

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

April 7, 2011

9:02 a.m.

**MEMBERS PRESENT**

Senator Bill Wielechowski, Chair  
Senator Joe Paskvan, Vice Chair  
Senator Albert Kookesh  
Senator Kevin Meyer  
Senator Cathy Giessel

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 117

"An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility."

- HEARD & HELD

HOUSE CONCURRENT RESOLUTION NO. 7

Relating to awarding the Alaska Decoration of Honor to certain members of the military.

- MOVED HCR 7 OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3(STA)

"An Act relating to issuance of driver's licenses."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 117

SHORT TITLE: PFD ALLOWABLE ABSENCE: MILITARY

SPONSOR(S): SENATOR(S) WIELECHOWSKI

03/30/11	(S)	READ THE FIRST TIME - REFERRALS
03/30/11	(S)	STA, FIN
04/07/11	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: HB 3

SHORT TITLE: REQUIREMENTS FOR DRIVER'S LICENSE

SPONSOR(S): REPRESENTATIVE(S) LYNN, HAWKER, CHENAULT, JOHNSON, GATTO

01/18/11 (H) PREFILE RELEASED 1/7/11  
01/18/11 (H) READ THE FIRST TIME - REFERRALS  
01/18/11 (H) STA, FIN  
01/27/11 (H) STA AT 8:00 AM CAPITOL 106  
01/27/11 (H) Heard & Held  
01/27/11 (H) MINUTE(STA)  
02/01/11 (H) STA AT 8:00 AM CAPITOL 106  
02/01/11 (H) Moved CSHB 3(STA) Out of Committee  
02/01/11 (H) MINUTE(STA)  
02/02/11 (H) STA RPT CS(STA) 3DP 4NR  
02/02/11 (H) DP: P.WILSON, KELLER, LYNN  
02/02/11 (H) NR: JOHANSEN, GRUENBERG, SEATON, PETERSEN  
02/22/11 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
02/22/11 (H) Moved CSHB 3(STA) Out of Committee  
02/22/11 (H) MINUTE(FIN)  
02/23/11 (H) FIN RPT CS(STA) 7DP 4NR  
02/23/11 (H) DP: FAIRCLOUGH, T.WILSON, DOOGAN, NEUMAN, COSTELLO, STOLTZE, THOMAS  
02/23/11 (H) NR: GARA, GUTTENBERG, JOULE, EDGMON  
02/28/11 (H) TRANSMITTED TO (S)  
02/28/11 (H) VERSION: CSHB 3(STA)  
03/01/11 (S) READ THE FIRST TIME - REFERRALS  
03/01/11 (S) STA, TRA  
04/07/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: HCR 7

SHORT TITLE: DECORATION OF HONOR

SPONSOR(S): REPRESENTATIVE(S) SADDLER

02/23/11 (H) READ THE FIRST TIME - REFERRALS  
02/23/11 (H) MLV  
03/10/11 (H) MLV AT 1:00 PM CAPITOL 120  
03/10/11 (H) Moved Out of Committee  
03/10/11 (H) MINUTE(MLV)  
03/11/11 (H) MLV RPT 4DP  
03/11/11 (H) DP: GATTO, MILLER, THOMPSON, SADDLER  
03/29/11 (H) TRANSMITTED TO (S)  
03/29/11 (H) VERSION: HCR 7  
03/30/11 (S) READ THE FIRST TIME - REFERRALS  
03/30/11 (S) STA  
04/07/11 (S) STA AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

MICHAEL CAULFIELD, Staff to Senator Wielechowski  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented SB 117 on behalf of Senator Wielechowski, the sponsor.

DEBORAH BITNEY, Director  
Permanent Fund Division  
Department of Revenue (DOR)  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 117.

CHRIS POAG, Assistant Attorney General  
Department of Law (DOL)  
Permanent Fund Dividend (PFD) Division  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 117.

TIKOT CROFOOT, representing himself

**POSITION STATEMENT:** Testified in support of SB 117.

TRACY ROSS, representing her husband

**POSITION STATEMENT:** Testified in support of SB 117.

RIC DAVIDGE  
Alaska Veteran's Foundation  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of SB 117.

LISA KIRSCH, Attorney  
Legislative Legal Services  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding SB 117.

REPRESENTATIVE BOB LYNN  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of HB 3.

THOMAS REIKER, Staff to Representative Lynn  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented HB 3 for Representative Lynn, the sponsor.

KERRY HENNINGS, Driver's Licensing Manager  
Division of Motor Vehicles  
Department of Administration  
Anchorage, AK

**POSITION STATEMENT:** Answered questions regarding HB 3.

ROBIN BRONEN, Attorney  
Alaska Immigration Justice Project  
Anchorage, AK

**POSITION STATEMENT:** Testified in opposition to HB 3.

JOHN HIRST, representing himself  
Anchorage, AK

**POSITION STATEMENT:** Testified in opposition to HB 3.

JASON BAUMETZ, representing himself  
Anchorage, AK

**POSITION STATEMENT:** Testified in opposition to HB 3.

JEFFREY MITTMAN, Executive Director  
American Civil Liberties Union of Alaska  
Anchorage, AK

**POSITION STATEMENT:** Testified in opposition to HB 3.

#### **ACTION NARRATIVE**

[9:02:32 AM](#)

**CHAIR BILL WIELECHOWSKI** called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Paskvan, Giessel, Meyer, and Chair Wielechowski.

#### **SB 117-PFD ALLOWABLE ABSENCE: MILITARY**

[9:03:05 AM](#)

**CHAIR WIELECHOWSKI** announced the first order of business would be SB 117. This bill would enable Alaskans who join the military and are deployed out of state to continue receiving Permanent Fund Dividend checks while serving in the armed forces. Currently long-term Alaskans who have every intention of returning to the state are denied their PFDs after ten years.

CHAIR WIELECHOWSKI asked for a motion to adopt the proposed, version M, committee substitute (CS).

SENATOR PASKVAN moved to adopt the proposed CS for SB 117, labeled 27-LS0768\M, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes and asked his staff to provide an overview of the bill.

9:04:13 AM

MICHAEL CAULFIELD, Staff to Senator Wielechowski, said that as any Alaskan knows, one of the great benefits of living in the state is the yearly PFD payment. Most would agree that the PFD should not be withheld from those with a legitimate reason to be gone from the state with every intention of returning. Thus, the state has exemptions for residents absent for reasons like school, medical treatment, or military service. These exemptions have a sunset date of ten years, as most people gone for that long do not intend to return to Alaska. However, some jobs require people to be gone from the state for longer than 10 years. One of them is congressional service. Alaska's congressional delegation has to live in Washington D.C. and the statutes allow for them to receive PFDs past that ten-year limit.

Another job where Alaskans may not be able to return home for long periods of time is the military. Members of the armed forces can't choose where to be stationed, and if they make a career of the military they may be gone for over ten years. These brave men and women make great sacrifices to protect us all, and the least we can do is to make sure they still receive their PFDs. Senate Bill 117 will provide an exemption for Alaskan soldiers who are gone for over ten years, just like our congressional delegation.

MR. CAULFIELD then reviewed the changes in the CS. On page 2, lines 1-5 require that the soldier receiving the PFD was actually in the state for three years prior to joining the military, unless gone for an allowable reason. Lines 6-11 provide a severability clause.

9:06:07 AM

CHAIR WIELECHOWSKI noted there is a legal opinion on the constitutionality of the bill.

DEBORAH BITNEY, Director, Permanent Fund Dividend Division, Department of Revenue (DOR), said she was available for questions.

CHAIR WIELECHOWSKI said he has had several constituents raise this issue with him. Alaskans who are deployed for long periods of time have problems getting their PFD checks.

9:07:39 AM

SENATOR KOOKESH joined the meeting.

CHAIR WIELECHOWSKI asked how many complaints he's heard.

MS. BITNEY answered probably less than 30, but they were extremely loud.

SENATOR GIESSEL asked if most were related to military service.

MS. BITNEY answered yes, all were from military members. Most people who are gone from the state for that length of time are military.

SENATOR GIESSEL asked if Ms. Bitney had any information about people within the military who are absent more than 10 years and who do return to become permanent residents.

MS. BITNEY answered they are researching this question. Her initial findings were that 78 people this year reside in Alaska and at some point since 1990 had 10 years or more of absences, and at least one of those years was for military purposes. She said being more specific would require more research.

9:10:20 AM

CHRIS POAG, Assistant Attorney General, Department of Law (DOL), PFD Division, said there is a constitutional concern with this bill. There's risk of an unequal protection challenge when a class of residents is broken into new residents and long-term residents. In *Sands v. Roe*, which involved welfare benefits for California residents, new residents for the first year would receive benefits from the state of origin, not from California. The court said it was unconstitutional to create two classes of residents and distribute benefits unequally.

An argument could be made that this bill does something along those lines. PFD allowable absences include up to 180 days so long as the intent to return is maintained. There are 16 special exceptions allowing for absences in excess of 180 days. There

has to be some limit, so the legislature imposed a ten year cap on allowable absences. It also created an exemption for members of Congress, their staff, and spouses.

[9:14:12 AM](#)

After ten years of service or longer, they are likely to return. This bill would create another exemption but splits military allowable absences into two classes. This raises a risk of a challenge similar to Zobel. DOL believes that the legislature sees this as a category of people who are likely to return to the state. DOL would support a lawsuit if the law were to be challenged. Mr. Poag warned that if there is a constitutional challenge, the legislature should make clear that it doesn't want the ten-year rule to go away.

CHAIR WIELECHOWSKI opened public testimony.

TIKOT CROFOOT said he originally left Alaska to attend the Naval Academy and has been an active duty SEAL for ten years. He is currently preparing for another deployment to Afghanistan. Two years ago he was denied his PFD, and has been denied ever since. He believes that service members and their families are no less deserving than our congressional delegation. The PFD does penalize Alaska service members.

MR. CROFOOT said he lived in Alaska since age four, had unbroken Alaska residency for 28 years, has voted in all elections and has an Alaska driver's license. Alaska is listed as his home of record, so the military will pay for him to return to Alaska when he leaves the service, but not to another state. Both his parents have been Alaskan residents since 1974. He owns property in Alaska, and is part owner of a family business in Alaska. He met all PFD requirements for eligibility prior to military service. He met the requirements for his first ten years of military service. Military members deserve the dividend even if they are outside the state.

[9:20:55 AM](#)

MR. CROFOOT said he has heard people say that military members are trying to milk the system by trying to receive the dividend when they have resided in Alaska for very little time. It actually costs him more to return to Alaska each year than he receives from the dividend. He returns because Alaska is his home. He urged the committee to support career military members who intend to return to the state.

[9:22:04 AM](#)

CHAIR WIELECHOWSKI said Mr. Crofoot was a big reason why the bill was brought forward.

SENATOR PASKVAN asked when he expected to retire.

MR. CROFOOT said he will be eligible after 20 years, but regardless of when he retires, he will return to Alaska.

[9:23:27 AM](#)

TRACY ROSS said she was calling on behalf of her husband, Lt. Colonel Brian Ross, who deployed to the Philippines and is currently stationed in Okinawa. Alaskan residents who are career military deserve equal protection under the law and should be allowed to receive PFDs despite extended absence. Brian was born in Alaska in 1972, and left in 1990 to attend the Naval Academy. For the last 18 years he has served around the world. He has always been registered to vote in Alaska. All his vehicles have been titled, registered, and licensed in Alaska. He has significant physical ties to Alaska; his parents and two brothers live in Alaska. He owns cabins and land near Glenallen. Their family has made dozens of trips to Alaska totaling over 80 days in the past five years.

MS. ROSS said her husband was first denied a PFD in 2008. Nothing in his status had changed other than passing the arbitrary ten year cap. He has filed a superior court judicial review of his rejection. If he is not an Alaskan resident, then where is his home? His home of record and state of legal residence is the state the federal government expects him to return home to. His home of record is Alaska. In 20 years of military service he has never changed his home of record. Despite living in six states and one foreign country, he has always maintained paper and physical ties to Alaska.

MS. ROSS said that her husband intends to return to Alaska to live permanently once he retires. Lifetime Alaskans and career military personnel should continue to receive PFDs.

[9:29:23 AM](#)

RIC DAVIDGE, Anchorage, said he holds a number of leadership positions in veteran organizations in Alaska. The Alaska Veterans Political Action Committee and the Alaska Veteran's Foundation have been asking for changes to the PFD status, especially the ten year rule and the 72 hour rule because of the cost of returning Alaska to maintain resident status. Indications of intent to return should be considered. These people were Alaskans prior to service and intend to be upon

their return. The bottom line is; why are there no exemptions for military service as opposed to members of Congress, their staff and spouses. At least, he said, recognize the service and commitment of service members who intend to return. His son spent four years active duty in Iraq as well as 8 years military service. A number of times he had to assist his son to return to Alaska for the 78 hour requirement.

[9:32:10 AM](#)

LISA KIRSCH, Attorney, Legislative Legal Services, said she was available for questions.

CHAIR WIELECHOWSKI asked her to talk about her legal analysis of the bill.

MS. KIRSCH said she couldn't really add much to what Mr. Poag said. The crux of the problem is the three year residency requirement within the bill. This splits a class of residents into two groups, which creates an equal protection problem.

[9:34:16 AM](#)

CHAIR WIELECHOWSKI said he did not intend to move the bill today; he wants to work through the constitutional issues. There was some very compelling testimony. Perhaps home of record could be included as an indication of eligibility.

SENATOR GIESSEL asked if this would automatically make the military members' children eligible.

[9:35:45 AM](#)

MS. BITNEY said yes, the children are eligible if the military member is the sponsor.

CHAIR WIELECHOWSKI asked her to comment on the issue of "home of record."

MS. BITNEY responded any declaration of residency other than Alaska automatically disqualifies the applicant.

SENATOR PASKVAN asked if there has been any constitutional analysis of an exemption for those out of state while working for a private company.

MS. BITNEY answered it would not be considered an allowable absence if someone was out of state for private employment purposes.

SENATOR KOOKESH said the distinction is that military personnel are told where to live.

MS. BITNEY answered that was essentially correct.

[9:38:17 AM](#)

CHAIR WIELECHOWSKI closed public testimony and announced he would hold SB 117 in committee.

### HCR 7-DECORATION OF HONOR

[9:38:57 AM](#)

CHAIR WIELECHOWSKI announced the next order of business would be HCR 7, which would award the Alaska Declaration of Honor to certain members of the military. The award was created in 2007 to honor Alaskans who have made the ultimate sacrifice and lost their lives while serving the nation. In 2009 the Joint Armed Services Committee organized a ceremony in Anchorage to recognize the more than 170 Alaskans since statehood who have been killed while serving in the armed forces. He thanked Representative Saddler for bringing forward this year's resolution.

REPRESENTATIVE DAN SADDLER, sponsor of HCR 7, said the Declaration of Honor was created in 2007. A medal is awarded posthumously to military service members either from Alaska or deployed while stationed in Alaska who were killed in action or in support of combat action. The legislature must authorize this by resolution. To date a total of 177 have been awarded. HCR 7 will award another 30 medals to service members and authorize their families to receive them. While it is his hope to never have to award this medal again, everyone knows that freedom is not free.

[9:41:05 AM](#)

CHAIR WIELECHOWSKI closed public testimony.

CHAIR WIELECHOWSKI asked the sponsor if he had conferred with the Department of Military and Veterans Affairs for the names and correct spellings.

REPRESENTATIVE SADDLER answered yes.

SENATOR PASKVAN moved to report HCR 7 from the Senate State Affairs Standing Committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

[9:43:06 AM](#)

At-ease.

**HB 3-REQUIREMENTS FOR DRIVER'S LICENSE**

[9:46:57 AM](#)

CHAIR WIELECHOWSKI announced the next order of business would be HB 3, which would enable the Department of Motor Vehicles (DMV) to issue driver's licenses for less than the statutory five years to certain individuals.

[9:47:08 AM](#)

REPRESENTATIVE BOB LYNN, sponsor of HB 3, said this bill has the same bill number as legislation that was proposed last session, but the bills themselves are very different. Under current statute, Alaska driver's licenses are issued for a period of five years from your birthday. HB 3 deals only with noncitizen visitors. Today a noncitizen can be legally in the United States on a visa that expires tomorrow, but he or she can get an Alaska driver's license that lasts five years. HB 3 permits the DMV to issue a driver's license for less than five years so that a noncitizen visitor's driver's license expires when his or her visa expires.

[9:49:44 AM](#)

THOMAS REIKER, staff to Representative Lynn, said determining how long a foreign national can stay in the US is the purview of Homeland Security. This would allow the DMV to issue a driver's license for less than five years. The foreign national's license would expire on the same day their legal presence in the US expires. If their stay is indefinite, he or she would have to renew their driver's license each year. The sponsor did not want the bill to be overly burdensome, so people would be allowed to renew by mail for up to five years. Documentation requirements remain unchanged. HB 3 has 19 co-sponsors and passed the House with a vote of 33-2.

SENATOR PASKVAN asked what other forms of identification a legal immigrant arriving in the US would have.

MR. REIKER said he was not sure. The sponsor did not want to put anything in bill requiring people to show documentation. That is how things are currently structured. People are showing immigration documents.

SENATOR PASKVAN asked if a legal immigrant would have a visa, passport or something official when they enter the country,

[9:53:04 AM](#)

MR. REIKER answered the definition of a legal immigrant is someone who has some type of documentation from immigration services. If the person doesn't have anything, DMV will verify by telephone.

CHAIR WIELECHOWSKI questioned whether this turns DMV into a de facto immigration authority, which is the responsibility of the federal government.

REPRESENTATIVE LYNN said this is talking about visitors, not immigrants or undocumented workers. Immigration is a whole other issue. Under the bill, a visitor who has indeterminate status would be issued a license for one year at a time. There would be no additional fee for up to five years.

[9:56:25 AM](#)

REPRESENTATIVE LYNN stressed that this is a simple, straightforward bill.

SENATOR KOOKESH asked what the basis of bill was. Normally legislators respond to complaints from their constituents or others that a problem exists and needs to be corrected.

REPRESENTATIVE LYNN said the intent is to have the [expiration date] on the state-issued driver's license match the [expiration date] on the visa or other federal document. There are probably some homeland security aspects.

[9:57:53 AM](#)

SENATOR KOOKESH asked what prompted him to introduce the legislation.

REPRESENTATIVE LYNN answered people are staying in Alaska and driving after their visas have expired. There are aspects of homeland security. It's important to know who is driving in the state.

SENATOR KOOKESH said he understands that, but is trying to find out who raised the issue.

[9:58:44 AM](#)

REPRESENTATIVE LYNN answered no one raised it as a problem.

MR. REIKER said there currently is a statutory barrier to DMV issuing a driver's license for less than five years. Part of the impetus is a statutory change.

SENATOR KOOKESH asked if DMV said there is a problem.

REPRESENTATIVE LYNN answered no; he went to the DMV, eight years ago.

SENATOR PASKVAN said the citizens of Alaska expect that anyone going to the DMV for a license has to pass a driver's test. If he or she passes, that would seem that DMV has accomplished its function. He asked if this is a different test that the applicant has to pass.

[10:00:27 AM](#)

REPRESENTATIVE LYNN said no, it is only about the expiration date for a driver's license. Most states have a period of time in which to obtain a new license. When you move to Alaska, you have a certain time to change your previous license to an Alaska license. The expiration date would be for the period of time you are allowed to be here.

MR. REIKER said it is a test that people already have to pass when they apply for a driver's license. This only changes the expiration date of the driver's license. It is a situation people are already facing.

SENATOR GIESSEL asked if the state ID card issued by DMV is currently limited to the duration of a person's legal stay.

MR. REIKER answered not right now, but DMV does not feel there needs to be a statutory change to implement that change. However, DMV's general policy is to have the same rules for both the state ID card and the state driver's license.

[10:02:53 AM](#)

SENATOR GIESSEL asked if employers use the driver's license for identification, and if it's construed to be a representation of legal presence in the country.

REPRESENTATIVE LYNN said presumably someone who has an Alaska driver's license has a legal right to be here.

SENATOR GIESSEL said she didn't believe a Social Security number is on state ID cards. She asked what on a driver's license identifies what legal presence the person has.

MR. REIKER said in the real world a driver's license is a key that opens many gates. People accept it as a government issued ID. Employers and law enforcement will take it at face value.

REPRESENTATIVE LYNN pointed out that nothing on a license shows residency status.

[10:05:07 AM](#)

SENATOR KOOKESH asked if the sponsor expects the DMV to verify a person's legal status. That isn't their job.

REPRESENTATIVE LYNN said DMV would only look at the expiration date. This shows if a person is driving legally.

CHAIR WIELECHOWSKI noted that a few people were signed up to testify.

[10:06:28 AM](#)

KERRY HENNINGS, Driver's Licensing Manager, Division of Motor Vehicles (DMV), Department of Administration (DOA), said the proposed bill allows DMV to promulgate regulations. It has a zero fiscal note and would not impact existing procedures. Currently the DMV requires an individual to provide proof of legal name, date of birth, Social Security number if one exists, and residence address. For foreign nationals there is usually a passport accompanied by a visa. There would not be a dramatic impact to staff. DMV would simply issue the license with the visa expiration date. DMV would continue to honor notification that a person's legal stay has been extended.

SENATOR PASKVAN asked if this addresses those that are legally in the country.

MS. HENNINGS answered correct.

SENATOR PASKVAN asked if there is any problem with a visitor's capacity to drive that's connected to their legal status for being in the country.

MS. HENNINGS answered no.

SENATOR PASKVAN asked why, if they've passed the test, a foreign national's license wouldn't be equal to any other person's license that's issued.

MS. HENNINGS said there would be no difference in the document. It would only be a matter of the expiration date changing.

SENATOR PASKVAN asked if an individual who applies for a job in the private sector is now required to present two forms of identification.

MS. HENNINGS replied she believes that's true. DMV sells a lot of driving records for employment application purposes, she added.

SENATOR PASKVAN asked if in addition to a driver's license, a person needs to show a Social Security card or passport.

MS. HENNINGS said she believes employers are required to verify Social Security numbers.

SENATOR PASKVAN asked for confirmation that an employer would not be misled by anyone presenting a driver's license.

MS. HENNINGS responded the Social Security number is not printed on the ID card or driver's license so that would be an indicator for an employer of a Social Security number.

SENATOR PASKVAN asked if that would lead the private employer to understand that the driver's license does not indicate legal status in the US.

MS. HENNINGS agreed it would not be an indicator of legal presence.

SENATOR PASKVAN asked how many illegal immigrants may be applying for driver's licenses in Alaska.

MS. HENNINGS said she had no idea. Without proper documentation DMV denies the application.

SENATOR PASKVAN asked if there a problem within DMV with respect to this issue.

[10:12:46 AM](#)

MS. HEMMINGS replied there is no problem; without proper documentation DMV cannot issue either a driver's license or ID card.

CHAIR WIELECHOWSKI asked how many people present visas to DMV for identification.

MS. HENNINGS replied the division doesn't keep those numbers, but through her experience she assumes about 10 percent. Many summer visitors apply for driver's licenses.

CHAIR WIELECHOWSKI asked how many visitors would be required to reapply under this bill.

MS. HENNINGS answered most are summer visitors, and are not likely to reapply under this bill for a renewal.

[10:14:24 AM](#)

SENATOR KOOKESH questioned why a visitor would come to Alaska and get a driver's license.

[10:15:14 AM](#)

MS. HEMMINGS answered people from the Lower 48 coming to Alaska on vacation are not surrendering their licenses. It is people from overseas with passports and visas, who have an international driver's license. If they don't, in private business practice there is concern about insurance and liability. So they ask for documentation to legally drive in our state.

[10:16:36 AM](#)

SENATOR KOOKESH asked if licenses from another country are recognized in Alaska.

MS. HENNINGS answered the foreign license needs to be translated into the form of an international license. Some visitors do that; some do not.

SENATOR KOOKESH asked if a French citizen could rent a vehicle in Alaska using his or her French driver's license.

MS. HENNINGS responded it is up to the individual rental company.

CHAIR WIELECHOWSKI announced he would limit public testimony to three minutes a person.

ROBIN BRONEN, Alaska Immigration Justice Project, said this is not a simplistic piece of legislation. She has worked with immigrants and refugees since 1994. Immigration law is one of the most complex areas of law. This legislation makes absolutely no sense in terms of immigration status. She also noted that no one has complained about this issue, so what is the purpose.

[10:19:26 AM](#)

She has worked as an attorney with domestic violence victims since 1988. At the Immigration Justice Project they work with approximately 200 immigrant victims of violence every year. This legislation would harm them and prevent them from getting the necessary identification to leave an abusive relationship. Most of their clients are married to US citizens who fail to document their immigration status. These victims reside in places like Unalaska, Barrow, and Ketchikan. This would trap them in those communities without protection. This legislation would further harm domestic violence victims.

[10:21:07 AM](#)

JOHN HIRST, testifying on his own behalf, said he is a UK who married a US citizen and is now a permanent resident of the US. Last year he went to the DMV in Anchorage three separate times to get his Alaska driver's license. Each time, staff wanted to see his visa and proof of residence before he was allowed to apply. He did not have a visa or an I-94 card. DMV staff was rude, intimidating, and disrespectful. Under the proposed bill he would not be allowed an Alaska driver's license. DMV staff should not be making decisions regarding the legality of a person's immigration status. Legal immigrants do not always have visas. DMV is asking for proof, but he had to surrender his Washington state license.

[10:23:02 AM](#)

JASON BAUMETZ, testifying on his own behalf, said he is an immigration attorney in Anchorage and works at the Alaska Immigration Justice project. He expressed concern that the bill achieves nothing for the people of the state and questioned the wisdom of burdening lawful immigrants with yearly renewals. He pointed out that nothing in the bill limits yearly renewals to non-immigrants. Furthermore, he said, the bill miscomprehends the availability of proof of immigration status. Sometimes people routinely don't get proof. He said he does not have faith in the information received from Homeland Security or United States Customs and Immigration Service, because it is often wrong.

[10:25:15 AM](#)

JEFFREY MITTMAN, Executive Director, American Civil Liberties Union (ACLU) of Alaska, said the bill raises concern about constitutional rights and civil liberties. Courts have looked at the issue of burdening immigrants with a different license that has less validity or less length of time than that of a US

citizen. Although immigrants are not citizens they are covered under the equal protection clause. In certain circumstances the courts will allow differential treatment if there is a justifiable reason. This puts a significant burden on lawful immigrants; courts could look askance at this. ACLU is protecting the rights of those who cannot protect their own. By doing this it protects the rights of all Alaskans.

[10:27:18 AM](#)

CHAIR WIELECHOWSKI closed public testimony.

REP LYNN said his staff would respond to the testimony.

MR. REIKER said 30 other states and the District of Columbia already have this provision in current law. It has never been challenged successfully in a federal court on constitutional grounds. It creates a situation where Alaska is a state that is more attractive to unlawful immigrants. It's an issue. All testifiers were speaking about the current situation. Undocumented workers already can't get driver's licenses. Domestic violence and sexual assault victims are already barred if they are undocumented.

He stressed that nothing in the bill precludes legal residents from renewing or obtaining a license. The concern is not with illegal immigrants; it is with the expiration date of a driver's license. The concern is that someone would overstay his or her authorized length of stay. Indefinite does not mean indeterminate or in perpetuity. DMV would accept any form of documentation. Their Alaska contact for immigration services says they are trying to use the "term duration of status," rather than "indefinite."

CHAIR WIELECHOWSKI announced he would hold HB 3 in committee.

[10:31:23 AM](#)

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee meeting at 10:31 a.m.