

From:

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To:

The Honorable Wes Keller, Chair
House Judiciary Committee
Alaska State House of Representatives
State Capitol, Room 120
Juneau, Alaska 99801

RE: HB1 "An Act Related to the Issuance of Drivers' Licenses"

Chairman Keller;

I am writing to encourage the Judiciary Committee to ask the sponsors of HB1 to provide a more compelling case for the public benefits of the bill before scheduling it for committee consideration and public hearing, because it appears to me that HB1 will do little – if anything – to address concerns about 'undocumented aliens' while exposing the public treasury to the potential cost of unproductive litigation and maintaining the state bureaucracy.

I have no doubt that this bill is well intended. On the surface, it simply attempts to make the state divers license regulations support national immigration policy and it evokes images of doing something to discourage the hordes of people sneaking across the border with illicit drugs or to take jobs away from Americans.

However, HB1 is not targeting that group of people. It literally targets those who take the time to obtain official permission to enter the country (ostensibly for some legitimate purpose) and present that documentation to seek official permission to drive on our roads. Those who don't bother to seek permission to enter the country or surreptitiously overstay their welcome probably either won't bother to obtain a drivers license or will find some way to circumvent the detection mechanism.

Furthermore, A license is understood to be revoked if it is used in furtherance of and illegal activity (like being an undocumented alien), so HB1 seems unable to serve a practical purpose.

The documentation supporting HB1 on BASIS only states that 37 other states have similar laws. There is no indication of a specific problem that needs to be addressed nor arguments presented to explain how the statutes proposed by HB1 will improve the lives of Alaskans. The fiscal note attached to the bill states that there will be no cost and the Department of Law testified that they found no constitutional issues.

However, a more thorough analysis from the ACLU that is also posted on BASIS presents considerable evidence of potential conflicts between this bill and federal immigration law that could lead to litigation,

especially in the case of foreigners who are in the country for an indeterminate stay. They also observed that it would be difficult to develop regulations to implement the law against someone who is authorized to stay in the country for an indeterminate period of time.

The State Affairs Committee seemed only to be concerned with the bureaucratic mechanics of implementing this bill. They did not consider whether there was a real public need for the bill or whether it would effectively address that need. (The best practice recommendation of an organization of bureaucrats does not constitute a public need.)

Perhaps the DMV will not specifically ask for funding to develop and administer the provisions of this bill, but the administrative cost of implementing any policy change in any large organization is always considerable. It is reasonable to assume at least several weeks of their collective time will be spent on developing and approving the regulations and then performing the necessary training, and there will be an ongoing commitment of additional time to administer the program. The public has already paid a considerable amount to advance this bill through the legislative process. The real cost of implementing this bill could run into the high tens if not hundreds of thousands of dollars.

Furthermore, the legislature must weigh the risk and expense of a legal challenge against any public benefit that might ensue. In the case of HB1, no evidence of any public benefit has been presented; so even if the risk of litigation is low and the probability of prevailing is high, there is no point in risking any public money at least until someone makes a credible case for real and practical public benefit from passing this bill.

As the ACLU pointed out, the purpose of a drivers' license is to enhance motoring safety – not to augment national immigration policy or even to serve as official identification.

An unintended consequence of HB1 is to confuse the purpose of the state drivers' license and move the state of Alaska incrementally closer to efforts to establish a national ID card - which the public and the legislature have previously spoken against.

It also imposes unnecessary hassle on legitimate foreign guests visiting our state without providing practical protection against the perceived ill-effects of undocumented immigration to our country or making our roads any safer.

Therefore, I respectfully ask the Judiciary Committee to ask the sponsors of HB1 to prepare a more compelling case for imposing these regulations on the public to present to the committee, or simply to let the bill die for lack of real need.

For Liberty,

Glenn M. Prax
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