

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 31, 2011

8:10 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

Representative Wes Keller, Vice Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 180

"An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

- MOVED CSHB 180(STA) OUT OF COMMITTEE

HOUSE BILL NO. 178

"An Act relating to election practices and procedures; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 190

"An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 180

SHORT TITLE: VETERAN DESIGNATION ON DRIVER'S LICENSE

SPONSOR(S): REPRESENTATIVE(S) SADDLER

03/09/11 (H) READ THE FIRST TIME - REFERRALS
 03/09/11 (H) MLV, STA
 03/17/11 (H) MLV AT 1:00 PM CAPITOL 120
 03/17/11 (H) Moved CSHB 180(MLV) Out of Committee
 03/17/11 (H) MINUTE(MLV)
 03/18/11 (H) MLV RPT CS(MLV) NT 5DP 1DNP
 03/18/11 (H) DP: LYNN, GATTO, MILLER, SADDLER,
 THOMPSON
 03/18/11 (H) DNP: AUSTERMAN
 03/18/11 (H) FIN REFERRAL ADDED AFTER STA
 03/31/11 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 178

SHORT TITLE: ELECTION PROCEDURES
 SPONSOR(s): REPRESENTATIVE(s) THOMAS

03/07/11 (H) READ THE FIRST TIME - REFERRALS
 03/07/11 (H) CRA, STA
 03/15/11 (H) CRA AT 8:00 AM BARNES 124
 03/15/11 (H) Heard & Held
 03/15/11 (H) MINUTE(CRA)
 03/29/11 (H) CRA AT 8:00 AM BARNES 124
 03/29/11 (H) Moved CSHB 178(CRA) Out of Committee
 03/29/11 (H) MINUTE(CRA)
 03/30/11 (H) CRA RPT CS(CRA) 5DP
 03/30/11 (H) DP: AUSTERMAN, DICK, SADDLER, FOSTER,
 MUNOZ
 03/30/11 (H) FIN REFERRAL ADDED AFTER STA
 03/31/11 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 190

SHORT TITLE: PFD ALLOWABLE ABSENCE: MILITARY
 SPONSOR(s): REPRESENTATIVE(s) FEIGE

03/11/11 (H) READ THE FIRST TIME - REFERRALS
 03/11/11 (H) STA, FIN
 03/31/11 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE DAN SADDLER
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: As sponsor, presented HB 180.

WHITNEY BREWSTER, Director
 Division of Motor Vehicles

Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 180.

RON SIEBELS, Commander
Region III

Military Order of the Purple Heart (MOPH)
No address provided

POSITION STATEMENT: Testified in support of HB 180.

JIM SASSLER (ph)
Member

Veterans of Foreign Wars (VFW)
No address provided

POSITION STATEMENT: Testified during the hearing on HB 180.

BOB MYLES, Commander
Veteran Foreign Wars (VFW)
No address provided

POSITION STATEMENT: Testified in support of HB 180.

JOE FIELDS, Chair
Alaska Veterans Advisory Council (AVAC)
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 180.

VERDIE BOWEN, Director of Veterans Affairs
Office of Veteran Affairs
Department of Military & Veterans Affairs
Ft. Richardson, Alaska

POSITION STATEMENT: Provided information during the hearing on HB 180.

RIC DAVIDGE
Alaska Veterans Foundation;
Vietnam Veterans of America
Anchorage, Alaska

POSITION STATEMENT: Outlined a further benefit of HB 180.

CECILE ELLIOT, Staff
Representative Bill Thomas
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 178 on behalf of Representative Thomas, sponsor.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 178.

ALPHEUS BULLARD, Attorney
Division of Legal and Research Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 178.

REPRESENTATIVE ERIC FEIGE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, introduced HB 190.

TIKO CROFOOT, Lieutenant Commander
U.S. Navy
No address provided

POSITION STATEMENT: Testified during the hearing on HB 190.

BRIAN ROSS, Lieutenant Colonel
U.S. Marine Corp
No address provided

POSITION STATEMENT: Testified in support of HB 190.

ACTION NARRATIVE

[8:10:15 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:10 a.m. Representatives Seaton, Wilson, Johansen, Petersen, Gruenberg, and Lynn were present at the call to order.

HB 180-VETERAN DESIGNATION ON DRIVER'S LICENSE

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 180, "An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

[Before the committee was CSHB 180(MLV).]

8:10:58 AM

REPRESENTATIVE DAN SADDLER, Alaska State Legislature, as sponsor, presented HB 180. He paraphrased the sponsor statement, which read as follows [original punctuation provided]:

House Bill 180 seeks to help Alaska veterans receive more of the benefits they have earned through their sacrifice and service in uniform, and to which they are entitled by law and custom. It would allow the Division of Motor Vehicles (DMV) to add information to state drivers' licenses or identification cards signifying the holder's status as a veteran, and would allow DMV to share that information with the state's veterans benefit office.

Alaska is among the most veteran-friendly states in the Union. Many businesses and organizations demonstrate their appreciation by offering various discounts, preferences and other benefits to bona fide veterans. However, veterans must usually prove they qualify by presenting certified copies of their discharge documents - the DD-214, DD-215, or NGB-22 forms, exposing these critical documents to wear, damage or loss.

By giving veterans a way to carry reliable and convenient proof of their status on state-issued cards, this bill would help them more easily enjoy the full range of personal, business and social benefits offered to them by a grateful state.

HB 180 could also help relieve the situation in which tens of thousands of Alaska veterans may be missing out on significant government benefits, because they have no contact with the state's Office of Veterans Affairs. The bill would allow the DMV to provide the names and addresses of those who are issued veteran-designated driver's licenses or ID cards to the state veterans' office. That office could then reach out to make more veterans aware of programs available to them, and to help them receive any benefits owed to them.

I respectfully request your support for House Bill 180.

Thank you.

[8:12:48 AM](#)

REPRESENTATIVE SADDLER, in response to Representative Johansen, said he does not know why one of the members of the House Special Committee on Military and Veterans' Affairs voted HB 180 out with a "do not pass," and he said there was no specific issue raised during the meeting.

[8:14:18 AM](#)

REPRESENTATIVE P. WILSON said she is torn on this issue, because on one hand this could be a way to "help more people find more free things," while on the other hand, the bill could aid those in need to receive help expeditiously. She related that her brother, a veteran, died of cancer at the age of 52, and he may have lived longer if he had been aware of the help available to him.

[8:16:10 AM](#)

REPRESENTATIVE SEATON asked if the programs offered by businesses to veterans are also offered to those active in the military.

REPRESENTATIVE SADDLER offered his understanding that most of those programs are offered solely to veterans. He said most active military personnel hold identification ("ID") cards issued to them by the U.S. Department of Defense. He indicated that approximately 60 percent of regional and national chains offer some kind of discount to those in the military, as do many independent businesses in Alaska. In response to a follow-up question, he confirmed that the active military personnel would not need to have any specification made on a driver's license, because they can access the special discounts with their military IDs.

[8:17:35 AM](#)

REPRESENTATIVE SADDLER, in response to Representative Petersen, said there would be no additional fee for the veteran's designation on the driver's license; however, "the same standard \$15 ... the DMV charges for a replacement card will be charged."

8:18:10 AM

REPRESENTATIVE SADDLER, in response to Representative Gruenberg, said that the original bill focused on just driver's licenses, while the version before the committee, which was passed out of the House Special Committee on Military and Veterans' Affairs, added state ID cards.

REPRESENTATIVE GRUENBERG directed attention to a sentence on page 1, lines 9-10, repeated on page 2, lines 5-6, which read: "The department may not charge a fee solely for the designation." He questioned why the word "solely" had been added.

REPRESENTATIVE SADDLER responded that the word "solely" was added to avoid confusion. He explained that he did not want people to think that the driver's license for veterans would be free of charge.

REPRESENTATIVE GRUENBERG, regarding privacy, ventured that some veterans may not wish to have their information put into a database. He suggested that "unless the veteran objects" could be added to [page 1], line 13.

REPRESENTATIVE SADDLER said he would not be adverse to that amendment.

8:21:53 AM

REPRESENTATIVE GRUENBERG questioned whether the information forwarded to the department would become public.

8:22:29 AM

REPRESENTATIVE P. WILSON pointed out that the designation would not appear on the driver's license or state ID unless requested by the veteran, and she ventured that a veteran who wants to "keep that quiet" would not [take the steps to have the designation made].

CHAIR LYNN concurred.

8:23:09 AM

REPRESENTATIVE SADDLER, in response to Representative Johansen, said he had not considered making this free to veterans, because

they are citizens and there is a fee for the renewal of a driver's license.

REPRESENTATIVE JOHANSEN asked the bill sponsor to consider making the process free for veterans, or at least set a rate that is "at cost." He explained that he does not want the DMV to be making money off of this process.

[8:26:15 AM](#)

REPRESENTATIVE P. WILSON said any money the DMV makes goes into the state's General Fund, and the legislature controls the budget of the division.

[8:27:23 AM](#)

REPRESENTATIVE PETERSEN questioned the estimate in the fiscal note that 50 percent of veterans would opt for the designator in the first 12 months that it would be available.

REPRESENTATIVE SADDLER deferred to the director of the DMV.

[8:28:14 AM](#)

REPRESENTATIVE GRUENBERG noted that the second reason listed as to why the 3/25/11 fiscal note differs from the previous version is that it reduced the estimated percentage of qualifying veterans who may opt for the designation from 75 percent to 50 percent. He asked the bill sponsor if any effort would be made to educate veterans so that they know about the license designation.

REPRESENTATIVE SADDLER said that was not in the plans, but ventured that the Department of Military & Veterans Affairs would do some outreach.

[8:29:45 AM](#)

WHITNEY BREWSTER, Director, Division of Motor Vehicles, Department of Administration, in response to Representative Petersen's previous query regarding the estimated 50 percent, said that number was based on feedback from veterans received by the division. She said the number could be adjusted. She confirmed Representative Wilson was right in saying that fees collected by the DMV go directly to the General Fund. She said it would not have a significant impact on the DMV if it did not collect fees from veterans.

[8:31:38 AM](#)

MS. BREWSTER, in response to Representative Gruenberg, said the effective date of March 1 was chosen by the bill sponsor at the request of the DMV. She explained that the division's information technology (IT) staff has federal requirement deadlines in January of 2012, and the extra time was needed to allow IT to first meet those deadlines. In response to another question, she ventured that the DMV would issue media announcements, as well as offer information on its web site regarding the designation for veterans. She indicated that if further information is necessary, she would depend upon the experts in the field to address the veteran community. She expressed her willingness to entertain any ideas from the legislature on this matter. In response to Chair Lynn, she said the DMV could ask each customer who comes in if he/she is a veteran, and to do so would not require a change to statute.

[8:35:35 AM](#)

REPRESENTATIVE GRUENBERG suggested one way for the DMV to get the word out to veterans would be to notify people via mail and internet.

MS. BREWSTER agreed that the DMV could do that at minimal to no cost.

[8:37:55 AM](#)

REPRESENTATIVE SADDLER expressed appreciation for Representative Gruenberg's suggestions.

[8:38:37 AM](#)

MS. BREWSTER, in response to Representative Seaton, said she anticipates the way in which veterans would be able to show their status on a form is by checking a box on the form, and a clerk would enter that information into the DMV's system.

[8:40:33 AM](#)

RON SIEBELS, Commander, Region III, Military Order of the Purple Heart, testified in support of HB 180. He assured the committee that the word would spread about this opportunity. In response to a question from Representative Gruenberg regarding privacy, he ventured there are probably some who would "shy away," but

the majority would support having a veteran designation on an ID card.

[8:42:20 AM](#)

JIM SASSLER (ph), Member, Veterans of Foreign Wars (VFW), relayed that he is a Vietnam War veteran who carries a military ID. He said he would be willing to pay the cost of replacing his license. He said those who have military ID or medical cards do not really need the proposed indicator, but it would be a method by which to honor those veterans who have served. He observed that under HB 180, a veteran would be required to show his/her DD-214, DD-215, or NGB-22 form, in order to get the designation from the DMV. He suggested an amendment to allow [veterans] to present their DD-2 [the retired U.S. uniformed services identification card] or Department of Veterans Affairs (VA) medical card, because they already had to show the forms required in the bill to be issued a DD-2 and/or VA medical card.

[8:44:33 AM](#)

MS. BREWSTER, in response to Representative Saddler, said she does not think it would be a problem to authorize veteran designation using either the DD-2 or VA medical card, as recommended by Mr. Sassler.

[8:45:23 AM](#)

REPRESENTATIVE SEATON asked if the DD-2 and medical card are issued only to those discharged under honorable conditions.

MR. SASSLER offered his understanding that that is the case.

[8:46:54 AM](#)

BOB MYLES, Commander, Veteran Foreign Wars (VFW), relayed that he is a veteran of the Vietnam War. As a veteran, he said, he carries a medical card and receives a discount. He said many veterans don't have their card to carry, but he ventured all veterans would support the proposed legislation.

[8:48:02 AM](#)

JOE FIELDS, Chair, Alaska Veterans Advisory Council (AVAC), relayed that informal polling of veterans has shown a great amount of support for this issue. He mentioned businesses that

routinely supply military discounts. He opined that veterans deserve a break if they can get one.

[8:49:22 AM](#)

VERDIE BOWEN, Director of Veterans Affairs, Office of Veteran Affairs, Department of Military & Veterans Affairs, indicated that the level of confidentiality would remain the same under HB 180 as it currently is when dealing with information for forms DD-214 and NGB-22. He said the word about HB 180 would be spread through an annual newsletter.

MR. BOWEN, in response to questions from Representative Gruenberg, said the term "under honorable conditions" [on page 1, line 9] covers general and honorable discharge. He said the Office of Veteran Affairs would make public service announcements to spread the word about the ability for veterans to have their retired status noted on their driver's licenses or ID cards. Currently, he said, the department and all the veteran service officers are heading an outreach effort to reach veterans in 100 areas off of roadways annually.

REPRESENTATIVE GRUENBERG ventured there are some veterans who are not "plugged in" and may have restricted means, and he suggested that the department could take the opportunity to toot its own horn at, for example, senior centers and hospitals - to expand beyond the usual veterans' network.

[8:53:52 AM](#)

REPRESENTATIVE SADDLER said he thinks the methods that will be used will get the word out.

[8:54:14 AM](#)

RIC DAVIDGE, Alaska Veterans Foundation; Vietnam Veterans of America, emphasized that it is important for emergency response workers and medical staff to know whether the person they are treating is a veteran, because many veterans have been exposed to toxins such as agent orange, and as a result may require different treatment. He said every medical professional should ask each person they treat whether he/she is a veteran. He indicated that this is one of a lot of other reasons that veteran designation should be on a driver's license.

REPRESENTATIVE GRUENBERG said HB 180 would provide the opportunity to "get these people in and get them notified."

[8:57:36 AM](#)

MR. BOWEN said there are many veterans who are suffering presumptive illnesses brought on by Agent Orange, and they are the most difficult group in terms of outreach efforts. He explained that many of those veterans have a distrust of the federal government, which makes it difficult to reach out to them. He further noted that because these veterans felt alienated, they were responsible for starting many of the veteran programs that exist today. He talked about using the National Guard Yellow Ribbon Team - through churches, schools, and hospitals - to reach veterans. He said over the last 18 months, approximately 1,000 veterans in need of health care have been reached in 261 villages. He expressed his hope that outreach efforts will be noted by spouses of veterans, who may help in the effort to entice veterans in for services.

[8:59:45 AM](#)

MR. DAVIDGE relayed that veterans generate over \$2 million in economic activity in Alaska. Letting veterans know about the benefits available to them not only improves their lives, but also improves the lives of their family members. He thanked the committee and bill sponsor for their work on the bill.

[9:00:59 AM](#)

MS. BREWSTER, in response to Representative Petersen, said all veterans would have to come in the DMV to prove veteran status before being issued the designated driver's license or ID. After the first time, veterans could renew by mail. In response to Representative Seaton, regarding the use of the term "identification card" in the bill, she stated her understanding that under HB 180, the designation could be on both driver's licenses and IDs. In response to a follow-up question, regarding the required forms listed in Section 1 of the bill, she said the DMV would not be opposed to other forms being added to those accepted for proving veteran status. She said the DMV could ask for legal guidance as to whether it would have the ability to accept other forms of identification, but she said it would be clearer to include any other acceptable forms in statute.

[9:03:43 AM](#)

REPRESENTATIVE SEATON moved to adopt Conceptual Amendment 1, as follows:

Page 1, line 12:

Following "NGB-22"

Insert "DD-2 or veteran medical card"

REPRESENTATIVE JOHANSEN, as a point of order, noted that the committee was still taking public testimony, and he said he had questions for Ms. Brewster.

REPRESENTATIVE SEATON withdrew Conceptual Amendment 1.

[9:04:21 AM](#)

REPRESENTATIVE JOHANSEN suggested to Representative Seaton that another option would be to delete the language between "a" and "as" [on page 1, lines 11-12], so that the language would read: "To receive a veteran designation, the person shall provide proof of veteran status that shows the person is retired or discharged under honorable conditions." He asked Ms. Brewster if she thought that would be a viable solution.

MS. BREWSTER replied that it would be an option for the division to listen to the conversation surrounding this legislation and then establish the requirements through regulation. In response to a follow-up question, she said fees associated with driver's licenses, ID cards, and duplicates are listed in statute. She indicated that those statutes would take precedence over any changes made to the fiscal note.

REPRESENTATIVE SADDLER indicated that he would not be adverse to any forms, as long as they could prove veteran status.

[9:06:52 AM](#)

REPRESENTATIVE P. WILSON noted that Representative Johansen's suggested change would have to be made in Section 2, as well.

[9:07:06 AM](#)

CHAIR LYNN closed public testimony.

REPRESENTATIVE P. WILSON indicated a preference for Representative Johansen's previously stated idea for an amendment.

9:07:39 AM

REPRESENTATIVE JOHANSEN moved to adopt Conceptual Amendment 2, as follows:

Page 1, line 11:

Following "provide"

Delete "a United States Department of Defense form DD-214 or DD-215 or a National Guard Bureau form NGB-22"

Page 2, line 6:

Following "provide"

Delete "a United States Department of Defense form DD-214 or DD-215 or a National Guard Bureau form NGB-22 to the department as"

REPRESENTATIVE GRUENBERG objected to seek clarification that the intent of Conceptual Amendment 2 is to delete the same language in each Section through the word "as". He offered his understanding that "the sponsor" nodded in the affirmative.

REPRESENTATIVE GRUENBERG withdrew his objection. There being no further objection, Conceptual Amendment 2 was adopted.

9:09:48 AM

REPRESENTATIVE GRUENBERG moved to report CSHB 180(MLV), as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE JOHANSEN objected to express his hope that the House Finance Committee would consider language for HB 180 that would require the DMV to provide this service at cost. He told the sponsor that if the House Finance Committee did not offer such an amendment, then he would offer one on the House floor.

REPRESENTATIVE P. WILSON opined that since the cost is 85 cents, it would less onerous to round the number to, for instance, \$1.

9:11:28 AM

REPRESENTATIVE SEATON pointed out that 85 cents is the cost of only the printer ribbon; other costs are listed further in the fiscal note.

REPRESENTATIVE SADDLER told Representatives Johansen and Seaton that he would take up those finance issues with the House Finance Committee.

[9:11:57 AM](#)

REPRESENTATIVE JOHANSEN removed his objection to the motion to report CSHB 180(MLV), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no further objection, CSHB 180(STA) was reported out of the House State Affairs Standing Committee.

[9:12:20 AM](#)

The committee took an at-ease from 9:12 a.m. to 9:14 a.m.

HB 178-ELECTION PROCEDURES

[9:14:10 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 178, "An Act relating to election practices and procedures; and providing for an effective date."

[Before the committee was CSHB 178(CRA).]

[9:14:29 AM](#)

CECILE ELLIOT, Staff, Representative Bill Thomas, Alaska State Legislature, presented HB 178 on behalf of Representative Thomas, sponsor. She paraphrased the first paragraph of the sponsor statement, which read as follows [original punctuation provided]:

In 2009 Congress passed the MOVE Act which outlines procedures that make it easier for overseas military and civilians to use our electoral system. Overseas military personnel and civilians represent 61,000 of Alaska's eligible voters. These voters face a myriad of challenges when pursuing their fundamental right to vote. Additionally, those who live in remote areas of the state experience similar challenges. In 2010 approximately 41,000 voters voted absentee in Alaska. CSHB178 increases the accessibility of our electoral system for these voters by expanding absentee voting.

MS. ELLIOT explained that the "MOVE" Act stands for the "Military and Overseas Voter Empowerment" Act, and it was passed by U.S. Congress in October 2009. She turned again to paraphrasing the remainder of the first page of the sponsor statement, which read as follows [original punctuation provided]:

CSHB 178:

Moves the primary back 2 weeks, allowing for more time for voters to receive information. One of the greatest concerns for military and overseas voters is the amount of time to receive and return their ballot. (This assists the Department in accommodating the 45 day requirement established under MOVE)

Removes witnessing requirements alleviating the burden of our military voters from finding a witness when stationed remotely.

Establishes "email" in statute as a form of electronic transmission allowing for the delivery of ballots and information to be distributed via email. This is another provision that addresses the challenges of the voter to receive the ballot in a timely manner and returned.

Changes the deadline for receipt of an overseas ballot to 10 days aligning it with the 10 day deadline for domestic absentee ballots. It also allows more time for the department to finalize ballots and send them out to our military and overseas voters. (Further assisting the accommodation of the 45 day MOVE ballot distribution time for military and overseas voters).

Provides for the city clerk to administer absentee ballots. This further expands access options for our rural and remote voters to receive and return their absentee ballot.

Provides the opportunity for a person who comes of age, overseas, to vote. If the parents lived in Alaska prior to going overseas their child who comes of age overseas may apply to vote absentee for federal elections in Alaska.

o CHANGES MADE IN COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

If a change is made regarding the eligibility of a candidate by the director, notice must be provided to the candidate, other candidates in the race and to the individual filing the candidacy complaint, if applicable. A challenge may be made to this decision

within 15 days and the director must respond to the challenge within 15 days.

All information on a declaration of candidacy, letter of intent, nominating petition is open to public inspection.

9:20:25 AM

The committee took a brief at-ease at 9:20 a.m.

9:20:30 AM

REPRESENTATIVE GRUENBERG asked, "Does Section 1 only allow the child to vote in the Presidential election - no other election?"

MS. ELLIOT answered yes.

REPRESENTATIVE GRUENBERG asked what the reason is behind not allowing a child of an Alaskan family, who turns voting age when the family is outside the state, to vote in the election district of the family for all political offices.

MS. ELLIOT responded that a person who is not an Alaska resident cannot vote in a state race.

REPRESENTATIVE GRUENBERG directed attention to Section 27, which references AS 15.20.081(h), which read as follows:

(h) Except as provided in AS 15.20.480, an absentee ballot returned by mail from outside the United States or from an overseas voter qualifying under AS 15.05.011 that has been marked and mailed not later than election day may not be counted unless the ballot is received by the election supervisor not later than the close of business on the 15th day following the election.

REPRESENTATIVE GRUENBERG asked if there would still be a cut-off [date for receiving ballots back from the voter] if AS 15.20.081(h) is repealed.

MS. ELLIOT explained that under HB 178, the cut-off time for receipt of ballots after an election would be changed to 10 days; therefore, AS 15.20.081(h) is no longer needed.

REPRESENTATIVE GRUENBERG expressed concern that a shorter period would disenfranchise some people.

MS. ELLIOT pointed out that the timing of the primary would be changed also, so that the voter would actually have more time "on the front end of that"; the voter would receive the ballot 45 days ahead. She said there is also a provision in the bill that would allow the overseas or military voter to receive a ballot via e-mail.

[9:24:47 AM](#)

REPRESENTATIVE GRUENBERG observed that Section 14 of the bill would change the date of the primary election from the fourth to the second Tuesday in August of every even-numbered year. He said he would like to know the justification for proposing that change, because the result would be a shortened campaign period.

REPRESENTATIVE SEATON, in response to comments from Representatives Wilson and Gruenberg, asked Ms. Elliot to confirm that the reason for changing the primary date from the fourth Tuesday to the second Tuesday is to comply with federal mandate found in the aforementioned MOVE Act.

MS. ELLIOT responded that is correct.

[9:28:20 AM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, turned focus to Representative Gruenberg's previous question as to why the group of voters described in Section 1 would be able to vote only in a federal election. She explained that the children who turn 18 while overseas with their parents were not residents of Alaska in the house district in which they seek to vote for at least 30 days prior to the election.

[9:29:58 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that there is nothing in the law that says a minor cannot become a resident. He further recollected that if a parent is a resident of the state, then that impacts whether their child is a resident. He expressed concern regarding the voting rights of those children.

MS. FENUMIAI deferred to Legislative Legal and Research Services.

[9:31:10 AM](#)

ALPHEUS BULLARD, Attorney, Division of Legal and Research Services, Legislative Affairs Agency, stated that under Article V, Section I, of the Constitution of the United States, a voter must be a resident of the district in which he/she seeks to vote for a minimum of 30 days prior to the election in which he/she seeks to vote, except for the purpose of voting for President or Vice President.

[9:32:00 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that a child's residency at the time he/she left the state continues, even though the child may have been out of state. He said, "I would be very hesitant to deny those children the right to vote without first obtaining a judicial decision in this matter."

[9:33:32 AM](#)

MR. BULLARD responded that if a child, who is over 18, was a resident (before moving overseas), then he/she was already able to vote. The proposed legislation addresses those who were never able to vote before turning 18 while overseas.

REPRESENTATIVE GRUENBERG said he would speak with Mr. Bullard privately.

[9:34:36 AM](#)

MS. FENUMIAI, regarding Representative Gruenberg's previous question regarding the repeal of AS 15.20.081(h), echoed Ms. Elliot's statement that even though the voter would have five less days at the end of the total days with a ballot, he/she would, under HB 178, have an increased number of days at the front end; therefore, the voter would actually have possession of the ballot for an increased number of days.

[9:35:32 AM](#)

MS. FENUMIAI, in response to Representative Gruenberg, explained that the difficulty in allowing those extra 5 days post primary election has to do with the turnaround time in getting general election ballots to those voters. She offered further details.

REPRESENTATIVE GRUENBERG questioned why the change is necessary now, when the division has been making the current timing work. He asked how many people would be disenfranchised under HB 178.

MS. FENUMIAI explained that the 2010 General Election was the first time the division was required, under the MOVE Act, to get ballots to overseas and military voters 45 days before the election, and because of other deadlines, the division had only three days in which to get the ballots ready. She said the more time the division has between the end of the primary and getting ballots out for the general election, the better chance it has of meeting the requirements of the MOVE Act. She estimated that knocking five days off of the post-primary processes resulted in less than 50 ballots that did not make it in to the division within that five-day window.

[9:38:58 AM](#)

REPRESENTATIVE P. WILSON expressed concern about this issue. She opined that if people get their ballots post marked in time, then those ballots should be counted. She said every ballot counts.

[9:40:20 AM](#)

MS. FENUMIAI, in response to Representative Wilson, said the MOVE Act does not speak to the timeframe for when ballots can be received. She reiterated that [shortening the time by which the primary ballot must be returned] helps the division in meeting the 45-day requirement.

REPRESENTATIVE P. WILSON responded that she understands the 45-day requirement, but questions shortening the time on the other end. She stated that people should have the right to wait to vote until election day, whether they live in state or overseas.

[9:42:07 AM](#)

MS. FENUMIAI responded that everyone has the right to vote up to election day. This provision would require all ballots to reach the division by 10 days following an election, irrespective of their origin. She offered to get more specific information to the committee.

[9:42:55 AM](#)

REPRESENTATIVE JOHANSEN offered his understanding that Ms. Fenumiai had said the division needs more time between the primary and general elections to do its business. He ventured that if the primary is being moved earlier by two weeks and AS

15.20.081(h) is not repealed, then the net gain between the primary and general election will be nine days. He asked for feedback from the sponsor regarding the motivation for proposing the repeal of AS 15.20.081(h) in Section 27.

[9:44:48 AM](#)

MS. ELLIOT responded that the bill sponsor worked with the division in order to accommodate the MOVE Act. Taking the five days off would allow the division to provide for that 45-day requirement with greater ease. She stated, "I understand that it's being interpreted as less time, but the whole intention of the bill is to provide more time for these voters to vote. And if the ballots are received in the time frames of this bill, then the division has a greater ability to provide for these voters."

[9:45:48 AM](#)

REPRESENTATIVE JOHANSEN reviewed that by "keeping the current statute" the division would achieve its goal of getting more time, because "you're keeping five extra days." He offered his understanding that Ms. Fenumiai had testified that "the changing from 15 to 10 days" had nothing to do with the MOVE Act, but was simply a matter of facilitating getting work done.

[9:46:33 AM](#)

REPRESENTATIVE P. WILSON suggested that if the five days is so important, then the [primary] election could be changed to the first week of August rather than the second.

[9:47:00 AM](#)

CHAIR LYNN announced that HB 178 was held over.

HB 190-PFD ALLOWABLE ABSENCE: MILITARY

[9:47:19 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 190, "An Act relating to the allowable absence for active duty service members of the armed forces for purposes of permanent fund dividend eligibility."

[9:47:31 AM](#)

REPRESENTATIVE ERIC FEIGE, Alaska State Legislature, as sponsor, introduced HB 190. He asked committee members to keep in mind a quote by Winston Churchill, on the bottom of the sponsor statement [including in the committee packet], which read as follows:

We sleep soundly in our beds because rough men stand ready in the night to visit violence on those who would do us harm.

REPRESENTATIVE FEIGE said a law was passed in 1998 allowing Alaskans absent from the state for specific reasons, including service in the military, to qualify for the state's permanent fund dividend (PFD); however, with the exception of the allowable absence to those serving in U.S. Congress, a limit of 10 years was set. Representative Feige opined that it is an injustice to apply the 10-year rule to those in the military but not to those in Congress, and HB 190 would correct that injustice.

REPRESENTATIVE FEIGE directed attention to a committee substitute (CS) for HB 190, Version 27-LS0564\D, Kirsch, 3/28/11, which he said adds clarification to the originally proposed exemption. He said the bill would specifically address those Alaskans who grow up in the state and volunteer to serve in the military, so that the state does not penalize them for choosing a career in the military.

[9:50:29 AM](#)

REPRESENTATIVE SEATON moved to adopt the committee substitute (CS) for HB 190, Version 27-LS0564\D, Kirsch, 3/28/11, as a work draft.

REPRESENTATIVE GRUENBERG objected for the purpose of discussion.

[9:51:46 AM](#)

REPRESENTATIVE SEATON asked the bill sponsor to provide a legal memorandum describing how this issue differs from the longevity bonus issue. He said he would like to know the percentages of those with various allowable absences who return to Alaska. He said the legal question relating to allowable absences is that the more tenuous the allowable absence becomes for a proxy for physical residence, the more likely it is that the federal government will declare that the entire fund will become a taxable entity.

9:54:21 AM

REPRESENTATIVE P. WILSON mentioned a law suit and talked about some people in the military claiming Alaska residency while having no intention of returning. She said she would like the bill sponsor to find out if the law suit and the 10-year rule are related.

9:55:13 AM

REPRESENTATIVE FEIGE clarified that the bill is designed for those who have a record of being Alaska residents prior to joining the armed forces; it really does not apply to people who come from the Outside and get stationed in Alaska.

9:56:04 AM

TIKO CROFOOT, Lieutenant Commander, U.S. Navy, testified that he has been an Alaska resident since he was four years old, and the only reason he left Alaska was to attend a naval academy, after which he has served with the U.S. Navy for approximately 13 years. He said that because of the 10-year rule, he has not received a PFD for the past three years. He relayed that he has voted in all Alaska elections [since voting age], has an Alaska driver's license, owns property in Alaska, and is part-owner in a family business in Alaska.

LIEUTENANT COMMANDER CROFOOT said he understands the rules about residency as they relate to keeping the PFD intact and [guarding against] people milking the system; however, he said he has every intention of returning to Alaska following service in the military. He asked the legislature to change the PFD rules to reflect an intention by the state not to penalize those who make a career choice to serve in the military.

9:58:34 AM

BRIAN ROSS, Lieutenant Colonel, U.S. Marine Corp, testified in support of HB 190. He stated that he was born in Alaska, and he related his history with the military. He said he has an Alaska driver's license, has been a registered voter in Alaska since turning 18, has designated his residency as Alaska on his last will and testament, owns property near Glen Allen, and has family in Alaska. He said he has spent at least 80 days in Alaska in the last five years alone. He said he was denied his dividend in 2009 and has filed for an Alaska Superior Court

judicial review, as allowed under Alaska statute. He asked the committee whether he is less deserving of a PFD because of having chosen a military career, which results in his exceeding the 10-year rule.

LIEUTENANT COLONEL ROSS said he chose his military career eight years before AS 43.23.006 became law. He stated that on every PFD application he has signed for the last 20 years, he has sworn that he intends to return to Alaska upon his retirement from the military. He said many military personnel change their stated residency throughout their careers in order to take advantage of resident state taxes and in-state college tuition, for example, but he never changed his home of record or residency from Alaska in his 20 years in the military. He said he has lived in six states and one foreign country, but has ties only to Alaska. He encouraged the committee to pass HB 190 to allow lifetime Alaskans who are military personnel to continue to receive their PFDs. He further requested that the bill be made retroactive to 2009.

[HB 190 was held over]

[The objection by Representative Gruenberg to the motion to adopt the committee substitute (CS) for HB 190, Version 27-LS0564\D, Kirsch, 3/28/11, as a work draft, was left pending.]

[10:02:59 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:03 a.m.