

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 3:30 a.m. on January 17, 2007 in Memorial Hall.

All members were present except:

- Senator James Barnett- excused
- Senator Karin Brownlee- excused
- Senator Anthony Hensley- excused

Committee staff present:

- Kathie Sparks, Kansas Legislative Research Department
- Dennis Hodgins, Kansas Legislative Research Department
- Ken Wilke, Revisor of Statutes Office
- Connie Burns, Committee Assistant

Conferees appearing before the committee:

- Sheri Steisel, NCSL
- Molly Ramsdell, NCSL

Others attending:

See attached list.

National Conference of State Legislature presentations on Immigration.

Sheri Steisel, Federal Affairs Counsel, Senior Director, Human Services Committee, presented on "How States and the Federal Government are Addressing Immigration Reform." ([Attachment 1](#)) Immigration related State Legislation:

- 1997 202 bills (50 enacted; 9 vetoed)
- 1998 136 bills (22 enacted; 3 vetoed)
- 1999-2004 (50-100 range)
- 2005 300 bills (38 enacted; 6 vetoed)
- 2006 Enacted focus - employment, human trafficking, congressional resolutions, public benefits, law enforcement
- Expect more for 2007

The 1997 State Legislation there were 202 bills introduced:

- 82 public assistance
- 55 health
- 35 nutrition
- 202 naturalization assistance
- 50 were enacted and 9 vetoed

The 1998 State legislation 136 bills were introduced:

- 54 public assistance
- 29 health
- 12 nutrition
- 17 naturalization
- 22 were enacted and 3 vetoed

2005 State Legislation the interest in immigration issues spiked:

- 300 bills were introduced, 46 passed legislature
- 39 bills enacted in 25 states; 6 bills vetoed; 2 required no gubernatorial action
- Topics: benefits 5, education 3, employment 5, trafficking 9, ID's 9 (2 vetoed), law enforcement 3 (2 vetoed)

2006 State Legislation the interest in immigration issued exploded:

- 570 bills were introduced, at least 90 passed legislature, doubling over 2005
- 84 bills enacted in 32 states; 6 bills vetoed
- Topics: broad range similar to 2005; highest attention to employment and human trafficking.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 3:30 a.m. on January 17, 2007 in MEMORIAL HALL

The Georgia Security and Immigration Compliance Act - GA SB 529 which covered employment, enforcement, and benefits.

Employment:

- Requires public employers and subcontractors to participate in a federal work authorization program for all new employees beginning July 1, 2007
- denies certain deductible business expenses unless workers have been authorized, beginning in 2008
- requires 6% income tax withholding for those who fail to provide a correct taxpayer identification

Enforcement:

- Increases penalties for human trafficking
- Authorizes MOU with DHS regarding enforcement of federal immigration and customs laws
- Requires immigration status check for persons charged with a felon or drunk driving and confined to jail

Benefits:

- Requires standards for non-licensed attorneys providing immigration services
- Requires state agencies to verify lawful presence for public benefits.

Exempts:

children under 18, emergency assistance, immunizations, treatment for communicable disease, prenatal care, and post secondary education

Colorado had a package of 12 laws following the Georgia model of employment, enforcement, and benefits. Ten were enacted and two placed on ballot. In addition to the Georgia model Colorado added to pursue reimbursement from the feds for costs of illegal immigration and makes voting without proper authorization a felony.

Thirty-eight states introduced 107 bills on work-site enforcement, and 14 states enacted legislation that require work authorization and denying state contracts/licenses/tax deductions by not complying and added fines.

In 1986, the Immigration Reform and Control Act (IRCA) prohibited the employment of unauthorized workers; the law also states “the provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens”

Employee Verification: Basic Pilot Program has four goals: effective, nondiscriminatory, protective of privacy, and non-burdensome. The advantages are easier than I-9 system, and employers feel more confident with results. The disadvantages are that the results are inaccurate 10% of the time and fewer than 1% of employers use the voluntary program.

Both state and federal government have trafficking laws; the federal government declared human trafficking a federal crime with the Trafficking Victims Protection Act 2000 and created a Task-force in 2002. The state government, Washington State in 2003 passed the first law that made trafficking a felony and created a task-force. By 2006, 21 states have enacted trafficking legislation.

Molly Ramsdell, Senior Committee Director, Budgets and Revenues, presented on The Real ID Act of 2005, Real Issues....Real Costs. ([Attachment 2](#))

History of the Real ID:

The Intelligence Reform and Terrorism Prevention Act of 2004 was enacted December 17, 2004 (P.L. 108-458) was implemented as part of the 9/11 Commission recommendations and established a negotiated rule making process for DIs/IDs. The Real ID Act of 2005 was enacted May 11, 2005.(P.L. 109-13) was added to an emergency supplemental spending bill. It terminated negotiated rule making and established prescriptive standards for DIs/IDs. The Real ID law requires states to adopt new federal standards for DIs/IDs by May 11, 2008, or the federal government will not recognize a state’s DIs/IDs for federal purposes. This includes:

- Boarding a commercial aircraft
- Entering federal buildings
- Entering nuclear power plants
- Any other purposes that the Secretary determines (this item can be an issue for concern)

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 3:30 a.m. on January 17, 2007 in MEMORIAL HALL

- Establishes prescriptive requirements DL/ID card design
- Subject all persons who manufacture DL/IDs to appropriate security clearance requirements
- Ensure the physical security of locations where DLs/IDs are produced and the security of document materials and papers from which the DLs/IDs are produced
- Subject each person applying for a driver's license or identification card to a mandatory facial capture (digital)
- Provide all other states electronic access to information contained in the motor vehicle database, including information on violations, suspensions and points on license
- Capture digital images of identity source documents and retain them in electronic storage in a transferable format
 - Retain paper copies of source documents for 7 years or images of source documents for 10 years.
- Issue non-conforming DLs/IDs if there are clear physical indicators that it cannot be used for a federal purpose
- Requires states to issue temporary licenses to certain categories of individuals
- Requires states to verify with the issuing agency the validity of all identification documents
 - This includes evidence of lawful status.

Evidence of Lawful Status is valid documentary evidence that the person

1. Is a citizen or national of the United States
 2. Is an alien lawfully admitted for permanent or temporary resident of the U.S.
 3. Has a conditional permanent resident status in the U.S.
 4. Has an approved application for asylum in the U.S. or has entered the U.S. in refugee status
 5. Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the U.S.
 6. Has a pending application for asylum in the United States
 7. Has a pending or approved application for temporary protected status in the U.S.
 8. Has approved deferred action status; or
 9. Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the U.S. or conditional permanent resident status in the U.S.
- (5 - 9 may only receive temporary DL/ID)

Real ID does not prevent states from issuing DLs/IDs to unauthorized immigrants and other individuals not meeting the requirements. Non-conforming license must:

- clearly states on its face that it may not be accepted by any Federal Agency for federal identification or any other official purpose; and
- uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose

NCSL Major Recommendation on the Real ID Act (Attachment 3)

General:

- Extend the compliance deadline
- Provide funds necessary for state to comply with Real ID
- Grant the secretary of Homeland Security the Flexibility to recognize innovation at the state level

Re-enrollment:

- Implement a 10 year, progressive re-enrollment schedule
- Allow reciprocity for persons already vetted by the federal government

Verification:

- Provide the federal electronic verification systems necessary to comply with the law
- Require states to employ verification systems only as they become available
- Adopt uniform naming conventions to facilitate electronic verification between files

DL/ID Design Requirements:

- Establish card security criteria based on performance - not technology

The meeting was adjourned at 5:00 pm. The next scheduled meeting is January 18, 2007.