

MINUTES OF THE HOUSE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Ron Highland at 1:00pm on Tuesday, February 24, 2015, 112-N of the Capitol.

All members were present except:

Representative John Barker – Excused

Committee staff present:

Sharon Wenger, Legislative Research Department

Sue Mollenkamp, Kansas Legislative Committee Assistant

Edward Penner, Legislative Research Department

Nick Myers, Office of Revisor of Statutes

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Hearing on: HB2139 — Postsecondary education; tuition and fees for aliens.

Chairman Highland opened the hearing on **HB2139** and explained each conferee would be given three minutes to speak with no time allowed for questions.

Representative John Rubin supported **HB2139** stressing the importance of the bill to enforcing the rule of law in our state and protecting the security of our citizens and homeland. ([Attachment 1](#))

Kris Kobach spoke in favor of **HB2139** indicating he believes Kansas is currently in violation of the federal law stating no state shall give in-state tuition benefits to illegal aliens unless the state extends the same tuition benefits to out-of-state United States citizens. He views current law as providing an incentive to the violation of law by allowing in-state tuition to illegal aliens while not allowing it for aliens that have a valid student visa, thus denying legal students the same benefit. ([Attachment 2](#))

Robert Wood stated his view that Kansas is currently punishing American citizens who live across state lines by making them pay full tuition rates while giving special benefits to illegal residents who come from another country. He believes Kansas is in violation of federal law and asked the committee to pass **HB2139**. ([Attachment 3](#))

Dennis Bixby supported **HB2139** telling the story of his daughter's death in a vehicle accident involving an illegal alien driving without a driver's license and stating he is against baiting people to come here illegally by offering benefits like in-state tuition. He encouraged committee members to strongly consider what the total cost of so-called cheap labor is doing to the state. ([Attachment 4](#))

Dale Chaffee encouraged members to stand in compliance with their oath of office to serve the legal, tax-paying citizens of Kansas by passing **HB2139**. ([Attachment 5](#))

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Jack Sossoman spoke in favor of **HB2139** stating he does not believe it makes sense that United States citizens from other states are made to pay out-of-state tuition while students in Kansas who are not United States citizens can receive in-state tuition. ([Attachment 6](#))

Written testimony in support of HB2139 was submitted by:

Roger Wood, concerned individual ([Attachment 7](#))
Dennis Batliner, concerned individual ([Attachment 8](#))
Doug Johnson, concerned individual ([Attachment 9](#))
David Losey, concerned individual ([Attachment 10](#))
Greg Goode, concerned individual ([Attachment 11](#))
Nancy Hanahan, concerned individual ([Attachment 12](#))
Rod and Mary-Barbara McKay, concerned individuals ([Attachment 13](#))
Renee Slinkard, Spokesperson, Citizens of Kansas Petition ([Attachment 14](#))

The Chairman allowed Representative Dove a point of personal privilege to introduce his wife and his mother-in-law.

Fred Logan spoke in opposition to **HB2139** saying undocumented students are highly motivated and the Board of Regents feels they are students the state needs. He believes the current law is pro-growth and repealing it would be anti-growth. ([Attachment 15](#))

Representative Ponka-We Victors spoke against **HB2139** stating her belief that Kansas is in good condition with federal law and indicating she believes it is a mistake to count these students as Kansas children for public school funding and then take away their right to in-state tuition. ([Attachment 16](#))

Sister Therese Bangert spoke of her participation in the development of the current law and of wondering why some would want to throw up more barriers to these hard-working students' pursuit of higher education. She asked committee members to reject **HB2139** as an effort to remove good education policy. ([Attachment 17](#))

Carla Rivas-D'Amico gave opposition to **HB2139** voicing her preference for the use of the term 'undocumented student' in the place of 'illegal alien' and sharing her concern about the barriers these students face. ([Attachment 18](#))

Greg Delort opposed **HB2139** stating his belief that providing in-state tuition for these young people who have met the requirements placed upon their admission to a Kansas post-secondary institution is an investment in the state and the country as well as in the individual student. ([Attachment 19](#))

Juan Diaz appeared in opposition to **HB2139** expressing his gratitude for all Kansas has given him and also expressing his determination to give back. ([Attachment 20](#))

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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Janeli Garcia spoke of her dreams to complete her college education and of her concern that **HB2139** would keep this from happening. She is opposed to the bill. ([Attachment 21](#))

Kelvin Lopez gave opposition to **HB2139** speaking of his dismay that, under this bill, it may not be possible to continue with his college education for he believes his education is preparing him for the time when he can become a citizen. ([Attachment 22](#))

Raymond Rico spoke against **HB2139** as an immigration lawyer who has worked with Kansans in various stages of documentation. Mr. Rico made reference to other states which have similar laws as the current Kansas law and stated he disagrees with Secretary of State Kobach's understanding of the federal law. ([Attachment 23](#))

Ramiro Sarmiento thanked the committee for providing an opportunity to discuss and consider differing perspectives on the issue. He opposed **HB2139** referring to the struggle of paying for a college education even with the benefit of in-state tuition. ([Attachment 24](#))

Alexis Villagran spoke against **HB2139** and in favor of helping people fulfill their dreams. ([Attachment 25](#))

Desima Dawdy gave opposition to **HB2139** noting that in-state tuition is a recruiting tool used by postsecondary institutions to encourage local students to attend college in their home state. ([Attachment 26](#))

Michelle Cueva-Stubbelfield opposed **HB2139** expressing her concern about the effect of the bill on young people. ([Attachment 27](#))

Tom Krebs spoke against **HB2139** stating his organization has had a policy supporting the current law since it was passed. ([Attachment 28](#))

Mark Desetti gave opposition to **HB2139** indicating his organization believes the bill represents the wrong thing to do to high-achieving young people. ([Attachment 29](#))

Written testimony opposing **HB2139** was submitted by:

Alaide Vilchis Ibarra, concerned individual ([Attachment 30](#))

Ana Jimenez, concerned individual ([Attachment 31](#))

Beatriz Jimenez-Quiroga, concerned individual ([Attachment 32](#))

Archbishop Joseph Naumann and Bishops John Brungardt, Edward Weisenburger and Carl Kemme, Kansas Catholic Conference ([Attachment 33](#))

Eva Creydt Schulte, President and CEO, Communities Creating Opportunity ([Attachment 34](#))

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Gene Balloun, concerned individual ([Attachment 35](#))
Lee Cross, Trustee, Johnson County Community College ([Attachment 36](#))
Gabriela Silvestre-Mercado, concerned individual ([Attachment 37](#))
Heather Hayden-Girard, concerned individual ([Attachment 38](#))
Jessica Jasso, League of United Latin American Citizens, Kansas State University ([Attachment 39](#))
Representative John Alcala ([Attachment 40](#))
Kathy Cook, Board Member, Kansas Families for Education ([Attachment 41](#))
Karina Macias Leyva, concerned individual ([Attachment 42](#))
Karla Russell, concerned individual ([Attachment 43](#))
Lupita Hernandez, concerned individual ([Attachment 44](#))
Lucia Jones, concerned individual ([Attachment 45](#))
Lalo Munoz, concerned individual ([Attachment 46](#))
Mary Esparza, concerned individual ([Attachment 47](#))
Micah Kubic, Executive Director, American Civil Liberties Union of Kansas ([Attachment 48](#))
Richard Seaton, concerned individual ([Attachment 49](#))
Sofia Jimenez-Omana, concerned individual ([Attachment 50](#))
Irene Caudillo, President, El Centro ([Attachment 51](#))

The Chairman asked Secretary of State Kobach to return to the podium to give an overview of the 2004 court case referred to by conferees. Secretary Kobach indicated the federal court did not reach the question of whether the current Kansas law is illegal because the plaintiffs were deemed as not having a basis for their suit.

The hearing on **HB2139** was closed.

Possible action on bills previously heard

Chairman Highland referred to the prior motion to table **HB2232 - Personal financial literacy course as a requirement for high school graduation** date certain to February 23. *Representative Grosserode moved and Representative Bradford seconded HB2232 be tabled indefinitely.* Discussion took place to clarify the bill. *The motion passed.*

The meeting adjourned at 2:20 p.m.

The House Education Committee will meet next on Wednesday, March 4, at 1:30 p.m. in Room 112-N of the Capitol.