

2009 Session Legislative Recap Series: Immigration

By Jeff Mixon

The North Carolina General Assembly continues to ignore one of the most important issues facing the state. Despite the introduction of several bills that would help solve some of the problems associated with illegal immigration in North Carolina, lawmakers in the legislative leadership closed their eyes and hoped the problems would go away on their own.

After making minor changes in the law last session that addressed illegal immigration, this session will be remembered for what they failed to do. Early on in the session, a number of proactive bills were filed that could help stop North Carolina from continuing to be a magnet state for illegal immigrants. Unfortunately, those bills were not passed and, worse still, most were not even allowed to be heard in a committee.

The following bills did not receive enough support from the majority of either house for further consideration and are now no longer eligible. (In other words, they're dead and will not be heard again until after the next election.)

- *E-Verify* - Rep. George Cleveland (R-Onslow) sponsored [HB 324](#) that would require any contractor receiving stimulus funds to be required to use the E-Verify System to determine workers' legal status. Rep. Pat McElraft (R-Carteret) sponsored [HB 338](#) that is almost an identical bill.
- *Illegals in Community Colleges* -The debate on allowing seats in the state's community colleges to be taken by illegal aliens flared up last year prior to the election and the education establishment did a fairly good job of putting the issue off until a more convenient time. The issue was addressed by [HB 294](#) sponsored by Rep. Pearl Burris-Floyd (R-Gaston). This bill would prohibit illegal aliens from attending state supported community colleges and universities.
- *Spanish Language Ballots* - Sen. Andrew Brock (R-Davie) sponsored [SB 237](#) which would have restricted voter registration forms and ballots to be printed in English only except where required by federal law. (Given that only citizens are supposed to vote and a requirement of citizenship is a basic grasp of the English language, is this really too much to ask?)

Despite the lack of progress on the immigration front, some bills could still be in play because they were originally scheduled to be heard in an appropriations or finance committee but have not been given a committee hearing. The following bills might still be eligible during the short session if allowed by the leadership. (The second session of the 2009-2010 North Carolina General Assembly will convene in May of 2010.)

- *Comprehensive Reform* - By far the most wide reaching and comprehensive bill introduced in the Legislature was [HB 922](#) sponsored by Rep. Brian Holloway (R-Stokes). Nearly every facet of illegal alien activity is covered by this bill, from penalizing employers that hire illegals to authorizing local sheriffs and police to enforce federal immigration laws, prohibiting illegals from attending community colleges and denying bail to illegals arrested. It is little wonder that this bill was never allowed by the leadership to be heard in committee. The Senate's had two similar versions of this bill: [SB 337](#) sponsored by Sen. Austin Allran (R-Catawba) and [SB 398](#) sponsored by Sen. Debbie Clary (R-Gaston).
- *E-Verify* - Reps. Wil Neumann (R-Cleveland) and George Cleveland (R-Onslow) introduced [HB 344](#) that would require all employers in the state use the E-Verify Program to determine an employee's eligibility to work legally in the US.
- *Human Smuggling* - Rep. Curtis Blackwood (R-Union) sponsored [HB 194](#) that would have targeted the smugglers of illegal aliens that bring illegals to North Carolina.

Only one bill addressing illegal immigration was given a chance during this session and the story of how it was handled is emblematic of how the Legislature does the people's business. [SB 32](#) was filed by Sen. John Snow (D-Cherokee) and had a largely bipartisan list of co-sponsors. The bill would require nearly every employer in North Carolina to use the E-Verify program to determine worker eligibility. This bill was passed by the Senate Commerce Committee in February and was then sent to the Senate Appropriations Committee where it languished for months without a hearing.

On the very last day the NC Senate conducted business before they adjourned, the Appropriations Committee held a hastily called meeting on the floor of the Senate where the bill was brought up for a vote. It received an unfavorable report from the committee by an unrecorded voice vote that effectively kills this bill until after the 2010 elections. This bill has all of the marks of a parliamentary trick designed to avoid a vote on this very important issue.

One bill that will be eligible next session is [SB 290](#) sponsored by Sen. Jim Forester (R-Gaston). This bill is similar to [HB 324](#) and would limit illegals from benefiting from the spending of stimulus funds in North Carolina. This bill has also never been heard in committee.

Additionally, lawmakers cut the amount of money allocated in the state budget to aiding local law enforcement with the 287g program. (The program trains sheriff's officers how to identify and report illegals in their custody to federal officials.) After appropriating \$750,000 in the FY 2007-2008 budget and \$600,000 in the FY2008-2009 budget, funding was cut in the FY 2009-2010 budget to just \$150,000.

If lawmakers continue to ignore immigration reform proposals in Raleigh, they may want to consider what the voters pay attention to.