

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 March 16, 2011, in Room 144-S of the Capitol.

All members were present except:  
Senator Ralph Ostmeier

Committee staff present:  
Jason Long, Office of the Revisor of Statutes  
Doug Taylor, 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 Caryn Tyson  
Gary Sherrer, Kansas Board of Regents  
Andrea Pardo-Spalding  
Alaide Vilchis  
Sister Thereses Bangert, Sister of Charity of Leavenworth  
Angela L.e Williams, LLC, Wichita, Kansas  
Kathy Cook, Kansas Families for Education  
Jim Edwards, Kansas Association of School Boards  
Maria Magdaleno, Sunflower Community Action  
Reverend Rick Behrens, Grandview Park Presbyterian Church, Kansas City

Others attending:  
See attached list.

**Final Action:**

**SB 223--Public facilities; accessibility standards, disabled persons**

Senator Longbine moved to pass HB 2001 out favorably. Senator Owens seconded the motion. The motion carried.

**HB 2060--Recognizing the primacy of decisions written by a member of the military on the federal DD form 93**

Senator Owens moved to pass HB 20602 out favorably. Senator Reitz seconded the motion. The motion carried.

**Hearing:**

**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**

Chairman Brungardt opened the hearing on **HB 2006**.

Staff provided an overview of the bill. (Attachment 1)

Representative Caryn Tyson appeared in support of the bill. (Attachment 2) The bill will repeal existing KSA 76-729 and 76-731a, and will require a person that is not lawfully present in the United States to pay non-resident fees at any state educational institution, and will save money for Kansas taxpayers and will help bring Kansas law into compliance with federal law regarding unlawful aliens.

Kandy Abernathy, Missouri, provided written testimony in support of the bill. (Attachment 3) Ms. Abernathy stated that her daughter who lives out of state but is a US Citizen would have to pay out of state tuition to attend Kansas colleges.

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Representative Connie O'Brien provided written testimony in support of the bill. ([Attachment 4](#)) That while enrolling her son in community college a student in the line next to theirs was asking about her scholarship money and was told that without having a photo ID or Driver's license she could not receive her scholarship money. Representative O'Brien stated that a student who has no photo ID or a Kansas driver's license should not have qualified for any financial aid, scholarships or in-state tuition.

Written testimony was provided by Lindsay Mock in support of the bill. ([Attachment 5](#)) Ms. Mock is a legal resident of Washington State and pays out of state tuition; and she feels that illegal immigrants and their children attending college in this state that pay the in-state tuition, and have not taken the time to become citizens is outrageous.

### **Opponents:**

Gary Sherrer, Chairman, Kansas Board of Regents, spoke in opposition to the bill. ([Attachment 6](#)) The law enacted by the 2004 Legislature that allows certain undocumented immigrants to attend the state's public postsecondary institutions at in-state rates. The Board strongly supported the adoption of this law when it was approved in 2004, and the Board has strongly opposed subsequent efforts to repeal it. It is important to clarify what this law is and what it is not. This law does not allow undocumented immigrant students to attend public postsecondary institutions for free. These students, who come from our state's high schools, must still pay tuition. They must pay the same tuition that their high school classmates pay as they attend our state's colleges and universities. These students, due to their immigration status, are not eligible for any state or federal student financial aid. These students bear the entire burden of the cost of attendance, no matter how evident or significant their financial need.

The Board supports this law because these students have done everything asked of them and more. After arriving in this country at no fault of their own, they've become proficient in English, they've earned the grades and achieved the standardized test scores necessary for college admission, and they've signed a legal affidavit attesting to the fact that they intend to become U.S. citizens. This bill will not address the illegal immigration issue, and if repealed will not stop one person from entering Kansas illegally. This legislation denies individuals and Kansas the opportunities and benefits that education provides, and we ask not to punish Kansas and these talented young men and women in an attempt to make a political statement.

Andrea Pardo-Spalding spoke in opposition to the bill. ([Attachment 7](#)) Under the instate tuition law, she did not receive any government financial help, and starting in her senior year in high school and continuing throughout college she applied for private scholarships and graduated debt free. She has graduated from Kansas State University with a Master of Architecture degree and now works with an architect, drawing commercial and residential plans and volunteers in the community every chance she gets. The instate tuition law worked in her life, and it is working in the lives of immigrant students around the state.

Alaide Vilchis, testified in opposition to the bill. ([Attachment 8](#)) Ms. Vilchis stated, when Kansas legislators passed the in-state tuition law, they opened a door for undocumented immigrants to get a higher education, but they also gave the state the opportunity to create active and productive members of this society.

Sister Therese Bangert, Sisters of Charity of Leavenworth, spoke in opposition to the bill. ([Attachment 9](#)) The Sisters of Charity of Leavenworth celebrated their 150<sup>th</sup> birthday two years ago, and have been part of educating Kansas children all of those years. The Constitution which sets a framework for lives, states that the very spirit of the founding Sisters was born within the immigrant and pioneer spirit of the late 1850's. Educating immigrants has been part of that service for 152 years.

Angela L. Williams, LLC, appeared in opposition to the bill. ([Attachment 10](#)) Ms. Williams stated the fact that these students have no way to "get legal" at the present time. Their parents brought them here to the United States sometime when they were mere babies to give them a better life and a better education. These students had no part in the decision to enter our country without inspection or to overstay their tourist visas. To qualify for a non-immigrant visa, i.e. a student visa, the student has to provide proof of acceptance to a college and be able to afford to pay tuition/room/board but also the student has the

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intention to return to their home country after finishing their studies. According to the current visa bulletin, for a Mexican born beneficiary, immigration is only working on cases that were received by the service before February 1 of 1996.

These families have contributed to the Kansas economy for years, working; owning businesses, paying property and sales tax and often even state, federal and local income tax. Ms. Williams urged the committee to vote against the repeal of in-state tuition for these students who want nothing but the opportunity to go to college and make the only home many have ever know, Kansas and the United States a better place.

Kathy Cook, Executive Director, Kansas Families for Education, testified in opposition to the bill. (Attachment 11) Ms. Cook contends that to deny students access to higher learning is not only detrimental to them as individuals, but detrimental to our state and our economy. If these students are denied in-state tuition, it would take dollars away from our already under funded higher educational institutions, that most of these students can only afford to get a higher education at the in-state tuition cost.

Jim Edwards, Assistant Executive Director – Operations, Kansas Association of School Boards, spoke in opposition to the bill. (Attachment 12) KASB opposes the bill, which would repeal in-state tuition rates for undocumented immigrant children. The reason the members adopted this position are both practical and ethical:

- Enforcing immigration law should not punish the innocent – passing the bill would do nothing to enforce the “rule of law” nor would it remove these students from our state.
- Public schools are legally responsible for the educational attainment of all children, regardless of citizenship
- Kansas needs more, not fewer workers with higher skills

KASB believes it makes neither economic nor moral sense to erect higher barriers to post secondary education for the children who would lose benefits if the bill is passed. Diane Gjerstad, Government Relations, Wichita Public Schools, was not able to attend the hearing but wished to be noted as in opposition to the bill.

Maria Magdaleno, Sunflower Community Action, spoke in opposition to the bill. (Attachment 13) The argument that allowing immigrant students to receive in-state tuition is expensive to tax payers; the reality is that the state is making money that otherwise would not be made. There are 413 immigrant students attending a higher education institution through this program with a high percentage of them already in the system to becoming documented citizens. These students would probably not be in college if out-of-state tuition were required

The Reverend Rick Behrens, Grandview Park Presbyterian Church, Kansas City, Kansas, appeared in opposition to the bill. (Attachment 14) Repealing in state tuition for Kansas children, young people, raised and educated right here in Kansas, is a step backwards.

The Catholic Bishops of Kansas provided written testimony in opposition to the bill. (Attachment 15) Immigration is a federal responsibility that simply cannot be addressed coherently by fifty different state policies; however, in attempting to compensate for congressional inaction, states should take care not to pursue remedies that fail to bring us closer to a solution to our immigration challenges.

Ben Gerrard, University of Kansas School of Social Work, provided written testimony and an on-line petition in opposition to the bill. (Attachment 16) Mr. Gerrard launched an online petition (Defeat **HB 2006**) two weeks prior; in the short time over 270 Kansas have signed on. Many of the signatories are Kansas University students and faculty, as well as concerned constituents. The petition specifies that it is only for Kansas residents and all signatures are verifiable by email. The petition is still active ([www.petitiononline.com/hb2006](http://www.petitiononline.com/hb2006)) and continues to accumulate signatures.

Kansas Bishops of the Episcopal Church, the Evangelical Lutheran Church in America and the United Methodist Church, together, provided written testimony in opposition to the bill. (Attachment 17) As the 2011 Legislative Session again revisits the policy of in-state tuition at our Regent institutions, we call on

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legislators to uphold this policy. This call comes from our belief in the call of the Gospel to welcome the stranger, to embrace the children, and to care for those on the outer edges of our society.

Chairman Brungardt closed the hearing on **HB 2006**.

Senator Reitz made a motion to not recommend for passage **HB 2006**. Senator Owens seconded the motion. The motion carried. The measure will not be advanced.

The next meeting is scheduled for March 17, 2011. The meeting was adjourned at noon.