

1 S.238

2 Introduced by Senator White

3 Referred to Committee on Agriculture

4 Date: January 3, 2012

5 Subject: Agriculture; farm workers; immigration

6 Statement of purpose: This bill proposes to create a farm guest worker
7 program to enable noncitizens and nonpermanent residents to establish
8 residency, identification, and work authorization on Vermont farms.

An act relating to expanding access to driving privileges in Vermont

9 ~~An act relating to establishing the Vermont farm guest worker program~~

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 ~~Sec. 1. 6 V.S.A. chapter 212 is added to read:~~

12 ~~CHAPTER 212. THE VERMONT FARM GUEST WORKER PROGRAM~~

13 ~~§ 4730. PROGRAM ESTABLISHED~~

14 ~~(a) There is established within the agency of agriculture, food and markets~~
15 ~~a Vermont farm guest worker program, the purpose of which shall be to enable~~
16 ~~noncitizen and nonpermanent resident aliens a means for registering with the~~
17 ~~agency and establishing Vermont residency, identification, and authorization to~~
18 ~~work on Vermont farms.~~

19 ~~(b) The secretary shall adopt program policies, rules, and procedures.~~

1 ~~(1) to create a registry of noncitizen and nonpermanent resident aliens~~

2 ~~who are workers on a Vermont farm, which registry shall include the name,~~
3 ~~date of birth, current address, and photograph of the worker, and the address of~~
4 ~~the farm employing the worker;~~

5 ~~(2) working in coordination with the department of motor vehicles or~~
6 ~~such other party as the secretary determines is necessary or appropriate, to~~
7 ~~adopt an application for, format of, and process for issuing a farm guest worker~~
8 ~~identification card to each worker registered with the agency who submits a~~
9 ~~completed application for an identification card, provided that the format for~~
10 ~~the identification card shall include at a minimum:~~

11 ~~(A) full legal name;~~

12 ~~(B) current address, or alternatively if requested by the worker, the~~
13 ~~address of the farm on which the worker is employed;~~

14 ~~(C) date of birth;~~

15 ~~(D) height, weight, and eye color; and~~

16 ~~(E) a color photograph.~~

17 ~~(3) to ensure the privacy and protection of personal information of~~
18 ~~workers registered with the agency and of farms identified as employers of~~
19 ~~guest workers.~~

~~§ 4731. REGISTRATION; IDENTIFICATION CARDS; PUBLIC AND~~

~~PRIVATE SERVICES~~

~~(a) Notwithstanding any other law to the contrary, the valid guest worker identification card of a worker registered with the secretary shall be sufficient personal identification and proof of residency for:~~

~~(1) any state and local government benefits, services, duties, obligations, or purposes;~~

~~(2) any benefits, services, duties, obligations, or purposes of a public or private organization that receives state or local government funding;~~

~~(3) any public accommodation;~~

~~(4) any action or request by law enforcement; and~~

~~(5) any other matter or purpose that the secretary shall establish by rule to accomplish the purposes of this chapter.~~

~~(b) A person who discriminates against a guest worker on the basis of his or her status as such, refuses to provide a service or benefit to accommodate a guest worker, or otherwise violates the provisions of this section shall be subject to a fine of not more than \$1,000.00 per violation.~~

Sec. 2. EFFECTIVE DATE

~~This act shall take effect upon passage.~~

Sec. 1. STUDY COMMITTEE ON MIGRANT WORKER ACCESS TO DRIVER'S LICENSES AND NON-DRIVER IDENTIFICATION CARDS

(a) Findings. The general assembly finds that migrant workers in Vermont face significant challenges based on their current inability to apply for

Vermont driver's licenses and non-driver identification cards, including the inability to travel and access services, medical care, and purchase basic necessities, to officially identify themselves or be identified, and to fulfill typical responsibilities of their employment that require them to legally drive.

(b) Creation of committee; composition. There is created a study committee on migrant worker access to driver's licenses and non-driver identification cards, composed of the following seven members:

(1) One member of the senate, who shall serve as chair, appointed by the senate committee on committees.

(2) One member of the house of representatives appointed by the speaker.

(3) The commissioner of motor vehicles or designee.

(4) The secretary of agriculture, food and markets or designee.

(5) The commissioner of public safety or designee.

(6) One member appointed by Migrant Justice.

(7) One member appointed by the Vermont human rights commission.

(c) Powers and duties.

(1) The committee shall review current procedures of the department of motor vehicles to recommend legislation that will enable access to Vermont driver's licenses and non-driver identification cards for Vermont residents without Social Security numbers. The committee shall specifically consider the following:

(A) The statutory language proposed by the senate committee on agriculture amending 23 V.S.A. § 603 and creating a contingent repeal based on the implementation of the federal REAL ID Act.

(B) The current licensing and identification framework and procedures utilized in other states.

(C) The comparative costs and benefits, including potential conflicts with federal law, of adopting one or more licensing and identification frameworks in Vermont.

(2) On or before January 15, 2013, the committee shall submit a report of its findings and recommendations to the house and senate committees on transportation and on agriculture.

(d) Number of meetings; term of committee; reimbursement. The committee may meet no more than four times, and shall cease to exist on January 15, 2013.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.