

To: Senate Federal and State Affairs Committee
From: Spencer Duncan, Government Affairs Director
Date: February 27, 2025
Re: SB 254 – Prohibiting Undocumented Individuals from Public Funds Assistance
Opponent – Written Testimony

Thank you to the Chair and committee for an opportunity to provide this testimony.

The League, and cities of Kansas, understand the intent of SB 245 and support not expending funds in manners conflicting with state and federal law. Much of SB 254 is already covered by various Federal and State laws, and cities diligently ensure these are followed.

The League's concerns with SB 254 are practical in nature focused on unintended consequences and logistical issues.

Cities provide front-line services fundamental to a functioning society: police, fire, and EMS respond to calls for help - irrespective of who makes the call. SB 254 asks cities to determine a person's status before providing these services. If this committee advances SB 254, we request adding language to ensure locals can focus on emergency response without taking on the role of the federal or state government in relation to citizen status.

The League is concerned about the impacts to health programs administered by counties, cities or non-profits that receive public funds. Regardless of legal status, these services provide protection for the population at large, not just the individual, as we work to stop the spread of diseases. Denying individuals' care, or delaying for a verification process, could create public health challenges.

It is unclear how SB 254 impacts non-profits receiving public funds. Non-profits receiving funds serve an essential public service – from homelessness to food services to public health. These non-profits provide services at a considerably less cost than the government, saving taxpayers money while addressing community problems. SB 254 creates a situation in which cities may be less likely to provide funds to non-profits for these services, creating a void and increasing overall expenses for local governments.

A number of cities in Kansas have programs that assist children, through schools or other related programs. Regardless of opinions on the status of adults, it is generally agreed that children should be taken care of until other issues are resolved. SB 254 jeopardizes those programs, punishing children by denying services for acts beyond their control.

The verification process outlined in SB 254 adds new costs. Currently, other methods are used by local law enforcement agencies to verify legal status. SB 254 creates new administrative processes for cities that have a significant fiscal effect. This new process is also dependent on receiving timely information from Homeland Security, which can be unreliable. We do not want cities penalized if an error occurs due to incorrect information from the federal government.

It is unclear what the responsibility of city personnel is if someone is identified as undocumented. Does the responsibility of the administering agency end at not providing services or are they required to report and detain? We have concerns if the bill requires low-level city employees, or those working for non-profits, to take on responsibilities reserved for trained law enforcement or homeland security officers.

Kansas cities have Constitutional Home Rule authority, and SB 254 conflicts with local control. We are also concerned about costly legal challenges cities could face relating to the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. These challenges could arise if the verification process outlined in SB 254 leads to delays in services for certain communities, who are legal residents.

Thank you for your consideration of these issues. I am always available to provide additional information and answer questions.

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