

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 17, 2004

3:37 p.m.

TAPE (S) 04-7

MEMBERS PRESENT

Senator Gary Stevens, Chair
Senator Gretchen Guess
Senator Lyman Hoffman

MEMBERS ABSENT

Senator John Cowdery, Vice Chair
Senator Bert Stedman

COMMITTEE CALENDAR

HOUSE BILL NO. 304

"An Act naming the Jack Coghill Bridge to the Interior."
MOVED HB 304 OUT OF COMMITTEE

SENATE BILL NO. 284

"An Act relating to an optional election to prevent the name and address of a permanent fund dividend applicant from being disclosed, except to a state or federal agency."
MOVED CSSB 284(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 304

SHORT TITLE: JACK COGHILL BRIDGE TO THE INTERIOR

SPONSOR(S): REPRESENTATIVE(S) COGHILL

05/07/03	(H)	READ THE FIRST TIME - REFERRALS
05/07/03	(H)	TRA, STA
05/12/03	(H)	TRA AT 5:30 PM CAPITOL 102
05/12/03	(H)	Moved Out of Committee
05/12/03	(H)	MINUTE(TRA)
05/13/03	(H)	TRA RPT 5DP
05/13/03	(H)	DP: FATE, OGG, KOHRING, MASEK, HOLM
01/13/04	(H)	STA AT 8:00 AM CAPITOL 102
01/13/04	(H)	Moved Out of Committee
01/13/04	(H)	MINUTE(STA)
01/16/04	(H)	STA RPT 7DP
01/16/04	(H)	DP: GRUENBERG, SEATON, HOLM,

01/16/04 (H) LYNN, COGHILL, BERKOWITZ, WEYHRAUCH
01/20/04 (H) TRANSMITTED TO (S)
01/20/04 (H) VERSION: HB 304
01/21/04 (S) READ THE FIRST TIME - REFERRALS
01/21/04 (S) TRA, STA
02/10/04 (S) TRA AT 1:30 PM BUTROVICH 205
02/10/04 (S) Moved HB 304 Out of Committee
02/10/04 (S) MINUTE(TRA)
02/11/04 (S) TRA RPT 3DP
02/11/04 (S) DP: WAGONER, COWDERY, THERRIAULT
02/17/04 (S) STA AT 3:30 PM BELTZ 211

BILL: SB 284

SHORT TITLE: PF DIVIDEND APPLICATION RECORDS PRIVATE
SPONSOR(s): SENATOR(s) GUESS

01/28/04 (S) READ THE FIRST TIME - REFERRALS
01/28/04 (S) STA, FIN
02/17/04 (S) STA AT 3:30 PM BELTZ 211

WITNESS REGISTER

Willow Seay

Staff to Representative John Coghill

Alaska State Capitol

Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 304 for the sponsor

Sharon Barton

Director, Permanent Fund Dividend Division

Department of Revenue

PO Box 110400

Juneau, AK 99811-0400

POSITION STATEMENT: Answered questions of SB 284

Melissa Wyatt

No address provided

POSITION STATEMENT: Commented on SB 284

Jennifer Rudinger

Executive Director, ACLU

P.O. Box 201844

Anchorage, AK 99520

POSITION STATEMENT: Testified in support of SB 284

ACTION NARRATIVE

TAPE 04-7, SIDE A

CHAIR GARY STEVENS called the Senate State Affairs Standing Committee meeting to order at 3:37 p.m. Present were Senators Guess, Hoffman and Chair Gary Stevens.

HB 304-JACK COGHILL BRIDGE TO THE INTERIOR

CHAIR GARY STEVENS announced HB 304 to be up for consideration. He asked Representative Coghill's staff member to come forward and introduce the bill.

WILLOW SEAY, staff to Representative John Coghill, said this bill would allow bridge 216 to be named the Jack Coghill Bridge to the Interior.

SENATOR LYMAN HOFFMAN jestingly asked if this was Representative Coghill's major piece of legislation for the year.

MS. SEAY smiled broadly and said, "Certainly, it's very important."

CHAIR GARY STEVENS added that Jack Coghill served in an early Legislature and he is alive today.

SENATOR GRETCHEN GUESS made a motion to move HB 304 out of committee with individual recommendations and the attached fiscal note. There being no objection, it was so ordered.

SB 284-PF DIVIDEND APPLICATION RECORDS PRIVATE

CHAIR GARY STEVENS announced SB 284 to be up for consideration. He asked Senator Guess to introduce her bill.

SENATOR GRETCHEN GUESS, sponsor of SB 284, explained that the bill requires the Permanent Fund Corporation to provide a check box on the permanent fund application so the applicant can choose to have their name and address kept private.

She proposed the legislation for reasons of safety and basic privacy and pointed out that for victims of domestic violence it is often necessary to shield their name and address to ensure their safety from a batterer. She used police officers as an example of other Alaskans who may not want their names to be public for safety reasons. Another reason for introducing the bill is the issue of basic privacy because some individuals

simply don't want their name and address to be public information. SB 284 helps to provide safety to those who need it and privacy to those who want it.

SENATOR GUESS noted the Department of Revenue suggested that people who have safety or privacy needs could use a post office, but that costs money and it's unreasonable to assume that someone should pay for his or her own privacy. The other drawback to that solution is that postal zip codes in small communities in particular identify specific locations so the perception of anonymity may be false.

In response to comments from the Department of Revenue, she offered an amendment to include local agencies to those that can access records. She explained that page 1, line 12 would read, "(1) to a local, state or federal agency;" and line 14 would be deleted as a corrective measure because she never intended that an individual could change their mind about confidentiality between application periods.

CHAIR GARY STEVENS remarked that her point on post office boxes in small communities is well taken. He then asked her to comment on why any of this information should be made available and why anyone should have a right to access information taken from the permanent fund application.

SENATOR GUESS explained that the lists are used for a number of purposes and noted that she has accessed the records for private and professional reasons. She continued to say that her philosophic attitude is to provide options whenever possible and SB 284 gives people the option of keeping their name and address private or making it public. However, she agreed to consider making the list fully confidential if that was the will of the committee.

CHAIR GARY STEVENS said the department might be able to speak to the issue, but he questions why the state should be in the business of providing any personal information whatsoever. His second question was how many people access this information.

SENATOR GUESS advised the entire database is available on the Internet and the site might not mark hits.

SENATOR HOFFMAN observed the list is used for jury pool.

SENATOR GUESS added that the information is used for jury pool, child support enforcement and other matches.

SENATOR HOFFMAN made the point that he would like the database to be unavailable for the jury pool and questioned whether that should be clear in the bill.

SENATOR GUESS replied she would consider that if he is committed to the idea, but "It seems a small price to pay for jury duty."

SENATOR HOFFMAN rejoined, "Not in Bethel." Because Bethel is the service area for 56 villages, it's not uncommon for someone to remain on the jury pool for three months once their name comes up and then they are called again the next year. This has stopped some people from signing up for the permanent fund dividend, he said.

CHAIR GARY STEVENS asked if this is the primary way jury pools are formed.

SENATOR GUESS clarified it is the only way. The State of Alaska doesn't use voter registration information as all other states do; it draws from the permanent fund application database only.

CHAIR GARY STEVENS called Sharon Barton forward.

SHARON BARTON, director, Permanent Fund Dividend Division, Department of Revenue, stated that they have not taken a position on the legislation because it is not their business to do so. Nonetheless, to the extent that they are able, they acknowledge that the sponsor's goal of protecting the vulnerable is worthy.

The division posts just names and mailing addresses and she acknowledged that frequently that is the person's physical address. Given the option, the division believes that most applicants would opt to keep their information private.

Because the information has been available on the Internet for several years, they don't have a complete list of the users. They do know that government agencies, Native organizations, process servers, private business, and high school and university students comprise a partial list.

Logistically, adding a check box to the application isn't problematic and because the division is in the midst of a rewrite of their programs and upgrade of their old computer system, a request for an adjustment is timely. However, the caveat is that implementation of the rewrite is contingent on a

pending CIP [Capital Improvement Project] request. If the request is not funded in FY05, accommodation would be more difficult, but they would work with the Legislature to achieve the end.

To explain the fiscal note, she said about half is associated with the computer change and most of the rest relates to processing garnishments if the list isn't available to government agencies. Finally, about \$3,500 reflects the cost of making changes for applicants throughout the year. She noted that implementing the proposed amendment would decrease the fiscal note by half.

CHAIR GARY STEVENS asked if, in her view, the check box is the best solution to protect the privacy of violent crime victims in particular.

MS. BARTON replied this isn't her area of expertise, but the consensus in the department is that this would "be one hole in the dike that is plugged." Because there are a number of sources for addresses, this wouldn't solve the problem.

CHAIR GARY STEVENS asked for an accounting of the other sources.

MR. BARTON named the election database and those that are available for purchase around the state.

SENATOR HOFFMAN asked whether it wouldn't be preferable to use "and" rather than the conjunction "or" when referring to the different agencies.

CHAIR GARY STEVENS asked Senator Guess if she objected to the suggestion.

SENATOR GUESS replied the amendment hadn't been moved and she had no objection.

SENATOR HOFFMAN asked whether the database could be sorted according to zip code, community or any other criteria.

MS. BARTON replied the information is on the Internet so individuals that want to sort the list would have to download the information and use an Excel program or something similar to accomplish their goal.

MELISSA WYATT testified via teleconference to read a letter relating her personal domestic violence story. After taking

numerous steps to ensure their safety, she and her son were finally forced to change names and location to free themselves from "the man who will kill us if he finds us." [Her letter is available in the bill file.]

She asked the committee members whether she and her son might some day be able to collect the permanent fund dividend without endangering their lives. She said she no longer hides, but she must still be prudent. She closed saying, "I doubt that I'm the only woman in this situation."

CHAIR GARY STEVENS thanked her for her moving testimony then asked whether she would attempt to suppress her name from other databases.

MS. WYATT replied she guards her personal information carefully and isn't aware that she is on any other database.

JENNIFER RUDINGER, executive director of the ACLU, testified via teleconference to express strong support for SB 284. She recounted what she learned from a privacy summit she attended several years ago. She suggested that it is astounding how many ways personal data is available on line. She urged members to pass SB 284 because it allows people a choice, which is a step in the right direction.

The ACLU doesn't favor use of a post office box because you shouldn't have to pay a fee for your privacy, they aren't necessarily convenient, and the box number indicates the post office where you receive your mail so it's not as private as you might want it to be. She emphasized there are safety and privacy reasons for the bill and they would prefer that the check box be an opt-in rather than an opt-out. Unless you check the box, it would be assumed that you don't want your information public.

CHAIR GARY STEVENS asked for questions or comments and there were none. He asked Senator Guess to make her amendment number 1.

SENATOR GUESS made a motion to amend on page 1, line 12 to read, "(1) to a local, state and federal agency;" and delete line 14 on page 1.

CHAIR GARY STEVENS asked if there was any objection and there was none. He then asked if there was any objection to moving the CSSB 284(STA) forward. There was no objection and it was so ordered.

CHAIR GARY STEVENS adjourned the meeting at 4:04 pm.