

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 14, 2008

9:04 a.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator Gary Stevens, Vice Chair
Senator Hollis French
Senator Lyda Green
Senator Con Bunde

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 101(CRA)

"An Act relating to uniform traffic laws and to operating a vehicle while under the influence of an alcoholic beverage, inhalant, or controlled substance."

MOVED SCS CSHB 101(STA) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 15

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to standing committees.

MOVED CSSCR 15(SED) OUT OF COMMITTEE

SENATE BILL NO. 215

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

MOVED SB 215 OUT OF COMMITTEE

SENATE BILL NO. 202

"An Act relating to expenditures in aid of or to implement the provisions of the federal Real ID Act."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 101

SHORT TITLE: UNIFORM TRAFFIC LAWS

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/16/07 (H) READ THE FIRST TIME - REFERRALS
 01/16/07 (H) CRA
 02/15/07 (H) CRA AT 8:00 AM CAPITOL 124
 02/15/07 (H) Heard & Held
 02/15/07 (H) MINUTE(CRA)
 03/15/07 (H) CRA AT 8:00 AM BARNES 124
 03/15/07 (H) Moved CSHB 101(CRA) Out of Committee
 03/15/07 (H) MINUTE(CRA)
 03/16/07 (H) CRA RPT CS(CRA) NT 4DP 1AM
 03/16/07 (H) DP: NEUMAN, OLSON, LEDOUX, FAIRCLOUGH
 03/16/07 (H) AM: CISSNA
 05/10/07 (H) TRANSMITTED TO (S)
 05/10/07 (H) VERSION: CSHB 101(CRA)
 05/10/07 (S) READ THE FIRST TIME - REFERRALS
 05/10/07 (S) STA
 01/24/08 (S) STA AT 9:00 AM BELTZ 211
 01/24/08 (S) <Bill Hearing Postponed>
 02/12/08 (S) STA AT 9:00 AM BELTZ 211
 02/12/08 (S) Heard & Held
 02/12/08 (S) MINUTE(STA)

BILL: SCR 15

SHORT TITLE: AMEND UNIFORM RULES: STANDING COMMITTEES
 SPONSOR(S): SENATOR(S) STEVENS BY REQUEST OF JT LEG EDUCATION
 FUNDING TASK FORCE

01/18/08 (S) READ THE FIRST TIME - REFERRALS
 01/18/08 (S) SED, STA
 01/30/08 (S) SED RPT CS 2DP 1DNP 1NR 1AM NEW
 TITLE
 01/30/08 (S) DP: STEVENS, OLSON
 01/30/08 (S) DNP: HUGGINS
 01/30/08 (S) NR: WILKEN
 01/30/08 (S) AM: DAVIS
 01/30/08 (S) SED AT 8:00 AM BUTROVICH 205
 01/30/08 (S) Moved CSSCR 15(SED) Out of Committee
 01/30/08 (S) MINUTE(SED)
 02/14/08 (S) STA AT 9:00 AM BELTZ 211

BILL: SB 215

SHORT TITLE: REQUIREMENTS FOR DRIVER'S LICENSE/I.D.
 SPONSOR(S): SENATOR(S) HUGGINS

01/16/08 (S) PREFILE RELEASED 1/4/08
 01/16/08 (S) READ THE FIRST TIME - REFERRALS
 01/16/08 (S) STA, TRA
 01/31/08 (S) STA AT 9:00 AM BELTZ 211

01/31/08 (S) Heard & Held
01/31/08 (S) MINUTE(STA)
02/14/08 (S) STA AT 9:00 AM BELTZ 211

BILL: SB 202

SHORT TITLE: PROHIBIT STATE SPENDING FOR REAL ID ACT
SPONSOR(S): SENATOR(S) WIELECHOWSKI

01/16/08 (S) PREFILE RELEASED 1/4/08
01/16/08 (S) READ THE FIRST TIME - REFERRALS
01/16/08 (S) STA, JUD
02/14/08 (S) STA AT 9:00 AM BELTZ 211

WITNESS REGISTER

RICK VANDERKOLK, Staff
to Representative Carl Gatto
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented changes to CSHB 101(CRA).

TIM LAMKIN, Staff
to Senator Gary Stevens
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented SCR 15.

CARL ROSE, Executive Director
Association of Alaska School Boards
Juneau AK

POSITION STATEMENT: Spoke in support of SCR 15.

RICHARD LUTHER, Legislative Liaison
Department of Education
Juneau AK

POSITION STATEMENT: Spoke in support of SCR 15.

JOHN ALCANTRA, Director
Government Relations
NEA Alaska

POSITION STATEMENT: Spoke in support of SCR 15.

KIKI ABRAHAMSON, Teacher
Fireweed Academy Charter School
Homer AK

POSITION STATEMENT: Spoke in support of SCR 15.

SENATOR BILL WIELECHOWSKI
Alaska State Legislature
Juneau AK

POSITION STATEMENT: Presented SB 202.

MATTHEW KERR
Anchorage AK

POSITION STATEMENT: Spoke in support of SB 202.

JAMES HARRISON, Attorney
Sacramento CA

POSITION STATEMENT: Spoke in support of SB 202.

KEVIN BROOKS, Deputy Commissioner
Department of Administration
Juneau AK

POSITION STATEMENT: Discussed SB 202.

BILL SCANNELL, Spokesperson
Identity Project
Anchorage AK

POSITION STATEMENT: Spoke in support of SB 202.

PATRICK DALTON
Delta Junction AK

POSITION STATEMENT: Spoke in support of SB 202.

TIMOTHY PETERS, Paralegal
Anchorage AK

POSITION STATEMENT: Spoke in support of SB 202.

IRVIN BAXTER, Bible Prophecy Advocate
Garland TX

POSITION STATEMENT: Spoke in support of SB 202.

JEFFERY MITTMEN, Incoming Executive Director
American Civil Liberty Union of Alaska
Anchorage AK

POSITION STATEMENT: Spoke in support of SB 202.

ACTION NARRATIVE

CHAIR LESIL MCGUIRE called the Senate State Affairs Standing Committee meeting to order at [9:04:00 AM](#). Senators McGuire, Stevens, Bunde, and French were present at the call to order. Senator Green arrived later.

HB 101-UNIFORM TRAFFIC LAWS

9:04:00 AM

CHAIR MCGUIRE announced the consideration of HB 101. [Before the committee was CSHB 101(CRA).]

RICK VANDERKOLK, Staff to Representative Carl Gatto, Alaska State Legislature, said Gerald Luckhaupt, Legislative Counsel, was asked to make changes to tighten the language and they are incorporated in the version before the committee. Section 2 was changed to read, "When a person is convicted under (a) of this section, the court shall determine by a preponderance of the evidence if, as determined by a chemical test taken within four hours after the offense was committed". He added the same phrase on Page 2. He noted that there was written testimony from John McConnaughey, a prosecuting attorney.

SENATOR FRENCH said the changes are what he had in mind; however, there is a "clunky grammatical moment." He offered Conceptual Amendment 1:

On Page 2, line 8 [and line 15], following "breath,"
Insert: "having made that determination,"

CHAIR MCGUIRE said she sees his point and doesn't have an objection although the drafter may. Hearing no objection, Conceptual Amendment 1 passed.

SENATOR BUNDE moved the committee substitute to HB 101, labeled 25-LS0262\M, as amended, with individual recommendations and the attached fiscal note. Hearing no objection, SCS CSHB 101(STA) moved from committee.

SCR 15-AMEND UNIFORM RULES: STANDING COMMITTEES

CHAIR MCGUIRE announced the consideration of SCR 15.

TIM LAMKIN, Staff to Senator Gary Stevens, said SCR 15 comes from the Joint Legislative Education Task Force as its first and immediate recommendation for this session, and it establishes a standing committee on education. It also calls for a recurring review of the funding formula, regular updates of the district cost factors, review of programs and policies within the Department of Education and Early Development, and review of policies of the University of Alaska. Considering Alaska's constitutional obligation, many feel that Alaska should have an

educational standing committee. Alaska is one of only three states that do not have one.

9:10:37 AM

SENATOR STEVENS said it became clear to him when he came to the legislature that it would be reasonable to have this standing committee. Chair Davis of the Health, Education, and Social Services (HESS) Committee is very supportive. That committee wanted to keep education in the past, but the current chair is supportive. It seems that the university has mainly responded to the Finance Committee, which is valid because of fiscal issues, but the university has gotten short shrift on its programs.

9:12:10 AM

CARL ROSE, Executive Director, Association of Alaska School Boards, said he served on the task force and has never seen such a broad number of issues with consensus. "It is all before you now." Education is quite complicated, and in the course of a legislative session people will have only a few minutes to testify. It is difficult to get congruence about many aspects of K-12 education. Alaska spends \$1 billion every year on it, and there are a number of issues. The task force identified things that could be worked on, and some things were more complicated and needed more time. He said people wanted to look at the 20 percent block grant, which is the amount that goes to special, vocational, and bilingual education. How that is distributed is difficult to deal with in a committee. He continued:

What it requires is some time, as well as issues of, maybe, intervention on the no-child-left-behind reconstitution of governance and schools. You look at the mandated nature of legislation that may be regulations that we face: the local, the state, and the federal role in education - these things become very, very complicated. It's our hope, and it was the hope of the task force, that we would be able to create a standing committee who could deal with these issues and give it the due diligence that they require. ... This is an effort to try to give you the time you need to make better decisions, and I hope you look favorably on this piece of legislation.

9:15:18 AM

RICHARD LUTHER, Legislative Liaison, Department of Education, said the administration supports SCR 15. There are major issues the task force didn't have time to deal with. Some of these unresolved issues include charter and correspondence schools,

block grants, vocational and technical programs, required local effort, and pre-K education. These are major issues that require a lot of time, and a special committee will allow that.

9:16:40 AM

JOHN ALCANTRA, Director, Government Relations, NEA-Alaska, said he agrees with previous comments. He said Senator Stevens spent 8 to 10 full days last summer on the task force. "It was the first time that education had ample time to go through issues ... and all of them were not addressed." The Senate has a special committee on education that has been shoehorned into a one-hour timeframe with members that have to head off to other committees. Making education a standing committee and elevating the K-12 and university budgets "will certainly help." NEA-Alaska members just had their 52nd annual delegate assembly, and they have been trying to see this happen for years.

9:18:11 AM

KIKI ABRAHAMSON, Teacher, Homer, Fireweed Academy Charter School, said her school has existed for 11 years, and it has been doing a great job with an innovative curriculum. She has six of her students with her, and has brought them to the hearings at the Legislative Information Office in Homer. They all support SCR 15. All educators and members in the community are in favor of having a separate education committee.

CHAIR MCGUIRE said she is glad students are involved. She asked if the HESS committee needs its name changed in SCR 15.

SENATOR STEVENS said line 12 of page 1 changes the title and duties of that committee.

9:20:55 AM

SENATOR FRENCH said he is confused about the structure of SCR 15. It appears to be making two amendments in the same section.

MR. LAMKIN said an amendment effectively sunsets the committee in 2013.

SENATOR FRENCH surmised that Section 1 would take effect immediately, and Section 2 would take effect on the first regular session of the 28th legislature. "So, it sunsets the education committee."

SENATOR STEVENS said that was the desire of the previous committee. He wasn't excited about that, but he now thinks it may make sense to relook at it.

SENATOR BUNDE moved to adopt, as a working document, the committee substitute (CS) for SCR 15, labeled 25-LS1348\C. Hearing no objection, Version C was before the committee.

[9:23:32 AM](#)

SENATOR GREEN said she is the only person in Alaska that opposes this, and she only opposes it because it causes difficulties in the Senate - not so much for the House. The Senate has difficulty getting members into standing committees who are not conflicted. The special committee can meet every day if it needs to. "We can more clearly outline with our special committee that all legislation will be forwarded to it and it will be responsible for all education issues." Knowing the difficulty of scheduling and filling all of the committees, another standing committee will be next to impossible, she explained.

SENATOR FRENCH said that is a good point because everyone is stressed by the 90-day session. He hopes that this committee will not result in extra bill referrals. He suggested not simply adding an education committee referral without dropping it from other committees. There should be the same amount of committee work but just redistributed. "If we do it right we should be creating some time from a reduced workload in other committees." It should compartmentalize the work.

[9:25:51 AM](#)

CHAIR MCGUIRE said the Senate is "a lot harder" than the House. "You really are stretched with 20 members." She hopes that the issues of health and social services attract enough people, and that members are not just interested in education. Education is a popular issue. Health and social services can be tough because there is never enough money to go around and the issues are difficult. The sunset provision may address that.

SENATOR FRENCH moved CSSCR 15(SED) from committee with individual recommendations and attached fiscal note(s). Hearing no objections, it was so ordered.

[9:27:40 AM](#)

SB 202-PROHIBIT STATE SPENDING FOR REAL ID ACT
SB 215-REQUIREMENTS FOR DRIVER'S LICENSE/I.D.

CHAIR MCGUIRE announced the consideration of SB 215 and SB 202. The concerns about SB 215 are centered on the Real I.D. Act, instead of the "baseline issue itself." The worry is that SB 215

will set the state up for the federal Real I.D. mandate without addressing privacy concerns. It is logical to bring it up with SB 202, which is something that many other states have done in the process of enhancing driver's licenses. Washington State has allowed for an enhancement on the license that requires proof of citizenship and documentation; however, it is very explicit in statute that it will not accept the Real I.D. mandate until privacy concerns are addressed.

SENATOR BILL WIELECHOWSKI, Alaska State Legislature, said SB 202 will ban state funding for Real I.D., which was put into law in 2005 as part of an emergency appropriation bill for the war on Iraq. It was right after Hurricane Katrina, and it was put into a large, must-pass bill. There was very little discussion on it, and many people did not even notice it. The Real I.D. law, which most Alaskans would have serious concerns about, requires the first federal identification system. Unlike the passport, this I.D. must be carried and shown in order to fly or enter federal buildings. In order to access any federal facilities, like the IRS offices, a federal courthouse, or a national park, a person would need this card.

[9:31:48 AM](#)

SENATOR WIELECHOWSKI said there are bills proposed in Congress that will extend reasons for which the I.D. will be required. Since Alaska has a large percentage of its land managed by the federal government, this is obviously a concern. "There's no reason to assume that anything that the federal government funds, whether it be hospitals ... Amtrak, or busses, you would now have to show your identification card." Section 202 of the Real I.D. law requires machine-readable technology with defined minimum data elements. The federal government is setting up a system of scanning the card and creating a data trail on people. The government will have access to everywhere someone has been and had their card scanned. The card will be scanned every time someone goes to any federal location, flies, opens a bank account, or enters a hospital. This raises serious privacy concerns for many people. It is the beginning of a surveillance society with the federal government tracking people's movements.

[9:33:55 AM](#)

SENATOR WIELECHOWSKI said the proposed rules included radio-frequency (RF) I.D.s. with a radio chip in the card, but that was not in the final rules. "There is no reason to doubt that once this is implemented Congress couldn't go back and simply do a one-line amendment in a massive budget bill in the future saying, 'well, guess what, now your cards have to have RF

I.D.'." That will allow the federal government to really track where people are going even if cards aren't scanned. The government can choose to put scanners in any location that will scan a card when someone walks by.

CHAIR MCGUIRE said she has a bill for Friday "on state law governing RF I.D. chips generally." It isn't just the federal government; a person can buy these scanners on the internet. Chips are in credit cards and grocery store cards, "and anytime you walk by or are in the presence of someone that has that scanner ... it forecasts your entire - your social security number, your birth date - very sensitive information about you."

SENATOR WIELECHOWSKI said licenses might include finger prints, retinal scans, or DNA. Every time the card is scanned the information goes into a system. The Real I.D. system requires that Alaska and every other state share data. Every DMV official has access to every Alaskan's data. Private organizations may be working with this data. Some DMVs use private companies.

[9:36:51 AM](#)

SENATOR WIELECHOWSKI said there are travel treaties with Canada and Mexico, and the federal government is still in the process of developing rules in that regard, "but there is no reason to expect that when you go into Canada or when you go into Mexico and you swipe your I.D., foreign nationals in those countries will have access to every American's private data." The cost is unknown, but DMV estimated it will cost Alaska about \$10 million. Real I.D. requirements include keeping paper and electronic copies for many years. That will entail a cost. States must ensure the physical security of locations where driver's licenses and I.D. cards are produced. "No one really knows what that means, but when we enter federal buildings now, we see armed guards and federal police." That will cost the state. The Real I.D. law requires extensive changes to hiring and retention practices for DMV. In Alaska there are people that have no easy access to DMV. Bush residents may want to fly somewhere after they have just turned 16. A person can't get on the plane without the card. Physical presence at the DMV is required to get the Real I.D, including for license renewal.

[9:39:32 AM](#)

SENATOR WIELECHOWSKI said there are concerns that this is the first step toward a national gun registry. Gun Owners of America opposes Real I.D. "Here's how it can happen: When you go to Fred Meyer or wherever to purchase your gun, you have to fill out a form - 4473 - you have show your I.D. You show your federally

mandated national identification card and it's now swiped, and guess what, the federal government and the state now knows that you've just purchased a gun." It is the same for ammunition. The Department of Homeland Security (DHS) can decide any other use for the I.D. He asked if it is a stretch of the imagination that an upcoming DHS secretary will say, "We need to now swipe your I.D.s for guns." This does nothing to secure the borders. Illegal immigrants cannot get a driver's license in Alaska.

SENATOR WIELECHOWSKI said many presidential candidates have opposed Real I.D. as do the American Bar Association, American Civil Liberties Union, Catholic Social Services of Alaska, John Birch Society, National Center on Domestic and Sexual Violence, National Taxpayers Union, Citizens against Government Waste, Privacy Rights Clearing House, and People for the American Way. There are 18 states that have passed similar legislation, and 18 more are reviewing it. There are many religious groups that oppose Real I.D. He said to stand up for Alaska's sovereignty.

[9:42:33 AM](#)

SENATOR BUNDE said federal legislation needs to be addressed at the federal level. If Alaska opposes this federal mandate, will Alaskans not be able to get on an airplane or do other things?

SENATOR WIELECHOWSKI said yes. "We represent the people of Alaska, and this is an encroachment on the privacy rights ... of the people." He said the legislature should not stand for the government taking away those rights.

SENATOR BUNDE said he doesn't think unknown persons "should get on our airplanes either." It is a right of passage for a young person to get a phony I.D. on the streets Los Angeles. "What are we going to do about the other problem that we have: people who can have assumed identities ... with ill intent for our country?"

[9:44:13 AM](#)

SENATOR WIELECHOWSKI said this does absolutely nothing to make our country safer. If the federal government is concerned about illegal immigrants, it needs to secure our borders. This is the federal government commandeering the DMV and not paying for it. If the government is creating big brother, they need to pay for it, and that is all SB 202 does.

SENATOR BUNDE said there is some hyperbole in the response.

CHAIR MCGUIRE said her philosophy is closely aligned with Senator Wielechowski's. She said the testimony on SB 215

addressed the issue of the Real I.D. The sponsor said SB 215 was not about Real I.D., but about making Alaska's drivers licenses more secure. Many states are looking at this, and it is "the opposite of what we did with the Patriot Act, which sailed through. There are tremendous concerns about it now. States are looking at this and saying, 'what a revelation' in terms of monitoring people's internet use at our libraries, but we didn't say anything. We didn't do it. And so this is one way of saying sometimes the states can ... we don't have the power if they mandate it, but sometimes states can send messages that there are concerns." She hopes the federal government takes into account the serious privacy concerns. It is the kind of bill that needs to go to the appropriate people.

[9:46:38 AM](#)

SENATOR FRENCH said the committee is in agreement. If the federal government wants a federal I.D. card, it needs to set up the program and not force it on the states. "Put the responsibility where it lies." SB 215 is only part of a Real I.D. It can be argued either way. "What does the Commissioner of Public Safety do should [SB 215] become law with that fiscal note?" It creates difficulty in implementing a policy choice, which Senator French agrees with. "We should not be bearing this cost." But at some point, the commissioner will have to make a call about whether it complies with the Real I.D. Act or not.

[9:48:15 AM](#)

CHAIR MCGUIRE said perhaps it makes the dialogue more overt. If Real I.D. comes to fruition, the commissioner would come before the legislature and discuss the merits of implementation.

SENATOR STEVENS noted that this is the direction of other states, almost unanimously. He likes not using state money.

MATTHEW KERR, Anchorage, said he supports SB 202, but the issues of legal presence and Real I.D. are separate and only somewhat related. The primary purpose of a driver's license is to protect public safety rather than for identification. He did not use his driver's license to fly last year, and it wasn't too difficult. He could fly from Juneau to Anchorage without any I.D. at all. The Real I.D. has been rejected by many states. "If we all go along with this, it will be a self-fulfilling prophecy, so I support the state's efforts to oppose it."

[9:51:24 AM](#)

JAMES HARRISON, Attorney, Sacramento CA, said he is an Alaska attorney and has been involved in Real I.D. for quite some time.

Real I.D. requires all drivers to be compliant by 2014. It is a five-year process of renewal, so to be Real I.D. compliant by 2014, the state will need to start issuing them next year. The infrastructure, background checks, and everything else required by Real I.D. will need to be done now. The money needs to be spent now, not in the future. The state has taken an extension of time for compliance, but the state can't sit back and do nothing. DMV argued that it was going to do some of the Real I.D. things anyway, but how will Alaska differentiate if there are no funds for Real I.D.? He referred to the Real I.D. rules and the Appendix A checklist. It is part of the federal register and there are 18 points to comply with. He told the committee to have DMV go over the list for them. Real I.D. is not about illegal immigrants. It is about everyone who will have to prove citizenship. This is a prior restraint on people's rights, and it has a danger of mission creep. It is anti-American.

[9:54:43 AM](#)

CHAIR MCGUIRE said copies are being made of Washington State's resolution and one by Senator Ted Stevens in Congress.

KEVIN BROOKS, Deputy Commissioner, Department of Administration, said this week the state filed for an extension for the Real I.D. rules and received preliminary approval through December 2009. The rules are 200 pages. He has spoken with the bill's sponsor regarding its impacts. The administration is very concerned about the privacy and data security issues that have been raised. The state is working on it. Currently the state is complying with many aspects of the Real I.D., like digital photos on driver's licenses, which is just a good business practice. It is important not to restrict the department on things that make sense. "We train our employees to detect fraudulent documents and things of that nature." The bill shouldn't be at the expense of good business practices that are in place and are good for Alaskans. He spoke against restricting Alaskans' free movement, and he spoke for taking a firm stand on individual and state rights.

[9:58:10 AM](#)

CHAIR MCGUIRE asked about suggestions to the language.

MR. BROOKS said the meeting just occurred yesterday, and Senator Wielechowski was told what Alaska already does that happens to comply with the Real I.D. rules. There is a \$13 million budget for the DMV, and that would not allow implementation of Real I.D. If there was any movement toward compliance that is not

already happening, the department will need to come back to the legislature for money. That will spur the debate further.

CHAIR MCGUIRE said it is clear that [the bill] refers just to those funds that would aid in implementing the Real I.D. Act of 2005. It is fairly specific, she said. "I don't think ... it would exclude good business practices that are being implemented. For example, under Dwayne Bannock's lead, we did go to the digital licenses." She doesn't see how that would be covered.

MR. BROOKS said he doesn't know, but the digital photo is on the checklist, and the state doesn't want to be put in the position of eliminating that. Digital photography is better than a Polaroid under a laminate. "We just don't want anything that we are doing to be prohibited ... under passage of legislation." He believes language can be found to address that concern.

SENATOR STEVENS asked what needs to be done after the extension.

MR. BROOKS said the state requested an extension, which does not imply that the state intends to comply with the act. After an exhaustive review of the rules of the act, the department will come back to the legislature on what it will mean for the state to comply. The state has rules that people are worked up about, but the DMV must execute good business practices. The December 2009 date is looming. "We can more actively engage that discussion the next time you're down here meeting, and we'll be spending the interim working the issue."

[10:02:12 AM](#)

CHAIR MCGUIRE said she would like to have the bill "as its own full day in State Affairs to listen to what the department is doing." She wants examples from other states.

BILL SCANNELL, Spokesperson, Identity Project, Anchorage, said he has been working on opposing Real I.D. nationally. He supports SB 202. He said Mr. Brooks is "essentially saying that we should all be good Germans and follow the law." The state letter requesting an extension says nothing about whether Alaska will or will not comply. "In fact it reads to me like we have every intention of complying." Alaskans will be a little inconvenienced in order to take a stand. He has heard people say that freedom is not free, and if Alaskans can't put up with a little inconvenience ... "We can still fly - we may have to go through secondary screening." He can't imagine Michael Chertoff [secretary of DHS] keeping people out of courthouses. If we can't put up with a little inconvenience to stand up for our

rights and freedoms, then we're nothing but good Germans, and can't call ourselves Americans. The Real I.D. Act is an abomination. "I deeply oppose it and strongly, strongly suggest that you pass Senator Wielechowski's Real I.D. bill."

10:05:19 AM

PATRICK DALTON, Delta Junction, said, "I hope we still have freedom of speech." The real I.D. started in the United Nations, and he quoted a 2005 CNET article: "The Bush administration chose to go ahead with imbedding 64 kilobyte chips in future passports, acting a desire to abide by globally interoperable standards devised by the International Civil Aviation organization." He said the Bush Administration implemented the Real I.D. Act with no Senate debate. The public still doesn't know about it, he explained. It will be costly for the states. Alaskans need to be free to travel without unreasonable encumbrances, and that's what it all gets down to. If everyone is checked for I.D.s, we are no longer free citizens. It would be better to tighten up the border and things like that. Current driver's licenses work fine, so if it is not broken, don't fix it. This is a global identification system that will be machine-readable throughout Europe. The United States is a sovereign country, and we need to remain that way. U.S. Representative Jim Guest of Missouri claims that the Real I.D. Act gives a false sense of security because of not knowing the authenticity of the documents presented to get the I.D. A fancy I.D. won't be any better than the documents that are used to get it.

TIMOTHY PETERS, Paralegal, Anchorage, said he opposes the Real I.D. Act. It is a violation of basic civil liberties and is unconstitutional. States can't be told what to do with regard to identification cards. It also violates Alaska's constitutional right to privacy. He supports SB 202.

10:09:28 AM

IRVIN BAXTER, Bible Prophet, Garland, Texas, said the bible says there will come a time when everyone will need a number in order to buy or sell anything. "The powers that be" will control people by economic restrictions. The immigration bill that was defeated had language referring to social security cards and employment eligibility. Many people are pushing for an I.D. to show they can be employed in America. The databases will be linked nationally. Homeland Security denies the intent of a national database, but the bill speaks to the creation of a unified database maintained by the DHS and comprised of information from the Social Security Administration. "So they fully intend to have a national database, which they will have

through the Real I.D. Act, and you'll have to be in that database or you won't be able to hold a job." Without a job, a person can't make money or buy things. "This is getting way to close to home, as we are in this time of setting up of global government." He concurs with the previous speaker. This is a national I.D. that hasn't been needed for 230 years. The perpetrators of 911 all could have qualified for this national card. It would have stopped none of them, but it ends freedom in America. "It's the worst thing we could possibly do." He has a radio talk show about biblical prophecies.

[10:12:24 AM](#)

CHAIR MCGUIRE said SB 202 will be brought up again on Tuesday.

JEFFERY MITTMEN, Incoming Executive Director, American Civil Liberty Union (ACLU) of Alaska, noted that Washington State has opted out of the real I.D. until issues of privacy can be dealt with. Five states have "absolutely opted out of real I.D." Real I.D. has already failed to protect citizens because states are refusing to participate. The final regulations issued by the DHS in 2008 were not done in the normal manner. Many organizations that have a stake in the issue had their comments essentially ignored. The regulations fail to truly implement an actual program that is workable and will provide real security. The DHS estimated that the program will cost \$9.9 billion, but only \$90 million has been allocated. Businesses and nongovernmental entities will be able to access the I.D. information. The DHS has refused to require that this information be encrypted, "so it's essentially creating a large target of opportunity for identity thieves." It will make the state more vulnerable and not more secure. Even if Alaska has full and robust security protections, any state that fails to provide those protections put Alaskans at risk. There are a wide range of organizations that are against [the Real I.D.]. He said there will be greater incentives to obtain fraudulent I.D.s. Native Alaskans fear the loss of sovereignty. He said to look at www.realnightmare.org.

CHAIR MCGUIRE set SB 202 aside.

[10:16:41 AM](#)

CHAIR MCGUIRE asked if the committee had further questions on SB 215.

SENATOR GREEN moved SB 215 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried. [SB 202 was held over.]

There being no further business to come before the committee,
Chair McGuire adjourned the meeting at [10:17:26 AM](#).