

HB

3

<target><bill>HB 3</bill><subject>HB
3</subject><comm>HFIN26</comm></target>

Alaska State Legislature



A Communication From

REPRESENTATIVE BOB LYNN **District 31 Anchorage**

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" www.RepLynnBlog.com

Chairman
State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety

Session:
Alaska State Capitol, #104
Juneau, AK 99801-1182

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Sponsor Statement **HB 3**

HB 3 requires an applicant for an Alaska driver's license to have a legal presence in the State of Alaska and that an applicants driving privileges ends when that applicants legal presence ends. HB 3 also has document requirements that will insure that Alaska license or identification card holders are who they say they are. We require our citizens to provide the documentation for a license or ID; we must also require the same of others.

If you're a current Alaska Driver license or ID holder and have not allowed your card to expire past 90 days, you will not have to show proof of who you are. However, if you are obtaining your first Alaska driver's license or if yours has been taken away (i.e. revoked by DUI) then you must go back to step one and start the process all over again with all the appropriate documents.

It makes sense to require a legal presence in order to get an Alaska driver's license. Why should someone have the right to drive a car down the street when they don't have the legal presence to walk down the street?

The Alaska Division of Motor Vehicles has the statutory mandate to determine if an applicant has the necessary documents to receive a license – and this bill simply adds verification that the applicant has a legal presence in the places where the driver's license is issued and that a person's driving privileges ends when that person's legal presence ends.

The State of Alaska has the right and responsibility to decide who does and who does not qualify for an Alaska driver's license. I also believe it is the right thing to do and I respectfully request passage of HB 3.

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**Changes to from HB-3 (FIN) Version 26-LS0008\A to
Committee Substitute (FIN) Version 26-LS0008\P**

HB-3 An Act relating to issuance of identification cards and to issuance of driver's licenses

Released: March April 2, 2009

New Text Underlined [*Deleted Text Bracketed*]

1. Title Change to HB 3 Version P

Page 1, Line 2 of Version P the following language was added:

Example:

"An Act relating to issuance of identification cards and to issuance of driver's licenses;
relating to regulations concerning identification cards and driver's licenses; and
providing for an effective date."

Explanation: Will be given by Jerry Luckhaupt.

The title was changed because of the new Anti-Real ID Language that was added to Committee Substitute Version P by the Bills Drafter Jerry Luckhaupt 465-6661.

2. Change from [(i)] to (l) in Version P

Example:

Page 1, Line 9: it is for identification purposes only. Except as provided in (g) and [(i)] (l)
Page 2, Line 1: Except as provided in [(i)] (l) of this section, an identification card issued to a person

Explanation: Will be given by Jerry Luckhaupt.

3. Change of expiration date for ID Cards issued to persons 60 years or older

Page 2, Line 1 of Version A the word [eighth] is deleted and replaced with 10th on Page 2, Line 2 of Version P.

Example:

Except as provided in [(i)] (l) of this section, an identification card issued to a person who is 60 years of age or older expires on the person's birthday in the [eighth] 10th year following issuance of the card.

Explanation: Will be given by Dirk Moffatt

4. Anti-Real ID Language related to identification cards

Page 2, Line 27-29 of Version P the following language was added

Example:

(m) The commissioner of administration may not adopt a regulation related to identification card solely to bring the state into compliance with the requirements of the federal REAL ID Act of 2005 (P.L. 109-13, Division B).

5. Anti-Real ID Language related to driver's licenses

Page 2-3, Lines 30-31 and 1-2 of Version P the following language was added

Example:

*Sec. 4. AS 28.05.011 is amended by adding a new subsection to read:

(c) The commissioner of administration may not adopt a regulation related to driver's licenses solely to bring the state into compliance with the requirements of the federal REAL ID Act of 2005 (P.L. 109-13, Division B).

6. Anti-Real ID Disclaimer Language

Page 5, Line 15-17 of Version P the following language was added

Example: NO COOPERATION WITH FEDERAL REAL ID ACT. This Act may not be construed as support for, or cooperation with, the Federal REAL ID Act of 2005 (P.L. 109-13, Division B).

Explanation: Will be given by Dirk Moffatt

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No.: D-20	Page No.: 1
	Effective: July 1, 2006	
Subject:	Supersedes: D-20	Dated: 6/1/00
IDENTIFICATION AND PROOF OF DATE OF BIRTH	Form No.: 478	
Statute: AS 28.15.061	Regulation: 2 AAC 90.420(b)	

[Alterations](#) | [Foreign](#) | [Lost AK](#) | [Lost OOS](#) | [Primary ID](#) | [Secondary ID](#)

IDENTIFICATION AND PROOF OF DATE OF BIRTH

Every person who makes an **original** application for a driver's license, permit or ID card must furnish documentary proof of their legal name, date of birth, social security number and residence address as outlined below. An applicant for a permit or driver license must also furnish proof that they have passed the required tests.

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

ITEMS REQUIRED FOR AN ORIGINAL ALVIN RECORD (ID, IP, D, OR CDL)

- Legal Name & Date of Birth
- Secondary item as verification of the primary document
- Social Security Number
- Their current residence address

Please see the following for further information on each of these items.

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LEGAL NAME & DATE OF BIRTH (PRIMARY DOCUMENTS) [2 AAC 90.420 (b)]

The following documents are acceptable for proving legal name and date of birth. If the applicant's legal name is different than what is printed on their birth certificate, they will need to bring in the document(s) that provide proof of the name change.

- An original or certified copy of a U.S. birth certificate (From Vital Statistics)
- U.S. Passport or Canadian Passport (Must be current)
- An Alaska learner's permit, driver license or State Identification card.
- U.S. Military Identification for active duty, retiree or reservist.
- Certificate of Citizenship
- Certificate of Naturalization
- Certificate of Birth Abroad
- Passport issued from another country, with appropriate immigration documents.

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NAME CHANGE (D-23)

When the name on the identity document does not match the applicant's current name, the following are acceptable to prove the applicant's legal name.

- U.S. Passport
- Amended birth certificate
- Certified Adoption papers
- Certified Marriage certificate
- Certified Court order
- Certified Divorce decree
- Certificate of Dissolution, Divorce or Annulment
- Certificate of Naturalization
- Certificate of Name Change

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SOCIAL SECURITY NUMBER D-17

The name on file with the Social Security Administration (SSA) **must** match the identity document(s). **One** of the following is required:

- Original Social Security Card (A Metal card is not acceptable.)
- Letter from the Social Security Administration verifying the applicant's name and number.
- Letter from the SSA verifying that the applicant has never been assigned a social security number.
- If an applicant is not eligible for employment due to their immigration status, they do not need this document.

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RESIDENCE ADDRESS

An applicant must present documentation that contains both the applicant's name and address of principle residence. This cannot be a post office box or mail cache facility. This may consist of:

- Utility bill
- Alaska voter registration card
- Alaska title and/or registration (Issued at least 30 days prior to application)
- Paycheck Stub
- Medical Assistance card
- Public Assistance card
- Cancelled check or bank statement
- Mortgage or rental document
- Parental consent (On the back of Form 478)

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SECONDARY IDENTIFICATION DOCUMENTS

Secondary identification documents are meant to give customers another set of documents to use to prove identity. Secondary documents are to be used to obtain a duplicate or to renew an Alaska driver's license, permit, or identification card. For information on requirements to obtain an original driver's license, permit or identification card, see Primary 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. State issued Driver license or ID card that has **NOT** 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. Photographic school identification card.
19. Vehicle title. A vehicle registration is not acceptable.
20. Welfare card.
21. Prison release document.

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

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

- Two items from either the primary or secondary identification document list. The information in ALVIN 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.
- In extreme cases, you may use the digital photo on file or 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, check to see if a digital photo is

on file or request the photo by e-mail or by calling OLPHOTOS. Appendix D) 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 but can be used as proof of residence address. They may be used for issuance of a duplicate OL or ID as **alast resort** and in conjunction with the ALVIN record.

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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.

Cross Reference:

App. D DMV Addresses
D-073 Class D - Basic Driver License

HISTORY:

7/1/06 - Regulation change from 13 AAC 08.330(b) to 2 AAC 90.420 (b).

[NEXT SOP](#)

[Return to Top / Go to Index - Accounting, Boat, DL, CDL, Registration & Title](#)

Duane Bannock
PO Box 2044
1908 E Aliak Street
Kenai, AK 99611
907 398 2316

April 1, 2009

Re: HB 3

Dear Representative Stoltz,

I have followed, with great interest, House Bill 3 filed by Representative Bob Lynn. As you may know, during my time as your Division of Motor Vehicles (DMV) director, I testified several times in support of bills with similar content.

There has been much good discussion of the policy merits of this bill, including the basic premise that illegal aliens should not be allowed the privilege of an Alaska Driver's License or Identification Card (DL/ID).

There has also been much discussion of the legislature's expressed concern with Alaska's compliance with the federal Real ID Act.

There have also been detractors of this bill, referring to it as the "back door to Real ID compliance." As a person who has spent a great deal of time and attention to the Real ID Act I can assure you that there is language within HB 3 that I refer to as "Anti-Real ID provisions" or a "poison pill" to compliance with the Act.

Please see the new language found in *Sec. 5 AS 28.15.031 (b) (8) (A):

"...a person who is seeking a renewal of, duplicate of, or change of legal name on a license is presumed to meet the requirements of this subparagraph if the license has not been expired for more than 90 days..."

By this "presumed" clause, the statute is in direct conflict with the provision in the Act that all DL/ID holders re-apply at DMV prior to any new DL/ID issuance. The application process mandated by the Act would require the proof of legal presence for all Alaskans, even those that have been in the DMV systems for decades! Clearly, HB 3 allows that those persons currently in the DMV systems today would not be required to make such new application; I refer to those persons as "grandfathered" as they are not subject to the new requirements of HB 3.

In overly simple language, HB 3 will prohibit a person who is not lawfully in Alaska, to receive an Alaska DL/ID. It will also amend the law to give flexibility to the expiration date of any DL/ID given to a person who is lawfully in the US on a limited basis. For example: a student attending college in Alaska, but a resident of another country, who is legally authorized stay in the United States four (4) years would have their Alaska DL/ID expiration date adjusted to coincide with the lawful length of stay. Under current statutes all DL/ID expiration dates are fixed to five (5) years.

Thank you for your consideration of this important bill. I respectfully ask that you pass this bill from committee and I urge its passage into law.

Sincerely

Duane Bannock

Cc: Alaska House of Representatives Finance Committee Members
Representative Bob Lynn

Alaska State Legislature

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State Affairs Committee

Member
Judiciary Committee
Labor & Commerce Committee
Health & Social Services Committee
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Memorandum

February 11, 2009

To: Representative Bill Stoltze, Co-Chairman
Representative Mike Hawker, Co-Chairman
House Finance Committee

From: Representative Bob Lynn

RE: Witness list and Teleconference and off-net site requests for HB 3

Name: Kevin Brooks, Division Director of **Commissioner-ADMINISTRATION**
Phone: (907)465-5671
Email: kevin.brooks@alaska.gov

Name: Whitney Brewster, Division Director of **DMV-ADMINISTRATION**
Phone: (907)269-5559
Email: whitney.brewster@alaska.gov

Name: **Kerry Hennings**, Driver Licensing Manager of **DMV-DRIVER SERVICES**
1300 W Benson Blvd, Ste 100 Anchorage, AK 99507 **Off-Net Requested**
Phone: (907)269-3770
Email: kerry.hennings@alaska.gov

Name: Jessica Vaughan of the **Center for Immigration Studies**
1522 K Street, NW, Suite 820 Washington, DC 20005-1202 **Off-Net Requested**
Phone: 508-346-3380
Email: JessicaVaughan@Verizon.net

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 4, 2009

SUBJECT: Sectional Summary - HB 3 (Work Order No. 26-LS0008\A)

TO: Representative Bob Lynn

FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Amends AS 18.65.310(a) by providing a five year expiration date for most identification cards issued by the state.

Section 2. Amends AS 18.65.310(g) by providing an eight year expiration date for free identification cards issued to those 60 years of age or older.

Section 3. Amends AS 18.65.310 by adding new subsections that restrict the issuance of identification cards to persons who are not citizens, nationals, legal permanent residents, or conditional resident aliens of the United States; allow the Department of Administration to issue identification cards to certain other persons who are legally present in the United States after presentation of evidence and provides that identification cards issued to these persons expire when their authorized stay in the United States expires, or in certain cases one year.

Section 4. Amends AS 28.15.031(b) by restricting the issuance of driver's licenses to persons who are not citizens, nationals, legal permanent residents, or conditional resident aliens of the United States; allows the Department of Administration to issue driver's licenses to certain other persons who are legally present in the United States after presentation of evidence..

Section 5. Provides a conforming change to the change made in Section 6.

Section 6. Provides that driver's license cards issued under Section 4 to persons who are legally present in the United States expire when their authorized stay in the United States expires, or in certain cases one year.

Section 7. Provides an effective date.

GPL:plm
09-066.plm



ALASKA JUSTICE FORUM

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UNIVERSITY of ALASKA ANCHORAGE

Vol. 23, No. 3

A Look at Immigration Numbers

Antonia Moras

Sidebar stories: [Research Sites for Immigration Questions](#)

Moras, Antonia. (Fall 2006). "A Look at Immigration Numbers." *Alaska Justice Forum* 23(3): 3-4. This article provides an overview of the most reliable figures on immigration—both authorized and unauthorized—for the United States as a whole and for Alaska in particular.

See also:

> [Noncitizens & Immigration](#)

What follows is an overview of the most reliable figures on immigration—both authorized and unauthorized—for the country as a whole and Alaska, in particular.

Authorized Immigrants

Authorized immigrants are those who, in common parlance, have "green cards." They have been admitted to the United States with permission to stay indefinitely through one of a number of different program routes. (In addition to admittance as immigrants, non-citizens can stay in the U.S. legally for varying periods with differing status—as tourist, diplomat, or student, among other possibilities.) In the data assembled by the Office of Immigration Statistics, which is now in the Department of Homeland Security, they are defined as *legal permanent residents* or *LPRs*. The Office of Immigration Statistics is the source for the fullest and most detailed data on authorized immigration. The office publishes an annual compendium that shows the number of immigrants and various demographic data, including countries of origin, countries of birth, and state of residence, and type or category of admission. The yearbook also provides data on non-immigrant admissions—refugees and asylees—as well as data on naturalization—the process of becoming U.S. citizens for those not born here.

According to the *2005 Yearbook of Immigration Statistics*, 1,122,373 individuals received legal documentation to remain in the U.S. as LPRs, including 1,525 in Alaska. Also, in 2005, 604,280 foreign-born residents became U.S. citizens, including 951 Alaskans. (The total 2005 U.S. population was 296 million. The Alaska 2005 population was 642,000.)

In addition to the yearbook, the Office of Immigration Statistics also publishes a range of analyses of immigration data—for example, discerning the flow of immigration over varying periods to the different states. A September 2005 paper by John Simanski, "Mapping Trends In U.S. Legal Immigration: 1980 to 2003," reveals that although the flow of immigrants to the state has risen over the two-decade period as it has in the country as a whole, Alaska is very far down in ranking as the state of residence for authorized immigrants—receiving a total of 25,968 individuals as LPRs across the 23 years. These state-of-residence figures are based only on the individual's declaration at the time documentation was granted and do not reflect ensuing changes in residence.

The U.S. Census, taken every ten years, provides a slightly different perspective on the foreign-born population—both legal permanent residents and naturalized citizens. The census assembles figures at much more detailed geographic levels and, unlike the Office of Immigration Statistics figures, provides a snapshot of the characteristics of the population of a specific place at a specific time. The 2000 U.S. Census listed 37,170 Alaskans as foreign-born. Of this number, 20,011 were naturalized citizens; 17,159 were not

http://justice.uaa.alaska.edu/forum/23/3fall2006/b_immigration.h

EXHIBIT E

citizens. According to the American Community Survey, which is now the Department of Census means of estimating during non-census years, 34,368 Alaskans were foreign-born in 2005 (5 % of the total state population), of whom 20,178 were naturalized citizens.

Alaska differs from the nation as a whole with regard to the country of origin of its foreign-born residents. In 1995, for the country as a whole, Mexico was the country of birth for the highest number of immigrants, with 161,445 authorized immigrants, and immigrants from India formed the second most populous group—84,681 individuals. In Alaska in 2005, the countries of birth for the two most populous groups of immigrants were the Philippines (435) and Russia (115). Mexico ranked third (96).

Unauthorized Immigrants

For obvious reasons, there are no precise numbers on unauthorized immigrants—"illegal aliens"—those individuals who stay in the U.S. without currently valid legal documentation. All figures given for state and national totals of unauthorized immigrants are estimates, as are economic figures and other calculations derived from them. The degree of precision to the estimates varies.

Again, the best source is the Office of Immigration Statistics, which in August 2006 released its most recent figures on the unauthorized immigrant population—"Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2005." According to this report, an estimated 10.5 million unauthorized immigrants lived in the country in January 2005. This is the figure most commonly used in general media discussions of the unauthorized immigrant population. The estimate for January 2000 was 8.5 million. A comparison of the two figures reveals a growth of 24 percent over the five years. The publication also provides estimates for the five states with the highest numbers of unauthorized immigrants, but not for Alaska. The numbers for 2005 have been derived using an elaborate statistical model which is not valid for population numbers as low as Alaska's. An earlier study, published by the same office but based on a different methodology, estimated that in 2003, 5,000 unauthorized immigrants were living in Alaska.

Bureau of Immigration and Customs Enforcement (ICE) Figures

Another figure that might throw some light on the unauthorized immigrant population is the number of individuals placed in removal (deportation) proceedings by the Bureau of Immigration and Customs Enforcement (ICE, also in the Department of Homeland Security). For the most part, these individuals were in the country without valid legal documentation. The numbers reflect only those who have come to the attention of ICE. The Alaska ICE office did not respond to repeated Forum requests for these numbers. The latest available figure for the state is from FY 2002, when 71 individuals were deported; and 12 agreed to voluntary departure directly from Alaska.

Other Numbers

Since a commonly stated concern regarding immigration is that immigrants draw heavily on public funds—for education, health care and public assistance—the Forum attempted to gather some other relevant figures for Alaska.

Few government or social service agencies in the state compile data on the immigration status of recipients of their services. Neither the Department of Education nor the Anchorage School District track the immigration status of students; Providence Hospital does not ask patients about their immigration status; and the Public Defender Agency does not maintain data on the citizenship or immigration status of clients.

The Department of Corrections compiles some numbers on the immigration status of inmates, in cooperation with the federal government under the State Criminal Alien Assistance Program (SCAAP). The department submits numbers on those inmates who are not legal residents and have been convicted of a felony or two misdemeanors. According to U.S. Bureau of Justice Assistance data, in 2005 the Alaska Department of Corrections held 22 inmates who were undocumented aliens, for a total 788 inmate days, and 65 whose citizenship and immigration status could not be determined for a total 2,605 days. These inmate days represent less than one-third of one percent of total DOC inmate days in 2005.

The Division of Public Assistance has numbers on the citizenship status of its recipients—all of whom

are legal residents. In June 2006, 4,109 non-citizens were receiving public welfare benefits—3.4 percent of the total statewide number of public assistance recipients—120,550.

Finally—in 2006, 44,307 foreign-born Alaska residents, including 13,552 individuals who were not citizens but were legal residents, received permanent fund dividends—in a total pool of 602,350 eligible applicants.

Antonia Moras is the editor of the Alaska Justice Forum.

Research Sites for Immigration Questions

The vast number of internet sites dealing with immigration questions vary widely in quality and reliability. Two nonpartisan organizations whose sites regularly present the results of solid research studies are:

The Urban Institute at www.urban.org: The Urban Institute has studied immigration issues for over twenty-five years, particularly looking at the impact of immigration on the economy and the labor market and at the status and well-being of immigrant children.

The Pew Hispanic Center at www.pewhispanic.org: The Pew Hispanic Center, which is part of the Pew Charitable Trusts, focuses on the U.S. Hispanic-Latino population—both citizens and non-citizens.

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Last updated 17-Dec-2007 by ajjust@uaa.alaska.edu

Submitted by: Assembly Member BAUER
Reviewed by: Assembly Counsel
For reading: February 12, 2008

**ANCHORAGE, ALASKA
AR NO. 2008-20**

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY IN SUPPORT OF**
2 **SENATE BILL 215 AND HB 3, INTRODUCED BY THE 25TH LEGISLATURE OF THE**
3 **STATE OF ALASKA, TO AMEND ALASKA STATUTE 18.65 RELATING TO PROOF OF**
4 **LEGAL RESIDENCY BY APPLICANTS REQUESTING ISSUANCE OF A STATE OF**
5 **ALASKA IDENTIFICATION CARD OR STATE OF ALASKA DRIVER'S LICENSE.**

6
7 WHEREAS, the State of Alaska Division of Motor Vehicles presently issues
8 official State of Alaska identification cards and State of Alaska driver licenses without
9 proof of legal status to reside in the United States; and

10
11 WHEREAS, in the 25th Legislature of the State of Alaska, legislation has been
12 introduced in both the Alaska State Senate, SB 215, and the Alaska House of
13 Representatives, HB 3, to amend Alaska Statute 18.65 and require proof of legal
14 residency status from applicants requesting issuance of a State of Alaska
15 identification card or an Alaska driver's license; and

16
17 WHEREAS, Alaska continues to experience population growth from migration;
18 and

19
20 WHEREAS, in almost every year of population growth state-wide in Alaska,
21 Anchorage has seen the largest increase in migration; and

22
23 WHEREAS, from 2001-2003, the states with the most migration to Alaska were
24 Washington 10.4%, California 9.0%, Texas 7.3%, and Oregon 4.7%; and

25
26 WHEREAS, three of these states (Washington, California, and Oregon) are among the
27 nine states, including Alaska, that in the past have not required proof of legal status to reside
28 in the United States; the Oregon legislature having just recently decided to make proof of
29 legal residency status a requirement for issuance; and

30
31 WHEREAS, from 2003-2006, the trend of migration to Alaska has been from
32 international countries; and

33
34 WHEREAS, results received January 28, 2008, from Immigration Customs
35 Enforcement (ICE) in response to a Freedom of Information Request, show that in
36 Anchorage, beginning in 2004 through January 2008, law enforcement actions involving
37 illegal immigrants included 74 criminal arrests, 102 alien administrative arrests, 10 worksite
38 enforcement-criminal actions, 26 worksite enforcement-administrative actions, and 5 human

AM 84-2008

1 smuggling-criminal arrests; and
2

3 WHEREAS, requiring proof of legal status to reside in the United States in the
4 issuance of official identification and driver's licenses by the State of Alaska is a step
5 that will benefit Anchorage, as the state's largest population center;
6

7 NOW THEREFORE BE IT RESOVED:
8

9 The Anchorage Assembly supports SB 215, HB 3, and all efforts by the 25th
10 Legislature of the State of Alaska to ensure that proof of legal status to reside in
11 the United States is required in the issuance of official identification and driver's
12 licenses by the State of Alaska.
13

14 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
15 _____, 2008.
16

17 _____
18 Chair
19

20 ATTEST:
21

22 _____
23 Municipal Clerk
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Next week, DMV won't have to look away

Posted: March 27, 2007



**Patrick
McIlheran**

Come Sunday, some Wisconsin bureaucrats will feel relief. This is a good sign.

The bureaucrats, who work for the state Motor Vehicles Division, are relieved they won't be helping to break the law. Until now, they've been unwillingly doing that, providing driver's licenses, a basis for a legally documented American life, to people here illegally. State law says the agency can't deny a license to someone for being an illegal immigrant, say officials. That ends Sunday.

Wisconsin is one of 10 states that doesn't require proof of lawful presence, as it's known. This has meant that illegal immigrants came here to get a license they couldn't get in Illinois, Minnesota or elsewhere. That's fraud. Gary Guenther, who oversees the DMV's field services, says the agency took steps to cut down on it, investigating addresses and changing procedures. But Sunday's change, ending our status as the Island of Easy Licenses, will do much more, he says.

Then you've got people who genuinely do live in Wisconsin but are illegal immigrants. That the agency had to give them licenses anyhow, helping them stay, grated on some people, including some DMV employees.

Ex-employee Lee Steines said it bothered him enough that he quit his customer service job at the agency a year ago. The question, he said, was,

<http://www.jsonline.com/story/index.aspx?id=583127>

"Am I going to do this, or am I going to face myself in the mirror in the morning?"

He and other agents said they knew they were licensing illegal immigrants. Often, it was when they'd ask the customer for a Social Security number, something the state long has done. There's a form for applicants without one, mainly to handle religious objections. But Steines says he had applicants tell him they didn't have a number because they were in the U.S. illegally. Other agency employees have related similar stories. There wasn't anything they could do.

"It just wasn't right," Steines says. "And people knew in their hearts it wasn't right."

Steines doesn't fault the agency, limited by law and its state mandate. As Guenther puts it, "We have to operate in a way that supports the laws." His staff is good at spotting fake documents, he says, and it can decipher foreign-language birth certificates. But until Sunday, the agency doesn't have the authority to say no to someone in the U.S. illegally.

That's what changes: Along with proof of one's birth date, name, identity and Wisconsin home, the state will require proof an applicant's here legally.

Guenther is careful to note the change has pluses and minuses. It all serves a good purpose, he says. "You have to protect the integrity of the product" - the license.

This is not to say that most illegal immigrants are getting a Wisconsin license to cause trouble. They're doing it to drive to work. They broke U.S. law in coming here not because they wanted to be criminals but because they were looking for a better life.

But the better life is reflected in a pay stub with a Social Security number on it that isn't theirs. Steines says applicants would tell agents that. The pay stub that proved their Wisconsin residency bore a number that would come up invalid if checked. Whatever the intentions, illegal immigration involves fraud.

Protesters marched last weekend in Madison against the new rules, saying they'll "marginalize" people. Being here illegally already did that. If anything,

the explosion in illegal immigration threatens the welcome we extend to *legal* immigrants.

In lieu of persuading Americans to change our immigration laws, the advocates of illegal immigrants demand we ignore the distinction between legal and illegal immigration. They demand we accept that illegal immigrants will drive no matter what, so we might as well give them IDs.

That's not right. More immigration would be good for America if it's handled properly. Accepting people who sneak in or who overstay visas while millions around the world wait a decade or more to get in the legal way doesn't seem to be a good way of handling it.

Telling state employees that they must, by law, ignore the fact a license applicant is here unlawfully isn't right, either. It shows contempt for law and for those who take it seriously. That this comes to an end on Sunday is good.

Patrick McIlheran is a Journal Sentinel editorial columnist. His e-mail address is pmcilheran@journalsentinel.com

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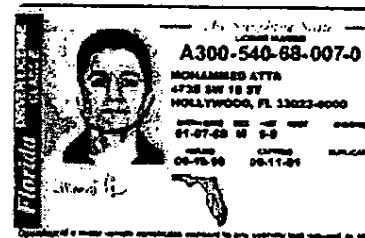
Drivers Licenses for illegal aliens

Issues

The open borders lobby routinely lobbies state legislatures to issue drivers licenses to illegal aliens as one of the keys to erasing the distinction between legal citizens and illegal aliens.

In the U.S., the drivers license is our de facto universal identification card. Yet many states do not thoroughly verify applicants' identities. Many states do not require a valid Social Security number to get a license and many will issue a state ID number for those without a Social Security number.

This makes it very easy for illegal aliens to obtain drivers licenses. These licenses become "breeder documents" which allow the recipient to obtain additional documents, based upon the false premise that he is a U.S. citizen. For example, all of the 9/11 hijackers had driver's licenses or state-issued non-driver's identification cards, which they then could use when opening bank accounts, renting housing, and boarding planes.



Eleven states issue drivers licenses to illegal aliens, including Alaska, Connecticut, Idaho, Louisiana, Montana, Nevada, New Mexico, North Carolina, Ohio, Rhode Island, Tennessee, Utah, Washington and West Virginia. In 2003, California's Governor Davis signed into law a bill that would give illegals drivers licenses. It is widely believed that this was the final act that contributed to his 2003 recall. Immediately after this law was signed, hundreds of thousands of signatures were collected that would have placed the question on the March 2004 general election ballot. Incoming Governor Schwarzenegger annulled the law, purportedly so that the electorate would not have a chance to vote on the issue.

One of the arguments in favor of issuing drivers licenses to illegal aliens is that it will make our roads safer. This is not likely, as someone who has broken U.S. law to come here will most likely continue to break our laws - including traffic laws - and to drive without insurance and to obtain "breeder" licenses under false names.

- For more information, see:
- o [Driver's License Security by the Federation for American Immigration Reform.](#)
 - o [Should illegal aliens get driver's licenses?](#), by Phyllis Schlafly, May 13, 2003.
 - o [Immigrant Access to Drivers' Licenses](#) - a handbook from a coalition of anti-American organizations to promote driver's licenses for illegal aliens.
 - o [MALDEF 'Profoundly Disappointed' With Governor Schwarzenegger's Veto Of Driver's License Bill, September 22, 2004.](#)

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**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.**

Anchorage Daily News (AK)
April 22, 2004
Author: RICHARD RICHTMYER
Anchorage Daily News
Staff

Estimated printed pages: 4

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 Communitanan 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.

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."

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

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](#)

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

Caption:
Illustrated by Ron Engstrom

ILLUSTRATION SHOWS

Alaska's DMV fails test

A study shows Alaska often fails to verify the identities of driver license applicants.

Criteria

States were graded on how well they complied with four basic criteria:

- 1 Electronic verification of Social Security number
- 2 Requiring proof of legal residency in the nation and state
- 3 Linking license expiration dates to visa expiration dates for foreigners
- 4 Using biometric information such as fingerprints to verify identities

States that failed all criteria:

Alaska

Michigan

Oregon

Wisconsin

States that met all criteria:

Colorado

Kentucky

West Virginia

Caption:

Photo 1: [ADNL.nks_042204.jpg](#)

Photo 2: [22DMV chart_042204.jpg](#)

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Tuesday, May 1, 2007



by: Phyllis Schlafly

Should Illegal Aliens Get Driver's Licenses?

email column

May 14, 2003

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Book recommendations



The hottest controversy in state legislatures today regards allowing illegal aliens to obtain driver's licenses. Americans were shocked to discover that most of the 19 hijackers on 9/11 carried driver's licenses from Virginia, Florida or New Jersey.

A driver's license is the pass to board a plane as well as the license to drive car. It confers a sort of quasi-citizenship and, as described by one illegal alien in Texas, "The driver's license ends up becoming our pass to be in this country."

Since 9/11, 21 states have enacted new legislation to make it harder to get driver's licenses, and legislation has been introduced in another 22 states. Even in Idaho, State Senator Cecil Ingram told a public hearing, "This has turned out to be a bigger problem than I thought."

The states embarrassed by the 9/11 hijackers have gotten the message. Virginia passed a bill to stop issuing driver's licenses to illegal aliens, and Florida and New Jersey passed legislation to coordinate driver's licenses with immigration visas.

New Jersey, where driver's licenses have been made of paper and do not require a photo, has long been the target of document fraud and counterfeiters. The state is now converting to state-of-the-art digitized driver's licenses with a dozen covert and overt security features, including a mandatory photo, bar code, hologram, and digital signature.

Peter Gadiel, whose 23-year-old son James died in the World Trade Center attack, has traveled from Connecticut to Virginia, Maryland, North Carolina and Tennessee to support beefed-up identification laws. Twenty states do not require applicants to prove they are legally in the United States.

Tennessee, another state known to be casual about issuing driver's licenses to illegal aliens, is considering a measure that would require driver's license applicants to present a document showing they are legally in this country. A Tennessee legislative committee also heard testimony about the need to tighten driver's license rules from April Gallop, a survivor of the 9/11 attack on the Pentagon.

Minnesota is trying to address the controversy through rulemaking by the Department of Public Safety. The proposed rule would require visitors to present documents to prove they are in the country legally, and the license would expire when their visas expire.

Georgia would seem an unlikely state for immigration controversies, but an estimated 435,000 Hispanics live in Georgia, a 300 percent increase over 1990, according to the U.S. Census. A lively big group showed up at a hearing in Gainesville from the town of Hall, where at least 19 percent of the

population is Hispanic and 85 percent of those are not citizens.

Georgia has been wrangling over a bill that would allow driver's licenses to be obtained by illegal aliens who come only from the "Free Trade Area of the Americas," i.e., from Canada, Latin America, and some Caribbean islands.

Among those who spoke against the proposed legislation was retired Col. A.R. "Mac" MacCahan (whose Army unit lost 206 of 212 men fighting in the Korean War). He asked, "What part of illegal don't you understand?" Others ask, why reward people who have committed at least three felonies: illegal entry into the U.S., purchasing fraudulent documents to get a job, and misrepresenting the legality of those documents at the workplace?

Kentucky was once one of the easiest states for illegal aliens to get a driver's license. That changed after a 1998 incident in which the Immigration and Naturalization Service arrested a vanload of illegals from Russia who had traveled from New York to Louisville to get driver's licenses.

After that, Kentucky reinstated a policy of requiring that noncitizens applying for licenses take a written test. County Circuit Clerk Tony Miller said, "We try to be helpful. We offer that test in 21 languages," but Miller didn't explain how it promotes safety to license drivers who can't read the road signs.

Arizona and Mississippi have killed bills to make it easier for illegal aliens to get a driver's license. California Governor Gray Davis has twice vetoed a bill to allow illegal aliens to obtain driver's licenses, but the legislature is still debating this issue.

INS public affairs officer Garrison Courtney identified one of the biggest problems: "If they were illegal when they came here, it's very difficult to determine who they really are because they've created illegal IDs for themselves." The Seattle Times reported that one U.S. Department of Justice raid discovered piles of cash totaling \$95,262 plus \$10,000 worth of computer equipment and specialty papers that had been used to print 800 fake driver's licenses, green cards, work permits, Mexican birth certificates, and Social Security cards.

Many are concerned about the danger from issuing licenses to terrorists who might use trucks loaded with gasoline or other hazardous materials in the same way that hijackers used commercial airliners on 9/11. The U.S. Transportation Department reported last year that we lack sufficient safeguards, particularly from the many states that do not require applicants to prove they are legally in the country.

Phyllis Schlafly is the author of "Feminist Fantasies" (Spence Pub. Co., 2003)

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washingtonpost.com

No Driver's Licenses for Calif. Illegal Immigrants

By Kimberly Edds
Special to The Washington Post
Friday, September 24, 2004; Page A04

LOS ANGELES, Sept. 23 -- Gov. Arnold Schwarzenegger (R) late Wednesday vetoed a bill that would have given as many as 2 million illegal immigrants California driver's licenses, saying the measure failed to provide sufficient security provisions at a time of heightened terrorism fears.

"This bill does not adequately address the security concerns that my Department of Homeland Security and I have, and I cannot support it," Schwarzenegger said in a brief veto message.

Ten states allow illegal immigrants to apply for licenses, and the issue has long been important to Latino lawmakers here. They accused Schwarzenegger of backing out of a deal to work together to reach a mutually acceptable bill.

"He chose to veto the best driver's license bill proposal in the nation -- one that strengthens national security and public safety while holding immigrants to the highest level of responsibility in the nation," said state Sen. Gil Cedillo (D-Los Angeles), who sponsored the bill and three previous versions. Supporters say that illegal immigrants contribute to the state's economy and that the bill would have improved road safety by forcing them to take driving tests and get insurance.

But opponents argued the measure would reward people who are in the country illegally and could make it easier for terrorists to assimilate. Polls show a majority of California voters are against allowing undocumented immigrants licenses.

"Illegal immigrants are in direct violation of our federal immigration laws. These laws require them to be deported, not accommodated," Republican state Sen. Tom McClintock said.

In an effort to emphasize the added safety measures, the bill had been

renamed the Immigrant and Security Act. Illegal immigrants would have to pay for extensive background checks and be fingerprinted. The cost would have been \$141, compared with \$24 for a standard license.

The legislature approved a similar proposal last year which then-Gov. Gray Davis (D) signed into law. Davis had long opposed the measure but changed his stance amid his tough, and eventually unsuccessful, effort to stave off being recalled.

Schwarzenegger opposed the measure. After his election last year, legislators repealed the law.

Some lawmakers said they voted for the repeal only after being told Schwarzenegger was committed to a new proposal with increased security measures. But negotiations on the proposal stalled when Schwarzenegger insisted there be an identifying mark on the license to distinguish the holder as a noncitizen -- a requirement rejected by Latino lawmakers as discriminatory.

Schwarzenegger pledged to veto the measure when legislators approved it Aug. 27 without the mark provision.

More than 20 states, including Virginia, prohibit illegal immigrants from getting licenses.

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MICHIGAN

Michigan to stop issuing licenses to illegal immigrants

LANSING — Michigan will no longer let illegal immigrants get driver's licenses, a practice just seven other states continue to allow. Michigan Secretary of State Terri Lynn Land, who oversees the motor vehicle department, announced the new policy Monday and said it takes effect today. Hawaii, Maine, Maryland, New Mexico, Oregon, Utah and Washington do not require drivers to prove legal status to obtain a license. Michigan borders Canada and contains some of the nation's busiest boundary crossings.

1/22/08

EXHIBIT D

Adopted
4/03/09

CS FOR HOUSE BILL NO. 3()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN, HAWKER, CHENAULT, STOLTZE, RAMRAS, AND JOHNSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to issuance of identification cards and to issuance of driver's licenses;**
2 **relating to regulations concerning identification cards and driver's licenses; and**
3 **providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1. AS 18.65.310(a) is amended to read:**

6 (a) Upon payment of a \$15 fee, the department shall issue a card identical to
7 the motor vehicle operator's license provided for in AS 28.15.111, except that the card
8 shall be of a different color and shall state in bold type letters across the face of it that
9 it is for identification purposes only. Except as provided in (g) and (f) of this
10 section, an identification card expires on the person's birthday in the fifth year
11 following issuance of the card.

12 *** Sec. 2. AS 18.65.310(g) is amended to read:**

13 (g) If the person applying for the identification card provided for in (a) of this
14 section is 60 years of age or older, charge may not be made for issuance of the card.

1 Except as provided in (l) of this section, an identification card issued to a person
2 who is 60 years of age or older expires on the person's birthday in the 10th year
3 following issuance of the card.

4 * Sec. 3. AS 18.65.310 is amended by adding new subsections to read:

5 (k) The department may not issue an identification card under (a) of this
6 section to a person who has not presented to the department valid documentary
7 evidence that the person is a citizen of the United States, a national of the United
8 States, a legal permanent resident of the United States, or a conditional resident alien
9 of the United States.

10 (l) Notwithstanding (k) of this section, the department may issue an
11 identification card to a person who presents in person valid documentary evidence of
12 (1) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the
13 United States, (2) a pending or approved application for asylum in the United States,
14 (3) entry into the United States in refugee status, (4) a pending or approved application
15 for temporary protected status in the United States, (5) approved deferred action
16 status, or (6) a pending application for adjustment of status to legal permanent
17 residence status or conditional resident status. The identification card authorized under
18 this subsection is valid only during the period of the time of the person's authorized
19 stay in the United States and must clearly indicate that expiration date. If the period of
20 authorized stay is indefinite, the expiration date for the identification card is one year
21 from the date of issue. The identification card authorized under this subsection may be
22 renewed only on presentation of valid documentary evidence that the status by which
23 the person qualified for the temporary identification card has been extended by the
24 proper United States government authority. The department may by regulation specify
25 what is valid documentary evidence under this subsection except that the department
26 may not specify that a matricula consular card is valid documentary evidence.

27 (m) The commissioner of administration may not adopt a regulation related to
28 identification cards solely to bring the state into compliance with the requirements of
29 the federal REAL ID Act of 2005 (P.L. 109-13, Division B).

30 * Sec. 4. AS 28.05.011 is amended by adding a new subsection to read:

31 (c) The commissioner of administration may not adopt a regulation related to

1 driver's licenses solely to bring the state into compliance with the requirements of the
2 federal REAL ID Act of 2005 (P.L. 109-13, Division B).

3 * Sec. 5. AS 28.15.031(b) is amended to read:

4 (b) The department may not issue an original or duplicate driver's license to,
5 nor renew or reinstate the driver's license of, a person

6 (1) whose license is suspended, revoked, canceled, or withdrawn, or
7 who is disqualified from obtaining a license, in this or any other jurisdiction except
8 as otherwise provided in this chapter;

9 (2) who fails to appear in court for the adjudication of a certain
10 vehicle, driver, or traffic offense when the person's appearance is required by statute,
11 regulation, or court rule;

12 (3) who is an habitual user of alcohol or another drug to such a degree
13 that the person is incapable of safely driving a motor vehicle;

14 (4) when the department, based upon medical evidence, has
15 determined that, because of the person's physical or mental disability, the person is not
16 able to drive a motor vehicle safely;

17 (5) who is unable to understand official traffic control devices as
18 displayed in this state or who does not have a fair knowledge of traffic laws and
19 regulations, as demonstrated by an examination;

20 (6) who has knowingly made a false statement in the person's
21 application for a license or has committed fraud in connection with the person's
22 application for, or in obtaining or attempting to obtain, a license, or who has not
23 applied under oath on the form provided for the purpose of obtaining or attempting to
24 obtain a license or permit; [OR]

25 (7) who is required under AS 28.20 to furnish proof of financial
26 responsibility and who has not done so; or

27 **(8) who has not presented to the department**

28 **(A) valid documentary evidence that the person is a citizen**
29 **of the United States, a national of the United States, a legal permanent**
30 **resident of the United States, or a conditional resident alien of the United**
31 **States; a person who is seeking a renewal of, duplicate of, or change of**

1 legal name on a license is presumed to meet the requirements of this
2 subparagraph if the license has not been expired for more than 90 days or
3 been cancelled, suspended, or revoked and the person has not been
4 disqualified from obtaining a license; if the department has been notified
5 by a local, state, or federal government agency that the person seeking a
6 renewal of, duplicate of, or change of legal name on a license is not a
7 citizen of the United States or is not legally in the United States, then the
8 presumption available in this subparagraph does not apply; the
9 department may by regulation specify what is valid documentary evidence
10 under this subparagraph except that the department may not specify that
11 a matricula consular card is valid documentary evidence; or

12 (B) in person, valid documentary evidence of (i) a valid,
13 unexpired nonimmigrant visa or nonimmigrant visa status for entry into
14 the United States, (ii) a pending or approved application for asylum in the
15 United States, (iii) entry into the United States in refugee status, (iv) a
16 pending or approved application for temporary protected status in the
17 United States, (v) approved deferred action status, or (vi) a pending
18 application for adjustment of status to legal permanent residence status or
19 conditional resident status; a license issued under this subparagraph may
20 be renewed only on presentation of valid documentary evidence that the
21 status by which the person qualified for the license has been extended by
22 the proper United States government authority; a change of name for a
23 license issued under this subparagraph may be made only on presentation
24 of valid documentary evidence that the person's name has been changed
25 with regard to the status by which the person qualified for the license; a
26 duplicate license for a license issued under this subparagraph may be
27 issued only on presentation of valid documentary evidence that the
28 person's status by which the person qualified for the license remains valid
29 and in effect; the department may by regulation specify what is valid
30 documentary evidence under this subsection, except that the department
31 may not specify that a matricula consular card is valid documentary

1 evidence.

2 * Sec. 6. AS 28.15.101(a) is amended to read:

3 (a) Except as otherwise provided in this chapter and in (d) of this section, a
4 driver's license expires on the licensee's birthday in the fifth year following issuance of
5 the license. A license may be renewed within one year of its expiration upon proper
6 application, payment of the required fee, and except when a license is renewed under
7 (c) of this section, successful completion of a test of the licensee's eyesight.

8 * Sec. 7. AS 28.15.101 is amended by adding a new subsection to read:

9 (d) A driver's license issued under AS 28.15.031(b)(8)(B) is valid only during
10 the period of the time the person is authorized to stay in the United States and must
11 clearly indicate the expiration date. If the period of authorized stay is indefinite, the
12 expiration date of the license is one year from the date of issue.

13 * Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to
14 read:

15 NO COOPERATION WITH FEDERAL REAL ID ACT. This Act may not be
16 construed as support for, or cooperation with, the Federal REAL ID Act of 2005 (P.L. 109-13,
17 Division B).

18 * Sec. 9. This Act takes effect January 1, 2010.

2/17/09

AMENDMENTS NOT TAKEN UP

26-LS0008\A.1
Luckhaupt
2/9/09

AMENDMENT

1

By Rep. Stoltze
by request

OFFERED IN THE HOUSE

TO: HB 3

1 Page 1, line 1, following "licenses":

2 Insert "relating to regulations concerning identification cards and driver's
3 licenses;"

4

5 Page 2, following line 25:

6 Insert a new bill section to read:

7 "* Sec. 4. AS 28.05.011 is amended by adding a new subsection to read:

8 (c) The commissioner of administration may not adopt a regulation solely for
9 the purpose of implementing or aiding in the implementation of the requirements of
10 the federal REAL ID Act of 2005 (P.L. 109-13, Division B)."

11

12 Renumber the following bill sections accordingly.

2/17/09

26-LS0008VA.2
Luckhaupt
2/17/09

AMENDMENT

2

OFFERED IN THE HOUSE
TO: HB 3

BY REPRESENTATIVE GARA

1 Page 1, line 1, following "licenses;":

2 Insert "relating to regulations concerning identification cards and driver's
3 licenses;"

4

5 Page 2, following line 25:

6 Insert a new bill section to read:

7 **** Sec. 4.** AS 28.05.011 is amended by adding a new subsection to read:

8 (c) The commissioner of administration may not

9 (1) adopt a regulation that imposes any burdens of proof or
10 requirements for the production of documents or other information that are contained
11 in or imposed by the federal REAL ID Act of 2005 (P.L. 109-13, Division B) on
12 persons who are legally in this country beyond the requirements contained in
13 AS 18.65.310(k) and (l) and AS 28.15.031(b)(8); or

14 (2) participate in any national identification or information sharing
15 programs that may be required by the federal REAL ID Act of 2005 (P.L. 109-13,
16 Division B)."

17

18 Renumber the following bill sections accordingly.

2/17/09

AMENDMENT # 3

**OFFERED IN THE HOUSE
HB 3**

BY REP. GARA

Page 2, lines 1 and 2

Delete all material.

Insert "who is 60 years of age or older does not expire."

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 3
(H) Publish Date: 2/6/09

Identifier (file name): HB03-DOA-DMV-02-04-09 Dept. Affected: Administration
Title "An Act relating to issuance of ID cards and driver's licenses" RDU Division of Motor Vehicles
Component Motor Vehicles
Sponsor Rep. Lynn
Requester (H) STA Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual	15.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	15.0	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES							
CHANGE IN REVENUES ()							

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1156 Receipt Supported Services	15.0						
TOTAL	15.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation will add the requirement of 'legal presence' in the U.S. to obtain a driver's license or ID card. Also, international customers who are lawfully in the U.S. for a limited times will now have an expiration date on the DL/ID that coincides with the date of stay.

The requested FY10 costs are to make major changes in DMV's computer system, ALVIN, to accept the new expiration dates and other verification fields.

Prepared by: Whitney Brewster
Division: Motor Vehicles
Approved by: Kevin Brooks, Deputy Commissioner
Department of Administration

Phone 907-269-5574
Date/Time 2/4/09 9:30 AM
Date 2/4/2009