



March 2, 2011

2009-2011 Vol. 18

GENERAL SESSION

February 23, 2011

Program Topic I: Immigration in Utah

**Presented by: Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions, Revenue & Taxation/
Transportation/Government Operations**

Director: Tibby Milne

Co-Chairs: Junko Shimizu & Marilyn Larson

– Presented concurrently with –

Program Topic II: Immigration's Impact on Utah's Agricultural Industry

Presented by: Energy/Natural resources/Agriculture & Environment

Director: Kari Malkovich

Co-Chairs: Hilarie Orman & Linda Watters

**Speakers: Jason Mathis – Exec. VP, Salt Lake City Chamber; Exec. VP,
Downtown Alliance**

Dr. Ron Mortensen – The Center for Immigration Studies

**Sen. Luz Robles (D) Dist. 1; Salt Lake County – sponsor,
SB60 Pilot Accountability Permit Program and
Identity Related Amendments**

SB41 Health Amendments for Legal Immigrant Children

**Rep. Bill Wright (R) Dist. 68; Millard, Juab, Sanpete Counties –
sponsor, HB116 Guest Worker Program Act**

**Rep. Stephen Sandstrom (R) Dist. 58; Utah County (Orem) –
sponsor, HB466 Utah Guest Worker Program
HB70 Illegal Immigration Enforcement Act**

Leonard Blackham – Utah Commissioner of Agriculture

**Stan Rasmussen – Director of Public Affairs,
The Sutherland Institute**

Sterling Brown – VP of Public Policy; The Farm Bureau

Mr. Mathis stated the Utah Compact came about last summer when community leaders became concerned about the tone of the immigration discussion. Amnesty? Racism? There didn't seem to be a middle ground. They held meetings during the summer. Participants included the Catholic Diocese, United Way, the Chamber of Commerce, the Downtown Alliance, the Sutherland Institute, Salt Lake City Police Chief Burbank, the Attorney General, and several legislators.

The goal was to apply Utah values as the guiding principles to the immigration debate. The five principles of the Utah Compact are (1) Federal solutions (2) Law Enforcement (3) Families (4) Economy (5) A free Society. Although the LDS church did not sign the Compact, it issued a statement supporting its principles. The statement is available on the WSLC website. (Click on the *Session* tab at the WSLC website at www.wslcofutah.org.) Those wishing more information or to sign the compact may visit www.utahcompact.com.

Dr. Ron Mortensen said illegal aliens are not undocumented. They have phony social security cards, fraudulent green cards, fake birth certificates, and bogus driver's licenses. They just don't have legal documents. The illegal who obtains such documents to get a job has already committed three felonies – Social Security fraud, perjury (by filling out an I9 form), and identity fraud.

Children's Social Security numbers are most often used. Consequently, an innocent child may technically have a credit history, an arrest record, an income tax liability, and a corrupted medical history. Studies indicate 50,000

children in Utah are being used in this manner. Workforce services found that 1,626 companies in Utah are paying wages to the Social Security numbers of children less than 13 years of age. Rep. Herrod seeks to require companies to use the E-Verify system. This program, provided by the Social Security Administration and the Department of Homeland Security is free, so employers incur no cost.

Sen. Robles agreed that the immigration debate has many points of view among Utah legislators. They agree to disagree. It is not only about employment, she said, or work force demands; it is about families, community and public safety. The federal government should fix the problem but has failed to do so. She has been asked if the many bills being proposed can be made to work together, and she believes it may be possible.

The federal courts have made it clear how far states can go in enforcing federal immigration law. Criminal activity is within the purview of the states. There are mechanisms in place to turn illegal aliens who commit crimes over to the federal authorities.

Describing her bill **SB60 Pilot Accountability Permit Program and Identity Related Amendments**, Sen. Robles said it addresses enforcement, accountability, employment and employee responsibility. The bill proposes an "accountability card." Immigrants here for longer than two years would register for it by undergoing a criminal background check and paying a fee. They would be required to enroll in English and civics classes for integration purposes. An important part of this proposal is to ask the federal government for a waiver. The

waiver would allow employers to employ illegals based on the accountability card and avoid being prosecuted for violating federal law. Sen. Robles believes this is a more pragmatic system than strict enforcement only.

Rep. Wright addressed his proposed **HB116 Guest Worker Program Act**. His private sector job is in agriculture. The bill “starts where we are right now,” but is not amnesty. Workforce Services would manage the program. Illegal workers would undergo a background check, including fingerprinting. They could pursue citizenship if they wish. Like Sen. Robles bill, the program would also require a waiver from the federal government. **HB116** allows for cooperation between U.S. federal and state governments and the Mexican government. Mexico wants a program to provide guest workers to the U.S.

All of us contribute the senator said, to these people being here. Banks open accounts for them. Insurance companies sell them insurance. Placing the entire penalty burden onto employers is not right. He believes the costs associated with illegal workers have been trumpeted, but their financial contribution (paying taxes, buying food, paying rent, etc.) has not been. He said any one of us can transgress religious or civil laws and be forgiven, and asked, “How high a price do they have to pay?”

Rep. Sandstrom presented **HB70 Illegal Immigration Enforcement Act**. He believes it will provide a huge deterrent to criminal illegals coming to Utah. He emphasized it is “not an Arizona bill.” The two are similar only in that law enforcement officers can ask immigration status questions. From there, they diverge.

If a person is detained or arrested for violating a Class B or C misdemeanor, the officer may inquire about immigration status and forward that information to Immigration and Customs Enforcement (ICE). An example was given of a child being brought here illegally. At age 18, the boy is caught speeding. If the boy is honest about his status, the officer can decide to let him go. In Arizona, the officer would have to detain the boy and turn him over to ICE. If the boy were non-cooperative, the officer would have cause to detain him. If an offender is a felon, a criminal

re-entrant to the U.S. or has overstayed a visa, ICE would be notified.

In a Class A misdemeanor or a felony, an officer must detain the person based on a “reasonable suspicion” the person is illegal. The bill narrowly defines reasonable suspicion. **HB70** is designed to prevent racial profiling in that an offender can affirm he is a citizen, providing information such as a name and address which the officer can verify.

Another provision of **HB70** deals social benefits obtained through fraud. People receiving these benefits will have to prove legal status or go through the Systematic Alien Verification for Entitlements (SAVE) system. The last provision of the bill Rep. Sandstrom discussed concerned human trafficking. It would make it a felony to transport and harbor any person to Utah for financial gain.

Dr. Blackham mentioned he is from San Pete County, which uses many migrant workers in its agricultural industry. He stated that agriculture has come to rely more on immigrant workers since the 1970s. Upon investigation he was shocked to find the number of migrant workers is lower in San Pete than in the more urban Wasatch Front counties. What is driving this? It isn’t agriculture, he said.

In fact, immigrant workers are integrated throughout our system. This contributes to the standard of living we enjoy today. Food is only 10% of a family’s budget. We cannot compete internationally if we cannot draw cheap labor to agriculture. Dr. Blackham contends our youth are not willing to do harvesting jobs anymore. We have seen our energy needs grow from 30% to 70% from foreign sources. Today, 30% of our food comes from outside the country. We cannot afford, he said, to have agriculture go the same way.

Mr. Rasmussen described the Sutherland Institute as an independent, non-profit, public policy institute focusing on Utah issues. It accepts no government money and does no contract lobbying work. Its governing principles include (1) personal responsibility as the basis of self-government, (2) family as the fundamental unit of society, (3) religion as a moral compass of

progress, (4) property as the corner stone of economic freedom, (5) free markets as the engine of economic prosperity, (6) charity as the well-spring of a caring society and, (7) limited government as the essence of good government. Like-minded individuals and organizations support the Southerland Institute.

The Institute participated in the Governor’s Round Table discussion in July. Discussion was guided by six principles outlined by the Governor. First, there must be respect for law. Second, the federal government has the responsibility to secure our borders, enforce immigration law, and draft illegal immigration policy. Third, there must be greater accountability from the private sector. Fourth, immigration reform efforts must be fair, color blind and race neutral. Fifth, we must provide appropriate tools, training and resources for law enforcement to enforce the law and keep our communities safe. Sixth, we must relieve the financial burden on taxpayers.

Following the Round Table, the Sutherland Institute signed the Utah Compact and joined with Sen. Robles to develop a proposal for reform. They believe her bill is best. Its solutions represent Utah culture. It safeguards public safety while holding harmless those of good will.

Mr. Brown said there are two common denominators for farmers and ranchers. One is

unpredictable weather. The other is an unpredictable market. Neither of these can be controlled. Today’s farmers and ranchers also have to deal with regulation. Many must downsize, if not sell out completely. It has become more difficult to harvest today’s food and fiber products. A farmer in southern Utah County recently had to sell 100 acres devoted to cherries because he could not find enough help to harvest.

The federal government’s H2A program provides a way to get guest workers when local labor is not available. It is unwieldy and requires going through five different agencies to acquire a worker. It takes an average of six months and \$4,000 dollars to acquire one worker. An employer is federally limited as to the documentation he can request and the questions he can ask of a prospective worker. It is a huge burden for agricultural employers.

Today’s family earns enough in only 40 days to buy food for the year. Taxes require the family to work into May. We have a cheap, affordable supply of food in our country. Farmers and ranchers depend on the availability of migrant workers. In 2006, an economic analysis was conducted that showed that \$5-9B of economic activity nationwide is in jeopardy if the U.S. worker shortage cannot be met.

Reported by Stuart Gygi

NOTE: Election of officers for the WSLC 2011-2013 biennium will be held on March 9, 2011. Nominee information is offered in an attachment to this Bulletin and on the website.

**THIS BULLETIN IS A PUBLICATION OF
THE WOMEN’S STATE LEGISLATIVE COUNCIL OF UTAH, INC.**
(www.wslcofutah.org)

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Printed by AlphaGraphics
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Salt Lake City, UT 84101