

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 27, 2018

3:31 p.m.

MEMBERS PRESENT

Senator Kevin Meyer, Chair
Senator David Wilson
Senator Cathy Giessel
Senator John Coghill
Senator Dennis Egan

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE CONCURRENT RESOLUTION NO. 17
Proclaiming April 2018 as Sexual Assault Awareness Month.

- MOVED SCR 17 OUT OF COMMITTEE

SENATE BILL NO. 204
"An Act relating to special registration plates for vehicles owned by veterans with disabilities."

- MOVED SB 204 OUT OF COMMITTEE

SENATE BILL NO. 192
"An Act relating to the confidentiality of voters' addresses; and relating to the fees charged by the division of elections for providing a copy of the state's master voter registration list or a copy of the list of individuals who voted in an election."

- HEARD & HELD

SENATE BILL NO. 207
"An Act transferring duties among departments in the executive branch of state government; relating to the duties of departments and commissioners in the executive branch; relating to the duties of the Office of the Governor; relating to state boards and commissions; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SCR 17

SHORT TITLE: APRIL 2018: SEXUAL ASSAULT AWARENESS MONTH
SPONSOR(s): SENATOR(s) MEYER

02/16/18 (S) READ THE FIRST TIME - REFERRALS
02/16/18 (S) STA
02/27/18 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 204

SHORT TITLE: DISABLED VET PLATES: CHIROPRACTORS CERTIFY
SPONSOR(s): SENATOR(s) EGAN

02/19/18 (S) READ THE FIRST TIME - REFERRALS
02/19/18 (S) STA
02/27/18 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 192

SHORT TITLE: VOTING: ADDRESS CONFIDENTIALITY; FEES
SPONSOR(s): SENATOR(s) MACKINNON

02/19/18 (S) READ THE FIRST TIME - REFERRALS
02/19/18 (S) STA, FIN
02/27/18 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 207

SHORT TITLE: TRANSFER DUTIES FROM DCCED
SPONSOR(s): SENATOR(s) COSTELLO

02/19/18 (S) READ THE FIRST TIME - REFERRALS
02/19/18 (S) STA, FIN
02/27/18 (S) STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

CHRISTINE MARASIGAN, Staff
Senator Meyer
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview of SCR 17.

ALIZA KAZMI, Policy Specialist
Alaska Network on Domestic Violence and Sexual Assault

Juneau, Alaska

POSITION STATEMENT: Testified in support of SCR 17.

PETER NAOROZ, Staff

Senator Eagan

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided an overview of SB 204.

TODD CURZIE, President

Alaska Chiropractic Society

Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 204.

DR. EDWARD BARRINGTON, Member

Alaska Chiropractic Society

Anchorage, Alaska

POSITION STATEMENT: Testified in support SB 204.

DR. DAVID MARTIN, representing self

Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 204.

DR. DANIEL HOLT, representing self

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 204.

SENATOR ANNA MACKINNON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 192, provided an overview of the bill.

BRITTANY HARTMANN, Staff

Senator MacKinnon

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Addressed questions regarding SB 192.

JOSIE BAHNKE, Director

Alaska Division of Elections

Juneau, Alaska

POSITION STATEMENT: Testified that the division does not oppose SB 192.

CARMEN LOWRY, Executive Director

Alaska Network on Domestic Violence and Sexual Assault

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 192.

SENATOR MIA COSTELLO

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 207, provided an overview of the bill.

JOSHUA WALTON, Staff

Senator Costello

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Provided an overview of SB 207.

ACTION NARRATIVE

[3:31:05 PM](#)

CHAIR KEVIN MEYER called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Giessel, Wilson, Coghill, Egan, and Chair Meyer.

SCR 17-APRIL 2018: SEXUAL ASSAULT AWARENESS MONTH

[3:32:06 PM](#)

CHAIR MEYER announced the consideration of Senate Concurrent Resolution 17 (SCR 17). He disclosed that he is the sponsor of the resolution.

[3:32:36 PM](#)

CHRISTINE MARASIGAN, Staff, Senator Meyer, Alaska State Legislature, Juneau, Alaska, provided an overview of SCR 17 as follows:

Senate Concurrent Resolution 17 would proclaim April 2018 as "Sexual Assault Awareness Month;" this is part of a national campaign to raise public awareness about sexual assault and educate communities and individuals on how to prevent sexual violence.

We bring the resolution forward each year in order to bring attention to sexual violence and the measures being taken by organizations such as the Alaska Council on Domestic Violence and Sexual Assault, the

Alaska Network on Domestic Violence and Sexual Assault, and Standing Together Against Rape.

As I'm sure you know, sexual assault statistics nationwide are staggering. The Center for Disease Control's National Intimate Partner and Sexual Violence Survey reports that in the United States one-in-five women and one-in-seventy-one men have been victims of violent sexual assault in their lifetime. In Alaska unfortunately, those rates are much higher; in fact, the 2015 Alaska Victimization Survey reports that one-third of adult women in Alaska have experienced sexual violence.

This year the 2018 Sexual Assault Awareness Month campaign focuses on "Embrace Your Voice" to encourage and inform individuals on how they can use their words to promote safety, respect, equality to stop sexual violence before it happens. Individuals can embrace their voices to show their support for survivors, standup to victim blaming, promote everyday consent, and practice healthy communications; we hope that SCR 17 will help strengthen that effort across the state.

[3:34:13 PM](#)

CHAIR MEYER disclosed that he has presented the resolution since 2001.

MS. MARASIGAN detailed that HCR 7 was passed on April 10, 2001 and Chair Meyer has carried the resolution since 2015.

CHAIR MEYER noted that the resolution has been brought up every year, but some years there were other sponsors. He said the resolution has always passed.

MS. MARASIGAN noted that Senators MacKinnon and Costello carried the resolution in 2010 and 2011 respectively while serving in the House.

CHAIR MEYER said the resolution has easily passed in previous years but noted that the legislation was held up in the other body last year and did not pass. He asserted that he is going to push HCR 7 as hard as possible because the problem is serious in Alaska and needs to be a top priority.

[3:35:53 PM](#)

CHAIR MEYER opened public testimony.

[3:36:35 PM](#)

ALIZA KAZMI, Policy Specialist, Alaska Network on Domestic Violence and Sexual Assault, Juneau, Alaska, testified in support of SCR 17. She stated that the Alaska Network on Domestic Violence and Sexual Assault appreciates Chair Meyer's sponsorship of HCR 7. She said the resolution is important to spur awareness and tools for every Alaskan to take action to prevent sexual assault which is extremely pervasive in Alaska.

CHAIR MEYER commented that as a past board member of Stand Together Against Rape, sexual assault is a very serious issue and a statistic that the state does not want to be number one in. He opined that a lot of folks have gotten tired of him bringing the resolution up every year, but he said the topic is something that needs to constantly be in front of folks as a reminder of the need to stop sexual assault and even sexual harassment.

[3:37:42 PM](#)

CHAIR MEYER closed public testimony

[3:38:42 PM](#)

SENATOR GIESSEL moved to report SCR 17, version 30-LS1267\A from committee with individual recommendations and zero fiscal note.

[3:38:56 PM](#)

CHAIR MEYER announced that being no objection, the motion carried.

[3:39:00 PM](#)

At ease.

SB 204-DISABLED VET PLATES: CHIROPRACTORS CERTIFY

[3:40:54 PM](#)

CHAIR MEYER called the committee back to order. He announced the consideration of Senate Bill 204 (SB 204).

[3:41:31 PM](#)

SENATOR EGAN, sponsor of SB 204, said the bill lets Alaska's chiropractors sign the Division of Motor Vehicles' (DMV) forms to provide disability certification for special registration, license plates, and for disability parking permits. He noted that he already has a permanent decal signed off by his medical doctor, but SB 204 helps others. He explained that for years DMV allowed chiropractors to sign disability applications, but in

2016 the Alaska Department of Law advised DMV that the statute as it then read was not broad enough to allow chiropractors to do so. He said SB 204 authorizes and restores the system that served Alaskans well in previous years.

[3:42:50 PM](#)

PETER NAOROZ, Staff, Senator Eagan, Alaska State Legislature, Juneau, Alaska, stated that SB 204 is an important bill because it allows chiropractors, who in many cases are primary-care physicians, the ability to sign-off with the DMV on handicap permits and licenses. He detailed that the Alaska Department of Law determined in 2016 that chiropractors would have to be specifically mentioned in statute by legislative authorization and SB 204 accomplishes that. He noted that a provision in Title 28, Chapter 10 regarding veterans, uses the operative language, "Including a person with a disability." He summarized that SB 204 is the cleanest way to add chiropractors in working with DMV on handicap permits and licenses, a practice that chiropractors had been doing for a number of years.

[3:44:56 PM](#)

SENATOR WILSON asked him to clarify from the sponsor's statement versus the bill itself that the legislation addresses temporary parking, not actual license plates.

MR. NAOROZ answered that the bill addresses a temporary arrangement for parking spaces.

CHAIR MEYER asked if placards or license plates are provided.

MR. NAOROZ answered that temporary placards are provided.

CHAIR MEYER asked him to confirm that the chiropractors have been signing off for many years and the bill clarifies that they have the authority to provide the service.

MR. NAOROZ answered yes.

[3:46:10 PM](#)

CHAIR MEYER opened public testimony.

[3:46:41 PM](#)

TODD CURZIE, President, Alaska Chiropractic Society, Anchorage, Alaska, testified in support of SB 204 to restore chiropractors' ability to sign the DMV disability application. He said he had signed DMV disability applications for 23 years. He noted that he had never given a permanent disability, strictly temporary

stickers. He said not being able to extend handicap stickers when asked has been a shame.

CHAIR MEYER noted Mr. Curzie's testimony that his goal is to make disability applications temporary for his patients.

MR. CURZIE concurred and noted that some patients do require a permanent sticker due to their physical condition, but most are temporary.

3:49:00 PM

DR. EDWARD BARRINGTON, member, Alaska Chiropractic Society, Anchorage, Alaska, testified in support SB 204. He said the handicap stickers are important to individuals. He pointed out that many times patients who do not consult medical providers choose chiropractors as their primary care provider and providing handicap stickers is a good service to offer patients.

3:50:20 PM

DR. DAVID MARTIN, representing self, Wasilla, Alaska, testified in support of SB 204. He said he has many chiropractic patients that see him as their primary-care physician and providing handicap stickers was something that he was able to provide for many years. He said his hope is to better serve his patients by providing handicap stickers once again.

3:52:21 PM

DR. DANIEL HOLT, representing self, Juneau, Alaska, testified in support of SB 204. He disclosed that he has been a chiropractor in Juneau for 25 years. He said providing patients with the ability to park closer would be beneficial to chiropractic practices to better serve patients in Alaska.

CHAIR MEYER asked if most the handicap placards that Dr. Holt provides are temporary.

DR. HOLT explained that chiropractors try to get people up and going again and not do long-term disabilities. He concurred that the intent is to provide temporary placards to people.

3:54:40 PM

CHAIR MEYER closed public testimony.

3:55:07 PM

SENATOR GIESSEL moved to report SB 204, version 30-LS1474\A from committee with individual recommendations and attached zero fiscal note.

[3:55:20 PM](#)

CHAIR MEYER announced that being no objection, the motion carried.

[3:55:23 PM](#)

At ease.

SB 192-VOTING: ADDRESS CONFIDENTIALITY; FEES

[3:56:52 PM](#)

CHAIR MEYER called the committee back to order. He announced the consideration of Senate Bill 192 (SB 192).

[3:57:21 PM](#)

SENATOR ANNA MACKINNON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 192, said she usually asks questions regarding the need for a bill as well as addressing the ability to have less government. She called attention to Article I, Section 22 of the state constitution which states, "The right of the people to privacy is recognized and shall not be infringed;" she said SB 192 speaks to that privilege, that right of Alaskans.

She explained that SB 192 was introduced to address constituency concern regarding personal information being exposed on internet search engines. She shared a personal story of a constituent who wanted her personal information to remain private, but her information was made public when she registered to vote.

She noted that internet search engines provide personal information to everyone that searches, including: name, mailing address, social security number, phone number, e-mail address, and credit score. She asked when will the federal government start to protect people's right to privacy once again. She acknowledged that people can actively choose to share their information but pointed out that search engines are mined for data for private companies as well as political organizations.

[4:01:55 PM](#)

She explained that SB 192 does two things: allows an opt-out measure and increases the fee to access registered voter information.

She explained that the opt-out measure allows individuals to not share their mailing address, physical address, and precinct number. She asserted that the precinct number should not be

exposed because the number in highly populated areas gets down to the neighborhood level where a stalker could eventually find someone.

SENATOR MACKINNON disclosed that the fee to access the state's voter registry is nominally priced at \$20. She detailed that SB 192 sets the "fee barrier" at \$1,000, an average fee amount that was based on a poll conducted by the National Conference of State Legislatures (NCSL). She noted that the change does not prohibit political organizations or pollsters who use the voter data to cross-tab and sell to others, but the monetary barrier is intended to prevent access by individuals who want to misuse the information. She added that the "fee barrier" does not distinguish between a statewide and precinct list and does not impose and cannot impose copy right laws. She pointed out that the registered voter data includes a cross-check with the Alaska Permanent Fund Corporation that results in data that is rich with actual physical and mailing addresses that are consistently updated for individuals to receive their PFD [Permanent Fund dividend].

She said now that the state automatically registers individuals to vote, their information is going to become more readily available to both those that sell the addresses to other people as well as general folks who are doing internet search engine searches to locate people in specific areas. She summarized that she has families in her district that are affected by the data access and noted that she has raised the issue with the lieutenant governor's office.

CHAIR MEYER opined that the fee going from \$20 to \$1,000 is a big jump. He asked to verify that \$1,000 is the average statewide fee.

SENATOR MACKINNON specified that the average is nationwide.

4:05:59 PM

BRITTANY HARTMANN, Staff, Senator MacKinnon, Alaska State Legislature, Juneau, Alaska, clarified that the NCSL poll results showed that the average cost for a voter list in all 50 states is \$1,825.

CHAIR MEYER said he appreciated what Senator MacKinnon is doing. He opined that information is easily obtainable and noted that data can be accessed from fishing and hunting licenses as well. He asked if Senator MacKinnon is aware of an address

confidentiality program that keeps an individual's address confidential for domestic [violence] survivors.

SENATOR MACKINNON replied that there is a process where some data can be suppressed, but the precinct number is not suppressed. She said the process is not as specific as to what is being asked to be suppressed in SB 192. She added that the suppression requires a hurdle of a domestic violence and the threshold is not reached if someone is trying escape a family member. She detailed that to reach the threshold a family member must be incarcerated, or a claim must be filed against the family member, an aspect that her constituent does want to endure.

4:07:50 PM

CHAIR MEYER noted in the Municipality of Anchorage that providing a person's name regarding property taxes results in the ability to access a person's address, how much they paid for their house and what it is appraised at.

SENATOR MACKINNON replied that she would prefer to eliminate the access that Chair Meyer has described as well; however, under a federal act that cannot be eliminated. She noted that a person though would have to know the state a person is in as well as the city to be able to access that data, more at a micro level than a macro level. She explained that in her constituent's case the person may not have known her constituent was in Alaska and even if they did, they wouldn't have been able to access a municipal database to find my constituent because they would not have known which city location her constituent was in to access the data Chair Meyer was speaking to.

SENATOR WILSON pointed out that he can search for individuals on the Division of Elections' website. He asked if SB 192 will also address the Division of Elections' website regarding a personal search.

SENATOR MACKINNON answered that she believed yes. She noted that Director Josie Bahnke from the Alaska Division of Elections is in attendance and available to address the committee.

SENATOR EGAN asked how SB 192 will affect campaigns. He said the \$1,000 fee, especially in smaller communities, will be expensive for the individual running for council or assembly. He asked if Senator MacKinnon thinks that the \$1,000 fee will cause a disadvantage for somebody running for municipal election.

4:10:07 PM

SENATOR MACKINNON replied that she thinks there are work-arounds to everything the legislature does. She noted that the major parties allow data to be shared with anyone that is associated with them. She opined that a statewide organization could pay \$1,000 and share the data because that data is not copy written. She said she is not opposed to having someone who is registered for election to have a fee that is different for a precinct or an area that is lower than \$1,000; however, she pointed out that the nationwide average is \$1,800 for a statewide list. She emphasized that she brought the legislation forward as a concern from her district that her constituents' information is being sold very inexpensively to everyone. She said she thought the \$1,000 barrier to someone who is not declaring that they are going to raise over \$1,000 may create a barrier for that candidate and there is a way around that issue if someone is registered in an election to run for office.

SENATOR EGAN stated that he appreciated what Senator MacKinnon was trying to do; however, he asked if she thought the bill protects domestic violence victims and queried if the bill also addresses other data sources like tax rolls, PFD, or anything from a recorder's office.

SENATOR MACKINNON replied that she will divert part of the question to the Alaska Division of Elections and the Alaska Permanent Fund Corporation. She said her understanding is the data would go backwards so that both systems are affected. She asserted that the bill's threshold is lower than having to have been a victim of domestic violence. She asked that consideration be given to those that are stalked or bullied who do now want their information exposed.

She explained the proposed data-blocking process as follows:

How we walk through this with the Division of Elections is that you could go online electronically, check a box, and your data would be blocked. A different address like the Division of Elections' address or the Alaska Permanent Fund Corporation's address would be exposed instead of your own private information.

She reiterated that the precinct number must be out otherwise a person's identity still can be pinpointed. She summarized that the bill provides those experiencing domestic violence or sexual

assault an opportunity to shield their physical address from others.

[4:13:12 PM](#)

MS. HARTMANN provided the sectional analysis for SB 192 as follows:

Section 1: AS 15.07.060

Each voter applicant must indicate whether or not they want their residential and mailing addresses to be made confidential.

Section 2: AS 15.07.060

Establishes how an applicant, or a person acting on behalf of the applicant, may indicate that they desire to keep their address or addresses confidential; by making a statement to a registration official or by marking a box on the registration form.

Section 3: AS 15.07.064

Requires that the Division of Elections use the address provided on the Permanent Fund Application, if it is different from their current registration address, but the division must also keep that address confidential if the voter requested their address to be confidential.

Section 4: AS 15.07.127

Increases the fee for the state's master-voter-registration list and a list by precinct to \$1,000. This section also requires that the voter's address be kept confidential from this list if the voter has requested confidentiality.

Section 5: AS 15.07.195

Allows a voter to elect to keep the voter's mailing address confidential and eliminates a requirement that a voter may only request that the voter's residential address be kept confidential if the voter provided a separate mailing address.

Section 6: AS 15.15.400

Provides that copies of the statewide list and a list by precinct, may be purchased from the division for \$1000. This section also makes such copies of the list subject to the address confidentiality provisions.

SENATOR COGHILL addressed section 2 that noted, "Person acting on behalf;" he asked if that meant anybody that had legal authority.

MS. HARTMANN replied that is what she believed it is and noted that the verbiage is already in statute.

SENATOR COGHILL pointed out that section 2 is a new subsection and queried if the language was rewritten.

MS. HARTMANN answered that the section is new but explained that the current statute allows for someone to be registered by someone else on behalf of them.

[4:15:40 PM](#)

SENATOR COGHILL stated that he struggles with the bill and explained as follows:

I struggle with this bill, I'm not a big fan of it at this point. I appreciate what they are trying to do but this pulls the shade down for everybody, necessarily I think that is a little more complicated than I am willing to go down the road on. I appreciate the fact that you don't want to necessarily create a legal action to get yourself off of the roll, so I'm sympathetic to that and I'm not too sure how to deal with it.

This issue just came to me yesterday morning for the first time, I looked at it and my first reaction is "no;" but, I appreciate it and wanted to listen to the sponsor's input on why a family might feel a need to be safe from that but I also see that what you are saying is anybody who does it so then you have a public safety part but you also have those who want to be more nefarious can also pull that shade down, and then you have the problem Senator Egan brought up and that is we have created a democracy problem in contacting people, sometimes we weary people to death and I get that so I think people would check-it because of that. Sometimes the privacy issue as brought up is just so pervasive that where do you start? I think what she is trying to do as a sponsor is trying to put her foot down in one place and say, "At least here is what the state can control."

So, I'm probably more inclined to go to a different kind of application which would allow confidentiality for whatever cause and have to state what that cause is, it could be anything from a legal action to a fear action, that's where I would probably go. I struggle less with the fee, it is true that some places are \$5,000 for a statewide list but there are millions of people, so you really can't say an average because the average takes a population plus a cost, so that average doesn't really work out that good. The jump to Alaskans, I tend to agree, it's usually the professional people who are going to want that fee as long as we allow local races to have a reasonable access. So, I don't know where that number would be, I think she started high but I'm probably willing to talk about it because it is true that people are using those lists very frequently in a very loose way, so I'm open to that discussion. As somebody who's had to campaign, I know how valuable it is to know where people live and to go contact them, but I also know when somebody puts a no trespassing you just don't go up their driveway and I think that's what she is trying to say, no trespassing here for me because I feel vulnerable for whatever reason.

I don't know that I agree with the approach just yet, but I'm working on it. Certainly the statisticians and I've got one in my office who very clearly used some of these things, he's very good at it and has given me good reason to question this, but as I said to the sponsor in my office, "Okay, if this isn't the best way what is a good way to help somebody feel safer in a world where the information is you can get it anywhere," and this doesn't solve the problem of somebody that wants to feel safe in my view. I don't mind the dollar amount because generally speaking these are highly manipulated databases basically for all of the political reasons, we all know about, but at the end of the day they are people, they are just individual people and some of them don't want to be bothered for whatever reason. I just don't know that this is the best way to get there, so I'm hoping you're not going to move it out right away because I'm still warming up to the idea. I'm trying to think what's the best solution. I'm trying to think of an amendment that I might put into it and I'm really at a loss at this point. So, I just wanted to let the

sponsor know I appreciate the effort but I'm not with her on this particular approach yet.

4:20:16 PM

CHAIR MEYER noted that the committee will go through public testimony that may provide additional input to Senator Coghill.

SENATOR COGHILL remarked that he hoped people do not think that the committee is insensitive to people who "feel that fear." He queried how to get it done but appreciated Senator MacKinnon stepping up to try and figure out a way.

SENATOR MACKINNON asked to speak to the "nefarious" part in Senator Coghill's previous statement as follows:

Public safety and the State of Alaska would still have access to all of that data; this is as you say, "no trespassing," that a private person is putting up in their yard, and we are allowing this data to be sold. We are allowing it to become profitable information at the expense of folks who are asking not to have their data sold.

SENATOR COGHILL opined that in a democratic world you must enlist people to participate and that is one of the issues that must be dealt with as to how to keep people safe while still allowing the democratic process to work, an issue that he struggles with. He said on the other hand he referenced data Senator MacKinnon provided that showed ways other states have "imperfectly" dealt with the issue that the legislature is trying to address, mostly dealing with sexual assault, sexual violence and things like that where a restraining order is required. He noted that Senator MacKinnon said there is a lower threshold, something that becomes problematic for him. He opined that he questioned the ability to jut checkoff a box for whatever reason if someone wanted to disappear.

4:22:25 PM

CHAIR MEYER opened public testimony.

4:23:00 PM

JOSIE BAHNKE, Director, Alaska Division of Elections, Juneau, Alaska, testified that the division does not oppose SB 192. She said the division feels that the legislation is relatively straight forward to implement since the division currently has a way to mark a voter's information as confidential. She noted that the change in the bill would have no impact on the

financial cost associated with the division's conduct of state and federal elections nor would any additional staff be required to implement the proposed law.

SENATOR WILSON asked Ms. Bahnke to address what would happen to the ability to search names on the division's website if the bill passed.

MS. BAHNKE replied that the only search on the division's website requires a person to enter personal identifiers that includes: voter ID, name, last-four digits of a social security number; if someone knows that information, they could do a search on themselves or someone else.

[4:25:43 PM](#)

SENATOR WILSON stated that he has questions for the sponsor regarding the impact on voter registration, voting processes at political party conventions, or the possibility of inhibiting folks from being able to participate in the voting process.

SENATOR COGHILL asked if someone acting on another person's behalf when voting would normally be "power of attorney." He said the statute is AS 15.07.070(b) and Ms. Bahnke can answer the question later. He inquired what the division will do with the money from the proposed \$1,000 fee.

MS. BAHNKE answered that currently the Division of Elections has no vehicle to get the funding directed to the division, so all receipts would go through the general fund.

SENATOR COGHILL asked if the division has talked about raising the value of the sale of lists.

MS. BAHNKE answered that the division has not.

SENATOR COGHILL asked if she had thought about what the value might be as a tool for the division's benefit to help manage the voting list. He said the fee is steep but conceded that the proposed fee is not totally unreasonable.

CHAIR MEYER inquired how many times the division sells the list per year.

[4:29:07 PM](#)

MS. BAHNKE replied that the division sells approximately 50-statewide lists per year.

CHAIR MEYER asked if there is a requirement when someone buys the list.

MS. BAHNKE explained that the division collects the name of the organization the individual is representing and address. She noted that the division mails a DVD with the information.

CHAIR MEYER surmised that if the fee is paid the state does not know who is receiving the information or what they are going to do with the information.

MS. BAHNKE answered yes.

SENATOR COGHILL noted that approximately 27 percent of the state's population moves per year. He asked how the division manages its files and if the bill is going to affect file accuracy.

MS. BAHNKE answered that in statute the division has a very detailed process to annually conduct list maintenance, something the division recently completed. She explained that to ensure the voter roll accuracy, the division is a member of the Electronic Registration Information Center (ERIC), a group of 23 states where the division does cross-state and in-state duplicate death records where reports are run on a regular basis. She added that the division gets the most current PFD automatic-voter-registration information from the Alaska Permanent Fund Corporation as well.

SENATOR COGHILL conceded that once in awhile his confidence in government is low and the Division of Elections has not escaped his scrutiny. He said the division's voter-file management is a process they must go through; however, he pointed out that there have been times when the division's accuracy had to be investigated. He opined that the bill would make checking on the division's accuracy very hard to do. He summarized that division accountability is another factor that must be considered.

[4:32:46 PM](#)

CHAIR MEYER asked if requesting confidentiality during voter registration was currently possible.

MS. BAHNKE answered that the division has both a paper and online voter registration application process that allows voters to request that their residence address remain confidential if a separate mailing address is provided.

[4:34:09 PM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault, Juneau, Alaska, testified in support of SB 192. She said SB 192 will go along way to protect victims of domestic violence, sexual assault and stalking. She asserted that abusers go to great lengths to find out where people live, and the bill provides confidentiality and safety for victims. She added that the bill will also encourage people to vote by allowing a person to control access to their residential and mailing addresses.

[4:36:03 PM](#)

CHAIR MEYER closed public testimony.

SENATOR MACKINNON noted that she has communicated with individuals affected by stalking who are not comfortable with calling in, e-mailing or texting, the very people that the bill intends to protect. She set forth that setting a lower threshold protects all people. She summarized as follows:

I understand that we want to make sure that we can reach out and talk to people as elected officials, but if people don't want to talk to us, they have a right to put up a no-trespass sign.

[4:37:21 PM](#)

CHAIR MEYER held SB 192 in committee.

SB 207-TRANSFER DUTIES FROM DCCED

[4:37:28 PM](#)

CHAIR MEYER called the committee back to order. He announced the consideration of SB 207.

[4:37:51 PM](#)

SENATOR MIA COSTELLO, Alaska State Legislature, Juneau, Alaska, sponsor of SB 207, explained that the bill deletes a department. She noted that the concept for the bill has been years in the making. She emphasized that economic development is one of her priorities as a legislator and noted that most of her legislation has been to promote that. She referenced her legislative history with governors Hickel and Murkowski. She detailed her experiences with two administrations that included departmental consolidation as well as her involvement in trade missions to Asia to promote Alaska. She remarked that she questioned whether the departmental consolidation currently works and noted that as one reason why she introduced the bill.

SENATOR COSTELLO disclosed that during her time as a representative in the House she oversaw a working group that addressed how to diversify the state's economy. She disclosed that one of the questions the working group asked pertained to identifying a state that was doing a good job and Texas was identified. She said the Texas website is a "one stop shop" for easily connecting inquires with the people and resources needed to start a business in the state.

She noted that she constantly asks the question as to how the state can elevate its economic development and disclosed that her answer is to get rid of the Alaska Department of Commerce, Community, and Economic Development (DCCED) and put the commissioner and some divisions in the governor's office to elevate the position. She said DCCED spans a tremendous range of topics and emphasized that her proposed change is not meant to diminish the work that is done at the department, but to elevate it.

She explained that the commissioner for DCCED sits on 23 boards, a time-consuming job where most of the responsibilities will go to other departments, including the Department of Revenue and the Department of Natural Resources. She detailed some of her proposed changes as follows:

- The Minerals Commission and the forest products in that department will go into the Department of Natural Resources.
- The Alaska Film Office, no longer in existence, will be "removed from the books."
- Remove the commissioner's office in the Division of Administrative Services:
 - The commissioner would be housed in the governor's office and work directly with the governor and staff members.

She noted that many of the departments used to be separate and were ultimately combined; however, she said the state has never asked if combining the departments is working. She asserted that it is a worthy discussion when considering Alaska's fiscal challenges. She added that she thinks the state should be marketed and encouraged the administration and legislature to market Alaska whenever possible.

[4:44:19 PM](#)

JOSHUA WALTON, Staff, Senator Costello, Alaska State Legislature, Juneau, Alaska, noted that the bill has 127 sections due to departmental-separation components. He referenced the proposed division/office/program relocation as follows:

- Dissolved:
 - Commissioner's Office,
 - Division of Administrative Services,
 - Alaska Film Office.
- Office of the Governor:
 - Alaska Seafood Marketing Institute,
 - Alaska Tourism Marketing Board,
 - Division of Economic Development:
 - Development Section,
 - Note:
 - Includes all marketing programs,
 - Includes all non-lending programs.
- Department of Revenue:
 - Division of Banking and Securities,
 - Division of Community and Regional Affairs,
 - Division of Corporations, Business and Professional Licensing (DCCED-CBPL),
 - Division of Economic Development:
 - Investments Section,
 - Division of Insurance,
 - Alaska Energy Authority,
 - AIDEA,
 - Alaska Gasline Development Corporation,
 - Alaska Railroad Corporation,
 - Alcoholic Beverage Control Board,
 - Marijuana Control Board,
 - Regulatory Commission of Alaska,
 - Note:
 - Includes all revolving loan fund programs,
 - Includes all independent and quasi-judicial agencies.
- Department of Natural Resources:
 - Alaska Minerals Commission,
 - Alaska Forest Products.

He pointed out that a committee substitute would be required to carry out all the bill's objectives.

[4:48:06 PM](#)

SENATOR WILSON asked Senator Costello to address the referenced memo for SB 207 from the Division of Legal and Research Services, item 10 regarding the constitutionality of moving some of the items into the Office of the Governor and referenced the section as follows:

Moving duties and programs to the Office of the Governor. As requested, the bill moves the film production promotion program, the Alaska product preference program, the Made in Alaska labeling program, and tourism duties and grants from DCCED to the Office of the Governor. However, moving these duties and programs out of a principal department and into the Office of the Governor raises an issue under the Constitution of the State of Alaska.

Article III; sections 22, 25, 26; Constitution of the State of Alaska; provide that the Legislature is required to allocate powers to the principal departments in the executive branch and that the head of a principal department is subject to legislative confirmation. The Legislature exercises its oversight of these departments by confirming the single executive or members of the commission or board that head the department.

The Alaska Supreme Court has not addressed whether the governor's office is a principal department; however, the Legislature may not confirm the head of the Office of the Governor (the governor), and it does not appear that the Office of the Governor would be considered a principal department as contemplated by the constitution.

Moving duties and programs from a principal department into the Office of the Governor appears to violate the constitutional requirement that the Legislature allocate powers, etc., to the principal departments. In addition, transferring duties and programs to the Office of the Governor removes the Legislature's oversight (by its confirmation authority) of the execution and implementation of these transferred duties and programs once they are in the Office of the Governor.

1. Under Article III, section 22, the Legislature has the authority to allocate functions, powers,

and duties to departments within the executive branch, with the limitation that there be no more than 20 principal departments. Article III, section 24, further provides that "[e]ach principal department shall be under the supervision of the governor."

2. Art. III, section 25, requires that the head of each principal department be appointed by the governor, subject to legislative confirmation.

3. Art. III, section 26, requires that the members of a board or commission that heads a principal department or regulatory or quasi-judicial agency be appointed by the governor.

SENATOR COSTELLO explained that the bill moves the commissioner of DCCED to the governor's office. She specified that the bill does not move the "commissioner of the department," but the "commissioner" is being moved. She said she believes that for clarity it is possible to have language in the bill that says, "For the purposes of this section the commissioner is not a commissioner of a department."

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SENATOR GIESSEL addressed the memo from the Division of Legal and Research Services as follows:

A follow up on Senator Wilson's question. What the memo calls out is moving these individuals, whether it is the commissioner or any of these divisions and most prevalently the Division of Corporations, Business and Professional Licensing (DCCED-CBPL); these personnel are subject to legislative confirmation and as the memo points out that moving duties and programs to the Office of the Governor appears to violate the constitutional requirement that the legislature allocate powers to principal departments and have oversight related to confirmation.

She asked Senator Costello how she would deal with the constitutional issue referenced in the memo.

SENATOR COSTELLO reiterated that she believes that there is a work-around with the issue that Senators Wilson and Giessel referenced. She said she is willing to work with anyone who is interested in pursuing the noted constitutional issue.

SENATOR GIESSEL specified that her main familiarity with the entire DCCED has to do with DCCED-CBPL. She pointed out that the division staff provides substantial staff support to the multiple boards and questioned the substantial staff movement into the Department of Revenue. She said her second issue focuses on the mission conflict between the Department of Revenue's task in collecting money versus the mission statement for DCCED-CBPL. She opined that DCCED-CBPL has a quasi-adjudicatory regulatory mission or charge that seems to be in conflict in terms of the Department of Revenue's purpose of collecting money.

[4:51:40 PM](#)

SENATOR WILSON thanked Senator Costello for looking for efficiencies by combining governmental services. He said he was willing to work with her to try and find more suitable places to put some of the departments. He conceded that he questioned if DCCED could be fully eradicated but opined that some pieces may be moved around to shrink the size of the department.

SENATOR COGHILL remarked that SB 207 is a big undertaking. He opined that Senator Costello's focus may be on what the government can do to be nimbler in its business opportunities versus the idea of efficiency. He said the legislation is a big shake-up where core responsibilities are blended. He questioned whether the focus on core responsibilities would be retained.

SENATOR COSTELLO asserted that SB 207 is transformational. She pointed out that the proposed departmental change in the bill also occurred in the 1990s when three departments were merged. She said there is a need to break down silos between departments; for example, there might be advantages with Community and Regional Affairs being housed in a different department, whether the Department of Revenue or another one. She noted that when the merger occurred, DCCED became a department that spanned a huge range of issues ranging from aerospace to rural bulk fuel loans. She disclosed that at a recent Aviation Advisory Council meeting she learned that a community was eligible for federal funds but was not aware of it because "that's a DOT issue." She opined that there are opportunities for increased collaboration and asserted that asking the question is worthwhile to enhance some of the things. She reiterated that the commissioners spend a third of their time sitting on boards and the question addressing the time issue is posed in the bill. She noted that there is a House version of SB 207 as well.

[4:55:42 PM](#)

CHAIR MEYER said he appreciated Senator Costello for bringing the legislation forward. He agreed with previous statements that SB 207 is big bill and noted that the legislation needs additional work, pointing out that the fiscal notes have not been able to keep up. He asked Senator Costello if her intent is to save the state money.

SENATOR COSTELLO explained that saving money is not why she introduced the bill but saving money would be a benefit from the legislation.

CHAIR MEYER commented that he likes the idea of, "breaking down the silos." He noted that Senator Costello gave the example of how everything was centralized to reduce staff and share services, a concept he likes and will address with the deputy commissioner. He suggested that work continue with the bill and noted that Senator Wilson offered his assistance. He said the bill will be brought back for public testimony at a later date.

[4:57:17 PM](#)

CHAIR MEYER held SB 207 in committee.

[4:57:58 PM](#)

There being no further business to come before the committee, Chair Meyer adjourned the Senate State Affairs Standing Committee at 4:57 p.m.