

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 1:35 p.m. on February 11, 2004 in Room 123-S of the Capitol.

All members were present:

Committee staff present:

Debra Hollon, Legislative Research  
Theresa Kiernan, Office of the Revisor of Statutes  
Judy Steinlicht, Committee Secretary

Conferees appearing before the committee:

Reginald Robinson, President/CEO Kansas Board of Regents  
Elias Garcia, Kansas Hispanic Affairs  
Melinda Lewis, ElCentro, Kansas City  
Sister Therese Bangert, Kansas Catholic Conference  
Kristian Guzman, Student, Hadley Middle School, Wichita  
John Martellaro, President, Kansas Families United for Public Education  
Andrea Pardo, Student, Wyandotte High School, Kansas City  
Leo Casados, Democratic Hispanic Caucus  
Don Whitten, Concerned Citizen  
Susan Tully, Federation for American Immigration Reform  
Paul Degener, Concerned Citizen  
Connie Morris, Concerned Citizen

Others attending:

See Attached List

### **Hearing on Sub HB2145--Postsecondary educational institutions, resident tuition and fees for noncitizen students**

Chairman Umbarger opened hearings on **Sub HB2145** and asked each conferee to limit the time of their testimony to 2-3 minutes each because of the number of conferees wishing to speak.

Reggie Robinson, President & CEO of the Kansas Board of Regents, reported that the Board supports the concept of expanded educational opportunity that **Sub HB2145** provides. The legislation would work to enhance opportunity for students to attend one of the state's institutes of higher education. The state needs a highly educated workforce if it is to remain competitive and reach its full potential. (Attachment 1)

Elias L. Garcia, Executive Director, Kansas Advisory Committee on Hispanic Affairs, spoke in support of **Sub HB2145**. Mr. Garcia pointed out that this bill sets eligibility criteria and does not provide for any monetary subsidy. Mr. Garcia said this bill is about a vision that recognizes that native Kansas' populations are significantly in the decline and that if Kansas communities are going to maintain the quality of life they have in the past, they must successfully adapt non-native populations in their mainstream. The challenge for Kansas policy makers and communities is to collectively embrace a vision that factors in the tremendous resources of human capital in the immigrant community and convert it into societal assets that will ultimately benefit Kansas. (Attachment 2)

Melinda K. Lewis, Director of Policy Advocacy and Research, ElCentro, Inc. supports **Sub HB2145**. She would like to clear up the misconceptions that this bill would give immigrant students advantages over U.S. students. It will not give financial aid or free college tuition to the immigrant students, but allow them to pay in-state tuition rates. **Sub HB2145** concerns students in Kansas who have not yet become permanent residents by the time of their high school graduation. They are students that live in and have gone to school in Kansas for at least 3 years, they are bilingual and bicultural, they plan to stay in the U.S., but have not yet received their citizenship. Their families have been waiting for years for the U.S. Citizenship and Immigration Services to process their paperwork. These students can go to college now, but under the current law, they would have to pay out-of-state tuition which most of them cannot afford. (Attachment 3)

## CONTINUATION SHEET

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Sister Therese Bangert, Kansas Catholic Conference spoke in favor of **Sub HB2145**. Sister Therese told the committee that care for children is central to the ministry of the Catholic Church, which includes care for the immigrant and refugee children. The church joins the voices of those young persons and their parents that this legislation will impact, and urges the committee to recommend this bill to the full Senate for passage. ([Attachment 4](#))

Student, Kristian Guzman, told the committee that his parents crossed the border without a visa and people call him illegal and tell him to go back to Mexico. His younger brother & sister were born in the U.S. and he calls this his country. He wants to be a legal citizen and go to school to become a space engineer. He was able to go to Washington and visit with Repr. Tiahrt and Senator Brownback about supporting a bill similar to **Sub HB2145**. ([Attachment 5](#))

John Martellaro, President of Kansas Families United for Public Education spoke in favor of **Sub HB2145**. The children that will benefit from this bill are children of parents who are residents of this state, who work and pay taxes. These are children that have achieved the graduation requirements of a Kansas high school in spite of the high educational standards and the poverty in which most of these young people live. A deeper reason is that these young people in Kansas love freedom, they are working hard, against great odds, to embrace the American dream. ([Attachment 6](#))

Andrea Pardo, a senior at Wyandotte High School in Kansas City, Ks., told the committee she had been studying hard to get good grades to go to college. Andrea came to the U.S. with a visa and did not understand, write or read English when she came to the U.S. Since 10th grade she has learned to understand, read & write English; she is fourth from the top in her senior class out of 230 students, and she does not have the assurance that she will be able to go to college. She is planning to stay in the U.S. and wants to continue her education and be a role model in her community. ([Attachment 7](#))

Leo Casados, Vice-Chair, Democratic Hispanic Caucus, told the committee that the intent of **Sub HB2145** is not only reasonable, but the right thing to do. Mr. Casados said with our President's "No Child Left Behind" and our Governor who has made education the number one priority of her administration, it only stands to reason that this legislature would support this bill to facilitate and support the educational endeavors of our leaders. Hispanics are the youngest and fastest growing population in the U.S. and are the largest minority population in the U.S. Education is the key that connects all people and communities. **Sub HB2145** will give the Hispanic youth an opportunity to succeed and Mr. Casados urged passage of the bill. ([Attachment 8](#))

Donald Whitten, a concerned citizen, from Wamego, Kansas spoke in opposition of **Sub HB2145**. Mr. Whitten's concern is the "careless manipulation of the immigration policy by yielding to the demands on behalf of the illegal immigrant and sympathizers." He feels passage of **Sub HB2145**, "granting illegal immigrants privileges not accorded the American citizen is erroneous." He believes the whole immigration issue has become a financial strain on the public, throughout America. He believes an individual entering the U.S. illegally, is by law, a criminal and that they should be deported. He also believes those who are aiding and abetting a criminal should be charged with such actions. ([Attachment 9](#))

Susan Tully, Mid-West Field Director, Federation for American Immigration Reform (FAIR) spoke in opposition to **Sub HB2145**. She believes the bill puts the state of Kansas in the position of aiding and abetting, encouraging and enticing illegal aliens to come and remain in Kansas in violation of Federal law. She believes the bill requires U.S. citizens and legal immigrant students to compete with aliens for a seat in Kansas universities and colleges. She believes the bill requires the citizens of Kansas to pay a subsidy to people who have no legal standing to even be here and if enacted will force law abiding citizens to pay a subsidy to lawbreaking foreigners who can't even vote. She believes the bill keeps illegal aliens out of the review of the Dept. of Homeland Security by way of the SEVIS tracking program. Ms. Tully believes legislation should be considered that would require all universities and colleges within Kansas to enroll only students who are citizens or those who have legal immigration status. ([Attachment 10](#))

W. Paul Degener, concerned citizen, spoke against **Sub HB2145**. Mr. Degener doesn't understand how

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we can reward illegal aliens who are breaking the law with a "financial windfall" when the citizens of the U.S. are expected to obey all Federal and State laws. The federal government already mandates that states provide a secondary education and health care to these immigrants which creates a tax burden on citizens throughout the country. (Attachment 11)

Concerned citizen, Connie Morris, spoke in opposition to **Sub HB2145**. She stated that endorsing illegal behavior is a disgrace. It is the parents who chose to cross an international border; they placed their children's lives in jeopardy, not the Kansas taxpayers. She believes the children of the illegal immigrants should be assisted in returning to their country, where they could spread the knowledge they obtained in America. (Attachment 12)

Time did not allow for all proponents to speak. Testimony in support of **Sub HB2145** is being provided as written. These are from Jim Edwards, KASB (Attachments 13) and Mark Desetti, KNEA. (Attachment 14)

Written testimony in favor of **Sub HB2145** was provided by Dr. Gary George, Olathe School District (Attachment 15); Porfirio Ramirez, Admissions Counselor, Ft. Hays State University (Attachment 16); Dr. David L. Benson, Superintendent of Schools, Overland Park, Kansas (Attachment 17)

David Hanley, Secretary Treasurer, GCIY Local 560 provided written testimony in opposition of **Sub HB2145**. (Attachment 18)

Chairman Umbarger asked for a show of hands from committee members if they wanted to continue the hearing now and let the revisor explain amendments. Senator Oleen interjected that the committee had an opportunity to hear this bill last year and again today. Senator Oleen made a motion to recommend Sub HB2145 favorably for passage. Seconded by Senator Downey. Chairman Umbarger asked for comments from other members of the committee if they wanted more time to consider the bill. Senator Vratil said he felt rushed and asked that Senator Oleen withdraw her motion so that the bill could be considered in a less hurried fashion. Chairman Umbarger said it was his desire to hold final action the first part of next week. Senator Oleen said she would be absent Monday and Tuesday and suggested a meeting at the rail today on adjournment of the Senate session. Chairman Umbarger said he would require 100% attendance if there is a meeting at the rail. It was decided to meet at the rail on adjournment or sooner if there was a break during session.

Meeting adjourned at 2:45 p.m. The next meeting is scheduled at the rail today, February 11, 2004.

(Meeting at the rail was cancelled)