

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on February 09, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Rocky Fund-Excused
Representative Steve Huebert-Excused
Representative Joe Seiwert-Excused
Representative Mike Peterson-excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Doug Taylor, 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:

Angela Ferguson, Austin & Ferguson, L.L.C.
David Smith, Kansas Public Schools
Sister Therese Bangert, Sisters of Charity of Leavenworth
Andy Thompkins, Kansas Board of Regents
Mark Tallman, Kansas Association of School Boards
Amber Versola, Kansas NOW
Lalo Munoz
Alaide Vilchis
Andrea Pardo
David Grummon. MORE²
Kathy Cook, Kansas Families for Education Written Only
Laurie Anderson, Immigrant Justice Advisory Movement Written Only
Gary George, Olathe Schools Written Only
Joseph F. Naumann, DD, Catholic Conference Written Only
Melinda Lewis, El Centro Written Only
Mary Lou Jarimillo, El Centro Written Only
Mark Desetti, Kansas NEA Written Only
Boo Tyson, MainStream Coalition Written Only

Others attending:

See attached list.

Representative Smith introduced a bill about reemployment for Kansas State Legislators, protection similar to the military.

The chairman opened the hearing on **HB 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States**

Angela Ferguson presented testimony as an opponent of **HB 2006** (Attachment 1). She said that the alien students in Kansas cannot obtain a temporary, non-immigrant visa because of their past life in Kansas. However they can become Lawful Permanent Residents and contribute to the state. Allowing them in-state-tuition allows them to pursue citizenship while getting their education.

Representative Rubin asked her opinion of the statement that giving in-state-tuition to illegal aliens was against Federal law. Angela said she disagreed with that and that the courts have upheld in-state-tuition.

Representative Patton said that the Federal statute says that aliens who incur a year of unlawful presence in the United States are barred from obtaining a visa for ten years, are you saying the statute does not say that? Angela said no but that it was one of the most unreasonable statutes on the books.

Representative Bowers asked what the rules were for applying for citizenship. Angela said they sign an

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affidavit saying they intend to apply for American citizenship. Representative Bowers also asked if they could legally work in Kansas after receiving their degree. Angela said they could do that three separate ways. One is that their parents filed for them in the past. Another is to get married or get caught and appeal to the judge about your record here and the harm it would cause to your family.

Representative Knox asked if she thought immigration law was ridiculous. She said no but that the unlawful presence law of 1996 hurts families and creates the ten year bar and keeps families separated. She feels that that bill should be repealed. She also felt that the waiting period for a visa was ridiculously long.

Representative Gregory asked if it was OK for the immigration law to be broken, were there other laws that it was OK to be broken? Angela said that she always discouraged immigrants to bring their family members in because it is not legal but our laws provide a way for them to get legal. She said that some laws were unjust like the slavery laws and some of our immigration laws are unjust and should be reformed but I would not encourage anyone to break the law.

Representative Boman asked since the majority of the illegal immigrants come from Mexico, would a citizen of the United States entering Mexico illegally be allowed to have in-state-tuition. Angela said she did not know the answer to that.

The chairman recognized Representative Goico for testimony and requested 35 copies of his testimony by the end of the day. He agreed to do that. He told his story how he came to the United States from Cuba after the unsuccessful Bay of Pigs invasion in 1961. He was 15 years old at that time. He came on a tourist visa and requested political asylum. A program allowed 40,000 children to come to the United States. He was a refugee and did not have illegal status. He studied engineering in college and paid out-of-state tuition for 7 ½ years to get his degree. Then he became an air force pilot and served in the air force for 32 years. He said that the federal law should be tested in the courts and that Kansas should not do anything with this bill at the present time and the reason is that we are killing their hope for life.

Representative Boman said he respected Representative Goico's position because it was political, but the children coming out of Mexico are not coming for political asylum. Representative Goico said that the life you live in the United States is not comparable to any other country. A life of fear and terror exists everywhere. Many places do not have a stable government or even a fair government. Representative Boman responded that the United States cannot remedy the whole world's problems.

David Smith presented testimony as an opponent of **HB 2006** ([Attachment 2](#)). His written testimony was signed by Bill Reardon, Lobbyist, but presented by David Smith. He said that the Kansas City, Kansas public schools are required to educate the children of Kansas City, Kansas regardless of where they come from. Passage of this bill would make it more difficult.

Sister Therese Bangert presented testimony as an opponent of **HB 2006** ([Attachment 3](#)). She said that their order was more than 150 years old and that they have been on the front line of educating immigrants for all those years.

Andy Thompkins presented testimony as an opponent of **HB 2006** ([Attachment 4](#)). He said that the law does not allow undocumented immigrant students to attend public postsecondary institutions for free. They pay the same tuition that their high school classmates pay. However, they are not eligible for any state or federal student financial aid. The Kansas Board of Regents supports this law because it embodies the concept of expanded educational opportunity for people who live in Kansas and seeks to enhance their ability to contribute to the well-being of the state.

Mark Tallman presented testimony as an opponent of **HB 2006** ([Attachment 5](#)). He said that the Kansas Association of School boards supported tuition for undocumented immigrant children. Since we are required to provide education from kindergarten through grade 12 it will be harder to keep them in school if they must pay higher fees. We also believe that it is not right to punish the children for the actions of their parents.

Amber Versola presented testimony as an opponent of **HB 2006** ([Attachment 6](#)). She said that Kansas

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NOW supports equal opportunity for all and denying them in-state-tuition prevents them from contributing to the state. It also punishes the undocumented children for circumstances over which they had no control. NOW advocates for the fair treatment of all people, and in this case the children deserve an equal opportunity for an affordable education.

Lalo Munoz presented testimony as an opponent of **HB 2006** ([Attachment 7](#)). He spoke as an individual opposed to the repeal of in-state-tuition. He believes that it is in the best interest of Kansas to invest in our best and brightest, whoever they may be. We need to encourage more students to continue their education and do it while staying in Kansas.

Alaide Vilchis presented testimony as an opponent of **HB 2006** ([Attachment 8](#)). She testified that she came to Kansas at 14 years of age. The same year she graduated from high school the in-state-tuition bill was passed. It had a great deal to do with her getting her college degree. She is continuing her education and hopes to get her masters degree. She wants to benefit the society that allowed her to discover her love of learning. Finally she is looking forward to the day, very soon, when she will take the oath as a citizen of the United States.

Andrea Pardo presented testimony as an opponent of **HB 2006** ([Attachment 9](#)). She told her story of coming to the United States at age 15, not knowing English. The family was poor and the passage of in-state-tuition in 2004 plus her hard work writing essays for private scholarships enabled her to get a Masters Degree in Architecture and graduate debt free. Kansas has taught me the meaning of leadership and community service. My heart is rooted in the Land of Opportunity.

David J. Grummon presented testimony as an opponent of **HB 2006** ([Attachment 10](#)). He said that in-state-tuition helps reduce high school dropout rates. Without any hope of further education, many students find no reason to complete high school. The students who are eligible under the in-state-tuition Act were brought here by their parents. They must overcome language barriers and cultural differences. Despite these obstacles, they have chosen to stay in school and work hard. This is what the in-state-tuition rewards.

The following presented testimony as opponents of **HB 2006**,

Kathy Cook ([Attachment 11](#)),

Laurie Anderson ([Attachment 12](#)),

Gary George ([Attachment 13](#)),

Joseph F. Naumann D.D ([Attachment 14](#)),

Melinda Lewis ([Attachment 15](#)),

Mary Lou Jaramillo ([Attachment 16](#)),

Mark Desetti ([Attachment 17](#)),

and Ms Boo Tyson ([Attachment 18](#)).

The next meeting is scheduled for February 10, 2011.

The meeting was adjourned at 3:16 p.m.