

**ALASKA STATE LEGISLATURE**  
**SENATE RULES STANDING COMMITTEE**

May 13, 2017

9:02 a.m.

**MEMBERS PRESENT**

Senator Kevin Meyer, Chair  
Senator Pete Kelly  
Senator Peter Micciche  
Senator Anna MacKinnon  
Senator Berta Gardner

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 16

"An Act relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to guidelines for drivers when encountering or being stopped by a peace officer; relating to driver's license examinations; and relating to a voluntary disability designation on a state identification card and a driver's license."

- MOVED SCS HB 16(RLS) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 16

SHORT TITLE: DRIV. LICENSE REQ;DISABILITY:ID &TRAINING

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	STA, FIN
01/24/17	(H)	STA AT 3:00 PM GRUENBERG 120
01/24/17	(H)	Heard & Held
01/24/17	(H)	MINUTE(STA)
01/26/17	(H)	STA AT 3:00 PM GRUENBERG 120
01/26/17	(H)	Moved HB 16 Out of Committee
01/26/17	(H)	MINUTE(STA)

01/27/17 (H) STA RPT 7DP  
 01/27/17 (H) DP: JOHNSON, WOOL, LEDOUX, KNOPP,  
 BIRCH, TUCK, KREISS-TOMKINS  
 02/01/17 (H) FIN REFERRAL WAIVED  
 02/08/17 (H) TRANSMITTED TO (S)  
 02/08/17 (H) VERSION: HB 16  
 02/10/17 (S) READ THE FIRST TIME - REFERRALS  
 02/10/17 (S) STA, FIN  
 03/09/17 (S) STA AT 3:30 PM BUTROVICH 205  
 03/09/17 (S) Heard & Held  
 03/09/17 (S) MINUTE(STA)  
 03/21/17 (S) STA AT 3:30 PM BUTROVICH 205  
 03/21/17 (S) Scheduled but Not Heard  
 03/23/17 (S) STA AT 3:30 PM BUTROVICH 205  
 03/23/17 (S) Moved SCS HB 16(STA) Out of Committee  
 03/23/17 (S) MINUTE(STA)  
 03/27/17 (S) STA RPT SCS 3DP 1DNP 1NR NEW TITLE  
 03/27/17 (S) NR: DUNLEAVY  
 03/27/17 (S) DP: EGAN, COGHILL, GIESSEL  
 03/27/17 (S) DNP: WILSON  
 04/04/17 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/04/17 (S) Heard & Held  
 04/04/17 (S) MINUTE(FIN)  
 04/07/17 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 04/07/17 (S) Moved SCS HB 16(FIN) Out of Committee  
 04/07/17 (S) MINUTE(FIN)  
 04/10/17 (S) FIN RPT SCS 6DP 1NR NEW TITLE  
 04/10/17 (S) DP: HOFFMAN, MACKINNON, BISHOP, VON  
 IMHOF, OLSON, MICCICHE  
 04/10/17 (S) NR: DUNLEAVY  
 04/13/17 (S) RLS AT 9:00 AM BUTROVICH 532

**WITNESS REGISTER**

SUZANNE CUNNINGHAM, staff  
 Senator Kevin Meyer and the Senate Rules Committee  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Reviewed the sectional analysis and explanation of changes in SCS HB 16(RLS):

MARLA THOMPSON, Director,  
 Division of Motor Vehicles  
 Department of Administration  
 Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to the Senate Rules CS for HB 16.

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

**POSITION STATEMENT:** Answered questions related to the Senate Rules CS for HB 16.

## **ACTION NARRATIVE**

[9:02:06 AM](#)

**CHAIR KEVIN MEYER** called the Senate Rules Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators MacKinnon, Micciche, Gardner, Kelly, and Chair Meyer.

### **HB 16-DRIV. LICENSE REQ;DISABILITY:ID &TRAINING**

[9:02:46 AM](#)

**CHAIR MEYER** announced the consideration of HB 16. [SCS HB 16(FIN) was before the committee.] He asked for a motion to adopt the Senate Rules committee substitute (CS).

**SENATOR MACKINNON** moved to adopt SCS HB 16 (RLS), version 30-LS0194\0, as the working document.

**CHAIR MEYER** objected for an explanation.

[9:03:26 AM](#)

**SUZANNE CUNNINGHAM**, staff to Senator Meyer and the Senate Rules Committee, Alaska State Legislature, Juneau, Alaska, reviewed the following sectional analysis and explanation of changes in SCS HB 16(RLS):

Section 1: Intent language that provides that the State of Alaska should continue efforts to amend the REAL ID Act to protect the privacy of Alaskans.

Section 2: Amends AS 18.65.220 to include statutory language that expands the duties of the police standards council's training program to include training in recognizing and interacting with a person with disabilities, as well as familiarization with resources that are available to those with hidden disabilities.

**MS. CUNNINGHAM** noted that this section was in the original version of HB 16.

Section 3: Amends 18.65.310(a) to set the fee for REAL ID compliant identification cards at \$20.

Section 4: Amends 18.65.310(b) to require an application for an identification card to include a provision that the applicant understands the options between the identification card types and what type of card is being selected.

[9:05:19 AM](#)

Section 5: Adds new subsections to 18.65.310:

(m) Provides that a person may voluntarily designate on their state identification card that the person has a disability and what proof the individual needs to provide to receive the designation.

MS. CUNNINGHAM noted that this subsection was in the original version of HB 16.

(n) Requires the department to adopt regulations to issue federally compliant identification cards and requires an applicant for an identification card to specifically choose one. Limits the documents that can be copied/scanned and retained to the minimum of what is required by REAL ID and codifies the retention period of 15 years, which matches what is currently in regulation.

(o) Requires the state to continue to offer non-compliant identification cards and requires an applicant to specifically choose a federally compliant identification card. Prohibits the State or a municipality from requiring a person to get a federally compliant identification card, but allows for an exception when the State or a municipality is acting as an employer and the job duties require use of a compliant identification card.

For non-compliant identification cards, it limits retention of facial images to 15 years, prohibits retention if a card is not issued, and limits retention of verification documents to a year after the expiration date of the license.

(p) Allows the department to issue an identification card with a validity of less than eight years if it matches the amount of time that a person is legally authorized to be in the country. Allows the department more discretion with the expiration date for a card when the authorized stay of an individual is indeterminate - provides that an identification card to be valid "up to eight years."

Provides when an identification card can be renewed and guidelines for renewal by mail or via the department's website.

(q) Requires the department to provide the public with information about the differences between current cards (non-compliant) and federally compliant cards, including what a federally compliant identification card is required for and what alternatives are available.

(r) Provides a definition of "identification card that is federally compliant"

Section 6: Amends AS 18.65.670(c) to include disability training to village public safety officers.

MS. CUNNINGHAM noted that this was an original provision of HB 16.

Section 7: Amends AS 28.05.011 by adding a new subsection that provides that if the department publishes a manual related to safe and lawful operation of a motor vehicle, the manual must include the rights and responsibilities of drivers when encountering or being stopped by an officer.

MS. CUNNINGHAM noted that this was an original provision of HB 16.

Section 8: Adds new subsections to 28.05.068:

(a) Provides that if data is being shared with other entities to comply with the REAL ID Act, limits that data to what is required.

(b) - (e): Adds language relating to the sending of social security numbers to other entities for

verification that a person who is applying for a driver's license is not already licensed in another state. The language requires the department to take "all steps necessary" to eliminate the use of social security numbers, or otherwise minimize the number of digits of a social security number required to be stored or shared.

(f) Requires an annual report of the efforts made in (b) - (e); this section is repealed in 2021 by section 18 of this bill.

Section 9: Adds new subsections to 28.15.041, relating to the issuance of driver's licenses, to mirror the provisions in section 5 of the bill for identification cards.

(d) Requires the department to adopt regulations to issue federally compliant driver's licenses. Limits the documents that can be copied/scanned and retained to the minimum of what is required by REAL ID and codifies the retention period of 15 years, which matches what is currently in regulation.

(e) Requires the state to continue to offer non-compliant licenses. Requires an applicant to specifically choose a federally compliant license. Prohibits the State or a municipality from requiring a person to get a federally compliant license, but allows for an exception when the State or a municipality is acting as an employer and the job duties require use of a compliant license.

For a non-compliant license, it limits retention of facial images to 15 years, prohibits retention if a license is not issued, and limits retention of verification documents to a year after the expiration date of the license.

(f) Requires the department to provide the public with information about the differences between current driver's licenses (non-compliant) and federally compliant licenses, including what a federally compliant identification card is required for and what alternatives are available.

[9:11:04 AM](#)

Section 10: Adds a new subsection to 28.15.061(b) that mirrors the language for identification cards in Section 4. Requires that an application for a driver's license includes a provision that the applicant understands the options between the driver's license types and what type of license is being selected.

Section 11: Amends 28.15.101 (a) to extend the validity of a driver's license to eight years (from the current five).

Section 12: Amends 28.15.101 (d), similar to the provisions in Section 5, subsection (o) of this bill, to allow the department to issue a driver's license with a validity of less than eight years if it matches the amount of time that a person is legally authorized to be in the country and also repeals language allowing a person to renew their license for free if the license was valid for less than the maximum.

Allows the department some discretion with the expiration date for a license when the authorized stay of an individual is indeterminate - provides that an identification card to be valid "up to eight years."

Section 13: Amends 28.15.111(a) to update the security requirements of cards to the highest security standards available.

[9:12:27 AM](#)

Section 14: Amends AS 28.15.111 by adding new subsections:

MS. CUNNINGHAM noted that these new subsections were contained in the original HB 16.

(d) Provides that a person may voluntarily select a disability designation on their driver's license. This subsection also establishes the proof required for the designation and fees that may be charged.

(e) Provides that the department may not engage in bulk sharing of facial images captured during the application process for driver's licenses (other than commercial driver's licenses) with entities outside the state; and requires a commercial driver's license to be federally compliant.

Section 15: Amends 28.15.271(b) to charge a \$20 fee for a driver's license that is federally compliant.

Section 16: Adds a new subsection to AS 28.90.990(a) to define "driver's license that is federally compliant"

Section 17: Repeals AS 44.99.040(a)(2), the statute that prohibits use of assets to implement the REAL ID Act.

Section 18: Repeals AS 28.05.068(f) - the reporting requirement added by section 5 of this bill - on June 30, 2021.

Section 19: Transitional Provisions: Allows the Department of Administration to adopt regulations to implement this Act.

Section 20: Immediate effective dates for Section 17 (repeal) and Section 19 (authority for regulations).

[9:14:01 AM](#)

Section 21: Effective date of January 1, 2019 for the remainder of the bill.

[9:14:51 AM](#)

CHAIR MEYER advised that the new CS merges SB 34 (REAL ID) with HB 16.

He removed his objection, and asked if there was further objection.

SENATOR GARDNER objected for discussion purposes.

CHAIR MEYER renewed his objection.

CHAIR MEYER said both bills have been fully vetted. He explained that the reason for merging them is that SB 34 is a priority of the Governor's and is under a tight deadline for passage.

[9:15:49 AM](#)

SENATOR GARDNER said the concern some Alaskans have with the REAL ID Act is the sharing of data. She asked if the bill allows identifying data from a non-compliant state ID card to be shared with any entity outside the state. She specifically referenced Section 5 and [paragraph (2)] on page 8, line 25.



MS. CUNNINGHAM said she doesn't believe the information is shared, but she'd like a representative from the administration to confirm her answer.

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), Anchorage, Alaska, explained that DMV checks to make sure an applicant for a driver's license isn't licensed in another jurisdiction. This mandate also applies to a non-compliant driver's license. "We don't share information unless there's a match and we don't share information in bulk," she said.

[9:18:37 AM](#)

SENATOR GARDNER asked if her personal information would be shared with entities outside Alaska if she got a non-compliant driver's license.

MS. THOMPSON answered no, but if you use that non-compliant license as identification to get a license in another state, the Alaska DMV would be notified and would cancel the Alaska license.

SENATOR GARDNER referenced the existing language in AS 18.65.310(a) in Section 3. She said that she got a state ID card this year when she replaced her driver's license. She found it curious that the ID card is the same color as the license and it doesn't clearly state that it's for ID purposes only.

MS. THOMPSON said she would follow up with an explanation.

CHAIR MEYER noted that Captain Dan Lowden with the Alaska State Troopers was available to answer questions.

[9:19:28 AM](#)

SENATOR MICCICHE suggested the Rules Committee get the document that the Department of Administration provided to the Senate Finance Committee. "It clarifies the way things are today and the things that don't change with a regular compliant license and then what is shared." He said he found the document to be very helpful.

SENATOR GARDNER referenced Section 18 that repeals the reporting requirements of REAL ID. She surmised that the mandate for a report is being repealed because [by June 30, 2021] "we anticipate we've either thrown in the towel or had some success."

[9:21:00 AM](#)

LESLIE RIDLE, Deputy Commissioner, Department of Administration (DOA), Juneau, Alaska, said the committee wanted DOA to report on its efforts, but not in perpetuity. The hope was that Congress would have changed the law by 2021.

[9:21:46 AM](#)

MS. CUNNINGHAM reviewed the five fiscal notes for HB 16.

Fiscal Note Number 3 from the Department of Public Safety is zero.

Fiscal Note Number 4 from the Department of Corrections, Population Management is zero.

Fiscal Note 5 from the Department of Military and Veterans' Affairs, Military and Veterans' Affairs Homeland Security and Emergency Management is zero. This new fiscal note is similar to one adopted by the Senate Finance Committee for SB 34. It was rewritten to accompany HB 16.

Fiscal Note 6 from the Department of Public Safety, Statewide Support Commissioner's Office is zero. This new fiscal note is similar to one adopted by the Senate Finance Committee for SB 34. It was rewritten to accompany HB 16.

Fiscal Note 7 from the Department of Administration, Division of Motor Vehicles outlines the out-year cost estimates for expenditures and revenues that will be generated by issuing REAL ID cards and licenses. It also notes the estimated FY2018 capital costs. This new fiscal note is similar to one adopted by the Senate Finance Committee for SB 34. It was rewritten to accompany HB 16. The legislative liaison for the Department of Administration reviewed the content of this fiscal note for the Senate Finance Committee yesterday.

CHAIR MEYER noted that the Co-Chair of the Senate Finance Committee was on the Rules Committee and available to answer questions about the fiscal note.

CHAIR MEYER removed his objection to adopting the committee substitute.

[9:24:35 AM](#)

SENATOR GARDNER removed her objection.

CHAIR MEYER found no further questions or objection and solicited a motion.

SENATOR MACKINNON moved to report SCS HB 16(RLS), version 30-LS0194\0, from committee with individual recommendations and attached fiscal note(s).

CHAIR MEYER announced that without objection, SCS HB 16(RLS) moved from the Senate Rules Standing Committee.

9:25:25 AM

There being no further business to come before the committee, Chair Meyer adjourned the Senate Rules Standing Committee meeting at 9:25 am.