

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 15, 2012, in Room 144-S of the Capitol.

All members were present except:  
Senator Steve Morris - excused

Committee staff present:  
Jason Long, Office of the Revisor of Statutes  
Tamera Lawrence, Office of the Revisor of Statutes  
Dennis Hodgins, Kansas Legislative Research Department  
Julian Efird, Kansas Legislative Research Department  
Connie Burns, Committee Assistant

Conferees appearing before the Committee:  
Representative Reynaldo Mesa  
Representative Louis Ruiz  
Eric Stafford, The Kansas Chamber  
Allie Devine, Devine & Donley, LLC  
Bill Gordon, Mid America Green Industry Council  
Jim Hawkins, Garden City Police Department  
Dalton Hermes, Hermes Nursery  
Janie Welsh, People of Southwestern Kansas  
Angela J. Ferguson, Austin & Ferguson  
Sister Therese Bangert, Sisters of Charity of Leavenworth

Others attending:  
See attached list.

**SB 399 – Kansas workers and community partnership act, undocumented aliens**

Chairman Brungardt opened the hearing on **SB 399**.

Staff provided an overview of the bill.

Representative Reynaldo Mesa appeared as a proponent on the bill. (Attachment 1) Representative Mesa challenged his colleagues to put the politics of this issue aside and truly analyze the bill on its merits. The bill is attempting to handle the issue within the state of Kansas instead of shifting it to other states. This bill will help to keep families together instead of driving them apart; and the bill manages the issue without causing the extreme economic harm that has occurred in Arizona, Alabama, Georgia, and other states that have enacted “self-deportation” policies.

Representative Louis E. Ruiz appeared in favor of the bill. (Attachment 2) The positive impact of this bill will not only affect the workers but also the families as well. The economic impact of this demographic has been shown to either improve or devastate local communities and businesses. These immigrants will also be able to work toward English proficiency and be a more viable part of the State of Kansas and the

CONTINUATION SHEET

The minutes of the Federal and State Committee at 10:30 a.m. on February 15, 2012, in Room 144-S of the Capitol.

United States as a whole.

Eric Stafford, Senior Director of Government Affairs, The Kansas Chamber, spoke in support of the bill on behalf of the Kansas Business Coalition for Immigration Reform and the organizations listed at the end of my testimony. (Attachment 3) The bill works within the confines of the federal immigration matrix through a program developed by the Kansas Secretary of Labor. This work authorization program is limited in scope and is only available to noncriminal unauthorized aliens who are not a priority for deportation by the federal government. This bill focuses on the benefit of work authorization for specific industries, instead of incarceration and deportation. Part of the Governor’s Roadmap for Kansas includes the desire to grow the Kansas economy; and includes increasing private sector employment in Kansas. Many industries experience the most limited factors involved in expansion of business in the state; is the lack of an adequate labor force.

Corporate Immigration Compliance Institute	Kansas Grain and Feed Association
Greater Topeka Chamber of Commerce	Kansas Livestock Association
Kansas Agribusiness Retailers Association	Kansas Manufactured Housing Association
Kansas Building Industry Association	Kansas Pork Association
Kansas Chamber of Commerce	Kansas Restaurant and Hospitality Association
Kansas Contractors Association	Kansas Society for Human Resource Management
Kansas Cooperative Council	Kansans for Sensible Immigration Policy
Kansas Corn Growers Association	Manhattan Area Chamber of Commerce
Kansas Dairy Association	Mid-America Green Industry Council
Kansas Economic Progress Council	Wichita Independent Business Association
Kansas Farm Bureau	

Allie Devine, Devine & Donley, LLC on behalf of the Kansas Business Coalition and Kansas for Sensible Immigration Policy, spoke in favor of the bill. (Attachment 4) The bill establishes the:

- Kansas Business-Workforce-Communities Partnership Act which is designed to be a pro-business, pro-economic growth way to manage the issue of undocumented workers in Kansas;
- establishes a program that works with the current policies and authorities of the U.S. Department of Homeland Security to manage undocumented workers without damaging the Kansas economy
- establishes a self-funded program that does not impose expensive, job-killing regulations on businesses, nor cost-prohibitive unfunded mandates on state and local governments

The bill creates a program wherein the state of Kansas identifies and supports aliens who pose no risk to the public; have been in Kansas for over 5 years; and who agree to work in industries that need workers. “Support” means that Kansas will send documentation to the federal government that bolsters the application of the alien to remain in Kansas; a method for the state to work within the existing immigration system to support these applicants, the program is voluntary and no one will be forced to participate. This is not an amnesty, waiver, or path to the citizenship program.

This bill provides a system that will improve the lives of aliens and their families; provide businesses with a lawful workforce; provide funding for programs that serve immigrants; and give Kansas an economic advantage to grow the economy.

## CONTINUATION SHEET

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Ms. Devine provided an overview of the bill by sections; charts on unemployment rates for the state in December 2011; 2010 Census Hispanic Population Kansas by County, and a flow chart "Immigration Roadmap to a Green Card".

Bill Gordon, Past President Mid America Green Industry Council, (MAGIC) testified in support of the bill. (Attachment 5) The bill provides an avenue for those of us who must depend on an immigrant work force and want to do things the right way. This program can help level the playing field for employers who want to do the right thing but are competing with other who do not care. This is especially true at this point in time as the H2B program is on the verge of elimination through policy changes currently underway.

Jim Hawkins, Chief of Police of the Garden City Police Department, spoke in favor of the bill. (Attachment 6) The bill has addressed the concerns of law enforcement, and will allow greater compliance with driving laws, especially if you allow a deferred status to individuals who are already living in the community. The bill will allow the law enforcement agency the ability to track individuals who are driving and allow officers to focus on more serious crimes by reducing the need to concentrate on misdemeanor traffic violations.

Dalton Hermes, Hermes Nursery, appeared in support of the bill. (Attachment 7) The last 15 years Hermes Nursery has utilized the H2A and H2B work visa program, which provides guest worker visas for temporary seasonal employment; this process is very cumbersome and becoming increasingly expensive to employers who rely upon the use of the system. The costs associated with obtaining approval and securing workers has increased around 500% over the past 10 years. The Federal Department of Labor has just published regulations which place even more burden upon employers. It is Mr. Hermes and his colleagues' belief that the Federal Department of Labor under Secretary Solis is aiming to make these programs impossible for employers to use. The action of the Federal Government is going against employers who are trying to secure a legal workforce.

Janie Welsh, People of Southwestern Kansas, spoke in favor of the bill. (Attachment 8) The bill is not asking for amnesty, but would allow SW Kansas to keep jobs filled in the small towns that legal citizens are not willing to fill.

Angela J. Ferguson, The American Immigration Lawyers Association, testified in support of the bill. (Attachment 9) The bill would provide a way for an undocumented immigrant to work legally while waiting in the visa line; the State of Kansas will have a legal workforce of immigrants who intend to stay in Kansas, invest in the communities and assimilate. The proposal envisions workers, who have passed criminal background checks, who have resided in Kansas for a period of time, and who are willing to stay, work and invest in our communities and their future. Undocumented immigrants will be able to drive legally; will be able to open bank accounts; will be able to buy health insurance, earn a living wage, file taxes, and participate in local schools, churches, and government without fear.

Sister Therese Bangert, Social Justice Coordinator, Sisters of Charity of Leavenworth, spoke in favor of the bill. (Attachment 10) Sister Therese provided the Community Stance from the Sisters of Charity of Leavenworth, Sister stated a concern with the bill. The bill does not give protected status or a path toward citizenship to the worker that the Department of Labor has certified that is needed.

## CONTINUATION SHEET

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Written testimony was provided by Christy Caldwell, Vice President, Greater Topeka Chamber & Go Topeka, in support of the bill. ([Attachment 11](#))

Kelli Maydew, Kansas Livestock Association, provided written testimony in support of the bill. ([Attachment 12](#))

Written testimony was provided by Kenneth K. Schmitt, MO/KAN Chapter of the American Immigration Lawyers Association, in support of the bill. ([Attachment 13](#))

Leslie Kaufman, President/CEO of the Kansas Cooperative Council, provided written testimony in support of the bill. ([Attachment 14](#))

Written testimony was provided by Bishop Scott Jones, Kansas Area of the United Methodist Church, in support of the bill. ([Attachment 15](#))

Elias L. Garcia, State Director, League of United Latin American Citizens of Kansas, (LULAC) provided written testimony in support of the bill. ([Attachment 16](#))

Written testimony was provided by Kansas Catholic Conference, The Catholic Bishops of Kansas, in support of the bill. ([Attachment 17](#)) Also provided was a signed statement from the Catholic and Protestant Bishops in Kansas.

Terry Forsyth, President, Working Kansas Alliance, provided written testimony in support of the bill. ([Attachment 18](#))

Chairman Brungardt continued the hearing on **SB 399**

The next meeting is scheduled for February 16, 2012. The meeting was adjourned at 11:55 a.m.