

Members

Sen. Dennis Kruse, Co-Chairperson
Sen. Ed Charbonneau
Sen. Michael Delph
Sen. Timothy Skinner
Sen. Richard Young
Sen. Frank Mrvan
Rep. Scott Pelath, Co-Chairperson
Rep. Vern Tincher
Rep. Mara Candelaria-Reardon
Rep. Eric Koch
Rep. Timothy Harris
Rep. Jackie Walorski



INTERIM STUDY COMMITTEE ON IMMIGRATION ISSUES

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Eliza Houston Stephenson, Attorney for the
Committee
Bill Brumbach, Fiscal Analyst for the Committee
Al Gossard, Fiscal Analyst for the Committee

Authority: Legislative Council Resolution 08-01

MEETING MINUTES¹

Meeting Date: October 14, 2008
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Dennis Kruse, Co-Chairperson; Sen. Ed Charbonneau;
Sen. Michael Delph; Sen. Richard Young; Sen. Frank Mrvan;
Rep. Scott Pelath, Co-Chairperson; Rep. Vern Tincher; Rep.
Mara Candelaria-Reardon; Rep. Eric Koch; Rep. Timothy Harris;
Rep. Jackie Walorski.

Members Absent: Sen. Timothy Skinner.

Representative Pelath and Senator Kruse, Co-Chairpersons, called the fourth meeting of the Interim Study Committee on Immigration Issues to order at 1:00 P.M. The Committee members received the following five handouts: (1) Written testimony² from Sheriff Daron Hall in Davidson County (Nashville, TN) on Davidson County's experience

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

² Exhibit 1

with the 287(g) Delegation of Authority program. (2) A chart³ from the Indiana Sheriff's Association concerning the number of illegal immigrants detained in certain county jails in a given day. (3) An email⁴ from the United States Department of Justice responding to a question regarding whether employers would possibly be subjecting themselves to more discrimination claims by entering into a memorandum of understanding to use the E-Verify system. (4) A letter⁵ from the Indiana Catholic Conference responding to questions from Committee members about the different languages in which and places where masses are offered. (5) A pamphlet⁶ from the Indiana Catholic Conference involving a pastoral statement by the Catholic Bishops of Indiana.

Cost savings to other states that have implemented legislation and benefits to implementing immigration reform.

_____ Mr. Carl Little, Director of Government Relations for the Federation for American Immigration Reform (FAIR), provided the following: (1) Mr. Little's written testimony.⁷ (2) A booklet⁸ entitled "Guide to State and Local Action to Deterring Illegal Immigration." (3) A study⁹ entitled "Immigration Impact: Indiana." (4) A study¹⁰ entitled "Extended Immigration Data for Indiana." Mr. Little explained that FAIR is a national, nonprofit, public-interest, membership organization of concerned citizens who believe the nation's immigration policies must be reformed. Mr. Little indicated that FAIR estimates that Indiana's illegal immigrant population consists of 110,000 persons. He stated that FAIR estimated in 2006 that illegal immigrants cost Hoosier taxpayers approximately \$259 million per year on education, emergency medical care, and incarceration expenditures. Mr. Little said that FAIR estimated that education expenditures for illegal immigration in Indiana cost \$206.2 million annually. Mr. Little made recommendations for legislation to the Committee. See Exhibit 6.

In response to a question from Representative Pelath, Mr. Little agreed it was difficult to determine whether illegal immigrants were leaving certain states because of enforcement measures or because of the downturn in the economy. He noted that FAIR determined that illegal immigrants were leaving certain states as a result of enforcement measures by looking at the timing -- illegal immigrants were leaving those states immediately after or around the time that the enforcement measures were put into place. In response to questions from Representative Candelaria-Reardon, Mr. Little indicated that he could have FAIR's demographer, Jack Martin, discuss how FAIR calculated the educational statistics and that FAIR is funded by individual contributions and some foundation grants. In response to a question from Representative Tincher about whether

³ Exhibit 2

⁴ Exhibit 3

⁵ Exhibit 4

⁶ Exhibit 5

⁷ Exhibit 6

⁸ Exhibit 7

⁹ Exhibit 8

¹⁰ Exhibit 9

Arizona's law was the best, most comprehensive bill, Mr. Little stated that Oklahoma's law is similar to Arizona's. He stated that Arizona's law is used as sort of a model because FAIR was instrumental in crafting the law and there had been great success under Arizona's law. In response to questions from Senator Delph, Mr. Little said that he believed there will always be an electronic verification system, like E-Verify, and that the 287(g) program was fully funded for 2009.

The impact of illegal immigrants and legislation.

Mr. Allert Brown-Gort, Associate Director for the Institute for Latino Studies at the University of Notre Dame, provided the following four handouts: (1) Mr. Brown-Gort's written testimony.¹¹ (2) A policy brief¹² entitled "SB 345/HB 1219 Economic and Demographic Impacts on Indiana." (3) An article¹³ entitled "Coming to America: A Report on Immigration and the Economic Effects of Undocumented Workers in the South Bend Community." (4) An information resource guide¹⁴ on researching immigration. Mr. Brown-Gort discussed the unintended consequences of illegal immigration legislation. He indicated that currently a majority of Latinos in Indiana are United States citizens. He stated that if "we continue to promote policies that discourage the integration of immigrants, we also discourage the full incorporation of their U.S.-born children, and will probably pay the consequences in the future." See Exhibit 10. He expressed that he does not believe in illegal immigration because he feels it is a system that opens the door to corruption, exploitation of workers, and the degradation of immigrants.

In response to a question from Senator Delph concerning what federal or state governments should do to expose human rights violations, Mr. Brown-Gort stated that labor laws have to be fully enforced and that the police are available for everyone. He indicated that the idea of the 287(g) program is one of the reasons immigrants are not going to the police. Mr. Brown-Gort said that if the government wants to implement and enforce illegal immigration laws than it should, but it should accept paying the price in doing so. In response to a question from Representative Pelath, Mr. Brown-Gort said that the government should provide more visas to cover labor needs in the United States. In response to further questions, Mr. Brown-Gort stated that the sheriff's department in Elkhart County entered into a memorandum of understanding under section 287(g) of the Immigration and Nationality Act.

The consequences of separating families that include illegal immigrants and United States citizen dependents.

Mr. David Judkins, Deputy Director of Field Operations, Department of Child Services (DCS), explained the process by which DCS responds to and assesses a report of abuse or neglect of a child. Mr. Judkins noted that DCS tries to keep the child in the child's home whenever possible. However, if the child needs to be moved from the home, DCS tries to place the child with a relative first and then in a foster care home if a relative is not available. Mr. Judkins indicated that DCS has expenditures in regards to illegal immigrants, and he stated that the biggest challenge caseworkers face concerning illegal

¹¹ Exhibit 10

¹² Exhibit 11

¹³ Exhibit 12

¹⁴ Exhibit 13

immigrants is a language barrier.

In response to a question from Representative Walorski, Mr. Judkins said that DCS would handle a child's case when the parents of the child are deported but that those cases do not happen often. In response to a question from Senator R. Young, Mr. Judkins stated that if DCS is involved in the wardship of a child whose parents have been deported, DCS asks the court to appoint a guardian ad litem or court appointed special advocate for the child. He also indicated that if a child returns with a parent to another country and DCS does not know about the child, DCS would not have a position because it would not be aware of the child being returned to the child's country.

Information on health care costs to hospitals for treatment of the uninsured and illegal immigrants.

_____ Mr. Tim Kennedy, Legal Counsel for the Indiana Hospital Association, provided information concerning unreimbursed health care costs associated with illegal immigrants. As requested by the Committee at its meeting on September 16, 2008, Mr. Kennedy contacted hospitals in the seven counties with the highest percentage increase of the Hispanic population as reported by the Pew Hispanic Center. Mr. Kennedy stated that hospitals provide care to illegal immigrants and that some of the illegal immigrants have health insurance. Mr. Kennedy said that four of the hospitals that he requested information from provided health care costs. He explained that the hospitals asked that he remind the members of the General Assembly that the hospitals have a significant problem with respect to uninsured Hoosiers generally--between 600,000 and 800,000 Hoosier citizens are uninsured. He indicated that it was legally and practically futile for hospitals to try to track the patients who are illegal immigrants and after tracking those patients somehow calculate with any precision health care costs for that patient population. He said that the four hospitals combined estimated approximately \$2.7 million per year in unreimbursed health care costs associated with treating illegal immigrants. He noted that there are about 120 hospitals in Indiana, so the potential statewide impact is very large. He indicated that there is some effort to cost shift unreimbursed costs onto other payers.

In response to questions from Committee members, Mr. Kennedy indicated that hospitals have to be on top of their costs. However, he noted that hospitals have a higher mission to care for the sick and infirm. He stated that there are ethical reasons and health policy reasons why hospitals would be disinclined to do anything to push people away. In response to a question from Senator Delph, Mr. Kennedy stated that he agreed with the statement that there is a real and significant health care cost that Indiana faces as a result of illegal immigration. In response to a question from Representative Candelaria-Reardon about whether there was any way to know in the estimates which of the Hispanics were here legally and which were here illegally, Mr. Kennedy noted the hospitals were also concerned with this distinction that could not be accounted for and that there may be illegal immigrants of other ethnicities that are not accounted for in the estimates. Mr. Kennedy and the Committee members referred to the estimates as more "guestimates" than estimates.

Committee discussion of possible legislation.

Representative Pelath explained that he believed study committee recommendations ought to involve the types of issues that have very broad consensus. He stated that he hoped that there are some issues everyone could agree on, such as high penalties for persons manufacturing false identifications and deporting violent offenders who are undocumented immigrants.

Senator Kruse indicated that legislators may bring forth any issues the legislator would like to address concerning illegal immigration at the next Committee meeting. He stated that there will probably be legislation introduced in the 2009 session of the General Assembly that is not recommended by the Committee and encouraged Committee members to introduce their own versions of an immigration bill. He also said that he hopes there is some consensus at the next meeting.

Representative Walorski and Senator Delph commended the chairpersons on the information provided in the Committee but noted that they were disappointed that the Committee did not hear testimony from the public.

There being no further business, Representative Pelath and Senator Kruse adjourned the meeting at 3:45 P.M.