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State Representative
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October 24, 2006

The Honorable Rod Jetton
Speaker of the House of Representatives
State Capitol, Room 308
Jefferson City, MO 65101

Dear Mr. Speaker,

Your Special Committee on Immigration Reform, acting pursuant to your request, has met, taken testimony, deliberated, and concluded its study of the issues surrounding future immigration policy. We have taken into consideration reforms that will promote the state's economy, ensure opportunities for legal residents, and offer a course of action in dealing with illegal immigration into Missouri. The undersigned members of the Committee are pleased to submit the attached final report.

Representative Ed Emery, Chair

Representative Jerry Nolte, Vice-Chair

Representative Maria Chappelle-Nadal

Representative Kathy Chinn

Representative Nathan Cooper

Representative Gary Dusenberg

Committees

Special Committee on Immigration Reform
Appropriations-Education
Utilities – Vice Chair
Job Creation and Economic Development
Local Government

Representative Timothy Flook

Representative Jim Guest

Representative Wayne Henke

Representative Jim Lembke

Representative Brian Nieves

Representative Trent Skaggs

Representative Edward Wildberger

Representative Billy Pat Wright

Representative Robin Wright-Jones

Representative Patricia Yaeger

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Final Report of the Special Committee on Immigration Reform

October 24, 2006

Prepared by
House Research

EXECUTIVE SUMMARY

On April 19, 2006, Speaker of the House Rod Jetton appointed the Special Committee on Immigration Reform, with the following charge:

> Making recommendations for Missouri's future immigration policy by taking into consideration reforms that would promote the state's economy, ensure opportunities for legal residents, and offer a course of action in dealing with illegal immigration into Missouri.

The Committee is comprised of the following members:

Rep. Ed Emery, Chair
Rep. Jerry Nolte, Vice-Chair
Rep. Maria Chappelle-Nadal
Rep. Kathy Chinn
Rep. Nathan Cooper
Rep. Gary Dusenberg
Rep. Timothy Flook
Rep. Jim Guest
Rep. Wayne Henke
Rep. Jim Lembke
Rep. Brian Nieves
Rep. Trent Skaggs
Rep. Ed Wildberger
Rep. Billy Pat Wright
Rep. Robin Wright-Jones
Rep. Patricia Yaeger

Over 100 individuals and entities throughout Missouri presented nearly 35 hours of oral testimony and additional written testimony to the Committee, including: concerned citizens; labor unions; business associations; chambers of commerce; immigration activists; religious-based and volunteer service organizations; current and former state executive-branch employees; state representatives; a congressman; and professionals in the fields of elementary, secondary, higher, and legal education, law enforcement, economic development, business and commerce, immigration law, social services, surety bond production, and agriculture.

Summary of Recommendations

The Committee recommends the listed issues be addressed via one or more House or Joint Resolutions to be sent to appropriate leadership in the United States Congress and the President.

- Meaningful immigration law reform, possibly toward a point system.
- Migration to a secure social security card, highly resistant to forgery
- Securing all United States borders
- Relationship between social policies and the shortage of willing American workers
- Federal tax reform using the Fair Tax model in order to remove some of the economic issues of illegal workers
- Revision of the interpretion of the 14th Amendment to the US Constitution as it is applied to citizenship by birth (anchor babies)

The committee recommends the listed issues be addressed via formal recommendation or concurrence to Missouri's executive branch. It has been reported that the Governor's office is actively evaluating these issues and has already committed to the Federal Pilot Program.

- Require all Missouri state government departments to utilize the Federal Pilot Program prior to any hiring decision
- Execute the necessary Memorandum of Understanding with federal immigration authorities needed to participate in the law enforcement training opportunities authorized by Section 287G

The committee recommends the following legislative issues be pursued during the 2007 legislative session.

- Increased penalties and enforcement to stop hiring of those without lawful presence
- English as the language of official proceedings
- Clarification of Missouri policy and standards against access to publicly funded higher education institutions by those without lawful presence
- Strict enforcement against the use of Missouri taxes or federal supplemental funds to provide services to those without citizenship or lawful presence
- Expanded jurisdiction and responsibilities for Missouri State Highway Patrol employees as needed to increase law enforcement effectiveness
- Reconsideration of budget priorities consistent with the need to protect the tax payers, workers, businesses, and law abiding citizens of Missouri
- Provide clear definitions of human trafficking and lawful presence, and establish or strengthen Missouri statutes against human trafficking
- Tax reform appropriate to economic concerns associated with illegal workers – ideally toward a Fair Tax model for Missouri
- Establish a commission to evaluate the implementation of a tamper-proof state identification card or drivers license to assist employers in determining legitimacy of employees or job applicants
- Implement a study to evaluate alternate detention methods for immigration law violations where no criminal offense has been committed
- Any other measure that will reasonably discourage individuals without lawful presence from entering Missouri illegally whether for otherwise legal or illegal activity

The Committee met at the following locations around Missouri:

Jefferson City	(organizational mtg. & hrg. on HR 2295)	April 25, 2006
Jefferson City	(executive session on HCS HR 2295)	May 2, 2006
Jefferson City	(informational mtg. on other filed bills)	May 5, 2006
Jefferson City	(state agency presentations)	May 11, 2006
Jefferson City	(public mtg. & state agency presentations)	June 8, 2006
Troy	(public mtg.)	June 22, 2006
Kansas City	(public mtg.)	June 29, 2006
Joplin	(public mtg.)	July 13, 2006
Cape Girardeau	(public mtg.)	July 27, 2006
St. Louis	(public mtg.)	August 14, 2006

Jefferson City (working mtg. and public mtg.) August 31, 2006

In addition to the public hearings, meetings, and agency presentations, the Committee observed the O'Fallon Lakes housing project shut down due to the employment of undocumented workers, received information on the same from two O'Fallon municipal employees, and toured the Lincoln County Jail, which houses detained undocumented aliens under a federal contract.

DETAILED RECOMMENDATIONS

Federal issues –

- **Federal Immigration reform** - A point system of immigration controls was discussed before the committee and appears to have considerable merit. Illegal aliens comprise two distinct main groups, those who have allowed their legal status to expire, and those who deliberately entered illegally. Both groups are populated to some degree by individuals frustrated by long and sometimes unexplained processing delays who choose to take the risk of entering or staying illegally. Either the threat of retribution needs to be increased, or the process of entry simplified, or a combination of both. Some advocate a form of amnesty, but amnesty of any sort would conflict with America's historic commitment to justice and fair play. It would reward those who have broken our laws and harm those who have not. Alternatively, some kind of point system could be applied justly by allowing extra points to be awarded for following the lawful process. It would also allow preference (extra points) to be awarded based on skills, education, the compatibility of cultural, a similarity of governing philosophy, etc.
- **Tamper proof S.S. Card** – This is possibly the most foolproof and business-friendly approach to identifying and punishing employers for illegal hiring, which the committee saw as their highest priority. One advantage of the secure S.S. card is that it would have minimal impact on law abiding businesses while aiding law enforcement efforts in finding and prosecuting lawbreakers.
- **Secure Borders** – The importance of secure borders is discussed separately in this report.
- **Social Policies** – The committee heard testimony regarding the impact of America's social policies on the perceived lack of employable workers in labor intensive trades such as agricultural, food and hospitality services, and certain areas of construction. Both witnesses and committee members questioned the effects of losing over 45 million Americans, including approximately 80,000 Missourians to abortion since 1973. Many of those aborted would be in their 20's and 30's today, a highly productive age group for workers. Additional testimony linked the lack of willing laborers to the entitlement and government welfare culture that has emerged over the last 50 years. An heretofore unheard of number of individuals and multi-generation families have developed a lifestyle of welfare dependency. The testimony was that many Americans prefer a subsistence income from the public treasury rather than earning a similar or better income as a reward for hard work. Several committee members agreed that today's difficulties in hiring lawful workers are largely the direct result of 50 years of these counterproductive social policies.
- **Fair Tax model** – A contention heard frequently was the debate over losses to the public treasury from lost income and payroll taxes due to falsified payrolls and untraceable cash transactions and wages associated with illegal hiring. One benefit of the Fair Tax model is the elimination of income related taxes which are replaced by taxes only on that part of the income that is spent for retail goods. Tax fraud would become a thing of the past. Everyone would pay taxes regardless of status, and the burden on law abiding citizens would be reduced.
- **Anchor Babies** – Several witnesses identified birth citizenship as both a misapplication of the U.S. Constitution and an appealing draw to cross our borders illegally. According to the Federation for American Immigration Reform, the 14th Amendment to the U.S. Constitution "...was added as part of the post Civil War reforms aimed at addressing injustices to African Americans. Amendment 14 states that 'all persons born or naturalized in the United States

and subject to the jurisdiction thereof are citizens of the United States.' It was crafted so that state governments could never deny citizenship to anyone born in the United States. However, when the amendment was crafted, the United States had no immigration policy, and thus the authors saw no need to state explicitly, what they believed was understood. The phrase 'subject to the jurisdiction thereof' was intended to exclude from automatic citizenship American-born persons whose allegiance to the United States was not complete. In the case of illegal aliens who are temporarily or unlawfully in the United States, because their native country has a claim of allegiance to the child, the completeness of the allegiance to the United States is impaired and logically precludes automatic citizenship."

State Executive Branch issues:

- **Federal Pilot Program** – Derived from the S.A.V.E. program (Systematic Alien Verification for Entitlements), the Federal Pilot Program was implemented to assist employers in certain states with verification of eligibility for employment. The committee expects two benefits from state implementation; the first is to verify that the federal system is capable of timely and accurate validation of social security numbers. The second benefit is to gain experience in registering and using the pilot program before requiring businesses to include it in their hiring practices. It is the committee's understanding that the governor's office has already begun implementation of the Federal pilot program as a part of any new state hiring.
- **Implementation of 287G memorandum of understanding** – Several obstacles exist that must be overcome before executing a 287G memorandum of understanding. The two most significant questions involve funding and the removal of statutory restrictions on the duties of Missouri state police. Revisions of Missouri statutes will almost certainly be required before a 287G memorandum of understanding could be implemented. The committee has already initiated discussions with Missouri Department of Public Service director Mark James to begin identifying legislative actions that will be required.

Legislative issues:

- **Illegal hiring** – This issue was discussed by witnesses more than any other and achieved the greatest consensus from committee members. Suggestions for how to stop illegal hiring varied without any simple solution. The lack of traditional work ethic, combined with the effects of 30 years of abortion and expanding liberal social welfare policies have produced a shortage of workers and a lack of incentive for those who can work. Today's growing affinity for government dependency has created a class of potential employees who are not eager to work.
- **English as language of official proceedings** – Last year alone, over $127,000 was spent on state provided interpreters for those accused of criminal offenses in Missouri. That does not include the direct costs to county and municipal law enforcement offices or the costs to federal courts. Neither does it include the costs of official publications and documents printed in multiple languages because Missouri does not recognize an official language. In prior generations, the designation of an official language was unnecessary because common sense dictated that official documents be published in English since that is the language consistent with America's historical and cultural identity. However, without a clear

statement from the legislature, the trend would appear to be that there will be no limits to the number and diversity of languages imposed on state publications and documents.

- **Higher Education Restrictions** – Considerable testimony was provided about current policies of the University of Missouri system as well as community colleges. Some testimony was in support of the theme that "educated illegals are better than uneducated illegals." Such logic ignores the long term implications of such "spiral" reasoning. Consider the progression: **1)** the illegal alien is already here so taxpayers must educate the children (K-12); **2)** the youth graduates from high school and then must be college educated to avoid wasting the K-12 education already invested; **3)** now we have a college graduate who cannot legally work in America, so laws need to change to allow the illegal immigrant to get a job; **4)** now we have productive workers who are contributing to communities, but cannot vote, so we surely must give them a say in the government by awarding them the vote. In other words, unless we are ready to give the illegal alien the right to vote, we had best not allow this spiral to proceed further than it has already.
- **Restrictions on tax-funded services** – General consensus of the committee was that state funded services should not be provided to those in the state illegally.
- **Highway Patrol Jurisdiction** – Some changes in Missouri Highway Patrol authority is needed in order for the Patrol to actively participate in the federal 287G training and immigration enforcement program.
- **Budget Priorities** – Both testimony and committee discussion supported increasing the percentage of state resources committed to finding and prosecuting both civil and criminal activity relative to illegal immigration. Realignment of budget priorities will likely be necessary in order to fund additional law enforcement activity without increasing taxes.
- **Human Trafficking and Legal Presence** – The lack of clear definitions for human trafficking and legal presence was identified as a hindrance to prosecution of the crimes of human trafficking and illegal immigration. The committee showed support for clarifying and strengthening existing statutes or writing new ones in order to stop civil offenses and criminal activity. Clarifying and prosecuting human trafficking could significantly reduce illegal immigration into Missouri.
- **State Tax Reform (Fair Tax Model)** – Please see the previous comments on the issue of the Fair Tax.
- **Tamper-proof ID** – Prior comments regarding secure Social Security cards would also be true of in-state tamper proof ID. The costs and implementation schedule of such a system would need to be determined. Concerns about privacy would have to be addressed to the satisfaction of Missouri citizens.
- **Alternate Detention Techniques** – If an effective effort is made in the state of Missouri to identify arrest and detain those guilty of unlawful entry into our state, then creative approaches will be needed to house the potential influx of detainees. The effectiveness and practicality of techniques such as tent cities needs to be evaluated. This could be done either by a special legislative committee or by private parties specially selected for their expertise.

History of Immigration
(Comments by Chair Emery)

Before reasonable conclusions and recommendations can be made about immigration it is important to have some historical perspective. Voluntary Immigration always moves from a place of less freedom to one of more freedom. The original migration of Europeans onto this continent was by those seeking to move from religious oppression to religious freedom. Those immigrants were predominantly characterized by a Biblical and Christian world view, which resulted in other freedoms, such as the right to own property, the right of economic pursuit, freedom of speech, and the establishment governments that are subject to the will of the people. Subsequent immigration was not necessarily for religious freedom, but because of the other freedoms that grew out of the culture of that first movement.

America's culture of liberty is reflected in the United States constitution, and it is there we first see a provision for immigration. In section eight, Congress is authorized "to establish an uniform Rule of Naturalization...throughout the United States." 'Beyond that, the founding fathers left it to the states to regulate and control immigration according to their needs. However, contrary to common thought, immigration did not play much of a part in population growth in America until the nineteenth century. Most of the growth from the early sixteen hundreds until then was from native fertility.

In fact, America's founding fathers were skeptical of massive immigration. Thomas Jefferson was concerned that, *"they will bring with them the principles of government they leave."* Alexander Hamilton speculated that, *"The safety of the Republic depends essentially on the energy of a common national sentiment:...The influx of foreigners must, therefore, tend to...corrupt the national spirit;..."*

One thing became eminently clear during the course of our committee's immigration forums across the state: the issue of illegal immigration does not lend itself to compromise. In fact, compromise is nearly impossible because the two sides in this issue derive from two distinctly different world views. Interestingly enough, the Statue of Liberty standing in New York Harbor helps to illustrate those two different world views. That statue was given to us by France as a symbol of the hope that America would shine the light of liberty throughout the world. However, when private citizens added the words of Emma Lazarus (Huddled Masses) to the base of the statue, that reference changed the symbolism of the statue from one of **influencing the world** to one of **assimilating the world.**

Testimony taken over the course of three months clearly defined these differences. One perspective maintains the importance of preserving America's culture and identity in order to model and promote liberty in a world too often characterized by oppression. The other view is to elevate the immediate good that can be done in the short term above the long term maintenance of spiritual, economic, and political strength that has produced and protected America's liberties. It was William Jennings Bryan who in 1906, commented, *"Our power to help the world by the absorption of surplus population has certain natural and necessary limitations. We have a mission to fulfill, and we cannot excuse ourselves if we cripple our energies in a mistaken effort to carry a burden heavier than our strength can support."*

A quote from the Washington Post is particularly reflective of today's immigration concerns, *"In earlier years of the Republic immigration was not at a rate that negated absorption, and most of those who entered did so with the intent and purpose to make themselves Americans...[But for] decades now immigrants...have obviously been bent on seizing the opportunities offered by America but without disposition to adapt themselves to ...American ideals and concepts of government and citizenship in return. The record is crowded with instances in which groups of immigrants have stoutly resisted Americanism, have resented the suggestion that they learn the language of the land, and have maintained their foreignisms...at the present time, in certain areas, immigrants constitute a substantial percentage of the population, and drifting together and holding aloof from Americanization, hold themselves as foreigners in America."* The most profound thing about this quote is that it is from a 1924 Washington Post edition.

Purpose of Immigration Law
(Comments by Chair Emery)

In today's society, some treat national borders as if they are no more significant than natural barriers. But, national borders are vastly different from natural barriers. Natural barriers like mountains, rivers, earth's atmosphere, or scientific limitations can be moved or even removed by technological advancements. Technological advances do not alter the basis for a nation.

Earlier generations recognized the profound importance of national borders and the cultural identities they protect. Nations are geopolitical; they may coincide with geographical phenomena, but they are far more dependent on other distinctions. The most common national distinctions are language, ethnicity, and culture. Nations are born out of one or more of these distinctions by the development of a set of ideas - religious, economic, civic, social, etc., that draw a people together, united to preserve that set of ideas. All nations are not equal because all ideas are not equal; history confirms it. Some nations are built on good ideas and some on bad, which is why history is so important. It testifies of which cultures were successful and which failed.

America has enjoyed success far beyond any other nation in history. It's not because of a longer history; Europe has a much longer history. It is not because of natural resources; Russia and the USSR had much richer natural resources. Other nations have better natural transportation, wealthier beginnings, and so on. America is great because she is different. It is those differences that borders protect, and it is those differences that are threatened when we change the vision of America from that of exporting liberty to that of importing failed ideas and those peoples who bring with them commitment to those failed ideas or at least no commitment to what has made America great. That is what Thomas Jefferson and Alexander Hamilton, and others are warning us about in the quotes above.

National borders are not just important, they are critical to my future and to the futures of my children and grandchildren. Those of us serving in the Missouri House of Representatives are charged with protecting all Missourians from the erosion of our borders and dilution of our culture. America has proved that ethnicity is no longer a barrier for among those who wish to become Americans. But uncontrolled immigration compromises cultural mores, historic perspective, political trusts and patriotic loyalties, and will soon replace our culture with another.

Our culture is worth protecting. It does not treat women like Muslim nations do. It does not kill newborn daughters like communist china. It does not punish an accused without a trial. It does not kill its elderly or infirm. It does not have a king or emir that cannot be removed by the people. Cultures are not equal. Ours need to be protected from being diluted by those who disrespect our laws and come only to exploit our successes.

Statistics alone exposes the futility of trying to help the world's oppressed by assimilating them. America's population is about 300 million. The rest of the world is populated by over 5 billion people. Without borders and effective immigration policy, our divinely successful experiment will disappear and there will no longer be a beacon of liberty. We will all be in the dark together.

Importance of Language
(Comments by Chair Emery)

And the LORD said," Behold, the people is one, and they have all one language; and this they begin to do: and now nothing will be restrained from them, which they have imagined to do. Go to, let us go down, and there confound their language, that they may not understand one another's speech." So the LORD scattered them abroad from thence upon the face of all the earth: and they left off to build the city. Therefore is the name of it called Babel; because the LORD did there confound the language of all the earth: and from thence did the LORD scatter them abroad upon the face of all the earth.

"the book of beginnings, chapter 11"

One of the three things that typically defines a nation is a common language. The earliest record of the profound impact of language was the account of "The Tower of Babel" in Genesis. There is probably no more pithy illustration of either the significance of a common language or the devastating effects of its absence.

More recent examples include the post World War II redefining of national borders and the natural segregation of ethnicities within our own country. Internal conflicts and wars within Eastern Europe are virtually all linked to language differences that reflect ethnicity. Many of these differences were created by the WWII treaties that placed economic development and political expediency above the fundamentals of statehood. Mere differences in dialect have proved powerful enough to weaken once strong and productive societies.

Within our own country, legal immigration has resulted in language segregation. Fortunately, these have for the most part been benevolent separations. But the principle of a common language is nonetheless the predominant motivator of certain ethnic communities, whether it is Chinatown in San Francisco, German sections of our own state of Missouri, or Bosnian communities in Kansas City. A common language both defines and empowers a people. This unifying and equipping influence of a common language has been recognized in U.S. immigration policies for many years. English is the language of our nation, a nation that has developed into the most powerful, most benevolent, and most influential country in modern history. Immigrants have always been required to pass proficiency tests for both reading and speaking American English.

The common language phenomenon is further confirmed by America's political structure. We are fifty separate and jurisdictionally independent states all voluntarily unified within a federalist union under a common national jurisdiction. History offers us no other examples where such a national system existed so long, even surviving a major civil war. Prominent among the roots of

this unprecedented success politically, economically, and internationally has been a common language. It is likely that the only modern day credible threat to that common language is illegal immigration.

Every other language variation prior to the illegal immigration threat has proved benign, localized, and usually transitive, fading away with successive generations. The language impact of illegal immigration, however, is neither benign, localized, nor transitive. In fact, by many of the movements own pronouncements, quite the opposite is true. Even though many of those entering the U.S. illegally have no criminal or aggressive intent, those defending their offenses are often aggressive and even vitriolic in their threats. The absence of a common-language unifier feeds these anti-American activists and impedes negotiation and unification.

American's future will be affected by how well we can restore our historic emphasis and culture of a common language – American English. Foreign languages and dialects are easily and properly accommodated by our system of government and by our capitalistic economy. But neither of these compliant systems should be sacrificed on the altar of "political correctness," by ignoring the principle and power of a common language or the threat of illegal immigration.

An appropriate action for state government is to codify within Missouri statutes our commitment to a common-language culture. A small step in that direction is the recognition of America English as the language of all official proceedings in the State of Missouri. Our liberties and the protections of our laws extend to every citizen regardless of origin or history. And good businesses understand that profit, not prejudice, drives business success.

Economic Freedom:
A Permanent Solution to Illegal Immigrants
(Submitted by Bruce Hillis of Missouri First at the request of Chair Emery)

BACKGROUND INFORMATION

There is a natural correlation between migration and economic opportunity. Migration, to a great extent, is motivated by the desire of individuals to better their lives and the lives of their families. It is apparent by the history of the United States that economic opportunity is the greatest where economic freedom is the highest hence the claim for a clear correlation between migration and economic freedom.

While there are multiple definitions for economic freedom, the prime indicators of economic freedom, within any governmental jurisdiction, include the size of government; the legal structure and security of property rights; access to sound money; freedom to exchange with foreigners; and regulation of credit, labor & business.

Although Mexico is not the only contributor to illegal immigration into the United States, it is a major contributor. An examination of the disparity between the economic freedom of the US and that of Mexico, as published by the Fraser Institute, reveals that the US is tied for 3rd and that Mexico, is tied for 59th on the indexed scale of economic freedom rankings by country. As to the index of the legal structure and security of property rights component of this index of Economic Freedom, Mexico has a dismal index rating of only 3.9 out of a possible rating of 10.

LOOKING AHEAD

In addition to the Economic Freedom Index, described in the Background section of this essay, Mexico's national GDP (gross domestic product) provides another indicator of the value of economic freedom. Mexico's annual GDP is $5,877 per capita while that of the U.S. is over $36,000. Right behind Mexico will be migrants from the Dominican Republic ($2,413 GDP), El Salvador ($2,129 GDP) and Haiti ($467 GDP). Unless current economic trends are substantially improved in Mexico and throughout Central and South America, measures to control illegal entry into the U.S. will all prove to be only stopgap. As we should be an example of economic freedom to our neighbors, Mexico, our immediate neighbor, should be persuaded to serve as an example to her neighbors instead of allowing Mexico's economic poverty to threaten our own economic status.

Studies devoted to happiness as a promoter of migration note a "strict" relationship between material prosperity and human satisfaction, contributing further evidence to the conclusion of a correlation between migration and economic opportunity and therefore a correlation between migration and economic freedom. It has also been shown that economic freedom reduces conflict between nations.

Further evidence of the relationship between migration and economic freedom can be found in demographics within countries. This includes India, Canada, and, the United States. Evidence also reveals the impact of changes in economic freedom indicators within the Arab World and the newly formed republics that were formerly a part of the USSR.

CONCLUSIONS

When government intervenes in otherwise free markets and fixes prices, supply, demand, or any dynamic, a ***black market*** will always develop. Illegal immigration is that black market for laborers. This illegal immigration will not subside so long as there exists a large disparity in Economic Freedom between governmental jurisdictions, whether the boundaries be international or internal. If America's illegal immigration is coming from Mexico and other South American countries, then change must occur within those countries to remove the incentive to invade America illegally.

COMMITTEE MEMBER PRIORITIES

The most commonly mentioned priority of the members related to increasing (in some form) the penalties for employers hiring illegals and tougher, more consistent enforcement of those laws. (8 out of 12 responding)

Other priorities mentioned (with the number of members) include the following:

Make status verification easier for employers (5)
Stronger penalties against human trafficking (3)
Increase labor inspectors (3)
Humanitarian issues (3)
Document the amount of money/services spent in Missouri on illegals (3)
Deportation rather than incarceration for convicted illegals (2)
Federal Section 287(g) agreements (2)
Determine the number of illegals in the state (2)
Mirror federal terminology in any legislation proposed (1)
Prohibit access to higher education (1)
Make it illegal to possess false documentation (2)
Establish penalties for renting/leasing to illegals (1)

Specific issues or suggestions that were mentioned during the discussion of the meeting summaries include the following:

Acknowledging that "illegals" include those sneaking in as well as those whose legal entry has expired.

The need for more bilingual law enforcement officers.

Imposing stricter penalties on employee misclassification (as independent contractor vs. employee), and turning prosecution over to the AG's office versus locally.

Summary of Testimony at Committee Meetings

NOTE: These summaries are only for the purpose of recording the testimony received. They do not differentiate between fact and opinion, nor do they necessarily reflect the position of the Committee on any issue. All effort was made to record the testimony accurately.

Jefferson City
May 11, 2006, and June 8, 2006

Attorney General's Office (AG)

Recent case filed by AG's office in Camden County after illegal was hurt on job site. The AG only has certain jurisdictions, so this case was filed as tax fraud case (failure to deduct Missouri employer withholding tax; failure to remit Missouri employer withholding tax).

Dept. of Public Safety (DPS)

When the Missouri Highway Patrol (hereafter "MHP") encounters illegals through traffic stops, they contact the nearest Immigration & Customs Enforcement ("ICE", formerly the Immigration Naturalization Service ("INS")) office, which will respond or otherwise give directions as to what to do. The Springfield ICE office estimates that from 1999-2003, their agents responded to requests from MHP in that part of the state on average 20 times per year; in the period 2003-2005, it was 25 requests annually.

DPS has great concerns with any legislation that would make MHP responsible for enforcing federal immigration laws beyond their current process of temporarily detaining illegals until ICE responds. Of specific concern is legislation that has previously been proposed that would empower and make MHP otherwise responsible for transporting illegals out of state to federal deportation centers. MHP does not have the legal authority to operate outside of Missouri without special federal deputation. They are not equipped to transport prisoners and do not have the manpower. Furthermore, MHP does not have the manpower to take on the additional duty of preparing federal deportation cases.

Missouri Highway Patrol (MHP)

The MHP is still understaffed. They would need 30+ more officers before they could send anyone for federal Section 287(g) training.

Illegal immigration has not been a big problem so far for the MHP. They may encounter illegals (through being pulled over for traffic violations) semi-annually, but often it is "big" when it happens. (Recent drug bust in southwest Missouri: 59 Hispanics, 29 of which were illegal).

MHP has received some federal homeland security funds to implement the Joint Terrorism Task Force recommendations.

Dept. of Health and Senior Services (DHSS)

One of DHSS's charges is to safeguard public and community health by preventing the entrance and spread of infectious, contagious and communicable diseases. To this end, disease investigation and prevention is conducted without regard to citizenship, under federal approval.

NOTE: There was no testimony presented regarding the impact of illegal aliens on the frequency or severity of disease.

Dept. of Corrections (DOC)

The DOC tracks foreign-born persons incarcerated in Missouri. Currently, there are 422 (less than 2%). They tend to be incarcerated longer and for more serious crimes.

Missouri keeps criminal "illegals" for full sentence, even if they could be deported. This is a policy decision. INS does not seem interested in picking up the convicted illegals until their time is served.

The DOC turns over the names of all foreign-born to the INS every month. If the INS determines that an offender is an illegal, they can then place a detainer on the offender (at their discretion), which requires the DOC to notify INS before release, thereby insuring that INS will gain custody upon completion of the sentence.

MO Community College Association

No federal or state law prohibiting undocumented aliens from attending college/university. It is individual institution's policy. However, illegals are not eligible for public financial aid, and generally pay the highest tuition rate (i.e. out-of-state or international).

University of Missouri (UM)

The UM system does not admit illegal immigrants. It does admit many legal international students because diversity is highly valued and good policy. The UM system does not want immigration reform laws to have a negative effect on the application by and admission of international students.

In the UM system, international students pay the same tuition as out-of-state students. As an example, international and out-of-state undergraduates taking 12 credit hours per semester would pay $17,192/year, while a Missouri resident would pay $7,415.

Central Missouri State University

International students go through a rigorous process monitored by the INS.

Dept. of Elementary and Secondary Education (DESE)

Because of the U.S. Supreme Court decision in Plyler v. Doe, 457 U.S. 202 (1982) (requiring admission of illegal immigrant children in grades K-12), the only "entrance requirements" DESE seeks to establish is (1) age; (2) residency; and (3) immunizations.

There are approximately 18,000 -19,000 students in ESL (English as a Second Language), now called ELL (English Language Learning) in Missouri.

NOTE: Enrollment of 20 or more ELL students requires the hiring of a full-time ESOL-endorsed (English for Speakers of Other Languages) teacher. The numbers provided would thus require a minimum of 900-950 ESOL-endorsed teachers and a corresponding minimum of 900-950 classrooms.

Dept. of Social Services (DSS)

The Family Support Division (FSD) of DSS is the state agency responsible for determining eligibility for many of the state's public assistance programs, including Medicaid, food stamps, and Temporary Assistance. Individuals must either be US citizens or qualified aliens in order to receive these benefits. To that end, the FSD is required by federal law to determine eligibility for benefits, either through verifying documentation or through the Systematic Alien Verification to Entitlements (SAVE) program.

Generally, illegals are not allowed to receive benefits except for emergency services and certain temporary benefits for prenatal care. When women show up in an emergency room in labor it is considered an emergency, and hospitals can receive some reimbursement for these services provided.

Previously, US citizenship was not routinely verified when determining eligibility for Medicaid, but a new federal law (the Deficit Reduction Act of 2005) that went into effect 7/1/06 changes this procedure. Now, under federal law, FSD must report illegal status for Medicaid purposes, but cannot report it for food stamp purposes.

Dept. of Transportation (MoDOT)

MoDOT follows current state and federal employment laws, and only hires individuals who are US citizens or are authorized to work in the US.

Immigration does not directly affect MoDOT's current activities, but the impact of any immigration reform would be felt by its contractors.

MoDOT performs wage rate interviews on construction projects, and contractors submit payrolls to MoDOT. Checking of payrolls includes assuring that all workers listed have a Social Security Number (SSN). The purpose of the interview and payroll submittal is not to identify potential

illegal immigrants, but to ensure that those who work on a project are being paid prevailing wages.

MoDOT furnishes information to the Missouri and US Departments of Labor, and MoDOT labor issues are channeled through these labor departments.

Dept. of Revenue (DOR)

Two areas where the DOR would encounter illegal immigration issues are drivers' licensing and taxation.

State law requires the DOR to match the expiration of drivers' licenses (and non-drivers' licenses and permits) with the expiration date of a person's immigration papers. DOR experiences issues with fraudulent documentation, including multiple persons trying to use the same SSN to get identification. The department implemented and maintains a fraudulent document recognition program and has done extensive training of its contract agents on fraudulent document identification. DOR utilizes the SAVE program. The influx of illegal immigrants has increased the document verification work dramatically and requires additional central office research and processing.

Most illegal immigrants are not filing state tax returns and paying state income taxes, therefore they are not tracked by the DOR. Employers often classify the illegals as "contract labor" and issue a 1099 rather than classify them as employees and issue W-2s. In this way, the employer is not required to withhold tax. Missouri does not have the statutory authority to require an employer or contractor to issue a 1099 or a W-2. The state relies on federal action to enforce those laws. This could be addressed by requiring employers who issue 1099s to obtain verified documentation to ensure that the worker is a resident of Missouri or another state, or is a documented guest worker. Requiring employers to provide the DOR with copies of 1099s for cross-checking is another idea. Another proposal that has been previously suggested is to require employers to withhold state tax from all workers, even contract labor issued 1099s. A downside to this idea is that it may have the effect of penalizing a large workforce in order to catch an isolated group.

Troy
June 22, 2006

EMPLOYMENT-RELATED

Use of illegal aliens by employers in the construction industry deteriorates the local and state economy in several ways: local contractors have to "go underground" (i.e. cheat) to be able to compete with out-of-town, out-of-state and large corporate employers, because the labor cost of using illegals by these entities is so much cheaper; failure to pay taxes by employers and employees adversely affects local and state revenue; income earned by illegals is often sent out

of the country, instead of spent locally; industry standards are lowered by the use of illegals, because there is little reporting by the illegals of unsafe, illegal practices for fear of reprisal.

Out-of-state contractors should be required to register in Missouri before doing business.

There are current state laws (Sections 8.283 and 285.025, Appendix D) that could be used to address these employment-related issues if they would just be enforced and tightened up.

Municipalities need to be able to pass ordinances that allow them to inspect the contractors' certified payrolls and if there are irregularities, the municipalities need to be able to shut a job down.

Enforcement of the federal Form1099 tax fraud laws needs to be tightened up (i.e. classifying someone as an independent contractor versus an employee to avoid proper documentation and payment of taxes).

There needs to be education and training in the recognition/detection of fraudulent documents by employers, such as those required by the I-9 form, and law enforcement personnel.

More awareness, education and training in regard to the Basic Pilot Program (for checking SSNs) quickly.

Need to focus on employers' use of illegals to eliminate the incentive for illegals to come to the US; should make the SAVE program mandatory for all non-Missouri businesses wanting to do business in the state.

Individual states can empower law enforcement to "act" (i.e. through use of the federal 287(g) agreements).

More should be done to facilitate the "guest worker" program.

Subsection 34.077.3(4), RSMo, from SB 1250 (2006) (which would require performance and payment bonds to be furnished by public works contractors to respond to immigration violations) goes beyond the intended use for such bonds, would drive up the cost of public works projects, and would be problematical for surety bond producers.

LAW ENFORCEMENT

Need more power or authority for local law enforcement to do something with illegals they encounter (such as a longer hold period).

There needs to be education and training in the recognition/detection of fraudulent documents by law enforcement personnel.

TREATMENT OF ILLEGAL IMMIGRANTS

Safety concerns for illegal aliens, such as proper housing and worksite issues, need to be kept in mind so that the illegal aliens are not taken advantage of in an inhumane way, especially by big corporations utilizing "guest worker" programs.

The state needs more translators working with illegals when arrested, detained, reporting problems, applying for public assistance, appearing in court, etc.

NOTE: The Office of State Courts Administrator indicates that $127,587 was spent in the last fiscal year on interpreters for criminal proceedings. This figure does not include costs for interpreters for local, state, or federal law enforcement purposes. **See Appendix F.**

The public and the committee need to recognize that the problem goes way beyond Hispanics; it now includes many illegals from formerly soviet countries, etc.

NOTE: At no time did the Committee focus on a specific ethnic group. Every effort was made to make sure that witnesses understood and were aware of this.

FEDERAL

Federal issues include strengthening fences along the Mexican border and getting rid of the "catch and release" policy of sending illegals back (because they just keep returning).

More should be done to facilitate the "guest worker" program

OTHER

Legislative solutions to the illegal alien problem should not be enacted unless they can be financed.

Kansas City meeting
June 29, 2006

EMPLOYMENT-RELATED

Missouri should have legislation/laws that mirror federal law and Kansas law, so that employers working across state lines have it easier.

Illegal immigrants don't ruin jobs for Americans, employers do. Union-busting, plant relocation to remote areas, and a decline in labor law enforcement have caused wage decreases to such an extent that persons (i.e. "Americans") with an alternative no longer take jobs in certain

industries, leaving those jobs for illegals. As illegals have moved into industries, the incidence of labor law violations increases, seemingly without penalty, affecting even legal workers.

To protect jobs for our citizens, jobs for all workers need to be protected. Separate labor law from immigration law, and leave immigration law enforcement for the federal government. Level the playing field for all employers.

Require employers to educate all workers on Missouri labor laws, including workers' compensation rights.

The National Labor Relations Act does not distinguish between illegal and legal employees, but it does not have a mechanism for enforcement.

Crack down on fraudulent use of "independent contractors" to circumvent tax and labor laws.

Target of any reform legislation should be the human smugglers and traffickers in forged documents and the employers of illegals.

State labor laws already on the books can and should be enforced to address the illegals issue.

There are at least 27 different kinds of immigration documents that give work authorization.

State cannot criminally penalize employers who hire illegals, but can deny them a license to do business and public contracts, and can impose tax consequences.

Employers can utilize the Basic Pilot Program to determine whether someone of a given name and date of birth (and asserted SSN) is legal. States can require that employers use this through their licensure or tax statutes.

EDUCATION

The U.S. Supreme Court decision in Plyler v. Doe, 457 U.S. 202 (1982) mandates that illegal immigrant children be educated in state schools through the 12th grade. Given this mandate, it is difficult to then inform illegal high school graduates that they cannot go on to college. Missouri is one of the most restrictive states in the country in this regard. Many other states allow such illegals to enroll in state colleges; some even allow them to pay in-state tuition.

Under the current make-up of the U.S. Supreme Court, the Plyler case may have been decided differently.

Illegal immigrants should be allowed to sit for the GED exam without having an SSN.

Diversity in education is a good thing, and permitting illegal high school graduates to continue their education in this state would promote diversity.

The UM system does not knowingly admit illegals; if it turns out that a registered student is not here legally, UM will refer the matter to the appropriate state or federal agency. UM is required to classify residency to both the state and federal government.

It would not be a criminal offense for UM to allow attendance by an illegal, the illegal just could not get financial aid. At least one other witness testified that federal law prohibits UM from enrolling illegals.

LAW ENFORCEMENT

Illegal immigration is a civil issue, not a criminal one. Summarizing how one local law enforcement official put it, "We cannot arrest our way out of the problem". Local law enforcement should not be proactively involved in "tracking down" illegals. In fact, a successful problem-based community policing program (which is essential to solving crimes) involves developing the trust of the illegal alien community (that they will not be detained or deported for being illegal aliens if they provide information to law enforcement). In Kansas City, the problem-based community policing program has been very successful in reducing violent crimes, and in conjunction with the Westside Community Action Network Center, is an award-winning national model.

There is a need for more bilingual law enforcement officers, and there should be an expedited naturalization process for illegal aliens who want to enter the law enforcement field, similar to the military.

Immigration laws are so complicated, it is no wonder that local law enforcement does not want to deal with it.

Without federal financial assistance, local law enforcement does not have the resources to enforce immigration laws.

State law enforcement has inherent authority to question and detain suspected illegals.

The state should utilize 287(g) agreements with the federal government to get full federal authority to arrest and investigate illegal aliens.

TREATMENT OF ILLEGAL IMMIGRANTS

"We can pay for services while our [illegal alien] children are in the play pen, or we can pay when they are in the state penn."

Find a process to reform the system (of dealing with illegal aliens) that protects human rights, respects multiculturalism, and considers the impact of policies on the entire family unit, not just individuals.

There should be an interdisciplinary commission established to evaluate the illegal immigrant situation in Missouri. Such a commission should include representatives from various sectors: public safety, education, social services, health care, business, and government.

The state should refuse to provide state-funded public benefits to illegal aliens because, with a few exceptions, federal law (8 USC 1621) prohibits it. The exceptions include emergency medical care, vaccinations, and disaster relief. Public benefits are the #2 magnet drawing illegal aliens into this country.

Need more widespread use of the SAVE program.

FEDERAL

According to a recent congressional study, immigration law is second only to tax law in its complexity. As a result, it is often very arbitrary and unnecessarily harsh in its results.

OTHER

There are more illegal aliens in this country who entered legally (i.e. their legal status expired) than who have entered illegally.

Immigration reform should be comprehensive and well thought out, not reactionary measures worked out in a few months. The problem did not materialize overnight; it cannot be solved that way, either.

Recent studies by economic experts (reported in the Wall Street Journal) conclude that the economic impact of illegal immigrants was minimal.

Joplin meeting
July 13, 2006

EMPLOYMENT-RELATED

Any new state statutes regarding hiring policies for immigrants should mirror federal regulations so employers do not have twice as many "hoops" to jump through.

Government needs to provide incentives for employers to hire and for employees to be or become legal workers.

The Basic Pilot Program needs to be more widely promoted in the southwest region of the state (it is used, but not extensively). The amount of paperwork involved discourages some

employers from using it. It needs to be simplified because it is too legalistic, and most small businesses do not have a human resources or legal department.

Ability to identify legitimate versus forged documentation is a real issue for employers.

Federal Form I-9s are a good tool, but they tie an employer's hands by not allowing the employer to determine which one of the required documents he or she wants to verify.

Existing labor laws need to be enforced more stringently, especially the prevailing wage law.

If surety bond companies quit underwriting in Missouri (i.e. if section 34.077/3(4) in SB 1250 passed), public works projects over $25,000 would shut down.

EDUCATION

Document verification is also a problem as far as college entrance requirements are concerned.

There is a difference between "migrant" students and "immigrant" students, and any immigration reform should keep this difference in mind.

The language barrier is one of the biggest problems facing local school districts due to illegal immigrant students.

The perception that illegals do not pay their fair share of property taxes (because they do not own property) has made it difficult for certain communities with a large immigrant population to pass bond issues.

"No Child Left Behind" is impossible to meet for English Language (EL) students.

There are not enough bilingual teachers in rural areas (where immigration growth is high).

There is a need for more after-school programs for illegal immigrant students.

Hispanic students and families do better from a disciplinary standpoint than do Caucasian students and parents, most likely because of their more tightly-knit family structure.

OTHER

American immigration laws need updated, and need to be friendlier toward persons who want to come here legally.

Whatever federal quotas there are, they need to be raised and made more rational (i.e. Mexico and Sweden have the same allowed number).

Cape Girardeau meeting
July 27, 2006

EMPLOYMENT-RELATED

Local people do not want to work the fruit and vegetable harvests.

Immigrants are taking money out of this country that should remain locally.

Big business drives illegal immigration. The state should go after the businesses that hire and exploit illegals.

Use of illegals makes it difficult for the local, legitimate contractors to compete.

EDUCATION

Foreign students provide cultural diversity to a campus, and provide different world views in the classroom and social life. Foreign students also provide an economic impact through the payment of tuition and fees, living and housing expenses, etc.

FEDERAL

Government program which provides (agricultural) workers is not working.

OTHER

The state should urge Congress and the President to use the bully pulpit to force Mexico to remove economic barriers and provide economic freedom to its citizens; this would reduce illegal immigration to the US

Opportunists and criminals are invading the country, attempting to take it over.

The immigration problem stems from the welfare state.

St. Louis meeting
August 14, 2006

EMPLOYMENT-RELATED

The real problems is the employer-contractors who hire illegals, exploit them, don't pay into workers' compensation or unemployment funds, don't pay or collect taxes on cash wages. The

solution needs to punish these employer-contractors; bar them from working on public works projects, impose heavy fines and jail time.

Local governments need the power to act on their own, and quickly.

Illegal immigrant workers should have the same legal and safety protections through the state labor laws (i.e. minimum wages, workers' comp., safety) as all legal workers do. Otherwise, the incentive is there for unscrupulous employers to hire illegals and avoid compliance with the law for economic reasons.

Illegal immigrants using forged documents are paying employment-related taxes but they are not getting the benefits of having paid those taxes (eligibility for Medicaid, Social Security, WIC, etc.). All illegals pay sales taxes on everything they buy here, and contribute to property tax revenues through the payment of rent.

About 85% of America's fruits and vegetables are hand-harvested, mostly by immigrants. Everyone is benefiting from their labor; far more so than the laborer himself or herself.

Educators do not want to be in the immigration enforcement business.

EDUCATION

There is no federal law that says undocumented students cannot enroll in Missouri colleges and universities. Federal law would allow them to enroll in institutions of higher education and pay out-of-state tuition (Section 505, Immigration Reform Bill of 1996). We should allow these students to enroll and attend; they should not be held responsible for being brought here as minors. It is not disingenuous to allow them to attend college even though they are not eligible to be hired afterwards because their status may change.

An educated person provides significant gains to the community at large, even if that person is undocumented.

TREATMENT OF ILLEGAL IMMIGRANTS

Immigration is a moral issue. Regardless of status, all humans possess an inherent dignity, and should be treated with such.

A significant barrier to healthcare for immigrants is the issue of trust. Patients need to trust their doctors; this is critical. Whatever solutions the committee devises, they should not impinge upon the trust developed between a patient and his or her doctor, such as by requiring healthcare providers to enforce immigration laws and policies.

Illegal immigrant mothers of Mexican descent immunize their children at a higher rate than the general population. This is a positive health benefit for all of society. Undocumented pregnant women should not be prohibited from access to temporary Medicaid benefits.

FEDERAL

The illegal immigration issue is a federal issue, not a state one. It has to be, in order to have continuity across the nation rather than be piecemeal. When it comes to immigration policy, the nation needs to speak with one voice. There should not be 50 states with 50 different immigration policies. Immigration policy has real foreign policy implications; foreign nations take umbrage if they feel bad decisions are being made with regard to their nationals.

OTHER

The terminology of "illegals" and "legals" oversimplifies the situation and does not reflect the real categories, of which there are 22-27+. The Committee should keep this in mind when drafting any legislation.

Many studies have shown that in comparing the amount of taxes paid or contributed by illegal immigrants to the cost of the services they are provided, it is a wash. They are not a financial drain on local or state economies or the national economy, despite the common misconception that they are.

When it comes to immigration policy, diversity itself is on trial.

Even when a person attempts to pursue the legal method to come here, the forms are so complicated it is nearly impossible to do by oneself. A person needs assistance, usually legal, and that can be very expensive. Also, the forms are very time-consuming. If you file the paperwork in the wrong order, that just slows everything down even more.

Jefferson City meeting
August 31, 2006

The Committee Chair opened the meeting with a brief discussion of Kansas City SmartPort issues, around which there has been much speculation and confusion. A more detailed presentation of the issues can be found in Appendix H, which contains an article written by Phyllis Schlafly, and a response to that article from a representative of Kansas City SmartPort.

Witness testimony at the meeting was confined to Employment-Related issues, as follows:

The ethanol plant built in Laddonia was financed, in part, with state tax credits & grants. Certified payrolls were not used; the project was considered "private". There were illegals on the job. There were no shortage of local workers or interested local contractors; they were just given the opportunity. Federal officials were told that there were illegals on the job but they said they needed proof before they would check on it.

APPENDICES

Appendix A

Committee Member Attendance List

June 8, 2006 (Jefferson City)

Rep. Ed Emery, Chair
Rep. Jerry Nolte, Vice-Chair
Rep. Maria Chappelle-Nadal
Rep. Kathy Chinn
Rep. Gary Dusenberg
Rep. Timothy Flook
Rep. Jim Lembke
Rep. Brian Nieves
Rep. Ed Wildberger
Rep. Billy Pat Wright
Rep. Robin Wright-Jones
Rep. Jim Guest
Rep. Patricia Yaeger

June 22, 3006 (Troy)

Rep. Ed Emery, Chair
Rep. Jerry Nolte, Vice-Chair
Rep. Gary Dusenberg
Rep. Wayne Henke
Rep. Jim Lembke
Rep. Billy Pat Wright

June 29, 2006 (Kansas City)
Rep. Ed Emery, Chair
Rep. Jerry Nolte, Vice-Chair
Rep. Kathy Chinn
Rep. Gary Dusenberg
Rep. Timothy Flook
Rep. Jim Guest
Rep. Wayne Henke
Rep. Jim Lembke
Rep. Trent Skaggs
Rep. Robin Wright-Jones

July 13, 2006 (Joplin)
Rep. Ed Emery, Chair
Rep. Jerry Nolte, Vice-Chair
Rep. Gary Dusenberg

July 27, 2006 (Cape Girardeau)
Rep. Ed Emery, Chair
Rep. Nathan Cooper
Rep. Gary Dusenberg
Rep. Jim Lembke
Rep. Brian Nieves
Rep. Billy Pat Wright

August 14, 2006 (St. Louis)
Rep. Ed Emery, Chair
Rep. Jerry Nolte, Vice-Chair
Rep. Maria Chappelle-Nadal
Rep. Kathy Chinn
Rep. Gary Dusenberg
Rep. Timothy Flook
Rep. Wayne Henke
Rep. Jim Lembke
Rep. Brian Nieves
Rep. Robin Wright-Jones

APPENDIX B

Witness List

May 11, 2006 (Jefferson City)

James Klahr
Capt. Bret Johnson
Sgt. Thomas L. Breen
Rep. Neal St. Onge

June 8, 2006 (Jefferson City)

Lt. Col. Wm. Seiber, Jr.
Capt. Bret Johnson
Major James Keathley
Larry Crawford
Becky Brennecke
Dr. Jim Kellerman
Marty Oetting
Phil Wright
Bert Schulte
Janel Luck
Gene McNary
Mark James (by letter)
Julia Eckstein (by letter)
Pete Rahn (by letter)
Lowell Pearson (by letter)
William DePond (by email)

June 22, 3006 (Troy)

Michael Padelia (O'Fallon Lakes Project Q&A)
Mary Wilson (O'Fallon Lakes Project Q&A)
Capt. Larry Doyle (Lincoln County Jail Tour)
Tom Heinsz
Roger Loesche
Dan Torres
Francisco (Paco) Martinez
Don Artelino
Emi Cox
Janet Renner
Mary Crowell
Mary Meinhardt (in person & by letter)
Congressman Todd Akin
Ed Schieffer
Charles Williamson
John Stanfield

June 29, 2006 (Kansas City)

Gil Guerrero
Luis Cordova
Steven Begshaw
Chief James Corwin
Kris Kobach
Judith Ancel
Pete Coyle
Jim Stoufer
Duane Kelly
Lindsey Walker
Burton Taylor
Angela Ferguson
Dr. Dan Doerhoff
Brenda Mitchelson
Rita Valenciano
Kevin Jamison
Colleen White
Janet Renner
John Fierro (by letter)
Roger McCrummen (by letter)

July 13, 2006 (Joplin)

Gib Garrow
Howard Birdsong
Jack Atterberry
John Branham
Judy Weaver
Gary Yost
Alan Marble
Dr. Sonya Pearson
Jorge Zapata
Mark Baker
Adolfo Castillo
Yolanda Lorge
Ali Traub

July 27, 2006 (Cape Girardeau)

Bruce Hillis
Rep. Peter Myers
John Moore

George Dordoni
Janet Renner
John Graham
Daryl Owens
Mary Lewis

August 14, 2006 (St. Louis)

Jerry Feldhaus
Stephen Legomsky
Phyllis Schlafly
Ann Rynearson
Sr. Genevieve Cassani
David Holsclaw
David Campbell, M.D.
Sherwin Carroll
Hedy Epstein
Ruth Ehresman
Rev. Tommie Pierson
Gedlu Metaferia
Abbe Sudvarg, M.D.
Lynn Suydam
Rev. Donald Schramm
Virginia Nesmith
Dr. Marueen Clancy-May
Steve Brotherton
Anne Siesener-Torres
Tom Heinsz
Alhadi Ragab
Leodia Gooch (by letter)

August 31, 2006 (Jefferson City)

Jack Atterberry
Jill LaHue
John Lindsey
Norman Wilson

APPENDIX C

IMMIGRATION CLASSIFICATIONS

I. CITIZENSHIP TRACK (PERMANENT RESIDENCE)

Legal Permanent Residents (LPRs): These are the "green card" holders. They have the right to live and work in the US indefinitely. This is the first step toward citizenship.

A. Family-Based:

Family-Based: Sponsored by a US citizen or another LPR. US citizens can sponsor their spouses, unmarried minor (under 21) children, parents, and siblings. LPRs can sponsor their spouses and unmarried minor children. There is no waiting period for the spouses, unmarried minor children, and parents of a US citizen; otherwise, there is a limited number of LPR applicants allowed in per year, so there is an order of preference:

1st: Unmarried Adult (over 21) Children of Citizens
2nd-A: Spouses and Minor Children of LPRs
2nd-B: Unmarried Adult (over 21) Children of LPRs
3rd: Married Children of Citizens
4th: Siblings of Adult Citizens

There are no visas for more distant family members such as aunts, uncles, grandparents and cousins.

The preference list is further broken down by country of origin.

Marriage-Based: Fiancés (and their children) of US citizens and LPRs can get visas; once they do so, they must get married and apply for LPR status from within the US.

Adoption-Based: US citizens can adopt a child from another country and thereby give the child status in the US.

B. Employment-Based

Immigrants with skills and talents needed in the US can be admitted as LPRs. The preference is:

1st: Priority workers
2nd: Members of the professions holding advanced degrees or persons of exceptional ability
3rd: Skilled workers, Professionals, and other workers
4th: Special immigrants (including religious workers)
5th: Immigrant investors

C. Diversity Immigration:

This is the "green card lottery" held by the US government annually for approximately 55,000 visas for people from countries with low rates of immigration to the US. Winners can apply for LPR status, and can bring their spouses and unmarried minor children with them. Winners must have a high school diploma or its equivalent, or 2 years of work experience in an occupation that requires at least 2 years of training or experience. Persons from certain countries are not eligible to participate in the lottery.

D. Refugee:

This determination is made outside the US. Annual consultations on refugee admissions are held between Congress and the Executive branch to establish numerical ceilings and designated nationalities. Once admitted to the US, refugees have the right to live and work here indefinitely and eventually to become citizens. They can bring their spouses and unmarried minor children into the US to join them. "Designated nationalities" is a list of countries given preference, and there are priorities within these designations:

1st: Refugees referred for resettlement by the United Nations High Commissioner for Refugees or a US Embassy.
2nd: Designated groups of special humanitarian concern to the US.
3rd: Spouses, unmarried children, and parents of LPRs, Refugees, Asylees, Conditional Residents, or certain Parolees. Unmarried adult children and parents of US citizens.
4th: Grandparents, grandchildren, married children, and siblings of US citizens, LPRs, Refugees, Asylees, Conditional Residents, or certain Parolees.
5th: Uncles, aunts, nieces, nephews, and first cousins of US citizens, Conditional Residents, or certain Parolees.

E. Asylees:

They must fit the definition of a refugee, but apply within the US. They have the right to live and work here indefinitely and eventually to become citizens. They can bring their spouses and unmarried minor children into the US to join them.

F. Registry:

A person who has continually lived in the US since January 1, 1972, and is of good moral character may apply for LPR status, even is he or she has lived here "illegally".

G. Battered Spouses:

The abused spouse of a US citizen or LPR who has refused to petition for LPR status for the abused person may file a "VAWA (Violence Against Women Act) self-petition".

H. Crime Victims and Victims of Trafficking:

These persons may be eligible for visas that lead to LPR status.

II. TEMPORARY IMMIGRATON CATEGORIES

Persons with these visas are allowed to stay in the US for a certain specified length of time. Only some of these categories give persons the right to work here legally.

A. Visitors

B. Students

C. Temporary "guest" workers

D. Parolees – Most of these persons are admitted for humanitarian or public-interest purposes (like persons in need of medical treatment; witnesses testifying at criminal trials, etc.)

E. Temporary Protected Status (TPS) – Allows persons from certain designated countries that have experienced natural or other disasters to remain in the US until it's safe to return.

F. Deferred Enforced Departure (DED) – This is a humanitarian designation to delay the deportation of groups of individuals who would otherwise be placed in danger should they be deported to countries where there is instability for political or other reasons.

Appendix D

Current Relevant Missouri Statutes

8.283. 1. If a state agency for whom work is being performed by a contractor determines upon reasonable evidence that the contractor or a subcontractor engaged to complete work required by the contract hired one or more aliens who are unauthorized to work in the United States, the state agency shall order the contractor to cause the discharge of such unauthorized workers.
2. If upon reasonable evidence the state agency determines that a contractor or subcontractor has knowingly violated the Immigration Reform and Control Act of 1986, or its successor statute, in employing aliens unauthorized to work in the United States, the agency may cause up to twenty percent of the total amount of the contract or subcontract performed by the employer of such unauthorized workers to be withheld from payment to the employer in violation of such statute.
3. If a contractor is determined by a state agency upon reasonable evidence to have engaged a subcontractor to complete work required by the contract with knowledge that the subcontractor violated or intended to violate the Immigration Reform and Control Act of 1986, or its successor statute, in hiring or continuing to employ aliens unauthorized to work in the United States, the state agency may withhold from the contractor up to double the amount caused to be withheld from payments to the subcontractor.
4. Any contractor or subcontractor from whom payment is withheld under subsection 2 or 3 of this section shall be ineligible to perform other contracts or subcontracts for the state of Missouri for a period of two years from the date of such action.
5. No state agency or contractor taking any action authorized by this section shall be subject to any claim arising from such action and shall be deemed in compliance with the laws of this state regarding timely payment.
6. The provisions of this section shall only be effective to the extent that such provisions are not preempted or prohibited by Section 1324(a) of Title 8 of the United States Code, as now or hereafter amended, and any regulations promulgated thereunder, relating to the employment of unauthorized aliens.

285.025. 1. The state of Missouri hereby proclaims that no employer who employs illegal aliens shall be eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The director of each agency administering or subsidizing a tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, shall place in such agency's criteria for eligibility for such credit, abatement, exemption or loan a signed statement of affirmation by the applicant that such applicant employs no illegal aliens. Any individual, individual proprietorship, corporation, partnership, firm or association that is found by the director of the agency administering the program to have negligently employed an illegal alien in this state shall be ineligible for any state- administered or subsidized tax credit, tax abatement or loan pursuant to chapter 32, 100, 135, 253, 447 or 620, RSMo, for five years following such determination; provided, however, that the director of the agency administering such credit, abatement, exemption or loan may, in the director's discretion, elect not to apply such administrative action for a first-time occurrence. Any person, corporation, partnership or other legal entity that is found to be ineligible for a state-administered or subsidized tax credit, tax abatement, or loan pursuant to this subsection may make an appeal with the administrative

hearing commission pursuant to the provisions of chapter 621, RSMo. "Negligent", for the purposes of this subsection means that a person has failed to take the steps necessary to comply with the requirements of 8 U.S.C. 1324a with respect to the examination of an appropriate document or documents to verify whether the individual is an unauthorized alien.
2. Beginning August 28, 1999, any individual, individual proprietorship, corporation, partnership, firm or association that knowingly accepts any state-administered or subsidized tax credit, tax abatement or loan in violation of subsection 1 of this section shall upon conviction be guilty of a class A misdemeanor, and such action may be brought by the attorney general in Cole County circuit court.

NOTE: Sections 566.200 to 566.223 comprise Missouri's Human Trafficking laws.

566.200. As used in sections 566.200 to 566.221, the following terms shall mean:

(1) "Basic rights information", information applicable to a noncitizen, including but not limited to information about human rights, immigration, emergency assistance and resources, and the legal rights and resources for victims of domestic violence;

(2) "Client", a person who is a resident of the United States and the state of Missouri and who contracts with an international marriage broker to meet recruits;

(3) "Commercial sex act", any sex act on account of which anything of value is given to or received by any person;

(4) "Criminal history record information", criminal history record information, including information provided in a criminal background check, obtained from the Missouri state highway patrol and the Federal Bureau of Investigation;

(5) "International marriage broker":

(a) A corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States or any other state, that charges fees to residents of Missouri for providing dating, matrimonial, or social referrals or matching services between United States citizens or residents and nonresident aliens by providing information or a forum that would permit individuals to contact each other. Such contact shall include, but is not limited to:

a. Providing the name, telephone number, postal address, electronic mail address, or voice message mailbox of an individual, or otherwise facilitating communication between individuals; or

b. Providing an opportunity for an in-person meeting;

(b) Such term shall not include:

a. A traditional matchmaking organization of a religious nature that operates on a nonprofit basis and otherwise operates in compliance with the laws of the countries in which it operates, including the laws of the United States;

b. An entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender or country of citizenship or residence of the individual; or

c. An organization that does not charge a fee to any party for the services provided;

(6) "Involuntary servitude or forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person does not enter into or continue the servitude, such person or another person will suffer substantial bodily harm or physical restraint; or

(b) The abuse or threatened abuse of the legal process;

(7) "Marital history information", a declaration of the person's current marital status, the number of times the person has previously been married, and whether any previous marriages occurred as a result of service from an international marriage broker;

(8) "Peonage", illegal and involuntary servitude in satisfaction of debt;

(9) "Recruit", a noncitizen, nonresident, recruited by an international marriage broker for the purpose of providing dating, matrimonial, or social referral services.

566.203. 1. A person commits the crime of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By threats of serious harm or physical restraint against such person or another person;

(2) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer substantial bodily harm or physical restraint; or

(3) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who pleads guilty to or is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The crime of abuse through forced labor is a class B felony.

566.206. 1. A person commits the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if a person knowingly recruits, harbors,

purposes of slavery, involuntary servitude, peonage, or forced labor.

2. A person who pleads guilty to or is found guilty of the crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The crime of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a class B felony.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, transports, provides, or obtains by any means another person for the use or employment of such person in sexual conduct as defined in section 556.061, RSMo, without his or her consent.

2. The crime of trafficking for the purposes of sexual exploitation is a class B felony.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means a person under the age of eighteen to participate in a commercial sex act or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act.

2. It shall not be an affirmative defense that the defendant believed that the person was eighteen years of age or older.

3. The crime of sexual trafficking of a child is a class A felony if the child is under the age of eighteen.

566.215. 1. A person commits the crime of contributing to human trafficking through the misuse of documentation when the individual knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing crimes or with the intent to commit crimes, pursuant to sections 566.200 to 566.218; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person who is the victim of a crime committed pursuant to sections 566.200 to 566.218.

2. A person who pleads guilty to or is found guilty of the crime of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The crime of contributing to human trafficking through the misuse of documentation is a class D felony.

566.218. A court sentencing an offender convicted of violating the provisions of sections 566.203, 566.206, 566.209, 566.212, and 566.215 shall order the offender to pay restitution to the victim of the offense.

566.221. 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international marriage broker; and

(3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who pleads guilty to or is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, RSMo, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class D felony to willfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class D felony.

10. No provision of this section shall preempt any other right or remedy available under law to any party utilizing the services of an international marriage broker or other international marriage organization.

566.223. Any individual who is alleging that a violation of sections 566.200 to 566.221 has occurred against his or her person shall be afforded the rights and protections provided in the federal Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

APPENDIX E

SUMMARIES OF BILLS FILED IN 2006 RELATED TO ILLEGAL ALIENS

HCS HR 2295 – Social Security Number Verification of Employees

Sponsor: Emery

This resolution strongly urges all agencies and political subdivisions of the state to participate in the federal Basic Pilot Program by September 1, 2006, to ensure that only legal residents are employed.

HB 1984 -- Employment of Illegal Aliens

Sponsor: Davis

Currently, a person who negligently hires an illegal alien is ineligible to participate in any state-administered or subsidized tax credit, tax abatement, or loan program for five years and is guilty of a class A misdemeanor. This bill requires any person convicted of this violation to also repay double the value of any tax credit, tax abatement, or loan within 60 days of the conviction. One-half of the repayment will be for the administering agency and the other half for driver education programs in the Department of Elementary and Secondary Education. Failure to repay may result in the affected agency requesting the Attorney General to file an injunction against the business until the amount is repaid.

HB 1927 -- Illegal Aliens

Sponsor: Rupp

This bill requires voters to present a proper form of personal identification at the polling place. Voters who do not present the identification may return to the polling place with the proper identification and vote.

Any adult individual who is not a citizen or permanent resident of the United States or does not possess lawful immigration status is prohibited from participating in any family literacy, Parents-as-Teachers, vocational education, vocational rehabilitation, or after-school tutoring programs and will not receive any in-state tuition, tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance, or any other type of financial assistance at any public higher education institution or receive any state or local public assistance under Chapter 208, RSMo.

Peace officers are authorized to investigate, apprehend, detain, or remove any individual who is not a citizen or permanent resident of the United States or does not possess lawful immigration status and is located in this state.

HB 1864 -- Admission of Illegal Aliens to Public Institutions of Higher Education

Sponsor: Nolte

This bill prohibits the admission of unlawfully present aliens to public institutions of higher education. The registrar of each institution must certify to the appropriations committees of the General Assembly that the institution has not knowingly admitted any illegal alien before the approval of any appropriations.

HB 1796 -- Employment of Illegal Aliens

Sponsor: Kraus

This bill creates the felony crime of employing an illegal alien when an employer knowingly or with criminal negligence hires an illegal alien.

An employer found guilty of this crime will lose his or her business license and be fined $1,000 to $50,000 for a first offense; $5,000 to $100,000 for a second offense; and $10,000 to $250,000 for a third offense.

The amount of the fine will be determined by certain factors including:

(1) The percentage of the employer's workers found to be illegal aliens;

(2) The degree of danger associated with the work the illegal aliens were hired to perform; and

(3) The degree of mistreatment of the illegal aliens by the employer.

HB 1186 -- Publicly Financed Projects

Sponsor: Wildberger

This bill prohibits a person from employing or subcontracting with an illegal alien on any publicly financed project. Any person in violation, in addition to any other penalty, will be fined $10 per illegal individual per day and will not be eligible to bid on any publicly financed project for 10 years after the violation.

Currently, in a period of excessive unemployment, any person constructing or building a public works project must employ only Missouri laborers or laborers from nonrestrictive states. Any

person in violation will forfeit to the contracting political subdivision $10 per nonqualifying laborer per day. The political subdivision awarding the public works project is authorized to withhold any amounts due as a result of the violation.

HB 1460 -- Verification of Social Security Numbers

Sponsor: Wildberger

This bill requires an employer to verify that an employee has a valid Social Security number. An employer in violation of this requirement will be guilty of a class D felony.

SB 1121 – Employee Classification
Sponsor: Gross
This act allows any owner, general contractor, or subcontractor who pays nonresident subcontractors to deduct two percent of the total compensation paid to the nonresident as a prepayment of tax.
The Department of Revenue may disclose certain tax information to the director of the Department of Labor and Industrial Relations in order for the department to determine taxpayers' compliance with withholding tax requirements.
The act bars employers from employing illegal aliens when they receive a loan from any governing body in the state.
The act bars employers from misclassifying employers to avoid tax liability or reporting requirements. Employers who fail to classify an employee or misclassify an employee shall be fined two hundred dollars per occurrence. Employers shall not terminate or discriminate against an employee who seeks reclassification or intends to file an action alleging a misclassification violation. The act requires employers to reclassify independent contractors as employees after two thousand eighty hours of service for the same employer.

SCS/SB 1250 – Illegal Aliens
Sponsor: Alter
This act alters multiple provisions regarding illegal aliens.
SECTION 34.077: This act bars employers from entering into public works contracts while employing undocumented workers. A public entity inviting bids for public works contracts must include in its criteria for eligibility a signed, notarized statement averring that the applicant employs no undocumented workers. The act mandates certain contractual provisions that must be present in a public works contract including the absence of the employ of undocumented workers on any contracting level, the material breach of the contract predicated upon the violation of the undocumented worker mandate, and the release of the public entity for liability related to violations.
Entities who knowingly employ undocumented workers are barred from participating in public works projects for three years. The administrative hearing commission shall have jurisdiction over appeals. The attorney general is charged with enforcing the provisions of this section.
SECTION 43.032: Subject to appropriation, the superintendent of the Highway Patrol shall designate that some or all members of the highway patrol be trained in accordance with a

memorandum of understanding between Missouri and the US Department of Homeland Security concerning the enforcement of federal immigration laws on federal highways and interstates in Missouri.

SECTIONS 172.360, 174.130, 175.025, 178.635, 178.780, and 178.785: This act prohibits the admission of unlawfully present aliens to public institutions of higher education. The registrar of each institution must certify to the appropriations committees of the General Assembly that the institution has not knowingly admitted any illegal alien before the approval of any appropriations.

SECTION 208.009: This act provides that an individual who is not a citizen or a permanent resident of the United States or who does not possess lawful immigration status shall be prohibited from receiving state or local public assistance under Chapter 208, except for state or local public assistance that is mandated by federal law.

An applicant who is nineteen years of age or older shall provide affirmative proof that the applicant is a citizen or permanent resident of the United States or is lawfully present in the United States.

An applicant who cannot provide the proof required under this act at the time of application for public assistance may alternatively sign an affidavit under oath, attesting to either United States citizenship or to classification by the United States as an alien lawfully admitted for permanent residence, in order to receive temporary benefits. An applicant providing the sworn affidavit is eligible to receive temporary public assistance program benefits as delineated in the act.

All state agencies administering public assistance programs in this state shall cooperate with local governments and the United States Department of Homeland Security to develop a system to facilitate verification of an individual's lawful presence.

SECTION 285.025: This act stipulates that employers who employ illegal aliens are not eligible to receive loans from any governing body of the state.

SECTION 544.677: This section requires a jailer to make a reasonable effort to determine whether a person is a citizen of the United States when such person is charged with a felony and confined in the jail. If the jailer reasonably believes that such person is not a citizen of the United States, he or she shall make a reasonable effort to verify that the person is lawfully within the United States. If verification of such information cannot be made with documents in the person's possession, it shall be made within 48 hours through a query to the U.S. Department of Homeland Security. If it is determined that the person being confined is not lawfully within the United States, the jailer shall notify the U.S. Department of Homeland Security.

Nothing in this section shall be construed to deny a person bond or from being released from confinement when otherwise eligible for release.

SECTION 590.700: Under this act, peace officers are authorized to investigate, apprehend, or detain any individual who is not a citizen or permanent resident of the United States and who is located in this state. Peace officers are authorized to transfer such individuals to the custody of the Bureau of Customs and Immigration Enforcement of the United States Department of Homeland Security and to transport such individuals across state lines to a detention center.

SB 928 – Employee Classification

Sponsor: Green

This act requires newly hired and rehired independent contractors to fill out a federal 1099 form to be distributed to the Department of Revenue and entered into the state directory of new hires.

Employers are banned from misclassifying employees as independent contractors in an attempt to avoid tax liability or reporting requirements and fines are provided for doing so. Under the act, employers shall not retaliate against an employee who seeks reclassification as an employee or has communicated intent to file an action against an employer alleging a classification violation.

SB 988 – Illegal Aliens

Sponsor: Green

This act bars employers from employing or subcontracting with any illegal alien on any publicly funded project. If an employer employs an illegal alien for a public project, the employer shall be fined ten dollars per individual per day during which the illegal alien was employed, and the employer shall not be permitted to bid on an publicly funded project for ten years from the violation.

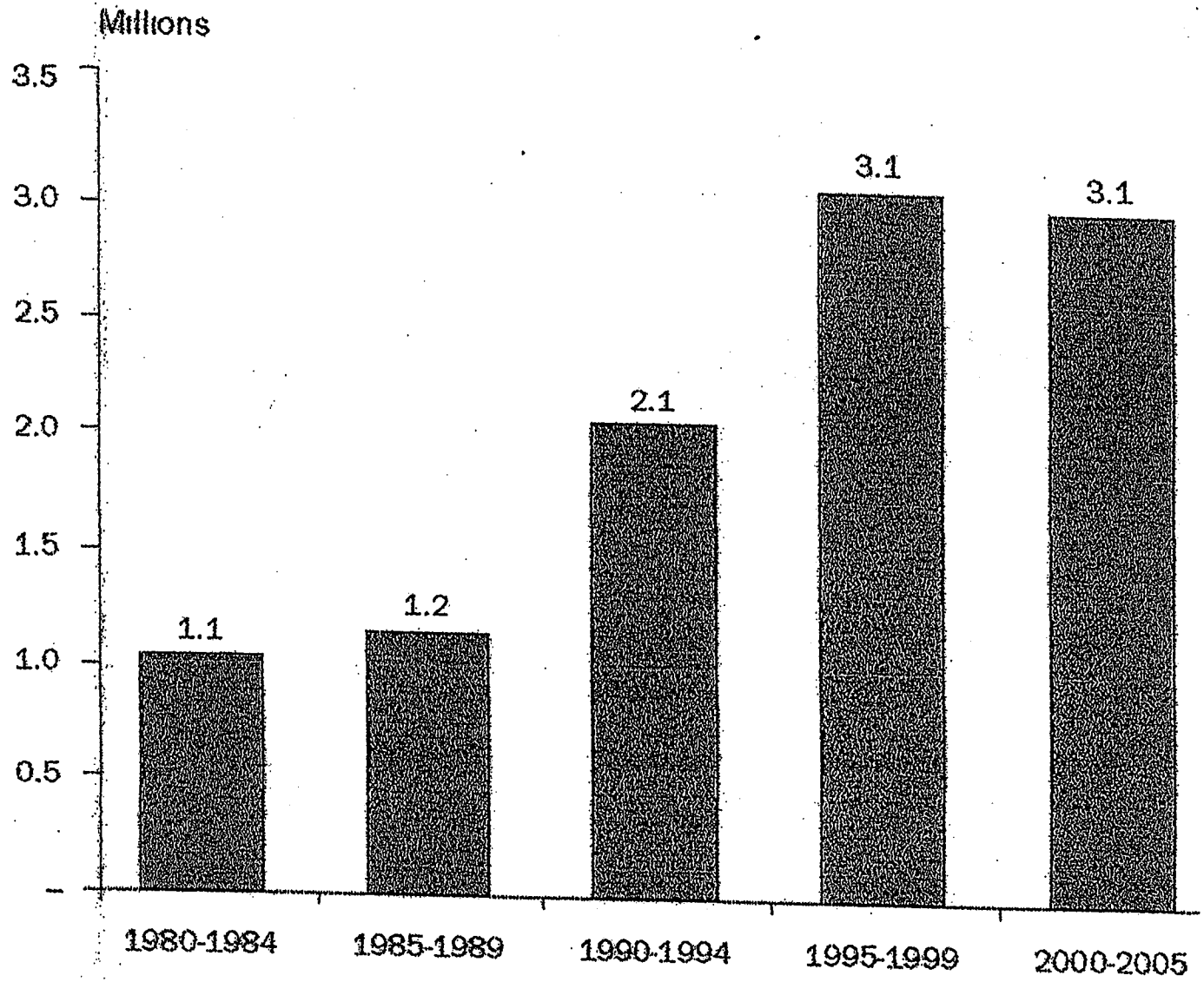
Under current law, during a period of excessive unemployment in the state, only Missouri laborers or laborers from nonrestrictive states may be employed for public projects. This act provides a penalty of ten dollars per day for each nonqualifying laborer employed during such periods to be imposed on employers who engage in such a practice.

County	Language	# of Events	Amount Pd.
Adair	Spanish	7	$905
Andrew	Spanish	1	$ 333.00
Audrain	Spanish	25	$ 701.00
Barry	Spanish	43	$ 2,928.00
Barton	Spanish	1	$ 20.00
Boone	Korean	1	$ 170.00
Boone	Russian	6	$ 1,020.00
Boone	Spanish	195	$ 10,453.00
Boone	Vietnamese	3	$ 420.00
Buchanan	Spanish	16	$ 2,738.00
Buchanan	Chinese	1	$ 172.00
Butler	Spanish	1	$ 22.00
Callaway	Spanish	9	$ 752.00
Camden	Spanish	2	$ 245.00
Cape Girardeau	Spanish	54	$ 3,193.00
Cass	Spanish	23	$ 1,950.00
Christian	Spanish	15	$ 735.00
City of St. Louis	Arabic	2	$ 588.00
City of St. Louis	Bosnian	12	$ 1,767.00
City of St. Louis	French	2	$ 280.00
City of St. Louis	Somali	6	$ 975.00
City of St. Louis	Spanish	30	$ 5,097.00
City of St. Louis	Vietnamese	19	$ 3,346.00
Clark	Spanish	2	$ 294.00
Clay	Somali	1	$ 154.00
Clay	Spanish	55	$ 8,094.00
Cole	Spanish	8	$ 707.00
Crawford	Spanish	4	$ 765.00
Dallas	Spanish	1	$ 247.00
Daviess	Spanish	3	$ 385.00
Dunklin	Spanish	53	$ 2,394.00
Franklin	Spanish	1	$ 151.00
Gasconade	Spanish	2	$ 365.00
Greene	Korean	4	$ 225.00
Greene	Russian	2	$ 140.00
Greene	Spanish	4	$ 200.00
Greene	Turkish	2	$ 294.00
Greene	Vietnamese	2	$ 590.00
Harrison	Spanish	1	$ 112.00
Hickory	Spanish	1	$ 333.00
Howard	Spanish	3	$ 456.00
Jackson	Arabic	2	$ 310.00
Jackson	Creole	2	$ 293.00
Jackson	Dinka	3	$ 463.00
Jackson	French	2	$ 1,674.00
Jackson	Haitian	1	$ 161.00
Jackson	Pular	1	$ 576.00
Jackson	Somali	9	$ 1,482.00
Jackson	Spanish	151	$ 17,472.00
Jackson	Vietnamese	17	$ 2,739.00
Jasper	Spanish	94	$ 5,387.00
Jefferson	Spanish	4	$ 200.00
Laclede	Spanish	3	$ 592.00
Lafayette	Spanish	35	$ 2,571.00
Lawrence	Spanish	3	$ 135.00
Lincoln	Spanish	11	$ 1,817.00
Livingston	Spanish	2	$ 198.00
Macon	Spanish	5	$ 308.00
Marion	Spanish	2	$ 349.00
McDonald	Spanish	4	$ 643.00
Moniteau	Spanish	2	$ 232.00
Morgan	Spanish	2	$ 554.00
Newton	Spanish	26	$ 2,296.00
Perry	Spanish	4	$ 101.00
Pettis	Spanish	28	$ 3,715.00
Phelps	Chinese	2	$ 340.00
Phelps	Russian	1	$ 16.00
Phelps	Spanish	4	$ 450.00
Pike	Spanish	9	$ 1,670.00
Platte	Spanish	31	$ 3,754.00
Polk	Romanian	1	$ 11.00
Polk	Spanish	2	$ 36.00
Putnam	Spanish	2	$ 436.00
Saline	Micronesian	1	$ 357.00
Saline	Russian	1	$ 191.00
Saline	Spanish	22	$ 2,385.00
St. Charles	Farsi	1	$ 55.00
St. Charles	Spanish	50	$ 6,384.00
St. Charles	Vietnamese	2	$ 310.00
St. Louis County	Arabic	1	$ 140.00
St. Louis County	Bosnian	15	$ 4,467.00
St. Louis County	Chinese	2	$ 280.00
St. Louis County	Russian	3	$ 538.00
St. Louis County	Somali	1	$ 150.00
St. Louis County	Spanish	22	$ 3,158.00
St. Louis County	Vietnamese	6	$ 1,120.00
Ste. Genevieve	Spanish	3	$ 635.00
Stoddard	Spanish	3	$ 449.00
Stone	Spanish	1	$ 172.00
Sullivan	Spanish	8	$ 208.00
Taney	Romanian	3	$ 22.00
Texas	Spanish	1	$ 266.00
Warren	Spanish	2	$ 239.00
Washington	Spanish	1	$ 163.00
Wayne	Spanish	1	$ 201.00
	Total		$ 127,587.00

APPENDIX G

Figure 1.

Period of Entry of the Unauthorized Immigrant Population: January 2005



Source: U.S. Department of Homeland Security

APPENDIX H

SMARTPORT
AMERICA'S INLAND PORT SOLUTION

2600 Commerce Tower
911 Main Street
Kansas City, MO 64105-2049

phone: 816.221.2121
fax: 816.842.2865
kcadc@thinkKC.com
www.KCSmartPort.com

Dear Ms. Schlafly,

Your recent article, "Shipping-corridor deal cuts heart out of heartland," has a number of inaccuracies. While we appreciate the attention to the work Kansas City SmartPort is doing to make Kansas City America's Inland Port, we are sure that you would prefer to be factual in your communication.

Please correct and take note of the following items referenced in your article:

- "Mexico will be running its own inspection facility there [Kansas City]." – The KC Customs Port will employ both U.S. and Mexican Customs officials just like the current facilities in place at our nation's borders. It's important to remember the KC Customs Port is for outbound (south-bound) freight only. It's a facility that only U.S. companies will use. It will help U.S. companies expedite the process of shipping their products to customers in Mexico.

- "The plan, shrouded in secrecy, has been in the works for at least three years, but it is now coming to light because of the diligent use of Missouri's Sunshine law" – Local and national media have been covering the progress of the KC Customs Port for the last two years including articles by the Associated Press, Los Angeles Times, Dallas Morning News and Dow Jones Newswires. The discussions that took place over e-mail were just that – speculative discussions early on in the process. Over the course of the last two years, it has been decided that the land will NOT be sovereign to Mexico.

- "SmartPort representatives are now running away from this written admission blaming the problems and pressure the media attention has created." - SmartPort is excited and optimistic about this project. Because the project was and is not complete, several items were being discussed. U.S. Customs was not comfortable with discussions that were not factual or decided upon being released to the media. We are not running away. In fact, we are more than happy to answer any questions you or others may have.

- A key purpose of the project is to take jobs away from U.S. longshoremen." – The key purpose is to assist U.S. companies in the growing global marketplace. SmartPort is an economic development organization. We want companies to consider KC. We have the infrastructure to handle the influx in freight.

- "As laid out on SmartPort's web site, the plan is to enable products make in China to travel in sealed containers nonstop from the Far East by way of Mexico…." - This statement refers to a separate project from the KC Customs Port. Kansas City is coordinating with Kansas City Southern Railroad to market a RAIL corridor from the deep water port of Lazaro Cardenas, Mexico up to Kansas City. There will be multiple distribution points along the way including Laredo, Dallas and New Orleans. This project is a separate, non-related effort to the KC Customs Port. The KC Customs Port is designed for southbound U.S. truck and trailer freight only, NOT rail.

American's consumption of goods from the Far East has increased. America's coastal ports are at capacity. The Lazaro Cardenas port is providing an alternative way to get products to North America. These products will come to Kansas City by way of rail. This project has also been widely reported on and in the works for more than two years. We are now marketing it to companies to whom it would be a benefit.

- "...SmartPort, which would build and own the facility and then sublet it to the Mexican government." – There is no sublet. The U.S. and Mexican Customs will sign a use agreement with KC SmartPort to use the facility.

Responsible journalism requires that you consult with the source of your information before reporting on something that you are not directly involved with. We expect that you will correct the inaccuracies in your future articles. Thank you.

Tasha Hammes

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Politics

Shipping-Corridor Deal Cuts Heart Out of Heartland

by Phyllis Schlafly
Posted Aug 07, 2006

Grass-roots Americans of all parties and economic classes rose up out of their political apathy a few months ago and forced President George W. Bush to reverse his administration's decision to allow a Middle East government to own America's major ports. But the push for foreign ownership continues: the next port scheduled to be taken over is Kansas City, Mo.

Even though public schools stopped teaching geography a couple of decades ago, most Americans (especially residents of the Show Me State) are surprised to learn that Kansas City (where the only waves are "amber waves of grain") is a port. We are also surprised, and shocked, to discover that Mexico will be running its own inspection facility there.

The plan, shrouded in secrecy, has been in the works for at least three years, but it is now coming to light because of the diligent use of Missouri's Sunshine law by concerned citizens. Joyce Mucci and Francis Semler forced the release of the e-mails from Kansas City to Mexico, including one admitting that "The space (in Kansas City) would need to be designated as Mexican sovereign territory."

SmartPort representatives are now running away from this written admission, blaming "the problems and pressure the media attention has created." However, the stubborn sovereignty issue won't go away; the plan does involve setting up Mexican customs officials in downtown Kansas City.

The mechanism for this deal is a "nonprofit" business economic development corporation called Kansas City SmartPort Inc., whose president is Chris J.F. Gutierrez. The deal calls for Kansas City to lease the valuable property at 1447 Liberty St.

As laid out on SmartPort's Web site, the plan is to enable products made in China to travel in sealed "containers nonstop from the Far East by way of Mexico," through "a ships-to-rail terminal at the port of Lazaro Cardenas, Mexico," then up "the evolving trade corridor" to Kansas City, Mo., where they would have their first inspection.

A Kansas City SmartPort brochure explains further: "Kansas City offers the opportunity for sealed cargo containers to travel to Mexican port cities with virtually no border delays."

A key purpose of the project is to take jobs away from U.S. longshoremen in Los Angeles and Long Beach, Calif., who earn $140,000 a year, and replace them with Mexican laborers at $10,000 a year. U.S. truck drivers and railroad workers will likewise be replaced by Mexicans.

The port of Lazaro Cardenas, on the west coast of southern Mexico, is controlled by Hutchison Whampoa, the same giant Hong Kong shipping firm that owns the ports at both ends of the Panama Canal. Chinese-made goods will be carried by Kansas City Southern Railway de Mexico directly to Kansas City, where freight will be distributed east and west and on to Canada.

Kansas City Southern was originally a belt railway around Kansas City but, after buying various Mexican rail companies and tracks, KCS controls a 2,600-mile artery from Lazaro Cardenas to Kansas City. KCS President Michael Haverty was one of five U.S. businessmen who met with President Bush, Mexican President Vicente Fox and Canadian Prime Minister Stephen Harper at their March summit in Cancun, Mexico.

Mexico was at first expected to pay for the big, expensive machines to conduct high-tech gamma-ray screening for drive-through inspections of containers, but Mexico declined the honor. SmartPort has applied for a $1.5 million grant from the U.S. Economic Development Administration (i.e., to get the U.S. taxpayers to pay for the machines).

The Kansas City City Council has already earmarked $2.5 million in loans and $600,000 in direct aid to SmartPort, which would build and own the facility and then sublet it to the Mexican government. The cost could go as high as $6 million because Kansas City has an existing lease that runs through 2045 on the same property with the 107-year-old American Royal, which uses that land for its annual livestock/rodeo/barbecue event.

The last piece in finalizing this project is getting the U.S. State Department to approve the Mexican operation on U.S. soil by signing off on what is called the C-175 document. It has already been approved by U.S. Customs.

Meanwhile, NASCO (North America's SuperCorridor Coalition Inc.), another nonprofit business organization, has taken on the mission of building an "international, integrated and secure, multimodal transportation system" from Lazaro Cardenas through Kansas City and up to Winnipeg, Canada. This will allow Mexican trucks to haul goods along a 12-lane superhighway through the heartland of the United States.

Mrs. Schlafly is the author of the new book The Supremacists: The Tyranny of Judges and How to Stop It (Spence Publishing Co).

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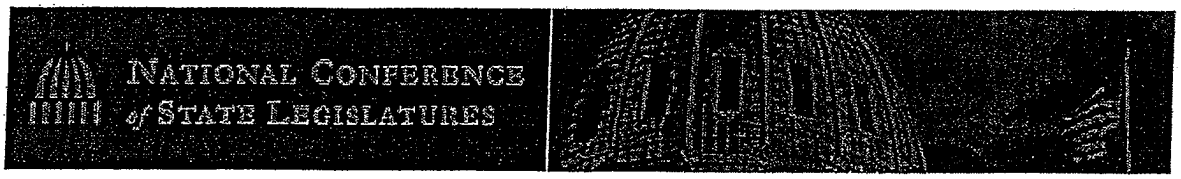


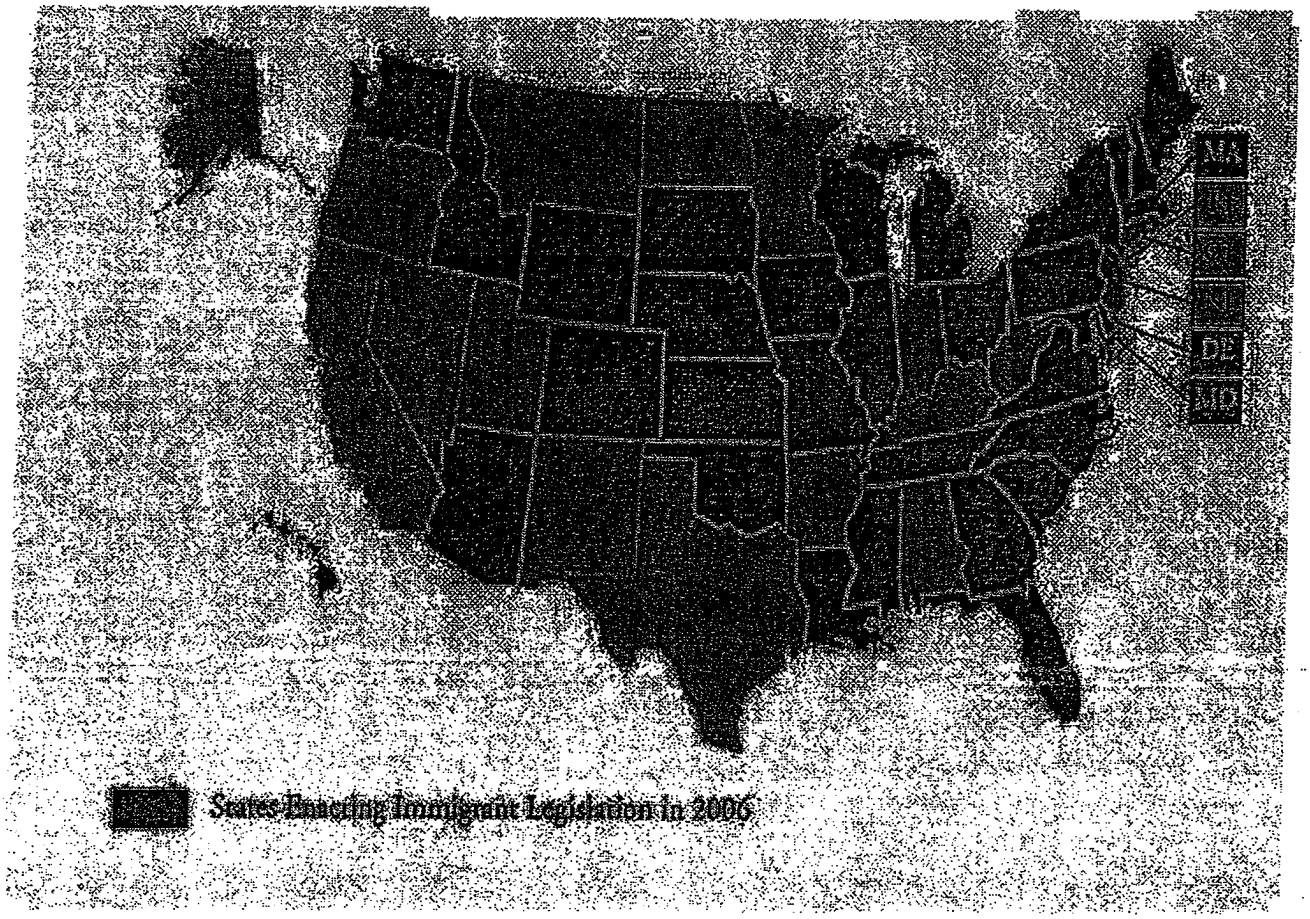
Immigrant Policy

2006 State Legislation Related to Immigration: Enacted, Vetoed, and Pending Gubernatorial Action

August 11, 2006

In 2006, almost 550 pieces of legislation concerning immigrants have been introduced in state legislatures around the country. While legislation covered a wide variety of topics, many states focused on employment, trafficking, public benefits, education, identification, voting rights and procedures, trafficking, law enforcement, and legal services. Thus far, at least 78 bills have been enacted in 2006, a pace that exceeds that of 2005. A handful of bills have been vetoed.

Bills were enacted in 33 states: Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, Wisconsin, and Wyoming.



ENACTED BILL COUNT

Main Topics:

Education	3 bills	3 states
Employment	**17 bills**	**9 states**

Identification/Driver's License	6 bills	5 states
Law Enforcement	9 bills	7 states
Legal Services	5 bills	5 states
Omnibus	1 bill	1 state
Public Benefits	13 bills	8 states
Trafficking	13 bills	9 states
Voting	6 bills	6 states
Miscellaneous	6 bills	5 states

Enacted Bills

Education

Nebraska LB 239 (signed 4/14/2006) allows unauthorized immigrant students to qualify for in-state tuition (section 1).

Virginia SB 542 (signed 4/6/2006) establishes eligibility for in-state tuition for those holding an immigration visa or classified as a political refugee in the same manner as any other resident student. Students with temporary or student visa status are ineligible for Virginia resident status and in-state tuition (section C).

Wyoming SB 85 (signed 3/10/2006) provides scholarships to Wyoming students to attend community colleges and the University of Wyoming. The bill bars non-citizens and non-Legal Permanent Residents (LPR) from receiving scholarship funding in this bill. Students whose parents have claimed foreign residency status during the student's high school attendance are also ineligible (section W.S. 21-16-1303).

Employment

Colorado HB 1001 (signed 7/31/2006) requires that contractors verify the work status of their employees before applying for economic development incentive awards. Contractors receiving awards and later found to employ unauthorized workers must repay the award and will be ineligible for another award for 5 years (section 1).

Colorado HB 1009 (signed 7/31/2006) mandates licenses, permits, registration, certificates to be issued to lawfully present persons, and mandates removal of authorization if the applicant is found to be unlawfully present (sections 1-3).

Colorado HB 1015 (signed 7/31/2006) mandates employers to withhold 4.63% from the wages of an employee without a validated Social Security number, a validated taxpayer ID number or an IRS-issued taxpayer ID for-non resident aliens (section 2).

Colorado HB 1017 (signed 7/31/2006) requires that within 20 days of hire, employers examine the work status of each employee and retain proof that the employees have legal work status. The state has the power to audit and verify the proof. Employers hiring unauthorized workers face a penalty of $5,000 for the first offense of showing "reckless disregard" in submitting requested documents or for submitting falsified documents (section 1).

Colorado HB 1343 (signed 6/6/2006) prohibits state agencies from entering into contract agreements with contractors who knowingly employ illegal immigrants and requires a prospective contractor to verify legal work status of all employees. The contractor must verify that the Basic Pilot Program has been used to verify the legal status of all employees. If the contractor discovers that an illegal alien is employed, the contractor must alert the state agency within 3 days (section 1).

Idaho HB 577 (signed 3/11/2006) limits unemployment benefits to U.S. citizens and legal residents (section 2).

Idaho HB 649 (signed 3/24/2006) prohibits balance billing when administering worker's compensation benefits. Benefits are available only to citizens and authorized immigrants. ("Balance billing" means billing or otherwise attempting to collect directly from an injured employee payment for medical services in excess of amounts allowable in compensable claims.)

Kansas SB 108 (signed 4/15/2006) provides employment security measures and unemployment benefits to legal residents of the state. Qualifying terms of employment do not include those immigrants who were admitted under certain legal circumstances to perform agricultural services (section 4).

Kansas HB 2157 (signed 3/23/2006) limits unemployment benefits and employment protection status to citizens and those with legal immigration status. Immigrants who were admitted into the United States legally and completed work during this time period are also eligible for benefits for that specific time period only (section 1:4:C:m).

Louisiana SB 753 (signed 6/23/2006) allows any state agency or department to conduct an investigation of a contractor's hiring policies if the employment of unauthorized immigrants is suspected. The district attorney can issue an order to fire undocumented workers, and, if the contractor does not comply within ten days of receiving notice, the contractor is subject to penalties of up to $10,000. This applies only to contractor's employing more than 10 people (section 1).

Oklahoma SB 1401 (signed 6/6/2006) requires that no person shall be certified as a police or peace officer in the state unless the employing agency has reported that such person has provided proof of U.S. citizenship or resident alien status, pursuant to the Immigration and Naturalization Services (INS) (section 2).

Oklahoma SB 1634 (signed 5/22/2006) excludes nonresident aliens and immigrants who were admitted into the United States for agricultural labor from unemployment protections and benefits. (section 1-210).

Pennsylvania HB 2319 (signed 5/11/2006) is known as the Prohibition of Illegal Alien Labor on Assisted Project Act. The bill defines an illegal alien as one who violates federal immigration laws yet is a paid employee within the state. This bill prohibits the use of labor by illegal immigrants on projects financed by grants or loans from the state government. Appropriate federal authorities should be contacted in the event a contractor knowingly employs illegal aliens and continues to accept a state contract (section 3).

Tennessee HB 111 (enrolled 6/1/2006) prohibits contractors from contracting with state agencies within one year of the discovery that the contractor employs illegal immigrants (section 1).

Washington SB 6194 (signed 3/27/2006) acknowledges that men and women of color suffer significant inequities in almost all aspects of daily life. To address this issue, this bill mandates multicultural education for health professionals in order to increase understanding of the relationship between culture and health (section 1).

Washington SB 6885 (signed 3/9/2006) excludes labor performed by nonresident aliens from the definition of "employment" when establishing Unemployment Insurance benefits (section 22).

Identification/Drivers' License

Colorado SB 110 (signed 5/30/2006) concerns the fabrication of fraudulent documents for legal status and identification purposes. This bill provides funding for a full-time investigator position in the attorney general's office, and implements a $50,000 civil fine for counterfeiting identification documents (section 1).

Colorado HB 1306 (signed 5/30/2006) requires an audit of a 2003 law restricting the use of foreign identification papers, including a consulate identification card. The report would, in part, determine if a birth certificate issued outside of Colorado should qualify as a verifiable document (section 1).

Florida HB 7079 (signed 6/22/2006) requires proof of legal immigrant status or proof of pending adjustment to legal immigrant status of driver's license applicants (section 322.08).

Maine LD 501 (signed 2/10/2006) forbids the acceptance of these expired documents as identification for state driver's licenses: expired visas issued by the United States; expired documents issued by foreign countries, and foreign passports with an elapsed departure date.

Missouri SB 1001 (signed 6/14/2006) states that a learner's permit, driver's license, or renewal license may not be extended to a person not lawfully residing in the state (section 302.171.1).

South Carolina HB 3085 (signed 6/12/2006) mandates that an individual is guilty of fraud if another person's personal information, such as social security numbers, driver's license numbers, checking and savings account numbers, and credit and debit card numbers, is used for the purposes of gaining employment (section 16).

Law Enforcement

Colorado SB 90 (signed 5/1/2006) prohibits any state or local government from enacting legislation that impedes law enforcement agencies from cooperating or communicating with federal officials concerning an arrestee who is suspected to be illegal (section 1). Police officers are required to report any suspected illegal immigrant arrestees to ICE, although this does not apply to suspected domestic abuses until a conviction has been reached. The act also declares that state and local law enforcement officials should actively pursue any and all federal monies available that reimburse states for enforcing federal immigration laws. Any local government that does not subscribe to this act will not be eligible for state grants (section 2).

Colorado HB 1014 (signed 7/31/2006) instructs the state attorney general to pursue reimbursement from the federal government for all costs associated with illegal immigration, including incarceration, education, and health care (section 1).

Illinois SB 624 (signed 7/18/2006) states an alien who is convicted of a felony or misdemeanor may be deported if an order of deportation has already been ordered or if deportation wouldn't lessen the crime (section 5).

Illinois SB 2962 (signed 7/3/2006) maintains that if an undocumented immigrant is found guilty of crime, the person may be deported (section 19).

New Jersey SB 2007 (signed 7/8/07) appropriates $5,000,000 for the State Criminal Alien Assistance Program and $2,403,000 for the alien labor certification service grant.

North Carolina HR 2692 (signed 7/24/2006) expresses support for establishing an immigration court in North Carolina and supports the expansion of DHS' program that permits local officers to identify those people not legally present in the U.S. who have already been given deportation orders or convicted of a felony (section 1).

Ohio SB 9 (signed 3/1/2006) states that state and local authorities should comply with the US Patriot Act. This bill requires that a driver's license applicant be a resident or a temporary resident of the state of Ohio (section 4507.08). The legislation requires ICE to be notified when a suspected non-citizen pleads guilty to or is convicted of a felony. The bill also requires a list of all unauthorized immigrants currently serving prison terms to be compiled and given to ICE to determine if ICE wishes to gain custody of any undocumented prisoner. Aliens currently serving prison terms should be released to the custody of ICE upon completion of their prison term (section 2909.30).

Oklahoma SB 1970 (signed 4/10/2006) requires that all police or peace officers prove U.S. citizenship or legal immigration status before being certified as an officer (section 1).

South Dakota SB 63 (signed 2/28/2006) includes ICE officers in the definition of federal law enforcement officer (section 1).

Legal Services/Assistance

Kansas HB 2485 (signed 3/20/2006) requires notary publics to advertise that they are not authorized to practice law nor give advice as immigration lawyers (section 1). Notary publics can be terminated if their citizenship status is revoked (section 2).

Maine HB 1398/ LD 1996 (signed 5/4/2006), referred to as the Immigration and Nationality Law Assistance Act, specifies requirements for those wishing to provide immigration law services, allowing only those lawyers who have passed the bar to dispense legal immigration advice. The bill also makes state requirements the same as federal requirements for those wishing to practice immigration law (section 3). An immigration assistance provider may not state that he or she receives special privileges or expedited service from any government agency. Notary publics are required to advertise that they do not offer immigration legal services (section 4).

Massachusetts HB 5000 (adopted 7/8/2006) includes funds for immigration lawyers, the refugee and immigrant safety and empowerment fund, and the office for refugees and immigrants (section 2).

Tennessee HB 3069 (signed by House and Senate Speakers 6/8/2006) prohibits a notary public who is not an attorney licensed to practice law in the state from advising or assisting in selecting or completing forms affecting or relating to a person's immigration status unless that conduct is specifically authorized by federal law (section 3).

Vermont SB 182 (signed 5/2/2006) requires courts to advise defendants of immigration consequences when pleading guilty to criminal offenses. These consequences include denial of U. S. citizenship or deportation. If the court fails to alert the defendant prior to an admission of guilt, the verdict must be retracted and the defendant may enter a plea of not guilty (section 1).

Omnibus

Georgia's SB 529 (The Georgia Security and Immigration Compliance Act) covers multiple topics and was signed by the Governor on April 17, 2006. The bill requires public employers to participate in a federal **work authorization** program for all new employees beginning July 1, 2007; subcontractors must also register and participate (section 2). The bill increases the penalties for **human trafficking** (section 3). The bill authorizes the state to negotiate a memorandum of understanding with the U.S. Department of Justice or U.S. Department of Homeland Security regarding **enforcement** of federal immigration and customs laws (section 4). If a person is charged with a felony or drunk driving and confined to **jail**, an effort shall be made to determine the nationality; if the person is a foreign national, a reasonable effort shall be made to determine that the person has been admitted into the United States lawfully (section 5). The bill also establishes and enforces standards of ethics by those that provide **immigration assistance services** who are not licensed attorneys (section 6). The bill denies certain deductible **business expenses** unless the worker has been authorized and verified to work in the U.S., beginning in 2008 (section 7). The bill requires **income tax withholding** at 6 percent for those who failed to provide a correct taxpayer identification number (section 8). State agencies must also verify the lawful presence of an individual before awarding certain **benefits**; emergency assistance, vaccines and other programs are exempted (section 9).

Public Benefits

Arizona HB 2448/SB 2738 (signed 4/24/2006) requires U.S. citizenship or legal immigrant status to receive health benefits. An unauthorized immigrant can receive emergency medical services only (section 1).

Arizona HB 2177 (signed 6/28/2006) gives tax credits for health insurance costs for citizens and legal residents only (section 2).

Arizona SB 1137 (signed 6/1/2006) limits eligibility for the Comprehensive Care for the Elderly program to citizens and those with legal alien status (section 1).

Colorado HB 1002 (signed 7/31/2006) mandates that unauthorized immigrants should receive services including the investigation, identification, testing, preventive care, and treatment of epidemic or communicable disease, including TB, HIV, AIDS, and venereal diseases (sections 1-7).

Colorado HB 1023 (signed 7/31/2006) restricts public benefits from those who are not U.S. citizens or Legal Permanent Residents. Applicants for public benefits **who are eighteen years old or older** must show a valid ID, such as a Colorado driver's license or ID card, military ID, etc., **before** receiving benefits. Restricted benefits include: retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, and unemployment. All Colorado residents, regardless of legal status, can receive emergency medical services, immunizations and treatments for communicable diseases, other services necessary for life and safety, pre-natal care, and short-term emergency relief. Use of the SAVE verification program is required. If caught using false information or fraudulent documents in order to receive benefits, an offender could face up to a year and a half in jail and a $5,000 fine for each offense (section 1).

Colorado SB 219 (signed 6/6/2006) qualifies lawfully present aliens for eligibility for state health benefits and states that emergency medical services should be provided for all people, regardless of status (section 25.5-3-105).

Hawaii HB 2966 (signed 6/9/2006) amends public housing rules and regulations to restrict down payment and mortgage loans to legal aliens, and defines 'qualified applicant' as one who is a citizen or resident alien (part II).

Illinois SB 918 (signed 5/3/2006) outlines requirements for eligibility for the Comprehensive Health Insurance Plan. The Act requires U.S. citizenship or legal immigrant status to be eligible for the state health plan coverage (section 7).

Illinois HB 4302 (signed 6/23/2006) provides prescription drug cost benefits to those who are "not eligible for federally funded means-tested benefits due to immigration status" (section 10).

Kansas HB 2352 (signed 5/22/2006) enacts general eligibility requirements for federally funded programs for public benefits. Medical services offered under a state medical care plan funded by both state and federal monies require citizenship or legal residency status. (section 97:4:e) The bill requires recipients of federally funded child care and protective services to be citizens of the United States. (section 97:2)

Maine's HB 1242/LD 1734 (signed 3/16/2006) entitled "An Act to Increase Accessibility to Health Insurance," defines a person "legally domiciled" in the state as one who has a resident visa (section 1). The bill allows those non-citizens who have resident visas and who are living in Maine to be eligible to qualify for Medicare coverage (section 2).

Maryland HB 89 (signed 5/2/2006) requires the Governor to support the Maryland Medical Assistance Program for health care services for specified legal immigrant children under 18 and pregnant women in the annual budget, beginning in FY 2008. At least $7 million shall be appropriated each year to provide these services. Pregnant legal immigrant women who entered the country after August 22, 1996 and who meet eligibility guidelines for federal and state medical assistance programs qualify (section 2).

Nebraska LB 1248 (signed 4/13/2006) deems lawfully admitted immigrants eligible for U.S. citizenship to qualify for food stamp benefits, regardless of date of entry (section 70:1). Refugees and those admitted for asylum are also eligible (section 70:2). The income of a U.S. citizen sponsoring a non-U.S. citizen can be used to determine the non-U.S. citizen's eligibility until citizenship is granted (section 70:3).

Trafficking

Colorado SB 004 (signed 7/31/2006) includes threats to report a person's immigration status to law enforcement officials in the definition of extortion (section 1).

Colorado SB 005 (signed 7/31/2006) makes threatening the destruction of immigration or work documents or threatening the notification of law enforcement officials of undocumented status in order to force a person into labor or services, with or without compensation, a Class 6 felony (section 1).

Colorado SB 206 (signed 5/30/2006) makes smuggling humans a class 3 felony, unless the adult is an illegal immigrant, which makes the offense a class 2 felony. Smuggling includes offering transportation to someone of illegal residency status enter, pass through, or remain in either the United States or Colorado in exchange for money. A separate offense is brought against the smuggler for each person assisted (section 1).

Colorado SB 207 (signed 5/30/2006) makes human trafficking a crime and increases penalties. Trafficking a human includes selling, exchanging, bartering or leasing an adult (16 years old or older) in exchange for money. Trafficking also includes receiving the services of an adult in exchange for money (section 1). Trafficking of any child under the age of 16 results in a class 3 felony (section 2).

Colorado SB 225 (signed 6/6/2006) creates a division in the Colorado State Patrol Department of Public Safety to address human smuggling and human trafficking on state highways (section 1).

Florida SB 250 (signed 6/12/2006) makes human trafficking a crime. Trafficking includes threatening to or destroying immigration documents for the purposes of forced employment (section 1). Victims of trafficking can receive up to three times the monetary amount for their services as restitution (section 3).

Hawaii HB 2051 (signed 7/3/2006) establishes a task force to study effective strategies to combat human trafficking

(section 1).

Iowa SB 2219 (signed 4/21/2006) makes human trafficking a crime and increases penalties. Training regarding the sensitive treatment of trafficking victims is ordered, and communication by law enforcement officials in the language of the victims is encouraged (section 1). A person engages in trafficking by physically restraining the victim or threatening to do so. A person also engages in trafficking by benefiting from the services of the victim or by receiving money for the victim's services. Threatening to or destroying identification documents to force a person into service constitutes trafficking. Trafficking carries a Cass D felony charge if the victim is over 18 and a class C felony charge if the victim is under 18 (section 3). The value of the labor provided by the victim will be taken into account when restitution is considered (section 5). A trafficking victim may qualify under certain circumstances for a special immigrant visa and may qualify for some federal assistance (section 6). The bill institutes a Victim Compensation Fund (section 8). The bill also calls for a study to examine the effects of trafficking on victims (section 9).

Maine HB 893/ LD 1296 (signed 4/28/2006) establishes a task force to investigate possible determents to trafficking (section 1).

Michigan HB 5747 (signed 5/25/2006) stiffens penalties for human trafficking. The bill defines trafficking as threatening a person into forced labor by causing or threatening bodily harm. The penalty for this crime is a prison sentence varying from up to 10 years to life, depending on the severity of the offense (section 462b). The bill also forbids forced labor or services by threatening the destruction of immigration documents, and increases penalties for human trafficking (section 462e). The intention of trafficking a human is also criminal (section 462h). Finally, kidnapping, attempting to kill, murdering, or engaging in criminal sexual conduct with a trafficking victim is punishable by life imprisonment (section 462i).

Mississippi HB 381 (signed 4/21/2006) increases the penalties for a person found guilty of human trafficking of any kind to a possible prison sentence of up to 20 years. A person found guilty of recruiting a minor for employment in the sex industry can receive a prison sentence of up to 30 years (section 3). Destroying or threatening to destroy immigration documents for the purposes of restricting travel will result in a prison term of no more than 5 years. (section 4).

North Carolina HB 1896 (adopted 7/27/2006) makes trafficking a felony, and includes in the definition of trafficking anyone who threatens to destroy, conceal, remove, confiscate, or possess any actual or purported passport or other immigration document or any other actual or purported government identification document of another person (section 20).

Virginia SB 291 (signed 3/30/2006) makes the act of threatening an individual with reporting illegal status to officials for the purposes of extorting money a class 5 felony.

Voting/Elections

Colorado SB 007 (signed 7/31/2006) creates a Class 5 felony for anyone deliberately voting in an election without proper authorization (section 1).

Delaware SB 162 (signed 2/1/2006) amends the Delaware Code Relating to Elections. The amended bill requires that appointed elected officials swear "I will not knowingly or willfully receive or consent to the receiving of the vote of any alien..." upon the opening of a polling place on election day (section 52).

New Hampshire SB 403 (law without signature 6/16/2006) requires proof of citizenship for voter registration purposes (section 1).

Missouri SB 1014 (signed 6/14/2006) mandates that applicants for voter registration may only use identification issued in the U.S. or Missouri (i.e. driver's license, passport, etc). The ID used must include a picture (section 115.427.1).

South Dakota SB 118 (signed 2/22/2006) amends the requirements necessary for voting. When requesting a ballot, a voter must present a passport or government-issued photo identification card before receiving a ballot (section 1).

Virginia HB 170 (signed 5/18/2006) requires the Department of Motor Vehicles (DMV) to provide the State Board of Elections with a list of non-citizen driver's license applicants each month. When collecting this information, the DMV may not offer voter registration to the applicant. The general registrar can cancel voter registration as a result of non-citizen status. The DMV is not required to verify any claims of residency (section 24.2-410.1). The general registrar is required to delete the names of those voters who have non-citizen status. Those names must be kept in a separate database for 4 years (section 24.2-404).

Miscellaneous

Alcohol and Tobacco: Wyoming HB 144 (signed 3/11/2006) allows a permanent resident card or internationally accepted passport to be used as acceptable documentation to rent a keg (section 1).

Gun permits: Georgia HB 1032 (signed 4/20/2006) provides for a check of ICE records for non-citizen applicants. Non-citizen applicants are not permitted to obtain a gun permit (section 1).

Hawaii SB 2263 (signed 4/25/2006) requires the issuing authority to perform an inquiry on non-citizen applicants by using the ICE databases for the National Instant Criminal Background check system before approving or denying a gun permit (section 3).

Virginia HB 1577 (signed 4/19/2006) denies anyone unlawfully residing in the U.S. permission to obtain a handgun permit.

Residency Definition: Idaho HB 457 (signed 3/15/2006) excludes non-resident aliens, defined under the Internal Revenue Code, from the definition of state resident (section 1).

Reporting: Virginia HB 1046 (signed 4/5/2006) requires officers to report to ICE a juvenile who has committed a violent act that would be a crime if committed by an adult and who has also been found to be in the U.S. illegally.

Vetoed Bills

Arizona SB 1157 (vetoed: 4/17/2006) would have criminalized illegal entry into Arizona and allowed trespassers to be prosecuted.

Arizona HB 2577 (vetoed: 6/6/06) would have criminalized illegal immigration status, provided $160 million in aid to law enforcement agencies to stop flow of immigrants, established fines for businesses who continue to hire undocumented workers after warnings, required law enforcement agencies to train employees in immigration enforcement procedures, and denied education benefits to immigrants.

Arizona HB 2701 (vetoed 3/9/2006) would have allowed the governor to mobilize the National Guard to enforce the border if the state issues a state of emergency resulting from an excessive number of illegal border crossings.

Wisconsin SB 567 (vetoed 5/26/2006) would have required all applicants for state benefit programs to show proof of citizenship or legal immigration status.

Bills Pending Gubernatorial Action

Study: North Carolina HB 1723 (enrolled 7/28/2006) mandates a study of the impact of undocumented immigrants on the State (section 2.1).

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[1]A variety of terms exist that refer to the entire class of immigrants residing in the United States without authorization. These terms include unauthorized immigrant, unauthorized migrant, undocumented immigrant, illegal immigrant, and illegal alien. For consistency, this brief usually refers to 'unauthorized immigrant' for those immigrants who have either entered unauthorized into the United States or who have overstayed their visas. The term "illegal alien" is used where state legislation specifically refers to "illegal alien" . The term "non-citizen" includes both legal and unauthorized immigrants.

[2]The terms *smuggling* and *human trafficking* are often thought to be interchangeable. However, *smuggling* refers to illegally crossing a border, and it is a crime for both the smuggler and the person smuggled. *Human trafficking* is the practice of forced labor, typically in the sex industry, and does not require a crossing of any border. The trafficker, not the victim, commits the criminal act.

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