

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Don Dahl at 9:00 a.m. on January 30, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Broderick Henderson- excused
Representative Don Hill- excused
Representative Todd Novascone- excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Norm Furse, Revisor of Statutes
Rena Jefferies, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Representative Nile Dillmore
Representative Tom Holland
Jim DeHoff, Executive Secretary Treasurer, AFL/CIO
Paul Rodriguez, Rodriguez Mechanical Contractors
Marlee Carpenter, Kansas Chamber of Commerce
Elias Garcia, Executive Director, Kansas Advisory on
Hispanic Affairs
Bob Totten, Kansas Contractors Association, Inc.

Others attending:

See Attached List.

The Chairman called the meeting to order and asked if there was anyone in the audience that wanted to introduce a bill.

Representative Tom Holland introduced a new bill dealing with hiring illegal immigrants and increasing fines for the employers.

The Chairman opened the hearing on **HB 2537 - Workers Compensation Advisory Council Amendments.**

Staff gave a briefing stating the bill came out of the summer interim committee.

There were no proponents or opponents testifying on **HB 2537.**

The Chairman closed the hearing on **HB 2537.**

The Chairman opened the hearing on **HB 2479** - Employment of illegal aliens, penalties.

Staff gave a briefing on **HB 2479.**

Representative Nile Dillmore, sponsor of **HB 2479** stated there were upwards to 50,000 illegal aliens in Kansas. The problem is wide spread across the nation. This is a complicated issue and crosses the lines of legal, ethical, moral, and economic considerations. **HB 2479** is limited in scope to those employers who are doing business with the state and other units of government and provides sanctions against those who have benefitted from tax payer dollars to expand, locate, or enhance their business interest (Attachment 1).

Jim DeHoff, Executive Secretary Treasurer of Kansas AFL/CIO, a proponent, stated that **HB 2479** is very important to their 100,000 members. There are approximately 6,000 illegal workers entering the United States every day, even though the President of the United States continually assures Americans that through the Homeland Security Act, a measure of safety has been obtained and control of our borders has 2004been achieved.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE at 9:00 a.m. on January 30, 2004 in Room 241-N of the Capitol.

One of the main reasons that **HB 2479** should be passed is employers cannot get into any legal problem by accepting fake social security numbers or identifications. The only way an employer can face sanctions of the law is when they are notified that a fake identification was submitted (Attachment 2).

Paul Rodriguez, President, Rodriguez Mechanical Contractors, Inc., testified in support of **HB 2479**. Mr. Rodriguez has been in the plumbing business for 27 years, licensed in both Kansas and Missouri. Prior to September 11th, 2001, it was reported that his firm was the largest employer of union plumbers in the region. Since September 11th, his firm went from employing approximately 143 plumbers down to 35. The current competition utilizes a workforce that does not reside in Kansas permanently and is willing to work for less, with no benefits, and in some cases does not pay taxes (Attachment 3).

Representative Tom Holland supported **HB 2479** believing that the State of Kansas has a strong incentive to ensure that any employer who benefits from state contracts or tax incentives is employing only American citizens or those who are legally entitled to live and work in the United States.

Representative Holland offered an amendment on page 1, line 9 adding after aliens, "amending K.S.A. 21-4409 and K.S.A. 2003 Supp. 21-4503a and repealing the existing sections". Amending on page 2, with adding Sections 6, 7, 8 and renumbering existing Section 6 to Section 9 (Attachment 4).

Susan Tully, Mid-west Field Director, Federation for American Immigration Reform, provided written testimony supporting **HB 2479** (Attachment 5).

Marlee Carpenter, Vice President of Government Affairs, Kansas Chamber of Commerce and Industry, provided written testimony that stated the Chamber supports the intent of the legislation; however, they oppose the bill in its current form. If the Committee works the bill, the Chamber will bring forth an amendment (Attachment 6).

Elias L. Garcia, Executive Director of the Kansas Advisory Committee on Hispanic Affairs, testified in opposition to **HB 2479**. This proposal places responsibility on employers to investigate the residence status of prospective employees and precludes employers from hiring illegal aliens. Employers found in violation would be penalized for doing so by ineligibility for award of state agency public works or purchase contract and forfeiture of amounts equal to the totals value of state benefits received for five years leading up to date of a guilty judgement (Attachment 7).

Bob Totten, Public Affairs Director for the Kansas Contractors Association, provided written testimony in opposition to **HB 2479** (Attachment 8).

The Chairman closed the hearing at 10:10 a.m. and reminded the committee that the next meeting would be February 3, 2004.