

2010 closed with the failure of Congress to fix the broken immigration system, threats by state legislators to pursue Arizona's SB 1070-inspired measures and sweeping victories by Republicans in the 2010 mid-term elections. In December, the National Immigration Forum released a report that outlined these developments and what they could mean for the 2011 state legislative sessions. The report, entitled "Deficits, Lawsuits, Diminished Public Safety: Your State Can't Afford SB 1070,"¹ highlighted the public safety, fiscal and legal arguments against replicating the Arizona law, "Support Our Law Enforcement and Safe Neighborhoods Act," commonly referred to as SB 1070. Specifically, the law made it a state crime to fail to apply for or carry proper immigration documentation and gave police broad power to detain those suspected of being unlawfully present in the country. Further, SB 1070 allows citizens to sue law enforcement agencies whose enforcement efforts they consider to be insufficient and toughens laws against the performance of work by unauthorized immigrants.

The Arizona law triggered a national firestorm and cost the state millions in revenue, exacerbating a near-record budget shortfall while guaranteeing that millions more will be spent defending it in the courts. Passage of the bill caused irreparable damage to the state's reputation. The state's largest newspaper editorialized: "SB 1070 created such a noxious cloud of bad P.R. that Gov. Jan Brewer put \$250,000 into repairing the state's image. And now the Senate is deciding whether to give Arizona another self-inflicted bad eye. Imagine the spectacle of mass protests as Arizona hosts Major League Baseball's All-Star Game for the first time in July. Arizona is getting a global brand, and it's not the Grand Canyon State, but the place that is hostile to Hispanics and immigrants. The latest package of bills is profoundly divisive in a state with a Hispanic population of 30 percent—and growing."²

Despite overwhelming evidence that Arizona's law won't solve the broken immigration system, several states have forged ahead with SB 1070-style bills. Meanwhile others, acknowledging the costs and opposition from the business, law enforcement and faith communities, have abandoned attempts to pass harsh anti-immigrant legislation altogether. In Arizona, Senator Russell Pearce was handed a defeat on March 17, 2011, when five of his harsh anti-immigrant bills—which included measures to strip U.S.-born children of illegal immigrants of their citizenship, to require hospitals to contact federal immigration officials if people being treated lack insurance and can't prove their citizenship, to force schools to report illegal immigrants, and to make it a crime for illegal immigrants to drive in Arizona—were rejected by the Arizona Senate.

The bills were shepherded to defeat by a coalition and an increasingly-vocal business community that had become alarmed by the harshness of the legislation, the costs of SB 1070 to their businesses, and the toxic message the new bills would have sent to outsiders and investors. Joining together to send a message to the Senate, more than 60 CEOs of major Arizona businesses and employers [signed a joint letter](#) saying that more legislation targeting illegal immigrants would hurt the economy and the tourism

¹ "Deficits, Lawsuits, Diminished Public Safety: Your State Can't Afford SB 1070," National Immigration Forum, December 30, 2010, available at: <http://www.immigrationforum.org/images/uploads/2010/SB1070Report.pdf>.

² "60 executives say 'no' to more immigration bills," *Arizona Republic*, March 16, 2011.

industry. They want the legislature to push instead for federal action on immigration and warned of the unintended consequences of more legislation and going it alone on immigration.

More and more states are seeing the same light. The business and law enforcement communities have stepped up their opposition to the harsh measures being pushed by conservative politicians in legislatures all over the country. Fiscally, not much has changed since December, and the outlook for most states remains bleak. Already, 26 states are reporting billion dollar shortfalls for 2013, even as they try to close huge budget gaps for FY 2012. States couldn't afford SB 1070-style laws in December, and they cannot afford them now.

Meanwhile, the harshly anti-immigrant segment of the Republican Party advocating SB 1070-style legislation has created an intensely negative perception of the Party among Latino and immigrant voters. As Politico reported about a new California statewide poll, "Latino voters across the state hold widely negative views of the Republican Party, according to the survey, which was conducted by a GOP pollster and consultant and conceived as a tool to help the party make inroads with Hispanic voters. Many respondents said they see the GOP as too conservative and don't trust it on the issue of immigration reform." The poll showed that an astonishingly high 47% of Latino voters have an intensely negative view of the Republican Party and only 26% view them favorably.³

Republicans like Jan Brewer, Russell Pearce, and a throng of other restrictionist politicians pushing anti-immigrant bills have put a Republican face on anti-immigrant laws; and Latino and immigrant voters don't like what they see. As a result, and because of demographic trends, the Republican Party may be sentencing itself to electoral doom, particularly in the Southwest and Latino-heavy states. The nasty rhetoric coming from some members of the party about immigration—a litmus test issue for Latino voters—has severely damaged the Republican brand.

Thus, a constellation of factors are at work in every state. While some states have forged ahead, others have heeded the voices of cooler heads and changed course. Already, SB 1070-style legislation has been defeated or abandoned in Colorado, Nebraska, Wyoming, Kentucky and South Dakota. Others have pursued "watered down" versions of their original legislation. Still others have forged ahead with SB 1070-style bills, or with bills that go even further like Oklahoma's.

This report is an update on SB 1070 efforts in other states as many of the legislative sessions are near conclusion. This report is not intended to be an exhaustive account of all states that may consider SB 1070-style proposals. Instead, several states are highlighted to showcase examples of the kinds of dynamics at play.

SB 1070: States Still Can't Afford It

The recession has caused bleak state fiscal outlooks and many states have had to make severe and ever increasing cuts to programs and agencies for the last several years. Independent experts foresee severe budgetary problems for the bulk of states for several years to come. While many states have used the

³ Molly Ball, "Poll: California Latinos spurn GOP, *Politico*, March 17, 2011.

openings of their legislative sessions to address their fiscal crises, many of them remain deeply in the red or forced to make deep cuts to education, Medicaid, and other state services. According to the Center on Budget and Policy Priorities: "44 states and the District of Columbia are projecting budget shortfalls for fiscal year 2012.... These come on top of the large shortfalls that states closed in fiscal years 2009 through 2011. States will continue to struggle to find the revenue needed to support critical public services for a number of years, threatening hundreds of thousands of jobs.

- **The upcoming fiscal year (FY2012) is shaping up as one of states' most difficult budget years on record. Thus far, some 44 states and the District of Columbia are projecting budget shortfalls totaling \$112 billion for fiscal year 2012.**
- **Despite modest signs of improvement, states still face a long road to recovery. Already, some 26 states are projecting shortfalls totaling \$75 billion for FY 2013 (the year that begins 16 months from now). Once all states have prepared estimates, this total is likely to grow. Thus, significant state shortfalls are expected to persist into the future."**⁴

As a result of ongoing fiscal difficulties, and in recognition of the expense Arizona incurred in the aftermath of enacting SB 1070, many states have decided not to follow Arizona's example. Colorado, Kentucky, Wyoming, New Hampshire, and Nebraska have said "no" to Arizona's approach.

In Colorado, the measure's chief sponsor admitted that the state simply could not afford it. "Rep. Randy Baumgardner, R-Hot Sulphur Springs, killed his House Bill 1107 over what he said were concerns about the costs of fighting off legal attacks questioning the bill's constitutionality. Baumgardner said he did not know what the Senate might have done with the bill but was confident it would have passed the House. It would have been fiscally irresponsible to proceed with the bill", Baumgardner said. "With the economy the way it is, I didn't feel it was right to burden the people of Colorado," he said.⁵

Representative Baumgardner's comments reflect the horrible fiscal reality. As the sweeping reach of SB 1070 laws become clear, implementation costs become prohibitively expensive. In 2006, Arizona attempted to pass a harsh enforcement measure similar to SB 1070. It was later vetoed by then-Governor Napolitano. However, in anticipation of potential passage, the Yuma County Sheriff's Department prepared a comprehensive cost assessment for the county. According to their analysis, the potential costs for that bill, which would have authorized the police to arrest illegal immigrants on trespassing charges, were staggering:

- Law-enforcement agencies would spend between \$775,880 and \$1,163,820 in processing expenses;
- Jail costs would be between \$21,195,600 and \$96,086,720;
- Attorney and staff fees would be \$810,067 – \$1,620,134;

⁴ Elizabeth McNichol, Phil Oliff and Nicholas Johnson, "States Continue to Feel Recession's Impact," Center on Budget and Policy Priorities, Updated March 9, 2011, available at: <http://www.cbpp.org/cms/?fa=view&id=711>.

⁵ Kyle Glazier, "Rep. kills bill dubbed 'copycat' of AZ immigration law," Denver Post, February 14, 2011, available at: http://www.denverpost.com/breakingnews/ci_17386974.

- Additional detention facilities would have to be built at unknown costs.⁶

Under the 2006 immigration enforcement bill, these enormous costs would have been incurred by a single county—and not Arizona’s largest. The 2006 bill, also sponsored by Russell Pearce, did not go as far as SB 1070. Therefore, based on the above figures, the potential costs to implement SB 1070 on a statewide level would clearly add a huge financial burden to taxpayers and the state budget.

In legal fees alone, Arizona could spend up to \$10 million should the case go to the United States Supreme Court as is widely predicted. Other cities and states—California, Hazleton, Pennsylvania, and Farmers Branch, Texas, for example—accrued millions in legal fees defending anti-immigrant measures that were ultimately stopped by the courts.

In addition to the cost of defense and implementation, there was also a significant loss of revenue for the state. According to a study commissioned by the Center for American Progress to examine the economic effects of Arizona’s SB 1070, the consequences for the tourism industry and the jobs it supports have been severe:

“The (tourism) industry’s losses will cost the state \$253 million in economic output and more than \$86 million in lost wages over the next two to three years...The study, conducted by Arizona-based Elliott D. Pollack & Company, found that the losses from meetings that were cancelled following approval of the immigration control law S.B. 1070 total \$141 million in direct spending by convention attendees. Further, the economic hit from cancelled meetings that would have occurred over the next two to three years—\$253 million in economic output—affects 2,800 jobs that would have been supported by that activity.”⁷

Law Enforcement Officials Have Stepped Up Their Opposition to SB 1070 Laws

Nationwide, law enforcement leaders have become more outspoken against harsh immigration laws like Arizona’s. They believe that already strained resources would have to be further stretched to meet the onerous demands of a law like Arizona’s, and contend that these types of laws harm public safety by destroying public trust. Besides diverting scarce resources from the pursuit of violent crime and dangerous individuals, laws like SB 1070 that conflate local law enforcement and immigration enforcement make it less likely that communities, particularly immigrant communities, will report crimes because they fear deportation—making everyone less safe. Led by the President of the Police Executive Research Forum (PERF), police chiefs have voiced opposition to SB 1070 with the Obama Administration.

⁶ Can Arizona Afford to Implement SB 1070?, New American Media, April 23, 2010, available at <http://blogs.newamericamedia.org/immigration/1919/can-arizona-afford-to-implement-sb-1070>

⁷ Marshall Fitz and Angela Kelley, "Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona’s S.B. 1070," Center for American Progress, November 2010, available at: http://www.americanprogress.org/issues/2010/11/pdf/az_tourism.pdf.

[Police chiefs](#) met with Attorney General Eric Holder in May 2010 to urge federal action against SB 1070 and for federal immigration reform.⁸ In March 2011, PERF issued a report, “Police and Immigration: How Chiefs Are Leading their Communities through the Challenges” making 20 recommendations—10 for local law enforcement and 10 for the administration and Congress—on how to approach immigration. One of the key recommendations for local law enforcement is that local law enforcement should be prohibited from arresting or detaining persons for the sole purpose of investigating their immigration status. The group also recommends that the administration and Congress should not continue to delay comprehensive immigration reform and that the legislation should include “provisions regarding guest workers, provision of permanent legal status, and employer and family based visa systems.”⁹

Republicans May be Sentencing Themselves to Electoral Doom

In several of the states where SB 1070 legislation has been introduced (TX, PA, CO, GA, and VA) immigrants comprise an increasingly large share of the electorate. In Pennsylvania, for example, the state’s new immigrants have fueled a population growth in Philadelphia for the first time in 60 years, allowing Philadelphia to retain its status as America’s fifth-largest city. Independent experts have speculated that one reason Phoenix failed to overtake Philadelphia as the nation’s fifth largest city was because of draconian anti-immigrant measures driving Hispanics away. Growth in the immigrant population in Southeastern Pennsylvania prevented even further erosion of Pennsylvania’s congressional delegation, which is slated to lose a congressional seat after the reapportionment process.

In Arizona, where Latinos are now 30% of the population and growing, Republicans have pushed through several draconian anti-immigrant measures that have been widely perceived as anti-Hispanic. This perception is driving a wedge between the Republican Party and a fast-growing segment of the state’s electorate. Beyond that, Arizona’s Republican leadership is also putting a national face on anti-immigrant laws, and this is being reinforced by Republican leaders in other state legislatures and by some Republican members of the United States Congress.

Meanwhile, the new census numbers show that Texas added 4.5 million new people, and Latinos, now 38% of the state’s population, accounted for the bulk of that growth. While passage of an SB 1070-style law in Texas is unlikely, Republican state legislators have pushed a number of controversial anti-immigrant measures. It will be increasingly difficult for Republicans to maintain control of a minority majority and immigrant-heavy state while pushing measures widely seen as anti-immigrant and anti-Hispanic.

Demographic trends, particularly in the Southwest, beg the question of how Republicans plan to simultaneously push draconian anti-immigrant measures and still win statewide and national elections

⁸“ Law Enforcement Leaders Agree: Federal Government is Responsible for Enforcing, and Reforming, Immigration Law,” Law Enforcement Engagement Initiative, July 1, 2010, available at: http://www.leei.us/main/media/law_enforcement_leaders_agree_report.pdf.

⁹ Hoffmaster et. al., “Police and Immigration: How Chiefs Are Leading their Communities through the Challenges,” Police Executive Research Forum, 2010, available at: <http://www.policeforum.org/library/immigration/PERFImmigrationReportMarch2011.pdf>.

long-term. While 2010 was a Republican wave election, the party lost several key U.S. Senate races precisely because their candidates espoused anti-immigrant and anti-Latino positions. Immigration has become a litmus test issue for Latino voters and the Republican brand has been severely diminished among Latino and immigrant voters by the nasty legislation and rhetoric coming from some segments of the party. Concern about this has created a split in the Republican Party with former Florida Governor Jeb Bush [saying](#), "If you believe in the conservative philosophy as I do, it would be incredibly stupid over the long haul to ignore the burgeoning Hispanic vote."

In the States:

Over the last three months, we have seen state Republican leaders choose different paths. Some have used their newfound political clout to pursue harsh immigration enforcement legislation that is prohibitively expensive, endangers public safety, will result in costly lawsuits, and undermines local economies. Others have refused to press forward with anti-immigrant legislation and instead are calling on the federal government to solve the problem.

With only a few months before most legislatures adjourn the 2011 legislative session, advocates, faith, law enforcement and business leaders are keeping the pressure on state lawmakers to oppose SB 1070-style legislation.

Legislatures considered a flurry of immigration related bills. Some legislators tried to scale back versions of their bills mimicking Arizona's SB 1070 or have abandoned their efforts to move such legislation altogether. The results have largely been mixed.

In Florida, the sponsor of that state's SB 1070-style bill said he would not vote for his own bill due to concerns that it would lead to racial profiling, but later expressed interest in scaling back his original bill for a less controversial version he called "Arizona light." In Colorado, efforts to pass an Arizona-inspired law were abandoned by the sponsors due to cost concerns. A [South Dakota](#) SB 1070 copycat bill was rejected in the House because law enforcement argued the bill would impact their work. The Kentucky bill died in the House Local Government Committee where reports indicate it will not receive a vote. The Pew Hispanic Center estimated that the Kentucky bill would [cost the state \\$40 million a year](#). The [Wyoming](#) bill also died in committee.

Though immigration advocates have had some success in defeating these types of measures, they are concerned that some states' lawmakers have opted to forge ahead with SB 1070-style legislation and many other types of measures seeking to marginalize immigrants. Oklahoma's SB 1070 legislation is called "Arizona plus" because it would allow police to confiscate the property of undocumented immigrants. In Mississippi, the Arizona-inspired bill has passed both chambers and is now in conference committee. Also, Arizona-style law enforcement bills have passed in at least one chamber in Georgia, Indiana and South Carolina.

Utah, in a class by its self, passed a bill that has been signed by the Governor. The bill includes provisions for a guest worker program, immigrant law enforcement and an immigrant sponsor program. While some immigrant advocates have described the bill as "Arizona-lite," it is the first time in any state

that a Republican-led legislature has produced a bill that includes more than just enforcement. Both immigration advocates and restrictionists have threatened to bring a lawsuit against the bill on the grounds that it is unconstitutional.

Florida

Three key developments have caused support for Florida's SB 1070-style bill to fade: 1) Florida's multibillion dollar budget deficit requires real solutions, not immigrant scapegoating, 2) state lawmakers are concerned that an SB 1070-style bill will lead to racial profiling, and 3) the state's fast growing and increasingly powerful Latino vote.

Senator Mike Bennett (R) introduced [SB 136](#), but in early January 2011, he indicated that he [might not vote for his own bill](#) due to deep concerns about racial profiling. The bill is in the process of being withdrawn from further consideration. Instead, a "watered down" version of Arizona's SB 1070, which requires law enforcement agencies to check the immigration status of individuals [arrested](#) rather than all individuals stopped by a law enforcement, has passed the Judiciary Committee in a "proposed committee bill" form. The bill is now in a drafting stage, after which it will receive a bill number and be assigned to a committee. Governor Rick Scott (R) has been a vocal proponent of bringing Arizona's SB 1070 to Florida.

Former director of the United States Marshals Service and former chief of the City of Tampa, Florida, Police Department, Eduardo Gonzalez [said](#) this about SB 1070 last summer, "It will divert precious police resources away from fighting crime, create rampant distrust of police in immigrant communities, and lead to unlawful racial and ethnic profiling. SB 1070 divests local officers of the discretion to determine how best to ensure the safety of the community and retain the trust of the immigrant population by mandating that they enforce immigration laws. . . . [B]ased on my 34 years of law enforcement experience, I believe it will be extremely difficult to construct a training program for enforcement of SB 1070 that will successfully prevent officers from resorting to using racial and ethnic appearance to form the requisite suspicion. . ."

Florida's enormous [\\$3.6 billion budget deficit](#) for FY 2012 will make it difficult to justify the expense of an Arizona-type law and efforts to pass the legislation appear to be a waste of time in a state where the foreclosure crisis has been severe and the unemployment rate of [11.9%](#), is three points higher than the national average. At a Florida State Senate hearing about how immigration affects the state, the Florida Chamber of Commerce Foundation warned legislators that tougher regulations could cost the state as much as [\\$80 million in lost revenues](#).

This year, at the Hispanic Leadership Network's inaugural conference aimed to build Hispanic voter support for the Republican Party, Governor Scott conspicuously failed to mention his support of SB 1070. Rather, he talked about [creating jobs](#) and improving the economy. Anti-immigrant legislation runs counter to that desire.

The legislative session ends in May.

Georgia

SB 1070-style bills, [House Bill 87](#) and [Senate Bill 40](#), which also include costly e-verify provisions, were introduced in Georgia by Representative Matt Ramsey (R) and Senator Jack Murphy (R). The House bill passed on March 3rd and has been referred to the Senate Judiciary Committee. The Senate bill passed as well and is being referred to the House.

Governor, Nathan Deal (R), who campaigned on bringing Arizona's SB 1070 law to Georgia, appears to be uncomfortable with the e-verify provision in the bill and to have prioritized other state matters above immigration. The Atlanta Journal Constitution [reports](#) that, "Asked about the pending legislation in Georgia, Deal recently suggested there are limits on what the state can legally do concerning immigration, and he said he does not want to put an 'undue burden' on employers who would have to comply with certain requirements in the bills, such as making sure employees are eligible to work in the United States. A spokesman for Deal said the governor is committed to curbing illegal immigration in Georgia but is focused on other priorities now, including closing a gaping hole in the state budget."

Georgia's projected FY 2012 budget deficit is \$2 billion. The state has endured an almost [20% decline in revenue](#) between 2007 and 2010 and has an [unemployment rate of 10.4%](#), higher than the national average. In response to Georgia's fiscal crisis, the Governor [proposed a budget](#) that cuts agency funding by \$518 million and underfunded enrollment growth in education and Medicaid. This is on top of \$2.5 billion in budget cuts implemented over the past three years.

Similar to Arizona, tourism is a key component of Georgia's economy. [Tourism](#) is Georgia's second largest industry and generates an annual income of more than \$34 billion for the state. Georgia's copycat bill has been deemed a "[jobs-killing](#)" piece of legislation and has been opposed by the [business](#) and [law enforcement](#) communities.

Like every state in the nation, Georgia's \$65 billion agricultural industry relies heavily [on immigrant labor](#). The [Georgia Farm Bureau](#) recently voted to oppose any measures that would discriminate against immigrant farm workers and some [state legislators](#) have loudly opposed SB 1070-style legislation, highlighting the inevitable negative effects for the state's foreign investment, tourism and convention industry and agriculture.

The [Georgia Chamber of Commerce](#), the [Georgia Agribusiness Council](#) and the [Georgia branch of Associated General Contractors of America](#), have spoken out against the bill, specifically singling out flaws in the e-verify program. Furthermore, law enforcement officials in Georgia, also facing budget cuts, told legislators at a recent budget hearing that they are [struggling to perform their routine duties](#).

The legislative session ends in April.

Idaho

In early January, Senator John McGee (R) [said](#) that an Arizona-inspired immigration measure would be introduced this session. By late January, [lawmakers began acknowledging](#) that for various reasons, a bill

may not be introduced. Senator Mike Jorgenson (R) has been the sponsor of past anti-immigrant measures, but he was defeated in a primary last year. Idaho State Senator Monty Pearce (R) (a cousin of SB 1070 author, Russell Pearce) supports the Arizona law, but also acknowledges that there are not enough votes in the legislature to move a similar bill.

Business leaders oppose an effort to bring an Arizona-style bill to Idaho. “If there is any Arizona-style law legislation, the business community will oppose it,” said Brent Olmstead, a lobbyist for the [Milk Producers](#) of Idaho.

The legislative session ends in late March.

Indiana

An Arizona-style immigration bill, [Senate Bill 590](#), was introduced by Senator Mike Delph (R). It passed the Senate in February and has been referred to the House. Democratic legislators are participating in a walkout due to a dispute over legislation involving labor unions. Their walkout is holding up discussion of the Senate-passed bill, SB 590, in the House Governor Mitch Daniels, who may run for the Presidency in 2012, [has not indicated](#) whether he supports the bill.

Budget scholars [warn](#) that Indiana’s fiscal reality remains bleak. Indiana was hit harder than most states by the recession, [unemployment is 9.1%](#), higher than the national rate, and the state’s [unemployment insurance fund is bankrupt](#).

Indiana’s business community and farmers oppose an Arizona-style immigration bill. The [hotel and restaurant industry](#) in Indiana warns it may suffer a similar loss of business and workers as the Arizona convention industry were such a bill to become law. [Indiana farmers](#), calling for dependable migrant labor, have testified against the Arizona-inspired bill. Two of Indiana’s largest employers, Eli Lilly and Cummins, Inc., have expressed opposition to the bill stating that it hinders businesses from competing in the global market.

Senate Bill 590 is expected to [cost state police about \\$5 million a year to implement](#). However, this estimate is believed to be far too conservative. Arizona’s and Indiana’s populations, at 6,392,017, and 6,483,802, respectively, are roughly the same. In Arizona, the Pima county sheriff estimated that [implementation costs for SB 1070, a law similar to SB 590, just for his county would cost millions. Extrapolation of that figure for the entire state of Arizona indicates that it would cost millions of dollars to implement state-wide.](#)

The Republican Attorney General joined a bipartisan group of political and religious leaders and advocates in [signing](#) the [Indiana Compact](#), a proactive effort that developed a set of principles to guide the immigration debate in Indiana, declaring that immigration enforcement should be handled at the federal level, not the state level.

The legislative session ends in April.

Kansas

Representative Lance Kinzer (R), along with Secretary of State Kris Kobach (R), wrote a bill that has both [e-verify and Arizona-inspired law enforcement provisions](#). The bill, originally thought likely to pass the conservative-led House, was [tabled](#) by the House Judiciary Committee due to racial profiling and constitutional concerns. At least one legislator felt the bill could be redrafted to address those concerns and be brought back for consideration. However it could still face challenges in the more moderate Senate where Vice President John Vratil (R) supports awaiting the Supreme Court decision of SB 1070: "Why would we go down the same road as Arizona until there's a determination in the federal courts? It's silly as far as I'm concerned. All we're going to do is get sued." Governor Brownback has not taken a position on the bill. Representative Pat Colloton led the fight against the bill and argued that it would lead to racial profiling and hurt charities that don't comply with the law by costing them their grant money.

Uneasy about the bill, Kiowa County [Sheriff](#) Kendal Lothman said, "It's a really easy thing to be abused."

Kansas's FY 2012 [budget gap](#) is \$492 million. Governor Sam Brownback, who in his [inaugural speech](#) acknowledged that state finances are strained beyond the state's means, has said getting the budget back on track is a priority. He [said](#), "I'm focused on growth. The first session, we need to grow the economy and get our budget balanced without a tax increase. That's the primary focus."

Kansas is the home state of Kris Kobach (R), who was elected Secretary of State in November and has a long history in crafting anti-immigrant legislation. He played a major role in crafting the Arizona bill and authored bills in Hazelton, PA, and Farmers Branch, TX, that would have denied immigrants access to rental housing. Both laws have been blocked by the courts and have cost these towns millions in legal fees.

The legislative session ends in May.

Mississippi

SB 1070-style bills have been introduced in Mississippi by Senator Joey Fillingane (R) and Representative Gary Chism (R). The House bill, [HB 54](#), failed in committee in February, but the Senate version, [SB 2179](#), passed both chambers in January and now is in conference committee. Reports indicate that Governor Haley Barbour (R) would sign a bill like Arizona's SB 1070. Barbour [said](#), "It's not as applicable to us because we don't have a border. But there's nothing in that law that to me, that offends constitutional standards, whether it's the United States or the state of Mississippi." In 2001, Barbour, via a lobby firm for which Mexico was a client, worked to [provide a path to citizenship](#) for certain undocumented workers living in the United States, if they paid a small fine that acknowledged they had broken the law. Additionally, just last year during an [interview](#) with the Hoover Institute, he appeared to be supportive of finding a solution that allowed undocumented immigrants to earn a way toward citizenships.

"I don't know where we would have been in Mississippi after Katrina if it hadn't been with the Spanish speakers that came in to help rebuild. And there's no doubt

in my mind some of them were here illegally. Some of them were, some of them weren't. But they came in, they looked for the work. If they hadn't been there — if they hadn't come and stayed for a few months or a couple years — we would be way, way, way behind where we are now. . . . A lot of it is just common sense. And common sense tell us we're not going to take 10 or 12 or 14 million people and put them in jail and deport them. We're not gonna do it, and we need to quit — some people need to quit acting like we are and let's talk about real solutions.”

Mississippi’s projected FY 2012 budget gap is \$364 million and it continues to lag behind the rest of the nation in both [timing and pace](#) of economic recovery. Also, [unemployment, at 10.1%](#), remains high. Governor Barbour has recommended [steep cuts for most state agencies](#) and [promised not to increase taxes](#). Given the fiscal constraints, lawmakers are [quibbling](#) over who and how the state would pay for an expensive Arizona-style law.

The legislative session ends in April.

Nebraska

The Arizona SB 1070-style bill, [LB 48](#), introduced by Senator Charlie Janssen, was [tabled](#) pending study on the issue. Governor Dave Heineman (R), who built his career opposing illegal immigration, supports state action on immigration law enforcement.

[Legislative Resolution 39](#) has been introduced by Senator Brenda Council as an alternative to the SB 1070-style bill. The resolution calls for federal reform on immigration. It was also tabled along with other immigration legislation for the year pending an interim study on immigration.

Acknowledging that Nebraska is facing unprecedented financial challenges, Governor Heineman’s [budget proposal reflects](#) reduced funding for many agencies and eliminates many programs in order to close the huge projected [budget gap of \\$1.4 billion](#).

The League of Nebraska Municipalities has raised concerns about the [high costs](#) an Arizona SB 1070-style bill would impose on cities. Officials at two of the state’s biggest police departments, Omaha and Lincoln, opposed Legislative Bill 48. Deputy Omaha Police Chief Todd Schmaderer said, “Our mission is to reduce crime and reduce the fear of crime.” He continued, “We are afraid and have concerns that LB 48 will hamper those efforts, as it is written.” Lincoln Police Chief Tom Casady wrote a letter in February to the city’s finance director detailing some of his concerns with the bill, including its fiscal impact and threat to public safety. Casady [wrote](#), “I fail to see this as a good return on investment.” Casady said that his department is the smallest, per-capita, in the state and is failing to keep up with Lincoln’s growth.

The legislative session ends in June.

Oklahoma

Senator Ralph Shortey (R) introduced an SB 1070-inspired bill in Oklahoma, [SB 908](#), and has called it "Arizona-plus" because it would allow police to confiscate the property of undocumented immigrants. It passed the Senate on March 16th. In the House, [HB 1446](#) by Representative George Faught (R) passed on March 10th and has been sent to the Senate. It allows officers with federal immigration training to inquire about the immigration status of individuals. The two bills are similar, and the differences would likely be resolved and rewritten in a House and Senate conference committee. Governor Mary Fallin (R) favours Arizona's SB 1070 and Attorney General Scott Pruitt promised to sue the federal government for expenses incurred as a result of illegal immigration during his campaign.

Oklahoma's FY 2012 \$500 million deficit is sure to be a factor in the legislative debate. Many agency budgets have been cut by 15% in the past and agencies have been warned to prepare for further cuts of up to 10 percent. The Public Safety Commissioner, testified before the legislature that it might have to lay off troopers if the agency faces further budget cuts.

Leadership in the Oklahoma legislature has been cautious about passing an Arizona-style bill, mostly because of cost. House Speaker Kris Steele (R) and Senate President Pro Tem Brian Bingman (R) have suggested that law enforcement officers and others who deal with this issue every day be consulted before moving forward

Oklahoma has a 2007 law mandating the use of e-verify by public agencies and contractors. It originally included use by all employers, but that provision was struck down by the courts. SB 908 also included some e-verify provisions, which were removed due to business opposition. Regarding that removal, Roy Williams, president of the Greater Oklahoma City Chamber of Commerce said, "The immigration problem is a federal problem. For us to try and solve a problem we didn't create at the expense of making our businesses uncompetitive, that's just not a good idea."

The legislative session ends in May.

Pennsylvania

An Arizona SB 1070-style bill was introduced during the last session, but sponsors were unsuccessful in moving the bill through the legislature. The SB 1070-style bill, [HB 2479](#), introduced by Representative Daryl Metcalfe (R) never made it out of committee in 2010.

This session however, Metcalfe introduced a package of immigration bills, which includes an Arizona-style bill, [HB 738](#), and referred to the State Government Committee on February 17th.

Governor Tom Corbett (R) filed a legal brief in support of Arizona's law while he was Attorney General.

Pennsylvania's astronomical [\\$4.2 billion deficit will demand tough choices from lawmakers](#). In his [inaugural address](#), Governor Corbett emphasized fiscal discipline and acknowledged the difficulties for residents in finding work (the state's [unemployment rate is 8.2%](#)), and the challenges of small and large

employers to hire and invest. Given the economic climate and a persistently high unemployment rate, it's difficult to see how Pennsylvania would pay for an SB 1070-style measure.

Meanwhile, as noted previously, immigration, particularly to the Philadelphia region has fueled the state's growth. As [the Philadelphia Inquirer reported](#): "Pennsylvania's population swelled in the southeast and dropped dramatically across the west, the 2010 census revealed - with a tip of the hat to Philadelphia's first growth in 60 years...Pennsylvania's population grew 3.4 percent from 2000 to 2010, to 12,702,379. Absent Hispanic and Asian newcomers, however, it would not have grown at all."

Pennsylvania is also notable because Representative Metcalfe is the founder of the innocuously titled State Legislators for Legal Immigration (SLLI), a front group for the Federation for American Immigration Reform, a Washington D.C.-based [hate group](#). Metcalfe was profiled in a [report](#) by the Southern Poverty Law Center that examined the extremist views of leading members of SLLI. The group is pushing harsh, anti-immigrant legislation across the country and has announced a national campaign to attack the Constitution's 14th Amendment and its guarantee of citizenship for all children born in the United States.

The legislature meets throughout the year.

South Carolina

An Arizona SB 1070-style bill, [S 20](#), introduced by Senator Lawrence Grooms (R) [passed](#) the Senate and was referred to the House Judiciary Committee on March 14th. The House version, [H 3129](#), was introduced by Representative Eric Bedingfield (R) and it is also in the Judiciary Committee. Governor Nikki Haley (R) backed the Attorney General's legal brief in support of SB 1070 and has [said](#) she would sign a similar law for South Carolina.

Reggie Lloyd, Director of the [State Law Enforcement Division](#), has testified before the legislature that his department, which has already suffered budget cuts, does not have the capacity or resources to implement an Arizona-style law enforcement measure. Jeff Moore, Executive Director of the [South Carolina Sheriff's Association](#), has questioned how the bill would work, though the group has not taken a position on the bill.

South Carolina's budget shortfall is projected to reach [\\$877 million](#) in the coming year and the state has [cut about 20% of its operating budget](#) in the last few years. Unemployment is at [10.5%](#).

Businesses in South Carolina are mostly silent or neutral about immigration enforcement legislation. In efforts to be measured about the Arizona-inspired immigration law enforcement bill, Russell Ott of the South Carolina Farm Bureau [said](#), "We're following very closely the development of SB 20 but we feel that this does not directly attack employers but rather the workers." However, he also said, "we're competing with other states for labor and passing (the bill) would put us at a disadvantage, many believe it's unconstitutional, we don't need another immigration law, there are more important issues like unemployment and fixing the economy."

The legislative session ends in June.

Tennessee

Arizona-style and e-verify bills have been introduced in both chambers. Senator Bill Ketron (R) and Representative Joe Carr (R) introduced Arizona SB 1070-like bills [SB 1567](#), [HB 1582](#) and [HB 1380](#) in Tennessee. The Senate bill was referred to the Senate Judiciary Committee in February. Both house bills, introduced by Carr, contain provisions that would allow police to question the immigration status of anyone stopped. House bill 1582 was referred to a subcommittee of the Local Government Committee on March 8th. HB 1380 is scheduled for a hearing on March 23 in the subcommittee of State & Local Government. Representative Carr also introduced an e-verify bill with Senator Jim Tracy (R). The e-verify bills are [HB 1378](#), which was placed on the Local Government subcommittee's calendar for March 16th, and [SB 1699](#), which was referred to the Labor Committee on February 24th.

Conservative majorities in both chambers make passage of such bills likely, though legislators appear [divided](#) on which immigration measures to pass. Governor Bill Haslam (R) announced that he is working with Republican leadership in the legislature to craft a [comprehensive immigration](#) bill. It is expected to have a law enforcement provision similar to the Arizona law. Governor Haslam (R) has [promised](#) to sign an SB 1070-like bill if the Legislature passes it.

With Tennessee facing a \$1 billion [budget shortfall](#), [business leaders](#) have [expressed concerns](#) about the economic impact SB-1070-style legislation could have on the state. The [fiscal note](#) for HB 1380 indicates that it would increase state expenditures by nearly \$3 million this year and over \$1.8 million in subsequent years.

The legislative session ends in May.

Texas

An Arizona-style copycat bill, [House Bill 17](#), was filed by Representative Debbie Riddle (R). It was referred to the Criminal Jurisprudence committee on February 9th. An e-verify bill receiving a lot of attention in Texas is [HB 1202](#), also introduced by Representative Riddle. This bill has been scrutinized for exempting from e-verify those employers seeking workers for labor primarily in a single-family residence (i.e. household and landscape workers). It was referred to the House Affairs Committee on March 1, 2011.

Governor Rick Perry (R) expressed concern about replicating SB 1070 in Texas, but has also made abolishing [sanctuary cities](#) in Texas an emergency item for the 2011 legislature session. Meanwhile, the Reform Immigration for Texas Alliance has been organizing the immigrant community across the state to oppose draconian bills moving in the state legislature.

[Law enforcement](#) officials have spoken out against HB 17, calling it an unfunded mandate that will further strain [their](#) already limited resources. Dallas County Sheriff Lupe Valdez said, "Are counties going to be so stressed that they cut other services to provide funds?" she asked during a press conference at the state capitol, adding that counties need space in jails for people who are dangerous,

not people society is "afraid of." Austin Police Chief Art Acevedo said politicians have yet to convince law enforcement that "this misguided policy, driven by emotion and not by intellect, driven by politics and not public policy" would enhance public safety. El Paso Sheriff Richard Wiles said, "Police departments depend on trust, partnerships and a positive relationship with the communities we serve." He continued, "I'm concerned that if forced into this immigration issue, we're going to tear down the trust and respect and crime will rise in our cities. There's no reason to go down that road." San Antonio Police Chief William McManus stated, "Our police officers right now have enough work on their hands without having to deal with federal immigration laws."

The [business community](#) spoke out against bills that would mandate the use of e-verify and charge undocumented immigrants with criminal trespassing at a recent hearing. "We oppose legislation that would put undue and unenforceable mandates on the businesses, our members," said Bill Hammond, president of the Texas Association of Business. "These honest hard-working businesses would not be able to pay these excessive wages which would go up," said Louis Barrios, whose family owns a restaurant in San Antonio.

The legislative session ends in May.

Utah

In November 2010, a bipartisan group of political and religious leaders in Utah publicly announced their support of the [Utah Compact](#), a set of bipartisan, common sense principles on immigration reform meant to guide the legislative debate in Utah and calling on the federal government to fix the broken immigration system.

The legislative debate surrounding immigration was complicated and shaped by several bills that moved simultaneously. On March 7th, Utah legislators, citing the Compact as a guide, passed what they believed was a comprehensive Utah solution to the immigration crisis. It's an amalgam of several pieces of legislation.

Several months ago, Representative Stephen Sandstrom introduced [HB 70](#), a harsh anti-immigrant bill modeled after Arizona's SB 1070. It [passed the House](#), but was later killed in the Senate as part of a deal to create the eventual compromise legislation.

A compromise [package of several immigration bills, including one](#) that included a guest worker program and another that included law enforcement provisions, passed both chambers of the Republican-controlled legislature. [HB 116](#), the guest worker bill, grants a two-year work permit to undocumented immigrants who have been working in the state. The Governor has until 2013 to seek a waiver from the federal government for the program. After that deadline, the guest worker program would go into effect regardless of the waiver. [HB 497](#), the law enforcement provision, would require officers to check the immigration status of those arrested for a felony or misdemeanor. Governor Herbert signed the bills on March 15, 2011.

Litigation is a certainty given remarks by both immigration advocates and restrictionists. Reports indicate that NumbersUSA and the American Civil Liberties Union (ACLU) will consider lawsuits against the bill because it appears to interfere with federal preemption of immigration. Roy Beck, Executive Director of NumbersUSA, objected to the bill [stating](#) that, "This is about running their own immigration system," Beck said. "It's not going anywhere." Karen McCreary, executive director of the ACLU of Utah, warned that the law enforcement provisions are concerning. "I think we shouldn't be fooled here, that this is a kinder, gentler version of 1070."

The legislative session ended March 10.