

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on March 11, 2003, in Room 123-S of the Capitol.

All members were present except: Sen. Haley (E)

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Denise Everhart, Acting Commissioner for Juvenile Justice Authority
Emira Palcios
Sheila Walker, Division of Motor Vehicles
John Douglas, Chief of Police, Overland Park, KS
Alberto Herdoiza, Attorney
Melinda Lewis representing El Centro Johnson & Wyandotte Counties
Ronald Miller, Chief of Police, Kansas City, KS (written only)
Mike Hall, Pittsburg Chief of Police
Fr. Fred Gatschet, Chaplain, Comerau Catholic Campus Ctr, Hays, KS
Mike Farmer, Kansas Catholic Conference (written only)
L. Garcia
Henry Sandate, Insurance Professional (no written testimony)
Jim Deholff, Kansas AFL-CIO
W. Paul Degener, citizen of Shawnee County
Dean Whitten, Wamego
Ann Meritt, President and Founder of South Central Coalition of Americans
Together, Haysville, KS (written only)

Others attending: see attached list

HB 2016 - Training and powers and duties of juvenile correctional officers

Chairman Vratil opened the hearing on **HB 2016**. Denise Everhart, Acting Commissioner of the Juvenile Justice Authority, testified in support of **HB 2016**. She explained that the bill would provide the Commissioner of the Juvenile Justice Authority (JJA) powers to require each Juvenile Corrections Officer (JCO) and Juvenile Corrections Specialist (JCS) to complete a specified number of hours of training and receive a Completion of Training Requirements Certificate from the Commissioner in order to obtain permanent status in the classification. She said it would also require annual re-certification training for incumbent officers and officers who leave employment for one year or more and wish to return. She stated that the bill would add the definition of Juvenile Corrections Officer working at a juvenile correctional facility to K.S.A. 38-1602. Ms. Everhart added that the bill grants JJA corrections officers and investigators the powers and duties possessed by law enforcement officers, but limited to those powers required for carrying out duties as authorized by the Commissioner. (Attachment 1)

Having no other conferees to testify on this bill, the Chairman closed the hearing on **HB 2016**.

Sub HB 2039 - Temporary resident driver's license

Chairman Vratil opened the hearing on **Sub HB 2039**. Emira Palcios testified in support of **Sub HB 2039** as a member of Sunflower Community Action's Hispanos Unidos Chapter and a Co-Chair of National People's Action. She stated she was here to convey a very simple but honest message from the undocumented immigrant community in that they have come to work and to build a better life for themselves and a better future for their children. She said they are denied one of the most essential necessities of a working Kansan, the ability to obtain a driver's license in order to drive a car legally, purchase car insurance and prove their identity. She urged the Committee not to make decisions based on unfounded fear and ignorance. (Attachment 2)

Sheila Walker, Director of the Kansas Division of Motor Vehicles, spoke in support of **Sub HB 2039**,

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MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 11, 2003 in Room 123-S of the Capitol.

which is designed to allow the state's estimated 150,000 undocumented individuals to get drivers' licenses in Kansas. She explained that under the proposed bill the Division of Vehicles would start issuing temporary resident licenses (TRL) on July 1, 2004 to undocumented workers who pass the vision, written and drive tests and who can provide proof of Kansas residency. She added that the TRL's would be a temporary, three-year license that could not be used to get a license in another state. Ms. Walker explained that according to the bill, the fee for a TRL would be \$10, and one dollar of the \$10 fee would be deposited into a "Driver's Education Fund." She said her department had the capacity to implement the changes required under **Sub. HB 2039**, and would support them. ([Attachment 3](#))

John Douglass, Chief of Police, Overland Park Police Department, appeared in support of **Sub. HB 2039**. He expressed the concern that if immigrants are denied the basics such as driving, they will simply drive illegally, and because they cannot turn to their government for help, they will seek services in less legitimate ways. ([Attachment 4](#))

Alberto Herdoiza, Kansas City attorney, testified in support of **Sub HB 2039**. He shared a list he developed of the top 10 reasons for favoring **Sub HB 2039** and included them in his written testimony. ([Attachment 5](#))

Melinda Lewis appeared to express her support of **Sub HB 2039**, and stated that this proposed law was about public safety and the duty of the government of the State of Kansas to ensure that people who operate motor vehicles on its roads are competent and responsible drivers. ([Attachment 6](#))

Written testimony was submitted in support of **Sub HB 2039** by Ronald Miller, Chief of Police, Kansas City, Kansas. ([Attachment 7](#))

Mike Hall, Chief of Police, Pittsburg, KS, testified in support of **Sub HB 2039**. He stated that by allowing undocumented immigrants to have driver's licenses this could enhance security, road safety, and would be an economic benefit to the state as well. He said the state would have a record, including photograph, of who these persons are and where they live, and would know that they had passed a driving test plus know the rules of the road. ([Attachment 8](#))

Fr. Fred Gatschet, Chaplain, Comeau Catholic Campus Center, Hays, Kansas, submitted written testimony in support of **Sub HB 2039**. ([Attachment 9](#))

Written testimony was submitted by Mike Farmer, Executive Director of the Kansas Catholic Conference, in favor of **Sub HB 2039**. ([Attachment 10](#))

Elias Garcia appeared before the Committee on behalf of the Kansas Hispanic Caucus, in support of **Sub HB 2039**. He stated that this bill was not about one's constitutional rights or immigration and naturalization issues. He said it was about being counted, irrespective of citizenship status, and giving residents of Kansas, all residents of Kansas including undocumented residents, the right to be counted on to obey the driving laws of Kansas. ([Attachment 11](#))

Henry Sandate, an insurance professional from Overland Park, KS, testified in support of **Sub HB 2039**. (No written testimony submitted)

Committee questions and discussion concerned the conflict of this bill with **SB 16** and SRS, and that a balloon amendment would be necessary to include the provisions of **SB 16**. Sheila Walker, Division of Motor Vehicles, was asked to explain what the educational provision of the bill would cover, and if the \$150,000 would be sufficient to provide the educational classes and information to the number of people requiring the educational provisions.

Jim DeHoff, Executive Secretary of the Kansas AFL CIO, appeared as the first opponent to this bill. He testified that the bill should have two items inserted, one being language that the state cannot be in violation of federal immigration laws. He explained that this provision was put into **Sub HB 2039** when **HB 2039** was changed to **Sub HB 2039** by the House. He said the second issue was not addressed in the

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House, and concerned language that should be added which states internal revenue service individual taxpayer numbers and social security numbers will be verified as correct with each federal agency. (Attachment 12)

Chairman Vratil requested Mr. DeHoff to submit in writing a balloon amendment if he wanted the Committee to consider his suggestions.

Paul Degener testified in strong opposition to **Sub HB 2039**. He stated that it was an established fact that if persons from a foreign country enter this country without going through the proper procedures, they are considered to be illegal aliens, and have violated the established immigration laws of this country. He outlined several fiscal questions in his written testimony, and concluded by saying \$1.00 collected from each illegal applicant would not support the costs of such an ill-conceived program. (Attachment 13)

Dean Whitten, Wamego resident, spoke in opposition to this bill. He said that the granting of privilege to an illegal immigrant, and/or resident was a vote against the very judicial system originally designed to protect society as a whole. (Attachment 14)

Written testimony in opposition of **Sub HB 2039** was submitted by Ann E. Meritt, President and Founder of South Central Coalition of Americans Together, Haysville, Ks. (Attachment 15)

Following Committee discussion and questions, the meeting was adjourned at 10:30 a.m. The next scheduled meeting is March 12, 2003.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: March 11, 2003

NAME	REPRESENTING
HEBER GONZALEZ	
Shirley Degener	
Paul Degener	Concerned Citizen
Jamie Corkhill	SRS
Diana Albert	KDOR - Vehicles
Terry Mitchell	"
Alan Anderson	"
Sheila Walker	"
Elizabeth Giron	OSA
Emira Palacios	Hispanos Unidos
Erin Flary	Hispanos Unidos
Beatriz Ledezma	Hispanos Unidos
Jose L. Cabral	"
Veronica Castaneda	Hispanos Unidos
Estefania Mendias	Hispanos Unidos
Javier magaleno	Hispanos Unidos
Abraham Botello	Hispanos Unidos
Edu Montez	Hispanos Unidos
Fernando carranza	Hispanos Unidos

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: March 11, 2003

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NAME	REPRESENTING
Aaron Casey	Hispanos Unidos
Julian Lopez	Hispanos Unidos
Shane Batterman	Hispanos Unidos
José Carranza	Hispanos Unidos
Miguel Hernandez	Hispanos Unidos
José Angel Ramirez	Hispanos Unidos
Luis Garcia	Hispanos Unidos
José Alberto Garcia	Hispanos Unidos
Valeria SOTO	" "
Yerusa Mendez	Hispanos Unidos
DULCE S. CALDERON	
Jennifer Gordon	El Centro, Inc.
Karole Bradford	Inter-Faith Ministries
Cady Gonzalez	Hispanos Unidos
William Nagata	Hispanos Unidos
Brooke Ledbetter	Hispanos Unidos
Tamica Moser	Hispanos Unidos
Jesús Solarié	Hispanos Unidos
FLORENCIO GARCIA	HISPANOS UNIDOS

KANSAS

JUVENILE JUSTICE AUTHORITY
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

SENATE JUDICIARY COMMITTEE MARCH 11, 2003

Testimony on House Bill 2016

The bill will provide the Commissioner of the Juvenile Justice Authority (JJA) powers to require each Juvenile Corrections Officer (JCO) and Juvenile Corrections Specialist (JCS) to complete a specified number of hours of training and receive a Completion of Training Requirements Certificate from the Commissioner in order to obtain permanent status in the classification. It will require annual re-certification training for incumbent officers and officers who leave employment for one year or more and wish to return. Currently officers receive 160 hours of training during their probation period and 40 hours of refresher training each year thereafter. This training is based on the American Correctional Association standards and national best practices. The bill will allow the Commissioner to adopt rules and regulations to establish standards of training for these officers.

The bill will also add the definition of Juvenile Corrections Officer, meaning a Juvenile Corrections Officer or a Juvenile Corrections Specialist working at a juvenile correctional facility to K.S.A. 38-1602.

In addition, the bill grants JJA corrections officers and investigators the powers and duties possessed by law enforcement officers, but limited to those powers required carrying out duties as authorized by the Commissioner. Currently there are 348 JCO/JCS positions and two investigator positions system-wide subject to this bill.

This bill is modeled after Department of Corrections statues 75-5212 governing training, and 75-5247a governing powers and duties for Department of Corrections officers. (See attached)

The House Committee on Corrections and Juvenile Justice referred this bill to a subcommittee that extensively reviewed the bill's language. The work of the subcommittee, we believe, clarifies the terminology used and the intent behind this legislation. The bill will have minimal if any budget impact on the agency. We support HB 2016, as amended by the House, and I respectfully request passage of this bill. Thank you for your attention and consideration.

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75-5247a

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 52.--DEPARTMENT OF CORRECTIONS

75-5247a. Powers and duties of corrections officers. The warden of any correctional institution within the Kansas department of corrections, all deputy wardens, all persons on the staff of the department of corrections who are in the chain of command from the secretary of corrections to the corrections officer and every corrections officer, regardless of rank, while acting within the scope of their duties as employees of the department of corrections, shall possess such powers and duties of a law enforcement officer as are necessary for the performance of such duties and may exercise such powers and duties anywhere within the state of Kansas. Such powers and duties may be exercised outside the state of Kansas for the purpose of maintaining custody, security and control of any prisoner or inmate being transported or escorted by anyone authorized to so act. Such employees of the department of corrections shall be responsible to and shall be at all times under the supervision and control of the secretary of corrections or the secretary's designee.

History: L. 1975, ch. 466, § 1; L. 1978, ch. 365, § 6; L. 1990, ch. 309, § 57; May 24.

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75-5212

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 52.--DEPARTMENT OF CORRECTIONS

75-5212. Training for corrections and parole officers. (a) The secretary shall adopt rules and regulations establishing standards of training and provisions for certifying corrections officers and parole officers.

(b) Except as provided in subsection (c), no person shall receive a permanent appointment as a corrections officer or a parole officer unless awarded a certificate by the secretary, attesting to satisfactory completion of a basic course of instruction approved by the secretary and consisting of not less than 200 hours of instruction. The certificate shall be effective during the term of a person's employment, except that any person who has terminated employment with the secretary for a period exceeding one year shall be required to be certified again.

(c) The secretary may award a certificate attesting to the satisfactory completion of a basic course of instruction to any person who has been duly certified under the laws of another state or territory if, in the opinion of the secretary, the requirements for certification in the other jurisdiction are equal to or exceed the requirements for certification in this state. The secretary may waive any number of hours or courses required to complete the basic course of instruction for any person who, in the opinion of the secretary, has received sufficient training or experience that such hours of instruction would be unduly burdensome or duplicative.

(d) Every corrections officer shall receive 80 hours of in-service training annually.

History: L. 1973, ch. 339, § 19; L. 1974, ch. 403, § 7; L. 1978, ch. 365, § 5; L. 1980, ch. 287, § 1; L. 1984, ch. 112, § 15; L. 1990, ch. 309, § 50; May 24.

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Senate Judiciary Committee Hearing
SUB House Bill # 2039
March 11, 2003

Good afternoon, my name is Emira Palacios I'm a member of Sunflower Community Action's Hispanos Unidos Chapter and a Co-Chair of National People's Action.

First of all I'd like to thank Senator Vratil and all of you members of this committee for giving us the opportunity to be heard today and to express our concerns on this issue, which is so important to us.

I am here today hoping to convey a very simple but honest message from our undocumented immigrant community. We are here to say that we've come to work and to build a better life for ourselves, and a better future for our children. While we are here making a living we also buy homes, cars and pay taxes. Although we make up a very important part of Kansas workforce and economy, we are denied one of the most essential necessities of a working Kansan, the ability to obtain a Driver's license in order to drive a car legally, purchase insurance and prove our identity.

As someone who was undocumented for ten of the sixteen years that I've lived in this country, I cannot begin to tell you the fears and struggles that an undocumented person must face while living here. Even after we've submitted our paperwork to INS and spent thousands of dollars to try to adjust our status, we must still suffer the long waiting process that sometimes offers nothing but a waste of time and hard earned money.

In spite of the uncertainties and struggles undocumented families face, they continue to come here, hoping to find a better life. In my work with the Wichita school district I talk to newly arriving families everyday and I hear the same stories over and over again. They will continue to drive because they must in order to get to work, take their kids to school and do all the basic things they need to do to survive.

We know that under the current atmosphere and the threat of war, you must make very tough decisions. We respect those decisions if they will make our country safer because this is also our home. However we urge you not to make those decisions based on unfounded fear and ignorance.

We believe that Rep. Klein's bill 2039 offers a solution that assures that only drivers residing in this state with the proper identification may obtain a driver's license. Our Hispanic community stands firmly behind this proposal. We believe it a practical and safe solution that will benefit all Kansans. Again thank you for your time and your support of this bill.

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K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

KATHLEEN SEBELIUS, GOVERNOR

TO: Chairman John Vratil
Members of the Senate Judiciary Committee

FROM: Sheila J. Walker, Director of Vehicles *Sheila J. Walker*

DATE: March 11, 2003

SUBJECT: Substitute House Bill 2039 – Temporary Resident License

Mr. Chairman, members of the committee, I am Sheila Walker, Director of the Kansas Division of Motor Vehicles (DMV). Thank you for allowing me to testify on Substitute for House Bill 2039. This bill is designed to allow the state's estimated 150,000 undocumented individuals to get drivers' licenses here.

Starting July 1, 2004, the Division of Vehicles would issue temporary resident licenses to undocumented workers who pass the vision, written and drive tests and can provide proof of Kansas residency. The temporary resident license (TRL) would be a temporary, three-year license that cannot be used to get a license in another state. It would be a distinguishable license, perhaps with the letters "TRL" in the upper right-hand corner where DL, CDL, IP and other abbreviations are currently found. The bill requires the Division to present a prototype to the Legislature by January 15, 2004.

Non-U.S. citizens who apply for the temporary resident license will not be included in motor voter registration, selective service, jury pools, and any other lists that require U.S. citizenship.

According to the bill, the fee for a TRL would be \$10. One dollar of the \$10 fee would be deposited into a "Driver's Education Fund." The Director of Vehicles would use this fund to approve grants for educational programs designed to educate temporary resident license applicants regarding the laws of the United States and Kansas, specifically the rules of the road, vehicle ownership, and insurance, and to promote trust and cooperation with law enforcement.

According to some published estimates, as many as 150,000 undocumented individuals reside in Kansas. If all 150,000 were to apply for a temporary resident license at \$10 each, it would generate \$1.5 million in additional revenues. Of that amount, \$150,000 would be deposited in the new Driver's Education Fund, with the balance going into the highway fund.

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While the anticipated additional applications could increase the waiting and processing time for all driver's license applicants, we have said all along that our preference is that every driver behind the wheel of a car be familiar with the rules of the road, by passing a drive test and written test, and also be insured.

There are added safeguards outlined in Senate Bill 16 that would give us the balance we would need to ensure the authenticity and accuracy of ID documents in order to positively and uniquely identify all applicants from Kansas – regardless of their nationality. Governor Sebelius signed this measure on March 3, 2003.

Not only do we have an interest in ensuring identity, driving safety is equally important. We have the capacity to implement the changes required under Substitute for House Bill 2039, and we would support them.

John M. Douglass
Chief of Police
Overland Park Police Department
12400 Foster, Overland Park, KS 66213
913 327-6935

Tuesday, March 11, 2003
Senate Bill 2039

Mr. Chairman and Members of the Senate Judiciary Committee:

Whether we agree with this immigration or not, it has already occurred. It is the policies of this country concerning immigration which have created the dichotomy we find ourselves in. Many individuals have come to our area seeking employment and the financial security that our economy has to offer. They have in turn been instrumental by taking jobs in the service industry and many other positions which otherwise would have gone unfilled. They have paid rent, bought goods, worked in our stores and participated in most economic facts of life. For us to deny or to reject what has happened by beginning to deny them the basic tenets of our society will not and cannot reverse the migration that has taken place. What it does, however, is force individuals to live outside the legitimacy of our society. It forces them to be a silent part of the community, living in the shadows and never fully realizing their potential in our society. If we deny them the basics, such as driving, they will simply drive illegally. If we deprive them of education, then a part of our society will be uneducated. If we deny them medical care, then a part of our society will be sick and infectious. And if we deny them the freedoms necessary to live, we will deny ourselves the founding principles of this country. They, in turn, will seek government services in a different way. Because they cannot turn to their government for help, they will seek services in less legitimate ways. We will soon find ourselves with a part of our society where our government is not in control. I truly believe if we continue down this path, we sow the seeds of injustice and one day we will reap the whirlwind.

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Testimony of Cesar Alberto Herdoiza before the Senate Judiciary Committee on
Judiciary.

Re: HB 2039

Date: March 11, 2003

Background of Speaker:

Attorney: Statewide practice since 1981 with active involvement
representing Hispanics. In excess of 300 active civil cases throughout
the State of Kansas.

Board memberships:

El Centro, Kansas City, Kansas

Past member of the Kansas Advisory Commissions on Hispanic
Affairs (K.A.C.H.A.). Appointed by Governor Graves

Radio program: Kansas City, Kansas 1480 AM La ZZ

Host of "Consulta el Abogado" (Consult the Attorney). A live radio show
conducted in Spanish were legal matters of importance to the Hispanic community are
discussed every Friday from 10 a.m. to 11 a.m.

ISSUES: Protection of borders; not condoning illegality and illegal behavior. Kansas's
drivers license, a privilege and not a right. **Why should we give an illegal alien a
driver's license?**

Many people's first impression when they hear a proposal to provide illegal aliens with
the privilege of a Kansas driver's license is mixed or sometimes negative.

But Kansas is made up of hard-working common sense people. And once the reasons
in favor of such a law are set out for discussion, few people fail to recognize that the
proposed law is truly in their own self-interest and in the self-interest of the State of
Kansas.

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"TOP 10 REASONS FOR FAVORING H. B. 2039."

No.1 The law in Kansas has never precluded a Kansas driver's license being issued to any person who was not lawfully present in United States until its amendment in July 2000. This bill was passed with little or no input from citizens in the State of Kansas and was simply made part of a larger bill and passed. The unintended results of this bill have been disastrous.

No. 2 An individual who cannot obtain a valid Kansas driver's license cannot obtain automobile insurance. I used to have one or two people come in a month who got a ticket for no insurance, no driver's license. I would have to go and get them insurance and a drivers license so that they could get their tickets resolved and go ahead and drive legally. Now we get at least 15 or more individuals per week. The increased fines for no insurance (first time \$300 and second time \$800) does not keep people from driving. As a consequence, thousands of people with more and more people added every day are driving with no liability insurance throughout the State of Kansas. If they cause an automobile accident, they cannot compensate the victim of the accident.

No.3 Every person who first learns the "rules of the road" before getting behind the wheel of a car creates greater safety for all of us. To get a driver's license in Kansas you must first pass a written test, vision test and then a driving test to show that you understand the rules of the road and are able to drive a car safely. Unfortunately individuals who are not required to undergo this procedure are simply getting into cars and driving. They are not going to walk, use bicycles or leave Kansas because they were not able to get a driver's license. The result is that people are driving around without knowing the rules of the road. For example: Coming to a complete stop at both sides of a bus when it is letting your children off. Another example occurs when people do not understand English well and do not understand the signs or what they say. I have had individuals and have heard of others who have been involved in car accidents when they went up an exit ramp and thought it was an entry ramp because they saw the words DO NOT ENTER but did not understand and thought the sign meant ENTER or DO ENTER. Simply knowing the difference between a flashing red light and a flashing yellow light are essential. Or knowing the meaning of signs regarding railroad stops, yield signs or school zones. And because I have represented both injured Highway workers and Police officers in my practice, I know how important it is to know that you need to slow down in road or highway work zones or when a police officer is detaining an automobile on the roadside. These and other "rules of the road" are essentials for anyone driving on our roads today. Unless people complete the basic requirements for obtaining a drivers license before they drive a car they put themselves and everyone else on the road at risk.

No.4 The State of Kansas is also losing revenue from Personal Property taxes not being collected from individuals who are not able to get a drivers license and therefore are unable obtain automobile insurance and therefore cannot pay Personal Property taxes on the automobiles they are driving. It is my understanding that in Tennessee, a similar legislative change added \$558,233.00 in additional State revenue during the first year that immigrants could apply for a driver's license. With the large deficits the State of Kansas is facing we can not afford to waive this source of personal property tax.

No.5 A loss of profits is being suffered by the insurance carriers who provide automobile insurance in the state of Kansas. With post 9/11, Arthur Anderson, Enron, etc. and the reduction in reserves due to the drop in the stock market, can we afford to keep the additional premium payments from being made by undocumented drivers that are willing and able to pay them? In addition, the rates of those who do pay for car insurance is going up to cover the cost of those involved in car accidents who do not have insurance.

No.6 Lack of proper Kansas identification makes it easier for habitual violators to avoid prosecution in as much as they can simply use a false name each and every time they are stopped by the police. A valid driver's license would better allow record keeping regarding everyone's driving history, which is not now possible.

No.7 The present law targets Hispanics for special inquiry and discriminatory treatment when applying for or renewing their driver's license in Kansas. Non-Hispanics applying for drivers licenses are typically not requested to provide birth certificates, passports or other identification proving their lawful status in the United States. However, if you look Hispanic, have a Hispanic surname or have a Spanish accent you will not get a driver's license unless you can prove you are legally present in the United States. This goes on while all along you watch your non- Hispanic brethren remain in line and proceed to obtain their driver's license without such proof. This is humiliating for many Hispanics and naturally causes resentment.

No.8 The Hispanic population in Kansas is growing. The mean age of Hispanics in this state is under 25 years of age. The Hispanic community welcomes the opportunity to involve itself in the political process. Politicians of both parties would be prudent to begin courting this growing vote in the State of Kansas. Supporters of this proposed amendment might well use that support as an inroad to approaching and gaining the Hispanic vote in their own districts. Examples locally include when Hector Baretto supported Ronald Reagan over Jimmy Carter when Reagan was still behind in the poles and more recently when George Bush was elected Governor in Texas.

No.9 One of the negatives recently heard is that individuals will use a driver's license to get a job. This is simply untrue and false on its face. The I-9 which is required by employers to be filled out when hiring an employee specifically indicates that a drivers license does not qualify as one of the mandatory requirements to form a basis for identity regarding their legal status in the United States.

No.10 One of the most outrageous arguments raised by opponents of this bill is "terrorism". This Chicken Little performance would be laughable if it were not being intentionally used as a cynical tactic by opponents of this bill to simply scare good people from voting for it. A reading of the bill will show that it requires first a visit to the Federal Internal Revenue Service office at which time you are required to provide proof of your identity and fill out a form indicating who you are and where you live, etc. Then approximately four weeks later after the IRS generates a taxpayer ID number for you, you are then able to take this number over to your local motor vehicle department and submit yourself to additional questioning. You must then provide additional information regarding your identification and then allow the State to take your picture and provide information about your address and State residency. Why would a terrorist go through that process when it only leads to a definite identification by both Federal and State officials of who you are and where you live?

Kansas is made up of hard working citizens with common sense and independent minds. Can we deny the economic benefits that Hispanics, and yes, undocumented workers have brought to our agricultural pursuits, meat packing plants, highways and roads, home construction and general construction and to our service Industries? Of course not. **So what benefit do we derive from denying undocumented drivers a driver's license in Kansas?**

Other States have either passed or are proposing similar changes to their laws. This is simply a realistic approach. I ask this body to deliberate in favor of H. B. 2039.

March 11, 2003

Chairman Vratil and Honorable Members of the Senate Judiciary Committee,

Others' testimony has explained what HB2039 is about—public safety, liability insurance, the tools law enforcement needs to serve and protect our communities, affording Kansas taxpayers the right to drive safely and legally, extending the basic human right of self-identity, protecting the integrity of the Kansas driver's license. As you keep these objectives in mind, please allow me to briefly clarify what HB2039 is *not* about.

It is *not* about noncitizens voting; before any Kansan can present a driver's license at the polling place, he/she must have registered with the Secretary of State's office, provided a Social Security Number, signed an affidavit attesting to U.S. citizenship and eligibility to vote, and, if not a natural-born citizen, provided the date of naturalization.

It is *not* about immigrants claiming public benefits; a driver's license is not and never has been sufficient proof of eligibility for public benefits for the small number of immigrants who fall into certain immigration statuses eligible for such benefits.

It is *not* about undocumented immigrants seeking employment; any employer who accepts a driver's license as sufficient proof of work authorization is blatantly violating U.S. immigration law and seriously misconstruing the purpose of a driver's license. Creation of a visually distinct temporary license, as is allowed in HB2039, is even stronger protection against such misconstruction.

It is *not* about encouraging unauthorized immigration; countless studies of transnational migration have confirmed that international economic, social, and political realities shape the life-changing decision to cross national borders, and it is a dubious logic that assumes that a driver's license privilege will lure someone to the United States, or that lack of the same will convince a would-be immigrant to stay in desperately violent, poor, or repressive situations in other countries.

In fact, it is *not* about immigration at all; the state of Kansas and all localities within it have no authority to enact or enforce immigration law.

Finally, HB2039 is *not* about undocumented immigrants taking union jobs or undercutting union wages; to the extent to which this occurs, it is not affected by immigrants' access to, or lack thereof, driver's licenses but rather is due to the seemingly insatiable thirst of some employers for cheaper, more vulnerable, and more easily exploitable labor. Unfortunately, this can only be addressed through federal immigration laws that replace our failed system of employer sanctions with meaningful strategies for undocumented workers to achieve legal residency. Without such reform, some employers, even in Kansas, will use vulnerable workers who lack even the most basic rights to lower every worker's standard of living. This is exactly why the National AFL-CIO has called for an end to employer sanctions and a repeal of laws, including the prohibition on access to driver's licenses, which serve only to scapegoat immigrants rather than to enact sound public policy in the best interest of all who work and live in the United States.

What this law is about, and the only truly authentic way to frame the issue, is public safety and the duty of the government of the state of Kansas to ensure that people who operate motor vehicles on its roads are competent and responsible drivers.

Thank you for your consideration of HB2039 and for your attention to my comments.

Senate Judiciary

3-11-03

Attachment 6-1

Sincerely,

Melinda

Melinda Lewis
Special Projects Director
El Centro, Inc.
Kansas City, Kansas



POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE



Ronald Miller
Chief of Police

March 10, 2003

Senator John Vratil, Chairman
Seante Judiciary Committee
Kansas State Capitol Building 255 -E
Topeka, Kansas 66612

Dear Senator Vratil,

As a Kansas Chief of Police I am concerned about public safety as are many other Chiefs and Sheriffs in Kansas. I want to express support for legislative proposals making non-citizens eligible for drivers' licenses in order to reduce the number of unlicensed and uninsured drivers in our state. Legislation that makes knowledge of Kansas driving laws, positive identity, and ability to safely operate a motor vehicle effectively serves the citizens of the state of Kansas.

This legislation would make Kansans safer by reducing accidents caused by drivers unfamiliar with driving laws and would protect our citizens in the event of an accident by reducing the number of uninsured drivers. In addition, the change would have positive fiscal impact for the state, including potentially lower auto insurance premiums, additional revenue from licensing fees, and potentially reducing public expenditures for medical care for the uninsured. This law also recognizes economic realities in this state. Expanding opportunities to obtain drivers' licenses is not incongruent with homeland security considerations; on the contrary, allowing law enforcement to positively identify individuals within our state will help law enforcement to identify potential threats and reduce our vulnerability and raise the feeling of security of citizens and non-citizens alike.

Possession of a drivers' license should not entitle the holder to any benefits related to employment, voter registration, or public benefits. The state is not empowered to make immigration laws but it can take legislative action to protect the safety of its residents and to effectively administer its transportation system. A bill to allow non-citizens access to licenses is a measure designed to respond to concerns of law enforcement and protect drivers and passengers on our roads.

This law should specifically address that immigrant applicants applying for a driver's license must present proof of positive identity. Specifically, an original birth certificate, passport, or other government issued identification should be required as well as a social security number or an individual taxpayer identification number pending application for a social security number used to double-check against the identity document. In addition, an address in the state of Kansas supported by a utility bill, official school record or other government document should be a requirement. Standard written testing, a demonstration of proficiency driving a vehicle, and an understanding of enough English to pass the road test, as well as the ability to understand road signs should also be a requirement.

Sincerely,

Ronald Miller
Chief of Police

Senate Judiciary

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Attachment 7-1



Tuesday, March 11, 2003

Position Statement on the Issue of Driver's License Accessibility
Dr. Penny Armstrong, PACO President, Pittsburg, Kansas
Police Chief Mike Hall, PACO Vice President

Pittsburg Area Community Outreach, PACO, is a community-based organization that was founded in 1998 to help ease immigrants' transition into the community. PACO has a 34-person Board of Directors from a wide cross section of Crawford County, who donate their time and their personal and professional resources for projects that promote two-way integration of the community.

Today, PACO continues its efforts on the front line, working with the issues of assimilating immigrants into our community.

We appreciate the opportunity to advocate for changes to the Kansas driver's license and identification card law. The single greatest problem we hear from our immigrant population is their inability to obtain a driver's license. As you are aware, HB2641 became law July 1, 2000, and changed the driver's license and identification card statute to read that the applicant must first prove "... that the applicant is lawfully present in the United States."

The adoption of HB2641 has created some very practical problems for law-abiding immigrants and for law enforcement in Pittsburg, including:

- 1) Southeast Kansas does not have a public transportation system. Our experience has been that immigrants who are employed in the community and in the region will drive to work and will drive their children to school. Most immigrants are otherwise law-abiding people who would get a driver's license if they could. As long as there is work available, we remain certain that they will drive either with or without a driver's license. If they have no driver's license and they are not carrying other identification, it can be difficult and time consuming to learn their identity. The police department does not keep records of the ethnicity of drivers as that is considered to be racial profiling.
- 2) Those driving without a driver's license cannot purchase insurance or tags. They have not demonstrated to state motor vehicle licensing officials that they are capable of driving safely and that they know the rules of the road. They have not passed the vision screening that is part of the Kansas licensing procedure. When unlicensed, uninsured drivers hit other cars, they may leave the scene of the accident.
- 3) The other driver's insurance company assumes the cost of an uninsured motorist's accident. Additionally, the state loses any revenue that might be generated from driver's license and tag sales. The insurance companies actually

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lose twice; first, by not selling insurance and, second, when their client is in a crash with an uninsured motorist. This is clearly more an insurance issue than an immigration issue.

4) Another area where we have been impacted is effective use of officers' time. I cannot quantify the additional time officers have spent with unlicensed drivers. Since the law changed in July, 2000, the police department has encountered a larger number of non-English speaking drivers who are not licensed. Officers have been trained in Command Spanish for emergencies. However, that is simple one-way communication, officer to driver, while waiting for a \$25 an hour interpreter to arrive at the scene. With a licensed driver, a ticket can be given and everyone goes on about his or her business. The current statewide budget shortfall makes this possible savings particularly important to local law enforcement agencies.

The importance of homeland security is frequently used as a reason for denying driver's licenses to undocumented immigrants. We think that there may be as many as 1500 unlicensed drivers in our area, although we have no way of confirming any numbers. We argue that allowing them to have driver's licenses could, in fact, enhance security, road safety, and would be an economic benefit to the state as well. We would have a record, including photograph, of who they are and where they live. We would know that they have passed a driving test and that they know what rules of the road they are required to follow. They would be able to purchase car insurance, a boon for the insurance companies, and the State of Kansas would have more money in its coffers because of the increased number of fees that it would collect.

The issue of immigration is irrelevant at the state level. The Kansas Legislature cannot correct or control undocumented immigration through its action of restricting driver's licenses. Immigration is strictly the responsibility of the federal government, to be handled by the U.S. Department of State, the new Department of Homeland Security, and the reorganized I.N.S. It is also important to understand that it is discriminatory for local police officers to inquire about someone's legal status and that several police departments have been successfully sued because their officers questioned immigrants' legal status.

On behalf of the PACO Board of Directors, we appreciate this opportunity to advocate for changes to the Kansas driver's license and identification card law. We believe that Kansas needs safe roads, insured cars and drivers, and registered and tagged vehicles as well as the security of knowing who our drivers are and where they can be located. Changes in the law would provide a safer environment for law enforcement officers and economic advantages for everyone from private citizens to the state government.

To: The Kansas Senate Judiciary Committee, Regarding House Bill 2039 providing for the issuance of temporary resident drivers' licenses.

From: Fr. Fred Gatschet, Chaplain, Comeau Catholic Campus Center, Hays, Kansas

Date: March 8, 2003

Dear Mr. Chairman and Distinguished Members of the Senate Judiciary Committee:

Let me begin by thanking your for receiving this testimony through the Honorable Eber Phelps.

This issuance drivers' licenses to temporary residence is good for all Kansans and is simply the right thing to do.

I speak fluent Spanish and have been working with the Latino communities of Hays and Salina for the past ten years. I am also a certified translator for the Department of Revenue to translate birth and marriage certificates from Spanish into English for those needing to use these documents to obtain valid state-issued identification and drivers' licenses. During these ten years, I have spent innumerable hours with local police, county sheriffs and the Highway Patrol as well as various municipal and district courts serving as an interpreter. I have also done considerable translating for hospitals and schools. In my work as a priest, I do counseling, and a good amount of ministry in Spanish.

I tell you these things so that you might get a feel for the broad base of experience I have with the Kansas Latino Community. It is from this experience that I ask you to support action to provide Temporary Resident Drivers' Licenses for these people. Please allow me to explain why:

+It will make for a safer Kansas. When an officer makes a routine traffic stop on a minor charge such as running a red light, speeding, etc., many of us know from personal experience, that we can simply plead guilty or no contest, pay the fine, and be on our way. If an officer stops someone without a license, he must take the suspect into custody, have said suspect's mug shot and finger prints taken, and the suspect must appear in court. This takes an officer of the street where he or she cannot be patrolling and protecting people like me. Since the suspect must appear in court, this causes the docket to be unnecessarily full, and again, takes an officer off the street who must appear in court to defend and explain the ticket. Furthermore, those with no license cannot get car insurance. If I am involved in an accident with an uninsured motorist, then either my policy must pay or I am simply out of luck. I also know from working with law enforcement, that establishing identity can be quite difficult. As one officer with whom I was working once put it, "I don't care if they are from Saturn, when I pull someone over, I want to know who it is!"

+It makes economic sense. We often hear of the costs associated with undocumented taxpayers. It is easy to gather data of indigent care provided in emergency rooms and hospitals. What is either more difficult or simply has not been done, is an economic study on how Kansas is benefiting from the presence of these folks. They buy cars, tires, and gasoline, and pay all the associated taxes. They pay sales, income, and Social Security taxes like anyone else. Wherever they live, they are paying property taxes themselves either directly or through their landlords. Many businessmen whom I know personally who are in the livestock, oil and gas, and other industries say quite simply that they would go out of business were it not for the presence of these people. I think it is safe to say that Kansas is benefiting economically from the presence of these many undocumented taxpayers. It seems a bit duplicitous for us to benefit from their work and then deny them the basics necessary to participate in our economy.

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+Finally is an issue of justice. We are a nation of immigrants. Most Kansans profess a faith in the Judeo-Christian God who has said that aliens enjoy His special protection (Exodus 22:20-22), and that He rewards those who would befriend the foreigner (Deuteronomy 10:17-20). Kansas is known as a hospitable and friendly State. Embracing this bill is certainly consistent with the values we as Kansans hold dear.

Many have correctly pointed out that since these people broke the law to come here in the first place that we ought not to be extending them legitimate state-issued documentation. They do have a valid point, and we are indebted to them for their contribution to the debate. However, I believe there are three responses that negate their objection to providing drivers' licenses to undocumented taxpayers.

First is that in this bill, as it is written, the undocumented taxpayer will be granted a license that will be different from that of a citizen or other documented foreign national. This will resolve the issues listed earlier with identification and insurance and the associated problems in the courts.

Secondly, yes, let us admit openly that these people did come here illegally. Let us imagine that we mobilize the forces at the disposal of the State and Federal Governments, and go house to house and deport anyone who cannot produce valid documentation. We then use the military to seal off the boarder. Then what happens to meat processing in Kansas? What happens to road building, oil and gas exploration, hotels and restaurants, and a myriad of other industries? Even in these economic slow times, I, for one, have not heard of any instances of unemployed middle managers or educated and skilled laborers being turned down for jobs on the kill floors of IBP in Emporia or Garden City because that job was already filled by an undocumented taxpayer. ***The bottom line is that these people are here because our economy drew them here.*** They are doing jobs that no one else wants, and by all indications, doing them well. I am not saying that they are all perfect angels, but neither are all native born Kansans.

Thirdly, this challenge that faces us is not of our making. It is not Kansas' responsibility to patrol and secure the boarders in Texas, New Mexico, Arizona, and California. We are hundreds of miles away from this, and have no jurisdiction to do anything about it anyway.

We need to deal in a way that is fair, makes economic sense, and keeps Kansas a safe and wholesome place to live. I believe that the bill providing for the issuance of temporary resident drivers' licenses as it passed the Kansas House of Representatives does all of this and urge you to support it on these grounds.

I thank you again for considering this testimony and thank Rep. Phelps for presenting it to you for me.

Sincerely,



Fr. Fred Gatschet
Hays, Kansas



6301 ANTIOCH • MERRIAM, KANSAS 66202 • 913-722-6633

March 11, 2003

TESTIMONY IN FAVOR OF SUBSTITUTE FOR HB 2039

Senator John Vratil, Chairman
Senate Judiciary Committee

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in favor of Substitute for HB 2039. My name is Mike Farmer and I am the Executive Director of the Kansas Catholic Conference.

I would like to quote from a document entitled "Resolution on Immigration Reform" issued by the National Conference of Catholic Bishops on November 16, 2000.

"While we recognize the right and acknowledge the responsibility of the U.S. government to secure our national borders and do not condone or encourage undocumented migration into the United States, we nevertheless affirm the dignity of undocumented persons who live in our midst and make every effort to ensure that their human rights are respected and protected. Until such time as the global community effectively addresses the root causes of undocumented migration, individual nations must confront the presence of undocumented persons in a manner which upholds their basic dignity and human rights."

As you know, thousands of undocumented individuals work in Kansas every day of the year. The issue here is whether we want those who are gainfully employed in Kansas to be able to drive legally on our roads and highways and to be properly insured. While the federal government works to resolve the various immigration issues, we in Kansas can take positive steps to "...affirm the dignity of undocumented persons who live in our midst and make every effort to ensure that their human rights are respected and protected." Please vote to recommend Substitute for HB 2039 favorable for passage.

Thank you.

Senate Judiciary

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Attachment 10-1

Testimony: Senate Judiciary Committee

March 11, 2003

Elias L. Garcia, Chr.

Kansas Hispanic Caucus

Mr. Chairman and honorable members of the Judiciary Committee, my name is Elias L. Garcia and I am here representing the statewide membership of the Kansas Hispanic Caucus in support of the substitute for HB 2039. Before I begin, I would like to preface my remarks by stating that this bill is not about ones constitutional rights or Immigration and Naturalization issues. Much like the intent of our National Census, this bill is about being counted, irrespective of citizenship status. Its about giving residents of Kansas, all residents of Kansas including undocumented residents, **the right to be counted on to obey the driving laws of Kansas**. It is our position that this bill is a result of good faith and reasonable compromise and we respectfully encourage members of this committee to support Substitute for HB 2039.

Honorable members of the Judiciary committee, I speak before you not only as a property owner/taxpayer, Division Head for the City of Topeka, or as a member in good-standing of this Topeka community, but above all I stand before you as one who comes from an immigrant household. My parents did not have all their documentation, but they were law abiding individuals who worked hard every single day of their lives and taught their 14 children to worship God and obey the law. I will further share with you that these values were not unique to our home, these are the values that are in place in the vast majority of Hispanic/immigrant households throughout Kansas and these United States.

In a land where both political parties and indeed government in general, utilizes the buzz word INCLUSION to demonstrate political correctness. Why is it that laws which divide communities, laws that erect barriers, and laws that make law-breakers out of common folk, why are these laws enacted?

Ladies and gentlemen, throughout the development and history of our great nation, Hispanics have time and again proven their value and loyalty to this country. There is no way you separate the Hispanic community from the American way of life. Currently 1 our of every 8 individuals in the U.S. is Hispanic, with another generation it will be 1 out of 4. Hispanics are the largest minority in the United States numbering 37 million people. The Hispanic economic base is 500 billion dollars and with in ten years it will reach 1 trillion dollars. Perhaps the most poignant fact I can share with you is that the Hispanic community has been awarded the Medal of Honor more times than any other ethnic group in the history of the United States.

Friends, we are not the enemy! Yet after the events of September 11 we are being viewed in the same light as those who are. There is no way you can believe any thing other than the impact of the Hispanic community on this country has been POSITIVE. This has been our legacy but the real potential of community lies in our future. We are the socio-economic and political El NINO of this country, and for many non-Hispanics this is most unsettling - and I guess you really can't blame them. El Nino is a scary thing. All that raw power—how can it ever be harnessed? The answer is simple INCLUSION!! Lets go beyond political correctness and build those structures that will channel all our respective energies toward the betterment of our society and this country. Lets give people the opportunity to participate in society and earn their standing as productive citizens of Kansas.

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Attachment 11-1

Driving privileges were never the issue which served as impetus for language of HB 2641, Immigration was the issue. We have to separate the two out in order to not place widespread and undue hardships on members of the Kansas Hispanic Community and even more importantly, not to place Kansans at risk due to safety considerations surrounding this issue.

During the 2001 Interim Special Committee on Judiciary I have gone on record noting my opposition to language found in Section 15 of HB 2641. I noted the following for their review and consideration, including but not limited to:

- LOST STATE REVENUES: Non-compliance with state Driving Laws by Hispanics mean significant reduction in the collection of fees associated with the Department of Revenue – Drivers License Bureau.
- From a SAFETY perspective the question then becomes “Do we want non-licensed, non-insured drivers driving around our public streets” I for one say NO. I say give everyone the opportunity to comply with driving laws without the undue bias or hardship of a legal residency requirement.
- State Revenue Department employees who will be applying this law do not have proper training, thus judgments and decisions made by these individuals will be based solely on the appearance of an applicant. Enforcement will be skewed, subjective, capricious, and arbitrary as it is clear that those state employees charged with enforcing this statute will not apply it evenhandedly throughout Kansas communities. This legislative initiative is bad public policy and public law.
- Given the implementation of this law and the judgments that are made by Department of Revenue employees that is based solely on appearance, one can reasonably conclude that this law which requires proof of residency as requisite for a DL does, in fact, promote racial profiling (Example: If a blond haired, blue eyed individual applies for a DL are they going to be required to provide proof of residency --- in all likelihood NO)
- Any reasonable person would conclude that on its face, this language is discriminatory and its effect and impact disproportionately targets Hispanics (purposeful or otherwise)
- This law and its requirements force what are otherwise ordinary law abiding citizens to choose between complying with driving laws or providing for their families. Documented workers and undocumented workers alike have to go to work every day and provide for their families and driving is a must, albeit even though it means breaking the law,
- Also, in the final analysis, we must consider the fact that “who pays the societal cost for the all those non-insureds?”. WE DO, WE ALL DO – through higher insurance premiums!

Members of the committee I will share with you all that my parents were undocumented. I share this with you because I believe its important for you to know that not just my family, but also members of the millions of Hispanic families across this nation are vested in this country. One day in the not to distant future, members of our respective national, state and local governments will be forced to come to terms with the realization that the future of this country is inextricably linked to that of the future of the Hispanic community.

Government and constituents alike must realize that we are partners in this society, stakeholders in our collective futures and as such we must search out new ways to work together in manner that protects the human rights of all individuals, documented and undocumented residents alike, and afford all of Gods children respect and dignity as they go in search of the American Dream.

In closing, Honorable committee members, please understand that the houses in which Americans live, the roads on which Americans ride, the food they eat, and the services they receive depend in large part on the work of Hispanic/Latino immigrants, both legal and illegal. I will leave you with these facts:

- Hispanics are the largest ethnic minority in the U.S. – 13% of U.S. population
- U.S. Hispanic Population is 37 million
- 3 million Hispanics undercounted in last Census
- 8 million undocumented individuals in this country
- By 2010 Hispanic purchasing power will reach 1 Trillion dollars
- Immigrants make up 11% of U.S. population (all immigrants, not just Latino)
- Immigrants account for 34% of domestic employees
- 23 % of farmers and fishermen
- 21% of assembly line workers
- 18% of service industry workers

Thank you for the opportunity to address your committee and thank you in advance for supporting efforts to establish Kansas as a leader in a new American cultural coalition that is the United States of America. Please support Sub. for H.B. 2135

Kansas AFL-CIO

2131 S.W. 36th St.

Topeka, KS 66611

785/267-0100

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President
Ron Eldridge

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Treasurer
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President
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Emil Ramirez
Bruce Reves
Steve Rooney
Debbie Snow
Betty Vines
Dan Woodard*

March 10, 2003

Senate Judiciary Committee
Senator John Vratil, Chairman
Room 123S - 9:30 AM
Re: Sub HB 2039

Chairman Vratil and Committee Members,

I am Jim DeHoff, Executive Secretary of the Kansas AFL CIO. I appear before you today to address our concerns with Sub HB 2039. In the House I testified that Sub HB 2039 should have two items inserted into the bill. One was language should be in the bill which states that you cannot be in violation of federal immigration laws. This was put into Sub HB 2039 when HB 2039 was changed to Sub HB 2039.

The second issue was not addressed in the House. Language should be added to new section 1 - H - Line 5, that states internal revenue service individual taxpayer numbers and social security numbers will be verified as correct with each federal agency. We believe this needs to be added because of all the fake numbers that are now being used in Kansas.

I would also like to make you aware that the National AFL CIO and Kansas AFL CIO support federal legislation that makes all illegal workers citizens of the United States. This would correct all the problems connected with illegal residents of Kansas.

Thank you for the opportunity to address this very important issue.

Senate Judiciary

3-11-03
Attachment 12-1



W. Paul Degener
518 NW 56th St.
Topeka, KS 66617
(785) 246-0215

Subject: Substitute to HB 2039, Issuance of Drivers License to Illegal Aliens

Mr. Chairman, Members of the committee, my name is Paul Degener, I am a resident of Shawnee County and appear before you as a concerned citizen in opposition to HB 2039. I thank you for allowing me to appear before this committee.

I think it is a well established fact that if persons from a foreign country enter this country without going through the proper procedures, they are considered to be illegal aliens. They have violated the established immigration laws of this country. What is it about illegal we do not understand?

It has been my experience that if I violate a law, I have to pay a fine or go to prison, depending on the severity of the crime. In the past I have been stopped for exceeding the speed limit and I have had to pay the fines. This is as it should be. However, this makes it difficult for me to understand why we are considering this legislation. Why are we rewarding illegal behavior. This is completely contrary to everything I have been taught throughout my lifetime. Are we considering this legislation because the federal government is threatening to withhold funds if we fail to do so? Is the pressure so great from political action groups that we have to yield to their demands? Are we simply taking the easy way out or is this just the next step toward reducing our country and our state to a third world status?

I served on active duty with the U.S. Army for fifteen years and served in the reserve components for 19 years. I took an oath to protect and defend the Constitution of the United States. Perhaps I was naïve to take that oath seriously or to believe in the rule of law. To think that our laws mean nothing is alarming. I can see nothing but disaster from this legislation. We are inviting every criminal and every terrorist to migrate to the great state of Kansas. In my opinion, anyone who votes for this legislation is guilty of aiding and abetting criminal activity.

The fiscal notes to this bill reveal the following:

1. Estimates of illegal aliens in this state range from 33,000 to 150,000 or more.
2. The State Highway Fund would realize increased fee receipts.
3. It is difficult to determine the fiscal impact because of the vast numbers of illegal aliens.

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I have some fiscal questions.

1. Illegal drivers licenses shall be distinguishable from all others. What will be the cost to implement this change?
2. What will be the cost of providing applications in foreign languages? How many languages?
3. What will be the cost of publishing drivers manuals in multiple languages? How many languages?
4. What will be the cost of publishing rules and regulations in multiple languages? How many Languages?
5. What will be the cost of providing multi-lingual road test and driving examiners. How many languages?
6. Will we have to provide multi lingual road signs to accommodate illegal aliens? If so, what would this cost the taxpayers?

This bill provides for the establishment of a "Driver Education Fund" by the state treasury. One dollar from each illegal applicant is to go into the fund. What will be the cost of establishing, managing and maintaining this Fund?

Apparently these funds are to provide grants for educational programs for illegal aliens.

What will be the cost of developing this program?

How many instructors will be required?

What will be their salary?

What will be the cost of supplies and material to support this program?

How many languages will this program need to support?

Do we really think that \$1.00 from each illegal applicant will support all of these costs?

I suppose the taxpaying U.S. Citizens can be called on once again to support an illegal, ill-conceived, exorbitant, empire building program.

Thank you for your time.

Kansas State Legislative Session
Judiciary Committee
Chairperson Senator John Vratil, Committee Members and Guest.
March 11, 2003

Subject: Hearing on House Bill 2039.

The granting of a license to any applicant as indicated in this bill. Your support in the granting of privilege to an illegal immigrant, and/or resident is your vote against the very judicial system originally designed to protect society as a whole.

01. Driver's license issued to an illegal immigrant and/or resident is presently unlawful, and
Where as if a drivers license or any type of license is issued to an illegal immigrant and/or resident, would set in motion a trail of situations that would soon spiral out of control, so therefore be it
RESOLVED, the issuance of a drivers license or any other type of license for any reason be denied any and all illegal immigrants and/or residents in the State of Kansas.
02. The practice of hiring illegal aliens and/or residents by certain segments of our society, positions that portion of society in the act of criminal activities as set forth by the judicial system, and where as
this leads only to another instance in the disregard of the judicial system; therefore be it
RESOLVED The State of Kansas enforce strict actions of consequences against those that practice the hire of illegal aliens and/or residents.

By law, I am not at liberty to copy the proof in support of above statements, however will introduce the proof as qualified by the Judicial System of the United States of America.

I thank you, the Committee Chairperson and members for the privilege exercising the given obligation and rights of an American Citizen.



Donald K Whitten
16525 Military Trail Road
Wamego, Kansas 66547

Senate Judiciary

3-11-03

Attachment 14-1

SE. JUDICIARY AND EDUCATION COMMITTEES

Written Testimony in Opposition to Sub HB# 2039 and HB# 2145

by Ann E. Meritt, a concerned Kansas Citizen,
who could not be present due to health concerns

We the members of the Kansas Legislators and Senators, who vote to support these bills HB#2039 and HB#2145, wish to welcome every terrorist, criminal illegal immigrant with drugs, illegal immigrant's illiterate children, and potential illegal immigrant deadly disease carriers to destroy Kansas because we want your "illegal" votes to stay in office and we are intimidated by the illegal Hispanic Caucus and its members and friends to the drug cartels in South America, Latin America, and Mexico.

Is this what you really want Kansas Citizens, who voted for you as lawmakers to uphold your oath of office to think about you????

Poll for poll the loyal Citizens are speaking out and over 80% are saying enough is enough. Kansas in just the last 5 years has had an increase of over 380% of illegal immigrants and their families. In Wichita, Kansas alone there are over 50,000 illegal immigrants who are training for jobs or are taking jobs away from those same loyal Kansas Citizens who voted some of you into office.

The illegals boast that they are legally here because of their country's \$29.00, no criminal background check, identity fraud card, the "Matricula Consular Card," which is supposed to give them amnesty to stay in this country called "stealth amnesty cards." This is the same fraudulent card that banks are stupidly allowing the illegals to use to open bank accounts and to obtain credit cards. But guess what those same banks are having trouble now with more identity fraud and maxed-out credit cards that are not being paid, by whom, they don't know for sure! They don't know who these illegal immigrants are. Why? Because these cards have the same pictures, but many different names.

Secretary of State Collin Powell said, "... that these cards are the biggest national security threat in the history of this nation." The Federal General Administrative Services Offices are not accepting them now pending further investigation.

Did you know that even the banks in Mexico will not accept these cards because of the fraud they can cause. Some of these accounts are being used to launder smuggling money and drug money directly to the government officials of foreign countries and known to be corrupt countries. And you are going to let these illegals use their country's identity cards to obtain drivers licenses in Kansas?

Did you know that identity fraud is the biggest crime going on in our nation and in Europe too! Did you know that you can buy someone else's birth certificate on the Internet for \$12.00, a passport complete with your picture can be bought for \$250.00, or how about stealing someone's utility bill or how about a fake tax return because they are not supposed to be working here. Illegal immigrants rarely give out any information about where they live for fear of being deported.

Most illegal immigrants that come here do not know enough English to understand simple safety standards like handling standard cleaning solvents for business building cleaning services. You now think by providing driving classes and understanding Kansas Highway signs and insurance information and how our laws work is going to make them safe drivers of a semis loaded with hazardous materials.

Well, as I understand it from a survey of auto insurance companies here in Kansas, that these companies consider these illegal immigrants high-risk drivers. Why do these companies feel this way? Because of what has happened in other states like Tennessee, Georgia, Virginia, and others? In some of those states where these illegal immigrants have gotten their drivers licenses, those individuals have turned out to be the terrorists of 9/11. Some illegals have dropped their insurance because it's too costly like health insurance. Some illegals, who caused injury accidents, just fled across the

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bo. . . back into their country, because their countries do not accept our laws for their citizens. This is why they are considered high risk in the insurance business.

What if your loved one was involved in a collision with an illegal immigrant whom you gave our Kansas Driver's License, called the "temporary resident worker license," and that driver could only speak rudimentary English if any at all? This has actually happened here in Kansas and in many other states.

These illegal immigrants are not planning on being temporary in Kansas when they have smuggled in their families. So these so called licenses are a joke on Kansas Citizens and you all know it. Three years to drive uninsured semis, trash trucks, pickups, automobiles, SUVs, and other motorized vehicles either at work or going to and from work most will be uninsured. This gives them the right to drive to all parts of our state and to take more smuggled illegals to live in all parts of our state. These illegals just keep on coming who have just been smuggled in - thanks to our inept president who won't shut down our borders with the military.

Kansas is being invaded by hundreds of illegal immigrants like Arizona, Texas, Nevada, and California and now Oklahoma on a monthly basis. They are destroying our state's public schools, hospitals, and social services. These illegal immigrants are bringing their elderly and disabled into this state to draw SSDI and we the taxpayers are paying dearly for it.

Are you ready for a citizen tax payer's revolt?? Are you ready for the increase of crime all over our state?? Are you going to be the ones that the citizens of Kansas will point a finger at and say that's the person who sold out Kansas for these illegal immigrants???

Now lets discuss the giving of instate tuition for higher education to the illegals' children, who attend at least 3 years of our public schools for free paid for by the Citizen Kansas Taxpayers. Have any of you noticed that the school districts are receiving less and less tax money back to run their schools?

Have any of you noticed that the Kansas Budget is not covering all the expenses in our state? School districts are banging heads and fighting against consolidation like wild cats. Does it make since to give free educations to illegals' children at the expense of Kansas Citizen's Children. And how about your children or your children's children will they have to be denied a college education because of higher and higher tuition costs and lack of placement?

Define illegal immigrant and now define illegal immigrant's child? What part of illegal does it mean that we allow some to get free college educations on the backs of our children? Allowing instate tuition for the child of a so called "temporary resident worker" is not only going to bring in more ill's children by the hundreds because its the fact they will be more eligible for the Pell Grants and other grants due to their low income status or number of dependents at home.

We've even heard our duly elected Senator Sam Brownback will be sure they can get free college educations if you pass this free instate tuition bill for whomever's illegal immigrant child? Yes, these poor social outcasts in their own country these illegals' children will be guaranteed a free college or technical institute career.

Now, why would we want to allow these smuggled illegal children to have a free college education? Oh yeah, its supposed to make them less likely to become a social problem in our state. Aren't they going to cause social problems for our state, if we don't give them free higher educations? These children will throw their weight around and stick it in the face of our children "that we got a free college educations and that were provided by your sucker taxpayer parents, Hah!" We're going to get a good career that you can't have now cause we got it for free. We're going to start businesses with our free degrees and only hire other illegals' children or make you and your parents have to learn our language to remain in Kansas, say in less than 10 years from now!

Just how many professional jobs are there in Kansas now? How many companies are laying off 20 year veteran workers? What has happened to our state that we prize illegal immigrants, from corrupt

could be, who want to take over our nation, more than we do our own God fearing citizens and their children?

Who really is more important to you? Are you doing this for the approval of illegal votes? Are you doing this for fear? Ask your self why and then look at each other and think about the consequences and long term effect your vote will cause good Kansas Law Abiding Citizens and their families.

Is it worth their jobs? Is it worth your country's language? Is it worth the lives of all the citizens being denied their rights for theirs?

Remember what you do on these bills now will have very long consequences on Kansas Citizens and their families. Will our children know the right to be free from fear of being destroyed from within by these invaders and their so called "temporary resident worker" illegal families?

Sincerely,

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