

**El Paso**  
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## **Bill on DPS driver license policy fizzles in House**

By Brandi Grissom

AUSTIN -- Judges, not legislators, are likely to end up deciding whether Texas can deny driver licenses to some legal immigrants and issue different-looking licenses to others, after a bill in the Texas House died Wednesday night.

State Rep. Tommy Merritt, R-Longview, sponsored a bill that would have codified controversial rules the Texas Department of Public Safety adopted in October.

The intent of the rules was to prevent undocumented immigrants from obtaining state identification.

But the DPS rules also prohibit legal immigrants whose visas expire in fewer than six months from receiving driver licenses.

The department also started printing "Temporary Visitor" on vertically oriented licenses for all non-U.S. citizens.

The rules sparked two lawsuits.

In one, a state district judge earlier this year agreed with the Mexican American Legal Defense and Educational Fund and ruled that the department had overstepped its authority by imposing the license rules without a mandate from lawmakers.

The department has appealed the judge's decision and is continuing to enforce its rules.

Merritt had hoped codifying the rules would end the legal fight, but he said groups such as MALDEF opposed the bill because it was in their best interest to let the case linger in court.

"They're making money off the courts," Merritt said.

Luis Figueroa, legislative attorney from MALDEF, said the organization makes no money off its court cases and does not charge clients for legal work.

The problem with Merritt's bill, he said, was that it would have prevented citizens and legal U.S. residents from obtaining driver licenses.

"The goal is making driver's licenses accessible," he said.

Figueroa said he was confident that appeals courts would rule against the state's driver license rule.

Merritt said legislative efforts to remedy the case were probably over for this session, which ends Monday.

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## Proof of citizenship bill dies in House

By Julian Aguilar

AUSTIN, May 27 – A proposed bill strongly decried by minority and civil rights advocates that would require applicants for new or renewed driver's licenses to furnish proof of citizenship or residency died in the Texas House on Wednesday.

Senate Bill 1785 by state Sen. John Carona would have hindered the ability of legal residents, minorities and the elderly from receiving driver's licenses or IDs, opponents allege.

The bill was knocked off the Local, Consent and Resolutions calendar after House Democrats used a "signature" rule to first move the bill to the end of the calendar. Five members who affirm with their signatures they oppose a bill may kick it back to the end of the calendar. If the bill is called up again and the signatures remain, the bill dies.

State Rep. Tommy Merritt, R-Longview, chair of the House Committee on Public Safety, sponsored the bill in the House. He urged committee members last week to vote the bill out for consideration on the House floor. The law, he said, would take the issue out of the courts and into the hands of the legislature, referring to a pending law suit filed against the Texas Department of Public Safety in January. Opponents, including state Rep. Lon Bumam, D-Fort Worth, said DPS clerks that earn a modest \$2,000 per month should not also be asked to enforce immigration laws, which some contend should be done at the federal level.

After the bill died Merritt appeared to have expected the outcome but said he thought the bill's opponents might not have known exactly what it did or what was already in the DPS database. An analysis of the bill reflects that out of the 22.6 million driver records in the current database, only about 317,000 unexpired records lack citizenship verification.

"We worked for months on this bill and in my opinion it was developed in a manner of fairness of the concerns of individuals that, maybe, would be affected

the greatest, with the greatest problems," he said. He said his bill changed the current law that requires foreign students to renew their IDs every year instead to every two, and would have removed some of the information currently contained in the magnetic strip on the back of the ID some people currently object to. DPS employees, he added, would go through additional training to help them better identify citizenship documents.

The lawsuit against DPS is pending in a Travis County District Court following a claim levied against the department by the Mexican American Legal Defense and Education Fund. MALDEF filed suit after DPS amended its policies last year and began denying driver's licenses to legal residents who furnished visas that expired in less than a year. DPS would also give legal non-citizens a vertical driver's license stamped "temporary visitor."

The temporary visitor stamp would have been removed if the bill had been adopted, added Merritt

In January MALDEF attorney Luis Figueroa explained that DPS and its governing body, the Public Safety Commission, exceeded their authority when they adopted the policy change without legislative authority. MALDEF prevailed temporarily when a judge granted a temporary injunction that halted the practice, but an appeal was filed by DPS, allowing it to proceed during the appeal.

"What has occurred is the individuals that are concerned about this piece of legislation would rather vent this out in the courts," said Merritt. "They are going to take their chance in the court case versus filing this legislation."

Despite the volatile political climate surrounding the issue, Merritt said that he and his committee, comprised of five Republicans and Democrats, worked endlessly to come to a compromise and praised all sides for their efforts.

"A turtle can't walk unless it sticks its neck out," he said. "And so it's about tak-

ing a risk, a political risk, to solve a problem."

Opponents of the proposed driver's license legislation say that the elderly, who may not have access to birth certificates or other proof-of-citizenship documents or minorities born by midwife would be adversely affected. Moreover, they contend, foreign students and the poor who can't afford the documents would also be adversely affected.

Lawmakers who want DPS to tighten the reins on who can get a driver's license or an ID tried to insert the language requiring proof of citizenship on the DPS sunset bill, which went before the House earlier this month. The language was withdrawn, however, after the bill author state Rep. Lois Kolkhorst, R-Brenham, acknowledged that a long and drawn out floor debate is not the best way to make laws.

Standing in opposition to the bill with MALDEF is the American Civil Liberties Union, the NAACP and the AARP.

Below is a list of the House Democrats that signed off in opposition to the bill:

Roberto Alonzo, Dallas  
Norma Chavez, El Paso  
Marisa Marquez, El Paso  
Armando "Mando" Martinez, Weslaco  
Yvonne Gonzalez Toureilles, Alice  
Roland Gutierrez, San Antonio  
Richard Peña Raymond, Laredo  
Armando Walle, Houston  
Diana Maldonado, Round Rock  
Yvonne Davis, Dallas  
Ismael "Kino" Flores, Palmview  
Ryan Guillen, Rio Grande City  
Solomon Ortiz, Jr., Corpus Christi  
Joe Farias, San Antonio  
Eddie Lucio III, San Benito  
Veronica Gonzales, McAllen  
Dora Olivo, Rosenberg  
Tara Rios Ybarra, South Padre Island  
Trey Martinez Fischer, San Antonio  
Elliott Naishtat, Austin  
Abel Herrero, Robstown