



Legislative Update

Senate Bill 501

Senate Bill 501 is a bill designed to expand driving privileges to visitors in Michigan from foreign countries. Under international treaties, people from over 120 different countries can drive in Michigan using their foreign drivers' licenses. Under Michigan law as well, Michigan's Secretary of State can enter into reciprocal driving agreements with other countries as well. However, if a visitor is from another country that doesn't have a reciprocal agreement, and isn't a signatory to one of the international treaties, there was no way for that visitor to be allowed to legally drive while here.

However, in trying to address this issue, Senate Bill 501 created new problems. As passed by the Michigan House of Representatives Transportation and Infrastructure Committee, the bill permits drivers to drive on their foreign license as long as they "otherwise satisfy the requirements of [257.307(1)]" which requires the driver to provide documentation that will "demonstrate ... legal presence in the United States."

The danger in this regard is that demonstrating legal presence is not always an easy task. There are over 75 types of visas available, and with the numerous procedures, appeals, and determinations possible, a traffic stop that seeks to evaluate legal presence is going to turn into a logistical nightmare. On top of this, numerous organizations (such as the Michigan Hispanic Latino Commission) have expressed fears of racial profiling and a disproportional impact on minority groups. Finally, this bill is arguably unconstitutional as it conflicts with the Supremacy Clause of the Constitution which states that federal law and treaties supersede state laws.

For this reason, Migrant Legal Aid gave written and oral testimony against this bill, and is vigorously fighting to have this bill amended or thrown out. MLA has organized opposition to the bill on behalf of a group of agricultural and business employers, and has been contacting state legislators to explain the opposition. The bill has undergone its second reading in the House. If passed, it will then be sent back to the senate.

House Bills 5528 and 5529

House Bills 5528 and 5529 are primarily data gathering tools to monitor and quantify the cost of refugees settled through the United States Refugee Resettlement Program. HB 5528 requires agencies to analyze the costs and define the absorption capacity of communities. The

Department of Health and Human Services may then share what this cost is with the local community before placing refugees there. While data and understanding the cost of a program is good, the data gathered may be misleading and used in a manner designed to create resistance to refugee placement. For example, the overall “cost” of a refugee as gathered in the bill (Section 3(1)) includes public education services and the cost to the state. This information is then provided to the local government where refugees are going to be placed. If the message is “It will cost \$10,000 per refugee placed here,” a local government may be misled into thinking that it will have to bear the brunt of those costs. One further concern with HB5528 is that the Department of Health and Human Services is obligated to submit an annual report that contains “Information on Refugee Arrivals,” which is an incredibly vague requirement. It is unclear about whether or not, or to what degree, this is an invasion of privacy of refugees in the state.

House Bill 5529 is primarily another data gathering statute, but places all of the burden on agencies that are contracted to help resettle refugees. Similar to HB 5529, the demands of the bill are vague. For example, these agencies must “annually update the department of state police and the office of refugee services within the department regarding the status of all refugees brought into the state under a federal contract.” It is also unclear why it would be helpful or necessary to give this information to the state police.