

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 21, 2017

6:01 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative Gary Knopp
Representative Andy Josephson (alternate)

MEMBERS ABSENT

Representative DeLena Johnson
Representative Chuck Kopp (alternate)

OTHER LEGISLATORS PRESENT

Representative Lora Reinbold

COMMITTEE CALENDAR

SENATE CONCURRENT RESOLUTION NO. 2
Proclaiming April 2017 as Sexual Assault Awareness Month.

- MOVED SCR 2 OUT OF COMMITTEE

HOUSE BILL NO. 74

"An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 15

Encouraging repeal of the REAL ID Act of 2005.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SCR 2

SHORT TITLE: SEXUAL ASSAULT AWARENESS MONTH:APRIL 2017

SPONSOR(s): SENATOR(s) MEYER

02/08/17 (S) READ THE FIRST TIME - REFERRALS
02/08/17 (S) STA, HSS
02/24/17 (S) STA REFERRAL WAIVED UC
02/27/17 (S) HSS AT 1:30 PM BUTROVICH 205
02/27/17 (S) Heard & Held
02/27/17 (S) MINUTE(HSS)
03/01/17 (S) HSS AT 1:30 PM BUTROVICH 205
03/01/17 (S) Moved SCR 2 Out of Committee
03/01/17 (S) MINUTE(HSS)
03/03/17 (S) HSS RPT 5DP
03/03/17 (S) DP: WILSON, BEGICH, VON IMHOF, GIESSEL,
MICCICHE
03/06/17 (S) TRANSMITTED TO (H)
03/06/17 (S) VERSION: SCR 2
03/08/17 (H) READ THE FIRST TIME - REFERRALS
03/08/17 (H) STA, HSS
03/21/17 (H) STA AT 5:30 PM GRUENBERG 120

BILL: HB 74

SHORT TITLE: DRIVER'S LICENSE & ID CARDS & REAL ID AC
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/23/17 (H) READ THE FIRST TIME - REFERRALS
01/23/17 (H) STA, FIN
02/07/17 (H) STA AT 3:00 PM GRUENBERG 120
02/07/17 (H) Heard & Held
02/07/17 (H) MINUTE(STA)
03/14/17 (H) STA AT 3:00 PM GRUENBERG 120
03/14/17 (H) Heard & Held
03/14/17 (H) MINUTE(STA)
03/14/17 (H) STA AT 5:30 PM GRUENBERG 120
03/14/17 (H) -- MEETING CANCELED --
03/21/17 (H) STA AT 5:30 PM GRUENBERG 120

BILL: HJR 15

SHORT TITLE: OPPOSE FEDERAL ID REQUIREMENTS
SPONSOR(s): JOHNSON

03/10/17 (H) READ THE FIRST TIME - REFERRALS
03/10/17 (H) STA
03/14/17 (H) STA AT 5:30 PM GRUENBERG 120
03/14/17 (H) -- MEETING CANCELED --
03/21/17 (H) STA AT 5:30 PM GRUENBERG 120

WITNESS REGISTER

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SCR 2, as prime sponsor.

CARMEN LOWRY, Executive Director
Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SCR 2.

JANE ANDREEN, Executive Director
Alaska Council on Domestic Violence and Sexual Assault (CDVSA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SCR 2.

SHARICE WALKER, Director
Community and Public Relations Department
Fairbanks North Star Borough School District (FNSBSD)
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 74.

MATT FLANDERS, Legislative Specialist
Citizens' Council for Health Freedom (CCHF)
St. Paul, Minnesota

POSITION STATEMENT: Testified in opposition to HB 74.

EDWARD HASBROUCK
Identity Project
San Francisco, California

POSITION STATEMENT: Testified in opposition to HB 74.

MARLA THOMPSON, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 74.

SARAH LEFEBVRE
Coalaska
Greater Fairbanks Chamber of Commerce
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 74.

SCOTT EICKHOLT
Alaska Laborers Local 942

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 74.

KAREN PERRY

Chugiak, Alaska

POSITION STATEMENT: Testified in opposition to HB 74.

PAM GOODE

Rural Deltana, Alaska

POSITION STATEMENT: Testified in opposition to HB 74.

WILLIAM TOPEL

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 74.

MIKE COONS

Palmer, Alaska

POSITION STATEMENT: Testified in opposition to HB 74.

TARA RICH, Legal and Policy Director

American Civil Liberties Union (ACLU) of Alaska

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 74.

WILLIAM DEATON

Cordova, Alaska

POSITION STATEMENT: Testified in opposition to HB 74.

DON ETHERIDGE

American Federation of Labor and Congress of Industrial
Organizations (AFL-CIO) of Alaska

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 74.

SENATOR SHENNA BELLOWS

Manchester, Maine

POSITION STATEMENT: Testified in opposition to HB 74.

TOM BRICE

Alaska Laborers

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 74.

MIKE COONS

Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 15.

KAREN PERRY

Chugiak, Alaska

POSITION STATEMENT: Testified in support of HJR 15.

WILLIAM TOPEL

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 15.

ACTION NARRATIVE

[6:01:12 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 6:01 p.m. Representatives LeDoux, Tuck, Wool, Birch, Knopp, and Kreiss-Tomkins were present at the call to order.

SCR 2-SEXUAL ASSAULT AWARENESS MONTH:APRIL 2017

[6:02:03 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be SENATE CONCURRENT RESOLUTION NO. 2, Proclaiming April 2017 as Sexual Assault Awareness Month.

[6:02:22 PM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, presented SCR 2, as prime sponsor. He stated that the proposed concurrent resolution would proclaim April 2017 as Sexual Assault Awareness Month. He added that it was part of a national campaign to raise public awareness and educate people on how to prevent sexual violence. He said that he has introduced this resolution every year since 2001. He maintained that he has not sought to incorporate it into statute because of the importance of the topic and because of public support to continue to introduce it every year for education and awareness.

SENATOR MEYER asserted that the rates of sexual assault are decreasing but are still staggering. Twenty percent of women nationwide have been victims of sexual assault, and 30 percent of women in Alaska have been victims of sexual assault. He maintained that sexual assault is totally preventable; it is a moral, social, public health, criminal justice, and human rights issue; and it is unacceptable. He advocated for continuing education and awareness on the topic until no longer necessary.

SENATOR MEYER said that the 2017 Sexual Assault Awareness Month campaign will have "some new voices" to educate the public on prevention efforts, and he expressed his hope that the proposed resolution would strengthen that effort across the state.

[6:04:57 PM](#)

REPRESENTATIVE LEDOUX offered her opinion that a bill has more gravitas than a resolution. She suggested that proclaiming Sexual Assault Awareness Month in legislation would create as much publicity and recognition as a resolution. She offered that the increasing order of significance [of legislative actions] is citation, resolution, then legislation.

SENATOR MEYER agreed that something in statute is more important than a resolution; however, once something is in statute, then it is forgotten over time. He opined that introducing a resolution every year keeps the topic "in front of us" on a yearly basis.

[6:06:29 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on SCR 2.

[6:06:57 PM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), testified that she is a survivor of sexual assault. She stressed the importance of public testimony of sexual assault survivors to help committee members understand the impact that sexual violence has on individuals, on communities, and on people's ability to be functioning members of society. She encouraged the committee members to talk to survivors, if they have questions about sexual violence and about the laws they are passing that would impact it.

[6:08:51 PM](#)

JANE ANDREEN, Executive Director, Alaska Council on Domestic Violence and Sexual Assault (CDVSA), testified that CDVSA supports the proposed concurrent resolution. She confirmed that Alaska ranks highest in the nation for sexual assault rates. She added that the 33 percent decrease in the number of [sexual assault] incidences reported between 2010 and 2015 demonstrates significant progress made through establishing a primary prevention program with multiple components targeting many

different groups within Alaska. She attested that these efforts have been done in conjunction with ANDVSA, the Department of Education & Early Development (DEED), and many other partners.

MS. ANDREEN asserted that "keeping the message alive" every year is important to the effort toward lowering the sexual assault rates. She encouraged the committee to support SCR 2.

REPRESENTATIVE TUCK asked what the impact was of the Choose Respect campaign in lowering the sexual assault rates.

MS. ANDREEN expressed her belief that overall the Choose Respect campaign helped to build and expand the primary prevention efforts in the state. She said that in the course of using evidence based programs and initiatives, CDVSA has not been able to pinpoint what each effort has accomplished. She asserted that the Choose Respect initiative provided prevention funding to expand the program. She added that the Choose Respect funding was eliminated at the end of the last administration, and CDVSA is looking for other funding sources to maintain the program.

[6:11:10 PM](#)

CHAIR KREISS-TOMKINS closed public testimony on SCR 2.

[6:11:21 PM](#)

REPRESENTATIVE WOOL moved to report SCR 2 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SCR 2 was reported out of the House State Affairs Standing Committee.

HB 74-DRIVER'S LICENSE & ID CARDS & REAL ID AC

[Contains brief mention of HJR 15 and SB 34.]

[6:11:37 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 74, "An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

[6:12:17 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 74.

6:12:41 PM

SHARICE WALKER, Director, Community and Public Relations Department, Fairbanks North Star Borough School District (FNSBSD), testified that the FNSBSD supports HB 74. She stated that the school district serves about 1,400 students at three schools on Eielson Air Force Base (EAFB) and one school on Fort Wainwright, and this accounts for slightly over 10 percent of the FNSBSD student population. She said that there are 162 regular staff and many district-wide employees who visit the schools regularly to deliver instruction, serve student needs, and provide support to school staff. She maintained that on average, each school requires three to five substitute or temporary staff each day, and without a state identification (ID) option, hundreds of staff members will be required to obtain a passport to work on base. She mentioned that FNSBSD already struggles to attract substitutes to fill absences, especially at EAFB because of its distance from Fairbanks. She asserted that the additional obstacle of requiring a passport will increase that challenge.

MS. WALKER continued by saying that many of the students attending the school at EAFB are civilian students from Moose Creek, Salcha, and North Pole. This allows students to attend the schools that are closest to their neighborhoods, and it promotes schools having adequate numbers to create viable and vibrant school environments. She said this arrangement allows families from the surrounding community access to their school, and until now, a valid Alaska ID has been sufficient for access. She attested that without a state ID option, families would not be able to attend a school event, participate in parent teacher conferences, or even pick up a sick child, without a passport. She asserted that this would create a barrier between civilian parents and their children attending on-base schools. She concluded that in the interest of maintaining excellent service to the students and sustaining the strong and longstanding bonds between local communities and the military population, FNSBSD supports the passage of HB 74.

6:15:41 PM

MATT FLANDERS, Legislative Specialist, Citizens' Council for Health Freedom (CCHF), testified that CCHF has opposed REAL ID at the federal level and lead the effort against REAL ID in Minnesota. He said that REAL ID has been called a key provision

of the 9/11 Commission Report in response to [the terrorist attacks of September 11, 2001], but he maintained that was inaccurate. He mentioned that in the nearly 600-page report, there are only four sentences dedicated to securing driver's licenses and ID cards.

MR. FLANDERS stated that in February, Maine's Secretary of State [Matthew Dunlap] commented, "If we were to comply with REAL ID today and the 911 terrorists were to stroll into the Bangor Branch of the Bureau of Motor Vehicles and apply for REAL IDs, the irony is that they would still get them." Mr. Flanders asserted that REAL ID does not protect the country from terrorism but creates a new set of problems regarding data security. He maintained that REAL ID requires a state to provide electronic access to all information contained in the state's motor vehicle database. In addition, under REAL ID, states would be required to send certain information to a "hub" controlled by the American Association of Motor Vehicle Administrators (AAMVA). He asserted that the required data elements include sensitive personal information such as an individual's Social Security number (SSN). He maintained that Alaska's data privacy laws cannot protect the information of Alaskans, when the data leaves the state.

MR. FLANDERS continued by saying that the most concerning aspect of REAL ID is the provision that allows the secretary of the Department of Homeland Security (DHS), an unelected bureaucrat, to expand the minimum requirements and the required uses for REAL ID for official purposes at any time without needing congressional approval. He said that DHS attested in its [final] rule [for implementation of the REAL ID Act] that it did not have to seek congressional approval to make changes in the future. He asserted that congressmen of either party could envision an administration or individual that could do great harm to the American people while wielding such ultimate power. He offered that DHS clearly intends to make changes in the future, evidenced by the 2014 addition to the [DHS final] rule requiring states to recertify REAL ID compliance every three years. He said that the only reason for requiring recertification would be if changes to the requirements are anticipated.

MR. FLANDERS maintained that REAL ID is a federal ID, and it reverses the longstanding state authority over identification and driving privileges. He asserted that if Alaska voluntarily submits to REAL ID, it would become increasingly difficult for it to resort to lawsuits. He relayed that the U.S. Supreme

Court ruled in Printz v. United States that a state cannot be commandeered by the federal government to implement and pay for federal programs. He said that DHS and the Transportation Security Administration (TSA) can threaten and coerce, but that is all they can do, and that is why six REAL ID deadlines have come and gone.

MR. FLANDERS stated that on military bases, the base commanders set the standards. He said that Fort Huachuca in Arizona allows 26 documents including utility bills and library cards for base access. He mentioned that the State of Alaska would not be alone in not complying [with REAL ID]. He learned from Montana U.S. Senator [Steve] Daines's office that there is no interest within the [Montana] legislature to even introduce a REAL ID compliance bill. Mr. Flanders stated that the Minnesota Senate recently voted down a REAL ID bill by a vote of 39-28.

MR. FLANDERS concluded that in the name of states' rights, of protecting the data privacy of constituents, and of protecting constituents' right to travel, he urged the committee members not to "give in to" the federal threats regarding REAL ID and to vote against HB 74.

[6:20:06 PM](#)

EDWARD HASBROUCK, Identity Project, testified in opposition to HB 74. He stated that the Identity Project defends the fundamental American right to move about the country without having to show documents or obtain permission from the government. He asserted that the federal REAL ID Act of 2005 requires each compliant state to make its database available to all other states. He maintained that the only system capable of accomplishing this relies on uploading "pointers" to a national database called the State Pointer Exchange Services (SPEXS) located in Virginia and operated by AAMVA and a contractor, Clerus Solutions. He said that participation in SPEXS is the only way to comply with the REAL ID Act, so if AAMVA later decides that a state needs to upload photographs or other data for the national database, the state cannot refuse or withdraw from SPEXS without immediately becoming non-compliant. He asserted that HB 74 would "hand over" Alaska's information and how it is used to a private outside organization not subject to any accountability or transparency rules that apply to government agencies, such as the federal Privacy Act [of 1974] or the Freedom of Information Act (FOIA).

MR. HASBROUCK asserted that someone who requests a non-compliant ID will think he/she has opted out of sending his/her information to a national database, but that would not be true. He said that the law requires data on all IDs, including non-compliant ones, to be included [in the data transfer], and Alaska has already uploaded pointers from Alaskans' current non-compliant IDs to the national database. He said that the choice seemingly offered for a non-compliant license is a phony one. He stated that Alaska uploaded pointers from Alaskan IDs to the SPEXS database last January. He relayed that only 14 states have uploaded their state data to SPEXS. More than 85 percent of the U.S. population live in states that are not yet SPEXS participants and are not compliant with the REAL ID Act. He reiterated that Alaska is not alone.

MR. HASBROUCK referred to the fear of needing a federal ID to access military bases. He said from what Identity Project staff has heard from other states, it has not been a problem. Occasional visitors can be escorted [on base] until they obtain a federal ID - typically a passport card. He maintained that anyone who qualifies for a compliant state ID qualifies for a passport card. A passport card can be used for all the same purposes as well as land or sea travel to Canada, which would be a major benefit for Alaskans. He asserted that a passport card is often easier to obtain than a compliant state ID and much cheaper than a full passport.

MR. HASBROUCK stated that Identity Project staff regularly hear from people who are having problems getting compliant state IDs in other states. He maintained that these people are most often elderly people, people who have moved and need to obtain documents from their state of birth, or people born at home rather than in a hospital. He said that people in other states can get a non-compliant ID and travel by road, but this is not an option in parts of Alaska. He maintained that if the federal government tries to "make good" on its threat of interfering with air travel, Alaska needs a "Plan B" for people who do not have the documents needed to obtain a compliant ID but need to fly, even if the state becomes compliant.

MR. HASBROUCK stated that at present, no law requires anyone to show ID to fly. He maintained that if the federal government tries to change that, Alaska is uniquely well situated to challenge the legality of such a restriction on Alaskans' right to travel.

MR. HASBROUCK urged legislators not only to work with their congressional delegation to repeal the REAL ID Act but also to collaborate with the Alaska attorney general to prepare to defend the right of Alaskans to freedom of travel, including air travel. He mentioned the proposed legislation, HJR 15, which is a joint resolution encouraging repeal of the REAL ID Act of 2005. He advocated for Alaska to initiate litigation at the earliest opportunity to preempt these federal threats through an injunction barring the federal government from interfering with Alaskans' right to travel.

[6:24:13 PM](#)

REPRESENTATIVE WOOL asked for confirmation that Alaska DMV is currently uploading current driver's license information to SPEXS.

MR. HASBROUCK responded yes, it occurred as a "batch upload" for all Alaska licenses and ID cards over the weekend of January 28.

REPRESENTATIVE WOOL asked if the upload includes all the DMV data or just a portion. He asked, "Do they have my license?"

MR. HASBROUCK answered that SPEXS would have some information about Representative Wool's license. He relayed that at present, [Identity Project staff] does not know what data is in SPEXS because although they obtained the SPEXS specifications one year ago, as soon as the Identity Project published the specifications, AAMVA moved the specifications onto a private section of its website. He stated that the key danger is that the pointer data, which already includes SSNs, now resides in the database in Virginia. He asserted that the database could be expanded at AAMVA's sole discretion with no accountability to Alaska and that expansion would most likely include photographs with the pointers.

REPRESENTATIVE WOOL asked how the verification and documentation process for getting a passport differs from getting a REAL ID. He asked if getting a passport is less intrusive or does not involve a central database such as SPEXS.

MR. HASBROUCK replied that a passport card is all that is required, which is less than half the cost of a full passport. He added that the passport card is a wallet sized plastic card. He maintained that obtaining a passport card is a much simpler process; one can apply at a post office and verify identity through an identifying witness. He mentioned that one would

still be required to show documents verifying citizenship. He stated that the central database for passports is kept by a federal agency, which is subject to FOIA. The agency must publish a notice of contents and use before creating the database; it must enable the public to find out what is in the database; and it must have a mechanism for correcting errors. He offered that his organization has been trying to discover how to correct errors in SPEXS and "it's a nightmare." He asserted that [Clerus Solutions] aggregates data from all the states and takes no responsibility for it. He gave the following example: If there is a pointer in SPEXS associated with an individual's name, that person cannot obtain a license, because the database indicates that the person has a license in another state. The individual then needs to figure out which state posted that pointer and work through that state to correct the information. If AAMVA makes the mistake, and the pointer does not correspond to data from any state, that is a "catch-22," and there is no way to fix it.

REPRESENTATIVE WOOL referred to Mr. Hasbrouck's statement that it is not federal law that requires a person to show an ID at the airport. He mentioned that he believes that it would be difficult to travel by air without an ID. He asked if that was a TSA policy.

MR. HASBROUCK responded, "It's a myth actually." He stated that in 2002, the founder of the Identity Project sued challenging the ID requirement. He said the case was dismissed by the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit"), which has jurisdiction over Alaska, after TSA presented evidence that its policy includes a process by which people can fly without IDs. He mentioned that his organization has made a FOIA request for the reports showing this TSA policy. He added that people do fly without IDs every day; they are usually people who have lost their licenses; it slows them down a little, but not much.

[6:28:43 PM](#)

REPRESENTATIVE LEDOUX asked Mr. Hasbrouck if he knew how long it takes for a person to be processed for flying if he/she does not show an ID.

MR. HASBROUCK reiterated that his organization has requested the reports showing TSA's policy on that, but the response has been slow. He suggested that the wait time [for being processed] is typically 10-20 minutes on average.

REPRESENTATIVE LEDOUX asked if the traveler is strip searched.

MR. HASBROUCK stated that everyone is at risk of being processed through the "naked scanner," which amounts to a virtual strip search. He said that TSA claims that it has authority to require a person to submit to whatever they define as screening at that time. He added that there are no published federal regulations that define the scope of authority of TSA.

REPRESENTATIVE LEDOUX referred to the categories of people who might have difficulties obtaining a REAL ID compliant ID, such as the elderly or someone having been born at home. She asked if these difficulties would also apply to people attempting to get a passport card.

MR. HASBROUCK answered, "Absolutely." He asserted that in other states, there is a "fall back": one can drive or take the bus. He added that in many places in Alaska, "if you can't jump through those hoops," you cannot get to other places or access essential services. He maintained there is a difference between requiring a person to take a bus and "trapping" them in a community that is accessible only by air. He stated that even if Alaska becomes REAL ID compliant, it would still have to address the issue of the right to travel by air.

[6:31:14 PM](#)

REPRESENTATIVE LEDOUX asked if a REAL ID could be obtained by mail or would require a visit to a DMV office.

[6:31:35 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), answered that the first time a person obtains a REAL ID, he/she would need to provide his/her source documents, but after that, renewals would be available online.

REPRESENTATIVE LEDOUX suggested there would be a great number of people waiting in line at DMV, if HB 74 passes and is initiated. She asked if DMV has made plans to accommodate the crowds of people who will be attempting to obtain REAL IDs.

MS. THOMPSON replied that DMV staff has considered that and is hoping for early passage of the proposed legislation to give them more time to process the IDs. She expressed her belief

that people will pursue obtaining REAL IDs based on their travel needs, and DMV will need to provide information to the public regarding that. She asserted that getting a REAL ID is less intrusive than getting a passport card, because one must have a passport to obtain a passport card. She added that one must send in his/her birth certificate with the [application] and wait for it to be returned by mail. She maintained that getting a REAL ID at DMV would just involve showing one's documents, which are immediately returned. She added that DMV would be applying for an extension with DHS so that having a REAL ID would not be required until the final date [of the extension].

6:34:05 PM

REPRESENTATIVE LEDOUX asked for confirmation that getting a passport card requires someone to send in his/her birth certificate, if he/she already has a passport. She mentioned that she has always renewed her passport by mailing her old passport in [to the U.S. Department of State]. She asked why that would be different for getting a passport card, if one already had a passport.

MS. THOMPSON clarified that one would not have to produce a document if he/she already had a passport. She added that many people do not already have passports. She said that people can get passport cards at the same time as they get their passports.

6:35:27 PM

REPRESENTATIVE TUCK asked if there are dues or fees required to be a member of AMVAA.

MR. HASBROUCK, in response to Representative LeDoux's previous question, stated that an individual does not have to have a passport to obtain a passport card. He maintained that passport cards were specifically devised to be a cheaper alternative to the full passport. He said that to obtain a passport card, one could send in his/her birth certificate or show it in person at the passport office in Anchorage.

MR. HASBROUCK, in response to Representative Tuck, stated that AAMVA is a private non-profit organization; the members are the directors of state and provincial motor vehicle associations. He asserted that since AAMVA is a private organization, it can choose to disclose as much or as little as it wants about its internal procedures and decision-making.

REPRESENTATIVE TUCK asked if AAMVA charges dues or fees, or if it provides a free service to the state.

MS. THOMPSON replied that the state does pay a fee to belong to AAMVA and pays additional fees depending on its use of AAMVA data.

[6:37:33 PM](#)

REPRESENTATIVE TUCK asked how much the state has paid to AAMVA since entering a contract with it in January.

MS. THOMPSON explained that since Alaska was part of a pilot program, there were no fees to sign up or for the first year.

[6:38:27 PM](#)

SARAH LEFEBVRE, Coalaska, Greater Fairbanks Chamber of Commerce, stated that she was testifying in behalf of the Greater Fairbanks Chamber of Commerce and her employer, Coalaska, which is the parent company for SECON and Emulsion Products ("SECON") in Southeast Alaska, Quality Asphalt Paving (QAP) in the Anchorage area, and Exclusive Paving in Interior Alaska. She said, "We respect the efforts of the legislature to protect the identity and the data of Alaskans; however, this is a federal requirement that can't be avoided, and Alaska has run out of time. We are both heartened and disheartened for this finally being addressed now. At this time, we are concerned about the cost of inaction."

MS. LEFEBVRE maintained that if legislation does not pass, then there will be an adverse economic impact in Fairbanks and throughout the state. She mentioned that the military accounts for one-third of the economy of the Fairbanks North Star Borough (FNSB), much of which comes from military contracts with local businesses and individuals for both short- and long-term endeavors. She asserted that in the face of upcoming federal deadlines, Alaska's continued non-compliance with the REAL ID Act will create a barrier to Alaska businesses that would otherwise be involved in the construction industry. She said that out-of-state workers will be given the advantage for work hours on military installations, because most states are issuing REAL ID compliant IDs. She mentioned the irony of Alaska not encouraging local hire as are other states.

MS. LEFEBVRE offered that it is critical that legislation pass this year, due to the approaching deadlines established by DHS.

She said that the consequences of non-compliance with the REAL ID Act would affect Alaska businesses as early as June, regarding access to military facilities, and by next January, regarding travel. She asserted that Alaska must take this necessary step toward compliance now, as DMV will need as long as a year to have the necessary equipment and processes in place to provide the compliant IDs. She offered that without action that at least indicates a good faith effort toward compliance, Alaska will likely run out of deadline extensions, making the proposed legislation inevitable. She stated that passing the proposed legislation now rather than later would reduce the impact to working Alaskans and the businesses that employ them in the near-term and would resolve the impending travel issue.

[6:40:40 PM](#)

SCOTT EICKHOLT, Alaska Laborers Local 942, testified that he represents over 1,000 members of the Alaska Laborers Local 942 in Fairbanks and the outlying areas. He said that he concurred with Ms. Lefebvre's testimony. He asserted that "kicking the can down the road doesn't do us any good." He relayed that the members of his union are looking for work and waiting for work to become available. He offered that getting a passport is expensive, and even getting the less expensive passport card constitutes a burden on the union members. He stated that since a birth certificate is required to obtain a passport, he sees no difference in the requirements for getting a REAL ID. He suggested that the information on his ID is basic and can be harvested from many generic websites. He mentioned that he didn't understand the "fear" regarding REAL ID. He reiterated that postponing passage of HB 74 would just prolong the inevitable, put a burden on the union workers, and put non-residents to work before Alaskan residents.

[6:42:35 PM](#)

KAREN PERRY testified in opposition to HB 74. She cited Article 1, Section 22, of the Alaska Constitution, titled "Right of Privacy," which read as follows: "The right of the people to privacy is recognized and shall not be infringed." She asserted that the legislature's job and sworn oath is to protect the rights of Alaskans. She maintained that legislators may not allow the federal government to dictate illegally to Alaskans, pass illegal bills usurping the right of Alaskans to privacy, or pass a bill that violates Alaskans' liberties.

MS. PERRY maintained that the REAL ID Act was not passed through a true democratic process; it was "slipped through" the U.S. Congress in May 2005 in a must-pass, Iraq war, tsunami relief supplemental bill as part of a deal reached between the powerful Congressman James Sensenbrenner, a Republican from Wisconsin, and the congressional leadership. She asserted that the process did not allow time for sufficient consideration of the Act or its sweeping implications. She maintained that there was not a single hearing on the Act in the U.S. Senate. She opined that the REAL ID Act lacks the legitimacy that comes from having been studied, [vetted], considered, and directly voted upon by elected representatives.

MS. PERRY said, "This insane bill is nothing more than an illegal constitution busting piece of tyranny." (indisc.) She reiterated that it is the duty and sworn oath of the legislature to maintain and protect the rights of Alaskans. She asked the committee members to honor that oath. She maintained that Alaskans should never willingly comply with federal tyranny. She urged the committee members to stop HB 74 in committee and said that it is not the committee's job to give Alaskans a choice between a driver's license and an illegal license resulting from federal overreach. She maintained that Alaska deserves legislators who understand the difference between constitutional laws and unconstitutional laws and are willing to take a stand against federal tyranny. She asked the committee members to vote "no" on HB 74.

[6:46:11 PM](#)

PAM GOODE testified that she is adamantly opposed to HB 74. She relayed that data is extremely valuable and helpful in achieving long-term and short-term goals: in the hands of the right people, it is absolutely wonderful; in the hands of the wrong people, it can be extremely dangerous. She said that the framers of the U.S. Constitution had this in mind when they wrote the Bill of Rights and the Fourth Amendment of the U.S. Constitution. She offered that Alaskans also understood this when they implemented Article 1, Section 22, "Right to Privacy," of the Alaska Constitution.

MS. GOODE asserted that the government, in protecting the public's inalienable rights, should not give people the choice of privacy protection. She maintained that many people blindly trust the government. She asserted that HB 74 is not about security; if it were about security than the country's borders would have been secured long ago. She attested that the support

for HB 74 is driven by the government mandate and fear of the consequences of non-compliance [with the REAL ID Act].

[Ms. Goode's testimony was cut off due to technical difficulties.]

[6:48:49 PM](#)

WILLIAM TOPEL testified that he urges a "no" vote on HB 74. He asserted that the REAL ID Act is a violation of the U.S. Constitution, the Alaska Constitution, and AS 44.99.040. He said that currently there already exists a violation - the facial [recognition] biometric signature, which is taken from the new Alaska driver's licenses without consent. He stated that the data is being shared with a private company of the Netherlands by the name of Gemalto. He declared that to be a clear violation of the Alaska Constitution, Article 1, Section 22, "Right to Privacy."

MR. TOPEL relayed that the REAL ID Act was signed into law by President George W. Bush in 2005, and it turned states' driver's licenses into national identity cards. He maintained that the Act was "rushed" through the U.S. Congress as a must-pass, Iraq war, tsunami relief supplemental bill, without a single hearing in the U.S. Senate. He asserted that the Act lacked the legitimacy that comes from having been studied, debated, considered, and directly voted upon by elected representatives.

MR. TOPEL stated that the problems of non-compliance identified by some people were not problems that people, employees, or contractors had before passage of the REAL ID Act. He said this demonstrates the onerous burden of complying with the REAL ID Act. He suggested that maybe those federal employees, federal contractors, and others should seek a better way to secure their identifications for their businesses or employment situations. He maintained that most regular Alaskans should not be burdened. He mentioned that University of Alaska Anchorage (UAA) students (indisc.) on Joint Base Elmendorf-Richardson (JBER) can get on a list to access base in one week. He added that driver's license regulation is a state function and not a federal function under the Tenth Amendment to the U.S. Constitution.

MR. TOPEL stated that there are two readily apparent problems of HB 74. He cited lines 5-6, on page 2, which read: "A person must clearly choose a compliant identification card." He cited lines 25-26, on page 2, which read: "A person must clearly choose a compliant driver's license." He maintained that these

two passages "contradict an intent to choose or issue either a compliant or a non-compliant license or card."

MR. TOPEL urged the committee to seek the answers to the many questions regarding HB 74 and SB 34 in Representative Tuck's March 16, 2017, letter [included in the committee packet] to Commissioner Sheldon Fisher of the Department of Administration (DOA). He offered that he is not totally convinced that some of the changes to HB 74 protect the rights of Alaskans. He maintained that Alaskans getting the compliant ID card have no guarantee that their information privacy would be protected by private contractors. He urged the committee not to allow Governor Bill Walker to continue to federalize state activities and functions. He asserted that legislators took an oath of office to protect and defend both the Alaska Constitution and U.S. Constitution; the right to privacy is part of what they swore to protect and defend. He urged a "no" vote on HB 74.

[6:52:27 PM](#)

MIKE COONS testified that there is no mention of REAL ID under DHS in President Donald Trump's budget. He relayed that to the contrary, the document discusses eliminating and reducing unauthorized and underperforming programs initiated by TSA to strengthen screening at airport security checkpoints at a saving of \$80 million in the 2017 annualized continuing resolution (CR) level. He added that REAL ID would fall under "unauthorized programs."

MR. COONS stated that he has served in the U.S. military and has worked at the entrance gate at JBER ensuring that people who enter the base have proper IDs and passes. He asserted that it is up to the post commander as to what ID he/she will allow. He said that he concurs with the previous comments regarding the protection of privacy of Alaskans. He maintained that the requirements of the REAL ID Act were "pushed" predominantly over the last eight years by President Barack Obama, an effort supported by Governor Walker. He claimed that Governor Walker campaigned that he would fight against federal overreach, but he now supports federal overreach in the form of HB 74 and the REAL ID. He stated that he has served in the military all over the world and has seen people have their ID papers checked for no cause. He maintained that the current President of the United States upholds the U.S. Constitution, and passing HB 74 would be an act of stupidity by the legislature and the governor.

[6:57:16 PM](#)

MS. GOODE continued maintained that HB 74 would constitute privacy violations, and the current driver's license is in violation of AS 44.99.040, which says that no money shall be spent toward the REAL ID. She asserted that the new driver's license under HB 74 would do exactly that. She stated that when facial recognition [software] came into existence and was used without an individual's consent or knowledge, it constituted a huge violation. She maintained that a person with an impeccable driver record, who avoided updating his/her driver's license, would "instantly become a criminal" if pulled over by law enforcement for any reason. She maintained that there are people who were born at home, did not obtain a SSN, and want to maintain their privacy. She asserted that some people do not want to have to submit to facial recognition to receive a driver's license. She relayed that she contacted legislators and the governor's office and was told that since getting a driver's license is a choice, there is no violation. One can travel by a variety of other modes, but without submitting to facial recognition to obtain a driver's license, one cannot drive. She asserted that the law clearly requires only color photographs and does not mention facial recognition. She said that if one updates his/her driver's license online, then his/her old photograph will be used. She concluded by saying she opposes HB 74.

REPRESENTATIVE TUCK asked Ms. Goode if she was referring to the State of Alaska or another state regarding facial recognition.

MS. GOODE replied that she was referring to the State of Alaska. She maintained that Marquis ID Systems (MIDS) was under contract with Alaska; MIDS was acquired by Gemalto of the Netherlands; and Alaska's data goes to Gemalto. She stated that the photographs are "facial recognition photographs," and "it's the crème de la crème of identity."

[7:00:33 PM](#)

REPRESENTATIVE WOOL asked Ms. Thompson, Director of the DMV, to clarify the situation regarding use of facial recognition.

MS. THOMPSON responded that DMV uses a software that performs facial identification based on pictures in the DMV database for the verification of a person getting a new ID, by comparing the new picture with the old picture in the database. If the faces do not match, a DMV employee reviews it.

REPRESENTATIVE WOOL asked if currently the image capture is shared with anyone out-of-state.

MS. THOMPSON answered, "No it is not."

7:02:12 PM

REPRESENTATIVE TUCK asked if facial images are included in the data points uploaded to AAMVA.

MS. THOMPSON answered that there are no photos included in the upload. She added that for the State-to-State (S2S) Verification Service database, AAMVA requires only the customer's name, the last five digits of the SSN, birthdate, driver's license or ID, and the state of issue. This information is used to determine if an applicant has a driver's license from another state. She maintained that all states have laws that a driver may only have one driver's license.

7:03:19 PM

TARA RICH, Legal and Policy Director, American Civil Liberties Union of Alaska, testified that ACLU has heard grave concerns about individuals' privacy rights. She asserted that Alaska has been "dealt a very bad hand" with regard to the choice of impacting citizens in a direct way or impacting their privacy in a direct way. She stated that the ACLU of Alaska's position of opposition to REAL ID is well known and her comments are focused on how to comply with HB 74 in the most privacy protected manner should the proposed legislation pass.

MS. RICH referred to compliant IDs and said that for Alaska to be able to comply with only the bare minimum required under statute, those requirements must be written into the law. She said that REAL ID requires the state to retain identity documents for 10 years. These documents would be a U.S. passport or a copy of a birth certificate. She attested that ACLU of Alaska recommends that only one of these documents be retained and that it be destroyed after 10 years. She mentioned that the paper application currently required by DMV includes the SSN. She said the ACLU of Alaska recommends that only a paper copy containing the SSN be retained and not a scanned digital copy. She added that ACLU of Alaska also recommends that the non-compliant ID not include images of applicants' faces. She maintained that some other states have been pressured by the Federal Bureau of Investigation (FBI) to comply with a broader facial recognition database, but so far Alaska

has not been requested to do so. She stated that ACLU of Alaska recommends that "enshrining" this into law now would prevent the additional federal overreach.

[7:06:54 PM](#)

MS. RICH stated that the multi-state shared pointer system requires certain information about Alaskans be collected and stored in the system to identify the individuals and ensure that an individual asking for a driver's license does not hold a driver's license from another state. She relayed that the information required in this data system is name, date of birth, place of birth, and the last five digits of the SSN. She mentioned that for two individuals with the same name, date of birth, and place of birth, the last five digits of the SSN ostensibly differentiates them. She stated that the last five digits of the SSN is not required by REAL ID and not required by law for S2S. She related that the ACLU of Alaska recommends that the last five digits of the SSN not be included in the information that is shared with other states. She maintained that the last five digits of one's SSN is a critical invasion of privacy because up until 2011, the first three digits of Alaskans' SSNs were all the same - based on location - and that was true for many parts of the country. She relayed that knowing the last five digits of the SSN and the place of birth leaves only one digit left to determine to derive the full SSN. She claimed that for that reason, it was critically important that those five digits not be included with the pointer system information being transmitted.

[7:09:12 PM](#)

REPRESENTATIVE TUCK stated his understanding that AAMVA is the only organization that can operate the SPEXS and S2S; it has the contract for operating them; and there is no federal oversight over AAMVA. He added that if it wanted to change any requirements, it would need to register with the Federal Register, but there would be no opportunity for debate. He added that any state not complying with the new provisions would be non-compliant.

MS. RICH replied that there is no existing database that has been certified as REAL ID compliant by DHS. She added that the [AAMVA] database currently is the only one used for this purpose, and while AAMVA's goal is that the database be compliant, it has yet to be determined compliant by DHS. She stated that she believes that there would not be federal

oversight; the last five digits of the SSN are not required by REAL ID or even the AAMVA database; and Alaska should be "the state to stand up and say" that the last five digits of the SSN should not be transferred to AAMVA.

7:11:58 PM

REPRESENTATIVE TUCK asked what would happen to Alaskans' ability to go on base and travel, if DHS decides that any state not releasing the last five digits of the SSN is not REAL ID compliant.

MS. RICH restated Representative Tuck's question: What would happen to Alaskan rights if requirements changed and the AAMVA database system is no longer technically compliant with REAL ID? She said that since the AAMVA database has not been determined to be compliant, it is premature to ask this question. She stated that if the AAMVA database were determined to be compliant, it most likely would retain all the REAL ID requirements, but that would not stop AAMVA from requesting more privacy invasive data than what is required by REAL ID.

REPRESENTATIVE TUCK referred to the section, titled "Facial Image Capture," in the 03/13/17 ACLU of Alaska letter to the committee, included in the packet. He mentioned that according to the letter, Alaska DMV is not participating in the privacy-compromising facial recognition system. He relayed that an audit of the facial recognition technology used by the FBI revealed that the FBI had not followed proper measures under federal law. He stated that as a result, if the FBI uses this technology, it must conduct a Privacy Identification Assessment (PIA). He said that the FBI is attempting to convince states to sign up for Facial Analysis, Comparison and Evaluation (FACE), and some states are developing their own. He asked, "What are [the states] doing with those facial recognition and who's selling the software ... and what purpose do they use it for?"

MS. RICH answered that her understanding is that it is used in criminal investigations. She expressed that she would research facial recognition and update the committee.

7:15:22 PM

REPRESENTATIVE KNOPP asked Ms. Rich if she had read the paper, titled "The Identity Project," submitted with Edward Hasbrouck's 3/21/17 letter, included in the committee packet.

MS. RICH responded that she had not.

REPRESENTATIVE KNOPP relayed that the paper states there are errors in the AAMVA database, and there is no process for correcting them. He asked if that statement is accurate.

MS. RICH responded that she has not read the report but would obtain a copy and follow up on that with her contact at AAMVA.

[7:16:16 PM](#)

REPRESENTATIVE LEDOUX asked for any suggestions on how to handle the problems that are anticipated, if the state determines not to comply with REAL ID.

MS. RICH mentioned that ACLU of Alaska would be open to exploring litigation as one avenue. She stated that ACLU of Alaska would be amenable to assisting the state with making the non-compliance process as smooth as possible.

REPRESENTATIVE LEDOUX asked if ACLU has filed a lawsuit opposing REAL ID.

MS. RICH replied that there are other state ACLU affiliates going through the same process as ACLU of Alaska, but she has not heard of an affiliate who has filed direct litigation for a privacy violation.

REPRESENTATIVE LEDOUX asked if lengthy litigation such as this might be subject to a preliminary injunction based on a judge's determination of the likelihood of success.

MS. RICH answered that would depend on the facts of the case and how it was presented. She offered that if the case were well suited on the merits, a preliminary injunction could be requested.

[7:18:49 PM](#)

REPRESENTATIVE BIRCH cited the various methods of using biometrics in authentication, such as facial recognition, iris scans, deoxyribonucleic acid (DNA) extractions, and fingerprints. He offered that even a phone can sort pictures in order of similarities. He asked what the difference is between the passport database that TSA uses and the driver's license database. He mentioned that there is already so much

information available on people that "any sixth grader with a laptop and some nominal ability to do research" can access it.

MS. RICH expressed her understanding that a photograph from the front of an ID is not considered a data point such that it would be shared and collected in a database nationwide. She mentioned that she recognizes that there is a great deal of information publicly available, but she said she views information that an individual chooses to place in the public arena very differently from information that a government compels an individual to make public to be able to travel or go to work.

[7:21:12 PM](#)

REPRESENTATIVE TUCK cited the ACLU of Alaska letter of 3/14/17, which stated that the legislature should ensure that Alaska DMV never uses the face recognition technology. He asked why that is.

MS. RICH responded that her understanding is that Alaska has not participated yet in facial recognition. She asserted that facial recognition represents a very broad expanse of the government's access to data. She stated that there have been several U.S. Supreme Court decisions in which U.S. Supreme Court Justice Sonia Sotomayor referenced the "mosaic theory" of privacy - a concept which includes the facial recognition privacy issue. Ms. Rich said that even though typically people are not interested in keeping their faces private, using facial recognition software throughout a city such as New York City, where cameras are placed everywhere throughout the city, allows the government to track people's movements. She maintained that even if a person is not the target of an investigation, being included in the photos allows the government to slowly, piece by piece, gather and consolidate information about the person and the person's private life, and that situation is dangerous. She recommended that the legislature ensure the facial recognition technology not be submitted to the FBI by incorporating it into law.

[7:23:15 PM](#)

REPRESENTATIVE TUCK referenced a recent consumer report article that asserts "privacy isn't dead" and suggests ways to protect one's privacy. He said the article explained that data is the new currency, and the reason so many applications ("apps") are free is because of the information that is accessed by them. He said he would share the article with the committee members.

[7:24:18 PM](#)

WILLIAM DEATON testified that he and his family oppose HB 74 and support HJR 15. He said that he opposes allowing driver's license pictures to be included in a national system with facial recognition software. He asserted that it would be a violation of Article 1, Section 22 of the U.S. Constitution, titled "Right to Privacy." He relayed that the company that uses the facial recognition software is not only outside of Alaska, but in a foreign country; Gemalto is 100 percent owned by the Netherlands. He stated that the REAL ID Act is unconstitutional at the federal level, because it violates Article 1, Section 14 of the U.S. Constitution.

MR. DEATON cited a sentence in the analysis of the fiscal note prepared by the Department of Military & Veterans' Affairs (DMVA), which read as follows: "If this bill is not passed, Alaska's citizens would need to have other federally approved identification to travel by air, as well as for access to all federal buildings in the State of Alaska, including military bases." He asserted that the legislature should stand up to the federal government by not passing HB 74. He referred to the website, realnightmare.org, which lists seven problems with the REAL ID. He cited the third problem listed on the website, which read as follows [original punctuation provided]:

Will be a nightmare for state governments. Real ID requires state governments to remake their driver's licenses, restructure many of their computer databases and other systems, create an extensive new document-storage system, and - perhaps most difficult of all - verify the "issuance, validity and completeness" of every document presented at DMVs.

MR. DEATON urged the committee not to pass HB 74.

[7:27:23 PM](#)

DON ETHERIDGE, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) of Alaska, testified that the AFL-CIO of Alaska supports HB 74. He stated that under HB 74, it would be easier for the members of the AFL-CIO to access bases, travel by air, and to work. He reminded the committee that under HB 74, obtaining a REAL ID would be voluntary. He asserted that for AFL-CIO workers, having a REAL ID will make it

easier to access bases, because only a driver's license would be required.

MR. ETHERIDGE maintained that a person with very little computer expertise can access "everything" about a person except his/her SSN, with only a name and city of residence, for \$19.95 per month.

REPRESENTATIVE JOHNSON asked for clarification regarding the AFL-CIO of Alaska support for REAL ID.

MR. ETHERIDGE replied that AFL-CIO of Alaska is only concerned for its members being able to access military bases, airplanes, and their jobs. He added that time is short [for passing legislation] to allow for easy access. He maintained that if AFL-CIO of Alaska members are unable to work, then the employers serving the bases will bring in workers from out-of-state who have the proper IDs.

REPRESENTATIVE TUCK stated that he would not want to belong to an organization whose membership would be willing to give up all rights to get on base. He asked if Mr. Etheridge was concerned with the information going to a company owned by a foreign country.

MR. ETHERIDGE responded that the information is "out there" already, which is a constant concern. He stated that he already has had his ID stolen and his credit cards compromised.

REPRESENTATIVE TUCK asserted that AFL-CIO should fight for its workers' protections and not just be concerned with employment and access.

[7:31:50 PM](#)

REPRESENTATIVE LEDOUX asked why one would be opposed to getting a passport card.

MR. ETHERIDGE expressed his understanding that the opposition is due to cost and inconvenience; it cannot be obtained at DMV, and it requires a lengthier process.

REPRESENTATIVE LEDOUX suggested that there will be complaints about lines at DMV when everyone tries to get his/her ID at the last minute.

MR. ETHERIDGE replied that with REAL ID being optional, there would not be a large number of people obtaining them. He mentioned that also many of the workers have passports that could be used until they are able to get REAL IDs.

[7:33:10 PM](#)

REPRESENTATIVE TUCK asked if it is easier to go to a post office than a DMV.

MR. ETHERIDGE offered that it is not easier due to having to get a passport picture taken and filling out the application.

REPRESENTATIVE LEDOUX asked if getting a passport is that much harder.

MR. ETHERIDGE replied that he didn't consider it harder, but it is an additional ID that would need to be taken to work, rather than just a driver's license, which a person would be carrying anyway in order to drive.

REPRESENTATIVE LEDOUX offered that if a member had a passport card, he/she would carry it in his/her wallet just as a driver's license.

MR. ETHERIDGE agreed.

[7:34:47 PM](#)

SENATOR SHENNA BELLOWS, testifying on behalf of herself, mentioned that Maine has grappled with the same issues as Alaska. She stated that one of the jobs of state legislators is to stand up against federal mandates that they believe compromise the security and freedom of their constituents. She said that she urges Alaska to resist complying with the REAL ID Act. She expressed her concern with the data warehousing requirement of the REAL ID Act. She said she believes it is "madness" for the federal government to force the state to spend millions of taxpayer dollars to create a "treasure trove" for identity thieves. She referred to the challenge and expense of keeping pace with the technology developed by hackers and thieves when maintaining a centralized database, and she referred to Alaska's limited state resources. She said that it is not a question of if the data will be breached but when and with what consequence.

SENATOR BELLOWS offered that Maine, like Alaska, has a long, proud tradition of standing up for the fundamental right to privacy and has been a leader in this regard, because the right to be left alone is an inherent part of what it means to be an American. She asserted that limiting federal intrusion on the private lives of citizens is fundamental to the health of the country's democracy. She maintained that is unconscionable that the federal government is threatening to ban Alaskans and (indisc.) from (indisc.) and federal buildings and facilities. She claimed that it is absolutely not true that current licenses are not secure.

SENATOR BELLOWS relayed that Maine passed emergency legislation to fund the issuance of passport cards to veterans and other personnel needing to access military and veteran facilities. She said that there are discussions in Maine about potentially funding passport cards for a larger portion of the Maine population, rather than complying with the federal REAL ID Act. She mentioned that she and her fellow senator, Senator Eric Brakey, authored a letter to President Donald Trump, which will be provided to the committee, urging him to repeal the anti-privacy provisions of the REAL ID Act by executive order. She suggested that Alaskan legislators sign on to the letter and contemplate alternatives to HB 74, which would undermine Alaskans' privacy and security.

[7:38:38 PM](#)

TOM BRICE, Alaska Laborers, explained that the Alaska Laborers is composed of three Alaskan-based unions: Laborers Local 942; Laborers 341 based out of Anchorage; and Public Employees Local 71. He stated that applying for his passport required him to make two trips to his post office, ensure that the application was filled out in black ink, make a few phone calls to find out where his parents were born, obtain an original copy of his birth certificate, and secure additional identification to accompany the application. He said he concluded that getting a passport is not as easy as it appears. He relayed that he applied for the passport card and the passport; the card cost \$50 and the passport application cost \$25. He added that there is a six week wait for the documents. He said that for another \$250, he could have the process expedited. He urged the committee to move both HB 74 and HJR 15 out of committee and not leave Alaskans "in limbo" for accessing work and travel. He said that the proposed legislation is optional, and if Congress overturns the REAL ID Act, that will take time to be implemented.

MR. BRICE relayed that a number of the bargaining units that he represents are responsible for school maintenance on military bases. He said that these positions are entry level, and the cost of a passport for these workers is significant. He expressed his understanding that if HB 74 is passed, Alaska may be able to get an extension to give people time to get the required IDs, and the federal government may repeal the Act during that time.

REPRESENTATIVE TUCK referred to Senator Bellow's letter to the President asking him to take executive action. He asked if the Alaska Laborers would be willing also to write a letter.

MR. BRICE said that he is not prepared to speak in behalf of his organization in that regard but would let the members know. He added that with the short timeline, he doubts if the response of the federal government would be timely.

[7:44:30 PM](#)

REPRESENTATIVE KNOPP asked Mr. Brice if he would support HB 74, if he did not represent the union membership.

MR. BRICE said, "As an option, yes." He said that without the option, he would be more hesitant. He gave an example of getting a background check for gun ownership; he does not appreciate it and finds it frustrating. He reiterated that information on him is readily available from the Internet.

[7:46:18 PM](#)

REPRESENTATIVE LEDOUX asked how many people in Alaska need access to a military base for work.

MR. BRICE answered that he guesses about 100-150 workers in his bargaining unit and another 100 in another union. He mentioned that this number only refers to service workers, not construction workers.

REPRESENTATIVE LEDOUX maintained that her concern is the \$1.5 million fiscal note and the cost per person above that.

MR. BRICE stated that another aspect of the proposed legislation is the complexity of getting a REAL ID versus going through the passport process. He reiterated that the passport application

is daunting, and the process for getting a passport is frustrating.

REPRESENTATIVE LEDOUX suggested that going to the post office and going to DMV are equally unpleasant.

[7:48:55 PM](#)

CHAIR KREISS-TOMKINS, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 74.

CHAIR KREISS-TOMKINS announced that HB 74 was held over.

HJR 15-OPPOSE FEDERAL ID REQUIREMENTS

[7:49:31 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 15, Encouraging repeal of the REAL ID Act of 2005.

[7:49:54 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HJR 15.

[7:50:02 PM](#)

MIKE COONS testified that he supports HJR 15. He said he is encouraged by the opposition of states to the REAL ID Act, and he is disappointed with the governor not opposing it. He stated that the proposed resolution will get the attention of the current President and Alaska's congressional delegation, and he said he believes the President and Congress will put an end to REAL ID. He referred to the hacking of Yahoo, which caused over 10 million IDs to be stolen. He suggested the possibility of a data breach involving 300 million Americans.

[7:52:10 PM](#)

KAREN PERRY testified that she represents all Alaskans and their right to privacy, and she fully supports HJR 15. She stated that the REAL ID Act should be repealed because of the \$1.5 million fiscal note. She relayed that in the [Twenty-Fifth Alaska State Legislature, 2007-2008], Alaska passed Senate Bill 202. She paraphrased from AS 44.99.040 (2), which read as follows:

Sec. 44.99.040. Limitation on use of assets. (a) A state or municipal agency may not use or authorize the use of an asset to implement or aid in the implementation of a requirement of

(2) P.L. 109-13, Division B (REAL ID Act of 2005).

(b) In this section,
(1) "asset" means funds, facilities, equipment, services, or other resources of a state or municipal agency;

MS. PERRY asked that the committee support HJR 15 based on the information she provided.

[7:53:53 PM](#)

WILLIAM TOPEL testified urging the committee to vote "yes" on HJR 15.

[7:54:28 PM](#)

CHAIR KREISS-TOMKINS, after ascertaining that no one else wished to testify, closed public testimony on HJR 15.

CHAIR KREISS-TOMKINS announced that HJR 15 would be held over.

[7:55:22 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 7:55 p.m.