

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on March 8, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department  
Mike Heim, Revisor of Statutes Office  
Carol Doel, Committee Assistant

Conferees:

Attorney General Paul Morrison  
Representative Raj Goyle  
Representative Jeff Whitham  
Representative Joe Patton  
Richard Strothman - Patriot Guard  
Thomas Witt - Kansas Equality Coalition  
Chris Kobach, University of Missouri, Kansas City  
Brandy Sacco  
Paul Porubsky  
Paul Degener  
Joyce Mucci  
Alan Fernald  
Cyndi Treaster  
Reggie Robinson - President and CEO Board of Regents  
Elias Garcia - Latin and Spanish Affairs  
Sister Therese Bangert - Kansas Catholic Conference  
Kimberly Corum - Immigration Attorney  
Janis McMillan  
David Cunningham  
Arthur Solis  
Sandy Jacquot - Kansas League of Municipalities  
Lauren Reinhold - Immigration Attorney  
Kyle Sterns - Kansas Families United Republic Educations  
Julie Riddel - Family Conservancy  
Alonso Quintero - Sunflower Community Action  
David Krehbiel  
Mira Mdivani - Immigration Attorney  
Kristian Guzman - Sunflower community Action  
Nancy Daniels - Methodist Women

Others attending:

See attached list

Chairman Siegfroid opened the floor for bill introductions. There were none.

The Chair opened the meeting for public hearing on **SB 244** - Funeral picketing; crime charges; libel and slander charges and **HB 2020** - Unlawful picketing or protest march at funeral or memorial service.

Mike Heim, Office of the Revisor, gave an explanation of both bills.

The Chair recognized Representative Goyle and Representative Whitham who addressed the committee in support of **HB 2020**. The Representatives stated that they have spent this session studying funeral picketing laws of other states, examining relevant judicial opinions and consulting with legal experts in order to offer the language that will protect the privacy interests of Kansans and withstand constitutional scrutiny. The further opined that Kansas should joint the rest of the nation and pass a bill that enacts common sense restrictions on funeral picketers. They believe this act is constitutionally sound and a necessary tool to honor

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the privacy interest of families who are burying their loved ones. ([Attachment 1](#)) Also prevented for Committee review, was a copy of an article *Court Lets Funeral Protest Ban Stand* ([Attachment 2](#)), and a copy of their proposed amendment to **HB 2020**. ([Attachment 3](#))

Representative Patton addressed the committee stating that he introduced **HB 2300** on the topic which offers another solution to the problem of funeral picketing. It uses the civil law. He strongly urged the Committee to have a second hearing and invite a constitutional law professional speak. Rep. Patton stated that **HB 2300** indicates that picketing of funerals in the State of Kansas is to be considered outrageous conduct. ([No Written Testimony](#))

Attorney General Paul Morrison addressed the Committee stating that he was here to testify in support of legislation that has the potential to provide grieving Kansas families the privacy and protection they deserve during funerals without inhibiting the exercise of free speech. The Attorney General gave the opinion that he believes that the amending language to **HB 2020** is a constitutionally respectful bill that conveys our state's substantial interest in protecting the legitimacy of funerals that honor and mourn the deceased. ([Attachment 4](#))

The Patriot Guards were represented by Richard Strothman in support of **HB 2020**. Mr. Strothman stated that there are 2700 members of the Patriot Guard in the State of Kansas and 80,000 in the U.S.A. They started the Patriot Guard because of the protesters at military funerals. They go to shield the families from the protesters signs, chants and hate. They also go to pay their respects to the family and to honor their fallen Brothers and Sisters. ([Attachment 5](#))

Thomas Witt, Chair, Kansas Equality Coalition, stated that the two bills heard today seek to restrict protestors from demonstrating at funerals. Those demonstrations target the gay and lesbian Kansans. The Coalition supports the intent of **SB 244** and **HB 2020**. Mr. Witt further stated that he believes the First Amendment rights should be exercised responsibly and respectfully. He appealed to the Committee to take extraordinary care in crafting legislation that protect grieving family members. ([Attachment 6](#))

Brandy Sacco lost her husband in November 20, 2005 in Iraq. Protesters were present at her husband's funeral. Ms. Sacco opined that this should be punishable by law. She stated that she is not wanting to take away anyone's First Amendment rights, but her husband who fought for this country and paid the ultimate sacrifice should not be disrespected by anyone. She asked that the legislature do something to fix the situation. ([Attachment 7](#))

Written testimony supporting **SB 244** and **HB 2020** was provided by Andrew Schlapp, Director, Government Relations, Sedgwick County ([Attachment 8](#)), Ralph Snyder for the American Legions of Kansas ([Attachment 9](#)), Representative Lee Tafanelli ([Attachment 10](#)), and Dale Goter for the City of Wichita ([Attachment 11](#))

There were no opponents of **SB 244** and **HB 2020**, and the Chair closed the hearing on those bills.

Chairman Siegfroid opened the public hearing on **HB 2367** - Public benefits; illegal aliens denied certain state and local benefits - with Mike Heim, Office of the Revisor, giving an explanation of the bill.

Chris Kobach, Professor of Law, University of Missouri (Kansas City), came before the Committee in support of **HB 2367**. Professor Kobach stated that even if the fiscal savings were zero, the bill is necessary to ensure that Kansas complies with federal law prohibiting states from providing public benefits to illegal aliens. It also contributes to the restoration of the rule of law in immigration. ([Attachment 12](#))

Paul Porubsky submitted testimony in favor of **HB 2367** stating that the time is long overdue for elected officials to once again remember who their legitimate constituency is. That constituency is the legal, tax paying citizens of this state and nation. Mr. Porubsky gave the opinion that denying illegal aliens benefits intended solely for legal tax paying citizens of the State of Kansas is a step in the right and necessary direction. ([Attachment 13](#))

Paul Degener, President for Citizens for Immigration Reform, supports **HB 2367**. Mr. Degener gave the opinion that so far illegal immigrants have managed to overload our educational system, caused several

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hospitals across the country to shut down, are bringing diseases into our country, depressing wages, taking jobs at reduced wages, bringing M13 gangs into our country, creating havoc, death and destruction along the border, and terrorists are taking advantage of our non-existent borders. ([Attachment 14](#)) Mr. Degener also included a copy of *Illegal Alien Bill of Rights*. ([Attachment 15](#))

In testimony supporting **HB 2367**, Joyce Mucci, The Federation for American Immigration Reform, stated that the hard working Americans in Kansas should not be expected to shoulder the burden of providing public benefits for people who are here unlawfully. ([Attachment 16](#))

Alan Fernald presented testimony supporting **HB 2367**. Mr. Fernald believes that this law will make an excellent first step, though he believes this bill could go much farther in establishing Kansas as a national leader in protecting its taxpayers from the economic burden of supporting a class of criminals which U.S. law dictates should not be present. ([Attachment 17](#))

There were no other proponents of **HB 2367** and the Chair recognized Cyndi Treaster of the Kansas Department of Health and Environment as neutral to **HB 2367**. Ms. Treaster addressed the Committee to provide information regarding eligibility criteria for federal, state and local public benefits. The KDHE is concerned that the bill will impose additional eligibility verification procedures on all qualified recipients. There second area of concern is for the confusion that could occur regarding state-funded programs with "sliding-fee discounts". ([Attachment 18](#))

Chairman Siegfroid opened the floor to the opponents of **HB 2567**, and recognized Reginald Robinson, President & CEO of the Kansas Board of Regents. Mr. Robinson stated that they strongly supported the adoption of **HB 2145** in 2003 and stated their reasons. They oppose **HB 2567** for all the same reasons. ([Attachment 19](#))

Executive Director, Kansas Hispanic & Latino American Affairs Commission, Elias Garcia, addressed the Committee as an opponent to **HB 2367**. Mr. Garcia gave the opinion that one of the fundamental flaws of the bill is the premise that undocumented immigrant families are eligible for a wide range of state and local public benefits in Kansas which is inaccurate and incorrect. He also explained other flaws which they feel that the bill has such as being very costly to implement. ([Attachment 20](#))

The Kansas Catholic Conference was represented by Sister Therese Bangert in opposition to **HB 2367**. Sister Bangert stated that as she read the bill it lead her to believe that many people who are not United States citizens are receiving benefits which is simply not true. ([Attachment 21](#))

Kimberly Corum, Immigration Attorney, presented her opinion in opposition to **HB 2367** stating that the bill would adversely affect countless aliens who are settling legally in Kansas. It will harm spouses of soldiers and other U.S. citizens, as well as workers at our universities and businesses. Mx. Corum further related that the bills broad language denies necessary benefits to many more people than the Legislature may intend, and will pose obstacles to legal immigration. ([Attachment 22](#))

League of Women Voters of Kansas was represented by Janis McMillan in opposition to **HB 2367**. Ms. McMillan's testimony was directed primarily toward the provision of the bill that would repeal the existing law that permits children of currently undocumented immigrants to access in-state tuition at Kansas colleges and universities, providing the student has graduated from a Kansas High School, or earned a GED after attending a Kansas High School for at least three years. ([Attachment 23](#))

David Cunningham, Attorney Kansas Association of School Boards (KASB), testified as an opponent of **HB 2367**. Mr. Cunningham gave the opinion that the bill would harm not only those students currently attending a Kansas post-secondary institution, but also those students that are currently enrolled in the Kansas K-12 system. ([Attachment 24](#))

Next to present testimony in opposition to **HB 2367** was Arthur Solis a Vietnam War Veteran, and an attorney in the area of civil rights. Mr. Solis stated that if the bill is enacted it would result in additional costs to the State of Kansas agencies as well as local government. Mr. Solis also submitted public policy and drafting recommendations in his testimony. ([Attachment 25](#))

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Sandy Jacquot, Director of Law/General Counsel of the League of Kansas Municipalities stating that **HB 2367** seeks to prohibit state and local public benefits from being provided to those individuals unlawfully in the country. The League's opposition is not to the underlying policy issue, but to the confusing and ambiguous language of the bill that they believe will be difficult for city officials to apply. (Attachment 26)

Lauren Reinhold, Attorney at Law, related in her testimony in opposition to **HB 2367** that this law would burden and harm individuals who are eligible for lawful status or in a state of extending or changing status to a lawful one. (Attachment 27)

Kansas Families United for Public Education was represented by Kyle Stearns opposing **HB 2367**. Mr. Stearns stated that as an organization they do agree that some new reform is needed in current federal immigration law, but **HB 2367** would punish the innocent children of illegal immigrants and dooms them to a perpetual cycle of failure. (Attachment 28)

Julie Riddle manages Asset Building and Family Support programs for The Family Conservancy and gives testimony in opposition to **HB 2367**. Ms. Riddle opined that although the intent of the bill is to prevent undocumented Kansas residents from accessing public funded services, the true effect of the bill will be to keep lawful residents away from those same services because of fear, suspicion and confusion. Second, they will increase barriers for those Kansans who have difficulty accessing birth certificates and other personal documents and third, there will be increases costs associated with the bill. (Attachment 29)

With no other person wishing to speak to the bill, the Chair closed the hearing on **HB 2367**.

With no further business before the committee, Chairman Siegfried adjourned the meeting.