

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 8, 2017

8:35 a.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp

MEMBERS ABSENT

Representative Andy Josephson (alternate)
Representative Chuck Kopp (Alternate)

COMMITTEE CALENDAR

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

PREVIOUS COMMITTEE ACTION

BILL: HB 74

SHORT TITLE: DRIVER'S LICENSE & ID CARDS & REAL ID ACT

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
04/06/17	(H)	Heard & Held
04/06/17	(H)	MINUTE(STA)
04/08/17	(H)	STA AT 8:30 AM GRUENBERG 120

WITNESS REGISTER

STEPHANIE GILARDI, Staff
 Representative Jonathan Kreiss-Tomkins
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented Amendment 1, Amendment 2, and Amendment 4 to HB 74, Version J, on behalf of Representative Kreiss-Tomkins, prime sponsor.

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

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

REID MAGDANZ, Staff
 Representative Jonathan Kreiss-Tomkins
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 74 on behalf of Representative Kreiss-Tomkins, prime sponsor.

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 HB74.

DAN LOWDEN, Captain, Deputy Commander
 Division of Alaska State Troopers (AST)
 Department of Public Safety (DPS)
 Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on 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.

BRIAN DUFFY, Director
Administrative Services Division
Department of Military & Veterans' Affairs (DMVA)
Joint Base Elmendorf-Richardson (JBER), Alaska

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

ACTION NARRATIVE

[8:35:10 AM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting back to order at 8:35 a.m. Representatives LeDoux, Tuck, Wool, Birch, Johnson, Knopp, and Kreiss-Tomkins were present at the call to order.

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

[8:35:50 AM](#)

CHAIR KREISS-TOMKINS announced that the only 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".]

[8:36:54 AM](#)

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.

[8:37:24 AM](#)

STEPHANIE GILARDI, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 74, explained that Version J states that the application for an identification (ID) card must include information differentiating the compliant ID card from the noncompliant ID card; however, it does not place a duty on the Department of Administration (DOA) to include that information on the application. She asserted that Legislative Legal and Research Services recommended that Version J be amended to place that duty on DOA.

[8:38:26 AM](#)

REPRESENTATIVE BIRCH asked if under Amendment 1, the application would clearly inform the applicant that the ID card for which he/she is applying would only permit the person to drive but not allow access to federal facilities or plane travel.

MS. GILARDI responded, that is correct. She added that Amendment 1 also states that it is the duty of DOA to provide that information.

8:39:06 AM

REPRESENTATIVE TUCK expressed his belief that it would be erroneous to convey information that a person would not be permitted to fly without a REAL ID. He emphasized that his previous testimony [during the 4/4/17 committee meeting] clearly indicated that a person can fly without a REAL ID. He referred to upcoming testimony by Edward Hasbrouck [The Identity Project (IDP)], which Representative Tuck asserted would reveal that airport signs about IDs required for travel are erroneous; court documents uphold this position as well as admissions from the Transportation Security Administration (TSA). He maintained that he does not want people to fear that they will be unable to travel unless they have a REAL ID card.

REPRESENTATIVE WOOL offered his understanding that once REAL ID is enacted, Alaskans will be required to have a federally recognized ID. He asked, "Isn't that the purpose of what we're doing?"

CHAIR KREISS-TOMKINS asked that comments and questions be limited to Amendment 1.

8:40:39 AM

REPRESENTATIVE KNOPP inquired as to the type of documentation that would be required of a new applicant for the compliant ID versus the noncompliant ID.

8:41:15 AM

LESLIE RIDLE, Deputy Commissioner, Department of Administration (DOA), answered that DOA will draft regulations according to the legislation that is passed. She stated that DOA will be very clear with its customers; it always attempts to provide as much information as possible to its customers; it doesn't want people to be confused or get the wrong ID for what they need; and it wants to give people every option available. She confirmed that she currently is unable to provide that information.

REPRESENTATIVE KNOPP asked what documents currently are needed to obtain a driver's license.

MS. RIDLE relayed that the list of IDs that may be used to verify identification will not change under Version J; they are birth certificate, proof of Social Security number (SSN), and

passport. She added that the regulations about the information to be provided applicants regarding the two IDs will be new.

REPRESENTATIVE KNOPP asked if there are additional documents required under Version J, or if the same documents are required, but the verification process is different.

MS. RIDLE replied, "Exactly." She said they are the same documents; nothing new will be required; and DOA will check the documents more thoroughly under Version J.

[8:43:25 AM](#)

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 was adopted.

[8:43:48 AM](#)

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.

[8:44:08 AM](#)

MS. GILARDI stated that Amendment 2 deletes the specific mention of the American Association of Motor Vehicle Administrators (AAMVA). She maintained that this revision was proposed by Legislative Legal and Research Services. Since Section 4, subsection (c), on page 4 of Version J states "If the department conveys, distributes, or communicates data to be used in a database, index, pointer system, or any other system managed by an entity other than the department", the specific mention of AAMVA is unnecessary; AMVAA is covered under the reference to "an entity other than the department".

[8:45:22 AM](#)

CHAIR KREISS-TOMKINS removed his objection to the motion to adopt Amendment 2.

[8:45:35 AM](#)

REPRESENTATIVE KNOPP objected to the motion to adopt Amendment 2. He explained his objection: because the Alaska Division of Motor Vehicles (DMV) is a member of AAMVA, it is possible that AAMVA may not be considered "an entity other than the department" at some point in the future. He added that there is no harm to leaving the mention of AAMVA in Version J.

REPRESENTATIVE TUCK concurred that it is appropriate to leave the mention of AAMVA in this subsection. He stated that AAMVA is the only organization through which a DMV can be REAL ID compliant; and only AAMVA's contractor, [the State Pointer Exchange Services (SPEXS)], can do the work. He maintained that Version J, as is, still would allow for any other organization that is in the position of mining data of civilians to have access.

[8:46:59 AM](#)

REID MAGDANZ, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 74, reiterated that Legislative Legal and Research Services indicated that the reference to AAMVA was unnecessary; however, the adoption of Amendment 2 would have no effect on the proposed legislation.

REPRESENTATIVE BIRCH concluded that regarding the adoption of Amendment 2, there would be no significant impact either way.

[8:48:38 AM](#)

REPRESENTATIVE LEDOUX offered that her interpretation of the language in subsection (c) is that if data is shared with AAMVA, then AAMVA is excluded from the entities with which the specific data points listed - images of faces, images of documents, or images of signatures - may be shared.

REPRESENTATIVE BIRCH agreed and suggested that as written, Version J states that DOA may not convey images of faces, documents, or signatures to AAMVA.

REPRESENTATIVE WOOL offered that the inclusion of AAMVA in the subsection is a reassurance; it states that those three data points are not "going anywhere," including to AAMVA. He suggested that if the interpretation is questionable, then AAMVA should be deleted.

8:51:12 AM

MICHAEL STANKER, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Anchorage), Department of Law (DOL), stated that his interpretation of Section 4, subsection (c), on page 4 of Version J is that if DOA conveys data to an entity to comply with the REAL ID Act, it cannot convey images of faces, images of documents, or images of signatures. He offered that the deletion of the mention of AAMVA in that subsection was a drafting concern brought forth by Legislative Legal and Research Services; the DOL does not have a position on the inclusion of AAMVA in that subsection.

REPRESENTATIVE TUCK suggested that the committee hear from Legislative Legal and Research Services staff concerning Amendment 2, since it came from that agency.

REPRESENTATIVE LEDOUX expressed that she supports deleting AAMVA in the subsection, or if left in, it should be put after the word "entity".

REPRESENTATIVE KNOPP maintained that Section 4, in its entirety, states exactly what is intended: line 11 mentions prohibition on data sharing and what DOA may not convey; line 16, subsection (b), states that DOA may convey, distribute, or communicate the data except as restricted in [subsection] (c) of this section; subsection (c) defines what data cannot be shared. It states that AAMVA is included among the organizations with which certain data cannot be shared.

CHAIR KREISS-TOMKINS explained that the motion on the table is to adopt Amendment 2, which would delete specific mention of AAMVA [in subsection (c) of Section 4].

A roll call vote was taken. Representatives Wool and Kreiss-Tomkins voted in favor of Amendment 2. Representatives Knopp, LeDoux, Birch, Johnson, and Tuck voted against it. Therefore, Amendment 1 failed by a vote of 2-5.

8:56:16 AM

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

Page 5, line 10:
Delete "identification card"
Insert "driver's license"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[8:56:32 AM](#)

MS. GILARDI explained that Amendment 4 would delete an erroneous reference to an "identification card" in Section 4 - a section devoted only to driver's licenses - and insert "driver's license".

REPRESENTATIVE TUCK asked for clarification on the effect of Amendment 4.

REPRESENTATIVE WOOL commented that the state issues driver's licenses and ID cards for non-drivers. He asked for confirmation that under Version J, the state would issue both driver's licenses and ID cards that are REAL ID compliant.

CHAIR KREISS-TOMKINS confirmed that was correct.

REPRESENTATIVE LEDOUX asked if there is a section in Version J that addresses the destruction of information after renewal of an ID card.

MR. MAGDANZ explained that ID cards are discussed in Title 18 of the Alaska Statutes, and driver's licenses are discussed in Title 28 of Alaska Statutes; therefore, Version J was drafted to amend two separate titles to provide the option for both a REAL ID compliant ID and a REAL ID compliant driver's license. He maintained that for that reason much of the language is included twice in the proposed legislation. He stated that Amendment 4 addresses a drafting error in which "identification card" was used in the title [Title 28] referring to driver's licenses.

CHAIR KREISS-TOMKINS suggested that Amendment 4 is a conforming amendment to align the language of Version J with the title that is referenced.

MR. MAGDANZ responded, that is correct; in Version J there is a mention of "identification cards" in Title 28, and Title 28 refers to driver's licenses.

[9:00:29 AM](#)

REPRESENTATIVE LEDOUX pointed out that the "twin" to page 5, line 10, is page 2, line 12.

CHAIR KREISS-TOMKINS confirmed her assessment. He removed his objection to the motion to adopt Amendment 4. There being no further objection, Amendment 4 was adopted.

9:04:09 AM

REPRESENTATIVE BIRCH expressed the importance of finding out with assurance if in the future, the Transportation Security Administration (TSA) will require a REAL ID card.

CHAIR KREISS-TOMKINS responded that he will attempt to provide written testimony or resources to address that question.

9:06:05 AM

DAN LOWDEN, Captain, Deputy Commander, Division of Alaska State Troopers (AST), Department of Public Safety (DPA), stated that DPS uses the DMV images in a variety of ways to perform its duties: to create "wanted" posters; to create missing person fliers; to assist in identifying unidentified deceased persons; to create photograph (photo) lineups for witnesses to identify suspects; and to identify drivers not presenting a driver's license by matching personal information with photos on file. He mentioned that another concern for law enforcement is record reconciliation: determining if someone has more than one record. He relayed that these photos are also used to prevent identity theft: if an ID is lost or stolen, someone could alter the ID by putting his/her own photograph on it and not be apprehended, if there is no record left of that ID. He asserted that identity theft is growing at an alarming rate, and recovery from identity theft is extremely difficult. If someone has his/her identity stolen and [historical] documents are not maintained, it would be very hard for the person with the stolen identity to establish that his/her identity was stolen and the picture falsified.

9:10:50 AM

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), stated that DMV has been retaining photos in its current system since about 2005, which is when the improvements in cameras and technology made it possible. She said the photos must be retained for 15 years. She asserted that record security is of great concern to DMV; there are policies and procedures about shredding records on site; and nothing is out of DMV's "eyesight."

CHAIR KREISS-TOMKINS asked, "What is practice and what is current law in terms of how long those images are retained?"

MS. THOMPSON replied that photos are retained with the actual record, and the supporting documents for an application are retained. Retention has been executed with the use of microfiche and microfilm in the past but now is achieved with electronic scans. She said that the retention of the actual photo with the actual record is currently set at 15 years.

[9:13:07 AM](#)

REPRESENTATIVE BIRCH asked what the requirements are for taking photos at DMV: the capability of the camera; the size of the image; if glasses are worn by the applicant; or any other special requirements of image capture.

MS. THOMPSON said that the camera is nothing special; it is very big; it operates with a flash; and the picture of the individual is taken against a blue screen. One may wear glasses if that is his/her restriction. She relayed that she does not know the photo size but could find out; photo size may change as technology improves.

[9:14:59 AM](#)

REPRESENTATIVE LEDOUX asked if under HB 74, the photo for a REAL ID would be like photos used at major international airports, such as Heathrow International Airport. She expressed her understanding that a scan is taken of travelers moving from one section of the airport to another.

MS. THOMPSON stated that she cannot speak to that scenario. She said there would be two types of photos required [with REAL ID]: one is a low technology (tech) webcam photo to accompany an application; the second photo is taken at the end of the process after the information is verified. The webcam photo may be used for the ID, instead of the second photo taken.

[9:16:33 AM](#)

CHAIR KREISS-TOMKINS posed the question [asked during the 4/6/17 committee meeting] of whether a temporary ID card can be used to access a [military] base, if a person has applied for a REAL ID and is waiting to receive it in the mail.

[9:17: AM](#)

BRIAN DUFFY, Director, Administrative Services Division, Department of Military & Veterans' Affairs (DMVA), offered his understanding that for one-time access, the military installation would accept a temporary card; however, for recurring access and to be able to get a Defense Biometric Identification System (DBIDS) card for a one-year term, the temporary ID card would be insufficient.

REPRESENTATIVE LEDOUX asked if a person with a temporary card would be able to access the military base for the week to ten days he/she were waiting to receive the REAL ID in the mail.

MR. DUFFY reiterated that for one-time access - that is, one entry, one exit - the temporary card would be sufficient. Beyond that, the individual would need to obtain a DBIDS card, and to obtain that card, one would need a REAL ID compliant form of ID.

REPRESENTATIVE LEDOUX asked if someone with a job on base, such as with the school district or a construction firm, who was in the process of obtaining a REAL ID card but needed to work on base during the ten days while waiting for the card, would be allowed only one time on base with a temporary card.

MR. DUFFY stated that after June 6, a REAL ID compliant form of ID will be required to obtain the longer-term access card - the DBIDS card; the DBIDS card would allow someone on base with no other ID. He said that he would consult with the [military] installation leaders once more on that question.

9:20:00 AM

MS. RIDLE offered that a person who works on base all the time can get a card that lasts for a year; therefore, he/she can get that card with his/her REAL ID. She said that if someone's REAL ID is to expire, he/she can renew the ID and keep the expiring one while waiting for the new one. She maintained that with a passport, one needs to mail in the passport to renew it; therefore, he/she is without one for six to eight weeks.

REPRESENTATIVE LEDOUX stated that she was under the impression that a new worker, needing to access base but lacking a REAL ID card, could apply that day at DMV and obtain a REAL ID card. She offered that testimony indicates that if a person has a job lasting more than one day, he/she would not be able to continue work until the REAL ID card arrived in the mail.

MS. RIDLE clarified that if HB 74 passes, Alaska will be granted a waiver for at least two years to allow people time to obtain REAL IDs or passports.

REPRESENTATIVE LEDOUX countered that people have known for a while that REAL ID "is coming" and her belief is that people will still procrastinate given a later deadline. She mentioned that she thought one of the benefits of REAL ID would be that someone could apply for REAL ID and get on base the same day.

MS. RIDLE relayed that it will take DOA at least a year to implement REAL ID, and that is the purpose of the waiver.

[9:23:24 AM](#)

REPRESENTATIVE WOOL acknowledged that under an extension, 2020 would be the deadline requiring REAL IDs for access to a military facility or for airplane travel. He mentioned that Mr. Duffy said that one would need a REAL ID compliant card to access base, and one could get a DBIDS card. He clarified that Representative LeDoux is asking if a temporary card would be as compliant as a permanent REAL ID card to access base or get on an airplane during the ten-day to two-week interim he/she is waiting for a REAL ID card to come in the mail. He asked if someone, who has been in the Bush for several years, comes to town and has a flight out the next morning will be able to get on the airplane with the temporary ID card from DMV.

MS. RIDLE responded that Mr. Duffy was referring to a one-time access to base for work. A person who is working on base and who comes and goes continuously, can get a card that lasts a year.

REPRESENTATIVE WOOL responded that he understands that a person who works on base all the time can get a DBIDS card. He offered that a person with a REAL ID card would be able to do that as well. He asked if base commanders will accept the temporary REAL ID while the person is waiting for the permanent REAL ID.

MR. DUFFY stated that he would check with the installation leaders to find out if a temporary ID card would be sufficient during the interim [waiting] period and report back to the committee.

[9:27:11 AM](#)

REPRESENTATIVE LEDOUX stated that by a certain date, a REAL ID would be required to travel by airplane; Alaska can get a waiver if HB 74 passes. She asked what happens at an airport in a state without a waiver, if someone needs to fly back to Alaska.

CHAIR KREISS-TOMKINS offered that at any airport, including the one in Juneau, there is a sign outside TSA declaring that if someone has a driver's license from any of the following [named] states at a certain [named] date, he/she will not be able to use that state's driver's license at the TSA checkpoint. He maintained that since federal standards apply across states, if Alaska gets a waiver, Alaska driver's licenses will not appear on that list of unacceptable IDs regardless of the state from which the person is traveling.

MS. RIDLE answered that is correct.

[9:30:07 AM](#)

REPRESENTATIVE JOHNSON referred to "grants to states" in the REAL ID Act of 2005 and asked if Alaska has received any funds from the federal government to implement REAL ID or upgrade its equipment.

MS. THOMPSON replied that there were grants for the printers to print the driver's licenses and the REAL IDs, but no REAL ID grants for DMV. She mentioned that DMV received two grants to pay for the work - one from the Federal Motor Carrier Safety Administration (FMCSA) and one from the Federal Emergency Management Agency (FEMA). She stated that she would find out if there were any other grants.

REPRESENTATIVE JOHNSON referred to the REAL ID Act, which mentions grants from the federal government to implement REAL ID. She asked to receive a written list of the funds received for implementation.

MS. THOMPSON agreed to provide that information in writing.

[9:34:59 AM](#)

REPRESENTATIVE TUCK asserted that all airlines are considered "common carriers," and a common carrier has a legal duty to transport anyone who is willing to pay the airplane fare. He maintained that there are no requirements for an ID for airplane travel. He asked that Representative Kreiss-Tomkins, while contacting the U.S. Department of Homeland Security (DHS),

request clarification on how that policy will be changed for future travel.

CHAIR KREISS-TOMKINS offered to confer with Representative Tuck to ensure the correct question is asked of DHS and the needed information is obtained.

[9:35:53 AM](#)

REPRESENTATIVE KNOPP asked Ms. Thompson to include with the grant information any binding language and state obligations under the grants. He asked Ms. Ridle to provide him with information regarding the length of time it would take to verify documents submitted with the application for REAL ID. He also mentioned that he was not aware of the two-year waiver and the [deadline] date associated with it; he said he thought Alaska had an [earlier] "drop dead" date.

MS. RIDLE replied that Alaska would only receive a waiver if HB 74 passes; if the proposed legislation does not pass during the current legislative session, Alaska will lose its waiver on June 6.

[9:37:39 AM](#)

REPRESENTATIVE TUCK asked, "What needs to be in the bill to be compliant for the waiver?" He maintained that there must be a list of requirements.

CHAIR KREISS-TOMKINS stated that through conversations with all the agencies involved, he has learned that "compliance" is determined by whether the state conforms to DHS regulations and the authorizing REAL ID Act; and a state's compliance is required for a waiver.

MS. RIDLE concurred.

REPRESENTATIVE TUCK asked that the committee receive that list of requirements so that Alaska can do the bare minimum to comply. He maintained that he does not support submitting the last five digits of SSNs, and that requirement is not included in the REAL ID Act. He suggested that Alaska do the bare minimum to get the waiver, then make changes through AAMVA so that it does not have to submit data that is not required by the Act.

CHAIR KREISS-TOMKINS stated that his office has consulted the body of regulations under the REAL ID Act as well as the authorizing law itself and will share it with the committee. In response to Representative Tuck, he stated that he did not know if DHS staff would make themselves available to testify, but he would ask.

[9:41:01 AM](#)

REPRESENTATIVE LEDOUX commented that she would be surprised if there wasn't at least a memo from the U.S. Department of Justice (DOJ) outlining exactly what is necessary to comply with the REAL ID Act. She referred to state legalization of marijuana and the Cole memorandum [drafted by former U.S. Attorney General James M. Cole in 2013 giving prosecutors and law enforcement guidelines on marijuana law enforcement]. She said that in this memo, the Attorney General specified DOJ's focus in determining enforcement priorities with respect to marijuana. She asked, "Isn't there something like that with respect to the REAL ID?"

CHAIR KREISS-TOMKINS expressed his belief that REAL ID compliance is adjudicated on case-by-case, state-by-state basis. A state's authorizing legislation is adjudicated by whether through that legislation, the state is or is not compliant.

REPRESENTATIVE LEDOUX added that "adjudication" suggests that there is a legal case regarding a state's compliance.

MR. STANKER responded that he is not aware of any such adjudicatory documents regarding minimum compliance. He asserted that minimum compliance with the REAL ID Act is explained in the 6 Code of Federal Regulations (CFR) Part 37 - the body of regulations implementing the Act. He said that having read them many times, it is his opinion that they don't create a "floor" or a "ceiling," but a standard; to issue compliant driver's licenses and IDs, a state must comply with that standard.

[9:44:28 AM](#)

REPRESENTATIVE BIRCH suggested consulting the U.S. Army and the U.S. Airforce, because their [ID] document requirements may differ from those of the [military] bases.

[HB 74 was held over.]

[9:45:00 AM](#)

ADJOURNMENT

The House State Affairs Standing Committee meeting was recessed at 9:45 a.m. to a call of the chair. [The meeting reconvened April 10, 2017.]