.S. citizenship under the Fourteenth Amendment. The resolution states that this request is based on the costs of health care and other public benefits provided to the U.S. citizen children of unlawfully present parents and the possibility that the U.S. citizen children could be eligible for citizenship in their parent’s country of origin. This would exclude children of all non-citizens, including Legal Permanent Residents.

SJR-F – 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:

2/8/2011: Introduced in the Michigan Senate and referred to Committee on Reforms, Restructuring, and Reinventing.

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.” If this resolution passed in the legislature it would have to be voted on by the people.

DRIVER’S LICENSES AND STATE ID CARDS

Public Act 158 of 2011 – SB 0494 – Changes Standard for Non-Citizens to Show Eligibility for a Personal Identification Card

Primary Sponsor: Phillip Pavlov (Republican –Lapeer and St. Clair Counties)

Bill Status:

6/16/2011: Introduced in the Michigan Senate and referred to Committee on Transportation.

6/21/2011: Senate Committee on Transportation held hearing on the bill and passed the bill with substitute S-1 out of committee by vote of 4-1

6/22/2011: Full Senate passed the bill by vote of 27-11. The bill was then transmitted to the House and referred to Committee on Transportation.

6/29/2011: House Transportation Committee took testimony on the bill, but no vote was taken

9/14/2011: House Transportation Committee took no oral testimony from the public and voted 13-1 in favor of the bill (as amended by version H-1)

9/27/2011: House passed version H-1 of the bill by a vote of 77-32 and the bill was returned to the Senate

9/28/2011: Senate passed the bill by a vote of 27-11, and the bill was ordered enrolled

9/30/2011: Acting Governor Brian Calley signed the bill into law and it was assigned to be Act 158 of 2011

Bill Summary: Current Michigan law limits non-citizen eligible for a state identification card to a person who

demonstrates “legal presence in the United States”, and specifically includes within that definition “a person authorized by the United States government for employment in the United States, a person with nonimmigrant status authorized under federal law, and a person who is the beneficiary of an approved immigrant visa petition or an approved labor certification.”

As introduced, this bill would remove the specific examples and limit eligibility to non-citizens who are “authorized under federal law to be present in the United States.”

As passed by the House Transportation Committee in version H-1, the bill would still remove the specific examples and would also remove the original bill’s reference to federal law governing what constitutes “legal presence.” Instead the bill would contain no language as to what constitutes “legal presence.” Therefore, the Secretary of State would have broader discretion to verify if an applicant has presented sufficient documentation of legal presence.

Background and Analysis: Since 2008, Michigan law has required that applicants for state ID cards provide proof of legal presence. The legislature chose to include specific examples of eligible categories, such as those with employment authorization and those who have approved petitions and are waiting in line. Since that time, however, the Secretary of State has declined to follow the direction given by the legislature and has chosen to exclude some categories of lawfully present non-citizens from eligibility. Examples include victims of domestic violence with petitions approved by the U.S. Department of Homeland Security, and executives of companies who are changing status. Even Legal Permanent Residents with older green cards were arbitrarily excluded until recently.

SB 494 would remove the specificity contained in the current law and replace it with broader discretion than the Secretary of State currently has.

The Secretary of State already mistakenly believes that the federal REAL ID Act governs eligibility for state ID cards in Michigan, even though the legislature has passed no law that obligates this state to take on the expense, training requirements, and privacy concerns that the opt-in would mandate. Michigan is not alone. According to the National Conference of State Legislatures, 16 states have passed statutes that expressly reject the federal REAL ID Act’s attempted mandate, while another 10 states, including Michigan, have passed resolutions in opposition.

The bill as passed by the House Transportation Committee in version H-1 adds the following sentence: “Nothing in this act shall obligate or be construed to obligate this state to comply with Title II of the REAL ID Act of 2005.” The bill does not prohibit the Secretary of State from using the REAL ID Act as a guideline for legal presence requirements in Michigan.

In addition, current law requires the Secretary of State to adopt rules “as are necessary for the administration” of the legal presence requirements. SB 494 would make this optional (“the Secretary of State MAY adopt rules”). This change would limit the right of denied applicants to

compel the Secretary of State to go through a formal rule-making process and gather input from the public and immigration law experts.

SB 0495 – Public Act 159 of 2011 – Changes Standard For Non-Citizens to Show Eligibility For a Driver’s License

Primary Sponsor: John Pappageorge (Republican – part of Oakland county including: Berkely, Birmingham, Bloomfield township, Bloomfield Hills, Clawson, Madison Heights, Royal Oak, and Troy)

Bill Status:

6/16/2011: Introduced in the Michigan Senate and referred to Committee on Transportation.

6/21/2011: Senate Committee on Transportation held hearing on the bill and passed the bill out of committee by vote of 4-1

6/22/2011: Full Senate passed the bill by vote of 24-14. The bill was then transmitted to the House and referred to Committee on Transportation.

6/29/2011: House Transportation Committee took testimony on the bill, but no vote was taken

9/14/2011: House Transportation Committee took no oral testimony from the public and voted 13-1 in favor of the bill (as amended by version H-1)

9/28/2011: House passed version H-1 of the bill by a vote of 78-31 and the bill was returned to the Senate

9/28/2011: Senate passed the bill by a vote of 24-14, and the bill was ordered enrolled

9/30/2011: Acting Governor Brian Calley signed the bill into law and it was assigned to be Act 159 of 2011

Bill Summary: Current Michigan law limits non-citizen eligible for a driver’s license to a person who demonstrates “legal presence in the United States”, and specifically includes within that definition “a person authorized by the United States government for employment in the United States, a person with nonimmigrant status authorized under federal law, and a person who is the beneficiary of an approved immigrant visa petition or an approved labor certification.”

As introduced, this bill would remove the specific examples and limit eligibility to non-citizens who are “authorized under federal law to be present in the United States.”

As passed by the House Transportation Committee in version H-1, the bill would still remove the specific examples and would also remove the original bill’s reference to federal law governing what constitutes “legal presence.” Instead the bill would contain no language as to what constitutes “legal presence.” Therefore, the Secretary of State would have broader discretion to verify if an applicant has presented sufficient documentation of legal presence.

Background and Analysis: Since 2008, Michigan law has required that applicants for driver’s licenses provide proof of legal presence. The legislature chose to include specific examples of eligible categories, such as those with employment authorization and those who have

approved petitions and are waiting in line. Since that time, however, the Secretary of State has declined to follow the direction given by the legislature and has chosen to exclude some categories of lawfully present non-citizens from eligibility. Examples include victims of domestic violence with petitions approved by the U.S. Department of Homeland Security, and executives of companies who are changing status. Even Legal Permanent Residents with older green cards were arbitrarily excluded until recently.

SB 495 would remove the specificity contained in the current law and replace it with broader discretion given to the Secretary of State.

The Secretary of State already mistakenly believes that the federal REAL ID Act governs eligibility for licenses in Michigan, even though the legislature has passed no law that obligates this state to take on the expense, training requirements, and privacy concerns that the opt-in would mandate. Michigan is not alone. According to the National Conference of State Legislatures, 16 states have

passed statutes that expressly reject the federal REAL ID Act's attempted mandate, while another 10 states, including Michigan, have passed resolutions in opposition.

The bill as passed by the House Transportation Committee in version H-1 adds the following sentence: "Nothing in this act shall obligate or be construed to obligate this state to comply with Title II of the REAL ID Act of 2005." The bill does not prohibit the Secretary of State from using the REAL ID Act as a guideline for legal presence requirements in Michigan.

In addition, current law requires the Secretary of State to adopt rules "as are necessary for the administration" of the legal presence requirements. SB 494 would make this optional ("the Secretary of State MAY adopt rules"). This change would limit the right of denied applicants to compel the Secretary of State to go through a formal rule-making process and gather input from the public and immigration law experts.

HEALTH

No bills yet

EDUCATION

No bills yet

Members of the Michigan House of Representatives – 2011-2012

<u>Name</u>	<u>Party</u>	<u>District</u>			
			LeBlanc, Richard	D	18-Westland
			Lindberg, Steven	D	109-Marquette
Agema, David	R	74-Grandville	Lipton, Ellen	D	27-Huntington Woods
Ananich, Jim	D	49-Flint	Liss, Lesia	D	28-Warren
Barnett, Vicki	D	37-Farmington Hills	Lori, Matthew	R	59-Constantine
Bauer, Joan	D	68-Lansing	Lund, Peter	R	36-Shelby Twp.
Bledsoe, Timothy	D	01-Grosse Point	Lyons, Lisa	R	86-Alto
Bolger, Jase	R	63-Marshall	MacGregor, Peter	R	73-Rockford
Brown, Lisa	D	39-West Bloomfield	MacMaster, Greg	R	105-Kewadin
Brunner, Charles	D	96-Bay City	McBroom, Ed	R	108-Vulcan
Bumstead, Jon	R	100-Newaygo	McCann, Sean	D	60-Kalamazoo
Byrum, Barb	D	67-Onondaga	McMillin, Tom	R	45-Rochester Hills
Callton, Mike	R	87-Nashville	Meadows, Mark	D	69-East Lansing
Cavanagh, Phil	D	17-Redford Twp.	Moss, Charles	R	40-Birmingham
Clemente, Paul	D	14-Lincoln Park	Muxlow, Paul	R	83-Brown City
Constan, Bob	D	16-Dearborn Heights	Nathan, David	D	11-Detroit
Cotter, Kevin	R	99-Mt. Pleasant	Nesbitt, Aric	R	80-Lawton
Crawford, Hugh	R	38-Nov	O'Brien, Margaret	R	61-Portage
Daley, Kevin	R	82-Lum	Oakes, Stacy	D	95-Saginaw
Damrow, Kurt	R	84-Austin	Olson, Rick	R	55-York Twp.
Darany, George	D	15-Dearborn	Olumba, John	D	05-Detroit
Denby, Cynthia	R	47-Fowlerville	Opsommer, Paul	R	93-DeWitt
Dillon, Brandon	D	75-Grand Rapids	Ouimet, Mark	R	52-Scio Twp.
Durhal Jr., Frederick	D	06-Detroit	Outman, Rick	R	70-Six Lakes
Farrington, Jeff	R	30-Utica	Pettalia, Peter	R	106-Presque Isle
Forlini, Anthony	R	24-Harrison Twp.	Poleski, Earl	R	64-Jackson
Foster, Frank	R	107-Pellston	Potvin, Phil	R	102-Cadillac
Franz, Ray	R	101-Onekama	Price, Amanda	R	89-Holland
Geiss, Douglas	D	22-Taylor	Pscholka, Al	R	79-Stevensville
Genetski II, Robert	R	88-Saugatuck	Rendon, Bruce	R	103-Lake City
Gilbert II, Judson	R	81-Algonac	Rogers, William	R	66-Brighton
Glardon, Ben	R	85-Owosso	Rutledge, David	D	54-Ypsilanti
Goike, Ken	R	33-Ray Twp.	Santana, Harvey	D	10-Detroit
Graves, Joseph	R	51-Genessee County	Schmidt, Roy	R	76-Grand Rapids
Greimel, Tim	D	29-Pontiac	Schmidt, Wayne	R	104-Traverse City
Haines, Gail	R	43-Lake Angelus	Segal, Kate	D	62-Battle Creek
Hammel, Richard	D	48-Mt. Morris Twp.	Shaughnessy, Deb	R	71-Charlotte
Haugh, Harold	D	42-Roseville	Shirkey, Michael	R	65-Clark Lake
Haveman, Joseph	R	90-Holland	Slavens, Dian	D	21-Canton Twp.
Heise, Kurt	R	20-Plymouth Twp.	Smiley, Charles	D	50-Burton
Hobbs, Rudy	D	35-Lathrup Village	Somerville, Pat	R	23-New Boston
Hooker, Thomas	R	77-Byron Center	Stallworth III, Thomas	D	08-Detroit
Horn, Kenneth	R	94-Frankenmuth	Stamas, Jim	R	98-Midland
Hovey- Wright, Marcia	D	92-Muskegon	Stanley, Woodrow	D	34-Flint
Howze, Lisa	D	02-Detroit	Stapleton, Maureen	D	04-Detroit
Hughes, Holly	R	91-White River Twp.	Switalski, Jon	D	25-Warren
Huuki, Matt	R	110-Atlantic Mine	Tinsley-Talabi, Alberta	D	03-Detroit
Irwin, Jeff	D	53-Ann Arbor	Tlaib, Rashida	D	12-Detroit
Jackson, Shanelle	D	09-Detroit	Townsend, Jim	D	26-Royal Oak
Jacobsen, Bradford	R	46-Oxford	Tyler, Sharon	R	78-Niles
Jenkins, Nancy	R	57-Clayton	Walsh, John	R	19-Livonia
Johnson, Joel	R	97-Clare	Womack, James	D	07-Detroit
Kandrevas, Andrew	D	13-Southgate	Yonker, Ken	R	72-Caledonia
Knollenberg, Martin	R	41-Troy	Zorn, Dale	R	56-Ida
Kowall, Eileen	R	44-White Lake Twp.			
Kurtz, Kenneth	R	58-Coldwater			
Lafontaine, Andrea	R	32-Richmond			
Lane, Marilyn	D	31-Fraser			

Members of Michigan Senate

Name	Hometown	District	Party
Anderson, Glenn	Westland	06	Democrat
Bieda, Steven M	Warren	09	Democrat
Booher, Darwin L	Ewart	35	Republican
Brandenburg, Jack	Harrison Twp.	11	Republican
Casperon, Tom	Escanaba	38	Republican
Caswell, Bruce	Hillsdale	16	Republican
Colbeck, Patrick	Canton Twp.	07	Republican
Emmons, Judy K	Sheridan	33	Republican
Gleason, John	Flushing	27	Democrat
Green, Mike	Mayville	31	Republican
Gregory, Vincent	Southfield	14	Democrat
Hansen, Goeff	Hart	34	Republican
Hildenbrand, Dave	Lowell	29	Republican
Hood, Morris W III	Detroit	03	Democrat
Hopgood, Hoon-Yung	Taylor	08	Democrat
Hune, Joe	Hamburg	22	Republican
Hunter, Tupac A.	Detroit	05	Democrat
Jansen, Mark	Gaines Twp.	28	Republican
Johnson, Bert	Highland Park	02	Democrat
Jones, Rick	Grand Ledge	24	Republican
Kahn, Roger	Saginaw Twp.	32	Republican
Kowall, Mike	White Lake Twp.	15	Republican
Marleau, Jim	Lake Orion	12	Republican
Meekhof, Arlan B	West Olive	30	Republican
Moolenaar, John	Midland	36	Republican
Nofs, Mike	Battle Creek	19	Republican
Pappageorge, John	Troy	13	Republican
Pavlov, Phil	St. Clair	25	Republican
Proos, John	St. Joseph	21	Republican
Richardville, Randy	Monroe	17	Republican
Robertson, David B	Grand Blanc	26	Republican
Rocca, Tory	Sterling Heights	10	Republican
Schuitmaker, Tonya	Lawton	20	Republican
Smith, Virgil	Detroit	04	Democrat
Walker, Howard	Traverse City	37	Republican
Warren, Rebekah	Ann Arbor	18	Democrat
Whitmer, Gretchen	East Lansing	23	Democrat
Young, Coleman II	Detroit	01	Democrat

Lieutenant Governor: Brian Calley

Republican