

Approved: April 2, 2008  
Date

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 10, 2008, 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  
Jason Long, Revisor of Statutes Office  
Jeannie Dillon, Committee Assistant

Conferees: Carmen Alldritt

Others attending:  
See attached list.

Chairman Siegfroid opened the meeting for bill introductions. Representative Peterson requested that the Committee introduce a bill entitled the Military Service Relief Act as a Committee bill. Moved by Chairman Siegfroid, seconded by Representative Huebert, without objection, the bill was accepted as a Committee bill.

Representative Faust-Goudeau requested a bill for a fatherhood initiative program. Moved by Chairman Siegfroid, seconded by Representative Peterson, without objection, the bill was accepted as a Committee bill.

Chairman Siegfroid welcomed Carmen Alldritt, Division of Vehicles, to update the Committee on compliance on REAL ID. She stated that after the passage of SB 9, word got out that Kansas is not an easy state anymore, and you must prove lawful presence in Kansas. Statewide, the number of non-resident applicants dropped significantly. (Attachment 1)

The Chairman reported that after reading all the material submitted to the Committee, the greatest concern of business regarding the immigration bills is with the E-Verify system. He said that there seems to be a 4.1 and a 4.6 error ration that it is based on. He asked the Committee if there was an objection to not working HB 2370. Hearing no objection, the bill was tabled.

The Chairman asked the Committee to accept an amendment to **HB 2836**. Jason Long explained the amendment to **HB 2836** to the Committee. The balloon consisted of the following changes:

Incorporates phase-in of E-Verify requirements in section 3.

Changed penalty provisions so that suspension of business license would not occur until second violation.

Removed Section 7, 14 and 15 regarding limitations on tax deductions for business expenses related to hiring unauthorized aliens.

Representative Peterson proposed that we introduce **HB 2836** in the balloon form as a Committee bill and the Committee select a sub-committee to report back to the Committee in a week. The Chairman did not accept the recommendation.

Moved by Representative Siegfroid, seconded by Representative Peterson, the Committee accepted the amendment to **HB 2836**.

Representative Huebert made a motion to strike all the language in **SB 329** and insert the proposed

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on in Room 313-S of the Capitol.

language of **HB 2836** into **SB 329** and to accept it as a substitute Committee bill. The motion was seconded by Representative Mah. By unanimous vote, the motion was passed.

Jason Long, Revisor of Statutes, briefed the Committee on House Substitute for **SB 329**. This was followed by a question and answer period by the Committee.

Joan Wagnon, Secretary of Revenue, spoke briefly to the Committee regarding removal of Section 9 and 10. She also drew the Committee's attention to Section 5 and Subsection C which gives them an opportunity to sign an affidavit. She explained the reasons and noted that she had other issues to discuss with the Committee regarding drivers licenses, but time did not allow for discussion at this meeting. (No written testimony submitted)

The Chairman announced that the Committee would meet again on March 12<sup>th</sup>, 2008, for discussion and possible action on **SB 329**. The meeting was adjourned. The next meeting will be March 11, 2008.

House Federal and State Affairs  
Guest list

Date 3/10/08

Name

Organization

JEFF GUARDINO

KS CHAMBER

Duane Simpson

KGFT - KART

BRAD HARRELSON

KFB

Ken Seebert

Hein Law Firm

Cindy Kelly

KASB

Kathryn Letgen

KBIT

Ed Krump

Ks Assoc of Cities & Police & Peace Officers Assoc.

Dustin Hardison

SRS

## Beneficial Effects of Senate Bill 9

January 2008

- **Proof of age and proof of identity; applicant's address of principal residence and social security number, or, proof of lawful presence if applicant does not have a social number.**

This has greatly enhanced the integrity of driver's licenses and ID cards by helping to ensure the card holders true identity, address and lawful presence in the United States. All new applicants are required to meet these standards. Prior to Senate Bill 9, hundreds of applicants were issued a drivers license or identification card that did not have a verifiable social security number and did not have to prove Kansas residency. After Senate Bill 9, the word got out that Kansas is not an easy state anymore, you must prove lawful presence and Kansas residency before we will issue a drivers license or identification card. **Statewide the number of non-resident applicants dropped significantly.** For example, the Wichita office used to receive hundreds of these applicants per week, today, they receive approximately ten or less per week.

- **Retention of fraudulent documents**

By retaining suspected fraudulent documents, not only are we able to prevent possible identity theft each time, but the documents themselves are no longer available to other potential criminals.

- **Temporary DL's and ID cards**

Lawful non-immigrants to the U.S. are issued licenses and ID's only for the time they are authorized to be in the U.S. This helps identify those applicants that may over stay their authorized time in the U.S., who otherwise, may go undetected state to state using a regular four or six year driver's license. We have issued 1800 since we began to do them.

- **Surrender out of state DL's and ID's when obtaining Kansas documents**

By requiring driver applicants to surrender out of state DL's and ID's when obtaining Kansas documents, the principal of "one driver, one record" is more reliable. State residency is more easily established and fraudulent practices such as obtaining social services in multiple states may be prevented.

- **Comparing facial image**

Having the capability to compare existing facial images helps prevent fraudulent activity. We routinely detect records with different facial images but the same name, or different names with the same image.

- **Fingerprinting**

All new hires have been fingerprinted and will be going through document security training. Document security training was provided to all KDOR and county employees in the fall.

- **Not valid without photo licenses**

We have found people that have not had a photo on their license in over 10 years. This will clean up our records by putting photos with records.

House Fed and State Committee  
March 10, 2008

## Gap for Kansas to become Real ID Compliant

1. **Photo First** – By 12/31/09 implement new procedures for capturing the photo of all applicants, even if the DL or ID will not be issued.
2. Document Verification with various data bases by 12/31/09.
  - Verify an applicants lawful presence status through the SAVE system.
  - Birth Certificates through EVVE.
  - US Passports through CLASS.
  - Other State issued DL's through DRIVERS
3. New Enhanced/Next Generation Driver License that deters fraud and prevents tampering by 5/11/2011.
4. Ability to retain (image) the documents presented by the applicant when applying for a drivers License by 12/31/09.
5. Ongoing review and update of our security plan. Annually after 12/31/09.
6. Ongoing training for our employees on fraud detection.
7. Background checks on all employees including county treasurers, drivers license examiners and others.

## § 1621. Aliens who are not qualified aliens or nonimmigrants ineligible for State and local public benefits

*How Current is This?*

### **(a) In general**

Notwithstanding any other provision of law and except as provided in subsections (b) and (d) of this section, an alien who is not—

- (1) a qualified alien (as defined in section 1641 of this title),
- (2) a nonimmigrant under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.], or
- (3) an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 1182 (d)(5)] for less than one year, is not eligible for any State or local public benefit (as defined in subsection (c) of this section).

### **(b) Exceptions**

Subsection (a) of this section shall not apply with respect to the following State or local public benefits:

- (1) Assistance for health care items and services that are necessary for the treatment of an emergency medical condition (as defined in section 1396b (v)(3) of title 42) of the alien involved and are not related to an organ transplant procedure.
- (2) Short-term, non-cash, in-kind emergency disaster relief.
- (3) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.
- (4) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which
  - (A) deliver in-kind services at the community level, including through public or private nonprofit agencies;
  - (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
  - (C) are necessary for the protection of life or safety.

### **(c) "State or local public benefit" defined**

- (1) Except as provided in paragraphs (2) and (3), for purposes of this subchapter the term "State or local public benefit" means—
  - (A) any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government; and
  - (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government.
- (2) Such term shall not apply—

Search this title:

Search Title 8

Notes  
Updates  
Parallel authorities (CFR)  
Your comments

# Presentation On HB 2836

Committee Report on 03/10/2008  
by Carmen Alldritt  
Director, Division of Vehicles

# Concerns with New Section 5

1. Subsection (d), may need to be modified to refer to the affidavit reference in subsection (c). It currently refers to subsection (b) - no affidavit is referenced in that subsection.

2. subsection (c), would create a procedure that contraverts the Division of Vehicles process for issuing driver's licenses and identification cards, and would arguably move the state backwards in identification security.

-The work of the Kansas Department of Revenue, Division of Vehicles should be excepted from application to New Sec. 5.

The Division is working at getting away from subjective claims and statements, and instead relying on the objective truth of official documentation. See K.S.A. 2007 Supp. 8-240(b) and K.S.A. 2007 Supp. 8-1324(c).

# Sec. 5 continued

See page 6, line 12-20.

The subsection (e) would change who is responsible for proving lawful presence. Presently, it is the charge of the applicant to come forward with the required documentation. By passing this Bill in its current form, the Division would be charged with the responsibility of establishing the applicant's lawful presence.

In effect, Division of Vehicle employees would become immigration status detectives, and be charged with relying on an new system, SAVE program, and cover the cost for each search. The SAVE program is still evolving and being experimented with by the States. Furthermore, there is a cost associated with every submitted name. (varies from .24 cents to 1 dollar for every search)

9-1

7-1

# Sec. 8

Page 9, lines 4-7. "If, after communication with the federal government, the social security number is determined to be incorrect or fraudulent, the license or permit shall not be issued. If the license or permit has already been issued, the license or permit shall be revoked."

It is the current practice of the Division of Vehicles to check social security numbers for all new applicants with the Federal Government. Social security check is a pre-requisite to issuing a new driver's license.

Division already has authority to cancel a licensee based on fraudulent or incorrect social security number. See K.S.A. 2007  
1-1  
Supp. 8-250.

# Requirement of Affidavit, Sec. 9 and 10

Driver's License; page 11, lines 25-31.

Identification Cards; page 13, lines 37-43.

The Division of Vehicles would respectfully disagree with House Bill 2836, wherein it requires the production of an affidavit from the applicant.

First, there already exists a state statute that penalizes an applicant for providing false information, and permit the Division to cancel the license.

Second, passage of the provision would require the Division keep make a notary available at each and every one of its offices. That is a practice it does not currently maintain. There could also be a risk of lost hours due to employees subsequently testifying for foundation purposes at subsequent trials.