

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 7, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Representative Don Myers
Representative Candy Ruff
Representative Mario Goico
Tim Schultz, U.S. English
Arthur Solis
Phil DeLaTorre
Sandy Jacquot, League of Kansas Municipalities
Corey Mohn, Department of Commerce
Whitney Damron, Ks Grape Growers & Wine Makers Association
Tuck Duncan, KS Wine & Spirits Wholesalers Association
Representative Judith Loganbill

Others attending:

See attached list.

HB 2140 - English official language of the State of Kansas

Chairman Brungardt opened the hearing on **HB 2140**.

Representative Don Myers appeared in favor of the bill. (Attachment 1) This bill would designate English as the official language of the State of Kansas; this would include all public documents for all state agencies as well as political and taxing subdivisions and official public meetings, and would not diminish or expand existing rights.

Representative Candy Ruff spoke in favor of the bill. (Attachment 2) This bill is not intended as an anti-immigrant bill; this legislation is meant to encourage non-English speakers to adopt English as their own language to better communicate and work more effectively in Kansas. An amendment was placed on the bill during debate on the House floor adding \$500,000 to adult education through a Kansas Board of Regents program, and an additional \$300,000 in federal funding that is leveraged when the state's \$500,000 grant is funded.

Representative Mario Goico appeared as a proponent of the bill. (Attachment 3) The bill does establish English as the common language of Kansas, but does not interfere with federal mandates that direct state agencies and localities to communicate in other languages.

Tim Schultz U.S. English, appeared in favor of the bill. (Attachment 4) The bill in making English the official language is a gentle push to state agencies that encounter immigrants to consider English language learning and assimilation.

Arthur Solis spoke in opposition to the bill. (Attachment 5) Mr. Solis said regrettably that Kansas must again face committee hearings on an English-only bill; in 1995 the House Fed & State Committee killed **HB 2517**, in 1996 did not move **SB 528** out of committee, in 1997 Senate Leadership passed over **SB 179** because of lack of support for the legislation and asked the committee to kill this bill.

Phillip DeLaTorre appeared in opposition to the bill (Attachment 6) He felt that the state government of

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on March 7, 2007 in Room 231-N of the Capitol.

Kansas is about to make a serious and harmful mistake, and that the bill serves no useful purpose by going against the tradition of honor and respect for our nation's rich multi-faceted character to individual choice.

Melinda Lewis, El Centro, Inc., provided written testimony in opposition to the bill. ([Attachment 7](#))

Sandy Jacquot, League of Kansas Municipalities, provided neutral testimony on the bill. ([Attachment 8](#)) The League requested that the Senate preserve the amendment by the House to allow cities to publish documents in languages other than English as long as such documents are also published in English.

Mike Taylor, Unified Government of Wyandotte County, provided neutral written testimony on the bill. ([Attachment 9](#)) The bill as approved by the House because it makes clear that the Legislature is not trying to restrict or prohibit local government from providing information in languages other than English.

Chairman Brungardt closed the hearing on **HB 2140**.

HB 2270 - Official Firefighters Museum; Official Firefighter Memorial

Chairman Brungardt opened the hearing on **HB 2270**.

Representative Judith Loganbill spoke in favor of the bill. ([Attachment 10](#)) The museum serves as a vital place of history and as a state designation can only grow and add to the living history of Kansas.

Chairman Brungardt closed the hearing on **HB 2270**.

HB 2202 - Farm wineries; catering licenses

Chairman Brungardt opened the hearing on **HB 2202**.

Whitney Damron presented testimony for Norman Jennings, Smoky Hill Vineyard & Winery in favor of the bill. ([Attachment 11](#)) The bill would restore the catering license ability that had been declined to renew due to a conflict within the Kansas Statutes.

Corey Mohn, Agriculture Products Development Division, Kansas Department of Commerce, spoke in favor of the bill. ([Attachment 12](#)) The consumption of wine is a natural complement to the consumption of food products and allowing these existing farm wineries to obtain licenses to serve food and wine together adds to the experience and the returns reaped by each individual business.

Carole Jordan, Director of Rural and Legislative Affairs, Kansas Department of Agriculture, ([Attachment 13](#)) and Representative Ann Mah ([Attachment 14](#)) provided written testimony in support of the bill.

Tuck Duncan, Kansas Wine & Spirits Wholesalers Association, provided neutral testimony on the bill. ([Attachment 15](#)) This bill is intended to correct what is perceived as a technical correction because it has been thought by some that farm wineries already had catering privilege. An amendment desired by the ABC to conform the Liquor Control Act to the changes herein in the Club and Drinking Establishment Act was provided. ([Attachment 16](#))

Chairman Brungardt closed the hearing on **HB 2202**.

Final Action:

HB 2293 - Technical changes to the licensure, examination and registration of certified public accountants

Senator Barnett moved to pass **HB 2293** out favorably. Senator Vratil seconded the motion. The motion carried.

The meeting was adjourned at 11:38 am. The next scheduled meeting is March 8, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE 3-07-07

NAME	REPRESENTING
Dianne S. Glass	Adult Education, KBOR
Ron Seeber	Hein Law Firm
Phil DeLaTorre	self
Carole Jordan	Ks Dept of Ag
Elizs Garcia	KHLAAC
Tim Schultz	US. English
Rep Judith Hooper	HB 2270
Bill Dunne	HB 2202 HW 50A
Susan Barnes	Ks Board of Accountancy

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TOPEKA

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SECURITY
MEMBER: ECONOMIC DEVELOPMENT AND
TOURISM
ENERGY AND UTILITIES

TESTIMONY REGARDING HB: 2140

HB: 2140 would designate English as the official language of the State of Kansas. This would include all public documents for all state agencies as well as political and taxing subdivisions and official public meetings. The bill would not diminish or expand existing rights.

No state agency or local government would be required to provide documents in any language other than English, but they may choose to do so at the agency or local government's discretion.

The bill authorizes the use of braille to provide signage or documents and communication in American sign language to accommodate persons with disabilities. A person who does not speak English must be allowed to speak or communicate at any official public meeting with the assistance of an interpreter. No agency or officer of the state or local government may place any restrictions or requirements regarding language usage on any business operating in the private sector other than official documents.

The State of Kansas recognizes the importance of establishing a common language for commerce and official public communication and encourages local communities to offer English classes, training, and other educational services such as community based services. These might include migrant workers groups, resettlement programs, schools, and churches. It would also encourage communities to make non-native speakers aware of the availability of such services and ensure their continuation and expansion.

Following Committee amendments, several of the opponents of the Bill changed to neutral. On the Floor of the House, we earmarked \$500,000 for programs to help adults learn English. Money may already be available from Work Force Development funds administered by the Department of Commerce to fund this program along with Federal funds.

This legislation is threefold;

1) It makes clear that government official documents are not required to be published in other languages. 2) It provides encouragement for those whose native language is not English, to avail themselves of job opportunities not available without English as a second language. 3) It enhances the available skilled workforce with employees who can communicate in the common language of the state.

This legislation is a win/win for all of Kansas and I would appreciate the Senate Committee support. Thanks for your consideration.

Current law

Currently, although all the official documents in the U.S. are written in English, the United States federal government does not specify explicitly an official language, but there are official languages in these states:

■ English alone:

- Alabama (1990)
- Arizona (2006)
- Arkansas (1987)
- California (1986)
- Colorado (1988)
- Florida (1988)
- Georgia (1996)
- Illinois (1969)
- Indiana (1984)
- Iowa (2002)
- Kentucky (1984)
- Massachusetts (1975)
- Mississippi (1987)
- Missouri (1998)
- Montana (1995)
- Nebraska (1920)
- New Hampshire (1995)
- North Carolina (1987)
- North Dakota (1987)
- South Carolina (1987)
- South Dakota (1995)
- Tennessee (1984)
- Utah (2000)
- Virginia (1996)
- Wyoming (1996)

25 states



States where English is the official language

From: Ben Piper <ben@proenglish.org>
To: <joshh@house.state.ks.us>
Date: 2/20/2007 9:43 AM
Subject: official English bills pending in 14 states

Josh,

There are official English bills currently pending in 14 states (see below).

Best regards,

Ben

Bills already introduced in 14 legislatures, more expected.

Georgia

Connecticut

Kansas

New Jersey

Minnesota

Oklahoma

Oregon

West Virginia

Indiana

Kentucky

Mississippi

Missouri

South Carolina

Washington

Statute Stronger

statute stronger

Statute Stronger

statute stronger

statute stronger

statute stronger

legislatures are trying to make the statute stronger

Ben Piper
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ProEnglish is a national, non-profit, member-supported organization working to educate the public and national opinion leaders about the

STATE OF KANSAS

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TOPEKA

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HOMELAND SECURITY AFFAIRS
MEMBER: COMMERCE & LABOR
MEMBER: JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

To: Senate Federal and State Affairs Committee Members

From: Rep. L. Candy Ruff

Re: HB 2140

Date: March 7, 2007

The House Committee on Veterans, Military and Homeland Security worked hard to craft HB 2140, a bill establishing English as the official language of Kansas. Coming to the Senate with strong support in the House, this legislation represents a compromise that came about under the direction of committee chairman, Rep. Don Myers.

When this bill becomes law, Kansas will join 28 other states with similar legislation. Not intended as an anti-immigrant bill, this legislation is meant to encourage non-English speakers to adopt English as their own language to better communicate and work more effectively in Kansas. An amendment placed on the bill during debate on the House floor added \$500,000 to adult education through a Kansas Board of Regents program. Of particular interest is the additional \$300,000 in federal funding that is leveraged when the state's \$500,000 grant is funded. I am especially proud of the Regents' program and its funding of faith-based programs that teach English to non-speakers.

The need for programs that teach English became evident in our committee hearings. We also took into consideration the concerns of conferees, advocates for those with disabilities, those with language barriers, and those from state agencies, and municipalities, all of whom emphasized the importance of flexibility in allowing them to conduct their business verbally and more effectively in necessary languages. Amendments adopted in committee represented a compromise that recognized the powerful role of English in Kansas' economy, society, and governance without unduly burdening those working with non-English speakers.



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HEALTH AND HUMAN SERVICES
TAXATION
KANSAS SECURITY

**TESTIMONY FOR THE
SENATE FEDERAL & STATE AFFAIRS COMMITTEE
HB 2140 – ENGLISH AS THE OFFICIAL LANGUAGE**

Chairperson Sen. Brungardt and honorable members of the committee, this legislation is needed because it recognizes the importance of promoting English language classes, as well as the training and educational services that are offered to non-native speakers. As you know, this is essential before funds can be appropriated by the legislature. This bill requests the appropriation of \$500,000 for this purpose. I believe that the state of Kansas wants to encourage the development of English proficiency by providing our residents the means to accomplish this difficult learning process. As you can read in the attached *New York Times* article, immigrants want to learn English when they are given the opportunity. This story also notes that Kansas currently spends the minimum of what the federal government requires on English as a Second Language classes.

This bill does establish English as the common language of Kansas. However, HB 2140 does not interfere with federal mandates that direct state agencies and localities to communicate in other languages. In no way does this bill minimize or prohibit the use of any other language, including those spoken by a tribal government of Native Americans. Kansas will continue to engage in tourism, provide public health and social services, conduct court proceedings, and provide education in the most effective language. Businesses also need the flexibility to communicate in any language. To summarize, this bill does not affect anyone who works with those that speak other languages, but recognizes the importance of English in order to become successful.

As a person who can say that English is my second language, I want to provide other non-native speakers the opportunity to experience the positive effects that knowing English can have in a person's life. This legislation encourages others to also unlock the door and thrive.

A handwritten signature in black ink, appearing to read "Mario Goico". The signature is fluid and cursive, with a long horizontal stroke at the end.

This NYT story confirms how badly immigrants want to learn English, and also notes that Kansas currently spends the minimum of what the federal government requires on English as a Second Language classes.

Rep Mario Goico

February 27, 2007

Demand for English Lessons Outstrips Supply

By FERNANDA SANTOS

MOUNT VERNON, N.Y. - Two weeks after she moved here from her native Brazil, Maria de Oliveira signed up for free English classes at a squat storefront in this working-class suburb, figuring that with an associate's degree and three years as an administrative assistant, she could find a good job in America so long as she spoke the language.

The woman who runs the classes at Mount Vernon's Workforce and Career Preparation Center added Ms. Oliveira's name to her pink binder, at the bottom of a 90-person waiting list that stretched across seven pages. That was in October. Ms. Oliveira, 26, finally got a seat in the class on Jan. 16.

"I keep wondering how much more I'd know if I hadn't had to wait so long," she said in Portuguese.

As immigrants increasingly settle away from large urban centers - New York's suburbs have had a net gain of 225,000 since 2000, compared with 44,000 in the city - many are waiting months or even years to get into government-financed English classes, which are often overcrowded and lack textbooks.

A survey last year by the National Association of Latino Elected and Appointed Officials found that in 12 states, 60 percent of the free English programs had waiting lists, ranging from a few months in Colorado and Nevada to as long as two years in New Mexico and Massachusetts, where the statewide list has about 16,000 names.

The United States Department of Education counted 1.2 million adults enrolled in public English programs in 2005 - about 1 in 10 of the 10.3 million foreign-born residents 16 and older who speak English "less than very well," or not at all, according to census figures from the same year. Federal money for such classes is matched at varying rates from state to state, leaving an uneven patchwork of programs that advocates say nowhere meets the need.

"We have a lot of folks who need these services and who go unserved," said Claudia Merkel-Keller of the New Jersey Department of Labor and Workforce Development, noting that her state has waiting lists in every county, "from beginner all the way through proficient level." New Jersey, like New York and many other states, does not keep statewide figures on how many

people are on waiting lists.

Luis Sanchez, 47, a Peruvian truck driver for a beer distributor in New Brunswick, has been in this country 10 years - and on the waiting list for English classes in Perth Amboy five months. "You live from day to day, waiting to get the call that you can come to class," Mr. Sanchez said in Spanish, explaining that he knew a little English but wanted to improve his writing skills so he could apply for better jobs. "I keep on waiting."

Mr. Sanchez is unlikely to get the call soon: Perth Amboy's Adult Education Center recently discovered that it was operating in the red and canceled 9 of its 11 evening classes in English as a second language, including all at beginner and intermediate levels. In Orange County, N.Y., where the immigrant population doubled in the past 16 years, the Board of Cooperative Education Services' adult education program has stopped advertising for fear its already overflowing beginner classes will be overwhelmed.

In Framingham, Mass., 20 miles west of Boston, hundreds of people used to spend the night in line to register for English as a second language, so the program now selects students by picking handwritten names from a big plastic box.

"With the lottery, everyone has the same chance," said Christine Taylor Tibor, director of Framingham's Adult E.S.L. Plus program. "Unfortunately, you might have to enter the lottery several times before you get in."

Census figures show that in the United States there were 32.6 million foreign-born residents 18 years or older in 2005, up about 18 percent from the 27.5 million counted in 2000 (and nearly twice the 17.1 million in 1990). Federal spending on adult education, about \$580 million last year, has increased 23 percent since 2000 and more than tripled since 1990; some 45 percent of the money is devoted to English.

But financing varies widely across the states, which are required to allocate at least one quarter of what was provided by the federal government: Kansas, Nebraska, Oklahoma, South Dakota and Texas spent the minimum in 2003, according to the Education Department, while California and Connecticut each spent about seven times that.

In New York, the state Education Department added \$76 million to the federal government's \$43 million for the 2005 fiscal year. That year, according to a recent report by the Center for an Urban Future, a nonprofit research group based in Manhattan, there were about 86,500 people enrolled in government-sponsored adult programs for English as a second language, serving about 5 percent of the state's 1.6 million adults with limited English skills.

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**PREPARED TESTIMONY OF TIM SCHULTZ BEFORE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
IN FAVOR OF H.B. 2140**

March 7, 2007

Thank you, Mr. Chairman, for the opportunity to testify regarding H.B. 2140, legislation that would make English the language Kansas.

My name is Tim Schultz, and I am Director of Government Relations for U.S. English, Inc., a grassroots organization based in Washington, DC. U.S. English was founded in 1983 by then-Senator S.I. Hayakawa, who was himself an immigrant, and our membership now includes nearly 20,000 in Kansans. Our organization focuses on public policy issues that involve language and national identity, particularly official English laws.

On a personal note, I'm a native Kansan, and a proud graduate of Kansas State University. Although I live and work in Washington, DC, I still call Kansas my "home."

Mr. Chairman, U.S. English is lead by an immigrant, Mauro E. Mujica, who is a naturalized citizen from Chile. One third of U.S. English members are either immigrants or the children of immigrants. A Zogby poll last summer found that 79 percent of Americans favor a law to make English our nation's official language, but the support among first and second-generation immigrants was 81 percent. In both its motivations and content, this is a pro-immigrant bill.

While there is certainly a need for government to occasionally operate in other languages, that need must be balanced by a legitimate insistence that immigrants are on the road to learning English. That balance is embodied in H.B. 2140, which requires that routine government operations be in English, while listing a number of exceptions where multilingual operations may make sense.

In a state whose residents speak 97 languages, multilingual government should be the exception, not the rule. Unfortunately, instead of promoting English learning, government agencies around the country increasingly seek to cater to immigrants in as many languages as possible. My boss is a 40 year resident of the United States, but he tells that he can walk into virtually any government office and because his name is "Mauro Mujica," the person behind the counter will immediately assume that he needs service in Spanish. This was not the case for immigrants who came to this country 50 or 100 years ago.

But don't just take my word for it. In researching his book "Translation Nation," former Los Angeles Times reporter Hector Tobar traveled throughout the country, and concluded that modern communications technology and legitimate customer service goals have created large areas all around the country where it is entirely possible to live an English free existence. This a first in American history. Now candidly, Mr. Tobar generally views this as a *positive* development. But his diagnosis of the situation is exactly the same as mine.

Sen Fed & State

Attachment 4
3-7-07

If we were just talking about new immigrants who merely did not speak English *yet*, that may not be cause for concern. But unfortunately, the best available data suggest that the state of limited English proficiency is frequently terminal. To take but one example, two years ago the Pew Hispanic Center surveyed Mexican migrants on many matters, including English proficiency. Pew found that among those residing in the United States for 6-10 years, 45 percent still did not speak English. Pew also found that among those residing in the U.S. for 15 or more years, 45 percent *still* do not speak English. In other words, if an immigrant does not start on the path to English upon arrival, chances are high that that person will never learn it.

And tragically, Census 2000 reports that there are over 2 million people born in the United States—citizens of the United States—who can't speak English well enough to hold a basic conversation.

Now, some will say: "Yes, but we don't have a problem in *Kansas*. Kansas isn't California." I agree with this to some extent, but remember: the California of 20 years ago isn't the California of today. The Kansas of 5 and 10 years ago isn't the Kansas of today. Kansas has seen a growth of immigrants that will continue to grow. It's wise to think about this growth *now*, and encourage assimilation as much as possible *now*, rather than wait until the current situation grows into a problem or a crisis.

Let me give you an analogy in other parts of state policy: this body has enacted measures that tell state agencies to promote certain behavior that is beneficial to the individual and society. Kansas encourages people to finish high school, to avoid the use of drugs, and to make responsible reproductive choices.

Now, it's hard to point to a specific identifiable individual who finished high school or avoided a teen pregnancy because of this government message. But we know that, when we talk about large groups of people, that the incidence of these negative social outcomes is reduced—that the state's health is maximized—by the state endorsing certain choices over others.

Making English is the official language is very similar. It's a gentle push to state agencies that encounter immigrants to consider English language learning and assimilation. And it's a gentle push to immigrants that learning English is a priority.

Of course, everyone knows intellectually that English is the language of opportunity and in Kansas. But everyone knows intellectually that a high school education is important, too. A part of human nature is that often "the spirit is willing, but the flesh is weak." The legislature cannot and should not *force* people to finish high school or learn English. But it makes sense that, on behalf of the people of the state, you can *promote* good behavior.

I want to preemptively address a common objection to this legislation. Some opponents of this darkly warn that English as the language of government laws will lead to some sort of general hostility to immigrants. But were that the case, we would expect that examples of such hostility could be found in at least some of the 28 states that have

declared English official. This a prediction based on an empirically unsupported fear, and it is refuted by our experience with official English laws.

Some have also claimed that is a quote “English Only” bill. This label is a factually incorrect way to describe the legislations operations and motivations. Operationally, as you see in the text of the bill there are many exceptions to the English Rule. It is English most of the time, not English only.

But second, this label is used by opponents to imply that we are somehow against foreign languages. So let me be clear: the fact that Americans and Kansans speak many languages is a strength and a source of pride. But it can only be strength if those people from many nations have a language in common. We believe that it’s a good idea for everyone to learn a 2nd and 3rd language. We have never been—and no serious person is suggesting that we become—an “English Only” nation. But we decidedly do not want to become an “English Optional” nation.

If we are to successfully remain a “Nation of Immigrants” the government cannot see immigrants as mere customers, to be served in whatever languages they happen to speak. Government has the key role of helping immigrants becoming Americans, and in promoting the crucial step in that process: learning the English language. H.B. 2140 is consistent with this policy goal and with the values of the people of the state, and I respectfully urge this committee to favorably report it.

(1)

Testimony Presented to the
Senate Federal and State Affairs Committee
In Opposition of House Bill No. 2140
AN ACT designating English as the official language of the state of Kansas
Wednesday, March 7, 2007

Thank you for granting me this opportunity to present testimony in opposition of House Bill No. 2140, an act designating English as the official language of the state of Kansas. My name is Arthur W. Solís, a native born Kansan. I am Pentecostal, a Republican since at least 1965, a Vietnam War veteran, and a long-time attorney with extensive experience in the area of civil rights.

As a Pentecostal and Hispanic Republican, I oppose HB 2140 on faith and belief.

As an American of Mexican ancestry and an attorney in the area of civil rights, I oppose HB 2140 on facts and law.

Notwithstanding the pious platitudes of the proponents of this bill, HB 2140 serves as a symbol of cultural and linguistic intolerance. It is condescending, perhaps even arrogant, for this Legislature to seek to impose by law that which the Hispanic community already know.

Hispanics know learning English is the best way to economically empower our community. In a June 2006 Pew Hispanic Center Fact Sheet, *Hispanic Attitudes Toward Learning English*, it is reported, "As telling, perhaps, is a look at how many people said teaching English is not important. Among Latinos, only 2% held this view compared to 27% of non-Latinos." Available at (<http://pewhispanic.org/factsheets/factsheet.php?FactsheetID=20>).

Similarly, in a 2004 Zogby International poll, *Hispanic Perspectives*, 98% of Hispanics believed it is of high importance for Hispanic children to get a college education and 97% agreed the ability to speak English is important to succeed in the United States. Available at http://www.nclr.org/files/25235_file_NCLR_Zogby_Poll_2004_Report.pdf.

At best, the legislative and mechanical draftsmanship of HB 2140, as amended, is inartful and problematic. The Supplemental Note on HB 2140 summarizes the bill as follows:

HB 2140, as amended, would designate English as the official language of the State of Kansas for all public documents and official public meetings.

The bill would not diminish or expand existing rights. [Section 5 as amended]

No state agency or local government would be required to provide documents in a language other than English, but may use other languages at the agency or local government's discretion. [Subsection 1(c) as amended]

The bill authorizes the use of braille to provide signage and documents, and communication in American sign language to accommodate persons with disabilities. [Subsection 2(i) and (j)]

HB 2140, as amended, validates the old cliché of the exception swallowing the rule. If HB 2140 requires nothing, does nothing, then why enact it?

This we know, in Kansas, no official public meetings are held in a language other than English.

In Kansas, no official public document or record are compiled, published or recorded in a language other than English. However, certain publications are printed by the state and local government in a language other than English in order to comply with state law (for example, see K.S.A. 65-6710(b) and (c)) or federal law.

In Kansas, state agencies and local government are recipients of federal financial assistance from a number of federal agencies. In order to participate in a federal agency's Federal financial assistance programs, recipients are required to agree and sign a nondiscrimination assurance statement.

Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, recipients of federal financial assistance have an affirmative, not discretionary, obligation to ensure limited English proficient (LEP) individuals have meaningful access to programs and services available through the county as well as its third-party intermediaries and grantees. Meaningful access means a state agency or local government must ensure staff providing services can communicate effectively with persons with limited English ability. This includes providing the language assistance necessary to ensure access at no cost to the LEP individual. For more information, see <http://www.lep.gov/recip.html> and <http://www.usdoj.gov/crt/cor/>. See also U.S. Department of Justice, "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibitions Against National Origin Discrimination Affecting Limited English Proficient Persons," 67 Fed. Reg. 117 (2002). Available at <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.pdf>

It is regrettable that once again Kansans must face committee hearings on an English-only bill such as HB 2140. In 1995, the House Committee on Federal and State Affairs killed 1995 House Bill No. 2517, an English-only bill, in committee. In 1996, this committee did not move 1996 Senate Bill No. 528, an English-only bill, out of committee. In 1997, the Senate leadership passed over 1997 Senate Bill No. 179, an English-only bill, because of a lack of support for the legislation.

Then, as now, I respectfully request an English-only bill be killed in committee.

Sinceramente,



Arthur W. Solís
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Kansas Bar # 10123

TESTIMONY

to: members of the Senate Committee on Federal and State Affairs

from: Phillip E. DeLaTorre

re: H.B. 2140 (English as the official language of the State of Kansas)

date: March 7, 2007

My name is Phil DeLaTorre. I am a law professor at the University of Kansas. I am a native Kansan, having been born and raised in Chanute in the southeast corner of the state. I received my Bachelor's degree from the University of Kansas, which is also where I met my wife, the mother of my three children. We live in Lawrence. The only times I have lived in any place other than Kansas have been my three years of law school on the East Coast and the few times when I have had the honor of being a visiting professor at some other law school. I am completely and totally a Kansan.

My parents were also born and raised in Chanute. They are life-long Kansans. All four of my grandparents came from Mexico. Their primary language was Spanish. I remember a few Spanish words and phrases from my grandparents, and I remember a little of the Spanish that I learned while I was an undergraduate student at K.U. My language is English. I am as English-speaking as anybody could possibly be. I have often been told by friends from other parts of the country that I speak English with a Kansas drawl, and I've always been proud of that.

I come here today not as a lawyer nor as a law professor nor as a Hispanic nor as an English-speaker nor as a Spanish-speaker. I come only as a Kansan who is concerned that his state government, through the actions of this legislature, is about to make a serious and harmful mistake.

When I hear that a legislature is considering an English-only bill, I cannot help but think

about the experiences of my own father and mother. Their first language growing up in southeast Kansas was Spanish, but today they speak English without any accent whatsoever. When it was their turn to raise their own children, they consciously chose not to teach us Spanish. They knew that my brothers, my sister, and I would be trying to succeed in an English-speaking society. My parents made the right decision. But it's important to note that they made their decision on their own – they did not need the state legislature to tell them that they should learn to speak English, and they did not need the state government's help in deciding what language to teach their kids. My parents knew that it was in their own best interest, and in the best interest of their children, that we know English. This bill, H.B. 2140, seems to say that the legislature believes that people today are not intelligent enough, or cannot be trusted enough, to make this kind of decision on their own. I hope that you can understand how insulting and offensive this bill is to many of our fellow Kansans, who reasonably and understandably believe that they do not need the state government dictating to them what languages they and their children should know. This bill is a slap in the face of all the good people of this state – loyal Americans, loyal Kansans – who happen to speak languages other than English.

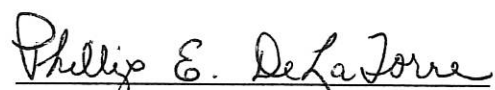
With all the financial, economic, and social problems that we in Kansas are challenged with today, surely this legislature can find better things to do with its time than to debate legislation that declares which language is the only “official” language of the state, or the only “common” language, or the only “legal” language, and thereby relegating all other languages to the status of “unofficial” or “uncommon” or “illegal”. There is no need for this legislature to declare an “official” language for the state of Kansas, any more than there is any need for this legislature to declare an “official” religion or an “official” race or an “official” skin color for the state of Kansas.

All of this highlights one of the great ironies of H.B. 2140. The Republican battle-cry has

always been to get government off our backs and out of our lives. We don't need the government to tell us how to live our lives, and it would be most ironic if the government of Kansas, in the form of a Republican legislature here in Topeka, were now to dictate what language we should speak. It seems to me that we should be able to make that decision all by ourselves, just as my own parents did for themselves and for their own children.

H.B. 2140 serves no useful purpose. It goes against our tradition of honor and respect for our nation's rich multi-faceted character. And, most ironically (coming from a Republican legislature), it goes against our tradition of honor and respect for individual choice, free from the dictates of government. This bill is un-American and is not worthy of the people of Kansas. It deserves to be defeated.

Respectfully submitted,


Phillip E. DeLaTorre
Phillip E. DeLaTorre

El Centro, Inc.

The Center for Continuous Family Improvement

Administration and Computer Learning Center

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Kansas City, KS 66101
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913-381-2914 fax

Macias-Flores Family Center

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913-281-1259 fax

Woodland Hills, Inc.

1012 Forest Court
Kansas City, KS 66103
913-362-8155
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March 7, 2007

Chairman Pete Brungardt and Honorable Members of the Senate Federal and State Affairs Committee,

First, I apologize for my absence today during the important discussion of HB2140. I am in Washington, DC working with our Congressional delegation on the critical issue of comprehensive immigration reform. Thank you for allowing me to share these written comments as you consider HB2140.

At El Centro, we take learning English very seriously. We teach English in two locations in the Kansas City area in the morning and evening, four days each week. If we had more money to hire teachers, we would offer additional classes, which would enable us to serve more of the people on waiting lists for our English classes. Our classes are not free—participants pay for books as well as a small fee. I would invite any of you to attend one of our English classes—it is quite inspiring to see people from all over the world, many still in their work uniforms and many back in a classroom for the first time in decades, spending their precious free time struggling with a language that is, by any objective measure, difficult to master. We celebrate these immigrants' successes in learning English and yet El Centro, Inc. and the communities we represent firmly believe that Kansas does not need legislation designating English as the Official Language of the state. As such, we ask you oppose HB2140.

There is no evidence that English is in any way under attack. Immigrants today learn English and lose their native languages more rapidly than those at the turn of the last century. Only 4.3% of Kansans age 5 and older in 2005 spoke English less than "very well." Immigrants, including those in Kansas, consistently state their belief that English proficiency is essential for success in the United States. Indeed, our greatest linguistic threat comes from insufficient supply of multilingual professionals needed to conduct business with trading partners around the world, meet the growing needs of our defense and intelligence industries, and continue the preeminent place of the U.S. in international commerce and politics. If the Kansas Legislature wants to pursue linguistic policies that will truly position our state for excellence in the 21st Century economy, it should consider an "English-plus" approach that, while recognizing that English is the common, or predominant language in the state, affirms the importance of other languages and avoids sending an exclusionary message to newcomers.

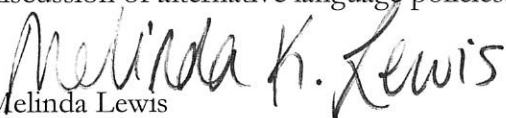
HB2140 was amended in the House Committee and on the floor to remove much of its harmful ambiguity, allow for essential communication in multiple languages, and provide valuable new resources to aid in English instruction around the state. It is our opinion, then, that HB2140 is unlikely to have much significant impact on the dealings of state agencies and/or political subdivisions in terms of their communications with Limited English Proficient Kansans. It is precisely this fact, however, that reveals that HB2140 is a symbol that says more about our fears and prejudices than it does about any real effort to address a challenge facing our state. We urge the Senate to take a stand on language policy that affirms the importance of English, encourages immigrants to retain their native languages and native English speakers to acquire additional languages, and provides resources for world-class language instruction that meets the needs of Kansas communities. To this end, this Committee could remove references to English as the "official language" in HB2140, substituting more affirmative and

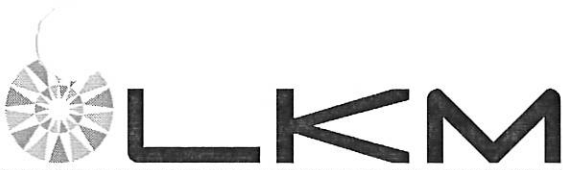
Sen Fed & State

Attachment 7

3-7-07

inclusive references to a "common" or "unifying" language. With the appropriations in the legislation, perhaps a more accurate title would be "Kansas English Acquisition Act" or some similar term. Additional language regarding the importance of multilingualism would also be improvements to this legislation and would complement the helpful verbiage added in committee regarding the difficulties that immigrants face in learning English and the need for the state to play a constructive role in facilitating this language mastery. Thank you for your consideration, and I would make myself available at your convenience to answer questions and/or to assist your discussion of alternative language policies.


Melinda Lewis
Director of Policy Advocacy and Research
El Centro, Inc.



League of Kansas Municipalities

300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
Fax: (785) 354-4186

To: Senate Federal and State Affairs
From: Sandy Jacquot, Director of Law/General Counsel
Date: March 7, 2007
Re: Neutral Testimony on HB 2140

I want to thank the committee for allowing me to testify today on behalf of the League of Kansas Municipalities as neutral on HB 2140, establishing English as the official language of the State of Kansas. LKM has no position on the establishment of English as the official language of the state, and with the amendments made by the House Veterans, Military, and Homeland Security Committee to allow cities to effectively serve all of the individuals living within our communities LKM has no objection to the bill as written.

Our communities are best served by a government that is able to disseminate information in the most effective manner possible to reach our constituents. The amendments made by the House at the encouragement of the League would simply allow cities to publish official public documents in other languages at their discretion, but still require all such publications to also be in English. This would allow for the necessary communication, but preserve English as the official language for documents and meetings.

Therefore, the League would urge the Committee, if it chooses to move this bill forward, to preserve the amendment by the House that allows cities to publish documents in languages other than English as long as such documents are also published in English. Thank you for allowing the League to express our support for the House amendments to HB 2140.



Testimony

Unified Government Public Relations
701 N. 7th Street, Room 620
Kansas City, Kansas 66101

Mike Taylor, Public Relations Director
913.573.5565 mtaylor@wycokck.org

Designating English as the Official Language of Kansas

House Bill 2140 Delivered March 7, 2007 Senate Federal and State Affairs Committee

The Unified Government of Wyandotte County/Kansas City is not opposed to English being designated as the official language of the State of Kansas, so long as the Legislature does not prohibit or restrict local governments from providing information to citizens in other languages.

Kansas City, Kansas is a community where neighbor reaches out to neighbor and where the community forges partnerships between businesses, schools, churches, police and residents to solve problems. That often means communicating in languages other than English.

Founded by Croatian, Polish and Eastern Europeans immigrants, KCK is also home to a strong African-American community and now has a rapidly growing Hispanic population. KCK is a progressive community which still honors its heritage and embraces its cultural diversity. Communicating in languages other than English is part of that tradition.

A more practical fact is that the community and local government are best served by being able to effectively convey information such as building codes to non-English speaking citizens. For example, many of the Hispanic residents moving into KCK are opening businesses and building productive lives which contribute the commerce of our city. Being able to provide understandable information about codes and rules is extremely important.

The Unified Government does not oppose the bill as approved by the House because it makes clear that the Legislature is in no way trying to restrict or prohibit local governments from providing information in languages other than English. Also, the measure increases funding to allow for additional instruction of English. That is a positive step.

Sen Fed & State

Attachment 9

3-7-07

JUDITH LOGANBILL
REPRESENTATIVE 86TH DISTRICT
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loganbill@house.state.ks.us



TOPEKA
HOUSE OF
REPRESENTATIVES

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DOCKING STATE OFFICE BUILDING
TOPEKA, KANSAS 66612
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COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
FEDERAL AND STATE AFFAIRS
JOINT COMMITTEE ON KANSAS
SECURITY
RANKING DEMOCRAT: GOVERNMENT EFFICIENCY AND
TECHNOLOGY

March 7, 2007

Chairman Brungardt, Vice-Chair Reitz, Seanator Gilstrap and committee members,

Thank you for the opportunity to present HB ²²⁷⁰2070.

²²⁷⁰HB 2070 would designate the Kansas Firefighters Museum located in Wichita, Kansas to be the official state firefighter's museum.

The museum is housed in the historic Engine House Number 6. In 1994 this building was placed on the National and Kansas Registers of Historic Places.

We in Kansas have a proud history with our Kansas firefighting and firefighters. In 1918 Wichita, Kansas became the FIRST all-mechanized fire department in the United States and the second in the world!

The museum is located in an area of south-central Wichita that is undergoing exciting revitalization, and this museum is an important part of that revitalization. For the past three years this area has hosted a Holiday House Tour, and the museum has been a key stop on the tour. It is so exciting to see folks discovering a wonderful bit of Wichita and Kansas history right in their backyard!

The museum serves as a vital place of history. With state designation, it can only grow and add to the living history of Kansas.

Rep. Judith Loganbill

11

March 5, 2007

To: Senate Federal and State Affairs Committee
From: Norman M. Jennings (Smoky Hill Vineyards & Winery)

RE: HB2202

Mr. Chairman and members of the committee, thank you for the opportunity to offer this testimony. I regret not being able to deliver this testimony in person. Smoky Hill Vineyards & Winery as well as the grape and wine industries of Kansas have been appreciative of the support this committee has extended.

Across the United States, many wineries have food service as part of their experience. Smoky Hill Winery has an events center which offers experience ranging from wedding receptions to multi-course gourmet Winemaker dinners. The drinking establishment license allows for the on-site consumption of alcohol. The success of the food offerings lead to the inquiries of catering food and wine to off-site venues (weddings, Christmas parties, company banquets, etc...). It was for that reason Smoky Hill sought and was granted the caterer license.

In November of last year (2006), the ABC licensing division declined to renew this license due to a conflict within the Kansas Statutes. Attached is a copy of the letter sent by the ABC detailing the conflict.

We come to you today asking to your favorable vote of this bill that would restore our catering ability. We thank you for your time and the opportunity to appear before this committee.

Sincerely,

Norman M. Jennings

President – Smoky Hill Vineyards & Winery
Legislative Chair - Kansas Grape Growers & Wine Makers Association
Chairman – Grape & Wine Advisory Council

Presented by: Whitney Damron
Lobbyist for the Kansas Grape Growers & Wine Makers Association
919 South Kansas Avenue
Topeka, Kansas 66612-1219
(785) 354-1354



K A N S A S

JOAN WAGNON, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF REVENUE
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

November 21, 2006

Norman M. Jennings
Smoky Hill Vineyard & Winery
189 Millview Road
Salina, KS 67401

Re: Renewal of liquor license

Dear Mr. Jennings:

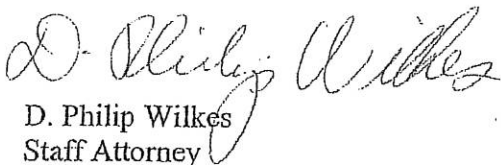
I am legal counsel for our Division of Alcoholic Beverage Control and have been asked by our Director, Tom Groneman, to contact you regarding renewal of your license. In the past, Smoky Hill has also had a DE/Caterer license in addition to its farm winery license. However, we have reviewed the statutes regarding what other licenses may be held by a farm winery and found as follows:

Subsection (a)(4)(C) of K.S.A. 41-2623 (Club and Drinking Establishment Act) authorizes a caterer's license to also be issued to a club or drinking establishment licensee. It was this subsection that we previously thought allowed us to issue a drinking establishment/caterer's license to Smoky Hill.

However, subsection (a)(4) of K.S.A. 41-2623 prohibits all licensees under the Liquor Control Act (including farm wineries) from holding any license under the Club and Drinking Establishment Act except as expressly listed in that subsection. Subsection (a)(4)(E) of K.S.A. 41-2623 authorizes only a drinking establishment or class B club license to be issued to a farm winery. A combination drinking establishment/caterer license is actually a separate type of license authorized by K.S.A. 41-2644 and is not listed in subsection (a)(4)(E) of K.S.A. 41-2623 as a license that a farm winery may hold.

Consequently, the Director has requested that I notify you that Smoky Hill may renew its license as a drinking establishment only and not as a drinking establishment/caterer.

Sincerely,


D. Philip Wilkes
Staff Attorney

KANSAS

DEPARTMENT OF COMMERCE

Agriculture Products Development Division

House Bill 2202

Proponent

March 7, 2007

Testimony by:

Corey Mohn

**Agriculture Marketing Division
Kansas Department of Commerce**

Chairman Brungardt and committee, I am Corey Mohn, of the Agriculture Marketing Division of the Kansas Department of Commerce. Today, I would like to speak in support of House Bill 2202 and its provisions for allowing *“any person who has beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act be granted any or all of the following: (1) Class B club license; (2) drinking establishment license; (3) Caterer’s license.”*

The Department of Commerce has a good working relationship with the Kansas wine industry and its business owners and operators. We have been able work with key stakeholders, both public and private sector in helping grow this industry and add to its success. From an industry with 7 or 8, it now stands at 18 licensed wineries and another 10 or so in the near future. Kansas Farm Wineries add a great asset to the state of Kansas and help develop a well rounded tourism and agritourism environment. Most studies show that when wine is incorporated into a tourism experience, the customers stay longer, buy more goods and services and are more frequent in their repeat visits than without.

The consumption of wine is a natural complement to the consumption of food products and allowing these existing farm wineries to obtain licenses to serve food and wine together adds to the experience and the returns reaped by each individual business.

Testimony on HB 2202
to
The Senate Federal and State Affairs Committee

By Carole Jordan
Director of Rural and Legislative Affairs
Kansas Department of Agriculture

March 7, 2007

Good morning Chairman Brungardt and members of the committee. I am Carole Jordan with the Kansas Department of Agriculture. Thank you for the opportunity to testify in support of HB 2202.

Secretary of Agriculture Adrian Polansky named members to the Grape and Wine Advisory Council in 2004. We activated that council because we believe the grape and wine industry can be an important part of the Kansas agricultural and rural landscape.

Prior to prohibition, Kansas was a lead grape-growing state. At one time it seemed this industry was lost, as was the art of winemaking that many of our ancestors had brought to their Kansas farms. Now Kansas farm wineries are producing a respected product and bringing employment, tax revenues and tourists to rural Kansas.

The Grape and Wine Advisory Council has helped this growing industry agree on some important policies and goals. Together with the Department of Commerce, we are helping the grape and wine industry build momentum. We believe it enriches the big picture of Kansas agriculture.

We support this change to the law that would allow a winery owner to also have a caterer's license. We should not put barriers in the road to success for these agricultural entrepreneurs; instead, we should encourage their development and growth.

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TOPEKA

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TECHNOLOGY

Senate Committee on Federal & State Affairs
Chairman Brungardt
Testimony – HB 2202

Mr. Chairman and Committee:

Thank you for hearing this bill. I am a strong supporter of the farm wine industry in Kansas. The industry is growing and has the potential for both production income and tourism for our state. This bill was requested by the Department of Commerce on behalf of farm wineries.

HB 2202 clarifies that a farm winery or microbrewery may hold a caterer's license in addition to Class B club and drinking establishment licenses. This is largely a clarification of current law and restores a privilege wineries previously held. While only one winery held a caterer's license previously, others want to apply and we would be wise to clear up this area of the law now. It is obvious that catering is a good match for wineries that have restaurants, dinner theaters, or clubs associated with their facilities.

I appreciate your consideration of this bill and request the committee's approval. This was passed out of the House on the consent calendar with no objection.

K • A • N • S • A • S
WINE & SPIRITS
WHOLESALE ASSOCIATION

March 7, 2007

To: Senate Committee on Federal and State Affairs
From: R.E. "Tuck" Duncan
RE: HB: 2202

The Kansas Wine & Spirits Wholesalers Association is neither a proponent nor an opponent of HB 2202, albeit we do not object to its passage. This bill is intended to correct what is perceived as a technical correction because it has been thought by some that farm wineries already had this catering privilege

We do request that the Committee adopt an amendment desired by the ABC to conform the Liquor Control Act to the changes herein in the Club and Drinking Establishment Act.

Thank you for your attention to and consideration of this matter.

Recommendation for amendment to K.S.A. 41-308a to be included in House Bill No. 2202

Please also make the technical correction indicated in subsection (a)(4).

41-308a. Farm winery license; rights of licensee. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f) ~~(e)~~, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

~~(6)~~ (7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

~~(7)~~ (8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to section 4, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee; and

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on

Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (f) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.