

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 5, 2009
8:03 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Carl Gatto
Representative Craig Johnson
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Paul Seaton, Vice Chair

COMMITTEE CALENDAR

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

PREVIOUS COMMITTEE ACTION

BILL: HB 3

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

SPONSOR(S): REPRESENTATIVE(S) LYNN, HAWKER, CHENAULT, STOLTZE,
RAMRAS, JOHNSON

01/20/09	(H)	PREFILE RELEASED 1/9/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	STA, FIN
02/05/09	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

DIRK MOFFATT, Staff
Representative Bob Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 3 on behalf of Representative Lynn, co-prime sponsor.

WHITNEY BREWSTER, Director
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 3.

KEVIN BROOKS, Deputy Commissioner
Department of Administration
Juneau, Alaska

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

ACTION NARRATIVE

[8:03:35 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:03 a.m. Representatives Gatto, Johnson, Wilson, Petersen, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

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

[8:03:58 AM](#)

CHAIR LYNN announced that the only 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."

[8:04:49 AM](#)

DIRK MOFFATT, Staff, Representative Bob Lynn, Alaska State Legislature, presented HB 3 on behalf of Representative Lynn, co-prime sponsor. He said the proposed bill would require people to show documentary evidence that they are legally in Alaska and that they are who they say they are. Further, the legislation proposes that a license would expire when a person's legal presence expires. He stated the sponsors' belief that if a person does not have a legal right to walk down a street, he/she should not be given the legal right to drive down that same street. A person already possessing current driver's licenses will not have to show proof of identity until his/her license expires beyond 90 days or he/she receives a citation for driving under the influence (DUI). In those instances, a person

would have to go through the same process as someone would who has just arrived in Alaska. Mr. Moffatt mentioned visas and indicated that the proposed law would "flex" according to a person's legal presence.

[8:07:26 AM](#)

WHITNEY BREWSTER, Director, Division of Motor Vehicles, Department of Administration, stated that the DMV supports HB 3. She explained that currently, the DMV is required to issue a five-year driver's license to a person, even if that person presents a visa that shows it will expire in two days. The proposed legislation would change that so that the DMV would be issuing driver's licenses or identification (ID) cards with expiration dates that match the length of the person's legal presence. Ms. Brewster related that Alaska is one of six states that currently do not have "legal presence" [legislation]. The other states are: Washington, Maine, Illinois, Maryland, and New Mexico.

MS. BREWSTER said there is a \$15,000 fiscal note that would cover programming to allow the DMV the flexibility to change the expiration date within its system. She offered to answer questions.

[8:08:49 AM](#)

REPRESENTATIVE GATTO said last year a foreign exchange student from Sweden stayed with his family and was thrilled that she had a license that outlasted her visa, because of reciprocity. He asked for confirmation that that would no longer happen if the bill were to pass.

MS. BREWSTER confirmed that is true; according to HB 3, unless the expiration date of the visa was changed, the expiration of the driver's license could not be set beyond that date.

[8:10:18 AM](#)

MS. BREWSTER, in response to a question from Representative Johnson, said the DMV does not send out notification when a person's license has expired. In response to a follow-up question, she said a concealed carry card could be used as a secondary document for identification, but would not serve as a primary document.

REPRESENTATIVE JOHNSON remarked that unlike the driver's license, the concealed carry card does not show the expiration date on it.

[8:12:36 AM](#)

REPRESENTATIVE PETERSEN offered his understanding that legislation passed last year that prohibited the legislature in regard to the federal REAL ID Act.

MS. BREWSTER confirmed that both House Joint Resolution 19 and Senate Bill 202 passed. She assured Representative Petersen that the DMV has since neither made a move forward nor spent any funds to implement the REAL ID Act. She said it is important to note that the issue of legal presence was being discussed as a policy issue long before the REAL ID Act was in anyone's mind. She emphasized that there are many states that oppose the REAL ID Act but have laws regarding legal presence. She concluded, "So, I consider them two separate policy issues."

[8:14:02 AM](#)

REPRESENTATIVE GATTO mentioned observing migrant workers in California who drove on private property as part of their job. He said he is not certain whether or not those migrant workers possessed valid driver's licenses or current visas, but he said the farms could not operate without them. He said one of the consequences of the proposed legislation is that a person in Alaska whose visa has expired would be driving illegally in Alaska. He clarified that he still supports HB 3, but just wants that information known.

[8:16:48 AM](#)

REPRESENTATIVE WILSON said she imagines the government facilitates the issuance of visas to those migrant workers to enable them to work.

[8:17:13 AM](#)

REPRESENTATIVE PETERSEN talked about people who come to work summers in Alaska. He said some of them may need to drive, but may be here without a visa, and he questioned whether that would cause a hardship for the canneries in Alaska, for example.

[8:18:19 AM](#)

REPRESENTATIVE WILSON proffered that in Wrangell, Alaska, there is a cannery, and many workers are driven back and forth to work or walk.

8:19:22 AM

REPRESENTATIVE GRUENBERG observed that no one from the judicial system is present to testify.

MS. BREWSTER, in response to Representative Gruenberg, said she does not know how many people the bill may impact. In response to a follow-up question, she said the cost savings to the division would be nominal, because the cost to produce each license is low.

REPRESENTATIVE GRUENBERG said he thinks it is unfortunate that there is no information available regarding those who would be affected by the bill. He mentioned those involved in public safety, the judicial system, and the prosecutor's office, and asked Ms. Brewster if she knows how many of those entities may be affected by the bill.

MS. BREWSTER answered no.

CHAIR LYNN suggested that the House Finance Committee may consider this issue.

REPRESENTATIVE GRUENBERG opined that a referral to the House Judiciary Standing Committee is advisable. He mentioned the auto industry, and he remarked that if a worker cannot get to work, that may affect public transportation.

MS. BREWSTER reminded Representative Gruenberg that she is present to speak solely to the impact of the proposed legislation on the DMV.

8:23:10 AM

REPRESENTATIVE JOHNSON reminded the committee that the bill addresses the issue of criminals - people who are in the country illegally. He opined that the state should not be issuing driver's licenses to criminals.

8:25:00 AM

KEVIN BROOKS, Deputy Commissioner, Department of Administration, stated that as a matter of process, when a bill is introduced,

all state agencies look at it and give feedback regarding the possible effects on each department. He presumed that the Department of Public Safety, the Department of Law, and the court system all looked at HB 3 and determined that it would not have significant impact upon them. He said he would confirm that with the various entities before the proposed bill reaches its next committee of referral.

[8:26:19 AM](#)

REPRESENTATIVE GRUENBERG said he would also appreciate the bill being sent to local government entities to ascertain its impact on them.

MR. BROOKS, in response to Representative Gruenberg, said he has not done that. He explained that it is not the department's usual process to do so.

[8:28:11 AM](#)

REPRESENTATIVE WILSON predicted that once word gets out that a person must have legal presence in Alaska, the state will have less problems.

[8:28:43 AM](#)

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

REPRESENTATIVE GRUENBERG objected. He asked Ms. Brewster if people have come to Alaska to get licenses after being refused a license in other states.

MS. BREWSTER said the DMV does not keep "those type of statistics." Any related information would be anecdotal evidence, she concluded.

[8:29:39 AM](#)

REPRESENTATIVE JOHNSON reminded the committee that last year, during the hearing on similar legislation, the committee heard about a case of a woman who flew from New York to Alaska to get a license when her visa was about to expire, then promptly returned to New York.

[8:30:43 AM](#)

A roll call vote was taken. Representatives Wilson, Gatto, Johnson, and Lynn voted in favor of moving HB 3 out of committee. Representatives Gruenberg and Petersen voted against it. Therefore, HB 3 was reported out of the House State Affairs Standing Committee by a vote of 4-2.

[8:32:00 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:32 a.m.