

**HB 74 Follow Up Questions**  
**Rep. Chris Tuck 3/16/2017**

At least some of the compliance deadlines or extensions associated with the REAL ID Act, including some that according to the 2008 Federal Final Rule were impossible for the states to meet, are at the discretion of the Secretary of Homeland Security.

- Given that much of the communication you have cited is from a previous Secretary of Homeland Security under a previous Presidential Administration, has there been any indication or confirmation that the new leadership intends to implement the decisions of the previous Secretary?

The REAL ID Act requires that REAL ID noncompliant IDs have unique design and color indicator to alert Federal agencies and other law enforcement personnel that it may not be accepted for any official purpose.

- Can you confirm that if HB 74 passes, there will no longer be a “regular” Alaska identification card, and that all Alaskans who cannot, or will not obtain a REAL ID will have to accept an ID of different color and markings than our current ID?
- IF HB 74 does not pass, do you intend to comply with the federal mandate that all Alaska licenses be of a different color and markings than our current IDs?

You have stated that the average wait time at the DMV is now under ten minutes. But Alaskans have repeatedly expressed concerns that it can take over a month to receive a new ID in the mail from Indiana.

- What would the average wait time be if this delay were factored into the average?

The REAL ID Act requires that the states must subject all persons authorized to manufacture or produce licenses and identification cards to “appropriate security clearance requirements.”

- Is this a factor in the decision to have Alaska IDs manufactured out of state by the Gemalto Corporation in Indiana?
- Have any state resources been expended in outsourcing the manufacture of Alaskan IDs to Indiana?
- If Alaska were to return to producing its own licenses, would AK DMV employees meet REAL ID standards?

If HB 74 passes, the DMV will be required to take applicants’ photographs at the beginning of the application process rather than at the conclusion, as is the current practice.

- If an applicant decides not to complete the process, and requests their photograph be deleted, how does the Department intend to respond?
- Given the strong privacy provisions of the Alaska Constitution, do you anticipate any legal challenges if the DMV does not intend to delete an applicant’s photograph at their request?

The REAL ID ACT mandates that States must ensure the physical security of locations where licenses and ID cards are produced.

- Given that when we enter Federal buildings now we see armed guards and federal police, has the DMV taken, or does it plan to take additional steps to comply with this mandate?
- If so, does the fiscal note account for these requirements?

Your staff has reported that, based on information from other states, only about 50 percent of Alaskans would choose the REAL ID.

- Please provide the source of this information.
- What percentage would likely choose the noncompliant ID because they were unable to provide the necessary documentation to receive a REAL ID?

You have discussed a “REAL ID working group,” which came up with the concept of HB 74.

- Who are the members of this working group?
- Is there any model legislation this bill is based upon?
- Please provide copies of all correspondence between the State of Alaska and the Department of Homeland Security, AAMVA, and other relevant entities relating to the decision to introduce HB 74.

As a follow up to recent meetings of the House and Senate State Affairs Committees, please provide the following information:

- Please report any progress in contacting authorities in the five fully noncompliant states to see how things are working out.
- Please provide any new developments in DMVA efforts to obtain quantitative information relating to REAL ID and military bases.
- Please report any progress on the request for written clarification about whether CDLIS, PPDS, SSOLV, and AAMVA are private, federal, or commercial entities.

According to the 2008 Federal Rule, states are allowed to create exceptions to accommodate victims of violence or other categories of persons who may need to keep their addresses confidential.

- Does the Department have any plans to seek such an exemption?

The Department of Homeland Security has reported that the “State DMV may choose to establish a written, defined exceptions process for persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth.”

- Considering the difficulty of many Alaskans, including rural Native Elders, to produce such documentation, has the Administration established any such process?

You have asserted that Alaskans’ data will not be entered into any outside database. However, the AAMVA newsletter reported this month that Alaska had joined AAMVA’s S2S verification service. It has been reported that use of S2S requires that states upload licensing data to a database known as SPEXS, which is reportedly maintained by a corporation known as Claris Solutions in Indiana (**Correction – Clerus Solutions in Midlothian, VA**).

- If this information is correct, what data has Alaska uploaded into the SPEXS system?
- Are there any limits to what information might be added to the SPEXS system in the future?
- Who controls what might be required to be included in SPEXS records in the future?
- Do AAMVA or its contractor have any procedures through which an individual can find out what information about them is included in the SPEXS database?
- Is there any procedure in the SPEXS system for an Alaskan to correct an error made by AAMVA or its contractors?
- Has any state money been expended by Alaska by joining the S2S system?

### **Other General Questions**

- Is it accurate to say that all Alaskans will be required to go physically to the DMV and prove their identity if they wish to have a REAL ID compliant ID, regardless of whether their current ID is up to date or not?
- Given that physical presence at the DMV is required to get a Real ID, including for license renewal, does the state have plans for assisting rural communities without a local DMV?
- Are travelers currently allowed to fly without ID?
- Is there any law or regulation that requires any ID to fly?
- Would the state of Alaska have standing to challenge any Federal proposal for an ID requirement for air travel, as a violation of Alaskan residents' Constitutional rights?
- Is the state government prepared to defend state residents' right to travel by air against possible Federal infringement?
- Is it correct that a passport card is valid for everything a REAL ID compliant state ID card is valid for?