

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 7, 2017

3:10 p.m.

**MEMBERS PRESENT**

Representative Jonathan Kreiss-Tomkins, Chair  
Representative Gabrielle LeDoux, Vice Chair  
Representative Chris Tuck  
Representative Adam Wool  
Representative Chris Birch  
Representative Gary Knopp

**MEMBERS ABSENT**

Representative DeLena Johnson  
Representative Andy Josephson (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 31

"An Act requiring the Department of Public Safety to develop a tracking system and collection and processing protocol for sexual assault examination kits; requiring law enforcement agencies to send sexual assault examination kits for testing within 18 months after collection; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date."

- MOVED HB 31 OUT OF COMMITTEE

HOUSE BILL NO. 74

"An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 31

SHORT TITLE: SEXUAL ASSAULT EXAMINATION KITS

SPONSOR(S): REPRESENTATIVE(S) TARR

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS

01/18/17 (H) STA, FIN  
01/31/17 (H) STA AT 3:00 PM GRUENBERG 120  
01/31/17 (H) Heard & Held  
01/31/17 (H) MINUTE (STA)  
02/02/17 (H) STA AT 3:00 PM GRUENBERG 120  
02/02/17 (H) Heard & Held  
02/02/17 (H) MINUTE (STA)  
02/07/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 74

SHORT TITLE: DRIVER'S LICENSE & ID CARDS & REAL ID ACT  
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/23/17 (H) READ THE FIRST TIME - REFERRALS  
01/23/17 (H) STA, FIN  
02/07/17 (H) STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE GERAN TARR  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified on HB 31, as prime sponsor.

LESLIE RIDLE, Deputy Commissioner  
Department of Administration (DOA)  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 74 on behalf of the House Rules Standing Committee, sponsor, by request of the governor.

MARLA THOMPSON, Director  
Division of Motor Vehicles (DMV)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 74.

ROBERT DOEHL, Deputy Commissioner  
Department of Military & Veterans' Affairs (DMVA)  
Joint Base Elmendorf-Richardson (JBER), Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 74.

**ACTION NARRATIVE**

[3:10:48 PM](#)

**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 3:10 p.m. Representatives LeDoux, Wool, Birch, and Kreiss-Tomkins were present at the call to order. Representatives Tuck and Knopp arrived as the meeting was in progress.

**HB 31-SEXUAL ASSAULT EXAMINATION KITS**

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CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 31, "An Act requiring the Department of Public Safety to develop a tracking system and collection and processing protocol for sexual assault examination kits; requiring law enforcement agencies to send sexual assault examination kits for testing within 18 months after collection; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date."

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REPRESENTATIVE GERAN TARR, Alaska State Legislature, as prime sponsor of HB 31, referred to information from the Department of Public Safety (DPS) that was provided in the committee packet and explained that the "untested kits" are the 100-plus [sexual assault examination] kits sent to the DPS Scientific Crime Detection Laboratory ("the crime lab") for processing. She went on to say the "backlog" comprises 3,600 untested kits, which will be tested using U.S. Department of Justice (DOJ) funds.

REPRESENTATIVE TARR responded to a concern brought forward by Keeley Olson, Executive Director, Standing Together Against Rape (STAR), during the House State Affairs Standing Committee meeting of 2/2/17, regarding anonymous victim reporting. Representative Tarr attested that nothing in HB 31 would interfere with the provision of the Violence Against Women Act (VAWA) [of 1994], which allows a victim to have a rape kit be collected and retained until such time the victim wishes to pursue a criminal case. She noted that biological evidence needs to be collected within 90 hours to be usable.

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REPRESENTATIVE BIRCH asked if all of the 3,600 kits need to be processed, or if some will be held back for legal reasons. He asked for clarification relating to the limitations, the anonymity, and the chain of custody requirements.

REPRESENTATIVE TARR said the kits are handled as evidence, as in any criminal case, and chain of [custody] is maintained while the kits are in possession of law enforcement. She stated that for anonymous victim reporting in Anchorage, STAR would retain possession of the kits because the victim is not pursuing criminal charges.

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REPRESENTATIVE LEDOUX moved to report HB 31 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 31 was reported out of the House State Affairs Standing Committee.

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The committee took a brief at ease at 3:17 p.m.

**HB 74-DRIVER'S LICENSE & ID CARDS & REAL ID ACT**

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CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 74, "An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

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LESLIE RIDLE, Deputy Commissioner, Department of Administration (DOA), presented HB 74 on behalf of the House Rules Standing Committee, sponsor, by request of the governor. She presented with the use of a PowerPoint presentation, titled "HB 74 Driver's Licenses and ID Cards and REAL ID Act." Ms. Ridle started with Slide 1, titled "Federal REAL ID Act," and stated that in 2005 Congress enacted the REAL ID Act, which applies to all states, the five territories, and Washington, D.C. She relayed that it requires states to offer a driver's license or identification (ID) that verifies a person's identification and lawful status. She added that the card must have a digital photo, a signature, and a unique number. The Act requires states to check certain databases to verify the identity of the person applying for the card. She said if the state offers an ID that is not a REAL ID, then the ID must be clearly marked either "REAL ID compliant" or "REAL ID noncompliant." She

explained that when she refers to REAL ID, she means driver's license or ID.

MS. RIDLE offered that HB 74 would allow the State of Alaska to comply with the federal law and would allow Alaskans to choose either a compliant ID or a noncompliant ID. She said the choice would be totally up to the customer at the time of purchase. She indicated that the federal government has given the State of Alaska an extension for complying with the REAL ID Act till June 6, 2017. She mentioned that the extension will expire if the State of Alaska has not made any progress in changing its current law to allow a REAL ID.

MS. RIDLE referred to Slide 2, titled "Federal REAL ID Act," and noted the five states that are not compliant with the REAL ID Act - Washington, Montana, Minnesota, Missouri, and Maine. She mentioned that Washington and Minnesota offer what is called an "enhanced license." This is a license that allows license holders to cross borders; it has a chip; and it is "enhanced" beyond the regular ID.

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REPRESENTATIVE WOOL asked if an enhanced ID is compliant with the REAL ID Act and would allow someone to get onto a military base in Alaska.

MS. RIDLE responded yes. She added that the enhanced ID requires extra information, similar to what is required for the REAL ID. She said it also has a chip in it, similar to the chip in a passport. She said DOA could offer an enhanced ID with a chip, but it would cost more money to issue compared with a REAL ID. She asserted that the enhanced ID was more labor-intensive.

REPRESENTATIVE WOOL asked if the REAL ID and the noncompliant ID would be noticeably different, and how people would become aware that they needed the ID.

MS. RIDLE answered that the IDs would be clearly different. The REAL ID has to be marked as a REAL ID to comply with the Act. She said that the U.S. Department of Homeland Security (DHS) has already started to publicize the issue at airports, on the internet, and through advertisements. She offered that if the State of Alaska chooses not to "go down the REAL ID route," DOA will need to then advertise, as well. She said that as of now, DOA is not engaged in publicity, as it is the responsibility of the Transportation Security Administration (TSA) and DHS.

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REPRESENTATIVE LEDOUX asked what would happen if HB 74 does not become law.

MS. RIDLE stated that DHS has told DOA that Alaska will lose its waiver on June 6, 2017. She said that the first consequence would be that Alaskans would be asked to provide alternate forms of ID to get onto a military base. She cited some of the IDs that would be suitable: passport, enhanced ID from another state, REAL ID from another state, and military card. She referred to Slide 8, titled "Timeline," and said that on January 22, 2018, TSA will ask for more ID at TSA checkpoints. She stated that on October 1, 2020, a REAL ID will be required by the U.S. government in order to fly.

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CHAIR KREISS-TOMKINS asked what would be the "real world experience" of an Alaskan with a noncompliant ID at a TSA security checkpoint, if Alaska has not passed legislation by January 22, 2018.

MS. RIDLE said TSA will ask for alternate IDs. She said TSA has not been specific but has given some indication of approved alternate IDs: immigration card, military ID, transportation worker card, passport, passport card, veterans ID, trusted travel's card, and travel card. She confirmed that there are other types of federal IDs that TSA will accept; however, by October 1, 2020, TSA will not accept these alternatives. She clarified that TSA will accept a federal ID, such as a passport.

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REPRESENTATIVE BIRCH expressed that his constituents have concerns related to the issues of privacy as well as inclusion in a database. He asked what the distinction is between the database Ms. Ridle described, used for verifying identity, and the one used by law enforcement during a traffic stop in Alaska or in any other state. He asked if the fear of loss of privacy is founded.

MS. RIDLE referred to Slide 4, titled "What Will Change," and stated that driver's license data would stay in the state database. She explained that REAL ID would allow DOA to access databases that already exist, such as the passport database or

the birth certificate database, to verify identity. She explained that currently DOA is unable to access those databases without the technology [to process REAL ID].

REPRESENTATIVE BIRCH asked for confirmation that REAL ID would permit DOA access to information such as birth certificates and passports, not available through the driver's license database. He opined that HB 74 would be a good initiative and important for people needing to get onto a military base.

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MS. RIDLE referred to Slide 3, titled "HB 74 Driver's License, State IDs, REAL ID Act," and said that HB 74 would allow Alaskans the choice of a compliant or noncompliant ID. She mentioned that HB 74 would also give the Division of Motor Vehicles (DMV) the authority to spend money to implement REAL ID. She asserted that Senate Bill 202, passed during the Twenty-Fifth Alaska State Legislature, 2007-2008, stated that DMV could not spend money on implementing REAL ID, which is why DOA has been unable to build the technology allowing access to the databases. She added that HB 74 would allow DMV to charge an additional five dollars for the REAL ID to recoup some of the cost.

MS. RIDLE directed the committee's attention to the right side of Slide 3 and summarized: DMV is currently not allowed to spend money to implement REAL ID; without the REAL ID Alaskans will not be able to get onto military bases or fly with just a driver's license; and the REAL ID Act was passed in 2005 to help prevent identity theft. She asserted that the checks and balances implemented through the REAL ID Act would help DMV prevent identity fraud.

MS. RIDLE returned to Slide 4 to continue describing the changes that would be instituted under HB 74. She said that a person getting a driver's license would have his/her photograph taken at the beginning of the process and at the end, to prevent any trickery or false identification. She stated DMV would validate the birthdate and passport information through the "reach out" databases she mentioned; REAL ID cards would have a unique design; noncompliant ID cards would be clearly marked that the ID is not for entering federal places; driver's licenses and IDs would be valid for eight years instead of five years; and there would be an additional charge.

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MS. RIDLE continued her presentation with Slide 5, titled "What Won't Change." She said DMV would still require the same documents for getting a driver's license - a Social Security card, a birth certificate, a passport, or other identifying document. She mentioned that DMV would continue to background check its employees. She relayed that DMV would continue to use a secure facility to print the driver's licenses. She added that there is no facility in Alaska that can produce the driver's licenses that would be needed.

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MS. RIDLE referred to Slide 7, titled "What is Required From Alaskans," and said that when a person is applying for a driver's license for the first time, DMV would ask for the same documents it currently requires as proof of identity for either a compliant or noncompliant driver's license. She stated that these documents include a Social Security card, a passport, a birth certificate, and a tribal card.

MS. RIDLE went on to Slide 9, titled "REAL ID - Accessing Military Bases," and said that before Alaska got its waiver, there were a couple of weeks last fall during which DHS was not going to give Alaska any more waivers if no [REAL ID] bill was introduced. She claimed that Alaska was given a waiver until June 6, 2017, because the State of Alaska indicated that it would introduce a [REAL ID] bill. She said that during that period of time, the military bases informed people that an extra ID would be needed to get on base. She attested that DOA started getting phone calls immediately from concerned individuals and groups. She reported that there are new projects on bases; people needing to get onto bases are not just military employees but include state workers and civilians; the Anchorage School District has four schools on base and two departments; students travel onto bases for sports; and the Fairbanks North Star Borough School District (FNSB) also has students on base. She went on to say that if Alaska loses its waiver in June, the scenario last fall will repeat itself, with military bases requiring an extra ID.

MS. RIDLE referred to Slide 10, titled "REAL ID - Possible alternative documents," to point out the list of alternative IDs for entering a military base. She added that some of the callers asked about using a passport to get onto a military base. She agreed that a passport could be used but offered that at a cost of \$125, requiring school district personnel and all

the workers doing business on base to have passports constituted a hurdle.

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REPRESENTATIVE WOOL asked how long a current driver's license lasted.

MS. RIDLE replied, "Five years."

REPRESENTATIVE WOOL said his recollection is that in the past when his driver's license expired, he only needed his old license to renew. He mentioned that he doesn't recall showing DMV additional documents.

MS. RIDLE stated that it is only the first time you get a driver's license that you need the additional IDs.

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MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), said that the first time a person applied for a REAL ID, DMV would require the additional documentation, but it would not be needed for renewal.

REPRESENTATIVE WOOL asked if other states are doing this "duality of IDs" - compliant and noncompliant.

MS. RIDLE stated there are at least a couple of states that are doing IDs this way, so that Alaska would not be the first. She asserted that this method was suggested by DHS as an alternative for states "not wanting to accept it right away."

REPRESENTATIVE WOOL asked if Ms. Ridle anticipated the REAL ID becoming the standard and, eventually, the noncompliant ID would not even be available. He asked for confirmation that Alaska data would not actually be uploaded to a national database, but DMV would have access to national data.

MS. RIDLE said that if HB 74 becomes law, DMV would probably always offer the noncompliant ID unless the law is changed. She said that based on information from other states, she estimates about 50 percent of people renewing their driver's license would get the REAL ID. She added that number may increase over time.

REPRESENTATIVE WOOL commented that since Alaska is so dependent on plane transportation, the need for a REAL ID is "pretty real."

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REPRESENTATIVE LEDOUX noted there were five states that haven't complied with REAL ID, and two of the five offered enhanced IDs. She asked about the three remaining states - which states they were and what they were doing about this issue.

MS. RIDLE referred back to Slide 2 and answered that Montana, Missouri, and Maine are noncompliant and do not have enhanced IDs. She acknowledged that in those states, residents must provide additional IDs to get onto military bases and to fly.

REPRESENTATIVE LEDOUX asked if those states have waivers.

MS. RIDLE responded no, the five states [who have not complied with REAL ID] do not have waivers. She relayed that there are 26 states that offer a REAL ID and 19 states, including Alaska, with waivers.

REPRESENTATIVE LEDOUX asked if the authorities in the five states have been contacted "to see how things are working out there."

MS. RIDLE responded that she has not done that, but it is something DOA could do. She added that she has talked to the Department of Military & Veterans' Affairs (DMVA), who has counterparts in other states, and found it to be an issue in the five noncompliant states. She attested that residents are required to show additional identification, and some of them find that inconvenient.

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ROBERT DOEHL, Deputy Commissioner, Department of Military & Veterans' Affairs (DMVA), responded that DMVA is still gathering quantitative information, but has learned anecdotally about incidents that have occurred. He reported an incident in which a military base required a Minnesota resident, who did not have an enhanced ID, be escorted while on base by someone with a military ID. He added that without being able to verify his/her ID, the visitor was treated like a foreign national. He said such a practice would be difficult for ordinary vendors coming on base.

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REPRESENTATIVE BIRCH asked which school district personnel would be impacted by the requirement for REAL IDs on military bases.

MS. RIDLE responded those impacted would be teachers, school bus drivers, custodians, coaches, school volunteers, and those in the two school district departments on base - the information technology (IT) department and the fine arts department.

REPRESENTATIVE BIRCH offered that the impact is not just limited to school district personnel. He relayed that the Alaska Trucking Association (ATA) is very concerned. He conceded that in Anchorage it is a small issue, because many of the truck drivers have Transportation Worker Identification Credential (TWIC) cards, which allow them in and out of ports; therefore, they already have some of the qualifications necessary to access military bases. He offered that people in Fairbanks and other regions with military installations are "really going to be in a tangle down the road," if they are not able to get REAL IDs.

MS. RIDLE agreed and said that there are quite a few civilian businesses on base; people are coming and going for restaurants and truckers and movers come on base who are not represented by ATA and do not have TWIC cards. She conceded there is "definitely a lot of movement back and forth."

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REPRESENTATIVE TUCK asked why it would be necessary for a person to resubmit information to obtain an ID in the first place, since the documents needed to verify one's identity would not change. He referred to Slide 7 and mentioned that the requirements for the three IDs are the same. He asked what a person would need to submit for a REAL ID that hadn't already been submitted for a new driver's license.

MS. RIDLE explained that if someone is getting a noncompliant license as a renewal, he/she would not need the "proving documents." However, if someone is getting a REAL ID for the first time, part of the REAL ID requirements are that DMV verifies the person's identity using the databases.

REPRESENTATIVE TUCK referred to Slide 6, titled "REAL ID Process," and noted Social Security number electronic verification would be through a government agency. He asked if

the Problem Driver Pointer System (PDPS) is provided by a government agency or a non-profit agency.

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MS. THOMPSON said that PDPS is a system currently used by DMV and is available to Alaska through the American Association of Motor Vehicle Administrators (AAMVA). She explained that PDPS allows DMV in Alaska to check with other states for "points" on a driver's record to determine if a person is eligible to get a driver's license in Alaska.

MS. THOMPSON, in response to Representative Tuck, said that DMV has been using the PDPS system for more than 10 years. She added that AAMVA it is a tax-exempt, non-profit organization that helps develop models with motor vehicle administrations and law enforcement throughout the U.S. and Canada. She relayed that DMV is a member of AAMVA. She offered that AAMVA helps states work together to ensure that a person has only one driver's license, and the person getting a driver's license is permitted to have a license.

REPRESENTATIVE TUCK speculated that it is similar to the Electronic Registration Information Center (ERIC) program for voter ID.

MS. RIDLE responded yes, that she believes it to be similar to that program. She noted the definition of AAMVA on Slide 12, titled "What is AAMVA."

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REPRESENTATIVE TUCK referred to information in Slide 6, which read: "SPEX/CDLIS [State Pointer Exchange Services / Commercial Driver's License Information System] - State to State - Verify existence of license and id's [sic] from other states electronically." He asked if this referred to another division similar to ERIC.

MS. RIDLE said that SPEX/CDLIS is a bridge that allows DMV, through AAMVA, to do a quick check to ensure a person does not have a driver's license in another state. She added that it is a federal law that a person can have only one driver's license.

CHAIR KREISS-TOMKINS asked if AAMVA and the databases being discussed are identified in the original federal authorizing

legislation as entities and databases that must be utilized in the REAL ID process.

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MS. THOMPSON said yes, AAMVA is mentioned in the REAL ID Act. She said the Act gives options for databases that can be used - CDLIS, PDPS, Social Security Online Verification (SSOLV), or State to State - to check the validity of the documents that have been presented.

REPRESENTATIVE TUCK offered his understanding that PDPS, SSOLV, and SPEX/CDLIS are all private, non-profit "data-basing" companies. He asked which of the entities, listed on Slide 6, were federal government agencies.

MS. RIDLE responded that the entities on the list are not companies but databases accessed through AAMVA.

MS. THOMPSON said that currently AAMVA supports the telecommunications that facilitate communication with all of these databases. She said that the U.S. Department of State (DOS) passport database is a U.S. database. She explained that AAMVA has created a portal to the databases for states to easily connect to them. She added that without AAMVA's portal, 50 different states would have to create their own portals to the databases. She said that because DMV in Alaska is a member of AAMVA, it benefits from the facilitated access. She added that SSOLV is a federal database. She stated that CDLIS is also a federal database that is overseen by the Federal Motor Carrier Safety Administration (FMCSA). She mentioned that the Systematic Alien Verification for Entitlements Program (SAVE) is a DHS program.

CHAIR KREISS-TOMKINS asked for a written response to that question for clarification.

REPRESENTATIVE TUCK offered to draft a letter requesting the information.

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REPRESENTATIVE KNOPP asked why AS 44.99.040 was enacted, when it was enacted, and why the Twenty-Fifth Alaska State Legislature, 2007-2008, passed legislation to prohibit the use of state funds to comply with REAL ID.

REPRESENTATIVE TUCK responded that as recently as last year, people had a problem with non-governmental agencies having databases that included civilians. He referred to a major DOA data breach involving PricewaterhouseCoopers (PwC). He also mentioned the state's investigation of Mercer [Consulting] in regard to State of Alaska Public Employees' Retirement System (PERS) and the State of Alaska Teachers' Retirement System (TRS) data. He stated the concern is for being able to contain and protect confidential information on Alaska residents and U.S. citizens.

CHAIR KREISS-TOMKINS concurred that cyber security and the protection of digital data is increasingly important. He offered that in the DOA overview [in the House State Affairs Standing Committee meeting of 01/26/17], Commissioner Sheldon Fisher mentioned the first-ever hire of a chief information officer (CIO). Representative Kreiss-Tomkins noted that the new CIO was "impressively credentialed" in the subject of cyber security.

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REPRESENTATIVE WOOL asked if government data systems and private data systems were equally susceptible to cyber security breaches.

MS. RIDLE confirmed the hire of a new CIO, who will be focusing on cyber security. She offered her belief that public and private databases are always open to hacking and need protection.

REPRESENTATIVE WOOL referred to the flow chart on Slide 6 and said he suspects that the process refers to a brand new ID because it mentions driver's license tests. He asked about the process for someone who already has a driver's license: if a passport is required for a REAL ID or if it is an optional secondary ID.

MS. RIDLE responded that if a person had a driver's license, he/she would not need to retake the driver's tests. She confirmed that the flow chart was for the person needing a driver's license for the first time. She said that the passport is just one of the documents that could be used for verification.

REPRESENTATIVE WOOL restated that a person who wants to get a REAL ID would need a primary and secondary ID, a Social Security

card, and proof of residency. He asked how many pieces of ID with an actual photograph would be required, in addition to a current driver's license.

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MS. THOMPSON replied that DMV would require a driver's license, which would have the person's photograph; the primary document could be a birth certificate, a passport, a green card, or anything from the list on the flow chart; and the secondary document could be one's Social Security card or another document on the list.

REPRESENTATIVE WOOL mentioned that proof of a Social Security number is required, but the Social Security card is listed as a secondary document. He suggested that it might be difficult for someone to locate his/her Social Security card and asked "How many government agencies am I going to have to go to, to get IDs to go to the DMV to get my REAL ID?" He added that he didn't readily see a listing of all of the possible IDs.

MS. RIDLE said that some of the IDs are listed on Slide 10; however, she conceded that DOA could do a better job in its presentation by making a better list. She answered that the process may seem cumbersome and may deter people from getting a REAL ID at first. She added that at some point, the inconveniences of not having a REAL ID may reverse that.

REPRESENTATIVE WOOL pointed out that Slide 10 lists IDs acceptable for entering a military base but not those needed for DMV. He added that many people wouldn't have the IDs listed.

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CHAIR KREISS-TOMKINS asked what [form of ID] a resident of a noncompliant state, such as Montana, would need to get through a TSA checkpoint.

MS. RIDLE answered that for the noncompliant states, the restriction currently only applies to entering military bases and federal facilities. She added that not until January 22, 2018, would a resident of a noncompliant state face a restriction for air travel.

CHAIR KREISS-TOMKINS asked if a resident of Montana would have to present a passport, military ID, or other alternative ID,

mentioned on Slide 10, to get through a TSA checkpoint, if the Montana legislature did not act by January 23, 2018.

MS. RIDLE answered yes, that is DHS's current policy.

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REPRESENTATIVE LEDOUX asked if the purpose of the federal government requiring the REAL ID is to prevent identity fraud.

MS. RIDLE speculated that the requirement was partly due to identity fraud and partly in response to DHS legislation.

REPRESENTATIVE LEDOUX opined that having everyone's information in a database makes identity fraud more likely.

MS. RIDLE reiterated that a person's information already resides in the databases listed on the flow chart, and the REAL ID process would not create a new database. She emphasized that no Alaska data would be sent out of state. She said that any other state wanting to check on an Alaskan's driver's license must come through the "bridge" and have specific credentials to do so, such as being a DMV from another state. She offered that the other state's DMV would have enough information that Alaska DMV can respond "yes or no, you do or don't have a driver's license." She reiterated that Alaska DMV would not be opening its database to any other entity.

REPRESENTATIVE LEDOUX asked if AAMVA would have access to Alaska's database.

MS. RIDLE said AAMVA would not have access: AAMVA houses "the bridge"; requests for information would come to AAMVA from another state; and the information would go back through the bridge to the requesting state. She attested that the data would not "live" in AAMVA.

REPRESENTATIVE LEDOUX said that as someone who has to renew her credit card at least once a year, usually around May, because of a credit card database breach, she is uncomfortable with this requirement. She added, "And yet, at the same time you got to be able to fly."

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CHAIR KREISS-TOMKINS expressed his sympathy for "the DOA delegation" as being merely the messengers conveying the wishes of the federal government as enacted in 2005.

REPRESENTATIVE KNOPP opined that the REAL ID Act seemed redundant, as it does exactly what the TWIC was designed to do for access to airports, harbors, and military facilities. He relayed an instance in which he went to a dock to pick up equipment and was required to show a driver's license, because the TWIC was not acceptable.

MS. THOMPSON responded that the TWIC may work as an ID, but it is not a license to drive.

REPRESENTATIVE KNOPP mentioned that it obviously isn't a driver's license but is transportation worker's identification card for access to the facilities he listed. He said he didn't see how the "REAL ID driver's license scenario is any different than what we have in place." He expressed that he shared Representative LeDoux's concerns about data security.

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REPRESENTATIVE TUCK said the real question is: "Why are we doing this?" He said the federal government is imposing huge requirements impacting our private lifestyles. He offered that he has problems with this database and has even had problems with voter ID, which is making it harder for rural Alaskans to vote. He asserted that many elderly Native Alaskans don't have the identification necessary to meet the requirements to vote and "now we're going to tell them that they can't travel." He claimed, "It's a huge federal overreach."

REPRESENTATIVE TUCK mentioned that in the past, DMV stored a hard copy of one's driver's license in a vault in the Alaska State Troopers' barracks in Fairbanks, and no one would try to break into those barracks for identify theft. He opined that through the REAL ID Act, identity theft would be easier, not harder. He asserted that he has always been concerned with DMV's process for securing ID cards: sending identification information to Indiana and waiting 30 days for the cards to be manufactured and returned to Alaska. He said he witnessed a man at a TSA checkpoint being subject to invasive procedures because his paper ID was inadequate.

REPRESENTATIVE TUCK related that former Governor Sarah Palin's administration spent considerable money on finger-printing

equipment to comply with the REAL ID Act, but the legislature "changed that" and the former director of DMV is no longer in that position. He said, "I think a better approach is to have the federal government not be so paranoid about the average resident of Alaska, the average civilian in America ...." He expressed his concern with HB 74, with protecting Alaskans' rights and their privacy, and with more federal control. He added that he has never understood the need to have Alaskan driver's licenses manufactured in Indiana, nor has he ever received proof or numbers of fraudulent driver's licenses. He said he understands that the IDs made in Indiana are 90 percent federally funded, but asserted that the Alaska DMV has the ability to create the holograms needed and the ability to verify identification. He opined that the federal government now wants more control and is using other agencies to cross-check identification.

[4:15:56 PM](#)

CHAIR KREISS-TOMKINS asked if the process of obtaining a REAL ID would be similar to the process of obtaining a passport: submitting information to DMV and receiving the ID in the mail.

MS. RIDLE said that the REAL ID would not function like a passport in that you could not enter a foreign country with it. She said that one would get the REAL ID in the mail from Indiana. She offered that she totally understands the angst about REAL ID; the legislature passed Senate Bill 202 with a vote of 59 to 1; and she herself has concerns about data [security]. She asserted that HB 74 was introduced to offer Alaskans the choice of whether or not to get a compliant ID. She offered that DOA is trying to strike a balance with HB 74. She reiterated that come 2020, people without the necessary ID to fly, may ask why DOA didn't inform them or do something.

CHAIR KREISS-TOMKINS asked what determined the number of years a driver's license is in effect.

MS. THOMPSON replied that under current state statute [AS 28.15.101], IDs and driver's licenses are in effect for five years. She added that a REAL ID would be in effect for eight years.

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REPRESENTATIVE BIRCH opined that HB 74 would achieve a balance, both for those concerned with data breach and for commercial and

economic needs. He noted the considerable federal investment in Alaskan and federal contractors, and he opined that it is not an unreasonable expectation that Alaska conform to security needs. He asked if there would be any new information that would be "pushed out" online. He suggested that the information discussed is already readily available.

MS. THOMPSON responded that DMV would not be securing more information but only verifying the information provided by the customer. She asserted that DMV is also concerned about data breach. She added that the information DMV would request is the minimum necessary to verify a person's identity and the validity of the document.

REPRESENTATIVE BIRCH expressed his appreciation for HB 74's innovative approach offering a "double pathway" and offered his support for HB 74 to move forward in a timely manner.

CHAIR KREISS-TOMKINS stated that he will not be opening public testimony on HB 74 in the present meeting.

[4:23:42 PM](#)

REPRESENTATIVE LEDOUX asked if the federal government has a compliant ID, other than a passport. She asked if a person could obtain a federal ID that was less cumbersome than a passport, if HB 74 does not pass.

MS. RIDLE answered that she did not think there was an ID less cumbersome than a passport. There is no federal ID card. She offered that for a military ID or veteran ID, one would need to be in either one of those categories.

MS. THOMPSON agreed there is no other federal ID other than a passport.

[4:25:05 PM](#)

REPRESENTATIVE WOOL mentioned the passport card, [included on the list of alternate documents on slide 10], and he asked if it was a condensed version of a passport and could be considered a federal ID.

MS. RIDLE said that one can obtain a passport card: it is \$55 new, \$35 to renew, and lasts 10 years. She said that people could use passport cards as IDs, but they are more expensive than the REAL ID card would be.

REPRESENTATIVE WOOL asked if the data is the same for the compliant and the noncompliant ID, but the "bridge" is different.

MS RIDLE said Representative Wool was exactly right. She explained that the data was the same, but DMV could use the technology to look in the appropriate databases to verify that the information on the ID matches the information in the databases.

REPRESENTATIVE WOOL reiterated that the difference is the verification of the information. He offered that with just a passport card, he would be able to travel anywhere.

MS. RIDLE responded that was her understanding.

CHAIR KREISS-TOMKINS offered that a passport card is only good for getting into Canada and Mexico.

MS. THOMPSON clarified that a passport card also works for the Caribbean and Bermuda. She reiterated that the passport card does not work everywhere that a regular passport does, and one would need both.

[4:28:32 PM](#)

REPRESENTATIVE LEDOUX commented that although more expensive, a passport card would last 10 years rather than 8 years. She opined that "now that I know that all you have to do is carry this little card with you as opposed to a whole passport ... it's ceasing to be quite as important to me that this gets done on the state level." She added, "This leads to my question of how much is this going to cost the state to implement?"

MS. RIDLE responded that the fiscal note for HB 74 is \$1.5 million, which represents the database upgrades. She gave the breakdown: \$400,000 for the integration and verification programs; \$200,000 for the additional design and security; \$500,000 for the equipment for statewide offices; and \$400,000 for development work for the printing and software templates.

REPRESENTATIVE LEDOUX asked if there would be costs in future years [for implementation of REAL ID].

MS. THOMPSON replied that the \$1.5 million is a one-time expense for the database and system changes in order to implement REAL

ID. She said that the cost of REAL ID card production was just under \$5 each; therefore, the fee for the card would be [an additional] \$5.

REPRESENTATIVE LEDOUX asked for clarification that a dual system in future years would not cost the state any more money.

MS. THOMPSON answered that is correct. She added that the \$1.5 million constitutes a set-up fee, and that expenditure would allow DMV to have the dual system - the REAL ID compliant card and the noncompliant card.

[HB 74 was held over.]

[4:32:25 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:32 p.m.