

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 January 18, 2007 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Jim Yonally, Kansas Equality Coalition
Dr. Andrew Allison, Kansas Health Policy Authority
Michael Sharma-Crawford
Melinda Lewis, El Centro, Inc.

Others attending:

See attached list.

Jim Yonally, Kansas Equality Coalition, requested a bill introduction that would add the words “sexual orientation” to the list of prohibited discriminatory practices. (Attachment 1)

Senator Gilstrap moved that this request should be introduced as a committee bill. Senator Ostmeyer seconded the motion. The motion carried.

Continued information and discussion on Immigration Issues:

Dr. Andrew Allison, Deputy Director and Acting Medicaid Director, spoke to the committee on Immigration issues in Kansas Medicaid and the State Children’s Health Insurance Program(SCHIP). (Attachment 2) The responsibilities are to provide access to quality health care to low-income Kansans, and will provide background information about who is eligible for benefits, and demonstrate the challenges the new citizenship requirement has placed on beneficiaries and the Medicaid system in Kansas.

Eligibility for Benefits

The following groups of immigrants are considered qualified aliens:

- Persons with Legal Permanent Resident(LPR) status*
- Refugees and Asylees
- Aliens Granted Parole Status for at least one year* (persons allowed entry for humanitarian reasons or public benefit)
- Aliens whose deportation is withheld
- Certain Cuban and Haitian immigrants
- Battered Aliens* (Violence Against Women Act of 2000)
- Victims of Severe Trafficking

*Except for veterans, persons on active duty in the U.S. military and their immediate families, immigrants in these categories who entered the United State on or after August 22, 1996, are prohibited from receiving benefits for five years. This is commonly know as the five-year bar.

Impact of New Federal Citizenship Requirement for Medicaid Applicants

As of July 1, 2006, new federal requirements require that all Medicaid applicants provide adequate documentation of citizenship and identification. This requirement of additional documentation for every applicant has significantly altered the application process for medical benefits. Each person applying for benefits is now required to submit either one primary document verifying citizenship and identity, such as a passport or certificate of naturalization, or two secondary documents, one verifying citizenship, such as a birth certificate and one verifying identity, such as a driver’s license or school I.D. card (i.e. before an applicant with two children would submit an application on their own behalf and on behalf of their two

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 18, 2007 in Room 231-N of the Capitol.

children, plus the necessary income verification documentation). Now the same family would submit all of the same documents plus have to submit an additional six documents - two citizenship/identity documents per person.

The impact of the new federal law:

- Impact on beneficiaries, many of those waiting to be enrolled are eligible citizens
- Increased time and other costs of applying for Medicaid benefits creating difficulties for beneficiaries
- Many applicants who were born out of state report the need to purchase and wait for their birth records to be sent
- Individuals have had difficulties contacting state eligibility workers; due to the marked increase in phone inquiries, the phone lines have been over-capacity, not allowing individuals to get to leave a voice message or talk to a customer service rep
- Applicants are confused, as a result more cases are being delayed
- The additional documents are required to be submitted in hard copy form; the volume of physical documents that are routinely received by the Clearinghouse has more than doubled.
- Each of the documents must be verified, processed and stored for future reference, resulting in the application process becoming lengthy, complex and labor intensive, straining the processes and system
- The workload has increased significantly and the staffing has not

The problems are not unique to just Kansas; Iowa, Louisiana, Wisconsin and New Hampshire report similar experiences. KHPA will be calling on the Congressional delegation in February to assist in mitigating these problems.

The main concern is the impact of the law is falling on eligible Kansas citizens.

The committee questioned why it was more lucrative for a school cook to stay on the welfare program for her and her family than to go on the state insurance system. KHPA will get back to the committee.

Michael Sharma, Immigration Attorney, and former police officer, spoke on local law enforcement and immigration law. ([Attachment 3](#)) Immigration law is federal civil, administrative law not criminal, and 99% of local law enforcement does not have jurisdiction to inquire about an immigrant's status. Local law enforcement cannot use immigration status to detain any individual absent a request by USICE, and this detainer only allows for detention for 48 hours following the conclusion of all State and local charges. Wyandotte and Johnson County actively cooperate with USICE in the screening of prisoners for the placement of detainees, and the probation officers also cooperate actively with USICE to screen probationers. USICE resources are thin; approximately 30 agents for all of Kansas and half of Missouri. Most typical local law enforcement cooperation with USICE is on an operational or situational basis.

Melinda Lewis, Director of Policy Advocacy and Research, El Centro, Inc., ([Attachment 4](#)) provided the committee information on different topics:

- Real life examples of Kansans affected by immigration, particularly families impacted by our broken immigration laws, with a particular emphasis on children
- Efforts by local communities in Kansas to respond to new immigration
- Lessons learned from other states' experiences

Kansas is not alone in trying to fill in the gaps in federal inaction in order to meet the needs of immigrants. The idea of requiring state and local law enforcement entities to take responsibility for immigration enforcement, when states clearly lack the training and human resources to take on this significant additional function.

One of the strategies that some states have pursued toward this end is the adoption of English as the "official" language of a state. Some states have taken an alternative approach with an "English-plus" resolution that affirms the overwhelming importance of English while encouraging mastery of multiple languages in order to best position residents to participate in a global economy where bilingualism is increasingly viewed as a key competitive advantage. A sample was included in the packets for the committee members.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 18, 2007 in Room 231-N of the Capitol.

Immigration affects the educational system at various levels; additionally some states (notably Illinois) have included other priorities with the education umbrella, including naturalization training and workforce retraining for highly-skilled immigrants who need U.S. schooling to transfer their credentials to our licensing structure.

To better inform the debate on immigration and immigrant policy, some state have undertaken fairly comprehensive economic analyses of the impact of immigrants on state budgets.

The meeting was adjourned at noon. The next schedule meeting is January 23, 2007.