

SB

34

<TARGET><BILL>SB 34</BILL><SUBJECT>SB
34</SUBJECT><COMM></COMM></TARGET>



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Administration

SHELDON FISHER, COMMISSIONER

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January 31, 2017

The Honorable Mike Dunleavy, Chair
Senate State Affairs Committee
State Capitol Building, Room 205
Juneau, AK 99801

Dear Senator Dunleavy:

The Department of Administration (DOA) respectfully requests that SB 34, " Driver's License & ID Cards & REAL ID Act" be considered for a scheduled hearing in the Senate 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

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Governor Bill Walker
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January 20, 2017

The Honorable Pete Kelly
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Kelly:

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 Pete Kelly
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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



SB 34 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;

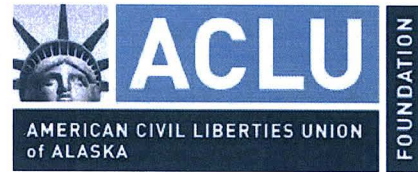
(B) deny a person a right to due process, or a protection of due process, that would otherwise be available to the person under the Constitution of the State of Alaska or the Constitution of the United States; or

(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.



March 23, 2017

The Honorable Mike Dunleavy, Chair
Senate State Affairs Committee
Alaska State Senate
State Capitol
Juneau, AK 99801

Sent by email: Senator.Mike.Dunleavy@akleg.gov

Re: Committee Substitute for Senate Bill 34, 30-GS1781\O

Dear Chair Dunleavy:

Thank you for hearing testimony on Tuesday from the American Civil Liberties Union of Alaska about Senate Bill 34, concerning the Federal REAL ID Act. We appreciate the work you are doing to ensure that Alaska enshrines in law meaningful privacy protections if it is going to proceed to issue licenses and identity cards that comply with the Act.

During our testimony we agreed to share additional comments with you about the Committee Substitute bill you introduced. As mentioned on Tuesday, we are encouraged by the changes proposed in the CS. We appreciate that Congress has put Alaska in a very difficult position: either it accepts the privacy-eroding provisions of the Act or it burdens Alaskans seeking to enter federal buildings, military bases, and checkpoints. In the event Alaska opts to comply with the Act, most of the changes proposed in the CS reflect a significant improvement compared to the bill first introduced to the Senate.

The ACLU of Alaska is most encouraged by the privacy protections reflected in Section 3 of the CS (limiting what data the department may share); Section 5 (requiring meaningful notice of the options Alaskans will have); and Section 9 (giving noncompliant licensees control over how certain documents and images can be stored and used). In the more detailed comments that follow we provide additional thoughts, but we wanted to highlight the significance of these elements of your CS for SB 34.

Concerning each section of the Committee Substitute bill:

Section 1: We have no objection to rewording the provision in SB 34 that imposes a \$5 surcharge for the issuance of a federally compliant identification card.

Section 2: We support providing a new subsection, AS 18.65.310(q), to define “federally compliant” and making appropriate changes elsewhere for consistency;

We support removing the definition of “noncompliant identification card” from the original bill, as including such a definition should prove unnecessary;

We support the rewording of proposed subsection AS 18.65.310 (n);

We do not object to the requirement that noncompliant cards be processed and created in Alaska.

Section 3: We strongly support adding a subsection to AS 28.05 such as this, imposing sweeping limitations on what data the department can share. As government agencies throughout the state and the country collect and store more data about people than ever before, the possibility increases that agencies will be pressured to share such data for purposes that were never contemplated when the data was first collected. This proposed subsection should ensure that does not happen concerning data maintained by the department.

Section 4: As with Section 2, we support restructuring the wording of SB 34 as introduced.

Section 5: We strongly support amending AS 28.15.061(b) to require notification as the CS does here.

Sections 6 and 7: We note that this leaves unchanged Sections 4 and 5 of SB 34 as introduced. While we note that the REAL ID Act does not require compliant licenses to be valid for eight years—the Act instead requires that compliant licenses must expire *no later than* after eight years—we have no objection to making licenses valid for eight years instead of the current five.

Section 8: We support the edits the CS proposes to Section 6 of the bill as originally introduced.

Section 9: We strongly support giving noncompliant licensees control over what documents may be copied or retained; whether image verification or facial recognition may be used as part of the application process; and whether images of their faces may be retained. We believe this could prove an even stronger privacy protection if the reasons a licensee might want to select one of the options was provided and if the department was limited to using such documents or data for only those reasons.

Furthermore, we believe such control should also be extended to identity card applicants. We also believe federally compliant licensees and cardholders should be given control over whether image verification or facial recognition may be used in the application process, as that is not a requirement of the Act or of the regulations implementing it.

Section 10: We support increasing the surcharge for federally compliant licenses to \$10, instead of \$5.

Section 11: We support moving the definition of “federally compliant” to Chapter 90 of Title 28 and making appropriate adjustments elsewhere, as is done elsewhere in the CS.

Section 12: We support the emphasis the CS places on minimal compliance with the requirements of the Act. We are concerned, however, that placing the nexus of compliance on the question of asset usage may be in tension with maximizing privacy. For example, the department might find it more cost effective to maintain digital files than paper or microfiche files, while paper or microfiche files would be more secure from identity thieves and hackers. We look forward to giving this issue further consideration and exploring it with you and the Committee.

Sections 13 and 14: We have no objections.

Again, the ACLU of Alaska is pleased to see that the Committee Substitute for Senate Bill 34 takes many steps in the direction we have been advocating. We note, however, that we oppose the proposed new subsection AS 18.65.310(o), contained in Section 2 of the CS, which explicitly limits the issuance of noncompliant identity cards to persons who can establish their lawful presence in the United States. We firmly believe that Alaska has no interest in learning the nationality or immigration status of a resident when issuing a identity card or driver's license. We believe that issuing noncompliant licenses and cards that are not predicated on establishing nationality or immigration status is one of the most important distinctions Alaska can make between compliant and noncompliant licenses and cards.

We also believe room exists for additional privacy protections. For example, the bill could amend the statutes to specifically limit what documents, copies, or information may be retained; specifically limit how long documents, copies, or information is retained before it must be destroyed; and specifically limit what information is maintained and shared in the database required by REAL ID or in any centralized index used to locate records in REAL ID databases.

We look forward to sharing further details about these additional suggestions with you and the Committee soon. Again, we appreciate your thoughtful attention to our concerns and remain happy to assist you and the Committee in any way that may prove helpful.

Sincerely,



Eric Glatt
Staff Attorney

cc: Senator John Coghill, Senator.John.Coghill@akleg.gov
Senator Dennis Egan, Senator.Dennis.Egan@akleg.gov
Senator Cathy Giessel, Senator.Cathy.Giessel@akleg.gov
Senator David Wilson, Senator.David.Wilson@akleg.gov



March 21, 2017

The Honorable Mike Dunleavy, Chair
Senate State Affairs Committee
Alaska State Senate
State Capitol
Juneau, AK 99801

Sent by email: Senator.Mike.Dunleavy@akleg.gov

Re: SB 34 and Social Security Numbers

Dear Chair Dunleavy:

We are writing to follow up on the letter we sent you and the Committee on March 13 providing our analysis of Senate Bill 34, 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*.

Senate State Affairs Committee
SB 34 and Social Security Numbers
March 21, 2017
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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: Senator John Coghill, Senator.John.Coghill@akleg.gov
Senator Dennis Egan, Senator.Dennis.Egan@akleg.gov
Senator Cathy Giessel, Senator.Cathy.Giessel@akleg.gov
Senator David Wilson, Senator.David.Wilson@akleg.gov

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

Senator Mike Dunleavy, Chair
State Capitol, Room 11
Juneau, AK 99801-1182
Phone (907) 465-6308
Senator.Mike.Dunleavy@akleg.gov



Members:
Sen. Cathy Giessel
Sen. John Coghill
Sen. David Wilson
Sen. Dennis Egan

Explanation of Changes Senate CS for SB 34 (STA) version: 30-GS1781\O

Technical changes throughout the bill: Legislative Legal has brought the language of this legislation in line with the standards set forth in the legislative drafting manual.

Page 1, lines 9-11: §18.65.310(a) added a \$5 fee to the production of a federally compliant identification card.

Page 2, lines 12-13: §18.65.310(p) requires non-compliant identification cards to be produced within the state.

Page 2, lines 19-24: §28.05.068 adds a new section that the department may not convey or distribute information to an entity or individual that is not a state agency beyond what is necessary to administer driver's licensing under AS 28.15 or the data authorized under AS 28.10.505

Page 3, lines 17-20: §28.15.061(b)(6) adds language that requires the department to provide the applicant with information regarding how the information will be stored, inform them of the printing location and other pertinent information regarding their application.

Page 4, lines 29 – 31 to Page 5, lines 1 – 7: §28.15.111 adds a new subsection for non-compliant licenses that requires an applicant's permission before copying or retaining identity verification documents, using facial recognition as part of the application process, or before retaining images or the applicants face. Also requires printing of non-compliant driver's licenses to be done within the state.

Page 5, lines 30 – 31: §28.15.271(b)(4) added a \$10 fee to the production of a federally compliant driver's license.

Page 6, lines 16 – 19: §28.99.040(a)(2) establishes that a state or municipal agency may only authorize the minimum assets necessary to satisfy the specific requirements of the REAL ID Act of 2005 that provide for the agency to issue a driver's license or identification card acceptable to federal agencies for official purposes.

30-GS1781\O
Martin
3/21/17

CS FOR SENATE BILL NO. 34(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE 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 driver's 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 \$5 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.

1 (n) Nothing in this section or regulations adopted under this section requires a
2 person to be issued an identification card that is federally compliant. A person must
3 clearly request an identification card that is federally compliant. The state or a
4 municipal government may not require a person to possess or use an identification
5 card that is federally compliant.

6 (o) Under regulations adopted by the department, the department may issue to
7 a 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 shall issue the identification card with a validity of one year.

12 (p) An identification card that is not federally compliant must be processed
13 and created in this state.

14 (q) In this section, "federally compliant" means certified by the United States
15 Department of Homeland Security to be in compliance with the requirements of P.L.
16 109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R.
17 Part 37, as amended.

18 * **Sec. 3.** AS 28.05 is amended by adding a new section to read:

19 **Sec. 28.05.068. Prohibition on data sharing.** The department may not convey
20 or distribute to or communicate with an entity or individual that is not a state agency
21 or employee, or permit the conveyance or distribution to or communication with an
22 entity or individual that is not a state agency or employee, any data beyond the data
23 necessary for the department to administer driver's licensing under AS 28.15 or the
24 data authorized under AS 28.10.505.

25 * **Sec. 4.** AS 28.15.041 is amended by adding new subsections to read:

26 (d) The commissioner shall adopt regulations for the issuance of driver's
27 licenses that are federally compliant.

28 (e) Nothing in this section or regulations adopted under this section requires a
29 driver to be issued a driver's license that is federally compliant. A person must clearly
30 request a driver's license that is federally compliant. The state or a municipal
31 government may not require a person to possess or use a driver's license that is

1 federally compliant.

2 * **Sec. 5.** AS 28.15.061(b) is amended to read:

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

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

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

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

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

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

17 **(6) provide separate notices to the applicant regarding how data**
18 **will be stored, where the driver's license will be printed, and other pertinent**
19 **information regarding the application for a driver's license and a driver's license**
20 **that is federally compliant.**

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

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

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

28 (d) Under regulations adopted by the department, the department may issue to
29 a person a driver's license with a duration of less than **eight** [FIVE] years if the person
30 is authorized to stay in the United States for less than **eight** [FIVE] years or the period
31 of authorized stay is indefinite. The department shall issue the license for the period of

1 the authorized stay. If the period of authorized stay is indefinite, the department shall
2 issue the license with a validity of one year. [THE DEPARTMENT SHALL
3 PROVIDE THAT A PERSON RECEIVING A LICENSE WITH A DURATION OF
4 LESS THAN FIVE YEARS UNDER THIS SUBSECTION MAY RENEW THE
5 LICENSE WITHOUT A RENEWAL FEE DURING A PERIOD OF UP TO FIVE
6 YEARS AFTER FIRST ISSUANCE OF THE LICENSE.]

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

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

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

30 (d) For a driver's license that is not federally compliant, the department may
31 not, unless authorized by the person,

1 (1) copy or retain any documents used to verify an applicant's identity,
2 including passports, birth certificates, or social security cards;

3 (2) use image verification or facial recognition as part of the
4 application process; or

5 (3) retain images of the applicant's face.

6 (e) A driver's license that is not federally compliant must be processed and
7 created in this state.

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

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

10 (1) a person who renews a driver's license by mail shall pay a fee of
11 \$1;

12 (2) a person who applies for a limited driver's license under
13 AS 28.15.201 shall pay a fee of \$100; [AND]

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

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

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

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

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

30 **(4) a person who requests a driver's license that is federally**
31 **compliant shall pay a fee of \$10.**

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

2 (32) "federally compliant" means certified by the United States
3 Department of Homeland Security to be in compliance with the requirements of P.L.
4 109-13, Division B (REAL ID Act of 2005), and meeting the standards of 6 C.F.R.
5 Part 37, as amended.

6 * **Sec. 12.** AS 44.99.040(a) is amended to read:

7 (a) A state or municipal agency may not use or authorize the use of an asset to
8 implement or aid in the implementation of a requirement of

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

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

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

16 (2) P.L. 109-13, Division B (REAL ID Act of 2005), **other than the**
17 **minimum assets necessary to satisfy the specific requirements of that Act for an**
18 **agency to issue a driver's license or identification card that is acceptable to**
19 **federal agencies for official purposes.**

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

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

26 * **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c).



March 13, 2017

The Honorable Mike Dunleavy, Chair
Senate State Affairs Committee
Alaska State Senate
State Capitol
Juneau, AK 99801

Sent by email: Senator.Mike.Dunleavy@akleg.gov

Re: ACLU Analysis of SB 34, Concerning the Federal REAL ID Act

Dear Chair Dunleavy:

Thank you for the opportunity to testify about Senate Bill 34, which would create a new system in Alaska for issuing driver's licenses and identity cards. The American Civil Liberties Union of Alaska appreciates the committee's hearing our concerns and considering the recommendations we set out below.

Governor Walker has introduced SB 34 in response to the demands of the Federal REAL ID Act of 2005.¹ Under REAL ID, a person who wishes to use a state-issued driver's license or identity card to enter a federal facility or to pass through a federally controlled checkpoint—for example, to enter a military base or to board a plane—will only be able to use a license or card that complies with the standards of REAL ID (a “compliant” card). Alternatively, a person without a compliant state-issued license or card could use a federally-issued form of identification, such as a U.S. passport or military identification card.

Unfortunately for Alaskans who hold their privacy dear, the REAL ID standards include sharing information about license and card holders in an unprecedented, multi-state database that will contain information about virtually every driver's license and identity card holder in the United States. Also, REAL ID will require that each state scan and store identity documents about license and card holders. Such concentrations of information about Alaskans and other Americans are certain to be the target of would-be identity thieves. It would be a one-stop shop for identity thieves. Furthermore, the mere existence of such convenient, centralized identity information stores will undoubtedly become tempting to future lawmakers and government officials who prioritize expediency over privacy. It may contribute to “surveillance state creep.”

¹ Throughout this testimony, “the REAL ID Act” and “REAL ID” refer to the Federal REAL ID Act of 2005. “The Governor's REAL ID bill,” in contrast, refers to Senate Bill 34 – Driver's License & Id Cards & Real Id Act.

Because of the privacy compromises imposed by the REAL ID Act, the ACLU has opposed it since its inception in Congress. Likewise, Alaska voiced its opposition by enacting Senate Bill 202 in 2008, which prohibited the expenditure of any funds to comply with REAL ID.² Now, after years of resistance from Alaska and many other states, and after years of temporary deadline extensions from the Department of Homeland Security, Alaska is considering moving forward with compliance. Other states are taking similar steps at this time.

If Alaska is going to move forward with compliance, the ACLU of Alaska strongly supports the approach in SB 34 of providing residents the option of obtaining a noncompliant license or card, at a lower cost. It is critical that every step be taken to minimize what documents and information are collected and stored, and to share with other states only the minimum information required by REAL ID. And in offering noncompliant licenses and cards, it is important to provide meaningful privacy protections that are not otherwise available to REAL ID license and card applicants. This is critical not least because even information about *noncompliant* license and card holders will almost certainly be included in the multi-state database of any state complying with the REAL ID Act.

Each of the ACLU's recommended changes to the Governor's bill, and the supporting reasons, are set forth below. For ease of reference, we are also enclosing a short bullet-point list of the changes described.

Storage of Identity Documents

REAL ID requires states to store a digital copy of at least one approved document used to establish the identity of a compliant driver's license or identity card holder, e.g., a valid U.S. passport, an original or certified copy of a U.S. birth certificate, or another REAL ID compliant license or card.³ The digital image of the identity document must be kept by DMV for a minimum of 10 years.⁴

We are unaware of any current regulation or practice in Alaska requiring the copying and storage of such sensitive documents. And for good reason: it serves no purpose. To the extent it is useful to a DMV official to examine an applicant's passport, for example, in order to verify the person's identity, it is useful only while the official has the passport in hand. We recommend that current DMV practices be enshrined in the Governor's REAL ID bill for noncompliant licenses and cards, by prohibiting the copying, scanning, or storage of identity documents for those applicants.

² This is currently codified at AS 44.99.040(a)(2) ("A state or municipal agency may not use or authorize the use of an asset to implement or aid in the implantation of . . . P.L. 109-13, Division B (REAL ID Act of 2005).").

³ REAL ID Act, Pub. L. No. 109-13, § 202(d)(1), 119 Stat. 302, 314 (2005).

⁴ *Id.* at § 202(d)(2).

Concerning compliant licenses and cards, Alaska should keep one—and only one—digital image of an identity document for each license or card holder. Alaska should keep that digital image for only 10 years and then destroy it. Specific language should be used to ensure that the documents are destroyed after ten years.

Storage of Other Documents

Under REAL ID, copies of the application and declaration for compliant driver's license and identity card holders must be kept. The REAL ID Act provides the option of storing these documents in paper, microfiche, or digital form. Because the application contains the Social Security number, DMV should not copy or scan it, but should instead retain only the original paper application. Similarly, the declaration should simply be retained without being copied. After seven years, both documents should be destroyed. The ACLU recommends adopting specific language that would ensure that only the original application and declaration are retained and that they are destroyed after the seven-year mandatory time period.

Applicants may present other documents when applying for a compliant license or card—for example, a utility bill to establish one's address of principal residence, or a W-2 form to verify one's Social Security number. Because these do not meet the REAL ID regulations' definition of "source documents," they should not be copied or scanned and should not be retained. Specific language should be added to the Governor's REAL ID bill restricting the copying, scanning, or retention of these non-source documents.

Concerning noncompliant licenses and cards, the ACLU recommends that the current kinds of records kept by DMV be enshrined in the legislation to differentiate compliant from noncompliant cards. Currently, DMV maintains a file containing the application for a driver's license or identity card, and information about the license and license-holder, such as whether the license has been suspended.⁵ We believe that DMV's current practices should remain mostly unchanged, but that section 28.15.151 be amended to indicate that it applies to noncompliant license and card applicants. The one substantive change we recommend is that, instead of retaining the record for 15 years before destroying it,⁶ the records should be destroyed after the same seven years required for REAL ID Act compliant cards. There is no reason to retain documents and records for noncompliant licenses and cards longer than they are retained for compliant licenses and cards.

Finally, if for any reason any of these records are kept in digital form—whether for compliant or noncompliant licenses and cards—the ACLU urges the Legislature to clarify that these documents should not be stored in the multi-state shared database.

⁵ AS 28.15.151; 2 AAC 90.475.

⁶ 2 AAC 90.475(a).

Facial Image Capture

REAL ID license and card applicants must have an image of their face captured and stored, even if no license or card is issued. The Governor's REAL ID bill should clarify that these images should be stored for no longer than required by REAL ID: five years if no license or card is issued and two years after the expiration date if a license or card is issued. After the appropriate period of time, the images should be destroyed.

Noncompliant applicants should not have images of their faces captured and stored if they do not receive a license or card. The image of the face of a recipient of a noncompliant license or card should only be retained for two years after the license or card expires, after which the image should be destroyed.⁷

Concerning both compliant and noncompliant licenses and cards, images of applicants' faces should not be stored in the multi-state shared database required by REAL ID. The Governor's REAL ID bill should be amended to ensure they are not.

Furthermore, the Legislature should explicitly prohibit DMV from being pressured to participate in federal government experiments in "next generation identification systems," such as automated facial recognition systems. The alarming existence of such an FBI endeavor was recently highlighted in a critical report from the federal Government Accounting Office (GAO), titled "Face Recognition Technology: FBI Should Better Ensure Privacy and Accuracy."⁸ According to the GAO's report, Alaska's DMV is not participating in this woeful, privacy-compromising facial-recognition system. The Legislature should ensure it never does.

Social Security Numbers

The REAL ID Act requires states to collect Social Security numbers on applications for driver's licenses and identity cards and to verify the accuracy of the Social Security numbers given. Current DMV practices already include doing this,⁹ in part to facilitate the child support provisions of AS 25.27.010.

It is important to note that Social Security numbers are incredibly valuable to identity thieves. The critical importance of securing Alaskans' privacy by not compromising their Social Security numbers has already prompted the Legislature to insist that Social Security

⁷ 2 AAC 90.485(b) provides, "The department will maintain a record of the digital image and signature of a licensee or holder of an identification card, together with other data required by the department for identification and retrieval." Presumably, this is retained for 15 years pursuant to 2 AAC 90.475(a). Again, we see no compelling reason for Alaska to keep records for noncompliant license and card holders for 15 years, as currently required by 2 AAC 90.475(a), when even REAL ID compliance standards do not require records to be kept that long.

⁸ U.S. Government and Accountability Office, May 2016, <http://www.gao.gov/assets/680/677098.pdf>.

⁹ AS 28.15.061.

numbers not be displayed on Alaskans' driver's licenses and identity cards.¹⁰ In keeping, the Legislature should similarly instruct that Social Security numbers, in whole or in part, not be included in the information contained in the multi-state shared database.

Multi-state Database Containing Information about Alaskans

REAL ID requires each compliant state to maintain certain information in a database that can be accessed by other states. It is essential that, if it opts to comply with REAL ID, Alaska only share the least amount of information in this database.

Specifically, the only information that must be contained in the multi-state shared database is the information contained in the data fields printed on licenses and cards, and drivers' histories. The Legislature should instruct that only this information may be included. No other information should be co-mingled in this database. As discussed above, there should be no Social Security numbers, in whole or in part, included in the shared database. Including Social Security numbers in the shared database is not required by REAL ID, and there is no reason to compromise Alaskans' privacy by including such sensitive information.

Additional Privacy Safeguards

We also recommend that the Governor's REAL ID bill be amended to include additional safeguards that ensure the noncompliant card option is a meaningful one. We recommend that applicants be notified that they have a choice between compliant and noncompliant licenses and cards, with a clear, meaningful description of the benefits and risks of each option. Notification should be included with applications, should be available on the DMV website, and should be included in renewal notices.

Furthermore, we urge Alaska to join the growing number of states that issue driver's licenses and identity cards without inquiring into applicants' immigration or citizenship status. Increasingly, states and cities across the United States are becoming alert to the value of issuing driver's licenses or identity cards to all residents whose identity and residency can be confirmed.¹¹ Meanwhile, there is no state interest furthered by inquiring into the immigration or citizenship status of would-be drivers and identity card holders. Neither DMV nor any state or local law enforcement agency is authorized to enforce federal immigration laws. There is no reason for Alaska to inquire into this aspect of an applicant's background.

¹⁰ AS 28.15.11(a) ("A license may not display the licensee's social security number.").

¹¹ As of June 2016, 12 states, the District of Columbia, and Puerto Rico provide for the issuance of driver's licenses and identity cards without requiring applicants to establish their immigration status.

Senate State Affairs Committee
ACLU Analysis of SB 34
March 13, 2017
Page 6 of 6

Conclusion

Thank you for considering our testimony. If you have any questions or if we may offer more information, please let us know.

Sincerely,



Eric Glatt
Staff Attorney

cc: Senator John Coghill, Senator.John.Coghill@akleg.gov
Senator Dennis Egan, Senator.Dennis.Egan@akleg.gov
Senator Cathy Giessel, Senator.Cathy.Giessel@akleg.gov
Senator David Wilson, Senator.David.Wilson@akleg.gov

Storage of Identity Documents

(e.g., valid U.S. passport, U.S. birth certificate, another REAL ID compliant license or card)

REAL ID Compliant	Noncompliant
<ul style="list-style-type: none"> • Keep only one digital image of an identity document for each driver's license or identity card holder; • Keep the digital image of an identity document for only 10 years and then destroy it. 	<ul style="list-style-type: none"> • Prohibit copying in and retaining in any form identity-verifying documents such as passports, birth certificates, etc.

Storage of Other Documents

(e.g., the application, documents establishing one's Social Security Number and principal residence)

REAL ID Compliant	Noncompliant
<ul style="list-style-type: none"> • Retain only the original application; • Because the application contains the Social Security Number, do not copy or scan it; • After seven years, destroy the application; • Do not copy, scan, or store any other documents, including documents used to verify a Social Security Number (e.g., W-2 form, 1099 form, pay stub) or principal residence (e.g., utility bill, rental agreement, 1099 form). 	

Facial Image Capture

REAL ID Compliant	Noncompliant
<ul style="list-style-type: none"> • Store images of applicants' faces, if they do not receive a driver's license or identity card, for only 5 years and then destroy them. 	<ul style="list-style-type: none"> • Do not store images of applicants' faces if they do not receive a license or card.
<ul style="list-style-type: none"> • Store images of applicants' faces, if they do receive a REAL ID or noncompliant license or card, for only 2 years after the expiration date and then destroy the images; • Do not store images of faces in the multi-state shared database; • Do not share images of faces with any other state or with the federal government, e.g., to participate in FBI endeavors to create a facial recognition system for a "next generation identification system."¹ 	

¹ "Face Recognition Technology: FBI Should Better Ensure Privacy and Accuracy," U.S. Gov't and Accountability Office, May 2016, <http://www.gao.gov/assets/680/677098.pdf>.

Multi-State Database ²

REAL ID Compliant

Noncompliant

Only provide the information contained in the data fields printed on driver's licenses and identity cards, and drivers' histories in the multi-state database (prohibit providing Social Security Numbers, in whole or in part, images of faces, access to or copies of identity documents).

Additional Privacy Safeguards

- Provide applicants with clear, meaningful notice of the choice between a REAL ID compliant and noncompliant driver's license or identity card; provide notice of the choice with applications, on the DMV website, in renewal notices, and wherever else it is reasonable.
- For noncompliant licenses and identification cards, provide that an applicant's date and place of birth can be verified by presenting:
 - a certified original or certified copy of a U.S. birth certificate;
 - a U.S. passport or passport card issued by the U.S. Department of State;
 - a foreign passport;
 - a resident alien, temporary resident alien, or employment work authorization document issued by DHS;
 - a U.S. armed forces active duty, retiree, or reservist identification; or
 - other evidence of comparable validity.
- For noncompliant licenses and identification cards, provide that proof of a valid Individual Taxpayer Identification Number—including a letter addressed to the applicant from the Internal Revenue Service, U.S. Department of the Treasury, assigning the applicant an ITIN—may be used in lieu of a Social Security Number for applicants who do not have an SSN.

² REAL ID Act, Pub. L. No. 109-13, § 202(d)(12) & (13), 119 Stat. 302, 314 (2005).



ASSOCIATED GENERAL CONTRACTORS of ALASKA

8005 SCHOON STREET, SUITE 100 • ANCHORAGE, ALASKA 99518
TELEPHONE (907) 561-5354 • FAX (907) 562-6118

March 21, 2017

Senator Mike Dunleavy
State Capitol, Room 11
Juneau AK, 99801

Re: Senate Bill 34

Dear Senator ~~Dunleavy~~, *Mike*

The Associated General Contractors of Alaska is a trade association representing over 640 Alaskan businesses in the construction industry. Within our membership is much of Alaska's construction industry. On behalf of the AGC and those businesses, I offer the following support for Senate Bill 34.

SB 34 would give the State of Alaska the ability to offer drivers' licenses and identification cards compliant and non-compliant with REAL ID requirements. This approach provides Alaskans with an option, so that those needing or desiring to have continued access to federal facilities and the ability to pass through airport security can do so. Those desiring more privacy, may have that.

Of interest to our industry, is the ability to access construction projects on military bases. As you may be aware, the 2017 construction forecast projects a total of \$635 million in national defense spending and we expect an increase over that in 2018. We are thankful for the significant projects at Eielson, Fort Greeley, and Clear, as well as other federal projects that support Alaska construction jobs during this period of suppressed economy. Ensuring work crews have access to work sites on base is critical to the timely completion of these projects.

SB 34 would make the statutory changes necessary for our state to offer compliant identifications for Alaskans. Compliant identification will also help to insure more Alaskan employment on these projects. Alaska hire is something we all support.

I urge your support and timely passage of the legislation to the next committee of referral.

Sincerely,

John MacKinnon, Executive Director
Associated General Contractors of Alaska

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

From: [Steve Flowers](#)
To: [House State Affairs](#); [Senate State Affairs](#)
Subject: REAL ID ACT
Date: Tuesday, March 21, 2017 2:43:29 PM
Importance: High

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

907-346-3166 H

907-351-8378 C

From: [Alberta Laktonen](#)
To: [Senate State Affairs](#)
Subject: Real ID
Date: Tuesday, March 21, 2017 2:49:13 PM

I am writing to encourage the repeal of the Federal Real ID act. I believe it is an invasion of privacy and also results in increased expense to the citizens of Alaska.

Thank you,
Alberta Laktonen
Anchorage, AK

From: [Karen Perry](#)
To: [Senate State Affairs](#)
Subject: REAL ID
Date: Tuesday, March 21, 2017 2:54:51 PM
Importance: High

Subject: REAL ID

To Legislators,

I urge a NO vote on HB74/SB34

I ask for a full support of HJR15, a resolution encouraging the repeal of the Federal REAL ID Act altogether!

It is well beyond time that Legislators take their sworn oaths seriously. Have you even read the U.S. Constitution and the Alaska Constitution? Both clearly spell out citizens' Privacy Rights and you have absolutely no Constitutional power to usurp these rights...if you do there will be lawsuits!

The U.S. Constitution 4th Amendment reads:

"Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Now how can we, the citizens of Alaska, possibly be secure in our persons when illegal data would be collected through this tyrannical Bill?

"Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

STOP THE TYRANNY or WE WILL HAVE YOU ARRESTED FOR TREASON!!

The Alaska Constitution:

"Section 2. Source of Government

All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole. "

"Section 7. Due Process

No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed."

"Section 22. Right of Privacy

The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section."

This section was added to the Constitution by Amendment in 1972...it was prompted for the very reason that REAL ID is being proposed; a fear of the potential misuse of computerized information systems.

You are not allowed to have the Federal Government illegally dictate to us, nor to pass illegal Bills that usurp our right to Privacy or a Bill that violates our Liberty!

Here are some very valid points made by others on the subjects along with the sources.

Please take this issue very seriously!

Alaskans are SICK AND TIRED of Legislators illegally violating their rights! We are taking names and YOU are replaceable if you continue to capitulate to Federal tyranny!

"There are several reasons the Act remains controversial.

1. **The Act was not passed through a true democratic process.** It was slipped through Congress in May 2005 in a "must-pass" Iraq War/Tsunami relief supplemental bill, as part of a deal reached between the powerful Rep. James Sensenbrenner (R, Wis.) and the Congressional leadership. There was no time for sufficient consideration of the Act and its sweeping implications; in the Senate, there was not even a single hearing held on the Act. The result is that Real ID lacks the legitimacy that comes from having been studied, debated, considered, and directly voted upon by Americans' elected representatives.
2. **The game is not over, it has just moved into the states.** Although the Act was passed by Congress, Real ID cannot go into effect without a multitude of actions in the states. State legislatures must appropriate money and, in most cases, change state laws. State executives must remake or build anew all the administrative machinery required to comply with the Act's numerous mandates. And a lot of people at the state level do not like what they see.
3. **Broad interest-group opposition.** Opponents range from privacy and civil

liberties organizations like the ACLU to conservative groups to immigration groups.

4. **It's a bad Act.** Most fundamentally, the Real ID Act has sparked opposition because it would not be good for our country.

The opposition to Real ID is broad and deep, and despite its passage by Congress, there remains an excellent chance that it will be reversed in part or in whole. "

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

"Real ID will also create new opportunities for ID thieves to commit their crime. The law requires DMVs to store scanned copies of birth certificates, Social Security cards, and any other documents that individuals present when they apply for a license. It creates a national linked database allowing millions of employees at all levels of government around the nation to access personal data. And it mandates a nationally standardized "machine-readable zone" that will let bars, merchants and other private parties scan personal data off licenses with greater ease than ever before, putting all that information into even greater circulation."

<https://www.privacyrights.org/blog/real-id-act-will-increase-exposure-id-theft>

Vote NO NO and HELL NO on the REAL ID Bills!
Take a stand against illegal tyranny!

Please send me a written reply addressing my concerns.

STANDING IN LIBERTY!
~Karen Perry

WILLIAM M. TOPEL
6707 MINK AVE.
ANCHORAGE, AK 99504
907-333-1234 (H), wmtopel@yahoo.com

March 21, 2017

ALASKA STATE SENATE
STATE AFFAIRS COMMITTEE
SEN. MIKE DUNLEAVY, CHAIR
CAPITOL BLDG., ROOM 205
JUNEAU, AK 99801
senate.state.affairs@akleg.gov

Dear Sen. Dunleavy:

Please include my following testimony in the public hearing on implementation of REAL ID Act for state identification cards and driver's licenses through CS SB 34: **"An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."**

To: Senators Mike Dunleavy, David Wilson, Cathy Giessel, John Coghill, and Dennis Egan.

I'm William Topel from Anchorage, Alaska. Thank you, Sen. Dunleavy, for holding this hearing on CS SB 34. Greetings Senators. I'm testifying today on CS SB 34 and urge a NO vote at this time.

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. The name of that company is 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

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

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

“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 a better or different way to secure their identification for their business or employment situations, but why burden regular Alaskans? UAA students attending classes on JBER can get on a list to access base in one week, so I don’t buy some of those comments that it would take up to seven months to get a passport or passport card on get on base. After all, driver license regulation is a STATE function, not a federal function, under the Tenth Amendment to the U.S. Constitution.⁴

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.

It seems that some of the changes in CS SB 34 to the original SB 34 may protect the rights of Alaskans and to prevent unauthorized data sharing and data breaches and unauthorized facial recognition pictures through the option of a REAL ID non-compliant identification and driver’s license with only local storage versus a REAL ID compliant identification and driver’s license. However, I’m not totally convinced at this time, because Alaskans who opt for a compliant card have no guarantee that their information and privacy are protected by private government contractors.

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 conclusion, before your final vote on CS SB 34, please get some answers to Rep. Chris Tuck’s questions to Commissioner Sheldon Fisher on March 16, 2017 and I would urge a NO vote at this time.** Thank you for your time.

William Topel

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

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

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.

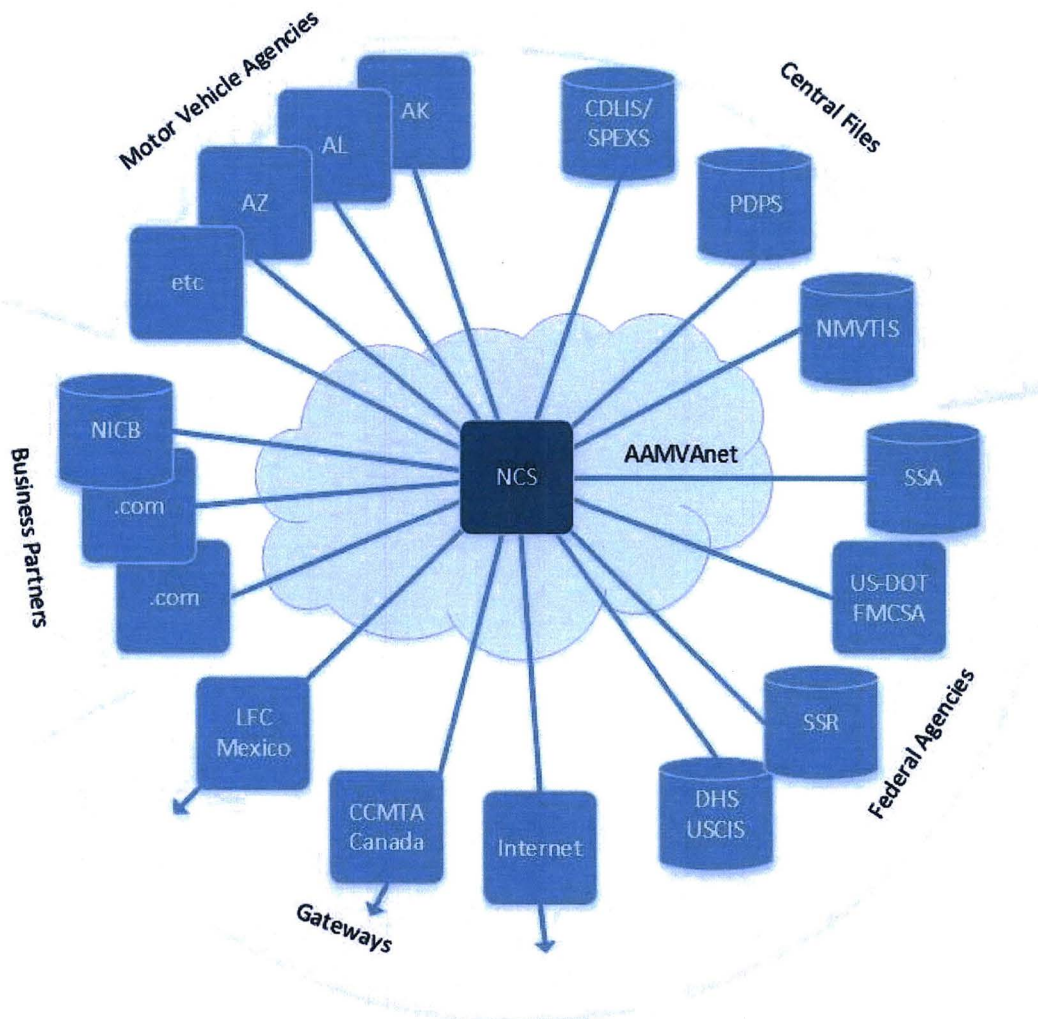
The Identity Project is a non-profit education, research, litigation, and advocacy organization which defends the right of U.S. citizens to move freely throughout our country without having to show our papers or obtain permission from the government.

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).

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,

Edward Hasbrouck
Consultant on ID and travel issues
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Oakland, CA 94612
415-824-0214 (cell)
eh@papersplease.org



**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 Mike Dunleavy
Chair – Senate State Affairs
State Capitol
Juneau, AK 99801

RE: SB 34 – Driver's License and ID Cards and REAL ID Act

Dear Honorable Mike Dunleavy:

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 SB 34 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 SB 34 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: Senator Coghill, Giessel, Wilson and Egan

From: [Boyd Morgenthaler](#)
To: [Sen. Mike Dunleavy](#)
Subject: DO NOT PASS SB-34
Date: Tuesday, February 28, 2017 4:49:55 PM

Dear Senator Dunleavy,

Please vote to stop the advancement of SB-34 regarding implementation of Real ID. With an open mind and great interest I watched the entire testimony at the Senate State Affairs committee meeting on February 23. My unequivocal conclusion is that SB-34 and Real ID is contrary the best interest of the citizens of Alaska.

Real ID ultimately puts all of our security eggs in one basket. Common sense tells us this is a bad idea.

Real ID is a Federal mandate with the premise that Real ID will protect national security by denying legitimate US ID to illegal aliens. The efficacy of that premise is doubtful, but what is certain is that Real ID would diminish the freedom and security of legal US citizens. In the short run the Federal government would not have access, but ultimately the Real ID Act empowers unfettered Federal access to the ID databases of every State. The result is that the personal information of all citizens will eventually reside on one central database. As we know, all databases can be hacked. If one database has access to the security information of all citizens, then eventually we will all be compromised. It's Pandora's box.

The testimony of Mr. Jim Harper of the Competitive Enterprise Institute is prescient and should be taken very seriously. Murphy was right, whatever can go wrong will go wrong. And when it comes to the Federal government then O'Toole's corollary also applies: Murphy was an optimist. This is extremely dangerous because it puts absolute power in the hands of a few invisible bureaucrats. The tyranny which is possible is far more dangerous than the threat of terrorists that justified the law.

Real ID compliant ADLs would only benefit a few and would add operating expense at a time when every dollar is precious.

A great many Alaskans already possess federal ID that is acceptable to DHS. Anyone who has traveled to Canada, Mexico, or any other foreign country has been required to possess a Passport for reentry to the US for many years. Military personnel carry acceptable ID. Contractors working on Federal property have the opportunity to obtain acceptable ID. None of these people need a compliant ADL that would be available if SB-34 were enacted. The

compliant ADL ID envisioned by SB-34 would simply subsidize the cost of federally compliant ID for a select number of Alaskans.

The only way around the financial burden of SB-34 would be to charge a user fee to cover the entire cost of the program. If the user fee were equal or greater than the \$55 cost of a passport card, then few would use the program. And setting the cost less than the \$55 cost of a US Passport card would be a subsidy for a user group that does not include all Alaskans who already possess acceptable federal ID and have no desire to buy another. At a time when our PFD has been confiscated and we are threatened with an income tax, there is no excuse for enacting additional subsidies.

Please prevent the advancement of SB-34.

Two very important policies of the State of Alaska are be the security of Alaskan citizens and preservation of State sovereignty. SB-34 is contrary to both of these objectives. SB-34 should be rejected.

Respectfully,

Boyd & Kathryn Morgenthaler

1180 Shore Drive

Anchorage AK 99515

907-349-6523



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



March 14, 2017

Senator Mike Dunleavy, Chair
Senate State Affairs Committee
Alaska State Senate
State Capitol, Room 11
Juneau, AK 99801

Dear Chair Dunleavy:

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 Senate Bill 34 – 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 Senate Bill 34 to ensure our members have the ability to choose a Real ID compliant id and continue to access work sites.

Sincerely,

A handwritten signature in blue 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

From: [Steve Montag](#)
To: [Sen. Mike Dunleavy](#)
Subject: Alaska State ID
Date: Tuesday, February 28, 2017 3:10:38 PM

Dear Senator Dunleavy,

I am writing to request that you support and work toward bringing our State ID's and Driver Licenses into line with Federal Regulations so that we will not have to present U.S. Passports at Airports and Military Installations to gain access.

I am a resident of Fairbanks, Alaska for 11 years and would truly appreciate your efforts concerning this concern of mine. Thank you for your consideration.

Yours truly,

Steve Montag

From: [Roses, Bob J \(AMYA\)](#)
To: [Sen. Mike Dunleavy](#)
Subject: Real ID
Date: Monday, March 20, 2017 10:29:55 AM

Senator Dunleavy,

SB 34 has a very direct impact on the operation of the Alaska Military Youth Academy. In our conversations with security supervisors at JBER it is determined that all cadets that are, or will, turn 18 years of age during this next class will be impacted. Close to 50% of our class that starts next week meet that criteria.

AMYA has the largest mentorship program in Alaska. Every mentor that does not possess an acceptable form of ID will not be granted access to JBER for training and weekly visitations with cadets. Mentoring is one of the strengths of our program and how we differ from public schools. It would be very difficult and expensive to have to transport 200+ cadets off post for mentor visitations. We have not budgeted for such a necessity, so the result would be far less mentor visitations, thus resulting in a negative impact on cadet success.

Our cadets must travel off JBER for community service which is required as part of their eight core components for completion of the program. They also travel off JBER for activities including medical appointments during their 22 week program. Re-entry to JBER will be restricted to those with a pass issued by JBER security or their designee. Issuance of those passes will require a form of ID accepted by the U.S. government under the real ID Act.

Any assistance you can offer to solve AMYA's difficulties in this regard in SB 34 would be very helpful.

I will be available to provide information or answer questions on this regard. I plan to teleconference in to Senate State Affairs tomorrow afternoon.

Thank you,

Bob Roses
Director
Alaska Military Youth Academy
(907) 428-7301 work
(907) 350-0684 cell

From: [Aaron Welterlen](#)
To: [Sen. Mike Dunleavy](#)
Subject: SB 34: Real ID
Date: Monday, March 20, 2017 11:51:37 AM

Senator,

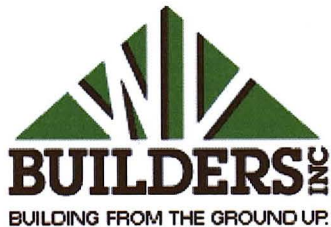
I'm writing to support the passage of SB 34 and the relevant HB 74 in order to comply with the Real ID act.

We perform work on military installations in the Fairbanks area, and many of our employees do not want or have the need for a passport. We would prefer to keep it simple.

Thanks for your attention to this matter.

Kind Regards,

Aaron Welterlen
President



3555 Davis Road, Suite 201
Fairbanks, Alaska 99709
Cell 907.378.9241
O/Fx: 907.451.4355

aaron@wvbuildersinc.com
www.wvbuildersinc.com

SB 34 Driver's Licenses and ID Cards and REAL ID Act



Presented by
Commissioner Sheldon Fisher
Deputy Commissioner Leslie Ridle
DMV Director Marla Thompson

Senate State Affairs Committee
Department of Administration

February 23, 2017

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 as "Not for Federal Identification"
- 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, MN, MO, ME, MT
 - Minnesota & Washington do have Enhanced IDs (chip cards) which are approved for REAL ID Compliant and TSA.
 - Washington, Minnesota have current bills in 2017 for compliance

SB 34 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

- Alaska DMV will take a photo at time of application and store that image in Alaska
- DMV will now validate birth certificate or passport if 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 Identification"
- DL & ID's will now be valid for 8 years instead of 5

What Won't Change

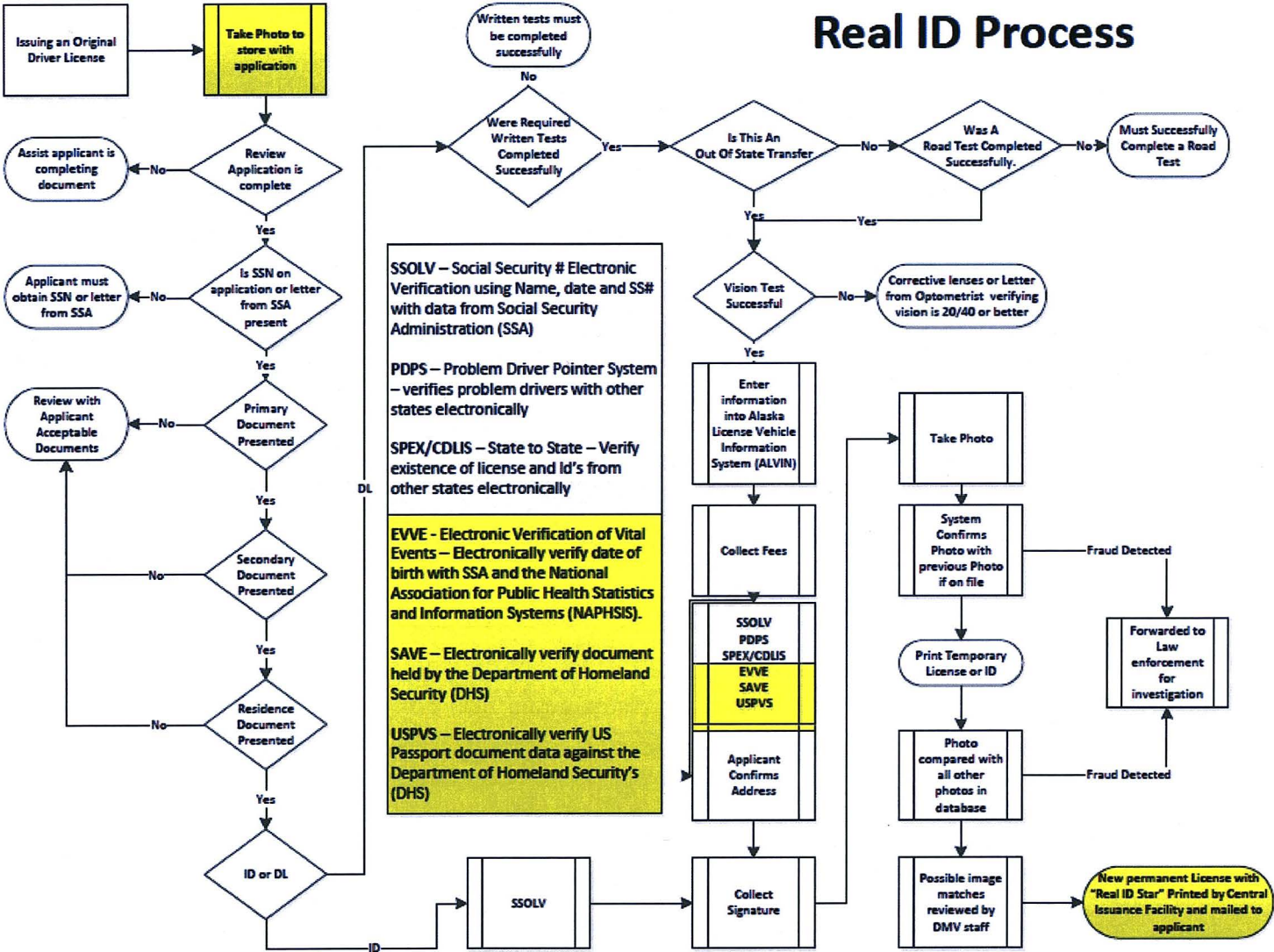
- DMV will still require the primary document, secondary document and proof of Alaska residency for compliant and noncompliant cards
- DMV will continue to background check employees
- DMV will continue to use a secure facility to produce compliant and noncompliant cards

What Do People Need To Bring to Get Alaska ID/DL

- Primary Document
 - 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
 - All Primary Documents
 - License from another state or AK
 - Bureau of Indian Affairs card permit
 - Employee photo ID or School ID
 - Health insurance card
 - Medical records
 - Military dependent identification
 - Pilot's license
 - Marriage License
 - Voter Registration Card
 - TWIC Card
- Proof of principal residence
 - Utility bill
 - Alaska voter registration card
 - Alaska title and/or registration (Issued at least 30 days prior to application)
 - Paycheck Stub
 - Medical Assistance card
 - Public Assistance card
 - Canceled check or bank statement
 - Mortgage or rental documents
 - Letter from employer on letterhead verifying applicant's residence address
- Proof of Social Security Number
 - Social Security Number or letter from Social Security Office stating that applicant is not eligible for Social Security Number
 - Commercial Drivers must holders must bring the actual social security card

Note: these documents are only needed for the first issuance of a license/ID

Real ID Process



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

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:

Current list of IDs acceptable for access to JBER

- United States passports/United States 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)
- Current/valid driver's license or identification card issued by a state or outlying possession of the United States which is in compliance with the REAL ID Act of 2005
- Identification card issued by federal, state, or local government agencies that are REAL ID act compliant. (Minnesota and Washington identification card holders can have access to federal installations if their driver licenses bear a small red, white, and blue U.S. flag logo on the front.)
- VA health identification card issued by the US Department of Veterans Affairs
- Merchant Mariner card issued by DHS/U.S Coast Guard

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 2018

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.



**DOYON
UTILITIES**
LLC

714 Fourth Avenue, Suite 100 • Fairbanks, AK 99701
PO Box 74040 • Fairbanks, AK 99707
Phone (907) 455-1500 • Fax (907) 455-6788

March 3, 2017

The Honorable Mike Dunleavy
State Senate
Alaska State Capitol
Juneau, Alaska 99801-1182

Re: Support for SB 34 - REAL ID Act

Dear Senator Dunleavy:

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.

A handwritten signature in blue ink that reads 'Shayne Coiley'. The signature is fluid and cursive.

Shayne Coiley
Senior Vice President
Doyon Utilities



Anchorage School District

Education Center

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

February 3, 2017

The Honorable Pete Kelly
Senate President
Alaska State Legislature
State Capitol Room 208
Juneau, Alaska 99801

Dear Senator Kelly:

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 Pete Kelly
Senate President
Alaska State Legislature
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', with a stylized flourish at the end.

Deena M. Bishop, Ed.D.
Superintendent

cc: Governor Bill Walker
Senator Mike Dunleavy, Chair, Senate State Affairs Committee
Senator Peter Micciche
Senator Berta Gardner
Senator Tom Begich
Senator Click Bishop
Senator John Coghill
Senator Mia Costello
Senator Cathy Giessel
Senator Anna MacKinnon
Senator Kevin Meyer
Senator Natasha VonImhof
Senator Bill Wielechowski

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

Senator Mike Dunleavy, Chair
Senate State Affairs Committee
The Alaska State Senate
Juneau, Alaska
Sent via e-mail: Senator.Mike.Dunleavy@akleg.gov

Dear Chairman Dunleavy,

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.

- SB34 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...

From: Kathy Ashmore Roberts [<mailto:robash@mtaonline.net>]
Sent: Monday, January 23, 2017 5:02 PM
To: Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>
Subject: REAL-ID

Please support Governor Walker's efforts to make Alaska Driver's Licenses REAL-ID. It is my understanding that Alaska has received several extensions from the Federal Government to comply with this REAL-ID regulation and that extensions will expire in June 2017. I assume a passport is a REAL-ID but not everyone has one. Seems like a pretty important piece of legislation.

Thank you,

Kathleen Ashmore Roberts

9520 N. Wolverine Rd.,

Palmer, AK 99645

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.

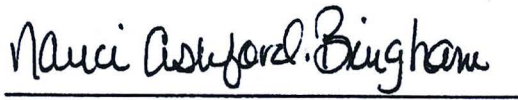
BE IT FURTHER RESOLVED copies of this resolution shall be distributed to Governor Walker, the Alaska Congressional Delegation, and the Alaska State Legislature.

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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)

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	CSSB 34(STA)
Fiscal Note Number:	4
(S) Publish Date:	3/27/2017

Identifier: SSTA SB34 DOA-DMV 3.23.17
 Title: DRIVER'S LICENSE & ID CARDS & REAL ID ACT
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Senate State Affairs

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 2019	FY 2020	FY 2021	FY 2022	FY 2023	
OPERATING EXPENDITURES								
Personal Services			***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	***	***	***	***	***	***

Fund Source (Operating Only)

None								
Total	0.0	0.0	***	***	***	***	***	***

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None			***	***	***	***	***
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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? 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:

This revised fiscal note replaces the requested GF/PR funding and offsetting revenue projections with indeterminate amounts. Costs cannot be quantified at this point. The committee also wants to emphasize that the program will be self supporting.

Prepared By: Senator Dunleavy
Senate State Affairs Committee

Phone: (907)465-6600
 Date: 03/23/2017

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.

It is the intention of the State Affairs Committee that the implementation of REAL ID will be self supporting by utilizing the funds raised from the additional fees set for federally compliant licenses and identification cards.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version:	SB 34
Fiscal Note Number:	1
(S) Publish Date:	1/23/2017

Identifier: DOA-DMV-01-20-17
 Title: DRIVER'S LICENSE & ID CARDS & REAL ID ACT
 Sponsor: RLS 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	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			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:	SB 34
Fiscal Note Number:	2
(S) Publish Date:	1/23/2017

Identifier: MVA-DHSEM-01-18-17
 Title: DRIVER'S LICENSE & ID CARDS & REAL ID ACT
 Sponsor: RLS 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:	SB 34
Fiscal Note Number:	3
(S) Publish Date:	1/23/2017

Identifier: DPS-COMM-01-18-17
 Title: DRIVER'S LICENSE & ID CARDS & REAL ID ACT
 Sponsor: RLS 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					
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.