

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 25, 2008, in Room 313-S of the Capitol.

All members were present except:
Representative Richard Carlson - excused

Committee staff present:
Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Jason Long, Revisor of Statutes Office
Jeannie Dillon, Committee Assistant

Conferees:
Representative Candy Ruff
Representative Tom Holland
Representative Brenda Landwehr
Representative Ann Mah
Representative Lance Kinzer
Kris Kobach, Professor of Law, University of Missouri (Kansas City)
David Coleman, Ironworkers Local No. 10
Ed Hayes, Minuteman Civil Defense Corps
Paul Degener, Citizens for Immigration Reform
Greg Dye, private citizen
Michael Röss, concerned citizen
Sandie Ghilino, Alpha Masonry
Jack Shandy, private citizen
Terry Holdren, Kansas Farm Bureau Governmental Relations
Kathy Moore, Teamsters Local 696
Joe Hudson, Carpenters' District Council
David Dayvault, Kansas Independent Oil and Gas Association
Cyndi Treaster, Farmworker, Refugee and Immigrant Health

The Chair opened the meeting for bill introductions. Seeing no bill introductions, Chairman Siegfroid opened the public hearings on:

HB 2370 - Law enforcement cooperation and assistance in enforcement of immigration laws.

HB 2680 - Immigration accountability act,

HB 2836 - Immigration reform.

HB 2921 - Creating the Kansas employment verification act.

Mike Heim, Revisor of Statutes, briefed the Committee on **HB 2370** and highlighted key sections in **HB 2680**. He presented a memo written by Jill Ann Wolters, Senior Assistant Revisor of Statutes, which defined the immigration accountability act. (Attachment 1)

Jason Long, Revisor of Statutes, explained and summarized **HB 2836** and **HB 2921** to the Committee. (Attachment 2)

The Chairman welcomed Representative Candy Ruff to the Committee. Representative Ruff gave testimony in favor of **HB 2836**. She said that Kansas owes its history to immigrants, however, undocumented workers experience the worst of working conditions, the lowest wages for the hardest work and are often afraid to report injuries or mistreatment. **HB 2836** targets the employer who hires them. (Attachment 3)

Representative Tom Holland spoke as a proponent to **HB 2680**. He stated that unauthorized migrants are coming to the U.S. for jobs. **HB 2680** would require Kansas employers to begin this verification process for new hire employees starting on or after January 1, 2009. He concluded by saying that we can't tolerate business practices that slowly but surely undermine the economic aspirations and potential of the

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MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 25, 2008, in Room 313-S of the Capitol.

American workers. ([Attachment 4](#))

Representative Brenda Landwehr came before the Committee in support of **HB 2836**. Representative Landwehr asked the Committee when is it good public policy to reward illegal behavior. She stated that calling illegal aliens immigrants, is an injustice to the honest legal immigrants who are true Americans. ([Attachment 5](#))

Chairman Siegfried welcomed Representative Ann Mah to the podium to speak as a proponent to **HB 2680**. Representative Mah stated that the Immigration Accountability Act is a reasonable response to a serious problem largely caused by employers willing to hire illegal workers. She concluded by saying that she does not have one ounce of hate for immigrants but they need to be legal, making a fair wage, working in safe conditions and paying taxes. ([Attachment 6](#))

Representative Lance Kinzer came to the Committee in support of **HB 2836**. Representative Kinzer clarified that if **HB 2836** were to pass, the provisions in **HB 2370** would not be necessary as **HB 2836** is a broader bill. He stated that we must have laws in Kansas that have teeth behind them; that have enforcement mechanisms that are meaningful in respect to employment, respect of public benefits and a whole host of other issues. He stated that he believes that **HB 2921** is a transparent attempt to introduce legislation that does not respect the rule of law. ([Attachment 7](#))

Kris Kobach, professor of law at the University of Missouri/Kansas City, stood in support for **HB 2836**. He stated that his testimony should not be taken to represent the official position of the law school. In the past few years, Nebraska, Missouri and Oklahoma have all passed laws to discourage illegal immigrants from coming to their states. As a result, our numbers are much higher. Kansas is the only state of the four that has taken no action discouraging immigration. ([Attachment 8](#))

David Coleman appeared before the Committee on behalf of the Iron Workers Local #10 as a proponent to the bills. Mr. Coleman shared his concern that American jobs are being compromised by employers who employ illegal aliens. He urged the Committee to support **HB 2680**. ([Attachment 9](#))

The Minuteman Civil Defense Corps was represented by Ed Hayes in support of the immigration bills. He said that he was here to beg the Committee to ignore the Chamber of Commerce and the other usual suspects who want the rule of law ignored in Kansas for personal gain. He said this is not about immigration but about illegal immigrants. ([Attachment 10](#))

Paul Degener, president of a grass roots organization, Citizens for Immigration Reform, was welcomed by Chairman Siegfried. Mr. Degener shared his concern that the federal government refuses to secure our borders. He stated that if we don't take appropriate action, we will be flooded with more illegal aliens. He favors **HB 2836** although he supports all of the immigration bills. ([Attachment 11](#))

The Chair welcomed Greg Dye, a concerned citizen, as a proponent to the bills. Mr. Dye would like to have all illegal aliens in the United States removed in order to be in compliance with our federal laws. He urged the Committee to pass immigration reform. ([Attachment 12](#))

Michael Ross, concerned citizen, spoke in support of **HB 2836** and thanked the Committee for being brave enough to bring forth this legislation. He stated that it is a constitutional duty of the governor and the legislators to enforce the laws of the nation. He appealed to the good judgement of the Committee on this issue, to insure that the federal immigration laws be upheld in the state of Kansas. ([Attachment 13](#))

Sandie Ghilino, President of Alpha Masonry Inc., approached the Committee in support of **HB 2680**. Mr. Ghilino explained how illegal immigration has made his company a non-competitive company. He said that this happens quickly because the illegal work force was on the streets selling their labor at half the market rate with a strong preference for payment in cash. ([Attachment 14](#))

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MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 25, 2008, in Room 313-S of the Capitol.

Jack Shandy addressed the Committee as a proponent of **HB 2836**. He thought that there is a mixed message being sent to the illegal population when you go after them from an employment standpoint but you don't touch them on other important areas such as housing. He believes that it would be better if the state had a mandate very similar to employment that dealt with housing where landlords would have to go through a similar process before they leased to these illegal people. ([Attachment 15](#))

Kansas Farm Bureau was represented by Terry Holdren, KFB Governmental Relations, as a proponent to **HB 2921**. He told the Committee that of the bills before them today, only **HB 2921** provides a workable system that will allow Kansas to address the presence of undocumented or illegal aliens. ([Attachment 16](#))

Kathy Moore presented testimony on behalf of William Moore, President of Teamsters Local 696, as a proponent of **HB 2680**. Ms. Moore said that making an illegal "legal" does not fix our immigration woes. Construction has now seen a reduction of good paying jobs because the jobs are going to the illegal immigrant which causes a loss of state and federal revenue. ([Attachment 17](#))

Joe Hudson representing the Carpenters' District Council of Kansas City and Vicinity spoke as a proponent of the **HB 2680**. In his testimony he stated that **HB 2680** addresses the fraud issue by providing additional and needed penalties and tools for law enforcement. It punishes basic misclassification as an independent contractor and unreported, off-the-books pay. He addressed the one flaw in the bill that says that a contractor shall not be liable for the violation of its subcontractor and stated that the only thing that a person needs to do is find an individual with a crew of workers, some undocumented, willing to work for cash. ([Attachment 18](#))

Kansas Independent Oil and Gas Association was represented by David Dayvault, Chief Financial Officer of Abercrombie Energy, who addressed the Committee as a neutral conferee. Mr. Dayvault was concerned the the e-verify system will prove impractical for many in the oil and gas business particularly the drilling and service contractors. He asked that as this legislation progresses, to be mindful of the burdens it may place upon employers and the costs associated with those burdens. ([Attachment 19](#))

Cindi Treaster, director of Farmworker, Refugee and Immigrant Health at the Kansas Department of Health and Environment, spoke as neutral for the bills. She stated that most public health programs administered by the KDHE are exempt under Section 5 of this bill. Ms. Treaster said that the greatest public health concern stemming from this legislation is the probability that the law will deter immigrants from accessing services. ([Attachment 20](#))

After the Committee members asked questions of the conferees, the meeting was adjourned. The hearing will continue on February 26, 2008, at 1:30 pm in room 313-S.

Written Testimony - Proponents

Attorney General Six ([Attachment 21](#))

Ed Klumpp, representing Chiefs of Police ([Attachment 22](#))

Don Fender ([Attachment 23](#))

Dwight Murphey ([Attachment 24](#))

Gale Calkins ([Attachment 25](#))

Vondell Hass ([Attachment 26](#))

Jack Brannon ([Attachment 27](#))

Mark Aberle ([Attachment 28](#))

Jan Towle ([Attachment 29](#))

Karri Parker ([Attachment 30](#))

Duane Schmidt ([Attachment 31](#))

Rob Johnson, President Northeast Johnson County Chamber of Commerce ([Attachment 32](#))

Leslie Kaufman, Kansas Cooperative Council ([Attachment 33](#))

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 25, 2008, in Room 313-S of the Capitol.

William Wasyk ([Attachment 34](#))
Carol Wasyk ([Attachment 35](#))
Mary Neu Smith, Kansas Manufactured Housing ([Attachment 36](#))
Homer Taggart III ([Attachment 37](#))
Eric Stafford, AGC of Kansas ([Attachment 38](#))
Ashley Sherard, Lenexa Chamber of Commerce ([Attachment 39](#))
Dan Morgan, Builders' Assn. and the KC Chapter of Associated General Contractors ([Attachment 40](#))
Overland Park Chamber of Commerce ([Attachment 41](#))
Amy Blankenbiller, Kansas Chamber ([Attachment 42](#))
Tom Tunnell, Kansas Grain and Feed Assn ([Attachment 43](#))
Duane Simpson, Kansas Agribusiness Retailers Association ([Attachment 44](#))
Kansas Dairy Assn. ([Attachment 45](#))
Allie Devine, Kansas Livestock Assn. ([Attachment 46](#))
Christy Caldwell, Topeka Chamber ([Attachment 47](#))
Phil Perry, Kansas Home Builders Assn. ([Attachment 48](#))
Donald Saylor, Kansas Restaurant & Hospitality Assn. ([Attachment 49](#))
Tim Stroda, Kansas Pork Assn. ([Attachment 50](#))
Jim Kistler, Associated Builders and Contractors, Heart of America Chapter ([Attachment 51](#))
Doris Riley, private citizen ([Attachment 52](#))
Bill and Karen Wolf, private citizen ([Attachment 53](#))
Clarence Eugene Arens ([Attachment 54](#))
Gilbert Nye, private citizen ([Attachment 55](#))
Amanda Bien, private citizen ([Attachment 56](#))
Kansas Contractors Association, Inc. ([Attachment 57](#))
Walter Everitt, citizen of Kansas ([Attachment 58](#))
Brad Israel, private citizen ([Attachment 59](#))
Renee Slinkard, private citizen ([Attachment 60](#))
Jeanette Parker, private citizen ([61](#))

Written testimony -Neutral

Ed Klumpp ([Attachment 62](#))

att. 1

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MEMORANDUM

To: Interested Legislators
From: Jill Ann Wolters, Senior Assistant Revisor
Date: January 22, 2008
Subject: Brief of HB2680, the immigration accountability act

House Bill No. 2680 enacts the immigration accountability act. On and after January 1, 2009, an employer shall not intentionally or knowingly employ an unauthorized alien. An employer includes public employers and private business entity employers. Business entity includes: Self-employed individuals; corporations; partnerships; limited partnerships; limited liability companies; foreign corporations; foreign limited liability companies; business trusts; and any business entity that registers with the secretary of state. Business entity excludes professional licenses.

For a first violation during a three-year period that is knowingly employing an unauthorized alien, the court shall order the employer to: terminate the employment of all unauthorized aliens; be subject to a three-year probationary period; and file a signed sworn affidavit with the county attorney stating that the employer has terminated the employment of all unauthorized aliens and that the employer will not intentionally or knowingly employ an unauthorized alien. The court shall order the appropriate agencies to suspend all licenses that are held by the employer if the employer fails to file a signed sworn affidavit with the county attorney within three business days after the order is issued. The court may order the employer's license suspended for no more than 10 days.

For a first violation during a five-year period that is intentionally employing an unauthorized alien, the court shall order the employer to: terminate the employment of all unauthorized aliens; be subject to a five-year probationary period; a suspension of license for a minimum of 10 days; and file a signed sworn affidavit with the county attorney stating that the employer has terminated the employment of all unauthorized aliens and that the employer will not intentionally or knowingly employ an unauthorized alien. The court shall order the appropriate agencies to suspend all licenses that are held by the employer during the mandatory suspension period and until the employer files a signed sworn affidavit with the county attorney.

On a second knowing or intentional violation, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer.

The attorney general shall maintain copies of court orders of violations and shall maintain a database of the employers who have a first violation. The court orders shall be available on the attorney general's website.

Proof of verifying the employment authorization of an employee through e-verify creates a rebuttable presumption that an employer did not intentionally or knowingly employ an unauthorized alien. An employer who establishes compliance in good faith with the requirements of the federal

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Attachment /

immigration law establishes an affirmative defense that the employer did not intentionally or knowingly employ an unauthorized alien. (New Secs. 1 and 2)

This act shall not be construed to require an employer to take any action that the employer believes in good faith would violate federal or state law. (New Sec. 3)

On and after January 1, 2009, every employer, after hiring an employee, shall verify the employment eligibility of the employee through e-verify. (New Sec. 4)

On or before October 1, 2008, the department of revenue shall give notice to every employer that is required to withhold tax. The notice shall explain the requirements of this act. (New Sec. 5)

No payment or compensation paid to an unauthorized alien employee may be claimed and allowed as a deductible business expense for state income tax purposes. (New Sec. 6)

No state agency or municipality shall award a public works or purchase contract to a bidder, contractor or employer, nor shall a bidder, contractor or employer be eligible to bid for or receive a public works contract, who has, in the preceding five years been found to have knowingly or intentionally employing an unauthorized alien or been a party to a state agency proceeding in which a penalty or sanction was ordered. (New Sec. 7)

New Secs. 8 through 19 establishes extensive guidelines for classifying individuals performing services as employees or independent contractors, and penalties for contractors who misclassify employees. Subcontractors or lower tiered contractors are subject to the guidelines. A contractor is not liable for the subcontractor's or lower tiered contractor's failure to properly classify. Any interested party may file a complaint with the department of labor if there is a reasonable belief that an employer is unlawfully designating an individual as an independent contractor. Upon a violation the department may: Issue a cease and desist order; take affirmative action to eliminate the effect of the violation; collect the amount of any wages, salary, employment benefits or other compensation denied or lost to the individual; and assess a civil penalty of up to \$1,500 on a first violation, \$2,500 on a second violation. Penalties may be doubled if a person is found to have willfully violated these sections. For a second or subsequent violation within five-years of an earlier violation, the department shall add the employer or entity's name to a list to be posted on the department's official website. No state contract shall be awarded to an employer or entity appearing on the list until four years have elapsed from the date of the last violation. An entity or employer that willfully violates any provision of these sections is guilty of a class C nonperson misdemeanor; a second or subsequent violation within a five-year period is a severity level 10, nonperson felony. An employer or entity can not retaliate against a person for making a complaint. If an employer retaliates, penalties, costs and attorney fees may be assessed.

Sec. 20 is a conforming amendment to implement the provisions of New Secs. 8 through 19.

Sec. 21 and 22 are conforming amendments to implement the tax policies in New Sec. 6.

Instructions

Please read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

Filling Out the Form I-9

Section 1, Employee: This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Preparer/Translator Certification. The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer: For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors. Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, **Section 2** must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

Section 3, Updating and Reverification: Employers must complete **Section 3** when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired **or** if a current employee's work authorization is about to expire (reverification), complete Block B and:
 1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A **or** C);
 2. Record the document title, document number and expiration date (if any) in Block C, and
 3. Complete the signature block.

What Is the Filing Fee?

There is no associated filing fee for completing the Form I-9. This form is not filed with USCIS or any government agency. The Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at **1-800-870-3676**. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at **www.uscis.gov**.

Photocopying and Retaining the Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: **1)** learning about this form, and completing the form, 9 minutes; **2)** assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following):

- A citizen or national of the United States
- A lawful permanent resident (Alien #) A _____
- An alien authorized to work until _____
(Alien # or Admission #) _____

Employee's Signature	Date (month/day/year)
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Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	
Date (month/day/year)	

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
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C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.

Document Title: _____ Document #: _____ Expiration Date (if any): _____

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date (month/day/year)
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LISTS OF ACCEPTABLE DOCUMENTS

LIST A Documents that Establish Both Identity and Employment Eligibility	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Eligibility
OR		AND
1. U.S. Passport (unexpired or expired)	1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address	1. U.S. Social Security card issued by the Social Security Administration <i>(other than a card stating it is not valid for employment)</i>
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)	2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address	2. Certification of Birth Abroad issued by the Department of State <i>(Form FS-545 or Form DS-1350)</i>
3. An unexpired foreign passport with a temporary I-551 stamp	3. School ID card with a photograph	3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)	4. Voter's registration card	4. Native American tribal document
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer	5. U.S. Military card or draft record	5. U.S. Citizen ID Card <i>(Form I-197)</i>
	6. Military dependent's ID card	6. ID Card for use of Resident Citizen in the United States <i>(Form I-179)</i>
	7. U.S. Coast Guard Merchant Mariner Card	
	8. Native American tribal document	7. Unexpired employment authorization document issued by DHS <i>(other than those listed under List A)</i>
	9. Driver's license issued by a Canadian government authority	
	For persons under age 18 who are unable to present a document listed above:	
	10. School record or report card	
	11. Clinic, doctor or hospital record	
	12. Day-care or nursery school record	

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

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MEMORANDUM

To: Interested Legislators
From: Jill Ann Wolters, Senior Assistant Revisor
Date: January 31, 2008
Subject: Brief of HB2836, the Kansas illegal alien reform act

Under the Kansas illegal alien reform act, it is unlawful for a business entity to knowingly hire, recruit or refer for a fee for employment an unauthorized alien or continue to employ an unauthorized alien. Further, the act requires business entities to sign an affidavit confirming the use of e-verify to verify the employment authorization of employee. To be awarded any state contract or grant over \$10,000, the business entity shall provide documentation affirming enrollment and participation in e-verify. Business entity includes: Self-employed individuals; corporations; partnerships; limited partnerships; limited liability companies; foreign corporations; foreign limited liability companies; business trusts; and any business entity that registers with the secretary of state.

All state agencies, departments, boards or commissions or any municipality who is an employer shall enroll and actively participate in e-verify.

Upon a first violation, the court shall order the suspension of all licenses that are held by such business entity for not less than 10 days and not more than 30 days; on a second violation, the court shall order the suspension of all licenses for not less than 90 days and not more than one year; on a third violation, the court shall order the permanent suspension of all licenses that are held by such business entity as well as the revocation of the business entity's registration as a corporation in the state of Kansas, if applicable.

A general contractor shall not be held liable if they verify that all subcontractors and independent contractors hired have enrolled with e-verify; and reasonably believe that the subcontractors and independent contractors hired have complied.

A business entity that has complied in good faith through registration and participation in e-verify to confirm the employment authorization of any employee in question shall create a rebuttable presumption that the employer did not knowingly employ an unauthorized alien. (New Secs. 1 and 2)

All state officials, agencies and personnel are required to support federal immigration law. All law enforcement officers shall inquire into the citizenship and immigration status of any person detained for a violation of any state law or municipal ordinance. In cases where a person indicates that such person is not a citizen or national of the United States, the law enforcement agent shall verify with the federal government whether the alien is lawfully or unlawfully present in the United States.

No official, personnel or agent of a city, county or state law enforcement agency may be

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prohibited or in any way restricted from sending, receiving or maintaining, information regarding the immigration status, lawful or unlawful, of any individual, or exchanging such information with any other federal, state or local government entity. Any law enforcement agency shall be deemed to be in violation if either the attorney general or a majority of the judiciary committee of the house of representatives determines that such a violation has occurred. An agency found to be in violation of this section shall be denied state funding until it can prove to the attorney general that it is in compliance with the act. (New Sec. 3)

The attorney general is required to enter into a cooperative agreement with homeland security to designate specific state law enforcement officers as officers qualified to exercise the enforcement powers of federal immigration officers in the United States. (New Sec. 4)

Illegal aliens are prohibited from receiving public benefits unless required by federal law. An alien applicant shall provide proof that the applicant is a citizen. Such proof shall include the documentation required to apply for a Kansas driver's license. An alien applicant shall not receive any public benefit unless the alien's lawful presence in the United States is first verified by the federal government. (New Sec. 5)

Any city or county may enact any ordinance or resolution restricting the rental of housing to an alien unlawfully present in the United States and imposing fines. Any city or county may enact any ordinance or resolution prohibiting the employment of unauthorized aliens or other unlawful workers, may deny business licenses to employers who employ unauthorized aliens or other unlawful workers, and may allow lawful employees to bring suit against such employers to recover treble damages and reasonable attorney's fees. (New Sec. 6)

No payment or compensation paid to an unauthorized alien employee may be claimed and allowed as a deductible business expense for state income tax purposes. Further, no payment or compensation paid to an independent contractor may be claimed and allowed as a deductible business expense for state income tax purposes if such independent contractor does not use e-verify to verify the employment authorization of all new employees. All employers shall submit an affidavit to the department of revenue accompanying the annual tax return specifically stating information concerning employees or independent contractors and whether the employer uses e-verify. If the department of revenue determines that the employer has knowingly made material misrepresentations of fact regarding information contained in the affidavit, the employer shall be required to add back business deductions taken. (New Sec. 7)

A new crime of employment identity fraud is created which is willfully presenting to an employer false or misleading identification documents for the purpose of obtaining employment. The penalty is a severity level 8, nonperson felony. (New Sec. 8)

K.S.A. 2007 Supp. 8-240 and K.S.A. 2007 Supp. 8-1324 are amended to require the division of motor vehicles to require of any person applying for a driver's license or an identification card who provides proof that they are a citizen of the United States to sign an affidavit stating: "I hereby declare that I am a citizen of the United States. I understand that falsely declaring United States citizenship is a federal crime under 18 U.S.C. 1015(e); and I understand that swearing falsely on an affidavit is a crime pursuant to K.S.A. 8-261a, and amendments thereto." At the time of applying for a driver's license, the division is required to communicate with the federal government to verify social security numbers. If the number is fraudulent or incorrect, the license, permit or identification card shall not be issued. If the license, permit or identification card has already been issued, it shall be revoked. The amendment further states that no driver's license, permit or identification card shall

be issued to any alien until the alien has been verified by the United States department of homeland security to be lawfully present in the United States. (Sec. 9 and 10)

The penalty for dealing in false identification documents is increased from a severity level 8, nonperson felony to a severity level 6, nonperson felony. The penalty for vital records identity fraud is increased from a severity level 8, nonperson felony to a severity level 7, nonperson felony. (K.S.A. 21-3830, Sec. 11)

K.S.A. 22-2802 is amended to require at a criminal offender's first appearance the verification with the federal government of a person's immigration status when the person charged with a crime is not a citizen or national of the United States. Further, at the first appearance, if it is verified that an offender is not lawfully in the United States, it is a rebuttable presumption that the person is a flight risk. (Sec. 12)

Voting without being qualified if the offender knowingly and willfully votes or attempts to vote at any election when not a lawfully registered voter or induces or aids any person to vote who is not a lawfully registered voter is increased from a class A misdemeanor to a severity level 9, nonperson felony. (K.S.A. 25-2416, Sec. 13)

Sec. 14 and 15 are conforming amendments to implement the tax policies in New Sec. 7.

New Sec. 16 states this act shall be construed so as to be fully consistent with federal immigration and labor laws.

New Sec. 17 is the severability clause.

STATE OF KANSAS



TOPEKA

HOUSE OF

REPRESENTATIVES

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: VETERANS, MILITARY &
HOMELAND SECURITY AFFAIRS
MEMBER: COMMERCE & LABOR
MEMBER: JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

L. CANDY RUFF
REPRESENTATIVE FORTIETH DISTRICT
LEAVENWORTH COUNTY
321 ARCH
LEAVENWORTH, KANSAS 66048
(913) 682-6390

STATE CAPITOL, ROOM 322-S
TOPEKA, KANSAS 66612
(785) 296-7647
E-MAIL: Ruff@house.state.ks.us

To: Members of the House Committee on Federal and State Affairs

From: Rep. L. Candy Ruff

Re: HB 2836, Kansas Illegal Alien Reform Act

Date: Feb. 25, 2008

“Kansas owes its history to immigrants” is how a well-known Kansas historian put it not long ago in an article on Germans in Kansas. Noting the high percentage of German arrivals to Kansas in the nineteenth century, she said the result is evident because nearly one-fourth of Kansans today claim German heritage. Following a pattern established nearly 150 years ago, immigrants coming to Kansas arrived as families and settled in communities where they shared common languages, heritage, culture and religions. And in many instances, a large company or corporation compelled them to come to Kansas.

As we begin debating HB 2836, it is important to remember the experiences of immigrants in Kansas. Because more similarities than differences exist between immigrants of yesterday and today, several issues within this debate need clarifying. First and foremost during the 19th century immigration influx no federal laws restricted immigrants coming to Kansas from Europe. Although Asians were restricted from coming to America from 1880 until the mid-20th century, Europeans arrived without control until a Quota Law was enacted after World War I. Illegal and immigrant were seldom uttered in the same sentence.

Regardless of the similarities between Europeans coming to Kansas in the 19th century and Latino arrivals in the 21st century, the issue of illegal status stands as the stumbling block in any discussion of immigration today. Our constituents ask us “What part of illegal” don’t you understand. Now, you and I both know that Kansas does not control immigration programs. We don’t operate border control stations. However, we experience the failed immigration policies of the federal government. And that is what HB 2836 is all about.

Undocumented workers experience the worst of working conditions, the lowest wages for the hardest work and are often afraid to report injuries or mistreatment. That is why we consider it important that the employers who hire undocumented workers should suffer the consequences. And the provisions of this legislation target those employers.

House Fed and State Committee
February 25, 2008

LEGISLATIVE HOTLINE 1-800-432-3924 (DURING

Attachment

3

STATE OF KANSAS

TOM HOLLAND
REPRESENTATIVE 10TH DISTRICT
HOME ADDRESS: 961 E. 1600 ROAD
BALDWIN CITY, KANSAS 66006
(785) 865-2786
tomholland23@hotmail.com

OFFICE ADDRESS: STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-7668
E-mail: holland@house.state.ks.us
1-800-432-3924



TOPEKA
HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING DEMOCRAT: TAXATION

MEMBER: HEALTH AND HUMAN SERVICES
GOVERNMENTAL EFFICIENCY AND
TECHNOLOGY

February 25th, 2008

Chairman Siegfried and Committee Members:

Good afternoon! My name is Tom Holland and I am the State Representative for the Kansas House 10th District serving the communities of south Lawrence, Baldwin City, Wellsville, and north Ottawa. I am here today to ask for your support of HB 2680.

From erecting security border fencing and walls to increasing the number of temporary worker permits, a variety of solutions addressing illegal immigration were offered up to U.S. voters during the 2006 mid-term elections. It is imperative that we as American citizens dialogue and develop consensus on the underlying causes of illegal immigration so that our federally elected officials can be held accountable to honestly and effectively address this issue.

Simply put, unauthorized migrants are coming to the U.S. for jobs. The Pew Hispanic Center has estimated that there were between 11.5 and 12 million unauthorized migrants in the U.S. in 2006 with another 700,000 to 850,000 unauthorized migrants arriving annually. Unauthorized workers currently make up approximately 5 % of the U.S. work force. And this phenomenon comes with a hefty price tag. A study published by George Borjas, a professor of economics and social policy at Harvard University, concluded that by increasing the supply of labor between 1980 and 2000, immigration reduced the average annual earnings of U.S.-born men by an estimated \$1,700 or roughly 4 percent. He also found that among U.S.-born men without a high school diploma (approximately the poorest tenth of the U.S. workforce), the estimated impact was even larger, reducing their wages by 7.4 percent.

So what to do? The only way we will ever permanently address this issue is by having the U.S. government aggressively 1) control its borders and 2) identify and sanction those employers who knowingly / intentionally hire unauthorized migrants. Given the federal government's continued inaction on the issue, I have co-sponsored legislation which would require Kansas employers to use the Department of Homeland Security's E-Verify system to verify the employment eligibility of new hires. HB 2680 would require Kansas employers to begin this verification process for new hire employees starting on or after January 1st, 2009. Firms knowingly or intentionally hiring unauthorized migrants would be placed on probation for their first offense; a second violation would result in the firm losing all business licenses and its registration with the state of Kansas. The bill would also prohibit those firms that have been sanctioned for such an offense within the past five years from being awarded state or municipal purchase orders. The premise of the bill is to hit violating cor
House Fed and State Committee
Februruary 25, 2008

State of Kansas
House of Representatives

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TOPEKA, KANSAS 66612
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TOPEKA

BRENDA K. LANDWEHR
Representative, Ninety-First District

COMMITTEE ASSIGNMENTS
CHAIR: HEALTH & HUMAN SERVICES
MEMBER: COMMERCE & LABOR
FINANCIAL INSTITUTIONS & INSURANCE
JUDICIAL COUNCIL JUVENILE OFFENDER
CHILD IN NEED OF CARE ADVISORY

January 25, 2008

Thank you Chairman Siegfried and committee members for allowing me the opportunity to appear before you today in support of HB2836 the Kansas illegal Alien Reform Act.

As you listen to testimony today and tomorrow and then later work this important bill, I would like you to ask yourself:

When is it good public policy to reward illegal behavior?

- This is the key question that must be answered by opponents of HB2836. When I ask this question, the typical response is silence or evasion. In many of the countries illegal aliens are fleeing, corruption and bribery are commonplace. Many of the countries do not have good private property rights protections and investors are very reluctant to invest in those countries. If we follow the path of not respecting the rule of law, why would we not have the same economic consequences?
- Some argue that poor people should be allowed to break the law by breaking into the country to obtain jobs or benefits not available in the corrupt country they are fleeing. If that is morally defensible, should we allow people to break into other people's houses to obtain material goods they do not have? Again, when is it good public policy to reward illegal behavior? When we rewarded illegal aliens with citizenship in the mid 80's, we attracted even more illegal activity. The numbers only increased.

House Fed and State Committee
February 25, 2008

Attachment 5

- Unfortunately, the actions of illegal aliens have created a suspicious attitude towards honest, legal immigrants. I believe calling illegal aliens immigrants is an injustice to the honest, legal immigrants who are true Americans. It is also creating more illegal behavior targeted at honest Americans. Who is more likely to have their identity stolen Mendoza or O'Neil?
- According to some estimates, our entitlement programs (Social Security, Medicare and Medicaid) are upside down by amounts up to \$47 trillion! If we reward illegals with citizenship, we will make the problem even worse. A Heritage Foundation study showed that the net cost of illegals is \$2900 per year per illegal. The taxes they pay are far less than the education, health care and welfare benefits their children born in the United States receive. Primarily illegals are poor and less educated. As a public policy should we dramatically increase our poor population? Would both we and the prospective immigrants be better served by offering new immigration status to Philippine doctors and nurses, Indian engineers, Polish or Russian physicists? Higher skilled immigrants would help our economy and help solve our entitlement problem not make it worse. Should we as Americans not be able to decide who we want to invite to be Americans or should we allow those willing to break the law to decide?
- States on our borders are finding it difficult to keep hospitals and clinics open because of the free care they are being forced to provide to illegal's. Some have already closed and some fear they are on the brink of closing. Counties and Cities are asking their states for financial assistance to keep them open and fear the money will not be there. This will jeopardize the health and well-being of honest Kansas citizens.
- Illegal aliens, as a group, have proven to be more willing to break other laws. Many prisons in California are disproportionately filled with illegals who robbed, raped and murdered. MS 13 is a product of illegal entry from El Salvador. Murderers flee to Mexico to escape punishment for killing Americans. There is evidence that people with radical beliefs who wish to kill us are indeed crossing our borders. Should we care about the safety of our country?

- Should we care about the rule of law? We should be willing and ready to help ICE not impede ICE. Dodge City has already applied for powers to do enforcement with ICE.
- We have nearly double-digit unemployment among some of our minority populations. This leads to more welfare and crime among these Americans. It is estimated that there are 300,000 illegal's in Kansas alone. Illegals take good middle class jobs in construction and agriculture that would support some of these Americans and they do it for lower wages. Some businesses are willing to hire illegals to avoid paying Americans higher wages. Should we not work harder to help Americans get these jobs and also reduce crime and welfare? I consider it racist to say some Americans will not work. We need to create tax policy that promotes hiring lower skilled Americans and helping to develop skills in construction. Are we not better off as a country when a person on welfare or who was previously involved in criminal activity is able to get married and live a middle class lifestyle? If we still need help after fully employing Americans, we can then increase legal work visas after securing the borders. After all, I believe it is never good public policy to reward illegal behavior.
- We must not forget the men and women that have paid the ultimate price to make America a wonderful place to live. These men and women gave their lives to protect our borders. We do not live in a country that enslaves or suppresses our people. They gave their lives so that we could live in a country where we could and should feel safe and protected from those that wish to harm us.
- Therefore, Mr. Chairman I believe this bill stands for good public policy that protects Americans and honest legal immigrants, provides for sound fiscal policy, and protects the freedoms for which our brave men and women gave their lives. As leaders, it is our task to create public policy that is fiscally sound and protects the freedom of our Kansas citizens. This brings us back to our original question. When is it good public policy to reward illegal behavior?

Office of Revisor of Statutes
300 S.W. 10th Avenue
Suite 010-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296-2321 FAX (785) 296-6668

MEMORANDUM

To: Representative Brenda Landwehr
From: Jill Ann Wolters, Senior Assistant Revisor
Date: January 21, 2008
Subject: Brief of 7rs1620, the Kansas illegal alien reform act

Under the Kansas illegal alien reform act, it is unlawful for a business entity to knowingly hire, recruit or refer for a fee for employment an unauthorized alien or continue to employ an unauthorized alien. Further, the act requires business entities to sign an affidavit confirming the use of e-verify to verify the employment authorization of employee. To be awarded any state contract or grant over \$10,000, the business entity shall provide documentation affirming enrollment and participation in e-verify. Business entity includes: Self-employed individuals; corporations; partnerships; limited partnerships; limited liability companies; foreign corporations; foreign limited liability companies; business trusts; and any business entity that registers with the secretary of state.

All state agencies, departments, boards or commissions or any municipality who is an employer shall enroll and actively participate in e-verify.

Upon a first violation, the court shall order the suspension of all licenses that are held by such business entity for not less than 10 days and not more than 30 days; on a second violation, the court shall order the suspension of all licenses for not less than 90 days and not more than one year; on a third violation, the court shall order the permanent suspension of all licenses that are held by such business entity as well as the revocation of the business entity's registration as a corporation in the state of Kansas, if applicable.

A general contractor shall not be held liable if they verify that all subcontractors and independent contractors hired have enrolled with e-verify; and reasonably believe that the subcontractors and independent contractors hired have complied.

A business entity that has complied in good faith through registration and participation in e-verify to confirm the employment authorization of any employee in question shall create a rebuttable presumption that the employer did not knowingly employ an unauthorized alien.
(New Secs. 1 and 2)

All law enforcement is required to support federal immigration law. All law enforcement officers shall inquire into the citizenship and immigration status of any person detained for a violation of any state law or municipal ordinance. In cases where a person indicates that such person is not a citizen or national of the United States, the law enforcement agent shall verify with the federal government whether the alien is lawfully or unlawfully present in the United States.

No official, personnel or agent of a city, county or state law enforcement agency may be

prohibited or in any way restricted from sending, receiving or maintaining, information regarding the immigration status, lawful or unlawful, of any individual, or exchanging such information with any other federal, state or local government entity. Any law enforcement agency shall be deemed to be in violation if either the attorney general or a majority of the judiciary committee of the house of representatives determines that such a violation has occurred. An agency found to be in violation of this section shall be denied state funding until it can prove to the attorney general that it is in compliance with the act. (New Sec. 3)

The attorney general is required to enter into a cooperative agreement with homeland security to designate specific state law enforcement officers as officers qualified to exercise the enforcement powers of federal immigration officers in the United States. (New Sec. 4)

Illegal aliens are prohibited from receiving public benefits unless required by federal law. An alien applicant shall provide proof that the applicant is a citizen. Such proof shall include the documentation required to apply for a Kansas driver's license. An alien applicant shall not receive any public benefit unless the alien's lawful presence in the United States is first verified by the federal government. (New Sec. 5)

Any city or county may enact any ordinance or resolution restricting the rental of housing to an alien unlawfully present in the United States and imposing fines. Any city or county may enact any ordinance or resolution prohibiting the employment of unauthorized aliens or other unlawful workers, may deny business licenses to employers who employ unauthorized aliens or other unlawful workers, and may allow lawful employees to bring suit against such employers to recover treble damages and reasonable attorney's fees. (New Sec. 6)

No payment or compensation paid to an unauthorized alien employee may be claimed and allowed as a deductible business expense for state income tax purposes. Further, no payment or compensation paid to an independent contractor may be claimed and allowed as a deductible business expense for state income tax purposes if such independent contractor does not use e-verify to verify the employment authorization of all new employees. All employers shall submit an affidavit to the department of revenue accompanying the annual tax return specifically stating information concerning employees or independent contractors and whether the employer uses e-verify. If the department of revenue determines that the employer has knowingly made material misrepresentations of fact regarding information contained in the affidavit, the employer shall be required to add back business deductions taken. (New Sec. 7)

A new crime of employment identity fraud is created which is willfully presenting to an employer false or misleading identification documents for the purpose of obtaining employment. The penalty is a severity level 8, nonperson felony. (New Sec. 8)

K.S.A. 2007 Supp. 8-240 and K.S.A. 2007 Supp. 8-1324 are amended to require the division of motor vehicles to require of any person applying for a driver's license or an identification card who provides proof that they are a citizen of the United States to sign an affidavit stating: "I hereby declare that I am a citizen of the United States. I understand that falsely declaring United States citizenship is a federal crime under 18 U.S.C. 1015(e); and I understand that swearing falsely on an affidavit is a crime pursuant to K.S.A. 8-261a, and amendments thereto." At the time of applying for a driver's license, the division is required to communicate with the federal government to verify social security numbers. If

the number is fraudulent or incorrect, the license, permit or identification card shall not be issued. If the license, permit or identification card has already been issued, it shall be revoked. The amendment further states that no driver's license, permit or identification card shall be issued to any alien until the alien has been verified by the United States department of homeland security to be lawfully present in the United States. (Sec. 9 and 10)

The penalty for dealing in false identification documents is increased from a severity level 8, nonperson felony to a severity level 6, nonperson felony. The penalty for vital records identity fraud is increased from a severity level 8, nonperson felony to a severity level 7, nonperson felony. (K.S.A. 21-3830, Sec. 11)

K.S.A. 22-2802 is amended to require at a criminal offender's first appearance the verification with the federal government of a person's immigration status when the person charged with a crime is not a citizen or national of the United States. Further, at the first appearance, if it is verified that an offender is not lawfully in the United States, it is a rebuttable presumption that the person is a flight risk. (Sec. 12)

Voting without being qualified if the offender knowingly and willfully votes or attempts to vote at any election when not a lawfully registered voter or induces or aids any person to vote who is not a lawfully registered voter is increased from a class A misdemeanor to a severity level 9, nonperson felony. (K.S.A. 25-2416, Sec. 13)

Sec. 14 and 15 are conforming amendments to implement the tax policies in New Sec. 7.

New Sec. 16 states this act shall be construed so as to be fully consistent with federal immigration and labor laws.

New Sec. 17 is the severability clause.

Article prepared by Rep. Landwehr and Rep. Kinzer January 2008

While immigration policy is largely a federal issue the states too have a vital role to play. Any discussion of immigration policy should begin with the understanding that all people are entitled to be treated with dignity and to be afforded basic human rights. We must also recognize that the citizens of The United States have a right to expect an orderly and lawful immigration system. With this in mind we, along with other likeminded legislators, will be working this year to pass legislation aimed at seeing to it that Kansas is doing its part to promote respect for the rule of law.

At a minimum, we must act to establish clear, unified, and achievable standards for determining a person's lawful presence in the United States, when seeking welfare benefits. Federal law is quite clear that an illegal alien is not eligible for most state or local welfare benefits in the absence of a state law, which affirmatively provides for such eligibility. Kansans should expect its public officials to see to it that welfare benefits are only being provided to lawful recipients. After all, when is it good public policy to reward illegal behavior?

Of perhaps even greater importance is the protection of the integrity of our electoral system. We support the imposition of tougher penalties on any illegal alien who votes or attempts to vote in an election and on those who assist them in doing so.

Unfortunately, the problem of illegal immigration brings with it the associated issue of identity theft and dealing in false identity documents. We support enhanced penalties for the crimes of Dealing in False ID Documentation and Vital Records Identity Fraud. We further support the creation of a separate crime for those who present false identification documents to employers. These changes will have the added benefit of helping Kansas businesses better comply with immigration laws.

While we help Kansas businesses comply with the law we must also hold them accountable. The State of Kansas should not reward businesses that knowingly violate the law. As such we support withholding state contracts and other benefits from organizations and businesses which knowingly violate immigration laws.

We also support licensure penalties for any business that knowingly hires an illegal alien or fails to comply with federal law regarding verifying an employee's legal work status. While most Kansas businesses comply with state and federal labor and immigration laws, businesses that chose to knowingly violate the law must be held accountable for their actions.

In addition to these measures, we will also be working to improve communication and coordination between state and local law enforcement and federal immigration officials; to ensure that illegal aliens who commit crimes are not released on bond; and establishing a statutory prohibition on issuing drivers licenses to unauthorized aliens.

The implementation of these and other similar measures would go a long way toward sending a clear message that Kansas is a state that welcomes all who choose to come here legally, but that we are also a state that expects all who live here to respect the rule of law.

Instructions

Please read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work eligible individuals. Employers **CANNOT** specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination.

What Is the Purpose of This Form?

The purpose of this form is to document that each new employee (both citizen and non-citizen) hired after November 6, 1986 is authorized to work in the United States.

When Should the Form I-9 Be Used?

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9.

Filling Out the Form I-9

Section 1, Employee: This part of the form must be completed at the time of hire, which is the actual beginning of employment. Providing the Social Security number is voluntary, except for employees hired by employers participating in the USCIS Electronic Employment Eligibility Verification Program (E-Verify). **The employer is responsible for ensuring that Section 1 is timely and properly completed.**

Preparer/Translator Certification. The Preparer/Translator Certification must be completed if **Section 1** is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete **Section 1** on his/her own. However, the employee must still sign **Section 1** personally.

Section 2, Employer: For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers or farm labor contractors.

Employers must complete **Section 2** by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins. If employees are authorized to work, but are unable to present the required

document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days. However, if employers hire individuals for a duration of less than three business days, **Section 2** must be completed at the time employment begins. **Employers must record:**

1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification. Employees must present original documents. Employers may, but are not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. **However, employers are still responsible for completing and retaining the Form I-9.**

Section 3, Updating and Reverification: Employers must complete **Section 3** when updating and/or reverifying the Form I-9. Employers must reverify employment eligibility of their employees on or before the expiration date recorded in **Section 1**. Employers **CANNOT** specify which document(s) they will accept from an employee.

- A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.
- B. If an employee is rehired within three (3) years of the date this form was originally completed and the employee is still eligible to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.
- C. If an employee is rehired within three (3) years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:
 1. Examine any document that reflects that the employee is authorized to work in the U.S. (see List A or C);
 2. Record the document title, document number and expiration date (if any) in Block C, and
 3. Complete the signature block.

What Is the Filing Fee?

There is no associated filing fee for completing the Form I-9. This form is not filed with USCIS or any government agency. The Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the Privacy Act Notice below.

USCIS Forms and Information

To order USCIS forms, call our toll-free number at 1-800-870-3676. Individuals can also get USCIS forms and information on immigration laws, regulations and procedures by telephoning our National Customer Service Center at 1-800-375-5283 or visiting our internet website at www.uscis.gov.

Photocopying and Retaining the Form I-9

A blank Form I-9 may be reproduced, provided both sides are copied. The Instructions must be available to all employees completing this form. Employers must retain completed Forms I-9 for three (3) years after the date of hire or one (1) year after the date employment ends, whichever is later.

The Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR § 274a.2.

Privacy Act Notice

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by officials of U.S. Immigration and Customs Enforcement, Department of Labor and Office of Special Counsel for Immigration Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

Paperwork Reduction Act

We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: 1) learning about this form, and completing the form, 9 minutes; 2) assembling and filing (recordkeeping) the form, 3 minutes, for an average of 12 minutes per response. If you have comments regarding the accuracy of this burden estimate, or suggestions for making this form simpler, you can write to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0047.

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-9, Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification. To be completed and signed by employee at the time employment begins.

Print Name: Last	First	Middle Initial	Maiden Name
Address (Street Name and Number)		Apt. #	Date of Birth (month/day/year)
City	State	Zip Code	Social Security #

<p>I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.</p>	<p>I attest, under penalty of perjury, that I am (check one of the following):</p> <p><input type="checkbox"/> A citizen or national of the United States</p> <p><input type="checkbox"/> A lawful permanent resident (Alien #) A _____</p> <p><input type="checkbox"/> An alien authorized to work until _____</p> <p>(Alien # or Admission #) _____</p>
---	---

Employee's Signature	Date (month/day/year)
----------------------	-----------------------

Preparer and/or Translator Certification. (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer's/Translator's Signature	Print Name
Address (Street Name and Number, City, State, Zip Code)	Date (month/day/year)

Section 2. Employer Review and Verification. To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number and expiration date, if any, of the document(s).

List A	OR	List B	AND	List C
Document title: _____		_____		_____
Issuing authority: _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____
Document #: _____		_____		_____
Expiration Date (if any): _____		_____		_____

CERTIFICATION - I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) _____ and that to the best of my knowledge the employee is eligible to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative	Print Name	Title
Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)		Date (month/day/year)

Section 3. Updating and Reverification. To be completed and signed by employer.

A. New Name (if applicable)	B. Date of Rehire (month/day/year) (if applicable)
-----------------------------	--

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment eligibility.

Document Title: _____ Document #: _____ Expiration Date (if any): _____

I attest, under penalty of perjury, that to the best of my knowledge, this employee is eligible to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Date (month/day/year)
--	-----------------------

5-10

LISTS OF ACCEPTABLE DOCUMENTS

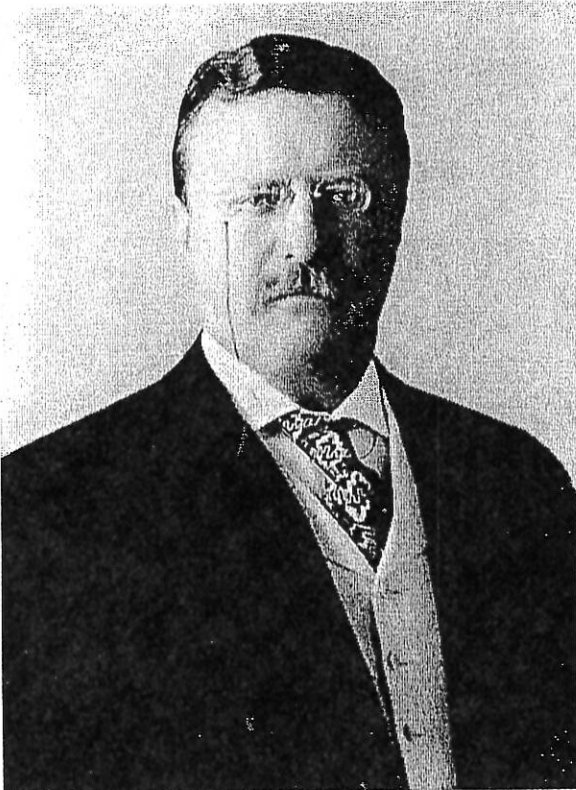
LIST A Documents that Establish Both Identity and Employment Eligibility	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Eligibility
1. U.S. Passport (unexpired or expired)		1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		1. U.S. Social Security card issued by the Social Security Administration <i>(other than a card stating it is not valid for employment)</i>
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		2. Certification of Birth Abroad issued by the Department of State <i>(Form FS-545 or Form DS-1350)</i>
3. An unexpired foreign passport with a temporary I-551 stamp		3. School ID card with a photograph		3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)		4. Voter's registration card		4. Native American tribal document
		5. U.S. Military card or draft record		5. U.S. Citizen ID Card <i>(Form I-197)</i>
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer		6. Military dependent's ID card		6. ID Card for use of Resident Citizen in the United States <i>(Form I-179)</i>
		7. U.S. Coast Guard Merchant Mariner Card		
		8. Native American tribal document		7. Unexpired employment authorization document issued by DHS <i>(other than those listed under List A)</i>
	9. Driver's license issued by a Canadian government authority			
		For persons under age 18 who are unable to present a document listed above:		
		10. School record or report card		
		11. Clinic, doctor or hospital record		
		12. Day-care or nursery school record		

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Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)

The year is 1907, over one hundred years ago.....

Theodore Roosevelt's ideas on Immigrants and being an AMERICAN in 1907.



"In the first place, we should insist that if the immigrant who comes here in good faith becomes an American and assimilates himself to us, he shall be treated on an exact equality with everyone else, for it is an outrage to discriminate against any such man because of creed, or birthplace, or origin. But this is predicated upon the person's becoming in every facet an American, and nothing but an American... There can be no divided allegiance here. Any man who says he is an American, but something else also, isn't an American at all. We have room for but one flag, the American flag... We have room for but one language here, and that is the English language... and we have room for but one sole loyalty and that is a loyalty to the American people."

Theodore Roosevelt 1907

Posted on Sun, Jun. 17, 2007

JEFF SYRIOS: IMMIGRATION NEEDS TO HONOR RULE OF LAW

BY JEFF SYRIOS

We have 12 million people whose very presence is illegal, but whose departure would result in hardship and instability. The remedy will be complex, but I am certain that any law Congress passes must be measured against and ultimately sustain America's greatest virtue -- its foundation in the rule of law.

Therefore, it seems obvious that our borders must be immediately sealed and all immigrants required to enter our country legally. We are at war with an enemy that has demonstrated a commitment and ability to breach our borders and kill our citizens. Furthermore, it is naive to view illegal immigration as a victimless crime. Those who impose themselves on an already strained system cause hardship for legal citizens who utilize public resources.

Then, current law must be enforced. Illegal immigrants convicted of deportable crimes must be removed from our country. Nothing impugns the merit of the law more than a lack of enforcement of the law.

Next, the rule of law mandates that illegal behavior be punished and never rewarded. Granting amnesty to those already in our country illegally offends this principle. Worse, it perverts the law by punishing those who have or are in the process of entering legally. While mass deportation is impractical and harmful, complete absolution for criminal behavior is equally destructive.

Additionally, immigrants must be treated with care and justice. A virtuous nation can take no lesser course. However, as beneficiaries of freedom, they must remember that our liberties were born by sacrifice and are lived with a cost. Diversity makes us stronger, but it must be accompanied by respect for laws, traditions and customs.

Finally, pressure must be imposed on governments that ignore the "sacred and undeniable" rights of all people. Just as our founders relied on the rule of law in making their case of secession to the watching nations, we must continue to hold all nations to this standard. Until the injustice and corruption of countries such as Mexico are confronted, the draw of democracy will overtake the law protecting it.

Jeff Syrios, a freelance writer and attorney from Andover, writes a blog at the Web site www.syrioslvspeaking.com.

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Immigration Article from Eagle Reader June 12 2007

Doors wide open

My family (parents, brothers and sisters) immigrated in 1956 from the Netherlands, and my dad basically kissed the ground when we arrived here. There were a lot of rules that we had to follow before we came here. We had to prove we were healthy, that we had a sponsor, that we were not going to be a public charge. And my dad had to have proof of a job.

Now we see the total destruction of the basic fundamentals of coming to the United States under the rule of law. There is no law. The people coming to this country are breaking the law and believing it is their right to be here. We are destroying this country and turning away people who are qualified and productive citizens, and welcoming people with the least amount of education, the least amount of incentives to become Americans.

This is the United States of America, and this country was founded on the rule of law. What happened?

Next thing you know, we will be hearing "press two for English."

*ELSHA NOBLE
Derby*

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Tancredo Letter to Mexican President Calderon

Friday, 15 February 2008

WASHINGTON, D.C. – Rep. Tom Tancredo (R-Littleton) today sent a letter to Mexican President Felipe Calderon questioning the motives behind his current visit to the United States as well as the charges levied by Mr. Calderon against the fairness of American immigration policy. A copy of the letter is below:

President Calderon:

I was disappointed by misguided comments you recently made regarding U.S.-Mexico relations and U.S. immigration laws. Purveying misinformation and absurd allegations is hardly a positive step to building a constructive partnership.

According to the Associated Press you recently said, “You have two economies. One economy is intensive in capital, which is the American economy. One economy is intensive in labor, which is the Mexican economy. We are two complementary economies, and that phenomenon is impossible to stop.” Yes, both countries benefit by the 85% of Mexico’s manufacturing exports that come to the U.S., but people are not commodities. While I appreciate your concern for our joint prosperity, the economic and social ills that plague your country cannot be resolved by simply exporting your citizens to the United States.

It is undeniable that Mexico faces major challenges. Endemic corruption and the power of violent drug cartels still dominate everyday life across Mexico. Beyond the headlines, Mexico has deep institutional maladies. Mexico’s absurdly antiquated Napoleonic-inquisition styled legal system and the squandering of robust energy-industry opportunity by a poorly managed, state-run Pemex monopoly are just two examples of the kind of self-inflicted wounds that hobble your troubled nation.

I understand that you are attempting to resolve some of these problems and applaud your leadership in trying to do so. But what would contribute more to the long term stability of your economy and your country would be to focus more energy on addressing your domestic challenges and less on lobbying the U.S. to provide amnesty for Mexicans who have illegally entered this country with the blessing of your government. In doing so, you might be able to keep Mexico’s “best and brightest young men” in Mexico – where they can contribute more to Mexico’s economy than remittance payments. Unfortunately, your recent comments indicate that Mexico will continue its policy of encouraging illegal immigration and treating the United States as little more than a dumping ground for your social and economic problems.

In your speech yesterday to the California State legislature, you lectured the American people on how to improve our immigration policies. Why did you not propose that we model our policies on Mexico’s own policies toward illegal entry across your own southern border? Mexico expends enormous resources to prevent Guatemalans, Hondurans and Salvadorans from entering the country illegally, but you castigate the

United States for wanting secure borders. Mr. President, in my neighborhood that is called hypocrisy.

You proposed in your Sacramento speech that “migration” be made “legal, safe and organized.” Mr. President, we already have such a program and it is called legal immigration. Over one million legal immigrants come through our ports of entry each year, not across our border fences. The American people set limits on the number of legal immigrants through our immigration laws, and it is not the job of the Mexican government to revise or expand those limits.

President Calderon, you are insulting the American people when you tell us that fifteen to twenty million illegal aliens in our country bring only benefits and no costs. I challenge you to give one concrete example of how the enforcement of our existing immigration laws violates anyone’s human rights. The people of Oklahoma are not anti-Mexican for passing laws to require verification of employment eligibility. The people of Indiana are not anti-immigrant for passing laws to require photo identification for voting. The people of California are not anti-Mexican for denying driver’s licenses to illegal aliens. The people of Arizona are not anti-immigrant for passing laws that deny welfare benefits to people who are in that state unlawfully.

It is no secret that the purpose of your visit is to influence the American election, and in fact your trip has been billed as a high-stakes effort to shape the immigration debate underway in the U.S. presidential race. What is perhaps more disappointing, however, is your attempt to insinuate that anti-amnesty sentiment here in the U.S. is the same as anti-Mexican sentiment. I am referring to your statement, “I need to change in the perception that the Americans are the enemy, and it is important to change the perception that the Mexicans are the enemy.”

It is both disingenuous and dangerous for you to inject this kind of xenophobia into this debate. The fact that the overwhelming majority of Americans support the enforcement of our immigration laws and take issue with the notion that we should reward illegal behavior, hardly qualifies as ethnic animosity or international enmity. What you must understand is that a treasured aspect of our national foundation is a respect for the rule of law. Perhaps if corruption were not so widespread and commonplace in Mexico, it would be easier for you to understand this.

President Calderon, in many ways your trip thus far has been a long series of mixed messages. You accuse the United States of recent protectionist trends, yet you heavily restrict foreign entry into Mexico’s energy sector through a massive, state-run Pemex monopoly. You assure American politicians that an open flow of cheap Mexican labor is not only benign but vitally necessary, but you take great care in securing your own southern border with Guatemala. You come to the United States purportedly to promote better political and economic ties with the U.S., but then issue a thinly veiled threat that Mexicans will regard the U.S. as an enemy if we refuse to provide millions of illegal aliens with unconditional amnesty.

President Calderon, I respectfully suggest that the next time you visit our country, rather than trying to influence U.S. policymakers or our election process, you take time to listen to Americans rather than lecture them. If you want to make changes in government policies, apply your energies to Mexico's laundry list of problems rather than meddling in domestic American politics.

Posted on Sun, Jan. 06, 2008

Fraudulent IDs are used to get work, credit

BY ROXANA HEGEMAN
Associated Press

When Air Force veteran Marcos Miranda had his identity stolen, he went from being a valued customer and employee to a government statistic — one of thousands of identity theft victims caught up each year in the crackdown on illegal immigrants.

Identity theft has been a growing worry nationwide, but a rise in federal prosecutions against illegal immigrants offers a new wrinkle to the problem.

As the government develops more sophisticated electronic employment verification systems, illegal immigrants are assuming real names and Social Security numbers of U.S. citizens like Miranda to thwart detection at workplaces, to get driver's licenses and to obtain credit.

Miranda first learned someone else was using his identity in 2000 when he was arrested on a warrant for unpaid traffic tickets at the border after a visit to relatives in Mexico. The 24-year-old Texas man was released after paying a \$340 fine for violations he never incurred. Although his money was eventually returned, his nightmare was just beginning.

Since then, Miranda has responded to repeated letters from the Internal Revenue Service demanding thousands of dollars in back taxes for wages paid to someone using his name and Social Security number to work at Oldham's LLC, a pork slaughterhouse in Holton. Miranda watched his once-high credit rating plummet as creditors reported unpaid bills incurred by others.

"Even though I am Hispanic, I am against illegal immigration," Miranda said. "Even though a lot of them come to work, there are always bad apples. (Identity theft) has really made my perspective... negative about immigration."

In a deal with federal prosecutors, a Mexican national accused of stealing Miranda's identity pleaded guilty last month to one count of using fraudulent documents. Joel Rojas-Morales, 27, will be sentenced in March.

Document sellers

Chris Joseph, the defense attorney representing Rojas-Morales, is sympathetic to identity theft victims like Miranda.

"I have no reason to doubt that is absolutely true. There is no question he is a victim of identity theft," Joseph said. "The question is: Who did the victimizing intentionally? Generally speaking, people who come into the United States don't go out and steal an identity. They generally purchase a set of identity documents for the purpose of being able to work."

Illegal immigrants who buy documents often are reassured by sellers that the identity they're getting belongs to someone who no longer works in this country, who sold his identity papers, who died or who never existed.

"The person naively purchases the papers believing they are not doing any harm," Joseph said.

Prosecutors said Rojas-Morales worked under a false identity at Oldham's since 2004, using a fraudulent Colorado driver's license, a bogus Social Security card and other phony employment forms.

Based on Miranda's account of his identity theft problems, Joseph said, it's likely several people were using his identity. Joseph declined to talk specifically about his client's ongoing criminal case or allow him to be interviewed.

Using IDs to get jobs

The government has "no solid numbers" showing either an increase or decrease in immigration-related identity theft cases nationwide, said Betsy Broder, assistant director in the division of privacy and identity protection at the Federal Trade Commission.

But she said the agency has seen a rise in prosecutions of workers using other people's information to be employed, particularly for using fraudulent Social Security numbers.

By far the largest workplace enforcement to date was the December 2006 raid at six plants owned by Swift & Co. in which 1,282 illegal immigrants were arrested.

Statistics show the number of immigration-related criminal cases filed by U.S. Attorney Eric Melgren's office in Wichita more than tripled between fiscal years 2002 and 2006, peaking at 161 by 2006 in Kansas as the Department of Justice stepped up prosecutions for fraudulent documents and identity theft. By 2007, the number slipped to 100 in the state.

"Certainly there has been far more activity starting with action in the Swift packing plant and a number of actions brought by the Department of Homeland Security on these workplace issues," Broder said.

A Federal Trade Commission survey released last month showed identity theft for employment purposes accounts for about 1 percent of identity theft cases nationwide, for an estimated 83,000 employment-related identity theft victims in 2005. People using a fraudulent identity to work often use it to also obtain utility services, government benefits, medical care and credit.

Credit card fraud is the most common form of identity theft.

As Rojas-Morales sits in jail in Kansas, the real Marcos Miranda is slowly rebuilding his life in El Paso, Texas, where he works as a truck driver for Swift.

Miranda has a new Social Security number and has signed up for a credit monitoring service.

"That way," he said, "I can get back on track and get my credit back and do what I have to do to keep my identity to myself."

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Doing Research? : Immigration in Your Backyard

Immigration Impact: Kansas



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State Population (2006 CB estimate)	2,764,075
State Population in 2000	2,692,947
Average Annual Change 2000-2006	0.4%
Foreign Born Population 2006 ^{1/}	173,205
Foreign Born Share 2006	6.3%
Foreign Born Population 2000	134,735
Foreign Born Share 2000	5.0%
Average Annual Change 2000-2006	4.5%
Population Projection 2010	2.8 million
Population Projection 2025	2.9 million
Population Projection 2050 (FAIR)	3.5 million

All numbers are from the U.S. Census Bureau unless otherwise noted.

*Additional Census Bureau, INS, and other immigration-related data are available for **Kansas**.*

Population Change

Kansas population increased by 8.7 percent between 1990 and 2000, and by 2.6 percent between 2000 and 2006, bringing the total population of Kansas to approximately 2.8 million.

Approximately 5.4 percent of the total population increase between 2000 and 2006 in Kansas was directly attributable to immigrants.

FAIR estimates the illegal alien population in 2005 at 75,000 which ranks 26th in the U.S. for the FAIR estimate. This number is 60 percent above the U.S. government estimate of 47,000 in 2000, and 477 percent above the 1990 estimate of 13,000.

According to an estimate of the Pew Hispanic Center, in 2005 there were an estimated 40,000 to 70,000 illegal aliens living in Kansas.^{2/}

FAIR estimates in 2004 that the taxpayers of Kansas spent \$192.5 million per year on illegal aliens and their children in public schools.^{3/}

FAIR's projected annual fiscal costs to Kansas taxpayers for emergency medical care, education and incarceration resulting if an amnesty is adopted for illegal residents.

Current	2010	2020
\$235,000,000	\$396,000,000	\$685,000,000

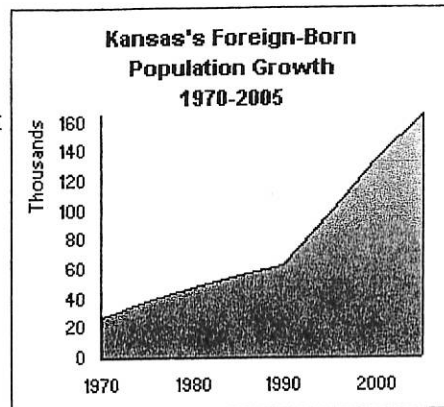
Population Profile

Kansas increased by nine percent, or almost 211,000 people, between 1990 and 2000.

Kansas's foreign-born population more than doubled during the 1990s. It gained 72,000 immigrants—an increase of 114 percent.

Foreign-Born Population

The foreign-born population of Kansas increased by 28.6 percent between 2000 and 2006. During that period Kansas gained over 38,000 immigrants, bringing the total number of foreign-born residents in the state to over 173,000.



Environmental and Quality of Life Profile

Water: While Kansas has an abundance of open space, it has a scarcity of water. In the last 20 years, the number of irrigated acres in Wichita County has dropped from 100,000 to 40,000. Parts of the High Plains aquifer will be used up within the next 25 years, and vast areas of land will have no usable groundwater in the next 50 to 100 years, according to the Kansas Geological Survey. "If things continue, over the next 100 years irrigated agriculture in southwest Kansas will no longer be in existence," says the director of the Docking Institute of Public Affairs at Fort Hays State University.^{4/}

Sixty-nine percent of Kansas rivers and streams and 100 percent of its lakes have been classified as impaired (unable to fully support aquatic life, drinking water, swimming, and other beneficial water uses).^{5/}

Traffic: As population growth put more traffic on the roads, the average commute for Kansas's residents increased ten percent during the 1990s, from 17.2 minutes to 20 minutes in 2000.^{6/7/}

In the Kansas City, MO-Kansas travelers experience an annual delay of 17 hours. ^{8/} 7 percent of commuters in Kansas have a commute that is at least 45 minutes long. ^{9/}

Sprawl: Each year, Kansas loses 19,300 acres due to development.^{10/} If growth continues its current pace, Kansas City, Topeka, and Wichita will sprawl together into one giant megalopolis, experts say.^{11/}

Disappearing Open Space: A study of urban sprawl between 1970 and 1990 that calculated the impact of population increase and per capita land use found that 268.6 square miles of additional land were consumed by urban sprawl in the Kansas City, MO metropolitan area, which spills into Kansas, and 33.6 percent of that sprawl was attributable to population increase.^{12/}

Crowded Housing: In 2005 over 17,000 Kansas households are defined as crowded or severely crowded by housing authorities. 13/ Studies show that a rise in crowded housing often correlates with an increase in the number of foreign-born. 14/, 15/

Poverty: 20.9 percent of immigrant residents in Kansas have incomes below poverty level, and increase of 23.2 since 2000. Among foreign-born non-citizens, the poverty rate rises to 25.5 percent. 16/

Air Quality: Wyandotte, Sumner, and Sedgwick counties received a grade of "C" from the American Lung Association in their State of the Air 2005 report. 17/

Solid Waste: Kansas generates 1.73 tons of solid waste per capita. 18/

Schools: The K-12 enrollment is projected to increase by more than 3,700 students by 2015 19/20/

Some schools are struggling with overcrowding. In Garden City, many teachers don't have classrooms of their own due to lack of space, and even the portable classrooms are full. 21/

Endnotes:

1. FAIR estimate based on the 2006 Current Population Survey.
2. "Estimates of the Unauthorized Migrant Population for States based on the March 2005 CPS", Pew Hispanic Center.
3. Martin, Jack. "Breaking the Piggy Bank: How Illegal Immigration is Sending Schools into the Red," A Report by the Federation for American Immigration Reform.
4. Roxana Hegman, "Dwindling Water Supplies Shape Future of Farming in Western Kansas," Associated Press, September 18, 2001.
5. Senate Approach Would Speed Payments to Kansas Farmers for Farmland Conservation," Environmental Working Group.
http://www.ewg.org/farm/cnsv_needs/Kansas.php
6. "Table DP-1-4, Profile of General Demographic Characteristics: 2000," Census 2000, U.S. Census Bureau.
7. "Table DP-1-4, Profile of General Demographic Characteristics: 1990," 1990 Census, U.S. Census Bureau.
8. "The 2005 Urban Mobility Report", Texas Transportation Institute.
9. "U.S. Population 2007 Data Sheet," Population Reference Bureau.
10. "State Rankings by Acreage and Rate of Non-federal Land Developed," Natural Resources Conservation Service, United States Department of Agriculture.
11. Amy Shafer, "One Giant Mass," Associated Press, December 18, 2001.
12. Beck, Roy and Leon Kolankiewicz, "Weighing Sprawl Factors in Large U.S. Cities," NumbersUSA, March 2001.
13. Selected Housing Characteristics-2005 Data Set. 2005 American Community Survey, American Fact Finder, U.S. Census Bureau.
14. Haya El Nasser, "U.S. Neighborhoods Grow More Crowded," USA Today, July 7, 2002.
15. Randy Capps, "Hardship Among Children of Immigrants: Findings from the 1999 National Survey of America's Families," Urban Institute, 2001.
16. "Kansas State Factsheet," Migration Information Source, Migration Policy.
17. "State of the Air 2005: Kansas", American Lung Association.
18. Report Card for America's Infrastructure 2005," American Society of Civil Engineers.
19. "Public Elementary and Secondary School Student Enrollment, High School Completions, and Staff From the Common Core of Data: School Year 2005-06", National Center for Education Statistics, U.S. Department of Education, June 2007.
20. Projections of Education Statistics to 2015, National Center for Education

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Statistics, U.S. Department of Education.

21. "Garden City High School Overcrowded, Solutions Hard to Come By," Associated Press, December 17, 2001.

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Doing Research? : Immigration in Your Backyard

Extended Immigration Data for Kansas



Print this!



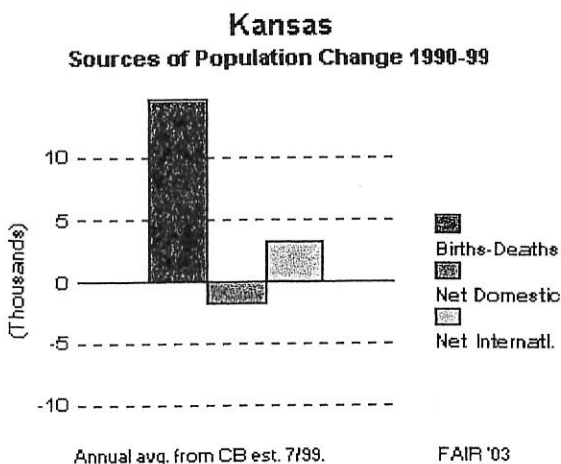
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Summary Demographic State Data (and Source)

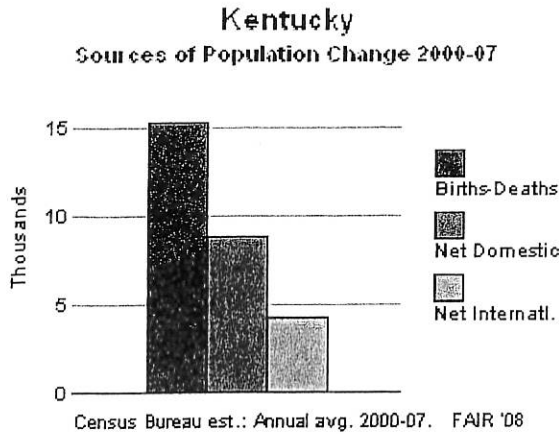
Population (2007 CB est.):	2,775,997
Population (2000 Census):	2,688,418
Foreign-Born Population (2007 FAIR est.):	174,622
Foreign-Born Population (2000 Census):	134,735
Share Foreign-Born (2007 FAIR est.):	6.3%
Share Foreign-Born (2000):	5.1%
Immigrant Stock (2000 CB est.):	308,000
Share Immigrant Stock (1997 est.):	11.5%
Naturalized U.S. Citizens (2000 Census):	44,763
Share Naturalized (2000):	33.2%
Legal Immigrant Admission (DHS 1997-2006):	39,035
Refugee Admission (DHS 1997-2006):	1,731
Illegal Alien Population (2007 FAIR est.):	90,000
Costs of Illegal Aliens - 2005 (2006 FAIR est.):	\$235,000,000
Projected Population - 2050 (2006 FAIR):	3,800,814

STATE POPULATION

The Census Bureau estimated that in July 2007 Kansas's population had increased by an annual average of about 11,940 residents since 2000 (to 2,775,997 residents). Over that period, net immigration was adding about 6,345 persons each year (more immigrants arriving than leaving). During the same period there was an annual average population loss of about 9,220 residents from net domestic migration (more native-born residents leaving than arriving). Net immigrant settlement accounted directly for more than half (53.1%) of the population increase over this period, and that does not include the children born to the immigrants after their arrival in the United States.



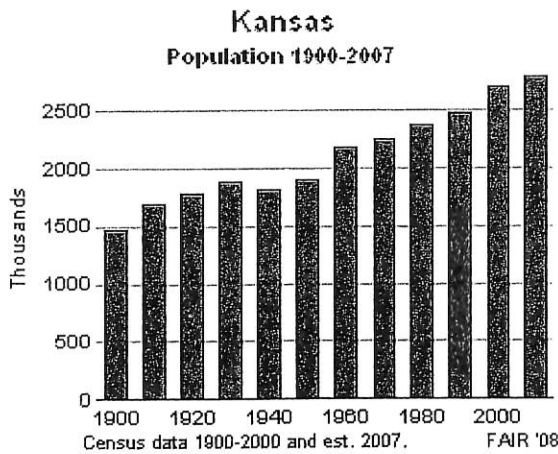
5-23



[Note: children born in the United States to immigrants (part of the immigrant stock) are not included as part of the immigration flow.]

The 2000 Census found 2,688,418 persons resident in Kansas. This was an increase of 210,844 persons above the 1990 Census. The rate of increase (8.5%) was slightly below the average rate in the country.

The 2000 population is about 20,000 more persons than the Census Bureau had expected to find in the state in 2000 when it issued its most recent state population projections in 1996. The significance of this is that the Census Bureau has concluded that much of the shortfall in their population estimates during the 1990s was due to an underestimation of the illegal alien population.



Kansas had the 39th greatest rate of population increase in the country between 1960-2000.

Between 1980 and 1990, the overall population of Kansas grew by 4.8 percent (from 2,364,236 to 2,477,574 residents).

FOREIGN-BORN POPULATION

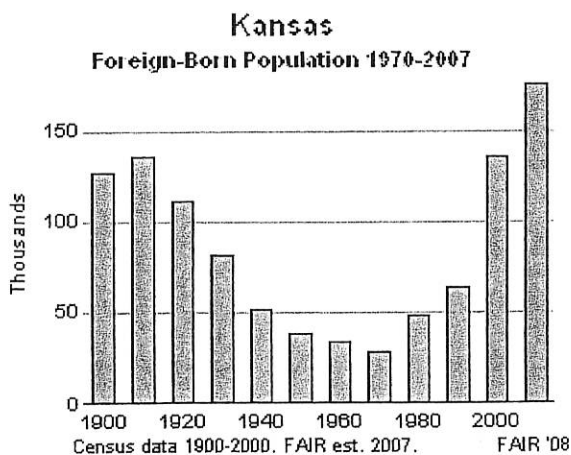
FAIR estimates that the foreign-born population of Kansas was about 174,622 residents in July 2007. This meant a foreign-born population share of 6.3 percent. The amount of change since the 2000 Census indicates an average annual rate of increase in the foreign-born

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population of about 5,465 people, which is 45.5 percent of the state's annual average population increase. Immigration also contributes to population growth through the children born to immigrants in this country. Nationally the share of births to the foreign-born is about double their share of the population. A 12.6 percent share of the state's current births is large enough to account for about 4,945 births a year. Combining the increase in the foreign-born population and estimated immigrant births suggests that immigration may account for adding more than 10,400 persons to the state's population annually, i.e., most (86.8%) of the state's overall population increase.

The 2000 Census recorded 134,735 foreign-born residents in the state. That was five percent of the state's overall population and an increase of 114.4 percent above the 1990 foreign-born population of 62,840 residents. That increase of more than doubling of the immigrant population of ten-years earlier was much higher than the 5.8 percent increase in the native-born population. The rate of increase in the immigrant population was the 14th highest in the country, and the amount of increase in the foreign-born population was the 25th highest in the country.

A comparison of the increase in the immigrant population from 1990 with the change in the overall population during the same period shows that immigrant settlement directly accounted for 34.1 percent of the state's overall population increase over that decade. The share of the population increase due to immigration would be still higher if the children of the immigrants born here after their arrival were included with their immigrant parents in the calculation. The amount of the overall impact of immigration (immigrants plus their children) on population change is likely to be closer to 42 percent, which is based on the increase in the share of those who speak a language other than English at home in Kansas.



The 2000 Census found that 55.1 percent of Kansas's foreign-born population had arrived in the state since 1990. This demonstrates the effects of the current mass immigration, and it is a much higher share than the national average (43.7%).

An indicator of the change in the immigrant population may be seen in data on the share of the population that speaks a language other than English at home. Between 1990 and 2000 the share of non-English speakers at home in Kansas increased slightly from 5.7 percent to 6.2 percent. Fewer than half (44.9%) of those who said they spoke a

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language other than English at home in 2000 also said they spoke English less than very well.

Speakers of Foreign Languages
(at home in Kansas in the 2000 Census)

Spanish	137,245
German	16,820
Vietnamese	10,395
French	6,535
Chinese	5,435
Korean	3,665
Laotian	3,145
Arabic	2,835
Tagalog	2,235
Russian	1,995

(Source: Census Bureau report: Language Spoken at Home for the Population 5 Years and Over, April 2004)

Between 1980 and 1990, the foreign-born population grew by 31.2 percent (from 47,891 to 62,840). The foreign born in Kansas represented only 2.5 percent of the total population in 1990, but it accounted for 6.5 percent of the population growth over the previous decade.

Foreign-Born Change Since 1980: Top Ten Countries 1980-2000

Rank	Country	1980	Country	1990	Country	2000
1	Germany	4,591	Germany	6,541	Mexico	63,358
2	Mexico	3,764	Canada	2,930	Vietnam	9,105
3	Laos	2,974	U.K.	2,850	China *	5,088
4	Canada	2,625	Mexico	2,725	India	4,975
5	Korea	2,260	Vietnam	2,173	Germany	4,953
6	Vietnam	2,175	Laos	2,041	Canada	3,635
7	U.K.	2,153	Korea	1,801	Korea	3,553
8	India	1,696	Sov.Un.	1,662	U.K.	2,849
9	China	1,344	Neth.	1,654	Laos	2,722
10	Taiwan	1,175	Denmark	1,174	Philip.	2,717
	All Others	22,902	All Other	17,765	All Others	31,780
	Total	47,659	Total	43,316	Total	134,735

* 2000 Census data for China include Hong Kong and Taiwan.

The ten countries above constituted more than three-quarters (76.4%) of the foreign-born population in Kansas in 2000. Mexico alone accounted for nearly half (47%) of the foreign-born total. Compared to the 39,616 Mexican-born residents from the 2000 Census who said they entered the United States between 1990-2000, INS data (see below) indicate that the total number of legal Mexican immigrants who listed Kansas as their intended residence during that period numbered fewer than 12,800 persons.

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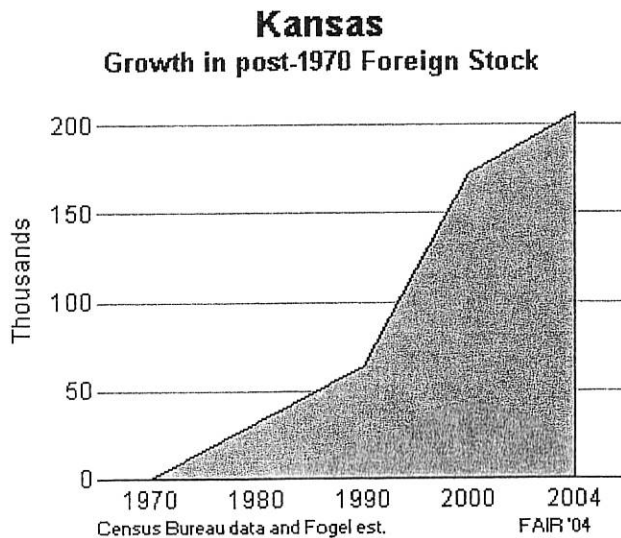
The Census Bureau estimated from its American Community Survey that in 2002 the foreign-born population of Kansas was about 110,700 persons. The chart below shows the regions from which those foreign residents came.

CONNECT TO LEGAL IMMIGRATION ADMISSIONS DATA

THE IMMIGRANT STOCK

The Census Bureau estimated that there were about 308,000 people in Kansas in 2000 who were "immigrant stock." That is a term that refers to immigrants and their children born here after their arrival. Based on that estimate, and a population estimate of 2,688,418, the immigrant stock share of the state's population was 11.5 percent.

As the graph below shows, the amount and share of Kansas' population change due to the increase in the foreign stock is rising rapidly. Over the past 34 years the new immigrants and children born to them have added about 205,400 people to the population. Over this period, the increase in the foreign stock has accounted for 42 percent of the state's population increase.



NATURALIZATION

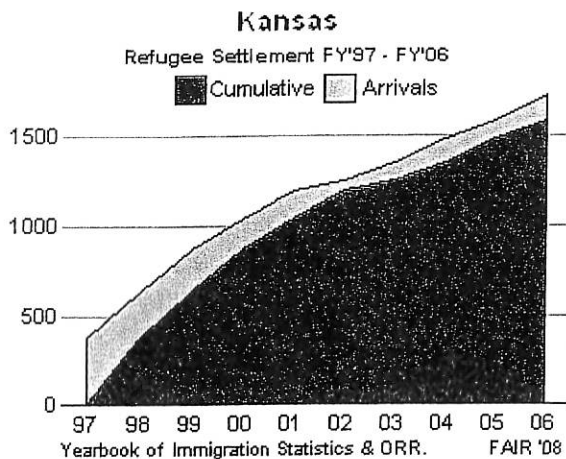
Data from the 2000 Census recorded Kansas' naturalized population at 44,763, a naturalization rate of 33.2 percent, a much lower rate than the national average rate of 40.1 percent. The decline in the naturalization rate from 1990 (see below) suggests a rapidly rising immigrant population, including a growing illegal alien population.

Data from the 1990 Census showed that 43.3 percent of Iowa's 62,840 foreign-born residents had become naturalized U.S. citizens. This was slightly higher than the national average (40.3%).

Refugee Settlement

Kansas has received 1,731 refugees over the most recent ten fiscal years (FY'97-'06) including 150 persons in FY'06 year.

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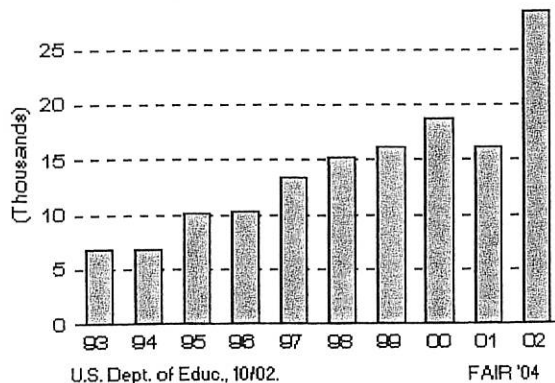


Under the Office of Refugee Resettlement's (HHS/ORR) assistance funding for FY'02 \$156,357 is available for refugee employment training and other services programs in Kansas based on a three-year refugee settlement program covering 623 refugees (an average of \$251 per refugee). This allocation does not include a larger share (55%) of funding programs for communities heavily affected by recent Cuban and Haitian entrants, communities with refugees whose cultural differences make assimilation especially difficult, communities impacted by federal welfare reform changes, educational support to schools with significant refugee students, and discretionary grants. ORR grants for FY'05 and FY'06 respectively were \$556,916 and \$705,238.

LIMITED ENGLISH PROFICIENCY STUDENTS

Data are not available nationally on immigrant students (either legally or illegally resident in the United States) who are enrolled in primary and secondary schools (K-12). However, many of these students are enrolled in Limited English Proficiency/English Language Learning (LEP/ELL) instruction programs. Many may be U.S.-born, but the majority of these students may be assumed to be either immigrants or the children of immigrants, with the exception being areas with native Americans who speak a native language other than English.

Kansas LEP/ELL Enrollment K-12
School Years '92-'93 to '01-'02



In Kansas, overall enrollment in 2002 (468,140) was 3.7 percent above enrollment in 1993. By contrast, LEP enrollment (28,383 - 6.1% of all enrollment) was 311 percent higher than a decade earlier.

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Data on enrollment in LEP/ELL programs are collected by the federal government from school systems that receive Title VII funds for these special instruction programs. The data on LEP/ELL enrollment are understated because data from private schools that do not apply for Title VII assistance are sketchy.

FOREIGN STUDENTS

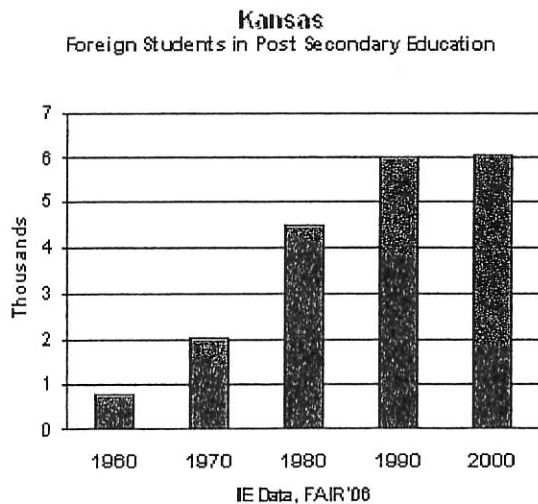
The 2006/07 annual report of the Institute of International Education (IIE) lists the number of foreign students attending post-secondary school in Kansas as 6,139. Three schools in Kansas are listed as having a major concentration of these students:

Univeristy of Kansas had enrollment of 1,771 foreign students, 6.0% of total enrollment.

Kansas State had enrollment of 1,201 foreign students, 5.2% of total enrollment.

Wichita State Univeristy had enrollment of 1,197 foreign students, 8.4% of total enrollment.

Below, a chart illustrates the sharp increase of foreign students attending school in Kansas from 1960-2000.



For information on foreign student issues see: [Foreign Students in the United States](#).

ILLEGAL ALIENS

FAIR Estimate - FAIR's estimate of the state's illegal alien population as of 2007 is about 90,000 persons. This is part of an overall estimate of the U.S. illegal alien population of about 13 million persons.

INS/DHS Estimate - The INS (now dissolved into the Dept. of Homeland Security) estimated in February 2003 that the resident illegal population in Kansas was 47,000 as of January 2000. This number was 27,000 higher than the INS' 1996 estimate.

Other Estimates - The Pew Hispanic Center estimates the illegal alien

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population of the state at 40,000 to 70,000 as of 2005.

COSTS OF ILLEGAL ALIENS

Incarceration Costs- Kansas has received partial compensation under the federal State Criminal Alien Assistance Program (SCAAP) that was established in 1994 to compensate the states and local jurisdictions for incarceration of "undocumented," aliens who are serving time for a felony conviction or at least two misdemeanors.

The recent SCAAP amounts that Kansas has received were:

FY'99—\$1,266,792
 FY'00—\$1,618,764
 FY'01—\$1,329,405
 FY'02—\$1,559,101
 FY'03—\$624,943
 FY'04—\$757,840

The amount of SCAAP awards has been declining in both total distributions and even more as a share of the state's expenses. In FY'99 the state received 38.6% of its costs for 172 prisoner years of detention. By FY'02, the state's reported illegal alien detention had more than doubled to 350 prisoner years, while compensation increased by 23 percent but then fell steeply.

Medical Costs Under the Emergency Medical Treatment and Labor Act, hospitals with emergency rooms are required to treat and stabilize patients with emergency medical needs regardless whether or not they are in the country legally or whether they are able to pay for the treatment. Congress in 2003 enacted an appropriation of \$250 million per year (for 4 years) to help offset some of the costs due to use of this service by illegal aliens. This amount has been allocated among the states based upon estimates of the illegal alien population and data on the apprehension of illegal aliens in each state. This amount compensates only a fraction of the medical outlays. For Kansas, the proposed payment in fiscal year 2004 is \$1,120,805.

Educational Costs - In our study *Breaking the Piggy Bank: How Illegal Immigration is Sending Schools into the Red*, we estimated based on 2004 data that educational expenditures for illegal immigration were costing the Kansas taxpayer \$82.5 million dollars annually. This cost was partially for educating students who were themselves illegally in the country (\$34.4 million) and in part for the education of their siblings born in the United States to illegal residents (\$48.1 million).

Projected Fiscal Costs - In 2006 we estimated that Kansas taxpayers are currently burdened with annual costs of about \$235 million because of illegal aliens residing in the state. That estimate was based on only expenditures for education, emergency medical care and incarceration. We projected that those costs will rise unless we gain control over our borders and our worksites. If a new amnesty and increases in immigrants and guest workers were enacted, as proposed by business and ethnic advocacy groups, we project that the cost to the state's taxpayers for those same programs would rise to \$396 million per year in 2010 and to \$685 million per year in 2020.

OTHER

Based on the research of Rice Univ. Economics Prof. Donald Rice, FAIR estimates the net cost of Kansas's foreign-born population was over

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\$154 million in 1995. This estimate is based on the public services they received and costs associated with their displacement of American workers.

LOCAL ORGANIZATIONS

You can view a listing of local immigration reform organizations [here](#).

STATE CONGRESSIONAL DELEGATION VOTING RECORD

You can view the voting record of your representatives in Congress regarding immigration issues [in our voting report section](#).

Revised January 2008

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This is a letter from a former State Employee

I feel strongly that the best decisions we make are informed decisions. I have knowledge of how Kansas provides welfare assistance to families, including families with an illegal alien as head of household. I left the employment of the state welfare system about 1 1/2 years ago. This is how the welfare system worked. I doubt it changed.

First - It is true that benefits such as food stamps, health care, and cash assistance are given to United States citizens. Mostly, those are people with Social Security numbers and newborn children. Even if a person is a LEGAL immigrant applicant, they cannot receive benefits for FIVE years.

Example: an illegal alien, head of household and some children born as United States citizens. It is the legal children with a social security number or newborn child that will get assistance. However, you should agree that any family member getting welfare assistance allows more money for other members of the family.

One of my cases is a young illegal alien mother of many children, all children US citizens. She reported no income, no job. The birth bills were paid at the taxpayers, because the system considers the US born child the patient. The child then receives free medical care as long as long the mother earns low wages. A single US working mother and supporting her kids best she can, would receive less benefits. There is a reason.

Americans have social security numbers, illegal aliens do not. A citizen has to be honest about earnings information. A case worker looks up their earnings in the social security system. Honest employers report earnings to SS and IRS. The worker will also match a name and birth date to the social security information. Not a bad system when it applied, but illegal aliens do not always report earnings or family assistance. They may not even report a wage earning father that is living in the household.

When a illegal alien family applies for food stamps, the government (USDA) policy expects them to be less than truthful. The system does not apply the same scrutiny to those families as it does American families.

By the way, the previously mention women's boyfriend, father of all four children, was in jail. The women was working, because she produced a paystub with last four digits of a social security number and said she lost her job. They do have stolen or bogus social security number for employment. The policy stipulated I provide benefits. At the time, policy required me to disallow benefits for a US citizen if they did not report all income information.

Another case was that of a single parent with two US born children. This parent reported making \$10.50 an hour. Because of how the actual software works in calculating benefits, this family was able to get minimal food stamps. This is a long known quirk in this situation, but is it fair? Consider all legal employees with benefits less than an illegal aliens?

Also, if this person was a US citizen, they would of been disqualified at \$10 an hour. Their children won't get the free school lunches that food stamp recipients get.

You can see how illegal alien families get more than what a US citizen or even legal immigrant applicant family can get.

Consider some of the other issues.

The un-ethical employers that hires illegal aliens and skip paying SS, unemployment taxes and workmen's comp have an unfair advantage over the law abiding employer. Roofing contractor will hire on cash, no 1099. We are supporting un-ethical employers with more tax money because they don't pay. They are getting rich by walking on the backs of the unemployed citizens and the illegal immigrants.

When is the last time you seen a college kid bucking hay bails or work a roofing crew to make money for college? My kid that did that work.

You are also paying school taxes for illegal alien children's education.

You pay more taxes to increase the staffing at our state agencies for the extra workload.

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TOPEKA

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HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

CHAIRMAN – REP. SIEGFREID

TESTIMONY - HB 2680

Mr. Chairman and Committee, thank you for hearing our bill today. The Immigration Accountability Act is about protecting jobs and workers, and holding employers accountable for their hiring practices. The bill does two things:

1. Requires employers to verify that employees are authorized to work in the U.S., with penalties for violations; and
2. Strengthens the penalties for misclassifying workers as contractors instead of employees.

We are here today because Congress has failed to address the need for workers and failed to provide a way for employers to legally hire the number of foreign workers they need. The states have waited long enough for Congress to act. It is clear that without increased pressure from the states, Congress will not act.

STATE ACTION IS NEEDED NOW

The status quo is no longer good enough for Kansas. The result of Congress' inaction is lower wages for Kansas workers and a competitive disadvantage for honest employers. You will hear their stories today. Immigration is a federal issue, but this body has an obligation to be sure that all who do business in this state compete on a level playing field. We need more workers in Kansas, but we have an obligation to be sure that all workers are working here legally, making a fair wage, working in safe conditions, and paying taxes. We have an obligation to be sure an underground economy does not undermine our efforts to make Kansas a better place for all of us to live. The Immigration Accountability Act is a reasonable response to a serious problem largely caused by employers willing to hire illegal workers.

House Fed and State Committee
February 25, 2008

Attachment

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PROVISIONS OF THE IMMIGRATION ACCOUNTABILITY ACT

The Immigration Accountability Act requires that after January 1, 2009, employers will not knowingly or intentionally hire unauthorized aliens. First violations include probation, termination of the unauthorized workers, and quarterly hiring reports. Second violations result in the loss of business licenses. Use of the e-verify system creates a rebuttable presumption that the employer did not knowingly or intentionally hire an unauthorized alien and will be required for all employers. Similar provisions were included in recent legislation in Arizona and held to be legal in a court challenge.

Compensation paid to unauthorized aliens may not be claimed as business expenses for state income tax purposes. State agencies and municipalities will not be able to contract with employers convicted of violations within the last five years.

The bill also strengthens misclassification laws. The practice of wrongly classifying individuals performing services as contractors rather than employees goes beyond the issue of immigration, but is one way employers avoid providing protection for workers, avoid paying taxes, and compete unfairly with honest employers. This Act provides a third test and tightens definitions needed to pursue violators.

THE MYTH OF POPULAR ARGUMENTS AGAINST DEALING WITH IMMIGRATION

1. "Business should not be the gatekeeper for immigration." Unscrupulous employers knowingly hiring unauthorized workers are the magnet for the problem and all businesses have an obligation to use good hiring practices. E-verify is free, accessible, easy to use, and is a relatively small thing to ask honest employers to do.
2. "We need the 'cheap' labor so we can compete." There is nothing "cheap" about paying immigrants wages on which they cannot live and then letting the citizens pick up the tab for services the immigrants cannot afford. When any segment of the workforce is paid low wages, buying power decreases and a downward spiral grows across the entire economy.
3. "It is inhumane to put a law in place that would cause immigrants to lose their jobs." Since when is it humane to look the other way while workers are abused? I believe it is inhumane to allow the current situation where workers are paid wages set below the value of their work. It is inhumane to put workers in a position that when hurt on the job they cannot report it for fear of being fired or deported. It is inhumane to relegate an entire group of workers to a subclass and expect them to stay there with no hope of reaching their true potential or participating openly in our economy and our communities.
4. "Illegal workers are needed because they do work that U.S. workers will not do." Kansas does have a worker shortage. We currently have over 50,000 jobs unfilled. But Kansans will do almost any kind of work that pays a fair wage. I recall when I was a teacher in Emporia I just wished I could have had a job that paid as much as at Iowa Beef. In 1973 they made 40% more than I did. Now those same jobs are considered low-wage.

THE NEED FOR WORKERS

The question is not who will do what kind of work. The question is how we address a tremendous worker shortage, failing businesses, and falling wages. We need workers, but the answer is not through an underground economy where immigrants are imported to provide low-wage labor and the underpinnings of the economy are put on tilt. We must force the issue and demand that Congress fix the support systems and create a rational foreign employment policy.

ISSUES TO CONSIDER

Several issues have been brought to my attention since the bill was filed that I think need to be addressed.

1. The Attorney General's office advised me that they do not engage in the kinds of investigations as described in Section 2 (b). They rely on county resources and believe counties are in the best position to do investigations of violations.
2. HB 2680 calls for the permanent revocation of a business' licenses upon a second violation. We have been asked to consider escalating penalties rather than the "nuclear" option, and we are not opposed to that. The goal is to get compliance and not shut down businesses.
3. There is an effort at the federal level to improve e-verify and provide better systems to support immigration policy. We have been asked to move implementation out to February 2009 so that we can take action should there be major changes in the interim that make implementation difficult.
4. Contractors may need to be held to a higher standard than we put forward in Section 9 (e) and (f) in regard to the actions of subcontractors and misclassification of workers.
5. We may need to better define "license" to be sure that professional licenses are not involved.
6. We had intended to apply penalties for hiring violations to only the applicable business location and not all locations owned by one corporation.

One other suggestion was to turn over any complaints to the federal government for investigation and prosecution. We rejected that notion because if the federal government was doing an effective job in this area, we would not be here today. I have personal experience in regard to trying without success to get help from ICE on an investigation and I have no confidence in their willingness to respond in the future.

CONCLUSION

I have not one ounce of hate in my heart for illegal immigrants. But I am not willing to stand by while those who hire them compete unfairly with honest employers and cause Kansans to lose jobs. I have no patience for a Congress that believes the status quo is okay and fails to act. It is true that we need every good worker we can get in our state. But we need them to be legal, making a fair wage, working in safe conditions, and paying taxes. I want a big enough hammer that everyone in this room – individuals, business people, and church leaders alike - calls Washington and demands that something be done now to produce a rational, workable employment policy. HB 2680 is that hammer and I ask for your support.

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HOUSE OF REPRESENTATIVES

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TOPEKA

LANCE KINZER

REPRESENTATIVE, 14TH DISTRICT
TESTIMONY REGARDING HB 2836

COMMITTEE ASSIGNMENTS
TAXATION
JUDICIARY
FEDERAL AND STATE AFFAIRS

“The law does not know how to make itself obeyed. Law assumes obedience, and as such seems oblivious to resistance to the law by the "governed," as if it were enough to require criminals to turn themselves in. No, the law must be "enforced," as we say. There must be police, and the rulers over the police must use energy (Alexander Hamilton's term) in addition to reason.” Harvey Mansfield, the *William R. Kenan Professor of Government at Harvard*

The fundamental issue at stake in the debate over illegal immigration is respect for and adherence to the rule of law. While immigration policy certainly involves many issues that can only be resolved at the federal level, this in no way absolves the State of Kansas from taking those actions that are within the scope of its lawful authority. It should go without saying that all people are entitled to be treated with dignity and to be afforded basic human rights. That having been said, citizens of The United States have both a right and an obligation to expect their government to enforce an orderly and lawful immigration system. Policies that provide incentives for people to skirt the law are inherently counterproductive and must be reformed.

HB 2836 advances the rule of law by setting forth the following important reforms:

- Making it unlawful for a Kansas Business to knowingly hire an unauthorized alien.
- Requiring all Kansas employers, including government entities, to participate in the federal e-verify system in order to determine the immigration status of potential employees.
- Establishes license suspension as the penalty for knowingly hiring an unauthorized alien, and/or failing to use e-verify.
- Clarifies that a determination of immigration status must be made by the federal government under 8 U.S.C. 1373(c), and can not be made by the employer itself.
- Requires state and local law enforcement to inquire into the immigration status of persons detained for violation of any law. Such inquiry is to be made regardless of the persons race or ethnicity. Where a person indicates that he/she is not a citizen law enforcement will verify the persons immigration status with the federal government.
- Any local unit of government determined to be restricting law enforcement officers from making citizenship and immigration status inquiries will be denied state funding. (No sanctuary cities).

House Fed and State Committee
Februrary 25, 2008

- Directs the AG to enter into agreement with the Department of Homeland Security to Designate specific state law enforcement officers as qualified to exercise enforcement powers of federal immigration officers.
- Would deny certain public benefits to persons not lawfully present in the United States.
- Federal law specifically addresses the issue of the eligibility of illegal aliens for public benefits. Title 8 Chapter 14 is titled Restricting Welfare And Public Benefits For Aliens Eligibility For State And Local Public Benefits Programs.
- Unauthorized aliens would remain eligible for emergency medical treatment, in-kind emergency disaster relief, public health assistance for immunization and treatment of communicable diseases, programs such as soup kitchens, crisis counseling and short term shelter to the extent such programs are authorized by the Attorney General of the United States. Children without lawful status would continue to receive full K-12 educational benefits.
- As drafted HB 2836 does not change current state law relating to instate tuition. Although I would support an amendment to change Kansas law in this regard.
- Cities or counties would be allowed to pass local ordinances restricting the rental of housing to unauthorized aliens, prohibiting the employment of unauthorized workers, and granting standing to lawful employees to sue employers who hire unauthorized aliens.
- Businesses would be prohibited from claiming wages or other expenses relating to unauthorized aliens as a business expense for tax purposes. Individuals would be prohibited from claiming as an itemized deduction, any payment to an unauthorized alien.
- Creates the crime of employment identity fraud making it a level 8 nonperson felony to willfully present false or misleading identification documents to an employer for purposes of obtaining employment.
- Requires the Dept. of Revenue not to issue a drivers license, permit or identification card to a person without a valid social security number, or has been verified to be a lawful alien pursuant to 8 U.S.C. 1327(c).
- Increases the penalty for dealing in false identification documents (level 6 nonperson felony), and vital records identity fraud (level 7 nonperson felony).
- Provides that when a non-citizen is charged with a crime their immigration status must be verified. If the person is an unauthorized alien then their shall be a rebuttable presumption that they are a flight risk for purposes of granting an appearance bond.
- Creates a new crime of inducing or aiding a person to vote who is not lawfully registered. This crime, as well as voting if not lawfully registered, are both level 9 nonperson felonies.

The implementation of these and other similar measures would go a long way toward sending a clear message that Kansas is a state that welcomes all who choose to come here legally, but that we are also a state that expects all who live here to respect the rule of law.

**Statement of
Kris W. Kobach
Professor of Law
University of Missouri (Kansas City)**

**Before the Federal and State Affairs Committee
Kansas House of Representatives**

Regarding H.B. 2836

February 25, 2007

House Fed and State Committee
Februrary 25, 2008

Attachment

8

Mr. Chairman and Members of the Committee, I come before you today in my capacity as a Professor of Constitutional Law, Immigration Law, and Legislation at the University of Missouri—Kansas City School of Law. During 2001-2003, I served as Counsel to U.S. Attorney General John Ashcroft at the Department of Justice. In that position, I was the Attorney General's chief advisor on immigration law and border security. I come before you today to explain the legal environment into which H.B. 2836 fits. My testimony should not be taken to represent the official position of my law school, which does not take positions advocating or opposing pending legislation.

I also come before you as legal counsel who helped draft and defend Arizona's 2007 Legal Arizona Worker's Act, which is very similar to the employment provisions in this bill. We recently won a very important victory in federal court. On February 7, 2008, a federal judge rejected every one of the legal challenges brought by opponents of that Act. *Ariz. Contractors Ass'n v. Candelaria*, Case No. CV07-02496-PHX-NVW (D. Ariz. 2008). I am also lead counsel defending the city of Valley Park, Missouri, in a case involving the same legal issues. I am pleased to report that the City of Valley Park won an across-the-board victory in federal court in that case, defeating all of the arguments offered by the ACLU and that the Mexican American Legal Defense and Education Fund, on January 31, 2008. *Gray v. Valley Park*, Case No. 4:07CV00881-ERW (E.D. Mo. 2008).

There are many reasons to support the enactment of H.B. 2836. Today I will explain the legal impact of H.B. 2836, focusing primarily on the employer provisions and the public benefits provisions. I am familiar with all of the other provisions in the bill and can state with confidence that are within the state's authority under principles of federal preemption.

I. EMPLOYER PROVISIONS

A. Kansas has Clear Legal Authority to Require Employers to Use E-Verify and to Suspend the Licenses of Employers That Knowingly Employ Unauthorized Aliens

The decision of the federal court in Arizona on February 7, 2008, was unequivocal. A state has clear constitutional authority to take these actions to discourage the employment of unauthorized aliens and to protect the jobs of American workers and of aliens who follow the law. This decision was in keeping with the guiding U.S. Supreme Court precedent in the area, *De Canas v. Bica*, 424 U.S. 352 (1976), which upheld a California law penalizing the employers of unauthorized aliens.

The decision of the federal court in Arizona also reflects the fact that in 1986 Congress expressly invited states to enact laws suspending the licenses of businesses that employ unauthorized aliens. That federal statute is found at 8 U.S.C. § 1324a(h)(2). As the federal court in Arizona concluded, "Thus, Congress expressly reserved to the states the police power described in *De Canas* to act upon the business licenses of those who knowingly employ unauthorized aliens." *Ariz. Contractors Ass'n*, slip op. at 19.

B. The E-Verify System is Extremely Efficient and Accurate

E-Verify an internet-based system that any employer in the United States may utilize to verify whether an individual seeking employment is authorized to work in the United States. Congress mandated its creation in 1996. It was originally known as the Basic Pilot Program. In 2004 Congress reauthorized the Program and expanded it to all fifty states. As a representative of the U.S. Department of Homeland Security testified before Congress in April 2007, any glitches that were reported in the early years of the program have been eliminated. The system is extremely easy to use and fast; in approximately 92% of cases, the federal government provides an answer verifying an individual's work authorization electronically within a few seconds. In the remainder of cases, a tentative non-confirmation is issued, and a final answer is provided within a few days, after the potential employee is given an opportunity to provide more information to the federal government. Of those who are work authorized, 98% are instantly verified. More than 20,000 companies across the country were using E-Verify before January 1, 2008. On that date, Arizona's Act became effective, and Arizona's 145,000

companies were required to begin using it to verify the work authorization of new employees. As of February 25, 2008, more than 55,000 companies are registered and using the system.

C. Arizona's Experience Demonstrates How Well this Legislation Works

Arizona's Act has proven extremely successful in inducing unauthorized alien workers to leave the state of their own volition. Because illegal aliens know that the E-Verify system makes it impossible to obtain employment with a false social security number or with a counterfeit ID card, many simply leave the state. Newspapers in Arizona have reported that thousands of illegal aliens departed the state immediately after the law took effect. Apartment complexes have confirmed that thousands of units formerly occupied by aliens have gone vacant. But perhaps the most significant confirmation that illegal aliens were self-deporting came from the Mexican state of Sonora, to the south of Arizona. In mid-January 2008, Sonora sent a delegation of state legislators to Arizona to complain that too many Mexican citizens were returning to Sonora and that this influx of returning citizens was putting too much stress on Sonora's schools and housing stock. I have attached to my testimony an article that I recently published in the *New York Post* explaining why this legislation has been so successful.

As of Feb. 18, 2008, the number of companies in Arizona, alone, that were using the E-Verify system was over 19,000. *These companies have enrolled in the system easily, without any problems. The E-Verify system is working extremely well, without any reported difficulties, under Arizona's law.*

Kansas will enjoy similar success in encouraging illegal aliens to leave the state of their own accord. According to extrapolations based on U.S. census data the illegal alien population in Kansas is approximately 90,000 (www.fairus.org). It is generally estimated that 60% of that total, or 54,000 illegal aliens, are in the work force and occupying jobs that should be held by U.S. citizens residing in Kansas, or to aliens who have followed the law. According to the U.S. Bureau of Labor Statistics, 65,000 Kansans are currently unemployed.¹ Those Kansans desperately need work, and those unemployment numbers are only going to increase if the country goes into a recession. I respectfully suggest to this committee that those 54,000 jobs should go to Kansans, not to aliens unlawfully present in the United States.

D. Answers to Criticisms

A number of organizations have spread misinformation about E-Verify, recognizing that, if enacted, this bill will make it impossible for their members to continue violating federal law. Most of those organizations have a vested financial interest in continuing the employment of unauthorized aliens, or they receive government grants to serve the illegal alien community, or they benefit in some other way financially from the continuing presence of illegal aliens in Kansas. I urge the members of this committee to scrutinize their motivations carefully. Because I will not be able to rebut their claims after they present them, I have offered answers to the following anticipated arguments.

Claim: E-Verify has significant inaccuracies in the database.

Answer: That is false. Although in its earlier years, E-Verify had some data discrepancies because work authorizations were being issued to aliens by district offices before they were added to the central computer data base, that problem has been solved. Work authorizations are now issued centrally by the Department of Homeland Security, and the E-Verify database is instantly updated to reflect those changes. An independent study by WestStat gave the E-Verify system an excellent review in 2007. The very few data mismatches that remain are usually due to individuals who failed to change their last names with SSA after getting married; and those cases are easily resolved within one day.

Claim: Employers shouldn't have to act like immigration enforcement agents.

Answer: Exactly. That's why E-Verify allows employers to rely on the federal government's determination of whether a person has work authorization. It is under the status quo that employers are forced to make their own

¹ In addition, another 276,000 working-age Kansans and 76,000 teenagers are not currently seeking work, although many have been on the job market or employed in the past. Source: March 2007 Current Population Survey.

judgments about the validity of various documents when I-9 forms are filled out. E-Verify was created so employers could rely on the federal government to verify work authorization, instead of relying on their own guesswork about document validity.

Claim: This is a federal issue. States shouldn't be involved.

Answer: That is legally incorrect. The Federal District Court in Arizona held that states possess the legal authority to require employers to use E-Verify. Furthermore, the Court concluded that "Federal policy encourages the utmost use of E-Verify;" and that mandating it at the state level accomplishes that federal objective. *Ariz. Contractors Ass'n*, slip op. at 28-29.

Claim: Businesses Don't Like Using E-Verify.

Answer: Survey data indicates otherwise. The overwhelming majority of businesses that have enrolled in the E-Verify program report that it is easy to use and superior to making guesses about whether documents are genuine.

Claim: This Will Result in Discrimination Against Hispanic Individuals

Answer: On the Contrary, E-Verify makes it less likely that such discrimination will occur. Survey data indicates that employers are *more* likely to have confidence in hiring someone of Hispanic ethnicity and poor English skills if they have received confirmation through the E-Verify process that the individual is authorized to work in the United States. It is under the status quo that "bad apple" employers are tempted to discriminate against Hispanic workers, thinking that such workers might be illegally present in the United States. E-Verify eliminates that uncertainty and, accordingly, results in less discrimination.

II. PUBLIC BENEFITS PROVISIONS

A. Kansas is Required by Federal Law to Deny Public Benefits to Illegal Aliens

As is plain from the language of H.B. 2836, it restricts the provision of state and local public benefits to illegal aliens. However, it is important to understand that *H.B. 2836 does no more than is already required by federal law*. Under federal law, illegal aliens are *already ineligible* for the state and local public benefits described in H.B. 2836.

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), popularly known as the "Welfare Reform Act of 1996." In that act, Congress included numerous provisions designed to ensure that illegal aliens do not receive public benefits at the federal state or local level. Those provisions are found primarily in 8 U.S.C. § 1621. Specifically, Congress stated that an illegal alien "is not eligible for any State or local public benefit." 8 U.S.C. § 1621(a). Public benefits are defined under federal law as "any grant, contract, loan, professional license, or commercial license ... any retirement, welfare health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government." 8 U.S.C. § 1621(c)(1)(A)-(B). Exceptions are made for emergency medical services, emergency disaster relief, and immunizations. 8 U.S.C. § 1621(b).

When it passed the Welfare Reform Act of 1996, Congress expressly spelled out its objectives. 8 U.S.C. § 1601(2) states: "It continues to be the immigration policy of the United States that (a) aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and (b) the availability of public benefits not constitute an incentive for immigration to the United States." A few subsections later in the Code, Congress reiterated its purpose: "***It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.***" 8 U.S.C. 1601(6) (emphasis added). Congress was determined to remove the magnetic effect of public benefits in the illegal immigration crisis.

The effect of H.B. 2836 is to ensure that Kansas complies with its obligations under federal law. It simply requires public officials to verify the legal status of those aliens who seek benefits. This can be accomplished easily and in a matter of seconds via internet using the Systematic Alien Verification for Entitlements (SAVE) program operated by the U.S. Department of Homeland Security.

B. The Legal Authority of States to Verify and Report an Alien's Status

Because immigration is an area of law in which the federal government maintains preemptive authority, Congress was careful to expressly pave the way for states to verify the status of aliens seeking public benefits. Congress gave the states explicit authorization to do so in 8 U.S.C. § 1625: "A State or political subdivision of a State is authorized to require an applicant for State and local public benefits ... to provide proof of eligibility." States are also authorized to verify an alien's status with the federal government under 8 U.S.C. § 1373(c).

Congress also provided that states would have a clear legal avenue for reporting to federal authorities illegal immigrants who seek public benefits. Indeed, Congress prohibited states from concealing this information if they discover it. 8 U.S.C. § 1644 states that no government entity may be "in any way restricted, from sending to or receiving from [federal immigration officials] information regarding the immigration status, lawful or unlawful, of an alien in the United States."

In 2004, the District Court for the Eastern District of Virginia found that a Virginia policy denying postsecondary education benefits to illegal aliens was permissible under federal law. The Virginia policy adopted federal standards for classifying aliens, just as H.B. 2836 does, and therefore it was also on secure constitutional grounds. *Equal Access Education v. Merten*, 305 F. Supp.2d 585, 603 (2004). Nine years earlier, in the case of *LULAC v. Wilson*, the District Court for the Central District of California articulated the same principle. In reviewing a California law denying benefits to illegal aliens that had been passed prior to PRWORA, the Court found that "benefit denial provisions were not an impermissible regulation of immigration and therefore withstand scrutiny under the first DeCanas test." *LULAC v. Wilson*, 908 F.Supp. 755 (C.D. Cal. 1995).

The authority of states to enact statutes like H.B. 2836 has been confirmed, and reconfirmed again, by the federal courts. Not surprisingly, several states have already taken action to ensure that they are in compliance with federal law by enacting statutes similar to H.B. 2836. In 2004 Arizona, enacted Proposition 200. Virginia followed with a similar law in 2005. In 2006, Georgia, Oklahoma, and Nebraska did the same.

C. Denying Public Benefits to Illegal Aliens Will Save the State a Significant Amount of Money

It is difficult to give a precise estimate of how much money will be saved because state agencies (as well as counties and cities) do not know how many illegal aliens are currently receiving state benefits in Kansas. This is a reflection of the fact, that if the state does not verify legal status, the state cannot know how much money it is losing.

However, we can use available number to obtain an approximation of the savings that H.B. 2836 would bring. As noted above, the illegal alien population in Kansas has been estimated to be 90,000. U.S. Census Bureau Current Population Survey data also indicates that two-thirds of illegal aliens in the United States have less than a high-school education, making them among the most likely individuals to seek state benefits. Assuming (very conservatively) that only 5% of the illegal alien population is currently obtaining public benefits covered by H.B. 2836, that would mean that 4,500 illegal aliens are currently obtaining state, county, and local benefits—costing millions of dollars each year, depending on the benefits obtained. These are necessarily imprecise numbers. But they illustrate that the fiscal savings resulting from H.B. 2836 is likely to be significant.

III. CONCLUSION

H.B. 2836 is necessary to ensure that Kansas complies with federal law prohibiting states from

providing public benefits to illegal aliens. It also contributes to the restoration of the rule of law in immigration. It is no secret that the federal government is having difficulty enforcing our nation's immigration laws. Consequently, it is important that states work to assist the federal government, rather than impede the federal government, in this effort. H.B. 2836 accomplishes exactly that, making it more difficult to work illegally in Kansas and removing incentives for illegal aliens to remain in Kansas in violation of federal law. There are essentially two great magnets that draw illegal aliens into this country—jobs and public benefits. H.B. 2836 ensures that the power both is greatly reduced in Kansas.

H.B. 2836 is also necessary in light of the fact that our neighboring states have already taken significant steps to reduce illegal immigration. Unless Kansas acts, we will become the number-one destination for illegal aliens in the Midwest. Indeed, we are already well on our way to holding that title. Nebraska passed a bill denying public benefits to illegal aliens in 2006. Oklahoma passed a comprehensive illegal immigration bill in 2007, and Missouri, by executive order, started checking the immigration status of every alien arrested in the state in 2007. It is also likely that the Missouri Legislature will enact a bill similar to H.B. 2836 to reduce illegal immigration in 2008. Meanwhile, year after year, Kansas has done absolutely nothing to deter illegal immigration, and continues to reward illegal aliens with in-state tuition.

The estimated number of illegal aliens in Kansas—90,000—is higher than Oklahoma's 85,000, Missouri's 65,000, and Nebraska's 45,000. Illegal aliens also represent a higher percentage of the population in Kansas than in Oklahoma, Missouri, or Nebraska. This did not happen by accident. Illegal aliens are rational decision makers. They go to the states where the penalties are the lowest, and the probability of being able to steal a job that would otherwise go to a U.S. citizen is the highest. In the Midwest, that state is Kansas. Your action, or inaction, has consequences.

NEW YORK POST

THE IMMIGRATION ANSWER

By KRIS W. KOBACH

February 13, 2008 -- ON Jan. 1, Arizona became the first state to require all employers to confirm workers' legal status via the federal "E-Verify" system. Having survived a federal court challenge last Thursday, the law promises to transform the immigration crisis in America.

After just six weeks, Arizona's system is already working: Newspapers in the state report that illegals are self-deporting by the thousands. Apartment complexes in Phoenix and Tucson confirm that thousands of tenants have skipped town. Many are returning across the border to Mexico.

This success is proof that attrition through enforcement works. The premise is straightforward: The way to solve our illegal-immigration problem is to ratchet up enforcement while making it more difficult for employers to hire illegals.

Illegal aliens are rational people. If their chance of being able to work illegally goes down, while the chance of getting detained goes up, at some point the only sensible thing to do is go home.

E-Verify is free and easy to use. The employer simply types in the employee's name, date of birth and Social Security number (or other work-authorization number). He gets an answer back from the government in seconds.

More than 20,000 businesses nationwide were using E-Verify voluntarily before Jan. 1. Now Arizona's 145,000 businesses are obliged to join their ranks.

Illegals know that E-Verify makes it impossible for them to fabricate Social Security numbers and use fake IDs to obtain jobs. And when the jobs dry up, they leave.

But Arizona isn't the only compelling proof that attrition through enforcement works. We have another case study: the National Security Entry-Exit Registration System.

The US Justice Department implemented the program back in 2002-03, in the wake of 9/11. It required all aliens from al Qaeda-associated countries to report to INS offices to provide fingerprints and register. The non-compliant faced stiff penalties.

Of the nations concerned, Pakistan had the largest number of nationals in the US. NSEERS led directly to the deportation of some 1,500 illegal-alien Pakistanis - and also prompted about 15,000 illegals to self-deport.

All this debunks the common claim that America has only two choices - either round up all illegals and send them home; or unjustly grant amnesty to millions of lawbreakers (thereby virtually begging millions more to break the law in the future).

We now know that there's a third option - attrition through enforcement: Give illegals little choice but to self-deport.

This strategy demands no government sweeps or snooping; we need only require employers nationwide to use E-Verify and increase the enforcement of current laws.

Again, Arizona is a case in point. Illegals began pouring out of the state on Jan. 1 - even though no county attorney there will take *any* enforcement action until after March 1. No government official has yet lifted a finger - a credible threat of enforcement is all it took.

Attrition by enforcement has *never* been tried at the national level. Instead, the strategy for the last decade has been "triage": Deport or incarcerate alien criminals, and shut down smugglers - but rarely enforce the law against garden-variety illegals.

That approach, combined with the fact that America has only a few thousand immigration-enforcement agents to cover our nation's entire vast interior, means that most illegals know their chances of being able to work are very high.

Attrition through enforcement would change the behavior of millions of illegal aliens. Even under today's relatively lax enforcement, nearly 200,000 illegals are estimated to exit each year - while more than a million enter. Attrition through enforcement could reverse those numbers.

To have any hope of reducing the number of illegals in this country, our next president must aim for attrition via enforcement. By requiring every US employer in the country to use E-Verify, and significantly ratcheting up enforcement (against *all* illegals), it is possible solve America's illegal-immigration problem.

Kris W. Kobach teaches law at the University of Missouri (Kansas City). In 2001-03, he served as counsel to the US attorney general and was the architect of the NSEERS program. He is also a member of the legal team that defended Arizona's new law in court.

Home

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Good morning, Mr. Chairman and duly elected Representatives. My name is David Coleman; I represent the hard working Men and Women of the Ironworkers Local No. 10. I would like to thank you for this opportunity to testify in support of House Bill 2680.

I am here today because we believe American jobs are being compromised by employers who knowingly hire illegal aliens. When I say illegal aliens I am referring to anyone who does not have work permits or who is working under stolen or fictitious names and social security numbers.

At this time I would like to direct your attention to the highlighted section of the attachment, which is a copy of an article in the Kansas City Star on Sunday June 18, 2006.

“And as a crew, a dubious collection of social security numbers. Seven worked under numbers belonging to other people, including those of three women. Another’s was that of a man dead nearly 40 years. Another seven had numbers never issued by the government.”

The residents of Kansas haven’t any current means to stop employers who knowingly employ illegal aliens.

I have documents in my possession that proves a contractor doing business in the state of Kansas on state and federal jobsites knowingly employs illegal aliens. And to this day I haven’t found anyone willing or able to bring this employer to justice.

I have presented these documents to the Kansas Department of Revenue, Kansas Department of Labor, Federal Bureau of Investigation, Immigration and Customs Enforcement and the Johnson County District Attorney Office.

To my knowledge no one has done anything to stop this employer or any other from employing illegal aliens. So I am here today in favor of house bill 2680. I believe it will benefit all legal tax paying citizens of the State of Kansas.

At this time I would like to thank each and everyone for hearing this testimony. I would be happy to answer any questions you may have now or anytime in the future.

Gonzalo Alvarez (left), who has a green card, joined Francisco Juarez recently for a Waldo area roofing job. Juarez, who says he's an illegal immigrant, has been in the area about six months.

Immigrants' growing impact on economy is a widespread and complicated issue.

By SCOTT CANON and LYNN FRANEY
The Kansas City Star

All but two of the 19 men putting in foundation rebar at the 18th and Vine apartment building last winter had Hispanic names.

And as a crew, a dubious collection of Social Security numbers.

Seven worked under numbers belonging to other people, including those of three women. Another's was that of a man dead nearly 40 years. Another seven had numbers never issued by the government.

And that was on a taxpayer-subsidized job where scrutiny of the payroll — and the discovery of illegal immigrants at work — was virtually certain.

As Washington fiddles with immigration reform and as more resources are sent to plug the border, the economy of illegal labor — like a small gear surprisingly interconnected within

DAY ONE OF TWO

■ Nationally, one in every seven U.S. workers now is an illegal immigrant.

■ Today and tomorrow, *The Star* examines the phenomenon and its effects on us, our community and our economy.

@ For an interactive presentation with a slide show, map and stats, go to KansasCity.com.

our larger Kansas City economy — spins quietly on.

Although it is everywhere around us, the scope of illegal-immigrant labor is hard to quantify. Often off the books, it probably represents billions to Missouri and Kansas commerce.

Examining the unspoken bargain made with the more than 100,000 illegal immigrants in the two states, *The Kansas City Star* found that many of us benefit. But not all.

■ The winners? Consumers who pocket the low costs trickling down in a hundred ways,

from cheap yard work to holding down wages on construction sites. Many employers, from meat packers to cafe owners, also profit from the deal.

■ Who loses? Sometimes the government, missing tax revenue and facing higher costs for social programs. Sometimes U.S.-born workers striving for a livable wage. And their honest bosses, bidding for work against unscrupulous employers.

■ The migrant workers? They often aren't paid scale and endure unsafe conditions and high odds of rip-offs.

But they get work, more often and for more money than across the border.

Nationally, one in seven workers is an immigrant in the country illegally. The number is higher — one in four — among construction laborers, farm workers and dishwashers.

Among people earning less than \$10 an hour, one in five is an undocumented worker.

Around Kansas City, the numbers aren't as dramatic; perhaps fewer than two of every 100 in the work force are here illegally. But you see the work of His-

SEE WORKERS | A10

DEATHS B7-9 | GO H1 | HOUSE AND HOME E1 | LOCAL B1 | LOTTERIES B2 | MOVIES G8,9 | OPINION B10-13 | SPORTS

E GIFT CARDS. FIND OUT WHY — AND IF HELP IS ON THE WAY — IN TOMORROW'S

9-2

Ed Hayes, Director
Minuteman Civil Defense Corps
Heart of America Chapters
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www.kansasminutemen.com
www.minutmanhq.com

My name is Ed Hayes. I am the Kansas and Missouri Director of the Minuteman Civil Defense Corps, a national grass roots organization. As a third generation law enforcement officer (ret), I have been required to uphold the laws in my job. As a citizen I have been required to obey the laws of the land, the one's we are now asked to disobey by some, to look the other way as it pertains to illegal aliens. I cannot believe that I am now compelled to stand before you legislators and beg you to pass laws in relation to illegal alien invaders in the state of Kansas, this only because our Federal Government will not uphold the rule of law and their oath of office under Article. IV, Section. 4 of the US Constitution.

Public awareness continues to grow despite the refusal of the drive by media to report it. The American Legion and other grass roots organizations are demanding that this invasion be stopped and I am here today on behalf of the MCDC and citizens of Kansas asking you to stand up and take control of this problem that will only worsen if house and senate bills are not passed.

In the next few days, you will have others here to testify against the Senate and House Bills. I ask that you look at each and every one of them closely because there is not a single one of them who are pro illegal that will not or do not profit from this invasion in one way or another! They will tell you that they and Kansas need illegals to survive, that we should all break the rule of law and accept this, that Americans will not do the jobs of those who work as cheap labor. And when they tell you this rubbish look at their agendas, you have the list; they may tell you that it is all about skin color or race, more rubbish. We/you should not condone ignoring the rule of law so these irresponsible, corrupt, exploitive, and greedy people can line their pockets with cash or build their memberships, as in the case of the Chamber of Commerce, at a huge cost to Americans and Kansans now and in the future.

Let's discuss crimes and Victims of illegal aliens. Other violations, Ft Dix Six, New Jersey teens executed, shot in the back of the head, three teens killed in Virginia by an illegal drunk, this is happening all over America on a daily basis, an average of 12/25 killed daily, most recently the illegal's vehicle which collided with a school bus killing 4 kids in Cottonwood Minnesota.

Refer to the Web site: "Victims of illegal aliens." Go to that site and read about US Citizens killed by illegal aliens which includes Kansans. They include police and fire, servicemen and women, Americans from all walks of life and all ages, families killed outright in vehicular accidents, killed by drunken illegals! In Kansas on 2/14/07 a young Tonganoxie lady (Amanda Bixby) was T boned, a Nurse from Olathe Kansas (Jodie Hatzenbihler) run over by illegal in Lawrence Kansas, Coach Ray Bassore killed in a car crash caused by an illegal on I 35 in Kansas City Kansas.

Other victims are residential neighborhoods overrun by illegals that break into our country and refuse to assimilate. Citizens of the Border States cannot leave their homes unattended, they are afraid for the

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Attachment 10

safety of their families; I hear the same thing from some of the folks in Kansas, mainly the meatpacking cities, but that will progress to other Kansas Cities unless proposed SB's and HB's are passed.

Diseases that had been eradicated are now on the rise. Those who come into our country illegally are not screened for disease. Drug resistant TB is on the rise and has been, you have heard the news. Check out disease in South Texas and you will see a rise in many you have not heard of for some time, this is not scare tactics as some would tell you, it is the truth. The New York Times reported that 1 in 7 East Asians in New York City have either TB or hepatitis. In the SW States hospitals have closed, gone bankrupt because of ER care and the delivery of anchor babies and if the current trend continues, that's coming here, talk to our health care workers.

A drain on social services! Social Security, identity theft, this can be eliminated on the part of illegals

Side note: The Tulsa World News reported in December of 2007 that Medicaid in Oklahoma has dropped 6000 members since Oklahoma SB 1804 was voted in by the Oklahoma Legislature. Why? Because families of illegals have left for states that are sanctuary states that welcome illegals that includes Kansas folks! They will be drawing Medicaid in Kansas at our expense.

I have talked to many Kansas and Missouri citizens who call me because they have lost their jobs and livelihood because of the people and employers who are either illegal work groups or hire illegals who are taking American jobs. These American Citizens are not able to maintain a workforce when they are underbid by unscrupulous contractors that pay minimum wage or below and therefore can low bid anyone who pays a living wage to their workers. They call us looking for help.

This includes all areas of the builders industry.

Fast food, go into almost any fast food restaurant, this includes all fast food chains, you have seen it! A McDonald's manager in Topeka Kansas has boasted about hiring illegals and says they all do.

And let's not forget the meatpacking industry, these are not jobs Americans will not do, American citizens were lined up around the block after the Swift raids to take those jobs and did after 1282 illegals were arrested in the December 2006 raids. (Numbers from the Wichita Kansas AP)

We are here today to ask you to agree with Representative Landwehr and Kinzers bills. If not we will all pay the price as some have and continue to do unless you are willing to step up and honor your oath of office to protect Kansans. We Kansans are here to beg you to ignore the Chamber of Commerce and the other usual suspects who want the rule of law ignored in Kansas for their own selfish and personal gain at a huge cost to Kansans.

Thank you for your time!

Captain Ed Hayes (ret)

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February 22, 2008

SUBJECT: House Bills 2370; 2680; 2836; 2921

Mr. Chairman, and members of the committee, my name is Paul Degener, and I represent the Citizens for Immigration Reform (CFIR). Our group supports legal immigration; however we are opposed to illegal aliens entering this country in violation of federal law.

It is unfortunate but necessary that we meet here today. It is unfortunate that our federal government refuses to secure our borders and is necessary from the standpoint that we must protect Kansas from the invasion of illegal aliens. Surrounding states have passed similar legislation and if we fail to do the same, we will experience an even greater influx of illegal aliens. According to the Federation of Immigration Reform (FAIR), Kansans are currently spending \$235,000,000 annually for emergency medical care, education and incarceration of illegal aliens. It is very important that we address these problems of illegal immigration, but you have to understand also that illegal immigration is but one part of the total picture. After solving our problems in Kansas, I would urge each legislator to explore the many aspects that will adversely affect our entire nation.

Our group supports the legislation being examined here and will address them in the order as they are entered on the committee agenda.

HB 2370: Enforcement of immigration laws. It is necessary that our local and state law officers be able to enforce immigration laws. Too many times I have heard that INS/ICE has been contacted with negative results.

HB 2680: The Immigration and Accountability Act.

This legislation goes after employers of illegal aliens, and this we support. I would like to draw your attention to two items:

New Sect 1. (e): "Intentionally" means, with respect to a result or to conduct, that a person's objective is to cause that result or to engage in that conduct." I think we could clean that up a bit. This is difficult for me to read let alone understand.

I would like to draw your attention to New Section 2. (b), lines 31, 32 and 33. "A person who knowingly files a false and frivolous complaint under this subsection is guilty of a class C, nonperson misdemeanor."

This bothers me. If I were to register a complaint based on a suspicion or from a reliable source, the other party would only need to make an allegation that I intentionally filed a false report. Now I am on the defensive. I doubt that anyone would have to worry about me filing a report under this clause. .

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HB 2836: Kansas Illegal Alien reform Act

We support this bill as it is more comprehensive and addresses more aspects of the issues dealing with the invasion of illegal aliens. It does not however cover the issues of instate tuition for illegal aliens.

HB 2921: Kansas Employment Verification Act:

New Sec.4. (c) For purposes of this section, "illegal alien" means any person not a citizen of the United States:

(C) Who has legally entered subject to a time limit, but has remained illegally after the expiration of such time limit.

"The term {illegal alien} shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States."

This same dialogue appears in 3 different places in this legislation. It appears to me that we are giving amnesty to a certain block of people. I don't understand how these people can enter the country illegally and somehow obtain the legal right to remain in the United States and be employed in the United States unless we are granting amnesty to illegal aliens.

We have three bills under consideration, two of which deal solely with employing illegal aliens and one which is more comprehensive in that it deals with employing illegal aliens plus a host of other issues. In essence we support all four pieces of legislation with the exception of a few issues previously covered.

Thank you for your time.

Paul Degener

Federal and State Affairs

HOUSE BILL No. 2836

Thank you chairman for allowing me to speak in support of this bill. As you know, congress has failed to resolve the problem of immigration relief all across America. They have passed the buck to us, we must keep in mind the states created all the branches of government. The final delegated authority is right here today to enforce the state and federal laws already on the books.

To enforce the United States code title 8, section 1101.

Id like to show another authority the states have it is the executive powers of our governor especially when there is an emergency.

The Kansas Constitution Article 1 Section 3.

Executive power of the governor. "The supreme executive power of the state shall be vested in a governor who shall be responsible for the enforcement of the laws of this state"

Because of the oath of office that our elected representatives take to support and depend not only the Kansas Constitution but the US Constitution, the state and federal laws must be carried out.

Whereas, the United States Constitution makes it the duty of Congress to call forth "the Militia to execute the Laws of the Union . . . and repel invasions" (Article I, Section 8), and to "protect each of them [the states] against invasion" (Article IV, Section 4);

All illegal aliens in the US must be removed in order to be in compliance with our federal laws. This bill is way overdue and must be passed

Signed Concerned Citizen,



Greg Dye

Federal and State Affairs

HOUSE BILL No. 2836

As a concerned citizen, I thank you for allowing me to speak today in support of bill 2836 And I would also like to thank State Representatives for being brave enough to bring forth this important legislation,

This is a constitutional duty of the governor and the legislators to enforce the laws of this great nation. And if the federal agencies cannot or will not enforce these laws, then it is to the states to do so for the protection of it's citizens. This state cannot afford the cost incurred by such an extensive influx of illegal aliens.

With our surrounding states enacting similar state laws protecting their citizens, we also need a tough law to keep Kansas safe, and from becoming a magnet for illegal aliens. With the citizens of Kansas being so heavily burdened with taxes, as it is, we can ill afford the costs of state sponsored tuition and access to taxpayer founded social programs. I would like to point out Senator Peggy Palmer's article in The Augusta Daily Gazette February 7th 2008 The strain on this state has an estimated cost of 250 million dollars which I respectfully submit to this committee that this state cannot at this time afford.

So I appeal to your good judgement on this issue and to insure that the federal immigration laws be upheld in the state of Kansas and to pass bill 2836

Respectfully,

Michael Ross

Michael Ross

House Fed and State Committee
Februrary 25, 2008

House Committee on Federal and State Affairs
HB 2680

My name is Sandie Ghilino and I am the president of Alpha Masonry Inc of Shawnee Kansas. With me today is Richard Hill the former President of Prestige Masonry. In 2001 together we employed approximately 150 men and did a combined gross sale of \$10 million per year. We paid approximately \$ 2 million a year in taxes (FICA, SS, Medicare, Workers comp, unemployment). By 2002 our sales were cut in half, and again cut in half by 2003.

Today we are no longer competitive in the market place and our sales are zero and our tax payment are also zero. Sadly for the State of Kansas the illegal worker employers that replaced us are paying a great deal less in taxes than we did. In 2003 Richard and I decided to find out why we were no longer competitive at our business. We started visiting the new big contractor job sites that had taken all our work. In the heat of the summer of 2003 we started showed up at quitting time with cases of ice cold beer and barbeque ribs across the street from the competitors job site. After a few job site tailgate parties we had copied 23 Mexican employee paycheck stubs from 6 different contractors that hired illegals. We were also threatened with fist being shock in our face and we were told by one project foreman that the owner carries a gun for guys like us.

The pay check stubs we collected were very interesting because the illegal employees working in Kansas had no Kansas state tax being withheld. We thought we had some good proof of that these illegal worker employers needed audited. But we were unable to get a audit started because Kansas Department of Revenue didn't have the funds to do any extra auditing.

I later shared the paycheck stubs with Senator Karin Brownlee along with the story of no available funding for a Department of Revenue audit. Senator Brownlee was immediately able to find some special funding for the audit. The six large contractors that employed illegals soon disappeared with tax problems but were immediately replaced with the local copy cat employers that hired the same illegal workers.

This happened quickly because the illegal work force was on the streets selling their labor at half the market rate with a strong preference for payment in cash. The illegal worker employers as well as the illegal worker are both partners in the crime of tax evasion. With out saying much tax evasion can be very profitable if one doesn't get caught. A tax paying employer like myself can not compete an pay taxes. And the General Contractors love the new illegal sub contractor employers because they get the direct labor cost savings. And a 60 to 90 hour a week crew without paying any overtime. This is a direct violation of the Davis Bacon Act. That calls for any time worked over 40 hours a week being paid at time and one half pay scale. Agian a employer like myself can not work my crew over 40 hours a week without asking for a large overtime reinburstments.

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Following the Davis Bacon Act guidelines puts me at a large disadvantage. And the General Contractors have no tax liability for the for the illegal subcontractor employers that they hire if they get caught.

We also were able to find one foreign worker that has a Permanent Resident Card. We offered him a job at the local pay scale and he just laughed at our offer because he was working at Walmart in Olathe and getting his regular paycheck and his 20 plus overtime hours paid in cash and clearing over \$800.00 per week.

Richard and I support House Bill 2680. We would like to see tougher language in regards to the first violation being dropped and going direct to permanent revoke of all licenses. E-verify is a great plan and it should apply to current employees as well as future employees because a lot of illegals are already on the payrolls. Most of these illegal workers employers are not paying the full payroll tax load. And as a result property taxes seem to be making up the short fall and rising yearly. I currently know of at least 10 illegal worker employers that need a tax audit. But no branch of government has the funding or interest it takes to look at them. Thank You!

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Kansas Enforcement Against Illegal Criminals

Outline

Mandatory Corrective Measures

- 1.) No employment
- 2.) No housing
- 3.) No motor vehicles, licenses, insurance
- 4.) No social services
- 5.) No real estate ownership / business operatorship or ownership
- 6.) No criminals allowed (history of unlawful acts)
- 7.) No education holdbacks (not "no child left behind" but "no child held back")

Concurrent legislation:

Welfare reform to mandate tighter "handout" constraints – replace illegal workers with able bodied individuals (U.S. citizens) that are currently living off the taxpayer.

Kansas Enforcement Against Illegal Individuals

The author of this paper has determined that there are seven steps that can be taken in the enforcement of certain laws and/or regulations that can rid Kansas of illegal Criminals (AKA illegal aliens) that have infested our State and Nation. Restrictions on employment, housing, motor vehicles, social services, real estate ownership, criminal acts, and education would force the majority of these individuals to flee our towns, cities, and rural areas. Presented below are enforcement suggestions that could be made into law that would place enforcement responsibility on various segments of society, i.e., employers, rental and real estate owners/agents, city and county licensing agencies, schools and the court systems.

- 1.) Employment: Employment of all individuals that entered the country through illegal means would be prohibited. All potential employers, regardless of size would be responsible of verifying the status of all job applicants (thru a federally generated verification system, i.e., social security number verification or "e-verify") to ensure that the applicant possessed the legal right to be employed in the U.S. and Kansas. This verification would also help to ensure that payroll taxes were being withheld and paid and remitted to the appropriate taxing agency. Each employer's employment records would be subject to review and audit by the State. Any and all employment violations would be dealt with severely via the assessment of substantial monetary fines against

the employer as well as the potential seizing of business and personal assets of the violating employer. For instance the first violation of illegal employment would require that a \$10,000 (per employee occurrence) fine be paid to the State by the violating employer. A second violation would require that a \$50,000 (per employee occurrence) fine be paid to the State. A third violation would require the employment violating employer to surrender all business and / or personal assets to the State. As a starting point (given a specific date, say July 1, 2008), all current employees as of that date would be required to provide legal proof of legal status. The documentation received would be placed through substantial scrutiny. If such documentation was not presented by each employee, or if the documentation was determined to be falsified, all unpaid wages would be seized by the State (to compensate the State for unpaid taxes) and the employee would be immediately terminated. The name, photos, and all other forms of identification of all such terminated employees would be placed in a data bank to help ensure that further employment in Kansas and other states would be impaired. All illegitimate (false) identification would be seized from the perpetrator. Anyone involved in the aiding of an illegal individual for the purpose of gaining employment would be subject to a monetary fine of \$25,000.00 and/or imprisonment of no less than 6 months. The Kansas data bank would be made available to any State (or subsection thereof or the federal government) requesting such data. A grace period of 90 days would be given to all employers to rid their employee rolls of such illegal persons. A list of all terminated employees, including

known addresses and photos (if available) would be submitted to the State.

- 2.) Housing: The renting (leasing) or otherwise providing of housing to any illegal individual would be prohibited. It would be the responsibility of the real estate owner or his agent to determine the legality status of all persons seeking housing, either temporary or permanent in nature. A similar method of legality verification as is used by potential employers would also be required by all "landlords". A grace period of 90 days after the enactment of this law would be given to all housing owners (or others providing housing to illegal tenants) to evict such illegal persons from their housing units. For each rental infraction, the lessee would be fined \$10,000 per rental unit for the first offense, \$25,000 per rental unit for the second offense, and asset seizure for the third offense. The names, photos, and other forms of identification of the illegal individual(s) would be placed into a data bank to help ensure that future wrongdoings by the perpetrator(s) would be prevented. All illegitimate (false) identifications would be seized from the perpetrator and submitted to the State.
- 3.) Motor Vehicles: This law would make it unlawful for all illegal individuals to own and/or operate any form of motor vehicle on any roads, urban or rural or any street or other thoroughfare within the State of Kansas. Further, it would be unlawful for the State of Kansas or any county to issue any form of driver's license or driving permit, or to issue a vehicle registration (tag), or to process any motor vehicle title work in behalf of any illegal person. Further, all insurance companies licensed to do business

within the State of Kansas would be prohibited from insuring any motor vehicle insurance policy to any and all illegal persons. All illegal persons would be granted a 90 day grace period in which to physically transfer their motor vehicle back to their country of origin, provided they possessed a title free of liens. Any vehicle not free of liens would be required to be paid for in full (to free up the lien), or could be sold by the owner, or turned back to its original seller. Anyone assisting an illegal person in the acquisition, registration, or the insuring of a motor vehicle will be subject to a monetary fine of \$25,000 and/or imprisonment for a period no less than 6 months.

4.) Social Services: All persons that have entered the U.S. and the state of Kansas by illegal means shall be prohibited from obtaining any and all forms of taxpayer paid social benefits. Some of the major benefits being referred to here are all types of medical, dental, optical, medicine and drugs, food stamps, rental subsidies, all forms of monetary assistance, and child care. This list is certainly not all inclusive, but simply highlights some of the more frequently thought of services. The intent of this section is to prohibit access to any and all types of services or other forms of benefits (that would impose a cost to the Kansas taxpayer, either directly or indirectly). Further this law prohibits any citizen or entity, (profit or non-profit), church-affiliated group, or any other form of profit or non-profit organization from the providing any or all types of services or benefits, or any other form of aide to any and all illegal persons within the State of Kansas. All forms of State governments (city, township, county, or State, etc.) shall be held responsible for the strict enforcing of this portion of this law.

5.) Real Estate/Business Ownership: All illegal persons shall be prohibited from owning any type of real estate (business, residential, religious, rural, urban, or any other form of real property) or from operating any and all types of business venture(s) whether owned or leased within the boundaries of the State of Kansas. Any illegal person that currently owns any real estate or owns or operates any business venture of any type will be granted a 180 day grace period in which to divest his interest within such property. If it is determined that any taxes have been unpaid or underpaid, such monies shall be seized (via a lien against such property) from the proceeds of the property disposal and paid to the taxing agency or agencies. In the event the real estate hasn't been disposed of within the 180 day grace period, the real estate will be auctioned and sold to the highest legal buyer and the proceeds paid to the illegal owner after the payment of all legal encumbrances (against the property or the illegal person) has been satisfied via full payment. If the business or other venture which was operated by an illegal person has not been disposed of, the business will be auctioned if it has monetary value; if not the business will be closed. As with the real estate, the proceeds of such auction shall be distributed to the illegal owner, but only after all known encumbrances have been paid in full to known debtors.

6.) Criminal Offenses: All illegal individuals that have committed crimes within any state in the U.S. and residing in Kansas or has been apprehended within the State of Kansas by any level of law enforcement official shall either be deported back to his country of origin or held in prison for the length of time commensurate for

the crime that was committed. Any assets owned by such person shall be seized by the State and the proceeds generated from the liquidation of such assets shall first be used to cover the costs and expenses related to the legal proceedings of the State and the related incarceration costs, then the payment of any taxes owed if known, then a payment to the individuals injured by the crime, and finally the balance shall be returned to the individual upon his return to his native country. Each and every criminal will be informed that in the event he (she) chooses to return to Kansas after his (her) deportation, and he (she) gets apprehended within the State of Kansas, a jail sentence of no less than five years and up to twenty years or more (depending of the original crime) will be assessed.

- 7.) Education: COMMENTARY: Our educational system has been virtually destroyed as a result of permitting illegal individuals and/or their children to enter our public schools. Not only are the illegal students costing the taxpayer a fortune, the worst impact is the holding back of English speaking (citizen) students, waiting for the (illegal) non-English speakers to learn at a much slower pace. One can't begin to imagine the frustration that Kansas citizens, both elementary and secondary must go through on a daily basis, waiting for the foreign spoken to laboriously wade through daily assignments. And then one wonders why academic standards continue to be lowered in order to be able to pass students on to higher grade levels.. President Bush said "NO CHILD LEFT BEHIND"; more appropriately, "NO CHILD HELD BACK"; where do you, as a State Legislator stand on this issue? It is imperative that immediate action be taken to correct the educational violations

that are being forced upon our children and grandchildren. It should be understood by all that English is our (the U.S. and Kansas) official spoken and written language, not Spanish of some other foreign tongue. It is a complete waste of our schools' time trying to teach basic language skills to foreign individuals. The basic language skills should be taught at home during pre-school years and only the development of such skills should be every school's requirement. Why are you, as legislators, willing to let our children be abused in this manner? You were never faced with this educational lifestyle (crisis) when you attended school; why must it change for our children today? It may become necessary for the Kansas government to take the Feds to the mat over the forced educating of illegal individuals, however Kansas could come out ahead on this issue and may set a standard for our nation to follow.

Immediate measures must be taken that will remove illegal, non-English speaking students from our school system. We as a country (and a State) cannot survive if our school age attendees continue to be taught at a sub-standard level.

A Related Issue:

A favorite cop-out for those who favor the continued illegal invasion of our country and State is the overwhelming need for fulfilling our labor needs. A possible solution to the alleged labor shortage problem (if one truly exists) may be to tighten our welfare laws, by requiring able-bodied citizens to learn a trade and go to work rather than simply fulfilling their financial needs via State handouts. It is not the legitimate worker's responsibility to provide support nor is it the State's right to impose income

redistribution for the purpose of supporting “dead beats” that choose not to work. We have countless numbers of citizens that have become second and third generation welfare recipients. They have never been taught any form of work ethic, and long as taxpayer handouts are so easily made available (by you, the State Legislator), this issue will only get worse to deal with. As to the issue concerning the welfare recipient being untrained, who is currently training the uneducated illegal border crosser to do our nation’s jobs?

Author:

Jack Shandy

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PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

RE: HB 2921, the Kansas employment verification act.

**February 25, 2008
Topeka, Kansas**

**Testimony provided by:
Terry D. Holdren
National Director
KFB Governmental Relations**

Chairman Siegfried and members of the House Committee on Federal and State Affairs, thank you for the opportunity to appear before you today. I am Terry Holdren, National Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

I come before you today representing KFB and the 35 other businesses and associations who have joined forces to attempt to provide reasonable and workable solutions to the immigration issue in Kansas. **Our coalition does not condone or support illegal activity or the presence of illegal or undocumented aliens within the state of Kansas, nor do we support subjecting the state of Kansas to the inevitable lawsuits that will arise should you chose some of the alternatives presented to you today.**

Fundamentally, we believe that the regulation of immigrant labor and the enforcement of immigration law is an area that has been occupied by the federal government. Subsequently, we believe that there is little a state can do to regulate employers in this field.

As you know laws or ordinances very similar to HB 2836 have recently been enacted in Pennsylvania, Arizona, and Oklahoma. All three of those states have pending challenges to their laws/ordinances or cases which under appeal. As of yet there is no resolution by the federal courts that gives clear direction to a state about its ability to regulate immigration. Enacting similar legislation in Kansas only invites a costly court challenge.

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As a coalition we have and will continue to oppose efforts focused on the following:

- Penalties that put a businesses license in jeopardy
- Mandates of the voluntary federal e-verify system
- Subjecting contractors to liability for the status of workers of a subcontractor

We believe that of the bills before you today, only HB 2921 provides a workable system that will allow Kansas to address the presence of undocumented or illegal aliens.

HB 2921 provides tools the state of Kansas can effectively administer and achieve results!

- Mandates the I-9 for all Kansas employers—giving Kansas business a clear understanding of what the rules are (New Section 3)
 - Despite its mandate by the federal government for hires after November 7, 1986 many Kansas employers do not currently use the I-9 form
 - The Kansas Department of Labor would be tasked to make the form available and educate employers about its use
- Provides continuity and uniformity by prohibiting cities and counties from creating other requirements or enforcing additional penalties (New Section 5 and Section 6 (a)(36))

HB 2921 would result in more businesses enrolled in e-verify without a heavy handed state mandate!

- Creates a safe-harbor incentive for employers who use the I-9 or who voluntarily use the federal government's e-verify system (New Section 3 (d))

HB 2921 targets and punishes employers who intentionally hire and abuse undocumented workers!

- Creates the crime of Exploitation of an Illegal Alien (New Section 4)
 - Knowingly hire an illegal alien
 - In violation of Kansas' minimum wage and maximum hours law
 - Severity level 8, nonperson felony

HB 2921 identifies bad actors—the individuals or employers who perpetuate the use of fraudulent documents, and punishes them, not ordinary Kansans trying to make a living in business!

- Enhances penalties for crimes when documents are provided to or used by an illegal alien
 - Dealing in False Identification Documents (Section 7)
 - Reproduction, manufacture or sale of documents
 - Severity level 5, nonperson felony
 - Identity Fraud (Section 8)
 - Willfully and knowingly supplying false information to gain employment
 - Severity level 5, nonperson felony

On behalf of the 36 Associations listed below, thank you for the opportunity to appear before you today and provide our thoughts about workable solutions that can address illegal immigration in Kansas. We are committed to providing a system that ensures that legitimate businesses are not subject to mandates or unnecessary penalties and look forward to working with you to achieve this objective.

Kansas Agribusiness Retailers Association
Kansas Association of Realtors
Kansas Building Industry Association
Kansas Chamber
Kansas Contractors Association
Kansas Co-op Council
Kansas Dairy Association
Kansas Farm Bureau
Kansas Grain and Feed Association
Kansas Licensed Beverage Association
Kansas Livestock Association
Kansas Manufactured Housing Association
Kansas - National Federation of Independent Business
Kansas Pork Association
Kansas Restaurant and Hospitality Association
Kansas Society for Human Resource Management
Kansas Soybean Association
Associated Builders and Contractors – Heart of America Chapter
Associated General Contractors – Kansas City Chapter
Associated General Contractors of Kansas
Builder’s Association
Dodge City Chamber of Commerce
Home Builders Association of Greater Kansas City
Garden City Area Chamber of Commerce
Greater Topeka Chamber of Commerce
Kansas City, Kansas Chamber of Commerce
Leawood Chamber of Commerce
Lenexa Chamber of Commerce
Liberal Chamber of Commerce
Northeast Johnson County Chamber of Commerce
Ottawa Chamber of Commerce
Overland Park Chamber of Commerce
Southwestern Association
Travel Industry Association of Kansas
Wichita Independent Business Association
Wichita Metro Chamber of Commerce

Testimony before the House Federal and State Affairs Committee – HB 2680

William A. Moore, President,

Teamsters Local 696 and International Representative

First let me apologize for having to appear before you in print today. I am in the state of Ohio working, but would offer to appear before you in future sessions on this issue should that be the desire of the committee. Planning did not support this effort today, so I am offering a part of my position here in this writing.

No one at this hearing today is (and my comments before you are not) targeting workers of the Hispanic or any other Race, Color, or Creed. I will use the word 'illegals' not in a degrading way, but in a description of the failed immigration policies of our Nation. HB2680 is not being proposed against anyone but for the protection of our United States, its employers, its workers, and your constituents; and I believe the purpose of the language proposed before the legislature and this committee today is to:

- A. Urge enforcement of the laws that our Nation has on the books in this regard and,
- B. To implement and enforce additional State laws that will fill the gaps of the present Federal failure on such laws and to provide an honest and complete system of monitoring, authorizing and taxing the use of workers entering our country.
- C. Actually offer workers, Americans and legally status immigrants, in Kansas the support against abuse and instead implement the fairness of treatment with which our democracy and country is and should be viewed.

My remarks today will be directed at these two targets. _____

“Migrant workers and many illegal immigrants are misclassified as independent contractors, never have any withholdings taken out and don't file or pay income taxes. That magnifies the tax gap -- the difference between what the government is due and what it collects in taxes.” MSN MONEY (Feb 24. 2008)

While Taxation is a very large part of this problem, it is clearly not the only problem with the status quo of undocumented workers coming into our State to take State and Local jobs. For any program or legislation to have success, it must have 'teeth' and implementation.

HB 2680 provides a clearly defined list of sanctions for violators. The E-verify function makes it simple for an employer to follow the dictates of HB2680 and HB2680 offers progressive disciplines that make it clear the law is serious but allows violators a chance to become legal operators before more serious disciplines are applied.

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Additionally, HB2680 provides all employers a grace period until January 1, 2009, during which the employers may seek the employees needed to replace any employee not legally employed under HB2680. This bill as it is envisioned today, I believe will go a long way to stopping not only employee abuse, but also stop the taxation abuse of the employee and the State and Federal Government.

In research, I have discovered that an employee working in the United States causes a direct negative cost to the taxing entities and benefit providers of at least \$2500.00 per year, and many cases of upwards to \$15,000 in some larger family cases.

Let's take some time here to look at the effects of illegals on employment and taxation.

My own 37 years of working in the area of employment of workers has shown that the influx of illegals drives wages down to the point that no "American Worker" can afford to work at the wages that illegals are forced to take or accept. The employment of illegals also clearly allows the law-breaking and unscrupulous employer to force the illegals into numerous and illegal situations simply because the illegal is in a position of not being able to report the violations. While many employers will tell this and other committees that they cannot find "Americans" that want to do the work the 'illegals' are doing, this clearly is not the case.

Let me not just make statements but give examples. Right here in the Capitol city, some 4 or 5 years ago, on a State and Local funded job, I was made personally aware of a subcontractor who hired 8 Hispanic illegals. One could speak a small bit of English. This subcontractor paid the one Hispanic illegal \$24 dollars an hour, and paid another Hispanic illegal designated by the one that spoke some English, also \$24 dollars an hour. Those two were responsible for dividing up their salary to pay themselves and three others. The illegals knew if they complained they would be fired by the employer simply claiming he was following Federal law, which otherwise he had no intention of doing so. This job was clearing hazardous materials from one of our Topeka Institutions and while it is true that one of our hometown legal workers would not work for \$6.00 removing hazardous materials, nor afford to feed his/her family on these amounts if they were, the illegals were forced to do with job with a considerable reduction in EPA prescribed safety gear and methods.

Some years ago a large packing house operation operated within our State borders. This company employed some 1700 Hispanic workers of which at least 400 or more were illegals. Twenty years ago the Packing house industry paid workers about \$15.00 per hour and with health and pension benefits. Today, many employers in this industry pay slightly over \$8.00 per hour, and only a hint of benefits that have to be subsidized by the workers. It is common knowledge that the workers cannot or choose not to take advantage of the "co-pay health care" offered to them and instead rely on tax payers and legally insured to pay for their health care.

When the work in packing houses was done by legal American workers, taxes were paid, health care was paid, and pensions took stress off of workers fearing the death of Social Security. I can speak first-hand about the grape fields of California, our construction of our States roads, the use of illegal workers in good jobs.

When the employers began to utilize illegal workers the wages shrank, the benefits became mere tokens, and the impact on Social Security and other American programs is plain to see. Nothing is clearer than the grape fields of California. For many years, these and other agriculture giants courted illegals to work in their fields, doing back breaking work at illegal compensation.

Just last year a consortium of grape field employers complained in the state of California that the Construction Industry had stolen all its workers by paying them a little more than they could make in the fields and the work was not quite as back breaking. Now the construction industry is seeing a reduction of good paying jobs, instead offered and taken by illegals from the grape fields and others.

This encroachment and diminishment of good paying jobs, has the overall effect of reducing taxable income by reducing wages and by other illegal methods, causing a loss of State and Federal revenue, forcing experienced and previously legally hired workers into unemployment and situations of reliance on tax and insurance dollars of working citizens for their families health care.

An additional, but hardly a side bar to this employment of illegals, is the 'misclassification' of workers. Illegals are employed to fill jobs at all levels of the wage progression and classification of workers. However, when illegals perform the work of the higher classification of workers they are still paid the rate of the lowest paid classification (or below) thereby cheating the employee, cheating the State, Local, and Federal tax revenue, and cheating the legitimate tax payers. Some of our American companies engage in this tactic even with legal workers, as is underlined by complaints from the construction industry and recently the large violations (million dollar) in New York, Missouri and Michigan and the FedEx finding in California that may reach a BILLION Dollars as the rest of the Nation is included by the IRS. With these blatant acts of misclassification taken against legal workers, the truth is easy to see and the financial effects staggering nationwide against illegals.

Another cost of failure to control the use of illegals is the lost turnover of the spent dollars in our state. Often when a new company, a movie production, or other entity is courted into our State, the State and the media tout the statement that the money paid out to workers on this new employment will turn over at least 4 times thereby giving the economy a boost. Payments to illegals on the other hand, do not turn over to this magnitude because illegals stash their wages minus the bare minimum to exist here, and take that money back to Mexico to families there. It is not spent here. Disposable income is not even in the dictionary of these workers.

In the example of the packing house stated above, there was a loss of about 250 to 300 workers during the month of December as they took off without employer approval, and returned to their homes in Mexico and took the money to families there. The company attempted to work this loss of workers into the overall job planning, knowing it would happen yearly or more often. In addition, when the workers came back, they had to start over at the bottom of the employee list and thereby made less money until they moved up by the same types of absenteeism/attrition.

Also, during the year, a few illegals would return home at random times and others would send their money home to their families with those going home to areas of Mexico where the worker who stayed on the job worked.

A final saga of this travel back and forth across the border with United States currency involved in some cases the trafficking of drugs. Periodically the parking lot of the plant had 6 to 10 additional non worker cars there to meet the 'mules' of illegal drugs. This is not a fantasy and was a known fact and viewed personally by myself and fellow workers.

And finally to close my comments... making an illegal '*legal*' does not fix our immigration woes, but it goes a long way toward such a reality. Simply changing a worker from a sub-paid illegal worker to a sub-paid legal worker does not fix our taxation ills or the economic impact on our retail stores and benefit providers. The wage in most cases does not change immediately. Even after we document and ensure that employers are hiring legal workers, it will take time for the newly documented illegals to stand up and speak out against the unscrupulous employer who continues with worker abuses. I would hope it is the wish of this committee to begin the process of exposing and taking action against those that would sell the future of your constituency for their own short term and illegal gain.

Having a focus point for complaints that result in real sanctions will go a long way to seeing that workers are properly compensated, and have the additional cash flow to allow them to enhance spending in our retail economy, provide for health care not expensed to existing insured workers and therefore insurance companies, and as the compensation raises, make a fair and equitable workplace for all workers including your constituents, vying for employment in our United States and our State of Kansas.

Thank you for your consideration on this important matter.

CARPENTERS' DISTRICT COUNCIL
OF KANSAS CITY & VICINITY
UNITED BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA

625 W. 39th ST. • Suite 201
KANSAS CITY, MO. 64111-2987



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Testimony of Joe L. Hudson

Before the

Committee on Federal and State Affairs

February 25, 2008

Re: HB 2680, An act enacting the immigration accountability act, relating to employment and duties of the Department of Revenue

On behalf of the members of the Carpenters' District Council of Kansas City and Vicinity I'm pleased to comment to the Committee on Federal and State Affairs on the issue of employee classification fraud in the construction industry and HB 2680.

The Carpenters District Council of Kansas City and Vicinity represent over 14,000 carpenters and their families who work and live in, Missouri, Iowa, Nebraska, Colorado, Wyoming and right here in Kansas.

My comments will first address the part of the bill on employment fraud in the construction industry and then tie in the immigration section. I will also focus on a serious flaw in the fraud section.

In my 18 years in the construction industry I have seen many changes. Many of those changes have been positive. Some have not. One of the most negative changes has been the growth of employee classification fraud.

Employment classification fraud comes in two related forms. First, there is misclassification: workers who fit the definition of "employee" according to the law are treated by their employers as independent contractors. They receive checks with no deductions and at the end of the year they get a 1099 form. Then there is the failure to classify: workers receive pay by check or cash, without lawful deductions and their compensation is not reported to our state or federal governments.

Classification fraud is intentional more than the result of confusion. Contractors do it to lower their labor costs. By failing to properly classify workers as employees unfair contractors evade overtime pay, Social Security, Medicare, unemployment taxes, workers compensation premiums and State Taxes. As a result, they can illegally save 30 percent or more on their labor costs. In a competitive industry like construction, where jobs are

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frequently awarded to the lowest bidder, unfair contractors can steal work away from honest employers, forcing them to join in or go out of business. The fraud is not isolated to small projects-it happens on large jobs, commercial, residential and public projects. I have attached to my testimony a summary of studies of the size and cost of employment and tax law violations. Anyone with eyes will tell you that the construction industry has one of the worst records for abuse.

There are many victims of this abuse - honest contractors, workers and their families, insurance companies, government revenue and taxpayers.

Law enforcement agencies do their best, but time and again we hear that they need more resources, more tools and more support to do what needs to be done.

I am not blaming our government enforcement agencies for the problem. I have to admit that the construction industry has let this happen. It is our industry's worst kept dirty secret.

HB 2680 addresses the fraud issue by providing additional and needed penalties and tools for law enforcement. It punishes basic misclassification as an independent contractor and unreported, off-the-books pay.

The bill also addresses immigration by requiring employers to verify the employment eligibility of workers using the federal e-verify program and I-9 forms. While classification fraud and paying workers under the table certainly accommodates employers willing to violate immigration laws and exploit their workforce, the practice existed before the recent immigration troubles and it will exist after it. A federal solution to the immigration problem is still preferable to the various and conflicting state solutions we are now seeing. Still the state can do something about its employers who violate the law—and that is through the rigorous enforcement of state tax, workers compensation and other employment laws.

This brings me to the flaw in the bill. I will describe for you how to defeat the bill's requirements and penalties. Unscrupulous construction employers are smart people and I will not be telling you anything that they won't figure out for themselves soon enough. It's simple—subcontract.

Section 9(f) says that a contractor shall not be liable for the violation of its subcontractor. The only thing I need to do is find an individual with a crew of workers, some undocumented, willing to work for cash. I will instruct that individual to get a corporate identity and a false insurance certificate showing workers compensation coverage. By doing that my subcontractor faces all the liability under this bill while I still get the benefit of cheap exploited labor. And if the subcontractor is busted, I can always find another one to fill his slot.

You can say that I may still be guilty of violating some other state or federal law. Still, I would escape the added tools and penalties under this bill. Also, there is nothing in this

bill that enhances the capabilities of agencies to enforce current state law. If current law was working so well we would not be discussing this. The Section 9(f) contractor amnesty provision needs to be amended. Why create these new enforcement tools while leaving a loophole that brings us back to where we started?

Certainly, contractors shouldn't be liable under the Act simply because their subcontractors break the law, but they certainly should be liable if they intentionally conspire with and assist them. I would recommend adding a phrase saying that any contractor or other person who intentionally assists or conspires to violate the Act faces criminal penalties. This added language would also tie in others who help people break the law-like insurance brokers who provide false insurance certificates.

I welcome any questions or comments and remain at the Committee's disposal so we will have better law enforcement and a level playing field for honest employers in the construction industry and fairness for the taxpayers of the state of Kansas.

**Size and Cost of Misclassification Fraud
and Unreported Pay:
Survey of National and State Studies**
January 8, 2008

Employers who misclassify workers as independent contractors avoid withholding income taxes, paying employment taxes, overtime and workers compensation premiums. In the construction industry misclassification fraud gives irresponsible employers a 30 percent or more advantage in labor costs. And in a competitive industry like construction that means responsible employers who play by the rules (and their employees) lose work. Misclassification in construction is more common than in other industries, because of competitiveness, mobility of employers and the workforce, the temporary nature of the work and the multiple layers of contractors and subcontractors.

Frequently, employers say misclassification is unintentional, because the rules defining employment are numerous and subjective. Except for small remodeling projects, that is not the case in the construction industry. It is difficult to imagine hundreds of independent contractors building large housing projects, commercial buildings, chemical refineries, bridges and power plants. The need for safety, productivity and protection from liability requires a degree of control that makes true independent contractor status difficult. In many places the industry has descended into the hands-down fraud of unreported-cash pay. It is the worst kept secret in construction, with many looking the other way as they pocket the profits. Misclassification in our industry is not a mistake—it is fraud as a business plan.

Below are brief descriptions from numerous national and state studies of the size and cost of misclassification fraud:

***A 1984 study by the Internal Revenue Service** found that 19.8 percent of construction employers misclassified their employees.¹ The rate for all industries was 15%.² The total income, unemployment and Social Security tax loss was \$1.6 billion.³ Moreover, the IRS estimated that the loss of Social Security and unemployment taxes alone would be \$2.3 billion in 1987 and \$3.3 billion in 1992.⁴

***In 1994 Coopers & Lybrand** estimated that the federal government would lose \$3.3 billion in revenues in 1996 due to misclassification, and from 1996 to 2004 misclassification would cost the government \$34.7 billion.⁵

¹ *Testimony of US General Accounting Office before subcommittee on Oversight, Committee on Ways & Means*, by Gandhi, p. 13 (June 20, 1996) (GAO 1996 Testimony).

² *Ibid*, p 1.

³ *Ibid*. pp. 4-5.

⁴ *Ibid*.

⁵ *Projection of the Loss in Federal Tax Revenues Due to Misclassification of Workers*, by Coopers & Lybrand, p. 3 (June 1994).

*A **2001 Florida study** reported that in 1997 \$912 million in workers compensation premiums were paid by construction industry employers, and that an additional \$1.3 billion was lost due to employer premium fraud and the state's exemption policies.⁶ Reforms were enacted in 2003 to reduce costs and toughen enforcement.

***Massachusetts study 2004:**⁷

	All Industries	Construction
Degree employers who misclassify	up to 19%	up to 24%
Unemployment taxes lost	\$ 35 million	\$ 3.9 million
State income taxes	152 million	6.9 million
Workers comp prem.	<u>91 million</u>	<u>7 million</u>
Total	\$278 million	\$17.8 million

***2005 Maine study:**⁸

	All Industries	Construction
Degree employers who misclassify	11%	14%
Unemployment taxes lost	not quantified	\$ 0.3 million
State income taxes	nq	4.3 million
Workers comp prem.	nq	6.5 million
FICA	nq	<u>10.3 million</u>
Total		\$21.4 million

***2007 New York state study:**⁹

	All Industries	Construction
Degree employees misclassified	10.3%	14.8%
Unemployment taxes lost	\$176 million	nq

***Illinois 2006:**¹⁰

⁶ *A Study on the Magnitude of Loss of Workers' Compensation Premiums in 1997 due to Employer Fraud and Exemptions in the Florida Construction Industry*, by Construction Concepts, Coble Ph.D, Hinze Ph.D. P.E., pp. 27-28 (March 2001).

⁷ *The Social & Economic Cost of Employee Misclassification in Construction*, Construction Policy Research Center, Labor & Worklife Program, Harvard Law School & Harvard School of Public Health, by Bernhard and Herrick, p. 1 (December 2004) (Massachusetts Study).

⁸ *The Social & Economic Cost of Employee Misclassification in the Maine Construction Industry*, Construction Policy Research Center, Labor & Worklife Program, Harvard Law School & Harvard School of Public Health, by Bernhard and Herrick, pp. 1-2 (April 2005) (Maine Study)

⁹ *The Cost of Worker Misclassification in New York State*, Cornell Univ., ILR School, by Donahue, p. 2 (February 2007) (New York Study).

¹⁰ *Economic Costs of Employee Misclassification in the State of Illinois*, Dep. Of Economics, Univ. Missouri-Kansas City, by Kelsay, Sturgeon and Pinkham, pp. 4 to 8 and 15 (December 2006) (Illinois Study). The rate of misclassification in construction used here is the rate of misclassification for all industries. The Illinois study was unable to quantify exactly the construction rate, because the state did not provide industry specific audit data. It is fair to assume that construction rate is at a minimum the same as

	All Industries	Construction
Degree employers who misclassify	17.8%	17.8% est
Unemployment taxes lost	\$ 53.7 million	\$ 2.5 million
State income taxes	248.4 million	17.3 million
Workers comp prem.	<u>97.9 million</u>	<u>34.8 million</u>
Total	\$400 million	\$54.6 million

***Minnesota 2007 study:**¹¹

	All Industries	Construction
Degree of employers who misclassify	14%	15%

***Washington 2007 study:**¹²

In-state and out-of-state business registered with the IRS but not with Washington in 2004 cost the state \$274 million in unpaid taxes (that includes taxes for workers compensation coverage). Unpaid taxes for Washington employers are \$101.3 million. Industry breakdowns for these employers are available.

In 2001, an additional \$183 million of unpaid taxes can be added for business that are neither registered with the IRS and Washington. Industry breakdowns for these employers are not available.

Breakdown in millions:

	In&Out of State All Industries	In-State All Ind.	In-State Construction
State income tax	225.0	52.0	1.0
State unemplmnt	14.8	14.8	3.4
workers comp.	<u>34.5</u>	<u>34.5</u>	<u>8.7</u>
Total	\$274.3	\$101.3	\$13.1

The study sites construction as an area where the number is probably higher, because they don't have an industry breakdown of the employers who aren't registered (don't pay taxes) to either the federal and state. Construction is cited as a focus for enforcement.

*The **nationwide rate of misclassification** in all industries has not been static; it has grown by 42 percent from 2001 to 2002.¹³

the overall rate, and that it is probably higher, because the Illinois data is based only on random audits, and the data from the other states shows a greater incidence of misclassification in construction.

¹¹ *Misclassification of Employees as Independent Contractors*, Office of the Legislative Auditor, State of Minnesota, pp 15 and 18 (November 2007).

¹² *Unregistered Business Study: Joint Report of the Washington State Dept. of Revenue, Washington State Dept. of Labor and Industries and the Washington State Employment Security Dept.*, pp. 2, 3-7, 11-17 and 19 (November 2007).

¹³ Illinois Study, fn. 1, p. 2.

***Most studies do not include the extent of unreported cash pay** in the underground economy.¹⁴ A **Bear Stearns 2005** report estimated that the United States is losing \$35 billion a year due to the number of jobs that are now “off the books.”¹⁵

*A sense of **the size of unreported-cash pay in the underground economy** can be found in the **Fiscal Policy Institute’s study of the residential construction market in New York City**. They compared residential building permits and FW Dodge construction activity data to construction employment from 2000 to 2005.¹⁶ Conservatively, New York City had 82,000 residential construction workers in 2005. 30,000 of those construction workers were employed illegally.¹⁷ (13,000 may have been misclassified and the other 17,000 were completely off the books.¹⁸) That means that a minimum of 21 percent of New York City residential construction workers received unreported pay. The numbers were worse in the city-funded affordable-housing construction market, where up to two thirds of the 13,350 construction workers were employed illegally.¹⁹

***The Fiscal Policy Institute also released a study in December 2007 on illegal employment practices in the entire New York City construction market.**²⁰ Like the study of the residential market, this study captures workers who are improperly misclassified as well as those paid cash.²¹ The study made the following findings of losses in 2005:²²

Total number of construction workers:	200,000
Number misclassified or paid off the books:	50,000
Health care cost shifting:	\$148 million
Fed income tax lost:	43.5
Fed employment tax lost:	271.6
New York state income tax lost:	15.2
New York City income tax lost:	<u>11.0</u>
Total cost:	\$489.3 million

***A 2007 done for the California Commission on Health and Safety and Workers’ Compensation** disclosed that employers in all industries failed to report up to 23 percent of their payroll to workers’ compensation carriers, resulting in \$100 billion in

¹⁴ Massachusetts Study, p. 1, Maine Study, p. 1, Illinois Study, p. 2, Minnesota Study, p. 15.

¹⁵ *The Underground Labor Force is Rising to the Surface*, Bear Stearns Asset Management, by Justich and Ng, p. 3 (January 3, 2005).

¹⁶ *The Underground Economy in the New York City Affordable Housing Construction Industry*, Fiscal Policy Institute (New York City Housing), p. 1, 9. (April 2007).

¹⁷ New York City Housing, pp. 1, 10-12.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, pp. 1, 8-9.

²⁰ *Building Up New York, Tearing Down Job Quality: Taxpayer Impact of Worsening Employment Practices in New York City’s Construction Industry*, Fiscal Policy Institute (New York City Construction) (December 2007).

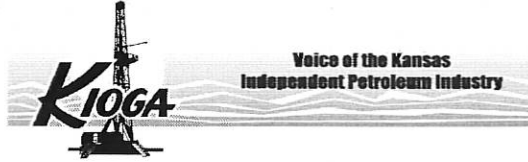
²¹ New York City Construction, p. 1.

²² *Ibid.*, pp. 1, 20.

underreporting.²³ Because carriers shift costs to customers that do pay what they should, responsible employers who have workers in dangerous occupations are paying eight times more than they should be paying.²⁴

²³ *Up to One Fifth of California Payroll Not Reported*, WorkCompCentral, by Jim Sams (April 30, 2007). This study was of all employers, and not just construction. *Fraud in Workers' Compensation Payroll Reporting: How Much Employer Fraud Exists and How are Honest Employers Impacted*: Report for the Commission on Health and Safety and Workers' Compensation, by Frank Neuhauser and Colleen Donovan, University of California, Berkeley (August 2007).

²⁴ *How Much Employer Fraud Exists*, pp. 1-3.



**Kansas Independent Oil & Gas Association
800 SW Jackson Street – Suite 1400
Topeka, Kansas 66612-1216**

**Testimony to the House Federal & State Affairs Committee
House Bill 2680
AN ACT enacting the immigration accountability act**

**David M. Dayvault
President, Kansas Independent Oil & Gas Association
Chief Financial Officer, Abercrombie Energy, LLC**

February 25, 2008

My name is David M. Dayvault. I am the President of the Kansas Independent Oil & Gas Association (KIOGA) and the Chief Financial Officer of Abercrombie Energy, LLC. KIOGA is a trade association representing over 1,400 oil and gas producers and related service companies in the state of Kansas. Abercrombie Energy, LLC produces oil and gas in 35 Kansas counties and until recently operated five rotary drilling rigs in Kansas, Oklahoma and Texas.

KIOGA recognizes that the control of our borders and problems related to illegal immigration are serious problems with ramifications well outside the workplace. As the Kansas legislature entertains legislation to help solve these problems we hope that it does so in a manner which recognizes the burdens that certain solutions can place on an employer and the high cost to the employer of making a mistake.

Central to the concept of HB 2680 is that each employer should use the system e-Verify. Use of this computerized system at the time of hiring would create a rebuttable presumption that the employer has acted in good faith and has not willfully hired an undocumented worker.

The e-Verify system will prove impractical for many in the oil and gas business particularly the drilling and service contractors. Much of the hiring by these employees in the field at a location where computer link up is not possible. Much of this hiring is done on a moments notice and may be done by someone who is not proficient in using a

House Fed and State Committee
Februruary 25, 2008

Attachment

computer. The manager of the drilling rig, known as a toolpusher, is responsible for keeping three crews of at least four workers working continuously during the drilling of an oil or gas well. While the rig hands are paid wages starting at \$18.00 per hour or above turnover is high because many individuals find that they don't like the work once they've tried it. Working on an oil rig is hard work, dirty and in many circumstances in unpleasant weather. When an employee quits a replacement must be found on short notice. Often if a worker can't show up for his shift he sends a substitute. The new worker will present his documents to the toolpusher and the toolpusher will make copies of these in the course of the day and this information is sent to the home office at least weekly. Verification procedures can then be done in the home office and if a discrepancy is discovered, the worker is asked to straighten out the matter. In some cases he is able to do so but in most cases this may be the last that the employer sees of this worker. In any event the verification process may not be complete for a week or two after the initial hiring. Use of the e-Verify system at the time of hiring is impractical under these circumstances.

As you consider this legislation we believe that exempting employers with ten or fewer employees and having a thirty day grace period for the verification process for larger employers would make this process less burdensome.

The bill would impose sanctions upon employers who knowingly hire an illegal worker. We have concerns as to what knowledge would be attributable to the employer. We are concerned that knowledge of an employee's status held by a fellow employee, but not reported to management, could be evidence of non-compliance. We would like to see clarification of this matter such that only the knowledge of the individual involved in the hiring process would be attributable to the employer.

We are also concerned about the consequences of failure to comply. The bill imposes penalties of loss of business licenses including the forfeiture of one's articles of incorporation. Without discounting the seriousness of this matter, this level of sanction is disproportionate to the level of the offense. The loss of a business license will result in layoffs to employees who have been legitimately hired and the loss of the product or service to the general product. The consequences in many areas of Kansas would be far-reaching should the employer be one providing a vital service which could not be replaced easily in that location. We would prefer to see a schedule of progressive sanctions whereby the loss of business license could not occur except in the most egregious cases of non-compliance.

Most Kansas businesses genuinely want to comply with our immigration laws. When we are deceived by false documents this creates a problem for us as well as we must find another worker. As this legislation progresses please be mindful of the burdens it may place upon employers and the costs associated with those burdens.



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

Testimony on House Bill 2836

**Presented to
House Committee on Federal and State Affairs**

**By
Cyndi Treaster
Farmworker, Refugee and Immigrant Health
February 25, 2008**

Chairperson Siegfried and members of the Committee, my name is Cyndi Treaster and I am the director of Farmworker, Refugee and Immigrant Health at the Kansas Department of Health and Environment (KDHE). I am pleased to appear before you today to provide information regarding eligibility criteria for federal, state and local public benefits and to discuss some of the foreseeable impacts this proposed legislation would have on programs operated by our agency as well as local health care providers that comprise the health care safety net for the state of Kansas.

Under this bill, we believe that most public health programs administered by the Kansas Department of Health and Environment (KDHE) will remain available to all individuals residing in Kansas, regardless of legal status. During this state fiscal year, approximately two-thirds of the Division of Health budget is comprised of federal funds. Most federally funded public health programs are required to be offered categorically without regard to U.S. citizenship or immigration status. The majority of KDHE services supported by state and local funds are exempt under Section 5 of this bill as they are required to be offered by 8 U.S.C. 1621(b), such as public health assistance for immunizations or for testing and treatment of symptoms of communicable diseases. The U.S. Attorney General has determined exceptions apply limiting eligibility restrictions for state and local benefits for services that:

- deliver in-kind services at the community level;
- do not condition assistance, the amount of assistance or the cost of assistance on the individual recipients income or resources; and
- are necessary for the protection of life or safety.

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The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) defines “federal public benefits” and “state and local public benefits” and delineates the immigrant categories of aliens eligible for benefits. Under Title IV of PRWORA the U.S. Attorney General is required to establish regulations and guidance for the verification of immigration status of persons applying for public benefits. The U.S. Attorney General directs benefit-granting agencies to verify the immigration or citizenship status of individuals “only to the extent that the determination is relevant to the applicant’s eligibility for the public benefit.” For example, the state of Kansas does verify status for restricted programs such as Medicaid, HealthWave, temporary cash assistance to needy families (TANF), foodstamps, grants, loans, and professional and commercial licenses. However, as in the case of most KDHE programs, when a service is offered that is not considered a “federal public benefit,” a provider is not required to, and in fact is not legally allowed to, verify the citizenship, nationality or immigration status of the applicant.

Despite the fact that the public health programs administered by Kansas Department of Health and Environment are exempted in this bill, we will mention several areas of concern regarding its implementation.

First, PRWORA determines two categories of aliens, qualified and non-qualified. While many persons lawfully present in the United States are eligible for federal or state and local public benefits, typically after a five-year waiting period, some persons legally in the country are not eligible for public benefits. Determination of eligibility for public benefits is enormously complicated in cases involving legal aliens, of which there are many categories. Significant resources will be required to educate internal staff at KDHE as well as our many sub-grantees and local partners to recognize the qualifying exemptions for programs that do not meet the definition of federal, local, or state, public benefits. Considerable training will be necessary to inform staff on those programs that require verification and those, alternatively, for which verification is prohibited. The variety of alien categories and related documentation will be extremely confusing to public health workers.

Perhaps of even greater concern is the confusion for entities that receive both federal funds for programs that are exempt (and thus are prohibited from performing verification) and state and local funds that require verification. It is hard to envision the sophisticated accounting systems and procedures that healthcare providers and other organizations will need to develop to segregate federal and state funds, and the processes that will be needed to ensure that employees verify status only in appropriate cases. Furthermore, no resources to offset the cost of verification through the Department of Homeland Security, Systematic Alien Verification for Entitlements (SAVE) have been provided to the agencies who will be responsible for verification.

Another significant concern as a state agency is that we avoid discrimination based upon race, color, or national origin. All public and private entities covered by Title VI of the Civil Rights Act of 1964 are prohibited from discrimination on the basis of race, color, national origin, gender, religion, age, and disability. As a covered entity, KDHE and our local partners or sub-grantees may not, on the basis of race, color, or national origin, directly or indirectly differentiate among similarly situated persons in the course of service delivery. For example, neither our partners nor we should single out individuals who look or sound foreign for closer scrutiny or require them to provide additional documentation of citizenship or immigration status. As such,

verification of eligibility for any “state or local public benefit” offered by any organization shall be required for every individual, US-born and otherwise, to whom the benefit is offered.

The greatest public health concern stemming from this legislation is the probability that the law will deter immigrants from accessing services, not only those restricted by law, but also those public health services for which they remain eligible. Fearful immigrants will be less likely to receive immunizations and to present for screening and treatment for communicable disease. Fearful immigrants are unlikely to participate in outbreak investigation efforts, making public health surveillance all the more challenging. In a state with a growing immigrant population, a decrease in utilization of public health services will have a negative effect on the health of the state’s general public.

Finally, we envision unintended increases in healthcare costs stemming from the bill. It is probable under this legislation that immigrants will be less likely to seek, for example, appropriate prenatal care services. They may not take advantage of programs such as Medicaid and HealthWave for which their US-born children are eligible. If immigrants do not avail themselves of cost-effective preventive and early intervention services, they will be more likely to become seriously ill and resort to costly emergency department visits for treatment. Illegal immigrants are eligible to receive emergency care under federal law, but unnecessary emergency room utilization will lead to higher costs and a heavy burden on already-crowded emergency departments around the state.

Thank you for the opportunity to appear before the committee today. I will now stand for questions.



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House Federal & State Affairs Committee
HB 2680
Attorney General Stephen N. Six
February 25, 2008

Mr. Chairman and members of the committee, thank you for allowing me to submit written testimony on this very important issue.

As the top law enforcement officer in Kansas, I support the concept of reforming aspects of our law as it pertains to illegal immigration. The Federal government has yet to pass comprehensive legislation establishing uniform immigration policy for the entire nation. In the absence of such congressional action, Kansas has the responsibility of implementing sound immigration policy using existing law enforcement resources. House Bill 2680 is a thoughtful approach to a very complex public policy dilemma. My testimony today simply addresses the practical issues of law enforcement under the bill, rather than public policy, which is best left to legislative discretion.

As currently written, Section 2(b) of HB 2680 is problematic for the Attorney General's office because it mandates that the AG or County Attorney's office *investigate* any complaint received of an employer intentionally or knowingly employing an unauthorized alien. Traditionally, investigative responsibility has been left to law enforcement agencies as opposed to prosecutors' offices. Statewide, prosecutors lack appropriate resources to address such investigatory undertakings. Once the commission of a crime has been confirmed by law enforcement offices, prosecutors make a determination whether to prosecute the offenders. We have addressed this issue with the authors of the legislation and they have agreed to amend the legislation.

I commend the authors of HB 2680 for including provisions addressing the misclassification of employees. This type of fraud must be addressed by law enforcement and HB 2680 would give law enforcement agencies, including the Attorney General's office, the tools to prosecute the crime effectively.

Thank you for your consideration.

House Fed and State Committee
February 25, 2008

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INFORMATION FOR LEGISLATIVE CONSIDERATION REGARDING IMMIGRATION BILLS WITH A LAW ENFORCEMENT COMPONENT SB458, HB 2370, HB2680, and HB2836

February 25, 2008

The Kansas Association of Chiefs of Police does not support or oppose the legislative intent of the various immigration bills currently under consideration by the Kansas Legislature. This includes SB458, HB 2370, HB2680, and HB2836. Our area of interest is only in the provisions of the various bills requiring certain law enforcement actions or impacting law enforcement operations and efficiency.

The bills appear to have various approaches to the law enforcement role (see attached table). They also appear to cover five areas as related to law enforcement involvement.

1. Questioning a person regarding their immigration status.
2. Requiring law enforcement to engage federal assistance in verifying status and federal enforcement notification of a person found to be in the US illegally.
3. Requiring the Attorney General to work toward an agreement with Homeland Security to identify certain state or local officers who can enforce federal immigration laws.
4. A prohibition of local restrictions on law enforcement actions regarding illegal aliens.
5. Determining if a law enforcement agency is in violation of the act and stating a penalty for not complying.

With the understanding that we are not advocating for passage or defeat of any bill or advocating for or against the inclusion of these provisions in any bill, we offer the following observations in three of the five areas of law enforcement participation. Our intent is that IF the legislature determines the passage of these provisions are in the best interest of the state, you will consider our professional view of how best to do so in a manner conducive to effective and efficient law enforcement.

1. Questioning a person regarding their immigration status.

SB458 requires asking a person about status on all "arrests" while HB2370 and HB2836 require it for all persons "detained." The difference is significant. Arrests would imply when a person is physically taken into custody under the authority of KSA 22-2401. Detained implies any time a person is stopped under the authority of either KSA 22-2401 or KSA 22-2402.

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Recommendation 1: Consider utilizing “. . .inquire into the citizenship or immigration status of any person detained for a violation of any law under the authority of KSA 22-2401 or KSA 22-2402, if the person does not provide valid photo identification issued under the provisions of the Real ID Act, does not provide immigration documentation showing the person is in the United States legally, or the law enforcement officer does not have a reason to believe the person is a citizen or national of the United States.”

Rationale: Many persons detained are known by law enforcement due to having been a member of the community or through past contact. This will avoid duplication after status has been previously checked and avoid checking the status of a person we know is in the US legally. It also allows for the recognition of Real ID which is designed to verify legal status at time of issuance.

2. Requiring law enforcement to engage federal assistance in verifying status and federal enforcement notification of a person found to be in the US illegally.

SB458 uses the standard of the person “indicates” they are not a citizen or national of the US, as does HB2836. HB2370 utilizes “finds a person is not lawfully in the United States.”

Recommendation 2a: Consider “. . .if law enforcement has reason to believe the person is not lawfully in the United States.”

Rationale: This uses a well recognized legal standard for law enforcement action. It also allows us to use any information we have available at the time the decision is made that further detention and investigation is warranted.

Recommendation 2b: We also recommend adding language stating the “person will be detained in a local jail solely as the result of illegal alien status only at the direction of a person qualified to exercise enforcement powers of federal immigration officers.”

Rationale: This will avoid placing persons into the local jail system when the federal immigration officers have no capacity or intent to take action against the person.

3. An effort by the Attorney General to work with Homeland Security to identify certain state or local officers who can enforce federal immigration laws.

HB2370 and HB2836 have this provision with some variation.

Recommendation 3: We prefer the language of HB2836.

Rationale: This allows the legislature to mandate this action for state law enforcement and facilitates the process for local agencies only if the local agency or local government wishes to participate. Thus the local option is preserved.

Please feel free to contact us if you have any questions regarding these recommendations or other related law enforcement issues.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police
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ACTIVE IMMIGRATION BILLS IN KANSAS LEGISLATURE WITH ANY STATE OR LOCAL LAW ENFORCEMENT COMPONENT

Bill	Status Inquiry	Federal Status Check	Prohibition of Local Restrictions	Determination of law enforcement Compliance	Penalty for law enforcement Non-compliance	Other LE Provisions
SB 458 Comprehensive illegal immigration bill.	Mandated for all <u>arrests</u> . (Section 6 (b) on page 5 lines 37-40.)	Required if person <u>indicates</u> they are not a citizen or national of the US. (Section 6 (b) on page 5 line 40-page 6, line 7.)	Included (Section 6 (c) on page 6 lines 8-16.)	By AG. Can be requested by any legislator. (Section 6 (d) on page 6 lines 17-20.)	Loss of any state funding for agency. (Section 6 (d) on page 6 lines 20-23.)	None
HB 2370 Simple one page bill directed only at law enforcement	Mandated for all persons <u>detained</u> by law enforcement for any law violation. (Section 1 on lines 13-16.)	Required if LE <u>finds a person is not lawfully in the US</u> . (Section 1 on lines 16-20.)	Included (Section 2 on lines 21-25 for local governing body and lines 26-29 for the law enforcement agency.	Not included.	Not included.	Requires AG to enter into agreement with Homeland Security to identify specific law enforcement officers to enforce federal immigration laws. Can include local leo.
HB 2680 Relates only to employment of illegal aliens	Responsibility of AG or County/District Attorney who must investigate. Not included as LE responsibility. (Section 2 (c) page 2, lines 34-39.)	Responsibility of AG or County/District Attorney who must investigate. Not included as LE responsibility.	Not included.	Not included.	Not included.	Requires investigating prosecutor to notify LE if violation is found. No action by LE is specified in the statute.
HB 2836 Comprehensive illegal immigration bill.	Mandated for all persons <u>detained</u> by law enforcement for any law violation. (Section 3 (b) on page 4 lines 29-33.)	Required if person <u>indicates</u> they are not a citizen or national of the US. (Section 3 (b) on page 4 lines 33-37.)	Included (Section 3 (c) on page 4 line 41-page 5, line 5.)	By AG or by majority vote of the House Judiciary Committee. (Section 3 (d) on page 5 lines 6-9.)	Loss of any state funding for agency. (Section 3 (d) on page 5 lines 9-12.)	Requires AG to enter into agreement with Homeland Security to identify specific <u>state</u> law enforcement officers to enforce federal immigration laws, and allows him to facilitate such agreements between Homeland Security and other cooperative (willing?) state and local law enforcement agencies.

Chris Haug - Illegal Alien House Bill 2836

From: "Don Fender" <dfender@cox.net>
To: <ChrisH@house.state.ks.us>
Date: 2/23/2008 8:14 PM
Subject: Illegal Alien House Bill 2836

To: Chris Haug at: ChrisH@state.ks.us

Re: Illegal Alien House Bill 2836

Dear Mr. Haug,

State Representative Brenda Landwehr has granted me the opportunity to e-mail my testimony in support of Illegal Alien House Bill 2836. I appreciate this opportunity to express my concern and beliefs regarding this matter.

I believe the presence of Illegal Aliens in Kansas is a very serious matter for all Kansans and it has already went much to far and must be dealt with in a most harsh manner immediately. I will expand on that.

About myself:

I'm a former employer of many minorities as I Managed meat packing Companies around the U.S. for most of my 50 year working career. I was also the President of a Meat Packing Union in the early 60's which was then called United Packing House Workers, (UPWA).

In Kansas I Managed the beef division of Farmland Industries from 1968-78.

In Washington State I Managed a beef company called HyGrade.

In Texas I Managed a very large beef operation for Cargill, a 2500 employee plant with 86% minority.

The last 15 years of my work was in Corporate Management with Cargill Foods in Wichita, Kansas during which I oversaw a large number of employees in the U.S. and Canada.

I say this to establish creditability that I know how to manage large numbers of people including Minorities.

As House Bill 2836 deals with Illegal Aliens, I unfortunately have had my share of dealing with them also as I had a

Human Resource Manager in Texas responsible for hiring hourly employees that I found selling jobs to Illegals.

I terminated the man but by then we had a large number of Illegals in the operations and the hiring records were compromised.

This experience has taught me the following.

- When unacceptable behavior is found it must immediately be corrected or it becomes acceptable behavior by perception. This principle applies to Illegals in the State of Kansas who have found people in positions of authority turning their heads to their unlawful presence. That includes local Mayors, Police, Sheriffs and deputies, and Politicians.

- Lawbreakers (Illegals and employer-businesses that employ them) become more bold and push their agendas further and further in pursuit of their goals when laws are not enforced. We are now facing this problem because we now see Pro-Illegal Alien groups and businesses wishing to employ them pushing for unenforcement of our laws. They do this in complete disregard for the rule of Kansas law.

- Businesses that employ Illegals create an atmosphere of dissatisfaction among lawful employees who resent their presence and in most cases the Illegals inability to speak English. Employers then increase the employment of Illegals resulting in voluntary and forced termination of legal employees as they (legals) don't wish to work alongside Illegals. Employers benefit for many reasons by employing Illegals including paying them under the table to avoid taxes and then claim they have to hire Illegals because they can't find Americans willing to do the work. Believe me, legals will do the work if Illegals are removed from the workplace. A proven example was when ICE raided a Swift plant a couple of years ago in Greeley, Colorado and removed a large number of Illegal Aliens. The Illegals were gone and Swift began accepting applications for replacement workers and were flooded with legals applying for the jobs. So many people applied that Swift had difficulty in handling the large number.

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file://C:\Documents and Settings\CHaug\Local Settings\Temp\X Attachment 23

- Members of my family are in the medical field in Kansas. They relate to me their experiences in handling the Illegals such as multi social security numbers, plus several different names and aliases, so many they often can't remember the name or social security number they last used for a previous treatment. Under current law they must grant them treatment in spite of the fact the cost of health care for Illegals is being born by the taxpayers of Kansas. This is just not right and here again, our lawmakers acceptance of this unacceptable behavior will continue until discipline to the system is restored.

- Schools in Wichita are overcrowded with children of Illegals. I don't have the percentage or correct number as I don't find it available. Currently a new Wichita school bond is proposed for \$350 million to be born by property owners. A vote on this school bond is scheduled for May. One reason school officials offer and I believe it's the primary reason is that they need additional schools due to overcrowding. I submit that if the State of Kansas will crackdown on Illegals in Kansas and enforce the rule of law that we will find that attrition may solve most of the problem and such a large Bond imposed on property owners will not be required. Unenforced laws dealing with Illegals should not be an expense born by the property taxpayers of Wichita, Kansas.

I want to thank you for your consideration of my beliefs on this important matter.

Don Fender
2853 Keywest Court
Wichita, Kansas 67204
ph 316-838-5882

Chris Haug - The immigration bills

From: Dwight Murphey <dwrightmurphey@sbcglobal.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 2:59 PM
Subject: The immigration bills

Please consider the following message from me for inclusion in the materials gathered at the hearing on the immigration bills.

I am a retired business law professor and for many years have written extensively on social and political issues. For the past twenty years or so I have been the associate editor of the Journal of Social, Political and Economic Studies. Until the recent fragmentation that has vaporized the conservative movement, I have had little difficulty in categorizing myself as a conservative.

The hearings on the immigration bills will no doubt produced quite a lot of material on the economic, fiscal and social aspects of illegal immigration. For that reason, I will prefer to comment on the facet that looms largest to me but that is often considered too provocative to mention. It is that Western civilization is for a number of reasons facing an existential crisis. Among them are the below-replacement birthrates of the majority populations in Europe and America at the same time that there has been a long-standing demographic invasion by many millions from the Third World.

I have friends who do not care that the population we have known as "the American people" is in effect being flushed out and replaced by another. But I care deeply. Those of us, such as myself, who have long valued our patriotic love of country must necessarily, if that love is to have had any meaning at all, feel a profound continuity with the "American people" as we have known it. We cannot be indifferent to the fact that a substitution of populations is occurring.

Since the overwhelming preponderance of the American people have been white, there are those who will greet the sentiment I have just expressed with a cry that it is "racist." But it is time we acknowledged quite openly the hypocrisy of that claim. It deserves no place in a reasoned discussion of the immigration issue. Of all the peoples on earth, only Europeans and Americans are considered "racist" for caring about the continued existence of their own kind.

If the sentiment I have just expressed is too "politically incorrect" to be helpful in the current debate, that in itself will be a clear sign that the tipping point has passed and that Americans are no longer free to value the country they have known.

Dwight D. Murphey
2412 Hathway Circle
Wichita, KS 67226

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Februruary 25, 2008

Attachment **24**

Chris Haug - illegal in kansas

From: "g-mlcalkins" <g-mlcalkins@sbcglobal.net>
To: <ChrisH@house.state.ks.us>
Date: 2/23/2008 8:49 AM
Subject: illegal in kansas

chris i would like for you to know that we need a bill to elimante the illegal from socil secutiry, welfare, and any substance that we now give, remember that there is people that need assiatance that are allowed to them and they are citizens.

first of all the illegal think that we own them everything, the only this we own them is a trip back where they came from. they ruming the counrty socil services, school overcrowing, to make the school system have special class for spanish, if they want to be in school it there parents to teach them english.

the governer should have never let tham have a driver license to start with.

it takes 2-5 officers on every police stop to send someone there that speaks spanish that would general only take one officer.

then money they make is not stasying in the state there millions of untaxes dollars sent to mexico and other countries, how does the certain people that that it helps the economy .

the big business use the cheap labor to get rich and they don't care they just want money.

I worked all my life and payes social security and when presedent carter put in a bill we couldn't double dip that cost me 800.00 a month. for the rest of my life, and you going to let a illegal collect social who never or will never pay is just steal ourt tax money we has no choice on not paying our social security. so why should they get a dime.

Whem they picket the and have demostration they all should be arrested and sent home, and what does are police and politations do is nothing because they scare, this is crazy.

there not legal citizens they should not have any right to protest.

In the paper this week there was probably 20 or so kansas business lobbie for them if those business get and funding from the taxpayere, we should take they money away from them.

the kids will never get a summer job or anything else is the illegal are not stop, and that means anyway you and the citizens of the united states can stop this invasion.

check western union on how many billions of untax monev is sent to other countries

House Fed and State Committee

Februruary 25, 2008

every year, i don't know how people think that they are helping the us.

sorry that i won't be able to attend you meeting monday, so please think of the citizens of the us.

thank you
gale calkins

25-2

Chris Haug - SB458 & HB2836

From: "Vonny Hass" <vonnyh@sbcglobal.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 8:31 AM
Subject: SB458 & HB2836

Honorable Representative of "we the people of KS";

As a taxpayer and voting citizen, I am unable to leave my job to speak in favor of the bills to enforce laws that will punish illegal aliens which are costing all of us more than any benefits mentioned by those opposed to the bills:
KS. SB 458 and HB2836.

The Feds are not building the fence as they had promised. They keep having back room deals to promote AMNESTY. I believe the state of KS can do as neighboring state OK and control our borders.

Do we the people, by our state laws control our KS borders or do the illegal aliens and the employers who encourage illegal activity and exploit them?

Why is it acceptable to label as racists or homophobes law abiding citizens who want our existing immigration laws enforced? Why should illegal aliens be given preferential treatment to those immigrant who are willing to obey our laws and go through the long process to citizenship? Legal immigrants truly want the American dream and are willing to learn English, "melt into our culture" not change it and keep dual citizenship.

The illegals are costing us with their invasion of our schools, healthcare, judicial system, illegal activity regarding laws on our roads, getting tuition to our colleges that citizens do not realize. TOTALLY UNFAIR!!!!!!!!!!

Sincerely, Vondell Hass of Wichita, KS

House Fed and State Committee
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Attachment

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Chris Haug - HB2836

From: Aberle <mkabe@swbell.net>
To: <ChrisH@house.state.ks.us>
Date: 2/22/2008 9:07 PM
Subject: HB2836

The hearing for HB2836 which is the Kansas Illegal alien reform act.

I will be unable to attend, but would like my voice to be heard please, so I have been instructed to email written testimony Chris Haug.

Once Kansas passes one or more of the proposed anti-illegal immigration laws, such as Senate Bill 458, and actually enforces them, those choosing to come here illegally will be voluntarily choosing to subject themselves to the hardships they consequently encounter. I hope most are smart enough to stay home and work to make their own country a better place to live, or go through the legal process of immigration.

One of the foundational aspect of the fiduciary responsibilities of government, and your responsibility as a Kansas Representative, is the protection of the citizen and our economies through the passage of law. Neither the Federal government or the State of Kansas is presently fulfilling their respective responsibilities with regard to the invasion of illegal aliens. What laws we have covering illegal immigration are being to large extent ignored and this causes a disrespect for the law in general which can spread to other areas besides just immigration.

Those lining up against laws protecting our state from illegal invasion are doing so out of economic self-interest. They want cheap labor, much of which is off the books -- no taxes, no unemployment, no workers' compensation, etc. --while the taxpaying citizen is paying for their illegal workers' education, health care, criminal justice costs, etc. This is prostituting the assets of the state of Kansas and its citizens and robbing the state of needed tax revenue. Oklahoma's House Bill 1804 and Arizona's House Bill 2779 have done an excellent job in this respect. Arizona's bill was recently tested in the courts and found to be fully legal.

We need to follow suit as soon as possible.

MARK ABERLE

2318 N. Stoneybrook Ct.

Wichita, KS 67226-3603

316-634-2447

mkabe@swbell.net

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Februrary 25, 2008

Chris Haug - HB2836

From: "Jan Towle" <jtowle@wesleytowers.com>
To: <ChrisH@house.state.ks.us>
Date: 2/22/2008 3:05 PM
Subject: HB2836

I am so glad that Kansas is taking action against illegal immigration. I am not against **legal** immigration. We need to know who is crossing our borders. I am against amnesty of the 10-30 million illegal aliens here already. They have broken our laws and the taxpayers cannot be expected to pay for their healthcare, education, or other entitlements. We will lose our sovereignty if we do not do something to stop the flood of people who come to our country by breaking our laws. It might be too late but we have to take action NOW! My family has been in the country since the 1600's and have fought in the American Revolution, the Civil War, the Vietnam War, WWII so that we can be free, not for people trying to steal citizenship illegally, but for people who respect our laws and receives citizenship the legal way. It is a privilege to be a US citizen and not something to be stolen. Thank you.

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Attachment

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Chris Haug - HB 2836 & SB 458

From: Karri Parker <wildckaatt@yahoo.com>
To: <chrish@house.state.ks.us>
Date: 2/24/2008 11:14 AM
Subject: HB 2836 & SB 458

HB 2836 & SB 458

I would like to express my support for Representative Landwehr's HB 2836 and Senator Palmer's SB 458---we cannot let Kansas become a sanctuary state while all of our neighboring states are strengthening their immigration laws-----businesses must be required to verify that employees they are intending to hire are actually eligible to work in this country---we should not be giving public benefits or driver's licenses to illegal immigrants—and we should be requiring law enforcement to check the immigration and citizenship status of anyone they detain. And finally, we should not be giving individuals, who are in this country illegally, the 'right' to vote!!! The Federal Government is not going to do anything to protect our country---we must take actions to at least protect our state!!!

Karri Parker
600 S. Main
#101
Wichita, KS 67052
(316) 871-5166
wildckaatt@yahoo.com

 **KARRI PARKER**
(316)871-5166 

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House Fed and State Committee
Februrary 25, 2008

Attachment **30**

Chris Haug - RE: Illegal Alien House Bill 2836

From: "sultan" <sultan@sktc.net>
To: "'Brenda Landwehr'" <blandweh@ink.org>, <ChrisH@house.state.ks.us>
Date: 2/24/2008 7:26 AM
Subject: RE: Illegal Alien House Bill 2836

HB 2836 bill as well as Senator Palmers bill SB 458

Reasons to have an Illegal Alien Bill

- 1 The drain on our state & federal welfare programs.
- 2 Business's hiring them for cheap wages under the table, keeping US citizens from getting a fair paying job.
- 3 The crime element, when they are laid off or from their uneducated children, so they can pay bills.
- 4 Their own well being from slum lords taking advantage of them, since they can't fight it for the risk of being deported
- 5 Having children in this country who are US citizens, which will cause welfare issues
- 6 Property values and aesthetics of the area they move into, since they don't have the money to maintain their housing. The Twin Lakes area in Wichita had been a vary posh area years back and now it is a slum and a place you wouldn't go into after dark.

As long as we have unemployment we shouldn't allow documented or undocumented persons into this country to take jobs away from native born citizens. If I owned 30 dogs, the state would take them away from me for not being able to care for them properly, why should that be any different with humans. As long as the state or the US has unemployment we should close our borders. This should include foreign owned business bring in employee's from their country to fill positions our US citizens should have.

The state needs to overhaul it's unemployment program as well. From what I understand, the unemployment figure is based on persons drawing unemployment and once you exhaust the program benefits your not counted. This would indicate that we have a higher unemployment rate then what the state is reporting, which is keeping us from getting federal aid.

Duane Schmidt

House Fed and State Committee
 Februrary 25, 2008

Attachment **31**



NORTHEAST JOHNSON COUNTY
CHAMBER OF COMMERCE

Written Testimony before the House Federal & State Affairs Committee
Support of House Bill 2921- The Kansas Employment Verification Act
Submitted by: Northeast Johnson County Chamber of Commerce
Monday, 25 February 2008

The Northeast Johnson County Chamber of Commerce appreciates the opportunity to submit written testimony in favor of House Bill 2921. The Chamber speaks for over 350 member businesses in Northeast Johnson County. The Chamber Board and its volunteer Legislative Affairs Committee both unanimously oppose legislation that would unfairly penalize Kansas businesses for following federal immigration guidelines so we are pleased to support HB 2921 as an alternative to such measures.

The Chamber believes immigration is a federal issue and that businesses should not be put in a position of either enforcing federal laws or becoming document experts. Therefore, stopping providers and users of false identification is the best method to address immigration problems in Kansas.

HB 2921 will increase penalties for identity theft, identity fraud and for reproducing, manufacturing or selling false identification. Further, the bill will create a new penalty for the exploitation of an illegal alien and severely penalize businesses who subject them to working conditions violating minimum wage and maximum hours laws.

The Chamber will oppose any legislation that imposes civil fines and or the suspension or revocation of business licenses for employers who unknowingly hire illegal aliens. Federal law already contains severe penalties for those who knowingly hire illegal aliens and it is the Chamber's view those laws should be enforced in lieu of creating additional laws to be enforced by state and local governments.

Finally, the Chamber cannot support mandating the E-Verify system on Kansas businesses when the federal government refuses to do so because it is so flawed. If a Kansas business decides to voluntarily use the federal E-Verify system, they should be held harmless in the event they unknowingly hire illegal aliens. Studies have shown the system has a 25% error rate in identifying false documentation and cannot even tell an employer if a social security number presented on an employment application actually belongs to the individual presenting it.

Again, we appreciate the opportunity to offer our support for HB 2921 and look forward to working with the Committee on positive immigration reform efforts.

Contact: Rob Johnson, President/CEO, Northeast Johnson County Chamber of Commerce

House Fed and State Committee
February 25, 2008

BUILDING BUSINESS, BRIDGING COMMUNITIES

5800 Foxridge • Suite 100 • Mission, Kansas 66202 • 913 262 2141 •
www.nejcchamber.com

Attachment 32



816 SW Tyler St., Ste. 300
Topeka, Kansas 66612
Phone: 785-233-4085
Cell: 785-220-4068
Fax: 785-233-1038
www.kansasco-op.coop

House Committee Federal & State Affairs

Feb. 25, 2008 -- Topeka, Kansas

HB 2921 - Kansas Employment Verification Act

Chairman Siegfried and members of House Federal & State Affairs Committee, thank you for the opportunity to comment in support of HB 2921. I am Leslie Kaufman, Executive Director for the Kansas Cooperative Council. The Kansas Cooperative Council represents all forms of cooperative businesses across the state -- agricultural, utility, credit, financial and consumer cooperatives. Cooperative enterprises operate in every county across Kansas.

Cooperative businesses operative in a variety of industries and vary widely in the number of staff they employ. As diverse as they are, they are all concerned with employment and illegal immigration issues. Our members need access to a legally available workforce. Some of our members have greater seasonal needs and they require a hiring process that is timely and efficient.

The Kansas Cooperative Council members seek to operate within the law, including when hiring workers. The KCC supports immigration reforms that help ensure our national security, while at the same time preserve farmers' and agribusinesses' ability to access an available workforce. Immigration reforms should not place employers in a position to be caught between conflicting laws. Neither should rules on verifying employee eligibility essentially, and unfairly, shift enforcement responsibilities from the government to employers. Our members are willing to do their part to assure they are hiring legal workers. They support the current federal I-9 process. But, they are concerned that many of the concepts proposed for addressing immigration issues on a state level will place unnecessary burdens on employers and create a false perception that the state can "fix" a national problem.

Immigration reform is a federal issue. It cannot be fully solved on a state-by-state, piece meal basis. Part of the equation needs to be tightening border security. Many of us could agree the federal government may not be moving as quickly as some would like to address these issues, but individual states should be cautious before adopting their own set of illegal immigration standards.

The greater Kansas business community has banded together to offer a reasonable, workable alternative in HB 2921, should this committee and legislature feel they must address illegal immigration at the state level. The Kansas Cooperative Council is a member of this coalition and supports the work product of the group proposed in HB 2921. We respectfully request this committee act favorably on the proposal and refrain from approving onerous state-level employment standards. Please feel free to contact us if you have any questions regarding our policy positions on HB 2921 or related issues. Thank you.

House Fed and State Committee
February 25, 2008

Attachment 33

Chris Haug - William E. Wasylk

From: "William Wasylk" <w.wasylk@cox.net>
To: <ChrisH@house.state.ks.us>
Date: 2/23/2008 11:50 AM
Subject: William E. Wasylk

Hi I do support this bill no cuts no thrills. We need to put a stop to this import of illegal here in this country. But here in Kansas where they think this will be their homing ground now. Because everyone is bending over back wards for them. Look how much money they are taking away from the American people. It is a total shame. They go for medical care they get it free but us USA people have to pay. Plus we work to help our older people so they can live their life. But these people are stealing our money. And yes Kansas is one of the worst for doing this. They get jobs and get a car free, get a drivers license for no id at all to prove the are a USA Citizen. I seen this with my own eyes when I went to get mine renewed one was there no id no nothing no green card nothing and someone had to speak for him he did not speak English. And he was done faster than me. Had them no driving test. This is what is going on in Wichita. The whole North side of Wichita they need to be all pick up and sent back. I will be a senior very soon I worked all my life to help my older folks in this country to live. I been working since I was seven years old. And now come to find out you keep taking more money for the older people here. Who are on a fixed income. Like Wichita is going for yet another bond for new schools for what so the illegal can go free. And you tax the older people who have no children in school. But you hit them the hardest.

Suggest that you fine every company that hire an illegal to work there. No mater who it is. Be it the government fine them too. The schools have a lot of them they should be fined. And shut down. If they keep doing it close the business and deport all the workers. Hit these companies where it hurts their pocket book. Take the greed away.

Another thing to do the trucks that are crossing the border that do not have to stop do not allow them to come here to Kansas. Stop them and send them another way. We do not need them here they come here for free to sell their things. We our stuff there we have to pay a tariff. Why is it when we travel we have to have a pass port to go to Mexico but they can come here with nothing. We see on TV where they are coming right across the border in Texas no one stops them. Our hard working money needs to help our people. Not to be handed out to people that come her illegal to suck up all our loose change. They cannot read how can they drive. They can not read the sings. No wonder car wrecks are so high.

Fine anyone that rents to an illegal in Kansas, Motels and hotels too. No free medical no insurance, no car , no house, no nothing

House Fed and State Committee
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until they earned it.

Put them through what our grand parents did when they came here they went to Elise island and could not leave till they had a job and could speak English and had to denoce the country they come from and learn the rules to be an American. And Salute the flag.

I am a veteran I believe in freedom I fought for it and am proud to be part of the Veterans of the USA. I fought to save this land to be free. So lets Keep it that way. Free. I am sick of all the tax payers have to pay big business to run this country. Open your eyes how many in this room do not in one way or another do not take a bribe from these people. There is not arm raised. Should not be. A soda is a bribe , a meal is a bribe, Night out is a bribe. Work for the people stand for the people it is our money they are using.

Why is it In Wichita Schools the superintendent gets to take a bribe every year and still has a job. Yet people work for a company say the school district and you take a soda pop from a vendor you will be fired. But everyone in the big government can get by with it.

I say again close this state like our neighbor to the South did. Lets end the waste of money.

Here is one to think hard on. In Wichita the schools need more schools for what. Here it is they only have 41% white and Black people go to school here and the rest are illegal. We have to hire special people to teach them because they refuse to learn English. We made English the main language in Kansas. So take Spanish off all answered machines. Take Spanish off everything. And all other language just English here. Make it that way. Do that in the capitol too. I do not mind people coming here to live but they have to become a USA citizen first.

William I. Wasylk

34-2

Chris Haug - Fw: Illegal Alien House Bill 2836

From: "Carol Wasylk" <cwasylk@cox.net>
To: <ChrisH@house.state.ks.us>
Date: 2/23/2008 11:45 AM
Subject: Fw: Illegal Alien House Bill 2836

As you can see I am writing you about the illegal House Bill 2836. We live in Wichita in an older neighborhood that was pretty much just older white and black people when we moved here 10 years ago.

However in the years since we moved here we are almost surrounded by Mexicans, some legal, others illegal. We hear Mexican music on the weekends instead of American. When I shop I hear Spanish instead of English.

Wichita is wanting to build a Mercado in North Wichita and I feel that would simply add to the problem we already have with the illegals. Why call it a Mercado? Most of us don't even know what that means. Speak English!!

Last year we hired two boys from a Mexican family to do yard work on Saturdays. We later found out the father was in Mexico trying to earn money to get back to Wichita and was an illegal, the Mother could not speak English at all. The boys translated what we said for her. We paid them a very good wage - triple the minimum - however they did not have a work ethic and would not do the work so we had to let them go after a couple of months.

Everyone says how the Illegals do the work we Americans won't do - maybe that was the case years ago but the economy has changed and so have the values of the both the Mexican illegals and the people from the US. We cannot afford anymore property taxes or school taxes to support these illegals.

If they want to be in the US they need to work to make it better instead of being a malignancy on our economy. I am all for making them go through the same process to be here that our great grandparents had to to through or else go back to their country and try to make it a better place.

Carol Wasylk
3372 Riverdale Rd
Wichita KS 67204

Sent: Friday, February 22, 2008 6:56 PM
Subject: Fw: Illegal Alien House Bill 2836

House Fed and State Committee
Februrary 25, 2008

Attachment **35**



3521 SW 5th Street
Topeka, KS 66606
785-357-5256
785-357-5257 fax
kmha1@sbcglobal.net

Testimony House Federal and State Affairs Committee

TO: Representative Siegfried, Chairman
And Members of the Committee

FROM: Martha Neu Smith
Executive Director

DATE: February 25, 2008

RE: HB 2921 – Kansas Employment Verification Act

Chairman Siegfried and members of the Committee, my name is Martha Neu Smith and I am the Executive Director for Kansas Manufactured Housing Association (KMHA) and I appreciate the opportunity to express our support of HB 2921.

KMHA is a statewide trade association, which represents all facets of the manufactured housing industry including: manufacturers, retail centers, community owners and operators, finance and insurance companies, service and supplier companies and transporters.

The Manufactured Housing Industry supports HB 2921 because we feel it's a reasonable approach to illegal immigration that we view is best handled at the federal level. However, if the Kansas Legislature wishes to move forward on immigration legislation we would ask that they support HB 2921 - the Kansas Employment Verification Act. This act would increase penalties for identity theft to a severity level 5 nonperson felony if the monetary loss to the victim exceeds \$100,000. It would also increase penalties for identity fraud if fraudulent identification documents were used for employment purposes the penalty increases from a severity level 8 nonperson felony to a severity level 5 nonperson felony. Furthermore, it would increase penalties for reproducing; manufacturing or selling false identification if the dealt fraudulent documents are used to obtain employment the penalty increases from a severity level 8 nonperson felony to a severity level 5 nonperson felony. The Act also creates a new penalty for the exploitation of an illegal alien; subjecting known illegal aliens to working conditions violating the minimum wage and maximum hours law will now result in a severity level 8 nonperson felony.

With regard to the federal voluntary program known as E-Verify, HB 2921 establishes an incentive for employers who participate in the program by holding them harmless.

We understand there is a lot of concern about immigration; this concern should not translate into an effort to penalize Kansas businesses for following federal immigration laws. HB 2921 targets those individuals who make and sell false identification documents which we feel is the most effective way to eliminate the culprits and help stop the employment of illegal immigrants.

Thank you for the opportunity to comment in support of HB 2921.

House Fed and State Committee
February 25, 2008

Attachment **36**

Hello Ed,

You asked me to E-mail you today at the latest on the Illegal Immigrant situation.

As you recall, I am Homer G. Taggart III, 613 Main Street, Great Bend, Kansas 67530. Fax is 1-620-792-2816 and with this E-mail you have that address.

As to occupation I run and own Mr. Tag's Tax Service here in Great Bend, Kansas 67530. In this trade and business I am exposed to a lot and feel somewhat on the pulse of the community. This especially since I serve all, both black and white, men and women, young and old and Mexicans both legal and illegal. The latter group I am especially familiar with as I do about 400 to 600 tax returns per year and of these I would estimate there are some 150 per year who are of Mexican descent. Some of these are some very good citizens, with them I have no bone to pick, but with THE ILLEGALS I GET MAD AND UP SET ABOUT.

OF THIS GROUP, here are some examples that I see. First off, they come across the border and one of the first things they set out to do is obtain transportation. Here is where the fraud starts and from then it is a continuous trail.

They put fraudulent information on the application to buy an auto. Next they have to have a license, so they can drive and get insurance or no tags. SO THEY BUY IDENTIFICATION AT \$500, \$750 TO \$1000 FOR A DRIVERS LICENSE AND ID CARD AND SOCIAL SECURITY CARD.

WHERE DO THEY GET THESE??? These come from, from what I see, someone else. Stolen identity.

They use these items to work. HERE IS WHERE I COME IN AT. BY THE TIME THEY GET TO ME, They have been in the area long enough to get their kids in school, where they get in state tuition, if they have children in college. BUT HOW CAN THAT BE, THEY AREN'T EVEN LEGAL CITIZENS. BUT, I get the Form 1098-T to file on their Income Tax Form, for Tuition paid and it shows up as an adjustment or as a credit. BUT HOW CAN THAT BE THEY ARE ILLEGAL WITH FRAUDULENT IDS.

And of course there are the W-2s. They bring them in for me to file. BUT THEY DON'T HAVE THEIR NAMES ON THEM, BUT SOMEONE ELSE'S. AND OF COURSE SOMEONE ELSE'S SOCIAL SECURITY NUMBER.

You talk about messing up a system that is hard enough to administer already, then You add to it all of these illegal withholdings for Federal, Social Security, State and Medicare. Currently, I have 5 individuals who have had their identity stolen with drastic results. One, has 15 people using his Social Security Number and name. The State of Kansas is after his house because he has not reported on his tax return income that the other party or parties have worked under his name and SSN, in at least KS, CO, CA, MN and Arizona.

Some of these apparently illegals eventually get ITIN identification, which allows them to file using that number, but it is not legal to work under. So THEY USE THE FRAUDULENT IDENTIFICATION TO WORK WITH. WHAT A MESS.

LEGAL OR ILLEGAL, they get food stamps, get other help on rentals, buying houses and autos. Plus the help on their tax return in several ways. CHILD TAX CREDIT, FOOD SALES TAX REBATES, AND ON IT GOES.

NOW WHO PAYS FOR THIS?? The legals and the State, County, and City plus a big share by the Federal. This is what is so upsetting!!

NEXT IS THE BIG LIE THAT THEY ARE DOING THE DIRTY JOBS AND THOSE THAT NO ONE ELSE WANTS. I SEE THESE FAMILIES HAVE JOINT INCOMES OF FROM \$30-40 THOUSAND ON THE BOTTOM END TOWARDS \$90000. THESE ARE IN ALL KINDS OF JOBS.

These are jobs that the legals could do and earn good livings at. But I see many in the hands of immigrants.

WE don't need to be home for such as these.

And I have not mentioned the gangs, and crime and disease that has shown up along with the drugs. DRUGS FOR YOUR CHILDREN AND GRANDCHILDREN AND MINE.

House Fed and State Committee
Februrary 25, 2008

Attachment 37

PLEASE PUT A STOP TO THIS.
SINCERELY,

HOMER G. TAGGART III



Building a Better Kansas Since 1934
200 SW 33rd St. Topeka, KS 66611 785-266-4015

**TESTIMONY OF
ASSOCIATED GENERAL CONTRACTORS OF KANSAS
BEFORE HOUSE FEDERAL AND STATE AFFAIRS**

HB 2921

February 25, 2008

By Eric Stafford, Associated General Contractors of Kansas, Inc.

Mister Chairman and members of the committee, my name is Eric Stafford. I am the Associate Government Affairs Director for the Associated General Contractors of Kansas, Inc. The AGC of Kansas is a trade association representing the commercial building construction industry, including general contractors, subcontractors and suppliers throughout Kansas (with the exception of Johnson and Wyandotte counties).

AGC of Kansas supports House Bill 2921 and respectfully asks that you report it favorably for passage.

As a member of the coalition formed to protect businesses from harmful immigration legislation, the AGC of Kansas supports HB 2921. Immigration is a complex U.S. Government Issue that has been neglected for the past 25 years. The failure by state and federal agencies to enforce immigration laws has placed an unfair burden on businesses to police the immigration issue.

AGC believes that the first step for a sound immigration policy is to secure the border, a step that will not be resolved by the State of Kansas. Therefore, AGC feels this issue should be debated and resolved by the Federal Government.

Instead of attacking businesses with harmful and threatening legislation, AGC feels the state should focus on enforcement of existing laws that are a strong enough deterrent to keep legitimate, law abiding companies from knowingly breaking the law. In addition to focusing on enforcement, AGC feels the state needs to crackdown on individuals creating fraudulent documents.

HB 2921 would increase penalties for identity theft and identity fraud, a step that AGC feels needs to be made to confront individuals stealing and producing falsified documents. This is where the problem starts, not in the offices of businesses that hire workers who have provided these professionally fabricated documents.

The AGC of Kansas **respectfully requests that you recommend HB 2921 for passage.** Thank you for your consideration.

House Fed and State Committee
February 25, 2008

Attachment **38**



The Historic Lackman-Thompson Estate

11180 Lackman Road
Lenexa, KS 66219-1236
913.888.1414
Fax 913.888.3770

TO: Representative Siegfried, Chairperson
Members, House Federal & State Affairs Committee

FROM: Ashley Sherard, Vice-President
Lenexa Chamber of Commerce

DATE: February 25, 2008

RE: **Support for HB 2921—Kansas Employment
Verification Act**

The Lenexa Chamber of Commerce would like to express its strong support for House Bill (HB) 2921, which would enact the Kansas Employment Verification Act to govern the framework and standards by which employers must identify legally eligible workers.

Among the proposals addressing the illegal immigration issue, we strongly believe HB 2921 makes the most sense. We believe federal law already contains severe penalties for employers who knowingly hire illegal aliens. Those provisions should be enforced, rather than creating new state and local laws that unfairly and unnecessarily mandate additional burdens and responsibilities on overwhelmingly legitimate Kansas businesses – including penalties that could cost them their business for continuing to follow federal law.

Further, we believe HB 2921 more effectively targets the true bad actors in illegal immigration – persons who make and sell false identification documents and persons who exploit illegal aliens. In addition to setting reasonable standards for employers in verifying worker eligibility, HB 2921 also increases penalties for identity theft, identity fraud, and reproducing, manufacturing, and selling false identification, as well as creates new penalties for persons who subject undocumented workers to illegal working conditions.

For all of these reasons, the Lenexa Chamber of Commerce strongly urges the committee to recommend HB 2921 favorable for passage. Thank you for your time and attention to this very important issue.

House Fed and State Committee
February 25, 2008

Attachment **39**

THE BUILDERS' ASSOCIATION

SERVING MISSOURI AND KANSAS

www.buildersassociation.com

Administrative Offices at 632 W. 39th St. • Kansas City, MO 64111 • Ph (816) 531-4741 • Fax (816) 531-0622



WRITTEN TESTIMONY TO THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE IN SUPPORT OF HOUSE BILL 2921

By Dan Morgan

The Builders' Association and Kansas City Chapter, AGC
February 25, 2008

Mister Chairman and members of the House Federal and State Affairs Committee, my name is Dan Morgan. I am director of governmental affairs for the Builders' Association and the Kansas City Chapter of Associated General Contractors of America. The Builders' Association and KC Chapter, AGC represent more than 1,100 general contractors, subcontractors and suppliers engaged in the commercial and industrial building construction industry. Half of our members are located in the Kansas City area and are either domiciled in Kansas or perform work in the state. I appreciate the opportunity to offer this written testimony in support of House Bill 2921.

We are members of a coalition of Kansas business organizations that represent a very large number and a very wide variety of employers across the state. We certainly recognize the many problems that have been caused by failed federal policies on illegal immigration, especially in certain areas of our nation. As the number of illegal aliens in this country has grown, the resources and political will to address these problems have not kept up. Faced with significant local issues caused by large influxes of illegal aliens, some states have adopted tough new illegal immigration laws of their own. Elements of those tough new laws are contained in other bills before this committee. As a coalition, we have reviewed other states' laws and other Kansas bills that place the burden of enforcing our nation's immigration laws on employers. We have found those measures to have unintended consequences and to contain significant potential liabilities for innocent employers. Instead, as a coalition, we have joined in support of House Bill 2921 which focuses on employment eligibility verification requirements and establishes new and increased state penalties on those who are causing the problems.

Immigration is a federal matter and employers should comply with federal laws that already include significant penalties. We believe that any new state law should assist in and enhance the enforcement of existing federal law rather than add another layer of state-imposed sanctions on employers. Because of the problems associated with the Basic Pilot/E-Verify program, HB 2921 does not mandate participation in that program. Those who elect to utilize this federal employment authorization program in good faith, however, should be granted a "safe harbor" against any action relating to the employment of an illegal alien as provided in the bill. The vast majority of employers who would never knowingly employ an illegal alien should not be at risk of losing their business licenses because they are found to have "constructive knowledge" of an employee's unauthorized status. Nor should they be put at risk of defending associated discrimination lawsuits. Finally, no contractor should be responsible for his or her subcontractors' or independent contractors' actions or record-keeping requirements in this regard and HB 2921 imposes no such responsibility.

We submit that it is in the state's best interests to address instances of illegal immigration in the state in a reasoned and unemotional manner as set forth in HB 2921. We urge your support of this bill and will gladly make ourselves available for any questions that you may have of the commercial building construction industry in this regard. Thank you for your consideration of our position on this very important issue.

House Fed and State Committee
February 25, 2008

Attachment 4A



Written Testimony before the House Federal & State Affairs Committee
House Bill 2921 – The Kansas Employment Verification Act
Presented by J. Kent Eckles
Vice President of Government Relations
Monday, February 25th, 2008

The Overland Park Chamber of Commerce appreciates the opportunity to submit written testimony in favor of House Bill 2921. The Chamber speaks for over 850 member businesses in Overland Park and Johnson County. The Chamber Board and its volunteer Government Affairs Committee both unanimously oppose legislation that would unfairly penalize Kansas businesses for following federal immigration guidelines so we are pleased to support HB 2921 as an alternative to such measures.

The Chamber believes immigration is a federal issue and that businesses should not be put in a position of either enforcing federal laws or becoming document experts. Therefore, stopping providers and users of false identification is the best method to address immigration problems in Kansas.

HB 2921 will increase penalties for identity theft, identity fraud and for reproducing, manufacturing or selling false identification. Further, the bill will create a new penalty for the exploitation of an illegal alien and severely penalize businesses who subject them to working conditions violating minimum wage and maximum hours laws.

The Chamber will oppose any legislation that imposes civil fines and or the suspension or revocation of business licenses for employers who unknowingly hire illegal aliens. Federal law already contains severe penalties for those who knowingly hire illegal aliens and it is the Chamber's view those laws should be enforced in lieu of creating additional laws to be enforced by state and local governments.

Finally, the Chamber cannot support mandating the E-Verify system on Kansas businesses when the federal government refuses to do so because it is so flawed. If a Kansas business decides to voluntarily use the federal E-Verify system, they should be held harmless in the event they unknowingly hire illegal aliens. Studies have shown the system has a 25% error rate in identifying false documentation and cannot even tell an employer if a social security number presented on an employment application actually belongs to the individual presenting it.

Again, we appreciate the opportunity to offer our support for HB 2921 and look forward to working with the Committee on positive immigration reform efforts.

Legislative Testimony

HB2921

February 25, 2008



Testimony before the Kansas House Federal and State Affairs Committee By Amy Blankenbiller, President and CEO

Thank Mr. Chairman and members of the committee for this opportunity to testify. My name is Amy Blankenbiller, and I am the President and CEO of the Kansas Chamber.

I'm here today representing a coalition of 36 different state and local business organizations that exist to make Kansas communities thrive, and make Kansas businesses strong. You can find the list in the back of my written testimony.

We organized at the beginning of the 2008 Legislative Session to provide a solution to the immigration debate without harming Kansas businesses and the Kansas economy as other proposed immigration legislation would unfortunately do.

While we do not condone the hiring of illegal immigrants, we also strongly oppose legislation that will place Kansas business licenses in jeopardy, mandates the voluntary federal program e-verify and holds contractors responsible for the hiring practices of sub-contractors.

The issue of illegal immigration can only be solved at the federal level. HB2921 however addresses an area where Kansas can be effective – fraudulent identification for the purpose of employment.

This proposal increases the penalties from a severity level 8 non-person felony to a severity level 5 non-person felony for identity fraud, identity theft and the manufacturing, reproduction and selling of false identification if the identity in question is used for employment purposes.

HB2921 also reinforces federal immigration guidelines of correctly completing the I-9 form at hiring by putting this guide into state law.

Finally, HB2921 creates a new penalty to combat the exploitation of illegal aliens. Subjecting known illegal aliens to working conditions violating the minimum wage and maximum hours law will result in a severity level 8 non-person felony under our bill.

Thank you again for your attention to our support of real immigration reform. We look forward to working with you to combat illegal

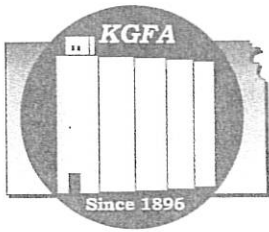


House Fed and State Committee
February 25, 2008

Kansas Business Coalition Members

Associated Builders and Contractors – Heart of America Chapter
Associated General Contractors – Kansas City Chapter
Associated General Contractors of Kansas
Builders' Association
Dodge City Chamber of Commerce
Garden City Area of Commerce
Greater Topeka Chamber of Commerce
Home Builders Association of Greater Kansas City
Kansas Agribusiness Retailers Association
Kansas Association of Realtors
Kansas Building Industry Association
Kansas Chamber
Kansas City Kansas Chamber of Commerce
Kansas Contractors Association
Kansas Cooperative Council
Kansas Dairy Association
Kansas Farm Bureau
Kansas Grain and Feed Association
Kansas Licensed Beverage Association
Kansas Livestock Association
Kansas Manufactured Housing Association
Kansas Pork Association
Kansas Restaurant and Hospitality Association
Kansas Society for Human Resource Management
Kansas Soybean Commission
Leawood Chamber of Commerce
Lenexa Chamber of Commerce
Liberal Chamber of Commerce
National Federation of Independent Businesses – Kansas
Northeast Johnson County Chamber of Commerce
Ottawa Chamber of Commerce
Overland Park Chamber of Commerce
Southwestern Association
Travel Industry Association of Kansas
Wichita Area Chamber of Commerce
Wichita Independent Business Association

Kansas Chamber, with headquarters in Topeka, is the leading statewide pro-business advocacy group moving Kansas towards becoming the best state in America to live and work. The Chamber represents small, medium and large employers all across Kansas.



Kansas Grain & Feed Association

816 SW Tyler, Suite 100
Topeka, Kansas 66612
www.KansasAg.org

(785) 234-0461
Fax (785) 234-2930

**Written Testimony in Support of House Bill 2921
House Federal and State Affairs Committee
Representative Arlen Siegfried, Chairman
February 25, 2008**

Thank you Mr. Chairman and members of the Committee for the opportunity to submit testimony on this important issue; my name is Tom Tunnell, I am the President and CEO of the Kansas Grain and Feed Association. KGFA is a voluntary state association founded in 1896 with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KGFA's membership includes approximately 900 Kansas business locations and represents 98% of the commercially licensed grain storage in the state. On behalf of the members of KGFA, I am testifying in support of House Bill 2921.

I just returned from a 3 day trip through Western Kansas calling on member companies. Throughout that trip I heard about typical concerns of our industry, but one concern stood out at every stop along the way. At every stop on my trip, it was mentioned how difficult it is to find good employees. While this has always been a challenge in rural parts of our state, there seems to be a real awareness of legislative efforts in Topeka, to make criminals out of employers that inadvertently hire illegal immigrants. Not only are state lawmakers grappling with how to solve this issue, but Congress is as well. What seems to be missing in the whole debate however, is the basic need for an adequate labor force in rural Kansas to keep our tremendous agriculture economic engine churning. House Bill 2921 recognizes that businesses are trying to hire employees but they are not in the business of hiring employees. Our members are professional grain handlers, they are not professional Human Resource Officers, forensic document experts or law enforcement officers.

HB 2921 is a bill supported by a broad coalition of business and agricultural associations. The bill makes it clear that we do not support, promote or condone the presence of illegal immigrants in our state. We do not support the hiring of illegal immigrants. HB 2921 reinforces current federal law by requiring all Kansas businesses, as a matter of state law, to comply with federal hiring guidelines using the I-9 hiring procedure. More importantly, this bill gives immunity to businesses that act in good faith by properly filling out the federal paperwork and checking the required documents. This bill also cracks down on the real problem facing Kansas businesses that are trying to follow the law – fake identification. It increases the penalty for identity theft, identity fraud, the manufacture, sale or reproduction of false identification, and exploitation of illegal aliens. KGFA members who are presented fake identification are not always sophisticated enough to tell the difference. After all, our members are agronomic experts, not forensic document experts. If the state of Kansas is serious about stopping the hiring of

illegal immigrants in Kansas, it will pass legislation to make it easier for law enforcement to arrest and prosecute the people stealing legitimate identities and selling them to illegal immigrants. The Legislature will pass legislation that puts those criminals that reproduce stolen identities, manufacture fake identities and sell those identities in jail.

Another important part of House Bill 2921 is the statewide preemption of local units of government. Immigration is a federal issue and we prefer to keep Kansas rules as similar to other states as possible. We understand the state's need to take action, but we absolutely oppose allowing every city and county in the state to also create separate rules for businesses. Many of our members operate in several states. Some states, like Oklahoma mandate federal participation in the E-Verify system. Meanwhile, Illinois just passed legislation prohibiting businesses from participating in E-Verify. This state by state patchwork of immigration laws is difficult enough for our members; we cannot imagine a system in Kansas that would allow over 700 different sets of rules.

Mr. Chairman and members of the committee, we understand the real problem you are attempting to solve. This is not a problem that was created by Kansas. It is a problem that has been caused by the federal government's inaction. While Kansas must do all that it can reasonably do to enforce the law, we urge this committee to proceed with caution to prevent the unintended consequences that can be associated with trying to do too much at one time. House Bill 2921 is a reasonable step towards stemming the flow of illegal immigration into Kansas. It cracks down on identification crimes while protecting businesses that are trying to follow the law. I urge this committee to pass House Bill 2921.



KANSAS AGRIBUSINESS RETAILERS ASSOCIATION
SAFE AND ABUNDANT FOOD THROUGH SOUND SCIENCE

Written Testimony in Support of House Bill 2921
House Federal and State Affairs Committee
Representative Arlen Siegfried, Chairman
February 25, 2008

Thank you Mr. Chairman and members of the Committee for the opportunity to submit testimony on this important issue; my name is Duane Simpson, I am the Chief Operating Officer and Vice President of the Kansas Agribusiness Retailers Association (KARA). KARA is a voluntary state association made up of over 700 business locations across the state. Our members are primarily ag retail facilities but they include agronomy services, chemical, fertilizer and seed sales and manufacturing companies, and equipment manufacturing, distribution and sales companies. On behalf of the members of KARA, I am testifying in support of House Bill 2921.

HB 2921 is a bill supported by a broad coalition of business and agricultural associations. The bill makes it clear that we do not support, promote or condone the presence of illegal immigrants in our state. We do not support the hiring of illegal immigrants. However, HB 2921 also recognizes that businesses are not government agencies with law enforcement powers. Our members do not typically have professional Human Resource staff. Our members spend the vast majority of their time trying to meet the needs of their customers, Kansas farmers. HB 2921 reinforces current federal law by requiring all Kansas businesses, as a matter of state law, to comply with federal hiring guidelines using the I-9 hiring procedure. More importantly, this bill gives immunity to businesses that act in good faith by properly filling out the federal paperwork and checking the required documents. I would note that our members are heavily regulated by state and federal government. Many of our members outsource their regulatory compliance to third parties. Our Association endorses one such company, the Asmark Institute, which includes identity verification for new hires. Businesses that pay a fee to third parties to make sure they are complying with state and federal immigration laws should not risk prosecution under state laws.

This bill also cracks down on the real problem facing Kansas businesses that are trying to follow the law – fake identification. It increases the penalty for identity theft, identity fraud, the manufacture, sale or reproduction of false identification, and exploitation of illegal aliens. KARA members who are presented fake identification are not always sophisticated enough to tell the difference. After all, our members are agronomic experts, not forensic document experts. If the state of Kansas is serious about stopping the hiring of illegal immigrants in Kansas, it will pass legislation to make it easier for law enforcement to arrest and prosecute the people stealing legitimate identities and selling them to illegal immigrants. The



Kansas Dairy Association

Kansas Dairy Commission

Providing a unified voice for Kansas dairy farmers

February 25, 2008

To: House Federal and State Committee

Re: House Bill 2921

Mr. Chairman and members of the committee:

I want to express our support for House Bill 2921 to create an effective and practical approach to employment policy in Kansas. The Kansas Dairy Association believes that the federal government is the proper forum for developing a comprehensive policy to address all the issues that surround the immigration debate.

H.B. 2921 will provide a framework that does not place Kansas' employers at risk of having their license revoked or suspended if they don't use the E-Verify system. Other proposals potentially subject our producer members with the possibility of being forced to close down their operations if they do not use the E-Verify system. H.B. 2921 would encourage the use of the E-Verify system, not mandate it.

Kansas's 409 dairy producers need a stable workforce to assist with the daily milk production that is required to ensure efficient and lasting production from the herd. Without a workforce that is available on a daily basis, modern management practices cannot be followed which could lead to a rapid decline in milk production.

The Kansas Dairy Association supports a comprehensive immigration policy that is uniform nationwide and which creates a level playing field for all states. Federal law currently contain harsh penalties for employers who knowingly hire illegal aliens and we do not support proposals that would subject our members to state penalties for following current federal employment law.

The Kansas Dairy Association asks for your support of H.B. 2921.

House Fed and State Committee
Februruary 25, 2008

Attachment 45



Since 1894

February 25, 2008

House of Representatives
Federal and State Affairs Committee
Representative Arlen Siegfried, Chair

Written Testimony of Kansas Livestock Association
Presented by Allie Devine

Support for HB 2921

The Kansas Livestock Association is a trade association with over 5,000 members throughout Kansas. KLA members are employers, taxpayers, and business owners who are directly impacted by the issues surrounding immigration bills pending before the legislature.

KLA strongly supports passage of HB 2921 the employment verification act. HB 2921 codifies federal law requiring all Kansas employers to verify employment eligibility of employees.

In our research we have noted that several states have litigation pending resulting from passage of proposals similar to HB 2680 and HB 2836. We believe that HB 2921 is the only bill that will not draw a federal preemption challenge.

We support the increased crimes outlined in HB 2921 as tools for targeting illegal and inhumane treatment of immigrants.

KLA is proud to be a member of the Kansas Business Coalition and offer our support for the positions of the coalition.

Thank you for your time and consideration to this important issue.

House Fed and State Committee
Februruary 25, 2008

Written Testimony – HB 2921
House Federal & State Affairs Committee
February 25/26, 2008
By: Christy Caldwell, Vice President Government Relations
Greater Topeka Chamber of Commerce
ccaldwell@topekachamber.org

120 SE 6th Avenue, Suite 110
Topeka, Kansas 66603-3515

P.785.234.2644 F.785.234 8656
www.topekachamber.org
topekainfo@topekachamber.org

Chairman Siegfried and members of the committee:

The Greater Topeka Chamber of Commerce would like to express its support for HB 2921, the Kansas Employment Verification Act. This bill is a constructive action the Kansas Legislature can take to address an issue that must receive further federal attention to effectively address immigration challenges throughout our country.

HB 2921 offers options to employers to verify resident status of new hires. The use of the I-9 federal system, the Social Security Verification Service, and the E-Verify system are tools employers can use to check potential employee's status; one method is required by our federal government and if not followed there are severe federal consequences for violations. The federal government should be held accountable to enforce laws they created. Now is not the time to divert state resources to new verification mandates and penalties that would warrant state and local governments to monitor and replicate enforcement. Kansas employers should not be penalized by multi levels of government when they are expected to invest capital in the state, create jobs for Kansans, and contribute to the general benefit of the state through their state and local taxes and produce a quality product or service for their customers. Becoming immigration enforcers is not what they should be expected to do.

HB 2921 enhances the penalties for identity theft and fraud and for manufacturing and selling false identification. This is where our state should be concentrating its efforts; eliminating these criminal acts so employers can feel confident in their I-9 practices without fear of discriminating against honest citizens. Additionally, this bill creates a new penalty for the exploitation of an illegal alien; we agree unscrupulous persons who exploit undocumented individuals who travel to this country to find work and are expected to work for illegally low wages and callous working conditions should feel the impact of the law.

We believe the Kansas Legislature understands that most Kansas employers are vigorously working within the law to have legal workers in their businesses. Utilizing a broad brush to create new state regulations and laws that increase the regulatory load of honest Kansas businesses throughout this great state does not reflect this state's values. We believe HB 2921 will help in dealing with issues of illegal workers while at the same time embracing employers who work daily to be good citizens, good employers, and good community partners. We urge you to pass HB 2921 and express to our federal leaders the importance of addressing immigration issues for the entire nation and not stand by while laws are create piecemeal across the nation.

7

House Fed and State Committee
Februrary 25, 2008

Attachment 47



**HOME BUILDERS ASSOCIATION
OF GREATER KANSAS CITY**



600 EAST 103RD STREET • KANSAS CITY, MISSOURI 64131-4300 • (816) 942-8800 • FAX (816) 942-8367 • www.kchba.org

WRITTEN TESTIMONY IN SUPPORT OF H.B. 2921

House Federal & State Affairs Committee

Phil Perry, Director of Governmental Affairs

Home Builders Association of Greater Kansas City

February 25, 2008

Mr. Chair and members of the committee, the Home Builders Association of Greater Kansas City thanks you for this opportunity to speak on behalf of H.B. 2921, The Kansas Employment Verification Act. The HBA firmly believes that immigration is a matter that should be handled by the Federal Government and we strongly oppose any legislation that would penalize businesses in Kansas for following federal immigration laws. It is for this reason that we support H.B. 2921 as an alternative to such legislation.

Our organization is very concerned about the patchwork effect that is being created as states craft their own sets of laws on this important issue. As many of our members do business in both Kansas and Missouri, this creates a difficult situation, as the current Federal and proposed Kansas and Missouri laws would be wildly divergent.

H.B. 2921 creates a level playing field by further reinforcing the federal laws and creating stiffer penalties for identity theft, identity fraud, and the creation of false identification. Federal law already imposes civil fines, which have been recently increased, for those who knowingly hire illegal aliens and it is our position that these laws need to be enforced instead of creating additional penalties.

Additionally, the HBA is strongly opposed to mandating the E-verify system for Kansas businesses. As we stated above, this creates a system where businesses will not be sure what system to use as E-verify is not currently mandated by the federal government and is outlawed for use by some states. The E-verify system is inherently flawed and we feel that the present use of the I-9's is an adequate system for business to use.

Thank you for this chance to offer our support for H.B. 2921 and we look forward to working with all legislators on creating meaningful immigration reform.

Do Business With A Member

House Fed and State Committee
February 25, 2008

Attachment 48



**Testimony Re: HB 2921
House Federal and State Affairs Committee
Presented by Don Sayler
On behalf of
Kansas Restaurant & Hospitality Association
February 26, 2008**

Mr. Chairman, Members of the Committee:

My name is Don Sayler, and I am the President & CEO for the Kansas Restaurant & Hospitality Association (KRHA). The Kansas Restaurant & Hospitality Association is the leading business association for restaurants, hotels, motels, country clubs and allied business in Kansas. Along with the KRHA Educational Foundation, the association works to represent, educate and promote the rapidly growing industry of hospitality in Kansas.

The restaurant and lodging industry relies heavily on immigrant workers. We do not promote or condone the presence or employment of undocumented or illegal aliens in Kansas or the United States.

We believe that immigration is an issue that should be enforced at the federal level. Federal law already contains severe penalties for those who knowingly hire illegal aliens. Those provisions should be enforced in lieu of the creation of additional laws which must be enforced by state and local government. As such, Kansas businesses should not be penalized for following current federal immigration laws nor should they be mandated to enforce federal immigration laws. Businesses should not be forced out of business due to sanctions or the revocation of their business license for unknowingly employing workers that prove to be undocumented or illegal.

If new or additional legislation is to be enacted regarding immigration, KRHA supports HB 2921 so that businesses are not unduly penalized. HB 2921 reiterates and clarifies federal provisions and states that no action will be taken against an employer that has complied with the stated provision by having completed I-9 forms.

Thank you very much for permitting us to submit written testimony in support of HB 2921.

Donald G. Sayler

**House Federal and State Affairs
Testimony in support of House Bill 2921**



By Tim Stroda
President-CEO
Kansas Pork Association

February 25, 2008

Mr. Chairman, members of the Committee, I would like to provide information in support of House Bill 2921.

The members of the Kansas Pork Association support an effective immigration policy that provides border security, establishes practical and fair employment laws and encourages a legal and productive work force. We believe this is best accomplished at the federal level.

In fact, our national organization is part of a coalition developing legislation that would:

- Extend the E-VERIFY program for 5 years.
- Keep the E-VERIFY program voluntary.
- Only apply to new hires and not be retroactive.
- Require that the Social Security Administration and Department of Homeland Security maintain "real time" data entry.
- Seek broad language protecting employers from liability under any law if they comply with the procedures set forth for both programs.

Until this federal legislation is enacted, House Bill 2921 provides many of the same points.

Our members support securing our national borders in a way that is fair and just. However, we do not believe the entire responsibility for this task should be placed on employers.

In 2007, Kansas pork producers sold over 3.3 million head of market hogs, feeder pigs and seedstock with a gross market value over \$402 million. This year, Kansas pork operations will consume nearly 40 million bushels of grain or grain products. At today's price, the pork industry will spend over \$200 million on feedstocks.

Our operations provide food for the world and a positive economic impact on the state and local economy. However, our operations need a stable work force for success.

Please help provide this by supporting H.B. 2921.

February 25, 2008

Kansas House of Representatives
Federal and State Affairs Committee,

Thank you for allowing Associated Builders and Contractors, Heart of America Chapter to express its opinion on the issue of state level immigration enforcement.

Our association believes this to be an issue that should be resolved at the federal level. Several issues concern our members when states consider immigration reform:

1. Immigration law and its enforcement remains the province of the federal government. Federal law directly preempts state and local law in regards to immigration enforcement, which states in material part “(2) *Preemption – The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing or similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens. (cite: INA 274A(h)(2)/8 USCA 1324a(h)(2))*”. Legal resources tell us even when the state sanctions are directed at an employer’s business license, such laws likely go beyond the authority of the state or local government.
2. Any proposal which requires employment verification through a specific program, such as the federal Basic Pilot Project or E-verify, is problematic. A report produced by the U. S. Chamber of Commerce identifies some of these concerns and can be provided upon request.
3. Groups in other states have expressed concerns that similar laws actually increase the potential for discrimination against minorities that are in the state legally. (from Catholic Conference of Kentucky)
4. Finally, many proposals do not include sufficient due process for employers. Our position is that any proposal, state or federal, should clearly outline a safe harbor process for employers, where following certain steps and/or procedures constitute absolute compliance regardless of the employee’s ultimate immigration status. Employers following such procedures should be held harmless for hiring decisions.

In summary, the position of the Heart of America Chapter of Associated Builders and Contractors is that immigration enforcement should be enacted at the federal level, whereby employers, especially those operating in multiple states, face a consistent set of requirements.

Thank you for the opportunity to be of assistance.

Respectfully,

Jim Kistler
President / CEO

House Fed and State Committee
February 25, 2008

Attachment 51

Brenda Landwehr - Immigration - House 2370.doc

From: <driley01@sbcglobal.net>
To: <landwehr@house.state.ks.us>
Date: 2/23/2008 3:51 PM
Subject: Immigration - House 2370.doc

Dear Representative Landwehr,

Thank you very much for sponsoring this greatly needed legislation. It is vital it is passed as written.

It saddens me greatly that the Federal Government has failed to uphold the rule of law in regards to border security and immigration. It is vital that the Kansas Illegal Immigration Relief Act (HB2370) is passed as written to protect the sovereignty of our state.

The issue is not about race, bigotry or hate, as opponents of this bill will charge. Immigrants of all ethnicities are welcome provided that they enter the country legally. This is about the rule of law.

This legislation approaches the issue correctly. By requiring documentation for employment, public services and driver's licenses of everyone it will be fair and equitable. Those unauthorized to be here will have no way to make a living or a reason to stay will self-deport.

This legislation requires businesses to be good citizens by requiring them to use e-verify. There may be strong resistance as this may require some additional costs to business and it may require those entities to work a little harder to find employees who are citizens. If it is found that guest workers are needed, business must be held accountable to see that those guest workers return to their place of origin when the contract ends. Guest workers should not be allowed to bring their families. As all businesses must meet the same requirements, no one will have advantage over another. Some low cost accommodations can be made for very small business owners.

The cost of illegal aliens to every taxpayer and citizen of Kansas is estimated at \$250 million. This is will continue to grow unless strict enforcement of immigration is required by all entities. Kansas must become a state that welcomes only those who are here legally regardless of their ethnicity.

Of the fourteen (14) opponents to the HB2367, ten (10) are government agencies supported by tax dollars, three (3) are non-profit, tax exempt entities, and one (1) which no funding or status could be determined from the web site. These opponents will be lobbying for more money and no enforcement of illegal immigration as it is in their best economic interest to do so. I'm confident you will resist their emotional pleas.

Thank you for your hard work and commitment.

Respectfully,
Doris Riley
10850 W 154th Street
Overland Park, KS 66221

House Fed and State Committee
Februruary 25, 2008

Attachment 52

Chris Haug - Illegal Alien House bill 2836

From: "Bill & Karen" <dadoowops@cox.net>
To: <ChrisH@house.state.ks.us>
Date: 2/22/2008 4:01 PM
Subject: Illegal Alien House bill 2836

We will be unable to travel to Topeka on February 25 or 26, but we are writing in support of the above mentioned Illegal Allien HB 2836. Please give this bill your undivided attention and vote in favor of it when it is presented. I would like to commend Representative Landwehr's efforts to bring this bill before the House in an effort to preserve Kansas from all of the illegals that are entering Kansas now from other nearby states that have already passed similar bills.

The people who are here illegally should be stopped from being hired, taking away work from people in our state. It is my hope that they will all be returned to Mexico and apply to enter the United States legally as our forefathers did when them immigrated here. That would curtail the amount of them in the U.S.

We also support SB 458 and ask you to vote favorably on it. We also commend Senator Palmer for presenting this bill.

Thank you.

Bill & Karen Wolf
552 S. Pershing
Wichita KS 67218-2308
316-612-0011
dadoowops@cox.net

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Attachment **53**

Chris Haug - Illegal Immigration Hearing

From: "Chuck Arens" <cearens@southwind.net>
To: <ChrisH@house.state.ks.us>, <blandweh@ink.org>
Date: 2/24/2008 10:47 PM
Subject: Illegal Immigration Hearing

To: Mr. Chris Haug

Feb. 24, 2008

From: Clarence Eugene Arens
 28 Park View Road
 Hesston, KS, 67062
 cearens@southwind.net (620) 327-2571

I would like to take a moment to express my support for any and all of the pending bills that would serve to help halt the flood of illegal immigration into our state! I especially favor HB 2836, which appears to attack this very serious problem from multiple directions.

I support the **immediate** passage of this bill for the following reasons:

1. We will indeed become (probably already are), a "sanctuary state" for illegals if our neighbors take a strong position (with strong laws) against illegals, and we do not follow their lead.
2. To discourage illegals in the workplace, stiff financial penalties need to be imposed on employers who hire these people! Also, aggressive monitoring by law enforcement must follow new laws, if the laws are expected to work. The federal E-Verification requirement would eliminate the "I did not know this person was illegal" excuse!
3. The denial of public benefits for illegals would discourage their continued presence here, would save the state a lot of money, and would free up more funds for deserving and truly entitled citizens of this state.
4. Why would not the E-Verify System work for both voting and driver's license applicants? In the absence of this tool, the affidavit requirement would perhaps discourage many from applying for these privileges. It would at least make it easier for the law enforcement folks to prosecute and perhaps deport offenders who are caught falsifying the affidavit!

I am sure those of you serving on this committee have seen the projections for the future regarding illegal immigration and the ramifications of same, if this problem is not swiftly curtailed! As you are well aware, foot dragging by the federal government will not resolve this serious problem, and **strong state action must be taken now!** The safety and financial well-being of our state, and the citizens of this state, are at dire risk unless this problem is quickly turned around, and the exodus of these lawbreakers begi
 once small, has become **an epidemic!**

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Question: How in the world could our federal representatives support providing illegals with Social Security, and how did a federal law ever get passed that allows the baby of an illegal, born in this country to be granted US Citizen status?? Amazing!!

I am sorry I cannot attend this hearing, but anything you can do to curb the menace of illegal immigration has my blessing and full support!

Yours Respectfully,

Clarence Eugene Arens

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To: Committee hearing - HB2836

From: Gilbert Nye, 101 S. Willow, Derby, Ks 67037, 316-788-3454

Reference: Comments in support of HB 2836

I am in support of HB2836. Employers that hire an illegal alien are doing harm to Kansas and our nation. Some will pay less in income taxes, social security, worker's compensation, and unemployment. Some will cheat the illegal immigrant by withholding wages. We are subsidizing illegal activity with increased taxes, social programs and un-employment.

Allowing employers to continue hiring illegal immigrants places an unacceptable burden on our citizens. These are burdens such as increased unemployment, increased crimes and incarcerations of illegal aliens, and increased taxes to support our government's infrastructure and social programs.

The increase of unemployment is because businesses compete in a market-based economy that is supply and demand. There should be no doubt that increasing the number of available workers, will also decrease the labor demand and wages.

In a federal government accounting office report in 2006, GAO-06-1055, it states illegal immigration may depress wages for low-skilled workers and be more costly for governments.

[GAO-06-1055 excerpt] *"According to various studies, immigration affects nearly every country in the world, as countries are points of origin for immigrants, places of transit, final destinations, or can serve as all three. Migrants move between countries for a variety of reasons, including family reunification, political protection, and employment. However, **the opportunity for employment is one of the most important magnets attracting immigrants, including unauthorized immigrants, to countries. Reports indicate that migrants, especially labor migrants, help to keep viable segments of certain labor-intensive industries, expand foreign trade, provide valuable language and cultural expertise to companies, and contribute to the economic revitalization of some communities. Yet these reports also note that immigration, particularly illegal immigration, may have adverse consequences, such as helping to depress wages for low-skilled workers and creating net fiscal costs for some levels of governments.**"*

Since the first of the year, Kansas law enforcement has made arrests for the illegal transportation of illegal immigrants on our highways. Drugs, human trafficking, ID fraud, and other crimes are associated with an influx of illegal aliens seeking employment.

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In a GAO study of 55,322 illegal aliens incarcerated in the fiscal year 2003, it stated they were arrested a total of 459,614 times. This averaged about eight arrests per illegal alien. Of those crimes, about 24 percent for drug offenses, 15 percent property crimes such as larceny and theft, and 12 percent for murder, assaults, and sexually related crimes.

Other crimes are part of an illegal alien's attempts to gain employment. What can be more devastating to a person's economic well being than identity theft. GAO report GAO-02-830T, states the following:

*"According to Immigrations and Naturalization Service (INS) officials, the use of fraudulent documents by aliens is extensive. At ports of entry, INS inspectors have intercepted tens of thousand of fraudulent documents in each of the last few years. **These documents were presented by aliens attempting to enter the United States to seek employment** or obtain other immigrations benefits, such as naturalization or permanent residency status."*

An influx of illegal aliens places even a larger burden on our welfare system. It leaves our system open to abuse and fraud. The following is from Kansas state EES policy. This policy was in place as late as 2006.

[Excerpt from EES Policy No. 00-12-03 dated Dec 8, 2000 paragraph 6] *"In regards to verification of income of undocumented aliens, it is recognized that those who are working are doing so under assumed names and/or false social security numbers. Verification of income in these instances is acceptable based on information provided by the individual as to the name and number they are working under and the wage statements submitted using this information. Where wage information is not available from the employer, a statement from the individual is acceptable. The primary issue is that assistance not be denied to the individuals the alien is legally responsible for or with whom the alien lives with as part of a food stamp household based solely on the fact that the income is obtained illegally and for which there may be insufficient documentation or documentation under a false name or number. This type of employment shall also be recognized as a personal need for child care."*

Our state government does not even expect the same level of documentation and verification as it does its own citizens. This is relevant because when illegal aliens work, they may work as cash workers or contract laborer. Some do not report the income or do not report the wage earner in the household. If they are not working, the state makes no effort to get them to work and be self-sufficient. That would be a conflict of aiding an illegal alien.

While the SRS may indicate no benefits are given to an illegal alien, does not Medicaid pay for a illegal alien's childbirth in Medicaid or the SOBRA program because the hospital bill is posted against the child born as a citizen? Furthermore. by adding illegal

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alien families to the lower income bracket, our state will pay for those children born in the United States with cash assistance TAF/TANF, medical, food stamps, and day care. Kansas will also pay for all of resident children's education.

Even for unemployment compensation, illegal aliens will make claims. I refer to the GAO report excerpt:

[Excerpt from GAO-02-697] *“However, states may be vulnerable to fraud and overpayments because they rely heavily on claimants to self report important identity information such as their social security number (SSN) or are unable to verify such information in a timely manner. Prior investigations by Labor’s OIG demonstrate that the failure or inability of state employment security agencies to verify claimants’ identity have likely contributed to millions of dollars in UI overpayments stemming from fraud. One audit conducted in four states (Florida, Georgia, North Carolina, and Texas) revealed that almost 3,000 UI claims totaling about \$3.2 million were paid to individuals using SSNs that did not exist or belonged to deceased individuals. Furthermore, the OIG concluded that illegal aliens filed a substantial proportion of these claims.”*

In summary, the problem is large and it will grow larger if we do nothing about the main attracting factor, employment. If unchecked, the state is forcing law-abiding employers to compete against those unlawful practices.

Kansans should not continue to be enablers to unethical or illegal behavior by those few who want to profit off the poor, unsuspecting or good citizens of Kansas. We should not support employers who hire illegal aliens, which results in economic damage to the state and its citizens. I believe the facts are in support of HB2836.

Chris Haug - Amada Bien written testimony

From: "Ed Hayes" <mcdcofkansas@sbcglobal.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 9:44 PM
Subject: Amada Bien written testimony
CC: "Bill Otto" <Otto@house.state.ks.us>, "Peggy Palmer/Sen" <Senatorppalmer@aol.com>, "Peggy Palmer/Sen" <reppalmer@aol.com>, "Brenda/Rep Landwehr" <blandwehr@ink.org>, <jeanettet@house.state.ks.us>, <lyk@sdg-law.com>, <neufeld@house.state.ks.us>, <journey@senate.state.ks.us>

February 24, 2008

Ladies and Gentlemen:

My name is Amanda Bien. I am married, have a son, and am currently completing my student teaching internship. I am also a recent victim of identity theft. On February 14th, of this year I received a letter from the IRS asking me to verify four places of employment which were all linked to my name and social security number. After reading the letter from the IRS, I contacted the local police department. I was asked to come to the police station to speak with a police officer. The police officer that I spoke to proceeded to tell me that he would have a couple of officers look into my case, but that they didn't really know what to do and that I would need to do my own footwork. Upon receiving this news, I immediately contacted my advisor at my college to ask for immediate time off from student teaching in order to try and get this issue resolved.

One of the employers listed on the IRS form is located in a small town about forty-five minutes from my home. So, the next day, my mother and I went to try and locate this company. Initially, we were unable to find the company, so we stopped and asked for directions from a deputy from the Johnson Co. Sheriff's Office that was parked in an empty parking lot near the business we were searching for. We informed the deputy that we needed to find this company so that we could gain some information about why they had reported my name and social security number to the IRS. The deputy informed my mother and me that this particular company is known to hire illegal immigrants. He proceeded to tell us that he had the very same issue arise at this company one week earlier, and that the illegal immigrant involved in that situation had escaped. When we arrived at this manufacturing company, we sat down with a manager, where I provided him with information to prove that I was who I said I was. The manager proceeded to tell us that this person working under my name, birth date, and social security number was currently employed and at the site that day. He provided us with the application she filed out, a copy of a false residency card, and a copy of a fake social security card that this illegal immigrant used to obtain employment under my identity. Her name is Rocio Diaz Cano. The police officer looked at the documentation and immediately identified the documents as fraudulent. Seeing those documents made me feel not only violated, but scared because I was unaware of what else she knew about me. Rocio Cano was asked specific questions by the Deputy about my identity and was unable to answer them. She was arrested that day right in front of me.

I spent the next few days contacting agencies including the Internal Revenue Service, Immigration and Customs Enforcement, Federal Trade Commission, Postal Service, the three major credit bureaus, and several others to let them know of the incident. On Tuesday, February 19, I went to Rocio Cano's first court appearance where her attorney attempted to modify her bail from \$2,500 to \$1,500. She was unable to do so because Immigration and Customs Enforcement had placed an ICF.

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Detainee on her thanks to my mother's hard work, and she is still currently incarcerated awaiting trial. After her court appearance my husband started contacting the other three major billion-dollar employers that were listed on the IRS form within just miles of Rocio Cano's home. He ended up finding two more people working under my name. We informed the detective that has taken over my case and he has yet to arrest these suspects.

My husband, mother, and I have put our lives on hold due to this situation. It is sad to me that in this day in age, anyone can obtain your personal information and that none of these major agencies that I talked about are communicating in order to insure the safety of those who are legal citizens. In my opinion, this is a silent form of terrorism that seeks to destroy the very foundation our country was built upon. This issue has impacted many thousands of U.S. citizens, including Kansans and could very well be the downfall of this country. I hope that through my story you can see how important it is for us to start making changes in order to ensure our country's safety and protect the rights of legal citizens of all ethnic backgrounds.

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THE KANSAS CONTRACTORS ASSOCIATION, INC.



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Kansas City, Kansas

Submitted Testimony

By the Kansas Contractors Association

before the House Federal and State Committee

on HB 2921

February 25, 2007

Chairman and members of the House Federal and State Affairs Committee, the Kansas Contractors Association composed of over **350 companies** who are involved in the construction of highways support HB 2921.

Our organization supports HB 2921 as it puts the concerns about undocumented workers on the worker who comes to our member's doors with fraudulent documents seeking employment.

As you can imagine, our members require an I-9 and either a drivers license or social security card before they hire a new employee. But unfortunately some of these potential employees don't always provide truthful information. It is difficult for our members to determine what is a forged document or one that is the real thing. How are our contractors supposed to know whether a document is correct or made up just this

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morning in someone's basement?

Unfortunately, in many of the measures you are considering, the proposals go after the companies who are trying to do the right thing and make a mistake based on false information provided to them. We believe this is almost double jeopardy as the federal government already has laws on the books which provide sufficient fines and penalties involved for hiring someone incorrectly. Most of the concern appears to be the lack of enforcement of our current laws. This should not translate into an effort to place unnecessary burdens or responsibilities on legitimate businesses.

Our members rely on a strong work force to build the roads and bridges in Kansas....and we are required by federal law to allow everyone an equal opportunity to be employed. As you may be aware, the highway construction industry is constantly striving to find trained personnel to work in construction and at the same time comply with all state and federal laws so as to not discriminate against anyone.

We support HB 2921 as it provides increased penalties for identity theft. This increases the fine to a level 5 nonperson felony if the monetary loss to the victim is in excess of \$10,000. We also support HB 2921 as it increases the penalty for using fraudulent documents from a severity level 8 non person felony to a severity level 5 non person felony. In addition, we support this measure as it provides a new penalty for those who subject illegal aliens to working conditions violating the minimum wage and hours law which will result in a severity level 8 nonperson felony.

In reviewing various measures before you on this issue, we are greatly concerned that a company could be suspended from doing business for a time if they have one violation...or two. What that means is that our companies could lose the use of

permits granted by the federal government if we were stopped from working for a few days. Some of those permits took months to get in the first place. Can you imagine what effect that would have on a construction job if a permit were suddenly denied?.

On one other note, our membership does have further concerns when various measures indicate the prime contractor should be responsible for a sub contractor who fails to hire employees correctly. We oppose such reference as it requires more than it should when it comes to sub contractors. Prime contractors should not be liable for the hiring practices of their subs and subs should not be responsible for the hiring practices of their primes. Every company should be responsible for its own actions.

One other note, our membership believes if any law is passed regarding this measure, it should apply to all companies in Kansas. It should not be centered on one industry or another. I thank you for your consideration of our concerns and urge you to support HB 2921. If you have any questions, please do not hesitate to contact me.

Chris Haug - illegal alien house bill 2836

From: Walter Everitt <waltpam@sbcglobal.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 6:59 PM
Subject: illegal alien house bill 2836

I am a legal citizen of Kansas and I among many am getting tired of the excuses every one gives to not enforce laws of illegal aliens, they come here and get on our welfare system, the money they make they send to Mexico, they [are] taking jobs from legal citizens. I was in construction for 25 years with a local established co. and they were or still are in the practice of hiring illegals and when work slows down the higher paid steady workers sit at home till work picks up, we are against giving in-state tuition to illegals, you people talk about the work slowdown if you do something to the companies for hiring. Arizona passed a good law on cracking down on illegals and guess what their crime rate went down they now have more money they saved from giving free services and medical to illegals and all the jobs left vacant from the illegals were all filled with legal American citizens. I live in north west Wichita and our neighborhood is filled with graffiti from the Mexican gangs and the accidents that are caused by illegals here or just passing thru our state is not or should not be excepted, we as legal citizens have a right to be protected from the multitudes of illegals coming to our state, and our country! Thank You, A Frustrated Citizen Of Ks. Walter Everitt

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Chris Haug - Bill HB 2836

From: "Brad Israel" <bisrael2@cox.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 8:05 PM
Subject: Bill HB 2836

Dear Rep.Seigfried and Members of the Federal & State Affairs Committee,

I support HB 2836 bill which effects the illegal immigration problems in our State of Kansas. I truly believe the majority of the taxpayers in this state want stricter regulations created and enforcement of the immigration laws. The influx of illegal aliens has put a stress on all the public service programs which the taxpayers are responsible for funding.

Opponents to illegal immigration makes me think they support illegal activities.

Please don't let our State of Kansas become a "Sanctuary State" to illegal immigrants.

Brad Israel
Dodge City, KS

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Attachment 59

Chris Haug - Illegal Immigration HB2836 & SB458

From: "Renee Slinkard" <4slink@sbcglobal.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 10:18 AM
Subject: Illegal Immigration HB2836 & SB458

Chairman Arlen Siegfried,

I just got this message late Friday. What is this all about?

If it is a tougher stance on identifying illegals in Kansas I am supporting this bill.

I believe from what I have read that this bill if passed will provide E-Verify to Employers to identify who they are hiring, whether illegal or legal status. Also, I understand that this bill if passed will allow our law enforcement officers to have the responsibility of identifying illegals and taking action to enforce our immigration laws.

I remember when my Uncle was a roofer in Arizona in the 60's; he made good wages. My father while out of work went to work with my Uncle temporarily to earn a living for our family. Now, these jobs are being filled by illegals at very low wages. so low our economy is faltering. The U.S. Citizens will do the work that illegals are now doing. A roofing job is hard work but if paid decent wages there will be lots of American Citizens wanting to do the work. Presently our unemployment has gone up and the economy is not good. Why allow someone who has broken the U.S. laws come in and take jobs and benefits that we have earned as citizens.

Another issue is security of our country. If people come into our country illegally, they are bound to do other illegal activity, i.e. stolen ID's, driving without drivers license and killing innocent victims, rape, robbery, drugs, and most important terrorist activity.

Our country is overflooded with illegals and those with expired visas. We need to get this under control and we CAN get this under control.

If illegals do not have jobs here, there will not be incentives to stay or continue coming over.

Please respond to my message as soon as you can.

Thank you,

Renee Slinkard
Concerned Kansas Resident

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Chris Haug - HB 2836 & SB 458

From: "LYNN & JEANETTE PARKER" <lparker4@cox.net>
To: <ChrisH@house.state.ks.us>
Date: 2/24/2008 9:28 AM
Subject: HB 2836 & SB 458

I would like to express my support for Representative Landwehr's HB 2836 and Senator Palmer's SB 458---we cannot let Kansas become a sanctuary state while all of our neighboring states are strengthening their immigration laws---businesses must be required to verify that employees they are intending to hire are actually eligible to work in this country---we should not be giving public benefits or driver's licenses to illegal immigrants—and we should be requiring law enforcement to check the immigration and citizenship status of anyone they detain. And finally, we should not be giving individuals, who are in this country illegally, the 'right' to vote!!! The Federal Government is not going to do anything to protect our country---we must take actions to at least protect our state!!!

Jeanette Parker
4118 Ironwood
Wichita, Ks. 67226
316.636.2055
lparker4@cox.net

I am using the free version of SPAMfighter for private users.
It has removed 564 spam emails to date.
Paying users do not have this message in their emails.
Try [SPAMfighter](#) for free now!

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.516 / Virus Database: 269.21.0/1296 - Release Date: 2/24/2008 12:19 PM

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