



816 SW Tyler
Topeka, Kansas 66612

(785) 234-0461
Fax (785) 234-2930
www.KansasAg.org

(785) 233-4085
Fax (785) 233-1038
www.kansasco-op.coop

Kansas Grain & Feed Association Kansas Cooperative Council Kansas Agribusiness Retailers Association

House Committee on Federal and State Affairs

Feb. 15, 2012

RE: Opposition to HB 2576—Harboring aliens.

Thank you, Chairman Brunk and members of the House Committee on Federal & State Affairs for the opportunity to comment on behalf of our members in opposition to HB 2576 regarding the harboring of aliens. I am Leslie Kaufman, President/CEO of the Kansas Cooperative Council. I am also submitting this testimony on behalf of the Kansas Grain and Feed and Kansas Agribusiness Retailers Associations.

Our associations believe, first and foremost, that immigration is a federal issue. We share with many of you, disappointment that our federal officials have not acted aggressively to address workforce issues and secure our borders. However, individual state-by-state actions are not going to solve the underlying immigration issues our nation faces. Our associations continue to urge Congress to be bold and tackle these important issues at the federal level.

We have strong concerns with the manner in which "harboring" is defined in the bill before you -- HB 2576. The bill defines "harboring" as "*conduct that tends to substantially facilitate an alien's remaining in the United States illegally*". What type of conduct or activity qualifies as "harboring"? When does an action rise to the level of "substantially facilitate"?

This definition gives no direction to citizens as to specific acts which are prohibited. If a rural electric cooperative provides electrical service to an apartment where an undocumented immigrant resides, is that "substantially facilitating". What about the store clerk that runs the check-out counter at the grocery store where an undocumented immigrant purchases food? Is that "harboring"? Utility service and food are basic necessities of life, so does providing such services amount to "*conduct that tends to substantially facilitate an alien's remaining in the United States*". How are certain service providers, like agribusinesses, expected to know if someone is an "alien" under this bill?

The definition is even more troubling to us because it appears actual knowledge or specific intent is not required for one to violate the proposed statute. So, if passed, the state will have established a criminal act without giving clear direction to Kansans as to what conduct or level of conduct amounts to a violation. That is patently unfair and we would argue it is likely unconstitutionally vague, as well. Thus, we strongly oppose this measure.

We appreciate the opportunity to present our concerns regarding HB 2576 to this Committee. We certainly hope the Committee will not advance this measure.

Thank you for your consideration. Please feel free to contact us should you have questions regarding our testimony.

Leslie Kaufman: 785-220-4068 Ron Seeber: 785-234-0461

House Fed & State Affairs

Date: 2-16-12

Attachment 20