

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 6, 2007

8:03 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 38

"An Act relating to legislators and candidates for the legislature and to certain campaign contributions made in exchange for certain agreements."

- MOVED CSHB 38(STA) OUT OF COMMITTEE

HOUSE BILL NO. 6

"An Act relating to campaign contributions by groups that are not political parties; and providing for an effective date."

- MOVED CSHB 6(STA) OUT OF COMMITTEE

HOUSE BILL NO. 3

"An Act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."

- MOVED HB 3 OUT OF COMMITTEE

HOUSE BILL NO. 171

"An Act relating to the terms of legislators, the date and time for convening regular legislative sessions, adoption of uniform rules of the legislature and to certain of those rules, the date for organizing the Legislative Budget and Audit Committee, and deadlines for certain matters or reports to be delivered to the

legislature or filed; prohibiting bonuses for legislative employees; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 38

SHORT TITLE: IMPROPER CONTRIBUTIONS TO LEGISLATORS

SPONSOR(s): REPRESENTATIVE(s) GARA, CRAWFORD, GARDNER, DOLL, KAWASAKI, BUCH, DOOGAN, GRUENBERG

01/16/07	(H)	PREFILE RELEASED 1/5/07
01/16/07	(H)	READ THE FIRST TIME - REFERRALS
01/16/07	(H)	STA, JUD, FIN
02/01/07	(H)	STA AT 8:00 AM CAPITOL 106
02/01/07	(H)	Heard & Held
02/01/07	(H)	MINUTE(STA)
02/03/07	(H)	STA AT 10:00 AM SPEAKER'S CHAMBER
02/03/07	(H)	EXEC. BRANCH ETHICS:INTERESTS & ACTIONS
02/27/07	(H)	STA AT 8:00 AM CAPITOL 106
02/27/07	(H)	Scheduled But Not Heard
03/06/07	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 6

SHORT TITLE: CAMPAIGN CONTRIBUTIONS

SPONSOR(s): REPRESENTATIVE(s) HARRIS, RAMRAS, HAWKER, CHENAULT, SAMUELS, FAIRCLOUGH, NEUMAN, OLSON, DAHLSTROM, SEATON, JOHNSON

01/16/07	(H)	PREFILE RELEASED 1/5/07
01/16/07	(H)	READ THE FIRST TIME - REFERRALS
01/16/07	(H)	STA, JUD
02/03/07	(H)	STA AT 10:00 AM SPEAKER'S CHAMBER
02/03/07	(H)	LEGISLATIVE DISCLOSURES/OUTSIDE INCOME
02/13/07	(H)	STA AT 8:00 AM CAPITOL 106
02/13/07	(H)	Heard & Held
02/13/07	(H)	MINUTE(STA)
02/15/07	(H)	STA AT 8:00 AM CAPITOL 106
02/15/07	(H)	Heard & Held
02/15/07	(H)	MINUTE(STA)
03/06/07	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 3

SHORT TITLE: REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

SPONSOR(s): REPRESENTATIVE(s) LYNN

01/16/07	(H)	PREFILE RELEASED 1/5/07
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01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) STA, JUD
02/27/07 (H) STA AT 8:00 AM CAPITOL 106
02/27/07 (H) Scheduled But Not Heard
03/01/07 (H) STA AT 8:00 AM CAPITOL 106
03/01/07 (H) Scheduled But Not Heard
03/06/07 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE LES GARA
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As joint prime sponsor of HB 38, reviewed the changes made in Version K.

TOM WRIGHT, Staff
House Majority Office
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Addressed Amendment 1 to HB 6.

DUANE BANNOCK, Director
Division of Motor Vehicles (DMV)
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 3.

DAN RODGERS
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself during the hearing on HB 3.

MICHAEL MACLEOD-BALL, Executive Director
Alaska Civil Liberties Union (ACLU)
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of ACLU in opposition to HB 3.

SCOTT McMURREN
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself in opposition to HB 3.

BILL SCANNELL
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of the Identity Project in opposition to HB 3.

MATTHEW KERR

Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of himself in opposition to HB 3.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [8:03:53 AM](#). Representatives Roses, Coghill, Johnson, and Lynn were present at the call to order. Representatives Johansen, Gruenberg, and Doll arrived as the meeting was in progress.

HB 38-IMPROPER CONTRIBUTIONS TO LEGISLATORS

[8:05:00 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 38, "An Act relating to legislators and candidates for the legislature and to certain campaign contributions made in exchange for certain agreements."

REPRESENTATIVE COGHILL moved to adopt the committee substitute (CS) for HB 38, Version 25-LS0219\K, Luckhaupt, 3/5/07, as a work draft.

[8:05:20 AM](#)

REPRESENTATIVES ROSES and JOHNSON objected.

[8:05:35 AM](#)

REPRESENTATIVE LES GARA, Alaska State Legislature, as joint prime sponsor of HB 38, reviewed the changes made in Version K. He said that currently, political campaign contributions "can't constitute bribery." He directed attention to the added language on [page 1, lines 7-9 of Version K], which would change that law to say:

unless the contribution is made or received in exchange for an agreement to alter an elected official's or candidate's vote or position on a legislative, statewide, or municipal matter

REPRESENTATIVE GARA specified that giving someone a campaign contribution because he/she already supports a cause believed in by the contributor is not illegal and would not be under this change.

[8:07:36 AM](#)

REPRESENTATIVE GARA, in response to Representative Coghill, stated that under criminal law, when a person purposely [changes his/her vote or shifts to another cause] in exchange for a contribution, and has done so knowingly, there is an understanding between both parties that "I'm giving you the money and you're changing your position." He said he tried to keep the language narrow.

[8:09:14 AM](#)

CHAIR LYNN asked Representative Gara to confirm that a legitimate change in view point on the part of a candidate would not be considered criminal.

REPRESENTATIVE GARA responded that it would not, because there would not be an understanding between two parties regarding the change of view point.

[8:10:27 AM](#)

REPRESENTATIVE DOLL suggested having proof of such an interchange would be helpful during prosecution.

REPRESENTATIVE GARA said yes, but he added that prosecution would not be easy. He relayed that it may be necessary to "have some people on wire" or turning on other people. In response to a question from Chair Lynn, he said holding a fundraiser would follow the same guideline; if the candidate agreed to change his/her position upon accepting money to hold the fundraiser, then that would be a crime. Upon further reflection, he added:

That's interesting. I think this just criminalizes the contribution. So, I suppose if somebody was going to throw a fundraiser for you, well they're probably going to donate to you too, but I suppose they wouldn't be prosecuted under this if they organized the fundraiser and didn't contribute any in-kind donations or something, because there has to be a contribution.

CHAIR LYNN said, "So, holding the fundraiser would not be a contribution in kind. You hire the room, you get the hors d'oeuvres. ... That's a contribution in kind, basically."

REPRESENTATIVE GARA said that would be a contribution and would count. He said, "I suppose you could try and avoid this by holding the fundraiser and not donating a single penny in anything. I hadn't thought about that, honestly." He said the committee may want to think about including fundraisers in its discussion of the bill.

CHAIR LYNN said that issue could be considered in the next committee of referral.

REPRESENTATIVE GARA suggested that the term contribution include holding fundraisers.

8:13:06 AM

REPRESENTATIVE COGHILL said the concept of prosecuting both the giver and the receiver may be difficult but "important to try." He stated concern regarding candidates' changing their minds and [that being perceived as being the direct reaction to] a contributor that at any time in the past had an influence over that candidate. He offered his understanding that Representative Gara is saying that it is not the altering of a [candidate's] position that is the problem, but rather it is the agreement that is made that is the problem.

REPRESENTATIVE GARA said, "Right."

REPRESENTATIVE COGHILL stated:

... In the nine years I've been down here, I've actually altered my position on a couple things. And it might be that somebody who contributed to me might actually have had some influence on me, ... in getting me facts and information. So, I'm concerned; I don't want to make them or me a felon.

REPRESENTATIVE GARA said he thinks the reason Representative Coghill would not be prosecuted is that he has "never made an agreement to alter" his position. He reiterated that the bill mandates that there must be an intentional agreement between the parties.

8:15:18 AM

REPRESENTATIVE COGHILL observed that the level of proof has to be high regarding a class B felony. He stated his support of Version K.

[8:16:10 AM](#)

REPRESENTATIVE JOHNSON asked what the difference is in federal law compared to the proposed legislation.

[8:16:30 AM](#)

REPRESENTATIVE GARA recollected that the federal law is a long-established statute, which was developed by judicial common law and does not "make the crime scene very readily apparent." He said he cannot say what the standard of the federal law is, but he remarked that it "looks different than this" and has been "filled in by court decisions." He said it is not a bribery statute, but is an "improper influence through money statute." He recalled that the wording of the federal statute is not as specific. In response to a follow-up question from Representative Johnson, he said the burden of proof may be less onerous. For example, it is not necessary to prove that [a candidate] changed his/her position.

REPRESENTATIVE JOHNSON said he would appreciate that comparison to be made in the House Judiciary Standing Committee.

[8:18:11 AM](#)

REPRESENTATIVE COGHILL cited AS 11.56.110, which read as follows:

Sec. 11.56.110. Receiving a bribe.

(a) A public servant commits the crime of receiving a bribe if the public servant

(1) solicits a benefit with the intent that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced; or

(2) accepts or agrees to accept a benefit upon an agreement or understanding that the public servant's vote, opinion, judgment, action, decision, or exercise of discretion as a public servant will be influenced.

(b) Receiving a bribe is a class B felony.

REPRESENTATIVE COGHILL said the language of paragraph (1) is broad. He said he does agree that it should be a felony if people exchange votes for dollars.

REPRESENTATIVE JOHNSON asked that the House Judiciary Standing Committee address the time frame between the contribution and the action. He said that time frame causes him concern, because he sees opportunity for abuse. He related that he doesn't want there to be opportunity a couple years down the line for someone to say, "Ah, ... I gave him money and he voted the way I wanted him to," which could start an investigation six months before an election, for example.

REPRESENTATIVE GARA responded that he is not concerned about that, because this just relates to criminal investigations; it's not like an ethics complaint. He said there would be no indictment without proof.

REPRESENTATIVE JOHNSON said there are search warrants issued before anyone is notified. He stated that he just wants to avoid a witch hunt.

[8:23:02 AM](#)

CHAIR LYNN said he thinks the committee is moving in the right direction.

[8:23:30 AM](#)

REPRESENTATIVES JOHNSON and ROSES removed their objections to adopting Version K as a work draft. There being no further objection, Version K was before the committee.

[8:23:33 AM](#)

REPRESENTATIVE COGHILL moved to report CSHB 38, Version 25-LS0219\K, Luckhaupt, 3/5/07, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 38(STA) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:23:51 AM](#) to [8:26:56 AM](#).

HB 6-CAMPAIGN CONTRIBUTIONS

[8:27:17 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 6, "An Act relating to campaign contributions by groups that are not political parties; and providing for an effective date."

[8:27:18 AM](#)

REPRESENTATIVE ROSES moved to adopt the committee substitute (CS) for HB 6, Version 25-LS0055\K, Bullard, 2/1/07, as work draft. There being no objection, Version K was before the committee.

The committee took an at-ease from [8:28:36 AM](#) to [8:28:38 AM](#).

[8:28:48 AM](#)

REPRESENTATIVE ROSES moved to adopt Amendment 1, labeled 25-LS0055\K.12, Bullard, 3/5/07, which read as follows:

Page 1, line 15:

Delete ", address, principal occupation, and employer"

Insert "and [,] address [,]"

Page 2, line 2:

Delete "[AND]"

Insert "and"

Page 2, lines 3 - 5:

Delete all material and insert:

"(D) for contributions in excess of \$100 [\$250] in the aggregate during a calendar year, the principal occupation and employer of the contributor; [AND]"

Page 2, line 16:

Delete "\$250"

Insert "\$100"

Page 2, lines 18 - 29:

Delete all material.

Renumber the following bill sections accordingly.

Page 3, lines 19 - 24:

Delete all material and insert:

"(3) for all contributions described in (2) of this subsection, the name and [,] address [,] of each contributor and the date [,] and amount of each contribution from [CONTRIBUTED BY] each contributor and, for all contributions described in (2) of this subsection in excess of \$100 [\$250] in the aggregate during a calendar year, the principal occupation and employer of the contributor; and"

REPRESENTATIVE COGHILL objected for discussion purposes.

[8:29:26 AM](#)

TOM WRIGHT, Staff, House Majority Office, Alaska State Legislature, addressed Amendment 1 as follows:

First of all, we have taken out Section 2 So, as it stood in the initiative, contributions ... - the individual contributions - don't have to be reported. You still have to say, "I received one contribution - \$50, \$60, whatever - but you don't have to list the name, address, so on, and so forth, for that contribution. And this is just for groups. Anything over \$100, you still have to have the name, address, principle occupation, and employer, as stated within current statute.

What we've also done is conformed reporting requirements for candidates - nongroups - even those candidates who ... had the \$5,000 exemption [and] didn't have to report their expenditures or contributions. ... [We've] taken the threshold that is currently applied to groups and applied it to everybody else, so there is a model of consistency. So, you've got anything over \$100 - groups, nongroups, candidates, formerly exempt candidates - you have to provide name, address, principle occupation, and employer. And the only reason we did that ... was just to have some consistency. Because right now, candidates don't have to report ... occupation [or] employer over \$250, and we just said, "Let's just make it consistent so everybody's dealing from the same sheet of music."

[8:31:15 AM](#)

REPRESENTATIVE ROSES said Amendment 1 satisfies his prior concerns regarding political action committees (PACs) and the use of name and address lists toward union busting.

CHAIR LYNN noted that there are also other groups that would suffer from having their members' names and addresses made public.

REPRESENTATIVE ROSES stated his support of Amendment 1.

[8:32:51 AM](#)

REPRESENTATIVE COGHILL removed his objection to Amendment 1. There being no further objection, Amendment 1 was adopted.

[8:33:48 AM](#)

MR. WRIGHT, in response to a request from Representative Doll, reviewed the changes made by the adopted Amendment 1 in more detail.

[8:36:51 AM](#)

REPRESENTATIVE JOHNSON moved to adopt Amendment 2, labeled 25-LS0055\K.5, Bullard, 2/14/07, which read as follows:

Page 1, line 1, following "**contributions**":

Insert "**relating to the definition of 'group' and 'nongroup entities';**"

Page 4, lines 9 - 14:

Delete all material and insert:

"* **Sec. 5.** AS 15.13.050(b)

(b) If a group intends to support only one candidate or to [CONTRIBUTE TO OR] expend on behalf of one candidate 33 1/3 percent or more of its funds, the name of the candidate shall be a part of the name of the group. If the group intends to oppose only one candidate or to [CONTRIBUTE ITS FUNDS IN OPPOSITION TO OR] make expenditures in opposition to a candidate, the group's name must clearly state that it opposes that candidate by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent. A candidate may register more than one group to support

the candidate; however, multiple groups controlled by a single candidate shall be treated as a single group for purposes of the contribution limit in AS 15.13.070(b)(1).

* **Sec. 6.** AS 15.13.065(a) is amended to read:

(a) An individual, a group that is a political party, and a nongroup entity may make a contribution [INDIVIDUALS, GROUPS, NONGROUP ENTITIES, AND POLITICAL PARTIES MAY MAKE CONTRIBUTIONS] to a candidate. An individual [, GROUP,] or nongroup entity may make a contribution to a group, to a nongroup entity, or to a political party.

* **Sec. 7.** AS 15.13.072 is amended by adding a new subsection to read:

(i) A candidate may not accept a contribution from a group that is not a political party.

* **Sec. 8.** AS 15.13.074(c) is amended to read:

(c) A person or group that is a political party may not make a contribution

(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(3) to any candidate later than the 45th day

(A) after the date of the primary election if the candidate was not nominated at the primary election; or

(B) after the date of the general election, or after the date of a municipal or municipal runoff election.

* **Sec. 9.** AS 15.13.074(h) is amended to read:

(h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor [AND A GROUP THAT

IS NOT A POLITICAL PARTY AND THAT, UNDER THE DEFINITION OF THE TERM "GROUP," IS PRESUMED TO BE CONTROLLED BY A CANDIDATE FOR GOVERNOR OR LIEUTENANT GOVERNOR,] may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate [OR CONTROLLED GROUP] as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

[(1) THE GROUP DESCRIBED IN THIS SUBSECTION FROM MAKING CONTRIBUTIONS TO THE CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR WHOM THE GROUP SUPPORTS; OR

(2)] the governor or lieutenant governor [, OR THE GROUP DESCRIBED IN THIS SUBSECTION,] from making contributions under AS 15.13.116(a)(2)(A)

* **Sec. 10.** AS 15.13.074 is amended by adding a new subsection to read:

(j) A group that is not a political party may not make a contribution to a candidate.

* **Sec. 11.** AS 15.13.400(8) is amended to read:

(8) "group" means

(A) every state and regional executive committee of a political party; and

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the

candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that expends [CONTRIBUTES] more than 50 percent of its money on [TO] or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate;

* **Sec. 12.** AS 15.13.400(13) is amended to read:

(13) "nongroup entity" means a person, other than an individual and other than a group that is not a political party, that takes action the major purpose of which is to influence the outcome of an election, and that

(A) cannot participate in business activities;

(B) does not have shareholders who have a claim on corporate earnings; and

(C) is independent from the influence of business corporations.

* **Sec. 13.** AS 15.13.070(c) is repealed."

Renumber the following bill section accordingly.

REPRESENTATIVE GRUENBERG objected for discussion purposes.

REPRESENTATIVE JOHNSON spoke to Amendment 2. He said it would prohibit any PAC from donating to a candidate. He said PACs are the ultimate special interest entities and "we still don't know where the money comes from if it's [a contribution] less than \$100, even with this amendment." He said voters cannot find the meaning behind PACs online and cannot make an intelligent decision without that information.

REPRESENTATIVE JOHNSON withdrew his motion to adopt Amendment 2, explaining that although he would love to see total transparency in what "we" do, he is also a realist.

[8:39:43 AM](#)

REPRESENTATIVE ROSES moved to report CSHB 6, Version 25-LS0055\K, Bullard, 2/1/07, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[8:40:03 AM](#)

REPRESENTATIVE GRUENBERG [objected] to note that there had been an amendment [labeled 25-LS0055\K.6, Bullard, 2/14/07], which had been discussed at the last committee hearing on HB 6, but which had not been adopted.

REPRESENTATIVE GRUENBERG removed his objection. There being no further objection, CSHB 6(STA) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:40:33 AM](#) to [8:43:17 AM](#).

HB 3-REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

[8:43:19 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 3, "An Act relating to issuance of identification cards and to issuance of driver's licenses; and providing for an effective date."

CHAIR LYNN handed the gavel over to Vice Chair Roses.

[Although Representative Doll moved to adopt HB 3, at the request of the chair, Representative Coghill reminded the committee that HB 3 is the original bill and thus can be brought before the committee without a motion.]

[8:44:37 AM](#)

REPRESENTATIVE LYNN, as prime sponsor, presented HB 3. He said the bill would require that a person applying for an Alaska driver's license have a legal presence in the United States. He said the state welcomes legal visitors. He relayed that under HB 3, the only people who would not qualify for an Alaska driver's license or identification card are those who are not in the United States legally.

REPRESENTATIVE LYNN held up a copy of a New York State driver's license [blown up to approximately 16x24 size]. He said, "This is the license of a person who got a driver's license ... with a five-year expiration date who would only remain in the United States legally with two more days." He said that is currently allowable, he thinks that is ridiculous, and the proposed legislation would fix that.

REPRESENTATIVE LYNN said the purpose of the bill is not meant to be a debate over the federal Real ID Act. He admitted one factor required toward having a legal presence to qualify for a driver's license is to comply with that Act, but he said even if there were no Real ID Act, the bill would still make common sense "to require a legal presence to get an Alaska driver's license."

[8:49:16 AM](#)

DUANE BANNOCK, Director, Division of Motor Vehicles (DMV), Department of Administration, echoed that HB 3 is erroneously referred to as "the Real ID bill," while the purpose of it is to deny licenses to illegal aliens. He said a study done by the Institute [for Communitarian Policy Studies) at George Washington University graded licensing practices in all 50 states by checking for the following four standards: the use of a biometrics program; the verification of an applicant's social security number; the requirement of proof that applicants are legally in the United States; and the practice of ascertaining that the amount of time in which an applicant is temporarily in the United States corresponds with the expiration date of the driver's license given that applicant. He said Alaska failed to meet all four standards.

MR. BANNOCK said subsequent to that study, Alaska's DMV began using a system for comparing a person's social security number against the national social security number database. He said HB 3, in addition to allowing driver's licenses and identification cards to those legally in the United States, will also set the expiration date of the driver's license issued to legal visitors temporarily in the United States to correspond with the date of their departure.

[8:53:19 AM](#)

MR. BANNOCK indicated that he had distributed a questionnaire to the committee, which asked the following questions: One, "Do you believe that U.S. citizens should be allowed a driver's license?"; two, "Do you believe that a person lawfully allowed in the United States should be allowed a driver's license?"; three, "If yes, should the expiration date of the driver's license be consistent with the ending date of their lawful visit?"; and four, "Should the DMV refuse to issue a driver's license to an illegal alien?" The response to questions one and two were overwhelmingly "yes," he said, and although not unanimous, the majority of those asked answered yes to questions

three and four. He stated that a yes answer to all those questions means a person is in support of HB 3.

[8:53:50 AM](#)

REPRESENTATIVE GRUENBERG asked Mr. Bannock if he is familiar with HB 19, regarding ignition interlock devices.

MR. BANNOCK answered yes.

REPRESENTATIVE GRUENBERG queried, "The purpose of that bill was to ... try to make certain that a certain group of people were not driving without a license in this state, right?"

MR. BANNOCK replied that he does not concur with that assessment of HB 19.

REPRESENTATIVE GRUENBERG recollected that there is other legislation, among which HB 19 is an example, to stop people from driving in Alaska without a license. He said he wants to know potentially how many more people will be driving without a license if HB 3 were to become law.

[8:55:03 AM](#)

MR. BANNOCK said a source on the internet suggests that there may be about 5,000 illegal aliens in Alaska - a number which he said is probably based upon a formula. He stated that he has no reason to believe that those illegal aliens currently hold driver's licenses.

REPRESENTATIVE GRUENBERG asked Mr. Bannock if he knows how much it will cost the state to "prosecute all these people."

MR. BANNOCK said, "I don't know that there's anything in this bill about prosecution."

REPRESENTATIVE GRUENBERG asked, "You have a regulation in place now that does this particular thing, don't you?"

MR. BANNOCK answered in the negative.

REPRESENTATIVE GRUENBERG continued, "Well, you have a particular regulation in place - and we've discussed it at some length - that will authorize you to make the same checks for the legality of the person's presence in the state, don't you? And you implemented that last summer?"

MR. BANNOCK clarified as follows:

Speaking specifically to the portion of the expiration of the driver's license as it pertains to our international customers, today an international customer gets a five-year driver's license, based on Alaska statute. There's no regulation that prohibits that customer, if they are here and they have what -- the regulations you speak of are simply the list of documents that the Division of Motor Vehicles is statutorily authorized to accept for establishing their name and their date of birth.

CHAIR LYNN asked that the discussion pertain to HB 3 and not "all the regulations that may or may not be in place for the DMV."

MR. BANNOCK, in response to Representative Gruenberg, said the regulation to which he had referred is 02 AAC 90.420.

REPRESENTATIVE GRUENBERG asked, "And does that not direct your employees to check to see whether people are undocumented aliens, and does it not purport to allow you to refuse to issue licenses to undocumented aliens?"

[8:57:04 AM](#)

MR. BANNOCK replied, "If you don't have an item on the list proscribed by regulation, you don't get a driver's license or ID."

REPRESENTATIVE GRUENBERG asked, "That group is primarily aimed at undocumented aliens, isn't it?"

CHAIR LYNN asked Representative Gruenberg to clarify for the record the difference, if any, between the terms "undocumented alien" and "illegal alien."

REPRESENTATIVE GRUENBERG stated his understanding that undocumented aliens include illegal aliens. He asked Mr. Bannock for confirmation.

MR. BANNOCK directed attention to language in the bill on page 2, [beginning on] line 10, which read: "documentary evidence of the person's legal status and presence in the United States." He said that is a phrase that will be used repeatedly. He noted

that there are items on the list that only a person legally in the United States would have. He said, "By statute, all driver's licenses are issued for ... a ... five-year block, regardless of the person's length of stay, and clearly we would not attempt to write a regulation that was in direct conflict to the statute that authorizes a five-year driver's license."

[8:58:47 AM](#)

REPRESENTATIVE GRUENBERG asked Mr. Bannock to confirm that people could be "undocumented" and still be legally in the U.S.

MR. BANNOCK said he does not know.

CHAIR LYNN asked, "If they have a legal presence in the United States, one would suppose they have some kind of document to show that they have a legal presence, is that correct?"

[8:59:13 AM](#)

REPRESENTATIVE GRUENBERG said that is an excellent question. He asked Mr. Bannock, "A person could be legally in the United States but just be stopped bureaucratically from getting the necessary documentation. This is a net that could sweep far broader than people who are in this country illegally, couldn't it?"

MR. BANNOCK said he cannot answer that question. Notwithstanding that, he said, "That position is not consistent with what [the Bureau of Immigration and Customs Enforcement (ICE)] tells us."

[8:59:45 AM](#)

CHAIR LYNN stated his understanding that if a person comes into the country legally, he/she would have to have a passport or visa or asylum.

[9:00:06 AM](#)

REPRESENTATIVE GRUENBERG explained, "Sometimes people are in this country entirely legally, and because of a bureaucratic snafu, their documentation expires; they're in the country legally but they're waiting to get the documentation. And those people would be denied the right to get a driver's license, wouldn't they, Mr. Bannock?"

MR. BANNOCK responded as follows:

I don't know that that's completely accurate. If, as you say, there was a bureaucratic snafu ..., then perhaps their driver's license that they were issued when they were given their valid documentary evidence ... would expire. And then, when their legal status is ... reconfirmed, they would be welcome to reapply for a driver's license. I can't speak to your specific, because I'm not familiar with that.

REPRESENTATIVE GRUENBERG said the DMV has received money from the state for "additional electronic equipment." He stated his understanding that the DMV is currently using that equipment to enter people's private identifications into a database.

MR. BANNOCK answered, "Yes, we have received money; no, we are not practicing what you've described."

CHARI LYNN reiterated that he would like to bring the discussion back on topic.

[9:01:38 AM](#)

REPRESENTATIVE ROSES said the issuance of a driver's license has a far greater significance than simply allowing a person to drive; it is an accepted means of identification, as well. He said he would feel more confident knowing that "they've had to pass some kind of test in order to be able to get that privilege to use that as formal identification."

[9:03:04 AM](#)

CHAIR LYNN asked Representative Roses to clarify if the test he is talking about has to do with checking a person's identity and legal presence in the United States.

[9:03:18 AM](#)

REPRESENTATIVE ROSES said, "Exactly."

[9:03:51 AM](#)

MR. BANNOCK stated his hope that the committee would focus on HB 3 and hold any debate related to the Real ID Act until such time as that topic is presented.

9:04:33 AM

REPRESENTATIVE JOHNSON echoed Mr. Bannock's remark, offering his understanding that there may be a law suit being filed against the Real ID Act.

CHAIR LYNN said he has heard the law suit has no merit, but "beyond that, we cannot discuss ongoing litigation."

9:05:04 AM

REPRESENTATIVE GRUENBERG pointed out that a judge would be the one to determine whether or not the law suit has merit.

CHAIR LYNN clarified that it is his opinion that the lawsuit has no merit.

REPRESENTATIVE GRUENBERG responded that he holds the opposite opinion.

9:06:00 AM

DAN RODGERS, testifying on behalf of himself, said he is an attorney in Anchorage, Alaska, who does pro bono work on behalf of immigrants seeking asylum in the United States because of persecution. He said he is also on the board of directors of the Alaska Immigration Justice Project. He continued as follows:

All of the pro bono clients I've represented over the years have ultimately been granted asylum. This is because they have come from really bad circumstances. Some have had death threats made against them and their families; one has been repeatedly tortured. Unfortunately, due to backlogs, the asylum process takes much longer than it should; oftentimes it takes years instead of months. My clients all obtained valid work permits, pending their asylum applications. This bill, I believe, would have prevented them from getting a driver's license. These are hard-working people coming from bad countries or bad circumstances, and they need a driver's license to get to work, and I just think it would be a shame for the State of Alaska to put an additional road block in these people's lives as they're trying to make a new life here in the United States, where they've escaped persecution elsewhere.

MR. RODGERS, in response to a question from Chair Lynn, said:

There's two ways they can be in the asylum process: One would be an affirmative application that they file. Other times, they're in removal proceedings in the immigration court. ... There's often not a piece of paper that says, ... "I'm here legally in the United States." But they cannot be removed until the immigration judge says that you're removed.

CHAIR LYNN said that essentially means those people are in the United States illegally and are waiting to be removed after due process.

MR. ROGERS responded that he would not say those people are in the United States illegally. He explained that [the federal Bureau of Citizenship and Immigration Services (BCIS)] laws allow them to be in the United States, pending the resolution of their asylum applications or removal proceedings.

CHAIR LYNN concluded that that means those people would be in the United States legally and, thus, could qualify for a driver's license.

MR. ROGERS replied, "Under this bill, I can't tell, because I don't know if they have any valid documentation."

[9:08:39 AM](#)

REPRESENTATIVE JOHNSON questioned whether there is some type of documentation required in order for the people to work.

MR. ROGERS answered yes - a work permit.

REPRESENTATIVE JOHNSON asked if, under HB 3, that would not qualify as "documented legal."

MR. ROGERS paraphrased Section 3, subsection (h), on page 2, lines 4-8 of the bill, which read as follows:

(h) The department may not issue an identification card under (a) of this section to a person who has not presented to the department valid documentary evidence that the person is a citizen of the United States, a national of the United States, a

legal permanent resident of the United States, or a conditional resident alien of the United States.

REPRESENTATIVE JOHNSON asked, "So, a work permit would be a conditional resident?"

MR. ROGERS answered no. He explained that a conditional resident, under [federal] law, is a spouse of a citizen whose status is pending "the running of the time period."

[9:09:30 AM](#)

MR. BANNOCK, in response to Chair Lynn, proffered:

My opinion would go to: That sounds like documentary evidence of the person's legal status and presence in the United States. Indeed, certainly the intent of what I am calling the international customer is exactly what the speaker is speaking to, and we intend to honor that.

CHAIR LYNN said, "So, ... you say there's no problem in people of this type seeking asylum."

MR. BANNOCK replied, "That is certainly my testimony today, sir, thank you."

[9:10:14 AM](#)

REPRESENTATIVE GRUENBERG stated his understanding that Mr. Bannock is not certain what will be included within the phrase "valid, documentary evidence of the person's legal status", shown on page 2, [lines 10-11]. He then directed attention to page 2, lines 19-21, which read:

The department may by regulation specify what is valid, documentary evidence under this subsection except that the department may not specify that a Metricula Consular card is valid, documentary evidence.

REPRESENTATIVE GRUENBERG said the language on lines 19-21 would give the DMV the ability to "make that determination." He asked, "How much training would it require, and what would it cost the state, to train your workers to make the determination that even you cannot make at this time?"

9:10:57 AM

MR. BANNOCK told Representative Gruenberg that the DMV works closely with "immigration" as part of employee training, and he has not put a price on that training, because "it's training that we do on an ongoing basis." He concurred with Representative Gruenberg's interpretation of statute. He reiterated his concurrence with the testimony of [Mr. Rogers], calling it "in context with exactly what HB 3 is calling for."

9:11:58 AM

MICHAEL MACLEOD-BALL, Executive Director, Alaska Civil Liberties Union (ACLU), said he understands Chair Lynn's point that HB 3 does not directly address the Real ID Act; however, he stated that there is no way to "completely divorce this bill from the fact that the passage of this bill would, in part, implement the requirements of the federal Real ID [Act] legislation." He stated:

The only way - at least to my knowledge - that this legislature would have to go on record in a substantive way to decline to implement the privacy-invading provisions of [the] Real ID [Act] would be to do something like refuse to pass this legislation.

And so, I am here primarily to go on record on behalf of the ACLU of Alaska and ... urge this body not to pass HB 3.

MR. MACLEOD-BALL said that beyond the issue related to the Real ID Act, there are valid reasons not to pass HB 3. One reason, he suggested, would come from questioning whether it is appropriate for the Department [of Administration] to be the enforcement arm of [ICE] in Alaska, particularly without any federal funds to support that action. He asked the committee to consider if it would assign the DMV with the task to ensure that everybody complied with their taxpaying obligations to the federal government before issuing them driver's licenses. Furthermore, he asked the committee to consider whether it would be appropriate to ensure that all drivers had not been overpaid under the social security system before issuing them licenses. He suggested questioning what makes a person's immigration status so unique that the DMV should act as the enforcement arm to it. He said his own answer to that question is that the federal government decides who is legally present in the United States, and that job ought not be "farmed out to the state." He

questioned how the "rank and file ... employees of the DMV" can be expected to make these kinds of decisions when Mr. Bannock is not able to "give an authoritative answer to a question that's posed by a lawyer who practices in this area on a day-to-day basis."

CHAIR LYNN told Mr. McCloud-Ball that he had exhausted his allotted time for testimony. He stated that the job of the DMV is to issue driver's license by following certain criteria. The proposed legislation would add a requirement for legal presence to be one of those criteria.

[9:15:44 AM](#)

REPRESENTATIVE GRUENBERG said the few people waiting to testify are experts in the field and they should be given time to speak to this important issue. He reminded the committee that Mr. Bannock has testified that the cost of implementing "this Real ID" will be up to \$10 million.

[9:16:55 AM](#)

CHAIR LYNN reiterated that the committee is not discussing the Real ID Act; it is discussing HB 3.

REPRESENTATIVE GRUENBERG remarked, "But if you don't pass this, they can't enforce Real ID; they're part and parcel, and I'd ask that the chair give them a little more time so that they can be heard."

CHAIR LYNN said everyone who testifies is given three minutes, and can submit their complete testimony in writing.

MR. MACLEOD-BALL noted that he would need approximately one minute to finish his testimony.

CHAIR LYNN held to his original statement regarding the time limit for testimony.

REPRESENTATIVE GRUENBERG requested that Mr. McCloud-Ball be given a minute to complete his testimony.

CHAIR LYNN said he is overruling that request.

REPRESENTATIVE GRUENBERG appealed the ruling of the chair.

[9:17:17 AM](#)

A roll call vote was taken. Representatives Johansen, Johnson, Doll, Roses, Coghill, and Lynn voted in favor of upholding the ruling of the chair. Representative Gruenberg voted against it. Therefore, the ruling of the chair was upheld by a vote of 6-1.

[9:19:40 AM](#)

SCOTT McMURREN testified on behalf of himself in opposition to HB 3. He stated that HB 3 is specifically crafted to allow the state DMV to comply with the REAL ID Act, which he said is an affront to his right to privacy and is both "un-Alaskan" and un-American. The bill would allow the DMV to demand any documentation it wants from Alaskans, based upon the desires of the Department of Homeland Security (DHS). He continued:

Already, DHS is looking forward to using the data for a variety of things: parking tickets, library fines - it can happen. But as a state, we cannot roll over and play dead regarding the privacy of our citizens. As a state, Alaska cannot put at risk the private and confidential information DHS is asking for.

I'm sorry, I do not trust the federal government to develop and maintain a database on me and say it's all for security. Conversely, I do trust Duane Bannock at the DMV. I bought two used cars from him. He helped me renew my license, although, unlike former governor Frank Murkowski, Duane made me pay my own renewal fees. Mr. Bannock and the Alaska [State] Legislature need to act with transparency and integrity in this matter. We must nix HB 3 and reject REAL ID.

MR. McMURREN concluded that HB 3 is "a bad idea that needs to die a slow and lingering death followed by a proper Christian burial."

CHAIR LYNN asked Mr. McMurren if he is the one that "filed suit in this matter."

MR. McMURREN [laughing], responded, "No, I'm not an expert of any sort ..., but thank you for elevating my status in this matter."

[9:22:09 AM](#)

BILL SCANNELL testified on behalf of the Identity Project in opposition to HB 3. He expressed his respect for Mr. Bannock as an individual. He said the bill should be called, "The Real ID enabler bill." He stated that the REAL ID Act is not solely a federal issue; it is also an Alaskan issue. He continued:

... Although it appears to have just a number of anti-immigrant and anti-illegal paragraphs and sections in it, what HB 3 does is it gives the right over to the DMV forever to determine what documents are and aren't acceptable to get a driver's license. This is an authority, once [you've] given it away - that's it - Mr. Bannock and DMV can implement REAL ID by fiat. As we know, this is going to cost millions of dollars. As we know, this is going to be not just a matter of a small bit of hassle for "illegals," but a major bit of hassle for Alaskans to come up with all these documents. I believe that it's vital, ... in the interest of transparency and openness, which is ... what the November election was all about, that we need to have a clear and open debate about the REAL ID Act. ... And for that reason, we need to shelve HB 3 right now. ... My personal opinion: I'm against it. I don't know what the opinion of the chair is. But let's have a frank and open discussion about national ID cards and whether we want it for Alaskans, and then we can come back and talk about granting the DMV the authority to do what it will, in terms of documentation.

[9:24:26 AM](#)

CHAIR LYNN reiterated that to his mind, HB 3 is not a debate on the pros and cons of a national ID card, but is simply a bill requiring a person to be legally in the United States in order to get an Alaska driver's license.

[9:24:54 AM](#)

REPRESENTATIVE GRUENBERG asked Mr. Scannell to tell the committee why he says it will make it more difficult for people to get a driver's license.

MR. SCANNELL related his wife's experience getting an Alaska driver's license, concluding, "There was no joy in getting a driver's license." He stated the important role of the DMV is

to keep the roads safe and ensure that people are licensed; it is not to act as federal agents.

9:26:58 AM

MATTHEW KERR testified on behalf of himself in opposition to HB 3. He read his written testimony as follows [original punctuation provided]:

Good morning, committee members! My name is Matthew Kerr and I flew here to Juneau yesterday at my own significant expense to speak on my own behalf. I was born and raised in Alaska and a small-business owner for the past thirteen years. I will speak very quickly due to the committee time limitations.

This bill is our state's implementation of the national "Real ID Act." That name isn't really descriptive - the bill doesn't have much to do with real IDs or false IDs, so I came up with some other titles that describe its effects more accurately.

The first one that came to mind is the "Illegal Immigration and Identity Theft Promotion Act." Duane Bannock from the DMV testified last year that they plan to implement the requirements of this bill by scanning and retaining image copies of every document used to obtain an ID or driver's license in this state. This means that the Alaska DMV would be retaining copies of more documents per person than the U.S. passport office. I don't want my state government doing that.

I have over a decade of database system design experience. I also worked as a State contractor last year in the same capacity. It's a terrible idea to keep this much sensitive information together in one place, widely accessible and subject to future whimsical rulings by Homeland Security. If I was a dishonest person, I could have walked out of the State department I worked in with personal information of tens of thousands of Alaskans. Nevada and Georgia both experienced thefts of DMV data, from internal and external sources. In November 2005 Oregon police found a laptop at a methamphetamine house containing a half-million DMV records.

The question I pose to you is: how much would a DVD filled with images of Alaskans' birth certificates, passports, and social security cards sell for in Tijuana, and how would that affect illegal immigration and terrorism?

As an Alaskan driver, I would prefer that the other drivers next to me have cracked open an American driver's manual at some point in their lives, liability insurance, and have a driving record accessible to law enforcement - unlike the legislative aide that totaled a State of Alaska van in May 2001, carrying a Russian driver's license that (quote) "state computers could not verify" (unquote). Drivers' licensing exists to promote public safety, not as an individual benefit.

Finally, HB 3 could be named the "Increased Government Spending and Bureaucracy Act." The National Governors Association estimates total cost at \$11 billion over five years for all states to implement this law. I don't believe there is a fiscal note attached to this bill, and there very much should be.

Instead of bloated bureaucracy, I have a very simple and nearly free solution to illegal aliens at the DMV: when someone shows up with dubious paperwork, the employee can make a phone call to the Feds and let them deal with immigration law.

A driver's license does not confer any additional benefit to a person, legal or illegal, that a foreign passport and foreign driver's license don't already provide. This includes driving a car, buying a beer, opening a bank account, or flying on a domestic flight. An Alaska ID is not enough to complete an I-9 employment eligibility form. The primary benefit of a license to the rest of us as the driving public. I challenge you to cogently explain how this bill will do anything at all to reduce illegal immigration or prevent terrorism. This bill doesn't achieve any goals. Why would we pass it?

Bills against Real ID are pending in Arizona, Georgia, Hawaii, Massachusetts, Missouri, New Hampshire, Oklahoma, Wyoming, Utah, and New Mexico - many of them introduced by conservative Republicans. Don Young

voted against Real ID when it was introduced as a standalone bill in Congress. Besides our Congressman and these other states, Real ID is also opposed by the Gun Owners of America, the American Conservative Union, the National Conference of State Legislatures, and the National Governors Association. Even a former Idaho Republican Butch Otter, originally a co-sponsor, later called the Real ID Act a "terrible idea." I ask that you too vote against this legislation. I would be thrilled to answer any questions from the committee.

[9:30:12 AM](#)

REPRESENTATIVE GRUENBERG questioned if there is a fiscal note for HB 3.

The committee took an at-ease from [9:30:46 AM](#) to [9:31:05 AM](#).

[9:31:07 AM](#)

REPRESENTATIVE GRUENBERG observed that there is a fiscal note in the committee packet. He asked Mr. Kerr how many states have passed legislation urging the repeal of the REAL ID Act.

MR. KERR said he knows Maine passed legislation that opposed the REAL ID Act in its entirety; however, he said he does not have statistics pertaining to the other states.

[9:31:57 AM](#)

REPRESENTATIVE ROSES asked Mr. Kerr how many states have passed legislation similar to HB 3, requiring people to prove that they are legally in the country in order to be issued a driver's license.

[9:32:34 AM](#)

MR. KERR said he doesn't know. He added that not all states have implemented "the requirements that are required by the REAL ID Act."

REPRESENTATIVE ROSES said he is trying to separate the issue of the bill from the issue of the Real ID Act. He said:

We don't stop people from driving on the road if they have an international driver's license; we're talking about being issued an official driver's license from

the State of Alaska. So, if we had support documentation saying, "No, there is no other state in the United States that requires this," then I would have a tendency to say, "Okay, I see what you're saying."

REPRESENTATIVE ROSES indicated that he has questions for Mr. Bannock related to the fiscal note.

[9:33:51 AM](#)

CHAIR LYNN asked Mr. Kerr if he considers himself an expert witness on the subject of driver's licenses and the REAL ID Act.

MR. KERR said although he knows many people who have had experiences at the DMV that most Americans have not experienced, he is not an expert in immigration or DMV law.

[9:35:05 AM](#)

MR. KERR, in response to Representative Gruenberg, related that last year he worked with a state employee who was a temporary skilled worker from another state and was issued a driver's license valid until the expiration date of his stay in Alaska. Before the time was up, he filed with the federal government to extend his stay for several more years. The government took several months to respond and there was a period of three months when that worker was legally present but not able to hold a valid driver's license during that time.

[9:35:45 AM](#)

CHAIR LYNN closed public testimony.

[9:36:27 AM](#)

MR. BANNOCK, in response to Representative Roses, addressed the issue of the fiscal note as follows:

The National Governors Association did come with a figure of \$11 billion for implementation of [the REAL ID Act], and, in fact, last week, when the 170 pages of rules for [the REAL ID Act] were unveiled, the cost has been suggested to be in excess of \$23 billion over a five-year period.

Let me just retro back that this is not the REAL ID Act. ... As I've shared with you, and perhaps others, this is a piece of the pie of REAL ID Act, and I'll ... repeat my comments that I'm told that there is legislation being considered right now that would be the subject of [the REAL ID Act].

MR. BANNOCK explained the \$20,000 fiscal note he provided is specific to the changes that are in HB 3. He continued:

This \$20,000 cost is attributed to programming, so that I can go inside my computer system and actually collect ... the expiration date of your driver's license. Because, you see, today it is hard programmed that every driver's license will expire on the applicant's ... birthday, five years from now. Under HB 3, we will now adjust that expiration date on our international customers. And that is why, in the context, it is apples and oranges to attempt to compare this fiscal note - indeed HB 3 - to [the REAL ID Act].

MR. BANNOCK, in response to Representative Roses' question regarding how many other states require legal presence, said he can say with certainty there are more than 40 states that currently have laws in place similar to HB 3, and he said he could find out the exact number.

[9:38:52 AM](#)

REPRESENTATIVE ROSES remarked:

Part of the \$20,000 [fiscal] note that we're talking about: some of that would also be taken up with an additional fiscal note that came with another bill that we had that passed out of this committee that required people to automatically renew their license at age 21. So, you're going to have to adjust those expiration dates as part of that bill as well, is that correct?

MR. BANNOCK confirmed that is correct.

REPRESENTATIVE ROSES asked, "And so, ... this flexing possibility is shared between those two items. Is that correct?"

MR. BANNOCK responded that that is not totally correct. He explained as follows:

On that particular issue that you're speaking of, a large majority of driver's licenses currently expire on an applicant's twenty-first birthday just by the nature of our business - people that get a driver's license in their sixteenth year.

[9:39:56 AM](#)

REPRESENTATIVE ROSES asked if the DMV makes and retains copies of the documentation shown by people to prove they have met the standard, or if it keeps that documentation just long enough to issue a license.

[9:40:33 AM](#)

MR. BANNOCK replied that the DMV keeps the application, on which there is written proof that the applicant's birth certificate, for example, was seen; however, a copy of the proof is not kept in perpetuity.

CHAIR LYNN asked Mr. Bannock if the same process would apply regarding identification shown to indicate legal presence.

MR. BANNOCK said the DMV has gone on record to state that that is its plan. He added, "We have not implemented that plan yet, but we are in the planning stage to indeed do that." He noted that the digital images on the new driver's licenses are stored at the State of Alaska "main frame." He said the State of Alaska holds a tremendous amount of personal information that is not even related to the DMV. For example, he suggested that main frame holds medical records, mortgage records, and a host of other records.

[9:42:18 AM](#)

REPRESENTATIVE ROSES said he thought Mr. Bannock had said that the DMV would not store or keep copies "of these documents" and now it sounds as if there are documents being stored. He asked, "If I came in as an immigrant, and I presented you with documents to show that I have legal status in this country, and I was trying to seek a driver's license, and I showed you proof of that documentation, would you then make copies of that to store as part of your records? What, if any, of that

information would you keep?" He added, "Either now, or under this bill."

[9:42:48 AM](#)

MR. BANNOCK said HB 3 does not address that question. Notwithstanding that, he said the business practice of the DMV is to look at the document and hand it back to its owner over the counter. He stated that the DMV's plan is to keep an electronic copy of that proof; however that practice is not going on today.

REPRESENTATIVE ROSES expressed appreciation for the clarification.

[9:43:26 AM](#)

REPRESENTATIVE GRUENBERG asked Mr. Bannock to be frank. He noted that the DMV received \$120,000 last year through the capital budget, and Mr. Bannock specified that the purpose of the money was to comply with the REAL ID Act, to be able to scan information into a computer to retain records electronically. He asked Mr. Bannock to confirm that is true.

MR. BANNOCK responded, "Almost 100 percent correct, Representative Gruenberg. 125 was the number, and that ... is a matter of record, yes, sir."

REPRESENTATIVE GRUENBERG directed attention to page 2, line 10, and page 2, lines 19-20, which contain the phrase "valid documentary evidence". He said the requirement is that the DMV rely exclusively on documentary evidence regarding the person's status. He asked, "So, if the person has trouble getting documents, even though there's no question as to whether the person is there legally, you couldn't accept that evidence, because it's not in documentary form, right?"

[9:44:53 AM](#)

MR. BANNOCK said that is exactly what the case is today. He said the most common document seen is a birth certificate. The DMV must see that certificate. Requiring that documentary evidence is not new, he noted.

[9:45:31 AM](#)

REPRESENTATIVE GRUENBERG asked, "Couldn't this lead to a lot of additional, expensive appeals and a lot of time by your [division] and the hearing officers? You'd have to prosecute these appeals and adjudicate them. How much would that cost?"

MR. BANNOCK responded, "... That's not my position."

REPRESENTATIVE GRUENBERG asked:

It's not? Aren't those administrative hearing officers employees of your [division]? Didn't you testify in the administration subcommittee that you wanted them to remain in your [division] and not become part of the Office of Administrative Hearings? Those are part of your budget, too, aren't they, sir?

MR. BANNOCK replied that the DMV has not formulated a position on that particular subject. He indicated that both he and the commissioner of the Department of Administration, Annette Kreitzer, have told Representative Gruenberg that "that particular issue is going to be discussed." He stated that he does not concur with the assessment that [HB 3] will lead to more appeals.

CHAIR LYNN stated, "I don't want any adversarial relationships; I just want to solicit ... and receive information."

[9:47:15 AM](#)

REPRESENTATIVE DOLL requested that the bill be held in order to address possible unintended consequences.

[9:48:01 AM](#)

CHAIR LYNN handed the gavel over to Vice Chair Roses.

[9:48:27 AM](#)

VICE CHAIR ROSES asked Mr. Bannock how many people "run into this kind of scenario" with the DMV "on a yearly basis."

[9:48:36 AM](#)

MR. BANNOCK said he cannot give him an exact number. He noted that [the issue surrounding] the enlarged license plate previously used by Chair Lynn as a visual aide illustrates the reason he thinks HB 3 is necessary. In response to a follow-up

question from Vice Chair Roses, he said the number would be based on the "seasonality of migrant workers that come to America." He said there are a lot of international customers who show up in Alaska and get five-year driver's licenses.

REPRESENTATIVE GRUENBERG asked that if there is additional time, Mr. McCloud-Ball be given a minute to complete his testimony.

VICE CHAIR ROSES ruled that request out of order, because he said the matter had already been ruled; however, he said he would allow Representative Gruenberg to ask Mr. McCloud-Ball a question.

REPRESENTATIVE GRUENBERG asked Mr. McCloud-Ball if there are any other problems that he sees with HB 3.

9:50:46 AM

MR. MACLEOD-BALL stated that the proposed legislation will not stop illegal immigrants from driving. He asked the committee to consider the point of view of both the insurance industry and consumer organizations regarding whether [HB 3] is "the best way for the state to proceed." He also suggested that if the state is concerned with illegal immigrants, it would be better to mandate that they be issued driver's licenses. That way, he explained, everybody would be identified, making it easier to "track illegals." He stated, "With this bill, the only people who will be tracked by the government will be those who are ... law-abiding citizens."

9:51:32 AM

REPRESENTATIVE GRUENBERG asked Mr. Macleod-Ball to confirm that he is saying the proposed bill will drive illegal immigrants further underground, making it more difficult to apprehend them.

MR. MACLEOD-BALL answered yes. He said, "If this bill passes, clearly illegal immigrants will not be licensed, they will not be insured driving on the roads, and they will be more difficult to ... keep track of." He added that from ACLU's perspective, the important point is that the only people that will be tracked will be law-abiding citizens of Alaska and the U.S.

9:52:27 AM

REPRESENTATIVE COGHILL indicated that he does not find Mr. Macleod-Ball's reasoning solid, because it would mean that

everything the state does to regulate illegal drugs, for example, that would drive [the drug dealers] underground, would need to be "relaxed." He said when he went in for his driver's license, the DMV would not have issued it to him without seeing his certified birth certificate. He said these processes exist because of "people wandering across our borders and taking advantage of things that we tax ourselves for," and he agreed that the burden quite often falls upon those who are naturalized in the U.S.

REPRESENTATIVE COGHILL said he is not interested in "making it more unfair for people who visit Alaska." He stated that he is not a big fan of "what Congress is doing" related to the REAL ID Act or of Big Brother. He indicated that [HB 3] is just one piece of an accountability factor. He suggested that if Alaskans must prove their identity in order to receive a driver's license, then those who come from outside Alaska must do the same. He stated, "I don't have any problem with this as a ... way to do it." Representative Coghill said he would support HB 3.

[9:57:07 AM](#)

REPRESENTATIVE GRUENBERG asked all the testifiers:

If the purpose is to identify people who are not in this country legally, why tie this to the driver's license? Is the only reason this is tied to the driver's license because that's the most commonly accepted form of identification? Is that the reason why ... some people want to make this a requirement of getting driver's licenses, because it is more widely used than other forms of identification?

[9:58:01 AM](#)

MR. BANNOCK said he believes that Representative Gruenberg has touched upon a large reason why legal presence is tied to driver's licensing. He indicated that there are other views in regard to legal presence. He said the concept of tying legal presence to a driver's license is "certainly not reinventing the wheel." He suggested that perhaps a driver's license has ceased to be solely "a ticket to drive a car" and has morphed into "proving who we are."

REPRESENTATIVE GRUENBERG offered his understanding that one state was considering identifying undocumented aliens on the

face of the driver's license, rather than denying them the right to drive.

MR. BANNOCK said that is one option. He said Tennessee implemented that program, but then "halted that program and reversed themselves" at the request of law enforcement. He said he does not know if the state of Utah is still offering such a program or not.

[10:00:27 AM](#)

REPRESENTATIVE COGHILL moved to report HB 3 out of committee with individual recommendations and the accompanying fiscal note.

[10:00:35 AM](#)

REPRESENTATIVE GRUENBERG objected. He said he would like time to prepare an amendment "along the lines of the Tennessee idea."

REPRESENTATIVE LYNN told Representative Gruenberg that he would like to discuss his amendments in the next committee of referral, which was the House Judiciary Standing Committee.

[10:01:36 AM](#)

REPRESENTATIVE GRUENBERG reminded committee members that Representative Doll had requested that the bill be held, and she is not on the House Judiciary Standing Committee.

VICE CHAIR ROSES stated his understanding that Representative Doll could go before the House Judiciary Standing Committee to testify and share any concerns she may have.

REPRESENTATIVE GRUENBERG said Representative Doll is a member of the House State Affairs Standing Committee and has the right to be heard now.

[10:02:15 AM](#)

REPRESENTATIVE DOLL said she would like to hear testimony from people who work with immigration policies in Alaska.

REPRESENTATIVE JOHANSEN noted that the bill was introduced on January 16, [2007], and he asked that a roll call vote be taken to address the motion on the table.

10:02:42 AM

A roll call vote was taken. Representatives Johnson, Roses, Coghill, Johansen, and Lynn voted in favor of moving HB 3 out of committee with individual recommendations and the accompanying fiscal note. Representatives Gruenberg and Doll voted against it. Therefore, HB 3 was reported out of the House State Affairs Standing Committee.

10:03:30 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:03:37 AM.