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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Judiciary, Corrections and Privacy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

INTRODUCTION AND ADOPTION OF LRB 3117/1
RECOMMENDED, Ayes 3, Noes 2

Moved by Senator Roessler, seconded by Senator Grothman that
Senate Bill 715 be recommended for passage as amended.

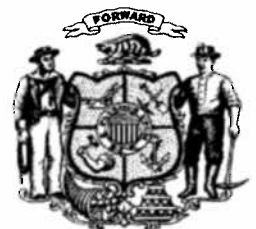
Ayes: (3) Senators Zien, Roessler and Grothman.
Noes: (2) Senators Taylor and Risser.

PASSAGE AS AMENDED RECOMMENDED, Ayes 3, Noes 2

Kimber Liedl
Committee Clerk



WISCONSIN STATE LEGISLATURE



**Glenn
Grothman**
STATE SENATOR
20TH SENATE DISTRICT

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To: Members of the Senate Judiciary, Corrections
and Privacy Committee

From: Senator Glenn Grothman

Date: May 1, 2006

Re: Testimony for Senate Bill 715

Thank you, Mr. Chairman and Committee Members, for holding a public hearing on Senate Bill 715. I am here today to testify in support of this bill.

Earlier this month, during the illegal immigration rally, Dane County Supervisor and Wisconsin Attorney General candidate Kathleen Falk boldly announced that Dane County has an ordinance in place restricting public employees from asking individuals seeking or currently receiving public services questions regarding their legal immigration status. In a press release, Falk states,

***“We created in Dane County an ordinance that prohibits County workers from inquiring about the legal status of the people we are serving, so that people do not need to be afraid to come to the County for help, with anything from economic assistance, child care and other human services programs, to our law enforcement and courts system. One proposal before Congress now would outlaw this policy and make it a felony for those who assist immigrants, including government employees.*”**

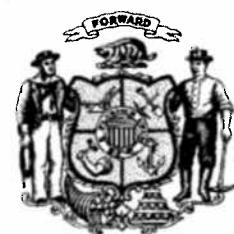
‘Last week, I sent a letter to Congress urging members to reject these proposed unfair laws that would undermine our country’s inclusive policies.’”

With comments such as these, it’s clear Kathleen Falk is out of touch with reality and would make a mockery out of the Wisconsin Department of Justice if elected. As long as public services are provided at taxpayer expense, I believe such ordinances are inappropriate and outrageous. The public has a right to this information and that is why I have introduced Senate Bill 715.

Thank you again for your time, and on behalf of the hardworking citizens and taxpayers of this state, I ask for your support of Senate Bill 715.



WISCONSIN STATE LEGISLATURE





**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

| | |
|---|-------------------------------|
| 2005 Senate Bill 715 | Senate Amendment 1 |
| <i>Memo published:</i> May 2, 2006 | |
| <i>Contact:</i> Ronald Sklansky, Senior Staff Attorney (266-1946) | |

Senate Bill 715 provides that a political subdivision may not enact an ordinance or adopt a resolution prohibiting an employee of that political subdivision from inquiring about the immigration status of an individual seeking or receiving public services from the political subdivision. The term “political subdivision” is defined to mean a city, village, town, or county.

Senate Amendment 1 expands the scope of Senate Bill 715 by providing that a political subdivision may not enact an ordinance, adopt a resolution, *or adopt a resolution* prohibiting an employee from inquiring about immigration status.

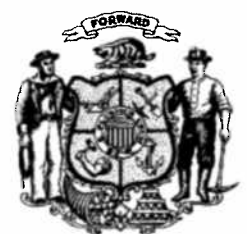
Legislative History

On May 1, 2006, the Senate Committee on Judiciary, Corrections and Privacy introduced and adopted Senate Amendment 1 to Senate Bill 715 and recommended passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

RS:rv



WISCONSIN STATE LEGISLATURE



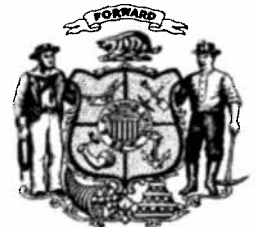
Senate Bill 715... relating to: prohibiting local ordinances that prohibit immigration status inquiries.
(FE)

| | |
|--------------------------------------|---|
| <p>BILL SPONSORS</p> | <p>Authored by Senator Grothman Coauthored by Representatives Nass, Pridemore, Suder, Vos, Jeskewitz, Gundrum, and F. Lasee.</p> |
| <p>BILL HISTORY</p> | <p>Senate Bill 715 was introduced April 28, 2006 and referred to the Senate Committee on Judiciary, Corrections and Privacy. A public hearing was held on May 1, 2006, and an executive session was held on May 1, 2006 where the committee adopted Senate Amendment One 3-2 (No: Risser, Taylor) and passed the bill as amended 3-2 (No: Risser, Taylor)</p> |
| <p>COMPANION BILL HISTORY</p> | <p>None.</p> |
| <p>LRB ANALYSIS</p> | <p><u>Current Law:</u> Under current law, a city, village, town, or county (political subdivision) can prohibit an employee of that political subdivision from inquiring about the immigration status of someone who is seeking or receiving public services provided by that political subdivision.</p> <p><u>Proposed Change:</u> Senate Bill 715 provides that a political subdivision may not enact an ordinance or adopt a resolution prohibiting an employee of that political subdivision from inquiring about the immigration status of an individual seeking or receiving public services from the political subdivision. The term "political subdivision" is defined to mean a city, village, town, or county.</p> <p><u>Senate Amendment One:</u> Senate Amendment 1 expands the scope of Senate Bill 715 by providing that a political subdivision may not enact an ordinance, adopt a resolution, <i>or implement a policy</i> prohibiting an employee from inquiring about immigration status.</p> <p><u>Major Impact:</u> SB 715 prohibits a political subdivision from prohibiting an employee of that political subdivision from inquiring about the immigration status of someone who is seeking or receiving public services provided by that political subdivision.</p> |
| <p>FISCAL EFFECT</p> | <p>A fiscal note prepared by the Department of Health and Family Services states that SB 715 has no fiscal impact on county human services or social services agencies. The fiscal note prepared by the Department of Workforce Development states that the long range fiscal implications of SB 715 are unknown at this time.</p> |
| <p>SUPPORT</p> | <p>The following persons appeared in favor of this bill:</p> |

| | |
|-------------------|--|
| | <p>1. Senator Glenn Grothman</p> <p>The following persons registered in favor of this bill:</p> <p>1. none</p> <p>The following organizations registered their support for the bill with the State Ethics Board, but did not testify or register at the public hearing:</p> <p>1. Wisconsin Manufacturers and Commerce</p> <p>2. Midwest Food Processors Association</p> |
| OPPOSITION | <p>The following people testified in opposition to this bill:</p> <p>1. Mickey Beil</p> <p>The following people registered in opposition to this bill:</p> <p>1. none</p> <p>The following organizations registered their opposition to the bill with the State Ethics Board, but did not testify or register at the public hearing:</p> <p>1. none</p> |
| NEUTRAL | <p>The following organization(s) appeared or registered for information only:</p> <p>1. none</p> <p>The following organization registered their intention to lobby with the State Ethics Board but did not take a position on the bill:</p> <p>1. none</p> |
| CONTACT | Kimber Liedl, Committee Clerk, Senate Committee on Judiciary, Corrections & Privacy |
| DATE | May 4, 2006 |



WISCONSIN STATE LEGISLATURE



DANE COUNTY PRIVACY POLICY CONCERNING ACCESS TO COUNTY SERVICES

WHEREAS, it is the policy of Dane County to promote the utilization of its services by all who are entitled to and in need of them; and

WHEREAS, individuals should know that they may seek and obtain the assistance of county agencies regardless of personal or private attributes, without negative consequences to their personal lives; and

WHEREAS, the obtaining of pertinent information, which is essential to the performance of a wide variety of governmental functions, may in some cases be difficult or impossible if some expectation of confidentiality is not preserved, and preserving confidentiality in turn requires that governments regulate the use of such information by their employees; and

WHEREAS, in furtherance of this policy, confidential information in the possession of county agencies relating to immigration status or other personal or private attributes should be disclosed only as provided herein;

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby approves the following privacy policy regarding individuals seeking access to county services:

Section 1. As used herein, "confidential information" means any information obtained and maintained by a county department or agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.

Section 2. No county officer or employee shall disclose confidential information, unless

- (a) such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- (b) such disclosure is required by law; or
- (c) such disclosure is to another county officer or employee and is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (d) in the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (e) in the case of information relating to immigration status, (i) the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in criminal activity other than mere status as an undocumented alien or (ii) the dissemination of such information is necessary to apprehend a person suspected of engaging in criminal activity, other than mere status as an undocumented alien or (iii) such disclosure is necessary in furtherance of an investigation of potential terrorist activity.

County departments and agencies shall promulgate such rules as may be appropriate to detail circumstances in which confidential information may or may not be disclosed pursuant to this policy. Any county officer or employee other than law enforcement officers with a question relating to the disclosure of confidential information under this section shall consult with the Corporation Counsel.

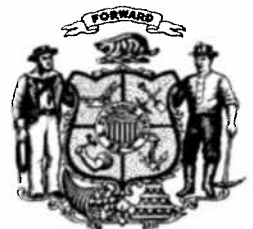
Section 3. Information regarding immigration status.

- (a) A county officer or employee, other than law enforcement officers, shall not inquire about a person's immigration status unless:
 - (1) Such person's immigration status is necessary for determination of program, service or benefit eligibility or the provision of county services; or
 - (2) Such officer or employee is required by law to inquire about such person's immigration status.
- (b) Law Enforcement Officers.
 - (1) For purposes of this subsection, "criminal activity" means unlawful activity other than status as an undocumented alien.
 - (2) Law enforcement officers shall not inquire about a person's immigration status unless investigating criminal activity other than mere status as an undocumented alien.
 - (3) Law enforcement officers shall continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activity.
 - (4) Law enforcement officers and other employees shall not inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.

Adopted by the Dane County Board of Supervisors September 23, 2004.



WISCONSIN STATE LEGISLATURE



SB 715

24,000 foreign born residents in
199 Stat Dane Cty

Dane County board adopted policy
~~XXXXXX~~; had it for 2-3 yrs.

- This bill will apply this to
every county in WI

Mickey Bail
- Compare this bill to Reynolds,
SB 567

- Mickey will get copy of policy &
vote