

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

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

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

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

Conferees appearing before the committee:

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

Others attending: see attached list

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

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

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

Sub HB 2039 - Temporary resident driver's license

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

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

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

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

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

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

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

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

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

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

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

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

Jim DeHoff, Executive Secretary of the Kansas AFL CIO, appeared as the first opponent to this bill. He testified that the bill should have two items inserted, one being language that the state cannot be in violation of federal immigration laws. He explained that this provision was put into **Sub HB 2039** when **HB 2039** was changed to **Sub HB 2039** by the House. He said the second issue was not addressed in the House, and concerned language that should be added which states internal revenue service individual taxpayer numbers and social security numbers will be verified as correct with each federal agency. (Attachment 13)

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

Paul Degener testified in strong opposition to **Sub HB 2039**. He stated that it was an established fact that if persons from a foreign country enter this country without going through the proper procedures, they are considered to be illegal aliens, and have violated the established immigration laws of this country. He outlined several fiscal questions in his written testimony, and concluded by saying \$1.00 collected from each illegal applicant would not support the costs of such an ill-conceived program. (Attachment 14)

Dean Whitten, Wamego resident, spoke in opposition to this bill. He said that the granting of privilege to an illegal immigrant, and/or resident was a vote against the very judicial system originally designed to protect society as a whole. (Attachment 15)

Written testimony in opposition of **Sub HB 2039** was submitted by Ann E. Meritt, President and Founder of South Central Coalition of Americans Together, Haysville, Ks. (Attachment 16)

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