

SB

189

ALASKA STATE LEGISLATURE

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Charlie Huggins Senator

March 17, 2006

Sponsor Statement

CSSB 189 – “An Act relating to issuance of identification cards and to issuance of driver’s licenses.”

On May 11, 2005 President Bush signed into law the REAL ID Act. Provisions of this legislation improved security for drivers’ licenses and personal identification cards as well as set uniform standards for state driver’s licenses and identification cards. CSSB 189 is designed to bring Alaska into compliance with the new federal Real ID Act.

Proper documentation shall be provided to the Division of Motor Vehicles that establishes that an applicant is either a U.S. citizen or legally present in the United States for the purposes of issuing an identification card or drivers license.

As required by the REAL ID Act, CSSB 189 establishes that in order to issue temporary licenses or temporary ID cards, that will be acceptable to the federal government for identification purposes, there must be an expiration date of the identification card or driver license to coincide with the length of stay in the United States. If the period of authorized stay is indefinite, the expiration date of the license is one year from the date of issue.

A federal agency may not accept a driver’s license or personal identification card after May 11, 2008, unless the state has been certified by the U.S. Department of Homeland Security in consultation with the U.S. Department of Transportation to meet the requirements of the law.

CSSB 189 is needed to enhance the security of the driver’s license and identification card due to increasing problems of identity theft and fraud. Driver’s licenses and state issued identification cards have been used as proof of identity more often than proof of one’s ability to drive safely. Holding one of these credentials provides access to an ever-increasing number of privileges and services, from obtaining credit to cashing checks, buying or leasing cars and boarding airplanes.

Alaskans deserve the right to be assured motorists driving with Alaska driver’s licenses are legally in the United States and we know their identities.

Contact Information – Deborah Grundmann 465-4711

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1/31/06

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On May 11, 2005 President Bush signed into law the REAL ID Act. Provisions of this legislation improved security for drivers’ licenses and personal identification cards as well as set uniform standards for state driver’s licenses and identification cards. CSSB 189 is designed to bring Alaska into compliance with the new federal Real ID Act.

Currently the Alaska Division of Motor Vehicles, through Standard Operating Procedures, has required that proper documentation be provided to establish that an applicant is either a U.S. citizen or legally present in the United States for the purposes of issuing an identification card or drivers license. CSSB 189, puts into statute what DMV is currently requiring procedurally.

Secondly, as required by the REAL ID Act, CSSB 189 establishes that in order to issue temporary licenses or temporary ID cards, that will be acceptable to the federal government for identification purposes, there must be an expiration date of the identification card or driver license to coincide with the length of stay in the United States. If the period of authorized stay is indefinite, the expiration date of the license is one year from the date of issue.

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FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 189(STA)
 (S) Publish Date: 2/8/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: "An Act relating to issuance of Identification Cards and RDU Division of Motor Vehicles
and the Issuance of Driver's Licenses'..." Component: Motor Vehicles
 Sponsor: Sen. Huggins
 Requester: (S) State Affairs Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	20.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	20.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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						
1156 Rcpt Svcs	20.0	0.0	0.0	0.0	0.0	0.0
TOTAL	20.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill is designed to bring Alaska into compliance with the new federal Real ID Act. While all of the details of the Act are currently being created through the rulemaking committee, this bill includes the 2 major components of the Act: all DL/ID applicants must be either US citizens or be able to establish their legal presence; and those persons with 'time-limited' legal status may not receive a DL/ID with an expiration date later than the allowable length of stay.

The cost associated in FY 07 is to make major changes in our database (ALVIN) to accept these new expiration dates and other verification fields. Other costs may be associated with the Real ID Act that will not be noted until later.

Prepared by: Duane Bannock, Director Phone 269 5008
 Division: Motor Vehicles Date/Time 1/31/06 8:00 AM
 Approved by: Mike Tibbles, Deputy Commissioner Date 1/31/2006
 Agency: Department of Administration

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- What is the definition of Citizenship?
- How do you become a citizen?
- **What does the Constitution say about citizenship?**
- What does it mean to be "Naturalized"?
- How can you lose your citizenship?
- What is the history of citizenship in the U.S.?
- Why is it important to vote?

What does the Constitution say about citizenship?

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The United States Constitution, drafted in 1787, did not explain citizenship, but it did mention "citizens of the States" and a "citizen of the United States." Citizens of the United States became entitled to the rights guaranteed to them by the Constitution and its later amendments. Among these rights were the right to vote, own property, seek elective office, and be protected by the laws of the land.

Because the young United States followed British common law, it accepted the rule of *jus soli* (place of birth). As early as 1790, Congress recognized the rule of *jus sanguinis*, or blood relationship, by passing laws giving citizenship to a child born in a foreign country if the father was a citizen of the United States.

The 14th Amendment

The first official written explanation of American citizenship was included in the 14th Amendment to the Constitution (1868). Section 1 of this amendment declares that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The wording of this amendment places national citizenship before state citizenship. In other words, an American is first a citizen of the United States and then a citizen of the state in which he or she lives. Citizens are entitled to the rights granted by both national government and their own state's government.

The 14th Amendment was passed to guarantee citizenship to blacks who were freed from slavery after the Civil War (13th Amendment, 1865). The amendment made the rule of *jus soli* (place of birth) a law for all U.S. citizens. This means that any child born in the United States becomes a citizen at birth, even if its parents are aliens. (However, the rule does not apply to children born to foreign diplomats or United Nations officials.)

The 14th Amendment does not include *jus sanguinis*. American citizenship acquired at birth in a foreign nation is usually determined by the law that is in effect at the time the child is born. The Immigration and Nationality Act of 1952, amended in 1965, 1976, and 1978, gives the requirements.

For a child born on or after December 24, 1952, both parents must have been American citizens. In addition, one parent must have lived in the United States for ten years (and for at least five years after the age of 14) before the birth of the child.

Ward Whipple
Editor, *Civic Leader*

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What does it mean to be "Naturalized"?

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The U.S. Constitution gives Congress the power to make naturalization laws for the United States. No state can give citizenship to aliens.

A person can become a naturalized citizen of the United States individually or as part of a group. Generally any person who has come into the United States as an immigrant may become a naturalized citizen. To do so, a person must be over 18 years old and must have lived in the United States for five years, without leaving for more than a total of 30 months (and not more than 12 consecutive months) throughout that five-year period.

People who wish to become U.S. citizens must file a petition for naturalization and take an examination that shows that they can read, speak, and write simple English and have a fair knowledge of American history, government, and the Constitution. They must be able to prove they are of good, moral character. Two American citizens whom they know well must verify if applicant will be a good citizen and loyal to the United States.

Once an applicant has passed the requirements and examination, he or she may become a U.S. citizen by taking an oath of allegiance. Group naturalization ceremonies often take place on September 17--Citizenship Day. Naturalized citizens are entitled to all of the rights granted to natural-born citizens, except they may not become president or vice president of the United States.

Congress has granted honorary citizenship, an extremely high honor, to only two foreigners. Winston Churchill, who was prime minister of the United Kingdom, was the first to receive this honor in 1963. Raoul Wallenberg, a Swedish diplomat who rescued tens of thousands of Hungarian Jews during World War II, received the honor in 1981.

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How can you lose your citizenship?

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Most nations permit individuals to give up their citizenship. This act, known as **expatriation**, means that a person no longer wants the rights and responsibilities of citizen in a particular country. Such a person may then become a citizen of another country or may become a stateless person (one without a country). If U.S. citizens wish to give up their citizenship they must declare this on a form provided by the secretary of state.

A citizen of the United States loses U.S. citizenship by becoming a citizen of a foreign country unless a special exception is made by the State Department. A person can also lose U.S. citizenship for serving in the armed forces of, or holding office in, a foreign government. U.S. citizenship can also be taken away from people who have been convicted of a major federal crime such as treason. But people cannot lose their citizenship for something they were forced to do. A person who is forced to serve in a foreign army, for example, will not lose U.S. citizenship.

Interestingly, Robert E. Lee, one of the greatest generals of all time, lost his U.S. citizenship when he took command of the Confederate forces during the American Civil War. Due to a mistake citizenship was not restored to him until Congress acted on the matter in July 1975.

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What is the history of citizenship in the U.S.?

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The idea of citizenship came into being many centuries ago. In the ancient city-state of Athens, citizenship was granted to males of certain classes. Citizenship was also granted to a few foreigners and freed slaves. Citizenship meant that a man could vote, hold or serve on committees and juries, and give military service. He was also expected to share the of government. Women, slaves, and practically all foreigners were protected under the law but few of the rights and privileges of Athenian citizens.

Citizenship was also important to the people of ancient Rome. Roman citizens often took part their government. Roman citizenship was extended to foreign soldiers serving in the army and men of conquered lands. By A.D. 212 almost all of the men in Roman provinces, except slave were citizens.

After the fall of the Roman Empire, in the 400's, the idea of citizenship became less important many centuries. The feudal system spread through western Europe in the Middle Ages. This system was based on services and loyalty to a higher person in exchange for his protection. Millions of serfs worked the land for lords. The lords owed their allegiance to overlords. The overlords in turn were controlled by the king. In this system the king and nobles, rather than a government independent of these rulers, gave the people rights and privileges.

By the 1600's some kings had made many small states into nations. The common people no owed allegiance, or loyalty, to the nobles in their immediate region. Their first allegiance now the king. They began to take pride in their whole country. They also began to feel that they sh have a voice in their country's government. As these changes took place, people started think themselves as citizens of a nation as well as the loyal subjects of their king.

Today, most people place a high value on their citizenship. They know that when they pledge allegiance to their flag, they are willing to fulfill specific obligations to their country and will be granted many rights and privileges in return.

Ward Whipple
Editor, *Civic Leader*

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A citizen of the US at birth is a person born in the US

Naturalized citizen of the US is a person, who though not a citizen of the US, owes permanent allegiance to the US

Permanent Resident of the US is a person that has been lawfully accorded the privilege of residing permanently in the US as an immigrant in accordance with the immigration laws.

Conditional Resident alien-any alien granted permanent resident status on a conditional basis (e.g. spouse of a US citizen and immigrant investor) who is required to petition for the removal of the set conditions before the second anniversary of the approval of his or her conditional status.

Legal presence means that a person is either a U.S. Citizen or is legally authorized to be in the United States. Legal presence can be provided using a U.S. birth certificate or U.S. passport. It also can be provided using a variety of other documents such as a Certificate of Citizenship or Naturalization, Resident Alien Card or a valid foreign passport with a visa.

Identity theft- this legislation helps protect the identities through a verification process keeping official documents out of the hands of those who legally do not deserve them.

WHAT EXACTLY IS THE MEXICAN MATRICULA CONSULAR CARD?

The Matricula Consular cards are photo identification cards issued by the Mexican Consulate. They were created as a means for Mexican nationals living in the United States to have a form of pictured I.D. Matricula Consular cards do not indicate immigration status. This type of identification has been used to conduct business, open a bank account, and apply for utility services.

Show

305.01 Definition of U.S. Citizen (FSM)

SR 01-24 Dated 08/01

Previous Policy

U.S. citizens are:

- individuals born in the United States, Puerto Rico, Guam, Northern Mariana Islands, Virgin Islands, American Samoa, or Swain's Island;
- foreign-born children, under age 18, residing in the U.S. with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and
- individuals granted citizenship status by Immigration and Naturalization Services (INS).

To receive benefits, an individual must be either a U.S. citizen or an eligible qualified alien (see Section 305.09, *Determining Qualified Alien Status*).

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How do you become a citizen?

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Every nation provides ways of becoming a citizen. For most people citizenship is a matter of birth. For others it may be acquired through a process known as naturalization.

Two rules are used to determine citizenship by birth: (1) *jus sanguinis* ("law of the blood"); an *jus soli* ("law of the soil"). Under *jus sanguinis*, children take their parents' nationality regardless where they are born. For example, a child born to Italian parents in Britain is a citizen of Italy. The other hand, the rule of *jus soli* says that children are citizens of the nation in which they are born, no matter what the parents' nationalities are. Thus a child born to Italian parents in Britain is also a citizen of Britain. Since most nations apply both of these rules, a person can become a citizen of two nations. This is called dual citizenship.

Dual citizenship can result from naturalization, which is the legal way in which people change citizenship. Internal law protects naturalized citizens as long as they live in their new country. They may lose their new citizenship if they return to the country of their birth and remain for a time. In wartime, a serious problem could arise if both countries demand their services in the forces.

Ward Whipple
Editor, *Civic Leader*

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