

HB

74

<TARGET><BILL>HB 74</BILL><SUBJECT>HB
74</SUBJECT><COMM>HSTA30</COMM></TARGET>

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Governor Bill Walker
STATE OF ALASKA

January 20, 2017

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, AK 99801

Dear Speaker Edgmon:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to the implementation of the federal REAL ID Act of 2005 for the issuance of identification cards and driver licenses. The bill intends to allow the Department of Administration (Department) to issue both REAL ID compliant and noncompliant identification cards and driver licenses. The bill will also remove the funding restriction that prevents the State from complying with the REAL ID Act.

The REAL ID Act of 2005 (Act) is comprised of several sections that strengthen federal laws to protect against terrorist entry into the United States, improve security for driver licenses and identification cards, improve border infrastructure, and changes other aspects of immigration law. In order to prevent terrorists from obtaining state driver licenses and identification cards, the Act creates national standards for their issuance and manufacture, and mandates what source documents states can use to verify a person's identity. The Act does not usurp State authority to issue licenses or identification cards, but rather provides stronger oversight to ensure that all licenses and identification cards are less subject to tampering and fraud.

Similar to our current driver license regime, the bill gives the Department the authority to adopt regulations to issue compliant licenses and identification cards. The regulations must conform to the Act and federal regulations to ensure that the U.S. Department of Homeland Security certifies the licenses and cards issued by the State. Once the regulations are adopted, the Department will begin to offer the compliant driver licenses and compliant identification cards to the public.

The benefits of the State issuing compliant licenses and identification cards include allowing our residents to access military facilities, federal facilities, and pass through Transportation Security Administration checkpoints at airports with their State identification documents. Currently, Alaska driver licenses and identification cards cannot be used to enter military bases. It is expected that Alaskans will soon be unable to fly domestically or access federal buildings because our documents do not conform to the Act's requirements. This will require Alaskans to use their passport or other

The Honorable Bryce Edgmon
Transmittal REAL ID
January 20, 2017
Page 2

federally issued identification documents to fly to the lower forty-eight or go to a federal building. For those who do not have a passport, they will be required to obtain one at an additional personal expense to themselves.

The bill also recognizes that some Alaskans may not want a REAL ID license or identification card. To accommodate those people, the State will continue to issue non-Real ID compliant identification documents. If the Department is not sure which document a person wants, the default option will be a noncompliant one. Furthermore, a noncompliant document can never cost more than a compliant one, and the State must treat all driver licenses and identification cards the same. With these provisions in place, we strike the right balance between offering federally recognized and traditional identification documents.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink that reads "Bill Walker". The signature is written in a cursive, flowing style.

Bill Walker
Governor

Enclosure

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	HB 74
Fiscal Note Number:	3
(H) Publish Date:	1/23/2017

Identifier: DOA-DMV-01-20-17
 Title: REAL ID Act Compliance
 Sponsor: RULES BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Administration
 Appropriation: Motor Vehicles
 Allocation: Motor Vehicles
 OMB Component Number: 2348

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services			528.7	528.7	264.4	264.4	132.2	
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	528.7	528.7	264.4	264.4	132.2	

Fund Source (Operating Only)

1005 GF/Prgm (DGF)			528.7	528.7	264.4	264.4	132.2
Total	0.0	0.0	528.7	528.7	264.4	264.4	132.2

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

1005 GF/Prgm (DGF)			528.7	528.7	264.4	264.4	132.2
Total	0.0	0.0	528.7	528.7	264.4	264.4	132.2

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 1,500.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/18

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By:	Marla Thompson, Director	Phone:	(907)269-5574
Division:	Motor Vehicles	Date:	01/20/2017 10:00 AM
Approved By:	Sheldon Fisher, Commissioner	Date:	01/20/17
Agency:	Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

REAL ID is the Federal Government's program to improve the reliability and accuracy of state-issued identification documents. In 2008 the Alaska Legislature passed a law prohibiting the use of state funds to implement the REAL ID Act in Alaska. Phase 1 of the REAL ID Act applies to federal facilities and went into effect in October of 2016. Alaska secured a Homeland Security extension through June 6, 2017. After that date, if Alaska is not compliant or has not secured an additional extension, Alaska-issued driver licenses and state identification cards (ID) will no longer be accepted as a form of identification at military bases or other federal facilities. Alaskans will need to present a passport or other federally issued ID to gain entry to a federal facility.

Phase 2 impacts access to air travel requiring TSA security screening. If Alaska is not compliant or has not secured an additional extension by January 22, 2018, Alaska-issued driver licenses or state ID cards will no longer be accepted for air travel requiring TSA screening. A federally-issued identification such as a passport will be needed for TSA screening. By October 1, 2020, only REAL ID compliant identification or other federal ID will be accepted for travel requiring TSA screening and for access to all military bases and federal facilities. No further extensions will be granted to states.

Initial cost to DMV:

DMV will need \$1.5 million in a Capital appropriation to become REAL ID compliant.

The breakdown of the costs is:

\$400,000 – Integration of verification programs

\$200,000 – Additional license designators/security designs

\$500,000 – Equipment for statewide offices

\$400,000 – Development work for card printing contractor including software update, card templates

Ongoing costs:

The annual production cost of a REAL ID compliant driver license or state ID will increase. Currently, a driver license or state ID costs \$1.92 to produce and mail. A REAL ID license or ID card is estimated to cost \$5 more per card. DMV anticipates 50% of Alaskans will opt for a REAL ID license or ID card. In FY16 DMV issued 169,219 driver licenses and 42,253 id cards.

169,219 Driver Licenses

+ 42,253 ID Cards

211,472 Total

211,472 x 50% = 105,736

105,736 x \$5 (addt production cost) = \$528,680.

DMV will need an increment of \$528,680 for the first two years to cover the additional production costs for the compliant cards. DMV will charge an additional fee for REAL ID compliant cards to cover the increased costs. DMV anticipates demand will taper off in subsequent years. The increment is necessary for DMV to spend and receive the revenue generated. All excess fees are returned to the general fund.

Revenue:

To cover the increased production costs, REAL ID compliant driver licenses and ID cards will cost applicants an additional \$5 per license or card.

DMV will complete current system upgrades in December of 2017, implement infrastructure upgrades in FY18 and will be ready to produce REAL ID compliant cards in FY19.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	HB 74
Fiscal Note Number:	1
(H) Publish Date:	1/23/2017

Identifier: MVA-DHSEM-01-18-17
 Title: REAL ID Act Compliance
 Sponsor: RULES BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Military and Veterans' Affairs
 Appropriation: Military and Veterans' Affairs
 Allocation: Homeland Security and Emergency Management
 OMB Component Number: 2657

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By:	Ronald G. Clarke	Phone:	(907)428-6007
Division:	Office of the Commissioner	Date:	01/18/2017 10:00 AM
Approved By:	Robert A.K. Doehl	Date:	01/18/17
Agency:	Deputy Commissioner		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

This bill enables the State of Alaska to issue more secure state identification and comply with the Federal Government's requirements for more secure and tamperproof state IDs. If this bill is not passed, Alaska's citizens would need to have other federally approved identification in order to travel by air, as well as for access to all federal buildings in the State of Alaska, including military bases.

The Department of Military and Veterans' Affairs anticipates no fiscal impact to the department or the Division of Homeland Security & Emergency Management.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	HB 74
Fiscal Note Number:	2
(H) Publish Date:	1/23/2017

Identifier: DPS-COMM-01-18-17
 Title: REAL ID Act Compliance
 Sponsor: RULES BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Public Safety
 Appropriation: Statewide Support
 Allocation: Commissioner's Office
 OMB Component Number: 523

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By:	Kelly Howell	Phone:	(907)465-4336
Division:	Administrative Services	Date:	01/18/2017 07:55 PM
Approved By:	Walt Monegan	Date:	01/18/17
Agency:	Public Safety		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

Analysis

This bill amends several statutes to allow the Department of Administration to issue both REAL ID compliant and noncompliant identification cards and driver's licenses, and remove the funding restriction that prevents the state from complying with the REAL ID Act.

Passage of this bill would have no fiscal impact on the Department of Public Safety.



ALASKA DISTRICT COUNCIL OF LABORERS

Laborer's International Union of North America
2501 Commercial Drive • Suite 140 • Anchorage, Alaska 99501
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Dennis Moen

Business Manager
Secretary-Treasurer
District Council

Business Manager
Public Employees Local 71

Joey Merrick

President
District Council

Business Manager
Laborers Local 341

Kevin Pomeroy

Vice President
District Council

Business Manager
Laborers Local 942

February 22, 2017

Representative Jonathan Kreiss-Tomkins, Chair
House State Affairs Committee
Alaska House of Representatives
Juneau, Alaska 99801

Sent via email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov

Subject: Support for the Real ID bill

Dear Representative Kreiss-Tomkins:

The Alaska Laborers urge you to support Governor Walker's HB 74 to provide Alaskans the option to obtain a license or ID that complies with the Real ID Act of 2005. This bill ensures that Alaska workers can access their work sites on military bases and federal facilities and that Alaskans can obtain the proper ID for TSA security checkpoints. We therefore respectfully request that the House move forward with the Real ID bill in an expedited manner.

On June 7, 2017, a standard Alaska driver's license will not meet the requirements for non-military personnel to access military bases and secure-entrance federal buildings. The Real ID bill is a much-needed fix to this problem. Passing the Real ID bill is imperative for construction contractors to have a ready local workforce and for Alaskans to have the proper ID for air travel and accessing their work sites on military installations.

The Alaska Laborers represent around 5,500 workers across the state. Our members clean, maintain, and build our military projects, including projects at Eielson AFB, JBER, and Clear AFS. But hundreds of these workers could be restricted from their work sites if they are not afforded the choice to obtain a form of identification that complies with the Real ID Act. The following are a few examples of groups of workers whose jobs would be impeded without a Real ID compliant form of identification:

- Hundreds of workers employed by construction contractors that perform military construction on military bases across the state;

- Around 145 members working for the Alaska Department of Military and Veterans Affairs who need to access military bases and federal facilities for their work;
- Members providing custodial services at six schools on military bases; and
- Our members performing maintenance and other services for contractors on military bases.

Despite the recent economic downturn, military construction in Interior Alaska is expected to be a bright spot in our economy with well over \$1 billion in investment during the next ten years. But to guarantee that local workers have the opportunity to build the upcoming military construction projects such as hangars and radar systems, Alaskans need a form of identification that complies with the Real ID Act to gain access to their work sites on military bases. Without passing the Real ID bill, contractors may be forced to hire more non-resident workers who have compliant IDs from their home states.

Not only is the Real ID bill critical for Alaska employers and workers for work-site access, but most Alaskans will be affected because a Real ID license or federal ID will be required at TSA security checkpoints. By January 22, 2018, Real ID compliant IDs will be required at TSA security checkpoints unless Alaska receives another extension by passing legislation to show it is working toward compliance. By October 1, 2020, a Real ID Act compliant form of identification will be required at TSA security checkpoints, and the Homeland Security Agency will not grant additional extensions. As a result, passing the Real ID bill is necessary for air travel including for our workers who fly the North Slope.

We look forward to working with you on a solution to this critical issue. Thank you for your leadership and your consideration. Please don't hesitate to contact us if you would like additional information.



Dennis Moen

Best,



Joey Merrick



Kevin Pomeroy



Dana Debel
Managing Director
State & Local Government
Affairs

Delta Air Lines, Inc.
6033 W. Century Blvd.
Suite 380
Los Angeles, CA 90045
dana.debel@delta.com

March 20, 2017

The Honorable Representative Jonathan Kreiss-Tomkins
State Capitol Room 411
Juneau AK, 99801

The Honorable Representative Gabrielle LeDoux
State Capitol Room 216
Juneau AK, 99801

Dear Senators,

On behalf of Delta Air Lines, I'd like to express our support for HB 74, legislation facilitating compliance with the Real ID Act.

Delta Air Lines currently services Anchorage and Fairbanks with year round service and is, Juneau, Sitka and Ketchikan with seasonal service. In total, Delta carries over 1 Million passengers annually to and from Alaska.

As such, it's important to Delta Air Lines that our passengers' experiences at the airports are positive. We encourage the State of Alaska to move swiftly to comply with the Real ID Act to minimize disruptions and unnecessary delays at the airport. Failure to comply we believe will result in unnecessary delay and disappointment with denied boarding, as well as longer TSA lines and processing times for passengers at Alaska airports by January 1 2018, if a fix is not passed in 2017.

We encourage you to pass HB 74. Please let me know if you have any questions.

Sincerely,

Dana Debel
Managing Director, State and Local Government Affairs
Delta Air Lines

cc: Members of the House State Affairs Committee

ALASKA AFL-CIO

3333 Denali Street, Suite 125 · Anchorage, Alaska 99503 · 907-258-6284 · Fax 777-7276

VINCE BELTRAMI
Executive President



JIM DUNCAN
Secretary / Treasurer

March 27, 2017

The Honorable Jonathan Kreiss-Tomkins, Chairman
Alaska House State Affairs Committee
State Capitol, Room 120
Juneau, AK 99801

Dear Chair Kreiss-Tomkins and members of the House State Affairs Committee:

The Alaska AFL-CIO is urging you to support HB 74, the Real ID bill.

We know this bill is complicated. Many people have relevant questions about how to implement this bill while protecting Alaskans' privacy.

The Administration secured a waiver from the Homeland Security Administration (HSA) allowing Alaskans to access military bases and other federal facilities using non-compliant Alaskan ID. If HB 74 fails to pass the Legislature this session, Alaska's waiver will expire on June 8, 2017. HSA has strongly indicated Alaska will not be granted an additional waiver unless legislation is passed this session.

The REAL ID Act enforcement timeline is as follows:

- Military bases: As of June 8, 2017, Alaska licenses and ID card will not get you on base, unless Alaska is granted another Homeland Security waiver.
- Air travel: As of January 22, 2018, Alaska driver licenses and ID cards will not get you through TSA screening and onto the plane, unless Alaska is granted another Homeland Security waiver. *Sum +*
- As of October 1, 2020, all domestic air travel will require REAL ID cards or other federally- approved identification. All waivers will be terminated.

These are real consequences for working Alaskans, particularly those who need to access federal properties for work, or who have to board commercially operated airlines subject to TSA guidelines, whether traveling for business or pleasure. And it is why this bill should be passed this session. We are out of time.

2015

The primary concerns we have heard revolve around whether Alaskans' information will be compromised or end up in new or shared national databases. These are valid concerns. We urge you to amend the bill to address such concerns, as has been done in the Committee Substitute (CS) for SB 34, the companion bill in the Senate.

The aforementioned CS appears to have garnered the tacit support of the American Civil Liberties Union and others. And according to the information put out by Governor Walker's administration, neither the legislation or the federal REAL ID Act create new national databases. All information will be kept in state with strict limitations to protect and keep data confidential and private, as required under AS 28.15.181(f), which limits the disclosures in AS 28.10.505. Authorization for releasing information can only come from:

- By subpoena for a court case;
- Discovery for an administrative hearing;
- Request from law enforcement/government agency for official purposes;
- By request/authorization of the record holder/document owner to themselves and/or an authorized recipient(s).

These restrictions, in conjunction with the type of amendments included in the CS for SB 34 adequately address privacy concerns in our opinion. Most importantly, we encourage legislators to ACT NOW! Alaskan workers and travelers will be unnecessarily burdened, whether trying to access their job, or freely traveling via commercial airlines, if you fail to come up with an adequate solution.

And one final point for high consideration; this program will be completely VOLUNTARY. No Alaskan will be forced to participate if they choose not to. Please pass HB 74 this session.

Respectfully,



Vince Beltrami
President
Alaska AFL-CIO

HB 74 Driver's Licenses and ID Cards and REAL ID Act



Presented by
Deputy Commissioner Leslie Ridle
DMV Director Marla Thompson

Federal REAL ID Act

- **REAL ID** covers all 50 states, 5 territories and Washington, D.C.
- Establishes minimum requirements for secure issuance and production of state-issued driver licenses and IDs:
 - Requires states to verify a person's identity & lawful status
 - Requires special card design features like digital photo, signature, unique card number
 - Requires safeguards for issuance & production of licenses; i.e. clearly marking temporary, limited, or otherwise non-compliant licenses
- 26 states currently offer REAL ID compliant cards
- 19 states including Alaska have extensions allowing continued issuance and production of non-compliant cards
- States that are non-compliant – WA, MT, MN, MO, ME

HB 74 Driver's License, State IDs, REAL ID ACT

What Bill Does

- Allows DMV to offer Alaskans a choice between a REAL ID compliant driver's license or ID, or a "standard" noncompliant license or ID
- Gives DMV authority and funding to upgrade systems, equipment and processes for REAL ID/DL card production
- Allows DMV to charge additional \$5 fee for REAL ID licenses and IDs to cover increased cost of production

Why Bill is Needed

- AS 44.99.040 (a)(2) prohibits DMV from spending state funds to comply with REAL ID Act
- Without compliant ID, Alaskans will need another form of federal ID for TSA security screenings or to gain access to military bases and secure-entrance federal buildings
- REAL ID Act was designed to decrease fraud and ensure that states are checking the validity of documents presented with applications

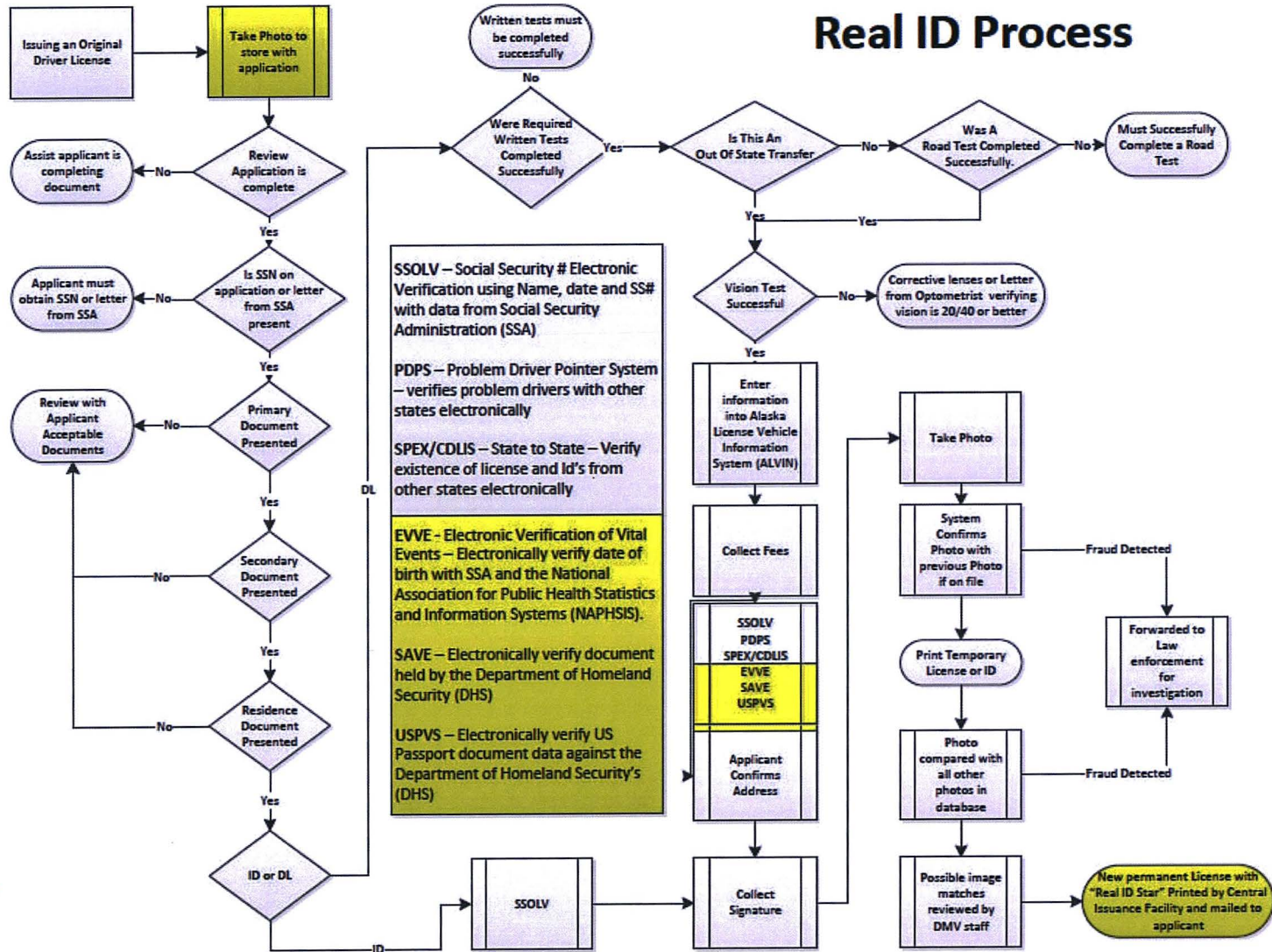
What Will Change

- DMV will take a photo at time of application as required by Department of Homeland Security and store that image for required timeline
- DMV will validate birthdate and passport information when provided by applicant
- REAL ID/DL cards will have unique design or color indicator to clearly distinguish from noncompliant cards
- Noncompliant cards will state "Not for Federal Use"
- DL&ID's will now be valid for 8 years instead of 5

What Won't Change

- DMV will still require the primary document, secondary document and proof of Alaska residency for compliant and noncompliant cards
- DMV will continue to background check employees
- DMV will continue to use a secure facility to produce compliant and noncompliant cards

Real ID Process



What is Required From Alaskans?

New License - TODAY

- Primary Document
- Secondary Document
- Proof of Alaska Residency
- Proof of Social Security Number
- Proof of Name Changes

New License – Noncompliant Option

- Primary Document
- Secondary Document
- Proof of Alaska Residency
- Proof of Social Security Number
- Proof of Name Changes

New License – REAL ID

- Primary Document
- Secondary Document
- Proof of Alaska Residency
- Proof of Social Security Number
- Proof of Name Changes

Timeline

- January 2017 – Governor introduced bill to allow DMV to produce both compliant and noncompliant REAL ID ID/DLs
- June 6, 2017 – Alaska’s waiver from Homeland Security Agency (HSA) ends
- June 7, 2017 – Unless we are granted additional waiver, approved federal ID will be required to access military bases and federal facilities
- January 22, 2018 – REAL ID compliant ID/DLs or other federal ID will be required at TSA security check points, unless Alaska has passed legislation and is working toward compliance
- October 1, 2020 – REAL ID compliant ID/DLs or other federal ID will be required at TSA security check points. No additional HSA waivers will be granted.
- If Real ID bill passes this session:
 - December 2017—DMV completes ALVIN upgrade & begins REAL ID upgrades
 - Mid-2018 – first REAL ID cards available to Alaskans

REAL ID – Accessing Military Bases

Who will be most impacted getting on military bases if waiver expires?

- State employees
 - DMVA
 - DHSS
 - State Troopers
 - DOLWD – OSHA inspectors
- Civilians
 - Moving companies
 - Facility maintenance companies
 - Retailers
 - Construction workers
 - Visitors
- Anchorage School District
 - 4 Schools
- Fairbanks North Star Borough School District
 - 4 schools

REAL ID – Possible alternative documents

Prior to the waiver granted in October 2016, Alaska military installations were poised to require federal ID to enter a military base:

- Military ID – current, retired, family
- Federal Employee ID
- Transportation Worker Card
- Passport or passport card
- Veterans ID

TSA has not yet identified which forms of federal ID they will accept in Alaska in lieu of REAL ID/DLs, when enforcement commences in 2020.

Appendix

Definitions

What is AAMVA

- The American Association of Motor Vehicle Administrators (AAMVA) is a tax-exempt, nonprofit organization developing model programs in motor vehicle administration, law enforcement and highway safety. The association also serves as an information clearinghouse in these areas, and acts as the international spokesman for these interests.
- Founded in 1933, AAMVA represents the state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws. AAMVA's programs encourage uniformity and reciprocity among the states and provinces. The association also serves as a liaison with other levels of government and the private sector. Its development and research activities provide guidelines for more effective public service. AAMVA's membership includes associations, organizations and businesses that share an interest in the association's goals.
- AAMVA helps facilitate communication and workflow between states in regards to licenses as well as law enforcement.

System	Purpose	Today	REAL ID
National Motor Vehicle Title Information System (NMVTIS)	Verifies vehicle ownership documents the records of the issuing state	X	X
Commercial Driver License Information System (CDLIS)	Verifies CDL eligibility	X	X
Problem Driver Pointer System (PDPS)	Verifies eligibility for an original or renewed driver's license of any type	X	X
Social Security Online Verification (SSOLV)	Verifies the Social Security Number a person provides matches the records of the Social Security Administration	X	X
State to State (Beginning January 2017)	Verifies if an applicant holds a driver's license or identification card in another state. Identifies any REAL ID credential issued by another state	X	X
Systematic Alien Verification for Entitlements (SAVE) (Pending adoption of regulations authorized by AS 28.15.101(d))	Verifies lawful permanent or non-permanent status for non-U.S. Citizens. License/ID expiration will match expiration of immigration documents.	X	X
Electronic Verification of Vital Events (EVVE)	Verifies a person's state issued U.S. birth certificate matches the record of the issuing state – Currently on hold with states.		X
Department of State Passport Database	Verifies a person's U.S. passport matches the records of the U.S. State Department		X
Photo First	Captures an applicant's photo at the start of a transaction, or if at any point in the application process fraud is suspected		X

ALASKA LEGISLATURE
House State Affairs Committee

Rep. Jonathan Kreiss-Tomkins, Chair

State Capitol, Room 411
Juneau, Alaska 99801
(907) 465-3732
Toll Free 1 (888) 461-3732

hsta@akleg.gov



Rep. Gabrielle LeDoux, Vice Chair

Rep. Chris Birch
Rep. DeLena Johnson
Rep. Gary Knopp
Rep. Chris Tuck
Rep. Adam Wool
Rep. Andy Josephson, Alternate

Agenda

State Affairs Committee - Room 120

Tuesday, February 7th, 2017 3:00 pm - 4:30 pm

- =+ HB 31 SEXUAL ASSAULT EXAMINATION KITS
- *+ HB 74 DRIVER'S LICENSE & ID CARDS & REAL ID ACT

+Bills Previously Heard/Scheduled



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

SHELDON FISHER, COMMISSIONER

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PO Box 110200
Juneau, AK 99811-0200
Main: 907.465.2200
Fax: 907.465.2135
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January 25, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
House State Affairs Committee
State Capitol Building, Room 120
Juneau, AK 99801

Dear Representative Kreiss-Tomkins:

The Department of Administration (DOA) respectfully requests that HB 74, "Driver's License & ID Cards & REAL ID Act" be considered for a scheduled hearing in the House State Affairs Committee.

This bill would give DMV authority to issue both REAL ID compliant and standard non-compliant driver licenses and ID cards. The bill also removes the funding restriction currently preventing the State from complying with the REAL ID Act.

We greatly appreciate your consideration of this important piece of legislation. If you need additional information, please contact Leslie Ridle, Deputy Commissioner for the Department of Administration at (907) 465-2200.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Fisher".

Sheldon Fisher, Commissioner

CC: Darwin Peterson, Legislative Director, Office of the Governor



HB 74 Sectional Analysis

Section 1: AS 18.65.310 – Amends subsection (a)

(a) – Creates definition of “noncompliant” and “compliant” and sets fee for each. The current \$15 fee remains in place for noncompliant cards; compliant cards cost an additional \$5.

Section 2: AS 18.65.310 – Adds new subsections

(m) – Allows for the creation of regulations for the issuance of **identification (ID) cards** that comply with the REAL ID Act of 2005.

(n) – Clarifies the DMV will still issue noncompliant ID cards, giving Alaskans a choice. Also clarifies that all state, borough, and city governments shall treat the noncompliant IDs the same as a complaint ID.

Section 3: AS 28.15.041 – Adds new subsections

(b) – Allows for the creation of regulations for the issuance of **driver’s licenses (DL)** that comply with the REAL ID Act of 2005.

(c) – Clarifies the DMV will still issue noncompliant driver’s licenses, giving Alaskan’s a choice. Also clarifies that all state, borough, and city governments shall treat the noncompliant driver’s licenses the same as a complaint driver’s licenses.

Section 4: AS 28.15.101 – Amends subsection (a)

(a) Changes the duration of a driver’s license or state identification card to eight years instead of five.

Section 5: AS 28.15.101 – Amends subsection (d)

(d) Clarifies the DMV will issue licenses or ID cards for less than eight years to non-citizen persons authorized to be in the US for less than eight years – the duration will match the authorized time period. Clarified the DMV will issue licenses or ID cards for the duration of one year to non-citizen persons with indefinite authorized stay in the US.

Section 6: AS 28.15.111 – Amends subsection (a)

(a) Removes requirement to display color photograph on licenses and ID cards. This allows DMV to move to the highest security cards available, where photos are etched onto the IDs to provide a more secure and better likeness of the customer.

Section 7: AS 28.15.271—Adds subsection (b)(4)

(b)(4) States the fee for a compliant license is an additional \$5

Section 8: AS 44.99.040(a)(2) – Repealed

Bill removed statutory prohibition on expenditure of state funds to become REAL ID compliant. Language to be repealed (highlighted):

Sec. 44.99.040. Limitation on use of assets. (a) A state or municipal agency may not use or authorize the use of an asset to implement or aid in the implementation of a requirement of

(1) an order of the President of the United States, a federal regulation, or a law enacted by the United States Congress that is applied to

(A) infringe on a person's right, under the Second Amendment to the Constitution of the United States, to keep and bear arms;

(B) deny a person a right to due process, or a protection of due process, that would otherwise be available to the person under the Constitution of the State of Alaska or the Constitution of the United States; or

(2) P.L. 109-13, Division B (REAL ID Act of 2005).

(b) In this section,

(1) "asset" means funds, facilities, equipment, services, or other resources of a state or municipal agency;

(2) "state or municipal agency" means the University of Alaska, the Alaska Aerospace Corporation, the Alaska Housing Finance Corporation, the Alaska Industrial Development and Export Authority, the Alaska Energy Authority, the Alaska Railroad Corporation, or a department, institution, board, commission, division, council, committee, authority, public corporation, school district, regional educational attendance area, or other administrative unit of a municipality or of the executive, judicial, or legislative branch of state government, and includes employees of those entities.

HOUSE COMMITTEE REPORT

2/8/17

(7)

Date Referred to Committee: January 18, 2017

FURTHER REFERRALS: Finance

Date of Committee Action: February 7, 2017

The STATE AFFAIRS Committee considered:

HB 31

HOUSE BILL NO. 31

"An Act requiring the Department of Public Safety to develop a tracking system and collection and processing protocol for sexual assault examination kits; requiring law enforcement agencies to send sexual assault examination kits for testing within 18 months after collection; requiring an inventory and reports on untested sexual assault examination kits; and providing for an effective date."

HB 31 SEXUAL ASSAULT EXAMINATION KITS

Recommends it be replaced with HCS or CS for _____ (_____) For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

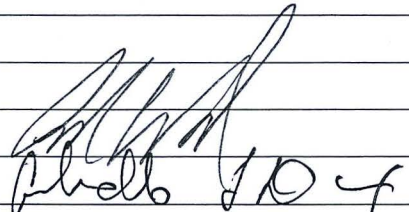
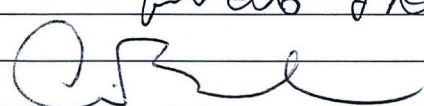
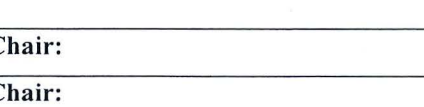
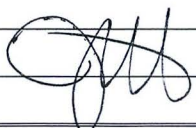
- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

- List of Abbrev for Depts.:
- ADM
 - AJS
 - CED
 - COR
 - EED
 - DEC
 - DFG
 - GOV
 - DHS
 - LWF
 - LAW
 - LEG
 - MVA
 - DNR
 - DPS
 - REV
 - DOT
 - UA

NEW FISCAL NOTES				
*FN# is assigned by Chief Clerk's Office				
*FN#	List by Dept(s):	Fiscal	Indet.	Zero
1	DPS	✓		

PREVIOUS FISCAL NOTES				
FN#	List by Dept(s):	Fiscal	Indet.	Zero

4

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Wool	✓			
	LeDoux	✓			
	Birch	✗			
Chair: 	Kreiss-Tomkins	✗			
Chair:					



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

SHELDON FISHER, COMMISSIONER

10th Fl. State Office Building
PO Box 110200
Juneau, AK 99811-0200
Main: 907.465.2200
Fax: 907.465.2135
www.doa.alaska.gov

January 25, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
House State Affairs Committee
State Capitol Building, Room 120
Juneau, AK 99801

Dear Representative Kreiss-Tomkins:

The Department of Administration (DOA) respectfully requests that HB 74, "Driver's License & ID Cards & REAL ID Act" be considered for a scheduled hearing in the House State Affairs Committee.

This bill would give DMV authority to issue both REAL ID compliant and standard non-compliant driver licenses and ID cards. The bill also removes the funding restriction currently preventing the State from complying with the REAL ID Act.

We greatly appreciate your consideration of this important piece of legislation. If you need additional information, please contact Leslie Ridle, Deputy Commissioner for the Department of Administration at (907) 465-2200.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Fisher".

Sheldon Fisher, Commissioner

CC: Darwin Peterson, Legislative Director, Office of the Governor

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE WOOL

TO: HB 74

- 1 Page 5, line 7:
- 2 Delete "\$5"
- 3 Insert "\$10"

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 74

BY REPRESENTATIVE ~~BIRCH~~

Knopp

- 1 Page 3, line 18:
- 2 Delete "shall"
- 3 Insert "may [SHALL]"
- 4
- 5 Page 3, line 20:
- 6 Delete "shall"
- 7 Insert "may [SHALL]"

	Current AK DL or ID	REAL ID	TWIC	Passport	Passport Card
Primary Purpose	Driving privilege and/or general identity credential not accepted for federal purposes	Driving privilege and/or general identity credential accepted for federal purposes	A threat assessment for the Transportation Worker Identification Credential (TWIC®)	International travel document, valid for air travel	Land or sea travel between US and: Canada, Mexico, the Caribbean, and Bermuda. Not valid for int'l air travel.
Duration	5 years + online/mail in renewal option for another 5 years	Up to 8 years + online/mail in renewal option for another 8 years	5 years, or if the reduced rate is paid, matched with the expiration of a valid CDL with HazMat or a FAST (Free and Secure Trade) card	10 years	10 years
Cost	DL-\$20; ID-\$15; Alcohol Restricted DL or ID-\$50	DL-\$25; ID- \$20; Alcohol Restricted DL or ID-\$55	\$125.25; reduced rate for CDL holder subject to additional HazMat background check fees \$105.25	110 + \$25 Application Fee	\$55; Renewal \$30
Processing Times	Temporary card issued immediately; permanent card mailed within 2 weeks	Temporary card issued immediately; permanent card mailed within 2 weeks	TWIC site doesn't state. Third party websites estimate typically 3-4 weeks	Routine 6 weeks; expedited 2-3 weeks	Routine 6 weeks; expedited 2-3 weeks
Renewal Cost	Same	Same	Same as new applicant	\$100	\$30
Renewal Method	In Person/Online/Mail	In Person/Online/Mail	Same as new applicant	In person/mail	In person/mail
Who Qualifies	Anyone who meets requirements in current AK statute/regulation	Anyone who meets the requirements in AK statute/regulation and opts to participate in identity verification process	Individuals with certain disqualifying offenses as determined by DHS may be ineligible	Anyone who meets the department of state requirements	Anyone who meets the department of state requirements
RF ID Chip	No	No	Yes	Yes, since 2007	Yes
Application Access	AK DMV Offices, M-F, excluding state holidays	AK DMV Offices, M-F, excluding state holidays	Hours vary by location in Alaska; mostly part-time outside of Anchorage	In person/mail *Original or name change requires mailing of a person's source documents	In person/mail *Original or name change requires mailing of a person's source documents.
Delivery Method	Central Issuance - Mailed	Central Issuance - Mailed	Central Issuance - Mailed	Central Issuance - Mailed	Central Issuance - Mailed
In-person Application	Yes	Yes	Yes	Yes	Yes
Online/Mail Renewal	Yes	Yes* only to renew a previously issued REAL ID	No - Same as new applicant	Yes	Yes
Background Check & Fingerprints	No	No	Yes	No	No
Requires a PIN	No	No	Yes	No	No
Database Owner	Alaska DMV	Alaska DMV	Department Homeland Security	Dept of State	Dept of State

Overview

1. Why is Alaska not REAL ID compliant?

The Alaska Legislature passed legislation in 2008 and 2013 that prohibits the state from spending state funds on software, equipment or other infrastructure needed to create REAL ID-compliant driver licenses or ID cards.

2. What is Alaska doing to become REAL ID compliant?

The Governor introduced legislation (HB 74 and SB 34) to repeal the prohibition and allow DMV to offer Alaskans a choice between:

- REAL ID license or ID card for those who want one
- Current (non-compliant) license or ID card for those who don't

3. How much will it cost?

Implementation will cost \$1.5 million for technology infrastructure and equipment needed to become compliant. Ongoing card production costs are estimated to be \$5 per REAL ID license or ID.

DMV issues about 212,000 cards annually. DMV estimates 1/2 of Alaskans will request REAL IDs in the first two years, if given the option. This legislation proposes to charge an additional \$5 per REAL ID card, generating approximately \$530,000 in revenue per year in FY19 and FY20 to help offset implementation and production costs.

4. What happens if this legislation doesn't pass?

The Administration secured a waiver from the Homeland Security Administration (HSA) allowing Alaskans to access military bases and other federal facilities using non-compliant Alaskan ID. If HB 74/SB 34 fails to pass the Legislature this session, Alaska's waiver will expire on June 8, 2017. HSA has strongly indicated Alaska will not be granted an additional waiver unless legislation is passed this session.

The REAL ID Act enforcement timeline is as follows:

- Military bases: As of June 8, 2017, Alaska licenses and ID cards will not get you on base, unless Alaska is granted another Homeland Security waiver.
- Air travel: As of January 22, 2018, Alaska driver licenses and ID cards will not get you through TSA screening and onto the plane, unless Alaska is granted another Homeland Security waiver.
- As of October 1, 2020, all domestic air travel will require REAL ID cards or other federally-approved identification. All waivers will be terminated.

Data Concerns**5. Does this legislation create a national database?**

No. Neither the Governor's legislation nor the federal REAL ID Act creates a new national database. The verification processes required by REAL ID Act utilize existing databases to verify birth certificates, passport validity, and/or lawful status.

6. Does this legislation create a multi-state shared database?

No. The REAL ID Act requires states to "provide electronic access to all other States to information contained in the motor vehicle database of the State." DMV currently participates in the State to State Verification Services (S2S), administered by the American Association of Motor Vehicle Administrators (AAMVA). S2S allows states to confirm certain data points with other states' DMVs by providing a bridge from one DMV to another.

The S2S system does not provide any state or federal agency with access to any other state's data base. S2S satisfies the requirements of the federal REAL ID Act for providing information without having to grant direct access to state-owned and managed data bases.

7. Will the federal government have access to Alaska's data?

Neither the Governor's legislation nor the REAL ID Act provide additional access to the federal government, state governments, or any third party. Information contained in the Alaskan DMV data base is confidential and private under AS 28.15.181(f), which limits the disclosures in AS 28.10.505. Authorization for releasing information can only come from:

- By subpoena for a court case;
- Discovery for an administrative hearing;
- Request from law enforcement/government agency for official purposes;
- By request/authorization of the record holder/document owner to themselves and/or an authorized recipient(s).

8. How will Alaskan data be protected against cyber security threats? Who will have access?

All central DMV databases are stored on DMV servers located in State of Alaska ETS-managed data centers in Anchorage and Juneau. Physical access to data centers is strictly controlled and monitored. Data access to customer records is logged, restricted to minimal access level required and monitored for all applications. Public-facing online services and web pages containing customer-specific

information uses encrypted data transportation protocols and caching of information is disabled (i.e. close the web page, the data is wiped from memory).

All "Jurisdictions" (aka state DMVs) who are afforded restricted access to AAMVA applications such as State to State must meet stringent data security criteria. Member databases must be maintained in highly secured data centers which incorporate state of the art hardware devices for secure storage, logging/monitoring of all authorized transactions/activity and attempted intrusion detection and prevention systems (hardware and software).

The only data stored centrally by AAMVA consists of what are called "Pointer Records." These records contain the minimum amount of information necessary to identify records maintained in Jurisdiction databases and information to indicate where the full records are stored (i.e. AAMVA records "point" to the full vehicle / person records). When Jurisdictions request or send customer information to another Jurisdiction, the AAMVA "bridge" validates that the request is coming from an authorized source and that the returned information is also being provided by an authorized organization.

This data is fully encrypted from end to end. Nobody at AAMVA or any third party can gain access to the content of customer data being exchanged between the jurisdictions. Customer records transported across the AAMVA "bridge" are not "visible" and are not stored anywhere at AAMVA. Industry best practices and monitored security procedures are applied at each level of operations. Data storage and all data exchanges are conducted over private, encrypted network connections.

AAMVA cannot provide third parties (including Federal agencies) with reports or listings of customer data because AAMVA simply does not store or have direct access to the data other than what is stored in "Pointer Records."

9. What does DMV do with the information it collects?

Alaska statute requires DMV to keep records for non-commercial DL/ID for a minimum of 7 years. Federal regulations require records retention for Commercial Driver Licenses (CDLs) actions for 55 years. DMV currently copies the documents presented and then scans them after they have been audited. Copies are shredded after scan. Scanned records are stored on internal DMV servers hosted by State of Alaska/ETS – managed Datacenters. Internal access to this data is strictly limited.

10. What about the vendor that creates the DL/ID? What do they do with the information?

DL/ID cards are currently produced by an offsite vendor. Only information required for card production, such as name, address and other information displayed on an Alaskan DL/ID card, is sent to the vendor and all records with the vendor are purged after 30 days. REAL ID cards will be produced in the same manner as the non-compliant cards. Scanned source documents are never released to vendors.

12. Does the REAL ID card have a chip?

REAL IDs do not contain Radio Frequency Identification (RFID) chips or other tracking devices. People frequently confuse the REAL ID card with the voluntary Enhanced ID card, which does contain an RFID chip and is designed to aide US citizens who frequently travel across US borders. Alaska does not offer an Enhanced ID card. The Enhanced ID card is an accepted alternative to the REAL ID card for entry to federal facilities and TSA checkpoints.

Identification**13. Will Alaskans be able to fly without a REAL ID?**

Starting January 22, 2018, unless Alaska passes legislation and is granted another waiver from Homeland Security, Alaskans will not be able to fly without an alternative federal identification.

If the legislation passes, the deadline is pushed back to January 1, 2020, to allow DMV time to begin production of REAL ID compliant cards.

14. What forms of identification will Alaskans need to access military bases or fly?

Federal identification requirements may vary among military and other federal establishments. JBER will accept the following alternative documents:

- US passports/passport cards
- Permanent Resident card/Alien Registration Receipt Card (Form I-766)
- Foreign passports with a temporary (I-551) stamp
- An employment authorization document that contains a photograph (Form I-766)
- Identification card issued by federal, state, or local government agencies that are REAL ID compliant.
- VA health identification card issued by the US Department of Veterans Affairs
- Merchant Mariner card issued by DHS/US Coast Guard

TSA will accept the following alternative documents at airport checkpoints in order to travel:

- U.S. passport/passport card
- DHS trusted traveler cards (Global Entry, NEXUS, SENTRI, FAST)
- U.S. military ID (active duty or retired military and their dependents, and DoD civilians)
- Permanent resident card
- Border crossing card
- DHS-designated enhanced driver's license
- Airline or airport-issued ID (if issued under a TSA-approved security plan)
- Federally recognized, tribal-issued photo ID
- HSPD-12 PIV card

- Foreign government-issued passport
- Canadian provincial driver's license or Indian and Northern Affairs Canada card
- Transportation Worker Identification Credential (TWIC)
- U.S. Citizenship and Immigration Services Employment Authorization Card (I-766)
- U.S. Merchant Mariner Credential

15. What forms of identification will Alaskans need to get a REAL ID?

DMV currently requires

- a. Two primary documents or one primary and one secondary document
- b. Social security number and
- c. Proof of Alaska residency for driver licenses and IDs.

These document requirements will not change for a REAL ID compliant card. However, the first time someone applies for a REAL ID, they will need to provide the required documents.

Primary Document Options:

- Current driver's license or ID card
- An original or certified copy of a U.S. birth certificate
- Passport or passport card issued by the United States or US Territory
- A foreign passport with appropriate immigration status forms issued by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Service
- A resident alien, temporary resident alien, or employment work authorization document issued by the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Service
- U.S. military identification for active duty, retiree, or reservist
- Certificate of Citizenship, Naturalization, or Birth Abroad

Secondary Document Options (only needed if you don't have two primary documents):

- Bureau of Indian Affairs card permit or license from another state or AK
- Employee photo ID or School ID
- Health insurance card
- Medical records
- Military dependent identification
- Pilot's license
- Marriage License
- Voter Registration Card
- TWIC Card

16. Why can't Alaskans just get passport cards? Both military bases and TSA will accept them.

Passport cards are restricted to land border crossings or sea ports of entry between the US and a limited number of countries: Canada, Mexico, Bermuda, the Caribbean and Bermuda. They are not accepted for international air travel. REAL ID cards or a full passport would be needed for traveling everywhere else.

Some of the differences between a REAL ID and passports are cost, processing time, tracking chips, and database location:

- REAL ID will cost \$25 per license; passports cost \$135; passport cards cost \$55
- REAL IDs take 2 weeks to process; passports and passport cards take 6-8 weeks, unless you pay for expedited delivery of 2-3 weeks
- REAL ID cards do not contain Radio Frequency Identification (RFID) tracking chips, which are used to aide US travelers crossing US borders; passport cards and passports issued since 2007 have RFID tracking chips
- REAL ID data will be stored in the State of Alaska-housed DMV database; passport data is stored by the US State Department

Additionally, passports can be challenging to acquire in Alaska, with limited post office locations and processing hours. Children cannot be issued passports without the authorization of both parents or documentation such as a court order or notarized consent form. Not all passport processing facilities offer photo services.

The question of whether the state or the individual Alaskan should bear the financial burden of acquiring needed identification is a policy call.

Please refer to the following State and Federal Identification Comparison Chart with more information on the differences between Alaska ID, REAL ID, TWIC, passports and passport cards.



Anchorage School District

Education Center

5530 E. Northern Lights Blvd. • Anchorage, AK 99504 • 907-742-4000 • www.asdk12.org

February 3, 2017

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, Alaska 99801

Dear Speaker Edgmon:

As Superintendent of the Anchorage School District (ASD), I strongly endorse Governor Walker's recent legislation to fund and implement measures that would make Alaska compliant with the REAL ID Act of 2005. I respectfully request the State Legislature take prompt action to enact this bill.

The Anchorage School District is privileged to count five elementary schools on Joint Base Elmendorf-Richardson (JBER) among the 60 elementary schools in the District. These high-performing schools proudly serve over 1,600 children of Army and Air Force families stationed in Alaska. In addition to our elementary school population, the District buses over 500 middle and high school students daily from JBER to schools in Anchorage and Eagle River. Approximately 500 ASD employees support the JBER students and District IT and Fine Arts programs on a daily basis. The employees require authorized access to JBER. In addition, approximately 800 substitutes vetted by JBER to fill school assignments when needed.

I am deeply concerned that the District's mission to provide for the needs of our military population will be significantly impeded when the federal government fully institutes the measures outlined in the REAL ID Act. The District is taking measured steps to ensure our school staffs and many support personnel have the necessary documents and background checks to enable their continued access to JBER when the law is fully implemented. I do want to emphasize that principals, teachers, support staff, bus drivers, and other support personnel that work on JBER will pay the costs out-of-pocket to attain this level of preparedness.

In closing, I want to thank the Legislature for addressing Alaska's many needs and challenges. My enduring commitment is to provide the finest education possible for all students in the Anchorage School District, and I am confident the Legislature shares my aspiration. Alaska's noncompliant status with the REAL ID Act does disadvantage military families, students, and the educators and staff who proudly serve them. I request the Legislature pass the Governor's bill to correct this matter.

Educating All Students for Success in Life

Anchorage School Board Tam Agosti-Gisler, President

Elisa Snelling, Vice President

Starr Marssett, Clerk

Kathleen Plunkett, Treasurer

Bettye Davis

Pat Higgins

Kameron Perez-Verdia

Superintendent Dr. Deena Bishop

February 3, 2017
The Honorable Bryce Edgmon
Speaker of the House
Page 2

I am happy to respond to any questions regarding the impact to students and families that would result if District personnel are unable to enter JBER as a consequence of Alaska not offering identification compliant with the REAL ID Act. I can be reached at Bishop_Deena@asdk12.org or by phone at 907-742-4312.

The District and I greatly appreciate the work you are doing in Juneau and your support of public education.

Respectfully,

A handwritten signature in black ink, appearing to read "Deena M. Bishop". The signature is stylized and somewhat cursive.

Deena M. Bishop, Ed.D.
Superintendent

cc: Governor Bill Walker
Representative Chris Tuck
Representative Charisse Millett
Representative Jonathan Kreiss-Tomkins
Representative Gabrielle LeDoux
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp
Representative Andy Josephson
Representative Harriet Drummond
Representative Matt Claman
Representative Les Gara
Representative Jason Grenn
Representative David Guttenberg
Representative Jennifer Johnston
Representative Scott Kawasaki
Representative Chuck Kopp
Representative Lance Pruitt
Representative Lora Reinbold
Representative Dan Saddler
Representative Ivy Sponholz
Representative Geran Tarr
Representative Steve Thompson
Representative Tammie Wilson

Submitted Testimony
Alaska Committee on State Affairs

Matt Flanders
Citizens' Council for Health Freedom
Saint Paul, Minnesota

Mr. Chairman and members of the committee,

Thank you for the opportunity to submit testimony of our organization's concerns with implementation of REAL ID. Citizens' Council for Health Freedom has opposed REAL ID at a federal level and has led the charge against REAL ID in the state of Minnesota.

REAL ID has been called a key provision of the 9/11 report, but this is not accurate. In the nearly 600-page report, there are four-sentences dedicated to securing driver's licenses and identification cards. As the Maine Secretary of State wrote in February, "If we were to comply with REAL ID today and the 9/11 terrorists were to stroll into the Bangor branch of the Bureau of Motor Vehicles and apply for REAL IDs, the irony is that they would get them."

So, REAL ID doesn't protect us from terrorism. It does however create a new set of problems surrounding data security. REAL ID requires states to provide electronic access to all information contained in the State's motor vehicle database. In addition, under REAL ID, State's would be required to send certain information to a "hub" controlled by AAMVA. These required data elements include sensitive personal information such as an individual's social security number. Your state data privacy laws cannot protect the information of your citizens when the data leaves the state.

Perhaps the most concerning portion of REAL ID is the provision that allows the Secretary of the Department of Homeland Security (DHS) -an unelected bureaucrat- to expand the minimum requirements and expand the required uses for REAL ID, at any time, without needing to go back to Congress. DHS, in the REAL ID rule, commented that it agreed that it did not have to seek Congressional approval to make changes in the future. Both sides of the aisle can no doubt envision an administration or individual that could do great harm to the American people while wielding such ultimate power.

The feds clearly intend to make changes in the future. This is evident in the fact that in 2014, DHS came out with an addition to the REAL ID rule that requires States to recertify REAL ID compliance every three years. The only reason you require recertification is if you intend to continue to make changes or additions to the requirements.

REAL ID is a federal ID and would reverse the longstanding State authority over identification and driving privileges. If Alaska voluntarily submits to REAL ID, it becomes increasingly difficult for any lawsuits to arise. The Supreme Court ruled in *Printz v. United States* that a State cannot



be commandeered by the federal government to implement and pay for federal programs. DHS and TSA can threaten and coerce, but that's all they do. That's why at least 6 REAL ID deadlines have come and gone.

In the name of State rights, of protecting the data privacy of your constituents, and of protecting your constituents right to travel, I would urge the members of this committee not to give in to the federal threats surrounding REAL ID and vote against the passage of this REAL ID bill.

Thank you,

Matt Flanders
Citizens' Council for Health Freedom
(651) 646-8935
matt@cchfreedom.org

The Identity Project

www.PapersPlease.org

Alaska and the REAL-ID Act

Testimony of Edward Hasbrouck on Alaska SB34 and HB74
House and Senate State Affairs Committees

Juneau, March 21, 2017

Senator Dunleavy, Representative Kreiss-Tomkins, and Members of the House and Senate State Affairs Committees:

On behalf of the Identity Project, I thank you for the opportunity to share some of our research into the national ID database being created to implement the REAL-ID Act, and some of our experience working with residents of other states that have embarked on the path you are contemplating of compliance with the REAL-ID Act.

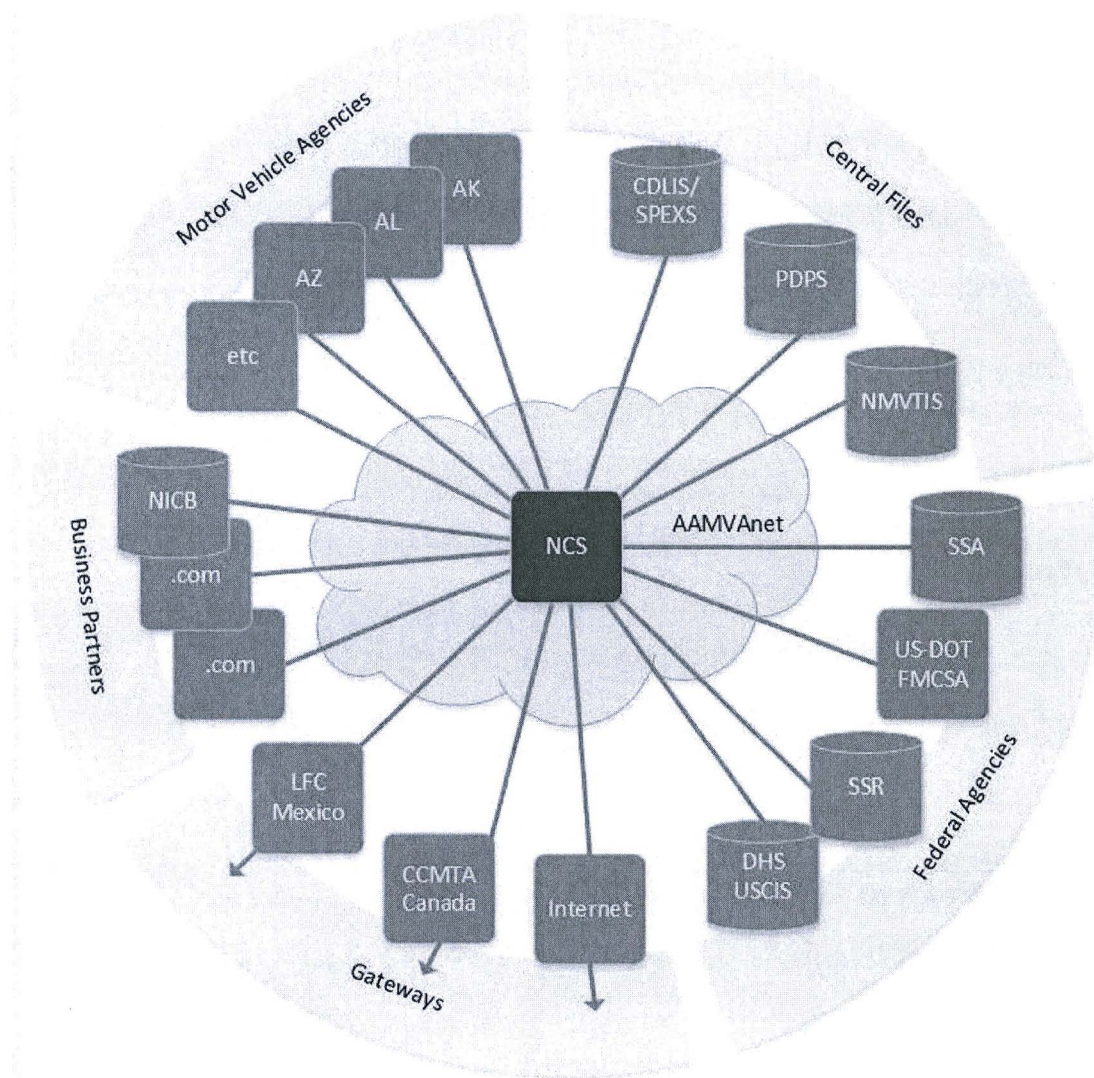
The Identity Project is a non-profit education, research, litigation, and advocacy organization which defends the right of U.S. citizens to move freely throughout our country without having to show our papers or obtain permission from the government.

The REAL-ID Act requires compliant states to take certain actions with respect to (1) physical attributes of ID cards and drivers licenses and (2) ID card and license issuance procedures. But there's also a third element of compliance in the law: "To meet the requirements of this section, a State shall ... Provide electronic access to all other States to information contained in the motor vehicle database of the State."¹

It would be prohibitively expensive for any state to try to build its own network of connections to each other state. In practice, the only way a state can comply with this requirement of the REAL-ID Act is to upload "pointers" for all drivers licenses or ID cards issued by the state (including "noncompliant" IDs and licenses) to a new national ID database, SPEXS. Full details about any of those IDs and licenses are sent to any other state on request through the national "hub" which connects all participating states to the S2S network as well as to other state, Federal, foreign, and private entities.²

1 REAL-ID Act of 2005, P.L. 109-13, Title II, Section 202(d)(12).

2 The Identity Project, "How the REAL-ID Act is creating a national ID database", February 11, 2016, <<https://papersplease.org/wp/2016/02/11/how-the-real-id-act-is-creating-a-national-id-database/>>. Immediately after the Identity Project published this report on SPEXS, AAMVA removed the SPEXS specifications and other SPEXS and S2S documentation from its public website.



"Diagram 1: AAMVAnet Usage", in "AAMVA State Pointer Exchange Services (SPEXS) Master Specification (AMIE), r6.0.8", page 5, available at <https://papersplease.org/_dl/SPEXS%20Master%20Specification%20%28AMIE%29%20r6.0.8.pdf>.

If SPEXS were operated by the Federal government, it would be subject to the Federal Privacy Act³. The responsible Federal agency would have to publish a notice, before the system went into operation, describing the categories and sources of information in the database, how it is indexed and retrieved, how it is used, and to whom it is disclosed, and designating a point of contact and procedures for correction of records. Individuals about whom records are maintained would have the right to obtain copies of the records about themselves and an accounting of disclosures of those records to third parties, and to have inaccurate or irrelevant information corrected or deleted.

3 Privacy Act of 1974, 5 U.S.C. § 552a

If SPEXS were a government database, SPEXS policies and specifications would also be accessible to the public through the Freedom Of Information Act⁴.

However, development and operation of S2S and the SPEXS database has been outsourced to AAMVA (a nominally private organization) and a private contractor in the Washington, DC, area, Clerus Solutions. Neither AAMVA nor Clerus Solutions are subject to the Privacy Act or to any Federal or state Freedom Of Information Act.

Neither AAMVA nor Clerus Solutions are required to disclose their policies, procedures, or decisions; to tell individuals what information about them is included in SPEXS or the other central files, how it is used, or to whom it is disclosed; or to provide any mechanism for correction or deletion of inaccurate, out-of-date, or irrelevant data.

A year ago, I asked AAMVA and Clerus Solutions whether there was any way to find out what information about me is included in SPEXS. It took more than six months to get the answer: to find out what information about me is contained in SPEXS, I would need to make a separate request to the agency in each state that participates in SPEXS. If there is an error in the SPEXS records about me, I could only get it corrected by first identifying which agency (if any) in which state supplied the erroneous data, and then getting that agency to get AAMVA to correct or delete the record.⁵

There's no procedure for correcting an error by AAMVA or its subcontractors. "AAMVA does not have the unilateral authority to change pointer index data. It can do so only at the direction of the state that posted the pointer."⁶ So if an error by AAMVA results in a SPEXS record that doesn't correspond to data supplied by any state, neither AAMVA nor any state has the authority to correct or delete it. Catch 22!

If a pointer record in SPEXS suggest that you still have a driver's license or ID in any other state, the Alaska DMV will not be allowed to issue you a new license or ID.

Someone who moves from one state to another won't find out that the SPEXS pointer to their old license hasn't been deleted until they try to get a license in their new state of residence, and are turned down. The best case is that an Alaska resident will have to work through the driver's license agency in some other state they formerly resided in to get an error in SPEXS corrected, before they can obtain an Alaska license or ID. The worst case is an error by AAMVA or one of its contractors that nobody has the authority to correct, and that prevents you from getting a new ID in any compliant state.

4 Freedom of Information Act (FOIA), 5 U.S.C. § 552

5 The Identity Project, "National REAL-ID database replicates problems with FBI rap sheets", June 30, 2016, <<https://papersplease.org/wp/2016/06/30/real-id-national-id-database-replicates-problems-with-fbi-rap-sheets/>>, and email message to Edward Hasbrouck of the Identity Project from Pierre Y. Boyer, Chief Information Security Officer, AAMVA, September 8, 2016.

6 Email message to Edward Hasbrouck of the Identity Project from Nancy Carlson, Senior Business Analyst, Clerus Solutions, June 20, 2016

Records in the SPEXS national ID database currently contain only a subset of the data in state drivers license records. The last version of the SPEXS specifications we were able to retrieve from the public AAMVA website (more recent versions have only been made available only to AAMVA members on a password-protected area of the site) included the following fields from each state license or ID in the national ID database:⁷

6.2 CD20 MASTER POINTER

Description

The CD20 Master Pointer identifies (points to) the jurisdiction in which: (i) for CDLIS purposes, the person's CDL record resides; and (ii) for non-CDLIS purposes, the person's credential record resides.

Content

The CD20 Master Pointer consists of the following data attributes:

ID	Clear Name and Identifier	Required (R)
CD20.C1	Master Pointer ID (DCDPID)	R
CD20.C2	Jurisdiction Code - Licensing (DDLJUR)	R
CD20.C3	Driver License Number (DDLNUM)	R
CD20.C4	Person Name Group (BPENGP)	R
CD20.C5	Driver Social Security Number (DDVSSN)	R (only until all Jurisdictions have implemented 5.1 or greater).
CD20.C6	Person SSN Last 5 Digits (BPSSD)	R
CD20.C7	Driver SSN Type (DDVSSI)	R
CD20.C8	Driver Date of Birth (DDVDOB)	R
CD20.C9	Driver Sex (DDVSEX)	R (only until all Jurisdictions have implemented 5.1 or greater).
CD20.C10	State Document Type (BJDTYP)	R
CD20.C11	State Document REAL ID Conformant (BJDRIC)	R
CD20.C12	CDLIS Pointer Indicator (DCDCPI)	R
CD20.C13	Message SOR Change in Progress Indicator (GMSSCH)	R
CD20.C14	Record Creation Date Time Stamp (GRCCDS)	R
CD20.C15	Record Last Update Date Time Stamp (GRCUDS)	R

Unfortunately, the "limited" character of this pointer data is illusory, because (1) a compliant state must provide its entire license and/or ID record about any individual, not just the pointer, to any other participating state on request, and (2) AAMVA could change the SPEXS specifications at any time (and may already have done so, since they are no longer public) to require that additional data be included in pointer uploads or to impose additional conditions on states that want to participate or remain participants in S2S.

⁷ "AAMVAState Pointer Exchange Services (SPEXS) Master Specification (AMIE), r6.0.8", <https://papersplease.org/_dl/SPEXS%20Master%20Specification%20%28AMIE%29%20r6.0.8.pdf>.

The purpose of the SPEXS pointers is to index and identify state license and ID records, so that they can be searched and matched with other records that might pertain to the same individual. It's easy to imagine that AAMVA might decide to index and search SPEXS records by photograph as well as by name, and start requiring uploads of license and ID photos in addition to the current pointer data fields.

If that were to happen **today**, Alaska could say no and withdraw from S2S.

But there is no way, other than through participation in S2S and uploading of whatever data AAMVA decides to require for SPEXS pointers (and complying with whatever other conditions AAMVA decides to impose on SPEXS and S2S participants) for a state to comply with the national database access requirement in the REAL-ID Act.

So a state that has complied with the REAL-ID Act through participation in S2S cannot withdraw from S2S or refuse to upload whatever additional data or comply with whatever new conditions AAMVA decides to impose on S2S participation without immediately becoming noncompliant with the REAL-ID Act.

Alaskans need to understand that if Alaska agrees to comply with the REAL-ID Act, you will in effect be agreeing in advance to comply with whatever AAMVA later demands, including possible demands to upload additional data about all state residents to the national ID database. You will be handing over control over Alaska residents' license and ID data to private outside entities not subject to any of the transparency or accountability of government agencies.

Alaska is one of the most recent states to join S2S.⁸ Over the weekend of January 28, 2017, the Alaska DMV did a batch upload of pointers to all Alaska drivers licenses and state ID cards to the SPEXS database.⁹ The Alaska DMV will undoubtedly say that this was not required for REAL-ID Act compliance. Strictly speaking, that's true. But in practice there is no other path to compliance available or likely to become available.

DHS extensions of time to comply with the REAL-ID Act need not be based on any specific criteria and are not limited by any statutory deadline. According to the REAL-ID Act regulations, "Subsequent extensions, if any, will be at the discretion of the Secretary" of Homeland Security.¹⁰ Many states have been granted extensions despite not being compliant with the database access provisions of the REAL-ID Act.

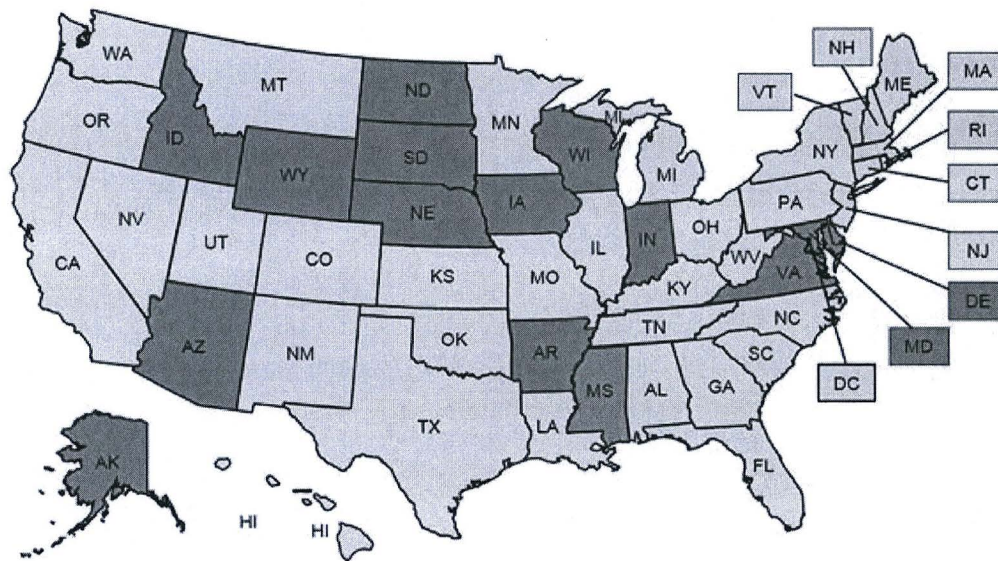
8 "Delaware Joins States-to-State; Alaska to Follow", in "The Week In Review, December 16, 2016", <<http://www.aamva.org/pubDelawareJoinsS2S-TWIR12192016/>>.

9 "Alaska Joins State-to-State Verification Service", in "The Week In Review, January 30, 2017", <<http://www.aamva.org/uploadedFiles/MainSite/Content/NewsPublications/TheWeekInReview/Archive-2017/The%20Week%20In%20Review,%20January%2030,%202017.pdf>>

10 Department of Homeland Security, "Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Final Rule", 73 *Federal Register* 5272 at 5339 (January 29, 2008).

Alaska is far from alone in not having complied with the REAL-ID Act. The DHS has chosen, in its discretion, to threaten five states including Alaska with interference with your residents' rights, on varied and arbitrary future dates, if you do not comply with DHS desires. But these are **not** the only noncompliant states. No state that is not participating in S2S and SPEXS is currently complying with the REAL-ID Act, regardless of whether it has received a discretionary extension from DHS.

Jurisdictions' S2S Testing & Implementation Current Status



Project Phase	Status	
Operational at 8.0	14	28%
Structured Testing Completed & Ready for Go Live	0	0%
Structured Testing in Progress	0	0%
Signed LOI, Go Live Confirmed during S2S Pilot	1	2%

AAMVA "S2S Participation Map - Feb. 27, 2017", at "State to State (S2S) Verification Services: Participation", <<http://www.aamva.org/State-to-State/>>

SPEXS is still relatively new and operating on a relatively small scale. The first states populated the national database in 2015, ten years after the REAL-ID Act was enacted and development of the SPEXS system began. As shown above, only 14 states, not including any of the most populous states, have uploaded their state data to SPEXS.

The total population of states participating in S2S and SPEXS is less than 15% of the US population.¹¹ **To put it another way, more than 85% of the US population resides in states – at least 36 of them – that are not in compliance with the database access requirements of the REAL-ID Act.** Alaska is being singled out for a Federal threat to interfere with residents' rights sooner than in other noncompliant states not because Alaska is less compliant or is one of only a few noncompliant states, but because the DHS believes that Alaska can be more easily intimidated than more populous states.

Unless the REAL-ID Act is repealed, those other noncompliant states eventually will have to make the same decision as Alaska now faces: Whether to capitulate to Federal threats or challenge Federal interference with residents' rights.

Alaska has nothing to gain from being among the first states to capitulate to these Federal threats. On the contrary, the lack of alternatives to air transport in many parts of Alaska gives Alaska by far the strongest basis of any state to challenge any Federal attempt to interfere with residents' right to freedom of movement, which in many cases depends on air travel.

In practice, the experience of other states suggests that the threat not to accept state-issued IDs for entrance to Federal facilities is less serious than it may appear.

Concerns have been raised about what will happen to civilian contractors, delivery drivers, or other Alaskans who don't already have military or other Federal credentials but who frequently need to visit military bases or other Federal facilities.

As a national point of contact for information about the REAL-ID Act, we regularly hear from residents of other states, including those where state-issued ID cards are already being rejected for access to military bases and other federal facilities.

From what we have heard from around the country, the problems that some Alaskans fear have not materialized in other states. Infrequent visitors or new hires who don't already have a passport, passport card, or other Federal ID can be, and are, escorted until they can obtain Federal ID for unescorted access. Most often, this is a passport card.

It's common sense that if the Federal government wants to require different credentials for access to Federal facilities, the Federal government should issue those credentials, not impose an unfunded mandate on the states to change procedures that affect all of their residents in order to provide credentials for Federal contractors.

Compliance by states with the REAL-ID Act in order to provide state-issued credentials for regular visitors to Federal facilities is a solution in search of a problem. A better and more appropriate solution is already available in the form of a passport card.

11 Estimated resident populations of the 14 S2S participant states listed by AAMVA at <<http://www.aamva.org/State-to-State/>> and of the US, July 1, 2016, "Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico (NST-EST2016-01)".

Any US citizen who qualifies for a REAL-ID Act compliant state ID also qualifies for a passport card. A passport card is valid for any use for which a compliant state ID is valid, plus travel by land or sea between the US and Canada.

You can apply for a passport card at many US Post Offices, even in small communities. A passport card takes slightly longer to obtain than a state ID, but it already takes several weeks to obtain an Alaska state ID from the out-of-state vendor.

A first-time adult passport card valid for 10 years costs \$55 (\$40 for a child under age 16), and \$30 for each 10-year renewal (\$15 for a child under 16). A new or renewal REAL-ID Act compliant Alaska state ID valid for 8 years is proposed to cost \$20.

A higher percentage of Alaskans than of residents of almost any other state already have passports. For those whose only international travel is travel by land and/or sea to Canada, a passport card may be a significantly cheaper and more convenient alternative (a wallet-sized card instead of a booklet) to a passport. Indeed, the passport card was specifically designed to serve the needs of residents of states like Alaska.

Anyone who has a problem getting a passport card is going to have at least as much difficulty getting a REAL-ID Act compliant state driver's license or ID card.

In many cases, we advise people who are having difficulty obtaining a state ID card because of REAL-ID Act document requirements that it will be **easier** for them to obtain a passport card than a compliant state ID card.

As state legislators, you are hearing now from people who fear that they will have to pay a little bit more or wait a little bit longer to get a passport card if the Federal government decides to stop accepting Alaska ID cards for Federal purposes.

But if you approve these bills, you will eventually be hearing from larger numbers of people with more serious problems because they don't have, and can't readily obtain, the necessary documents for a compliant state ID card.

We hear regularly from people in this situation in other states that have implemented compliant state license and ID issuance and document requirements.

The burden of REAL-ID Act compliance falls disproportionately on the elderly, on those who reside in a distant state from their place of birth, and those who were born at home and whose birth was not recorded by a hospital (which is, of course, more common for those who live far from the nearest hospital in areas such as parts of Alaska).

A common Catch-22 is for an elderly person who doesn't have a certified copy of their birth certificate or other required paperwork to find it difficult or impossible to obtain the necessary documents without traveling to the state where they were born, but to be unable to travel there without the ID for which they need the documents.

In other states, the fallback for people in this situation is to get a "noncompliant" state ID, and travel by land. But that isn't an option in parts of Alaska that depend on air transportation for access to essential services and their connection to the rest of the state.

A "noncompliant" state ID card issued by a compliant state isn't what it appears to be. Someone who chooses a "noncompliant" card probably thinks they have opted out of participating in the national ID database. But a compliant state can't let anyone opt out of nationwide sharing of all the state's data about them: **The REAL-ID Act requires a compliant state to make its records about all driver's licenses or ID it issues – including "noncompliant" cards and licenses – available on request to all other states.** Nobody who has a license or ID card issued by a compliant state can really opt out of the national database. A "noncompliant" license or ID card is a misleading sham.

The DHS estimates that anywhere from a quarter to a half of all state residents won't get compliant ID cards. In some cases that will be by choice, even if it fails to protect those who request noncompliant cards against sharing and abuse of their data. In other cases, individuals will get noncompliant cards because they don't have the documents for a compliant card. Many US citizens don't have a certified copy of their birth certificate or other required paperwork, and have never before (or not for many years) been required to present documents to the government to prove who they are.

If the DHS follows through on its threats, that substantial fraction of Alaskans with "noncompliant" ID cards won't be allowed to fly. That may be tolerable in some other states, but not in Alaska. Unlike other states, Alaska needs a "Plan B", even if Alaska becomes a compliant state, for Alaskan residents who need to travel by air but who won't easily be able to obtain a compliant state ID.

These bills won't solve the problem posed by Federal threats to interfere with the freedom of movement of Alaskan residents who don't have ID that the Federal government finds satisfactory. The state of Alaska will have to deal with that problem for a substantial number of its residents – and should start preparing now to do so – even if these bills are approved and Alaska becomes compliant.

Other courses of action are available to states that don't want to upload information about all their state residents to a new privately operated national database, or agree to whatever future conditions may be imposed by AAMVA on participation in SPEXS, or by DHS (at its standardless discretion) on certifications of "compliance", or have their residents' freedom of movement interfered with by Federal agents.

Congressional delegations from other states threatened with sanctions against their residents for state noncompliance with the REAL-ID Act have introduced legislation to repeal all or the most objectionable portions of the Federal law. Alaska is the only one of the five states being threatened by the DHS for noncompliance none of whose Congressional delegation is co-sponsoring legislation against the REAL-ID Act.

In the current session of the US Congress, three Senators including both Senators from Montana are co-sponsoring S. 126, the "Repeal ID Act of 2017".¹² Seven Members of Congress including Representatives from Maine, Minnesota, and Missouri are co-sponsoring H.R. 755, the "REAL ID Privacy Protection Act".¹³

While S. 126 and H.R. 755 would repeal different portions of the REAL-ID Act, both of these bills would repeal the national database sharing requirement.

Alaska HJR 15 is an important statement of support by the Alaska State Legislature for efforts in Congress to repeal the REAL-ID Act. But Alaskans and the State of Alaska cannot, and should not, merely sit back and wait for Congress to act.

No Federal law or regulations requires air travelers to show any ID.¹⁴ People fly without ID every day. But the TSA has indicated that it intends to propose regulations, revise TSA Standard Operating Procedures, and/or issue Security Directives to air carriers to require air travelers to show ID acceptable to the DHS in order to fly.¹⁵

This threat poses a special danger to Alaskan residents, especially those in communities and locations not connected to the North American road network, and/or who rely on air transportation for access to essential and emergency services.

Unless and until this threat is withdrawn, Alaskan state authorities including the office of the Attorney General of Alaska should be preparing to defend any Alaska residents whose rights are interfered with by Federal agents.

And rather than waiting to intervene until after Federal agents start denying Alaska residents access to essential air transportation, the state should, as soon as it is ripe for adjudication, initiate litigation to prevent interference with residents' rights.

It makes no sense for your state to capitulate, as these bills would have it do, in response to threats of Federal action whose Constitutionality has yet to be tested.

12 Introduced January 12, 2017, <<https://www.congress.gov/bill/115th-congress/senate-bill/126>>

13 Introduced January 31, 2017, <<https://www.congress.gov/bill/115th-congress/house-bill/755>>

14 A Federal lawsuit brought in 2002 by John Gilmore, founder of the Identity Project, was dismissed after lawyers for the TSA claimed and provided evidence *in camera* and under seal to the 9th Circuit Court of Appeals, which has jurisdiction over Alaska, that neither any Federal law or regulation or the TSA's secret Security Directives require air travelers to show ID to fly. *Gilmore v. Gonzales*, 435 F. 3d 1125, <<https://papersplease.org/gilmore/>>

15 Comments of the Identity Project and the Cyber Privacy Project, "Intent To Request Approval From OMB of One New Public Collection of Information: Certification of Identity Form (TSA Form 415)", January 9, 2017, <<https://papersplease.org/wp/wp-content/uploads/2017/01/IDP-form-415-9JAN2017.pdf>>

It would be premature for Alaska to abandon its long-standing and well-founded opposition to the REAL-ID Act in response to DHS threats to interfere with the rights of state residents as a sanction for state noncompliance with the REAL-ID Act, while:

1. A Federal ID credential, a passport card, is available to any U.S. citizen who qualifies for a REAL-ID compliant state ID, and can be used for any purpose for which a compliant state ID can be used as well as for surface travel to Canada;
2. Legislation to repeal the REAL-ID Act or significantly mitigate the dangers of creating an uncontrolled national ID database is pending in Congress;
3. No Federal statute or regulation requires air travelers to show any ID to fly, and residents of Alaska and other states continue to fly every day without ID;
4. No regulations have been proposed that would require anyone to show ID to fly;
5. No court has considered whether it would be Constitutional to require air travelers or passengers of other common carriers to show ID;
6. Compliance with the REAL-ID Act would create special problems for Alaskan residents, especially residents of communities not accessible by road;
7. The lack of alternatives to air transport gives Alaska a uniquely strong legal basis to challenge any Federal attempt to impose an ID requirement for air travel;
8. More populous states that are manifestly not in compliance with the statutory criteria for REAL-ID Act database access have not been similarly threatened; and
9. No court has ruled on the legality of the DHS arbitrarily exercising "discretion" to restrict the rights of residents of some noncompliant states but not others.

We urge the Alaska State Legislature to reject SB34 and HB74, stand firm in your opposition to the REAL-ID Act, and prepare to defend the Constitutional rights of Alaskans and all Americans to freedom of travel and movement, including by air.

Respectfully submitted,

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REAL-ID Facts for Alaskans

Alaska Department of Administration: “What if I don’t want to get a *REAL ID*? You won’t have to — the Governor’s bill gives you a choice.”

Fact: In order for Alaska to issue *any* “compliant” driver’s licenses or ID cards, data about *all* Alaskan driver’s licenses and IDs must be included in the national database, and all information in Alaskan DMV records about any of those licenses or IDs (including “noncompliant” licenses and IDs) must be provided on request to any other state. Alaskans would have no choice about national “sharing” of their data.

Alaska Department of Administration: “You will face restrictions for entering military bases and being able to pass through airport security unless you get a *REAL ID*.”

Fact: Today, many people enter military bases or board planes every day with no ID at all. There is no current or proposed law or regulation that would change this.

Alaska Department of Administration: “What if we don’t pass the bill to comply with *REAL ID*? June 6, 2017, all Alaskans will need alternate ID to enter a military base.”

FACT: Only people (b) who want *unescorted* access and (b) who are currently required to show ID will be required to show ID to enter bases. People without ID can enter bases with an escort or in situations where no ID is required. Students on school buses entering bases aren’t required to show any ID today, and there is no proposal to change that.

Alaska Department of Administration: “January 22, 2018, all Alaskans will need alternate ID to pass through airport security to fly.”

Fact: As the TSA has repeatedly told Federal courts, no Federal law or regulation requires air travelers to have or show any ID. “People fly without ID every day. We have a procedure for that,” the TSA’s lead witness said under oath in the most recent such case. Detailed daily TSA reports on how many people fly without ID, obtained under the Freedom Of Information Act, and the experiences of Alaskans who have flown after having lost or forgotten their ID, confirm that this is true. There is **no** current or proposed law or regulation that would require travelers to show any ID to fly. Any such law or regulation would be of dubious Constitutionality, and subject to legal challenge. Because of the absence of alternatives to air travel in many parts of Alaska, Alaska has by far the strongest legal basis of any state to challenge such a threat or proposed rule in court.

Alaska Department of Administration: “What is an Alternate ID? The most common form is a passport.”

Fact: The most common forms of alternate ID are a “passport card” (a wallet-sized card, more convenient and less costly than a passport), or for commercial drivers a TWIC card (“Transportation Worker Identification Card”), which most truckers who pick up or deliver at military bases or ports are already required to have.

Alaska Department of Administration: “Does REAL ID create a national database? No. Neither does the Governor’s legislation. The Alaska DMV will use existing databases to verify birth certificates, passport validity, and/or lawful status.”

Fact: A national database, the “State Pointer Exchange System” (SPEXS), has been created to implement the REAL-ID Act. The Alaska DMV uploaded information about all holders of Alaska driver’s licenses and IDs – including name, date of birth, Social Security Number, etc. – to the SPEXS database over the weekend of January 28, 2017.

Alaska Department of Administration: “Will our DMV database be shared with other states or the federal government? The Alaska DMV would use an encrypted, secure bridge to verify information with other states on certain, specific data points.”

Fact: In order for Alaska to issue any licenses or IDs compliant with the REAL-ID Act, all data in the Alaska DMV database, including data about Alaskans who have requested “noncompliant” IDs, must be shared with all other states. According to the Federal law, “To meet the requirements of this section, a State shall ... Provide electronic access to all other States to information contained in the motor vehicle database of the State.”

Alaska Department of Administration: “How can the DMV protect my information? The DMV information is stored in Alaska and it is ... strictly controlled and monitored.”

Fact: SPEXS data about Alaskans is stored in Virginia by a private organization, AAMVA, and a private contractor, Clerus Solutions. Neither AAMVA nor Clerus Solutions is subject to the Privacy Act, Freedom of Information Act, or any of the other accountability and transparency laws that apply to Federal or state government agencies.

Alaska Department of Administration: “What’s the difference between getting a REAL ID and a passport? For many Alaskans, getting a passport is a hardship — many communities do not have passport facilities.”

Fact: You can apply for a passport or passport card at most U.S. Post Offices. There are many more Post Offices and other locations in more communities in Alaska that accept passport applications than there are Alaska DMV offices. To get a REAL-ID compliant state ID, you will have to go to a DMV office in person with your birth certificate and other documents. You can’t get a compliant driver’s license or state ID by mail.

Alaska Department of Administration: “Not all Alaskans will qualify for a passport — the requirements are more stringent than a *REAL ID*.”

Fact: Any U.S. citizen who qualifies for a compliant state ID also qualifies for a U.S. passport or passport card. The experience of residents of other states has been that because of different requirements for how to prove identity and eligibility, it’s often easier to get a passport or passport card than a compliant state ID. A passport card can be used for any purpose for which a compliant state ID can be used, plus a passport card is valid for land or sea travel between the U.S. and Canada – a major benefit for Alaskans.

Alaska Department of Administration: “Will the Federal Government repeal *REAL ID*? We have no indication they will. The Department of Homeland Security has told us repeatedly they plan to move forward with the implementation of *REAL ID*.”

Fact: Whether to repeal the REAL-ID Act is up to Congress, not the DHS. Legislation to repeal all or the most objectionable portions of the REAL-ID Act is pending in both the U.S. Senate and the U.S. House of Representatives. Members of Congress from each of the five states being threatened with restrictions on their residents’ rights if they don’t comply with the REAL-ID Act, except Alaska, are among the sponsors of these bills.

Alaska Department of Administration: “There are 5 states that have not passed bills to enact REAL ID.”

Fact: Forty states, with more than 85% of the population of the U.S., are not compliant with the REAL-ID Act. Thirty-six states are not participating in SPEXS and therefore are not compliant with the national database access requirement in the REAL-ID Act. Four other states, including Alaska, are participating in SPEXS but have not complied with other provisions of the REAL-ID Act. In the exercise of its standardless discretion, the DHS has issued “extensions” or “certifications” to different states with different dates. Only five states are currently being threatened by the DHS. But these discretionary decisions and threats can be completely arbitrary. They are not required to be based on whether states have complied with any specific criteria. Both the certifications and the dates of threatened DHS actions are subject to change at any time, for better or worse, state by state, at the discretion of the DHS, regardless of what state legislation is enacted.

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March 21, 2017

ALASKA STATE HOUSE OF REPRESENTATIVES
HOUSE STATE AFFAIRS COMMITTEE
REP. KREISS-TOMKINS, CHAIR
CAPITOL BLDG., ROOM 120
JUNEAU, AK 99801
hsta@akleg.gov

Dear Rep. Kreiss-Tomkins:

Please include my following testimony in the public hearings on implementation of REAL ID Act for state identification cards and driver's licenses through HB 74: **"An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."**

To: Representatives Jonathan Kreiss-Tomkins, Gabrielle LeDoux, Chris Tuck, Adam Wool, Chris Birch, DeLena Johnson, Gary Knopp, Andy Josephson (Alternate), Chuck Kopp (Alternate).

I'm William Topel from Anchorage, Alaska. Thank you, Rep. Kreiss-Tomkins, for holding this hearing on HB 74. Greetings Representatives. I'm testifying today to urge a NO vote on HB 74.

The REAL ID Act is a violation of both the U.S. and Alaska Constitutions, and Alaska Statute, specifically HCS SB 202 Sec 1 AS44.99 as amended by the Legislature in 2008.¹ Currently the violation is already in place with the facial biometric signature being taken for the new Alaska driver's licenses which is also taken without consent. This data is being shared with the private company outside Alaska and owned by a company from the Netherlands named Gemalto. This is a clear violation of the *Alaska Constitution Article 1 Section 22, Right to Privacy*.² The REAL ID Act was signed into law by Pres. George Bush in May 2005 that turns state driver's licenses into national identity cards. The REAL ID Act was a hurried piece of legislation that did not have a single hearing in the U.S. Senate since it was rushed through Congress as a "must-pass" Iraq War/Tsunami relief supplemental bill, so therefore it "lacks the legitimacy that comes from having been studied, debated, considered, and directly voted upon by Americans' elected representatives."³

The problems identified by some people with not completing compliance with the REAL ID Act were NOT problems that people, employees, or contractors had BEFORE the passage of the REAL ID ACT. Maybe that should alert you to the real onerous burdens of complying with the REAL ID Act. Maybe those federal employees and federal contractors and others need to seek

¹ <http://www.legis.state.ak.us/PDF/25/Bills/SB0202Z.PDF>

² <http://ltgov.alaska.gov/services/alaskas-constitution/>

³ <http://www.realnightmare.org/about/2/>

a better or different way to secure their identification for their business or employment situations, but why burden the majority of regular Alaskans? UAA students attending classes on JBER can get on a list to access base in one week. After all, driver license regulation is a STATE function, not a federal function, under the Tenth Amendment to the U.S. Constitution.⁴

There are two readily apparent problems with HB 74. Under lines 5 and 6 of the text of HB 74, it reads, "A person must clearly choose a compliant identification card." Under lines 25 and 26 of the text of HB 74, it reads, "A person must clearly choose a compliant driver's license." These contradict an intent to choose or issue either a compliant or non-compliant license or card.⁵

Before any final action should take place on this bill, I would urge members of this Committee to seek answers to the many questions from Rep. Chris Tuck's March 16, 2017 letter to Department of Administration Commissioner Sheldon Fisher concerning HB 74 – the companion counterpart bill to SB 34.

I'm not totally convinced that some of the changes from the original HB 74 protect the rights of Alaskans, because Alaskans who opt for a compliant card have no guarantee that their information and privacy are protected by private government contractors.

To conclude, please don't let Governor Walker continue to federalize state activities and functions. You legislators took an oath of office to protect and defend both the U.S. and Alaska Constitutions. The Right to Privacy is part of what you swore or affirmed to protect and defend. **In summary, please get some answers to Rep. Tuck's questions to Commissioner Fisher and I would urge a NO vote on HB 74 at this time.** Thank you for your time.

William Topel

⁴ <http://constitution.findlaw.com/amendment10.html>

⁵ <http://www.legis.state.ak.us/PDF/30/Bills/HB0074A.PDF>

HB 74

To whom it may concern,

I would like to state my concern over HB 74 and urge the defeat of this bill. I oppose this bill in full.

Thank you.

Stephen Sheets
Sitka

I am against Real ID for American Citizens. We are not Nazi Germany and should not track our own citizens. I would have no problem with requiring that non-US citizens carry some sort of ID to maintain control of their stay in American. This could be handed out to foreign students, foreign visitors, and foreign work-permit holders to make it easier to make sure they don't overstay. I would assume that the bio-metric info. contained in this "Real ID" would make it easy to track all non-citizens and that's ok. It already makes me mad to have to carry a passport to drive out of Alaska.

I would prefer that you pass HJR 15. I do believe that our current administration would be open to repealing the Federal ID act altogether.

Please consider this my public testimony. ;
Katherine Hicks

I PREFER NOT TO COMPLY WITH THE FEDERAL REAL ID ACT.

DO NOT PASS HOUSE BILL 74 TO COMPLY WITH THE FEDERAL REAL ID ACT

DO PASS HJR 15 AND SB 34 A RESOLUTION TO ENCOURAGE THE NEW TRUMP ADMINISTRATION ABOLISH THE REAL ID ACT.

REPUBLICANS OWN EVERYTHING NOW. TELL THEM TO GET RID OF THIS INTRUSIVE UN-FUNDED LAW. EVEN THAT WASTE OF SPACE MURKOWSKI CAN GET BEHIND THIS.

NO REAL ID

AN ALASKA DRIVERS LICENSE AND OR A PASSPORT IS ALL THAT WE NEED.

THE FEDERAL GOVERNMENT HAS NO BUSINESS IN THE ALASKA DATABASE.

Steve Flowers

4800 E. 102nd Ave

Anchorage, Alaska 99507

My name is Mike Coons from Palmer and speaking for myself and as the Legislative Director for Citizens Initiatives.

HB 175 in an attempt at usurping the US Constitution, pure and simple.

Article 1 Section 10 Clause 3 states: No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay." The key components to this as it relates to HB 175 is: "No State shall, without the Consent of Congress...enter into any Agreement or Compact with another State". That is for starters. Then we have the 12 Amendment to the US Constitution: The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate."

Now I know that the idea by the Democrat party today is "resistance" as called upon by the likes of Hillary Clinton, remember her? She lost the election! Why did she loose the election, besides being a very bad candidate, she lost because she lost the elections in key battleground states and President Trump won 30 States with the electoral votes of 306, 270 needed to win.

So, let's put this to bed. I'd like to say once and for all, but the DNC and members of this legislature will not, sadly. Each State votes for President, just like it does for State Legislators, Governors, and US Senators and Congressmen. In each case, the winner is the person with the most votes. So, in Alaska, President Trump won by a wide margin. In Michigan, he won by a close margin, same with Wisconsin, but the key aspect is he won by the majority vote! So thus, under the rules of the 12th Amendment, the electors then cast the vote of the winner in their State, as Alaska, Michigan, Wisconsin, etc. did. All lawfully and as per the US Constitution. Hillary Clinton won California, Oregon, Washington, etc. The key votes for "popular votes" were California and New York. So?

All that did was show that she won the majority in California and the electors gave all votes to her, as per the 12th Amendment.

The purpose of the 12th Amendment was mainly so that the large population States did not hold sway over the smaller population States. That concern has its fingerprints throughout the Constitution. That is why we have the Senate and House as they are, just for one example.

If Representatives Gara, Parish, Drummond, Kawasaki and Tarr want to change the US Constitution to that of a "popular vote", then go to Article V of the US Constitution. Encourage Congressman Young, Senators Murkowski and Sullivan to put forward a repeal of the 12th Amendment and replacement for a popular vote. Then if they were to do so, then the House and Senate would have to vote by 2/3rds of each House and Senate for the repeal and replacement language and then that is sent to all 50 States and 3/4ths of their legislatures would have to vote for the amendment. Or as in the case of the Countermand Amendment I worked to get passed in this House and Senate under the rules of Article V you could put forward an application for a convention to put forward this amendment, then once 2/3rds of the States did so, the convention was convened, the language passed, then the 50 States would have to ratify by a 3/4's of all States to make that part of the Constitution.

What I find sad and scary is that the Democrat members of this Legislature as well as others throughout the nation are so willing to violate the US Constitution, to uphold the anarchists that have been rioting and to show on a daily basis a total disregard for the rule of law and others views!

In point of fact, the only "tolerance" by the Democrats today is for anyone whom does not agree with them must show tolerance and not state any disagreement! In this legislature, that has gone to the absurd, even to violating members 1st Amendment right of speech that the Democrats for some reason, find "offensive".

In closing, even if this bill were to pass both the House and Senate and signed by the Governor, the Congress will disallow it because it is in clear violation of Article 1 Section 10 Clause 3 of the Constitution.

I encourage all Republican members to vote no on passage of HB 175 out of committee. I would encourage the same of the Democrats on this committee, but sadly the actions to date show that would be of little use.

Mike Coons
5200 Dorothy Drive
Palmer, AK 99645

My company is an Alaskan owned company with seven offices throughout the state. We have a peak employment of about 250 personnel of which 100 need access to Federal offices and Military bases.

Without a acceptable state issued ID I will not be able to get employee access to their bases without huge disruptions and costs. This bill is not an ID bill it is really a jobs bill because when you add costs to employers it impacts our ability to add or retain personnel.

If some people do not like the need for a Real ID for philosophical reasons that is fine. Not everyone has to work on Federal properties or fly but for those of us who do this is a no brainer.

Unless you want to create further disruptions in the economy during a time of a recession you will report this legislation to the floor and pass it so we can work this summer.

Sincerely

Greg Wakefield, CEO

747 E. Ship Creek Ave.

Anchorage, AK 99501

Phone: 907-276-3506

Fax: 907-276-1986

Email: greg@aaa-moving.com

AAA MOVING & STORAGE

ALLIED ALASKA
An Agent for Allied Van Lines

To whom it may concern:

I support HB74. It is very important to our business because our drivers need to have unescorted access on our military installations to pick up and deliver household goods for military personnel

that are transferring in and out. As you are probably aware, the deadline is June 6, so I respectfully request that action be taken to get this resolved.

Best Regards



Michael Gonzalez
Vice President
800-228-4480 ext 173

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 74

BY REPRESENTATIVE WOOL

- 1 Page 5, line 7:
- 2 Delete "\$5"
- 3 Insert "\$10"



Representative Chris Tuck

Alaska House Majority Coalition Leader

Serving House District 23 • Dimond Estates, Foxridge, Taku, Campbell, Northwood, and Windemere

March 16, 2017

Commissioner Sheldon Fisher
Alaska Department of Administration
P.O. Box 110200
Juneau, AK 99811-0200

Dear Commissioner Fisher:

Given that I am bound by the Alaska Oath of Office to protect and defend Alaskans' right to privacy and other constitutional rights, I am deeply concerned that the Alaska Department of Administration is moving forward with efforts to seek implementation of the Federal REAL ID Act in Alaska while many serious questions about the potential long and short term effects of compliance remain unanswered and unresolved.

The actual REAL ID Act is barely six pages long and was passed by Congress with little or no debate as part of an emergency appropriation package in response to Hurricane Katrina. Previously the bill, when actually debated, was rejected by Congress. This Act has since spawned hundreds of pages of rules, regulations, compliance lists, and other mandates by the Department of Homeland Security and their affiliates, both private and public.

The ramifications of complying with the REAL ID Act are enormous. Many of the current mandates are unsettling and financially prohibitive. It truly appears to be both an "unfunded federal mandate" and "federal overreach" in the truest sense. In the long term, compliance will give the Department of Homeland security the ability to control the identification we need for many of the activities we see as an inherent right such as work, travel, banking and commerce, and the right to bear arms and purchase ammunition.

It could be that we will be ultimately forced to submit to the mandates of the Department of Homeland Security and their affiliates, but I do not agree that this is merely a "user-friendly" solution to a bureaucratic problem. We cannot be expected to vote away Alaskans' rights and freedoms without a full understanding of the consequences of our actions. To this end, I would appreciate your response to the attached list of questions which have arisen from recent hearings and other research on the topic.

Sincerely

A handwritten signature in black ink that reads "Chris Tuck".

Representative Chris Tuck

Session (January-April):
State Capitol, Room 204
Juneau, AK 99801-1182
Phone (907) 465-2095

Rep.Chris.Tuck@akleg.gov
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THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

SHELDON FISHER, COMMISSIONER

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April 3, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
House State Affairs Committee
Alaska Capitol Building, Room 120
Juneau, Alaska 99801

Dear Representative Kreiss-Tomkins,

We received the following list of questions from Representative Tuck regarding our presentation of HB 74 to the State Affairs Committee. The following are our responses (numbering added for clarity):

1. *At least some of the compliance deadlines or extensions associated with the REAL ID Act, including some that according to the 2008 Federal Final Rule were impossible for the states to meet, are at the discretion of the Secretary of Homeland Security.*

Given that much of the communication you have cited is from a previous Secretary of Homeland Security under a previous Presidential Administration, has there been any indication or confirmation that the new leadership intends to implement the decisions of the previous Secretary?

Response: Department of Administration (DOA) has had multiple conversations with our Department of Homeland Security (DHS) contact since the presidential election. DHS has received no new or additional guidance from the new Administration regarding the federal REAL ID Act, nor is DHS aware of any legislative intent to change or repeal the Act. DOA has reached out to the Alaska Congressional delegation as well as other US legislators to discuss the Act; none have indicated intent to change or repeal the Act. The Governor's Washington, DC office staff have had similar conversations with similar results.

The federal REAL ID Act is already being implemented. Some federal secure facilities and military bases across the nation including Alaska are already enforcing REAL ID requirements. Neither the Trump Administration nor the current legislative bodies have indicated any intention other than continued implementation of the REAL ID Act. The next phase of enforcement will apply to access to air travel, beginning in January of 2018.

2. *The REAL ID Act requires that REAL ID noncompliant IDs have unique design and color indicator to alert Federal agencies and other law enforcement personnel that it may not be accepted for any official purpose.*

Can you confirm that if HB 74 passes, there will no longer be a "regular" Alaska identification card, and that all Alaskans who cannot, or will not obtain a REAL ID will have to accept an ID of different color and markings than our current ID?

Response: If the DMV uses the current vendor to produce IDs and licenses, the only anticipated change to the current, non-compliant cards is the addition of the statement, "Not for federal, official use"/ "Not for federal purposes."

3. *IF HB 74 does not pass, do you intend to comply with the federal mandate that all Alaska licenses be of a different color and markings than our current IDs?*

Response: If HB 74 does not pass, DMV will not add any markings to licenses or ID cards. Alaska will be deemed a non-compliant state, thus all Alaska IDs/DLs will be unacceptable for federal purposes such as access to some federal facilities or boarding federally regulated aircraft. States aren't mandated to mark non-compliant cards unless they become a compliant state and issue both compliant and non-compliant cards.

4. *You have stated that the average wait time at the DMV is now under ten minutes. But Alaskans have repeatedly expressed concerns that it can take over a month to receive a new ID in the mail from Indiana. What would the average wait time be if this delay were factored into the average?*

Response: The average wait time at DMV includes customers seeking to register vehicles, sign up for knowledge and road tests, apply for CDL instruction, and other services in addition to those applying for or renewing IDs/DLs. The average time for delivery of permanent IDs/DLs is 7 to 10 days. DMV makes temporary copies available immediately.

5. *The REAL ID Act requires that the states must subject all persons authorized to manufacture or produce licenses and identification cards to "appropriate security clearance requirements." Is this a factor in the decision to have Alaska IDs manufactured out of state by the Gemalto Corporation in Indiana?*

Response: No Alaska company responded to DMV's RFP to centrally issue Alaska's licenses and IDs. DMV is not aware of any Alaska companies who meet the national best practice security standards set forth by the motor vehicle industry and North American Security Products Organization (NASPO).

6. *Have any state resources been expended in outsourcing the manufacture of Alaskan IDs to Indiana?*

Response: Prior to 2012, DMV produced IDs and DLs in-house. As a business, DMV offices struggled with equipment management and maintenance, causing many issues with delivery of the cards. DMV made the decision in 2012 to outsource the production of the cards to reduce cost, upgrade technology, and improve customer service.

DMV received two grants from the federal government to cover the cost of the new cameras and IT development necessary to move to central issuance:

- \$684,804 FEMA grant: programming, supplies, shredders, backdrops, and computers
- \$1.5 million FMCSA: software development, camera stations, paper, other production costs

No Alaska companies bid on the production of the cards and the contract was awarded to Marquis Consulting Services, whose production facility is located in Ft. Wayne, Indiana. Marquis was later purchased by Gemalto, Inc., in November 2014.

Per federal regulations, customer data may not leave the US or be provided to or accessed by non-US citizens. No information concerning a DMV's customers or operations may be shared or disclosed outside the US.

7. *If Alaska were to return to producing its own licenses, would AK DMV employees meet REAL ID standards?*

Response: No. All processes involved in the production, transport, storage and issuance of secure cards are strictly regulated by federal law and security standards and policies. Alaska does not currently have facilities that meet the security requirements.

The Gemalto facilities in Indiana used to produce Alaska's IDs/DLs are NASPO II certified secure facilities and meet the requirements of the federal REAL ID Act: <https://naspo.info/about-us/faq/>

8. *If HB 74 passes, the DMV will be required to take applicants' photographs at the beginning of the application process rather than at the conclusion, as is the current practice. If an applicant decides not to complete the process, and requests their photograph be deleted, how does the Department intend to respond?*

Response: If a person applies for and receives a compliant ID/DL, DMV will be required to keep the photo for 2 years after the 8-year expiration date, so 10 years. If the person applies for but does not receive a compliant ID/DL, DMV will be required to keep the photo for 5 years. If a person applies for but does not receive a non-compliant card, DMV will not take the photo at the front of the application process and would have nothing to delete.

9. *Given the strong privacy provisions of the Alaska Constitution, do you anticipate any legal challenges if the DMV does not intend to delete an applicant's photograph at their request?*

Response: Alaskans will not be required to get a REAL ID document. Because DMV will notify and obtain the consent of all individuals seeking a Real ID compliant ID about the photo storage requirement before their photo is taken, it is the Department of Law's opinion that there is no constitutional violation of an individual's privacy rights.

10. *The REAL ID ACT mandates that States must ensure the physical security of locations where licenses and ID cards are produced. Given that when we enter Federal buildings now we see armed guards and federal police, has the DMV taken, or does it plan to take additional steps to comply with this mandate?*

Response: DMV uses a NASPO II certified secure facilities located outside the state to produce cards. DMV offices are not required to use guards. DMV is already required to background check DMV

employees, contractors and business partners per commercial driver licensing regulations in 49 CFR 383 and 384.

11. *If so, does the fiscal note account for these requirements?*

Response: N/A

12. *Your staff has reported that, based on information from other states, only about 50 percent of Alaskans would choose the REAL ID. Please provide the source of this information.*

Response: DOA reported that Homeland Security had advised the average number of people in other states who sought REAL IDs was about 50%. This information was provided anecdotally.

13. *What percentage would likely choose the noncompliant ID because they were unable to provide the necessary documentation to receive a REAL ID?*

Response: The documents required to apply for a REAL ID will not change from the current required documents: two primary documents (ie birth certificate, passport) or one primary and one secondary document (ie voter registration card), proof of residency (ie utility bill), and proof of social security number (ie social security card or document displaying number, such as tax form).

14. *You have discussed a "REAL ID working group," which came up with the concept of HB 74. Who are the members of this working group?*

Response: DOA did not have a formal "working group." DOA began hearing from legislators, businesses, labor groups and the Anchorage and Fairbanks School Districts last fall, when Alaska military bases began issuing notifications of the impending REAL ID enforcement due to begin in early October.

15. *Is there any model legislation this bill is based upon?*

Response: No.

16. *Please provide copies of all correspondence between the State of Alaska and the Department of Homeland Security, AAMVA, and other relevant entities relating to the decision to introduce HB 74.*

Response: Copies of Alaska's request for and approval of the Homeland Security waiver are attached. Correspondence between DOA and the Department of Law legal drafters is confidential and deliberative.

17. *As a follow up to recent meetings of the House and Senate State Affairs Committees, please provide the following information:*

Please report any progress in contacting authorities in the five fully noncompliant states to see how things are working out.

Response: DMV has reached out to Washington State. They confirmed the report that 300+ people a week are being turned away at Joint Base Lewis McCord because they don't have a REAL ID compliant document.

18. *Please provide any new developments in DMVA efforts to obtain quantitative information relating to REAL ID and military bases.*

Response: DOA is unable to answer this question. DMVA was invited testimony and not part of DOA's presentation.

19. *Please report any progress on the request for written clarification about whether CDLIS, PPDS, SSOLV, and AAMVA are private, federal, or commercial entities.*

Response: Information on AAMVA and the verification systems listed above was provided to the committee during the February 2nd hearing and in a follow-up letter on February 22. Please refer to the attached PDF labeled "HB 74 REAL ID verification systems" for additional information.

20. *According to the 2008 Federal Rule, states are allowed to create exceptions to accommodate victims of violence or other categories of persons who may need to keep their addresses confidential. Does the Department have any plans to seek such an exemption?*

Response: DMV supports this exception. DMV currently allows for different mailing and physical addresses and will look into the exceptions process.

21. *The Department of Homeland Security has reported that the "State DMV may choose to establish a written, defined exceptions process for persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth."*

Considering the difficulty of many Alaskans, including rural Native Elders, to produce such documentation, has the Administration established any such process?

Response: Alaska Vital Statistics offers a "delayed birth certificate" to Alaskans born at home, in remote communities, etc. AS 18.50.180 allows the registrar to make exceptions to reduce the number of documents required for delayed filings by Alaska Natives. Delayed birth registration certificates are currently accepted the same as traditional state birth certificates issued by a state vital statistics office or the equivalent agency.

DMV's understanding is birth certificates of any type issued by a vital statistics agency can be verified in the EVVE system as required by REAL ID.

DMV supports the exceptions concept and will follow up with Homeland Security on this option.

22. You have asserted that Alaskans' data will not be entered into any outside database. However, the AAMVA newsletter reported this month that Alaska had joined AAMVA's S2S verification service. It has been reported that use of S2S requires that states upload licensing data to a database known as SPEXS, which is reportedly maintained by a corporation known as Claris Solutions in Indiana.

Response: DMV currently utilizes AAMVA's SPEXS/CDLIS verification system to comply with federal and state law requiring DMV to protect against issuing duplicate or fraudulent licenses or IDs. This system has been in place for decades. S2S is the updated version of this verification system.

S2S was developed under a grant from the US Department of Homeland Security (DHS) given to the Mississippi Department of Public Safety (MSDPS). MSDPS formed the DL/ID Verification Systems (DIVS) organization with a dozen other states to provide input and guidance to Mississippi for the development and operation of the S2S Pilot, among other things. Mississippi contracted with Clerus Solutions to help create the S2S system. The pilot program ended on 3/1/2017 and the operation of the system was turned over to AAMVA and the states that Govern AAMVA, including Alaska.

- S2S was developed by the states for the states
- States own all data that is verified through S2S
- States did not have to collect any new data from citizens to participate in S2S
- The states own and operate S2S, through their association AAMVA (since March 1, 2017)
- No federal agency has access to S2S

23. If this information is correct, what data has Alaska uploaded into the SPEXS system?

Response: S2S uses the minimum amount of personally identifiable information (PII) to determine if an individual applying for a license or ID card may already have one from another state. PII fields are: full legal name, DOB, and partial social security number.

24. Are there any limits to what information might be added to the SPEXS system in the future? Who controls what might be required to be included in SPEXS records in the future?

Response: The S2S system is managed by the Governance Board formed by the member states of AAMVA, an organization of state DMV jurisdictions. Alaska's DMV is on the Governance Board. DMV is committed to bringing Alaska's privacy concerns to the Governance Board.

25. Do AAMVA or its contractor have any procedures through which an individual can find out what information about them is included in the SPEXS database?

Response: The only information included in S2S is the PII data outlined above. Individuals may contact their home state DMV for information about their DMV record.

26. *Is there any procedure in the SPEXS system for an Alaskan to correct an error made by AAMVA or its contractors?*

Response: S2S/SPEXS queries and processes are performed by state driver licensing staff and/or contractors, depending on the DMV structure of that state. AAMVA does not perform these actions on behalf of a state. If a known error has occurred between SPEXS states during the state card issuance process, the states involved would communicate directly with each other to resolve the error. States have a means to correct their pointer data on the AAMVA central site which is essentially a pass-through hub facilitating communication between states. AAMVA records “point” to the person record.

27. *Has any state money been expended by Alaska by joining the S2S system?*

Response: No.

28. *Is it an accurate to say that all Alaskans will be required to go physically to the DMV and prove their identity if they wish to have a REAL ID compliant ID, regardless of whether their current ID is up to date or not?*

Response: Yes, to get a REAL ID for the first time, Alaskans will be required to visit the DMV to provide their source documents for verification. Alaskans can get one renewal online or at the DMV without needing to present documents.

29. *Given that physical presence at the DMV is required to get a Real ID, including for license renewal, does the state have plans for assisting rural communities without a local DMV?*

Response: If HB 74 or SB 34 passes the Legislature and is signed into law, DMV will develop an implementation plan to help all Alaskans obtain a compliant license or ID if they choose.

30. *Are travelers currently allowed to fly without ID?*

Response: According to the TSA website:

“In the event you arrive at the airport without valid identification, because it is lost or at home, you may still be allowed to fly. The TSA officer may ask you to complete a form to include your name and current address, and may ask additional questions to confirm your identity. If your identity is confirmed, you will be allowed to enter the screening checkpoint. You may be subject to additional screening.

You will not be allowed to fly if your identity cannot be confirmed, you chose to not provide proper identification or you decline to cooperate with the identity verification process.

TSA recommends you to arrive at least two hours in advance of your flight time to allow ample time for security screening and boarding the aircraft.”

Please note this language refers to existing TSA policy. DHS has stated that TSA will not allow passengers through secure checkpoints without a REAL ID compliant card or other federal identification, beginning in January 2018 unless a state has a waiver.

31. *Is there any law or regulation that requires any ID to fly?*

Response: 49 U.S. Code § 44901 - Screening passengers and property (a) **In General.**

The Under Secretary of Transportation for Security shall provide for the screening of all passengers and property, including United States mail, cargo, carry-on and checked baggage, and other articles, that will be carried aboard a passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation. In the case of flights and flight segments originating in the United States, the screening shall take place before boarding and shall be carried out by a Federal Government employee (as defined in section 2105 of title 5, United States Code), except as otherwise provided in section 44919 or 44920 and except for identifying passengers and baggage for screening under the CAPPS and known shipper programs and conducting positive bag-match programs.

49 USC section 30301 note section 202(a)(1) states: "... a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section." Official purpose is defined by 49 USC 30301 note section 201(3) as "The term "official purpose" includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine."

In addition to the statute, 6 CFR 37.3 states: "Federally-regulated commercial aircraft means a commercial aircraft regulated by the Transportation Security Administration (TSA)."

32. *Would the state of Alaska have standing to challenge any Federal proposal for an ID requirement for air travel, as a violation of Alaskan residents' Constitutional rights?*

Response: According to the Department of Law, under the U.S. Constitution, the federal government can regulate interstate and foreign commerce and has sole authority over national security (article I, sec. 8). Additionally, the federal government has authority to determine what is required to pass through a federal security checkpoint, whether that is on base or at an airport. In *Gilmore v. Gonzales*, 435 F.3d 1125, 1136 (2006), the court stated: "we reject Gilmore's right to travel argument because the Constitution does not guarantee the right to travel by any particular form of transportation." This case is pre-Real ID Act, but it involved a person refusing to show ID to board a plane for interstate travel post-9/11. The court went on to explicitly hold that a person does not have a right to travel by plane, and that the identification policy is not burdensome. *Id.* at 1136-37. DOL believes this analysis would continue to apply to a facial challenge to the ID requirements in the REAL ID Act.

33. *Is the state government prepared to defend state residents' right to travel by air against possible Federal infringement?*

Response: Although the State does not see a legal avenue to challenge the Real ID requirement, the administration is concerned about the burden these requirements are placing on the Alaskan public. The administration will continue to try and work with our federal congressional delegation and other states to balance the need to ensure the public's safety, while also protecting individuals' privacy rights.

34. *Is it correct that a passport card is valid for everything a REAL ID compliant state ID card is valid for?*

Response: Passport cards are federal identification and are listed as valid alternative federal documents for access to TSA security screening. Passport cards are valid for travel by road or port access between the US and Canada, Mexico, or the Caribbean. Passport cards are not valid for international air travel.

To acquire a passport or passport card for the first time, an applicant must provide a social security number and certified birth certificate to a US Post office offering passport services. Your birth certificate will be kept and later mailed back to you. Passport data is maintained in a federal database maintained by the US State Department.


The cost is \$135 (\$110 + \$25 app fee) for a passport and \$55 for a passport card. To obtain a passport card, you must surrender your existing passport, which will be mailed back to you with the passport card in 6-8 weeks. Applicants are responsible for providing passport photos at their own cost.

Both parents are required to be present to obtain passports for minors under the age of 16.

Additional information on the passport application process can be found in the attached document labeled "HB 74 Passport Process."

We appreciate the opportunity to provide additional information on this legislation. If there is anything else we can provide the committee, please do not hesitate to contact my office.

Sincerely,



Leslie Ridle, Deputy Commissioner

cc: Darwin Peterson, Legislative Director, Governor Bill Walker

30-GH1781J
Martin
4/4/17

CS FOR HOUSE BILL NO. 74()
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the implementation of the federal REAL ID Act of 2005; relating to**
2 **issuance of identification cards and drivers' licenses; relating to data sharing by the**
3 **Department of Administration; and 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. **Upon request of a person and upon payment**
10 **of an additional \$10 fee, the department may issue an identification card under**
11 **this section that is federally compliant.**

12 *** Sec. 2.** AS 18.65.310 is amended by adding new subsections to read:

13 (m) The department shall adopt regulations for the issuance of identification
14 cards that are federally compliant. For identification cards that are federally compliant,

1 the department

2 (1) shall retain only the minimum number of identity source
3 documents required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6 C.F.R.
4 Part 37, as amended;

5 (2) shall destroy, regularly and as close as practicable to the minimum
6 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6
7 C.F.R. Part 37, as amended,

8 (A) a digital image or paper copy of, or data or information
9 related to, an identity source document;

10 (B) a paper copy of the application; and

11 (C) an image of the applicant's face, regardless of whether the
12 applicant has applied for renewal of the identification card; and

13 (3) may not copy, scan, or retain in any form a document that is not an
14 original or certified copy and that is presented to verify additional information about
15 an applicant contained on the application, including the applicant's

16 (A) name;

17 (B) address of principal residence;

18 (C) social security number or proof of ineligibility for a social
19 security number; or

20 (D) status of lawful presence in the United States.

21 (n) Nothing in this section or regulations adopted under this section requires a
22 person to be issued an identification card that is federally compliant. The application
23 must require that an applicant indicate that the applicant understands the options for
24 identification cards available at the time of issuance and indicate the identification
25 card that the applicant selects. An applicant must clearly request an identification card
26 that is federally compliant to obtain one. The state or a municipal government may not
27 require a person to possess or use an identification card that is federally compliant. For
28 an identification card that is not federally compliant, the department

29 (1) shall retain an image of the face on the identification card for not
30 more than one year after the expiration of the identification card; if an applicant does
31 not receive an identification card, the department may not retain an image of the

1 applicant's face;

2 (2) may not copy, scan, or retain in any form a document that is not an
3 original or certified copy and that is presented to verify additional information about
4 an applicant contained on the application, including the applicant's

5 (A) name;

6 (B) address of principal residence; or

7 (C) social security number.

8 (o) The department shall provide public information about the differences
9 between identification cards and identification cards that are federally compliant. The
10 department shall also provide the information to applicants for new and renewal
11 identification cards at the time of application. At a minimum, the information must
12 include a description of

13 (1) each type of identification card;

14 (2) the storage and sharing process for an applicant's information for
15 an identification card and an identification card that is federally compliant; and

16 (3) the official purpose and limitations on the use of each type of
17 identification card, including the applicant's option to use identification other than an
18 identification card that is federally compliant when entering specified federal property
19 and flying on a federally regulated commercial aircraft.

20 (p) In this section,

21 (1) "federally compliant" means certified by the United States
22 Department of Homeland Security to be in compliance with the requirements of P.L.
23 109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R.
24 Part 37, as amended;

25 (2) "identity source document" means an original or certified copy of a
26 document an applicant presents to the department to apply for an identification card
27 that is federally compliant, as required by P.L. 109-13, Division B (REAL ID Act of
28 2005), and 6 C.F.R. Part 37, as amended.

29 * **Sec. 3.** AS 28.05.061(c) is amended to read:

30 (c) **Except as provided in AS 28.05.068, records** [RECORDS] maintained
31 by the Department of Administration or the Department of Public Safety under this

1 title or regulations adopted under this title may be stored in any reasonable manner,
 2 including electronic data storage. The commissioner of each of those departments and
 3 officers and employees of those departments designated by the respective
 4 commissioner shall, upon request, prepare under the seal of the respective department
 5 and deliver, unless otherwise prohibited by law, a certified copy of any record of that
 6 department maintained under this title or regulations adopted under this title, charging
 7 a fee for each certified copy. A certified copy of the record stored under this section is
 8 admissible in an administrative proceeding or in a court in the same manner as the
 9 original document.

10 * **Sec. 4.** AS 28.05 is amended by adding a new section to read:

11 **Sec. 28.05.068. Prohibition on data sharing.** (a) The department may not
 12 convey or distribute to or communicate with an entity or individual that is not a state
 13 agency or employee, or permit the conveyance or distribution to or communication
 14 with an entity or individual that is not a state agency or employee, any data except as
 15 authorized in this section.

16 (b) The department may convey, distribute, or communicate the data
 17 necessary for the department to administer drivers' licensing under this title except as
 18 restricted in (c) of this section.

19 (c) If the department conveys, distributes, or communicates data to be used in
 20 a database, index, pointer system, or any other system managed by an entity other than
 21 the department, including the American Association of Motor Vehicle Administrators,
 22 to comply with the requirements of sec. 202(d)(12) or (13), P.L. 109-13, Division B
 23 (REAL ID Act of 2005), the department may not convey, distribute, or communicate

- 24 (1) images of faces;
- 25 (2) images of documents; or
- 26 (3) images of signatures.

27 * **Sec. 5.** AS 28.15.041 is amended by adding new subsections to read:

28 (d) The commissioner shall adopt regulations for the issuance of drivers'
 29 licenses that are federally compliant. For drivers' licenses that are federally compliant,
 30 the department

- 31 (1) shall retain only the minimum number of identity source

1 documents required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6 C.F.R.
2 Part 37, as amended;

3 (2) shall destroy, regularly and as close as practicable to the minimum
4 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), and 6
5 C.F.R. Part 37, as amended,

6 (A) a digital image or paper copy of, or data or information
7 related to, an identity source document;

8 (B) a paper copy of the application; and

9 (C) an image of the applicant's face, regardless of whether the
10 applicant has applied for renewal of the identification card; and

11 (3) may not copy, scan, or retain in any form a document presented to
12 verify additional information about an applicant contained on the application,
13 including the applicant's

14 (A) name;

15 (B) address of principal residence;

16 (C) social security number or proof of ineligibility for a social
17 security number; or

18 (D) status of lawful presence in the United States.

19 (e) Nothing in this section or regulations adopted under this section requires a
20 driver to be issued a driver's license that is federally compliant. The application must
21 require that an applicant indicate that the applicant understands the options for drivers'
22 licenses available at the time of issuance and indicate the driver's license that the
23 applicant selects. An applicant must clearly request a driver's license that is federally
24 compliant to obtain one. The state or a municipal government may not require a
25 person to possess or use a driver's license that is federally compliant. For a driver's
26 license that is not federally compliant, the department

27 (1) shall retain an image of the face on the license for not more than
28 one year after the expiration of the license; if an applicant does not receive a driver's
29 license, the department may not retain an image of the applicant's face;

30 (2) may not copy, scan, or retain in any form a document that is not an
31 original or certified copy presented to verify additional information about an applicant

1 contained on the application, including the applicant's

2 (A) name;

3 (B) address or principal residence; or

4 (C) social security number.

5 (f) The department shall provide public information about the differences
6 between drivers' licenses and drivers' licenses that are federally compliant. The
7 department shall also provide the information to applicants for new and renewal
8 drivers' licenses at the time of application. At a minimum, the information must
9 include a description of

10 (1) each type of driver's license;

11 (2) the storage and sharing process for an applicant's information for a
12 driver's license and a driver's license that is federally compliant; and

13 (3) the official purpose and limitations on use of each type of driver's
14 license, including an applicant's option to use identification other than a driver's
15 license that is federally compliant when entering specified federal property and flying
16 on a federally regulated commercial aircraft.

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

18 (a) Except as otherwise provided in this chapter, a driver's license expires on
19 the licensee's birthday in the **eighth** [FIFTH] year following issuance of the license. A
20 license may be renewed within one year of its expiration upon proper application,
21 payment of the required fee, and except when a license is renewed under (c) of this
22 section, successful completion of a test of the licensee's eyesight.

23 * **Sec. 7.** AS 28.15.101(d) is amended to read:

24 (d) Under regulations adopted by the department, the department may issue to
25 a person a driver's license **that is federally compliant or state identification card**
26 **that is federally compliant** with a duration of less than **eight** [FIVE] years if the
27 person is authorized to stay in the United States for less than **eight** [FIVE] years or the
28 period of authorized stay is indefinite. The department shall issue the license **that is**
29 **federally compliant** for the period of the authorized stay. If the period of authorized
30 stay is indefinite, the department shall issue the license **that is federally compliant**
31 with a validity of one year. [THE DEPARTMENT SHALL PROVIDE THAT A

1 PERSON RECEIVING A LICENSE WITH A DURATION OF LESS THAN FIVE
2 YEARS UNDER THIS SUBSECTION MAY RENEW THE LICENSE WITHOUT A
3 RENEWAL FEE DURING A PERIOD OF UP TO FIVE YEARS AFTER FIRST
4 ISSUANCE OF THE LICENSE.]

5 * **Sec. 8.** AS 28.15.111(a) is amended to read:

6 (a) Upon successful completion of the application and all required
7 examinations, and upon payment of the required fee, the department shall issue to
8 every qualified applicant a driver's license indicating the type or general class of
9 vehicles that the licensee may drive. The license must (1) display a distinguishing
10 number assigned to the license; (2) display the licensee's full name, address, date of
11 birth, brief physical description, and [COLOR] photograph; (3) display either a
12 facsimile of the signature of the licensee or a space upon which the licensee must write
13 the licensee's usual signature with pen and ink; (4) **physical security features**
14 **designed to prevent tampering, counterfeiting, or duplication of the document for**
15 **fraudulent purposes** [DISPLAY A HOLOGRAPHIC SYMBOL INTENDED TO
16 PREVENT ILLEGAL ALTERATION OR DUPLICATION]; (5) display, for a
17 qualified applicant who is under 21 years of age, the words "UNDER 21"; and (6) to
18 the extent the department is able, be designed to allow the electronic reading and
19 electronic display of the information described under (2) of this subsection and the
20 electronic reading and display and a physical display on the license that the person is
21 restricted from purchasing alcoholic beverages under AS 04.16.160. A license may not
22 display the licensee's social security number and is not valid until signed by the
23 licensee. If facilities are not available for the taking of the photograph required under
24 this section, the department shall endorse on the license, the words "valid without
25 photograph."

26 * **Sec. 9.** AS 28.15.111 is amended by adding new subsections to read:

27 (d) The department may not engage in bulk sharing of facial images captured
28 as a result of an application for a driver's license with a database, other than a database
29 established by the state, regardless of whether the applicant applied for a driver's
30 license that is federally compliant or a driver's license that is not federally compliant.
31 The prohibition in this subsection does not apply to a commercial driver's license.

1 (e) A commercial driver's license must be federally compliant.

2 * **Sec. 10.** AS 28.15.271(b) is amended to read:

3 (b) In addition to the fees under (a) of this section,

4 (1) a person who renews a driver's license by mail shall pay a fee of
5 \$1;

6 (2) a person who applies for a limited driver's license under
7 AS 28.15.201 shall pay a fee of \$100; and

8 (3) a person who applies for reinstatement of a driver's license under
9 AS 28.15.211 shall pay a fee of

10 (A) \$100 if the person's driver's license has, within the 10 years
11 preceding the application, been suspended, revoked, or limited under the
12 provisions of this chapter, except as provided by (C) of this paragraph, only
13 once;

14 (B) \$250 if the person's driver's license has, within the 10 years
15 preceding the application, been suspended, revoked, or limited under the
16 provisions of this chapter, except as provided by (D) of this paragraph, two or
17 more times;

18 (C) \$200 if the person's driver's license has, within the 10 years
19 preceding the application, been revoked under AS 28.35.030 or 28.35.032 only
20 once; or

21 (D) \$500 if the person's driver's license has, within the 10 years
22 preceding the application, been revoked under AS 28.35.030 or 28.35.032 two
23 or more times;

24 **(4) a person who applies for a driver's license that is federally**
25 **compliant shall pay a fee of \$10.**

26 * **Sec. 11.** AS 28.90.990(a) is amended by adding new paragraphs to read:

27 (32) "federally compliant" means certified by the United States
28 Department of Homeland Security to be in compliance with the requirements of P.L.
29 109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R.
30 Part 37, as amended;

31 (33) "identity source document" means an original or certified copy of

1 a document an applicant presents to the department to apply for a driver's license that
2 is federally compliant, as required by P.L. 109-13, Division B (REAL ID Act of
3 2005), and 6 C.F.R. Part 37, as amended.

4 * **Sec. 12.** AS 44.99.040(a)(2) is repealed.

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

7 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of
8 Administration may adopt regulations necessary to implement the changes made by this Act.
9 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
10 effective date of the law implemented by the regulation.

11 * **Sec. 14.** Sections 12 and 13 of this Act take effect immediately under AS 01.10.070(c).

12 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2019.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 74(), Draft Version "J"

1 Page 1, following line 11:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 18.65.310(b) is amended to read:

4 (b) A person may obtain an identification card provided for in (a) of this
5 section by applying to the department on forms and in the manner prescribed by the
6 department. **The department shall include on the application for an identification**

7 **card a requirement that the applicant indicate**

8 **(1) that the applicant understands the options for identification**
9 **cards available at the time of issuance; and**

10 **(2) the type of identification card that the applicant selects.**"

11

12 Renumber the following bill sections accordingly.

13

14 Page 2, lines 22 - 25:

15 Delete "The application must require that an applicant indicate that the applicant
16 understands the options for identification cards available at the time of issuance and indicate
17 the identification card that the applicant selects."

18

19 Page 5, lines 20 - 23:

20 Delete "The application must require that an applicant indicate that the applicant
21 understands the options for drivers' licenses available at the time of issuance and indicate the
22 driver's license that the applicant selects."

23

1 Page 6, following line 16:

2 Insert a new bill section to read:

3 **** Sec. 7.** AS 28.15.061(b) is amended to read:

4 (b) An application under (a) of this section must

5 (1) contain the applicant's full legal name, date and place of birth, sex,
6 and mailing and residence addresses;

7 (2) state whether the applicant has been previously licensed in the past
8 10 years as a driver and, if so, when and by what jurisdiction;

9 (3) state whether any previous driver's license issued to the applicant
10 has ever been suspended or revoked or whether an application for a driver's license has
11 ever been refused and, if so, the date of and reason for the suspension, revocation, or
12 refusal;

13 (4) contain the applicant's social security number; the requirement of
14 this paragraph only applies to an applicant who has been issued a social security
15 number; [AND]

16 (5) contain other information that the department may reasonably
17 require to determine the applicant's identity, competency, and eligibility; **and**

18 **(6) require that the applicant indicate**

19 **(A) that the applicant understands the options for drivers'**
20 **licenses available at the time of issuance; and**

21 **(B) the type of driver's license that the applicant selects."**

22

23 Renumber the following bill sections accordingly.

24

25 Page 9, line 11:

26 Delete "Sections 12 and 13"

27 Insert "Sections 14 and 15"

28

29 Page 9, line 12:

30 Delete "sec. 14"

31 Insert "sec. 16"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 74(), Draft Version "J"

- 1 Page 4, line 21:
- 2 Delete ", including the American Association of Motor Vehicle Administrators,"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 74(), Draft Version "J"

1 Page 2, line 2:

2 Delete "identity"

3

4 Page 2, line 9:

5 Delete "an identity"

6 Insert "a"

7

8 Page 2, line 10:

9 Delete "a paper copy of"

10

11 Page 2, line 16:

12 Delete all material.

13

14 Reletter the following subparagraphs accordingly.

15

16 Page 3, lines 2 - 7:

17 Delete all material and insert:

18 "(2) may not copy, scan, or retain in any form any document other than
19 the application."

20

21 Page 3, line 25:

22 Delete "identity"

23

1 Page 4, line 31:

2 Delete "identity"

3

4 Page 5, line 7:

5 Delete "an identity"

6 Insert "a"

7

8 Page 5, line 8:

9 Delete "a paper copy of"

10

11 Page 5, line 11, following "document":

12 Insert "that is not an original or certified copy and that is"

13

14 Page 5, line 14:

15 Delete all material.

16

17 Reletter the following subparagraphs accordingly.

18

19 Page 5, line 30, through page 6, line 4:

20 Delete all material and insert:

21 "(2) may not copy, scan, or retain in any form any document other than
22 the application."

23

24 Page 8, line 31:

25 Delete "identity"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 74(), Draft Version "J"

1 Page 1, line 10:

2 Delete "\$10"

3 Insert "\$20"

4

5 Page 8, line 25:

6 Delete "\$10"

7 Insert "\$20"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 74(), Draft Version "J"

- 1 Page 5, line 10:
- 2 Delete "identification card"
- 3 Insert "driver's license"

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 74(), Draft Version "J"

1 Page 6, lines 25 - 26:

2 Delete "**or state identification card that is federally compliant**"



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

SHELDON FISHER, COMMISSIONER

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April 5, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
House State Affairs Committee
Alaska Capitol Building, Room 120
Juneau, Alaska 99801

Dear Representative Kreiss-Tomkins,

Thank you for allowing me to address the House State Affairs Committee regarding the CS to HB 74, offered by the committee on April 4.

The Administration has now had time to more thoroughly review the CS and has identified areas of concern, outlined below.

The Department of Administration (DOA) and the Division of Motor Vehicles (DMV) strive to deliver the best customer service possible, providing for privacy and security in the most efficient, accessible way possible for Alaskans. The DMV has worked very hard to reduce wait times by streamlining processes with the goal of serving Alaskans faster while maintaining quality and security.

The Governor introduced HB 74 in response to requests from Alaskans across the state who need access to military bases for their employment and who desire to travel by air using their driver's license (DL) or state ID (ID).

Nothing in HB 74 allows the DMV to collect data beyond what is currently collected. The bill allows DMV to access existing databases to verify the authenticity of source documents such as birth certificates or immigration paperwork to ensure the identity of an applicant, preventing fraud and potential security threats, and protecting against identity theft.

The Governor's Legislative Office and DOA have had several meetings with the ACLU to address their concerns about HB 74. We agreed with the ACLU on some of their suggested changes; however, many of the issues brought up by the ACLU are far beyond the scope of this legislation, and some of their suggested amendments would make Alaska non-compliant with the REAL ID Act.

DOA has also met several times with members of both bodies to discuss concerns. As a result, we offered the amendment now included in Section 1 to increase the additional fee for a compliance

card from \$5 to \$10, to help offset the cost of both initial set up and production. We also suggested fixing Section 7 language to allow DMV the discretion to provide identification for a longer period than one year when appropriate, in response to Rep. Birch; however, the CS does not appear to incorporate that suggestion. DOA also submitted amendments to prohibit bulk photo sharing with entities outside of the State of Alaska.

The following list outlines the Administration's concerns and recommendations for changes to the CS, Version J, in order to address issues of compliance, public safety, customer service, and process.

1. Page 1, Line 10

ISSUE: Cost. Increases additional fee for a compliant identification card from \$5 to \$10. This was recommended by DOA to address concerns about the cost of implementation.

Solution: Keep

2. Page 2 Lines 5-7

ISSUE: Violation of other federal and state law. Requiring DMV to base records retention schedules solely on the REAL ID Act puts DMV in violation of other federal and state law.

Solution: Line 6, add "or other federal and state law" to end of that sentence.

3. Page 2 Lines 11-12

ISSUE: Non-compliance/Public Safety. The REAL ID Act requires DMV to retain images when an applicant renews an identification card, so this language makes Alaska non-compliant. Public Safety and other law enforcement agencies use historical photos for cases of fraud, identity theft, sex trafficking, missing persons, identification of remains, and other public safety needs. Limiting retention of photos to nine years would hamper those efforts.

Solution: Delete

4. Page 2 Lines 13-20

ISSUE: Non-compliance. The *Real ID Act* requires the DMV to keep these documents for compliant DLs/IDs.

Solution: Delete

5. Page 2 Lines 26-27

ISSUE: The State of Alaska and municipalities often require their employees to have the proper identification or licensures in order to work. This would remove the State and municipalities' ability to conduct business.

Solution: Line 27, after "compliant" – insert "unless federally compliant identification is required for employment."

6. Page 2 Lines 29-31

ISSUE: Public Safety. Public Safety and other law enforcement agencies use historical photos for cases of fraud, identity theft, sex trafficking, missing persons, identification of remains, and other public safety needs. Limiting retention of photos to nine years would hamper those efforts.

Solution: Delete

7. Page 3 Lines 2-7

Issue: This provision would require the DMV to store paper documents for non-compliant DLs/IDs. This would dramatically change the DL/ID experience for DL/ID holders from today's experience.

Customer Service:

- Non-compliant DL/ID customers would no longer be able to renew DLs/IDs online
- Non-compliant DL/ID customers would have to bring their source documents to the DMV at every renewal
- Because files can't be copied or scanned, customers who lose their non-compliant DL/ID and try to replace it in a community other than where the paper files are stored will have to wait for a file to be mailed before they can replace a DL/ID

Cost: The DMV does not currently store files in paper format. DMV does not have a system or space for the amount of paper that will be generated by this provision. DMV anticipates the need to rent additional office space, create a secure filing system, hire archiving staff to retain and destroy documents, and provide and mail files for research when needed. Currently, the DMV does approximately 500 searches each month to help customers obtain DLs/IDs.

Security: Even with a secure paper archive system, there is a risk of files being lost or stolen when being mailed or copied. The DMV would lose the ability to monitor when a file is accessed. With the computer archiving the DMV uses today, all action in the database is traced and monitored. Paper files are at risk for destruction by fire or other natural causes.

Fraud prevention: Not being able to store photos and documents electronically will hamper DPS access to images and documents necessary to establish fraud in cases where someone altered or replicated a DL/ID that was lost or stolen, limiting ability to investigate fraud and identity theft. It will make it harder for the victim of identity theft to recover.

8. Page 3 Lines 16-19

ISSUE: Process. DMV would be required to provide information to the public that is false. Applicants will **not** have an "option to use identification other than an identification card that is federally compliant when entering specified federal property and flying on a federally regulated commercial aircraft." The point of this bill is to provide Alaskans with a state-issued identification card that is federally compliant. If Alaska does not become compliant, Alaskans will have to secure other federally compliant identification.

Solution: Delete

9. Page 4 Lines 11-15

ISSUE: Multiple. By not defining “data” this could mean that DMV is no longer allowed to disclose any information in its possession unless covered by one of the two enumerated exceptions. There is no limiting language such as driver license data; any document in DMV’s possession, including documents subject to the public records act, may now be deemed data that DMV cannot convey, distribute, or communicate. DMV may now not be able to share data as it relates to vehicle liens, driver safety, or any other function performed by DMV. In short, data possessed by DMV cannot leave DMV’s possession unless it is going to a state entity.

Also, data that is currently exempt from confidentiality requirements under AS 28.10.505, including information needed by out-of-state law enforcement entities to conduct investigations, information related to vehicle recalls and safety, information related to insurance investigations, information provided to business entities to verify information provided to them, information used in connection with criminal, civil, administrative, or arbitration proceedings, information necessary to comply with commercial driver’s licensing, and information related to impounded vehicles may now not be disclosable. This would be unworkable as it is necessary to share driver and vehicle information with legitimate entities as they carry out their official functions.

Solution: Delete

10. Page 5 Lines 9-10

ISSUE: Non-compliance/Public Safety. The REAL ID Act requires DMV to retain images when an applicant renews a driver’s license. This language is confusing by referencing identification cards in the driver’s license title, and it makes Alaska non-compliant. Public safety issues previously outlined regarding images apply here as well.

Solution: Delete

11. Page 5 Lines 11-18

ISSUE: Non-compliance. Again, DMV is required to retain copies of these documents to be compliant.

Solution: Delete

12. Page 5 Lines 24-25

ISSUE: Process. Same issue as the identification cards language. The State of Alaska and municipalities often require their employees to have the proper identification or licensures in order to work. This would remove the State and municipalities’ ability to conduct business.

Solution: Line 25, after “compliant” - Insert “unless federally compliant identification is required for employment.”

13. Page 5 Lines 27-28

ISSUE: Public Safety. Same issue as the identification cards language. Public Safety and other law enforcement agencies use historical photos for cases of fraud, identity theft, sex trafficking, missing persons, identification of remains, and other public safety needs. Limiting retention of photos to 9 years could hamper those efforts.

Solution: Delete

14. Page 6 Lines 13-16

ISSUE: Process. DMV would be required to provide information to the public that is false. Applicants will **not** have an “option to use identification other than a driver’s license that is federally compliant when entering specified federal property and flying on a federally regulated commercial aircraft.” The point of this bill is to provide Alaskans will a state-issued driver’s license that is federally compliant. If Alaska does not become compliant, Alaskans will have to secure other federally compliant identification.

Solution: Delete

15. Page 6 Lines 24-31

ISSUE: Violation of Equal Protection law. First, the language requires DMV to offer non-U.S. citizens only a compliant driver’s license or identification card. This is a violation of equal protection as state laws must apply equally to aliens and citizens, absent compelling justifications. Second, the reference to identification cards on line 25 is not replicated in the second and third sentences on lines 28-31. Third, persons whose immigration status provides them with an indefinite stay would only be eligible for a one-year license or identification card, contrary to the request of committee members.

Solution: Remove “federally compliant” from all references. Line 30, change “shall” to “may.”

16. Page 7 Lines 26-30

ISSUE: Process. This language was added by DOA to address concerns about image sharing. DMV does not currently engage in bulk sharing of photos and supports codifying this practice into statute.

Solution: Keep

During the hearing on April 4, Rep. LeDoux asked about the costs associated with DLs and IDs. I misquoted the costs of compliant cards. To clarify, under the terms of the CS, a compliant ID will cost \$15 plus a \$10 fee (\$25 total); a compliant DL will cost \$20 plus a \$10 fee (\$30 total).

Another issue discussed in committee was the security of and access to DMV records. I would like to elaborate on my response.

How the DMV currently protects customer data:

- All central DMV databases are stored on state-of-the-art DMV servers located in ETS-managed datacenters in Anchorage and Juneau
- Physical access to datacenters is strictly controlled and monitored
- Data access to customer records containing Personally Identifiable Information (PII) is logged, restricted to the minimal access level required and monitored for all applications
- All employees and business partners are subject to background checks prior to hire
- Access to the in-state image verification system is strictly limited
- Public-facing online services and web pages containing customer-specific information use encrypted data transportation protocols and caching of information is disabled (i.e. close the web page, the data is wiped from memory).

Thank you again for the opportunity to reiterate our concerns about CS version J for HB 74 and offer suggestions. We have worked hard to address privacy, cost and other concerns of committee members, while addressing the DMV needs of Alaskans.

As always, we are available to answer any additional questions you may have.

Sincerely,



Leslie Ridle, Deputy Commissioner
Department of Administration

cc: Darwin Peterson, Legislative Director, Governor Bill Walker

ALASKA LEGISLATURE
House State Affairs Committee

Rep. Jonathan Kreiss-Tomkins, Chair

State Capitol, Room 411
Juneau, Alaska 99801
(907) 465-3732
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Rep. Gabrielle LeDoux, Vice Chair
Rep. Chris Birch
Rep. DeLena Johnson
Rep. Gary Knopp
Rep. Chris Tuck
Rep. Adam Wool
Rep. Andy Josephson, Alternate
Rep. Chuck Kopp, Alternate

HB 74

Sectional Analysis, ver U

Section 1:

A REAL ID compliant identification card costs \$20 more than a noncompliant ID card.

Section 2:

Requires applicants for an ID card to choose, on the application form, whether he or she wants a REAL ID compliant ID card or a noncompliant ID card.

Section 3:

Section 3 (on ID cards) mirrors section 5 (on driver's licenses).

Section 3(m) allows the Department of Administration to issue ID cards that are compliant with the REAL ID Act, but makes clear that in doing so the Department can retain only the minimum number of documents necessary to comply with the REAL ID Act, and shall destroy all documents it retains as soon as allowed to by the REAL ID Act and other law.

Section 3(n) requires the Department to continue issuing noncompliant ID cards. It also requires that a person clearly choose to receive a REAL ID compliant ID card, and prohibits the state or a municipal government from requiring a person to have a REAL ID compliant ID card. The state and municipal governments must treat compliant and noncompliant ID cards the same. The Department can't retain photos of people who have noncompliant ID cards for longer than one year after the card's expiration. The Department can't retain any supporting documents brought in as part of the application for a noncompliant ID card; it can only retain the application itself.

Section 3(o) copies language from AS 28.15.101(d) to clarify that the state can issue ID cards for less than eight years if the applicant for the card is legally allowed to be in the US for less than eight years.

Section 3(p) requires the Department to provide public information on the differences between REAL ID compliant ID cards and noncompliant ID cards.

Section 3(q) defines “identification card that is federally compliant.”

Section 4:

In complying with the REAL ID Act, the Department of Administration cannot convey, distribute, or communicate any data to a system managed by an entity other than the Department unless that data must be shared in order for the state to be in compliance with REAL ID.

Section 5:

Section 5 (on driver’s licenses) mirrors section 3 (on ID cards).

Section 5(d) allows the Department of Administration to issue driver’s licenses that are compliant with the REAL ID Act, but makes clear that in doing so the Department can retain only the minimum number of documents necessary to comply with the REAL ID Act, and shall destroy all documents it retains as soon as allowed to by the REAL ID Act and other law.

Section 5(e) requires the Department to continue issuing noncompliant driver’s licenses. It also requires that a person clearly choose to receive a REAL ID compliant license, and prohibits the state or a municipal government from requiring a person to have a REAL ID compliant license. The state and municipal governments must treat compliant and noncompliant driver’s licenses the same. The Department can’t retain photos of people who have noncompliant licenses for longer than one year after the license expires. The Department can’t retain any supporting documents brought in as part of the application for a noncompliant license; it can only retain the application itself.

Section 5(f) requires the Department to provide public information on the differences between REAL ID compliant driver’s licenses and noncompliant driver’s licenses.

Section 6:

Requires applicants for a driver's license to choose, on the application form, whether he or she wants a REAL ID compliant license or a noncompliant license.

Section 7

Lengthens the validity of a driver's license from five to eight years.

Section 8:

Lengthens the possible validity, from five to eight years, of a driver's license issued to someone authorized to stay in the US for less than eight years. Also removes the requirement that the Department of Administration issue only one-year licenses to those whose authorized stay in the US is indefinite.

Section 9

Removes requirement to display color photographs on licenses and ID cards. This allows the Department of Administration to move to the highest security cards available, where photos are etched onto the IDs to provide a more secure and better likeness of the customer.

Section 10

Prohibits the Department of Administration from bulk sharing photos captured in the process of issuing non-commercial driver's licenses with non-state-established databases. Also requires that commercial driver's licenses be compliant with the REAL ID Act.

Section 11:

A REAL ID compliant driver's license costs \$20 more than a noncompliant driver's license.

Section 12:

Defines "driver's license that is federally compliant."

Section 13

Repeals prohibition on using state or municipal resources to implement the REAL ID Act.

Sections 14-16

Provides a delayed effective date of January 1, 2019. The Department of Administration can write regulations to implement the bill prior to that date.

ALASKA LEGISLATURE
House State Affairs Committee

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HB 74

Summary of Changes, ver J to ver U

Section numbers below refer to version U.

Changes in Section 1:

Incorporates amendment J.5, adopted by the committee on April 6, to raise the additional fee for a REAL ID compliant identification card from \$10 to \$20.

Changes in Section 2:

Section 2 has been added to version U. It incorporates amendment J.1, adopted by the committee on April 8.

Changes in Section 3:

Subsection (m): Amendments to section 3(m) of version U clarifies the language in section 2 of version J. The new language makes clear that the Department of Administration may retain only the minimum number of documents necessary to comply with the REAL ID Act, and shall destroy all documents it retains as soon as allowed by the REAL ID Act and other law.

Subsection (n): Adds language from the Governor's original bill (ver A) explicitly requiring the Department to continue issuing noncompliant ID cards and requiring the state and municipal governments to treat compliant and noncompliant ID cards the same. Adopted amendment J.1 moved language present in version J, pg 2, lns 22-25, to the new section 2.

Subsection (o): Subsection (o) has been added. This language allows the state to issue ID cards for less than eight years if the applicant for the card is legally allowed to be in the US for less than eight years. This language mirrors the language on driver's licenses in version U, section 8.

Subsection (p): Paragraph (p)(3) has been amended to speak more generally to the purposes for which REAL ID compliant ID cards will be required, rather than specifically mentioning federal property and airports.

Subsection (q): The definition of "identification card that is federally compliant" has been amended to clarify that it applies to state-issued ID cards only. The definition of "identity source document" has been removed due to changes elsewhere in section 3 that made the definition unnecessary.

Changes in Section 4:

Section 4 more closely tailors the data sharing prohibition so it applies only to data shared in order to comply with the REAL ID Act. The new language clarifies that the Department of Administration may not share any more data with an interstate system than required for the state to be certified as REAL ID compliant.

Changes in Section 5:

Changes to section 5 mirror the changes made to section 3.

Subsection (d): Amendments to section 5(d) make clear that the Department of Administration may retain only the minimum number of documents necessary to comply with the REAL ID Act, and shall destroy all documents it retains as soon as allowed by the REAL ID Act and other law.

Subsection (e): Adds language from the Governor's original bill (ver A) explicitly requiring the Department to continue issuing noncompliant ID cards and requiring the state and municipal governments to treat compliant and noncompliant ID cards the same. Adopted amendment J.1 moved language present in version J, pg 5, lns 20-23, to the new section 6.

Subsection (f): Paragraph (f)(3) has been amended to speak more generally to the purposes for which REAL ID compliant driver's licenses will be required, rather than specifically mentioning federal property and airports.

Changes in Section 6:

Section 2 has been added to version U. It incorporates amendment J.1, adopted by the committee on April 8.

Changes in Section 8:

Section 8 removes unneeded language specifying that driver's licenses issued under the subsection must be federally compliant. The reference to ID cards has been removed and replaced by new subsection 3(o).

Changes in Section 11:

Incorporates amendment J.5, adopted by the committee on April 6, to raise the additional fee for a REAL ID compliant driver's license from \$10 to \$20.

Changes in Section 12:

The definition of "driver's license that is federally compliant" has been amended to clarify that it applies to state-issued driver's licenses only. The definition of "identity source document" has been removed due to changes in section 5 that made the definition unnecessary.

30-GH1781U
Martin
4/10/17

CS FOR HOUSE BILL NO. 74()
IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the implementation of the federal REAL ID Act of 2005; relating to**
2 **issuance of identification cards and drivers' licenses; relating to data sharing by the**
3 **Department of Administration; and 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. **Upon request of a person and upon payment**
10 **of an additional \$20 fee, the department may issue an identification card under**
11 **this section that is federally compliant.**

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

13 (b) A person may obtain an identification card provided for in (a) of this
14 section by applying to the department on forms and in the manner prescribed by the

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department. **The department shall include on the application for an identification card a requirement that the applicant indicate**

(1) that the applicant understands the options for identification cards available at the time of issuance; and

(2) the type of identification card that the applicant selects.

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

(m) The department shall adopt regulations for the issuance of identification cards that are federally compliant. For identification cards that are federally compliant, the department

(1) shall copy, scan, or retain only the minimum number of documents required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state or federal law, for issuance of an identification card that is federally compliant;

(2) shall destroy, regularly and as close as practicable to the minimum amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state or federal law, any documents retained under (1) of this subsection; and

(3) may not copy, scan, or retain in any form a document that is not required to be retained under (1) of this subsection.

(n) The department shall continue to issue identification cards that are not federally compliant. Nothing in this section or regulations adopted under this section requires a person to be issued an identification card that is federally compliant. An applicant must clearly request an identification card that is federally compliant to obtain one. The state or a municipal government may not require a person to possess or use an identification card that is federally compliant. The state or a municipal government shall treat an identification card that is not federally compliant the same as an identification card that is federally compliant. For an identification card that is not federally compliant, the department

(1) shall retain an image of the face on the identification card for not more than one year after the expiration of the identification card; if an applicant does not receive an identification card, the department may not retain an image of the applicant's face;

1 (2) may not copy, scan, or retain in any form a document other than the
2 application.

3 (o) An identification card expires on the person's birthday in the eighth year
4 following issuance of the identification card. An identification card may be renewed
5 within one year of its expiration upon proper application and payment of the required
6 fee. Under regulations adopted by the department, the department may issue to a
7 person an identification card with a duration of less than eight years if the person is
8 authorized to stay in the United States for less than eight years or if the period of
9 authorized stay is indefinite. The department shall issue the identification card for the
10 period of the authorized stay. If the period of authorized stay is indefinite, the
11 department may issue the identification card with a validity of one year.

12 (p) The department shall provide public information about the differences
13 between identification cards and identification cards that are federally compliant. The
14 department shall also provide the information to applicants for new and renewal
15 identification cards at the time of application. At a minimum, the information must
16 include a description of

17 (1) each type of identification card;

18 (2) the storage and sharing process for an applicant's information for
19 an identification card and an identification card that is federally compliant; and

20 (3) the official purpose and limitations on the use of each type of
21 identification card, including a description of the purposes for which an identification
22 card that is federally compliant may be required and a description of alternatives to
23 using an identification card that is federally compliant to serve those purposes.

24 (q) In this section, "identification card that is federally compliant" means an
25 identification card issued by the state that has been certified by the United States
26 Department of Homeland Security to be in compliance with the requirements of P.L.
27 109-13, Division B (REAL ID Act of 2005) and 6 C.F.R. Part 37, as amended.

28 * **Sec. 4.** AS 28.05 is amended by adding a new section to read:

29 **Sec. 28.05.068. Prohibition on data sharing.** If the department conveys,
30 distributes, or communicates data to be used in a database, index, pointer system, or
31 any other system managed by an entity other than the department, including the

1 American Association of Motor Vehicle Administrators, to comply with the
2 requirements of P.L. 109-13, Division B (REAL ID Act of 2005), the department may
3 not convey, distribute, or communicate to that entity any data not required to be
4 conveyed, distributed, or communicated for the state to be certified by the United
5 States Department of Homeland Security to be in compliance with the requirements of
6 P.L. 109-13, Division B (REAL ID Act of 2005).

7 * **Sec. 5.** AS 28.15.041 is amended by adding new subsections to read:

8 (d) The commissioner shall adopt regulations for the issuance of drivers'
9 licenses that are federally compliant. For drivers' licenses that are federally compliant,
10 the department

11 (1) shall copy, scan, or retain only the minimum number of documents
12 required by P.L. 109-13, Division B (REAL ID Act of 2005), or other applicable state
13 or federal law, for issuance of a driver's license that is federally compliant;

14 (2) shall destroy, regularly and as close as practicable to the minimum
15 amount of time required by P.L. 109-13, Division B (REAL ID Act of 2005), or other
16 applicable state or federal law, any documents retained under (1) of this subsection;
17 and

18 (3) may not copy, scan, or retain in any form a document that is not
19 required to be retained under (1) of this subsection.

20 (e) The department shall continue to issue drivers' licenses that are not
21 federally compliant. Nothing in this section or regulations adopted under this section
22 requires a driver to be issued a driver's license that is federally compliant. An
23 applicant must clearly request a driver's license that is federally compliant to obtain
24 one. The state or a municipal government may not require a person to possess or use a
25 driver's license that is federally compliant. The state or a municipal government shall
26 treat a driver's license that is not federally compliant the same as a driver's license that
27 is federally compliant. For a driver's license that is not federally compliant, the
28 department

29 (1) shall retain an image of the face on the license for not more than
30 one year after the expiration of the license; if an applicant does not receive a driver's
31 license, the department may not retain an image of the applicant's face;

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(2) may not copy, scan, or retain in any form a document other than the application.

(f) The department shall provide public information about the differences between drivers' licenses and drivers' licenses that are federally compliant. The department shall also provide the information to applicants for new and renewal drivers' licenses at the time of application. At a minimum, the information must include a description of

- (1) each type of driver's license;
- (2) the storage and sharing process for an applicant's information for a driver's license and a driver's license that is federally compliant; and
- (3) the official purpose and limitations on use of each type of driver's license, including a description of the purposes for which a driver's license that is federally compliant may be required and a description of alternatives to using a driver's license that is federally compliant to served those purposes.

* Sec. 6. AS 28.15.061(b) is amended to read:

(b) An application under (a) of this section must

- (1) contain the applicant's full legal name, date and place of birth, sex, and mailing and residence addresses;
- (2) state whether the applicant has been previously licensed in the past 10 years as a driver and, if so, when and by what jurisdiction;
- (3) state whether any previous driver's license issued to the applicant has ever been suspended or revoked or whether an application for a driver's license has ever been refused and, if so, the date of and reason for the suspension, revocation, or refusal;
- (4) contain the applicant's social security number; the requirement of this paragraph only applies to an applicant who has been issued a social security number; [AND]
- (5) contain other information that the department may reasonably require to determine the applicant's identity, competency, and eligibility; **and**

(6) require that the applicant indicate

(A) that the applicant understands the options for drivers'

1 **licenses available at the time of issuance; and**

2 **(B) the type of driver's license that the applicant selects.**

3 * **Sec. 7.** AS 28.15.101(a) is amended to read:

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

9 * **Sec. 8.** AS 28.15.101(d) is amended to read:

10 (d) Under regulations adopted by the department, the department may issue to
11 a person a driver's license with a duration of less than **eight** [FIVE] years if the person
12 is authorized to stay in the United States for less than **eight** [FIVE] years or the period
13 of authorized stay is indefinite. The department shall issue the license for the period of
14 the authorized stay. If the period of authorized stay is indefinite, the department **may**
15 [SHALL] issue the license with a validity of one year. [THE DEPARTMENT SHALL
16 PROVIDE THAT A PERSON RECEIVING A LICENSE WITH A DURATION OF
17 LESS THAN FIVE YEARS UNDER THIS SUBSECTION MAY RENEW THE
18 LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD OF UP TO FIVE
19 YEARS AFTER FIRST ISSUANCE OF THE LICENSE.]

20 * **Sec. 9.** AS 28.15.111(a) is amended to read:

21 (a) Upon successful completion of the application and all required
22 examinations, and upon payment of the required fee, the department shall issue to
23 every qualified applicant a driver's license indicating the type or general class of
24 vehicles that the licensee may drive. The license must (1) display a distinguishing
25 number assigned to the license; (2) display the licensee's full name, address, date of
26 birth, brief physical description, and [COLOR] photograph; (3) display either a
27 facsimile of the signature of the licensee or a space upon which the licensee must write
28 the licensee's usual signature with pen and ink; (4) **physical security features**
29 **designed to prevent tampering, counterfeiting, or duplication of the document for**
30 **fraudulent purposes** [DISPLAY A HOLOGRAPHIC SYMBOL INTENDED TO
31 PREVENT ILLEGAL ALTERATION OR DUPLICATION]; (5) display, for a

1 qualified applicant who is under 21 years of age, the words "UNDER 21"; and (6) to
 2 the extent the department is able, be designed to allow the electronic reading and
 3 electronic display of the information described under (2) of this subsection and the
 4 electronic reading and display and a physical display on the license that the person is
 5 restricted from purchasing alcoholic beverages under AS 04.16.160. A license may not
 6 display the licensee's social security number and is not valid until signed by the
 7 licensee. If facilities are not available for the taking of the photograph required under
 8 this section, the department shall endorse on the license, the words "valid without
 9 photograph."

10 * **Sec. 10.** AS 28.15.111 is amended by adding new subsections to read:

11 (d) The department may not engage in bulk sharing of facial images captured
 12 as a result of an application for a driver's license with a database, other than a database
 13 established by the state, regardless of whether the applicant applied for a driver's
 14 license that is federally compliant or a driver's license that is not federally compliant.
 15 The prohibition in this subsection does not apply to a commercial driver's license.

16 (e) A commercial driver's license must be federally compliant.

17 * **Sec. 11.** AS 28.15.271(b) is amended to read:

18 (b) In addition to the fees under (a) of this section,

19 (1) a person who renews a driver's license by mail shall pay a fee of
 20 \$1;

21 (2) a person who applies for a limited driver's license under
 22 AS 28.15.201 shall pay a fee of \$100; and

23 (3) a person who applies for reinstatement of a driver's license under
 24 AS 28.15.211 shall pay a fee of

25 (A) \$100 if the person's driver's license has, within the 10 years
 26 preceding the application, been suspended, revoked, or limited under the
 27 provisions of this chapter, except as provided by (C) of this paragraph, only
 28 once;

29 (B) \$250 if the person's driver's license has, within the 10 years
 30 preceding the application, been suspended, revoked, or limited under the
 31 provisions of this chapter, except as provided by (D) of this paragraph, two or

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more times;

(C) \$200 if the person's driver's license has, within the 10 years preceding the application, been revoked under AS 28.35.030 or 28.35.032 only once; or

(D) \$500 if the person's driver's license has, within the 10 years preceding the application, been revoked under AS 28.35.030 or 28.35.032 two or more times;

(4) a person who applies for a driver's license that is federally compliant shall pay a fee of \$20.

* **Sec. 12.** AS 28.90.990(a) is amended by adding a new paragraph to read:

(32) "driver's license that is federally compliant" means a driver's license issued by the state that has been certified by the United States Department of Homeland Security to be in compliance with the requirements of P.L. 109-13, Division B (REAL ID Act of 2005).

* **Sec. 13.** AS 44.99.040(a)(2) is repealed.

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

TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Administration may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 15.** Sections 13 and 14 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2019.

Amendment #1

30-GH1781\U.1
Martin
4/10/17

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 74(), Draft Version "U"

1 Page 3, line 29, following "sharing.":

2 Insert "(a)"

3

4 Page 4, following line 6:

5 Insert new subsections to read:

6 "(b) The department shall take all steps necessary to obtain from the entity an
7 agreement that the state need not convey, distribute, or communicate social security
8 numbers, in whole or in part, to participate in the database, index, pointer system, or
9 other system.

10 (c) The department shall submit an annual report on the results of the efforts
11 required under (b) of this section to the senate secretary and chief clerk of the house of
12 representatives on or before January 31 of each year and notify the legislature that the
13 report is available."

14

15 Page 8, following line 15:

16 Insert a new bill section to read:

17 "* Sec. 14. AS 28.05.068(c) is repealed June 30, 2021."

18

19 Renumber the following bill sections accordingly.

20

21 Page 8, line 22:

22 Delete "Sections 13 and 14"

23 Insert "Sections 14 and 15"

Amendment #1 (pg. 2)

30-GH1781\U.1

1

2 Page 8, line 23:

3 Delete "sec. 15"

4 Insert "sec. 16"

Amendment #2

30-GH1781\U.2
Martin
4/10/17

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 74(), Draft Version "U"

1 Page 3, line 29, following "sharing":

2 Insert "(a)"

3

4 Page 4, following line 6:

5 Insert new subsections to read:

6 "(b) The department shall take all steps available to work with other states, the
7 United States Department of Homeland Security, and any multistate entities in which
8 the state participates to secure a means of compliance with P.L. 109-13, Division B
9 (REAL ID Act of 2005), including through an interstate compact, that does not
10 involve the storage or sharing of social security numbers, in whole or in part, with an
11 interstate database, index, pointer system, or other system.

12 (c) The department shall submit an annual report on the results of the efforts
13 required under (b) of this section to the senate secretary and chief clerk of the house of
14 representatives by January 31 of each year and notify the legislature that the report is
15 available."

16

17 Page 8, following line 15:

18 Insert a new bill section to read:

19 "** Sec. 14. AS 28.05.068(c) is repealed June 30, 2021."

20

21 Renumber the following bill sections accordingly.

22

23 Page 8, line 22:

Amendment #2 (pg. 2)

30-GH1781\U.2

1 Delete "Sections 13 and 14"

2 Insert "Sections 14 and 15"

3

4 Page 8, line 23:

5 Delete "sec. 15"

6 Insert "sec. 16"

Amendment #3

30-GH1781\U.3
Martin
4/10/17

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 74(), Draft Version "U"

- 1 Page 3, line 1, following "not":
- 2 Insert ", without the consent of the applicant,"
- 3
- 4 ~~Page 4, line 18;~~ ^{Page 5, line 1} following "not":
- 5 Insert ", without the consent of the applicant,"

System	Purpose	Run By	Today	REAL ID
Social Security Online Verification (SSOLV)	Verifies the Social Security Number a person provides matches the records of the Social Security Administration. Only verifies if match or not, no other information is transmitted.	Social Security Administration & AAMVA	Every Applicant is Verified & All States Participate	Every Applicant is Verified & All States Participate
Problem Driver Pointer System (PDPS)	Verifies eligibility for an original or renewed driver's license of any type. If the customer has a suspended license in another state keeps them from getting a license in Alaska.	National Driver Register - part of US Dept of Transportation & National Highway Safety Administration	Every Applicant is Verified & All States Participate	Every Applicant is Verified & All States Participate
State to State – (S2S)	Verifies if an applicant holds a driver's license or identification card in another state. Identifies any REAL ID credential issued by another state. Basic data of customer name, last 5 of social and Birthdate, Type of DL/ID, Real ID, State(s)	States Participating & AAMVA	Every Applicant is Verified	Every Applicant will be Verified
Commercial Driver License Information System (CDLIS)	Verifies Commercial Drivers License eligibility.	Federal Motor Carrier Safety Administration & AAMVA	Only When Applying or Renewing Commercial Drivers License in All States	Only When Applying or Renewing Commercial Drivers License in All States
Electronic Verification of Vital Events (EVVE)	Verifies a person's state issued U.S. birth certificate matches the record of the issuing state. Query is sent to individual state of record.	National Association for Public Health		Only if Presented a Birth Certificate
Systematic Alien Verification for Entitlements (SAVE) (Pending adoption of regulations authorized by AS 28.15.101(d))	Verifies lawful permanent or non-permanent status for non-U.S. Citizens. License/ID expiration will match expiration of immigration documents. We have a statute to use this but not a regulation, we are waiting to deploy after a regulation package.	Homeland Security & AAMVA		Only if Presented Documentation
Department of State Passport Database (USPSVS)	Verifies a person's U.S. passport matches the records of the U.S. State Department. Minimal information is returned, yes/no of passport.	Homeland Security & AAMVA		Only if Presented a Passport

Renewing Passports Adults (Age 16 and older)

Form DS-82 may be used and submitted by mail if:

- Your U.S. Passport is undamaged and can be submitted with your application
- Your U.S. Passport was issued when you were age 16 or older
- Your U.S. Passport was issued in the past 15 years
- Your U.S. Passport was issued in your current name or you can legally document your name change

The following is required to be sent in with Form DS-82

- Your most recent U.S passport book and/or card
- Passport photos
- Certified copy of your marriage certificate or court order if your name has changed. Original document will be mailed back to you.
- Government Fee – Passport - \$110, Passport Card - \$30, Expedited fee \$60 (Must submit a check or money order)

How long is my passport valid?

- If your U.S. Passport was issued when you were 16 years old or older, your passport is valid for 10 years

New Passport or Renewing passports for Child (Under age 16)

Form DS-11 should be used if:

- You have never been issued a U.S passport
- You were under the age of 16 when your previous U.S. passport was issued

To submit an application for a child under 16, the child and both parents or the child's legal guardian(s) must be present and present the following:

- Proof of the child's U.S. citizenship
- Proof of the child's relationship to parents/guardians
- Original parental/guardian government issued identification and a photocopy of the front and back of presented identification

If only one parent appears, you must also submit one of the following:

- Second parent's notarized written statement or DS-3053 consenting to the passport issuance for the child.
- Second parent's death certificate if second parent is deceased
- Primary evidence of sole authority to apply, such as a court order

- Written statement or DS-5525 (made under penalty of perjury) explaining in detail the second parent's unavailability.

The following is required to be submitted with Form DS-11

- Proof of Child's U.S. Citizenship, original and a photo copy. Original document will be mailed back to you.
- Copies of parents/guardians presented identification
- Passport Photo
- If renewing, Child must submit their most recent U.S passport book and/or card with application
- Government Fee – Passport age 15 and younger - \$80 + \$25 Acceptance Fee = \$105, Passport Card - \$30 + \$25 Acceptance Fee = \$55, Expedited fee \$60. Acceptance Fee is paid directly to the acceptance facility. Two separate payments are required. Check or money order must be submitted for Passport fees with the application.

How long is my child's passport valid?

- If your U.S. passport was issued when you were 15 years old or younger, your passport is valid for 5 years.

New Passport – Adults (Age 16 and older)

Form DS-11 should be used if:

- New passport
- Your most recent U.S. passport was issued more than 15 years ago
- Your most recent U.S. passport was lost or stolen
- Your name has changed since your previous U.S. passport and you are unable to legally document your name change

The following is required to be sent in with Form DS-11

- U.S. Citizenship, original and a photocopy. Original will be mailed back to you.
- Proof of identity, original and a photocopy. Original will be mailed back to you.
- Passport Photo
- Government Fee – Passport - \$110 + \$25 Acceptance Fee = \$135, Passport Card - \$30 + \$25 Acceptance Fee = \$55, Passport and Passport Card - \$140 + \$25 Acceptance Fee = \$165 Expedited fee \$60. Acceptance Fee is paid directly to the acceptance facility. Two separate payments are required. Check or money order must be submitted for Passport fees with the application.

How long is my passport valid?

- If your U.S. Passport was issued when you were 16 years old or older, your passport is valid for 10 years

Lost or Stolen Passport

If you are unable to submit your valid passport book and/or card with application. You are required to fill out and submit a DS-64, Statement Regarding a Lost or Stolen U.S. Passport, along with Form DS-11.



Homeland
Security

OCT 07 2016

The Honorable Bill Walker
Governor
550 West Seventh Avenue
Suite 1700
Anchorage, Alaska 99501

Dear Governor Walker:

The U.S. Department of Homeland Security (DHS) is granting the State of Alaska an extension, through June 6, 2017, to allow the state to meet the requirements of the REAL ID Act of 2005 (P.L. 109-13) and its implementing regulation. For the duration of this extension, Federal agencies may accept driver's licenses and identification cards issued by Alaska for official purposes in accordance with the phased enforcement schedule and existing agency policies.

While DHS recognizes Alaska's efforts in enhancing the security of its driver's licenses and identification cards, your state has indicated that further progress is largely dependent on changes in state law or policy. DHS grants this limited extension based on a review of the information provided including the plans you have indicated that your administration and Alaska's state legislature needs to take to enable Alaska to satisfy outstanding requirements. The length of the extension is intended to provide Alaska with the opportunity to take any necessary steps needed to be in a position to meet all the requirements of the REAL ID Act and implementing regulation. Failure to take these steps may result in the denial of future extension requests thereby making Alaska subject to REAL ID enforcement. Enclosed is a list of DHS's findings about the regulatory requirements that Alaska currently meets, plans to meet, and does not currently commit to meet.

Once Alaska commits to meeting all the REAL ID requirements, DHS can grant additional extensions to give Alaska the time needed to implement the outstanding provisions to achieve full compliance. To assist DHS in determining whether a further extension is warranted, at the time of making an extension request please provide DHS with information regarding progress towards meeting any outstanding requirements; reasons for not meeting any outstanding requirements; and when Alaska anticipates seeking a determination of full compliance from the Department. Extensions are granted at the discretion of the Secretary of Homeland Security, but are not an alternative to compliance with the REAL ID Act.

As we continue to implement the phased enforcement of the REAL ID Act, the consequences of continued noncompliance will grow. Currently, military bases, nuclear power

The Honorable Bill Walker
Page 2

plants, and Federal facilities may accept state-issued driver's licenses or identification cards for access purposes only if the document is issued by a state that is REAL ID compliant or that has received an extension. TSA will begin REAL ID enforcement for boarding commercial aircraft on January 22, 2018. As a result, from that time onwards, air travelers with a driver's license or identification card issued by a state that does not meet the requirements of the REAL ID Act (unless that state has been granted an extension to comply with the Act) must present an alternative form of identification acceptable to TSA in order to board a commercial flight.

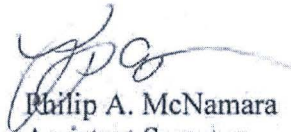
Please do not hesitate to contact DHS's Office of State Issued Identification Support at (202) 447-3871 if you have any questions or comments about this extension. For all other homeland security matters, you may contact the DHS Office of Intergovernmental Affairs at (202) 282-9310.

We look forward to continuing to work with you on this and other homeland security issues.

Sincerely,



Alan D. Bersin
Assistant Secretary
for International Affairs
& Chief Diplomatic Officer
Office of Policy



Philip A. McNamara
Assistant Secretary
Office of Intergovernmental Affairs

Enclosure

cc: Michael O'Hare, Director, Alaska Division of Homeland Security and Emergency Management

The U.S. Department of Homeland Security Findings

September 16, 2016

I. Based on the information provided, the State of Alaska indicates it is meeting the following provisions of the regulation (6 C.F.R. § 37):

- | | |
|---------------------|---|
| 6 C.F.R. § 37.05(a) | Issues REAL ID driver's license/identification cards valid for a period not to exceed eight years. |
| § 37.11(a) | Subjects each applicant to a mandatory facial image capture and retain such image even if a driver license or identification card is not issued. |
| § 37.11(b) | Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and the State must retain this declaration. |
| § 37.11(c) | Requires individuals to present at least one of the source documents listed in subsections (i) through (x) when establishing identity. |
| § 37.11(d)-(g) | Requires documentation of date of birth, Social Security Number, address of principal residence, and lawful status. |
| § 37.11(h) | Has a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) (If States choose to have such a process). |
| § 37.11(i) | Takes sufficient steps in issuing REAL ID driver's licenses/identification cards to safeguard the identities of persons identified in section 37.11(i). |
| § 37.13(a) | Makes reasonable efforts to ensure that applicants do not have more than one driver's license or identification card already issued by that state under a different identity. |
| § 37.13(b)(2) | Verifies Social Security account number with the Social Security Administration. |

- § 37.13(b)(3) Verifies birth certificates.
- § 37.13(b)(4) Verifies U.S. passports.
- § 37.15(b) Issues driver's licenses and identification cards that contain Level 1, 2, and 3 integrated security features.
- § 37.13(b)(5) Verifies REAL ID driver's licenses and identification cards with the State of issuance.
- § 37.15(a)(1) Includes document security features on REAL ID driver's licenses/identification cards that are not capable of being reproduced using technologies that are commonly used and made available to the general public.
- § 37.15(d) Conducts reviews and submits a report to DHS on card design and ability of the card to resist forgery and counterfeiting.
- § 37.17(a)-(l) Includes on the surface of cards the following printed information in Latin alpha-numeric characters:
- Full legal name
 - Date of birth
 - Gender
 - Unique driver's license/identification number
 - Full facial digital photograph
 - Address of principal residence
 - Signature
 - Date of issuance
 - Expiration date
 - State or territory of issuance
- § 37.19 (a)-(j) Includes all of the information on the face of the card in the PDF-417 Machine Readable Zone of the card.
- § 37.23 (a) Has a procedure in place to verify an applicant's identity each time a REAL ID driver's license/identification card is reissued.

- § 37.23(b) Conducts remote re-issuance in accordance with section 37.13 verification procedures, (excluding re-issuance of duplicate cards).
- § 37.23(c) Requires in-person re-issuance when there is any material change in personally identifiable information since prior issuance, as defined in § 37.03. Such information shall be verified as specified in 37.13.
- § 37.25(a)(1) Prior to renewing a REAL ID driver's license/identification card:

Take an updated photograph of all holders of REAL ID driver's license and identification cards no less frequently than every 16 years.
- § 37.25(a)(3) Holders of temporary or limited term driver's licenses must present evidence of continued lawful status.
- § 37.25(b)(2) Prohibits remote renewal of REAL ID driver's licenses/identification cards when there is a material change in personally identifiable information, as defined in §37.03.
- § 37.29 Does not permit individuals to hold more than one REAL ID document, and no more than one driver's license.
- §37.31(a)(1)-(3) Retains copies of the application, declaration and source documents. Paper copies and microfiche must be retained for seven years. Digital images must be retained for a minimum of 10 years.

- §37.31(b)(1)-(3) If digital imaging is used to retain source documents:
- Stores photo images in a JPEG-compatible format.
 - Stores document and signature images that are compressed in Tagged Image Format or comparable standard.
 - Requires that all images are retrievable by the DMV if properly requested by law enforcement.
- § 37.33(a)-(b) Maintains a DMV database containing, at a minimum, items identified in 37.33(a)(1)-(4).
- § 37.41 Has a documented security plan for DMV operations.
- § 37.41(b)(2) Has protections in place that ensures the security of personally identifiable information.
- § 37.41 (b)(4) Implements documented procedures for controlling access to facilities and systems involved in the enrollment, manufacture, production and issuance of driver's licenses/identification cards.
- § 37.41(b)(5) Requires all employees handling source documents or issuing driver's licenses or identification cards to attend and complete the American Association of Motor Vehicles Administrators approved (or equivalent) fraudulent document recognition training and security awareness training.
- § 37.43 Ensures the physical security of locations where driver's licenses and identification cards are manufactured or produced, and the security of document materials and papers of which such cards are produced.

§ 37.45

Conducts name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by the U.S. Department of Homeland Security (DHS).

II. Based on the information provided, the State of Alaska indicates it is not meeting the following provisions of the regulation (6 C.F.R. § 37):

§ 37.13(b)(1) Verifies lawful status through the Systematic Alien Verification of Entitlements (SAVE) or another method approved by the Department of Homeland Security (DHS).

Alaska plans to meet this requirement in December 2016.

§ 37.17 (n) Commits to marking fully compliant driver's licenses and identification cards with a DHS-approved security marking.

Governor Walker has committed to submit legislation to the Alaska State Legislature in the 2017 legislative session to allow Alaska to comply with REAL ID.

§ 37.21 Issues to individuals with temporary lawful status, temporary or limited-term licenses that expire at the end of the applicant's authorized stay in the United States, or if there is no expiration date, after one year.

Prior to renewing temporary or limited-term driver's license or identification cards, requires applicants to:

Present valid documentary evidence that their qualification is still in effect or that they have qualified for another lawful status.

Verify information presented through SAVE, or another method approved by DHS.

Alaska plans to meet this requirement in December 2016.

§ 37.21(e) Temporary or limited-term driver's licenses and identification cards must clearly indicate on the face of the license and in the machine readable zone that the license or card is a temporary or limited term driver's license or identification card.

Alaska plans to meet this requirement in December 2017.

§ 37.25(a)(2) Re-verify applicant's Social Security Number and lawful status, as well as information it was unable to verify at previous issuances or renewals because systems or processes did not exist.

Alaska plans to meet this requirement in January 2017.

§ 37.25(b)(1) If remote REAL ID renewals are permitted:

Re-verifies applicant's information through SAVE and Social Security Online Verification (SSOLV) (or other methods approved by DHS).

Alaska plans to meet this requirement in January 2017.

§ 37.51 Commits to be in full compliance with Subparts A through D.

Governor Walker has committed to submit legislation to the Alaska State Legislature in the 2017 legislative session to allow Alaska to comply with REAL ID.

§ 37.55 Submits Final Certification package.

Governor Walker has committed to submit legislation to the Alaska State Legislature in the 2017 legislative session to allow Alaska to comply with REAL ID.

§ 37.71(a)

If the State chooses to issue both compliant and noncompliant documents, clearly states on the face of the noncompliant document and in the machine readable zone that the card is not acceptable for official purposes and incorporates a unique design or color indicator that clearly distinguishes them from compliant licenses and identification cards.

Governor Walker has committed to submit legislation to the Alaska State Legislature in the 2017 legislative session to allow Alaska to comply with REAL ID.

The Identity Project

www.PapersPlease.org

1736 Franklin Street, 9th Floor
Oakland, CA 94612
415-824-0214 (cell)
510-208-7744 (messages)

April 4, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
The Honorable Gabrielle LeDoux, Vice-Chair
House State Affairs Committee
Alaska Capitol Building, Room 120
Juneau, AK 99801

by email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov
Representative.Gabrielle.LeDoux@akleg.gov
housestate.affairs@akleg.gov

Re: Alaska and the right to travel by air

On behalf of the Identity Project (PapersPlease.org) – a nonprofit legal and educational organization founded by John Gilmore, the plaintiff in *Gilmore v. Gonzales* – I would like to correct some misunderstandings about the decision in this case in the April 3, 2017, letter to your committee from Deputy Commissioner Leslie Ridle of the Alaska Department of Administration in response to questions about HB 74, the Federal REAL-ID Act of 2005, and the ability of the State of Alaska to challenge any future Federal attempt to impose an ID requirement for airline travel by Alaskan residents.

Deputy Commissioner Ridle's letter states that, "In *Gilmore v. Gonzales*, 435 F.3d 1125, 1136 (2006), the court stated: 'we reject Gilmore's right to travel argument because the Constitution does not guarantee the right to travel by any particular form of transportation.'"

Gilmore v. Gonzales was not an Alaskan case. Mr. Gilmore was trying to fly from San Francisco to Washington, DC, and the Ninth Circuit Court of Appeals found that there were adequate alternative means of surface travel available for that journey:

"[Gilmore's] argument is that 'air travel is a necessity and not replaceable by other forms of transportation.' Although we do not question this allegation for purposes of this petition, it does not follow that Defendants violated his right to travel, *given that other forms of travel remain possible.*" (435 F.3d at 1136; emphasis added)

The factual predicate for the court's decision in *Gilmore v. Gonzales*, "other forms of travel remain possible," obviously isn't true in parts of Alaska. Alaskan circumstances are readily distinguishable from the facts considered by the Court of Appeals in *Gilmore v. Gonzales*. This is why Alaska has the best legal case of any state against interference with its residents' right to travel by air.

Deputy Commissioner Ridle's letter continues, "This case is pre-Real ID Act, but it involved a person refusing to show ID to board a plane for interstate travel post-9/11."

But as it was decided by the Court of Appeals, *Gilmore v. Gonzales* was about whether a person who doesn't have ID can be required to submit to a more intrusive search ("screening"). The Court of Appeals did not reach the question of whether such a person could Constitutionality be prevented from boarding a flight without being given the option of flying without ID if he submitted to a more intrusive search.

The Court of Appeals found – after reviewing the applicable Security Directives from the TSA to the airlines, *ex parte* and *in camera* – that Mr. Gilmore could have traveled without ID, if he had been willing to submit to more intrusive search:

"Gilmore had a meaningful choice. He could have presented identification, submitted to a search, or left the airport." (435 F.3d at 1139)

The decision in *Gilmore v. Gonzales* was about whether airline passengers who don't show ID can be required to submit to more intrusive search, not about whether they could be denied transport if they declined to show ID but were willing to submit to more intrusive search.

Deputy Commissioner Ridle's letter continues, "The court went on to explicitly hold that a person does not have a right to travel by plane, and that the identification policy is not burdensome. *Id.* At 1136-37."

As noted above, the first part of this statement rests on the availability of adequate alternative means of surface travel, which in parts of Alaska are clearly absent.

The second part, that "the ID policy is not burdensome", pertains to the "ID policy" of requiring those who doesn't have ID to submit to more intrusive searches. The Court of Appeals described "the identification policy" as follows:

"The identification policy requires that airline passengers either present identification or be subjected to a more extensive search. The more extensive search is similar to searches that we have determined were reasonable and 'consistent with a full recognition of appellant's constitutional right to travel'." (435 F.3d at 1137)

An ID policy that prohibited airline travel altogether for those who don't have ID would be readily distinguishable, and obviously more burdensome.

Deputy Commissioner Ridle's response to this question concludes, "We believe this analysis would continue to apply to a facial challenge to the ID requirements in the REAL ID Act."

It's not clear to what "ID requirements in the REAL ID Act" Deputy Commissioner Ridle's letter is referring. The REAL-ID Act does not contain any ID requirement to fly. It pertains only to what ID is acceptable, in situations where some *other* valid law, regulation, or policy already requires ID for a Federal purpose

Deputy Commissioner Ridle's letter cites and quotes from 49 US Code § 44901, which provides that the TSA "shall provide for the screening of all passengers ... that will be carried aboard a passenger aircraft operated by an air carrier." But this is the requirement for search ("screening") discussed by the Court of Appeals in its opinion in *Gilmore v. Gonzales*, and not an ID requirement. Nothing in this or any other current or proposed Federal law or regulation imposes an ID requirement for airline travel.

A requirement for all airline passengers to show ID is not the same as a requirement for those passengers without ID to submit to more intrusive search.

If the TSA were to propose or impose an ID requirement for airline travel, it would be readily distinguishable from the ID policy (requiring more intrusive searches of airline passengers without ID) described by the Court of Appeals in *Gilmore v. Gonzales*.

While the TSA and DHS have made contradictory statements in some of their press releases, their consistent position in court has been that no Federal law or regulation or TSA policy requires airline passengers to show any ID. Our experience, and the reports we have obtained in response to our Freedom Of Information Act requests, confirm that this is true, and that people travel by air with no ID, throughout the US, every day.

So far as we have been able to determine, no court has yet ruled on whether an ID requirement for airline travel would be Constitutional, in Alaska or any other state. A new law, regulation, or policy imposing an ID requirement for airline travel would be untested and highly vulnerable to Constitution challenge, especially by the State of Alaska.

I am available to you or to other members of your Committee and the Legislature to answer any questions you may have about *Gilmore v. Gonzales* and the right to travel.

Sincerely,

Edward Hasbrouck
Consultant on travel-related civil liberties and human rights issues
The Identity Project (PapersPlease.org)

The Identity Project

www.PapersPlease.org

Alaska and the REAL-ID Act

Testimony of Edward Hasbrouck on Alaska SB34 and HB16
House and Senate State Affairs Committees

Juneau, March 21, 2017

Senator Dunleavy, Representative Kreiss-Tomkins, and Members of the House and Senate State Affairs Committees:

On behalf of the Identity Project, I thank you for the opportunity to share some of our research into the national ID database being created to implement the REAL-ID Act, and some of our experience working with residents of other states that have embarked on the path you are contemplating of compliance with the REAL-ID Act.

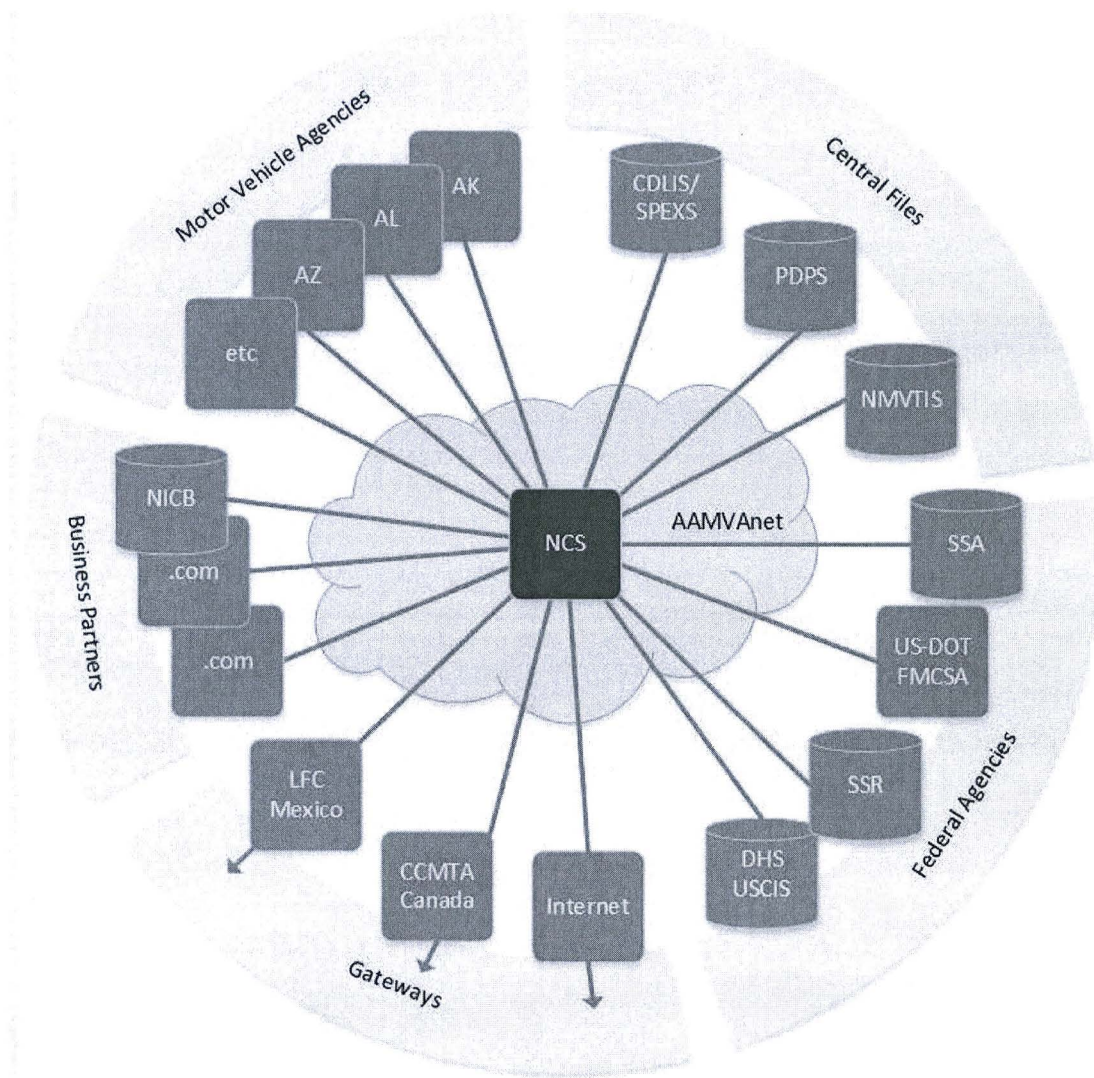
The Identity Project is a non-profit education, research, litigation, and advocacy organization which defends the right of U.S. citizens to move freely throughout our country without having to show our papers or obtain permission from the government.

The REAL-ID Act requires compliant states to take certain actions with respect to (1) physical attributes of ID cards and drivers licenses and (2) ID card and license issuance procedures. But there's also a third element of compliance in the law: "To meet the requirements of this section, a State shall ... Provide electronic access to all other States to information contained in the motor vehicle database of the State."¹

It would be prohibitively expensive for any state to try to build its own network of connections to each other state. In practice, the only way a state can comply with this requirement of the REAL-ID Act is to upload "pointers" for all drivers licenses or ID cards issued by the state (including "noncompliant" IDs and licenses) to a new national ID database, SPEXS. Full details about any of those IDs and licenses are sent to any other state on request through the national "hub" which connects all participating states to the S2S network as well as to other state, Federal, foreign, and private entities.²

1 REAL-ID Act of 2005, P.L. 109-13, Title II, Section 202(d)(12).

2 The Identity Project, "How the REAL-ID Act is creating a national ID database", February 11, 2016, <<https://papersplease.org/wp/2016/02/11/how-the-real-id-act-is-creating-a-national-id-database/>>. Immediately after the Identity Project published this report on SPEXS, AAMVA removed the SPEXS specifications and other SPEXS and S2S documentation from its public website.



"Diagram 1: AAMVAnet Usage", in "AAMVA State Pointer Exchange Services (SPEXS) Master Specification (AMIE), r6.0.8", page 5, available at <https://papersplease.org/_dl/SPEXS%20Master%20Specification%20%28AMIE%29%20r6.0.8.pdf>.

If SPEXS were operated by the Federal government, it would be subject to the Federal Privacy Act³. The responsible Federal agency would have to publish a notice, before the system went into operation, describing the categories and sources of information in the database, how it is indexed and retrieved, how it is used, and to whom it is disclosed, and designating a point of contact and procedures for correction of records. Individuals about whom records are maintained would have the right to obtain copies of the records about themselves and an accounting of disclosures of those records to third parties, and to have inaccurate or irrelevant information corrected or deleted.

3 Privacy Act of 1974, 5 U.S.C. § 552a

If SPEXS were a government database, SPEXS policies and specifications would also be accessible to the public through the Freedom Of Information Act⁴.

However, development and operation of S2S and the SPEXS database has been outsourced to AAMVA (a nominally private organization) and a private contractor in the Washington, DC, area, Clerus Solutions. Neither AAMVA nor Clerus Solutions are subject to the Privacy Act or to any Federal or state Freedom Of Information Act.

Neither AAMVA nor Clerus Solutions are required to disclose their policies, procedures, or decisions; to tell individuals what information about them is included in SPEXS or the other central files, how it is used, or to whom it is disclosed; or to provide any mechanism for correction or deletion of inaccurate, out-of-date, or irrelevant data.

A year ago, I asked AAMVA and Clerus Solutions whether there was any way to find out what information about me is included in SPEXS. It took more than six months to get the answer: to find out what information about me is contained in SPEXS, I would need to make a separate request to the agency in each state that participates in SPEXS. If there is an error in the SPEXS records about me, I could only get it corrected by first identifying which agency (if any) in which state supplied the erroneous data, and then getting that agency to get AAMVA to correct or delete the record.⁵

There's no procedure for correcting an error by AAMVA or its subcontractors. "AAMVA does not have the unilateral authority to change pointer index data. It can do so only at the direction of the state that posted the pointer."⁶ So if an error by AAMVA results in a SPEXS record that doesn't correspond to data supplied by any state, neither AAMVA nor any state has the authority to correct or delete it. Catch 22!

If a pointer record in SPEXS suggest that you still have a driver's license or ID in any other state, the Alaska DMV will not be allowed to issue you a new license or ID.

Someone who moves from one state to another won't find out that the SPEXS pointer to their old license hasn't been deleted until they try to get a license in their new state of residence, and are turned down. The best case is that an Alaska resident will have to work through the driver's license agency in some other state they formerly resided in to get an error in SPEXS corrected, before they can obtain an Alaska license or ID. The worst case is an error by AAMVA or one of its contractors that nobody has the authority to correct, and that prevents you from getting a new ID in any compliant state.

4 Freedom of Information Act (FOIA), 5 U.S.C. § 552

5 The Identity Project, "National REAL-ID database replicates problems with FBI rap sheets", June 30, 2016, <<https://papersplease.org/wp/2016/06/30/real-id-national-id-database-replicates-problems-with-fbi-rap-sheets/>>, and email message to Edward Hasbrouck of the Identity Project from Pierre Y. Boyer, Chief Information Security Officer, AAMVA, September 8, 2016.

6 Email message to Edward Hasbrouck of the Identity Project from Nancy Carlson, Senior Business Analyst, Clerus Solutions, June 20, 2016

Records in the SPEXS national ID database currently contain only a subset of the data in state drivers license records. The last version of the SPEXS specifications we were able to retrieve from the public AAMVA website (more recent versions have only been made available only to AAMVA members on a password-protected area of the site) included the following fields from each state license or ID in the national ID database:⁷

6.2 CD20 MASTER POINTER

Description

The CD20 Master Pointer identifies (points to) the jurisdiction in which: (i) for CDLIS purposes, the person's CDL record resides; and (ii) for non-CDLIS purposes, the person's credential record resides.

Content

The CD20 Master Pointer consists of the following data attributes:

ID	Clear Name and Identifier	Required (R)
CD20.C1	Master Pointer ID (DCDPID)	R
CD20.C2	Jurisdiction Code - Licensing (DDLJUR)	R
CD20.C3	Driver License Number (DDLNUM)	R
CD20.C4	Person Name Group (BPENGP)	R
CD20.C5	Driver Social Security Number (DDVSSN)	R (only until all jurisdictions have implemented 5.1 or greater).
CD20.C6	Person SSN Last 5 Digits (BPSSD)	R
CD20.C7	Driver SSN Type (DDVSSI)	R
CD20.C8	Driver Date of Birth (DDVDOB)	R
CD20.C9	Driver Sex (DDVSEX)	R (only until all jurisdictions have implemented 5.1 or greater).
CD20.C10	State Document Type (BJDTYP)	R
CD20.C11	State Document REAL ID Conformant (BJDRIC)	R
CD20.C12	CDLIS Pointer Indicator (DCDCPI)	R
CD20.C13	Message SOR Change in Progress Indicator (GMSSCH)	R
CD20.C14	Record Creation Date Time Stamp (GRCCDS)	R
CD20.C15	Record Last Update Date Time Stamp (GRCUDS)	R

Unfortunately, the "limited" character of this pointer data is illusory, because (1) a compliant state must provide its entire license and/or ID record about any individual, not just the pointer, to any other participating state on request, and (2) AAMVA could change the SPEXS specifications at any time (and may already have done so, since they are no longer public) to require that additional data be included in pointer uploads or to impose additional conditions on states that want to participate or remain participants in S2S.

⁷ "AAMVAState Pointer Exchange Services (SPEXS) Master Specification (AMIE), r6.0.8", <https://papersplease.org/_dl/SPEXS%20Master%20Specification%20%28AMIE%29%20r6.0.8.pdf>.

The purpose of the SPEXS pointers is to index and identify state license and ID records, so that they can be searched and matched with other records that might pertain to the same individual. It's easy to imagine that AAMVA might decide to index and search SPEXS records by photograph as well as by name, and start requiring uploads of license and ID photos in addition to the current pointer data fields.

If that were to happen **today**, Alaska could say no and withdraw from S2S.

But there is no way, other than through participation in S2S and uploading of whatever data AAMVA decides to require for SPEXS pointers (and complying with whatever other conditions AAMVA decides to impose on SPEXS and S2S participants) for a state to comply with the national database access requirement in the REAL-ID Act.

So a state that has complied with the REAL-ID Act through participation in S2S cannot withdraw from S2S or refuse to upload whatever additional data or comply with whatever new conditions AAMVA decides to impose on S2S participation without immediately becoming noncompliant with the REAL-ID Act.

Alaskans need to understand that if Alaska agrees to comply with the REAL-ID Act, you will in effect be agreeing in advance to comply with whatever AAMVA later demands, including possible demands to upload additional data about all state residents to the national ID database. You will be handing over control over Alaska residents' license and ID data to private outside entities not subject to any of the transparency or accountability of government agencies.

Alaska is one of the most recent states to join S2S.⁸ Over the weekend of January 28, 2017, the Alaska DMV did a batch upload of pointers to all Alaska drivers licenses and state ID cards to the SPEXS database.⁹ The Alaska DMV will undoubtedly say that this was not required for REAL-ID Act compliance. Strictly speaking, that's true. But in practice there is no other path to compliance available or likely to become available.

DHS extensions of time to comply with the REAL-ID Act need not be based on any specific criteria and are not limited by any statutory deadline. According to the REAL-ID Act regulations, "Subsequent extensions, if any, will be at the discretion of the Secretary" of Homeland Security.¹⁰ Many states have been granted extensions despite not being compliant with the database access provisions of the REAL-ID Act.

8 "Delaware Joins States-to-State; Alaska to Follow", in "The Week In Review, December 16, 2016", <<http://www.aamva.org/pubDelawareJoinsS2S-TWIR12192016/>>.

9 "Alaska Joins State-to-State Verification Service", in "The Week In Review, January 30, 2017", <<http://www.aamva.org/uploadedFiles/MainSite/Content/NewsPublications/TheWeekInReview/Archive-2017/The%20Week%20In%20Review,%20January%2030,%202017.pdf>>

10 Department of Homeland Security, "Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes; Final Rule", 73 *Federal Register* 5272 at 5339 (January 29, 2008).

The total population of states participating in S2S and SPEXS is less than 15% of the US population.¹¹ **To put it another way, more than 85% of the US population resides in states – at least 36 of them – that are not in compliance with the database access requirements of the REAL-ID Act.** Alaska is being singled out for a Federal threat to interfere with residents' rights sooner than in other noncompliant states not because Alaska is less compliant or is one of only a few noncompliant states, but because the DHS believes that Alaska can be more easily intimidated than more populous states.

Unless the REAL-ID Act is repealed, those other noncompliant states eventually will have to make the same decision as Alaska now faces: Whether to capitulate to Federal threats or challenge Federal interference with residents' rights. **Alaska has nothing to gain from being among the first states to capitulate to these threats.** On the contrary, the lack of alternatives to air transport in many parts of Alaska gives Alaska by far the strongest basis of any state to challenge any Federal attempt to interfere with residents' right to freedom of movement, which in many cases depends on air travel.

In practice, the experience of other states suggests that state-issued IDs may not be accepted for entrance to Federal facilities is less serious than it may appear.

Concerns have been raised about what will happen to civilian contractors, delivery drivers, or other Alaskans who don't already have military or other Federal credentials but who frequently need to visit military bases or other Federal facilities.

As a national point of contact for information about the REAL-ID Act, we regularly hear from residents of other states, including those where state-issued ID cards are already being rejected for access to military bases and other federal facilities.

From what we have heard from around the country, the problems that some Alaskans fear have not materialized in other states. Infrequent visitors or new hires who don't already have a passport, passport card, or other Federal ID can be, and are, escorted until they can obtain Federal ID for unescorted access. Most often this is a passport card.

It's common sense that if the Federal government wants to require different credentials for access to Federal facilities, the Federal government should issue those credentials, not impose an unfunded mandate on the states to change procedures that affect all of their residents in order to provide credentials for Federal contractors.

Compliance by states with the REAL-ID Act in order to provide state-issued credentials for regular visitors to Federal facilities is a solution in search of a problem. A better and more appropriate solution is already available in the form of a passport card.

11 Estimated resident populations of the 14 S2S participant states listed by AAMVA at <<http://www.aamva.org/State-to-State/>> and of the US, July 1, 2016, "Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico (NST-EST2016-01)".

Any US citizen who qualifies for a REAL-ID Act compliant state ID also qualifies for a passport card. A passport card is valid for any use for which a compliant state ID is valid, plus travel by land or sea between the US and Canada.

You can apply for a passport card at many US Post Offices, even in small communities. A passport card takes slightly longer to obtain than a state ID, but it already takes several weeks to obtain an Alaska state ID from the out-of-state vendor.

A first-time adult passport card valid for 10 years costs \$55 (\$40 for a child under age 16), and \$30 for each 10-year renewal (\$15 for a child under 16). A new or renewal REAL-ID Act compliant Alaska state ID valid for 8 years is proposed to cost \$20.

A higher percentage of Alaskans than of residents of almost any other state already have passports. For those whose only international travel is travel by land and/or sea to Canada, a passport card may be a significantly cheaper and more convenient alternative (a wallet-sized card instead of a booklet) to a passport. Indeed, the passport card was specifically designed to serve the needs of residents of states like Alaska.

Anyone who has a problem getting a passport card is going to have at least as much difficulty getting a REAL-ID Act compliant state driver's license or ID card.

In many cases, we advise people who are having difficulty obtaining a state ID card because of REAL-ID Act document requirements that it will be **easier** for them to obtain a passport card than a compliant state ID card.

As state legislators, you are hearing now from people who fear that they will have to pay a little bit more or wait a little bit longer to get a passport card if the Federal government decides to stop accepting Alaska ID cards for Federal purposes.

But if you approve these bills, you will eventually be hearing from larger numbers of people with more serious problems because they don't have, and can't readily obtain, the necessary documents for a compliant state ID card.

We hear regularly from people in this situation in other states that have implemented compliant state license and ID issuance and document requirements.

The burden of REAL-ID Act compliance falls disproportionately on the elderly, on those who reside in a distant state from their place of birth, and those who were born at home and whose birth was not recorded by a hospital (which is, of course, more common for those who live far from the nearest hospital in areas such as parts of Alaska).

A common Catch-22 is for an elderly person who doesn't have a certified copy of their birth certificate or other required paperwork to find it difficult or impossible to obtain the necessary documents without traveling to the state where they were born, but to be unable to travel there without the ID for which they need the documents.

In other states, the fallback for people in this situation is to get a "noncompliant" state ID, and travel by land. But that isn't an option in parts of Alaska that depend on air transportation for access to essential services and their connection to the rest of the state.

A "noncompliant" state ID card issued by a compliant state isn't what it appears to be. Someone who chooses a "noncompliant" card probably thinks they have opted out of participating in the national ID database. But a compliant state can't let anyone opt out of nationwide sharing of all the state's data about them: **The REAL-ID Act requires a compliant state to make its records about all driver's licenses or ID it issues – including "noncompliant" cards and licenses – available on request to all other states.** Nobody who has a license or ID card issued by a compliant state can really opt out of the national database. A "noncompliant" license or ID card is a misleading sham.

The DHS estimates that anywhere from a quarter to a half of all state residents won't get compliant ID cards. In some cases that will be by choice, even if it fails to protect those who request noncompliant cards against sharing and abuse of their data. In other cases, individuals will get noncompliant cards because they don't have the documents for a compliant card. Many US citizens don't have a certified copy of their birth certificate or other required paperwork, and have never before (or not for many years) been required to present documents to the government to prove who they are.

If the DHS follows through on its threats, that substantial fraction of Alaskans with "noncompliant" ID cards won't be allowed to fly. That may be tolerable in some other states, but not in Alaska. Unlike other states, Alaska needs a "Plan B", even if Alaska becomes a compliant state, for Alaskan residents who need to travel by air but who won't easily be able to obtain a compliant state ID.

These bills won't solve the problem posed by Federal threats to interfere with the freedom of movement of Alaskan residents who don't have ID that the Federal government finds satisfactory. The state of Alaska will have to deal with that problem for a substantial number of its residents – and should start preparing now to do so – even if these bills are approved and Alaska becomes compliant.

Other courses of action are available to states that don't want to upload information about all their state residents to a new privately operated national database, or agree to whatever future conditions may be imposed by AAMVA on participation in SPEXS, or by DHS (at its standardless discretion) on certifications of "compliance", or have their residents' freedom of movement interfered with by Federal agents.

Congressional delegations from other states threatened with sanctions against their residents for state noncompliance with the REAL-ID Act have introduced legislation to repeal all or the most objectionable portions of the Federal law. Alaska is the only one of the five states being threatened by the DHS for noncompliance none of whose Congressional delegation is co-sponsoring legislation against the REAL-ID Act.

In the current session of the US Congress, three Senators including both Senators from Montana are co-sponsoring S. 126, the "Repeal ID Act of 2017".¹² Seven Members of Congress including Representatives from Maine, Minnesota, and Missouri are co-sponsoring H.R. 755, the "REAL ID Privacy Protection Act".¹³

While S. 126 and H.R. 755 would repeal different portions of the REAL-ID Act, both of these bills would repeal the national database sharing requirement.

Alaska HJR 15 is an important statement of support by the Alaska State Legislature for efforts in Congress to repeal the REAL-ID Act. But Alaskans and the State of Alaska cannot, and should not, merely sit back and wait for Congress to act.

No Federal law or regulations requires air travelers to show any ID.¹⁴ People fly without ID every day. But the TSA has indicated that it intends to propose regulations, revise TSA Standard Operating Procedures, and/or issue Security Directives to air carriers to require air travelers to show ID acceptable to the DHS in order to fly.¹⁵

This threat poses a special danger to Alaskan residents, especially those in communities and locations not connected to the North American road network, and/or who rely on air transportation for access to essential and emergency services.

Unless and until this threat is withdrawn, Alaskan state authorities including the office of the Attorney General of Alaska should be preparing to defend any Alaska residents whose rights are interfered with by Federal agents.

And rather than waiting to intervene until after Federal agents start denying Alaska residents access to essential air transportation, the state should, as soon as it is ripe for adjudication, initiate litigation to prevent interference with residents' rights.

It makes no sense for your state to capitulate, as these bills would have it do, in response to threats of Federal action whose Constitutionality has yet to be tested.

12 Introduced January 12, 2017, <<https://www.congress.gov/bill/115th-congress/senate-bill/126>>

13 Introduced January 31, 2017, <<https://www.congress.gov/bill/115th-congress/house-bill/755>>

14 A Federal lawsuit brought in 2002 by John Gilmore, founder of the Identity Project, was dismissed after lawyers for the TSA claimed and provided evidence *in camera* and under seal to the 9th Circuit Court of Appeals, which has jurisdiction over Alaska, that neither any Federal law or regulation or the TSA's secret Security Directives require air travelers to show ID to fly. *Gilmore v. Gonzales*, 435 F. 3d 1125, <<https://papersplease.org/gilmore/>>

15 Comments of the Identity Project and the Cyber Privacy Project, "Intent To Request Approval From OMB of One New Public Collection of Information: Certification of Identity Form (TSA Form 415)", January 9, 2017, <<https://papersplease.org/wp/wp-content/uploads/2017/01/IDP-form-415-9JAN2017.pdf>>

It would be premature for Alaska to abandon its long-standing and well-founded opposition to the REAL-ID Act in response to DHS threats to interfere with the rights of state residents as a sanction for state noncompliance with the REAL-ID Act, while:

1. A Federal ID credential, a passport card, is available to any U.S. citizen who qualifies for a REAL-ID compliant state ID, and can be used for any purpose for which a compliant state ID can be used as well as for surface travel to Canada;
2. Legislation to repeal the REAL-ID Act or significantly mitigate the dangers of creating an uncontrolled national ID database is pending in Congress;
3. No Federal statute or regulation requires air travelers to show any ID to fly, and residents of Alaska and other states continue to fly every day without ID;
4. No regulations have been proposed that would require anyone to show ID to fly;
5. No court has considered whether it would be Constitutional to require air travelers or passengers of other common carriers to show ID;
6. Compliance with the REAL-ID Act would create special problems for Alaskan residents, especially residents of communities not accessible by road;
7. The lack of alternatives to air transport gives Alaska a uniquely strong legal basis to challenge any Federal attempt to impose an ID requirement for air travel;
8. More populous states that are manifestly not in compliance with the statutory criteria for REAL-ID Act database access have not been similarly threatened; and
9. No court has ruled on the legality of the DHS arbitrarily exercising "discretion" to restrict the rights of residents of some noncompliant states but not others.

We urge the Alaska State Legislature to reject SB34 and HB16, stand firm in your opposition to the REAL-ID Act, and prepare to defend the Constitutional rights of Alaskans and all Americans to freedom of travel and movement, including by air.

Respectfully submitted,

Edward Hasbrouck
Consultant on ID and travel issues
The Identity Project (PapersPlease.org)
1736 Franklin Street, 9th Floor
Oakland, CA 94612
415-824-0214 (cell)
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ALASKA AFL-CIO

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VINCE BELTRAMI
Executive President



JIM DUNCAN
Secretary / Treasurer

March 27, 2017

The Honorable Jonathan Kreiss-Tomkins, Chairman
Alaska House State Affairs Committee
State Capitol, Room 120
Juneau, AK 99801

Dear Chair Kreiss-Tomkins and members of the House State Affairs Committee:

The Alaska AFL-CIO is urging you to support HB 74, the Real ID bill.

We know this bill is complicated. Many people have relevant questions about how to implement this bill while protecting Alaskans' privacy.

The Administration secured a waiver from the Homeland Security Administration (HSA) allowing Alaskans to access military bases and other federal facilities using non-compliant Alaskan ID. If HB 74 fails to pass the Legislature this session, Alaska's waiver will expire on June 8, 2017. HSA has strongly indicated Alaska will not be granted an additional waiver unless legislation is passed this session.

The REAL ID Act enforcement timeline is as follows:

- Military bases: As of June 8, 2017, Alaska licenses and ID card will not get you on base, unless Alaska is granted another Homeland Security waiver.
- Air travel: As of January 22, 2018, Alaska driver licenses and ID cards will not get you through TSA screening and onto the plane, unless Alaska is granted another Homeland Security waiver.
- As of October 1, 2020, all domestic air travel will require REAL ID cards or other federally- approved identification. All waivers will be terminated.

These are real consequences for working Alaskans, particularly those who need to access federal properties for work, or who have to board commercially operated airlines subject to TSA guidelines, whether traveling for business or pleasure. And it is why this bill should be passed this session. We are out of time.

The primary concerns we have heard revolve around whether Alaskans' information will be compromised or end up in new or shared national databases. These are valid concerns. We urge you to amend the bill to address such concerns, as has been done in the Committee Substitute (CS) for SB 34, the companion bill in the Senate.

The aforementioned CS appears to have garnered the tacit support of the American Civil Liberties Union and others. And according to the information put out by Governor Walker's administration, neither the legislation or the federal REAL ID Act create new national databases. All information will be kept in state with strict limitations to protect and keep data confidential and private, as required under AS 28.15.181(f), which limits the disclosures in AS 28.10.505. Authorization for releasing information can only come from:

- By subpoena for a court case;
- Discovery for an administrative hearing;
- Request from law enforcement/government agency for official purposes;
- By request/authorization of the record holder/document owner to themselves and/or an authorized recipient(s).

These restrictions, in conjunction with the type of amendments included in the CS for SB 34 adequately address privacy concerns in our opinion. Most importantly, we encourage legislators to ACT NOW! Alaskan workers and travelers will be unnecessarily burdened, whether trying to access their job, or freely traveling via commercial airlines, if you fail to come up with an adequate solution.

And one final point for high consideration; this program will be completely VOLUNTARY. No Alaskan will be forced to participate if they choose not to. Please pass HB 74 this session.

Respectfully,



Vince Beltrami
President
Alaska AFL-CIO



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March 26, 2017

The Honorable Harriet Drummond
State Capitol Room 108
Juneau, AK 99801
Email: representative.harriet.drummond@akleg.gov

Re: Support for passage of HB 74 – REAL ID Act

Dear Representative Drummond:

I am writing to strongly encourage support for the pending legislation to create REAL ID compliant driver's licenses during this legislative session. Alaska has been granted an extension of the date required by the Federal Government for compliance to 6/6/17. After that date, Alaska licenses will be considered non-compliant and not accepted as ID for entry onto military bases. Current Passports will be required for access ID.

RIM is fortunate to be involved in Federal Government contracts that necessitate our accessing Military bases in Alaska for various and numerous meetings with the Government to coordinate and accomplish our work. Many of our employees, consultants, and vendors are involved in these projects and do not have or need current US Passports as they are not engaged in travel outside of the U.S. Failure to pass HB 74 will result in unfortunate and significant additional expense to RIM Architects and those who work with and for RIM.

Thank you for your careful consideration and passage of this important legislation. Also, thank you for your dedicated service to the State of Alaska.

Sincerely,

RIM Architects



Larry S. Cash, FAIA NCARB
CEO

cc: Governor Walker; LT. Governor Mallott; all Representatives



Larry S. Cash, CEO | Dana C. Aiken | Timothy L. Armour | Scott A. Bohne | James E. Dougherty | Michelle M. Jones | David L. McVeigh
Kurt H. Mitchell | Eric R. Nelson | Phillip L. Noret | Brent L. Wiese | Christine M. Wolfe

Results with IMagination

Hello,

I am in support of passing legislation ASAP before the looming deadline requires us to have passports when entering onto our Military bases.

I am the Vice President at Sourdough Transfer Inc. a moving and storage company who move a large volume of military families house hold goods to and from Alaska. We have over 100 employees who enter our military facilities frequently in both Anchorage and Fairbanks.

By requiring all of the movers in Alaska alone to get passports prior to the deadline is nearly impossible under the current passport required procedures and requirements. Not getting the law passed will create a very large inconvenience to the military, their families, moving companies and all personnel trying to provide the members with a good moving experience.

Many other private sector service companies are also going to be affected is not passed.

Please support passage of these bills - HB 74 / SB34.

Thank you for your consideration.

Josh Norum

Vice President Household Goods Services

Sourdough Transfer, Inc.

Tel: 907.456.6040

Fax: 907.451.6188

www.sourdoughtransfer.com

“Our mission at Sourdough Transfer is to serve our customers, employees, industry partners, and shareholders by providing dependable moving and storage services.”

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March 14, 2017

Representative Jonathon Kreiss-Tomkins, Chair
House State Affairs Committee
Alaska House of Representatives
State Capitol, Room 411
Juneau, AK 99801

Dear Chair Kreiss-Tomkins:

On behalf of the Associated Builders and Contractors – Alaska Chapter, a construction industry trade association with 142 members, I am writing to express our strong support for House Bill 74 – Driver’s Licenses, ID Cards and the Real ID Act.

Construction projects on military bases represent a significant amount of work for our members. To continue to access work sites on military bases and in federal facilities Alaskans will be required to have IDs and driver’s licenses issued by the Department of Administration that are Real ID compliant. If the Department continues to be prevented from issuing them, by June 6, 2017 our ability to access work sites will be severely impacted. The state should issue these ids to people who need them and not put Alaskans’ ability to work or travel at stake while maintaining the option for those who don’t want a Real ID to select the current state ID or license as is provided in the bill.

Asking the Alaska construction workforce to get passports isn’t a realistic option. It would be tragic if they only people able to work on construction projects at Military bases in Alaska were workers from lower 48 states that have Real ID compliant licenses.

We urge your support of House Bill 74 to ensure our members have the ability to choose a Real ID compliant ID and continue to access worksites.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Nibert", is written over a light blue horizontal line.

Amy Nibert
President/CEO
Associated Builders and Contractors, Inc. | Alaska Chapter



March 7, 2017

Senator Mike Dunleavy
Alaska State Legislature
State Capitol Room 11
Juneau, AK 99801

Dear Senator Dunleavy,

The Greater Fairbanks Chamber of Commerce supports cooperative and sustainable partnerships between the military and business community. Many of our member businesses deliver goods and services to our military installations to support the defense of our nation. However, these partnerships may be in jeopardy if the state does not pass legislation this session to address the REAL ID Act.

The Fairbanks Chamber supports passage of HB74 or SB34 in response to the REAL ID Act of 2005, which was passed by Congress and relates to issues of National Security and the Transportation Security Administration (TSA) and which modifies U.S. federal law pertaining to security, authentication, and issuance procedures standards for the state driver's licenses and identity documents, as well as various immigration issues pertaining to terrorism.

The passage of HB74 or SB34 is necessary to ensure continued base access to the thousands of Alaskan employees who work there each day. If legislation does not pass, there will be an adverse economic impact in Fairbanks and throughout the State. The military accounts for one third of the economy of Fairbanks North Star Borough, much of which comes from military contracts with local businesses and individuals for short and long-term business endeavors. The greater Fairbanks area will soon benefit from increased federal construction on Fort Wainwright, Eielson Air Force Base, Fort Greely and Clear Air Force Station. In the face of upcoming Federal deadlines, Alaska's continued non-compliance with the REAL ID Act will create a barrier to Alaskan businesses that would otherwise be involved in the construction activity. Most employees rely on their driver's license to provide them access to the military installations where they work, and Alaskan driver's licenses are non-compliant with the Act. Therefore, Alaskan workers who do not have a passport will not be allowed access. Ironically, and contrary to other State efforts encouraging local hire, out of state workers will be given the advantage for work hours on military installations because most states are issuing REAL ID compliant IDs.

It is critical that legislation pass this year due to the approaching deadlines established by the Department of Homeland Security. The consequences of noncompliance with the REAL ID Act will begin affecting Alaskan businesses as soon as June 6, 2017 for access to military facilities, and January 22, 2018 for travel through TSA security points. Alaska MUST take this necessary step towards compliance now. The Department of Motor Vehicles needs as much as a year to have the necessary equipment and processes in place to provide compliant IDs. Without action that at least indicates a

good faith effort towards compliance, Alaska has likely run out of deadline extensions, making this legislation inevitable. Passing it now rather than later reduces the impacts to working Alaskans and the businesses that employ them in the near term, and resolves the impending TSA travel issue.

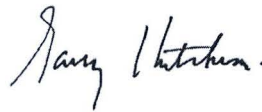
We understand the privacy concerns related to the REAL ID Act and support the solution put forward in this legislation that makes obtaining a compliant REAL ID voluntary on the part of Alaskans. Either HB74 or SB34 would allow the Department of Administration to issue both REAL ID compliant and noncompliant identification cards and driver's licenses, at the resident's preference.

With so much of the Interior's economy dependent on the military, we greatly appreciate any support you can offer to ensure the passage of the REAL ID legislation this session. Please do not put the employment of thousands of Alaskans at risk.

Sincerely,



Marisa Sharrah
President & CEO
Greater Fairbanks Chamber of Commerce



Garry Hutchison
Board Chair
Greater Fairbanks Chamber of Commerce



ALASKA DISTRICT COUNCIL OF LABORERS

Laborer's International Union of North America

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Public Employees Local 71

Joey Merrick

President
District Council

Business Manager
Laborers Local 341

Kevin Pomeroy

Vice President
District Council

Business Manager
Laborers Local 942

February 22, 2017

Representative Jonathan Kreiss-Tomkins, Chair

House State Affairs Committee

Alaska House of Representatives

Juneau, Alaska 99801

Sent via email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov

Subject: Support for the Real ID bill

Dear Representative Kreiss-Tomkins:

The Alaska Laborers urge you to support Governor Walker's HB 74 to provide Alaskans the option to obtain a license or ID that complies with the Real ID Act of 2005. This bill ensures that Alaska workers can access their work sites on military bases and federal facilities and that Alaskans can obtain the proper ID for TSA security checkpoints. We therefore respectfully request that the House move forward with the Real ID bill in an expedited manner.

On June 7, 2017, a standard Alaska driver's license will not meet the requirements for non-military personnel to access military bases and secure-entrance federal buildings. The Real ID bill is a much-needed fix to this problem. Passing the Real ID bill is imperative for construction contractors to have a ready local workforce and for Alaskans to have the proper ID for air travel and accessing their work sites on military installations.

The Alaska Laborers represent around 5,500 workers across the state. Our members clean, maintain, and build our military projects, including projects at Eielson AFB, JBER, and Clear AFS. But hundreds of these workers could be restricted from their work sites if they are not afforded the choice to obtain a form of identification that complies with the Real ID Act. The following are a few examples of groups of workers whose jobs would be impeded without a Real ID compliant form of identification:


- Hundreds of workers employed by construction contractors that perform military construction on military bases across the state;

- Around 145 members working for the Alaska Department of Military and Veterans Affairs who need to access military bases and federal facilities for their work;
- Members providing custodial services at six schools on military bases; and
- Our members performing maintenance and other services for contractors on military bases.

Despite the recent economic downturn, military construction in Interior Alaska is expected to be a bright spot in our economy with well over \$1 billion in investment during the next ten years. But to guarantee that local workers have the opportunity to build the upcoming military construction projects such as hangars and radar systems, Alaskans need a form of identification that complies with the Real ID Act to gain access to their work sites on military bases. Without passing the Real ID bill, contractors may be forced to hire more non-resident workers who have compliant IDs from their home states.

Not only is the Real ID bill critical for Alaska employers and workers for work-site access, but most Alaskans will be affected because a Real ID license or federal ID will be required at TSA security checkpoints. By January 22, 2018, Real ID compliant IDs will be required at TSA security checkpoints unless Alaska receives another extension by passing legislation to show it is working toward compliance. By October 1, 2020, a Real ID Act compliant form of identification will be required at TSA security checkpoints, and the Homeland Security Agency will not grant additional extensions. As a result, passing the Real ID bill is necessary for air travel including for our workers who fly the North Slope.

We look forward to working with you on a solution to this critical issue. Thank you for your leadership and your consideration. Please don't hesitate to contact us if you would like additional information.



Dennis Moen

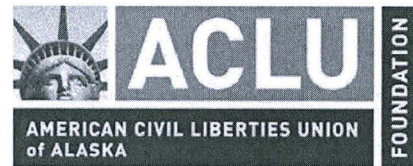
Best,



Joey Merrick



Kevin Pomeroy



January 30, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
The Honorable Gabrielle LeDoux, Vice-Chair
House State Affairs Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801

by email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov
Representative.Gabrielle.LeDoux@akleg.gov

Re: Constitutional Support for HB 7: An Act relating to the exhibition of marked ballots

Dear Chair Kreiss-Tomkins and Vice Chair LeDoux:

The American Civil Liberties Union of Alaska Foundation supports HB 7 because it codifies the fundamental constitutional protections for core political speech and creates important clarification for the Division of Elections about the constitutional limitations in the enforcement of Alaska's ballot laws. Publishing a ballot photograph or a ballot selfie, which generally occurs through social media, is an important and effective means of political expression that is protected by the First Amendment.¹ As one federal judge noted, "Celebrities, politicians and government leaders, even Pope Francis and the Dali Lama, have had selfies taken, posted, and viewed thousands or millions of times."²

Thank you for the opportunity to provide testimony about House Bill 7. The American Civil Liberties Union of Alaska represents thousands of members and activists throughout Alaska, and our mission is to preserve and expand the individual freedoms and civil liberties guaranteed by the Alaska and United States Constitutions. We urge the committee to pass HB 7.

1. Constitutional Issues in Restricting Ballot Photographs

Leon Rideout, a Republican politician from the New Hampshire House of Representatives, was on the ballot for the primary election in September 2014.³ He went to his local polling

¹ See *id.*; *Indiana Civil Liberties Union Foundation, Inc. v. Indiana Sec'y of State*, 1:15-cv-01356, 2017 WL 264538, at *3-4 (S.D. Ind. Jan. 19, 2017).

² *Silberberg v. Bd. Of Elections of N.Y.*, --- F.3d ---, 2016 WL 6537691 (S.D.N.Y. Nov. 3, 2016).

³ *Rideout v. Gardner*, 123 F. Supp. 3d 218, 226 (D.N.H. 2015), *aff'd*, 838 F.3d 65 (1st Cir. 2016).

place in Lancaster, and after marking his ballot, took a photograph of himself holding the ballot, which indicated that he had voted for himself.⁴ A few hours after casting his ballot, he posted the photograph to Twitter, with the caption “#COOS7 vote in primary 2014 #nhpolitics.”⁵ Around the same time, another individual—Andrew Langlois—who was unhappy with the choices he was given for the Republican primary for the U.S. Senate seat, posted a photograph of himself with his marked ballot on Facebook, writing “Because all of the candidates suck, I did a write-in of [my recently deceased dog].”⁶

After the New Hampshire Attorney General’s Office brought criminal proceedings against them under a similar New Hampshire law prohibiting ballot photographs, Langlois and Rideout’s challenges to the constitutionality of the New Hampshire law resulted in a decision by the U.S. Circuit Court of Appeals for the First Circuit holding that a restriction on ballot selfies violated the constitutional guarantees of core political speech—*Rideout v. Gardner*.⁷

In the context of the First Amendment’s Free Speech Clause, restrictions on the *content* of speech are presumptively invalid, and subject to the most rigorous, exacting scrutiny that the U.S. Supreme Court employs in determining whether a law is constitutional.⁸ In other words, *what* one says, as opposed to when, where, or how one says something, is most vigorously protected.⁹ Court review of such content restrictions is aptly known as “strict scrutiny.”¹⁰ The trial court in the *Rideout* case had determined that the restriction on ballot selfies was a content-based restriction because it “deprives voters of one of their most powerful means of letting the world know how they voted.”¹¹ On appeal, the court of appeals did not address this question, but instead concluded that a restriction on ballot selfies even failed the less stringent—intermediate-scrutiny—test because the state had failed to prove a relationship between the ban on ballot selfies, and the government’s professed interest: reducing vote-buying.¹² As the court explained, vote-buying, the

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ 838 F.3d 65 (1st Cir. 2016).

⁸ See, e.g., *Ashcroft v. American Civil Liberties Union*, 542 U.S. 656, 665-66 (2004).

⁹ Time, place, or manner restrictions on speech are subject only to so-called “intermediate scrutiny,”

¹⁰ *Id.*; see also *Alaskans for a Common Language v. Kritz*, 170 P.3d 183, 205 (Alaska 2007) (“It is exceedingly rare that any law restricting speech based on its content . . . will be upheld . . . [s]uch restrictions are subject to the strictest scrutiny, and ‘only a regulation which impinges on the right . . . to the least possible degree . . . will pass constitutional muster.’” (quoting *Vogler v. Miller*, 651 P.2d 1, 5 (Alaska 1982))

¹¹ *Rideout v. Gardner*, 123 F. Supp. 3d 218, 230 (D. NH Aug. 11, 2015). The U.S. District Court for the Southern District of Indiana, has also held that a ban on ballot selfies is a content-based restriction. *Indiana Civil Liberties Union Foundation*, 2017 WL 264538, at *3-4.

¹² *Rideout*, 838 F.3d at 72.

justification for prohibiting ballot selfies, “does not respond to a present actual problem in need of solving.”¹³

Other states have historically enacted statutes like the one AS 15.15.280 in order to counteract vote-buying. “The ‘compelling’ nature of the government’s interest in enacting sweeping laws to guard against vote buying is subject to considerable doubt,[] given that vote buying is so rare as to be statistically non-existent even in jurisdictions where it is theoretically easy to accomplish.”¹⁴ Restricting ballot photographs in order to counteract vote-buying fails to satisfy the First Amendment for three reasons:¹⁵

- (1) “The ‘compelling’ nature of the government’s interest in enacting sweeping laws to guard against vote buying is subject to considerable doubt,[] given that vote buying is so rare as to be statistically non-existent even in jurisdictions where it is theoretically easy to accomplish”;¹⁶
- (2) Photographs of a ballot are not evidence of vote-buying because a voter could simply change his or her vote after photographing it;¹⁷ and
- (3) It is too broad: prohibitions on ballot photographs unnecessarily includes a substantial amount of protected political speech that is not related to unlawful vote-buying.¹⁸

2. HB 7: Exceptions for Marked Ballot Images

Current law provides that no voter shall exhibit a ballot to “an election official or any other person so as to enable the person to ascertain how the voter marked the ballot.”¹⁹ Violations of this law prohibit election officials from submitting the marked ballot to the ballot box, and instead requires them to mark an exhibited ballot as “spoiled” and to destroy it.²⁰

¹³ *Id.*

¹⁴ Daniel A. Horwitz, A Picture’s Worth A Thousand Words: Why Ballot Selfies Are Protected by the First Amendment, 18 SMU Sci. & Tech. L. Rev. 247, 250 (2015) (citations omitted).

¹⁵ Prohibiting photographs of a ballot is an unconstitutional response to vote-buying whether it the court views the restriction as a content-based one (strict scrutiny), or as a general restriction on the time, place, and manner of speech (intermediate scrutiny). *Id.*

¹⁶ Daniel A. Horwitz, A Picture’s Worth A Thousand Words: Why Ballot Selfies Are Protected by the First Amendment, 18 SMU Sci. & Tech. L. Rev. 247, 250 (2015) (citations omitted).

¹⁷ Voters may indicate that a ballot is spoiled with “improper[] marks” and request up to three ballots, with the spoiled ballots destroyed by the election board. AS 15.15.250; *see also* AS 15.20.061 (allowing voters to request up to three ballots for spoiled *absentee* ballots).

¹⁸ *Rideout*, 838 F.3d at 73; *Indiana Civil Liberties Union*, 2017 WL 264538, at *7.

¹⁹ AS 15.15.280.

²⁰ AS 15.15.300.

HB 7 would appropriately include a new exception to voters who “share[] a photo, video, or other image of the voter’s marked ballot with another person or with the public.” Although the Division of Elections had indicated that it would not enforce AS 15.15.280 in the most recent November 8 election,²¹ HB7 clears up conflicting constitutional and statutory directives to the Division of Elections. HB 7 makes clear to the Division that that photographs of premarked ballots are constitutionally protected and ought not to be grounds to spoil and destroy a voter’s submitted ballot.²²

Although HB 7 would exempt the protected core political speech by allowing photographs, video, or other images of a marked ballot to be shared with another person or the public, the voter is nonetheless prohibited from campaigning within two hundred feet of the polling place.²³ If the Committee seeks to clarify this prohibition, it should make clear that showing the marked ballot, if intended to persuade another on how to vote, is nonetheless prohibited. However, merely “sharing” one’s marked ballot on social media is constitutionally protected.

Conclusion

We appreciate the opportunity to share our concerns about HB 7 with the House State Affairs Committee. We hope our testimony proves valuable to Members contemplating HB 7.

Sincerely,



Tara A. Rich
Legal & Policy Director

cc: Representative Chris Tuck, Representative.Chris.Tuck@akleg.gov
Representative Adam Wool, Representative.Adam.Wool@akleg.gov
Representative Chris Birch, Representative.Chris.Birch@akleg.gov
Representative Gary Knopp, Representative.Gary.Knopp@akleg.gov
Representative Andy Josephson, Representative.Andy.Josephson@akleg.gov

²¹ Erica Martinson, “Can I post a selfie from the ballot booth? Bring a gun? And other questions about voting in Alaska.” *Alaska Dispatch*, Nov. 6, 2016, available at <https://www.adn.com/politics/2016/11/06/can-i-post-a-selfie-from-the-ballot-booth-in-alaska-and-other-questions-about-voting-in-the-last-frontier>.

²² See AS 15.15.300.

²³ AS 15.15.170; see also *Burson v. Freeman*, 504 U.S. 191, 210-211 (1992).



March 27, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
The Honorable Gabrielle LeDoux, Vice Chair
House State Affairs Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

Sent by email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov
Representative.Gabrielle.LeDoux@akleg.gov

Re: Follow Up to Questions Regarding HB 74

Dear Chair Kreiss-Tomkins and Vice Chair LeDoux:

We are writing to follow up on three questions that were posed to the ACLU during testimony before the House State Affairs Committee on Tuesday, March 21, 2017.

(1) Facial recognition system.

We were asked two questions generally about facial recognition on which we agreed to follow up: (1) what are the purposes for which it is being used in other states, and (2) what is the government doing with facial recognition data?

Some states have adopted facial recognition technology for general surveillance, which can be used with public video cameras. For example, facial recognition systems have been implemented in airports, including Logan Airport in Boston, T.F. Green Airport in Providence, Rhode Island, and San Francisco International Airport. In April 2016, the Baltimore Police Department used facial recognition to identify, track, and arrest certain people protesting Freddie Gray's death in police custody.¹ In 2013, Los Angeles installed 16 wireless video cameras equipped to conduct real-time facial recognition at undisclosed locations throughout the city. New York City is now looking to implement similar cameras at bridges and tunnels throughout the city.²

¹ Russell Brandom, *Facebook, Twitter, and Instagram surveillance tool was used to arrest Baltimore protesters*, The Verge, Oct. 11, 2016, available at <http://www.theverge.com/2016/10/11/13243890/facebook-twitter-instagram-police-surveillance-geofeedia-api>.

² Harriet Taylor, *New York City wants more information on where you're going*, CNBC, Jan. 9, 2017, available at <http://www.cnbc.com/2017/01/09/new-york-city-wants-more-information-on-where-youre-going.html>.

Other states have allowed law enforcement access to their driver's license or identity card databases in order to pursue law enforcement goals, including driver's license fraud. According to a recent report by the Center on Privacy and Technology at Georgetown Law, more than half of all U.S. adults are now in a law enforcement facial recognition network through photographs that have been shared through DMV records.³ The study reported that at least 26 states allow law enforcement to run or request searches of their driver's license and identification photos.

There are a myriad of problems associated with using facial recognition in these ways. The technology is often wrong—with government reports of high rates of “false positives” (wrongly matching two different individuals) and “false negatives” (wrongly failing to match the same individual). It is less accurate than fingerprinting, particularly when used in real-time or when collecting a large amount of data at one time. There is also a real risk that this technology could be used to stifle free speech given the history of FBI and police surveillance of civil rights protests. Mug shots, not driver's license or identification photos, should be the default databases for police searches, and photographs driver's licenses or ID cards should not be shared in a way that would allow them to be subject to these kinds of databases, over which there is very little public oversight and control.

(2) Correcting Errors in the AAMVA Pointer System

There was also a question about the process for correcting errors in the American Association of Motor Vehicle Administrators (AAMVA) state-to-state pointer system. Specifically, there was testimony before the committee that there is no procedure for correcting an error by AAMVA or its subcontractors. The AAMVA index is a system that records each driver's-license and identity-card holder's name, former names, gender, place of residence, date of birth, and last five digits of their social security number, type of credential (i.e., driver's license) and credential number. Alaska has been participating in this system since January 2017.

According to AAMVA's privacy impact assessment conducted on the pointer exchange system—which was confirmed by discussions from a representative from the ACLU national office with AAMVA—there is no real recourse within AAMVA if there is an error with the data within the index. “The accuracy of the [personally identifiable information] is the responsibility of the State that contributed the pointer. Each State has their own methods for checking the accuracy of the information . . . AAMVA asserts no ownership of the information and cannot provide individuals direct access to their records.”⁴ Therefore, “[i]ndividuals contacting AAMVA directly with requests to correct their personal information in the SPEXS pointer index will be directed to the [state driver's license

³ Stephen Gaines & Sara Williams, *The Perpetual Line-Up: Unregulated Police Face Recognition in America*, Oct. 18, 2016, *available at* www.perpetuallineup.org/.

⁴ American Assoc. of Motor Vehicle Administrators, *State Pointer Exchange Services, Privacy Impact Assessment §§ 2.5, 8.1 at 4 & 15 (2016)*, *available at* papersplease.org/wp/wp-content/uploads/2016/06/SPEXS-PIA.pdf.

agency] that issued the credential in question.”⁵ Only if an individual is unable to resolve an error in the state’s data may the individual contact AAMVA, through their Privacy Officer. No information about AAMVA’s Privacy Officer could be located on AAMVA’s or Alaska DMV’s website, and it is unclear how an individual would be able to correct the record if he or she is not authorized to access it.⁶

(3) Other States’ Alternatives

Finally, we were asked about alternatives to compliance with REAL ID through the two-tiered system proposed by the Governor in HB 74. Several states are currently undergoing similar discussions. There are four states deemed “noncompliant,” while 18 states have extensions, and 8, including Alaska, have limited extensions.⁷ Although this is a rapidly changing environment, we have heard from some of our colleagues in other ACLU affiliate offices in other states about the current efforts with REAL ID compliance. In Minnesota, for example, a two-tiered identification system similar to the one proposed in HB 74 was introduced, but failed after being rejected by the Senate.⁸ There are currently no other bills introduced that would allow Minnesota to become compliant. In Maine, a two-tiered system has also been introduced, with a bill that would allocate some funds to assist individuals with obtaining passport cards.⁹ In Washington, a similar two-tiered system has been introduced, and the Attorney General of that state has promised to protect the state from any unconstitutional or illegal retaliation from the administration or executive agencies if a REAL ID compliant system is not implemented.

Sincerely,



Tara A. Rich
Legal & Policy Director

cc: Representative Chris Birch, Representative.Chris.Birch@akleg.gov
Representative DeLena Johnson, Representative.DeLena.Johnson@akleg.gov
Representative Andy Josephson, Representative.Andy.Josephson@akleg.gov
Representative Gary Knopp, Representative.Gary.Knopp@akleg.gov
Representative Chuck Kopp, Representative.Chuck.Kopp@akleg.gov
Representative Chris Tuck, Representative.Chris.Tuck@akleg.gov
Representative Adam Wool, Representative.Adam.Wool@akleg.gov

⁵ *Id.* § 8.2 at 15.

⁶ *Id.* § 8.1 at 15.

⁷ U.S. Department of Homeland Security, Current Status of States/Territories (last visited March 27, 2017), available at www.dhs.gov/current-status-states-territories.

⁸ John Lauritsen, *Minnesota Senate Votes Down REAL ID Bill*, WCCO CBS Minnesota, Mar. 6, 2017, available at minnesota.cbslocal.com/2017/03/06/minnesota-senate-real-id-vote/.

⁹ L.D. 213 (128th Legis. 2017).



ELECTRONIC FRONTIER FOUNDATION
Protecting Rights and Promoting Freedom on the Electronic Frontier

March 21, 2017

Alaska State Legislature
State Capitol
Juneau, AK 99801

Sent by email: Rep. Chris Tuck <Rep.Chris.Tuck@akleg.gov>

Re: HB 74, Concerning the Federal REAL ID Act – Oppose

Dear Alaska State Legislature:

I write today on behalf of the Electronic Frontier Foundation, a non-profit civil liberties organization based in San Francisco. Founded in 1990, EFF has over 36,000 members, including thousands in California.

EFF has long opposed the REAL ID Act of 2005, which seeks to create the functional equivalent of a national ID system by coercing states and their DMVs into sharing sensitive personal information about driver's license holders with other governments through a multi-state "hub" operated by ostensibly private entities such as the American Association of Motor Vehicle Administrators (AAMVA).

In the years since REAL ID became law, the federal government has repeatedly vacillated about how REAL ID should be implemented, without meaningful transparency about its data-sharing practices and economic costs to states.

Alaska now faces another renewed federal push to coerce smaller states into compliance. But the case for REAL ID compliance remains far from transparent; as Rep. Chris Tuck's questions to the Commissioner demonstrate, Alaskans do not know the likely actual effects of HB 74 on the state budget and on the sharing of their DMV-held data.

For instance, Rep. Tuck notes that the state has "asserted that Alaskans' data will not be entered into any outside database." Yet he also notes "the AAMVA newsletter reported this month that Alaska had joined AAMVA's S2S verification service," and he is concerned that "that use of S2S requires that states upload licensing data to a database known as SPEXS."

So long as these simple but crucial factual questions about REAL ID compliance remain outstanding, it would be irresponsible for Alaska to even consider HB 74.

Sincerely,
Lee Tien
Senior Staff Attorney and Adams Chair for
Internet Rights
Electronic Frontier Foundation

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March 20, 2017

The Honorable Jonathan Kreiss-Tomkins, Chair
The Honorable Gabrielle LeDoux, Vice Chair
House State Affairs Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

Sent by email: Representative.Jonathan.Kreiss-Tomkins@akleg.gov
Representative.Gabrielle.LeDoux@akleg.gov

Re: Social Security Numbers

Dear Chair Kreiss-Tomkins and Vice Chair LeDoux:

We are writing to follow up on the letter we sent you and the Committee on March 13 providing our analysis of House Bill 74, concerning the Federal REAL ID Act. This letter provides additional analysis, specifically concerning the privacy implications of collecting and storing Social Security numbers (SSN) of Alaskans in a database.

As we expressed in our earlier letter, the American Civil Liberties Union of Alaska is concerned that complying with the Federal REAL ID Act will involve the collection and storage of documents containing the SSNs of holders of Alaska driver's licenses and identity cards. We have urged the Committee to amend the Governor's House Bill 74 such that, when issuing REAL ID-compliant licenses and cards, the Division of Motor Vehicles will only store the minimum number of documents containing SSNs as required by the Act, will store those documents in the most secure form possible, and will destroy those documents as early as the Act allows.

We have also urged the committee to preclude including SSNs, in whole or in part, in any index or database that is shared with other states, especially as sharing SSNs with other states is not a requirement of the REAL ID Act. Our concern is not hypothetical: Alaska is one of 14 states currently participating in a pilot program—the State-to-State (S2S) Verification Service, operated by the American Association of Motor Vehicle Administrators (AAMVA)—that uses the last 5 digits of license and card holders' SSNs as an element of its identification “platform.”¹

¹ For additional background on S2S, see *State to State (S2S) Verification Services*, AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS, <http://www.aamva.org/State-to-State/>. Note that documentation containing details of the program, including about its use of SSN, requires an AAMVA account to access.

Our deep concern about access to SSN is rooted in their value for would-be identity thieves.² This is a concern shared by the Social Security Administration (SSA), which endeavors to keep the public informed of the threat.³ The SSA advises:

Identity theft is one of the fastest growing crimes in American society. The routine and often indiscriminate use of SSNs as identifiers creates opportunities for individuals to inappropriately obtain personal information. Repetitive use and disclosure of SSNs in organizational record keeping systems, multiplies the susceptibility of persons to potential identity theft. Through misuse of SSNs, individuals are subject to the danger of identity theft and its repercussions. Access to an individual's SSN can enable an identity thief to obtain information that can result in significant financial difficulties for the victim. While this can be disruptive for the individual, it can also lead to civil liability for the organization and its individual employees if someone is harmed by information that has been made available to others.⁴

The SSA goes on to “strongly urge all organizations that use SSNs as the identifier in their record keeping systems to use alternate identifiers.”⁵

Limiting use of SSNs to the last 5 digits, such as in S2S, is not sufficient to eliminate the threat posed by identity thieves. Including these five digits with other personally identifiable information about people leaves those people susceptible to thieves' reconstructing the remaining 4 digits. For most Social Security cardholders, this is not a function of pure guesswork. Only since June 2011 has the SSA assigned numbers via a randomized process.⁶ Until then, the first 3 digits of SSNs were directly associated with the state either in which a Social Security card was issued or, between 1973 and mid-2011, of an applicant's ZIP code.⁷ Every Alaskan who obtained a SSN before 2011 almost certainly

² One recent report suggests that a single Social Security number can fetch \$30 in a black market dossier. Jeanine Skowronski, *What Your Information Is Worth on the Black Market*, BANKRATE.COM, (July 27, 2015), <http://www.bankrate.com/finance/credit/what-your-identity-is-worth-on-black-market.aspx>.

³ See, e.g., “Identity Theft and Your Social Security Number,” SOCIAL SECURITY ADMINISTRATION, SSA Publication No. 05-10064, (Nov. 2016), available at <https://www.ssa.gov/pubs/EN-05-10064.pdf>; *Avoid Identity Theft: Protect Social Security Numbers*, SOCIAL SECURITY ADMINISTRATION, PHILADELPHIA REGION, <https://www.ssa.gov/phila/ProtectingSSNs.htm>; *Social Security Numbers: The SSN Numbering Scheme*, SOCIAL SECURITY ADMINISTRATION, <https://www.ssa.gov/history/ssn/geocard.html>.

⁴ *Id.*, *Avoid Identity Theft: Protect Social Security Numbers*.

⁵ *Id.*

⁶ See, e.g., *Social Security Number Allocations*, SOCIAL SECURITY ADMINISTRATION, <https://www.ssa.gov/employer/stateweb.htm>; *Social Security Number Randomization*, SOCIAL SECURITY ADMINISTRATION, <https://www.ssa.gov/employer/randomization.html>.

⁷ *Id.*, *Social Security Number Allocations*.

House State Affairs Committee
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has a number beginning with 574. Knowing these 3 first digits, plus the final 5 digits, leaves only one remaining digit for an identity thief to guess.

It is for these reasons that we have urged the Committee to preclude the use of SSNs, in whole or in part, to identify or locate records of Alaska driver's license or identity card holders. Alternatives to the use of SSNs are not only possible; they are strongly urged by the SSA. We hope you find our perspective of value and we welcome any questions you may have.

Sincerely,



Eric Glatt
Staff Attorney

cc: Representative Chris Birch, Representative.Chris.Birch@akleg.gov
Representative DeLena Johnson, Representative.DeLena.Johnson@akleg.gov
Representative Andy Josephson, Representative.Andy.Josephson@akleg.gov
Representative Gary Knopp, Representative.Gary.Knopp@akleg.gov
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Representative Chris Tuck, Representative.Chris.Tuck@akleg.gov
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March 2, 2017

The Honorable Jonathan Kreiss-Tomkins
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Re: Support for HB 74 - REAL ID Act

Dear Representative Kreiss-Tomkins:

I am writing to encourage support of the legislation to create a REAL ID-compliant driver's license during this legislative session. As you know, Alaska has been granted an extension of the date required by the Federal Government for compliance with the REAL ID Act until 6/6/2017. After that date, Alaska-issued driver's licenses will no longer be accepted for entry onto military bases.

Access to military installations is a daily concern to our business. Doyon Utilities is one of the state's largest utilities, owning and operating twelve utility systems that serve 43,000 soldiers, airmen, and their families located on Fort Wainwright, Fort Greely, and JBER-Richardson under three fifty year privatized utility contracts. On a daily basis, our employees report to work on military installations to ensure safe provision of utility services. They are required to first pass through military installation access control points. Nearly all of our employees use their Alaska driver's licenses to gain access.

But it is not just our employees that rely on their Alaska licenses. As part of our utility operations, we construct new utility assets on an annual basis. This requires work with local contractors, consultants, and technical support that need access to the military installations as well. These third party personnel also rely on Alaska driver's licenses for access to the installations. If Alaska licenses are not compliant with federal guidelines, our employees and contractors will be forced to acquire and use a passport for access to their place of business.

To meet service requirements of the military, we frequently travel by air between Fairbanks and Anchorage, and often fly Outside for training; similarly, our contractors and others providing warranty services must travel by air. Doyon Utilities is not the only employer that relies on air travel to get work done in the state. Because TSA will require REAL ID-compliant identification in the near future, it just makes sense to allow those who need this compliant identification for work or travel to have it available to them. The legislation as written allows those with privacy or other concerns to opt out.

Thank you for your consideration.

Shayne Coiley
Senior Vice President
Doyon Utilities

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By: Kathryn Dodge
Diane Hutchison
Introduced: 10/13//2016
Adopted: 10/13/2016

FAIRBANKS NORTH STAR BOROUGH

RESOLUTION NO. 2016 – 46

A RESOLUTION SUPPORTING EFFORTS TO RESOLVE THE STATE OF ALASKA'S COMPLIANCE WITH THE REAL ID ACT OF 2005

WHEREAS, The Federal REAL ID Act of 2005 imposes stricter requirements for proof of legal U.S. residency in order to obtain state driver's licenses; and

WHEREAS, The State of Alaska is currently noncompliant with the Act; and

WHEREAS, The U.S. Department of Security issued the State of Alaska an extension until October 10, 2016 to come into compliance, and also offered a grace period until January 9, 2017 before enforcement of the Act begins at military bases in Alaska; and

WHEREAS, The State of Alaska intends to introduce legislation offering Alaskans the choice to select or decline a REAL ID Act compliant driver's license; and

WHEREAS, An extension is necessary to allow time for this legislation to be introduced and progressed.

NOW THEREFORE BE IT RESOLVED the Fairbanks North Star Borough Assembly supports the State of Alaska's request to the U.S. Department of Security for an extension to come into compliance with the REAL ID Act.

BE IT FURTHER RESOLVED the Fairbanks North Star Borough Assembly supports legislation allowing Alaskans to select or decline a REAL ID Act compliant driver's license.


BE IT FURTHER RESOLVED copies of this resolution shall be distributed to Governor Walker, the Alaska Congressional Delegation, and the Alaska State Legislature.

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PASSED AND APPROVED THIS 13TH DAY OF OCTOBER, 2016.


Kathryn Dodge, Deputy
Presiding Officer

ATTEST:


Nanci Ashford-Bingham, MMC
Borough Clerk

Yeses: Quist, Sattley, Hutchison, Westlind, Lawrence, Dodge
Noes: None
Other: Cooper (Excused), Roberts (Excused), Davies (Excused)

Alaska Trucking Association, Inc.

3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946

www.aktrucks.org

The authoritative voice of the trucking industry in Alaska

January 31, 2017

Representative Jonathan Kreiss-Tompkins, Chair
House State Affairs Committee
The Alaska House of Representatives
Juneau, Alaska
Sent via e-mail: Representative.Jonathon.Kreiss-Tompkins@akleg.gov

Dear Chairman Kreiss-Tompkins,

The Alaska Trucking Association is a state wide organization representing the interests of our nearly 200 member companies from Barrow to Ketchikan. Freight movement is an essential element of our economy and impacts all of us each and every day.

- HB74 Real ID Act and its companion bill in the other body provides for a compliant Federal Real ID driver's license in addition to Alaska's current non-compliant Federal Real ID driver's license.
- These changes include the Commercial Driver's License (CDL).
- DMV's web page shows a total of nearly 33,000 Alaska CDL holders and there are thousands of commercial vehicle drivers who are not required to hold a CDL because of the weight of the truck.
- Many commercial vehicle drivers, both CDL and non CDL have need to enter military installations in the course of their daily deliveries.
- As you can see from the numbers, the impact of a non-compliant CDL or other driver's license would be considerable.
- Military installations are governed by Federal rules and after June 6, 2017, will no longer accept an Alaska issued driver's license as a form of acceptable identification.
- Drivers will need to obtain a Federally recognized (Real ID Act compliant) form of identification in order to gain access to military installations.
- Commodities delivered include, food, fuel, consumer goods, military material', all things necessary to supply a small city while providing for the national defense.

On behalf of the members of the Alaska Trucking Association, I urge you to move this bill forward toward passage. It is a necessary remedy for a soon to be existing problem.

Thank you for your consideration.

Respectfully,



Aves Thompson
Executive Director

cc: Marla Thompson, Director, DMV



If you got it, a truck brought it...

Alaska Trucking Association, Inc.

3443 Minnesota Drive · Anchorage, Alaska 99503 · Phone (907) 276-1149 · Fax (907) 274-1946

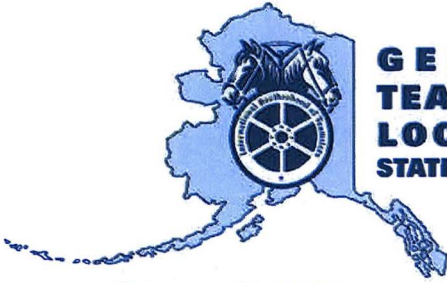
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The authoritative voice of the trucking industry in Alaska

cc: Marla Thompson, Director, DMV



If you got it, a truck brought it...



**GENERAL
TEAMSTERS
LOCAL 959
STATE OF ALASKA**

Affiliated with the International Brotherhood of Teamsters
Rick Boyles, Secretary-Treasurer
520 E. 34th Ave., Suite 102, Anchorage, Alaska 99503
Phone (907) 751-8501 • Fax (907) 751-8599

February 23, 2017

Honorable Jonathan Kreiss-Tomkins
Chair – House State Affairs
State Capitol
Juneau, AK 99801

Honorable Gabrielle LeDoux
Vice – Chair House State Affairs

RE: HB 74 – Driver's License and ID Cards and REAL ID Act

Dear Representative Kreiss-Tomkins:

Teamsters Local 959 represent workers in almost every industry in our state. Those include mining, health care, oil/gas industry, telecommunication, school bus drivers, freight, railroad, to list a few. We want to go on record in support of HB 74 which would implement the REAL ID Act.

Currently, many of our members are required to go through extensive background checks. At the Port, we have drivers, office staff, maintenance, hostlers and longshore members who are required to possess a federal ID called a TWIC card which requires the same number, if not more, security checks as a passport. We have members required to possess a hazmat endorsement for a Commercial Driver's License (CDL) which requires a background check. As such, our members understand the importance of screening and security protections needed to protect the public.

Our members haul fuel, deliver goods, and provide services on the military bases, including school bus drivers, UPS drivers, freight truck drivers, and construction. Without a compliant ID after June 6, 2017, many of our members will not be able to provide those important services as required by their jobs.

Passage of HB 74 will allow the DMV to offer all Alaskans a choice between a REAL ID compliant driver's license or identification or a "standard" noncompliant license or identification. It will put in place a smooth transition under the federally recognized Real ID Act and assure our members work opportunities are not jeopardized, which would negatively impact many of the public as well.

On behalf of our members we urge your support and, ultimate passage, of this legislation.

Sincerely,

TEAMSTERS LOCAL 959

Rick Boyles
Secretary-Treasurer

Copy: Representatives Tuck, Wool, Birch, D. Johnson, G. Knopp



FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

520 Fifth Avenue Fairbanks, Alaska 99701-4756 (907) 452-2000

www.k12northstar.org



February 23, 2017

The Honorable Bryce Edgmon
Speaker of the House
Alaska State Legislature
State Capitol Room 208
Juneau, Alaska 99801

Dear Speaker Edgmon:

As superintendent of the Fairbanks North Star Borough School District, I strongly support Governor Walker's recent legislation to fund and implement measures that would make Alaska compliant with the REAL ID Act of 2005. I respectfully request the State Legislature take prompt action to enact this bill.

Not having a state identification option that meets the REAL ID Act requirements will impact our students, our families, and our employees.

Our school district includes three schools on Eielson Air Force Base and one school on Ft. Wainwright that serve about 1,400 students, over 10 percent of our district students. Most of those students are military-connected, but many are not. For decades, civilian students from Moose Creek, Salcha, and the North Pole area have attended schools located on Eielson Air Force Base. I experienced this myself, growing up in Salcha and graduating from Ben Eielson High School.

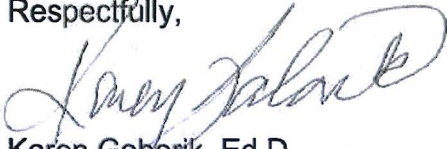
This arrangement requires a process to provide families from the surrounding communities access their students' schools. In the past, a valid Alaska ID has been sufficient. Without a REAL ID Act compliant state identification option, families won't be able to attend a school concert, participate in parent teacher conferences, or pick up a sick child without a passport or passport card. I am deeply concerned about the potential barrier this situation would create between civilian parents and their children attending on-base schools.

I am also apprehensive about the potential impact on our district employees. All school site employees and districtwide staff who visit those schools to deliver instruction, student support services, and staff support, will need to have a REAL ID compliant identification. The additional identification requirements will also impact the ability to attract needed substitute teachers, nutrition services staff, and custodial staff to serve those schools. We already struggle to fill absences at our schools on Eielson due to the distance from town and additional obstacles will exacerbate the situation.

We support the increased security measures taken to ensure our military members' safety and we need to adapt to those changes while preserving a continued sense of community and maintaining excellent service to our students. Providing a REAL ID Act

compliant state identification is an important part of sustaining the strong and long-standing bonds between our local communities and our military population. I urge the Legislature to pass the Governor's bill to bring Alaska into compliance with the REAL ID Act of 2005.

Respectfully,



Karen Gaborik, Ed.D.
Superintendent

cc: Governor Bill Walker
Representative Chris Tuck
Representative Charisse Millett
Representative Jonathan Kreiss-Tomkins
Representative Gabrielle LeDoux
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp
Representative Andy Josephson
Representative Chuck Kopp
Representative Neal Foster
Representative Paul Seaton
Representative Les Gara
Representative Jason Grenn
Representative David Guttenberg
Representative Scott Kawasaki
Representative Dan Ortiz
Representative Lance Pruitt
Representative Steve Thompson
Representative Tammie Wilson
Representative Cathy Tilton
Representative Mark Neuman
Representative Louise Stutes
Representative David Talerico