

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 26, 2008, in Room 313-S of the Capitol.

All members were present.

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:

Sister Therese, Kansas Catholic Conference
Bill Gordon, Signature Landscape
Mira Mdivani, Attorney
Jeff Hammons, Executive Officer, Mid-America Green Council
Michael Sharma-Crawford, Immigration Lawyer
Reg Robertson, Custom Lawn and Landscape of Olathe
Curby Hughes, Mid America Green Industry Council
Carlos Gomez, Hispanic Chamber
Henry Sandate, Chamber of Commerce Kansas City
Kara Lineweber, El Centro
Bishop Scott Jones, United Methodist Church
Teresa Molina, Sunflower Community Action
Armando Minjarez, Sunflower Community Action
Amy Blankenbiller, Kansas Chamber
Allie Devine, Kansas Livestock Assn.
Sandy Jacquot, League of Kansas Municipalities
Elias Garcia, Director, LULAC
Stuart Little, Johnson County Government
Joe Connor, Unified Government of Wyandotte Co.
Jim Darner, Suburban Lawn & Garden
Brent Metz, Professor, Kansas University
Tim Witsman, Wichita Independent Business Association
Emily Haverkamp, Immigration Attorney
Don Whitten, Private Citizen
Paul Kane, Tulsa Home Builders Assn.
Bob Walker, Superior Roofing Company
Bud Hentzen, Former County Commissioner, Sedgwick County
William Moroni, Society of Human Resource Management
Nestor Leon, Artistic Designs, Lawn & Landscape Co. Inc.

Others attending:

See attached list.

The meeting was convened at 1:30 by Chairman Siegfroid. The Chair reopened 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.

Chairman Siegfroid welcomed Sister Therese, Kansas Catholic Conference, to the Committee. Sister Therese stood in opposition to the bills. She was concerned that in the debate around immigration policy,

the voices often become shrill and seem to have no connection with the truth. She stated that the Kansas

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Catholic Conference will continue to be a voice for the dignity for our sisters and brothers who are immigrants. ([Attachment 1](#))

Bill Gordon, Signature Landscape of Olathe, Kansas, provided testimony opposing the bills and said that the way to control illegal immigration is to keep companies like his in business by expanding legal immigration. His appeal to the Committee was to formally ask the Kansas Legislature to do everything possible to encourage Congress to take action to expand legal immigration. ([Attachment 2](#))

Mara Mdivani, Immigration Attorney, spoke against the bills. Ms. Mdivani stated that the government allows about one million immigrants per year to come legally to the United States and the need for new immigrant workers is 2.5 - 3.5 million immigrant workers per year. ([Attachment 3](#))

Jeff Hammons, Executive Officer of Mid-America Green Council, on behalf of Robert Mayer gave testimony opposing **HB 2370**, **HB 2836**, **HB 2921** and **HB 2680**. In his testimony Mr. Hammons discussed some of the issues including the economic impact on the state and business owners, and urged the Committee to stop punishing small businesses. ([Attachment 4](#))

Michael Sharma-Crawford, Immigration lawyer, stood in opposition of the bills. Mr. Sharma-Crawford presented notices to appear charging documents that are used to process alleged immigration violations. Until they appear before the judges, this is an alleged violation. He further explained the court system regarding the delay processing illegal immigrants. ([Attachment 5](#))

Curby Hughes representing the Mid American Green Industry Council requested that no legislation be passed which will impose onerous requirements on companies who attempt to hire legal, documented workers. He stated that passage of such a bill will cause undo harm to horticultural industries which rely on a legal, immigrant labor workforce. ([Attachment 6](#))

Custom Lawn and Landscape of Olathe, Kansas, was represented by Reg Robertson as an opponent to the bills. He gave testimony as to the difficulty of finding American workers to do seasonal jobs. He stated that he had always thought our representatives understood small business and valued their contributions to the economy of Kansas, and now he would have to rethink his politics. ([Attachment 7](#))

Carlos Gomez, President of the Hispanic Chamber of Commerce of Greater Kansas City representing 410 businesses, provided testimony in opposition to the legislation before the Committee. In his testimony, Mr. Gomez said that government has the responsibility to give tools before it punishes or penalizes and there is no state or federal support to help employers to hire workers legally. ([Attachment 8](#))

Henry Sandate, Chairman of the Board of Hispanic Chamber of Commerce of Greater Kansas City, offered testimony as an opponent to the bills. He said that the undocumented immigrants want to do the right thing but the laws don't allowed them to do so. ([Attachment 9](#))

Kara Lineweber, Public Policy Associate, El Centro Inc., appeared before the Committee. In her opposition to the bill, Ms. Lineweber agreed that our federal immigration system is broken and in need of comprehensive reform, however, this reform cannot happen at the state level nor can enforcement. Her testimony focused on **HB 2370** and **HB 2836**. She concluded by saying that Kansas is better than this. Kansas must move beyond the anti-immigrant rhetoric and embrace the opportunity to learn from failures of neighboring states. ([Attachment 10](#))

Bishop Scott Jones, United Methodist Church and representing 8 bishops, stood as an opponent of the bills. Bishop Jones said that he understood that many Kansans are troubled by the presence of a large number of undocumented immigrants in our state. He urged all Kansans to reject attacks on immigrants and to work together toward a humane resolution of the problem of illegal immigration. ([Attachment 11](#))

Teresa Molina, Sunflower Community Action, addressed the committee as an opponent to the bills. She said that our undocumented workers are not here to gleefully break the law, but they are contributing to

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our society as they struggle for their own survival. ([Attachment 12](#))

Armando Minjarez, Sunflower Community Action, spoke of his concern with the E-Verify system that, in his opinion, has serious problems. He said that E-Verify is open to employer fraud, misuse and exposes us to identity theft. ([Attachment 13](#))

Amy Blankenbiller on behalf of a coalition of 37 Kansas business organizations in The Kansas Chamber, stood in opposition to **HB 2836** and **HB 2680**. The Chamber is concerned with sections of the bills that would remove a Kansas business' license to participate in the Kansas economy for what could be an accidental paperwork violation. ([Attachment 14](#))

Allie Devine, representing the Kansas Business Coalition, opposed **HB 2836** and **HB 2680**. She cited the reason being that the bills appear to establish a process that can suspend or revoke the business license of a Kansas business owner without due process of law. ([Attachment 15](#))

Sandy Jacquot, on behalf of the League of Kansas Municipalities, spoke in opposition to the bills. She stated that the League's opposition is not to the underlying policy issue, but to the unfunded mandates, confusing and ambiguous language in some of the bills, and the exposure to potential litigation and liability. ([Attachment 16](#))

Elias Garcia, Kansas League of United Latin American Citizens, spoke in opposition to the bills. He said that the United States has serious problems with shortages in education, nursing, and all levels of skilled and unskilled labor. The immigrant community will and their children will play a large part in resolving these shortages. ([Attachment 17](#))

Johnson County Government was represented by Stuart J. Little. Mr. Little stood in opposition to the bills and asked the Committee that as they debate the impact and benefits of **HB 2836**, that they examine the costs to the state and county to provide these services. ([Attachment 18](#))

Joseph Conner representing the Public Health Department of Wyandotte County stated that the Unified Government opposes **HB 2836**. Citizenship status verification for the public benefit programs that they administer would limit their ability to meet many of the ten essential public health services that public health departments are striving to achieve. ([Attachment 19](#))

Jim Darner, Suburban Lawn and Garden, stated his opposition to the bills and said the small business owners in Kansas City will be directly affected as we watch eligible labor leave the state. He advised that we correct the existing deficiencies in E-verify before passing legislation. ([Attachment 20](#))

Dr. Brent Metz, Department of Anthropology, University of Kansas, appeared before the Committee in opposition to the bills and gave information regarding the context in which immigration occurs today in Kansas. He opined that Kansas has the opportunity to set an example to the nation as to what courage and generosity can produce, rather than succumbing to the political agendas of global segregationists. ([Attachment 21](#))

The Chair welcomed Tim Witsman, president of the Wichita Independent Business Association to the Committee. Mr. Witsman opposed **HB 2680** and **HB 2836**. Mr. Witsman was concerned that we have a system where the government rewards illegal immigrants but would punish businesses. He stated that **HB 2921** provides an incentive for businesses to use E-Verify, increases penalties for identity theft and fraud, and penalizes the exploitation of illegal aliens. ([Attachment 22](#))

The Chairman welcomed Emily Haverkamp, Immigration Attorney. Ms. Haverkamp came before the Committee as an opponent to **HB 2370**, **HB 2680**, **HB 2921** and **HB 2836**. She opposes any bill that includes using local law enforcement for immigration enforcement. She urged the Committee to remember the pain it would cause the illegal immigrants' US. Citizen spouses and parents. ([Attachment 23](#))

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Don Whitten, constituent from district 61, appeared before the Committee as an opponent to this legislation. He offered a different point of view to the Committee. He questioned a state's authority to legally take action against any illegal immigrants while they are supported by actions of the nation's leadership. He opined that the influx of immigrants across Mexico's southern and northern borders, presents a unique international situation, confronting the intra-structures of both countries and said that it is time to put America first. ([Attachment 24](#))

Paul Kane representing the Home Builders Association of Greater Tulsa, reported the negative effects in the Tulsa area of legislation enacted in Oklahoma. Mr. Kane told the Committee that we should be putting pressure on the federal government to solve this issue for all Americans. ([Attachment 25](#))

Bud Hentzen, private citizen, was welcomed to the Committee by the Chair. Mr. Hentzen stated that it seems that the present bills being considered are blaming the businesses in our state of being the culprit regarding immigration. He stated that many of the sections of the proposed bills are anti-business and will result in many unintended consequences. ([Attachment 26](#))

William Maroni, Society of Human Resource Management, gave testimony against the bills. He stated that E-Verify is not reliable and is unable to detect document fraud and identity theft. In conclusion, he stated that E-Verify is due to expire at the end of 2008. This deadline provides Congress with an opportunity to enact the next generation of employment verification. ([Attachment 27](#) & [Attachment 28](#))

Nestor Leon, Human Resource Manager of Artistic Design Lawn and Landscape, appeared before the Committee to give testimony in opposition of the bills. He told the Committee that his business is seasonal and Americans do not want seasonal work. He felt that this was anti-business legislation. ([Attachment 29](#))

Chairman Siegfried asked if there was anyone else that would like to be heard. Ted Smith, Kansas Department of Revenue, Division of Motor Vehicles, approached the Committee. Mr. Smith noted the department's concern regarding several issues. The first concern addressed the wording in **HB 2836**, section 5, specifically references to who can receive a public benefit. He stated that the state now recognized legal aliens as citizens and that it required documentation. After review of section 5, the department's concern is that the section may create a way around that provision. The department would like to ask the Committee to consider changing the definition of a public benefit to exclude legal aliens from licensing for the purpose of drivers licenses and identification. The second concern dealt with production of affidavits at the drivers license examiner's level. He asked the Committee to reconsider that requirement because the logistics are not there for each county to retain them to use as evidence at a later date. In conclusion, the department is concerned that the driver's license examiners are being used almost as immigration experts. There are costs incurred every time a check is run on the data base and he would like this cost incorporated into the bill. (No written testimony was presented)

The Chairman directed the Committee's attention to the written testimony and asked the members to review the documents. ([Attachment 30](#))

After allowing the Committee to ask questions of the conferees, Chairman Siegfried closed the public hearings on **HB 2921**, **HB 2836**, **HB 2370** and **HB 2680**.

The meeting was adjourned. The next meeting is scheduled for March 5, 2008 at 1:30 pm in room 313-S.

Written testimony:

Chris Wilson, Kansas Building Industry Association ([Attachment 31](#))

Wess Galyon, Wichita Area Builders Association ([Attachment 32](#))

Dan Morgan, The Builder Association, Kansas City Chapter ([Attachment 33](#))

Sister Esther Pineda, Sister of St. Joseph ([Attachment 34](#))

Leslie Kaufman, Kansas Cooperative Council ([Attachment 35](#))

Tim Stroda, Kansas Pork Association ([Attachment 36](#))

Greg Baker, Greg Baker Painting Inc ([Attachment 37](#))

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Matthew Spurgin, Litigation Counsel, Kansas Corporation Commission ([Attachment 38](#))

Duane Simpson, Kansas Agribusiness Retailers Association ([Attachment 39](#))

Tom Tunnell, Kansas Grain & Feed Association ([Attachment 40](#))

Phil Perry, Home Builders Association of Greater Kansas City ([Attachment 41](#))

Trinidad Galdean, Kansas Society of Human Resource Management ([Attachment 42](#))

Dalton Hermes, Hermes Company, Inc. ([Attachment 43](#))

Eric Stafford, Associated General Contractors of Kansas, Inc. ([Attachment 44](#))

Kathy Cook, Kansas Families for Education ([Attachment 45](#))

David Haynes, Pal's Glass Service, Inc. ([Attachment 46](#))

Tim Sinclair, Sinclair Masonry, Inc. ([Attachment 47](#))

Don Jordan, Social and Rehabilitation Services ([Attachment 48](#))

Kathy Cook, Kansas Families for Education ([Attachment 49](#))

Robert Mayer, President of Mid-America Green Industry Council ([Attachment 50](#))