

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 Ross, 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

Others attending:  
See attached list.

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**. (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

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tolerate business practices that slowly but surely undermine the economic aspirations and potential of the 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 Siegfroid 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 Siegfroid. 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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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](#))

William Wasyk ([Attachment 34](#))

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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 Sayler, 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](#))