

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 23, 2017

5:30 p.m.

MEMBERS PRESENT

Senator Mike Dunleavy, Chair
Senator David Wilson
Senator Cathy Giessel
Senator John Coghill
Senator Dennis Egan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 34

"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."

- MOVED CSSB 34(STA) OUT OF COMMITTEE

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(STA) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3(MLV)

"An Act relating to the employment rights of employees in the state who are members of the National Guard of another state, territory, or district of the United States."

- MOVED SCS CSHB 3(STA) OUT OF COMMITTEE

SENATE BILL NO. 8

"An Act allowing federally recognized tribal governments to receive contributions from permanent fund dividends."

- BILL HEARING POSTPONED TO 3/28/2017

HOUSE BILL NO. 78

"An Act establishing the second Monday of October of each year as Indigenous Peoples Day."

- BILL HEARING POSTPONED TO 3/28/2017

PREVIOUS COMMITTEE ACTION

BILL: SB 34

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

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/23/17	(S)	READ THE FIRST TIME - REFERRALS
01/23/17	(S)	STA, FIN
02/23/17	(S)	STA AT 3:30 PM BUTROVICH 205
02/23/17	(S)	Heard & Held
02/23/17	(S)	MINUTE(STA)
03/21/17	(S)	STA AT 3:30 PM BUTROVICH 205
03/21/17	(S)	Heard & Held
03/23/17	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: HB 16

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

SPONSOR(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

BILL: HB 3

SHORT TITLE: NATL GUARD LEAVE/REEMPLOYMENT RIGHTS

SPONSOR(s): REPRESENTATIVE(s) TUCK

01/18/17 (H) PREFILE RELEASED 1/9/17
 01/18/17 (H) READ THE FIRST TIME - REFERRALS
 01/18/17 (H) MLV, STA
 01/26/17 (H) MLV AT 1:30 PM GRUENBERG 120
 01/26/17 (H) Heard & Held
 01/26/17 (H) MINUTE(MLV)
 02/02/17 (H) MLV AT 1:30 PM GRUENBERG 120
 02/02/17 (H) Moved CSHB 3(MLV) Out of Committee
 02/02/17 (H) MINUTE(MLV)
 02/03/17 (H) MLV RPT CS(MLV) 7DP
 02/03/17 (H) DP: LEDOUX, SPOHNHOLZ, PARISH,
 RAUSCHER, SADDLER, REINBOLD, TUCK
 02/14/17 (H) STA AT 3:00 PM GRUENBERG 120
 02/14/17 (H) Heard & Held
 02/14/17 (H) MINUTE(STA)
 02/16/17 (H) STA AT 3:00 PM GRUENBERG 120
 02/16/17 (H) Moved CSHB 3(MLV) Out of Committee
 02/16/17 (H) MINUTE(STA)
 02/17/17 (H) STA RPT CS(MLV) 6DP
 02/17/17 (H) DP: JOHNSON, WOOL, KNOPP, BIRCH,
 JOSEPHSON, KREISS-TOMKINS
 02/20/17 (H) TRANSMITTED TO (S)
 02/20/17 (H) VERSION: CSHB 3(MLV)
 02/22/17 (S) READ THE FIRST TIME - REFERRALS
 02/22/17 (S) STA
 03/16/17 (S) STA AT 3:30 PM BUTROVICH 205
 03/16/17 (S) Heard & Held
 03/23/17 (S) STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

CHRISTA MCDONALD, Staff
 Senator Mike Dunleavy
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Provided details on a committee substitute for HB 16.

LYNETTE BERGH, Staff
Representative Steve Thompson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided closing remarks on HB 16 on behalf the sponsor.

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 3, provided an overview.

KENDRA KLOSTER, Staff
Representative Chris Tuck
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided details regarding an amendment for HB 3.

ACTION NARRATIVE

[5:30:19 PM](#)

CHAIR MIKE DUNLEAVY called the Senate State Affairs Standing Committee meeting to order at 5:30 p.m. Present at the call to order were Senators Wilson, Giessel, Coghill, Egan, and Chair Dunleavy.

SB 34-DRIVER'S LICENSE & ID CARDS & REAL ID ACT

[5:31:01 PM](#)

CHAIR DUNLEAVY announced the consideration of Senate Bill (SB) 34. He noted that public testimony was heard and closed during the previous meeting. [Version 30-GS1781\0 was adopted 3/21/17.]

He provided an overview of the bill's status as follows:

We have before us a revised Senate State Affairs, Department of Administration (DOA) and Division of Motor Vehicles (DMV) indeterminate fiscal note. The original capital request has been deleted. It is the intent that the implementation of REAL ID would be self-supporting by utilizing the funds raised by the

additional fees that have been set for federally compliant licenses and ID cards; in other words, this bill will go forward with the understanding that the state will not be paying for this, but the applicants that go for the cards will.

He asked if there were any amendments from committee members.

[5:31:52 PM](#)

SENATOR WILSON moved conceptual Amendment 1 to the CS for SB 34, version 0.

CHAIR DUNLEAVY objected for purposes of discussion.

SENATOR WILSON detailed conceptual amendment 1 as follows:

On page 1, line 10, I would like to move the increase from \$5 to \$15; and then on page 5, line 31, I would like to move the increase from \$10 to \$20 and the rationale is for the purpose of increased fees to help underwrite the cost associated with shifting the production and distribution for licenses back to Alaska.

CHAIR DUNLEAVY removed his objection. He announced that without objection, conceptual Amendment 1 was adopted.

[5:32:43 PM](#)

SENATOR GIESSEL moved to report SB 34, work order 30-GS1781\0 as amended, from committee with individual recommendations and attached fiscal note(s).

[5:32:53 PM](#)

CHAIR DUNLEAVY objected and made the following statement:

I'm going to object to make a statement that I think is very important. I think it's probably no secret that myself and I'm sure others find this process by which the federal government, I believe, is coerced other states and is coercing our state into complying with issuing, or at least being part of the issuance of a new type of ID.

Currently there are several different types of IDs, passports and various cards that can be used nationwide in various forms, but this is going to be an additional ID card that the federal government

wishes to have. When I say it is distasteful and it is coercive, the fact of the matter is that the federal government itself could do these cards if they wanted to, but they wanted the state to and the coercive part is that we have caught in between the state and the federal government are contractors, state workers, businesses, etcetera that are somewhat in limbo, meaning that unless there is a methodology or a way for the workers and the contractors, etcetera to be able to access federal bases or other federal property that require these IDs or something similar, it's going to be very difficult for them to do that and I feel bad for contractors, I feel bad for the workers.

Again, I don't really feel bad for the federal government, I think this is problematic. I don't think this is going to be the end of the federal government's continual overreach. Everybody always seems to have a great idea coming from the federal government to "help," but in the end most often at the least it's a hindrance, at the most we lose a little bit of our rights.

Although we put a CS together to try and mitigate some of these issues, and we will be watching this to make sure there are firewalls between the State of Alaska driver's license and what I and some others consider to be basically a federal ID trap, we're going to have to keep an eye on this because I don't think we are going to see an end, I think this is just a beginning.

I appreciate the committee's indulgence with the CS and with the understanding that the applicants will have to fit the bill that the state should not fit the bill for this, and this is going to be going on to another committee of referral so more eyes can be on it for the people of Alaska before it gets to the floor.

I'll add one more comment to this, it's been asked of me why would I move a bill that is distasteful. I've always had somewhat of a philosophy as a chair that if you table a bill, you kill a bill, etcetera, the public never gets an opportunity to see it, the committee is never really given an opportunity to really work it over, and the legislators don't really get an opportunity to be able to look at it, ask the

questions, and finally vote on something on the floor. I wouldn't want some bills that I've had to be held hostage, this is one that it's a tough one for me as a committee chair to let go to the next committee of referral. I'm not going to support it because of the course of actions by the federal government, but I understand the situation if someone were a contractor or workers are in and I can sympathize with that; but none the less, I think it's somewhat heavy-handed, I think the best way to describe it is distasteful.

[5:36:38 PM](#)

CHAIR DUNLEAVY removed his objection. He announced that seeing no objection, CSSB 34(STA) moved out of committee with individual recommendations and attached revised Senate State Affairs fiscal note(s).

[5:36:57 PM](#)

At ease.

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

[5:38:25 PM](#)

CHAIR DUNLEAVY announced the consideration of HB 16. He noted that public testimony was taken and closed during the March 9 meeting. He noted that there is a CS for consideration.

[5:38:41 PM](#)

SENATOR GIESSEL moved to adopt the [Senate] CS for HB 16, work order 30-LS0194\D, as the working document.

CHAIR DUNLEAVY objected for discussion purposes.

[5:38:55 PM](#)

CHRISTA MCDONALD, Staff, Senator Mike Dunleavy, Alaska State Legislature, Juneau, Alaska, explained the changes to the bill made from the proposed CS as follows:

On page 3, lines 30-31, we changed the wording, it used to read, "duties and responsibilities," and we have revised that to read, "The rights and responsibilities of drivers when encountering or being stopped by a peace officer." We removed the requirement for the department to examine every applicant for a driver's license on the knowledge of duties and responsibilities. The knowledge of your

rights and responsibilities will still be in the handbook.

On page 4, line 10, we added "naturopath" to the list of licensed individuals who can provide proof of disabilities; it was brought to our attention that they deal with a lot of traumatic brain injury, patients and that sort of thing and they thought it was appropriate to add them to the list.

5:39:45 PM

CHAIR DUNLEAVY removed his objection. He announced that without objection, version D was adopted.

5:40:06 PM

LYNETTE BERGH, Staff, Representative Steve Thompson, Alaska State Legislature, Juneau, Alaska, stated that the sponsor, Representative Thompson, agreed with the changes made in the Senate CS for HB 16.

5:40:35 PM

SENATOR GIESSEL moved to report the Senate CS for HB 16, work order 30-LS0194\D, from committee with individual recommendations and attached fiscal note(s).

CHAIR DUNLEAVY asked if there was an objection to moving the bill out of committee.

SENATOR WILSON declared that he objected and explained as follows:

I am all in favor of the first major-two components of this bill, having law enforcement be educated upon how to deal with different mental health first aid. I am supportive of teaching young folks or folks coming to Alaska who may just not know how to properly deal with law enforcement or the best practices for that as well. I'm just a little leery upon designating this upon a license without some more clear definitions of sort of the hidden disabilities, there's a lot of areas.

I understand that this is an optional item that one can choose to go into, but it may not seem optional for those that may be under the influence or sort of control over someone that may have a payee, for example, or someone that may be under conservatorship,

or may still be an 18-year-old that is still in state custody through the Office of Children's Services or Adult Protective Services, those placed in nursing homes that may not be able to have that optional right as well. Moreover, I'm just a little concerned upon the liability this lends itself to. If I get pulled over and I feel that I was treated unfairly, and I had a disability and I felt that the law enforcement officer did not treat me in a way that I felt that was more respectable to my condition or illness, then that may open itself up to additional litigation and suits. You know, at the time I went to speak to Representative Thompson and was not able to get that opportunity to ask sort of how this ID would make the effects of some of those more recent cases we heard in the news. With that Mr. Chair, I oppose this bill based upon those grounds, but I will remove my objection.

[5:42:46 PM](#)

CHAIR DUNLEAVY acknowledged that Senator Wilson removed his objection. He asked Ms. Bergh to confirm that the legislation is optional for individuals.

MS. BERGH affirmed that it is voluntary.

[5:42:59 PM](#)

CHAIR DUNLEAVY announced that without objection, SCS HB 16(STA) moved out of the Senate State Affairs Standing Committee with individual recommendations and attached fiscal note(s).

[5:43:17 PM](#)

At ease.

HB 3-NATL GUARD LEAVE/REEMPLOYMENT RIGHTS

[5:44:24 PM](#)

CHAIR DUNLEAVY called the committee back to order and announced the consideration of HB 3. [CSHB 3(MLV) was before the committee.]

[5:44:38 PM](#)

He opened and closed public testimony on HB 3.

He announced that there is an amendment to the bill.

[5:44:55 PM](#)

At ease.

[5:45:21 PM](#)

CHAIR DUNLEAVY called the committee back to order. He moved Amendment 1 for HB 3.

30-LS0073\D.1

Wayne

3/20/17

AMENDMENT 1

OFFERED IN THE SENATE

TO: HB 3(MLV)

Page 2, lines 2-3:

Delete "active state service or National Guard service in another state

Insert "that active [STATE] service"

Page 2, line 5, following "or":

Insert "active"

SENATOR GIESSEL objected for purposes of discussion.

[5:45:39 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, Juneau, Alaska, explained that amendment 1 is a clean-up amendment and noted that his staff member would explain the changes.

[5:45:51 PM](#)

KENDRA KLOSTER, Staff, Representative Chris Tuck, Alaska State Legislature, Juneau, Alaska, provided a detailed overview of Amendment 1 as follows:

In the last hearing, Senator Wilson pointed out that we were missing a word on page 2, the word "active." So, as I talked with Dan Wayne with Legislative Legal, he agreed that that language needed to be cleaned up. So, this is what amendment 1 does is it cleans up the language to make sure it's consistent on page 1 and page 2 saying the same thing.

[5:46:20 PM](#)

SENATOR GIESSEL removed her objection.

REPRESENTATIVE TUCK commented on HB 3 as follows:

I want to thank this committee for taking up HB 3. This is something that I think is very important, we want to make sure that our Alaskan residents have the same reappointment act that they are called by the governor to duty as they would be the president. I just want to make a note that this does not include people who are non-Alaska residents, so this is one that I think that puts priority on Alaska residents who might be serving in the National Guard in another state that are also being protected as they serve their state.

[5:47:10 PM](#)

SENATOR GIESSEL moved to report the [Senate] CS for HB 3, work order 30-LS0073\D, as amended, from committee with individual recommendations and attached fiscal note(s).

[5:47:20 PM](#)

CHAIR DUNLEAVY announced that seeing no objection, SCS CSHB 3(STA) moved out of the Senate State Affairs Standing Committee.

[5:47:31 PM](#)

At ease.

[5:48:33 PM](#)

CHAIR DUNLEAVY called the committee back to order.

[5:48:45 PM](#)

There being no further business to come before the committee, Chair Dunleavy adjourned the Senate State Affairs Committee at 5:48 p.m.