



State of New Mexico  
House of Representatives  
Santa Fe

**DON TRIPP**

**Speaker of the House**

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**COMMITTEES:**

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January 4, 2016

The Honorable Michael Sanchez

Majority Floor Leader

3 Bunton Road

Belen, NM 87002

Dear Senator Sanchez,

As I am sure you are aware, the Federal Congressional delegation recently announced that the United States Department of Homeland Security ("DHS") stated it will delay Real ID Act enforcement if Governor Martinez and legislative leaders agree on a legislative solution by January 10, 2016. With that date looming, we would like to propose a compromise that we believe can win the necessary legislative and executive support.

This has been a prominent issue in the press and with the public for several years. Numerous attempts have been made to amend or repeal the current law that provides identical licenses to citizens, immigrants with lawful status, and undocumented immigrants alike—the last major obstacle to New Mexico becoming Real ID compliant. Each of these attempts has failed to advance through the legislative process, and as of yet the legislature has not presented any such bill for the governor's consideration. With the impending deadline, I believe it is important to focus on a solution that will satisfy the primary interests of both parties, as expressed through countless hours of committee and floor debates in the past several years.

Contrary to what has been claimed, Senate Bill 653, which passed the Senate at the close of the 2015 regular session, had already been debated in the House in the form of a floor amendment proposed by Representative Brian Egolf. As the Albuquerque Journal has said, that legislation would have continued to give licenses to undocumented immigrants, was not Real ID compliant, and would not ensure a secure identification for New Mexicans. The amendment failed on the floor. Rather than press forward with a bill or form of bill that has already failed to advance through the House, I believe it would be wise to agree on a compromise bill that has not already been considered and rejected by either House.

In addressing the security of New Mexico driver's licenses we must address the known abuses that have plagued our state. The overwhelming majority of New Mexicans have expressed support for ending the practice of giving licenses to undocumented immigrants. The Governor and numerous legislators have supported repeal of that law every year for the past five years. The state has caught and prosecuted trafficking rings that target New Mexico and take advantage of our laws to establish false identities. I believe that any bill amending our licensure laws must put New Mexico on equal footing with our neighboring states, and remove the incentive for those with ill-intentions to target our state.

At the same time, many have expressed an interest in ensuring that members of our community—with or without lawful status—are properly certified to safely operate a motor vehicle and are able to obtain car insurance.

Below please find the framework for legislation that would satisfy these interests, creating a two-tier system with a Real ID compliant driver's license for citizens and those in our country with lawful immigration status, and establishing a driving privilege card for those who cannot prove lawful immigration status:

- The New Mexico driver's license and the driving privilege card will be two distinct cards. Each will be different in color and design to make clear that a license is valid for federal identification purposes and a driving privilege card is not valid for federal identification purposes
- Licenses issued to foreign nationals with lawful immigration status will expire on the date that their status terminates, or if it is undefined, one year after issue
- The driving privilege card may be issued only to those individuals who cannot prove lawful status in the state
- The driving privilege card will be valid for one year, to ensure that those seeking these privileges are doing so with the intent of remaining in the state
- In order to issue a driving privilege card, the department must collect:
  - Evidence the applicant has passed a driver's education course along with a written and on-the-road exam.
  - A photograph, fingerprints, and a waiver from the applicant to perform a criminal background check and submit that data to the Federal Bureau of Investigation's Next Generation Identification system's Rap Back Service, and the Department of Homeland Security
  - Evidence that the applicant has resided in the state for a minimum of two years prior to the application
  - Evidence that the applicant has filed their personal income taxes with the state of New Mexico for the year immediately preceding the year in which the application is made

By establishing a system more comparable to surrounding states, we can remove the incentive for smugglers and human traffickers to target our state and bring New Mexico into compliance with the Real ID Act, while still allowing members of our community to safely operate a motor vehicle and purchase insurance, even when they cannot demonstrate legal residence.

As you are aware, numerous other states including our neighbors in Utah, Colorado, Nevada and California have taken this approach. Given the DHS's January 10, 2016 deadline, we would hope you

would agree to the attached legislation so that New Mexico federal installations will not deny New Mexico driver's licenses as valid forms of identification.

We look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Don Tripp". The signature is written in a cursive, flowing style with a large initial "D" and "T".

Don Tripp  
Speaker  
NM House of Representatives