

ALASKA STATE LEGISLATURE

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Sectional/Explanation of Changes CS for SB 34 (FIN) version: 30-GS1781\T

- Section 1:** **NEW:** Intent language added by the legislature should continue efforts to amend the REAL ID Act to protect the privacy of Alaskans.
- Section 2:** **AMENDED:** Amends 18.65.310(a) to set the fee for REAL ID compliant identification cards at \$20 – increased from \$10 in the previous bill.
- Section 3:** **NEW:** Amends 18.65.310(b) to require an application for an identification card to include a provision that the applicant understands the options between the identification card types and what type of card is being selected.
- Section 4:** **AMENDED:** Adds new sections to 18.65.310 as follows:
- (m) Requires the department to adopt regulations to issue federally compliant cards and requires an applicant to specifically choose one. New language in CS limits the documents that can be copied/scanned and retained to the minimum of what is required by REAL ID and codifies the retention period of 15 years, which matches what is currently in regulation.
 - (n) Requires the state to continue to offer non-compliant cards. Requires an applicant to specifically choose a federally compliant identification card. The CS keeps the prohibition against the state or municipality requiring a person to get a federally compliant identification card, but allows an exception when the state or municipality is acting as an employer and the job duties require use of a compliant identification card.
- New language regarding non-compliant identification cards limits retention of facial images to 15 years, prohibits retention if a card is not issued, and limits retention of verification documents to a year after the expiration date of the license.
- (o) The previous bill allowed the department to issue a card with a validity of less than eight years if it matches the amount of time that a person is legally authorized to be in the country. The CS contains that language, but amends a provision regarding a card issued to a person that is legally allowed to stay in the country for an “indefinite period.” The CS allows the department more discretion to renew for a period of “up to eight years” – the previous bill limited the card to one year.

The CS also includes language regarding when an identification card can be renewed and guidelines for renewal by mail or via the department's website. The CS also allows the department more discretion with the expiration date for a card when the authorized stay of an individual is indeterminate – the previous bill required a one year expiration date; the CS allows a card to be valid “up to eight years.”

(p) Requires the department to provide the public with information about the differences between current cards (non-compliant) and federally compliant cards, including what a federally compliant identification card is required for and what alternatives are available.

REMOVED: *Requirement that a non-compliant card be created in-state.*

(q) Definition of “identification card that is federally compliant” – reworded.

Section 5: AMENDED: Adds new sections to 28.05.068 as follows:

(a) If data is being shared with other entities to comply with the REAL ID Act, limits that data to what is required. This is similar to the intent of the language in the previous bill, but has been reworded.

(b) – (e) – Add new language relating to the sending of social security numbers to other entities for verification that a person who is applying for a driver's license is not already licensed in other states. The language requires the department to take “all steps necessary” to eliminate the use of social security numbers, otherwise to limit the number of digits of a social security number being used. Allows up to five digits, which is the current number required by the S2S verification system, to be used as long as efforts have been made to reduce the number.

(f) Requires an annual report of the efforts made in (b) – (e); this section is repealed in 2021 by section 15 of this bill.

Section 6: AMENDED: Adds new sections to 28.15.041, relating to driver's licenses, to mirror the provisions in section 4 of the bill for identification cards. Specifically:

(d) Requires the department to adopt regulations to issue federally compliant driver's licenses. New language in CS limits the documents that can be copied/scanned and retained to the minimum of what is required by REAL ID and codifies the retention period of 15 years, which matches what is currently in regulation.

(e) Requires the state to continue to offer non-compliant licenses. Requires an applicant to specifically choose a federally compliant license. The CS keeps the prohibition against the state or municipality requiring a person to get a federally compliant driver's license, but allows an exception when the state or municipality is acting as an employer and the job duties require use of a compliant license.

New language regarding non-compliant driver's licenses limits retention of facial images to 15 years, prohibits retention if a license is not issued, and limits retention of verification documents to one year after the expiration date of the license.

(f) Requires the department to provide the public with information about the differences between current driver's licenses (non-compliant) and federally compliant licenses, including what a federally compliant identification card is required for and what alternatives are available.

Section 7: **AMENDED:** Adds a new subsection to 28.15.061(b) that mirrors the language for identification cards in section 3. Requires an application for a driver's license to include a provision that the applicant understands the options between the driver's license types and what type of license is being selected.

Section 8: Amends 28.15.101 (a) to extend the validity of a driver's license to eight years (from five). *Same as previous bill.*

Section 9: **AMENDED:** Amends 28.15.101 (d), similar to the provisions in section 4, subsection (o) of this bill, to allow the department to issue a driver's license with a validity of less than eight years if it matches the amount of time that a person is legally authorized to be in the country and also repeals language allowing a person to renew their license for free if the license was valid for less than the maximum.

The CS contains that language, but amends a provision that limits the validity of a driver's license issued to a person that is legally allowed to stay in the country for an "indefinite period." The CS allows the department more discretion to renew for a period of "up to eight years" – the previous bill limited the card to one year.

Section 10: **AMENDED:** Amends 28.15.111(a) to update the security requirements of cards to the highest security standards available.

Section 11: **AMENDED:** Adds new subsections to 28.15.111 that (d) prohibit bulk sharing of facial images captured during the application process for driver's licenses, other than commercial driver's licenses, with entities outside the state; and (e) require a commercial driver's license to be federally compliant.

REMOVED: *Limitations on copying and retention of application documents and facial images – see new language on same topic in section 6. Also removed was the requirement that a non-compliant driver's license be created in-state.*

Section 12: Amends 28.15.271(b) to charge a \$20 fee for a driver's license that is federal compliant. *Same as previous bill.*

Section 13: **AMENDED:** Adds a new subsection to 28.90.990(a) to define "driver's license that is federally compliant" – this was reworded in the CS.

Section 14: **NEW:** Repeals AS 44.99.040(a)(2), the statute that prohibits use of assets to implement the REAL ID Act. The previous bill amended this section instead of repealing it.

Section 15: **NEW:** Repeals 28.05.068(f) – the reporting requirement added by section 5 of this bill – on June 30, 2021.

Section 16: Transitional Provisions: Allows the Department of Administration to adopt regulations to implement this Act.

Section 17: Immediate effective dates for section 14 (repeal) and section 16 (authority for regulations).

Section 18: Effective date of January 1, 2019 for the remainder of the bill.