

1 **IMMIGRATION JOINT RESOLUTION**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ross I. Romero**

5 House Sponsor: \_\_\_\_\_

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**LONG TITLE**

7 **General Description:**

8 This joint resolution of the Legislature urges Congress to reform an outdated and  
9 ineffective federal immigration system and recommends that implementation of state  
10 immigration regulation proposals on certain immigration issues be delayed until after  
11 January 28, 2013, to allow time for federal immigration reform to pass.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ strongly urges the United States Congress to address federal immigration reform  
15 and to incorporate an increased and complementary role for states for reasons of  
16 greater efficiency and coordination; **§→ [and] urges that Utah's legislative leaders and Utah's**  
17 **congressional delegation formally meet collaboratively to discuss the proper role of each in**  
18 **developing and implementing immigration policy; and ←§**

19 ▶ recommends that state immigration regulation proposals concerning immigration  
20 enforcement, state work permits, guest worker programs that go beyond the current  
21 federal program, business licenses, professional licenses, Driving Privilege Cards,  
22 in-state tuition requirements, and variations on these issues be delayed until after  
23 January 28, 2013, to allow federal immigration reform to take place.

24 **Special Clauses:**

25 None

26 *Be it resolved by the Legislature of the state of Utah:*

27 WHEREAS, the United States Constitution and United States Supreme Court decisions



28 fix primary immigration policymaking authority with the federal government;

29 WHEREAS, Utah must currently address pressing and higher priority issues of  
30 education, the economy, job creation, health, and the environment;

31 WHEREAS, state immigration policies would violate the influential Utah Compact,  
32 which emphasizes "Federal Solutions" as a principle;

33 WHEREAS, Utah immigration initiatives largely are problematic under the federal  
34 preemption doctrine and the Supremacy Clause of the United States Constitution;

35 WHEREAS, state and local immigration laws have led to costly lawsuits and economic  
36 drains in numerous states and localities;

37 WHEREAS, the unintended consequences of these laws are difficult to assess but  
38 largely destabilizing to families, communities, and economies;

39 WHEREAS, Utah has an illegal immigrant population estimated at between 2% and 4%  
40 of the state's population;

41 WHEREAS, state immigration enforcement could be unconstitutional and would  
42 impose costs and perhaps unintended consequences of local and state law enforcement  
43 agencies;

44 WHEREAS, state immigration enforcement would have limited effectiveness given  
45 current federal prioritization established and coordinated by Immigration and Customs  
46 Enforcement;

47 WHEREAS, establishing a Utah work permit would violate federal law prohibiting the  
48 unlawful employment of unauthorized aliens and would violate the Supremacy Clause of the  
49 United States Constitution;

50 WHEREAS, no waiver or federal approval for such a violation of federal law is  
51 available in immigration law, nor is the defect otherwise curable;

52 WHEREAS, guest worker programs that sought to include illegal immigrants residing  
53 in Utah would also violate federal law;

54 WHEREAS, Utah has no ability to adjust immigrant visa quotas to economic and  
55 societal needs since that authority rests exclusively with the federal government;

56 WHEREAS, increased state regulation of business and professional licenses, even if for  
57 the purpose of completing federal immigration law that prohibits illegal immigrants from  
58 working, would impose costs on all businesses;

59 WHEREAS, mandating a voluntary federal E-Verify system on Utah employers would  
60 impose added costs and administrative burdens on businesses;

61 WHEREAS, attempts to revoke or limit the Driving Privilege Card would complicate  
62 processes for all applicants, similar to changes that increased waiting times for all applicants in  
63 2010;

64 WHEREAS, the Driving Privilege Card has been shown effective in limiting the  
65 number of uninsured drivers on Utah roads;

66 WHEREAS, a revocation of the Driving Privilege Card would result in less revenue for  
67 the state;

68 WHEREAS, maintaining in-state tuition for qualifying students helps Utah develop a  
69 more educated populace and workforce;

70 WHEREAS, restrictive Utah immigration laws could cause disruption in certain  
71 markets and industries;

72 WHEREAS, restrictive Utah immigration laws could drive some small businesses out  
73 of business;

74 WHEREAS, Utah immigration regulation efforts could further exacerbate societal  
75 tensions at a time when economic and community challenges call for greater integration and  
76 cohesion;

77 WHEREAS, the Utah Legislature has previously adopted S.B. 167, Penalties for False  
78 Driver Licenses and Identification Cards (2005), S.B. 15, Workforce Services-Reporting  
79 Misuse of Personal Identifying Information (2007), S.B. 81, Illegal Immigration (2008), and  
80 H.B. 64, Deterring Illegal Immigration (2009), which address current state immigration  
81 regulation;

82 WHEREAS, the Utah Compact is being used as a reference point for state immigration  
83 regulation by Colorado, Arizona, Texas, Nebraska, Indiana, Georgia, and Florida; ~~§~~ → [and] ← ~~§~~

84 WHEREAS, federal immigration reform should include an increased and  
85 complementary role for states to play that will improve efficiency and coordination ~~§~~ → [:] ;

85a **WHEREAS, Utah's legislative leaders and Utah's congressional delegation have not**  
85b **formally met collaboratively to discuss immigration reform; and**

85c **WHEREAS, it would be beneficial for both the Utah Legislature and Utah's**  
85d **congressional delegation to better understand the proper role of each party in developing and**  
85e **implementing immigration policy: ←§**

86 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
87 strongly urges the United States Congress to address federal immigration reform and to  
88 incorporate an increased and complementary role for states for reasons of greater efficiency and  
89 coordination.

90 BE IT FURTHER RESOLVED that the Legislature of the state of Utah recommends  
91 that state immigration regulation proposals concerning immigration enforcement, state work  
92 permits, guest worker programs that go beyond the current federal program, business licenses,  
93 professional licenses, Driving Privilege Cards, in-state tuition requirements, and variations on  
94 these issues be delayed until after January 28, 2013, to allow federal immigration reform to  
95 take place.

95a **Ŝ→ BE IT FURTHER RESOLVED that the Legislature of the state of Utah urges that**  
95b **meetings take place between Utah's congressional delegation and Utah's legislative leadership**  
95c **for the purpose of working colloaboratively to address the proper role of each in developing**  
95d **and implementing immigration policy. ←Ŝ**

96 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
97 the United States, the Majority Leader of the United States Senate, the Speaker of the United  
98 States House of Representatives, and to the members of Utah's congressional delegation.

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**Legislative Review Note**  
**as of 2-14-11 4:50 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

S.J.R. 18

SHORT TITLE: Immigration Joint Resolution

SPONSOR: Romero, R.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this resolution likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this resolution likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this resolution likely will not result in direct, measurable expenditures by Utah residents or businesses.