

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 3:04 p.m. on February 08, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative 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:

Representative Caryn Tyson
Kris W. Kobach
Lynne Oharah
Nancy Hanahan
Kathy Brown
Dennis Bixby
Earl Long
W. Paul Degener
Representative Connie O'Brien
Representative Virgil Peck, Jr. Written Only
Renee Slinkard Written Only
Helen Van Etten Written Only
Ellie Davey Written Only
Jeffrey G. Locke Written Only
Kandy Abernathy Written Only
Linda Haverfield Written Only
Ken Dunwoody Written Only
Tina Ramirez Written Only
Ed Hayes Written Only

Others attending:

See attached list.

The Chairman called for bill introductions. Martha Gabehart introduced a bill to amend the Kansas Act Against Discrimination to align with the Americans with Disabilities Act. It was received without objection. Martha also introduced HB 2336 concerning the Kansas employment first initiative act for persons with disabilities. It was also received.

The Chairman introduced HR 5013, the Kansas Real Act dealing with spending limitations. It is a constitutional amendment. It was received without objection.

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**

Mike Heim, Office of the Revisor of Statutes, said that the gist of the bill is on page 3, lines 9-12 which disallows an alien, who is not lawfully in the United States, resident fees in any state educational institution.

Representative Goico asked if the current statute required such alien to have attended three years of High School in Kansas and graduated in Kansas or obtained a GED and to file paperwork as to what his commitment for citizenship will be.

Representative Knox asked if the Federal government were to make them legal residents, would in state tuition apply? Mike agreed that would be true.

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Representative Tyson presented testimony as a proponent of **HB 2006** ([Attachment 1](#)). She testified that aliens who have violated federal law are paying in-state tuition rates while lawful aliens and out-of-state U.S. Citizens are paying non-resident fees. Since Kansas is strapped for funds we should not continue to support people who are not lawfully in our country. The Kansas Board of Regents documents 413 students enrolled and paying in-state-tuition under K.S.A. 76-731a in 2010. This is an estimated cost of \$573, 120 per semester. Foreign exchange students, here legally, pay non-resident fees in Kansas.

Representative Gregory asked if families on military bases were granted in-state-tuition? Representative Tyson said there were provisions for them to pay in-state-tuition.

Representative Goico asked if the 413 includes community colleges, universities and trade schools? Representative Tyson said that it did.

Kris W. Kobach presented testimony as a proponent of **HB 2006** ([Attachment 2](#)). He pointed out that Kansas is in violation of federal statutes prohibiting states from giving in-state tuition to illegal aliens. Giving in-state-tuition to illegal aliens is rewarding those who break federal law. Kansas gains no productivity benefit from graduates who are here illegally. It is against the law to hire them. Finally, giving in-state-tuition to illegal aliens is a magnet to lure them to stay in Kansas. By doing so they are breaking federal law and can be barred from obtaining a visa for ten years.

Representative Seiwert asked if this would be discrimination in not allowing a resident of the state in-state-tuition. Kris said that there were two kinds of discrimination under Kansas law. One is discriminating against legal aliens in favor of illegal aliens; the other is against a US citizen coming from another state in favor of an alien unlawfully present here. So yes, we are discriminating against US citizens who are non-residents of Kansas.

Representative Loganbill said that the aliens unlawfully here must pay full tuition and they are not eligible for any grants or state aid. However students coming in from another state are eligible for grants and state aid. That means to me that they are not being subsidized.

Kris said that the subsidy occurs whenever we grant in-state-tuition to an individual. The subsidy is roughly equivalent to the difference between the in-state and out-of-state tuition.

Representative Victors asked how many states are giving in-state-tuition. Kris said it was 10.

Representative Goico asked a question for the Research Department. How does this apply to junior colleges and trade schools? What is the subsidy for junior colleges and trade schools? Representative Tyson thought the difference was about three thousand dollars with a full time load.

Lynne Oharah submitted testimony as a proponent of **HB 2006** ([Attachment 3](#)). A study by the Federation for American Immigration Reform says that the cost for illegal immigration is \$100 billion and 75 percent of the total is borne by state and local taxpayers.

Nancy Hanahan presented testimony as a proponent of **HB 2006** ([Attachment 4](#)). She indicated that Kansas is flagrantly disobeying Federal law by granting in-state-tuition to illegal aliens.

Kathy Brown submitted testimony as a proponent of **HB 2006** ([Attachment 5](#)). She said that the United States was not the emergency room for the world and we are not the university to the world.

The Chairman suspended testimony at 3:58 p.m to allow another committee the use of the room. Testimony was resumed at 4:54 p.m.

Dennis Bixby presented testimony as a proponent of **HB 2006** ([Attachment 6](#)). He said that Kansas is in debt and cannot meet its current obligations. To pay in-state subsidies to illegal aliens would be like rewarding illegal behavior.

Earl Long gave testimony as a proponent of **HB 2006** ([Attachment 7](#)). He said that KSA 76-731a had two unintended consequences. One was that a Kansas resident was denied in state tuition. The second was that an illegal alien was granted in state tuition. Passage of **HB 2006** would change that.

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Paul Degener presented testimony as a proponent of **HB 2006** ([Attachment 8](#)). He was offended that Minutes of the House Federal and State Affairs Committee at 3:04 p.m. on February 08, 2011, in Room 346-S of the Capitol.

illegal aliens were receiving in-state-tuition while United States citizens were not.

Representative Connie O'Brien presented testimony as a proponent of **HB 2006** ([Attachment 9](#)). She recounted a time when with her son she observed an incident where an obvious illegal alien was requesting her scholarship money. The clerk asked to see some state issued ID and she responded that she did not have a state issued ID. That included a drivers license. They concluded that she must have been an illegal alien.

Representative Goico replied that she was not entitled to financial aid. Anyone who is here illegally is not entitled to state or federal financial aid.

Representative Gatewood asked how they could tell that she was illegal. Connie said she was not black or Asian and she had olive complexion. I was struck by the fact that she was driving on our streets without a drivers license.

The following presented written only testimony as proponents of **HB 2006**.

Representative Virgil Peck, Jr. ([Attachment 10](#)). He said that a large majority of Kansas voters oppose using their tax dollars to subsidize the college tuition of illegal immigrants.

Renee Slinkard ([Attachment 11](#)), does not want his tax dollars being spent on in-state-tuition for illegal aliens.

Helen Van Etten ([Attachment 12](#)) said that it does not make sense to give a tax break for breaking the law.

Ellie Davey ([Attachment 13](#)) asked the legislature to repeal any law that gave illegals a reward.

Jeffrey G. Locke ([Attachment 14](#)) said that no student of illegal alien status should be able to qualify for in-state-tuition.

Kandy Abernathy ([Attachment 15](#)) lives in Missouri and her daughter wants to go to college in Kansas. She will have to pay out of state tuition. How is it fair that an illegal immigrant would get in-state-tuition.

Linda Haverfield ([Attachment 16](#)) said that college enrollment is a priviledge, not a right, and illegal aliens do not have rights.

Ken Dunwoody ([Attachment 17](#)) tells the story of his daughter who was wounded in Iraq. She is not a Junior at Kansas State.

Tina Ramirez ([Attachment 18](#)) said that we should not encourage people to do anything illegal.

Ed Hayes ([Attachment 19](#)) said that the in-state-tuition breaks for illegals is one of the magnets that brings illegals to Kansas.

The hearing was held open in order to hear the opponents tomorrow.

The next meeting is scheduled for February 9, 2011.

The meeting was adjourned at 5:35 p.m.