

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The joint meeting with the House Judiciary Committee was called to order by Chairman John Vratil at 3:30 p.m. on Tuesday, January 20, 2004, in Room 313-S of the Capitol.

All members were present.

### Committee staff present:

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

### Conferees appearing before the committee:

Ann Morse, Program Director, Immigrant Policy Project, National Conference of State Legislatures (NCSL)

### Others attending:

See Attached List.

Chairman Vratil introduced Ann Morse to give a presentation covering five issues: the new federal immigration reform proposals, the DREAM Act, drivers' licenses, language access, and an introduction to NCSL's refugee integration project. (Attachment 1)

Ms. Morse gave a brief review of foreign-born persons nationally and in Kansas. She provided the state-federal perspective on immigration and immigrants. She said there are 31 million foreign-born living in the United States, or 11% of the total population. According to Census 2000, the traditional high immigration states were, and remain, California, New York, Florida, Texas, New Jersey and Illinois. She stated the percent change in the foreign-born population, from 1990 to 2000, in Kansas was 115%. The population increased from 62,840 to 134,735, or from 2.5% of the state's population to 5%. Ms. Morse said that Kansas ranks 14<sup>th</sup> in the country for percent change in foreign-born population. More than 70 countries are represented in Kansas' foreign-born population. Her written testimony included statistics regarding immigrant children and findings from a study on immigrant workers by the Business Roundtable in Washington D.C.

Ms. Morse reviewed the NCSL's Immigrant Policy Project created in 1992 to share with the Committee the state and local role in immigration, what is known as "immigrant" policy, and the programs and policies that assist the integration of refugees and immigrants into the nation's civic, social, and economic life. She explained that the federal government maintains jurisdiction over immigration policy, i.e. who and how many may enter the U.S., the conditions of their stay, and eligibility for benefits. She said there was no more Immigration and Naturalization Service, having moved most of it from the Department of Justice to the new Department of Homeland Security effective March 1, 2003.

In regard to immigration reform, Ms. Morse stated that on January 7, 2004, President Bush revived a long-dormant proposal to reform U.S. immigration law. The President proposed a temporary worker program "to match willing foreign workers with willing U.S. employers when no Americans can be found to fill the jobs." The program would be open to unauthorized immigrants currently working in the U.S. and to new foreign workers. Ms. Morse added the program would include all sectors of employment. She outlined what the President's proposal includes and several other proposed congressional bills that have been introduced in the U.S. House and Senate to address undocumented workers.

Ms. Morse explained legislation introduced in Congress which would require states to enforce federal civil immigration law. At present, states and localities can arrest and detain illegal immigrants who violate criminal provisions of the Immigration and Naturalization Act, and who commit civil violations in limited circumstances. She said currently states may enter into voluntary partnerships with the U.S. Departments of Justice and Homeland Security, and the Clear Law Enforcement for criminal Alien Removal Act (a.k.a. as the CLEAR act). She clarified that the Homeland Security Enhancement Act, S. 1906, requires states to enact law granting police officers the authority to enforce federal immigration law, and withholds federal funds for noncompliance. She said that in December, 2003, NCSL adopted new policy opposing any federal legislation that shifts federal enforcement costs to states, imposes

## CONTINUATION SHEET

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sanctions, provides inadequate training, preempts state statutes, or jeopardizes state and local law enforcement crime investigations.

Ms. Morse summarized some of the benefits currently pending for immigrants, including food stamps as a part of the 2002 farm bill, Medicaid and SCHIP Option, and education proposals. She briefly spoke about state driver's licenses, and related that most of the state debates on providing or restricting drivers' license to unauthorized immigrants have centered around three arguments: public safety, public security, and public perception. She said that Secretary Ridge in December stated that to keep the country safe, we must bring undocumented immigrants out of the shadows by offering them a path to legal status; which goes back to immigration reform. She stated the federal government needed to get its house in order, reducing backlogs in green card, citizenship, and other visa applications, improving processing times, and enacting legislation to legalize those with long-term connections to the U.S., and deporting those who have criminal violations.

Ms. Morse provided an overview of legislation across states relating to immigrants and drivers licenses. More than 100 bills were introduced in state legislatures in 2003. Seventeen (17) became law. Four (4) states required driver's license applicants to register with selective service; 26 states have lawful presence requirements in the law and 11 states do not; 14 states reconsidered lawful presence in 2003; and 10 states considered accepting a consular ID as proof of identity. Ms. Morse stated that the big challenge for state Motor Vehicle Departments is that the federal government issues more than 60 valid immigration documents to prove legal resident status; and the federal government still maintains multiple data bases for verifying immigration status, criminal background terrorist watch lists, etc.

Ms. Morse spoke briefly on language access and explained Title IV of the Civil Rights Act of 1964 which states that no person shall be denied benefits of any program receiving federal financial assistance on the grounds of race, color or national origin. She gave examples of language problems with immigrants which caused very serious health consequences.

In conclusion, Ms. Morse gave an overview of NCSL's refugee integration project, "Building the New American Community", as well as highlighting a forthcoming documentary called "The New Americans". She showed a brief preview of the documentary to be broadcast nationally by PBS on March 29, 30, and 31. She explained the Building the New American Community Project is an effort to foster and identify the elements of successful integration - to understand what it means, what works, what doesn't work, and why. It is a three year initiative in response to the increasing diversity of refugees and immigrants in the U.S., recent settlement patterns to "nontraditional" receiving communities, and the devolution of responsibilities for refugee and immigrant support services from federal to state government.

Elaine Shen and Kanwarpal Dhaliwal from Active Voice, a Division of American Documentary, Inc., assisted Ms. Morse in showing the brief preview of the documentary. Handouts included: Common Immigration Terms, Immigration Reform, In-state Tuition and Unauthorized Immigrant Students, Language access: State Health Notes article, and Building the New Americans Community - Project Summary. ([Attachment 2](#))

Following Ms. Morse's presentation, the members of both Judiciary Committees asked questions and had general discussion regarding the various issues and problems relating to immigration.

Chairman Vratil adjourned the meeting at 4:35 p.m. The next scheduled meeting is January 21, 2004.