

May 9, 2008

Governor Ritter

I have resorted to this letter as a means of communication since your website limits the number of words when sending a citizens opinion. Your staff needs to check with the webmaster and increase the number of the words allowed. Otherwise you are a Governor who is censored by your staff from hearing from citizens of Colorado.

HB 08-1325 is a big mistake with loop holes throughout the bill. It could be cleaned up and made enforceable instead of a free pass to illegal immigrates of 20 percent of their wages.

Mother's with kids or pregnant are allowed to come as a worker and our school systems will be burdened by additional expense of summer school for Illegals.

The Democrats will be responsible for the continued increase of illegal's which will be a major issue in the election. It will be the major reason the White House will be won by McCain.

If a Democrat were to be elected there are 20 million more illegal's who are waiting to come north after the election. It will be the cause of a civil war in this country which maybe the only way to stop selling our USA to Mexico just to win the White House. HB 08-1325 is proof you and your party want to represent the Illegal's instead of the legal Americans in our State. If this bill becomes law I will demand with the open records act to be advised how many Illegal Mexicans refused to return to Mexico after the crops have been harvested. That number will be in the thousands and the will be named Ritter's new Illegals for Colorado.

I have copied the front portion of this bill with my comments printed in red with reasons why it should not be made in to law. It is attached as follows:

Jim Burneson
303-750-1500

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

HOUSE BILL 08-1325

LLS NO. 08-0607.01 Kristen Forrestal

HOUSE SPONSORSHIP

Looper, and Rose

SENATE SPONSORSHIP

Tapia,

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

**CONCERNING THE COLORADO NONIMMIGRANT AGRICULTURAL
102 SEASONAL WORKER PILOT PROGRAM, AND MAKING AN
103 APPROPRIATION THEREFOR.**

104

105

I ~~106~~ added comments printed in red as part of this bill with reasons
~~107~~ why it should not be passed. First it's important that the Senate read
~~108~~ this bill in detail in hopes the problems it creates will become apparent
~~109~~ and it will be defeated for the good of our State.

110

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the executive director (director) of the department of labor and employment (department), in conjunction with the commissioner of the department of agriculture (commissioner), to implement the nonimmigrant agricultural seasonal worker pilot program (program) for the purpose of expediting recruitment, application, and approval of workers through the federal H-2A certification process. Requires the program to include sectors of the agriculture industry and up to 1,000 workers in the first year. Requires the director and the commissioner, in conjunction with the director of the office of economic development and international trade, to seek agreements between Colorado and foreign countries to assist in the recruitment and selection of H-2A workers. Requires the director to require the country of origin of each worker to perform background checks. Requires each H-2A visa applicant who wishes to participate in the program to submit to a fingerprint-based criminal history record check. Authorizes the department to establish offices in the countries of origin.

Requires an employer who is interested in participating in the program to submit an application to the department. Authorizes the director to retain local agents to aid in the application process, medical screening, travel, and documentation of return to the countries of origin of the prospective employees.

Requires each employer to:

- Pay for the visa application;
- Provide transportation for the employees;
- Provide housing for the employees;
- Pay fair wages to each employee that are in compliance with existing federal law;
- Provide workers' compensation insurance;
- Provide meals and necessary tools and supplies to the employees;
- Provide a copy of the work contract to the employee;
- Pay the employee at least twice per month; and
- Guarantee a minimum number of hours of work.

Requires each employer seeking to participate in the program to make assurances to the department.

Requires an employer to notify the department and the appropriate local law enforcement agency if an employee cannot be located and has not reported for work as scheduled or be subject to a penalty imposed by the department.

We have 20,000,000 illegal immigrates in the USA and we can't control them today. What will happen in locating this one employee lost in our county?

Answer nothing will happen and we now have 20,000,001 illegal immigrants. This bill is amnesty immigration in disguise.

Directs each employer to withhold 20% of the wages of each employee, to be returned by the department upon the employee's return to the country of origin or, if the employee does not return to the country of origin, transferred to the local law enforcement agency of the employer.

Requires each employee to enter into a contract with the department to:

- Allow the department to deposit 20% of the employee's wages into the nonimmigrant agricultural seasonal worker pilot program account; Estimated 4 months at \$4.00 an hour 40 hours a week equal \$2,560.00 for one temporary worker in one season. 20 percent withheld of wages is estimated to be \$512.00. This is a cheap price to pay to gain entry to the USA after working one season
- Return to his or her country of origin after employment has terminated or his or her H-2A visa is expired; and
- Within 2 weeks of the employee's arrival in Colorado, apply for an identification card issued by the department of revenue.

These ID Cards will be duplicated and counterfeited within months after they are issued.

Requires the department of revenue to include employer identification numbers on the identification cards. Requires the department of labor and employment to maintain a database of identification cards issued to program participants that is accessible to law enforcement officials.

How much will this database cost us and who will have access to it?

Directs the department to apply for waivers necessary to implement an approval process for H-2A certification in lieu of the federal approval process.

Requires the director and the commissioner to make a report to committees of the general assembly regarding the progress of the program and any recommended legislative changes.

What happens if the report says half the Temp workers have refused to return to Mexico and have disappeared into our Sanctuary City of Denver? What is the Democratic legislature going to do about this problem? Answer nothing.

The following reasons are added to this list developed from a review of the rest of the proposed bill.

1. What is the cost of this bill to the taxpayers that is not reimbursed from fees charged the employers?

2. Family members may participate if the member also qualifies for and is issued a current H-2A visa. What about children are they allowed to accompany their parents employed under this program? It is not denied thus it will be allowed. What about our schools will they be required to accept these kids in the local schools? What about a wife who enters the program knowing she is pregnant will she be allowed to stay and create a new anchor baby and medically paid for by the taxpayers?

3. The Canadians have an excellent temporary worker program than doesn't allow any worker to bolt from the program and stay in Canada. Why can't we model our program after what the Canadian have proven works?

4. The employer will save the cost of return transportation and subsistence to the place of recruitment if the worker disappears when its time to return to Mexico. There is cost to the employer if none of the workers all disappear and don't return to Mexico. This bill is a joke and will become a means of getting 5,000 illegal workers into our country and where they will stay waiting for the Democrats to give them amnesty.

5. Employer will "in a timely manner" (What is a timely manner 5 years) pay the fees associated with the program. No enforcement if payment isn't made so this becomes a tax payer expense if the employer fails his responsibilities.

6. Impose a fine on the employer for each violation, not to exceed two hundred dollars per day per violation that shall be deposited into the nonimmigrant agricultural seasonal worker pilot program cash fund. What happens if the employer doesn't pay the fine? **NOTHING WILL HAPPEN THE TAX PAYER WILL GET SCREWED.**

7. Assignment of failed assessments to the Attorney General for collection still can fail to get the money by bankruptcy or proof the defendant has no money.

Message to the Senate; let's not repeat the failed representation that is your fiduciary duty in reviewing this bill. None of you read SB 06-89 and you all voted unanimous to pass it because Morgan Carroll named it a "clean up bill." Please read this bill for what it is and then defeat it if the suggested changes provided herein can't be added. **SENATE DID NOT READ THIS BILL** The following is a copy of an email from Senator Sen. Schultheis."

James:

This bill unfortunately passed, 20/15. We could have killed it, had it not been for three Republicans voting Yes...those being Sen. McElhany, Sen. Spence and Sen. Johnson. We had

five Dems voting against. It was indeed unfortunate. This is a bad bill with lots of loopholes, which I and Sen. Harvey tried to close up.

I understand the intent, but this bill just didn't solve the problem.

Sen. Dave Schultheis.”

Jim Burneson
303-750-1500