

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on Tuesday, January 27, 2004, in Room 123-S of the Capitol.

All members were present except:

Senator Dwayne Umbarger (E)

Committee staff present:

Mike Heim, Kansas Legislative Research Department

Lisa Montgomery, Office of the Revisor Statutes

Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Joan Wagon, Secretary of Department of Revenue

Mike Farmer, Executive Director, Kansas Catholic Conference

Henry Sandate, State Farm Insurance Agent

Lt. Col Steve Smith, Overland Park Police Dept. (written submitted for Chief of Police)

Jesse B. Garcia, Attorney

Elias Garcis, Executive Director, Kansas Advisory Committee on Hispanic Affairs

Leo Casados, Vice Chairman, Democratic Hispanic Caucus

Don Whitten, citizen from Wamego

Susan Tully, Federation for American Immigration Reform (FAIR), Viroqua, Wisconsin

Pete Gadiel, 911 Families for a Secure America, New York, NY

Paul Degener, citizen from Topeka

Janet Schalansky, Secretary, Social and Rehabilitation Services (written)

Janet Thiessen, Chief of Police, Olathe Police Dept. (written)

John Douglass, Chief of Police, Overland Park Police Dept. (written)

Rev. James Keleher, Board Chairman, Kansas Catholic Conference (written)

Ronald Miller, Chief of Police, Kansas City, KS (written)

Melinda Lewis, Director of Policy Advocacy and Research, El Centro, Inc., Kansas City, KS
(written)

Mike Hall, Chief of Police, Pittsburg, Kansas Police Department (written)

Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence
(written)

Ramiro Romo-Viramontes, Insurance Agent and proud immigrant (written)

C. Albert Herdoiza, Attorney, Kansas City, KS (written)

Others attending:

See Attached List

Chairman Vratil called for bill introductions. Senator Goodwin offered a conceptual bill regarding Cowley County and a proposal to take about 10,000 acres for a lake to be used for water, and proposed bill will say the lake will be used for water, but no private development can be done on this lake for 30 years.

Senator Goodwin made a motion to introduce the conceptual bill, seconded by Senator Donovan, and the motion carried.

Chairman Vratil announced that due to the large number of conferees appearing to testify on **HB 2039**, he was cancelling the hearing on **HB 2100** and would be rescheduled at a later date.

Sub HB 2039 - Temporary resident driver's license

Chairman Vratil opened the hearing on **Sub HB 2039**, and stated that the remaining 50 minutes of Committee time would be divided equally between proponents and opponents appearing to testify.

Joan Wagon, Secretary of the Kansas Department of Revenue (KDOR), testified in support of the proposed legislation. She explained that KDOR's job in motor vehicles was to ensure that all drivers have

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MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:35 a.m. on January 27, 2004, in Room 123-S of the Capitol.

sufficient skills to drive assessed through taking a driving exam, vision to see properly, and insurance. She said that people who drive illegally are a threat to the public safety, and KDOR would prefer to have them drive legally, rather than illegally. Secretary Wagnon stated that KDOR wants to see that the licenses are issued only to people with a valid Kansas address and proof of identity ([Attachment 1](#))

Mike Farmer, Executive Director, Kansas Catholic Conference, testified in support of **Sub HB 2039**. He stated that thousands of undocumented individuals work in Kansas every day of the year. He explained that while the federal government works to resolve the various immigration issues, Kansans can take positive steps to affirm the dignity of undocumented persons by providing basic and necessary means of survival. Mr. Farmer pointed out that a copy of a letter from Archbishop James Keleher, Chairman of the Kansas Catholic Conference Board, was attached to his testimony. Archbishop Keleher articulates the Catholic Conference's position as advocates for the undocumented immigrants. ([Attachment 2](#))

Senator Pugh questioned the Kansas Catholic Conference's urging of lawmakers to take action for people who are in this country illegally. He asked if Mr. Farmer's organization believes the Kansas Legislature should pass a law to give the immigrants the benefits of citizenship by issuing them driver's licenses even though they are in violation of federal law. Mr. Farmer replied that the intent is for those immigrants who are gainfully employed in Kansas to be able to drive legally on state roads and highways and to be properly insured. Senator Pugh stated that the Kansas Legislature is sworn to uphold the law, and uphold the U.S. Constitution which says a person is either naturalized to become a citizen or born a citizen. Senator Pugh asked why the Legislature would confer recognition and legality on individuals who by the very act are illegal. Mr. Farmer responded that he did not think the Legislature would be conferring legality on a person, but giving them the right to drive.

Jesse Garcia, attorney, testified in support of **Sub HB 2039**. He gave basic information on immigration, the procedures to obtain citizenship, and the lengthy/complicated process involved in becoming a citizen. He stated that by allowing immigrants to drive legally, Kansas neither becomes involved in enforcement of Federal Laws nor rewards the breaking of those laws. Kansas will simply be dealing with the reality that immigrants are now part of its communities, are driving on the streets, and should be held to the same standards as the rest of the state's citizens. ([Attachment 3](#))

Chairman Vratil announced that Committee questions would be held until the last conferee had testified.

Elias L. Garcia, Executive Director, Kansas Advisor Committee on Hispanic Affairs, spoke in support of **Sub HB 2039**. He outlined various reasons why the bill would benefit Kansas as a whole including the at-large Kansas Hispanic community. Mr. Garcia talked about having a "collective vision" for Kansas relating to the state's population and demographic projections. ([Attachment 4](#))

Leo Casados, Vice Chair-Democratic Hispanic Caucus, testified in support of **Sub HB 2039**. He pointed out that Hispanics are the largest minority in the U.S. numbering 37 million people. The Hispanic economic base is \$500 billion, and within ten years it will reach \$1 trillion. ([Attachment 5](#))

Written testimony was submitted in support of **Sub HB 2039** by the following:

John M. Douglass, Chief of Police, Overland Park, KS ([Attachment 6](#))

Janet Thiessen, Chief of Police, Olathe Police Department ([Attachment 7](#))

Rev. James P. Keleher, Board Chairman, Kansas Catholic Conference ([Attachment 8](#))

Ronald Miller, Chief of Police, Kansas City, Kansas ([Attachment 9](#))

Melinda Lewis, Dir. of Policy Advocacy and Research, El Centro, Inc. ([Attachment 10](#))

Chief Mike Hall, Pittsburg Police Department and Pittsburg Area Community Outreach (PACO) Foundation ([Attachment 11](#))

Sandy Barnett, Exec. Director, Kansas Coalition Against Sexual and Domestic Violence, ([Attachment 12](#))

Ramiro Romo-Viramontes, Insurance Agent and proud immigrant ([Attachment 13](#))

C. Albert Herdoiza, Attorney, Kansas City, KS ([Attachment 14](#))

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MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:35 a.m. on January 27, 2004, in Room 123-S of the Capitol.

Chairman Vratil called upon Don Whitten to testify as the first opponent to **Sub HB 2039**. Mr. Whitten expressed his concern that this country's immigration policy is losing its power of authority through careless manipulation. He related that 16 of the 9/11 hijackers obtained either a driver's license and/or state identification numbers. Mr. Whitten said these licenses and/or identification cards were then used as proof of residence. The temporary licenses will give an illegal, the authorization to drive in the U.S. at any time, reason, place, or motive; without question. Mr. Whitten stated that authorizing the right for illegal aliens to legally drive, or be entitled through State issued identification, erodes the security system, educational system, the economy, the industrial system, health, and welfare system. (Attachment 15)

Susan Tully, Mid-West Field Director, The Federation of American Immigration Reform (FAIR), testified in opposition of **Sub HB 2039**. She stated that the IRS ITIN is not a secure or verifiable identification tool. Ms. Tully related that the IRS strongly recommends that such numbers not be used for driver's licenses by any agencies as stated in an August 8, 2003 letter to every State Governor and State Department of Motor Vehicles. A copy of the letter is attached to her written testimony. (Attachment 16)

Ms. Tully explained that ITIN's are issued for the sole purpose of enabling individuals who do not qualify for social security numbers to meet their tax filing responsibilities. ITIN applicants are not subject to the same rigorous document verification standards as social security number or visa/passport applicants. She said that although IRS requires proof of identity documents, they accept the documents at face value without validating their authenticity with issuing agencies or conducting applicant background investigations. Ms. Tully added that the IRS does not require applicants to appear in person and third parties may submit applications and provide documentation on behalf of others. She talked about Homeland Security's position on the issuance of driver's licenses to undocumented immigrants. Issuing driver's licenses to undocumented immigrants may necessitate a rethinking of the use of driver's licenses as *de facto* identity cards.

In conclusion, Ms. Tully defined immigrants as people who have come to the U.S. through a legal process with review and permission by the U.S. Government. She stated that laws that prevent illegal aliens from driving should be strengthened to deter such actions, instead of weakening the rules of identification and illegal immigration to accommodate those who come here illegally to obtain work.

Peter Gadiel, spokesman for 9/11 Families for a Secure America, spoke in opposition to the proposed legislation. He explained that his organization has as its core membership people who all lost loved ones in the September 11 terrorist attacks, or who themselves escaped from the World Trade Center and Pentagon on that day. He added that his 23 year old son was killed in the World Trade Center while working at his first job after college. Mr. Gadiel said that all the 9/11 family members know that their loved ones died because the government at all levels failed to live up to its most basic obligation to its citizens ...to protect citizens from foreign attack.

Mr. Gadiel stated that for those whose sons, husbands, sisters, mothers were murdered on September 11, the idea that ANY state would even think about giving official, valid ID to a person who is not lawfully in the country is indecent. He said it would be an insult to the memory of the lost loved ones. In his written testimony Mr. Gadiel listed the claims of those who favor giving licenses to illegals, and concluded that all of those claims are completely without merit. He also reviewed briefly what various states are doing on this issue. (Attachment 17)

Paul Degener testified in opposition to **Sub HB 2039** as a concerned citizen of the United States and the State of Kansas. He stated he was not opposed to controlled legal immigration, but just did not understand why Kansas would even consider rewarding thousands of illegal aliens with the privilege of obtaining a driver's license. He said the undocumented immigrants enter this country illegally and then sue the U.S. Government because the U.S. does not provide water points for them. Mr. Degener also talked about the U.S. being required to provide aliens with an education, free emergency medical services, and that the taxpayers of this nation are the ones who pay for these benefits. He included with his written testimony an article from the *Washington Times*, "Bills Take a Tougher Stance on Illegals". (Attachment 18)

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Janet Schalansky, Secretary, Kansas Social and Rehabilitation Services, submitted written testimony as a neutral conferee. The testimony called attention to Section 7 of **Sub HB 2039** which as it is currently worded would amend K.S.A. 8-240 in a manner inconsistent with the final text of last year's SB 16, effectively repealing the changes that were made during the 2003 Session. Secretary Schalansky stated it was essential that Section 7 be amended so any new changes are made to K.S.A. 8-240 as it currently exists. (Attachment 19)

Senator Allen requested a copy of the actual letter that Conferee Tully said was sent to each state's Governor. Ms. Tully responded that a copy should be available through the Governor's Office or the Kansas Department of Motor Vehicles. Chairman Vratil requested Carmen Alldritt, Director of Motor Vehicles, to furnish the Committee with copies of the letter dated on August 8, 2003. (Copy later furnished to Senator Allen who distributed it to Committee members on February 12, 2004.) (Attachment 20)

Chairman Vratil announced that Secretary Wagnon and Carmen Alldritt, Director of Motor Vehicles, would be asked to attend the Committee meeting and be available for questions when **Sub HB 2039** is worked. Upon inquiry by Senator Pugh, the Chair stated that he did not know when this bill would be scheduled for Final Action.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is January 28, 2004.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Tues, Jan. 27, 2004

NAME	REPRESENTING
Cheri Froetscher	Budget Div
Angélica López	KCSOV
C. Albert Herdoiza	TEL CENTRO / ATTORNEY AT LAW
Sulma Arias	Sunflower Community Action
Paul Johnson	PACK
Melinda Lewis	El Centro, Inc.
Jesse B Garcia	Attorney at law
Dan Murray	Federico Consulting
Dona Anselweis	AI
Bill P...	MVFR
Denise Swales	Sunflower Community Action
Maria C. Reyes	El Centro Inc.
Kathy Porter	Judicial Branch
Sister Rosita Weber	Dominican Sisters
Dolores Morales	Garden City Resident
Stephen E. Amitt	Overland Park Police Dept
Julia Wagle	Sen. Wagle
Isabel Lang	—
Jamie Corkhill	SRS (OSE)

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: _____

NAME	REPRESENTING
Corey Peterson	AGC of Kansas
Bob Talley	Ks Contractors
Margo Parks	Hispanos Unidos
Emily Watson	Sen. Barbara Allen
Mike Farmer	Kansas Catholic Conference



K A N S A S

JOAN WAGNON, SECRETARY

DEPARTMENT OF REVENUE
OFFICE OF THE SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony to the Senate Judiciary Committee
Joan Wagon, Secretary of Revenue

January 27, 2004

House Bill 2039—Temporary Resident Driver's License

Chairman Vratil and Members of the Committee:

Our job in motor vehicles is to ensure that all drivers have

- sufficient skills to drive, by taking a driving exam;
- vision to see properly;
- insurance.

People who drive illegally are a threat to the public safety. As long as immigrants can find jobs in Kansas, they will drive. The Department of Revenue would prefer to have them drive legally, rather than illegally.

The Department of Revenue cannot do the job of the Immigration and Naturalization service -- we only issue drivers licenses. It is in the best interests of the public, that all drivers be licensed, without regard to their immigration status.

We do want to see that the licenses are issued only to people with a valid Kansas address and proof of their identity. We can verify residence through utility bills (it also helps get correct spelling of street names). We can verify identity with a birth certificate, regardless of nationality.

The New Mexico law allows the use of the Matricula Consular card or and IRS ITIN number.



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

Testimony in Support of Substitute for H.B. 2039

Chairman Vratil and members of the committee:

Thank you for the opportunity to testify this morning in favor of Substitute for H.B. 2039 that provides for the issuance of temporary resident driver's licenses. My name is Mike Farmer and I am the Executive Director of the Kansas Catholic Conference, the public policy office of the Catholic Church in the State of Kansas.

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 by providing basic and necessary means of survival.

Care for the immigrant and refugee is central to the ministry of the Catholic Church. We are called to love our neighbor as ourselves, and to welcome the stranger among us. While the Church operates within the law, as Church we cannot deny charity to those in need. Our conviction to serve all, means serving those who are marginal in our society. While the undocumented have no legal rights in this country, they do have human rights, which should be respected and upheld.

I have attached to my testimony a letter from the Chairman of our Conference Board, Archbishop James P. Keleher, S.T.D. In his letter he articulates our position as advocates for the undocumented. Rather than repeat this position I refer you to his comments and reiterate the appeal of the Kansas Catholic Conference in support of Substitute for H.B. 2039. As Archbishop Keleher writes "...it is the right thing to do, the humane thing to do."

Thank you,


Michael P. Farmer
Executive Director

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
DIOCESE OF SALINA

MOST REVEREND JAMES P. KELEHER, S.T.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND THOMAS J. OLMSTED, J.C.D., D.D.
DIOCESE OF WICHITA

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND MARION F. FORST, D.D.
RETIRED

MICHAEL P. FARMER
Executive Director

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
Senate Judiciary
1-27-04
Attachment 2



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

Dear Senator:

I am writing you today as Chairman of the Kansas Catholic Conference, the public policy office for the Catholic Church in the State of Kansas, in support of H.B. 2039 that provides for the issuance of temporary resident driver's licenses. I join our voice with others to express gratitude for this process that allows public discourse on issues affecting the common good.

The Catholic Church has a long faith tradition dating back to biblical times of concern for the immigrant. In Leviticus 19:33-34 the church writers state:

"When an alien resides with you in your land, do not molest him. You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt".

This same theme carries through to the New Testament where scripture recalls that Jesus himself fled from his homeland under threat of persecution. He and his family lived the lives of refugees.

The Catholic Church has continued throughout each new generation to speak for the "stranger among us", collectively as the Conference of Bishops and individually. Our commitment to service in this area is based on our beliefs in the sacredness of human life, and justice. Immigrants, whether documented or not are a voiceless constituency. If we as Church are to serve as a voice for the voiceless, it is not only appropriate, but also imperative that we advocate on their behalf.

In a recent statement by the Ohio Bishops, *Standing in Solidarity with Immigrant Workers*, the bishops said:

"Employers need the workers, workers need the jobs and government officials need assurances of appropriate safeguards.... Immigrant workers regardless of their status are vital participants in our economy. Yet their dignity and rights are often abused and their important contributions to our society ignored. Our nation

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
DIOCESE OF SALINA

MOST REVEREND JAMES P. KELEHER, S.T.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND THOMAS J. OLMSTED, J.C.D., D.D.
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MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
RETIRED

MOST REVEREND MARION F. FORST, D.D.
RETIRED

MICHAEL P. FARMER
Executive Director

MOST REVEREND IGNATIUS J. STRECKER, S.T.D.
RETIRED

must treat immigrants fairly and with dignity, and honor their important contributions to our society."

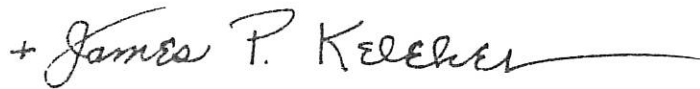
You have heard evidence supporting practical reasons for passage of H.B. 2039 such as safety, and insurance protection. Others have dispelled myths borne out of ignorance and prejudice. Others have answered questions, and refuted common arguments. We support passage of this bill because it is the right thing to do, the humane thing to do.

We Kansans must revisit our historic roots of hospitality on the prairie; re-examine attitudes, values, laws and policies toward newcomers who came in search of a better life.

We call upon all citizens of good will to heed Christ's call and challenge: "For I was a stranger and you welcomed me" (Mt.25: 35).

The Catholic Bishops of Kansas ask that you support H.B. 2039.

Sincerely,

+ 

Most Reverend James P. Keleher, S.T.D.
Board Chairman, Kansas Catholic Conference

**Testimony by Attorney Jesse Garcia
Presented to the Senate Judiciary Committee
On Driver's licenses for Undocumented Workers (HB2039)**

Immigration Basics

Before someone not born in the United States can become a United States Citizen they have to become a Lawful Permanent Resident (a.k.a. "green card" holder).

However, once that person has been present "undocumented," or what most people call "illegal," in the United States for over 6 months, there is just about only one way to become a Lawful Permanent Resident and that is through petition by immediate family. In the interest of relevance to the issue at hand, for the remainder of this discussion I will only be referring to those people in that particular situation.

Those "without waiting"

If someone is a spouse or a child, under 21 years of age, of a United States Citizen they are entitled to become a Lawful Permanent Resident "without waiting." This is because there is a visa "immediately available." However, because the federal government allowed the law to change on April 30, 2001, "without waiting" now means they first file a form that takes approximately 14 months to get approved. They then ask for an appointment at the consulate in their home country, which takes about 4 months to receive. When they get to their appointment they then turn in a waiver for having been in the United States unlawfully to begin with (children under 18 do not need to turn in the waiver). That waiver takes approximately 12 months to approve. After it is approved, they can then come back to the United States. Therefore, the total time to get approved is about 2.5 years, if they actually want to leave the country for 12 months.

Those with much more waiting

If someone is a child, over 21 years old, or a sibling of a United States Citizen, or a spouse or single child of a Lawful Permanent Resident, the waiting time is much, much longer.

- If they are a single child, over 21 years old, of a United States Citizen, they are in Category 1.
- If they are a spouse or child, under 21 years old, of a Lawful Permanent Resident, they are in Category 2A.
- If they are a single child, over 21 years old, of a Lawful Permanent Resident, they are in Category 2B.
- If they are a married child of a United States Citizen, they are in Category 3.
- If they are a sibling of a United States Citizen, they are in Category 4.

When someone has one of the above situations and they submit an application, they are given a “priority date.” This priority date is used to determine when they will get their interview for Lawful Permanent Residence.

As seen in the attached chart:

- If someone is from Mexico and in Category 1, INS (now USCIS) is granting interview requests for those who applied prior to October 15, 1994.
- If someone is from Mexico and in Category 2A, USCIS is granting interview requests for those who applied prior to August 1, 1996.
- If someone is from Mexico and in Category 2B, USCIS is granting interview requests for those who applied prior to December 8, 1991.
- If someone is from Mexico and in Category 3, USCIS is granting interview requests for those who applied prior to January 8, 1995.
- If someone is are from Mexico and in Category 4, USCIS is granting interview requests for those who applied prior to April 1, 1992.

These delays are caused because not enough visas are available considering the amount of people applying and due to the U.S. Congress’ unwillingness to increase the number of visas available.

Therefore, even if an undocumented person has an avenue to become a Lawful Permanent Resident and applies, they still face many, many years before they will reach their goal. During this waiting time this person finds themselves in a “limbo” stage where, under the law, they shouldn’t be here, don’t have permission to work, and yet, still shouldn’t leave the United States for fear of the 3 or 10 year bars to return.

Conclusion

These delays and hurdles are not the fault of the State of Kansas. It is an issue for the Federal Government to resolve. The State of Kansas need not attempt to fix the federal immigration system.

Further, and perhaps more striking, these immigrants in Kansas are not leaving. They have settled here and have begun a new generation of Americans. Ignoring the problem by suggesting Kansas should somehow decide how to enforce Federal Law is not the solution. The State of Kansas need not open itself to the expenditures and liabilities, including possible civil rights and equal protection law suits, involved in enforcing or not enforcing Federal Law. Kansas should instead focus on safeguarding its citizens.

By allowing immigrants to drive legally, Kansans neither become involved in enforcement of Federal Laws nor rewards the breaking of those laws. Kansans will simply be dealing with the reality that these immigrants are now part of our communities, will be driving on our streets, and should be held to the same standards as the rest of us.

Feb 2003

Priority Dates for Family Based Immigrant Visas

**All Chargeability MEXICO PHILIPPINES
Areas Except Those
Listed**

Family

1st	22MAY99	01APR93	01APR90
2A *	15NOV97	08JUN95	15NOV97
2B	22MAY94	01NOV91	22MAY94
3rd	08FEB97	15FEB93	08DEC89
4th	08FEB91	08FEB91	15DEC81

Senate Judiciary Committee Testimony

Elias L. Garcia, Executive Director, Ks. Advisory Committee on Hispanic Affairs
January 27, 2004

Mr. Chairman and honorable members of the Judiciary Committee, my name is Elias L. Garcia, Executive Director of the Kansas Advisory Committee on Hispanic Affairs and I thank you for the opportunity to speak in support of legislation that provides the Kansas undocumented immigrant community the opportunity to legally obtain a Kansas Drivers License.

Honorable Committee Members, this year marks the third consecutive year that we all gather here to debate, cuss and discuss the proposed passage of this legislative initiative. For three years myself and other members of the Kansas Hispanic Community have submitted testimony containing multiple reasons as to why this bill is of benefit to Kansas as a whole including the at-large Kansas Hispanic community. Over the last 3 years, Hispanic community leaders, advocates and supporters have presented testimony in support of this common sense law that would:

- ◆ Promote economic development by allowing individuals to be employed by companies in their communities and contribute to their local tax and economic base
- ◆ Promote driver safety by ensuring that all Kansas drivers learn Kansas driving laws and pass a Kansas Driving Test
- ◆ Collection of lost Kansas revenues through increased collection of motor vehicle fees
- ◆ Promote acquisition of automobile insurance by undocumented immigrant car owners and thus reduces the risk and higher premiums we all face to cover all those non-insureds.
- ◆ Eliminate potential for systemic racial profiling by Kansas Motor Vehicle personnel that are not sufficiently educated or trained to administer this mandate
- ◆ Afford immigrants the opportunity to legally drive their vehicles and provide support for their families

Conversely, opponents of this bill who are against granting "illegal aliens" the opportunity to legally obtain a Kansas Drivers license would have you believe that:

- ◆ Kansans should not reward illegals for breaking U.S. immigration laws
- ◆ Illegal aliens take jobs away from Americans
- ◆ Passage of this bill would encourage illegal immigration into Kansas
- ◆ Illegal aliens are criminals that do not merit any Kansas societal accommodation

So again we are here and again you ask - WHY should we pass this law?

Honorable committee-members its about having a Vision for Kansas, in this case its about having a "collective vision" for Kansas. Its about realizing where we as Kansans are headed, and ultimately where we are going to end up. Its about a vision rooted in our states population and demographic projections. Ladies and gentlemen this data paints a very clear picture and what our future reality holds in store for ALL of us.

Our "collective vision" for the future of Kansas must include Kansas demographic and population projections that show that if Kansas' cities and communities are going to continue to maintain the quality of life of which they have become accustomed, non-native populations are going to have to assimilate into local communities and contribute into that economy in the same fashion as the declining native Kansas populations.

What do we mean when we say that the native Kansas populations are rapidly in the decline? Well, lets start by pointing out that Graham County (Western Kansas) leads the nation in population reduction/depletion. Other important statistics shows that the total child population declined in 66 Kansas counties (Graham-Ness by 25%). Twenty seven (27) counties have less

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Attachment 4

than 1000 children and in 79 Kansas counties the number of children younger than age of 5 has decreased.

On the other hand, what do we mean by non-native populations assimilating and contributing into their economy (in the same fashion as did the native populations)? Well, we are talking about the development of non-native populations and I would have you consider that in the 2000 Census data, the Kansas Hispanic population doubled between 1990 – 2000. The increase in the Kansas Hispanic Child population (1990-2000) is more than twice the rate of increase for the nation as a whole with the heaviest concentration is in ages Birth to 9. In 13 Kansas counties, more than 20 percent of the child population is Hispanic.

So what do all these demographic and population projections tell us? Its clear, the native Kansas population is experiencing and will continue to experience a rise in death rates, drop in birth rates, zero population growth throughout the vast majority of Kansas communities. Conversely, the Kansas (and U.S.) Hispanic population will continue its rapid growth rate, see tremendous rise in birth rates, and maintain its active influx in immigration. In effect, our Kansas, and indeed our U.S. society is witnessing the development of a young vibrant Hispanic/Latino population that will reside in Kansas (and U.S.) for many, many years to come. Ladies and gentlemen, quite bluntly, let me say that WE ARE NOT GOING TO GO ANYWHERE!!! This is our home.

This has always been our home. U.S. history documents that dating back to the Revolutionary War, Hispanics and Latinos have participated in defense of this country in times of war. In fact, Hispanics continue this tradition as evidenced by the fact that the first casualties of this latest Gulf war were immigrants, one of which was an undocumented immigrant who died in pursuit of his dream of American citizenship. Further, please note that along with the famous POW Jessica Lynch there was also POW Hernandez from Mission, Texas. Hispanics and Latinos permeate this society with our cultural influences and talents in all areas and when it comes to our labor we represent 34% of U.S. Domestic workers, 23% of farmers and fisherman, 21% of assembly line workers, and 18 % of service industry workers. The President of the United States Chamber of Commerce recently was quoted as saying that "...if all the immigrant labor in this country decided to pack up and go home, the United States would have to shut down...".

Last Friday evening I to President Bush address the national conference of Mayors and heard him say that yes we have a problem with illegal immigration in this country, but he has proposed initiatives that he asks Americans to support and that would help honest and hard working immigrant families who are contributing to our society. Ladies and gentlemen, I support our President in this venture which I believe is consistent with our goals of supporting our non-native Kansas populations in their efforts to overcome cultural and systemic barriers and gain entry and contribute to mainstream Kansas and American society.

In closing I leave you with one final thought. Hispanics/Latinos are this societies fountain of youth and the shot in the arm that this society needs to rejuvenate aging communities depleting tax bases and societal constructs that are crumbling under the weight of an aging native populations. Foremost of which is our sacred social security fund. With 75 million baby-boomers about to cross over the threshold of social security age and given the status of all those pension funds collapsing all around us who, but the largest ethnic population i.e. the Hispanic / Latino community are poised and in a position to keep this fund, indeed this society afloat.

With a current economic base of 600 million dollar a year, a population of 43 million people, a projected 1 trillion dollar Latino market within ten years, I for one do not care who pays into my social security fund or who supplements our local, state and federal tax roles. Further, if it takes passage of a Drivers License bill, an immigrant higher education bill, or amnesty to make it happen, well sign me up, and lets get to work!! I do not see the problem and neither will all those senior Kansas citizens who in the future will be smiling all the way to their banks to cash their monthly social security checks.

Honorable committee members, its about vision and I encourage you to do the right thing for the Kansas by passing a Drivers License Bill HB 2039. THANK YOU

Testimony

Senate Judiciary Committee
Leo Casados
Vice Chair - Democratic Hispanic Caucus
January 27, 2004

Honorable members of the committee, my name is Leo Casados, Vice Chair of the state wide Kansas Democratic Hispanic Caucus and I thank you for the opportunity to speak on behalf in support of HB 2039.

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 out 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.

- 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.

Senate Judiciary

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- 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!

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

W. Jack Sanders Justice Center
12400 Foster
Overland Park, Kansas 66213
913/895-6000 • Emergency 911
www.opkansas.org

January 14, 2004

Senator John Vratil
Senate Judiciary Committee
Kansas Capitol Building
300 S.W. 10th Street, Room 255-E
Topeka, KS 66612

Dear Senator Vratil and Members of the Senate Judiciary Committee:

I am sincerely sorry that I will be unavailable to testify in person concerning my support of HB2039. Unfortunately I will be at a law enforcement summit in Washington, D.C. concerning Homeland Security at the time this bill will be heard by your Committee. This meeting has been in the works for almost a year and my prior commitment is unavoidable. Consequently I would like to offer my support for passage of this bill in written form.

As you know I have been a long standing supporter of the bill, not because I support illegal immigration, but because I am a firm believer that the migration that has already occurred is virtually irreversible and because of that the debate whether it should have occurred or not is moot. As I have stated before many other legislative committees, I firmly believe that we must concentrate on the future and to do that we must recognize the existence of a segment of our community currently in limbo. The undocumented workers are here and are making a significant contribution to our society through the work they do. I see very little harm coming out of allowing them the privilege to drive. Conversely, I see a great deal of harm coming out of failing to recognize their roll in our communities and continuing to penalize them by denying them the basic accesses to the government. I believe if we continue on this course, we will breed problems for decades to come.

Enclosed is a transcript of my comments made originally before the House Judiciary Committee approximately a year ago. I hope this information clarifies my position and ads support to the passage of this bill.

Sincerely,



John M. Douglass
Chief of Police

Enclosure

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

House Judiciary Committee
Tuesday, February 11, 2003
House Bill 2039

Mr. Chairman and Members of the 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 tenants 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 course, we sow the seeds of injustice and one day we will reap the whirlwind.

Mr. Chairman and Members of the Judiciary Committee:

I wish to thank you for the opportunity to address this Committee in support of House Bill #2039. This Bill will allow undocumented immigrant residents of Kansas the opportunity to legally obtain a temporary drivers license. Passage of this bill will allow a growing segment of our population to drive legitimately on our streets and highways.

The current law makes it impossible for resident immigrants to drive legally in Kansas. We are deceiving ourselves if we believe that they are not driving--which is essential to their livelihood and well being. The current law forces our resident immigrant population to drive without completing the certification process required of all other licensed drivers, thus making them more dangerous to the driving public. Because they cannot be licensed they also cannot receive insurance. Without insurance the general public incurs the cost of vehicle accidents caused by uninsured drivers.

Immigrant workers have come to our State seeking employment and the financial security for themselves and their families that our economy has to offer. Whether or not we agree with this immigration, it has already occurred. If we continue to deny resident immigrants the opportunity to pass a driver's exam and drive legally, they will simply drive illegally.

Undocumented immigrant workers are here and are making a significant contribution to our society, filling an otherwise vacant role for our business communities. Permitting these individuals to drive legally benefits all Kansas residents.

OLATHE POLICE DEPARTMENT



January 14, 2003

Senate Judiciary Committee
Senator John Vratil, Chairman
Kansas State Capitol, 522-S
Topeka, KS 66612

Mr. Chairman:

As a municipal Police Chief in the state of Kansas our officers, staff, and I are charged with many facets of protecting and serving our community. Certainly this commitment covers many traditional functions which that mission statement conjures up. However, today I am writing regarding a less traditional, but equally important aspect of that commitment; I am in support of Substitute HB2039. This bill would allow immigrants to obtain a temporary driver's license in Kansas if they can prove their identity, residence in the state, and knowledge of traffic laws.

Regardless of one's stance on immigration issues as a whole, there is no doubt that a significant, though under represented portion of this state's population is comprised of immigrants. There is no turning back of the clock or pulling the covers over our head; immigrants are here and if history is an indicator their percentage of our population will continue to grow. Without this legislation, the number of accidents involving drivers who are unaware of state traffic laws and uninsured will likely grow proportionately.

Possession of this driver's license should not necessarily entitle the holder to any benefits related to employment, voter registration, public assistance or resident status. It should positively identify the driver, their address, ensure they know basic Kansas traffic laws, and allow them to obtain vehicle insurance.

There will be those who will see this bill as being diametrically opposed to homeland security issues. To the contrary, it should allow law enforcement an opportunity to better identify those who are already living and working in our communities.

There are many pragmatic and compassionate reasons to support HB2039, but perhaps the most compelling is that by addressing this issue head on, we will make our roads and communities safer for all who live and travel in them.

Respectfully,

A handwritten signature in blue ink that reads "Janet M. Thiessen".

Janet M. Thiessen
Chief of Police

Senate Judiciary

501 E. OLD 56 HWY. • OLATHE, KANSAS 66061

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Attachment 7



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

Dear Senator:

I am writing you today as Chairman of the Kansas Catholic Conference, the public policy office for the Catholic Church in the State of Kansas, in support of H.B. 2039 that provides for the issuance of temporary resident driver's licenses. I join our voice with others to express gratitude for this process that allows public discourse on issues affecting the common good.

The Catholic Church has a long faith tradition dating back to biblical times of concern for the immigrant. In Leviticus 19:33-34 the church writers state:

"When an alien resides with you in your land, do not molest him. You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt".

This same theme carries through to the New Testament where scripture recalls that Jesus himself fled from his homeland under threat of persecution. He and his family lived the lives of refugees.

The Catholic Church has continued throughout each new generation to speak for the "stranger among us", collectively as the Conference of Bishops and individually. Our commitment to service in this area is based on our beliefs in the sacredness of human life, and justice. Immigrants, whether documented or not are a voiceless constituency. If we as Church are to serve as a voice for the voiceless, it is not only appropriate, but also imperative that we advocate on their behalf.

In a recent statement by the Ohio Bishops, *Standing in Solidarity with Immigrant Workers*, the bishops said:

"Employers need the workers, workers need the jobs and government officials need assurances of appropriate safeguards.... Immigrant workers regardless of their status are vital participants in our economy. Yet their dignity and rights are often abused and their important contributions to our society ignored. Our nation

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
DIOCESE OF SALINA

MOST REVEREND JAMES P. KELEHER, S.T.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND THOMAS J. OLMSTED, J.C.D., D.D.
DIOCESE OF WICHITA

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.

MOST REVEREND MARION F. FORST, D.D.
RETIRED

MICHAEL P. FARMER
Executive Director

Senate Judiciary

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must treat immigrants fairly and with dignity, and honor their important contributions to our society."

You have heard evidence supporting practical reasons for passage of H.B. 2039 such as safety, and insurance protection. Others have dispelled myths borne out of ignorance and prejudice. Others have answered questions, and refuted common arguments. We support passage of this bill because it is the right thing to do, the humane thing to do.

We Kansans must revisit our historic roots of hospitality on the prairie; re-examine attitudes, values, laws and policies toward newcomers who came in search of a better life.

We call upon all citizens of good will to heed Christ's call and challenge: "For I was a stranger and you welcomed me" (Mt.25: 35).

The Catholic Bishops of Kansas ask that you support H.B. 2039.

Sincerely,

+ *James P. Keleher*

Most Reverend James P. Keleher, S.T.D.
Board Chairman, Kansas Catholic Conference



POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE



Ronald Miller
Chief of Police

November 20, 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

El Centro, Inc.

The Center for Continuous Family Improvement

Administration and Computer Learning Center

650 Minnesota Avenue
Kansas City, KS 66101

913-677-0100

www.ElCentroInc.com

The Academy for Children

1330 S. 30th Street
Kansas City, KS 66106
913-677-1115
913-677-7090 fax

Academy for Children, Choo Choo Child Care

219 S. Mill Street
Kansas City, KS 66101
913-371-1744
913-371-1866 fax

Academy for Children, Donnelly College

608 North 18th Street
Kansas City, KS 66102
913-281-1700

Casa de Rosina Apartments

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ECI Development, Inc.

2100 Metropolitan Ave.
Kansas City, KS 66106
913-677-1120
913-677-0051 fax

El Centro, Inc. Argentine

1333 S. 27th Street.
Kansas City, KS 66106
913-677-0177
913-362-8520 fax

El Centro, Inc. Family Center, Johnson County

9525 Metcalf Avenue
Overland Park, KS 66212
913-381-2861
913-381-2914 fax

Macias-Flores Family Center

290 S. 10th Street
Kansas City, KS 66102
913-281-1186
913-281-1259 fax

Woodland Hills, Inc.

1012 Forest Court
Kansas City, KS 66103
913-362-8155
913-362-8203 fax



January 27, 2004

Chairman John Vratil, Senate Judiciary Committee
Kansas State Capitol, 522-S
Topeka, KS 66612

Others testimony you will hear today will explain 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. These immigrants, moral leaders, and law enforcement professionals make this case far better than I could. Instead, my testimony will focus on three aspects deserving consideration within the debate over HB2039. First, allow me to clarify what HB2039 is *not* about, in order to keep the conversation focused on the matters at hand. Second, as Kansas grapples with very difficult fiscal realities, I wish to point out some of the positive fiscal implications of HB2039. And finally, as this committee discusses how the temporary drivers' licenses granted under HB2039's authority will be visually distinct from other licenses, I will point out some of the lessons learned from other states regarding identifiers.

First, HB2039 is *not*, and a driver's license never could be, 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. While it seems contradictory, the undocumented immigrants who would seek drivers' licenses under HB2039 are already employed; their continued presence in the state and their possession of an Individual Taxpayer Identification Number confirms a connection to our economy.

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, drivers' licenses but rather is due to the seemingly insatiable thirst of some employers for cheaper, more vulnerable, and more easily exploitable labor. 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 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.

While the protection of all Kansas motorists is the primary reason why HB2039 should be passed, its Senate Judiciary

Mission Statement: The purpose of El Centro and its subsidiaries is to create and sust

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positive fiscal implications cannot be ignored, particularly in a budget year as difficult as this one. In Tennessee, passage of a bill that allowed undocumented immigrants to obtain a driver's license has resulted in additional state revenue totaling more than \$900,000 since May 2001.¹ In Kansas, there are an estimated 34,545 undocumented immigrants ages 18+.¹ If all of these individuals applied for licenses, the additional revenue to the state would be substantial. The \$10 title fee alone would mean \$345,450 if those individuals had vehicles to register, plus additional property tax payments on their vehicles. Given that the estimated costs to provide a driver's license is approximately equal to the fee of \$25 (paid every 6 years), and that HB2039 would only provide a 3-year license, the state would see sheer profit of \$431,812.50 if immigrants are charged \$25 for their 3-year license. We can also anticipate reduced administrative costs for the Department of Revenue. In 2002, the Virginia Department of Motor Vehicles concluded that requiring proof of legal residency for driver's licenses "would not make Virginians any safer from terrorism and would cost more than \$5.5 million a year to carry out, at a time when the agency has been laying off employees and shutting offices to save money."¹ In addition to these financial advantages to the state, all Kansas residents will benefit from expected decreases in auto insurance premiums and reduced expenditures for accidents involving uninsured motorists. In Utah, the uninsured motorist rate was 23% in 1997. It dropped to 9.32% in 2002 after access to drivers' licenses was expanded in 1999 to allow immigrants to apply for licenses, and has since fallen even further to 3%, as more drivers are licensed and insured.¹

Finally, as you know, HB2039 calls for the creation of temporary drivers' licenses, valid for three years that are visually distinct from other licenses. While the rationale for the distinction seems to be based primarily on confusion about what licenses really prove about an individual's status, we accept that such an identifier may be necessary to garner sufficient support for this important measure, and it is a compromise that the coalition of law enforcement officers, immigrants, social service organizations, and concerned citizens around the state has been willing to accept to this point. However, we do have concerns about the potential appearance of this identifier and about the potential for unintended consequences that could seriously weaken the bill's intent. It is our contention that this identifier should conform to the following principles:

- It should be as discreet as feasible while accomplishing the Legislature's goal of ensuring that the temporary licenses are not easily mistaken for other licenses
- Should be focused on facilitating identification by those entities likely to come into contact with these temporary licenses, which are clearly and statutorily only valid for proving permission to drive (law enforcement officers, including sheriffs and police officers; insurance agents; DMV personnel in Kansas and in other states)
- Should reflect the understanding that this is a license only to be used for driving; therefore, it is unnecessary for the license to reference immigrants' ineligibility for voting, employment, public benefits, or other activities that are restricted to U.S. citizens
- Should reference that this is a temporary driver's license, indicating that the individual has not presented proof of immigration status, rather than making a positive assertion about the individual's specific immigration status or lack thereof, given that the DMV will not be examining immigration documents for these individuals and therefore will not know the individual's precise place within the immigration process
- Should be reasonable, nondiscriminatory, and safe, in order to not negate the purpose of HB2039, which is to reduce the number of unlicensed, uninsured drivers on Kansas' roads, by discouraging immigrants from applying for the temporary licenses

The Kansas Division of Motor Vehicles has asserted that an identifier that marks these temporary licenses in a way similar to the distinguishing marks for instructional permits would be the best compromise, representing a clearly distinct document and yet minimizing cost and disruption to the DMV and harassment of immigrant drivers. Furthermore, two states that have added visual identifiers to their licenses, Iowa and Minnesota, have both had these actions struck down in court because it was determined that a clear link had not been established between the issuance of drivers' licenses to undocumented immigrants and threats to homeland security. The courts argued that such a link, constituting a likely and imminent risk, would be necessary in order to justify such action on the part of the vehicle division. These states' experiences demonstrate the legal necessity of respecting Equal Protection rights in distinguishing between licenses for citizens and non-citizens.

Sincerely,

Melinda Lewis
Director of Policy Advocacy and Research, El Centro, Inc.
Kansas City, Kansas

January 27, 2004

Statement to the Kansas Legislature
Hearing on HB 2039

Chief Mike Hall
Deputy Chief Mendy Hulvey
Pittsburg, Kansas Police Department

On behalf of the citizens of Pittsburg and the Pittsburg Area Community
Outreach (PACO) Foundation:

Once again, I am here to talk about the impact of unlicensed drivers on local law enforcement. Safety of drivers continues to be an issue because unlicensed drivers 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.

As a police chief who is responsible to everyone in my community, I must look beyond the issues of ethnicity and resident status and concern myself with the safety of all citizens. From my point of view, this is a two-fold issue. Not only are we dealing with the safety concerns of unlicensed drivers, we must also be aware of the potential personal and economic impact on those licensed drivers who are using our state's highways.

There is a very personal economic cost. No license means no insurance. When an insured driver is struck by an uninsured driver, the uninsured driver may leave the scene of the accident. The victim's insurance company bears the cost of all medical care, repair or replacement of the vehicle and other ancillary costs of the accident. It is likely that the insured will suffer by increased premiums or even cancellation of their policy. Additionally, the cost is passed along to everyone who is purchasing insurance in Kansas.

How am I going to explain to victims struck or injured by an unlicensed motorist that our state has not taken the necessary steps to insure that everyone on the road is capable of driving safely?

Logically, my conclusion is that it does not make sense not to give licenses to all individuals who can identify themselves and pass the driving test. My request is that the legislature pass legislation that will remedy this unequal and dangerous situation on our highways. The bottom line is, unlicensed and uninsured drivers are using our highways and they will continue to do so regardless of whether we think they should.

Senate Judiciary

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UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

MEMO

To: Melinda Lewis, El Centro
From: Sandy Barnett, Executive Director
Angelica Lopez, Underserved Communities Advocacy Coordinator
Re: HB2039

In reviewing HB2039, the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) stands in support of this legislation. Advocates in the field have expressed agreement that access to a driver's license will assist battered immigrant women in securing safety for themselves and their children. KCSDV would support any legislation that contributes to the safety of women and children. In this case, we believe access to a driver's license may help to reduce battered immigrant women's fear of accessing essential services such as police protection. We also feel, access to a driver's license may serve to empower battered immigrant women to become more independent of their abusers.

We believe the ability to drive legally is one more passport to freedom for battered immigrant women. Therefore, the Kansas Coalition Against Sexual and Domestic Violence would like to pledge our full support of El Centro's initiatives to get HB2039 passed.

January 27, 2004

Chairman John Vratil
Senate Judiciary Committee
Kansas State Capitol, 522-S
Topeka, KS 66612

As an insurance professional, I see all of the problems that undocumented aliens go thru in order to get insurance on their vehicles, since most companies do not allow an international driver's license for the purpose of underwriting policies. Because these same companies accept Canadian driver's licenses, but not Mexican ones, it seems to me that that is discrimination on the basis of national origin. Those undocumented immigrants who are able to purchase insurance suffer discrimination on the pricing of their insurance from most companies using credit scoring since they do not have a valid SSN.

From the Insurance standpoint I truly think if all Kansas residents who prove to be worthy of a DL through knowledge of the rules of the road rather than the rules of the political game called "immigration law" (also called by many the game of the cat and the mouse) were able to obtain a driver's license, it would make Kansas roads safer since there would be a lot fewer uninsured motorists. It would also help to more properly rate for the uninsured motorist risk and, better yet, it would help reduce the price of such risk.

From the revenue standpoint, Kansas would be able to collect more money on licensing and vehicle registration fees. It would also help those people at the Licensing Bureau to do a more efficient job when one goes to apply for a DL. I believe the Licensing Bureau is there to issue identification cards, instructional permits, and driver's licenses to those who show themselves to be worthy of such documents by providing enough evidence of identification and knowledge of the rules of the road.

From the neighborhood policing standpoint it would also be a benefit, since police forces would be more concentrated in doing their job rather than playing immigration enforcement officers.

For the record, I like to tell you about a couple of personal experiences that some of my relatives had to go through when trying to obtain and/or revalidate their documents at the Kansas Division of Motor Vehicles.

On October 31, 2003, one of my brothers José Maria and his son José Octavio who had just gained their Permanent Residence Status three days before went to the Licensing Bureau in Merriam, KS in company of another one of my brothers who was serving as interpreter. When Jose Maria requested his DL to be reissued, the officers there denied it even though he was showing an expired DL as proof of identity. He was told, "YOU ARE NOT A KANSAS RESIDENT. YOU DO NOT HAVE ENOUGH PROOF OF IDENTITY," even though he was showing a valid Mexican birth certificate, a valid Mexican voter's registration card, a once valid but already expired Kansas DL, and valid Mexican passport which had just been stamped with a valid I-551 endorsement including an A# and a one year validity of such endorsement while the green card was being issued by USBCIS. However, since he did not yet have a valid SSN issued he was told, "SORRY WE CANNOT HONOR YOUR REQUEST AT THIS TIME". They did the same thing to my nephew José Octavio who of course had fewer documents than his father Jose Maria because he had never been in the US. The same day after the Merriam, Kansas office denied to issue a DL to José Maria and an ID to his son José Octavio, they decided to go to the Kansas City, Kansas office with the exact same documentation. Once there, a new DL was issued to Jose Maria but the ID still denied to José Octavio.

When I learned about all of this, and as an Insurance agent and as an advocate of the immigrant community and of course of my own family, I took off from my office and went with José Octavio

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back to the Merriam, Kansas office. Once we were there and had shown the receptionist the same documents José Octavio showed the first time and had already been in line again, José Octavio started being interviewed by the same person who had interviewed him the first time he was there (by the way she identify to us as a supervisor, when I requested to speak to one on my nephew's behalf). I then started a battle for what I believed were my nephew's rights at which point I challenged the supervisor to check with USBCIS about the validity of the I-551 stamp on Octavio's passport. At this point she said "LET ME SPEAK WITH MY SUPERVISOR." She came back then and said "WELL, I UNDERSTAND YOUR NEPHEW IS IN A CATCH 22 SITUATION. I AM GOING TO GIVE HIM THE ID, BUT COULD YOU TELL ME WHAT THESE CODES MEAN ON HIS PASSPORT". My question at this point is: Shouldn't she have already known those codes since she was playing immigration officer asking for an I-94 or a physical I-551 instead of an endorsement on the passport? To make matters worse, she issued the ID but she made two critical errors, one having to do with the spelling of José Octavio's name which we were able to catch before going to take the picture and the other one with his DOB which we noticed later that night.

We went back on November 4, 2003 to have the DOB corrected and since Octavio was confident enough about his driving abilities and the knowledge of the rules of the road after he studied the Kansas Driving Manual over that weekend, he requested to have the chance of applying for the privilege of a DL and since he had already paid for an erroneous ID. When he asked through my interpretation to have the ID fees applied towards the DL, the same person who had helped us before said "NO, I HAVE TO CHARGE YOU IN FULL FOR THE DL, AND BY THE WAY THERE IS A NEW LAW IN KANSAS THAT PROHIBITS A PERSON FROM BEING ISSUED BOTH AN ID AND A DL". To which I replied that's fine since it was your error on Octavio's DOB, would you please refund the fees paid and destroy the erroneous ID. She said "NO, HE CAN HAVE THE ID BACK, IT WILL BE ALLRIGHT IT IS JUST A SMALL ERROR." I said no, it is not just a small error that his DOB is incorrect. She said "OK, I WILL ISSUE A CORRECTED ID, AND I WILL STILL CHARGE HIM IN FULL FOR THE DL". So to my surprise, and the surprise of the clerk taking the pictures, the one giving the written exam as well as the one giving the driving test, all three of these said "SHE CAN DO WHATEVER SHE WANTS, SHE IS THE SUPERVISOR AFTER ALL." The same Bureau that had already given us so much trouble issued José Octavio an ID and a DL the same day.

If state and federal legislators want my vote when I become a US citizen in about five years from now, they have to do a better job recognizing the efforts of the immigrant population regardless of national origin. We are already in the mainstream of society; immigrants and the kids of immigrants are the past, the present and the future of this great USA. Immigration is the history of this country. Immigrants will continue to be the flesh and blood of this First World Power. Because we do not accept our "luck" but rather we shape our present and our future. Please, analyze history and tell me who is not a descendent of an immigrant. Immigration is the history of the world from the very beginning.

Thank you for your attention.

Sincerely,

Ramiro Romo-Viramontes
Proud Immigrant

3111 STRONG AVENUE
KANSAS CITY, KANSAS 66106
REPLY ONLY

PHONE: (913) 432-4484
FAX: (913) 432-4464

Testimony of Cesar Alberto Herdoiza before the Senate Judiciary Committee.

Re: HB 2039

Date: January 27, 2004

Background of Speaker:

Attorney: Statewide practice since 1981 with active involvement representing large number of 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 programs:

Kansas City, Kansas 1480 AM "La ZZ"

Host of "Hablando de Leyes" (Talking about the Law). A live radio show conducted in Spanish where legal matters of importance to the Hispanic community are discussed every Friday from 10 a.m. to 11 a.m.

Liberal, Kansas 1470 AM "Casa Musical"

Host of "Hablando de Leyes" (Talking about the Law). A live radio show conducted in Spanish where legal matters of importance to the Hispanic community are discussed every Thursday from 3:30 PM to 4:30 PM.

ISSUE: Why should we give illegal aliens residing in Kansas a driver's license?

Although many people understand the importance of granting illegal aliens driver's licenses; there are also reasonable people who cannot understand why we should extend this privilege to people who come into this country illegally.

Luckily, Kansas is made up of hard working, common sense people. 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.

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

No.1 *Safety, Safety, Safety*. Every person who first learns the "rules of the road" before getting behind the wheel of a car creates greater safety for us all. 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, illegal aliens who are precluded from obtaining a driver's license are simply getting into cars and driving without learning the rules of the road first. They are not going to walk, use bicycles, rent a Burro or leave Kansas and go back home because they are not able to get a driver's license. The result is that people are driving around without first learning the rules of the road. This makes driving in Kansas much more dangerous for all of us. For example, knowing to come to a complete stop from 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. People 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. 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 more recently to slow down and pull to the left lane if available when a police officer is detaining an automobile on the roadside. These and many other "rules of the road" are essential for anyone driving on our roads today. Unless people complete the basic requirements for obtaining a driver's license, before they drive a car, they put themselves and everyone else on the road at risk.

No. 2 An individual who cannot obtain a valid Kansas driver's license cannot obtain automobile Insurance. The numbers are increasing dramatically each day. The new increased fines for no insurance (first time \$300 and second time \$800) simply do not keep illegal aliens from driving. As a consequence, thousands of people with more and more people being 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. The odds of you becoming a "victim" grows more and more every day.

No.3 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 significant 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 can we afford to waive this source of personal property tax.

No.4 A loss of profits is being suffered by the insurance carriers who provide automobile insurance in the state of Kansas. 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.5 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.6 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.7 The Hispanic population in Kansas is growing. The last census shows Hispanics are the largest minority population in the U.S. 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 for approaching Hispanic groups and gaining the Hispanic vote in their own districts.

No.8 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.9 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 to eight 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 the easy and definite identification by both Federal and State officials of who you are and where you live?

No.10 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.

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 Kansas including agricultural pursuits, meat packing plants, highways and roads, home construction and general construction, not to mention our service Industries? Of course not. **So what benefit do we derive from denying undocumented drivers a driver's license in Kansas? Continuing to deny this privilege goes against our own self-interests.**

Other States have either passed or are proposing similar changes to their laws. This is simply a realistic approach. I ask this body to vote yes on H. B. 2039.

Senate Judiciary
Chairperson Senator Vratil
January 27 2004

Subject: Hearing on House Bill 2039, the issue of drivers' licenses to illegal immigrants.

Chairman Senator John Vratil, Vice Chairman Senator Ed Pugh, and Committee members.

I am Don Whitten, a constituent of the 1st Dist. represented by Senator Ed Pugh. My concerns are those that lead to an Immigration Policy that is loosing it's power of authority, through careless manipulation.

"The tragedy of Sept. 11, 2001 made it abundantly clear that the driver's license is more than just a license to drive; it is one of the primary documents we use to identify ourselves" was quoted by the than Governor Gray Davis of California. Because of the extreme importance of this document, Governor Davis vetoed a bill authorizing illegal aliens to legally obtain driver's license in the State of Calif.

Through out the United States, driver's license legally issued by any State Driver's Licenses Issuing Agency indicates not only proof of legal permission to drive, it also embraces the use as proof of personal identity. Many states fail to verify the legal status and applicants ID, proving the applicant is actually the person described on the license and, or, other documentation.

This points out very vividly, the dangers faced by America. Sixteen of the 9/11 highjackers obtained either a driver's license and, or, State Identification Numbers. These licenses and, or, identification cards are than used as proof of residence. This one item alone will give an illegal, the authorization to drive in the United States at any time, reason place, or motive, without question.

Some of the 9/11 highjackers obtained Virginia licenses through the hire of an illegal alien, co-signed their residency forms and utilized a false address, and some had licenses from more than one other state.

The 9/11 incident has caused America to become security-conscious through out our Nation. This security is easily placed in great danger by actions of our leaders, anticipating the awarding of Illegal Immigrants, the legal RIGHT to drive, by the issuing of a driver's license. As a citizen of America, this is a PRIVILEGE.

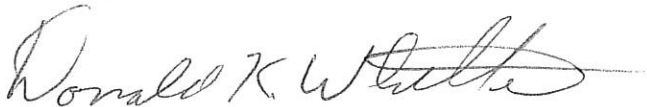
The State of Tennessee has experienced an influx of illegal immigrants, after lifting the requirement of a Social Security number. This plays favorably into the hands of those illegal immigrants who come to America with intent of terrorist motives against the United States. This scenario leaves Homeland Security disadvantaged in the protection of our nation's citizenry.

Authorizing the right for illegal aliens to legally drive, or to be entitled to State issued Identification, will erode the security system, educational system, the economy, the industrial system, health, and welfare system. The act of awarding any "rights" other than those outlined in the United States Constitution, places this Nation's infrastructure, and future in the greatest of danger since the Civil War.

A retired Military Veteran, I have proudly served on foreign soil in the protection of America's Freedom. I never dreamed I would have to plead before that very infrastructure to protect the freedom of America. Distinguishing right from wrong, legal and illegal, take swift and appropriate action in maintaining Freedom, Liberty and Justice for all citizens of This Nation, we call America. I now ask you to legislate statutes that provides protection and preservation of America's Freedom.

Thank you for the opportunity and privilege in expressing my thoughts in maintaining America's Freedom.

Donald K. Whitten
16525 Military Trail Road
Wamego, Ks 66547



Testimony Of Susan Tully on HB 2039
Mid-West Field Director FAIR
The Federation of American Immigration Reform

FAIR opposes HB2039

The IRS ITIN is not a secure or verifiable identification tool. The IRS strongly recommends that such numbers not be used for drivers licenses by any agencies as stated in a letter issued to every State Governor and State Department of motor vehicles on Aug .8, 2003. (A copy of letter attached).

ITIN's are issued for the sole purpose of enabling individuals who do not qualify for social security numbers to meet their tax filing responsibilities. They do not subject ITIN applicants to the same rigorous document verification standards as social security number or visa/passport applicants. Although IRS requires proof of identity documents, they accept the documents at face value without validating their authenticity with issuing agencies or conducting applicant background investigations. The IRS does not require applicants to appear in person and third parties may submit applications and provide documentation on behalf of others. The letter specifically state further "If you state is considering legislation to accept ITIN's as proof of identity for drivers licenses, please alert your legislators to potential security risks".

Any state issued photo identification provides unrestricted access to most US air and ground transportation systems and entry to public buildings.

It further requests for states to please alert staff that IRS issues ITIN's for tax purposes only. Do not direct drivers license applicants to IRS for ITIN's they will not issue ITIN's for non-tax reasons.

The IRS since the Aug 8, 2003 letter has made changes to ITIN's. ITIN applicants without proof of need for tax purposes will be rejected and the IRS will revoke the ITIN of any person who has used it for purposed other than tax administration. (See attached IRS pub.)

A senior Homeland Security Official on Dec. m1, 2003 said that if states continue to issue driver's licenses to undocumented immigrants, the country will have to re-think the way licenses are used a de facto identity cards by government and the private sector. Homeland Security Administration Undersecretary for Border and Transportation, Asa Hutchinson stated "Historically, we've looked at it that applicants for drivers licenses ought to be able to prove citizenship, because we've relied upon those driver's licenses. If states are going to change the historical context and say they don't need citizenship then we have to change our whole reliance upon them".

Hutchinson went on to say "It's a significant concern to us anytime you have a diminished integrity in the system of issuing state identification documents, that is a problem for our inspectors".

Seven of the 19 suicide hijackers who killed 3,000 people on 9-11 had driver's license or state ID cards issued by Virginia, which at that time did not require proof of legal presence in our country.

Although Virginia has since changed it laws, here is Kansas's legislation that finds a way, in fact goes out of its way to license people who not have legal presence in our country.

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John Pistole, the FBI's Assistant Counter Terrorism Director in December 2003 stated, "The ability of an individual to create a well documented, but fictitious identity provides an opportunity for terrorists to move freely within the US. It also allows them to board planes and in some cases purchase firearms.

To quote Keith Kiser, Chairman of American Association of Motor Vehicle Administration "You should not be issued a photo ID or driver's license unless you are legally in the country and can verify your identify". He acknowledges that some states do not require proof of legal presence but said that in general states were moving in the right direction, towards tightening requirements rather than loosening them.

Asa Hutchinson also stated that states have prerogatives, we want to work with them to make the right decisions, to help US security, not diminish it. We want to emphasize that there are some national impacts to state decisions. Decisions have to follow anytime the integrity of those systems are diminished".

How many terrorists who live in Kansas will be eligible for Temporary Driver's Licenses? How many Mahmoud Kourani's do you have in Kansas? Illegal aliens who have bribed Mexican Consul official to obtain travel visas to Mexico and were then smuggled across the US southern border, They hold jobs in Kansas, they look and act like everyone else, yet they raise money and support Hezbollah or Al Qaeda and they hide in the open, they move about freely with documents issued by State agencies who are sympathetic to illegal aliens.

You have heard or will hear we are a nation of immigrants and FAIR and the people on our side of this issue are anti-immigrant. Immigrants by definition mean people who have come here through a legal process with review and permission by our US Government. Illegal aliens have not waited for review. They are lawbreakers. FAIR has no interest in opposing driver's licenses for legal immigrants. But that is not who this license provision is written for...it is written for illegal aliens.

You have heard or will hear even from your own law enforcement officials to grant them license, after all they will drive anyway, better to have them take a test, better to make sure they have insurance. This is an admission that these illegal alien lawbreakers continue to break many laws in order to have the jobs they need.

You have heard or will hear these people are only coming here to do jobs that Americans won't do or don't want, but the truth is because of their presence by the millions, they have driven down the wages in the jobs they hold to the point Americans cannot do them. And this legislation encourages continued displacement of Americans in these jobs. National safety and security are at stake. Verified ID is the first line of defense in preventing many types of crime from underage drinking to terrorism. Temporary license are a second class document with no security or background checks on the individuals obtaining them. They will serve as breeder documents to obtain other forms of fraudulent identification. Laws that prevent illegal aliens from driving should be strengthened to deter such actions, not the rules of identification and illegal immigration weakened to accommodate those who come here illegally to obtain work.

Continuing different jurisdictional practices, perhaps in violation of our own laws, as FAIR believes this provision will, runs the risk of losing reciprocal agreements for driving and identification of individuals between jurisdictions in the greater community.



Internal Revenue Service

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DEPARTMENT OF THE TREASURY

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Individuals

Individual Taxpayer Identification Number

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ABOUT ITINS

What is an ITIN?

An Individual Taxpayer Identification Number (ITIN) is a tax processing number issued by the Internal Revenue Service. It is a nine-digit number that always begins with the number 9 and has a 7 or 8 in the fourth digit, example 9XX-7X-XXXX.

IRS issues ITINs to individuals who are required to have a U.S. taxpayer identification number but who do not have, and are not eligible to obtain a Social Security Number (SSN) from the Social Security Administration (SSA). ITINs are issued regardless of immigration status because both resident and nonresident aliens may have U.S. tax return and payment responsibilities under the Internal Revenue Code.

Individuals must have a filing requirement and file a valid federal income tax return to receive an ITIN, unless they meet an exception.

What is an ITIN used for?

ITINs are for federal tax reporting only, and are not intended to serve any other purpose. An ITIN does not authorize work in the U.S. or provide eligibility for Social Security benefits or the Earned Income Tax Credit. ITINs are not valid identification outside the tax system.

IRS issues ITINs to help individuals comply with the U.S. tax laws, and to provide a means to efficiently process and account for tax returns and payments for those not eligible for Social Security Numbers.

Who needs an ITIN?

IRS issues ITINs to foreign nationals and others who have federal tax reporting or filing requirements and do not qualify for SSNs. A non-resident alien individual not eligible for an SSN, who is required to file a U.S. tax return only to claim a refund of tax under the provisions of a U.S. tax treaty, needs an ITIN.

Examples of individuals who need ITINs include:

- Non-resident alien filing a U.S. tax return and not eligible for an SSN
- U.S. resident alien (based on days present in the United States) filing a U.S. tax return and not eligible for an SSN
- Dependent or spouse of a U.S. citizen/resident alien
- Dependent or spouse of a non-resident alien visa holder

How do I know if I need an ITIN?

If you do not have an SSN and are not eligible to obtain an SSN, but you have a requirement to furnish a federal tax identification number or file a federal income tax return, you must apply for an ITIN. By law, an alien individual cannot have both an ITIN and an SSN.

IRS processes returns showing SSNs or ITINs in the blanks where tax forms request SSNs. IRS no longer accepts, and will not process, forms showing "SSA205c," "applied for," "NRA," blanks, etc.

Are ITINs valid for identification?

No. ITINs are not valid identification outside the tax system. Since ITINs are strictly for tax processing, IRS does not apply the same standards as agencies that provide genuine identity certification. ITIN applicants are not required to apply in person, and IRS does not further validate the authenticity of identity documents. ITINs do not prove identity outside the tax system, and should not be offered or accepted as identification for non-tax purposes.

Are ITINs valid for work purposes?

No. ITINs are for federal income tax purposes only.

REVISED APPLICATION STANDARDS FOR ITINs

What are the revised application standards for ITINs?

Effective immediately, each ITIN applicant must now:

- Apply using the revised Form W-7, [Application for IRS Individual Taxpayer Identification Number](#) ; and
- Attach a federal income tax return to the Form W-7.
Applicants who meet an exception to the requirement to file a tax return (see the instructions for Form W-7) must provide documentation to support the exception.

Why is IRS revising the ITIN application process?

The revisions to the ITIN application process will help ensure ITINs are used for their intended tax administration purposes.

What documents are acceptable as proof of identity and foreign status?

IRS has streamlined the number of documents the agency will accept as proof of identity to obtain an ITIN. There are now 13 acceptable documents.

An original passport is the only document that is accepted for both identity and foreign status. If you do not have a passport, you must provide a combination of current documents that contain expiration dates, show your name and photograph, and support your claim of foreign status.

IRS will accept a combination (two or more) of the following documents, in lieu of a passport:

- National identification card (must show photo, name, current address, date of birth, and expiration date)
- U.S. driver's license
- Civil birth certificate
- Foreign driver's license
- U.S. state identification card
- Foreign voter's registration card
- U.S. military identification card
- Foreign military identification card
- Visa
- U.S. Citizenship and Immigration Services (USCIS) photo identification
- Medical records (dependents only)
- School records (dependents and/or students only)

HELP AND INFORMATION

How do I apply for an ITIN?

Use the December 2003 revision of Form W-7, [Application for IRS Individual Taxpayer Identification Number](#) to apply. Attach a valid federal income tax return unless you qualify for an exception, and include your original or certified proof of identity documents.

Because you are filing your tax return as an attachment to your ITIN application, you should not mail your return to the address listed in the Form 1040, 1040A or 1040EZ instructions. Instead, send your return, Form W-7 and proof of identity documents to the address listed in the Form W-7 instructions:

Internal Revenue Service
Philadelphia Service Center
ITIN Unit, P.O. Box 447
Bensalem, PA 19020

You may also apply using the services of an IRS-authorized [Acceptance Agent](#) or visit an [IRS Taxpayer Assistance Center](#) in lieu of mailing your information to the IRS in Philadelphia. TACs in the United States provide in-person help with ITIN applications on a walk-in or appointment basis. Applicants outside the United States should contact an overseas the IRS office to find out if that office accepts Form W-7 applications. The IRS's ITIN Unit in Philadelphia issues all numbers by mail.

When should I apply for an ITIN?

You should complete Form W-7 as soon as you are ready to file your federal income tax return, since you need to attach the return to your application.

If you meet one of the exceptions and do not need to file a return, submit Form W-7, along with the documents required to meet your purpose for needing an ITIN, as soon as possible after you determine that you are covered by that exception.

You can apply for an ITIN any time during the year; however, if the tax return you attach to Form W-7 is filed after the return's due date, you may owe interest and/or penalties. You should file your current year return by the April 15 deadline to avoid this.

How and when can I expect to receive my ITIN?

If you qualify for an ITIN and your application is complete, you will receive a letter from the IRS assigning your tax identification number, usually within four to six weeks. The IRS is changing from an ITIN card to an authorization letter to avoid any possible similarities with a Social Security Number card. Current ITIN holders' cards will not be replaced; they should continue to use the numbers previously issued when they need to supply identifying numbers for tax purposes.

If you have not received your ITIN or other correspondence six weeks after applying, you may call the IRS to find out the status of your application.

Where can I get help with my ITIN application?

You may call the IRS toll-free at 1-800-829-1040 for information and help in completing your Form W-7 and your tax return, or to check on the status of your application six weeks after submitting Form W-7.

Assistance is also available by appointment at IRS Taxpayer Assistance Centers (TACs) in the United States provide in-person help with ITIN applications on a walk-in or appointment basis. Applicants outside the United States may contact an overseas IRS office to find out if that office accepts Form W-7 applications.

You may also use the services of an IRS-authorized Acceptance Agent.

What is an Acceptance Agent?

An Acceptance Agent is an individual, business or organization (college, financial institution, accounting firm, etc.) authorized by IRS to assist individuals in obtaining ITINs. Acceptance Agents review applicants' documentation, complete a certificate of accuracy, and forward the certificate and application to the IRS for processing. Some Acceptance Agents may charge a fee. [Click here for a list of Acceptance Agents.](#)

This letter was sent to states throughout the country with a copy to each respective Governor.

(Name of State) Department Of Motor Vehicles

August 8, 2003

Dear Director _____:

Several state government motor vehicle departments are accepting IRS-issued Individual Taxpayer Identification Numbers (ITINs) as proof of identification for state driver's licenses, prompting us to issue this reminder -- *ITINs are not valid for identification outside the tax system.*

The Internal Revenue Service issues ITINs for the sole purpose of enabling individuals who do not qualify for Social Security numbers to meet their tax filing responsibilities. Therefore, we do not subject ITIN applicants to the same rigorous document verification standards as Social Security number or visa/passport applicants.

Although we require ITIN applicants to provide proof of identity documents, we accept these documents at face value without validating their authenticity with issuing agencies or conducting applicant background investigations. We do not require applicants to appear in person and third parties may submit applications and provide documentation on behalf of others. Also, since we issue ITINs for tax filing purposes only, we do not verify applicants' legal presence in the U.S. — the tax code classifies aliens based on their physical presence (resident or non-resident), not their legal status in this country.

Unlike Social Security numbers, ITINS do not:

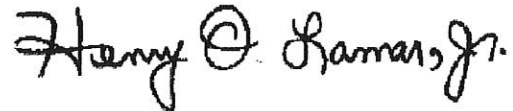
- Authorize an individual to work in the U.S.;
- Endorse an individual's legal status in this country; or
- Entitle an individual to Social Security benefits or the Earned Income Tax Credit.

If your state is considering legislation to accept ITINs as proof of identity for driver's licenses, please alert your legislators to potential security risks. State-issued photo identification provides unrestricted access to most U.S. air and ground transportation systems and entry to public buildings.

If your state currently accepts ITINs as proof of identity for driver's licenses, please alert your staffs that IRS issues ITINs for tax purposes only. Please do not direct driver's license applicants to us for ITINs; we do not issue the numbers for non-tax reasons.

Thank you for your help and support. For additional information about ITINs, visit our website at <http://www.irs.gov/individuals/article/0,,id=96287,00.html> or direct questions to Anita Hill at 904-665-1158, Bonnie Harrison at 859-669-5538, or e-mail to itinprojectoffice@irs.gov.

Sincerely yours,

A handwritten signature in black ink that reads "Henry O. Lamar, Jr." The signature is written in a cursive style with a large, stylized initial 'H'.

Henry O. Lamar, Jr.

cc: Governor

Statement of Peter Gadiel on Behalf of
9/11 Families For a Secure America

Kansas State Senate
Judiciary Committee
January 26, 2004

Our organization, 9/11 Families for a Secure America, has as its core membership people who all lost loved ones in the September 11 terrorist attacks, or who themselves escaped from the World Trade Center or Pentagon on that day. My 23 year old son, James, working at his first job after college, was killed in the World Trade Center

All the 9/11 family members know that our loved ones died because the government at all levels failed to live up to its most basic obligation to its citizens... to protect us from foreign attack.

Our wide open borders and tolerance of massive violation of our borders by illegal aliens played a crucial role in permitting the 9/11 terrorists to "succeed" in murdering our loved ones.

The federal government's failure to enforce the law is obvious, but what you as state lawmakers must realize is that states had a pivotal part in facilitating the hijackings of the planes and the murder of our 3000 family members. Three states, NJ, VA and Fla, provided the terrorists with drivers' licenses, the "valid ID," that permitted these 19 monsters to breeze by airport security and be allowed to board the planes they turned into weapons of mass murder.

All three of these states, recognizing that they aided the hijackers in carrying out their conspiracy have now banned the practice of issuing drivers' licenses to illegal aliens.

To those of us whose sons, husbands, sisters, mothers were murdered on September 11 the idea that ANY state would even think about giving official, valid ID to a person who is not lawfully in the country is indecent. That would be an insult to the memory of our loved ones.

Yet, the Kansas House of Representatives has passed HB2039 specifically giving drivers licenses to criminals, and now you are considering in this bill in the Senate. I tell you now that you could not find a better way to tell us that the loss of our loved means absolutely nothing to the people of your state than to vote for this bill.

Each of you must understand that US-issued drivers' licenses were essential tools for the terrorists long before September 11, 2001.

Their first acts on getting into the US were to obtain licenses, because these were the key to full entry into American society. With them they could open bank accounts to transfer funds from their terrorist bosses; they could get credit cards; they could rent apartments, motel rooms, and cars. They could blend in and freely travel the country while they financed, planned, rehearsed and ultimately carried out their conspiracy.

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It is true you are considering a license which would be specifically for people “unlawfully” in the US. This is a meaningless distinction.

There are over ten million illegals in the US. The size of that huge population of lawbreakers guaranteed the hijackers that once inside our borders they could reside here and plan their attacks without any real risk of detection. When there are millions of illegals, when there are vast numbers living in communities and moving around the country, clearly 20 more are not noticeable...until they murder 3,000 people.

If government, including the Kansas legislature, winks at their presence, then once here future terrorists can live among us and plan more 9/11s. They can do this with almost no risk of being stopped, because in a country where conditions of absolute lawlessness in regard to illegal immigration prevail, nothing is truly illegal short of the actual terrorist acts.

It's very clear: the hijackers could carry out their conspiracy because they could conceal themselves in the ocean of illegal immigrants in the US; benefits of any kind when granted to illegal aliens helps perpetuate that ocean of illegals, that ocean of concealment for terrorists.

These millions of illegals are attracted to our country because they know that once here agribusiness and others will hire them, some states will give them drivers' licenses, many banks will accept sham ID, and some states will even offer them low in-state rates on higher education.

If you pass BH2039 your message to millions of illegals already here and the hundreds of millions of potential illegals around the world is clear:

“Come to the US. The law in America means nothing. Come live here, work here, bring the parents, bring the in-laws, bring the cousins. Americans don't care. When you come as ‘undocumented’ immigrants of course we won't know anything about your real identity, but that doesn't matter because, if a few of you, hiding among the vast communities of other illegals bring off another 9/11 style attack, well, we won't care because that's part of the price of having cheap labor.”

Those Who Favor Giving Licenses To Illegals Make Several Claims ALL OF THEIR CLAIMS ARE COMPLETELY WITHOUT MERIT

1. Aren't there a few legal immigrants who don't have documentation and thus will be denied licenses under this law?

Answer: NO. Never. Every native born citizen and every naturalized citizen has a social security number and other documents that prove legal status.

Every LEGAL immigrant and every LEGAL visitor, no matter under which provision of law he/she is admitted to the US has documentation from the US government describing his/her legal status.

THE ONLY REASON A PERSON CANNOT PROVIDE PROOF OF LEGAL STATUS IS BECAUSE HE/SHE IS NOT LEGALLY PRESENT IN THE US. Only these illegals will be denied licenses, because they should not be given licenses.

2. Isn't it better to have illegal aliens driving around with licenses than without them?

Answer: An illegal alien is a person who committed one crime by entering this country illegally; another crime by staying here; another by working here. It is laughable to believe that such a person will be changed into someone devoted to obeying the rules of the road because he has been given a driver's license.

There are many cases where illegals have bought cars, obtained insurance in order to register them and get plates, and then immediately cancelled the insurance. After an accident, the illegal, a person with no real identity and no social security number has no difficulty moving to another state and assuming a new identity, leaving the victim of his careless driving with no one, and no insurance company, to pay the hospital.

The fact that the illegal immigrant lobby admits many illegals drive without licenses is an admission of widespread contempt for the law.

Advocates of licensing illegals claim that they will maintain insurance after being licensed. **IN FACT, IN NONE OF THE MANY STATES WHERE 9/11 FAMILY MEMBERS HAVE TESTIFIED HAS ANY STUDY EVER BEEN QUOTED TO BACK UP THE CLAIM THAT LICENSED ILLEGALS ACTUALLY MAINTAIN INSURANCE AFTER OBTAINING A LICENSE. THE LACK OF A VERIFIED IDENTITY REMAINS AS A STRONG INCENTIVE TO DISAPPEAR AFTER AN ACCIDENT**

3. Couldn't the terrorists could have gotten on the planes with their passports?

Answer: After 9/11 it would be impossible for a group of young men from terrorist-sponsoring nations to get on airplanes with passports from those nations without raising alarms among the flight crew and security people.

4. Didn't the 9/11 terrorists have social security numbers and couldn't they get licenses even under this proposed law?

Answer: the Social Security Administration USED TO BE negligent in giving social security numbers. This is no longer true, and illegal aliens and people like the terrorists could no longer get SSN's. Therefore, if states require applicants to have Social Security Numbers, illegals and terrorists will no longer be able to get them.

5. Isn't immigration law a matter for the federal government, not the states?

Answer: Collection of the federal income tax is a federal matter, spying for a foreign government is a federal matter. Yet no one would suggest that states reward those who violate laws regarding these "federal matters."

6. Isn't it too much to expect DMV clerks to be responsible for making a determination as to who is legal and who is not?

Answer: True. The federal government makes this determination. If an applicant has documentation, the DMV clerk can process the application. If the applicant lacks federal documentation, either he/she must obtain it or the application cannot be processed. DMV simply relies on the federal government to provide a list of valid documentation.

If a state refuses to rely on the federal government's determination, then the only alternative is to expect DMV clerks to examine and verify documents from any of the over 150 countries around the world, and the thousands of provinces, cities, and other authorities with the power to issue official papers.

7. As legislators don't we have to deal with the fact that illegal aliens are here and that we have to face that "reality" and deal with it?

Answer: All officials of government, state and local as well as federal, have an obligation to protect citizens from terrorists and criminals. It is time to take a stand and say: "we will not give any more rights to those who break our laws." A person can to choose either to oppose illegal immigration by denying privileges to illegals, or else he is part of the problem by encouraging illegal immigration.

It is time to say that for the safety of our citizens that we will not go any further.

9. What are other states doing on this issue?

Florida and Kentucky. Enacted bans on DLs for illegals in 2002.

Virginia. Enacted a ban in March 2003. (The bill passed 82 to 16 in the House, 32 to 8 in the Senate.)

Tennessee. A bill to ban licenses for illegals and terrorists are now pending in both legislatures. (In 2003, Tennessee enacted a prohibition on acceptance by the state of consular identification cards issued to illegals. The bill had passed the Tenn. House of Representative 93 to zero.)

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Massachusetts, Illinois. Attempts have been made to pass laws allowing DLs for illegals. In both states powerful public opposition stopped those bills.

Alabama. A bill to give DLs to illegals was introduced in the legislature and promptly killed.

As the father of a young victim of terrorism, as the representative of many other terrorist victims, I plead with you to face the realities of the era in which we live.

Please send the message that Kansas will not make life easier for terrorists

Board of Directors, 9/11 Families for a Secure America

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WHY KANSAS SHOULD PROHIBIT THE ISSUANCE OF DRIVERS' LICENSES TO ILLEGAL ALIENS

The 9/11 Families for a Secure America are asking the few states that give drivers' licenses to illegals to alter their statutes so as to **prohibit people who are not legally present in this country from getting licenses.**

WHY IS IT NECESSARY TO KEEP ILLEGAL ALIENS FROM GETTING DRIVERS' LICENSES?

BECAUSE A DRIVER'S LICENSE IS A TERRORIST'S TOOL

DRIVERS' LICENSES WERE THE "VALID I.D.s" THAT GOT THE TERRORISTS ON THE PLANES THEY USED TO MURDER OUR LOVED ONES.

Nearly every one of the 9/11 terrorists was allowed to board the planes that they used to commit mass murder because he had a driver's license from Virginia or Florida.

Drivers' licenses did more for the terrorists besides allowing them to board the planes. Drivers' licenses were the tools that allowed them to blend in as just ordinary Americans.

The driver's license is the basic identification document for nearly everyone in America. When the terrorists needed places to claim as a residence, they used their licenses as "ID" for signing their leases. When they opened the bank accounts that they used to place the financing for the conspiracy, they used their licenses as ID. When they rented cars, rented motel rooms, when they paid tuition for their flying lessons they used their licenses to "identify" themselves.

There are 8 to 11 million illegals in the US. Even their advocates call them "undocumented."

AN "undocumented" (ILLEGAL) ALIEN IS A PERSON WHOSE TRUE IDENTITY IS UNKNOWN, because he has never presented documents to US immigration officials, the only people capable of determining the authenticity of foreign documents.

Thus, a state that grants a driver's license to an "undocumented" alien is giving an official "valid ID" to a person who can be a terrorist.

Illegals are people who break the law to get into the US, break the law to stay here; break the law to get jobs here.

To give illegals the privilege of driving in the US is to reward criminal activity. Giving licenses to illegals will encourage more illegals to come to the US.

GIVING DRIVER'S LICENSES TO ILLEGALS IS OPENING THE DOOR TO VOTER FRAUD

Under Federal "motor voter" law: "Each State motor vehicle driver's license application (including any renewal application) submitted to state motor vehicle agencies must serve as an application for voter registration with respect to elections

for Federal office." Thus, allowing illegals to get licenses will encourage them to vote, in violation of law.

**Those Who Favor Giving Licenses To Illegals Make
Several Claims
ALL OF THEIR CLAIMS ARE COMPLETELY
WITHOUT MERIT**

1. Aren't there a few legal immigrants who don't have documentation and thus will be denied licenses under this law?

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The fact that the illegal immigrant lobby admits many illegals drive without licenses is an admission of widespread contempt for the law.

Along the same lines, there are people who cheat on their taxes. It is not a valid argument to say that if we eliminated the taxes the tax cheats would become law-abiding citizens.

Advocates of licensing illegals claim that they will maintain insurance after being licensed. **IN FACT, IN NONE OF THE MANY STATES WHERE 9/11 FAMILY MEMBERS HAVE TESTIFIED HAS ANY STUDY EVER BEEN QUOTED TO BACK UP THE CLAIM THAT LICENSED ILLEGALS ACTUALLY MAINTAIN INSURANCE AFTER OBTAINING A LICENSE. THE LACK OF A VERIFIED IDENTITY REMAINS AS A STRONG INCENTIVE TO DISAPPEAR AFTER AN ACCIDENT**

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If a state refuses to rely on the federal government's determination, then the only alternative is to expect DMV clerks to examine and verify documents from any of the over 150 countries around the world, and the thousands of provinces, cities, and other authorities with the power to issue official papers.

7. With all the illegals here in the US, shouldn't we be "practical" and deal with "reality" by giving them licenses?

Answer: State lawmakers have to choose whether they will be part of the solution or part of the problem. There is no middle ground. If states give DLs to illegals they are sending the message that encourages more illegal immigration and encourages the illegals who are here to stay here.

States that prohibit licenses for illegals are taking a stand that they will no longer support mass violations of law.

Like the federal government, all States have an obligation to protect Americans against foreign criminals and terrorists. The only way to fulfill that obligation is to deny support in any form for people who have broken the law.

8. As legislators don't we have to deal with the fact that illegal aliens are here and that we have to face that "reality" and deal with it?

Answer: All officials of government, state and local as well as federal, have an obligation to protect citizens from terrorists and criminals. It is time to take a stand and say: "we will not give any more rights to those who break our laws." A person can choose either to oppose illegal immigration by denying privileges to illegals, or else he is part of the problem by encouraging illegal immigration.

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The families of the 3000 murdered on September 11 believe it is time that all states move to join the overwhelming majority of the states by enacting bills to ban issuance of drivers' licenses to illegal aliens and other lawbreakers.

Board of Directors 9/11 Families for a Secure America

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Bruce DeCell

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Colette LaFuenta
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Wife of Juan LaFuenta
WTC visitor
Mericle7@aol.com

Outline of proposed driver's license reform.

1. The goal is to enact all reforms by means of legislation rather than rule changes instituted by relevant agencies.
2. No driver's license will be issued until the applicant has proven that he/she is legally present in the United States.
Legal presence can be established by a citizen by supplying the applicant's valid social security number and birth certificate, naturalization papers, or passport. In the case of non-citizens, documents issued by the appropriate federal authority granting permission for the applicant to be in the US will suffice.
3. In the case of a license issued to a citizen or permanent resident alien of the US, no license shall be issued without presentation of a valid social security number, the validity of which the issuing authority must confirm with the Social Security Administration.
4. Drivers' licenses issued on the basis of a non-citizen's proof of legal presence must expire on the date of expiration of the documents which grant authority to be in the US. License issuing authority must confirm consult with the federal agency which granted the documents permitting the applicant to be in the US that the documents are authentic.
5. Social security number of the licensee will not appear on the face of the license, but the SSN will be kept in the database of the issuing authority. A unique license number will be given to each license.
6. Two biometric identifiers will be on each license: a photograph and a thumbprint. Data to be encoded on the issuers' databases. The State or territory will provide a system for storage of actual exemplars and a system for retrieval and comparison in the prescribed databases. In addition, recorded in the databases must be information about the types of identification used to establish authenticity of identity in the event of suspected fraud.
7. Each State or territory and the District of Columbia will maintain existing authority to issue driver's licenses as is currently exists. Each will maintain its own database including the two biometric identifiers.
8. No information other than driving related information is to be included on the license or database. Legislation will specify that the license is not to be used as part of any attempt to create system of national identity cards. No extraneous information (e.g. criminal record [other than driving related], employment, status as welfare recipient, etc.) will be included in the database.
9. The database of each driver's license issuing authority must be accessible by the DLIA's and police agencies of every other State.
10. The DLIA must make available to citizens and permanent legal resident identity cards instead of drivers' license for those residents who do not wish to drive

2/1/03

W. Paul Degener
518 NW 56th St.
Topeka, KS 66617-1311
(785) 246-0215

January 27, 2003

SUBJECT: Sub HB 2039 Issuance of Temporary License to Illegal Aliens

Mr. Chairman and members of the committee, thank you for allowing me to appear before this body.

My name is Paul Degener and I reside in Shawnee County. I am here in opposition to this legislation as a concerned citizen of the United States and the state of Kansas.

There are several issues here that puzzle me:

Our legislators in Washington pass laws and we as citizens are expected to obey those laws or pay the consequences.

Our legislators here in Kansas and the other 49 states pass laws and we as citizens are expected to obey those laws or pay the consequences.

The several counties throughout this country pass resolutions and the citizens are expected to obey those resolutions.

The many city councils throughout this nation pass their respective ordinances and the citizens are expected to obey.

I am not opposed to controlled legal immigration. But I just don't understand why we here today to even consider rewarding thousands of illegal aliens with the privilege of obtaining a drivers license. What is wrong with this picture? How can we justify incarcerating other lawbreakers and at the same time reward illegal aliens with a driver's license?

These people enter this country illegally and sue our government because we do not provide water points for them. They are trashing the ranches in the southwest and reportedly are terrorizing many of the ranchers and their families. We are required to provide them an education. And we are mandated to provide them free emergency medical services. Who pays for the additional buildings, teachers and multi-lingual textbooks to support this insanity? The taxpayers of this nation are the ones who have to pay. When is this going to stop?

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.

Senate Judiciary

1-27-04

Attachment 18

3. It is difficult to determine the fiscal impact because of the vast numbers of illegal aliens.

I have some fiscal questions.

1. Illegal drivers licenses shall be distinguishable from all others. What will be the additional 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 driver's 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 examiners and written test examiners?
6. Will we have to provide multi lingual road signs to accommodate illegal aliens? If so, would this cost the taxpayers?

I served several years in the United States Army. I have served in Germany, Viet Nam and Korea. I have traveled in the Netherlands, Austria, Switzerland, East Germany, France, and Spain. We were constantly told that we were guests in those countries which meant that we were obligated to abide by their laws and customs. I cannot even imagine my fate if I were caught in Mexico under other than legal circumstances.

If we pass this legislation we are subordinating this state to the demands and desires of a political action groups composed of illegal aliens. Could this be a form of blackmail? This legislation is just one more step in the drive to reduce this nation to third world status. This is untenable.

I have enclosed an article from the Washington Times "Bills take a tougher stance on illegals". I would invite you to read this article at your leisure. This article provides a solution.

Thank you for your time.

The Washington Times

www.washingtontimes.com

Bills take tougher stance on illegals

By Robert Redding Jr.

THE WASHINGTON TIMES

Published January 24, 2004

ANNAPOLIS -- A group of lawmakers is calling for illegal aliens to be incarcerated as soon as they are discovered, as one of six pieces of legislation aimed at cracking down on illegal immigration.

"A number of us decided that, instead of playing defense, it is time to play offense," Delegate Patrick L. McDonough, Baltimore County Republican, said of the illegal-immigration bills, which were introduced in the House before the start of the session last week.

The bills call for:

- Requiring local police, without warrants, to arrest illegal aliens they discover during their daily duties and turn them over to federal authorities.
- Banning illegal aliens from owning driver's licenses.
- Seizing cars driven by illegal immigrants and suspending the licenses of anyone who allows illegal immigrants to drive their vehicles.
- Banning embassy-issued consular matricular identification cards from being accepted as forms of ID.
- Creating a task force to study whether health care workers should be required to report when they treat illegal aliens.
- Creating a task force to study how much illegal immigration costs the state.

A leading sponsor of the legislative package, Mr. McDonough said the bills have "no chance" of passage in the Democratic-controlled General Assembly. But he added that he and Delegate Richard K. Impallaria, Baltimore County Republican, are representing their constituents with the legislation, which might pass in a few years.

"We can start the battle here," Mr. McDonough said. "We will be back again next year and the year after and the year after."

Mr. Impallaria, another key sponsor, said last year's legislation that would have allowed illegal aliens to possess driver's licenses and pay in-state tuition at state colleges and universities served as a wake-up call.

The tuition bill was defeated, and the driver's license bill is being studied.

"They both had the power to pass, which was a scary thought," Mr. Impallaria said. "With 9/11, where you had people who entered the country illegally, and then you had the sniper [Lee Boyd Malvo], who was also illegal ... if these weren't a wake-up call, I don't know what was."

Malvo, a native of Jamaica, was convicted of taking part in 2002's sniper shootings in the Washington area and sentenced to life in prison last month.

"The fact is the proponents on the other side are very organized, when polls show 85 to 90 percent of Americans are concerned about illegals, but frankly they are disorganized, so we are going to hold a series of rallies to generate grass-roots support," Mr. McDonough said.

The first rally will be held Feb. 28 in Baltimore County.

The bills have received support from an assortment of about 15 Republicans, and the one calling for a ban on illegal immigrants possessing driver's licenses has attracted two Democrats, as well -- Delegates Emmett C. Burns Jr. of Baltimore County and Rosetta C. Parker of Prince George's County.

Mr. Burns, the House deputy majority whip, said he supports stricter immigration laws.

"We have enough people here already without opening the floodgates," he said. "We have aliens right here in America who are legal that can't find jobs. ... So why would we want to do more for people that are undocumented than for people that already here? I have a big problem with that."

Delegate Herbert H. McMillan, Anne Arundel County Republican, said the state needs to tighten control of licenses because "driver's licenses become the de facto national identification card."

"It simply does not make sense from a national security standpoint to give a person who is by definition an undocumented alien an identity document," Mr. McMillan said. "And the other aspect of that is it is unfair to legal immigrants, people who have worked hard and played by our rules, to allow illegal immigrants to go to the head of the line."

Delegate Steven J. DeBoy Sr., Baltimore County Democrat, said he is considering co-sponsoring the bill that would allow authorities to seize vehicles driven by illegal aliens.

The legislation is named after the late Baltimore County Police Sgt. Mark Parry, who was killed by an illegal Peruvian immigrant who crashed into his patrol car two years ago.

"We are trying to prevent this tragedy from happening to anybody else," Mr. DeBoy said. "Public safety has to be paramount."

It is not known how many illegal immigrants reside in Maryland. According to the 2000 U.S. Census, about 337,000 Maryland residents -- or 6 percent of the state's population -- are not U.S. citizens.

•This article is based in part on wire service reports.



KANSAS

JANET SCHALANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

SOCIAL AND REHABILITATION SERVICES

January 23, 2004

The Honorable John Vratil
Chairman, Senate Judiciary Committee
300 SW 10th Avenue, Room 255-E
Topeka, KS 66612-1504

COPY

RE: Substitute H.B. 2039, driver's licenses

Dear Senator Vratil:

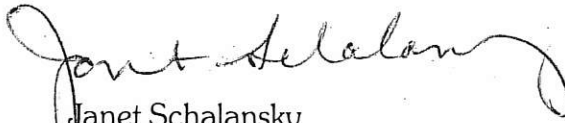
I am writing to bring to your attention Section 7 of Sub. H.B. 2039, a bill concerned with temporary driver's licenses for illegal aliens. Section 7, as it is currently worded, would amend K.S.A. 8-240 in a manner inconsistent with the final text of last year's S.B. 16, effectively repealing the changes that were made during the 2003 Session.

The 2003 amendments to K.S.A. 8-240 were enacted, in part, to prevent federal sanctions totaling \$38 million against the Kansas Child Support Enforcement Program. The essential language is found in subsection (b) of the statute, where applicants are required to provide their social security numbers on their applications.

SRS is neutral on the substance of Sub. H.B. 2039. However, if the Senate Judiciary committee takes final action on this bill, it is essential that section 7 be amended so that any new changes will be made to K.S.A. 8-240 as it exists today.

Thank you for allowing me to bring this concern to your attention.

Sincerely,


Janet Schalansky
Secretary

JS:JLC

cc: Senator Barbara Allen
Michael O'Neal, Chairman, House Judiciary Committee
Carmen Alldritt, Director of Vehicles, Department of Revenue

DOCKING STATE OFFICE BUILDING, 915 SW HARRISON ST., ROOM 603-N, TC

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Senate Judiciary

Attachment 1-27-04 19



COMMISSIONER
WAGE AND INVESTMENT DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
ATLANTA, GA 30308

AUG 8 2003

RECEIVED

AUG 11 2003

DIRECTOR OF VEHICLES

Shiela Walker, Director
Kansas Division of Motor Vehicles
Docking State Office
915 SW Harrison Street #162
Topeka, Kansas 66626

Dear Director Walker:

Several state government motor vehicle departments are accepting IRS-issued Individual Taxpayer Identification Numbers (ITINs) as proof of identification for state driver's licenses, prompting us to issue this reminder -- *ITINs are not valid for identification outside the tax system.*

The Internal Revenue Service issues ITINs for the sole purpose of enabling individuals who do not qualify for Social Security numbers to meet their tax filing responsibilities. Therefore, we do not subject ITIN applicants to the same rigorous document verification standards as Social Security number or visa/passport applicants.

Although we require ITIN applicants to provide proof of identity documents, we accept these documents at face value without validating their authenticity with issuing agencies or conducting applicant background investigations. We do not require applicants to appear in person, and third parties may submit applications and provide documentation on behalf of others. Also, since we issue ITINs for tax filing purposes only, we do not verify applicants' legal presence in the U.S. — the tax code classifies aliens based on their physical presence (resident or non-resident), not their legal status in this country.

Unlike Social Security numbers, ITINs do not:

- Authorize an individual to work in the U.S.;
- Endorse an individual's legal status in this country; or
- Entitle an individual to Social Security benefits or the Earned Income Tax Credit.

If your state is considering legislation to accept ITINs as proof of identity for driver's licenses, please alert your legislators to potential security risks. State-issued photo identification provides unrestricted access to most U.S. air and ground transportation systems and entry to public buildings.

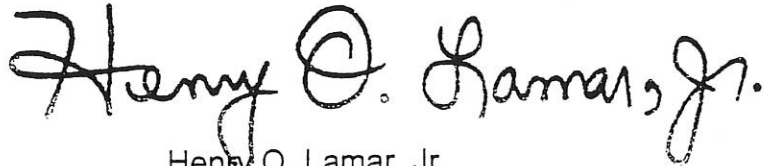
If your state currently accepts ITINs as proof of identity for driver's licenses, please alert your staffs that IRS issues ITINs for tax purposes only. Please do not direct driver's license applicants to us for ITINs; we do not issue the numbers for non-tax reasons.

Senate Judiciary

1-27-04
Attachment 20

Thank you for your help and support. For additional information about ITINs, visit our website at <http://www.irs.gov/individuals/article/0,,id=96287,00.html> or direct questions to Anita Hill at (904) 665-1158, Bonnie Harrison at (859) 669-5538, or e-mail to itinprojectoffice@irs.gov.

Sincerely,

A handwritten signature in black ink that reads "Henry O. Lamar, Jr." The signature is written in a cursive style with a large, prominent "H" and "L".

Henry O. Lamar, Jr.

cc: Governor Kathleen Sebelius