

2009 HOUSE TRANSPORTATION

HB 1161

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1161

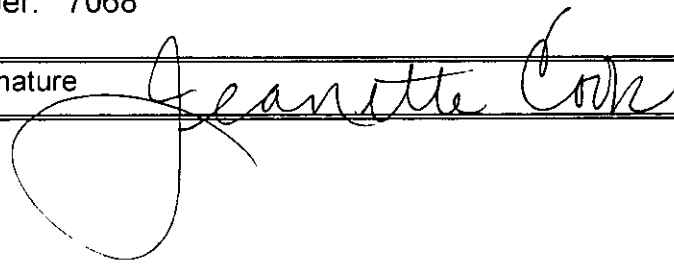
House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/15/09

Recorder Job Number: 7068

Committee Clerk Signature



Minutes:

Chairman Ruby: The next bill on our schedule is HB 1161.

Francis G Ziegler, Director for the North Dakota Department of Transportation: I am here to explain to you what the DOT is trying to do with this legislation. The Department got a time extension, when it came to the REAL ID, until Dec. 31, 2009, so that the citizens of our state could board an airplane or go into a Federal building with their driver's license in hand, and that becomes their identification. As we go down this path in the Federal world as whether to go to REAL ID, or we don't go to REAL ID, this department wants to be proactive. We want to allow some latitude in law so that the director can take some action. Because as an agency, I am very concerned that if our citizens can't get on airplanes; and we don't have a means that they can get some sort of an ID from their state, rather than go to a passport or passport card, my agency is going to take a lot of heat. What we are doing with this bill is simply trying to be proactive. We want to make sure, as we go forward and learn more about what the Federal Government is going to do as it relates to REAL ID and identities, that we have something in place. I'm going to introduce staff that are expert and have spent a lot of time on this topic.

Linda Butts, Patti Rothman, and Glen Jackson are intimately involved in this issue and are studying Federal Legislation which is constantly changing. Linda will be telling you about

Federal Legislation that was proposed that will cause cuts in Federal Aid, if we don't follow the REAL ID. We want to be ready if those things become Federal law. The last thing that we want to do is lose Federal Aid because of something like this. This bill opens the door for us to do some things between now and the next time you come back.

Representative Weisz: The last time that I checked, there were no states that were even close to being compliant. What is the status of that? Are there other states that are actually compliant or close to being compliant?

Francis G Ziegler: Linda will have those statistics. What we have learned is that there are some states that have said they are not going to do Real ID. Then we have heard of some states that are going down the path of enhanced driver's licenses. We do know that the rules have changed, so that if you are going to use an enhanced driver's license, it must be Real ID compliant. There is a lot of conflicting information. We are trying to be proactive, so if some firm laws come down the road from the Federal Government, we want to be able to have something in place for our citizens.

Representative Delmore: I have a question about putting this in Code when it is subject to change again. The Federal Government just keeps pushing the date back. What is the advantage of putting this in Code at this stage of the game rather than through rules or some other procedure?

Francis G Ziegler: We have just tried to open the door a little bit to allow our director to make some strategic and tactical moves to allow our citizens to get on an airplane. The fact is that this legislature doesn't come back for another two years. If something in the interim gets us locked into dead center where we can't move, then we are all in trouble. We may get another time extension from the Federal Government, but we can't guarantee that. Linda will be telling you about exactly where we are at. We got the first time extension. We have to take some

steps to assure that we will get the next time extension, which takes us to, I believe, May of 2011. By that time you will have been back, but if something in the interim happens, this will allow the director a little bit of flexibility.

Representative Delmore: There seems to be a fee increase. Will everyone need to get this new part and pay an additional fee? That is something that is not very popular for the public.

Francis G Ziegler: The last thing that we want to do is raise fees. This will be an optional process. You can still get your old driver's license, just the way you do now with the same fees. But, everyone will be made aware of the fact that the old driver's license is not compliant; and you can't get on an airplane with it.

Chairman Ruby: Do we consider our driver's license to be an enhanced driver's license?

Francis G Ziegler: No, we do not.

Chairman Ruby stated that this is a very important issue, and the committee should take this in serious consideration.

Linda Butts, Director of Driver and Safety Services at the DOT, gave prepared testimony in support of HB 1161. Attachment #2 is a handout that shows the cost of issuing a license right now. It shows whether we are recovering our cost. Right now we are losing \$2.03 per license. There are two sites that are cash flowing; they are Fargo and Bismarck. A brochure was also provided that explains the new drivers' licenses. The DOT continues to try to enhance the security by which they offer drivers' licenses to eliminate fraud and to protect the identity of the citizens of our state. They want to continue to make improvements in their documents regardless of what happens with Real ID. Linda Butts addressed the questions that **Chairman Ruby** and **Representative Delmore** asked about Enhanced Drivers' Licenses. She explained that this is yet another document, and when you think about an Enhanced Driver's License, think "border crossing". If a citizen leaves the country into Mexico, Canada,

or the Caribbean, then that citizen could get back into the country with an Enhanced Driver's License. This type of license has nothing to do with the privileges that go with a Real ID.

When the DOT studied the issue of offering Enhanced Drivers' Licenses, they found out that they did not have the ability to ask for additional documentation that would be needed or the ability to pass on the incremental costs. These are some of the things that we are asking for in this law. Another document that is a possibility is a Passport Card. That is a path which the DOT has decided not to go down. **Linda Butts** continued with her testimony which explains that she is representing the North Dakota Department of Transportation and their request for a change in the law so they may respond more quickly in a fluctuating identity security landscape to better serve the citizens, even between legislative sessions. **See attachment #1.**

Linda summarized the three things that would occur if this bill passes.

- 1) It will give DOT the ability to place new information on the face of a card. Over a four year period everyone will have to get a new license with the new information on them.
- 2) It will give the DOT the ability to modify the application to look for the information they need. The DOT will have to make sure that the person to whom the license is issued must have the legal right to be in America. DOT has the authority in Code to issue an operator's license. DOT does not have that authority in Code to issue an ID.
- 3) It will give the DOT permission to pass on the incremental cost. DOT does not want to make a profit, but does not know what the costs will be. There are many variables.

The security environment is changing continuously, and it is the goal of the DOT to be responsive to those changes between legislative sessions. By December 1, 2014 everyone under 50 years old will have to have a REAL ID compliant driver's license. If you are over 50 years old, the deadline is 2017. To have everyone compliant by those deadlines, we will have to start the process in 2010. That is why we are starting this process this biennium.

Chairman Ruby: Linda, you are asking for more than just those three areas that you want to change. You are asking in the Bill and the language to have carte blanche changes. I understand you want flexibility, but you are really asking for more than that in the language.

Linda Butts: Here is the other thing that we know of for right now, we also believe that we are going to have to prove legal residence. So we (DOT) will have to prove where a citizen lives. We don't know what documents will be accepted for proving residency. We thought that maybe we could accept a utility bill, until we heard that utility bills are very easy to falsify. We just don't know what will be acceptable, so you are correct, we are asking for flexibility.

Representative Weisz: We issue 190,000 drivers' licenses a year. As of today, what is your estimated cost to issue REAL ID outside of document verification?

Mike Becker, IT manager for Driver and Vehicle Safety at the DOT: We submitted a grant proposal for the original process, and at that point in time we were estimating the cost of the card itself would go up at least \$1.50 to \$2.00. The rest of our systems are up to date, but there are two other systems that don't even exist yet. That would be where a lot of the cost questions are. That would be the verification hub, you have to check anyone that is submitting a document and check the home jurisdiction to make sure that it is valid. The \$1.50 to \$2.00 cost is just what we would have to pay our vendor, not including all of the other things we may have to do at our own station.

Representative Weisz: Some states are having problems with birth certificates not being issued properly. Is that going to be a problem in North Dakota for DOT?

Linda Butts: North Dakota is one of the few states that already use an electronic method of validating a birth certificate. Eventually that will be protocol nationwide. Another change we anticipate is that we will have to scan and store these documents in a database. In the past, if you brought in your birth certificate, you left with your birth certificate. In the future we will

have to scan and store those documents. Eventually there will be a system, where everyone must go back to the original source. In regards to your question on cost, another issue that we are dealing with is the security of where the raw material is kept. Right now we keep the raw materials to issue licenses at eight sites. We carry materials out when we go to the other twenty. If new laws go through, we will have to offer insurance to the Federal Government that we have enhanced those security features. We will have to keep the materials under lock and key, and they will have to be guarded. That is a cost that is uncertain.

Chairman Ruby: Would there be a different cost for a CDL?

Linda Butts: The additional cost is just the **raw material cost**.

Representative Weiler: Looking at the chart that you provided, can you give me a reason that two sites are cash flowing and the others are not?

Mike Becker: The reason that those two sites are cash flowing is that they are our busiest sites. Therefore, the money coming in offsets the cost of the issuance. The Fargo Express site the cheapest site we have because there is only one examiner, and it only does renewals.

Representative Weisz: Can I assume that we won't have 28 sites any longer after this goes into effect?

Linda Butts: Yes and no. We think we will have to have something of a central issuance. We would still have our sites to provide that customer service, but then we would take that data and electronically transfer it to our vendor. The vendor then would have the materials under lock and key and security guard. Then the licenses would have to be mailed out.

Representative Weisz: When a person brings in a source document, and they have to be kept secure, that will be a huge cost.

Linda Butts: When a source document is brought in it will be scanned and taken home. The scanner, any electronic information, and the materials will be brought back to the eight regional sites so there would not be anything left at the remote sites.

Mike Becker: The documents would be scanned and sent electronically directly to the state database. They would store on the state mainframe or a (inaudible) server, the documents wouldn't store on the scanner. All of the existing sites have network connections to the state.

Representative Delmore: What does guarded mean? Does it need to be physically guarded; or can it be guarded electronically? If it is accessible by a computer, I would argue that it does have to be guarded at all eight sites.

Mike Becker: The information won't be stored there. All the computers that are at the sites will be guarded with at least three levels of security. They have passwords and dedicated IP's.

Chairman Ruby: How soon are those requirements going to be in place? Would that be something that the department will be required to do without our legislative action? You might need some approval for appropriations, right?

Mike Becker: Our examiners currently go through background checks to get security clearance. That is all in place right now. That level of security at the buildings that we go to once or twice a month is going to be almost impossible to create. We may be looking at which sites we can maintain the security levels at.

Chairman Ruby: Since the cost of raw materials is the same to make a license. What causes the difference in the other costs?

Mike Becker: The cost of generating that card is different. The difference between a license and an ID would be looking at certain source documents. For example, CDL's have a different set of requirements, so they are more time consuming. The card may need a chip or something else. That would be a material issue.

Linda Butts: In closure we recognize that this is a very complex issue. We would like to be a partner in trying to help you with as much information as you need, to make the decisions that we respect that you have to make on this issue. At the end of the day, I feel that our goals are common, which are simply to provide our citizens with flexibility for mobility. Also to make sure that they have what they need to conduct their daily lives and their business.

Chairman Ruby: Linda, wouldn't you agree that if every state granted their departments this authority, that every department would implement all of the rules as they come down from Federal; and we would have the full license already? If every state granted this authority, then the Federal could just implement things as they want, and each state would just comply. The departments aren't going to be responsible for losing some funding or anything?

Linda Butts: I understand your philosophy. Again, if we could predict the behavior of the Federal Government, this would be easy. The concern that we have, is that on December 31st of 2009 we will be able to give the Federal Government proof that we are continuing to move to create a more secure environment in which we offer drivers' licenses. If we can meet that threshold, the 18 measures that they want implemented, then they will give us an extension.

Chairman Ruby: Can you give us some idea of where some of the other states are going?

Linda Butts: If it would be helpful, we could pull through our national association what some other states are doing. I know that Kansas did get the authority that they felt that they needed to continue to move into compliance. I could call someone in Kansas and identify exactly what authority they were given, what (inaudible) the state legislature gave them, if that would be helpful.

Chairman Ruby: I would like to see something along those lines. I think we need to be careful not to go down the road too far. Maybe in the future Federal Government may NOT require certain things.

Representative R. Kelsch: Mr. Chairman, if you are interested in the information as to the status as to where states are regarding REAL ID, I think that our intern could probably go on the internet and find the current information.

Chairman Ruby: Linda, if you have the information as to some states that have met the requirements of moving the right direction, I would like to see that as well.

Linda Butts: I will do that. I have also seen a map that show the status of the states. That might be helpful as well.

Francis Ziegler spoke in conclusion. He gave an example of a situation in Fargo in which a fake Social Security Card was recognized. The applicant ran from the site and away from the police. He was not issued a driver's license that may have been used for ID in a dangerous situation. He wanted to reinforce that these are serious situations and need to be taken care of appropriately.

Chairman Ruby asked for any further questions or support of HB 1161?

Chairman Ruby asked for opposition of HB 1161?

Tom Balzer, North Dakota Motor Carriers: We support the bill and understand that we have to keep up with security in the state. We are concerned about giving the DOT the right to set the fees. We want to keep the cost as low as we can. I don't want to see the loss of the legislature's right to set fees.

Chairman Ruby: Is there anyone else here to speak in opposition to HB 1161? There being none, we will close the hearing on HB 1161.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1161

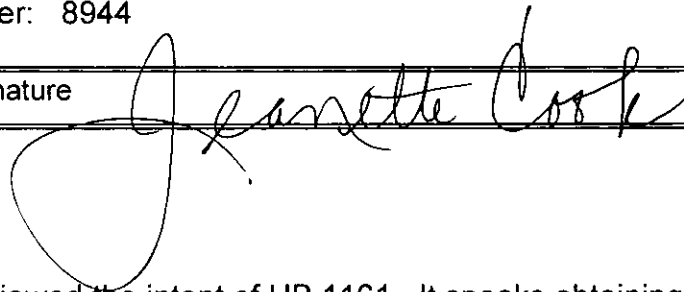
House Transportation Committee

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Hearing Date: 02/06/09

Recorder Job Number: 8944

Committee Clerk Signature



Minutes:

Chairman Ruby reviewed the intent of HB 1161. It speaks obtaining an extension to keep North Dakota in compliance with the REAL ID Act. It will get North Dakota in a position where we will meet moving in the right direction without really going further than we need to. The amendments were read.

General discussion was held about passports for ID rather than a Social Security Card. The cost was also addressed. This bill does not have a fiscal note. The concern is keeping in compliance with the REAL ID Act. This is basically the minimum DOT needs to show movement toward compliance. It was noted that North Dakota is nowhere near to being totally compliant to the REAL ID Act. It could eventually cost \$40-\$50 million to be in complete compliance. North Dakota needs to do enough so its citizens have ID that will allow them to board a plane or enter a federal building.

Representative Weiler moved the amendment.

Representative Vigesaa seconded the motion.

A voice vote was taken. All were in favor.

Representative Weisz moved a **Do Pass** as amended on HB 1161.

Representative Delmore seconded the motion.

A roll call vote was taken. **Aye 13 Nay 0 Absent 1 (Representative R. Kelsch)**

Representative Weisz will carry the bill.

VR
2/9/09
108³

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1161

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06-03.1, subsection 2 of section 39-06-07, section 39-06-07.1, subsection 3 of section 39-06-19, and subsection 1 of section 39-06.2-08 of the North Dakota Century Code, relating to legal presence for obtaining an operator's license or nondriver identification card, license renewal fees, and commercial driver's license fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-03.1. Nondriver photo Identification card issued by director - Release of Information - Penalty - Public awareness.

1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The application must provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. If requested on the identification card application, the identification card issued by the director must include a statement making an anatomical gift under chapter 23-06.6. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to the provisions of subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth and, identification, and legal presence of the applicant by the director or examining officer.
3. The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.

6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.

SECTION 2. AMENDMENT. Subsection 2 of section 39-06-07 of the North Dakota Century Code is amended and reenacted as follows:

2. Every application must state the full name, date of birth, sex, social security number, residence and mailing address, and briefly describe the applicant. In signing the application the applicant is deemed to have certified that all information contained on the application is true and correct. The application must be accompanied by the proper fee. The application must also provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for a license or instruction permit to provide a social security card and proof of residence address.

SECTION 3. AMENDMENT. Section 39-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-07.1. Proof of name and, date of birth, and legal presence for operator's license application. The name and, date of birth, and legal presence on all applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:

1. Certified birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the director the true identity and, date of birth, and legal presence of the applicant.

SECTION 4. AMENDMENT. Subsection 3 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

3. An applicant for renewal must present the application with fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. ~~After the initial application for a license in this state, the~~ The director may not require an applicant for renewal, replacement, or a substitute to provide a social security card unless the applicant is changing the distinguishing number on the license to the applicant's social security number and proof of residence address.

The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.

SECTION 5. AMENDMENT. Subsection 1 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
 - a. The full name and current mailing address of the person;
 - b. A physical description of the person, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number;
 - e. The person's signature;
 - f. The certifications including those required by 49 CFR part 383.71(a);
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.

The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial instruction permit to provide a social security card and proof of residence address."

Renumber accordingly

Date: 2-6-09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1161 House
Am.

House TRANSPORTATION Committee

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Legislative Council Amendment Number _____

Action Taken ☒ Do pass ☐ Don't Pass ☒ Amended

Motion Made By Weisz Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	#		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigasaa	✓				
Representative Weisz	✓				

Total Yes 13 No 0

Absent 1

Bill Carrier Weisz

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1161: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1161 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06-03.1, subsection 2 of section 39-06-07, section 39-06-07.1, subsection 3 of section 39-06-19, and subsection 1 of section 39-06.2-08 of the North Dakota Century Code, relating to legal presence for obtaining an operator's license or nondriver identification card, license renewal fees, and commercial driver's license fees.

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2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth ~~and~~, identification, and legal presence of the applicant by the director or examining officer.
3. The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.

5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.

SECTION 2. AMENDMENT. Subsection 2 of section 39-06-07 of the North Dakota Century Code is amended and reenacted as follows:

2. Every application must state the full name, date of birth, sex, social security number, residence and mailing address, and briefly describe the applicant. In signing the application the applicant is deemed to have certified that all information contained on the application is true and correct. The application must be accompanied by the proper fee. The application must also provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for a license or instruction permit to provide a social security card and proof of residence address.

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1. Certified birth certificate; or
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SECTION 5. AMENDMENT. Subsection 1 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
 - a. The full name and current mailing address of the person;
 - b. A physical description of the person, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number;
 - e. The person's signature;
 - f. The certifications including those required by 49 CFR part 383.71(a);
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.

The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial instruction permit to provide a social security card and proof of residence address."

Renumber accordingly

2009 SENATE TRANSPORTATION

HB 1161

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1161

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 5, 2009

Recorder Job Number: 10240

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Lee opened the hearing on Engrossed HB 1161 relating to legal presence for obtaining an operator's license or non driver identification card, license renewal fees and commercial driver's license fees.

Francis Ziegler, Director of ND Department of Transportation introduced the bill and said that Linda Butts of their department will be submitting some amendments to this bill. Their concern is that of December 31st, 2009 we are going to lose the ability to get on an airplane or go into a federal building if the Department of Transportation doesn't get another time extension from Homeland Security. What the amendment will give us is latitude to work toward getting the next steps made toward Real ID.

Senator Potter asked if he had seen any potential for change at the Federal level.

Ziegler as of two days ago, when they received their last e-mail from Homeland Security they realize the problem but when he was in Washington DC he talked to our Congressman about the issue and asked if there was a chance that it could be changed and all three said they were very concerned about safety and how to accomplish this. So when you ask the question if we can drop back where we were in the pass, the answer is, "I don't believe so." It remains

to be seen what documents we will need to get on airplanes and into federal buildings. He said Department of Transportation is working on the extension.

Senator Fiebiger asked about the extension.

Ziegler the extension now takes us to December 31, 2009.

Senator Fiebiger said that there seems to be a conflict because the legislature doesn't want Department of Transportation to advance toward Real ID.

Ziegler said that all they were trying to do is get more time to go down the path. He said whether it is Real ID or something else and something else is where we want to go.

Senator Potter asked if we didn't already have an enhanced driver's license.

Ziegler said we have a license that isn't as duplicatable but an enhanced driver's license is the next step where you have to collect documents.

Linda Butts, Deputy Director Driver and Vehicle Services of ND Department of Transportation testified in support of Engrossed HB 1161. She submitted the Driver's License pamphlet and the Real ID Document Acceptance chart. She passed out attachments #1 & #2 and also presented written testimony #3. She explained each part of the bill and the need to do this. She then passed out and explained in detail the amendments to engrossed HB 1161. Attachment #4.

Senator Nething so you are asking us to put in amendments that the House deleted?

Linda Butts replied, yes. Department of Transportation is hoping you can keep this alive so it can go to a conference committee.

Senator Nething asked why the House took the amendments out.

Linda Butts said they did this for two reasons: One, they were uncomfortable leaving it open to what Department of Transportation may charge. Second, they took out the language that

would put a mark on the face of the license. Everything is changing so fast we are trying to keep the bill alive to give Department of Transportation more time.

Senator Fiebiger said he had been at a meeting last year in WDC and the states were up in arms about the rules and Real ID. He understands the date of December 31, 2009 but he doesn't believe we will be the only state across the nation that is dealing with this issue. He believes that Homeland Security will work with the states to allow them flexibility. Why do we need to do this in a time when the rules keep changing?

Linda Butts said that they know if they don't get the bare minimum of what the House did, that they are led to believe our citizen's wouldn't be able to get on the planes after Dec. 31, 2009.

Senator Fiebiger said when they need authority to get more information, and he is reading the engrossed bill at the bottom of page 1, he reads that as being as broad as they could put anything in there. It is saying Department of Transportation can do anything they want.

Linda Butts replied that as far as gathering information, yes.

Senator Fiebiger has a problem with the language and the broadness of it.

Senator Potter asked if she believed other states will be denied access to board airplanes.

Linda Butts said she did not know. She said there are 21 states who don't want to work toward Real ID.

Senator Potter asked a question on the cost of issuance and what it included.

Linda Butts explained what they would have to do and how it would work. She would estimate that cost of license would double.

Senator Potter asked why we just didn't use a passport.

Linda Butts replied that this has been discussed and it is an option but people value their passports as a fairly valuable document that there is a fear of loss and it doesn't fit in their wallet or purse.

Senator Nething had a question on her 4th bullet of her testimony where she talks about states now having until December 1, 2014 and 2017 to be fully compliant. Why the two dates and is that December of 2017?

Linda Butts clarified that it was December 2014 and December 2017. She also said that everyone under 50 will have to have their ID or license by December 2014, everyone over has until December 2017.

Discussion followed on the time frame, the reason for trying to get more time, the process of working with the House to get more time. The reasons why Department of Transportation would like it to go to conference committee. Also discussion followed on the fees and the possibility of capping the fee at double what it is now if that would make the bill more appealing.

Senator Fiebiger also has questions on the broad language in the amendments and Linda said that this language could be worked on.

Closed the hearing on Engrossed HB 1161.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1161

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 20, 2009

Recorder Job Number: 11329

Committee Clerk Signature

Joan Hauge

Minutes:

Committee work on Engrossed HB 1161 relating to legal presence for obtaining an operator's license or nondriver identification card, license renewal fees, and commercial driver's license fees. Roll call was taken and Senator Marcellais was absent.

Senator Lee said that the committee has had discussion on this bill and they have asked Linda Butts to answer question and be a source of information for the committee. He said that DOT had originally offered some amendments when the committee heard the bill but is no longer interested in the amendments. He asked Linda to refresh our memories of what this bill is about and what they would like to see happen with it.

Linda Butts, Department of Transportation said that Real ID is a moving target and continues to be a moving target. The last legislation had a resolution to the Congress that they do not pass Real ID. The governor from Arizona is now head of Homeland Security and she has been e-mailing back and forth with them and as of late they have had a Conference Call with the head of Homeland Security. There are going to be amendments offered to the Real ID bill. The first part of Real ID is the work that has been done by many states is securing the drivers license itself so they are less likely to be compromised or copied. Another thing that they have done is that the ID expires for foreigners when their Visa expires. Our people are well trained

and we are one of the few states that can access the National Data Base to confirm that your Social Security number is the same as your record. She said they worked with the House Transportation Committee to get the very minimum so our citizens can get on a plane after December 31, 2009. Where we are today is trying to give the state more flexibility for exceptions. We as a state can develop our exceptions. If this bill would pass the state would be in compliance on 15 of the 18. Then in 2011 we will have more information on Real ID and then can decide what to do.

Senator Lee asked what we have to have to get those 15 points.

Linda says what this bill does is allows us to exam addition documents. Allows us to prove you are a US citizen or that you have a legal right to live in this country. By examining addition documents it will give us the 15 out of 18. She referenced the bottom of page one of handout #1.

Senator Fiebiger said that if last session this body went on record to oppose Real ID and it continues to be a moving target, why do we have to do anything? What is the magic of 15? Why don't we have to have all 18? From a policy stand point where does this get us at the end of the day?

Linda said the things that we are asking permission to do have not been changed and will not be changed. She said that this particular legislation ties back to the original 18. Homeland Security is being told to work with the states and that is why we can work with 15 and not have to go to all 18.

Discussed how this may change.

Linda: Here is what may change if amendments were accepted in their entirety:

1. It would narrow the official purpose.
2. Gives the states the ability to offer exception process.

3. The government will pay.

4. Establishes a Grant process forcing the Federal Government to pick up some of the cost of this.

Senator Potter asked a question on page 3, line 13 it says it may require a social security card, he said he hadn't had his social security card since he was 19.

Discussion followed on social security cards and also proving residency and legal presence. Also questions on use of "may" and leaving to many options open.

Senator Fiebiger asked if we weren't leaving it to flexible and if we could make a list.

Cindy Worrell, DOT said that this could really limit the flexibility of people coming in and they don't have the right documents and we couldn't look for different documents that would validate the situation.

Senator Lee said then if we pass this it will give the department the ability to:

1. Get the social security information
2. Require proof of residence and legal presence

That would satisfy 15 of the 18 Real ID original requirements and that would pull us through the end of the year and keep us moving until May 2011 date. We would be in compliance and the ND people would be able to use their ID's to get on planes and whatever else.

It will be in 2011 when we have to make some decisions.

Senator Nething asked what would happen if we don't pass this. Ten words or less.

Linda answered that the worse case scenario is that our residents of ND will not be able to get on a plane.

Senator Nething moved a Do Pass.

Senator Nodland seconded.

Senator Fiebiger said that he could not support this. He said he could not imagine that we are the only state. He believes that there will be latitude and that we are not alone as a state. Discussion followed on why the committee should support this. Seemed to be the consensus of the committee to support the bill.

Roll call vote: 4-1-1

Senator Lee will carry the bill.

Date: 3-20-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Engrossed HB 1161

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Other

Motion Made By Senator Nething Seconded By Senator Nodland

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee	✓		Senator Tom Fiebiger		✓
Senator George Nodland	✓		Senator Richard Marcellais		
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 4 No 1

Absent 0

Floor Assignment Senator Lee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 23, 2009 8:42 a.m.

Module No: SR-52-5526
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1161, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1161 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1161

Attach #1

HOUSE TRANSPORTATION COMMITTEE

January 15, 2009

9:45 a.m. Fort Totten Room

**North Dakota Department of Transportation
Linda Butts, Deputy Director Driver and Vehicle Services**

HB1161

Mr. Chairman, Members of the committee, my name is Linda Butts, Deputy Director Driver and Vehicle Services of the North Dakota Department of Transportation.

The North Dakota Department of Transportation and the State Legislature have historically been proactive in protecting the privacy of its citizens. We are here today to request a change in the law so we may respond more quickly in a fluctuating identity security landscape to better serve the citizens, even between legislative sessions.

You are well aware of the heightened sensitivity to security issues in our nation since September 11. At the last session, you went on record opposing the REAL ID act as it was presented. I would like to update you on events since April of 2007 when the Legislature commenced.

- The Western Hemisphere Travel Initiative is in effect. In order for our citizens to return to the US from Canada, Mexico, and the Caribbean by land or sea, they now must have both their driver's license and their birth certificate or a passport. In June of 2009, this will change again to accepting only one document, a passport, passport card, enhanced travel document, or some other "trusted" travel document. *Enhanced Dr. Lic.*
- Last winter, North Dakota requested and was granted an extension to the REAL ID act. This allowed our citizens to continue boarding commercial planes and enter federal buildings with their existing driver's license.
- REAL ID remains the law of the land, but with major modifications. States now have until December 1, 2017 to fully implement the law.
- The federal government is making dollars available on an incremental basis to implement the law. We currently have been allocated \$500,000 which will be used to implement facial recognition and upgrade security cameras at our eight central driver license centers.
- An additional \$600,000 will be available next federal fiscal year to continue implementation.
- As of December 31, 2009, state driver's licenses and identification cards will no longer be allowed by the airlines as identification to board commercial flights, or enter a federal building unless the state receives an additional extension. The only other option for citizens will be for them to have a REAL ID compliant document. The concern is that North Dakota will not receive another extension unless we continue to increase data security at our driver's license sites.

Plan to ask for one

- Within the past week, the National Governors Association has proposed their own recommendations in the "Driver's License Support Act of 2009."
- A California representative also introduced a bill last week to Congress that would reduce federal highway funds to states that don't comply with REAL ID.

Initiatives such as these within the past week and upcoming changes, combined with a new administration, have caused us to be forward-thinking in identifying potential issues for our citizens regarding their identification needs in the next two years.

Currently, North Dakota laws governing the issuance of driver's licenses and identification cards differ from each other. It is our hope to unify the requirements with the changes presented today, as well as allow the DOT some flexibility to navigate what is a very fluid situation in order to serve our citizens.

Page 1 lines 11 & 12: This is giving DOT the ability to add information to the **ID card** as needed. For example, at some point, we will need to add a designation indicating compliant and non-compliant cards.

Page 2 lines 1 & 2: This gives DOT the authority to change the application as to the requirements needed to issue an **ID card**. Currently, DOT has this authority in code for issuing an operator's license as defined in 39-06-07(2).

Page 2 lines 3 & 7: This adds language that will be needed for NDDOT to establish an applicant's "legal presence" or the legal right to be in our country when issuing an **ID card**. We will need to verify lawful status through a birth certificate of a US citizen, or check items such as green cards, visas, and passports.

Page 2 lines 9 & 10: This addresses the reality that increased security measures require a greater investment in time, materials, and security to produce and protect these documents. This language will allow the director to set a fee that pays the incremental cost of issuing an **ID card**. Currently, an **ID card** costs \$8. We will not be able to pay for these additional services without a higher fee.

Page 2 line 30: This language will allow the director to set a fee that pays the incremental cost of issuing a duplicate **ID card**.

Page 3 line 2: This language will allow the director to set a fee that pays the incremental cost of issuing a replacement **ID card** when the cardholder reaches the age of 18 or 21.

Page 3 lines 7, 8, & 13: This adds language that will be needed for NDDOT to establish an applicant's "legal presence" or legal right to be in our country when issuing an **operator's license**.

Page 3 lines 16 & 17: This language will allow the director to set a fee that pays the incremental cost of issuing an **operator's license**, which currently costs \$10.

Page 3 lines 25 & 26: This is giving DOT the ability to add information to the **operator's license** as needed.

Page 4 lines 13 & 14: This language allows the director to set a fee that pays the incremental cost of issuing a renewal or **replacement operator's license**.

Page 4 lines 28 & 29: This language will allow the director to set a fee that pays the incremental cost of issuing a **Commercial Driver's License (CDL)** which currently costs \$15.

Page 4 lines 29 & 30: This gives DOT the authority to change the application as to the requirements needed to issue a **CDL**.

In closing, serving our citizens is the reason that we are requesting these changes. We know that the security environment is changing continuously, and it is our goal to be responsive to those changes between legislative sessions.

Mr. Chairman, I will be happy to take your questions at this time.

Atch
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HB 1161

Driver License Sites 1/1/2007 Thru 12/31/2007														
DL Site	Days Open	Examiners	Salary \$21.33/Hour (Includes Benefits)	Mileage \$.43 per mile	Hardware**	Yearly Access Charge	Device Costs	Phone/ Cell Phones	Rent/ Maint	Permits Licenses/IDs 12-mo period	Cost Card 2.99 (Visage)	Total Revenue	Total Expenses	Per Loc (Loss)
Crosby	12	2	\$4,095.36	\$701.76	\$200.00	\$4,440.00	\$738.00	\$180.00	\$0	258	\$771.42	\$2,755	\$11,127	(\$3,245)
Watford City	24	2	\$8,190.72	\$949.44	\$200.00	\$635.40	\$738.00	\$180.00	\$0	539	\$1,611.61	\$6,010	\$12,505	(\$6,495.17)
Stanley	12	2	\$4,095.36	\$743.04	\$200.00	\$983.40	\$738.00	\$316.44	\$0	261	\$780.39	\$2,740	\$7,857	(\$5,116.63)
Williston	208	2	\$70,986.24	\$0.00	\$1,653.00	\$0.00	\$1,845.00	\$0.00	\$3,990	7,323	\$21,895.77	\$86,400	\$100,370	(\$13,970.01)
New Town	6	2	\$2,815.56	\$371.52	\$0.00	\$0.00	\$369.00	\$0.00	\$0	89	\$266.11	\$948	\$3,822	(\$2,874.19)
Bottineau	36	3	\$23,036.40	\$2,445.84	\$200.00	\$875.40	\$738.00	\$180.00	\$0	1,274	\$3,809.26	\$13,861	\$31,285	(\$17,423.90)
Rugby	24	3	\$15,357.60	\$1,320.96	\$200.00	\$851.40	\$738.00	\$180.00	\$0	1,052	\$3,145.48	\$11,329	\$22,132	(\$10,803.44)
Rolla	28	3	\$17,917.20	\$2,817.36	\$400.00	\$1,391.40	\$738.00	\$180.00	\$0	1,739	\$5,199.61	\$11,659	\$28,644	(\$16,984.57)
Minot	260	4	\$199,648.80	\$0.00	\$2,479.00	\$2,520.00	\$2,952.00	\$0.00	\$7,926	24,078	\$71,993.22	\$263,852	\$287,519	(\$23,667.02)
Harvey	24	3	\$15,357.60	\$1,548.00	\$200.00	\$1,370.40	\$738.00	\$180.00	\$0	949	\$2,837.51	\$10,283	\$22,232	(\$11,948.51)
Carrington	36	2	\$12,286.08	\$1,733.76	\$200.00	\$4,400.00	\$738.00	\$180.00	\$0	742	\$2,218.58	\$7,740	\$21,756	(\$14,016.42)
Devils Lake	208	2	\$70,986.24	\$0.00	\$1,653.00	\$10,080.00	\$1,845.00	\$0.00	\$12,000	7,105	\$21,243.95	\$81,873	\$117,808	(\$35,935.19)
Langdon	36	3	\$23,036.40	\$3,281.76	\$200.00	\$4,440.00	\$738.00	\$180.00	\$0	847	\$2,532.53	\$8,872	\$34,409	(\$25,536.69)
Grand Forks	260	4.5	\$224,604.90	\$846.24	\$2,680.00	\$0.00	\$3,321.00	\$0.00	\$0	23,779	\$71,099.21	\$258,318	\$301,705	(\$43,387.11)
Mayville	24	3	\$15,357.60	\$1,744.08	\$200.00	\$719.40	\$738.00	\$180.00	\$1,975	926	\$2,768.74	\$9,374	\$20,810	(\$11,435.98)
Grafton	52	3	\$33,274.80	\$1,744.08	\$200.00	\$660.00	\$738.00	\$180.00	\$1,975	2,802	\$8,377.98	\$31,067	\$47,150	(\$16,082.86)
Fargo	260	6.5	\$324,429.30	\$0.00	\$3,393.00	\$0.00	\$4,797.00	\$0.00	\$0	37,187	\$111,189.13	\$396,231	\$443,808	(\$47,577.43)
Fargo Express	260	1	\$49,912.20	\$0.00	\$200.00	\$0.00	\$0.00	\$0.00	\$0	11,515	\$34,429.85	\$120,870	\$84,542	\$36,327.95
Lisbon	24	3	\$15,357.60	\$1,465.44	\$200.00	\$1,139.40	\$738.00	\$180.00	\$0	1,191	\$3,561.09	\$12,867	\$22,642	(\$9,774.53)
Wahpeton	48	3	\$30,715.20	\$2,311.68	\$200.00	\$3,780.00	\$738.00	\$95.40	\$900	3,367	\$10,067.33	\$36,045	\$49,408	(\$13,362.61)
Valley City	52	3	\$33,274.80	\$2,683.20	\$200.00	\$10,080.00	\$738.00	\$180.00	\$2,100	2,430	\$7,265.70	\$25,204	\$56,522	(\$31,317.70)
Oakes	24	3	\$15,357.60	\$2,394.24	\$200.00	\$1,139.40	\$738.00	\$180.00	\$0	1,198	\$3,582.02	\$13,067	\$23,591	(\$10,524.26)
Jameson	260	2	\$88,732.80	\$0.00	\$2,053.00	\$5,640.00	\$1,845.00	\$911.76	\$5,623	9,364	\$27,998.36	\$105,895	\$132,804	(\$26,908.92)
Bismarck	260	4.5	\$224,604.90	\$0.00	\$2,680.00	\$0.00	\$4,428.00	\$0.00	\$0	39,047	\$116,750.53	\$414,746	\$348,463	\$66,282.57
Linton	24	2	\$10,238.40	\$1,362.24	\$200.00	\$599.40	\$738.00	\$180.00	\$0	537	\$1,605.63	\$5,408	\$15,263	(\$9,854.67)
Carson	24	2	\$10,238.40	\$1,320.96	\$200.00	\$4,440.00	\$738.00	\$180.00	\$0	501	\$1,497.99	\$4,950	\$18,615	(\$13,665.35)
Steele	6	2	\$2,815.56	\$221.88	\$0.00	\$0.00	\$369.00	\$180.00	\$0	83	\$248.17	\$733	\$3,835	(\$3,101.61)
Wishak	24	2	\$10,238.40	\$2,125.92	\$200.00	\$991.92	\$738.00	\$180.00	\$0	540	\$1,614.60	\$5,768	\$16,089	(\$10,320.84)
Garrison	6	2	\$2,815.56	\$361.20	\$0.00	\$0.00	\$369.00	\$180.00	\$0	115	\$343.85	\$1,096	\$4,070	(\$2,973.61)
Bowman	28	3	\$17,917.20	\$1,781.92	\$200.00	\$488.76	\$738.00	\$180.00	\$0	914	\$2,732.86	\$10,074	\$24,039	(\$13,964.74)
Beulah	24	3	\$15,357.60	\$1,609.92	\$200.00	\$1,993.32	\$738.00	\$180.00	\$0	1,458	\$4,359.42	\$15,541	\$24,438	(\$8,897.26)
Hazen	6	2	\$2,815.56	\$438.60	\$0.00	\$0.00	\$369.00	\$180.00	\$0	127	\$379.73	\$1,197	\$4,183	(\$2,985.89)
Dickinson	208	2.5	\$110,916.00	\$0.00	\$1,653.00	\$0.00	\$1,845.00	\$0.00	\$0	10,454	\$31,257.46	\$119,871	\$145,671	(\$25,800.46)
Total			\$1,706,783.94	\$36,580.96	\$22,644.00	\$63,659.00	\$39,114.00	\$6,381.60	\$34,514	193,791	\$579,435.09	\$2,096,644.00	\$2,489,112.59	(\$392,468.59)

Sites that closed in 2007:
 **Includes DOT PC's and QTest Units
 (\$313 per QTest machine, \$200 per PC, each over a 4 year period)

#3 HC 1161

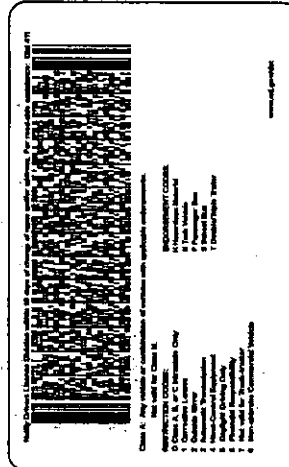
Back of Card

Back of the card has verbiage across the top stating:

Notify Drivers License Division within 10 days of change of name and/or address.

2 Dimensional bar code that contains data from the front of the card

Description of the Class, any restrictions or endorsements specific to the card holder



Identification Cards do not display Class, Restrictions or Endorsements. They display:
"This is not a driver license"

• Class, Restrictions and Endorsements

• License/Identification Number

• Date of Birth

• Expiration Date

are clustered together and printed clearly in the large color-coded box on the bottom of the card.

Security Laminate



A transparent hologram following the custom-designed pattern displayed above discreetly overlays the front of every card.

Alternating images appear when the card is viewed from various angles.

The appearance of this Optically Variable Device enhances the authenticity of the card.



North Dakota Drivers License and Traffic Safety Division

North Dakota Department of Transportation

608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700
Find us on the web: www.nd.gov/dot

North Dakota

is getting new

Driver Licenses

and IDs



What you need to

know

North Dakota Driver Licenses and ID Cards Have a New Look...

Beginning Spring of 2006

Beginning Spring of 2006, the North Dakota Driver License and Traffic Safety Division will begin issuing a newly-designed driver license and identification card. The new cards will be phased in over a four year period, so you will continue to see old style licenses and IDs until they reach their normal expiration dates. The new cards comply with the American Association of Motor Vehicle Administrators (AAMVA) specifications.

EXCITING INNOVATIONS

With the new design, cards issued to persons under the age of 21 will be printed in a vertical format. Next to the portrait, a red bar states "Turns 21 on..."



For persons under 18, a yellow bar is added that states "Turns 18 on..."



OTHER INNOVATIONS

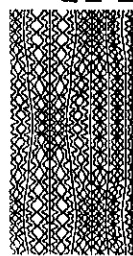
A landscape of the North Dakota Badlands graces the top of each card type and a number of security features makes these new cards harder to alter, tamper or counterfeit.



Under 21/18 cards have a different bison.



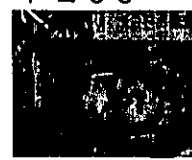
Quick Identifiers in State map



Special guilloche background pattern



A ghost image of the customer's portrait

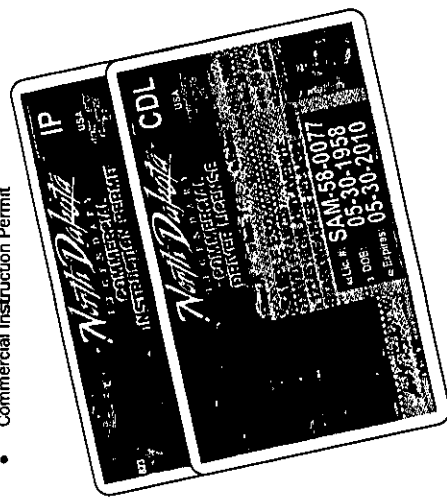


The Great Seal of North Dakota overlaps the customer's portrait

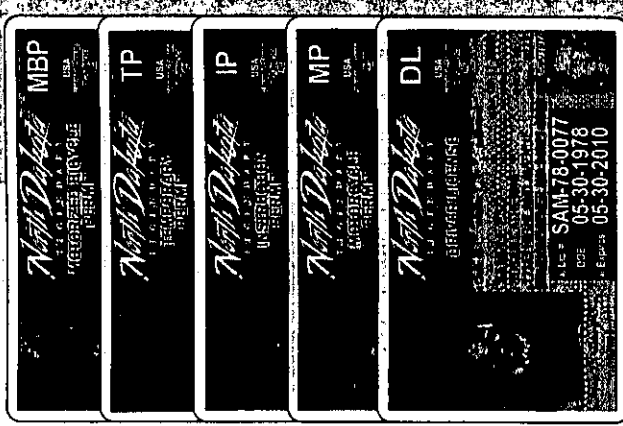
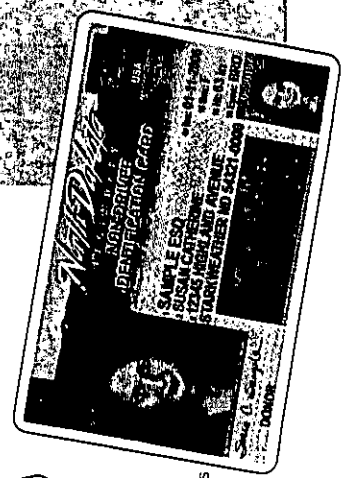
COLOR-CODING

Cards will be color-coded by type:

- BLUE with Pink Sky
 - Regular Driver License
 - Motorcycle Permit
 - Regular Instruction Permit
 - Temporary Permit
 - Motorized Bicycle Permit
- GREEN with Pink Sky
 - Commercial Driver License
 - Commercial Instruction Permit



- ORANGE with Green Sky
 - Non-Driver Identification Cards



HB1161

Memo

To: House Transportation Committee
From: Jonathan Godfread
CC: [Click [here](#) and type name]
Date: 1/15/2009
Re: HB 1161 Surrounding states actions regarding the REAL ID act.

Minnesota

EO 08-08

(Last Update: 5/29/2008)

Sponsor: Gov. Tim Pawlenty (R)
Bill Type: Referendum/Proposition **Date of Last Action:** 5/17/2008 **Status:** Enacted
Topics: Other Driver's License Bill | Refusal to Comply
Citation: EO 08-08
Summary: Prohibits the Commissioner of Public Safety from implementing REAL ID without legislative authorization. Requires the Commissioner to take action to secure state driver's licenses.
Bill History: Issued 5/17/08.

HB 1438

(Last Update: 4/20/2007)

Sponsor: Rep. Carlos Mariani (DFL)
Bill Type: House/Assm Bill **Date of Last Action:** 3/21/2007 **Status:** Pending
Topics: Refusal to Comply
Citation: HB 1438
Summary: Prohibits the Commissioner of Public Safety from complying with the REAL ID Act. Companion to SB 984.
Bill History: Introduced 2/26/07. To the House Public Safety and Civil Justice Committee 2/26/07. Re-referred to the Transportation Finance Division on 3/21/07.

HB 3807

(Last Update: 5/29/2008)

Sponsor: Rep. Tim Mariani (DFL) et. al.
Bill Type: House/Assm Bill **Date of Last Action:** 5/18/2008 **Status:** Vetoed by Governor
Topics: Refusal to Comply
Citation: HB 3807
Summary: Prohibits state compliance with REAL ID.
Bill History: Introduced 3/4/08. Passed House 5/13/08. Passed Senate 5/13/08. Vetoed by the Governor 5/16/08. Veto overridden by House 5/18/08.

HF 1351*(Last Update: 4/29/2008)***Sponsor:**

Rep. Frank Hornstein (DFL)

Bill Type:House/Assm Bill **Date of Last Action:** 4/25/2008 **Status:** Vetoed by Governor**Topics:**

Refusal to Comply

Citation:

HF 1351

Summary:

Long-range transportation planning bill. Section 51 prohibits the commissioner of public safety from taking any action to comply with the REAL ID Act.

Bill History:

Introduced 2/26/07. Referred to Transportation Finance 2/26/07. From Transportation Finance 3/21/07 do pass. To Ways and Means. From Ways and Means to pass 4/25/07. To second reading. Amended on House floor 5/10/07. Passed House 5/10/07. To Senate. Laid on table 5/11/07. Amended on Senate floor 5/15/07. Passed Senate 5/15/07. To House for concurrence. House does not concur. House conferees selected 5/17/07. Returned from the Senate with amendments and the House did not concur on 5/16/07. Senate acedes on 3/25/08. Passed Senate on 4/21/08. Vetoed by the Governor 4/25/08.

SB 1971*(Last Update: 5/14/2007)***Sponsor:**

Sen. Steve L. Murphy (D)

Bill Type:Senate Bill **Date of Last Action:** 5/9/2007 **Status:** Pending**Topics:**

Refusal to Comply

Citation:

SB 1971

Summary:

Prohibits the Commissioner of Public Safety from implementing or planning to implement the Real ID Act.

Bill History:

Introduced and referred to the Senate Transportation Committee on 3/19/07. Reported out of committee favorably on 3/30/07. Stricken and re-referred to the Transportation Committee on 4/13/07. Passed as amended in committee. General order stricken and re-referred to the Finance Committee on 4/19/07. Committee reported to pass as amended. Re-referred to Rules and Administration 4/25/07. From Senate Rules and Administration Committee do pass 4/27/07. Amended on Senate floor 5/4/07. Amended on Senate floor 5/7/07. Passed Senate, to House 5/9/07.

SF 984*(Last Update: 5/21/2007)***Sponsor:**

Sen. Ray Vandeveer (R) et. al.

Bill Type:Senate Bill **Date of Last Action:** 5/20/2007 **Status:** Pending**Topics:**

Refusal to Comply

Citation:

SF 984

Summary:

Prohibits state compliance with REAL ID.

Bill History:

Introduced 2/19/07. To Senate Transportation Committee 2/19/07. Do pass recommendation from the Transportation Committee and second reading on 3/23/07. Recommended to pass the Senate on 4/16/07. Passed the Senate and moved to the House on 4/19/07. Recalled and referred to the House Rules and Legislative Administration Committee.

Montana**HB 287***(Last Update: 4/18/2007)***Sponsor:**

Rep. Brady Wiseman (D)

Bill Type:House/Assm Bill **Date of Last Action:** 4/17/2007 **Status:** Enacted**Topics:**

Refusal to Comply

Citation:

HB 287

Summary: Directs the Montana Department of Justice and the motor vehicle administration not to participate in the federal REAL ID Act and to report to the Governor any attempts by the federal Department of Homeland Security to secure implementation of REAL ID.

Bill History: Draft requested 11/9/06. First reading 1/10/07. Fiscal note requested 1/10/07. Introduced 1/10/07. To House Judiciary Committee 1/11/07. Passed House Judiciary Committee 1/26/07. Passed second reading 1/31/07. To Third Reading in House 2/1/07. Passed House, to Senate 2/1/07. Hearing scheduled for 3/6/07. Committee reports bill concurred as amended 4/2/07. Passed to 3rd reading 4/4/07. Returned to House with amendments 4/4/07. Passed House. Sent to enrolling 4/11/07. Signed by the Governor on 4/17/07.

HB 384

(Last Update: 5/2/2007)

Sponsor: Rep. Diane Rice (R)

Bill Type: House/Assm Bill **Date of Last Action:** 4/27/2007 **Status:** Not Enacted

Topics: Refusal to Comply

Citation: HB 384

Summary: Nullifies REAL ID as it would apply to Montana. Requires the motor vehicle administration to report to the Governor an effort to secure implementation by the federal government.

Bill History: Draft request received 12/04/06. Draft delivered to requestor 1/16/07. Introduced 1/18/07. Passed Judiciary Committee 1/26/07. Passed second reading 1/31/07. To Third Reading 2/1/07. Passed House, To Senate 2/1/07. Hearing scheduled for 3/6/07. Tabled in committee 4/2/07. Died in committee 4/27/07.

South Dakota

SCR 7

(Last Update: 4/14/2008)

Sponsor: Sen. Kenneth McNenny (R) et. al.

Bill Type: Senate Resolution **Date of Last Action:** 2/22/2008 **Status:** Enacted

Topics: Urging Congress to Act

Citation: SCR 7

Summary: Urges Congress to repeal the REAL ID Act.

Bill History: Introduced 2/4/08. Passed Senate 2/5/08. Passed House 2/22/08.

Nebraska

LB 285

(Last Update: 6/26/2007)

Sponsor: Transportation and Telecommunications Committee

Bill Type: Senate Bill **Date of Last Action:** 6/1/2007 **Status:** Pending

Topics: Complying

Citation: LB 285

Summary: Authorizes the state Department of Motor Vehicles to do all things necessary to comply with the federal REAL ID Act.

Bill History: Introduced 1/10/07. Read on Floor 1/10/07. Referred to Transportation and Telecommunications Committee 1/11/07. Notice of hearing issued for 3/5/07. Made a Speaker Priority Bill on 3/12/07. First regular session adjourned 6/1/07. Carried over to second regular session.

LB 911

(Last Update: 3/11/2008)

Sponsor: Sen. Carol Hudkins
Bill Type: Senate Bill **Date of Last Action:** 2/26/2008 **Status:** Pending
Topics: Complying
Citation: LB 911
Summary: Intended to bring the state into compliance with REAL ID.
Bill History: Introduced 1/14/08. To the Transportation and Telecommunications Committee 1/15/08. From the Transportation and Telecommunications Committee placed on the General File as amended 2/26/08.

LR 179 (Last Update: 5/21/2007)
Sponsor: Sen. Deb Fischer
Bill Type: Senate Resolution **Date of Last Action:** 5/18/2007 **Status:** Pending
Topics: Other
Citation: LR 179
Summary: Designates the Transportation and Telecommunications Committee to conduct an interim study of the REAL ID Act and different alternatives available to the DMV.
Bill History: Introduced 5/15/07. To the Transportation and Telecommunications Committee 5/18/07.

LR 28 (Last Update: 6/1/2007)
Sponsor: Deb Fisher (NP)
Bill Type: House/Assm Bill **Date of Last Action:** 5/30/2007 **Status:** Enacted
Topics: Refusal to Comply | Urging Congress to Act
Citation: LR 28
Summary: The Nebraska legislature shall oppose the enactment or enforcement of the Real ID Act. Congress should repeal the act to avoid the significant state problems it causes for state sovereignty, individual liberty, and limited government.
Bill History: Introduced on 2/12/07. Notice of hearing on 2/26/07. Reported for further consideration 2/28/07. Passed legislature 5/30/07.

Iowa

HB 2593 (Last Update: 3/26/2008)
Sponsor: Rep. Geri Huser (D)
Bill Type: House/Assm Bill **Date of Last Action:** 3/13/2008 **Status:** Pending
Topics: Other
Citation: HB 2593
Summary: Formerly HSB 753, reintroduced as a study bill. Would create a study committee to evaluate REAL ID implementation.
Bill History: Introduced 2/28/08. To the House Transportation Committee 2/28/08. Introduced as HB 2593 on 3/13/08. To House Transportation Committee 3/13/08.

Wyoming

HJR 5 (Last Update: 3/11/2008)
Sponsor: Rep. Floyd Esquibel (D)
Bill Type: House Resolution **Date of Last Action:** 3/3/2008 **Status:** Not Enacted
Topics: Refusal to Comply | Urging Congress to Act

Citation: HJR 5
Summary: As originally introduced, this resolution indicated that the Wyoming legislature will enact no legislation nor authorize any funding to implement the REAL ID Act. It also urges Congress to repeal the REAL ID Act.

An amendment removed provisions indicating intent to not comply.

Bill History: Introduced 2/11/08. From House Judiciary Committee 2/20/08 do pass with amendment. Did not consider in Committee of the Whole 3/3/08.

HJR 8

(Last Update: 2/26/2007)

Sponsor: Rep. Floyd Esquibel (D) et. al.
Bill Type: House Resolution **Date of Last Action:** 2/6/2007 **Status:** Not Enacted
Topics: Refusal to Comply | Urging Congress to Act
Citation: HJR 8

Summary: Resolves that Wyoming opposes any part of REAL ID that violates the Constitutions of Wyoming or the United States. Resolves that Wyoming pass no legislation or make no appropriation to further the implementation of REAL ID in Wyoming unless it is solely for the purpose of a study. Urges Congress to repeal REAL ID or fully fund implementation of the Act.

Bill History: Introduced 1/18/07. Recommended do pass from committee 1/26/07. To House general file 1/26/07. Passed House 2/5/07. To Senate. Missed cutoff date for report. Inactive.

SB 38

(Last Update: 1/9/2009)

Sponsor: Senate Transportation, Highways and Military Affairs Committee
Bill Type: Senate Bill **Date of Last Action:** 12/18/2008 **Status:** Pending
Topics: Complying
Citation: SB 38

Summary: Revises existing law in regards to driver's licenses to bring the state in compliance with Real ID.

Bill History: Prefiled on 12/18/08.



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ND received a time extension through December 31, 2009, for complying with REAL-ID.

REAL ID DOCUMENT ACCEPTANCE						
ACTION	Current Drivers License	Real ID Compliant Drivers License	REAL ID Compliant EDL/EID	Pass Port	Pass Port Card	
	Board a Commercial Airplane	Yes, with Real ID extension until 05/11/11*	Yes	Yes	No	
	Return from the Western Hemisphere by land/sea	Yes, with birth certificate until 06/01/09	Yes	Yes	Yes	
	Return from anywhere in the world by air	No	No	Yes	No	
	Use to drive a vehicle	Yes	Yes	No	No	
	Enter into a federal building	Yes, with Real ID extensions until 5/11/11*	Yes	Yes	No	
	Needs RFID (Radio Chip Frequency ID Chip)	No	No	No	Yes	
	Approximate cost	\$10	\$25 - \$30	\$85 - \$100	\$45/20	

*First extension goes through 12/31/09, and second extension goes through 5/11/11.

SENATE TRANSPORTATION COMMITTEE**March 5, 2009, 10:15 a.m.****Lewis & Clark Room****North Dakota Department of Transportation
Linda Butts, Deputy Director Driver and Vehicle Services****HB1161**

Mr. Chairman, Members of the committee, my name is Linda Butts, Deputy Director Driver and Vehicle Services of the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today.

The North Dakota Department of Transportation and the State Legislature have historically been proactive in protecting the privacy of its citizens. We are here today to request a change in the law so we may respond more quickly in a fluctuating identity security landscape to better serve the citizens, even between legislative sessions.

You are well aware of the heightened sensitivity to security issues in our nation since September 11. At the last session, you went on record opposing the REAL ID act as it was presented. I would like to update you on events since April of 2007 when the Legislature recessed.

- The Western Hemisphere Travel Initiative is in effect. In order for our citizens to return to the US from Canada, Mexico, and the Caribbean by land or sea, they now must have both their driver's license and their birth certificate or a passport. In June of 2009, this will change again to accepting only one document, a passport, passport card, enhanced travel document, or some other "trusted" travel document.
- Last winter, North Dakota requested and was granted an extension to the REAL ID act until December 31, 2009. This allowed our citizens to continue boarding commercial planes and enter federal buildings with their existing driver's license.
- As of December 31, 2009, state driver's licenses and identification cards will no longer be allowed by the airlines as identification to board commercial flights, or enter a federal building unless the state receives an additional extension. The only other options for our citizens will be to have a REAL ID compliant document such as a passport. Without concrete direction in statute, the concern is that North Dakota will not receive another extension.
- As of today, REAL ID remains the law of the land, but with major modifications. States now have until December 1, 2014 and 2017 to be fully compliant – meaning everyone must have a REAL ID compliant license or identification card or a new card stating non compliant with the REAL ID.
- To meet this deadline, we must begin issuing new REAL ID compliant cards by May 11, 2011, if not earlier. The lead time to complete project work is nearly 18

months. Waiting until next session to provide enabling legislation on this process will not allow us to meet the deadlines.

- The federal government is making dollars available on an incremental basis to implement the law. We currently have been allocated \$500,000 which will be used to implement facial recognition and upgrade security cameras at our eight central driver license centers.
- An additional \$600,000 will be available next federal fiscal year to continue implementation.
- The National Governors Association has proposed their own recommendations in the "Driver's License Support Act of 2009."
- A California representative recently introduced a bill in Congress that would reduce federal highway funds to states that don't comply with REAL ID.

Initiatives such these and potential possible changes with a new administration are creating a very fluid environment. As such we are trying to be proactive in identifying potential issues for our citizens regarding their identification and mobility needs in the next two years and beyond.

The engrossed version of HB 1161 allows NDDOT to examine additional documents as needed for driver's license security and identity preservation.

March 3, Department of Homeland Security (DHS) Janet Napolitano told staff "We are looking at whether statutory changes need to be made to REAL ID." She also mentioned they'd look at whether some version of the enhanced driver's license would be feasible and that she would expect that over the course of the spring they'll be rolling something out.

For that reason, today, we have prepared amendments to HB 1161 that would restore the changes made in the House.

These amendments will give us the ability to:

1. Place on a new driver's license or identification card the elements required to comply with federal law.
2. Pass on the incremental cost that will be incurred in issuing the new license.
3. Verify proof of residence address

In closing, these amendments will allow us to comply with the federal law and maintain the mobility of our citizens. We know that the security environment is changing continuously, and it is our goal to be responsive to those changes between legislative sessions.

Mr. Chairman, I will be happy to take your questions at this time.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1161

Page 1, line 2, remove "3 of" and replace with "1 of section 39-06-14,"

Page 1, line 24, after "application" insert "and identification card"

Page 2, line 1, remove "improve identity security" and replace with "comply with federal law"

gnd 2 Page 2, line 9, after "dollars" insert ", or a fee determined by the director that does not exceed the cost of issuance"

gnd 2 Page 2, line 29, after "fee" insert ", or a fee determined by the director that does not exceed the cost of issuance"

p2 Page 2, line 31, after "fee" insert ", or a fee determined by the director that does not exceed the cost of issuance"

st 1 Page 3, line 12, remove "improve identity security" and replace with "comply with federal law"

Page 3, after line 23, insert:

"SECTION 4. AMENDMENT. Subsection 1 of section 39-06-14 of the North Dakota Century code is amended and reenacted as follows:

1. The director, upon payment of a ten dollar fee, or a fee determined by the director that does not exceed the cost of issuance, shall issue to every qualified applicant an operator's license as applied for in the form prescribed by the director. The license must bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number. The license must contain such other information as the director may require. If the licensee is under the age of eighteen, the photograph must be against a color border or background that is different from the color used for other licensees. If the licensee is at least the age of eighteen and is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees. If requested on the license application, the

license issued by the director must include a statement making an anatomical gift under chapter 23-06.6. No license is valid until it has been signed by the licensee with the licensee's usual signature. The department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under chapter 23-06.6. For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record.

Page 3, line 24, remove "Subsection 3 of section" and replace with "Section"

Page 3, after line 25, insert:

1. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of an operator's license for a person whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of an operator's license for a person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral. A person who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.

2. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license.
3. An applicant for renewal must present the application with fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. ~~After the initial application for a license in this state, the~~ The director may not require an applicant for renewal, replacement, or a substitute to provide a social security card ~~unless the applicant is changing the distinguishing number on the license to the applicant's social security~~ number and proof of residence address. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
4. Every application for renewal of a license by an applicant must be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The director shall provide visual examination equipment at each location where a license may be renewed. The initial application for a motor vehicle operator's license may be accompanied by a statement of examination from a licensed physician or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the department examination. This examination must be within six months of the driver's license application.

5. Every person submitting an application and fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to such application, must be treated as a new driver.

✕✓ 6. The fee for renewal or replacement of an operator's license is ten dollars, or a fee determined by the director that does not exceed the cost of issuance.

Page 3, remove lines 26 through 31

Page 4, remove lines 1 through 7

✕✓ Page 4, line 21, after "dollars" insert "or a fee determined by the director that does not exceed the cost of issuance"

✕\ Page 4, line 23, remove "improve identity security" and replace with "comply with federal law"

Renumber accordingly

#1

(1) To establish identity, the applicant must present at least one of the following source documents:

- (i) Valid, unexpired U.S. passport.
- (ii) Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth.
- (iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545.
- (iv) Valid, unexpired Permanent Resident Card (Form I-551) issued by DHS or INS.
- (v) Unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B.
- (vi) Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.
- (vii) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570.
- (viii) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS.
- (ix) REAL ID driver's license or identification card issued in compliance with the standards established by this Part.
- (x) Such other documents as DHS may designate by notice published in the Federal Register.

(2) Where a State permits an applicant to establish a name other than the name that appears on a source document (for example, through marriage, adoption, court order, or other mechanism permitted by State law or regulation), the State shall require evidence