

KANSAS HOUSE OF REPRESENTATIVES



STATE REPRESENTATIVE ANN MAH
DISTRICT 53
TESTIMONY HB 2492, HB 2577, HB 2575

Mr. Chair and Committee:

Thank you for considering the issue of verifying legal employment in Kansas. I have personally introduced bills requiring the use of e-verify since the 2008 session. Last session I introduced HB 2026 requiring the use of e-verify on public works contracts for all municipalities. I am asking that the committee adopt the provisions of HB 2026 in lieu of other e-verify bills proposed. A copy of HB 2026 is attached.

While immigration is a federal issue, it is imperative the state ensures that honest employers are not put at a competitive disadvantage by unscrupulous employers who hire workers under the table at low wages. HB 2026 requires that public works jobs are not given to contractors who hire workers not eligible to work in Kansas. This includes state and local governments and school districts. E-verify is the right system to use because it is free, easy to access, and provides instantaneous results.

Under HB 2026, contractors bidding on public works jobs must certify the employment eligibility of their employees by using e-verify. They must also ensure that subcontractors do the same. Reports of contractors not complying will be sent to the Secretary of Labor for investigation. Upon a finding of non-compliance, the Secretary will put the contractor on a no-bid list and that contractor will not be able to bid on public works jobs for two years.

Using e-verify also protects Kansas workers in that jobs are not given to illegal workers at below market rates. When workers are hired under the table at low wages, it starts a downward spiral that reverberates throughout the economy. Lower wages means less buying power, which drives wages even lower. The current situation is not good for the illegal workers, either. When they are hurt or abused on the job, they cannot report it for fear of deportation.

House Fed & State Affairs

Date: 2-15-12

Attachment

2

Why HB 2026 over other bills proposed? HB 2026 holds contractors liable for subcontractors. If you do not hold contractors liable for those hired beneath them, you might as well not do a bill at all. The penalties in other bills “may” be applied. HB 2026 says when a violation is found, the contractor cannot bid again for two years. Other bills appear to leave the application of penalties to the governmental entities involved. HB 2026 designates a single entity – the Secretary of Labor – as the entity to ensure consistent application of the law and penalties involved.

How might HB 2026 be improved? If the committee is concerned about the size of contracts involved and the volume of potential investigations, an amendment to limit applicable contracts to a minimum dollar amount could be applied. We could also require that the governmental entities listed utilize e-verify as well.

The federal government needs to develop a better guest worker program, but that’s their challenge. Until then, we are obliged to protect Kansas employers and workers. HB 2026 is a bill that legislators from both sides of the aisle can support as it tackles the heart of the problem.

Attachment