

2023 HOUSE TRANSPORTATION

HB 1493

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1493
1/26/2023

A bill relating to who may not receive an operator's license and relating to motor vehicle definition, nondriver photo identification cards, operator's license applications, and expiration of operator's licenses.
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Chairman D. Ruby opened the hearing at 10:32AM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Murphy, Timmons, Wagner, Weisz, Dakane.
Members absent: Representatives Koppelman and Dobervich.

Discussion Topics:

- Lawful licensing
- Lawful presence

Representative Heilman introduced the bill in support and proposed an amendment (#17019).

Brad Schaffer, Director of Drivers License Division with the North Dakota Department of Transportation, answered questions from the committee.

Additional written testimony:

Shari Rendall, Director of State and Local Engagement with the Federation for American Immigration Reform, testimony in support #16854.

Chairman Ruby closed the hearing at 11:06AM.

Mary Brucker, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HB 1493
2/3/2023

A bill relating to who may not receive an operator's license and relating to motor vehicle definitions, nondriver photo identification cards, operator's license applications, and expiration of operator's licenses.

Chairman D. Ruby opened the meeting at 10:08AM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Dakane, Dobervich. **Members absent:** Representative Weisz.

Discussion Topics:

- Lawfully present drivers licenses and ID cards
- Proposed amendment 23.1005.01001
- Committee vote

Representative Murphy moved a Do Not Pass.

Representative Wagner seconded the motion.

Representative Murphy withdrew his motion.

Representative Koppelman proposed an amendment 23.1005.01001 (#19252).

Representative Koppelman moved amendment 23.1005.01001.

Representative Murphy seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	N
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y

Representative Scott Wagner	Y
Representative Robin Weisz	AB

Motion carried 11-2-1

Representative Timmons moved a Do Pass as Amended.

Representative K. Anderson seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	N
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	N
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	N
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	AB

Motion carried 9-4-1

Representative Koppelman is the bill carrier.

Chairman D. Ruby adjourned at 10:39AM.

Mary Brucker, Committee Clerk

February 3, 2023

DR
181
2-3-2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1493

Page 9, line 3, remove "legally living in the United States"

Page 9, line 4, replace "according to federal immigration laws" with "lawful presence or lawfully present as defined under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]"

Page 9, line 5, remove "An immigration parolee:"

Page 9, line 6, remove "b."

Page 9, line 6, remove "whose removal"

Page 9, line 7, remove "has been deferred, stayed, or withheld"

Page 9, line 8, replace "c." with "b."

Page 9, line 8, remove "who has applied for asylum"

Page 9, line 9, remove "but not been granted asylum"

Page 20, line 6, remove the overstrike over the second comma

Page 20, remove the overstrike over lines 7 and 8

Page 20, line 9, remove the overstrike over "~~residence status in the United States~~"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1493: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1493 was placed on the Sixth order on the calendar.

Page 9, line 3, remove "legally living in the United States"

Page 9, line 4, replace "according to federal immigration laws" with "lawful presence or lawfully present as defined under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]"

Page 9, line 5, remove "An immigration parolee:"

Page 9, line 6, remove "b."

Page 9, line 6, remove "whose removal"

Page 9, line 7, remove "has been deferred, stayed, or withheld"

Page 9, line 8, replace "c." with "b."

Page 9, line 8, remove "who has applied for asylum"

Page 9, line 9, remove "but not been granted asylum"

Page 20, line 6, remove the overstrike over the second comma

Page 20, remove the overstrike over lines 7 and 8

Page 20, line 9, remove the overstrike over "~~residence status in the United States~~"

Renumber accordingly

2023 SENATE TRANSPORTATION

HB 1493

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1493
3/9/2023

Relating to who may not receive an operator's license, relating to motor vehicle definitions, nondriver photo identification cards, operator's license applications, and expiration of operator's licenses.

9:45 AM Chairman Clemens opened hearing.

Senators Present: **Clemens, Conley, Rummel, Paulson.**

Senators Absent: **Larsen**

Discussion Topics:

- Lawful presence
- Green card
- Illegal immigrants

9:45 AM Representative Heilman introduced bill. No written testimony.

9:54 AM Brad Schaffer, Director of Drivers License for ND, verbally testified neutrally.

9:56 AM Chairman Clemens adjourned hearing.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1493
3/16/2023

Relating to who may not receive an operator's license, relating to motor vehicle definitions, nondriver photo identification cards, operator's license applications, and expiration of operator's licenses.

4:10 PM Chairman Clemens opened hearing.

Senators Present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- Visas
- Immigrants
- Asylum
- Legal definition

4:11 PM Holly Triska-Daily, ND Refugee Coordinator, provided information verbally.

4:16 PM Sue Swanson, ND Citizen, provided information verbally.

Additional written testimony:

Senator Dean Rummel, #25628

4:53 PM Chairman Clemens closed the meeting.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1493
3/23/2023

Relating to who may not receive an operator's license, relating to motor vehicle definitions, nondriver photo identification cards, operator's license applications, and expiration of operator's licenses; and to declare an emergency.
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9:44 AM Chairman Clemens opened the meeting.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- Bill review
- Immigrant Driver's license process

Senator Rummel gave an update on the bill.

9:54 AM Chairman Clemens closed the meeting.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1493
3/30/2023

Relating to who may not receive an operator's license, relating to motor vehicle definitions, nondriver photo identification cards, operator's license applications, and expiration of operator's licenses.

9:04 AM Chairman Clemens opened hearing.

Senators Present: **Clemens, Conley, Rummel, Paulson, Larsen.**

Discussion Topics:

- Parole definition
- Workforce
- License process

9:04 AM Senator Roers introduced David Wood and Karen Tovar Serrano.

9:06 David Wood, Construction Executive in Fargo for Roers Construction, verbally provided testimony.

9:20 AM Karen Tovar Serrano, Immigrant, verbally provided information.

9:28 AM Ron Ness, ND Petroleum Council, testified verbally in opposition.

9:30 AM Holly Triska-Dally, State Refugee Coordinator for ND, verbally provided information.

9:44 AM Senator Roers reintroduced David Wood.

9:46 AM David Wood, Construction Executive in Fargo for Roers Construction, verbally provided additional testimony.

9:49 AM Brad Schaffer, Director of Driver License for NDDOT, verbally provided information.

9:55 AM Holly Triska-Dally, State Refugee Coordinator for ND, verbally provided additional information.

9:59 AM Andrea Pfennig, Greater ND Chamber, verbally provided additional.

10:02 AM Senator Conley moved a Do Not Pass
10:02 AM Senator Paulson Seconded.

Roll call vote.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

10:04 Senator Rummel will carry.

10:05 AM Chairman Clemens adjourned meeting.

Nathan Liesen, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1493, as engrossed: Transportation Committee (Sen. Clemens, Chairman)
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1493 was placed on the Fourteenth order on the calendar. This bill
affects workforce development.

TESTIMONY

HB 1493

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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest.



FEDERATION FOR AMERICAN IMMIGRATION REFORM

January 25, 2023

The Honorable Dan Ruby, Chairman
House Transportation Committee
North Dakota State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Bill to Prohibit Driver's Licenses to Those Not Lawfully Present

Dear Chairman Ruby and other distinguished members of the
Transportation Committee:

My name is Shari Rendall and I am the Director of State and Local Engagement at the Federation for American Immigration Reform (FAIR). FAIR is a non-profit, non-partisan organization of concerned individuals who believe that our immigration laws must be reformed to serve our nation's interests.

FAIR advocates for immigration policies that reduce the harmful impact of illegal immigration on national security, public safety, the economy, jobs, education, healthcare and the environment.

Founded in 1979, FAIR has three million members and supporters nationwide including 1330 in North Dakota. On behalf of our members and supporters, I am writing to express FAIR's support for House Bill (HB) 1493 that prohibits driver's licenses to those who are not lawfully present in the United States.

If enacted, HB 1493 will prohibit the issuance of a driver's license to any individual who cannot provide documentation that he/she is lawfully present in the United States. Moreover, this legislation will ensure that once authorization to remain in the United States ends, the license will expire. This bill is good public policy and supports the purposes and objectives of federal immigration law.

Federal law clearly states under what circumstances a person may lawfully reside in the United States. An illegal alien, by definition, does not possess lawful immigration status or lawful presence and is subject to immediate removal.¹ Prohibiting driving privileges to illegal aliens prevents the furtherance of their illegal conduct.

¹ See the Immigration and Nationality Act, 8 U.S.C. §1101, *et seq.*



HB 1493 for the first time would define lawful presence in state law by expressly providing that the definition is the same as under federal law. It would also expressly exclude from the term aliens paroled into the United States, individuals whose deportation has been “deferred,” stayed or withheld, such as under the DACA program, and those who have merely applied for and have not been granted asylum. These individuals have been given deferred removal for a temporary time but are not lawfully present under federal law.

A driver’s license is useful to create an appearance of lawful presence and serves as a virtual passport to the nation, opening many doors that would otherwise be unavailable. In addition to giving individuals the ability to travel freely throughout the country, it is also used for countless other purposes like registering to vote and applying for government benefits, as well as for establishing bank and credit card accounts. Giving individuals who are not lawfully present in the United States a driver’s license provides them with a major form of identification used by U.S. citizens that aids and abets their efforts to live and work illegally in the United States.

Not providing driver’s licenses to illegal aliens buttresses the intent behind the federal REAL ID Act. The goal of the REAL ID Act is ensuring that those who are in the country illegally with the intention to do us harm—like the 9/11 terrorists—are not provided with the documents to facilitate their heinous mission. In fact, included in the 9-11 Commission report’s recommendations was the statement that we as a nation needed to deny terrorists sanctuary. States that do not prohibit granting driver’s licenses to those who are unauthorized to be in the United States are shielding these individuals in our communities and providing them sanctuary.

While not every individual who enters the United States unlawfully poses a public safety or national security risk, unlike legal immigrants, illegal aliens are not subject to stringent background checks or face-to-face interviews to determine whether they pose a threat. The nineteen September 11 terrorists carried among them over 30 state driver’s licenses and identification cards. These documents allowed them to drive, to board the airplanes they hijacked to attack this nation, obtain housing, transportation, and other accommodations, without raising suspicion while they carried out their deadly conspiracy. According to US Customs and Border Protection (CBP), in Fiscal Year 2022, 165 individuals on the terrorist watch list were encountered on the southern

border and 313 on our northern border.² This is especially concerning since North Dakota has 310 miles that borders Canada and many of the Border Patrol agents who guard the northern border have been reassigned to the southern border to process individuals coming into the United States from Mexico. Additionally, CBP arrested 29,021 individuals attempting to cross the border with criminal convictions. Among those arrested were 751 criminal aliens with gang affiliations, including 312 MS-13 members.³

Moreover, providing driver's licenses to illegal aliens will not make North Dakota roads safer. In 2018, a study conducted by AAA Foundation for Traffic Safety found drivers without a valid license are responsible for 20 percent of all automobile accidents. This same study found that five percent of the drivers involved in fatal car accidents were unlicensed drivers. Ninety-five percent of the drivers involved in fatal car crashes were licensed drivers or drivers whose licenses were suspended, revoked, expired, cancelled, or denied. Therefore, any correlation between road safety and unlicensed drivers is tenuous at best.

HB 1493 protects North Dakota communities. It promotes public safety and our national security by ensuring those individuals who are not authorized to be in the United States are not granted a driver's license which gives them legitimacy. HB 1493 also ensures that North Dakota does not become a magnet for illegal immigration.

For the aforementioned reasons, FAIR urges you to support HB 1493.

I thank you for the opportunity to provide my input. Please do not hesitate to reach out to me, if I may be of assistance. I may be reached by email at srendall@fairus.org or by phone at 202-328-7004.

Sincerely,



Shari Rendall

² US Customs and Border Protection, [CBP Enforcement Statistics Fiscal Year 2022](#)
[U.S. Customs and Border Protection](#)

³ Ibid.



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Matt Heilman

District 7
5501 Flatrock Drive
Bismarck, ND 58503-8929
mheilman@ndlegis.gov

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January 26, 2023

Chairman Ruby and Members of the Transportation Committee,

I am Representative Matt Heilman from District 7 in Bismarck. House Bill 1493 is a bill that ensures drivers licenses are issued to lawful individuals. This bill is to prioritize fellow North Dakotans and lawful individuals. The bill also reinforces the notion that if someone wants to enter our country, they must do so through the legal port of entry. Another benefit of this bill is section four which goes into strengthening election security as well. Legislation like this will act as a deterrent for those who do not respect our borders or process to obtain lawful presence.

The border crisis is one of the biggest issues facing our country right now. The U.S. Customs and Border Patrol (CBP) reported that in December 2022 there were over 250,000 encounters. This is more than any other month in 2020, 2021, and 2022. CBP reported in Fiscal Year 2022, 165 individuals on the terrorist watch list were encountered on the southern border and 313 on our northern border. With this data, we must take appropriate measures to ensure that law and order is upheld.

Thank you for your consideration and I respectfully ask for a do pass recommendation.

Proposed Amendment on Page 9 Line 3:

"Lawful presence" or "lawfully present" means ~~legally living in the United States according to federal immigration laws~~ lawful presence or lawfully present as those terms are defined in federal law. The terms specifically do not include:

- a. An immigration parolee;
- b. An individual who is subject to deportation from the United States whose removal has been deferred, stayed, or withheld; or
- c. An individual who is not otherwise lawfully present who has applied for asylum but not been granted asylum.

The reason for this amendment is because it is a more tailored definition that is explicitly written in U.S. Code.

8 USC 1101: Definitions

(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

(B) An alien who is paroled under [section 1182\(d\)\(5\) of this title](#) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

- (i) has abandoned or relinquished that status,
- (ii) has been absent from the United States for a continuous period in excess of 180 days,
- (iii) has engaged in illegal activity after having departed the United States,
- (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this chapter and extradition proceedings,
- (v) has committed an offense identified in [section 1182\(a\)\(2\) of this title](#), unless since such offense the alien has been granted relief under [section 1182\(h\) or 1229b\(a\) of this title](#), or
- (vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

(20) The term "lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

23.1005.01001
Title.03000

Adopted by the House Transportation
Committee

February 3, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1493

- Page 9, line 3, remove "legally living in the United States"
 - Page 9, line 4, replace "according to federal immigration laws." with "lawful presence or lawfully present as those terms are defined in"
 - Page 9, line 4, after "in" insert "8 U.S.C. 1101."
 - Page 9, remove line 5
 - Page 9, line 6, replace "b." with "a."
 - Page 9, line 6, remove "whose removal"
 - Page 9, line 7, remove "has been deferred, stayed, or withheld"
 - Page 9, line 8, replace "c." with "b."
 - Page 9, line 8, remove "who has applied for asylum"
 - Page 9, line 9, remove "but not been granted asylum"
 - Page 20, line 6, remove the overstrike over the second comma
 - Page 20, remove the overstrike over lines 7 and 8
 - Page 20, line 9, remove the overstrike over "residence status in the United States"
- Re-number accordingly

23.1005.03001
Title.

Prepared by the Legislative Council staff for
Senator Rummel
March 10, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1493

Page 20, line 6, after "States" insert ", eligible for federal office of refugee resettlement benefits
and services"

Renumber accordingly