

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:35 a.m. on February 18, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Barbara Allen
Paul Morrison, Johnson County District Attorney
Vicki Fisher, Senior Vice President, Metcalf Bank
Sheila Walker, Director of Vehicles
John Cowles, Johnson County Assistant District Attorney
Kevin Duncan, Detective, Overland Park Police Department
Mike Smith, Immigration and Naturalization Service (INS)
Robert Visnaw, Special Agent, INS
Chuck Stones, Kansas Bankers Association (KBA)

Others attending: see attached list

The minutes of the February 14th, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator Adkins. Carried.

SB 559—driver’s licenses and other identification cards; relating to application requirements; fees

Conferee Allen testified in support of **SB 559**, a bill she is sponsoring which strengthens the requirements for obtaining a driver’s license (DL) or nondriver’s identification card (ID) in Kansas. She discussed the bill’s provisions, referenced a chart which shows what each state requires for DL and ID card issuance and presented personal testimony as a recent victim of bank fraud.([attachment 1](#)) She further discussed a balloon amendment which specifies certain types of identifiers.([attachment 2](#))

Conferee Morrison testified in support of **SB 559**. He discussed the prevalence of identity theft in Kansas and the ease with which criminals can obtain an authentic Kansas DL, stating that Kansas is one of the most “lax” states in identification requirements for issuance of a DL or state ID card. He stated that this bill will be an effective step toward fraud prevention.([attachment 3](#))

Conferee Fisher testified in support of **SB 559**. She discussed how the lenient issuance of Kansas ID cards negatively affects the banking industry and it’s customers because these IDs are used fraudulently by criminals to procure funds from the bank. She stated that approximately 90% of the criminals use Kansas ID cards and about 10% use Kansas DLs.([attachment 4](#))

Conferee Walker testified in support of **SB 559**. She presented an overview of the bill and discussed several strategies for tighter ID security recommended by the American Association of Motor Vehicle Administrators (AAMVA) including the use of Social Security verification and a thumbprint or other biometric identifier.([attachment 5](#))

Conferee Cowles testified in support of **SB 559**. He discussed the accelerating problem of ID theft, the consequences to victims of ID theft, why ID thieves come to Kansas, and how this bill will deter crime.([attachment 6](#))

Conferee Duncan testified in support of **SB 559**. He stated there is a “dramatic” increase in the number of identity theft offenses in the past 3 years in Overland Park, Kansas and that most of these crimes involved the illegal use of Kansas ID cards. He discussed how this effects the financial stability of Kansas businesses and the safety of Kansas citizens and he urged passage of the bill.([attachment 7](#))

Conferee Smith testified in support of **SB 559**. He stated that 1600 foreign nationals were arrested and

prepared for removal from the US in 2001. Of that number 80% were illegally in this country and of that percentage, nearly half had valid Kansas ID documents. He stated that the current statutes are adequate with regard to acceptable documentation required to obtain Kansas ID cards or driving licenses but concluded there must be something wrong with the system. He cited other means available which may be used to verify ID's especially with regard to foreigners.(attachment 8)

Conferee Visnaw testified in support of **SB 559**. He discussed an investigation begun in June 2000 of illegal activities being conducted by certain foreign nationals near Salina, Kansas, the majority of whom had applied for and received Kansas DIs and stated that a current investigation found that nearly 200 undocumented aliens employed by a major restaurant chain had Kansas ID's prior to beginning employment. He stated that some further definition in the Kansas statutes might alleviate such problems.(attachment 9)

Conferee Stones testified in support of **SB 559**. He briefly discussed ID theft and check fraud and stated this bill will help reduce fraud crime.(attachment 10)

SB 486—concerning marriage; relating to the invalidity of common law marriages

Senator Umbarger reviewed the subcommittee report on **SB 486**, a bill which would "abrogate" common law marriage after June 30, 2002 declaring such marriages invalid, and also reviewed his purpose for introducing the bill.(attachment 11) Following discussion, Senator Umbarger moved to pass the bill out favorably. Senator Adkins seconded. Carried, with Senator Pugh requesting to be recorded as a nay vote.

The meeting adjourned at 10:33 a.m. The next scheduled meeting is February 19, 2002.