

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 24, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Melissa Doeblin, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Joan Wagnon, Secretary of Revenue  
Carmen Alldritt, Kansas Division of Vehicles

Others attending:

See attached list.

Carmen Alldritt, Director Kansas Division of Vehicles, provided an update on drivers' licenses and identification cards. (Attachment 1) After SB 9 passed, there was a statewide decrease in non-resident applicants for Kansas drivers license. SB 9 benefits are:

- Proof of age and proof of identity; applicant's address of principal residence and social security number, or; proof of lawful presence if applicant does not have a social security number
- Retention of fraudulent documents; by retaining suspected fraudulent documents, we are able to prevent possible identity theft each time, but the document themselves are no longer available to other potential criminals
- Temporary DL's and ID cards; lawful non-immigrants to the US are issued licenses and ID's only for the time they are authorized to be in the US, and helps to identify those applicants that may over stay their authorized time in the US; 1800 have been issued.
- Surrender out of state DL's and ID's when obtaining Kansas documents; the principal of "one driver, one record" is more reliable. State residency is more easily established and fraudulent practices such as obtaining social services in multiple state may be prevented.
- Comparing facial image, the capability to compare existing facial images helps prevent fraudulent activity, and have routinely detected records with different facial images but the same name, or different names with the same image.
- Fingerprinting; all new hires have been fingerprinted and will be going through document security training; the document security training was provided in the fall to all KDOR and county employees.
- Not valid without photo licenses; this will clean up records by putting photos with records, usually has to do with people in the service.

The question was raised about cutting down on people getting licenses for a good reason; have we inadvertently caused an increase in uninsured and untrackable motorists. Secretary Wagnon stated that it would be a mistake for the legislature to think that problem would not occur.

Time line for REAL ID implementation, security upgrades - phase I, is by December 31, 2009. That includes states verify lawful status with DHS to prevent illegal aliens from obtaining REAL IDs, check social security numbers electronically with the Social Security Administration, ensure that an applicant does not have licenses in multiple identities, conduct background checks for DMV/contractor employees to ensure licenses are not issued by corrupt insiders.

Phase II, by May 11, 2011, states verify electronically all documents with the issuing source to ensure records exist and are accurate, confirm tamper-resistant features of REAL ID licenses, record in DMV databases the full name established by the required identity documents, commence issuing REAL IDs (if not sooner).

Enrollment age 50 and under by December 1, 2014, all license holders born on or after December 1, 1964, who want a REAL ID compliant license have on by December 1, 2014. Enrollment over age 50 by December 1, 2017, all license holders, regardless of age, who want a REAL ID compliant license have one by December 1, 2017.

## CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on January 24, 2008 in Room 526-S of the Capitol.

Gaps for Kansas to become REAL ID compliant:

- Photo First - by 12/31/09 implement new procedures for capturing the photo of all applicants, even if the DL or ID will not be issued
- Document verification with various data bases by 12/31/09 - verify an applicant's lawful presence status through the SAVE system, birth certificates through EWE, US Passports through CLASS, other state issued DLs through DRIVERS
- New enhances/next generation driver licences that deters fraud and prevents tampering by 5/11/2011
- Ability to retain (image)the documents presented by the applicant when applying for a driver's license by 12/31/09
- Ongoing review and update of our security plan, annually after 12/31/09
- Ongoing training for our employees on fraud detection
- Background checks on all employees including county treasurers, drivers license examiners and others

A copy of the request for an extension to Homeland Security was provided. Discussed also was the recent disasters in Kansas and the ability to get duplicate copies of drivers' licenses and automobile titles. The committee requested a cost estimate with complying with the REAL ID requirements and cost associated for the photo fee.

### **Final Action:**

#### **SB 410 -Technical changes regarding Kansas juvenile correctional complex**

Staff provided a balloon to the bill. (Attachment 2) Adding new language to line 42 page 4 (a), and adding new wording on page 5. The committee amended the balloon. The revisor shall draft the language for the bill (Attachment 3). Page 5 adding that nothing in this section shall be construed as prohibiting the appointment of a person to serve as the superintendent or deputy superintendent at more that one institution.

Senator Brownlee moved to adopt the amended balloon. Senator Reitz seconded the motion. The motion carried.

Senator Brownlee moved to pass SB 410 out favorably as amended. Senator Reitz seconded the motion. The motion carried.

The meeting was adjourned at 11:22 am. The next scheduled meeting is January 29,2008.



## Beneficial Effects of Senate Bill 9

January 2008

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

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

- **Retention of fraudulent documents**

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

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

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

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

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

- **Comparing facial image**

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

- **Fingerprinting**

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

- **Not valid without photo licenses**

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

Sen Fed & State

Attachment 1

1-24-08

# Timeline for REAL ID Implementation

## Security Upgrades - Phase I (By Dec 31, 2009)

### States will:

- **Verify** lawful status with DHS to prevent illegal aliens from obtaining REAL IDs
- **Check** Social Security number electronically with the Social Security Administration, so that no one else can claim your identity
- **Ensure** that an applicant does not have licenses in multiple identities
- **Conduct** background checks for DMV/contractor employees to ensure licenses are not issued by corrupt insiders

## Security Upgrades - Phase II (By May 11, 2011)

### States will:

- **Verify** electronically all identity documents with the issuing source to ensure records exist and are accurate
- **Confirm** tamper-resistant features of REAL ID licenses
- **Record** in DMV databases the full name established by the required identity documents
- **Commence** issuing REAL IDs (if not sooner)

## Enrollment - Age 50 and Under (By Dec 1, 2014)

- All license holders born on or after December 1, 1964 who want a REAL ID-compliant license have one by December 1, 2014

## Enrollment - Over Age 50 (By Dec 1, 2017)

- All license holders -- regardless of age -- who want a REAL ID-compliant license have one by December 1, 2017



Homeland  
Security

***REAL ID Improves Our Security***



# Homeland Security

Ms. Carmen Alldritt  
Director  
Kansas Division of Vehicles  
Docking State Office Building  
915 SW Harrison Street  
Topeka, KS 66612-1588

JAN 18 2008

Dear Director Alldritt:

Thank you and the State of Kansas for your continued commitment to improve Kansas' drivers' license and identification issuance processes. These new processes will lead to improved identification security. We received your January 17, 2008 request for an extension of the May 11, 2008 deadline for compliance with the REAL ID Act and implementing regulations.

This document serves as your official notification that the Department of Homeland Security has granted your request for an extension of the compliance date until December 31, 2009. If you have questions or require additional assistance, please contact Mr. Darrell Williams at ([darrell.williams1@dhs.gov](mailto:darrell.williams1@dhs.gov)) or (202) 447-3836.

Sincerely,

A handwritten signature in black ink that reads "Richard C. Barth". The signature is stylized and cursive.

Richard C. Barth, Ph.D.

Assistant Secretary for Policy Development

## **Gap for Kansas to become Real ID Compliant**

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

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Session of 2008

## SENATE BILL No. 410

By Joint Committee on Corrections and Juvenile Justice Oversight

1-10

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9 AN ACT concerning juvenile corrections; amending K.S.A. 76-2101, 76-  
10 2125 and 76-2128 and K.S.A. 2007 Supp. 38-2302, 76-2101a, 76-3201  
11 and 76-3202 and repealing the existing sections; also repealing K.S.A.  
12 76-2111.

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2007 Supp. 38-2302 is hereby amended to read as  
16 follows: 38-2302. As used in this code, unless the context otherwise  
17 requires:

18 (a) "Commissioner" means the commissioner of juvenile justice.

19 (b) "Conditional release" means release from a term of commitment  
20 in a juvenile correctional facility for an aftercare term pursuant to K.S.A.  
21 2007 Supp. 38-2369, and amendments thereto, under conditions estab-  
22 lished by the commissioner.

23 (c) "Court-appointed special advocate" means a responsible adult,  
24 other than an attorney appointed pursuant to K.S.A. 2007 Supp. 38-2306,  
25 and amendments thereto, who is appointed by the court to represent the  
26 best interests of a child, as provided in K.S.A. 2007 Supp. 38-2307, and  
27 amendments thereto, in a proceeding pursuant to this code.

28 (d) "Educational institution" means all schools at the elementary and  
29 secondary levels.

30 (e) "Educator" means any administrator, teacher or other profes-  
31 sional or paraprofessional employee of an educational institution who has  
32 exposure to a pupil specified in subsections (a)(1) through (5) of K.S.A.  
33 72-89b03, and amendments thereto.

34 (f) "Institution" means the following institutions: the Atchison juve-  
35 nile correctional facility, the Beloit juvenile correctional facility, the Lar-  
36 ned juvenile correctional facility, ~~the Topeka juvenile correctional facility~~  
37 and the Kansas juvenile correctional complex.

38 (g) "Investigator" means an employee of the juvenile justice authority  
39 assigned by the commissioner with the responsibility for investigations  
40 concerning employees at the juvenile correctional facilities and juveniles  
41 in the custody of the commissioner at a juvenile correctional facility.

42 (h) "Jail" means: (1) An adult jail or lockup; or

43 (2) a facility in the same building as an adult jail or lockup, unless the



1 facility meets all applicable licensure requirements under law and there  
2 is: (A) Total separation of the juvenile and adult facility spatial areas such  
3 that there could be no haphazard or accidental contact between juvenile  
4 and adult residents in the respective facilities; (B) total separation in all  
5 juvenile and adult program activities within the facilities, including rec-  
6 reation, education, counseling, health care, dining, sleeping and general  
7 living activities; and (C) separate juvenile and adult staff, including man-  
8 agement, security staff and direct care staff such as recreational, educa-  
9 tional and counseling.

10 (i) "Juvenile" means a person to whom one or more of the following  
11 applies, the person: (1) Is 10 or more years of age but less than 18 years  
12 of age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated  
13 as a juvenile offender and continues to be subject to the jurisdiction of  
14 the court.

15 (j) "Juvenile correctional facility" means a facility operated by the  
16 commissioner for the commitment of juvenile offenders.

17 (k) "Juvenile corrections officer" means a certified employee of the  
18 juvenile justice authority working at a juvenile correctional facility as-  
19 signed by the commissioner with responsibility for maintaining custody,  
20 security and control of juveniles in the custody of the commissioner at a  
21 juvenile correctional facility.

22 (l) "Juvenile detention facility" means a public or private facility li-  
23 censed pursuant to article 5 of chapter 65 of the Kansas Statutes Anno-  
24 tated, and amendments thereto, which is used for the lawful custody of  
25 alleged or adjudicated juvenile offenders.

26 (m) "Juvenile intake and assessment worker" means a responsible  
27 adult authorized to perform intake and assessment services as part of the  
28 intake and assessment system established pursuant to K.S.A. 75-7023, and  
29 amendments thereto.

30 (n) "Juvenile offender" means a person who commits an offense  
31 while 10 or more years of age but less than 18 years of age which if  
32 committed by an adult would constitute the commission of a felony or  
33 misdemeanor as defined by K.S.A. 21-3105, and amendments thereto, or  
34 who violates the provisions of K.S.A. 21-4204a or 41-727 or subsection  
35 (j) of K.S.A. 74-8810, and amendments thereto, but does not include: (1)  
36 A person 14 or more years of age who commits a traffic offense, as defined  
37 in subsection (d) of K.S.A. 8-2117, and amendments thereto;

38 (2) a person 16 years of age or over who commits an offense defined  
39 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

40 (3) a person under 18 years of age who previously has been:

41 (A) Convicted as an adult under the Kansas criminal code;

42 (B) sentenced as an adult under the Kansas criminal code following  
43 termination of status as an extended jurisdiction juvenile pursuant to

1 K.S.A. 2007 Supp. 38-2364, and amendments thereto; or

2 (C) convicted or sentenced as an adult in another state or foreign  
3 jurisdiction under substantially similar procedures described in K.S.A.  
4 2007 Supp. 38-2347, and amendments thereto, or because of attaining  
5 the age of majority designated in that state or jurisdiction.

6 (o) "Law enforcement officer" means any person who by virtue of  
7 that person's office or public employment is vested by law with a duty to  
8 maintain public order or to make arrests for crimes, whether that duty  
9 extends to all crimes or is limited to specific crimes.

10 (p) "Parent" when used in relation to a juvenile, includes a guardian  
11 and every person who is, by law, liable to maintain, care for or support  
12 the juvenile.

13 (q) "Risk assessment tool" means an instrument administered to ju-  
14 veniles which delivers a score, or group of scores, describing, but not  
15 limited to describing, the juvenile's potential risk to the community.

16 (r) "Sanctions house" means a facility which is operated or structured  
17 so as to ensure that all entrances and exits from the facility are under the  
18 exclusive control of the staff of the facility, whether or not the person  
19 being detained has freedom of movement within the perimeters of the  
20 facility, or which relies on locked rooms and buildings, fences or physical  
21 restraint in order to control the behavior of its residents. Upon an order  
22 from the court, a licensed juvenile detention facility may serve as a sanc-  
23 tions house.

24 (s) "Warrant" means a written order by a judge of the court directed  
25 to any law enforcement officer commanding the officer to take into cus-  
26 tody the juvenile named or described therein.

27 (t) "Youth residential facility" means any home, foster home or struc-  
28 ture which provides 24-hour-a-day care for juveniles and which is licensed  
29 pursuant to article 5 of chapter 65 or article 70 of chapter 75 of the Kansas  
30 Statutes Annotated, and amendments thereto.

31 Sec. 2. K.S.A. 76-2101 is hereby amended to read as follows: 76-  
32 2101. ~~(a) The name of the youth center at Topeka is hereby changed to~~  
33 ~~the Topeka juvenile correctional facility is hereby changed to the Kansas~~  
34 ~~juvenile correctional complex. On and after July 1, 1997~~ 2008, any ref-  
35 erence in the laws of this state to the state industrial school for boys or,  
36 the youth center at Topeka or the Topeka juvenile correctional facility,  
37 or words of like effect, in any statute, contract or other document, shall  
38 be construed as referring to the Topeka juvenile correctional facility Kan-  
39 sas juvenile correctional complex.

40 ~~(b) The commissioner of juvenile justice shall have the management~~  
41 ~~and control of the Topeka juvenile correctional facility.~~

42 Sec. 3. K.S.A. 2007 Supp. 76-2101a is hereby amended to read as  
43 follows: 76-2101a. ~~(a) The superintendent of the Topeka juvenile correc-~~

1 tional facility shall remit all moneys received by or for the superintendent  
 2 from charges and other operations of such institution to the state treasurer  
 3 in accordance with the provisions of K.S.A. 75-4215, and amendments  
 4 thereto. Upon receipt of each such remittance, the state treasurer shall  
 5 deposit the entire amount in the state treasury to the credit of the Topeka  
 6 juvenile correctional facility fee fund. All expenditures from such fund  
 7 shall be made in accordance with appropriation acts upon warrants of the  
 8 director of account and reports issued pursuant to vouchers approved by  
 9 such superintendent or by a person or persons designated by the  
 10 superintendent.

11 —(b) The superintendent of the Atchison juvenile correctional facility  
 12 shall remit all moneys received by or for the superintendent from charges  
 13 and other operations of such institution to the state treasurer in accord-  
 14 ance with the provisions of K.S.A. 75-4215, and amendments thereto.  
 15 Upon receipt of each such remittance, the state treasurer shall deposit  
 16 the entire amount in the state treasury to the credit of the Atchison ju-  
 17 venile correctional facility fee fund. All expenditures from such fund shall  
 18 be made in accordance with appropriation acts upon warrants of the di-  
 19 rector of accounts and reports issued pursuant to vouchers approved by  
 20 such superintendent or by a person or persons designated by the  
 21 superintendent.

22 Sec. 4. K.S.A. 76-2125 is hereby amended to read as follows: 76-  
 23 2125. After conveyance of the legal title to the state of Kansas, the control  
 24 of such lands shall be vested in the secretary of social and rehabilitation  
 25 services for the use and benefit of the youth center at Topeka. On and  
 26 after July 1, 1997, the control of such lands shall be vested in the com-  
 27 missioner of juvenile justice for the use and benefit of the Topeka juvenile  
 28 correctional facility. *On and after July 1, 2008, the control of such land*  
 29 *shall be vested in the commissioner of juvenile justice for the use and*  
 30 *benefit of the Kansas juvenile correctional complex.*

31 Sec. 5. K.S.A. 76-2128 is hereby amended to read as follows: 76-  
 32 2128. When the state of Kansas has acquired title to such real estate as  
 33 hereinbefore provided such real estate shall be for the use of the ~~Topeka~~  
 34 ~~juvenile correctional facility~~ *Kansas juvenile correctional complex* until  
 35 other use is directed or disposition is made by the legislature.

36 Sec. 6. K.S.A. 2007 Supp. 76-3201 is hereby amended to read as  
 37 follows: 76-3201. ~~On and after July 1, 1997, The commissioner shall ap-~~  
 38 ~~point the superintendents of the Atchison juvenile correctional facility,~~  
 39 ~~the Beloit juvenile correctional facility, the Topeka juvenile correctional~~  
 40 ~~facility and the Larned juvenile correctional facility. On and after July 1,~~  
 41 ~~2003, the commissioner shall appoint the superintendent of and the Kan-~~  
 42 ~~sas juvenile correctional complex.~~ Superintendents shall be in the un-  
 43 classified service under the Kansas civil service act. A superintendent may

(a) The commissioner may appoint a superintendent at each institution.

1 be removed at any time by the commissioner. Each superintendent shall  
 2 receive an annual salary fixed by the commissioner, with the approval of  
 3 the governor. The commissioner may appoint an acting superintendent  
 4 for any institution which has a superintendent to serve temporarily until  
 5 a vacancy is filled. Acting superintendents shall have the same powers,  
 6 duties and functions as superintendents.

7 Sec. 7. K.S.A. 2007 Supp. 76-3202 is hereby amended to read as  
 8 follows: 76-3202. (a) Employees of each institution shall be appointed by  
 9 the superintendent or director of the institution. All employees so ap-  
 10 pointed shall be in the classified service under the Kansas civil service  
 11 act, except as provided in subsection (b) and physicians who shall be in  
 12 the unclassified service under the Kansas civil service act and as provided  
 13 in K.S.A. 75-2935, and amendments thereto, or any other statute.

14 ~~(b) The superintendent of the Topoka juvenile correctional facility~~  
 15 ~~may appoint a deputy superintendent and an attorney for such facility.~~  
 16 ~~Such deputy and attorney shall be in the unclassified service under the~~  
 17 ~~Kansas civil service act and as provided in K.S.A. 75-2935, and amend-~~  
 18 ~~ments thereto.~~

19 Sec. 8. K.S.A. 76-2101, 76-2111, 76-2125 and 76-2128 and K.S.A.  
 20 2007 Supp. 38-2302, 76-2101a, 76-3201 and 76-3202 are hereby repealed.

21 Sec. 9. This act shall take effect and be in force from and after its  
 22 publication in the statute book.

If a vacancy occurs in the position of superintendent or  
 deputing superintendent, the

Nothing in this subsection shall be construed as prohibiting the  
 appointment of a person to serve as the superintendent of more  
 than one institution.

(b) The commissioner may appoint a deputy superintendent for  
 an institution. Such deputy shall be in the unclassified service  
 under the Kansas civil service act and as provided in K.S.A.  
 75-2935, and amendments thereto.

Kansas register

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Federal and State Affairs** recommends **SB 410** be amended on page 4, in line 37, by striking "shall ap-"; by striking all in lines 38 through 41; in line 42, by striking all preceding "shall" and inserting "may appoint a superintendent and deputy superintendent at each institution. Superintendents and deputy superintendents"; in line 43, preceding "may" by inserting "or a deputy superintendent";

On page 5, in line 1, preceding "shall" by inserting "and deputy superintendent"; in line 3, by striking "The" and inserting "If a vacancy occurs in the position of superintendent or deputy superintendent, the"; in line 4, preceding "to" by inserting "or deputy superintendent"; in line 6, following the period, by inserting "Acting deputy superintendents shall have the same powers, duties and functions as deputy superintendents.

Nothing in this section shall be construed as prohibiting the appointment of a person to serve as the superintendent or deputy superintendent at more than one institution.";

Also on page 5, in line 8, by striking "(a)"; in line 11, by striking "as provided in subsection (b) and"; by striking all in lines 14 through 18; in line 22, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

CRS410t1

- 2 -

\_\_\_\_\_Chairperson