

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 157

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

SB 157 would require the Superintendent of the Kansas Highway Patrol (Patrol) (Superintendent) to seek to negotiate a memorandum of agreement between the State of Kansas and the U.S. Department of Homeland Security (Department) concerning the enforcement of federal immigration law, detentions and removals, and related investigations. As provided in federal law [8 USC §1357(g)], such an agreement would allow Patrol officers to perform some of the functions of federal immigration officers. The bill would specify any such memorandum must be signed by the Superintendent on behalf of the State unless otherwise required by the Department.

The Superintendent would be required to submit a report to the Governor on the status of attempts to enter into such a memorandum of agreement on or before January 1, 2018.

Background

The bill was introduced in the Senate Committee on Federal and State Affairs at the request of Senator Tyson. In the Senate Committee hearing, representatives of the Secretary of State's Office and Kansans for Conservative Values, and a private citizen appeared in support of the bill. Written-only proponent testimony was provided by a private citizen.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Neutral testimony was provided by a private attorney. Written-only neutral testimony was provided by the Patrol.

Representatives Victors, Alcala, and Ruiz; representatives of the American Civil Liberties Union, the Kansas Business Coalition for Immigration Reform, the Kansas Chamber of Commerce, Kansas Inter Faith Action, the Mainstream Coalition, and the Peace and Social Justice Center; and four private citizens appeared in opposition to the bill. Written-only opponent testimony was provided by the Dominican Sisters Ministry of Presence, the Kansas Appleseed Center for Law and Justice, Inc., the Kansas Livestock Association, and two private citizens.

According to the fiscal note provided by the Division of the Budget, the Patrol has indicated all troopers would be expected to become certified and perform immigration officer functions, which would require additional expenditures to pay for the training and associated travel costs for up to 500 personnel. According to the Patrol, the necessary training is provided by the U.S. Immigration and Customs Enforcement agency over a four-week period. The agency had not been presented with a draft for a memorandum of agreement between the Patrol and the Department and cannot estimate a fiscal effect without knowing the language in the agreement.

The Office of the Attorney General has indicated enactment of the bill could require additional expenditures if there is litigation between the State of Kansas and the federal government in connection with the memorandum of agreement. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.