

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

March 28, 2017

3:08 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp

MEMBERS ABSENT

Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 1

"An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

- MOVED CSHB 1(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 15

Encouraging repeal of the REAL ID Act of 2005.

- MOVED CSHJR 15(STA) OUT OF COMMITTEE

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 44

"An Act requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest; and providing for an effective date."

- MOVED CS SSHB 44(STA) OUT OF COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 1

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to voting and abstention from voting.

- MOVED CSHCR 1(STA) OUT OF COMMITTEE

HOUSE BILL NO. 175

"An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

- MOVED HB 175 OUT OF COMMITTEE

HOUSE BILL NO. 74

"An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 1

SHORT TITLE: ELECTION REGISTRATION AND VOTING

SPONSOR(S): REPRESENTATIVE(S) TUCK

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	STA, JUD
02/23/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/23/17	(H)	Heard & Held
02/23/17	(H)	MINUTE(STA)
02/28/17	(H)	STA AT 3:00 PM GRUENBERG 120
02/28/17	(H)	Heard & Held
02/28/17	(H)	MINUTE(STA)
03/07/17	(H)	STA AT 3:00 PM GRUENBERG 120
03/07/17	(H)	Heard & Held
03/07/17	(H)	MINUTE(STA)
03/09/17	(H)	STA AT 3:00 PM GRUENBERG 120
03/09/17	(H)	Heard & Held
03/09/17	(H)	MINUTE(STA)
03/14/17	(H)	STA AT 5:30 PM GRUENBERG 120
03/14/17	(H)	-- MEETING CANCELED --
03/16/17	(H)	STA AT 3:00 PM GRUENBERG 120
03/16/17	(H)	Heard & Held

03/16/17 (H) MINUTE (STA)
 03/21/17 (H) STA AT 3:00 PM GRUENBERG 120
 03/21/17 (H) Moved CSHB 1(STA) Out of Committee
 03/21/17 (H) MINUTE (STA)
 03/28/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HJR 15

SHORT TITLE: OPPOSE FEDERAL ID REQUIREMENTS

SPONSOR(S): REPRESENTATIVE(S) JOHNSON

03/10/17 (H) READ THE FIRST TIME - REFERRALS
 03/10/17 (H) STA
 03/14/17 (H) STA AT 5:30 PM GRUENBERG 120
 03/14/17 (H) -- MEETING CANCELED --
 03/21/17 (H) STA AT 5:30 PM GRUENBERG 120
 03/21/17 (H) Heard & Held
 03/21/17 (H) MINUTE (STA)
 03/28/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 44

SHORT TITLE: LEGISLATIVE ETHICS: VOTING & CONFLICTS

SPONSOR(S): REPRESENTATIVE(S) GRENN

01/18/17 (H) PREFILE RELEASED 1/13/17
 01/18/17 (H) READ THE FIRST TIME - REFERRALS
 01/18/17 (H) JUD, FIN
 01/23/17 (H) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
 01/23/17 (H) READ THE FIRST TIME - REFERRALS
 01/23/17 (H) JUD, FIN
 01/25/17 (H) STA REPLACES FIN REFERRAL
 01/25/17 (H) BILL REPRINTED 1/25/17
 01/25/17 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23(A) FOR SSHB 44
 01/25/17 (H) JUD AT 1:00 PM GRUENBERG 120
 01/25/17 (H) -- Meeting Postponed to 1/27/17 --
 01/27/17 (H) JUD AT 1:00 PM GRUENBERG 120
 01/27/17 (H) -- Meeting Rescheduled from 1/25/17 --
 01/30/17 (H) JUD AT 1:30 PM GRUENBERG 120
 01/30/17 (H) Heard & Held
 01/30/17 (H) MINUTE (JUD)
 02/03/17 (H) JUD AT 1:30 PM GRUENBERG 120
 02/03/17 (H) Moved CSSHB 44 (JUD) Out of Committee
 02/03/17 (H) MINUTE (JUD)
 02/08/17 (H) JUD RPT CS (JUD) 1DP 3DNP 3AM
 02/08/17 (H) DP: LEDOUX
 02/08/17 (H) DNP: KOPP, EASTMAN, REINBOLD
 02/08/17 (H) AM: KREISS-TOMKINS, FANSLER, CLAMAN

02/18/17 (H) STA AT 11:00 AM GRUENBERG 120
 02/18/17 (H) Heard & Held
 02/18/17 (H) MINUTE(STA)
 02/21/17 (H) STA AT 3:00 PM GRUENBERG 120
 02/21/17 (H) Heard & Held
 02/21/17 (H) MINUTE(STA)
 02/21/17 (H) STA AT 5:30 PM GRUENBERG 120
 02/21/17 (H) Heard & Held
 02/21/17 (H) MINUTE(STA)
 03/02/17 (H) STA AT 3:00 PM GRUENBERG 120
 03/02/17 (H) Heard & Held
 03/02/17 (H) MINUTE(STA)
 03/07/17 (H) STA AT 5:30 PM GRUENBERG 120
 03/07/17 (H) Heard & Held
 03/07/17 (H) MINUTE(STA)
 03/28/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HCR 1

SHORT TITLE: AMEND UNIFORM RULES: ABSTAIN FROM VOTING
 SPONSOR(S): REPRESENTATIVE(S) GRENN

01/20/17 (H) READ THE FIRST TIME - REFERRALS
 01/20/17 (H) STA, JUD
 01/20/17 (H) JUD REFERRAL REMOVED
 01/20/17 (H) JUD REFERRAL ADDED BEFORE STA
 01/25/17 (H) JUD AT 1:00 PM GRUENBERG 120
 01/25/17 (H) -- Meeting Postponed to 1/27/17 --
 01/27/17 (H) JUD AT 1:00 PM GRUENBERG 120
 01/27/17 (H) -- Meeting Rescheduled from 1/25/17 --
 01/30/17 (H) JUD AT 1:30 PM GRUENBERG 120
 01/30/17 (H) Heard & Held
 01/30/17 (H) MINUTE(JUD)
 02/03/17 (H) JUD AT 1:30 PM GRUENBERG 120
 02/03/17 (H) Moved HCR 1 Out of Committee
 02/03/17 (H) MINUTE(JUD)
 02/08/17 (H) JUD AT 1:30 PM GRUENBERG 120
 02/08/17 (H) Moved HCR 1 Out of Committee
 02/08/17 (H) MINUTE(JUD)
 02/10/17 (H) JUD RPT 1DP 3DNP 2AM
 02/10/17 (H) DP: CLAMAN
 02/10/17 (H) DNP: EASTMAN, KOPP, REINBOLD
 02/10/17 (H) AM: KREISS-TOMKINS, FANSLER
 02/21/17 (H) STA AT 3:00 PM GRUENBERG 120
 02/21/17 (H) Heard & Held
 02/21/17 (H) MINUTE(STA)
 02/21/17 (H) STA AT 5:30 PM GRUENBERG 120
 02/21/17 (H) Heard & Held

02/21/17 (H) MINUTE (STA)
03/02/17 (H) STA AT 3:00 PM GRUENBERG 120
03/02/17 (H) Heard & Held
03/02/17 (H) MINUTE (STA)
03/07/17 (H) STA AT 5:30 PM GRUENBERG 120
03/07/17 (H) Heard & Held
03/07/17 (H) MINUTE (STA)
03/28/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 175

SHORT TITLE: US PRESIDENT ELECT. COMPACT: POPULAR VOTE
SPONSOR(s): REPRESENTATIVE(s) FANSLER

03/13/17 (H) READ THE FIRST TIME - REFERRALS
03/13/17 (H) STA, JUD
03/16/17 (H) STA AT 3:00 PM GRUENBERG 120
03/16/17 (H) Heard & Held
03/16/17 (H) MINUTE (STA)
03/23/17 (H) STA AT 3:00 PM GRUENBERG 120
03/23/17 (H) Heard & Held
03/23/17 (H) MINUTE (STA)
03/28/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 74

SHORT TITLE: DRIVER'S LICENSE & ID CARDS & REAL ID AC
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/23/17 (H) READ THE FIRST TIME - REFERRALS
01/23/17 (H) STA, FIN
02/07/17 (H) STA AT 3:00 PM GRUENBERG 120
02/07/17 (H) Heard & Held
02/07/17 (H) MINUTE (STA)
03/14/17 (H) STA AT 3:00 PM GRUENBERG 120
03/14/17 (H) Heard & Held
03/14/17 (H) MINUTE (STA)
03/14/17 (H) STA AT 5:30 PM GRUENBERG 120
03/14/17 (H) -- MEETING CANCELED --
03/21/17 (H) STA AT 5:30 PM GRUENBERG 120
03/21/17 (H) Heard & Held
03/21/17 (H) MINUTE (STA)
03/28/17 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

SHEA SIEGERT, Staff
Representative Delana Johnson
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HJR 15 and answered questions, on behalf of Representative Johnson, prime sponsor of HJR 15.

RYAN JOHNSTON, Staff
Representative Jason Grenn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented Amendment 1 on behalf of Representative Grenn, prime sponsor of CSSSHB 44(JUD)

REPRESENTATIVE JASON GRENN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on HCR 1, as prime sponsor.

RYAN JOHNSTON, Staff
Representative Jason Grenn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on HCR 1 on behalf of Representative Grenn, prime sponsor.

REPRESENTATIVE ZACH FANSLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on HB 175, as prime sponsor,

LESLIE RIDLE, Deputy Commissioner
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 74.

MARLA THOMPSON, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOE)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 74.

ACTION NARRATIVE

[3:08:29 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:08 p.m. Representatives Birch, Johnson, Tuck, Knopp, Wool, LeDoux, and Kreiss-Tomkins were present at the call to order.

HB 1-ELECTION REGISTRATION AND VOTING

[3:09:12 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 1, "An Act relating to absentee voting, voting, and voter registration; relating to early voting locations at which persons may vote absentee ballots; and providing for an effective date."

CHAIR KREISS-TOMKINS explained that CSHB 1, which was reported out of the House State Affairs Standing Committee on 3/23/17, is again before the committee to address a procedural error. He relayed that an objection to Conceptual Amendment 1 had not been removed before the bill was moved out of committee.

[3:09:35 PM](#)

REPRESENTATIVE KNOPP moved to rescind committee action of 3/21/17 moving CSHB 1(STA) out of committee. There being no objection, the action was rescinded.

[3:09:58 PM](#)

REPRESENTATIVE LEDOUX withdrew her motion to move CSHB 1, Version 30-LS0070\O, Bullard, 3/14/17, as amended, out of committee. There being no objection, her motion was withdrawn.

[3:10:17 PM](#)

REPRESENTATIVE KNOPP withdrew his Conceptual Amendment 1 to CSHB 1, Version O. There being no objection, Conceptual Amendment 1 was withdrawn.

[3:10:34 PM](#)

REPRESENTATIVE KNOPP moved to adopt committee substitute (CS) for HB 1, Version 30-LS0070\U, Bullard, 3/14/17, as a work draft. There being no objection, Version U was adopted as a work draft.

[3:10:54 PM](#)

REPRESENTATIVE KNOPP moved to report CSHB 1, Version 30-LS0070\U, Bullard, 3/14/17 out of committee with individual recommendations and the accompanying zero fiscal note.

CHAIR KREISS-TOMKINS objected for purpose of discussion. He explained that Version U is the CS introduced by Representative Tuck, and Conceptual Amendment 1, which was withdrawn, will be addressed in the next committee of referral.

CHAIR KREISS-TOMKINS removed his objection to the motion. There being no further objection, CSHB 1(STA) was reported out of the House State Affairs Standing Committee.

HJR 15-OPPOSE FEDERAL ID REQUIREMENTS

[Contains discussion of HB 74.]

[3:11:52 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE JOINT RESOLUTION NO. 15, Encouraging repeal of the REAL ID Act of 2005.

[3:12:44 PM](#)

REPRESENTATIVE JOHNSON presented HJR 15, as prime sponsor. She stated that the proposed joint resolution encourages the U.S. Congress and executive branch [of the federal government] to repeal the REAL ID Act of 2005. She explained that HJR 15 represents the reinstatement of the endorsed committee substitute (CS) for House Joint Resolution 19, which was introduced in 2008 during the Twenty-Fifth Alaska State Legislature, 2007-2008. She relayed that this previous proposed resolution was co-sponsored by 15 Representatives and 12 Senators. She maintained that HJR 15 does not represent a partisan issue, but rather a states' rights issue that needs to be addressed on a national level before full implementation ensues.

REPRESENTATIVE JOHNSON explained that the REAL ID Act of 2005 makes the state-issued motor vehicle license a federally recognized piece of identification (ID), with the cost of implementation being imposed on all citizens living in REAL ID compliant states. She asserted that she introduced the proposed legislation due to her respect for the Tenth Amendment of the U.S. Constitution and the importance of identity security. She

added that she also introduced HJR 15 because of the number of constituent phone calls she has received from people who are concerned about the implementation of a system not voted for by Alaskans and forced upon the State of Alaska through the REAL ID Act of 2005. She asked for committee support for HJR 15.

[3:15:26 PM](#)

SHEA SIEGERT, Staff, Representative DeLena Johnson, noted that every person who has spoken or written in favor of Alaska being compliant with REAL ID did so based on the penalties that would ensue for noncompliance rather than the original intent of the Act: to prevent terrorists from taking asylum in the United States; to prevent terrorism from occurring; and to secure the national border. He added that those favoring compliance testified that the cost of \$1.5 million to the State of Alaska would be less of a burden than those penalties. He indicated that the proposed resolution creates an opportunity for discussion regarding the actual benefits of the REAL ID Act of 2005.

[3:17:47 PM](#)

REPRESENTATIVE KNOPP asked what the consequences of noncompliance would be for Alaska, if HB 74 did not pass.

MR. SIEGERT responded that the consequences would be that people without a federally recognized ID would not be allowed access to Transportation Security Administration (TSA) checkpoints, military bases, and federal buildings requiring a federally recognized ID.

REPRESENTATIVE KNOPP asked what the mechanism would be for verifying alternative IDs on site. He asked, "Do people really need to worry about travel and accessing ... sites? Will they be able to do it with the alternative forms of ID?"

MR. SIEGERT asked Representative Knopp if he is referring to the circumstances in which the State of Alaska has not become REAL ID compliant.

REPRESENTATIVE KNOPP answered yes.

MR. SIEGERT stated that he believes there is a mechanism [for verifying alternative IDs], but he added that the problem is that Alaska does not have the list of recognizable permissible IDs.

[3:21:32 PM](#)

REPRESENTATIVE WOOL asked if there is any information that the intent of the REAL ID Act includes the desire to have a national ID card for the citizens of the country.

MR. SIEGERT responded that he did not find that in any of the conveyable intent of the REAL ID Act. He stated that currently there is a federally recognized piece of ID, which is a passport card. He mentioned that the literature describing the original intent of the REAL ID Act does not mention the desire for a national piece of identification.

REPRESENTATIVE WOOL commented that the passport is nationally recognized but is more for international travel. He said he did not know the percentage of people who have passports. He offered his belief that it is less than half.

REPRESENTATIVE TUCK responded that Alaskans have the highest percentage of passports per capita at 65 percent.

REPRESENTATIVE WOOL suggested that nationally less than 50 percent of the population have passports.

[3:24:23 PM](#)

REPRESENTATIVE BIRCH asked if the passport is a suitable replacement for REAL ID to access airplanes and military bases.

MR. SIEGERT answered that to the best of his knowledge, yes. He said that he defers to the Department of Administration (DOA) for a definitive answer. He mentioned that DOA testified in its presentation that the Department of Homeland Security (DHS) has not issued the list of recognizable federal pieces of identification.

[3:26:13 PM](#)

REPRESENTATIVE TUCK moved to adopt Amendment 1 to HJR 15, labeled 30-LS0570\A.1, Martin, 3/20/17, which read:

Page 1, line 11:
Delete "will"
Insert "may"

Page 1, line 12:

Delete "punishing"
Insert "illegally attempting to punish"
Delete "for the actions of the state"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

REPRESENTATIVE TUCK stated that under Amendment 1, page 1, lines 11-12 would read: "Whereas noncompliance with the REAL ID Act of 2005 may result in the federal government illegally attempting to punish". On page 1, line 12, "for the actions of the state" would be deleted. He explained that his reason for deleting "for the actions of the state" is because he does not believe the federal government's actions are being affected by Alaska's actions.

REPRESENTATIVE JOHNSON stated that she fully supports the proposed amendment.

REPRESENTATIVE LEDOUX, in considering the proposed substitution of "may" for "will" under Amendment 1, suggested that Amendment 1 be amended to state "illegally punishing" on page 1, line 12, rather than "illegally attempting to punish", as proposed under Amendment 1.

REPRESENTATIVE TUCK stated that he would accept an amendment to Amendment 1 that inserts "illegally" before "punishing". He agreed that was his intent and offered that the wording of the proposed amendment was from Legislative Legal and Research Services.

[3:30:12 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 1 to Amendment 1, to replace "attempting to punish" with "punishing" so that page 1, line 12 would read "illegally punishing".

REPRESENTATIVE TUCK clarified that Amendment 1 to Amendment 1 would: remove line 6, as numbered on Amendment 1, which reads "Delete 'punishing'"; remove "attempting to punish" on line 7, as numbered on Amendment 1; and insert "illegally" after "government" on page 1, line 12 of HJR 15.

REPRESENTATIVE LEDOUX withdrew her Amendment 1 to Amendment 1.

REPRESENTATIVE TUCK moved to adopt Amendment 1 to Amendment 1 as follows: delete line 6, as numbered on Amendment 1; insert "illegally" after "government" on page 1, line 12 of HJR 15; and

delete "attempting to punish" in line 7, as numbered on the Amendment 1.

CHAIR KREISS-TOMKINS stated that there being no objection, Amendment 1 to Amendment 1 was adopted.

CHAIR KREISS-TOMKINS indicated that Amendment 1, as amended, was on the table.

REPRESENTATIVE JOHNSON asked for Amendment 1, as amended, to be read to the committee.

CHAIR KREISS-TOMKINS stated that Amendment 1, as amended, would: delete "will" and insert "may" on page 1, line 11; insert "illegally punishing" on page 1, line 12; and delete "for the actions of the state" on page 1, line 12.

REPRESENTATIVE JOHNSON read page 1, lines 11-13, of HJR 15, as amended, as follows: "Whereas noncompliance with the REAL ID Act of 2005 may result in the federal government illegally punishing individual Alaskans by placing limitation on state residents' freedom of travel and access to federal facilities."

CHAIR KREISS-TOMKINS withdrew his objection. He stated that there being no further objection, Amendment 1, [as amended], was adopted.

[3:34:21 PM](#)

REPRESENTATIVE TUCK moved to adopt Conceptual Amendment 2, which after the correction of a typographical error ("typo") read:

ADD

AND BE IT FURTHER RESOLVED that the Alaska State Legislature opposes any interference by the Federal government with the right of Alaska residents to travel and freedom of movement, including travel by air;

AND BE IT FURTHER RESOLVED that the Alaska State Legislature calls on the Governor and the Attorney General of the State of Alaska to challenge any proposed Federal interference with the right of Alaskan residents to freedom of movement including travel by air, and to vigorously defend Alaskan

residents against any attempted interference with these rights.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

CHAIR KREISS-TOMKINS withdrew his objection. He stated there being no further objection, Conceptual Amendment 2 was adopted.

[3:36:49 PM](#)

REPRESENTATIVE TUCK moved to report HJR 15, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no further objection, CSHJR 15(STA) was reported out of the House State Affairs Standing Committee.

HB 44-LEGISLATIVE ETHICS: VOTING & CONFLICTS

[Contains discussion of HCR 1.]

[3:37:17 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 44(JUD) "An Act requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest; and providing for an effective date."

[3:38:06 PM](#)

RYAN JOHNSTON, Staff, Representative Jason Grenn, Alaska State Legislature, on behalf of Representative Grenn, prime sponsor, stated that initially CSSSHB 44(JUD) contained language making the proposed legislation contingent on the passage of HCR 1. He asserted that the proposed amendment eliminates that language because of the opinion of Legislative Legal and Research Services that CSSSHB 44(JUD) can now "stand on its own" and the contingency language is not needed.

[3:39:14 PM](#)

The committee took a brief at-ease at 3:39 p.m.

[3:39:29 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 1 [labeled 30-LS0208\U.9, Wayne, 3/24/17], which read:

Page 1, line 3, following "**employers;**":
Insert "**and**"

Page 1, lines 4 - 5:
Delete "**; and providing for an effective date**"

Page 3, lines 16 - 26:
Delete all material.

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

REPRESENTATIVE LEDOUX complimented Mr. Johnston on his explanation of Amendment 1.

[3:40:54 PM](#)

CHAIR KREISS-TOMKINS withdrew his objection. He stated that there being no further objection, Amendment 1 was adopted.

[3:41:42 PM](#)

REPRESENTATIVE LEDOUX moved to report CSSSHB 44(JUD), as amended, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSSHB 44(STA) was reported out of the House State Affairs Standing Committee.

HCR 1-AMEND UNIFORM RULES: ABSTAIN FROM VOTING

[Contains discussion of CSSSHB 44(JUD).]

[3:42:26 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE CONCURRENT RESOLUTION NO. 1, Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to voting and abstention from voting.

[3:42:51 PM](#)

REPRESENTATIVE JASON GRENN, Alaska State Legislature, expressed his appreciation for the input from committee members in achieving the intended objectives of the proposed legislation. He stated that he is available for questions.

REPRESENTATIVE WOOL asked if legislators will be instructed on what constitutes a conflict of interest. He suggested that an objection on the House floor would not allow the opportunity for discussion, and an immediate decision would be required of legislators.

REPRESENTATIVE GRENN responded that any legislation requires awareness of the changes it effects. He said that since the proposed legislation would change a practice that has been in the Uniform Rules for decades, information would be disseminated to the legislators clearly explaining the changes. He asserted that any new process would require this, and Legislative Legal and Research Services has a capable and willing staff to provide that guidance. He stated that it is his responsibility as the sponsor of HCR 1 to provide information to legislators explaining the proposed procedural changes and answer questions.

[3:47:03 PM](#)

REPRESENTATIVE LEDOUX offered that no legislator would be surprised by an objection, which would occur after he/she recused himself/herself from the vote. She asserted that if legislators reviewed the floor calendar in advance, they would know to discuss any possible conflicts of interest with the Select Committee on Legislative Ethics before a vote.

[3:47:44 PM](#)

RYAN JOHNSTON, Staff, Representative Jason Grenn, Alaska State Legislature, on behalf of Representative Grenn, prime sponsor, stated that Jerry Anderson [Administrator, Select Committee on Legislative Ethics] is preemptively preparing for changes that would occur because of CSSSHB 44(JUD). He added that Mr. Anderson is making plans to use Interim as an educational period for legislators.

REPRESENTATIVE WOOL commented that in his orientation on ethics training, the current procedure for declaring conflicts of interest was never addressed. He said he sees legislators declaring conflicts, but he does not know the criterion or the rules regarding the declarations, the objections, or the subsequent voting.

[3:49:05 PM](#)

REPRESENTATIVE BIRCH said that he did not support HCR 1 or CSSSHB 44(JUD). He mentioned that during a recent House floor discussion of union dues, one-third of the body declared objections. He asserted that the legislature would get "locked down in intractable and extensive debate on each and every concern" about the amount of money earned, its significance to a family's income, and the extent to which it affects a decision to vote a certain way. He opined that this would open a "Pandora's box." He agreed that a conflict of interest in an employment situation could create a problem, but legislators are extensively vetted by the public during their campaigns. He cited the declarations of conflicts on the House floor regarding the [state] income tax discussion. He mentioned that during yesterday's House floor discussion regarding the Board of Fisheries, it was decided that it is acceptable for a Board of Fisheries member to deliberate on an issue in which he/she has a direct financial benefit from someone with whom the board is deliberating. He reiterated that the proposed legislation and resolution would create problems, and the public is aware of the conflicts that legislators have.

[3:52:21 PM](#)

REPRESENTATIVE LEDOUX stated that the State of Alaska requires municipality assembly members to recuse themselves from voting [on issues in which they have a conflict of interest]. She maintained that assembly members are subject to very substantial campaigns, just like legislators. She mentioned that assembly candidates file Alaska Public Offices Commission (APOC) financial disclosures citing every client with whom they have done business. She stated, "I just have a hard time understanding how we can impose these requirements on municipalities and say that somehow we're just different because we're the legislature." She mentioned that yesterday's debate [on the House floor] was about allowing Board of Fisheries members to participate in the discussion at hand, and not even about being allowed to vote on an issue. She stated that she fully supports CSSSHB 44(JUD) and HCR 1.

[3:54:00 PM](#)

REPRESENTATIVE KNOPP stated that at the local level if there is a potential conflict of interest, the assembly president, with the advice of the staff attorney, makes the determination of allowing a vote; if other members of the assembly disagree with that ruling, they can make a motion to override it. He asked for clarification of the process under the proposed legislation

and resolution: a legislator declares a conflict, and the House votes on the necessity of an abstention from voting by that legislator. He asked if that process would occur every time someone declared a conflict.

REPRESENTATIVE GRENN responded that each legislator is required to vote on the budget regardless of a conflict of interest. Therefore, the declaration of financial conflicts suggested by Representative Birch would be ruled out of order and not be subject to the procedures under CSSSHB 44(JUD) and HCR 1. He agreed with Representative Wool that legislators don't understand the current rules concerning declarations of conflicts of interest; therefore, conflicts are declared unnecessarily. He said that CSSSHB 44(JUD) offers clearer guidelines as to actual conflicts of interest. He added that when a person does declare a conflict meeting the guidelines, under the proposed legislation and resolution, the declaration would not be debatable, and a vote would be taken to allow or disallow the abstention.

REPRESENTATIVE KNOPP asked if the Speaker of the House would be the person to rule a declaration out of order.

REPRESENTATIVE GRENN stated his belief that the chair of the House Rules Standing Committee would make that ruling.

REPRESENTATIVE KNOPP suggested that in that case, the ruling on a declaration of a conflict of interest would be made by that person. He offered that other members of the body may object to that ruling. He stated that the process introduced by the proposed legislation and concurrent resolution is unclear to him.

REPRESENTATIVE GRENN responded that a [declared] conflict that does not meet the conflict guidelines can be ruled out of order. He clarified that it is not a majority, but a two-thirds vote [to allow or disallow the abstention].

[3:59:14 PM](#)

REPRESENTATIVE KNOPP asked if there would be potential for the majority to "hold the minority hostage" by eliminating a legislator from voting. He offered that a majority vote allows for this possibility.

REPRESENTATIVE GRENN maintained that one cannot take politics out of the proposed legislation and resolution, and the

possibility offered by Representative Knopp does exist. He stated that the intent behind HCR 1 and CSSSHB 44(JUD) is for the 40 elected leaders to "do what's right" and to vote on the merit of a conflict of interest. He suggested that if a legislator does allow partisanship to affect his/her vote [on abstention], that vote would be public record and he/she could be exposed as "playing politics." He maintained that the proposed legislation and concurrent resolution would add transparency for the public.

[4:01:21 PM](#)

CHAIR KREISS-TOMKINS suggested that a two-thirds threshold, as required under HCR 1, would equally empower both the majority and the minority.

[4:02:03 PM](#)

REPRESENTATIVE TUCK stated that he likes that [CSSS 44(JUD)] excludes the operating budget from the conflict of interest rules. He offered that requiring all legislators to vote on the operating budget makes the process "cleaner and smoother." He noted the committee had amended page 2, line 6, of HCR 1, [on 3/2/17], to state that a person cannot abstain from voting unless there is [consent of] more than two-thirds vote. He emphasized that under the proposed resolution, the higher threshold of two-thirds vote is not what is required to force a legislator to vote but what is required to prevent a legislator from voting. He referred to CSSSHB 44(JUD), page 3, lines 7-10, which defines "substantial benefit or harm" as "financial interest of a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region." He used himself as an example for explanation: as an electrician, he would not have to be concerned about the class of electricians benefiting from proposed legislation, but about himself benefiting above all other electricians. He maintained that the proposed legislation sets the threshold for conflicts of interest much higher than it is currently; therefore, there would be fewer declared conflicts. He stated that changing the threshold of what is required to force a legislator to abstain from voting from fifty percent to two-thirds percent also "sets the bar higher." He added that, in addition, there would be no deliberation; a conflict would be declared and there would be an immediate vote.

[4:05:05 PM](#)

REPRESENTATIVE WOOL said that he shares Representative Birch's concerns; he "doesn't want to go down a rabbit hole of objections and votes." He confirmed that the proposed legislation would not apply to the operating budget or its amendments. He offered that many potential financial conflicts would not meet the \$10,000 threshold and determining conflicts may be complicated. He asserted that not all legislators are familiar with every bill that comes up for a vote on the House floor. He asked about a situation in which a legislator does not declare a conflict, but another legislator believes that legislator should. He asked, "Is that to be dealt with later in an ethics issue, and that could take months ... and by that time the vote's already counted?" He referred to Representative Tuck's example of a legislator who is a member of a profession declaring a conflict [if the financial benefit or harm for that legislator is greater than that of a substantial class of persons of that profession]. He reminded the committee that an amendment was adopted to change the language [in Section 3, subsection (j), paragraph (2), of CSSSHB 44(JUD)] that Representative Tuck cited. He stated that education would be needed and offered his hope is that legislators would know when it is appropriate to declare a conflict. He conceded that there will be some "growing pains," and he offered that other state legislatures have similar rules.

[4:09:15 PM](#)

REPRESENTATIVE LEDOUX suggested that if a group of legislators had the two-thirds vote needed to disallow a vote, they would have enough votes to pass or vote down a bill and would not need to use forcing an abstention as a political tactic.

REPRESENTATIVE GRENN, in response to Representative Wool, stated that if one legislator felt that another legislator neglected to declare a conflict of interest, then the first legislator could file a complaint with the Select Committee on Legislative Ethics; the process for dealing with this situation would be the same as it is currently.

REPRESENTATIVE GRENN, in response to Representatives Birch and LeDoux, conceded that APOC filings and the campaign process afford the public a great deal of information about a candidate. He asserted that the proposed legislation would maintain that transparency for future legislation on topics that had not been considered by the public previously. He encouraged committee members to contact his office for any other questions or concerns.

[4:12:17 PM](#)

REPRESENTATIVE LEDOUX moved to report HCR 1, as amended, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HCR 1(STA) was reported out of committee.

HB 175-US PRESIDENT ELECT. COMPACT: POPULAR VOTE

[4:12:42 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 175, "An Act ratifying an interstate compact to elect the President and Vice-President of the United States by national popular vote; and making related changes to statutes applicable to the selection by voters of electors for candidates for President and Vice-President of the United States and to the duties of those electors."

[4:13:21 PM](#)

REPRESENTATIVE ZACH FANSLER, Alaska State Legislature, as prime sponsor of HB 175, stated that the proposed legislation has generated good discussion. He maintained that it is important that there be an [electoral] system in which everyone has an equal "say" in the voting process and in which all states contribute to the process through as much voter participation as possible.

[4:14:33 PM](#)

REPRESENTATIVE BIRCH stated that he is opposed to HB 175; each vote already counts; and it would diminish the ability of Alaskans to influence the national election. He maintained that Alaska has three electoral votes; two of them are U.S. Senators; and [the current system] gives Alaska an "out-of-balance" impact on presidential elections. He asserted that Alaska should recognize and utilize that opportunity as a benefit and not diminish it through National Popular Vote. He expressed his belief that National Popular Vote would detract from the Electoral College approach; it would be bad for his constituents and for Alaska. He added that in the last presidential election, if Alaska were a member of the compact, it could have had a 100-percent vote for the Republican candidate, but the three electoral votes would have had to be cast for the winner of the national popular vote. He maintained that result would

have "buried" every Alaskan vote. He reiterated that the Electoral College is a good process and is good for the state.

4:16:26 PM

REPRESENTATIVE LEDOUX expressed that she is conflicted about the proposed legislation. She stated that from the time she was a child learning about the Electoral College, she has always thought the system "weird." She asserted that she would have no problem supporting a constitutional amendment to eliminate the Electoral College; however, she expressed that she is uncomfortable with the prospect of Alaska, through the mechanism of the compact, having to cast its electoral votes to a candidate for whom the majority of Alaskans did not vote. She offered that she supports HB 175 moving to another committee for further discussion, but she does not want her vote for HB 175 to be considered as support of the proposed legislation.

4:18:09 PM

REPRESENTATIVE WOOL stated that he is also conflicted about HB 175. He said that National Popular Vote is a mechanism that would essentially produce the same result as a constitutional amendment but without the burdensome process. He relayed that if enough states join the compact, the country would essentially choose the President by popular vote. He said the fundamental question is: "As a nation, do we want to elect our national leader based on the population of the country, as opposed to 50 individual states and how they break it down?" He suggested that if one applied this system to the election of the governor of Alaska, instead of using the popular vote to determine the winner, the vote would be determined by the results of each district with each district "weighted" according to its population. He added that Alaska's districts have equal populations, but the states do not. He maintained that with electoral votes being based on population, Alaska has the lowest possible number of electoral votes - three electoral votes - and that number is insignificant. He asserted that it is only through the popular vote that a person's individual vote can "tip the scale."

REPRESENTATIVE WOOL said that he understands the appeal of using the results of the popular vote and offered that most democracies use a national vote count. He mentioned that voters used to have to be landowners and could not be slaves. He cited the historical reasons for the Electoral College, which include counting slaves as three-fifths of a person to boost the number

of electoral votes of the southern states. He suggested that these practices and historical justifications are antiquated.

REPRESENTATIVE WOOL expressed his belief that presidential candidates would campaign differently if the election was decided by popular vote. He opined that they would not just campaign in Los Angeles and New York, because much of the population live in rural areas.

[4:22:21 PM](#)

REPRESENTATIVE TUCK expressed that he agreed with Representative Wool. He offered that under President George W. Bush, when the President and both houses of the U.S. Congress were Republican, the "stars were aligned" to open the Arctic National Wildlife Refuge (ANWR). He maintained that Alaska does not get the attention it is due, because it represents only three electoral votes and is therefore insignificant. He offered that a popular vote system would encourage Alaska legislators to present a united front on issues; there is strength in numbers; and Alaska would get the attention it deserves. He referred to testimony regarding candidates visiting rural Colorado and attested that was due to Colorado being a "swing" state. He asked, "When will Alaska ever be a swing state? When will we ever have the population density to where we're all of a sudden ... significant [in] the eyes of these candidates?" He reiterated that under National Popular Vote, Alaska would attract more federal campaign money, more focus on Alaskan issues, and more individual attention to Alaskans. He stated that he supports HB 175 because he believes Alaska would get more attention; it has big concerns and offers big benefits to the federal government. He mentioned that Alaska can decide to opt out later if it so desires. He added that the conditions that led to the Electoral College are outdated.

[4:25:23 PM](#)

REPRESENTATIVE KNOPP stated that he is opposed to HB 175. He opined that it would not encourage voter participation and joining a compact disenfranchises voters. He maintained that he would support a constitutional amendment but believes the compact is the wrong mechanism.

[4:26:23 PM](#)

REPRESENTATIVE JOHNSON stated that she does not support HB 175. She relayed that she believes in states' rights and the

Electoral College gives Alaska a true advantage in the national election. She conceded that it is inevitable that the results of the election are decided before the polls close in Alaska, but she maintained that does not mean Alaska's votes do not count. She expressed her belief that using the popular vote [to decide an election] would be a disadvantage to Alaska and would disenfranchise Alaska voters. She opined that the United States has the best elections and the longest history of elections, and elections in many other countries, even democracies, are fraught with civil unrest. She asked, "Why are we trying to fix something that isn't broken?"

[4:28:27 PM](#)

REPRESENTATIVE TUCK moved to report HB 175 out of committee with individual recommendations and the accompanying fiscal notes.

[AN UNIDENTIFIED SPEAKER objected.]

A roll call vote was taken. Representatives LeDoux, Tuck, Wool, and Kreiss-Tomkins voted in favor of HB 175. Representatives Birch, Johnson, and Knopp voted against it. Therefore, HB 175 moved out of committee by a vote of 4-3.

HB 74-DRIVER'S LICENSE & ID CARDS & REAL ID AC

[4:29:35 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 74, "An Act relating to the implementation of the federal REAL ID Act of 2005; and relating to issuance of identification cards and driver's licenses; and providing for an effective date."

[4:30:31 PM](#)

The committee took a brief at-ease at 4:30 p.m.

[4:31:06 PM](#)

CHAIR KREISS-TOMKINS mentioned that two amendments had been prepared for adoption.

[4:31:28 PM](#)

REPRESENTATIVE WOOL stated that the amendment he is proposing would increase the fee for REAL ID from \$5 to \$10. He cited the

costs listed on the fiscal note: \$528,000 for implementation of the REAL ID program and additional costs for a total of \$1.5 million. He explained that the increase in the fee would generate enough revenue to make the REAL ID program self-supporting.

[4:33:26 PM](#)

REPRESENTATIVE WOOL moved to adopt Amendment 1, [labeled 30-GH1781\A.1, Martin, 3/20/17], which read:

Page 5, line 7:
Delete "\$5"
Insert "\$10"

CHAIR KREISS-TOMKINS objected for the purpose of discussion.

[4:33:33 PM](#)

REPRESENTATIVE LEDOUX stated that she supports the concept but wants to find out from the Division of Motor Vehicles (DMV) if doubling the fee will support the program as intended.

[4:34:22 PM](#)

LESLIE RIDLE, Deputy Commissioner, Department of Administration (DOA), stated that assuming 50 percent of the population obtains a REAL ID, the \$10 [fee] would allow DOA to pay for the REAL ID program in about five years.

REPRESENTATIVE LEDOUX asked what fee would be needed for DOA to pay for the program concurrently, making the fiscal note zero.

MS. RIDLE said she would provide that information.

[4:35:24 PM](#)

REPRESENTATIVE KNOPP suggested that a \$20 fee would pay for the program in one year.

MS. RIDLE answered that she assumes that to be correct.

[4:35:58 PM](#)

REPRESENTATIVE WOOL asked if the program would be profitable after 10 years.

MS. RIDLE responded yes, unless DOA reduced the fee. She said the capital project would have been paid off, and DOA would continue to pay to state money from the fees.

REPRESENTATIVE WOOL suggested that his first REAL ID would cost \$10, but his second REAL ID might only cost \$5.

MS. RIDLE attested that DOA would need to request a fee change from the legislature; it cannot unilaterally make that change.

CHAIR KREISS-TOMKINS asked if it is possible to include a "sunset" date for the fees in the proposed legislation.

MS. RIDLE answered, "Probably."

CHAIR KREISS-TOMKINS removed his objection to Amendment 1. He stated that there being no further objection, Amendment 1 was adopted.

[4:37:58 PM](#)

REPRESENTATIVE BIRCH moved to adopt Amendment 2 [labeled 30-GH1781\A2, Martin, 3/27/17] which read:

Page 3, line 18:
Delete "shall"
Insert "may [SHALL]"

Page 3, line 20:
Delete "shall"
Insert "may [SHALL]"

REPRESENTATIVE BIRCH explained that Amendment 2 inserts "permissive" language on page 3, lines 18 and 20, by replacing "shall" with "may". He cited, as justification for the language change, a letter from a constituent describing the following situation: The constituent's wife is a Japanese national with permanent resident status holding an alien registration ID green card without an expiration date. She has been a fulltime resident of Alaska since 1982. Since the green card has no expiration date, it's validity is indefinite. The constituent added that this places a significant burden on his wife requiring her to renew her driver's license annually. The constituent requested that "shall" be replaced with "may" so that decisions for unique situations can be made at the DOA application review level and to avoid having to make statutory changes in the future.

[4:39:43 PM](#)

MS. RIDLE responded that DOA agrees with Amendment 2.

REPRESENTATIVE TUCK stated his understanding that currently DOA is limited to issuing yearly driver's licenses to foreign nationals with indefinite visas. He said that the statute currently states that DOA shall issue a license for the period of the authorized stay; if the period of the authorized stay is indefinite, DOA shall issue a license with a validity of one year. He offered that someone with a driver's license for an indefinite stay must renew it annually.

MS. RIDLE expressed her understanding that current practice is that for a person of "indefinite stay," a five-year driver's license is issued. She indicated that changing "shall" to "may" would give DOA the flexibility to accommodate the person referred to in the constituent letter.

[4:42:26 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOE), stated that currently DMV issues a driver's license for the period of authorized stay [of the foreign national] or for five years for those with a permanent card having no expiration date.

REPRESENTATIVE TUCK stated that since DMV is currently acting contrary to the law, the law should be changed to agree with the current practice. He said that he supports Amendment 2.

[4:43:22 PM](#)

REPRESENTATIVE LEDOUX cited page 3, lines 19-20, of HB 74, which read, "If the period of authorized stay is indefinite, the department shall issue the license with a validity of one year." She opined that changing "shall" to "may" does not give [DMV] the authority to issue the license for longer than one year. She stated that "may" could mean that a license may be issued with a validity of one year or possibly may not be issued at all. She stated that she appreciates the issue brought forth by the constituent and the desire to address it, but that changing "shall" to "may" on page 3, line 20, would not accomplish that.

MS. RIDLE responded that it was the opinion of the assistant attorney general that this change would address the issue, but

she said that she would bring up Representative LeDoux's concern with him for further consideration.

CHAIR KREISS-TOMKINS withdrew his objection to Amendment 2.

REPRESENTATIVE WOOL mentioned that he agreed with Representative LeDoux's comments, and the use of "may" would make the language in the proposed legislation ambiguous.

CHAIR KREISS-TOMKINS again objected to Amendment 2.

REPRESENTATIVE WOOL stated that he does not understand the logic behind "one year" in the proposed legislation.

REPRESENTATIVE TUCK relayed that the intent is for DOA to issue a driver's license for the period of an authorized stay, if known. He said that if an individual has an indefinite period of stay, the committee wants DOA to issue a driver's license as it would for any other Alaskan. He suggested that page 3, line 18, should read, "Unless an authorized stay is indefinite, the department may issue the license for the period of the authorized stay."

[4:47:25 PM](#)

REPRESENTATIVE WOOL offered that a person with an indefinite stay could leave the country with his/her valid license. He suggested that DOA may wish to limit the duration of the license to avoid that situation by requiring the reissue of a license every year.

REPRESENTATIVE KNOPP stated that green cards are issued for ten years; J1 visas are issued for a two- to three-month period; and other licenses may be issued for a minimum of one year. He suggested that there is ample time for the assistant attorney general to address this issue and the bill language.

CHAIR KREISS-TOMKINS withdrew his objection to Amendment 2.

REPRESENTATIVE LEDOUX stated that she objects to Amendment 2 based on her belief that an opinion from Legislative Legal and Research Services or the assistant attorney general is needed to ensure that the amendment accomplishes that which is intended. She recommended that the amendment be held pending this opinion.

REPRESENTATIVE BIRCH said his intent is to address his constituent's concern and he supports additional legal review of Amendment 2.

REPRESENTATIVE BIRCH withdrew his motion to adopt Amendment 2.

[HB 74 was held over.]

[4:51:16 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:51 p.m.