

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 10, 2009  
8:05 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Paul Seaton, Vice Chair  
Representative Craig Johnson  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

Representative Carl Gatto  
Representative Peggy Wilson

**COMMITTEE CALENDAR**

HOUSE BILL NO. 139

"An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

- MOVED HB 139 OUT OF COMMITTEE

HOUSE BILL NO. 136

"An Act limiting the release of certain information concerning certain public employees or officials."

- MOVED CSHB 136(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 139

SHORT TITLE: ALLOW SCREEN DEVICES IN UTILITY VEHICLES

SPONSOR(S): REPRESENTATIVE(S) GATTO

02/18/09	(H)	READ THE FIRST TIME - REFERRALS
02/18/09	(H)	STA, JUD
03/10/09	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 136

SHORT TITLE: PUBLIC RECORDS EXCEPTIONS

SPONSOR(S): JUDICIARY

02/16/09 (H) READ THE FIRST TIME - REFERRALS  
02/16/09 (H) STA, JUD  
02/26/09 (H) STA AT 8:00 AM CAPITOL 106  
02/26/09 (H) Heard & Held  
02/26/09 (H) MINUTE(STA)  
03/10/09 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

ALLISON LAFFEN, Staff  
Representative Max Gruenberg  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 139 on behalf of Representative Gruenberg, co-sponsor.

PHIL STEYER, Director  
Government Relations and Corporate Communications  
Chugach Electric Association (CEA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 139.

JIM POSEY, General Manager  
Anchorage Municipal Light & Power  
Anchorage, Alaska

**POSITION STATEMENT:** His testimony supporting HB 139 was presented by Phil Steyer.

BRIAN NEWTON, President/CEO  
Golden Valley Electric Association (GVEA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 139.

CURTIS THAYER, Director  
Corporate & External Affairs  
ENSTAR Natural Gas Company ("ENSTAR")  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 139.

DANA STROMMEN, Staff  
Representative Jay Ramras  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of the House Judiciary Standing Committee, sponsor, which is chaired by Representative Ramras, discussed changes to HB 136 incorporated in Version 26-LS0574\E, Luckhaupt, 3/5/09.

JANE PIERSON, Staff  
Representative Jay Ramras  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 136, on behalf of the House Judiciary Standing Committee, sponsor, which is chaired by Representative Ramras.

JOHN CYR, Executive Director  
Public Safety Employees Association (PSEA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 136.

JEFF LANDVATTER, Southeast Vice President  
Board of Directors  
Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 136.

ROB HUEN, Chief of Police, Anchorage Police Department,  
Anchorage, Alaska

**POSITION STATEMENT:** Had his testimony in support of HB 136 presented by Robert Glen.

DEREK HSIEH, President  
Executive Board  
Anchorage Police Department Employees' Association (APDEA)  
Anchorage, Alaska

**POSITION STATEMENT:** Had his testimony relating the APDEA's support of HB 136 presented by Robert Glen.

ROBERT GLEN, Sergeant  
Internal Affairs Unit  
Anchorage Police Department  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 136.

KELLY TAYLOR, Deputy Administrator  
Municipality of Anchorage  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 136.

SHARON WEDDLETON, Chief Financial Officer (CFO)  
Municipality of Anchorage  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 136.

ROBERT PEARSON, Special Assistant  
Office of the Commissioner  
Department of Administration (DOA)  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 136.

STEVE VAN SANT, State Assessor  
Anchorage Office  
Division of Community and Regional Affairs  
Department of Commerce, Community, & Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 136.

### **ACTION NARRATIVE**

[8:05:05 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Seaton, Johnson, Petersen, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

### HB 139-ALLOW SCREEN DEVICES IN UTILITY VEHICLES

[8:05:43 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 139, "An Act providing for an exception to allow drivers of public utility motor vehicles to operate those vehicles with certain screen devices operating and visible to the drivers."

[8:05:47 AM](#)

ALLISON LAFFEN, Staff, Representative Max Gruenberg, Alaska State Legislature, presented HB 139 on behalf of Representative Gruenberg, co-sponsor. She explained that House Bill 88, passed during the Twenty-Fifth Alaska State Legislature, prohibits the driver of an automobile from operating a screen device, such as a television, video monitor, or portable computer, within his/her view while the automobile is in motion. Exceptions were made at the time for cell phone and Global Position System (GPS) usage, as well as to address the needs of the Department of Transportation regarding construction and maintenance. However, because of an oversight, an exception was not made for public

utilities companies. The proposed legislation would correct that oversight.

MS. LAFFEN explained the needs of the public utilities companies by paraphrasing a portion of the sponsor statement, which read as follows:

This legislation would provide public utilities with similar access for maintenance, repair, or data acquisition in order to perform their duties. As an example, meter readers for a gas company no longer physically exit their car to collect usage information; instead the information is collected by interrogating the meter as the meter reader drives past the location. The drivers need to verify as they drive by a home, for example, that the data is being collected. More importantly, if there is a gas leak, the driver will see on his screen device that there is a problem with the line as he drives by the point of leak. Finally, the drivers also receive messages from police and fire departments in the case of an emergency where a gas line would need to be shut off. Other public utilities, as defined in AS 42.05.990, have similar reasons for needing access to a screen device in performance of their duties.

[8:08:23 AM](#)

PHIL STEYER, Director, Government Relations and Corporate Communications, Chugach Electric Association (CEA), stated that CEA has two primary uses of screen devices: to view the result of meters being read by a radio signal; and to see the display of a mobile mapping system. He said both those systems have made CEA much more efficient.

[8:10:05 AM](#)

JIM POSEY, General Manager, Anchorage Municipal Light & Power, had his testimony, in support of HB 139 and in appreciation of the work of the committee in addressing the issue, presented by Phil Steyer.

MR. STEYER, in response to Chair Lynn, confirmed that the traditional meter reader is no longer used; meters are now read either by a van-mounted system or by a handheld device. He illustrated the efficiency of the new system by noting that

[CEA] used to need thirteen meter readers, but now only needs about three.

[8:11:14 AM](#)

BRIAN NEWTON, President/CEO, Golden Valley Electric Association (GVEA), said he supports [HB 139]. He said GVEA has been using mobile devices in its trucks for about five years and, through the use of handheld devices, is now doing the work with five meter readers that used to require eight. He noted that GVEA embarked on a program to test the use of laptop [computers] in its trucks. He explained that some of the truck operators, especially those who do repairs, use laptops and have the ability to see the screen as they drive. The information displayed helps the truck operator get to the location much quicker. He said the use of laptops is a critical means of finding direction and becoming more efficient.

MR. NEWTON, in response Chair Lynn, said currently GVEA uses cell phones to relay emergency information, but ultimately the company would like to link the laptop with mobile communication, which would enable it to receive and transmit orders from the field remotely.

[8:13:52 AM](#)

REPRESENTATIVE SEATON said he wants to ensure that the drivers would not be using the laptop while operating the vehicle.

[8:14:34 AM](#)

MR. NEWTON said drivers would be prohibited from entering data while driving; they would use the screen to determine location, but stop the vehicle before entering data.

REPRESENTATIVE SEATON said he wants the committee to make it clear that that prohibition should be part of all the companies' policies.

CHAIR LYNN said that would be the committee's recommendation, but the committee has no power to say what goes into the companies' manuals.

MR. NEWTON said driving while entering information would be as dangerous as driving while "texting" on a cell phone.

[8:16:18 AM](#)

CURTIS THAYER, Director, Corporate & External Affairs, ENSTAR Natural Gas Company ("ENSTAR"), testified in support of HB 139. He said the passage of the bill would ensure that utility companies are in compliance with state law. He related that ENSTAR is a leader in using new technology to improve customer service and hold down operating costs. The company has been using automated meter reading for 10 years, he noted, which provides customers with "real-time" information upon billing. The system requires a van operator to drive through neighborhoods at 10 miles per hour, at which time [the reader] acquires data. Mr. Thayer reported that ENSTAR is looking to introduce a field order system (FOS) to provide real-time information on work orders between field personnel dispatch and customer service. He said ENSTAR currently dispatches its service technicians and distribution crews as a normal course of business, which includes responding to gas leaks, fires, and other emergency situations. He announced that ENSTAR's dispatch response is ranked one of the best in the country, at 21 minutes compared to the national average of 30 minutes.

MR. THAYER, in response to Representative Seaton, said ENSTAR's company policy is that the van operator pull over before doing any testing or data input. Meter reading, he explained involves data being received into a terminal [inside the van] as the driver proceeds down the street.

[8:19:14 AM](#)

REPRESENTATIVE GRUENBERG said the word, "information", used [on page 2, sub-paragraphs] (F), (G), and (I), means information coming in; it needs no further clarification.

[8:19:57 AM](#)

CHAIR LYNN, after ascertaining that there was no one else to testify, closed public testimony.

[8:20:08 AM](#)

REPRESENTATIVE SEATON indicated that some utility companies had expressed concern regarding the issue of vehicle dispatching and response information.

[8:21:20 AM](#)

REPRESENTATIVE GRUENBERG responded by referred to a letter in the committee packet from Gerald P. Luckhaupt, Legislative Counsel, dated March 4, 2009, which read, in part, as follows:

You have asked if the exception provided by this bill for public "utility construction, maintenance, [or] repair" would include dispatching and response information for those purposes. In my opinion it would include dispatching and response information as well as other activities related to "utility construction, maintenance, [or] repair."

REPRESENTATIVE GRUENBERG said this statement was transmitted to the utility companies, and he stated his belief that they are satisfied with the current language.

[8:22:09 AM](#)

REPRESENTATIVE JOHNSON opined that the term "data acquisition" is a broad enough term to cover "anything they want to send to these trucks." He said he thinks it is not necessary to amend the language.

[8:22:40 AM](#)

REPRESENTATIVE GRUENBERG indicated that the new language [on page 2, lines 13-15,] was drafted from language provided by Mr. Thayer and is based upon language in [sub-paragraphs] (F), (G), and (H).

[8:23:07 AM](#)

REPRESENTATIVE SEATON moved to report HB 139 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 139 was reported out of the House State Affairs Standing Committee.

HB 136-PUBLIC RECORDS EXCEPTIONS

[8:23:41 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 136, "An Act limiting the release of certain information concerning certain public employees or officials."

[Before the committee was CSHB 136, Version 26-LS0574\R, Luckhaupt, 2/25/09.]

[8:23:58 AM](#)

DANA STROMMEN, Staff, Representative Jay Ramras, on behalf of the House Judiciary Standing Committee, sponsor, which is chaired by Representative Ramras, discussed changes to HB 136 incorporated in Version 26-LS0574\E, Luckhaupt, 3/5/09. Ms. Strommen indicated that Section 1 would provide that public officer financial disclosure reports from members of boards and commissions whose only compensation is per diem and travel expenses would not be public record. Section 2, she indicated, would amend AS 40.25.160 by adding a new section that would require public agencies to withhold from public disclosure the home address and telephone number and, in certain situations, the name of certain law enforcement officers that may be contained in public records. The list, she said, has been narrowed, and would include: police officer, correctional officer, municipal correctional officer, and parole officer. Furthermore, Section 2, subsection (d), would include the definition of: correctional officer, municipal correctional officer, parole officer, police officer, public agency, and public record.

[8:25:33 AM](#)

REPRESENTATIVE SEATON moved to adopt the proposed committee substitute (CS), Version 26-LS0574\E, Luckhaupt, 3/5/09, as a work draft. There being no objection, Version E was before the committee.

[8:26:20 AM](#)

JANE PIERSON, Staff, Representative Jay Ramras, Alaska State Legislature, echoed the remarks of Ms. Strommen regarding the changes made by the committee substitute and the narrowed range of the proposed legislation.

[8:27:43 AM](#)

MS. PIERSON, in response to Representative Seaton, said it has been difficult to get qualified people to apply for Alaska's boards and commissions, which are non-paying positions, and the committee substitute would ensure that their financial data would not be part of the public record. What would be available, in terms of confirmations, would be the resumes, histories, and forms filled out by those being confirmed.

REPRESENTATIVE SEATON surmised, "If it's not a public record, and we're having a confirmation hearing, we're not going to have access to that information, because as soon as we have access to it, it becomes a public record, unless we're in executive session." He questioned the purpose of filling out a financial record if no one can have access to it other than perhaps the attorney general.

[8:29:33 AM](#)

REPRESENTATIVE JOHNSON indicated that Section 1 of the CS is a response to a request he made. He said as a legislator he has no trouble with the requirement to make in-depth financial reports, but opined that those who serve on boards and commissions without compensation should not be required to report every piece of property they own and every penny they make. The change made in Section 1 would mean that that information would be available, but would only be [public] "if action's taken place."

CHAIR LYNN remarked that those who serve on boards and commissions are part of the public policy process and suggested that the public has a right to understand "where they may be coming from or any potential conflict of interest that they might have."

REPRESENTATIVE JOHNSON replied that the public has that right, but that does not mean they need to know what the public persona's wife or child makes. He said it should be enough to report that income was received from a certain company rather than the exact details of the payment. He reiterated that the level of scrutiny placed on these people drives them away. He said the people he is talking about "read like a who's who of Alaska," including bank presidents, financial leaders, doctors, and lawyers.

CHAIR LYNN pointed out that legislators volunteer to run for office.

REPRESENTATIVE JOHNSON concurred, but said legislators know what they are getting into. He reiterated that "this" keeps qualified Alaskans from wanting to get involved in government. He said those people on boards and commissions would still have to announce conflicts.

CHAIR LYNN asked Representative Johnson if he thinks these requirements keep some qualified people from running for the legislature or for administrative or congressional offices.

REPRESENTATIVE JOHNSON responded, "If they have something to hide, yes, sir. And if they have something to hide, they shouldn't be running."

CHAIR LYNN asked Representative Johnson if that would not apply to those serving on boards and commissions.

REPRESENTATIVE JOHNSON answered, "Not in a voluntary position." He clarified that legislators volunteer to run for office, but they sign up to be candidates. He added, "No one came to you and said you have to run." He predicted that the other committee members may not be in agreement, but he warned that people from the boards and commissions would approach them regarding the loss of good people. He asked, "Why would an attorney be able to volunteer and not have to disclose anything, where a banker volunteers and does have to disclose everything? What's the difference?"

CHAIR SEATON suggested this is essentially the same debate as took place during the hearing of House Bill 109 - the governor's ethics bill.

REPRESENTATIVE JOHNSON replied that it is essentially the same, but "raises it to those that are volunteer."

[8:37:12 AM](#)

REPRESENTATIVE GRUENBERG noted that Sharon Weddleton, the chief financial officer for the Municipality of Anchorage, had sent an e-mail to him [included in the committee packet], in which she raised a lot of policy issues he said he wants to consider. He noted that Version E eliminates "justice or judge" from the list of those who would be allowed to request that personal information contained in the records of a public agency be kept confidential, and he questioned why.

[8:38:56 AM](#)

MS. PIERSON explained the removal of that language was to narrow the scope of the bill; however, she said the bill sponsor would not object to reinserting that language.

REPRESENTATIVE GRUENBERG said he thinks that is a good category to keep in the bill. He related that he has been in family law cases when he and the judge have been threatened. He said he is also concerned about municipal and state prosecuting attorneys for the same reason. He said they are now being issued badges for identification, and he asked that the bill sponsor ask for input from the Department of Law regarding that issue.

[8:40:43 AM](#)

REPRESENTATIVE GRUENBERG noted that Version E changes peace officer to police officer, and he suggested peace officer would be a broader term.

[8:41:23 AM](#)

MS. STROMMEN indicated that the sponsor chose "police officer" to narrow the scope of the bill.

REPRESENTATIVE GRUENBERG told Representative Johnson about two cases wherein the Alaska Supreme Court judged a constitutional right to privacy based not from the point of view of the official, but from the point of view of the client. He said he does not know if a person who comes to a banker for a loan may have an expectation of privacy, as well. He said in the matter of privacy rights, the legislature would be on firm legal and constitutional grounds to consider the issue "from the classification of the client or the customer - whether they have a constitutional right of privacy."

REPRESENTATIVE GRUENBERG, regarding Section 1 of Version E, said he thinks there are two reasons why people might hesitate serving [on a board or commission]: First, because they don't want to divulge information regarding themselves or their spouses; and second, because if they represent clients, they may be concerned that serving may require their clients to give up their right to privacy. He said he would probably support an amendment that would list classes of clientele who would have constitutionally protected rights of privacy.

[8:46:35 AM](#)

CHAIR LYNN said he understands the issue that Representative Gruenberg has raised, but he expressed concern that the legislation could become complicated.

REPRESENTATIVE GRUENBERG said he thinks the issue could be addressed in a manner that would not be unwieldy. He offered an example.

[8:47:25 AM](#)

REPRESENTATIVE JOHNSON noted that this issue was presented to him by various entities across the state who operate with boards and commissions. He said he feels as passionately about this issue as he does the issue of protecting police officers and he "won't let one die for the other."

[8:50:18 AM](#)

REPRESENTATIVE PETERSEN suggested this issue be brought up in a separate bill. He said he is concerned that some information be required from those serving on boards and commissions in order to determine if those people have any "close economic relationships" and, thus, a conflict of interest in issues that they may address. He said he is sure that is the reason that the financial disclosure was required in the first place. He offered his understanding that HB 136 was originally introduced to try, for example, to "shield" some of the information and protect police officers from criminals who may have just been released.

CHAIR LYNN concurred. He said he thinks the main focus of the bill is about physical protection from predators. He said he understands Representative Johnson's concern, but is not sure it fits in the legislation before the committee.

REPRESENTATIVE GRUENBERG reemphasized his concern about protecting clients, and he said he would like to pursue the matter in the House Judiciary Standing Committee.

MS. PIERSON said she would have no problem working with Representative Gruenberg on the issue.

[8:52:50 AM](#)

CHAIR LYNN opened public testimony.

[8:53:04 AM](#)

JOHN CYR, Executive Director, Public Safety Employees Association (PSEA), testified in support of HB 136. He related that over the years, with the advent of the Internet and search

engines, officers - especially those working undercover to crack down on drugs - are being harassed and threatened all around the state. He stated, "It is no longer uncommon for really bad people to say to arresting officers, 'I know where you live; I know where your wife works; I know where your kids go to school.'" He indicated that the PSEA's intent in requesting the bill was to [protect those officers from harm]. In response to a question from Chair Lynn, he said clearly the focus of PSEA is public safety, and he expressed concern that nothing be added to the bill that would jeopardize its passage.

[8:55:07 AM](#)

MR. CYR, in response to a question from Representative Seaton, said he is not Internet savvy enough to know exactly how much information is "out there," but said PSEA's major concern has been regarding the information on the assessor's tax roll list, which he said is readily available and allows anyone to pinpoint where officers live. He said the problem originated in Fairbanks, where officers, during busts of some heavy methamphetamine ("meth") dealers and meth rings, have found maps of people's homes, their addresses, and bomb-making materials.

REPRESENTATIVE SEATON indicated that he would like those in Mr. Cyr's department who are Internet savvy to tell the committee if there are other sources beside the assessor's roll, wherein people could easily obtain a resident's address. He explained that he is considering this issue from the standpoint of policy and the responsibility that may be placed on municipalities related to their reliability in releasing information.

MR. CYR agreed to speak with his employees and return with information.

[8:58:53 AM](#)

JEFF LANDVATTER, Southeast Vice President, Board of Directors, Department of Public Safety, told the committee that he is an Alaska State Trooper with 24 years of service to the state. He stated that peace officers need to know that their homes and families are safe so that they can go to work and do the job that is asked of them, and HB 136 would give those officers one more tool to remove personal information from public view. He said officers are trained to deal with criminals but their families are not. Mr. Landvatter related that he has been threatened several times, which he said gives an officer pause to think about whether he/she is doing everything possible to

protect his/her family. He talked about the simple and quick access to a person's address via the assessor's office information. He indicated that the bill would not be a fix-all, but is a good start toward stopping some information from being readily accessible to the public.

[9:01:26 AM](#)

MR. LANDVATTER, in response to Chair Lynn, said he does not have enough information to be able to speak to Representative Johnson's previously stated concern; his own concern is primarily in regard to public safety.

REPRESENTATIVE GRUENBERG cited Falcon vs. Alaska Public Offices Commission 570p 2nd 469 Alaska 1977, as focusing on the class of patients rather than on the class of the public officials.

[9:03:23 AM](#)

MR. LANDVATTER, in response to Representative Seaton, said peace officer is a broader term, so it would be up to the committee to decide if it wants to include people who perhaps have a less than full commission. He said he thinks the [judicial branch] should speak for itself [in response to the previously noted change of language in Version E]. He clarified that the coverage he is seeking through his testimony is for police officers. In response to Chair Lynn, he said he would have to research to know if that would include Village Public Safety Officers (VPSOs).

[9:04:24 AM](#)

ROB HUEN, Chief of Police, Anchorage Police Department, Anchorage, Alaska, had his testimony in support of HB 136 presented by Robert Glen.

DEREK HSIEH, President, Executive Board, Anchorage Police Department Employees' Association (APDEA), had his testimony relating the APDEA's support of HB 136 presented by Robert Glen.

ROBERT GLEN, Sergeant, Internal Affairs Unit, said his job involves investigation into allegations of police misconduct. He related an incident which illustrates the importance of protecting officers from people who are not emotionally stable. Regarding the previously stated concern about judges and prosecutors taken off the list, he said not only has he had his own life and the lives of his family threatened, but he has also

seen a lot of hostility directed against prosecutors and judges during trial - especially during sentencing. He surmised that prosecutors and judges would have legitimate fears and concerns related to this issue. In response to a question from Representative Gruenberg, he confirmed that he has heard of cases in which public defenders have also been threatened.

CHAIR LYNN commented that it is possible that "everybody could be threatened at one time or another," and he said the committee needs to "put some sideboards on this."

9:08:26 AM

KELLY TAYLOR, Deputy Administrator, Municipality of Anchorage, stated, "I'm speaking on my own personal behalf, and also representing the thoughts and concerns for Marty McGee who's the municipal assessor here."

MS. TAYLOR said the intent of the proposed legislation is good, and she said she can certainly understand the concerns of those who have testified. However, she explained that the concern of her office and that of the assessor's office is regarding the narrowing of scope to cover only the property appraisal and tax web site. Ms. Taylor related that the information that is provided on the municipal assessor's web site in Anchorage is an exact replication of the information that is provided from the State Recorder's Office. That means, she explained, that however a property owner's title is recorded by the State of Alaska, it will be presented exactly the same way in the municipal assessor's database. She stated, "The purpose of the real property recording system is to provide constructive notice of the existence of any interest of real property in Anchorage."

MS. TAYLOR indicated that her experience as a homeowner has taught her that the idea of privacy in ownership is an illusion. She indicated that there are many web sites that a person could use other than that of the assessor to find out where someone lives. She said there are many privately owned web sites that "redistribute information." She reiterated that the original site of the source of that information is from the State Recorder's Office. She opined that individuals with a heightened need for privacy should be encouraged to put their property into a trust or limited liability corporation or "some other fashion" before recording it with the State Recorder's Office, in order that there be no association between their personal name and a specific piece of property.

MS. TAYLOR concluded, "We strongly request that the bill be amended to prohibit the release of the home address, the telephone number of a person who is eligible and applies for confidentiality along with the name." She noted that in an e-mail, Ms. Weddleton has suggested annual maintenance and proof if the choice is made for the assessor to be responsible for maintaining the confidentiality of an individual.

[9:13:01 AM](#)

MS. TAYLOR, in response to a request for clarification from Representative Seaton, stated her understanding that the base of information on the assessor's web site is derived from the State of Alaska. She related that the assessor's office receives a disc weekly that contains all the public documents that are recorded. The municipal staff then looks through that information and pulls out quick claim deeds or warranty deeds to track the change of ownership of a piece of property. In response to a follow-up question, she said the assessor's database will reveal the information that is recorded on the deed or ownership record of a specific piece of property. In a case where 38 names were associated with a trust, for example, the assessor's office would only list the first couple of names because of "the field constriction."

[9:15:07 AM](#)

SHARON WEDDLETON, Chief Financial Officer (CFO), Municipality of Anchorage, noted that she had testified at the prior hearing on HB 136. She stated that the Municipality of Anchorage will support the concept of the bill if it can be "amended properly." Upon the chair's invitation, she listed the amendments that the municipality would like to see. First, she said, would be an amendment to include only property tax web sites. Second, would be an amendment to prohibit the release of a name concurrent with the address of a police officer who desires protection, which would still allow the property tax web site to show the property, its assessed value, and its tax history, without showing the name. She said that would offer a better balance between the public's right to information and the police officer's right to protect him/herself and his/her family. She noted that a pseudonym could be used. Third, would be an amendment to change the current requirement of municipalities, cities, and boroughs to provide daily updates related to applications for confidentiality on their property tax web sites to a more reasonable requirement of updating either quarterly or annually. Last, would be an amendment providing that those

municipalities, cities, and boroughs that make fair and reasonable attempts to maintain the confidentiality of police officers would be held harmless in the event that an administrative error caused a name to erroneously be displayed.

[9:17:56 AM](#)

CHAIR LYNN expressed his desire not to hold the bill back, but instead to address those proposed changes in the House Judiciary Standing Committee.

[9:18:45 AM](#)

MS. WEDDLETON, in response to Representative Petersen, said the pseudonym would need to blend in to the list; John or Jane Doe would probably draw more attention to the property than leaving the original name. She explained that the municipality would most likely keep a paper list showing both the officer's name and the pseudonym being used on the web site. She said this would allow public disclosure of properties owned.

REPRESENTATIVE PETERSEN asked if not listing someone's name on a property list would create problems such as creditors not being able to find the person.

MS. WEDDLETON said she does not know the answer to that question, but she related that she would be more concerned about protecting police from harm than about getting in the way of a creditor.

[9:21:29 AM](#)

MS. WEDDLETON, in response to Representative Seaton, said the pseudonym would be used only for listing the person's primary residence.

REPRESENTATIVE SEATON noted another issue that had been brought to light was concerning the use of [a pseudonym] in the State Recorder's Office. He asked, "Does that also get to the same point?"

MS. WEDDLETON answered, "I believe it would achieve the same objective."

[9:22:51 AM](#)

ROBERT PEARSON, Special Assistant, Office of the Commissioner, said he could not offer much comment on the provisions of Version E without further study. However, he said the department would have no problem developing the forms that would be used to apply for confidentiality and distributing the protected names to the applicable parties.

Representative Seaton directed attention to language [on page 1, beginning on line 12, which read as follows]:

A public agency may not release the portions of a public record that include the home address or telephone number of a person who is eligible for confidentiality

REPRESENTATIVE SEATON said that language is not limited to the assessor's office, but also includes the databases used by the Division of Motor Vehicles and the Division of Sport Fishing to issue licenses. He asked Mr. Pearson if he has considered which databases in which departments would be affected by the bill. He clarified that he wants to know if the inclusion of "or telephone number" would significantly expand the number of agencies that would have to undergo some change from present practices.

[9:26:13 AM](#)

MR. PEARSON said the Department of Administration would not be affected because it does not release telephone numbers in the course of business. He said he cannot speak for other departments.

REPRESENTATIVE SEATON expressed the same interest regarding the inclusion of "home address". He said he assumes that would affect the Alaska Department of Fish & Game (ADF&G) and the Commercial Fisheries Entry Commission, for example. He asked Mr. Pearson to comment.

MR. PEARSON agreed that ADF&G would be affected. He said within the Department of Administration, there is the Division of Personnel, but the information therein is not public and would not be released under current law. He said although driver's licenses can have mailing addresses listed on them, vehicles are identified with a physical address. He said, "That would be something that would be affected by this bill."

REPRESENTATIVE SEATON asked, "How would you see this form being used by DOT to not allow access to the DOT permit database?"

[9:29:39 AM](#)

MR. PEARSON responded:

I think that what we would have to do is collect this form and develop a list of all departments that are affected by this bill, and then just routinely, when a new form was filed, distribute a copy to all departments. ... During that process, we would identify all of the potentially affected information, and we would make sure that copies of this form were distributed to all of the relevant departments.

REPRESENTATIVE SEATON asked if the administration has an opinion regarding the timing of the removal of the material from databases.

[9:30:50 AM](#)

MR. PEARSON said he has not considered that issue. He said the information would still be on databases; it just would not be released to the public.

REPRESENTATIVE SEATON stated his understanding that the bill would require each agency to "scrub" confidential information on its database from public view.

[9:33:35 AM](#)

STEVE VAN SANT, State Assessor, Anchorage Office, Division of Community and Regional Affairs, confirmed Ms. Taylor's remarks that the information in the municipal assessor's database is derived from the State Recorder's Office. He said, "We certainly want to see the officers protected, too, but I just don't feel like we're doing a service to them by saying, 'We're going to give you peace of mind by blocking the assessor's office,' when we can go back door through the Recorder's Office and get the same information that the assessor has." He indicated that it would make more sense to show officers "how they could change their names, put it in trust, whatever, when they got the property or took the job."

[9:35:01 AM](#)

CHAIR LYNN, after ascertaining that there was no one else to testify, closed public testimony.

[9:35:24 AM](#)

REPRESENTATIVE SEATON moved to adopt Amendment 1, to remove Section 1 from Version E. [Section 1 read as follows:]

**\*Section 1.** AS 39.50.050(c) is amended to read:

(c) Reports filed under this chapter shall be kept on file for at least six years and are public records except that a report received from a member of a state board or commission whose only compensation as a member of that board or commission is per diem and travel expenses under AS 39.20.180 is not a public record.

REPRESENTATIVE JOHNSON objected. He said he thinks the issue has been recently related and that when the administration, municipalities, and boards and commissions understand the issue, there will be more feedback regarding it. He said he expects the issue to come up in the House Judiciary Standing Committee, as well as during House and Senate floor discussions. He said if the House State Affairs Standing Committee is going to move the bill forward and allow the House Judiciary Standing Committee fix it, he thinks [Amendment 1] should be forwarded with that same consideration.

REPRESENTATIVE SEATON said Amendment 1 is within the purview of the House State Affairs Standing Committee. He expressed concern regarding those who would be exempted by Section 1. He said there is nothing written about conflict of interest disclosure. He added, "That is the financial disclosure; that is what conflict of interests are." He said there were consultants getting paid large amounts of money, who did not have to disclose that they were making the regulation ... for the industry. He said, "If a municipality is coming to us and saying that we need to change this, they're saying that their citizens will not agree to removing themselves from this ethical and financial conflict, and they want us to do it for them, because their citizens will not allow that." Representative Seaton stated that he wants to remove the municipalities' consideration from this since the option exists for municipalities to exempt themselves.

REPRESENTATIVE SEATON stated, "This is the entire basis - disclosure. I mean, we will not have this information; we will

not know when we have a confirmation hearing. He said once a legislative office receives "the information," it is public information. Therefore, "by making this confidential information, we will not have this as well." He continued:

And so, the idea that somehow we're going to hold this in secret among ourselves, unless we're having an executive session, ... I don't think that's correct.

REPRESENTATIVE SEATON stated his belief that every board and commission member being appointed now knows the law. He/she may or may not wish to volunteer based on what must be disclosed. Representative Seaton said, "We're only talking really about state boards and commissions, and they form the policy and regulations. Every elected or appointed board, we've got to remember that their regulation comes through, and as long as they're legal, as long as they don't violate the law, the lieutenant only puts a time stamp on that regulation. [He/she] ... would have no ability to modify or reject those regulations." He said without financial disclosure, conflicts of interest will "come back to bite ... the entire state" in terms of making policy.

[9:41:27 AM](#)

REPRESENTATIVE JOHNSON said he is less inclined to withdraw his objection upon hearing that "this is only ... to be the purview of the" House State Affairs Standing Committee. He said he does not recall ever seeing financial information during confirmation hearings. The language in the bill does not say that a person would not still have to declare a conflict. He stated that "what this says" is that the written financial disclosure report that is submitted should not be made public. He said he would "point that out" to the municipal assembly people and the people who appoint boards and municipalities who have been contacting him. He reiterated that he is not opposed to full disclosure by anyone serving in a position, he just does not want that information made public automatically. He added, "It's very much like when we have an ethics complaint: it is private until such time as it's needed."

REPRESENTATIVE JOHNSON withdrew his objection to Amendment 1.

[9:43:46 AM](#)

REPRESENTATIVE GRUENBERG objected to Amendment 1 for discussion purposes. He noted that his office has had occasion to access

financial information [on line]. He reiterated his concern about protecting constitutional right to privacy of certain classes of clients, a subject which he said is directly within the purview of the House Judiciary Standing Committee. He stated his intention to pursue the issue with the bill sponsor. He said the bill contains many issues and will have a dramatic effect throughout state and local government, and he said he is willing to work on the issues in the House State Affairs Standing Committee or in the House Judiciary Standing Committee.

REPRESENTATIVE GRUENBERG removed his objection to Amendment 1.

[9:46:44 AM](#)

REPRESENTATIVE PETERSEN said he agrees with the proposal to remove Section 1 and address it in separate legislation. With that section gone, he said, there still will be a lot of work to do on HB 136. He expressed concern that the sponsor of the bill is the chair of the next committee of referral - the House Judiciary Standing Committee - and he wants to ensure that the bill does not "slide through there without a lot of improvement."

CHAIR LYNN expressed his desire that the House Judiciary Standing Committee consider protection of prosecutors and defense attorneys. He commented that being a judge is a dangerous job.

[9:48:08 AM](#)

REPRESENTATIVE SEATON suggested that before the bill is sent over to the Senate for its consideration, the title should be amended to include mention of "the exact people we're trying to cover."

CHAIR LYNN said he agrees.

[9:49:15 AM](#)

CHAIR LYNN announced that there being no further objection, Amendment 1 was adopted.

[9:49:50 AM](#)

REPRESENTATIVE SEATON moved Conceptual Amendment 2, to amend the bill so that the release of the name, residential address, or

telephone number would not be released concurrently or conjoined.

[9:50:21 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes. He said he would like the amendment offered in the House Judiciary Standing Committee in a less vague manner.

REPRESENTATIVE SEATON responded that there has been testimony stating that the releasing of the name attached to resident information is a problem, and it would be much more expensive and difficult if the municipalities had to omit certain residents from the tax rolls entirely. He said, "If this is such that they can't release any of the tax roll information, then all of a sudden we form a huge problem for the municipalities in which they're going to have partial tax rolls." Representative Seaton said that is not the purpose of the bill. The purpose, he emphasized, is not to attach tax roll information to the person requesting confidentiality.

[9:52:03 AM](#)

MS. PEARSON directed attention to language on page 2, lines 2-3, [of Version E], which read, "the name of a person who is eligible for confidentiality under (b) of this section and has applied for confidentiality as provided in (c) of this section, may not be disclosed." She offered her understanding that the address would still be part of the data base and would be public information.

[9:52:46 AM](#)

REPRESENTATIVE SEATON said if the sponsor thinks that language addresses the issue, he would be willing to withdraw Conceptual Amendment 2 and ask that the sponsor check with those who submitted the idea for the amendment between now and the bill hearing in the next committee of referral.

REPRESENTATIVE GRUENBERG said he does not know if the amendment is needed or not, but reiterated his willingness to work with the sponsor.

[9:53:47 AM](#)

REPRESENTATIVE SEATON withdrew Conceptual Amendment 2.

[9:54:17 AM](#)

MS. PEARSON, in response to Representative Seaton, said she has been thinking about the issue of municipalities updating records, and while she does not think a quarterly update requirement would be bad, in the case where someone is being threatened and there is present danger, waiting a year would not be a good idea. She expressed her willingness to work with those involved to find a good balance for the requirement.

[9:54:53 AM](#)

REPRESENTATIVE SEATON responded that he is content to know that the sponsor will address the issue.

[9:55:17 AM](#)

REPRESENTATIVE PETERSEN questioned the change from peace officer to police officer, when the former has a broader scope than the latter.

REPRESENTATIVE GRUENBERG cited AS 01.10.060(h)(7) as defining peace officer and AS 18.65.290(7) - which is referenced in the bill - as defining police officer. He directed attention to the notes of the latter statute, which states that all police officers are peace officers, but some police officers - such as Village Public Safety Officers (VPSOs) - are not police officers. He said presumably, anyone who lives in a little village would already know where the VPSO lives. He said he thinks this is an issue that the House Judiciary Standing Committee needs to address.

[9:56:53 AM](#)

REPRESENTATIVE GRUENBERG moved to report CSHB 136, Version 26-LS0574\E, Luckhaupt, 3/5/09, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 136(STA) was reported out of the House State Affairs Standing Committee.

[9:57:46 AM](#)

CHAIR LYNN announced the upcoming committee calendar.

[9:58:08 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:58 a.m.