

Approved: 3/26/12
Date

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven R. Brunk at 1:30 p.m. on February 15, 2012, in Room 346-S of the Capitol.

All members were present except:

Representative Seiwert – Excused
Representative Peterson - Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Kris Kobach, Self
Representative Ann Mah
James R. Hawkins, Chief of Police, Garden City
Renee Slinkard, Kansas Citizens for Immigration Law Enforcement
Andy Sanchez, Kansas AFL-CIO
Captain Thomas Honglo, Lenexa Police Department
Representative Ponca-We Victors

Others attending: See attached.

Michelle Schroeder, SRS, introduced a bill about federally mandated modifications to the New Hires Directory. It was received without objection.

The Chairman opened the hearing on:

HB 2492–E-verify program; use of by business and governmental entities,
HB 2575–Kansas Immigration accountability act; state agencies, state contractors,
HB 2576–Immigration; unlawful concealing, harboring or shielding an alien; public benefits, proof of citizenship; failure to carry documentation, enforcement; vital records identity fraud; dealing in false identification documents; penalties; charged with a crime verification of citizenship,
HB 2577–Enrollment and participation in an e-verify program by business and governmental entities; penalties and
HB 2578–Immigration; enforcement of federal immigration laws; determination of citizenship; notification; exchange of information; indemnification; implementation; cooperative agreements.

Mike Heim prepared to explain the bills starting with **HB 2578** which provides that no state agency may adopt a policy that restricts the enforcement of immigration laws.

HB 2576 makes it a crime for any person to conceal or harbor or shield an alien from law enforcement officials.

Representative Loganbill asked about the definition of an alien in the bill. Mike asked that the question be asked to some of the immigration experts.

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The next two bills, **HB 2577** and **HB 2492** are almost identical. They basically provide that as a condition for rewarding a contract or grant in excess of \$5,000.00 with a government entity they must use E-Verify.

Representative Rubin asked if the only difference between the two bills is the liquidated damage amounts of 25% or 5% and so on. Mike said that was correct.

The final bill **HB 2575** requires the states, on or after January 1, 2013, to enroll and actively participate in E-Verify for verification of employment on or after that date.

Representative Brunk asked if it was correct that this requirement extended only to states and not other governments or contractors. Mike said that was correct.

Kris Kobach testified as a proponent of these bills (Attachment 1). He said that E-Verify is extremely efficient and accurate and easy to use. The Federal government and 17 states have adopted similar E-Verify provisions. Kansas is required by Federal law to deny public benefits to aliens. **HB 2578** includes provisions designed to make cooperation between law enforcement and federal immigration authorities more efficient and effective. Adopting at least one of these bills, if not more, is necessary in light of the fact that our neighboring states have already taken significant steps to reduce illegal immigration.

Representative Brunk asked about “reasonable suspicion” and how we could define it. Kris said that somewhere in the bill it should say that an officer of the law must not take into account a person’s race, ethnicity or origin.

Representative Wolfe-Moore asked how immigration decisions would affect our farming economy. Kris said that some of the meat packers are voluntarily using E-Verify and they have raised the wage level and are getting by.

Representative Ann Mah presented testimony as a proponent of **HB 2492, HB 2577 and HB 2575** (Attachment 2). She said that it is imperative that the state ensures that honest employers are not put at a competitive disadvantage by unscrupulous employers who hire workers under the table at low wages.

James Hawkins gave testimony as a proponent of these bills (Attachment 3). In the Garden City area many undocumented aliens are working in the Ag business. They do drive to work and this greatly increases the work load of the Garden City Police Department.

Renee Slinkard presented testimony as a proponent of **HB 2576, HB 2577 and HB 2578**. (Attachment 4). She said that the Federal government has allowed open borders for over 10 years, but that does not mean the law of the land should be ignored at the local level. The E-Verify program puts the responsibility in the hands of the employer. We must stop this repetitive cycle of entitlements and magnets we provide illegal aliens.

Andy Sanchez provided testimony as a proponent of **HB 2575, HB 2577 and HB 2492** (Attachment 5). We believe that it makes good sense to pass legislation aimed at employers who knowingly hire illegal aliens. Too many employers’ seek to avoid, evade and negate U.S. labor and employment laws through recruitment of undocumented workers.

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Captain Thomas Hongslo testified as an opponent of **HB 2578** (Attachment 6). Thomas complained that the bill would require a great deal of their officers time to enforce and it would interfere with relationships they are trying to build in the Hispanic community.

Representative Boman asked what we could do that would help you in your job. Thomas said that the place to start was to target the felon, people that are committing violent crimes.

The Chairman recessed the hearing on the Immigration bills.

The next meeting is scheduled for February 16, 2012.

The meeting was adjourned at 3:06 p.m.