

**HB**

**40**



# FISCAL NOTE

STATE OF ALASKA  
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB040-LAW-CDCO-1-9-1  
Bill Version: CSHB40 (TRA)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title "An Act relating to issuance of a driver's license." RDU Criminal Division  
Component Criminal Justice Litigation  
Sponsor Representative Lyvnn  
Requester House Transportation Committee Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
HB 40 prohibits issuance of an Alaska driver's license to anyone who is not a resident of Alaska as defined by AS 01.10.055, and is not a citizen of the United States or a legal alien.  
  
Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673  
Division Administrative Services Date/Time 1/9/04 4:30 PM  
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 1/9/2004  
Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB40-DOA-DMV-1-9-04  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Admin  
 Title US residency required for Drivers RDU Division of Motor Vehicles  
License issuance Component Motor Vehicles  
 Sponsor Representative Lynn  
 Requester House State Affairs Component No. 2348

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 40 adds that a person who is not a US citizen or is not lawfully admitted into the US may not receive a Alaska Driver's License. There will be a zero fiscal impact to the DMV as a result of this bill.

Prepared by: Duane Bannock  
 Division Motor Vehicles  
 Approved by: Mike Miller, Commissioner  
 Agency Department of Administration

Phone 269 5008  
 Date/Time 1/9/04 3:55 PM  
 Date 1/9/2004

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# Alaska State Legislature

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State Affairs Committee  
Joint Armed Services Committee

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House Environmental Conservation  
House Military & Veterans' Affairs  
House Court System



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
District 31 Anchorage

A handwritten signature in black ink, appearing to read "Bob Lynn", with a long horizontal line extending to the right.

Session:  
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Representative\_Bob\_Lynn@legis.state.ak.us

## SPONSOR STATEMENT HB 40 relating to Drivers' Licenses

A driver's license is a privilege, not a right. That's why Alaska has established minimum qualifications for a driver's license. That's why certain qualifications are mandated, such as a satisfactory score on written tests and driving tests, age, vision, etc. A state has a right to determine its own standards and qualifications. HB 40 merely adds a qualification that an alien must be legally in the United States to obtain an Alaska driver's license.

Passage of HB 40 will

1. Strengthen homeland security
2. Help establish legal residency
3. Help prevent voter fraud
4. Increase protection against identity theft
5. Increase public safety
6. Help maintain legal accountability

Nothing in the bill would act against the rights of any legal alien in Alaska.

### **HB 40 STRENGTHENS HOMELAND SECURITY:**

Homeland Security is critical in the post-9/11 era. Homeland Security is a top priority of the President of the United States, and the Governor of Alaska. Alaska has several potential targets of opportunity for terrorists.

When a terrorist has access to a legitimate Alaska driver's license, it becomes easier to disappear into a community and plan destruction of Alaska targets. This is an extremely dangerous variety of identity theft. According to US Representative Cass Ballenger (R-NC), "A driver's license or state identification card is an essential tool, used by illegal aliens" (some of whom may be terrorists) "to solidify their presence here and to move about freely. This is a clear threat to our safety and economic security

### **HB 40 HELPS DETERMINE LEGAL RESIDENCY:**

State residency is a legal requirement for an Alaska driver's license. Obviously, illegal aliens cannot be legal resident of any state, including Alaska. If Alaska provides illegal aliens with

driver's licenses, the state enables false appearance of legal residence to an illegal alien who is, by definition, ineligible for a license, as well as being a lawbreaker.

**HB 40 HELPS PREVENT VOTER FRAUD:**

An illegal alien with an Alaska driver's license, would enable a non-citizen of Alaska to register to vote under the Motor Voter Act. We should protect the integrity of our Alaska voter rolls.

**HB 40 HELPS PREVENT IDENTITY THEFT:**

State-issued driver's licenses have become the *de facto* primary identity document throughout Alaska and the United States. In fact, driver's licenses are so generally requested, for purposes unrelated to driving, that motor vehicle administrations also issue identity cards for non-drivers.

A significant problem is that driver's licenses are a "breeder document" that can provide access to many other documents, and facilitate "identity theft."

Driver's licenses commonly used to establish identity to law enforcement, employment, credit, and retail transactions. It's a sad irony that illegal aliens, who falsify identity documents, too often use those documents to prey on legal, law-abiding, aliens.

Once a person has obtained a driver's license or state identification card in one state, he can use it in any other state. Worse, a driver's license can easily be exchanged for a different state's license or identity card. An exchange is faster and requires much less documentation than a new issue.

**HB 40 ENHANCES PUBLIC SAFETY:**

One effect of granting driver's licenses to illegal aliens is to facilitate a larger number of persons on the road who are typically less experienced drivers, more often uninsured, and who are more likely to be hit-and-run drivers when they cause an accident.

**HB 40 AIDS LEGAL ACCOUNTABILITY:**

A proper driver's license helps establishes legal accountability when traffic laws are broken, or a motorist causes an accident - but when an illegal alien is identified as responsible for an accident, holding the driver accountable may be difficult if a false name and address on the driver's license.

**IN SUMMARY:**

HB 40 is needed to Help establish legal residency, help prevent voter fraud, strengthen homeland security, increase protection against identity theft, and to increase public safety.

Your favorable vote on HB 40 is urged.

**FAX TO:** REP. LYNN  
**FROM:** CHUCK HOSACK, DMV  
**DATE:** JAN 31, 2003  
**SUBJECT:** HB 40  
**PAGES:** 7 (INCLUDING COVER SHEET)

Rep. Lynn

I enjoyed meeting you and discussing the issues of HB 40. I have attached 3 documents concerning HB 40 that we discussed yesterday. These documents are:

1. DMV Standard Operating Procedures (SOP) – (3 Pages)

These are the pages of the DMV manual that address acceptable documents for proof of identity and age. To obtain a license a person must have one document from the primary list and a second document from either the primary or secondary list. If a person is a legal alien, they would have to present one of the documents specified in #11 of the primary document list.

2. States with Legal Presence Laws – (1 Page)

This is a list of the states that already have Legal Presence laws compiled by a survey completed last year.

3. Pros/Cons of Legal Presence – (2 Pages)

This is an information sheet from DMV's national organization presenting both sides of the arguments for and against legal presence laws.

If you have any questions on any of this please let me know.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. D-20	Page No. 1 of 23
	Effective June 1, 2000	
Subject: <b>IDENTIFICATION AND PROOF OF DATE OF BIRTH</b>	Supersedes D-20	Dated 11/21/94
	Approved <i>Charles R. Hosack</i>	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330(b)	Form No.

**ORIGINAL ALASKA DRIVER'S LICENSE or IDENTIFICATION CARD**

Every person who makes an original application for a driver's license or permit must furnish documentary proof of his/her date of birth (See Primary Identification Documents) and at least one form of identification to verify his/her name (See Secondary Identification Documents). IF A PERSON HAS A VALID PHOTO DRIVER'S LICENSE ISSUED BY A STATE DMV, NO OTHER IDENTIFICATION IS REQUIRED.

**CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.**

**PRIMARY IDENTIFICATION DOCUMENTS**

1. An original or certified copy of a United States or Canadian birth certificate. The certificate must have a raised seal and be issued by an authorized government agency such as the Bureau of Vital Statistics or State Board of Health. Hospital issued certificates and baptismal certificates are not acceptable.
2. Canadian Department of Indian Affairs issued identification card. (Tribal Issued card is not acceptable. A U.S. Issued Department of Indian Affairs card is not acceptable.)
3. Court order which must contain the individual's full name, date of birth and court seal. Some examples include an adoption document, a name change document, gender change document, etc. It does not include an abstract of criminal or civil conviction.
4. Drivers license/permit issued by a State/Canadian DMV. Cannot be expired over one year.
5. Identification card issued by a State or Canadian DMV. Cannot be expired over one year.
6. Microfilm/copy of a drivers license issued by a State or Canadian DMV, provided it has been certified by DMV.
7. Microfilm/copy of an Identification card that has been certified by the Issuing DMV.
8. Military Identification card for active duty, retiree or reservist. (Service member only. Dependent military ID's are not acceptable as a primary document.)
9. Passport - U.S. or Canadian.
10. Report of Birth Abroad by a Citizen of the United States, issued by a U.S. consular officer.
11. The following Immigration and Naturalization Service (INS) documents are acceptable. The document must be an original and expired documents are unacceptable:
  - a) Certificate of Naturalization (N-550, N-570, or N-578)
  - b) Certificate of Citizenship (N-560, N-561, or N-645)
  - c) Northern Marianas Card
  - d) American Indian Card
  - e) United States Citizen Identification Card (I-179 or I-197)
  - f) Resident Alien Card or Permanent Resident Card (I-551)
  - g) Temporary Resident Card (I-688)
  - h) Arrival-Departure Record (In a valid foreign passport) (I-94)
  - i) Valid foreign passport containing an I-551 stamp
  - j) Re-entry Permit (I-327)
  - k) Refugee Travel Document (I-571)
  - l) Employment Authorization Card or Employment Authorization Document (I-688A, I-688B, or I-766)
  - m) Arrival-departure Record stamped "Refugee" (I-94) (Refugee's I94 will not likely be in a foreign passport)
  - n) Canadian Immigration Record and Visa or Record of Landing (IMM 100).

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. D-20	Page No. 2 of 3
	Effective August 8, 2001	
Subject: <b>IDENTIFICATION AND PROOF OF DATE OF BIRTH</b>	Supersedes D-20	Dated 6/1/00
	Approved: <i>[Signature]</i>	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330 (b)	Form No.

### SECONDARY IDENTIFICATION DOCUMENTS

1. All primary documents
2. Bureau of Indian Affairs card or an Indian Treaty Card. (Some tribal cards are more reliable than the BIA card. DMV's can make their own determination.)
3. Driver license or ID card that has been expired over a year.
4. Court order that does not contain the applicant's date of birth.
5. Photographic employer identification card.
6. Foreign birth certificate.\*
7. Foreign passport.\*
8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
10. Marriage license or certificate.
11. Individual's medical records from a doctor or a hospital.
12. Military dependent identification.
13. Military discharge or separation papers. (DD214)
14. Parent or guardian affidavit for minors, only. The parent or guardian must appear in person and prove their identity and submit a certified or notarized affidavit regarding the child's identity.
15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Social Security card (D-17). A metal card is not acceptable.
19. Photographic school identification card.
20. Vehicle title. A vehicle registration is not acceptable.
21. Welfare card.
22. Prison release document.

\*See the following page for further information on foreign documents.

### LOST ALASKA DRIVER LICENSE/PERMIT/I.D. CARD REQUIREMENTS:

- Two items from either the primary or secondary identification document list. In offices with ALVIN terminals the information on the computer may be used in place of one of the items provided the person can verify address, date of birth, place of birth, Social Security number and the physical description matches.
- Offices without computer terminals must contact a terminal office to verify that the status of the license is clear, in addition to the requirement of two items.
- In extreme cases, you may request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when all identification documents have been lost or stolen. In these cases, request the photo by e-mail (olphotos@dps.state.ak.us) or call 269-5741. Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

**NOTE:** Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an *original* driver license or ID card. They may be used for issuance of a duplicate OL or ID as a last resort and in conjunction with the ALVIN record.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No. D-20	Page No. 3 of 3
	Effective August 8, 2001	
Subject: <del>IDENTIFICATION AND RECORD DATE OF BIRTH</del>	Supersedes NEW	Dated
	Approved <i>Mary Marshall</i>	
Statute: AS 28.15.061	Regulation: 13 AAC 08.330 (b)	Form No.

**LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:**

- Furnish documentary proof of his/her identity and date of birth, the same as for an original license.
- Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

**ALTERATIONS**

Any document that contains an alteration that changes the name, date of birth, or other pertinent information will not be accepted.

**FOREIGN DOCUMENTS**

Any primary or secondary document that is in a language other than English must be translated into English and must be accompanied by a Certificate of Accuracy of Translation by the person translating the document(s). DMV will accept the self-certification of anyone who certifies they have the competency to translate.

STATE OF ALASKA DIVISION OF MOTOR VEHICLES <b>CERTIFICATE OF ACCURACY OF TRANSLATION</b>	
I, _____, attest to my competency to translate <small>(NAME OF TRANSLATOR)</small>	
from _____ to English, and I certify I have translated the attached document. <small>(FOREIGN LANGUAGE)</small>	
The attached translation is the correct English translation of all pertinent information from the original _____ for _____ <small>(DOCUMENT TYPE)</small> <small>(LEGAL NAME OF APPLICANT)</small>	
The following must be completed by the person who translated the document(s):	
_____ <small>PRINTED NAME</small>	_____ <small>TELEPHONE NUMBER</small>
_____ <small>ADDRESS</small>	
_____ <small>SIGNATURE</small>	_____ <small>DATE</small>
<small>(8/2001)</small> <a href="http://www.state.ak.us/dmv/">www.state.ak.us/dmv/</a>	

States with Legal Presence Laws

Source: American Association of Motor Vehicle Administrators (AAMVA) Survey,  
March 2002

ALABAMA  
ARIZONA  
ARKANSAS  
CALIFORNIA  
COLORADO  
CONNECTICUT  
DELAWARE  
FLORIDA  
GEORGIA  
IDAHO  
KANSAS  
KENTUCKY  
LOUISIANA  
MAINE

MARYLAND  
MASSACHUSETTS  
MINNESOTA  
MISSISSIPPI  
MISSOURI  
NEW HAMPSHIRE  
NEW JERSEY  
NEW MEXICO  
NEW YORK  
SOUTH CAROLINA  
SOUTH DAKOTA  
WASHINGTON DC  
WYOMING

Legal Presence and DL/ID – Should undocumented immigrants be allowed to have a DL/ID?

**Opinions in favor:**

- The highways will be safer if drivers are controlled (whether we like it or not, immigrants who are here illegally will drive, if for no other reason than to get to work): they should take knowledge and skills tests, obtain registrations and insurance, and be sanctioned and controlled to do what they will do anyway.
- From a law enforcement perspective, it would be beneficial to be able to identify and control the actions of the undocumented immigrants who are currently unlicensed.
- They are residents and most are here to stay (conservative estimates are that 8.5 million people in the U.S. are in this category). They play a large role in the economy (may obtain government Tax Numbers and pay taxes).
- A large black market exists for obtaining fraudulent breeder documents to falsify identity and their illegal status (given the opportunity to identify themselves and be licensed under their own names they would choose this option).
- Background security checks could be performed that would satisfy needs to prevent criminals/terrorists from obtaining documents. The plans are that CDL holders of HAZMAT endorsements will be checked for background histories. If we wanted criminal history checks on undocumented immigrants prior to licensing then laws/regulations/policies could be established to require this.
- It is possible to create a DL/ID document that would identify the immigrant as undocumented (if this was thought to be necessary). Of course, many individuals without legal status are not likely to volunteer this information for fear the immigration authorities will be notified. The "scarlet letter" status of a document thus identified could also be considered a profiling issue.
- Motor vehicle agencies are not the immigration authority. It becomes our problem if we choose to embrace it and debate it to a conclusion. It may be better to entertain a "don't ask, don't tell" policy.
- How will we deal with the existing undocumented immigrant population that currently exist on our driver license files and have been issued DL/IDs? Prior to the September 11<sup>th</sup> tragedy, we may have issued documents to individuals who were (at the time) in our jurisdictions legally. Since that time, they may have overstayed their legal status. Should we re-identify the entire DL/ID population to purge the legacy system of these undocumented individuals, or do we adopt a "day forward policy" and ignore this issue?

**Opinions against:**

- An undocumented immigrant will become "legalized" and be granted the illusion of citizenship by obtaining a DL/ID (the DL/ID is the most common form of identification in the US/Canada today – the "illegal" immigrants can put all other papers away if they are granted one of these documents).
- We should uphold the laws of the land. Ignoring the legal status of individuals seeking our documents, which we know will be used for identification purposes, puts us in a position of compromise.

- In order to obtain a SSN you must show proof of citizenship or lawful presence (most MVAs require SSN because of statutes - the relaxation of this requirement may undermine many other governments activities).
- National safety and security issues are at stake (this is a first line defense in preventing many types of crimes from underage drinking to potential terrorist activities - background checks on undocumented immigrants will be very difficult, if not impossible to obtain, especially at an MVA office).
- If a temporary license, or some sort of "second class" document with fewer security features were created for illegal immigrants it would lead to additional identification fraud (individuals "not illegal immigrants" would use such a less secure document to counterfeit/alter and it would serve as a target broader document to obtain other forms of fraudulent identification).
- If we do not have a uniform/standard policy there will be "jurisdiction hopping" to obtain a document where requirements are more favorable/lax toward an undocumented immigrant (the chain is only as strong as the weakest link and reciprocity rules will be in question if every jurisdiction is doing something different).
- Law enforcement would have a difficult time knowing a "legal" from an "illegal" immigrant without some method of identification on the document or MVA record (this could be controversial in terms of creating a "second class" document or considered profiling if immigration groups were to argue for no formal recognition of the undocumented immigrant's status).
- The laws for driving without a license are not effective in preventing undocumented immigrants from driving without licenses (these laws should be strengthened to deter such actions, not the rules of identification and illegal immigration weakened to accommodate those who supposedly MUST break the laws to obtain the type of work they want to perform).

**Conclusions:**

We believe that our federal lawmakers must deal with this issue. It must not be left as a motor vehicle administration problem. Continuing different jurisdictional practices, perhaps in violation of our own laws, runs the risk of losing reciprocity agreements for driving and identification of individuals between jurisdictions and in the greater community.

# STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

DIVISION OF MOTOR VEHICLES

FRANK H. MURKOWSKI, GOVERNOR

Mike Miller, Commissioner

3300 B FAIRBANKS STREET  
ANCHORAGE, ALASKA 99503

PHONE: (907)269-5559

FAX: (907)269-6084

MAY 12 2003

May 8, 2003

The Honorable Ethan Berkowitz  
Alaska State House  
Juneau, AK 99801

Dear Representative Berkowitz:

On May 7, 2003, in the House State Affairs committee hearing on HB40 you had requested that I check on costs of similar bills in California and Virginia. I do have the information from Virginia on a recently passed law. I do not yet have any information from California as yet but I did find that California has had a "legal presence" law since 1994 so this is not a new issue for California. With a law that has been in effect for that long it is not surprising that there have been changes in costs since initial implementation. In the interests of providing the information as quickly as possible, I will provide the Virginia fiscal information now while I continue to research the California information. To expedite this effort, it would be helpful if you could tell me the source of your information. As you can imagine California DMV is a large organization and tracking down the right person to talk to can be difficult.

In Virginia, HB1954 was signed into law in March, 2003. This bill required a driver license applicant to prove that they were a US citizen or legal alien and also to prove that they were a resident of Virginia. A fiscal note for FY04 was approved for the Virginia DMV to implement this bill. The major costs are outlined below along with my comments on how the Virginia approach differs from the Alaska approach. These costs are taken directly from the explanation portion of the fiscal note.

#### Virginia DMV HB1954 Costs

1. \$244,807 was approved programming and first year operation costs to connect to the INS SAVE computer system. The INS SAVE system allows on-line verification of INS issued documents and alien status. Alaska does not plan to connect to this system and HB40 does not require such a connection. This cost is not applicable to Alaska's implementation plan.
2. \$200,000 was approved for training at customer service centers to implement the legal presence requirement. The obvious difference is in the scale of effort. Virginia DMV has approximately 4,000 employees whereas Alaska DMV has 165. Alaska DMV already does employee training on acceptable documents and this is included in the normal operating

budget. Since Alaska DMV currently does this training, no additional training costs are incurred as a result of HB40.

3. \$889,482 was approved to hire 24 new employees to absorb the additional workload at customer service offices. The Virginia law requires not only new applicants but also current license holders to prove Virginia residency. Some persons renewing a driver license will not be able to use the internet or telephone renewal services and instead will have to come into a DMV office to prove residency at renewal. The provision to prove Alaskan residency was removed from HB 40 by the sponsor so these costs do not apply to Alaska's program.

As you can see there are significant differences in the laws and in the ways that states implement similar programs. Just based on population numbers it is not valid to make comparisons between California, Virginia and Alaska. I will continue to seek information from California but a \$1.4 million cost for California is fairly insignificant. With approximately 22 million drivers the \$1.4 million cost would equate to 6.5 cents per driver. I do know that in 2000 California began a program to verify a person's Social Security Number on-line with the Social Security Administration before issuing a license. That may very well account for the increased cost but HB 40 has no requirement use such a system. Alaska's program is designed to keep all costs down in light of current budget constraints.

I trust this information will be useful and will help to ease your concerns on program costs. I reiterate my statement that I stand by my original fiscal note. There are more expensive approaches that DMV could have taken to implement this program but DMV chose to keep costs down unless there is an clear requirement or substantial benefit for the expenditure.

Sincerely,



Charles R. Hosack  
Deputy Director

cc: Representative Lynn  
Representative Weyhrauch

**Subject:** [Fwd: Application of HB40 content to Hyder Alaska]  
**Date:** Tue, 13 Jan 2004 16:38:12 -0900  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

print for the committee files

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**Subject:** Application of HB40 content to Hyder Alaska  
**Date:** Tue, 13 Jan 2004 13:43:24 -0900  
**From:** "John Pearson" <jpearson@ptialaska.net>  
**To:** "Bruce Weyhrauch" <Rep\_Bruce\_Weyhrauch@legis.state.ak.us>

I just tuned into gavel to gavel to hear the legislation being proposed by Representative Lynn regarding drivers licenses.

Three situations to consider showing the pitfalls of the Legislation:

- 1.) The HB 40 legislation may well impact the two neighboring communities of Hyder Alaska and Stewart BC where from time to time foreigners (residents of Stewart BC) are employed in Hyder under a special provision of the US Government for such employment in international border communities. The foreign worker is not issued green card in order to fill the Hyder employment needs. These individuals return home to Stewart BC at the end of their workday as Canadians. The employer may request the foreign employee to secure an Alaska drivers license to perform employment duties.
- 2.) In the Hyder Bottled Water plant there is every opportunity that a workforce demand cannot be secured on the American side of the border. The laws of the United States again provides for Hyder businesses to hire staff from neighboring Stewart BC if Alaskans are not available. If the Hyder plant hires an employee, and the employee is required to operate a fork lift in the plant, the plant will require two documents. (A.) Evidence of having completed and holding a valid State Certified Fork Lift Operators permit, and (B.) Evidence of holding a valid Alaska Drivers License to operate a vehicle. HB-40 as presented will again not meet the Hyder needs.
- 3.) Hyder is currently entering the small cruise vessel industry. First vessels will be arriving this next summer. Our program will be a joint effort of the communities of Hyder and Stewart, involving the movement of visitors by motorcoach from Hyder, to the Hyder bear viewing stands and to neighboring Stewart for a tour. There is every possibility the local Hyder Alaska bus/van operator will employ a tour guide /driver from Stewart BC under the provisions of the US Government allowing such employment when qualified local Hyderites cannot be found. The local bus/van operator will require a valid Alaska drivers license of his employee. However, again the proposed HB 40 legislation is in conflict with local needs as well as the federal provision.

I trust this will make clear one more reason not to pass HB 40 as it is proposed.

John Pearson  
Hyder-Economic Development Planner



## Catholic Social Services

225 Cordova Street • Anchorage, Alaska 99501 • (907) 277-2554 • fax (907) 272-7370 • catholicocialservices@css-ak.org  
www.cssalaska.org

January 13, 2004

Representative Bruce Weyhrauch  
State Affairs Chairman  
State Capitol, Room 102  
Juneau, AK 99801-1182

Dear Representative Weyhrauch:

Thank you for giving me the opportunity to address the State Affairs Committee today concerning Catholic Social Services' opposition to House Bill 40, an act relating to the issuance of identification cards and driver's licenses.

As I stated during my testimony, Catholic Social Services believes this legislation to be an unnecessary burden to our clients. We served over 26,000 Alaskans last year. The vast majority of those are the poor of our state. We feel strongly that those we serve need assistance with the identification and removal of barriers that lead to unemployment, homelessness and dependence. HB 40 threatens to become one of those barriers!

As many members of the committee noted, and Catholic Social Services agrees with, HB 40 does nothing to further homeland security, threatens public safety and increases costs to insurance companies and insured motorists. It also has the potential to be costly and is a potential barrier to employment.

I urge you, on behalf of Catholic Social Services and those we serve to vote against HB 40.

Sincerely,

Ellen Lawlor Krsnak  
Community Development Director

CC:

Representative Holm  
Representative Coghill  
Representative Lynn  
Representative Berkowitz  
Representative Gruenberg



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Immigration & Refugee Services • McAuley Manor • Pregnancy Support Services • Special Needs Services • St. Francis House

**Subject:** [Fwd: HB 40]

**Date:** Sun, 11 May 2003 19:56:32 -0800

**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

please follow up and make this happen

bw

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**Subject:** HB 40

**Date:** Sat, 10 May 2003 02:47:22 +0000

**From:** "Mara Kimmel" <mekimmel@hotmail.com>

**To:** Representative\_Bruce\_Weyhrauch@legis.state.ak.us

Dear Representative Weyhrauch,

My name is Mara Kimmel, and I am the Supervising Attorney at the Immigration and Refugee Services Program at Catholic Social Services in Anchorage. I understand that HB 40 is currently before your committee and I write in opposition to that bill in its current form. I previously testified against this bill when it was in front of the House Transportation committee.

Briefly, in addition to the discriminatory impact of this bill on certain Alaskans such as those fleeing political persecution, we at Catholic Social Services are profoundly concerned about the public safety consequences of refusing to license all of Alaska's drivers. Unlike the issues outlined in the Sponsor statement accompanying this bill, this proposal does absolutely nothing to ensure either public safety or homeland security (all of the September 11 hijackers would have been able to obtain a drivers license in Alaska if that bill were the law of the land at that time).

Catholic Social Services is also very concerned about the fiscal impact of such legislation in a time when Alaska is facing serious budget shortfalls. The budget impact in the various states implementing a policy similar to the one considered in this bill ranges from 1.4 million dollars annually in some states to 5.5 million dollars in other states. This is money that could be better spent on many other programs to help, not hurt, Alaskans.

I would appreciate the opportunity to testify in front of your committee on this bill should it be scheduled again, and I understand that the bill can be scheduled at any time. If you do plan to schedule this bill again, please inform me so that I can appear before your committee.

Thank you so much for your understanding in this matter.

Mara Kimmel

(907) 222-7313 (work)

(907) 279-5659 (home)

# Anchorage Daily News

Thursday, April 22, 2004

ALASKA'S NEWSPAPER

www.adn.com

## Institute rates Alaska DMV as one of most lax in U.S.

■ **LICENSES:** State disputes claim that it deserves an "F" in verifying applicants' identities.

By **RICHARD RICHTMYER**  
Anchorage Daily News

Alaska's Division of Motor Vehicles is among the nation's most lax when it comes to verifying the identities of driver's license applicants, according to a new study.

"The findings, frankly, are stunning," said Amitai Etzioni, director of the Institute for Communitarian Policy Studies at George Washington University, which examined the safeguards in place at motor vehicle offices in all 50 states.

The institute, which promotes a balance between individual rights and social responsibility, looked into the subject because driver's licenses are widely used as the definitive ID, and the Sept. 11, 2001, terrorists got

theirs through other lax states, namely Florida and Virginia, Etzioni said.

Those states have since shored up their systems, making states that haven't done so attractive destinations for future terrorists looking to acquire false identification from a valid source, Etzioni said.

"We know that the terrorists always discover where the weakest links are," he said.

Officials at the DMV and the state's Division of Homeland Security called the study's

conclusions unfair, arguing that it did not take into account all of the identity-verification measures in place, only a select few that aren't.

The institute established four steps it said states should take, at a minimum, to ensure effective screening for fraudulent applications and assigned a grade based on how many they used.

■ **RANKING GRAPHIC:**  
A look at the criteria on which state DMVs were graded along with a list of the best and worst state DMVs.

**Back Page**

See Back Page, DMV

# DMV: Alaska is 1 of 4 states to get an 'F' from institute

Continued from A-1

The steps were verifying Social Security numbers using an online database system; requiring proof that the applicant is legally in the United States and a resident in the state; linking license expiration dates to visa expiration dates for foreigners; and using biometric information, such as fingerprints or retinal scans, to verify identity.

Alaska is one of only four states that got an "F" for not taking any of those steps, Etzioni said. Wisconsin, Michigan and Oregon also flunked the institute's test.

DMV director Duane Bannock acknowledged that Alaska's system isn't perfect, but he argued that Alaska doesn't deserve a failing grade and the institute's study only looked at part of the system.

Although Social Security cards are allowed as one form of acceptable identification, they are not required, and Bannock said it's easy to get a fake number that would check out on a database.

Applicants for an Alaska driver's license are required to present two pieces of identification, a "primary," that proves date of birth, and a "secondary" to prove identity. An applicant furnishing two primary forms of identification is not required to show a secondary form, Bannock said.

Acceptable primary identification documents include an original or certified birth certificate, a court order, another state's driver's license, a copy of a driver's record from another state, and a military ID card, Bannock said.

Social Security cards are on a list of about two dozen acceptable forms of secondary identification, which also includes health insurance cards, photographic employee identification cards and even income tax returns, Bannock said.

Workers who process driver's license applications across the state receive regular training in how to spot fake birth certificates, Social Security cards and other identifying documents, Bannock said.

Alaska's DMV has no immediate plans to put in place a Social Security

number verification system, nor is it likely that applicants will be fingerprinted or retinal-scanned any time soon, Bannock said.

However, he said the idea of making driver's licenses for foreigners expire when their travel or work visas expire is a good one, and he called the institute's criticism on that point fair.

"I would expect that's going to be changed here very soon," he said.

Meanwhile, state lawmakers next week are expected to resume debate on a bill that would require proof of citizenship or legal residency as a condition for getting an Alaska driver's license, which has been a hot-button in statehouses across the nation recently.

Alaska's bill, sponsored by Rep. Bob Lynn, R-Anchorage, has languished in Juneau since January 2003. Lynn said he hopes to get it passed out of the State Affairs Committee and onto the House floor before the Legislature adjourns the session in three weeks.

"I don't want Osama bin Laden or any of his friends to be able to get Alaska driver's licenses, and

the way it is now, that in fact could happen," Lynn said.

An aide to State Affairs Committee Chairman Bruce Weyhrauch said he has put it on the hearings calendar for next week.

Tom Burgess, deputy director of the state's Division of Homeland Security and Emergency Management, said the institute's grading system was flawed, and that the state doesn't deserve an "F."

"Things like this do cause us concern, and we'd like to see something done in all these different areas," Burgess said.

"But I don't know that there's a bunch of holes in the system, and I haven't seen any indications that we have a problem," Burgess said. "People have to look at more criteria before they start assigning grades to states. A more thorough analysis is appropriate here."



RON ENGSTROM / Anchorage Daily News

## ADN LINKS

■ **LICENSE TO HIDE:** To read the report on drivers license screening in all 50 states, and how each state ranks, just follow the links.

[www.adn.com/links](http://www.adn.com/links)

■ Daily News reporter Richard Richtmyer can be reached at richtmyer@adn.com or 257-4344.

Conceptual

HB 40 – Amendments

Amending page 2 after line 19:

Amendment #1  
as amended

A: However (8) shall not apply to a person who is already in possession of a valid driver's license who applies for license renewal, or change of legal names on a currently valid license, or replacement of a currently valid Alaska Driver's License that has been lost.

*Division*

- B. The ~~Department~~ of Motor Vehicles may determine by regulation what primary documents will be acceptable as proof of legal presence in the United States or an alien legally admitted to the United States, to include persons who have filed for ~~an appeal for amnesty for~~ legal presence.

Bob Lynn  
465-4931