

**ALASKA STATE LEGISLATURE**  
**HOUSE TRANSPORTATION STANDING COMMITTEE**

April 15, 2003

1:35 p.m.

**MEMBERS PRESENT**

Representative Jim Holm, Co-Chair  
Representative Beverly Masek, Co-Chair  
Representative Hugh Fate  
Representative Dan Ogg  
Representative Mary Kapsner

**MEMBERS ABSENT**

Representative Vic Kohring  
Representative Albert Kookesh

**COMMITTEE CALENDAR**

HOUSE BILL NO. 213

"An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

- HEARD AND HELD; ASSIGNED TO SUBCOMMITTEE

HOUSE BILL NO. 170

"An Act increasing certain motor vehicle registration fees; and providing for an effective date."

- MOVED HB 170 OUT OF COMMITTEE

HOUSE BILL NO. 40

"An Act relating to issuance of a driver's license."

- HEARD AND HELD

HOUSE BILL NO. 217

"An Act relating to driving while under the influence of an alcoholic beverage, inhalant, or controlled substance and to presumptions arising from the amount of alcohol in a person's breath or blood; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS ACTION**

BILL: HB 213

SHORT TITLE:PROVISIONAL DRIVER'S LICENSE

SPONSOR(S): REPRESENTATIVE(S)WEYHRAUCH

Jrn-Date	Jrn-Page		Action
03/26/03	0640	(H)	READ THE FIRST TIME - REFERRALS
03/26/03	0640	(H)	TRA, L&C
03/26/03	0640	(H)	REFERRED TO TRANSPORTATION
04/01/03		(H)	TRA AT 1:30 PM CAPITOL 17
04/01/03		(H)	Heard & Held MINUTE(TRA)
04/03/03		(H)	TRA AT 1:30 PM CAPITOL 17
04/03/03		(H)	Heard & Held MINUTE(TRA)
04/15/03		(H)	TRA AT 1:30 PM CAPITOL 17

BILL: HB 170

SHORT TITLE:MOTOR VEHICLE REGISTRATION FEES

SPONSOR(S): RLS BY REQUEST OF THE GOVERNOR

Jrn-Date	Jrn-Page		Action
03/05/03	0444	(H)	READ THE FIRST TIME - REFERRALS
03/05/03	0444	(H)	TRA, FIN
03/05/03	0444	(H)	FN1: (ADM)
03/05/03	0444	(H)	GOVERNOR'S TRANSMITTAL LETTER
03/11/03		(H)	TRA AT 2:00 PM CAPITOL 17
03/11/03		(H)	Scheduled But Not Heard
03/18/03		(H)	TRA AT 1:30 PM CAPITOL 17
03/18/03		(H)	Heard & Held
03/18/03		(H)	MINUTE(TRA)
03/25/03		(H)	TRA AT 1:30 PM CAPITOL 17
03/25/03		(H)	Scheduled But Not Heard
04/15/03		(H)	TRA AT 1:30 PM CAPITOL 17

BILL: HB 40

SHORT TITLE:REQUIREMENTS FOR DRIVER'S LICENSE

SPONSOR(S): REPRESENTATIVE(S)LYNN

Jrn-Date	Jrn-Page		Action
01/21/03	0042	(H)	PREFILE RELEASED (1/10/03)
01/21/03	0042	(H)	READ THE FIRST TIME - REFERRALS
01/21/03	0042	(H)	TRA, STA
01/21/03	0042	(H)	REFERRED TO TRANSPORTATION

01/31/03	0106	(H)	COSPONSOR(S): CHENAULT
04/10/03		(H)	TRA AT 1:30 PM CAPITOL 17
04/10/03		(H)	-- Meeting Canceled --
04/15/03		(H)	TRA AT 1:30 PM CAPITOL 17
04/15/03		(H)	Heard & Held

#### **WITNESS REGISTER**

REPRESENTATIVE BOB LYNN  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Presented the sponsor statement for HB 40.

CHARLES R. HOSACK  
Deputy Director  
Division of Motor Vehicles (DMV)  
Department of Administration  
Anchorage, Alaska

POSITION STATEMENT: Presented information pertaining to HB 40.

MARA KIMMEL, Supervising Attorney  
Immigration and Refugee Services Program  
Catholic Social Services  
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 40.

ANGELA LISTON, Department of Justice & Peace  
Catholic Archdiocese of Anchorage  
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 40.

#### **ACTION NARRATIVE**

**TAPE 03-17, SIDE A**  
Number 0001

**CO-CHAIR JIM HOLM** called the House Transportation Standing Committee meeting to order at 1:35 p.m. Representatives Holm, Masek, Fate, and Ogg were present at the call to order. Representative Kapsner arrived as the meeting was in progress.

#### HB 213-PROVISIONAL DRIVER'S LICENSE

CO-CHAIR HOLM announced that the first order of business would be HOUSE BILL NO. 213, "An Act relating to a provisional driver's license and to issuance of a driver's license; and providing for an effective date."

Number 0071

CO-CHAIR HOLM announced that HB 213 would be assigned to a subcommittee to which the following members were appointed: Representatives Masek, Ogg, and Kapsner.

[HB 213 was held over.]

HB 170-MOTOR VEHICLE REGISTRATION FEES

CO-CHAIR HOLM announced that the next order of business would be HOUSE BILL NO. 170, "An Act increasing certain motor vehicle registration fees; and providing for an effective date."

CO-CHAIR HOLM indicated that HB 170 had been previously heard in committee and ascertained that there was no further public testimony.

Number 0160

REPRESENTATIVE OGG moved to report HB 170 out of committee with individual recommendations and the accompanying fiscal note.

Number 0169

REPRESENTATIVE FATE objected.

Number 0201

REPRESENTATIVE FATE withdrew his objection upon obtaining clarification that the bill had previously been heard in committee [3/18/03] and that there was no committee substitute for HB 170.

CO-CHAIR HOLM indicated that HB 170 [was reported from the House Transportation Standing Committee]. He mentioned that HB 170 has a positive fiscal note in the amount of about \$12 million.

HB 40-REQUIREMENTS FOR DRIVER'S LICENSE

[Contains discussion pertaining to HB 221]

CO-CHAIR HOLM announced that the next order of business would be HOUSE BILL NO. 40, "An Act relating to issuance of a driver's license."

Number 0257

CO-CHAIR MASEK moved to adopt the proposed committee substitute (CS) for HB 40, Version 23-LS0262\D, Ford, 4/7/03, for the purposes of discussion. There being no objection, Version D was before the committee.

Number 0350

REPRESENTATIVE BOB LYNN, Alaska State Legislature, speaking as the sponsor of HB 40, provided the following testimony:

A driver's license is a privilege, it's not a right. A state has a right to mandate its own standards and qualifications, and qualifications such as a satisfactory score on a written test and a driving test, age, vision, and so forth. HB 40 merely adds a qualification that an alien must be legally in the United States to obtain an Alaska driver's license. Nothing in the bill would act against the rights of any legal alien in Alaska. Passage of HB 40 will accomplish several positive results, as detailed in the sponsor statement.

REPRESENTATIVE LYNN continued:

First of all, "Homeland Security" is a top priority of the President of the United States, and the governor of Alaska. Alaska has several potential targets. We live in dangerous times, and we believe HB 40 will help lessen some of those dangers. A driver's license or state identification card is an essential tool, used by illegal aliens - some of whom may be terrorists - to solidify their presence here and to move about freely. This is a clear threat to our safety and economic security. To be blunt, we need to fix it so Osama bin Laden, or whatever vaporized particles may be left of Saddam Hussein, can't get an Alaska driver's license.

Secondly, state residency is a legal requirement for an Alaska driver's license. Obviously, illegal aliens cannot be legal residents of any state, including Alaska. If Alaska provides illegal aliens with driver's licenses, the state enables false appearance of legal residence to an illegal alien, who is, by

definition, ineligible for a license and, by definition, a lawbreaker.

REPRESENTATIVE LYNN testified:

HB 40 will help prevent voter fraud. An illegal alien with an Alaska driver's license would enable a non-citizen of Alaska to register to vote under the "motor voter act." We should protect the integrity of our Alaska voter rolls.

Third, "identity theft" is becoming a huge problem and a growing problem. HB 40 will help address that problem. State-issued driver's licenses have become the "de facto" primary identity document throughout Alaska and the United States. In fact, driver's licenses are so generally requested for purposes unrelated to driving that motor vehicle administrations also issue identity cards for non-drivers.

Number 0494

In fact, the driver's licenses are a "breeder document" that can provide access to many other documents, thereby facilitating identity theft. Driver's licenses are commonly used to establish identity to law enforcement, employment, credit, and retail transactions. Once a person has obtained a driver's license or state ID [identification card] in one state, it can be used in any other state. Worse, a driver's license can easily be exchanged for a different state's license or identity card. An exchange is faster and requires much less documentation than a new issue.

As another point, public safety is a major concern for all of us. One effect of granting driver's licenses to illegal aliens is to facilitate a larger number of persons on the road who are typically less experienced drivers, more often uninsured, and who are more likely to be hit-and-run drivers when they cause an accident. That's a problem we don't need.

REPRESENTATIVE LYNN testified:

One person, in a newspaper article that came out after my bill was introduced, stated that folks are going to be driving whether they are licensed or not, and that they would not be insurable without a license. Well, of course. But that doesn't mean that because some kids drive without a license, or some drunks drive without a revoked license, that we should therefore license illegal aliens. I don't think that's logical. That same person claimed that the federal government has authority, sole authority, over immigration, and that somehow applies to whom a state chooses to license as a driver. We know the [federal government has] intruded a lot into our independent state's rights, but hopefully, Alaska can still decide who gets a driver's license and who doesn't.

Number 0566

In summary, HB 40 is needed to increase public safety, help establish legal residency, help prevent voter fraud, and especially to increase protection against identity theft, and strengthen homeland security. Once again, nothing in this bill would act against the rights of any legal alien in Alaska.

CO-CHAIR MASEK asked if consideration had been given to including state identification (ID) in the bill.

REPRESENTATIVE LYNN responded that he would consider this as a friendly amendment.

Number 0684

CO-CHAIR MASEK then agreed with a suggestion from Representative Ogg that as a conceptual amendment, wherever "Alaska driver's license" appears in the bill, that "state ID" be included as well.

CO-CHAIR HOLM indicated that the committee would address this conceptual amendment later in the course of the meeting.

REPRESENTATIVE FATE inquired about the application of [Version D], Section 1, subsection (b)(8), saying that the bill implies that a person who is not a citizen of the United States may not get a driver's license, and that the only qualification would be that if one is not a citizen of the United States, then the state is empowered to not give or renew a driver's license. He

countered this with the example that there are hundreds of thousands of aliens who come here who are not citizens of the United States and yet can legally hunt or fish or rent a car because they have been issued a driver's license from another country.

REPRESENTATIVE LYNN referred to Version A [Section 1, subsection (b)(8)] which reads, "who is not a resident of Alaska and a citizen of the United States or a legal alien ...", and he agreed with Representative Fate that there was an error in the proposed CS; he apologized to the committee. He stated that, obviously, someone who is not a citizen of the United States may qualify for an Alaska driver's license.

REPRESENTATIVE FATE gave the example of his son-in-law who is a citizen of the United Kingdom and in Switzerland; he plans to come to the United States to take up residency, but may not receive his citizenship papers for several years. During that time, he'll probably need to get a driver's license from California, or the state he resides in, and this legislation would not allow for the possibility of his getting a driver's license [in Alaska].

REPRESENTATIVE LYNN agreed, and said the intent was to stop issuing licenses to illegal aliens, rather than to legal aliens.

Number 0939

REPRESENTATIVE OGG suggested that on page 2, line 12, the word "not" be inserted after the word "or".

REPRESENTATIVE FATE suggested that the criterion would be that one has to be a citizen of the United States in order to get a license.

CO-CHAIR HOLM suggested that the bill may be correctly drafted, noting that the word "not" refers to both, as he emphasized, "who is not a citizen or a legal alien."

REPRESENTATIVE OGG said in order to be very clear, perhaps it wouldn't hurt to be repetitive.

REPRESENTATIVE FATE wondered if the language was, in fact, correct.

Number 1071

CHARLES R. HOSACK, Deputy Director, Division of Motor Vehicles (DMV), Department of Administration, said he understands the bill to mean that "we may not issue a license to a person who is either not a citizen of the United States or is not a legal alien," so a person would have to be either a citizen or a legal alien before a license could be issued.

CO-CHAIR HOLM asked Representative Fate what was wrong with making sure that a person was a legal alien.

REPRESENTATIVE FATE reiterated that this meant a person had to be a citizen of the United States before being issued an Alaskan license. Representative Fate said that because of the comma, or the phrasing, the sentence is divided and it can mean "they will not be issued a license unless they are legal aliens."

CO-CHAIR HOLM asked how the sentence would be understood from an "either/or" perspective.

MR. HOSACK offered that the word "either" could be inserted [Section 1, subsection (b)(8)] to clarify that one or the other [qualification] would need to be met - that a person was either a citizen or a legal alien.

REPRESENTATIVE FATE suggested that this means that a person must be a citizen of the United States in order to be issued an Alaskan driver's license.

MR. HOSACK said the indication is that one who is not a citizen of the United States "or who is not a legal alien" would not be issued a license. He said that the phrase "or who is not a legal alien" could be inserted.

REPRESENTATIVE FATE said the first part of the sentence refers to [Section 1, subsection (b)], saying that his point was that "the department may not issue a license to a person who is not a citizen."

MR. HOSACK said he considered the language to have two parts. He said, "We may not issue to anyone who is not a citizen of the United States or is not a legal alien," pointing out that the word "or" is in the sentence. He said it could be turned around to be phrased in the positive, saying, "We may issue to a person who is a citizen or we may issue to a person who is a legal alien."

REPRESENTATIVE FATE said that the word "not" needs to be inserted before the word "legal".

CO-CHAIR HOLM said that conceptually he agreed, wondering whether using the language "who is not a legal alien" would make this clear.

REPRESENTATIVE FATE responded that this would add clarification, and suggested that the word "either" be included as well.

REPRESENTATIVE LYNN suggested that [page 2, line 8] read as follows: "who is not either a citizen of the United States or a legal alien."

REPRESENTATIVE FATE suggested that page 2, line 8, read, "who is not a citizen of the United States or is not a legal alien".

CO-CHAIR HOLM suggested that the clearest phrasing would be "who is not a citizen of the United States or who is not a legal alien".

Number 1408

REPRESENTATIVE FATE moved to adopt the foregoing as [Conceptual] Amendment 2. There being no objection, [Conceptual] Amendment 2 was adopted.

REPRESENTATIVE OGG asked if there was a definition of "legal alien" in Alaska Statute.

CO-CHAIR HOLM suggested contacting [Legislative Legal and Research Services].

CO-CHAIR HOLM inquired as to an estimated number of illegal aliens.

REPRESENTATIVE LYNN said he didn't know how many illegal aliens there were to begin with, or how many have applied.

MR. HOSACK responded that DMV does not file any information on illegal aliens. He said he had a survey from 2000 that estimated that there were approximately 5,000 illegal aliens in Alaska. In response to a question from the committee he confirmed that some of those people would have had a driver's license.

CO-CHAIR HOLM asked, if that were the case, why an anticipated fiscal impact wasn't being reflected in the fiscal note.

MR. HOSACK replied that according to procedure, when a person comes in for the first time, certain documents are requested. If a person is an alien, an INS [Immigration and Naturalization Service] document is required to indicate that the person is in the country legally. Mr. Hosack said he suspects that people who are illegal aliens with licenses are those who have obtained licenses from another country. He continued that the information collected when first issuing a license indicates "place of birth" on the license. As part of the renewal process, proof of legal status or U.S. citizenship - such as a passport - would be required.

CO-CHAIR MASEK asked, if a person from another country who was here on a visa passed his/her test and obtained a driver's license, whether that person would be able to keep that license for the same six-month period during which the visa was applicable.

MR. HOSACK confirmed this to be correct, saying that this particular bill looks at whether a person is legally in the country; it does not look at an expiration date or a timeframe.

REPRESENTATIVE LYNN said he would like to correlate the expiration date on the driver's license to that on the visa, but decided to not overly complicate the bill. He said the U.S. Congress is currently looking at this same issue, although there has not, as of yet, been much progress.

CO-CHAIR HOLM confirmed that this was probably not the right vehicle for that issue.

Number 1663

MARA KIMMEL, Supervising Attorney, Immigration and Refugee Services Program, Catholic Social Services, testified that she works with approximately 6,000 immigrants, and provided the following testimony:

September 11, [2001] brought the need to heighten our security, and we are only wise if we pay more attention to those who would threaten our safety and the safety of our loved ones. However, we have to make sure that our response to September 11, and the increased threat to our well-being, is an efficient and effective response.

Alaskans - and all Alaskans, meaning people who are in the state from other countries who are applying for status - need to go to work, need to feed their families, need to make sure their kids get to school, and need to make sure they have a way to get their sick kids to the hospital. Unfortunately, whether someone has a driver's license or not is not going to prevent them from getting on the road. I know that first hand. Most of my clients have driver's licenses. And if they don't have driver's licenses, they are driving anyway. By refusing to license, and therefore [refusing] to properly regulate drivers, we threaten our public safety.

MS. KIMMEL continued:

With all due respect to the intention of the sponsors of HB 40, this bill does nothing to achieve the goals it sets out to [achieve]. For example, it does not strengthen homeland security; it undermines our public safety by making sure that many of the drivers on our roads will not be able to get licenses or to get insurance. Finally, if enacted, the bill does impose a huge cost, regardless of whether there's a fiscal note attached. There is a huge cost involved, and we can't afford this at a time when dollars in the state are so scarce. On the other hand, there are many benefits to providing drivers' licenses to Alaskans who need to drive.

I said that HB 40 does nothing to promote homeland security. It is a fact that all of the terrorists who were onboard those flights on September 11 could have gotten driver's licenses under this bill, the way that it's stated - so this would have had no effect. In addition, HB 40 does not prevent identity theft - which was another one of the sponsor's goals in promoting this legislation. By providing driver's licenses to all eligible Alaskans, we make sure that people who need driver's licenses have them and don't resort to illegal means, and don't get fraudulent documents. HB 40 doesn't prevent voter fraud. There are very serious federal ramifications if you do vote without authorization, including automatic deportation. So this is not going to be a deterrent.

Number 1819

MS. KIMMEL testified:

HB 40 threatens public safety, and it increases costs to insurance companies and also to insured motorists. Very simply, licensed drivers are tested; unlicensed ones are not. Licensed drivers are insured; unlicensed ones are not. Nationally, uninsured motorists cost \$1.4 billion in losses per year. An average of 14 percent of all accidents are caused by unlicensed drivers. One in five drivers involved in fatal crashes are unlicensed.

In terms of the costs, other states have looked at implementing this type of law. California pays \$1.8 million per year to implement this type of "lawful presence" requirement. A Virginia study estimates that implementing a similar law will cost them \$5.5 million per year and an additional \$200,000 in training costs. Because of the difficulty in reliably and properly implementing such a law, particularly given the confusing terminology and the issue of "what is a legal alien," there will undoubtedly be litigation over this bill. Therefore, the state faces another cost. The current DMV policies that are in place don't allow people who are in the country without INS paperwork - as the speaker on the phone said - to get a driver's license. This bill does nothing to add any additional protections on that front.

MS. KIMMEL concluded:

On the other hand, there are benefits to licensing all eligible Alaskans. First of all, we will see an increase in state revenues because we'll have an increase in applicants for driver's licenses. There will be improved public safety because the people who are driving on our roads will be licensed and will be tested and will be insured, and that will reduce costs both the state and to other insured drivers.

I have been dealing with this issue for a couple of years, prior to this bill [being considered].

Number 1904

CO-CHAIR HOLM referred to [HB 221], which had not yet been heard, but which considers the committing of voter fraud to be a felony, and he noted that this issue would be addressed, even though it wasn't being addressed in HB 40. After receiving confirmation from Ms. Kimmel that she was familiar with this issue, he then suggested that aliens are not Alaskans unless they are legal aliens and that illegal aliens have no standing as residents in the state of Alaska.

MS. KIMMEL responded that there is no provision, as such, according to state law.

CO-CHAIR HOLM asked if interlopers were residents, wondering if anybody who just walks into the state then becomes a resident, regardless of where that person has come from.

MS. KIMMEL said that in many cases, somebody comes into the state as a visitor and then decides to get married. After marriage, that person begins to undertake the lawful procedures to obtain lawful status.

CO-CHAIR HOLM asked if, by virtue of the fact of getting married, that person's status is now changed.

MS. KIMMEL said this was not the case. She explained that there is a lengthy process which can take upwards of a year, and meanwhile, those people are in proceedings and are not licensed. She said the most salient point pertained to people who had fled persecution, noting that there are a lot of people in Alaska who have fled persecution, who have come here seeking refuge, and who have applied for political asylum.

Ms. KIMMEL continued that this has been a significant issue with the [Permanent Fund Dividend Division], and wondered how much litigation has cost the state regarding the [division's] attempts to implement a distinction between lawful aliens and others. She told the committee that she was "not saying that people who come here who say, 'I want to set up shop and I want this to be my home,' have authority to be here," but said that it's important to remember that just getting a driver's license in this state doesn't grant a person the authority to remain in the United States; it doesn't confer any legal status whatsoever. All it will do it is to ensure that Alaska's roads are safe.

CO-CHAIR HOLM disagreed, saying that this is not a guarantee of insurance or of one's knowing how to drive. Demands are made to

obtain insurance, but people don't have to comply. All that can be done is to catch people "when they haven't done it" and then afford them a penalty. It's no different if someone who is an illegal alien comes in and gets a driver's license but hasn't done anything to get the driver's license - "they're still illegal," he said.

MS. KIMMEL noted that a person has to pass a test to obtain a driver's license, and that after obtaining the license, there is a requirement that the person be insured.

CO-CHAIR HOLM said he understood that just because there was a requirement was no guarantee that the requirement was being met.

MS. KIMMEL said most of her clients would get insurance if they had obtained a legal driver's license, because that is the law. She stated, "They are not lawbreakers. They've come here for many reasons, including fleeing persecution."

Number 2050

CO-CHAIR HOLM said, "With all due respect, there are many folks who have done that." He added that perhaps it's not in the state's best interest to have a policy that isn't beneficial to all of the people in the state who are currently here, and that to make a policy for people who may show up here one day may not be in the state's best interests. In this particular case, with [the terrorist attacks of September 11, 2001] as was pointed out by Representative Lynn, the desire is to make sure that there is a way to track people who are illegal aliens.

MS. KIMMEL said one of the best ways to do that is with a license.

CO-CHAIR HOLM responded that perhaps using state identification other than a driver's license, as was suggested by Co-Chair Masek, may be a better idea than using a driver's license. Obviously, the laws are different in differing parts of the world, so people who come to this country have different driving capabilities. He cited the example of driving on the left side of the road in England.

Number 2091

ANGELA LISTON, Department of Justice & Peace, Catholic Archdiocese of Anchorage, said she shared the concern for security of the state and of the nation. She said she also

recognized that most immigrants came to this country to flee oppression and to seek a better life. She pointed out that often, the undocumented immigrants are among the poorest and the most vulnerable members of the community, so "it is on their behalf that we speak." Immigrants, regardless of their status, will drive. She said she concurs with the previous speaker that they will drive to meet their children's' needs and that in their community, public transportation can be pretty limited.

MS. LISTON said she also agreed that legislation such as HB 40 would have had no impact on the September 11 terrorist tragedy. She told the committee that all of those terrorists had passports for identification and that this bill would not have affected them. On the other hand, she suggested that HB 40 could adversely affect public safety in Alaska. She said that this would exclude people from the state's database, pointing out that if a person has a driver's license, "we" know that person is here. On the other hand, if a person is excluded, then that information isn't available and it's more likely that people could disappear into the community without anyone knowing. She suggested that not allowing people the option for a license would work against public safety.

MS. LISTON suggested that immigrants would want to avoid contact with law enforcement and that if people couldn't get a valid license, there would be a larger black market for false documents. This would result in unlicensed and untested people driving on the roads. She said people can be at various stages of documentation and the process can take years. This bill would make the DMV the mini-arm of the INS. She said that it's DMV's job to make sure that people know how to drive, know how to follow the rules of the road, and know the laws. She said it seemed to be a huge burden to place on DMV - to require staff to understand the complex immigration laws and to assure that people have proper documentation.

Number 2231

REPRESENTATIVE OGG asked about the number of people, under this statute, who couldn't get licensed.

MS. LISTON replied that she didn't have that information.

MS. KIMMEL responded that she could speak to the Kodiak area as an example. She stated that there are probably 1,500 people on Kodiak Island who are eligible for a form of relief under the Nicaraguan Adjustment of the Central American Relief Act of

1977. She said that those people are still in the process of being assisting towards obtaining legal status, even though they have been in Alaska or the United States for at least 10 years. She said that nothing has been done on those application for political asylum. Those people entered the United States without inspection - which means that they are undocumented - meaning that they can't present a visa when they are applying for a driver's license. Because they are eligible for relief under the law, they're here lawfully; they will not be deported. Ms. Kimmel said that there are thousands of people in Kodiak who would be affected by this bill.

REPRESENTATIVE OGG specified that population may be large but was not in the thousands, even in consideration of Ms. Kimmel's comment that the Salvadorian population in Kodiak was sizable. He acknowledged that the immigration officer, Tim Brady, probably recognized people, but he wondered what forms of identification were being used and if there was some sort of card indicating the process that people were going through.

MS. KIMMEL said that oftentimes there was not such a card because many people are refugees. In Kodiak, many people were refugees of the civil war and they fled without documents. In some cases, people have Salvadorian passports; in many cases, however, they don't have any form of identification - and that has been problematic. Sometimes people are able to obtain different state IDs or work cards issued by the INS; there are complicated ways of becoming lawful in the United States, and a simplistic approach won't cover all cases, she said.

REPRESENTATIVE OGG asked how the INS deals with identifying people, and wondered why they wouldn't just be deported.

MS. KIMMEL responded that the INS doesn't issue identity cards, but issues a work card, which is different from a green card; it's called an employment authorization document. She said that it's the size of a driver's license and enables a person to legally work in the United States while waiting (indisc.).

**TAPE 03-17, SIDE B**

Number 2366

MS. KIMMEL continued that when applying for political asylum, a person needs to provide a birth certificate. She stated that the INS is not "in the business of issuing identity documents." However, she noted, the INS does have a huge paperwork trail.

REPRESENTATIVE OGG suggested that people obviously have permission to be here.

CO-CHAIR HOLM said he understood Representative Ogg's conundrum that if people are not legal aliens, they wouldn't have permission to be here.

MS. KIMMEL stated that there is a problem with the definition of "legal alien."

CO-CHAIR HOLM asked, "Where in the statutes does legal alien fit?"

MS. KIMMEL responded that there is no Alaska or federal statute that defines "legal alien."

CO-CHAIR HOLM suggested that the need exists to define "legal alien."

MS. KIMMEL suggested examining the [Permanent Fund Dividend Division's] experience with looking into what a legal alien is, saying that this issue has been and remains contentious and has cost the state a lot of money.

REPRESENTATIVE OGG asked if the next step would involve getting further definition on "legal alien."

CO-CHAIR HOLM said it would be appropriate to get a legal opinion on HB 40 and to clarify the definition of "legal alien." He confirmed that Conceptual Amendment 1 and Amendment 2 were previously adopted. He announced that HB 40, as amended, would be held over in committee.

#### **ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 2:30 p.m.