

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

April 6, 2017

3:10 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

**MEMBERS ABSENT**

Representative DeLena Johnson  
Representative Andy Josephson (alternate)  
Representative Chuck Kopp (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 165

"An Act relating to hiring for positions in state service based on substitution of military work experience or training for civilian work experience or training requirements."

- MOVED HB 165 OUT OF COMMITTEE

HOUSE BILL NO. 158

"An Act relating to the location of offices for the Alaska Public Offices Commission and the locations at which certain statements and reports filed with the commission are made available."

- MOVED HB 158 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 BILL NO. 190

"An Act relating to the presentation of oral comments on the proposed adoption, amendment, or repeal of regulations."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 163

"An Act authorizing the Department of Public Safety to enter into agreements with nonprofit regional corporations and federal, tribal, and local government agencies to provide law enforcement services; authorizing the Department of Public Safety to collect fees for certain law enforcement services; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 165

SHORT TITLE: STATE PERSONNEL ACT: VETERANS

SPONSOR(S): REPRESENTATIVE(S) PARISH

03/08/17	(H)	READ THE FIRST TIME - REFERRALS
03/08/17	(H)	MLV, STA
03/16/17	(H)	MLV AT 1:00 PM GRUENBERG 120
03/16/17	(H)	-- MEETING CANCELED --
03/21/17	(H)	MLV AT 1:00 PM GRUENBERG 120
03/21/17	(H)	Heard & Held
03/21/17	(H)	MINUTE(MLV)
03/23/17	(H)	MLV AT 1:00 PM GRUENBERG 120
03/23/17	(H)	Moved HB 165 Out of Committee
03/23/17	(H)	MINUTE(MLV)
03/24/17	(H)	MLV RPT 4DP
03/24/17	(H)	DP: SPOHNHOLZ, RAUSCHER, PARISH, TUCK
04/04/17	(H)	STA AT 3:00 PM GRUENBERG 120
04/04/17	(H)	Scheduled but Not Heard
04/04/17	(H)	STA AT 5:30 PM GRUENBERG 120
04/04/17	(H)	Heard & Held
04/04/17	(H)	MINUTE(STA)
04/06/17	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 158

SHORT TITLE: APOC OFFICE LOCATIONS

SPONSOR(S): REPRESENTATIVE(S) EASTMAN

03/06/17	(H)	READ THE FIRST TIME - REFERRALS
03/06/17	(H)	STA, FIN
04/04/17	(H)	STA AT 3:00 PM GRUENBERG 120
04/04/17	(H)	Heard & Held
04/04/17	(H)	MINUTE(STA)

04/06/17 (H) STA AT 3:00 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  
03/21/17 (H) Heard & Held  
03/21/17 (H) MINUTE(STA)  
03/28/17 (H) STA AT 3:00 PM GRUENBERG 120  
03/28/17 (H) Heard & Held  
03/28/17 (H) MINUTE(STA)  
04/04/17 (H) STA AT 5:30 PM GRUENBERG 120  
04/04/17 (H) Heard & Held  
04/04/17 (H) MINUTE(STA)  
04/06/17 (H) STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE DAVID EASTMAN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 158, as prime sponsor.

HEATHER HEBDON, Executive Director  
Alaska Public Offices Commission (APOC)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 158.

LESLIE RIDLE, Deputy Commissioner  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Presented DOA's response to the proposed committee substitute (CS) for HB 74 [Version 30-GH1781\J,

Martin, 4/4/17, adopted 4/4/17 as a work draft] and answered questions.

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

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

ERIC GLATT, Staff Attorney  
American Civil Liberties Union (ACLU) of Alaska  
Anchorage, Alaska

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

MICHAEL STANKER, Assistant Attorney General  
Labor and State Affairs Section  
Civil Division (Anchorage)  
Department of Law (DOL)  
Anchorage, Alaska

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

#### **ACTION NARRATIVE**

[3:10:30 PM](#)

**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 3:10 p.m. Representatives LeDoux, Tuck, Wool, Birch, Knopp, and Kreiss-Tomkins were present at the call to order.

#### **HB 165-STATE PERSONNEL ACT: VETERANS**

[3:11:34 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 165, "An Act relating to hiring for positions in state service based on substitution of military work experience or training for civilian work experience or training requirements."

[3:12:23 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 165. After ascertaining that there was no one who wished to testify, he closed public testimony.

[3:13:10 PM](#)

REPRESENTATIVE TUCK moved to report HB 165 out of committee with individual recommendations and the attached zero fiscal note. There being no objection, HB 165 was reported from the House State Affairs Standing Committee.

[3:13:55 PM](#)

The committee took a brief at-ease at 3:14 p.m.

**HB 158-APOC OFFICE LOCATIONS**

[3:14:01 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 158, "An Act relating to the location of offices for the Alaska Public Offices Commission and the locations at which certain statements and reports filed with the commission are made available."

[3:14:46 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 158. After ascertaining that there was no one who wished to testify, he closed public testimony.

[3:15:18 PM](#)

REPRESENTATIVE WOOL expressed concern that under HB 158, no Alaska Public Offices Commission (APOC) offices would be required except a central office; therefore, the one remaining satellite office in Juneau could be closed. He opined that there should be one representative of APOC in the state capital, because there are many people at that location needing APOC's services. He added that historically there has not been an office in every Senate district, and ultimately opening additional offices would be at the discretion of APOC.

REPRESENTATIVE TUCK opined that an APOC office in Juneau was maintained because most of the lobbyists have offices in Juneau, and lobbyists have many more reporting requirements than do candidates and legislators. He asserted that the primary reason for having the only existing satellite office be in Juneau was to serve the [lobbyist] industry.

REPRESENTATIVE KNOPP agreed that it is appropriate to have a satellite office in Juneau; the proposed legislation would not change APOC structure but would bring statutes in line with practice.

REPRESENTATIVE WOOL offered that the proposed legislation states that APOC shall establish a central office; therefore, maintaining just one central office would fulfill the "letter of the law." He mentioned that the current statute called for more than two offices, and APOC was not fulfilling that requirement.

REPRESENTATIVE KNOPP asked for confirmation that HB 158 would not preclude APOC from opening offices and that doing so would be at its discretion.

[3:19:13 PM](#)

REPRESENTATIVE DAVID EASTMAN, Alaska State Legislature, responded that there is nothing to prevent APOC from opening any number of offices except lack of funding. He added that in a better fiscal environment, it may do that. He maintained that there is no requirement that the central office be in a large city; it could be in Juneau if that is the desire of APOC.

CHAIR KREISS-TOMKINS asked whether the proposed legislation would or would not have any impact on the existence of the Juneau satellite office.

[3:20:14 PM](#)

HEATHER HEBDON, Executive Director, Alaska Public Offices Commission (APOC), relayed that the proposed legislation would have very little impact on APOC; it would bring current practice in line with statutory requirements; and it would not require APOC to close any offices, but would leave that to the discretion of APOC. She agreed that absent budget concerns, APOC could have various offices.

REPRESENTATIVE BIRCH commended the sponsor of the proposed legislation for introducing it. He mentioned the letter of support from former APOC Commissioner Mark Fish, included in the committee packet, stating that HB 158 would bring APOC in compliance with statute.

[3:21:31 PM](#)

REPRESENTATIVE LEDOUX moved to report HB 158 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 158 was reported from the House State Affairs Standing Committee.

[3:21:50 PM](#)

The committee took an at-ease from 3:22 p.m. to 3:33 p.m.

**HB 74-DRIVER'S LICENSE & ID CARDS & REAL ID ACT**

[3:33:25 PM](#)

CHAIR KREISS-TOMKINS announced that the final 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." [Before the committee, adopted as a work draft during the 4/4/17, 5:40 p.m., meeting, was the proposed committee substitute (CS) for HB 74, Version 30-GH1781\J, Martin, 4/4/17, hereafter referred to as "Version J".]

[3:37:02 PM](#)

LESLIE RIDLE, Deputy Commissioner, Department of Administration (DOA), referred to the 4/5/17 letter [from Sheldon Fisher, Commissioner, DOA, and included in the committee packet], which clarifies and revises Ms. Ridle's testimony during the 4/4/17 meeting.

MS. RIDLE referred to issue Number 1 in the DOA letter, which addresses page 1, line 10, of Version J to point out that under Version J, the total cost of an identification (ID) card would be \$25 and the total cost for a license would be \$30.

[3:39:27 PM](#)

REPRESENTATIVE TUCK added that the additional fee would "pay down" the cost of [Alaska becoming REAL ID compliant] in about five years. He pointed out that the current fiscal note does not reflect any dues or fees. He asked for the cost of membership in the American Association of Motor Vehicle Administrators (AAMVA).

MS. RIDLE replied that the Alaska Division of Motor Vehicles (DMV) is already a member of AAMVA; therefore, that cost would not be reflected in the proposed legislation.

REPRESENTATIVE TUCK asked what the cost would be for future services from AAMVA.

CHAIR KREISS-TOMKINS clarified the question by asking if there are any specific AAMVA related fees associated with the passage of Version J.

[3:41:13 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), responded that the amount needed to implement the proposed legislation is in the current budget; it is based on an estimate of the IDs and driver's licenses that DMV anticipates issuing. She added that DMV pays a "per use fee," and she can provide information to the committee on all the different fees. She stated that included in the fiscal note are the fees for checking birth certificates and passports, which would be new for DMV under Version J. She relayed that these checks require per use fees; the cost is based on the number of people requiring these checks; and it is a "shared" cost.

REPRESENTATIVE LEDOUX asked why a person with a passport would come into DMV to obtain a REAL ID card.

MS. THOMPSON answered that one of the requirements of REAL ID is the verification of the validity of passports, and there are fees for that verification.

MS. RIDLE clarified that Representative LeDoux's question is, Why would someone get a REAL ID if he/she has a passport? She explained that sometimes people bring in passports as a form of ID; they might still want to get a REAL ID, because they don't want to carry their passports.

[3:44:07 PM](#)

REPRESENTATIVE WOOL offered that after REAL ID is implemented, to obtain a driver's license for the first time he would need to go to DMV with an ID besides just his driver's license; that would be his birth certificate or his passport. He asked for confirmation that the procedures at DMV would involve the following: scanning his documents; sending the scan somewhere to be verified for identity, duplicate IDs, or "identity markers or pointers"; and handing the documents back.

MS. RIDLE responded that DMV does not send an applicant's documents out; the DMV would do a check through the passport database to verify identity of the applicant while the applicant is present at DMV; and REAL ID requires that DMV retain the documents.

MS. THOMPSON concurred.

[3:46:13 PM](#)

REPRESENTATIVE LEDOUX asked if an applicant would be able to obtain a REAL ID the same day [as application], just as he/she would a driver's license.

MS. RIDLE answered that currently an applicant does not receive a driver's license the same day. Driver's licenses are processed and produced in Indiana, and that would be the same for REAL IDs.

REPRESENTATIVE LEDOUX suggested that the primary reason for passing HB 74 was that under HB 74, obtaining a REAL ID would be much easier and quicker than getting a passport card. She asked how long it would take her to obtain a REAL ID, if she realized [last minute] that she needed one to access a military base. She asked, "Am I going to get something that same day that's going to let me on the base?"

MS. RIDLE replied that just as is currently done, DMV would give her a paper copy, and the actual card would be mailed to her in about ten days to two weeks, which is the average time. She responded to Representative LeDoux's second question by saying that she was unfamiliar with [military] base rules and did not know if a paper copy was sufficient for access.

REPRESENTATIVE LEDOUX emphasized the importance of the public knowing how quickly a REAL ID could be obtained. She said that her concern has been the necessity to pass the proposed legislation so that people can obtain access to bases for work in a timely manner. She offered that if the paper copy is insufficient, that would present a significant problem.

MS. RIDLE responded that if HB 74 passes during the current legislative session, Alaska would be granted another waiver while it implements the law. She asserted that it is the hope of DOA personnel that with more time and a public relations (PR) campaign, most people needing REAL IDs will obtain them timely.

[3:49:13 PM](#)

REPRESENTATIVE TUCK expressed a need for more details on DOA's response to the committee's concerns.

[3:50:06 PM](#)

MS. RIDLE referred to issue Number 2 in the DOA letter, which addresses page 2, lines 5-7, of Version J. She stated that there are other laws that apply to record retention [besides those mentioned in Version J] and suggested that adding the phrase, "or other federal and state law", to the end of the sentence in line 6 would ensure Alaska is not in conflict with the other record retention laws.

MS. RIDLE referred to issue Number 3 in the DOA letter, which addresses page 2, lines 11-12, of Version J. She contended that the requirement [not to retain images of the applicant's face] would make Alaska noncompliant with the REAL ID Act; REAL ID requires the retention of the images; and the Department of Public Safety (DPS) could testify regarding its concerns regarding retention of photographs ("photos").

[3:51:41 PM](#)

REPRESENTATIVE TUCK mentioned that AAMVA requires some provisions that are not required by the REAL ID Act. He asked if the retention of photos is a requirement of the REAL ID Act or a requirement of AAMVA.

MS. RIDLE expressed her understanding that it is a requirement of the REAL ID Act, since AAMVA's requirements are only related to the State to State (S2S) system, and there are no photos in the S2S system.

[3:52:49 PM](#)

MS. RIDLE referred to issue Number 4 in the DOA letter, which addresses page 2, lines 13-20, of Version J. She stated that the prohibition of records retention reflected in these lines would make Alaska noncompliant with REAL ID.

MS. RIDLE referred to issue Number 5 in the DOA letter, which addresses page 2, lines 26-27, of Version J. She relayed that DOA does require some of its employees to access a military base or to travel by plane. She suggested that the phrase, "unless

federally compliant identification is required for employment", be added in line 27.

MS. RIDLE referred to issue Number 6 in the DOA letter, which addresses page 2, lines 29-31, of Version J. She related that DPS has concerns regarding non-retention of photos, and she suggested deletion of that paragraph.

MS. RIDLE referred to issue Number 7 in the DOA letter, which addresses page 3, lines 2-7, of Version J. She stated that the provision in that paragraph would require that DMV store paper documents for noncompliant driver's licenses and IDs. She relayed that there are several related issues: customer service, cost, security, and fraud prevention. She offered that DMV strives for efficiency and good customer service as well as privacy. She maintained that fulfilling this requirement would preclude the public applying for licenses online and diminish the timeliness of service.

[3:55:03 PM](#)

REPRESENTATIVE LEDOUX asked if renewing a driver's license online would be impossible under Version J.

MS. RIDLE said, "No, this is the noncompliant cards in this Version." She explained that for compliant cards, DMV would not be required to store paper documents; therefore, online renewal would be possible. She maintained that under Version J, DMV would be required to store [paper] documents for noncompliant licenses and cards; therefore, holders of noncompliant licenses and cards would be required to renew them at DMV, because DMV would not be able to access the documents electronically.

REPRESENTATIVE LEDOUX asked for an explanation as to why currently someone can renew online, but under Version J would not be able to renew a noncompliant license or card online.

MS. RIDLE explained that currently all Alaska licenses are noncompliant; DMV has been storing documents online; and when someone renews his/her license, DMV personnel can review the documents online to process an application. She asserted that even if a person applies for renewal online, "a real person" at DMV still reviews the application. She maintained that if DMV is prohibited from retaining documents online, then an applicant would need to physically come into DMV to renew.

[3:56:53 PM](#)

REPRESENTATIVE KNOPP restated that under Version J, the paperwork for REAL ID compliant licenses and ID cards would be retained [electronically] allowing online renewal; however, the [electronic] storage of information for noncompliant licenses and ID cards would be prohibited; therefore, they would need to be renewed in person.

MS. RIDLE confirmed that under Version J, that is correct; the DMV would be asked to store paper copies of documents for noncompliant licenses and ID cards.

REPRESENTATIVE KNOPP mentioned that he first obtained an Alaska driver's license in 1979; he continually renews it without additional paperwork; and the paperwork from 1979 is still adequate today. He said, "That makes no sense to me."

MS. RIDLE suggested that Representative Knopp must have been required to go to a DMV once or twice in the 40 years that he held the driver's license.

REPRESENTATIVE KNOPP offered that paperwork "gets old" after a period, and no one looks the same after nine years.

[3:58:40 PM](#)

REPRESENTATIVE LEDOUX asked why the process for noncompliant IDs would change.

[3:59:16 PM](#)

ERIC GLATT, Staff Attorney, American Civil Liberties Union (ACLU) of Alaska, referred to the requirement in Version J that applications be kept only in paper form and offered that an amendment is to be introduced in which DMV would not be required to keep applications only in paper form, which would allow DMV to process applications as it is currently doing and allow for online renewals.

[4:00:22 PM](#)

REPRESENTATIVE WOOL asked at what frequency a driver's license must be renewed and a new photo taken.

MS. RIDLE stated that currently a driver's license is up for renewal every five years; Version J would change that to every eight years and allow for one online renewal. She said that

under Version J, someone could wait 16 years before physically visiting DMV again, at which time there would be a new photo, vision check, and eligibility check.

MS. RIDLE referred to issue Number 8 in the DOA letter, which addresses page 3, lines 16-19, of Version J. She stated that paragraph 3 asks DOA to tell people that they can use a non-federally compliant form of ID to travel by airplane. She asserted that DOA disagrees with this request; the U.S. Department of Homeland Security (DHS) has indicated that would not be an option [for airplane travel]; and abiding by this request would constitute passing on false information. She concluded that DOA personnel recommend this paragraph be deleted.

[4:02:49 PM](#)

REPRESENTATIVE LEDOUX asked about the possibility of someone from DHS testifying on what will or will not be accepted [as ID]. She lamented that the committee has received information regarding DHS's plans second hand, but not directly.

CHAIR KREISS-TOMKINS reiterated that DOA facilitated a call between his staff and DHS, which helped answer questions that his office had about the proposed legislation. He asked Ms. Ridle if it would be possible for a DHS representative to testify to the committee.

MS. RIDLE responded that DOA personnel have had conversations with DHS personnel to get answers to questions; however, she conjectured that DHS personnel would not be inclined to give testimony [during a hearing on HB 74], and DHS does have an extensive website that specifies an acceptable form of ID.

[4:04:16 PM](#)

REPRESENTATIVE TUCK stated that there is no requirement currently [for a federally compliant ID] for airplane travel. He added that the only requirement is additional screening [if flying without an ID]. He referred to his experience of flying without an ID, which he described during the 4/4/17 meeting: he was given a red bin instead of a gray bin; he submitted to scanning and a "pat down"; and the Transportation Security Administration (TSA) personnel checked his carry-on items. For the return flight, he was allowed on the plane using his expired Costco card as ID. He asserted that the ACLU confirmed during the 4/4/17 meeting that an ID is not required to travel by

plane, but without an ID one would have to submit to additional screening.

MS. RIDLE responded that the key word in Representative Tuck's comments is "currently." She relayed that the TSA website clearly states that by October 2020, no one will be able to fly without a federally compliant ID out of an airport with a TSA checkpoint. She stated that deleting this paragraph would avoid putting Alaska in a difficult situation.

MS. RIDLE referred to issue Number 9 in the DOA letter, which addresses page 4, lines 11-15, of Version J. She stated that DOA shares data with other state agencies such as DPS, the Permanent Fund Dividend (PFD) Division to detect fraud, the Department of Labor & Workforce Development (DLWD), the Division of Public Assistance (DPA) to detect fraud, and Child Support Services Division (CSSD) for the enforcement of child support. She asserted that the language in this section would prevent DOA from discussing driver safety, recalls, or any other interactions with other agencies; therefore, DOA's position is that it should be deleted.

REPRESENTATIVE TUCK contended that since Version J specifies a prohibition against sharing data outside a state agency, it would not limit DOA from sharing data with the agencies that Ms. Ridle mentioned, because they are all state agencies.

MS. RIDLE replied correct but clarified that DOA staff interprets the language to say that DOA could not share data with the Anchorage Police Department (APD) or municipalities that currently interface with the DPS database.

[4:08:04 PM](#)

MICHAEL STANKER, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Anchorage), Department of Law (DOL), responded that as Section 4 of Version J is written, there would be a blanket prohibition on data sharing. He offered that although it does provide some exceptions, such as data sharing with state agencies and to administer driver's licenses, all other current data sharing would be prohibited. He said that under AS 28.10.505, personal identifying information is confidential, but the statute gives exceptions and the DOA letter outlines some of those exceptions. He gave as examples: information may be shared regarding vehicle safety and recall; information may be shared for litigation purposes; and information may be shared with government and law

enforcement agencies. He said that the concern of DOA is that under Version J, these types of data sharing may be prohibited.

4:09:35 PM

MS. RIDLE referred to issue Number 10 in the DOA letter, which addresses page 5, lines 9-10, of Version J and stated that this issue [regarding the retention of historical photos for DPS's use] was previously addressed.

MS. RIDLE referred to issue Number 11 in the DOA letter, which addresses page 5, lines 11-18, of Version J and stated that this issue [regarding the prohibition of the retention of documents, which would make Alaska noncompliant] was previously addressed.

MS. RIDLE referred to issue Number 12 in the DOA letter, which addresses page 5, lines 24-25, of Version J. She stated that this issue regarding the ability of the state to require that an employee have a federally compliant ID was previously addressed.

MS. RIDLE referred to issue Number 13 in the DOA letter, which addresses page 5, lines 27-28, of Version J and stated that this issue [regarding the retention of historical photos for DPS's use] was previously addressed.

MS. RIDLE referred to issue Number 14 in the DOA letter, which addresses page 6, lines 13-16, of Version J. She stated that this issue regarding the ability of the state to require that an employee have a federally compliant ID was previously addressed.

MS. RIDLE referred to issue Number 15 in the DOA letter, which addresses page 6, lines 24-31, of Version J. She stated that this subsection would require that DOA give only compliant cards to legal aliens in Alaska, and she asserted that this is a violation of "equal protection." She recommended that, to avoid the violation, "federally compliant" be removed from the sentence beginning on line 28 and "shall" in that sentence be replaced with "may".

4:11:20 PM

MS. RIDLE clarified that the subsection states that DMV may only issue a compliant card to a legal alien. She maintained that it is DOA's position that legal aliens should have the choice between compliant and noncompliant ID cards just like everyone else. She added that changing "shall" to "may" addresses the issue brought to the committee by Representative Birch [3/28/17,

3:08 p.m. meeting] regarding a constituent's wife, who as a Japanese national with a green card without an expiration date is required to renew her driver's license annually.

REPRESENTATIVE TUCK offered as background that former Representative Bob Lynn offered an amendment in 2014 requiring immigrants with longer stays in Alaska to renew their driver's licenses annually.

MS. RIDLE stated that Mr. Stanker relayed to her after her testimony at the [04/04/17] committee meeting that there is an ambiguity in statute, and DOA has been applying the statute fairly.

[4:13:40 PM](#)

REPRESENTATIVE LEDOUX suggested that the issue brought forward by Representative Birch - concerning the wife of a constituent with an indefinite immigration status who must renew her driver's license annually - still exists.

CHAIR KREISS-TOMKINS commented that as Version J currently is written, that is the case; however, he anticipates an amendment to change it as DOA has recommended. He asked if "shall" existed in the language of the original version of HB 74.

MS. RIDLE replied, yes. She opined that it is in the statute, not just the proposed legislation.

[4:14:48 PM](#)

MS. RIDLE referred to issue Number 16 in the DOA letter, which addresses page 7, lines 26-30, of Version J and said that DOA supports codifying in statute the prohibition of bulk sharing of photos outside the state.

[4:15:50 PM](#)

REPRESENTATIVE KNOPP asked if DOA would support the proposed legislation with the amendments that have been prepared for the committee.

MS. RIDLE answered that she has not seen the amendments, therefore, cannot respond to that question. She maintained that DOA does not oppose the proposed legislation, if it is [REAL ID] compliant. She stated that her testimony addresses those

provisions of the proposed legislation with which DOA does not agree.

[4:17:15 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 1, [labeled 30-GH1781\J.1, Martin, 4/6/17], which read:

Page 1, following line 11:

Insert a new bill section to read:

"\* **Sec. 2.** AS 18.65.310(b) is amended to read:

(b) A person may obtain an identification card provided for in (a) of this section by applying to the department on forms and in the manner prescribed by the department. The department shall include on the application for an identification card a requirement that the applicant indicate

(1) that the applicant understands the options for identification cards available at the time of issuance; and

(2) the type of identification card that the applicant selects."

Renumber the following bill sections accordingly.

Page 2, lines 22 - 25:

Delete "The application must require that an applicant indicate that the applicant understands the options for identification cards available at the time of issuance and indicate the identification card that the applicant selects."

Page 5, lines 20 - 23:

Delete "The application must require that an applicant indicate that the applicant understands the options for drivers' licenses available at the time of issuance and indicate the driver's license that the applicant selects."

Page 6, following line 16:

Insert a new bill section to read:

"\* **Sec. 7.** AS 28.15.061(b) is amended to read:

(b) An application under (a) of this section must

(1) contain the applicant's full legal name, date and place of birth, sex, and mailing and residence addresses;

(2) state whether the applicant has been previously licensed in the past 10 years as a driver and, if so, when and by what jurisdiction;

(3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(4) contain the applicant's social security number; the requirement of this paragraph only applies to an applicant who has been issued a social security number; [AND]

(5) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility; and

(6) require that the applicant indicate  
(A) that the applicant understands the options for drivers' licenses available at the time of issuance; and

(B) the type of driver's license that the applicant selects."

Renumber the following bill sections accordingly.

Page 9, line 11:

Delete "Sections 12 and 13"

Insert "Sections 14 and 15"

Page 9, line 12:

Delete "sec. 14"

Insert "sec. 16"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[4:17:49 PM](#)

The committee took an at-ease from 4:18 p.m. to 4:23 p.m.

[4:23:00 PM](#)

ERIC GLATT, Staff Attorney, American Civil Liberties Union (ACLU) of Alaska, stated that Amendment 1 addresses a concern expressed by DOL that the proposed legislation does not include an affirmative obligation for DOA to create a place on the application at which the applicant must indicate that he/she

understands the options for compliant and noncompliant cards and which one he/she chooses. He declared that Amendment 1 would provide that obligation.

MS. RIDLE asked if the intent of Amendment 1 is to put this obligation into statute instead of regulation.

MR. GLATT replied that DOL staff offered that Version J was "too passive" in specifying whose obligation it was to include the information on the application.

CHAIR KREISS-TOMKINS indicated that Amendment 1 would be held over for further work.

REPRESENTATIVE LEDOUX asked if Amendment 1 would address the issue of informing the public that a REAL ID is or is not needed for plane travel.

MS. RIDLE opined that it does not; it only requires that the application reflect that a person understands the options - compliant or noncompliant driver's licenses and ID cards. She expressed her belief that Amendment 1 would not require DOA to inform an applicant that his/her noncompliant driver's license allows him/her to travel by plane.

[4:28:17 PM](#)

The committee took an at-ease from 4:28 p.m. to 4:32 p.m.

[4:32:20 PM](#)

CHAIR KREISS-TOMKINS indicated that two amendments would be considered in the current meeting.

[4:33:04 PM](#)

REPRESENTATIVE LEDOUX withdrew Amendment 1.

[4:33:15 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 2, [labeled 30-GH1781\J.2, Martin, 4/6/17], which read:

Page 4, line 21:

Delete ", including the American Association of Motor Vehicle Administrators,"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[4:33:39 PM](#)

MS. RIDLE explained that Legislative Legal and Research Services indicated that it was unusual to name a specific organization in legislation. She said DOA supports the amendment.

CHAIR KREISS-TOMKINS removed his objection to Amendment 2.

REPRESENTATIVE TUCK objected for the purpose of discussion. He asked why the mention of "the American Association of Motor Vehicle Administrators" should be deleted from the proposed legislation. He opined that the reason for the reference is because AAMVA is the only organization currently that can facilitate REAL ID compliance.

CHAIR KREISS-TOMKINS asked Ms. Ridle if the specific mention of AAMVA was in the original version of HB 74.

MS. RIDLE answered no; it was mentioned first in Version J and was not requested by DOA. She stated that Section 4, subsection (c), on page 4 refers to any other system managed by an entity other than DOA; she offered that Legislative Legal and Research Services indicated that the mention of a specific agency was "odd."

CHAIR KREISS-TOMKINS agreed that the reference resulted from the drafting of Version J; it was not intended; therefore, Amendment 2 would delete it.

[4:35:58 PM](#)

REPRESENTATIVE KNOPP relayed that although the reference may appear odd, Alaska DMV is a member of AAMVA, and the language in Version J is clearly intent language to place restrictions on any entity other than DOA. He said that his question was, "Although we find it odd, is it really inappropriate? He asked, "Would there be any harm in leaving it?"

MS. RIDLE responded that DOA's position is that it would make no difference.

[4:37:08 PM](#)

REPRESENTATIVE LEDOUX withdrew Amendment 2.

[4:37:40 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 3, [labeled 30-GH1781\J.5, Martin, 4/6/17], which read:

Page 1, line 10:  
Delete "\$10"  
Insert "\$20"

Page 8, line 25:  
Delete "\$10"  
Insert "\$20"

CHAIR KREISS-TOMKINS objected for the purpose of discussion. He explained that Amendment 3 addresses the fee for a compliant ID card. He relayed testimony during the [4/4/17, 5:40 p.m.] committee meeting: with a \$10 increase in the fee for a REAL ID compliant ID, the cost of the program could be recouped in [about] five years. He stated that Amendment 3 would increase the fee to \$20 over the fee for a noncompliant ID card, reducing the payback period to 2.5 years. He asked Ms. Ridle to confirm the accuracy of his statements.

MS. RIDLE replied that his assessment was correct based on 50 percent of people obtaining a REAL ID; if fewer people obtain a REAL ID, it would take longer to recoup; and if less obtained a REAL ID, it would be recouped in a shorter period.

REPRESENTATIVE TUCK also objected to Amendment 3 for the purpose of discussion. He referred to the fees charged by AAMVA that Alaska pays on a per-ID basis, which is included in the fiscal note. He asked if there are fees associated with the verification of a passport, since a passport is a compliant federal ID and "ranks higher" than a REAL ID card.

MS. RIDLE replied that since passports may be forged, DOA must verify them with the passport database. She added that DOA does get charged for those verifications.

REPRESENTATIVE TUCK asked if passport data, which is administered by the U.S. Department of State (DOS), also is included in the State Pointer Exchange Services (SPEXS) system.

MS. RIDLE replied that the passport database is a separate database and not part of SPEXS. She reiterated that DOA checks with the DOS passport database to verify passports.

CHAIR KREISS-TOMKINS asked if Representative Tuck's question is related to the fee for a REAL ID compliant driver's license [addressed in Amendment 3].

REPRESENTATIVE TUCK answered that his concern is that the fiscal note reflects all the fees and memberships that would be involved under the proposed legislation. He stated that the purpose of Amendment 3 is to "buy down" the burden [of implementing REAL ID] sooner rather than later.

CHAIR KREISS-TOMKINS asked Representative Tuck if he believes that Amendment 3 - to increase the fee for a REAL ID compliant ID - would not actually reduce the time in which the investment is reimbursed.

REPRESENTATIVE TUCK answered that the increase in the fee [under Amendment 3] may not reduce the time as much as desired.

[4:42:08 PM](#)

REPRESENTATIVE LEDOUX suggested that Representative Tuck's concern is that the fiscal note of \$1.5 million may not include the cost of Alaska belonging to these organizations and the dues required.

REPRESENTATIVE TUCK responded that Representative LeDoux's assessment is correct. He said that the committee expressed its desire to reduce the time [for reimbursement] to two years, and he stated that he wants to make sure that is still possible.

CHAIR KREISS-TOMKINS suggested that the issue relayed by Representative Tuck is broader than the scope of Amendment 3. He stated that as Ms. Ridle noted, the percentage of people choosing to obtain REAL ID compliant IDs will dictate the payback period, and at this point, DOA is basing its estimates on assumptions. He offered that it is a sure statement that by increasing the fees, the payback period will be reduced, even though the eventual length of that period is unknown.

[4:43:23 PM](#)

REPRESENTATIVE WOOL asked if under Amendment 3, the fee would be doubled again after it was previously doubled.

CHAIR KREISS-TOMKINS answered, "That's what the amendment would do."

REPRESENTATIVE WOOL suggested that if a \$5 surcharge would result in a payback period of ten years, and a \$10 surcharge would reduce it to five years, an additional \$5, not \$10, for a total of \$15, should reduce it to 2.5 years. He asked for an explanation of the motivation for additional reductions in the payback period. He asked if paying back the investment in a shorter time would result then in additional revenue for DMV or DOA, or if the fee would be reduced after the investment is reimbursed, so that the first few thousand-people obtaining REAL IDs pay the higher fee, and after that the fee would be reduced.

MS. RIDLE maintained that funds generated by the fees go into the general fund (GF), not to DMV or DOA. She stated that DMV currently contributes \$30-40 million to GF, and any funds from additional fees would increase that contribution.

REPRESENTATIVE WOOL stated that he supports recouping implementation costs to make the program "price neutral." He maintained that a \$20 additional fee will create a surplus for GF; he supports increasing GF, but not in that way. He opined that paying off the cost of the program in five years through a \$10 fee is reasonable. He stated that under Amendment 3, many Alaskans who will be required to get REAL IDs, including those wanting to travel by air, would be required to pay the additional \$20 fee, for a total cost of \$40.

[4:47:15 PM](#)

REPRESENTATIVE LEDOUX declared that it is not "end of the world" if the funds are added to GF. She stated that she is not "thrilled" with REAL ID, but she maintained that if people want REAL IDs, "let them pay for it."

REPRESENTATIVE TUCK commented that his concern is to ensure that the \$20 surcharge covers the cost of the program. He referred to the testimony of Maine Senator Shenna Bellows, who opined that it would be better for Alaska to subsidize passport cards rather than be REAL ID compliant. He removed his objection to Amendment 3.

CHAIR KREISS-TOMKINS also removed his objection to Amendment 3. There being no further objection, Amendment 3 was adopted.

[HB 74 was held over.]

[4:51:31 PM](#)

## **ADJOURNMENT**

CHAIR KREISS-TOMKINS announced that the meeting of the House State Affairs Standing Committee meeting was recessed to a call of the chair at 4:52 p.m. [The meeting reconvened April 8, 2017.]