

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 20, 2018

3:29 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

CONFIRMATION HEARINGS

Commissioner - Alaska Department of Administration
Leslie Ridle

- CONFIRMATION ADVANCED

Alaska State Personnel Board
Al Tamagni

- CONFIRMATION ADVANCED

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."

- MOVED CSSB 192 (STA) OUT OF COMMITTEE

SENATE BILL NO. 159

"An Act relating to disbursement options under the Public Employees' Retirement System of Alaska and the Teachers' Retirement System of Alaska for participants in the defined contribution plan; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

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
02/27/18	(S)	Heard & Held
02/27/18	(S)	MINUTE(STA)
03/20/18	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: SB 159

SHORT TITLE: PERS/TERS DISTRIBUTIONS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

01/24/18	(S)	READ THE FIRST TIME - REFERRALS
01/24/18	(S)	STA, FIN
03/20/18	(S)	STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

LESLIE RIDLE, Commissioner-Designee
Alaska Department of Administration
Juneau, Alaska

POSITION STATEMENT: Testified as commissioner designee to the Alaska Department of Administration.

AL TAMAGNI, Appointee
State Personnel Board
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the State Personnel Board.

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

POSITION STATEMENT: Explained the committee substitute for SB 192.

SENATOR ANNA MACKINNON
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 192.

JORDAN SHILLING, Staff
Senator Coghill
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed an amendment for SB 192.

COMMISSIONER-DESIGNEE LESLE RIDLE
Alaska Department of Administration
Juneau, Alaska

POSITION STATEMENT: Introduced SB 159.

KATHY LEA, Deputy Director and Chief Pension Officer
Division of Retirement and Benefits
Alaska Department of Administration
Juneau, Alaska

POSITION STATEMENT: Testified on SB 159.

ACTION NARRATIVE

[3:29:45 PM](#)

CHAIR KEVIN MEYER called the Senate State Affairs Standing Committee meeting to order at 3:29 p.m. Present at the call to order were Senators Wilson, Giessel, Coghill, Egan, and Chair Meyer.

CONFIRMATION HEARING(S):
Commissioner, Department of Administration
Personnel Board

[3:31:04 PM](#)

CHAIR MEYER announced the consideration of the governor's appointees.

[3:31:25 PM](#)

LESLIE RIDLE, Commissioner-Designee, Alaska Department of Administration, Juneau, Alaska, detailed her residency and curriculum vitae to committee members. She noted that she was a teacher for 6 years and served in the Alaska Legislature for 27 years. She disclosed that she has been in the Alaska Department of Administration for three years and was appointed as commissioner-designee when Sheldon Fisher moved to the Alaska Department of Revenue as commissioner. She stated that her

previously noted experiences helped her to figure out how to help constituents and Alaskans.

COMMISSIONER-DESIGNEE RIDLE said she liked the Alaska Department of Administration because she liked how the department works for the state and helps make things better for state workers so that they can do the state government's mission. She added that she likes what some of the department's outwardly-facing divisions do in interacting with the state like the Division of Motor Vehicles. She said she really likes the ability to help make things move smoother for Alaskans and to serve Alaskans.

[3:34:53 PM](#)

She addressed goals set with the previous commissioner for the department and explained that her intent is to continue the work that she and former commissioner Sheldon Fisher had worked on together. She detailed the department's goals as follows:

- Shared services;
- Office of Information Technology (OIT) consolidation;
- Reducing the department's lease footprints across the state:
 - \$1 million in rent was reduced in FY2018 based on consolidations and lease renegotiations.
- Working hard on healthcare, one of the department's biggest expenditures;
- Working on the retiree plan and the active plan;
- Working with the Alaska Department of Health and Social Services and the Alaska Department of Commerce, and Economic Development on healthcare "as a whole."

She analogized that the department's projects are like babies and her goal is to get them up to the toddler and middle school stages, ultimately solidifying the projects so that they can continue after her tenure.

SENATOR WILSON asked Commissioner-Designee Ridle to address her continuity plans, specifically shared services. He noted that shared services are a controversial issue that has been in different iterations over the past six years. He inquired how the department is working on the continuity of its plan throughout departments and different administrations to provide efficiency of state government.

COMMISSIONER-DESIGNEE RIDLE replied that the difference is the structure of how things are done has changed. She opined that

the state's current budget situation has been an impetus in combining services and reducing budgets.

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SENATOR WILSON asked if there is a continuity plan throughout the departments if Commissioner-Designee Ridle were not the commissioner.

COMMISSIONER-DESIGNEE RIDLE answered that continuity is her goal whether she someone else is commissioner. She said creating structure is important for continuity to make sure things are put into a solid place.

SENATOR COGHILL asked Ms. Ridle to address her background in the U.S. Senate and how her experience at the federal level could be implemented administratively in the department.

COMMISSIONER-DESIGNEE RIDLE replied that she has worked in all three levels of government: municipal, state, and federal. She conceded that the municipal level of government was the best because it was so fast. She pointed out that the federal government has addressed shared services as well. She added that the department has taken examples from the federal government that includes the Lean and Kaizen methods for management improvement.

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SENATOR COGHILL addressed Ms. Ridle's unique perspective because she gets to be an administrative arm for a lot of different people in various ways, both state employees and the public. He asked how the department uses the Lean government training process to help take the "Middle part of our government and put it all to work at the front face of our government." He inquired if the Legislature puts statutorial barriers up that hinders the department.

COMMISSIONER-DESIGNEE RIDLE explained that the department uses the Lean government training processes to get the groups together to look at the barriers and address what is causing a barrier. She admitted that a lot of barriers are self-imposed in addition to regulation, state law and federal law barriers. She provided examples of removing barriers in the Division of Motor Vehicles (DMV) to improve customer service. She noted that Kaizen methods were used to mine data to identify barriers and attack problems. She revealed that the current year was the first year that the department was able to ascertain from the Office of Information Technology (OIT) as to how much the state

spends on technology. She asserted that change is not possible without knowing what is currently being done. She emphasized that state employees want to do a good job and being able to allow them to look at the big-picture is helpful for their job. She opined that state employees are excited when the department assists with removing their barriers.

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SENATOR COGHILL pointed out that Ms. Ridle is facing an election cycle for the upcoming year and plans must take in account what can be done this year as well as what can be done beyond. He addressed benefits and retirement as an enterprise that is unique to a certain set of circumstances. He inquired if Ms. Ridle believes that benefits and retirement is something that should be within the administration or outside in a different realm.

COMMISSIONER-DESIGNEE RIDLE agreed that retirement and benefits is its own special thing in the department. She said the retirement and benefits is huge with a lot of customers, federal laws and state laws. She remarked that she did not know if retirement and benefits should be taken out of state government.

She disclosed that she had worked with the previous commissioner to "beef up" retirement and benefits. She disclosed that the department hired more professional staff to address the "big ideas" like a healthcare economist to better look at the state's data. She emphasized that retirement and benefits need an updated computer system to better serve customers. She opined that the retirement and benefits savings can come from streamlining, especially to the customer.

SENATOR COGHILL remarked about retirement and benefits and asserted that bargaining for a third-party vendor has been no small task in Alaska, something that has not been settled since his tenure in the Legislature. He asked where the department is with third-party vendors.

COMMISSIONER-DESIGNEE RIDLE replied that the department has requests for proposals (RFP) out for healthcare travel, pharmaceuticals, and claims. She explained that a different RFP process is being used for third-party vendors called "Best Value." She detailed that Best Value allows the department to ask a lot of questions upfront prior to awarding an RFP. She disclosed that in the past an RFP was awarded to a vendor and then questions were asked as to how the program works.

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SENATOR COGHILL remarked that prequalifying questions will keep the department out of court and out of arbitration.

COMMISSIONER-DESIGNEE RIDLE concurred.

CHAIR MEYER recalled that Commissioner Fisher had a study done that showed combining all the different health providers into one would save over \$125 million. He asked if anything has been done with combining health providers.

COMMISSIONER-DESIGNEE RIDLE noted that Chair Meyer was referring to the Health Care Authority Study from 2017. She disclosed that the department has started on a couple of recommendations from the study that included travel and a pharmacy benefit for Medicare eligible retirees. She added that the department has asked for \$750,000 in the budget for an actuarial study that provides deeper data from the municipalities and school districts.

CHAIR MEYER opined that \$125 million is a lot of money in savings. He asked if the various bargaining groups are providing insurance to their employees.

COMMISSIONER-DESIGNEE RIDLE explained that Alaska Care covers half of the employees, including the Legislature, courts, and retirees; however, there are four health trusts that cover the other half:

1. General Government Unit (GGU) and Alaska State Employees Association (ASEA);
2. Labor, Trades and Crafts (LTC);
3. Public Safety Employees Association (PSEA);
4. Master, Mates and Pilots (MM&P).

[3:56:54 PM](#)

CHAIR MEYER reiterated that substantial savings to the state could happen if the trusts were combined.

COMMISSIONER-DESIGNEE RIDLE explained that the report said combining was feasible and noted that more savings could occur if municipalities, boroughs and school districts were brought in as well.

CHAIR MEYER said he hoped Commissioner-Designee Ridle's comment on combining groups is something that she can assure the committee that she will continue to seek and go after. He

addressed shared services and noted that topic has been something that the Legislature has heard for a long time. He noted his frustration that agencies function like separate silos where they have their own information technology, communication specialists, purchasing group, and human resources. He asked if centralizing the support services would make sense.

COMMISSIONER-DESIGNEE RIDLE answered the centralizing OIT addresses what Chair Meyer was referring to. She admitted that departments may have been doing a great job for their department, but sometimes to the detriment of the overall state. She said the bigger picture with everybody working for one entity while focusing on department missions would provide "better eyes" on how money is being spent. She noted that improved vendor management has resulted in vendors working with one entity that results in the state buying one product at once. She conceded that too many licenses are being purchased and that things are allowed to expire. She emphasized that shared services are happening with information technology and travel, and accounts payable is next.

[4:00:07 PM](#)

CHAIR MEYER reiterated that his hope is shared services will be a priority. He emphasized that the people that work for Ms. Ridle are great, including the Alaska Public Offices Commission (APOC). He pointed out that DMV has developed some innovative services and "simple stuff" has been out-sourced. He noted that license renewals can be done online which has resulted in reduced lines at the main office.

SENATOR WILSON noted that Commissioner-Designee Ridle's resume had gaps between her time with the Knowles and Mayor Begich administrations and then her time between the Mayor Begich administration and working as the deputy commissioner.

COMMISSIONER-DESIGNEE RIDLE noted that she had worked on a lot of campaigns and did not include her campaign work.

SENATOR EGAN stated that he and his staff have found working with Commissioner-Designee Ridle to be a pleasure and was happy that the governor appointed Ms. Ridle as commissioner-designee.

SENATOR COGHILL opined that one of the nice things that the state received from the federal government was the Alaska Land Mobile Radio system (ALMR), something that Commissioner-Designee Ridle gets to deal with. He admitted that the state does not

know what to do with ALMR. He asked Commissioner-Designee Ridle to address ALMR.

COMMISSIONER-DESIGNEE RIDLE replied that she did not work with ALMR during her time as deputy commissioner and will get back to the committee.

SENATOR COGHILL detailed that ALMR was brought in by the military during the Knowles administration. He said the state has bought into a very expensive piece of machinery that it cannot operate without the military. He suggested that Commissioner-Designee Ridle review ALMR's history and get the military back in with a partnership.

[4:04:44 PM](#)

CHAIR MEYER opened and closed public testimony.

[4:05:38 PM](#)

CHAIR MEYER announced that with no objection from the committee, he read the following statement:

In accordance with AS 39.05.080, the Senate State Affairs Committee has reviewed Ms. Ridle and recommends the appointment be forwarded to a joint session for consideration. This does not reflect intent of any members to vote for or against the confirmation of the individual during any further sessions.

[4:06:07 PM](#)

At ease.

[4:06:42 PM](#)

CHAIR MEYER called the committee back to order. He announced that the next confirmation hearing is to consider Mr. Al Tamagni Sr. for the State Personnel Board. He asked Mr. Tamagni to introduce himself and address why he would like to serve on the board again.

[4:07:05 PM](#)

AL TAMAGNI, Appointee, State Personnel Board, Anchorage, Alaska, provided his personal history and noted that he currently works in the insurance industry. He said he has served on various boards and has enjoyed his stay on the State Personnel Board. He opined that his background in labor relations provides him with the knowledge to offer input for certain advisory questions.

MR. TAMAGNI detailed that the board oversees the following:

- Approving personnel changes to the classified-unclassified departments.
- Quarterly ethics reports from all state entities.
- Handling investigations on compliance of the governor and lieutenant governor.
- Monitor state personnel rules.

He said the board has streamlined its operations over the last four or five years. He noted that the board used to have four meetings a year and currently has three a year or as needed. He detailed that during meetings the board reviews all complaints. He noted that the attorney general handles ethics complaints. He said the board monitors replies from entities that questions were raised to or corrections made for violations.

He summarized that he enjoys serving on the board and would like to continue for another term.

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CHAIR MEYER disclosed that Mr. Tamagni has been involved in many organizations in the Anchorage area and noted his service in the military. He asked Mr. Tamagni how long he has served on the Personnel Board.

MR. TAMAGNI replied that he has served for six years.

CHAIR MEYER asked Mr. Tamagni if he wanted to continue serving on the board.

MR. TAMAGNI answered yes.

SENATOR WILSON asked Mr. Tamagni if the complaints the board receives are more systemic issues or just one-time occurrences.

MR. TAMAGNI replied that complaint issues are dependent on the situation.

SENATOR WILSON asked if the complaints are reoccurring on a regular basis or sporadic.

MR. TAMAGNI answered that complaints are sporadic.

[4:14:50 PM](#)

CHAIR MEYER announced that no one has requested to testify. He read the following statement:

In accordance with AS 39.05.080, the Senate State Affairs Committee has reviewed Mr. Tamagni and recommends the appointment be forwarded to a joint session for consideration; this does not reflect intent of any members to vote for or against the confirmation of the individual during any further sessions.

[4:15:32 PM](#)

At ease.

SB 192-VOTING: ADDRESS CONFIDENTIALITY; FEES

[4:17:27 PM](#)

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

SENATOR GIESSEL moved to adopt the committee substitute (CS) for SB 192, version 30-LS1354\D as the working document.

CHAIR MEYER announced that without objection the CS for SB 192 was before the committee. He asked Ms. Marasigan to explain what the CS does.

[4:18:37 PM](#)

CHRISTINE MARASIGAN, Staff, Senator Meyer, Alaska State Legislature, Juneau, Alaska, explained that the CS changes the fee for the voter registration list to \$100 per Senate district and \$1,500 for the state's entire voter registration list. She disclosed that in committee discussion there was concern that \$1,000 was too much but as the sponsor pointed out there were other states that charged even more. She noted that the secondary concern addressed the \$1,000 fee for an unaffiliated person running for a local office that had to incur the higher fee. She pointed out that the CS effectively addresses both a local nonaffiliated person running for office who would only pay \$100 for a Senate district voter registration list, and then the CS effectively ups the cost for a statewide voter registration list for the State of Alaska.

CHAIR MEYER asked if the statewide voter registration fee would be \$1,500.

MS. MARASIGAN answered correct.

CHAIR MEYER summarized that the intent is to not prohibit someone running for office to get the voter registration information for their district but at the same time discourage somebody from buying the whole state's voter registration list.

[4:20:31 PM](#)

CHAIR MEYER objected to the CS for discussion purposes.

SENATOR COGHILL asked for an explanation of the thought process on the Senate district fee.

CHAIR MEYER replied the discussion went back and forth.

MS. MARASIGAN detailed the discussion as follows:

One of the interesting points of discussion came up when a campaign is interested in obtaining a voter registration list, a lot of times when running for state House or a legislative seat, they are affiliated with a party and they are able to obtain that information through that affiliation; however, when you have somebody who is running for a school board seat or a borough seat, or a municipality seat, or a city council seat, that sometimes that is larger than a House district and might encompass several House districts, in fact maybe encompass one or two Senate districts, it was felt that by the \$100 price point that it still keeps it low enough where a fairly well organized campaign should be able to obtain such a list at that price.

SENATOR COGHILL said Ms. Marasigan made a good point.

[4:22:15 PM](#)

CHAIR MEYER removed his objection. He asked the bill's sponsor, Senator MacKinnon, to comment on the CS. He noted that an amendment was forth coming.

[4:22:49 PM](#)

SENATOR ANNA MACKINNON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 192, commented that the dollar amount changes in the CS were certainly the committee's privilege as well as any amendment brought forward. She asked to speak to the bill after the new bill is offered.

[4:23:47 PM](#)

SENATOR COGHILL moved Amendment 1, [30-LS1354\D.1]:

A M E N D M E N T 1

OFFERED IN THE SENATE

BY SENATOR COGHILL

TO: CSSB 192(STA), Draft Version "D"

Page 1, line 1:

Delete "relating to the confidentiality of voters' addresses"

Insert "establishing the Alaska address confidentiality program"

Page 1, line 5, through page 3, line 4:

Delete all material.

Page 3, line 5:

Delete "Sec. 4"

Insert "Section 1"

Renumber the following bill sections accordingly.

Page 3, lines 16 - 28:

Delete all material and insert:

"* Sec. 2. AS 15.07.195(b) is amended to read:

(b) In addition to the information in (a) of this section, the address of a voter participating in the Alaska address confidentiality program established under AS 44.23.100 - 44.23.104 may not be disclosed. A voter who is not a participant in the Alaska address confidentiality program may elect in writing to keep the voter's residential address confidential and not open to public inspection if the voter provides a separate mailing address. However, notwithstanding a voter's participation in the Alaska address confidentiality program or [AN] election under this

subsection, a voter's residential address may be disclosed to

(1) a watcher appointed under AS 15.10.170 and, in the case of a watcher appointed by an organization or group sponsoring or opposing an initiative, referendum, or recall group, authorized by the director;

(2) an observer of a recount provided under AS 15.20.440(b) by a candidate, political party, or organized group having a direct interest in the recount; or

(3) the subject of a recall election if the voter voted in the recall election."

Page 4, following line 8:

Insert a new bill section to read:

"* **Sec. 4.** AS 44.23 is amended by adding new sections to read:

Article 2. Alaska Address Confidentiality Program.

Sec. 44.23.100. Alaska address confidentiality program. (a) The Alaska address confidentiality program is established in the Department of Law. Under the program, an individual who is eligible under this section may use an address designated by the department under AS 44.23.102 as the individual's own address, designate the department to receive mail, legal process, and voter registration or absentee ballots on behalf of the individual, and provide that the department forward the mail, legal process, and voter materials to the individual's actual mailing address. The department may not charge a fee to apply for or participate in the program.

(b) An individual is eligible for the program if the individual

(1) is a resident of the state and

(A) a victim, or a parent or guardian of a minor child who is a victim, of stalking, domestic violence, or sexual assault or a crime in another jurisdiction with elements substantially similar to stalking, domestic violence, or sexual assault, that was reported to a criminal justice agency in good faith; or

(B) has been granted, or has been granted on behalf of a minor, a protective order issued or filed under AS 18.65.850 - 18.65.870 or AS 18.66.100 - 18.66.180; and

(2) files a completed application under (c) of this section.

(c) An individual may apply to the department to participate in the program. The department shall approve an application that is filed in the manner and on the form prescribed by the department. The application must contain

(1) the applicant's name;

(2) the applicant's actual residential and mailing addresses;

(3) if applicable, identification of a state or municipal agency that employs the individual against whom an allegation of abuse against the applicant or member of the applicant's household is made;

(4) evidence satisfactory to the department of the applicant's eligibility under (b)(1) of this

section; and

(5) a sworn statement by the applicant that

(A) the applicant resides or will reside at a location in this state that is not known to the individual or individuals who are the subject of a report or order described in (b)(1)(A) or (B) of this section;

(B) the applicant agrees not to disclose the applicant's actual residential or mailing address to the individual or individuals who are the subject of a report or order described in (b)(1)(A) or (B) of this section; and

(C) the applicant understands and consents to the following attributes and requirements of the program:

(i) a participant will be enrolled in the program for a period of three years unless the participant submits notice of cancellation under (vii) of this subparagraph or is disenrolled under (ii) of this subparagraph;

(ii) a participant is required to notify the department when the participant's actual address or legal name changes; if the participant fails to notify the department under this subparagraph, the department may disenroll the participant from the program;

(iii) a participant is required to develop a safety plan in consultation with department personnel;

(iv) by participating in the program, a participant authorizes the department to notify state

and municipal agencies and units of government that the individual is a program participant;

(v) the department will notify a program participant when the participant's three-year period is about to expire under (i) of this subparagraph or if the department is set to disenroll the participant under (ii) of this subparagraph;

(vi) a participant who receives a notification under (v) of this paragraph may timely update the participant's information or may re-enroll in the program within six months after the date the department issues the notification;

(vii) a participant may discontinue participation in the program at any time by submitting a written notice of cancellation to the department; and

(viii) a participant must certify the department as the participant's designated agent for service of process.

(d) Upon the filing of a properly completed application by an eligible applicant, the department shall certify the applicant as a program participant.

(e) The department shall adopt regulations necessary to implement and administer AS 44.23.100 - 44.23.104.

Sec. 44.23.102. Use of designated address; confidentiality. (a) The department shall provide each participant with a designated address. A participant may request that state and municipal agencies use the address designated by the department as the participant's address. When creating a new public

record, state and municipal agencies shall use the address designated by the department as the participant's substitute address, unless the department determines that the

(1) agency has a bona fide statutory or administrative requirement for the use of the participant's actual address that would otherwise be confidential under AS 44.23.100 - 44.23.104; and

(2) participant's actual address will be used only for the statutory and administrative purposes identified in (1) of this subsection.

(b) A participant may use the address designated by the department as the participant's work address.

(c) The department shall forward all mail received at a participant's designated address to the participant's actual address and provide the notices described in AS 44.23.100(c)(5)(C).

(d) At the request of a participant or a state or municipal agency or unit of government, the department shall provide to another person confirmation of the participant's status as a program participant.

(e) A state or municipal agency or unit of government shall use a participant's address designated under this section for official business unless the use of the participant's actual address is specifically required by statute. A state or municipal agency or unit of government may request confirmation from the department of an individual's status as a program participant.

(f) A person who has received confirmation of an individual's participation in the program under this

section may not

(1) refuse to use the address designated by the department for the participant;

(2) require a participant to disclose the participant's actual address; or

(3) intentionally disclose to another person the actual address of a participant.

(g) Notwithstanding (a) of this section, a participant shall provide the participant's actual residential address for voter registration and voter verification purposes under AS 15 and AS 29. However, state and municipal officials and other persons to whom the participant's actual address is disclosed shall keep the address confidential, except upon court order, and the address may not be disclosed under AS 40.25.110 or 40.25.120.

Sec. 44.23.104. Definitions. In AS 44.23.100 - 44.23.104,

(1) "criminal justice agency" has the meaning given in AS 12.62.900;

(2) "department" means the Department of Law;

(3) "domestic violence" has the meaning given in AS 18.66.990;

(4) "participant" means an individual enrolled in the Alaska address confidentiality program established in AS 44.23.100;

(5) "program" means the Alaska address confidentiality program established in AS 44.23.100;

(6) "sexual assault" has the meaning given in AS 18.66.990;

(7) "stalking" has the meaning given in
AS 18.65.870."

CHAIR MEYER objected for discussion purposes.

[4:26:14 PM](#)

SENATOR COGHILL noted that he had spoken with Senator MacKinnon and they did not see eye-to-eye on his amendment; however, he felt it was important to bring the topic up. He explained that the bill "pulls the shade down" by taking addresses off just by signing or checking a block. He conceded that the important issue is about privacy, but the bill strictly changes privacy regarding voter registration lists. He noted that the bill does not address confidentiality more broadly.

He explained that the amendment is based on address confidentiality programs in the United States. He disclosed that the new program will be called the Alaska Address Confidentiality Program (ACP) and the "meat" of the program is addressed in section 4 of the amendment. He explained that the program would broadly protect address privacy, even at the municipal level. He specified that a person would be eligible if the individual has been a victim of stalking, domestic violence, sexual assault, or have been granted a protective order for stalking. He detailed that an individual would apply to the Alaska Department of Law. He noted that the program is modeled after Montana law.

He disclosed that his thought was to first have confidentiality for those that are most vulnerable, and the amendment starts there by creating the program and defining eligibility. He said an eligible applicant provides their address and makes a sworn statement that their address is confidential. He summarized that the program is a broad approach that addresses eligibility, the application process, and how the Alaska Department of Law could use an individual's address.

He revealed that he spoke with the Alaska Department of Law and conceded that the Alaska Address Confidentiality Program will be new to the department, but the program is not new in departments of law. He explained that the Alaska Department of Law was chosen because the department would most likely know who victims of stalking are, domestic violence, sexual assault, and granted protective orders.

SENATOR COGHILL summarized that the Alaska Address Confidentiality Program is a new deal in Alaska. He opined that the bill's sponsor believes his proposal is narrower than what she would like, a point of view that he understands; however, he believes that the research he has done, and the resulting program would address the most vulnerable, first. He pointed out that his proposal does not require conviction, just a sworn statement and an application for the Alaska Department of Law.

[4:29:38 PM](#)

CHAIR MEYER noted that 39 other states have programs like Senator Coghill's proposal. It is not a totally new proposal.

SENATOR COGHILL revealed that he talked with the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) and noted that ANDVSA liked his approach. He conceded that ANDVSA would like his proposal because they are the ones that are focused on protecting the most vulnerable population. He asserted that his proposal would be a real benefit to ANDVSA. He pointed out that he did not propose the Alaska Address Confidentiality Program to be exclusively for ANDVSA, but his proposal was a result of the question that was posed by Senator MacKinnon's bill. He said he was not a fan of doing what the bill's sponsor proposed and that was allowing anybody that wanted to take their name off the registered voters list. He emphasized that his proposal is a good solution without going down the road that the road of allowing anyone to take their name off the voter registration list.

CHAIR MEYER asked if his address would be kept confidential if he had a hunting and fishing license.

SENATOR COGHILL answered yes and noted his intent for broad protection.

CHAIR MEYER asked if an address would be protected in property tax and similar databases.

SENATOR GIESSEL stated that she had several questions because the proposed amendment basically creates a new bill for committee members to consider. She addressed page 3, lines 21-24 and asked if the amendment proposes a limited participation period of 3 years.

SENATOR COGHILL answered correct.

SENATOR GIESSEL noted that on page 4, lines 3-6 that Senator Coghill proposes that confidentiality would have to be renewed and that the department would notify program participants when to renew.

SENATOR COGHILL answered right.

SENATOR GIESSEL asked what would happen if a notification was mailed to the wrong address where the individual that receives the mail has bad intentions. She inquired why the confidentiality requires renewal every three years.

SENATOR COGHILL replied that Senator Giessel posed a good question that his office had considered as broadly as possible. He noted that a protective order does not last forever and commented as follows:

The very issues that they would apply for, stalking, sexual assault, it would be the circumstances of life would have to be rethought as we move along, and so it would not preclude them from reapplying, but we didn't want somebody's name on the rolls forever for a protective order, that's all. I'm open to discussion on that, but the way we saw it was that you were doing it based on an affidavit, based on an event, a stalking, a domestic violence, something like that, and a protective order does have a time limit on it. So, we thought we would go across a time frame that was reasonable and for data that could be moved, three years seemed reasonable. If you talk about voting issues, that would go through at least one full voting cycle, it would give databases a chance to get that information, but it also gives somebody the chance to go through the chapter of their life and if they thought that chapter was not going to end, they get to reapply.

[4:33:16 PM](#)

SENATOR GIESSEL replied as follows:

Interestingly I've been contacted by someone whose entire family was murdered, more than three years ago, and this person has great concern about the criminal being released on parole and the ramifications of that person's behavior. There are situations where three years would be a tedious thing to have to keep track of to renew.

She addressed page 3, lines 29-30 in the amendment regarding the requirement to develop a safety plan in consultation with department personnel. She asked if the noted department is the Alaska Department of Law.

SENATOR COGHILL answered yes. He explained that the Alaska Department of Law would hide an individual's address and significant changes would have to be communicated with the department.

SENATOR GIESSEL continued to address coordination with the Alaska Department of Law as follows:

Page 5, line 2, "The Department of Law shall forward all mail to the participant's designated address;" then in the next under (d), "Shall provide to another person confirmation of the participant's status as a program participant." I'm not sure I understand what is going on here. Why would you supply, I'm not sure what the rationale is?

SENATOR COGHILL replied as follows:

I think this is when you are reaching out to a municipal that they would have access to that, sending it to that party.

[4:35:39 PM](#)

JORDAN SHILLING, Staff, Senator Coghill, Alaska State Legislature, Juneau, Alaska, replied to Senator Giessel's query as follows:

One thing to note is that Legislative Legal did a fairly comprehensive nationwide look at how other address confidentiality programs are structured. A lot of the language here is the exact language that you will find in those other 39 states and this is one of those provisions.

He asked if Senator Giessel was referring to (d) on page 5.

SENATOR GIESSEL answered yes. She added that she intended to address section (c) and (g) as well. She noted that the sections reference providing the participants' actual residence address for voter registration and voter verification, something that

she thought was the original idea of the bill's original sponsor.

MR. SHILLING explained as follows:

Subsection (d) does not require that the address be conveyed to a municipal agency; for example, it just requires at their request that the person's participation in the program is conveyed. For example, there may be a municipal agency where a participant in the program wants to interact with government in some way and that requires that individual to give their address and the individual may say, "Well, I'm part of a program called ACP, I've actually got a substitute address to provide in lieu of my actual physical address," and I could have envisioned a scenario where maybe the municipal agency was skeptical or said, "Well, I've never heard of such a program or prove to me that you get to use the substitute address." It seems to me that subsection (d) would allow the Department of Law or will require the Department of Law to convey to that municipal agency that they are in fact a part of the ACP program, you shall in fact accept their substitute address.

[4:37:42 PM](#)

SENATOR GIESSEL reiterated that if someone is truly trying to disappear, the section seems to be counter to that.

SENATOR COGHILL interjected and noted that an individual is going to have electricity and gas bills. He specified that an individual must show that they are in the ACP program to preclude them from having their address published.

SENATOR GIESSEL read subsection (g), line 20 as follows:

Shall provide the participant's actual residential address for voter registration and voter verification.

MR. SHILLING replied as follows:

I believe that is for the Division of Elections to be able to determine if that individual is truly eligible to vote, but the Division of Elections cannot have that person's actual physical address on the voter rolls. What you would see on the voter rolls is the substitute address, but I think the Division of

Elections does truly need to know your actual address in order to ensure that you are eligible to vote.

SENATOR GIESSEL pointed out that the amendment is a whole new program and asked what the fiscal note might be.

MR. SHILLING replied that a fiscal note has not been developed and commented as follows:

While it is new to Alaska as Senator Coghill said, it's actually pretty common nationwide. We have had some preliminary conversations with the Department of Law and while they haven't developed a fiscal note to my knowledge, they are working on that. I imagine that there is some cost to comprehensively ensure that these specially situated individuals have their address purged from all publicly available databases.

CHAIR MEYER noted that the bill goes next to the Senate Finance Committee where the fiscal note can be scrutinized.

[4:40:02 PM](#)

SENATOR MACKINNON commented as follows:

A bill is an idea and an idea is in front of you and I appreciate and respect all of your perspectives on the idea. The amendment before you is actually a bill unto itself and not one that I had intended on carrying. We did research this for over a year and a half and the bar that we chose to place in our bill and for your consideration as an alternate was a sworn statement via a checkbox that would cost no money to the people of Alaska to do that. A sworn statement is what you are getting from the new bill, the amendment that is being offered by Senator Coghill.

She asked the chair for some latitude because she has done some research about the "balance of power" and the "need to know."

CHAIR MEYER asked if her request pertained to the amendment.

[4:41:13 PM](#)

SENATOR MACKINNON answered yes but noted that her commentary is broad. She explained the limitations that the amendment will impose on SB 192 as follows:

Senator Coghill posed the balance of the need to know someone's address with the need for an individual to determine whether they should be protected in some way from someone.

I first went to the Department of Elections to look at what their mission was, and the mission is to ensure every eligible Alaskan has a meaningful opportunity to cast a ballot and have their ballot counted and to conduct sure and accurate elections.

To speak to a meaningful opportunity the amendment before you limits the opportunity of the one family or both families and a person that has emailed me to do that, the person would not be able to qualify under the "Coghill amendment," this is a person who has a distressful situation happening with a family member and does not want law enforcement involved, but wants their data protected by the State of Alaska, they want the opportunity to cast a vote in a meaningful way.

I went online, and I started searching about voter privacy and who is actually doing studies in universities across the world. The one that I'm going to quote in a moment is by David Maass, dated February 29, 2016 and it is entitled, "Voter Privacy, What You Need to Know About Your Digital Trail During the 2016 Election," and I did look at other resources too, but under their section that says, "Public Information."

Many people think voter records are completely private, so we have a constituency that is growing to distrust the government that is elected to represent them. By not allowing individuals the freedom to cast a vote independently we lose trust with the people that we've come to represent, and I understand that campaigns use voter information to gather information on citizenry and determine whether someone is likely a voter, maybe likely to vote, that is why I think this is relevant to this discussion.

A study by Colin Bennett from the University of Victoria, Canada, "Surveillance and Society," people are starting to look at whether we are actually in the U.S. driving voters away from participating in the process by what is attributed to the U.S. need-to-know and micro-targeting that is dividing us into to niche

markets and avoiding the hard work of building consensus and national vision. It arguably creates parties and candidates that do not convey a general ideological framework for governments but a series of carefully focused groups that analyze key messages to move people one particular direction.

We are helping to polarize American voters by these micro-targeted singular messages to people, and in fact, this is exactly what we don't want to do. We expect as those that are out there asking for people's vote to engage them in a process and provide a greater opportunity to debate, but as we continue to compartmentalize people into small boxes, we are discouraging the public discourse, the public dialogue in creating an opportunity to build American democracy.

[4:45:25 PM](#)

SENATOR MACKINNON continued as follows:

Those were the broad statements that I wanted to make. Personal data is increasingly captured and processed, there are decisions where Facebook is right now under fire for data breeches or sharing information with technology companies that are mining and crosschecking with other software platforms, individual idiosyncrasies of everyone in America.

The amendment before you could be done simply with a sworn statement. By involving law officers, we are disenfranchising the group of voters that ask me to come before this body and ask for change. We could do it with a lower threshold and it is true that 39 other states have similar concepts to what Senator Coghill's amendment proposes. I wonder how many others have constitutionally ensured victim's rights in their constitution? Victim's rights have been honored by the people of Alaska in a high regard, higher than any other state, and on this issue we should lead.

I talked to members of the Network on Domestic Violence and the Council on Domestic Violence because we had one person I believe testify or in the room listening from the network, and what I found was a little bit sad in the sense that from my conversation it felt like they wanted to protect the data too,

because they were using that data for campaign or solicitations for support and other access, and why that disappoints me is because I've had to rise above my own personal need for information as a candidate to come to you and ask you to allow individual voters to choose to protect, to put up that "no trespass" sign, to put up, "Please don't contact me about elections or otherwise, but to respect my wishes."

The Alaska Department of Law can be a scary place for people that have been stalked or otherwise want to describe to rape crisis agency or domestic violence shelter their personal stories. Speaking specifically to what Senator Giessel said, you will be revictimizing a person of sexual assault and domestic violence every time they have to retell their story to a new individual at the Department of Law to recertify that indeed they can keep their information away from those that they don't want to share it with. Senator Coghill spoke very respectfully about serving the vulnerable first. The vulnerable don't always show up for support or access and we are disregarding those in this amendment.

The bill is in your hands, I will leave it to your good judgement. I don't agree with the amendment, I believe Alaska should lead on this issue. I understand the balance of the need to know by the general population on a voter base and the need for us as government to reach members that elect us to serve them.

[4:48:43 PM](#)

CHAIR MEYER remarked that it is never easy when there are two very good and compelling cases. He asked if Senator Coghill had any comments to make after hearing from Senator MacKinnon.

SENATOR COGHILL replied as follows:

The thing about the senator and I, we have so much in common on focus, but we just are really strongly diverted on one particular point on this and that is the need or the access for the voter's registration list to be available to those who choose to run for office, that is probably one place where I feel very strongly about this. It's like in democracy, you have both a responsibility and you should have some

security. In many ways I so agree with the senator on this issue but just for any cause pulling the "no trespassing" sign up is not something at this point I'm willing to do because all it does is put your foot down on one place and it squeezes up in four others.

So, if we really wanted to protect people I wanted an honest to goodness way to do that that showed that there were some real issues, and I get if some people are fearful, that they may not go to the Department of Law, and that's sad that we live in a day where people feel like the government is our enemy, I get that. The reason for having the three-year look into this thing is because the life circumstances do change and I've known enough network people and enough advocates to know that the re-victimization happens in very different ways than just going for help, that going for help is usually facilitated by people who want to help people along their journey, so I don't feel that that's a very big problem; but, in order to support this bill I think looking at the confidentiality program is probably the best way I can get behind the bill and support it. I think the barrier of having to buy the list is probably appropriate at that level and that is an instant protection for those who would buy the list probably for more nefarious reasons, but it is true that the voter list is used probably more than ever before, but when I look at what is going on with Facebook or Google or almost any other database that's available, even the grocery stores are, it's pervasive in our society that we do have to be very careful, but I don't know that [inaudible] this system out helps us that much.

So, the ability to reach out to people to communicate with them, I know it is worrisome, I get that, and I feel like many times it is manipulative, I get that; but, people have to be wise and discerning when it comes to voting and I think the avenue for getting to a broad range of people, unless there is a compelling reason. So, I tried to find that compelling reason and I just didn't buy the lower threshold, I just think that the higher threshold is more important.

So, this is the senator's bill, I'm trying to add what I think is my best value to it. I probably would lose my support on the bill if I can't do something like

this because it's just too broad for me, so this is my attempt in trying to help out along the way.

[4:52:32 PM](#)

CHAIR MEYER remarked that everyone would be surprised about the personal data being used every time someone uses their Fred Meyer card.

[4:52:58 PM](#)

CHAIR MEYER removed his objection to Amendment 1.

[4:53:02 PM](#)

SENATOR GIESSEL objected to Amendment 1.

CHAIR MEYER asked if Senator Giessel would like to address her objection.

SENATOR GIESSEL specified that her objection relates to the complexity of Amendment 1 and its three-year renewal process.

CHAIR MEYER agreed with Senator Giessel's early statement that the amendment creates almost a separate bill.

SENATOR COGHILL pointed out that the bill does go the Senate Finance Committee where the bill will receive another full vetting. He emphasized that he did not want to stop the bill in committee but tried to be productive and thoughtful for the legislation to work for Alaska.

CHAIR MEYER explained that he allowed additional discussion because he expects the same discussion to occur again. He said he was somewhat bothered to pass the bill without a current fiscal note but noted that the bill would go to the Senate Finance Committee where the amendment's costs will be closely analyzed.

CHAIR MEYER announced that an objection to Amendment 1 has been maintained and asked for a roll call.

A roll call vote was taken. Senators Coghill, Wilson, Egan, and Chair Meyer voted in favor of Amendment 1 and Senator Giessel voted against it. Therefore, Amendment 1 passed by a 4:1 vote.

CHAIR MEYER announced that Amendment 1 has been adopted.

[4:55:47 PM](#)

SENATOR GIESSEL moved to report [CSSB 192(STA)], version 30-LS1354\D as amended from committee with individual recommendations and forth coming fiscal notes.

[4:56:07 PM](#)

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

[4:56:45 PM](#)

At ease.

SB 159-PERS/TRS DISTRIBUTIONS

[4:58:19 PM](#)

CHAIR MEYER announced the consideration of SB 159.

[4:58:56 PM](#)

COMMISSIONER-DESIGNEE LESLE RIDLE, Alaska Department of Administration, Juneau, Alaska, explained that SB 159 was a straight forward bill that Kathy Lea, chief pension officer, will discuss with the committee.

[4:59:15 PM](#)

KATHY LEA, Deputy Director and Chief Pension Officer, Division of Retirement and Benefits, Alaska Department of Administration, Juneau, Alaska, disclosed that the bill comes at the request of the Alaska Retirement Management Board (ARMB). She explained that the board is considering options for distribution from the defined contribution plans that will enhance the retirement readiness for members.

She referenced slide 2 in her presentation, "Proposed Change" as follows:

- The Alaska Retirement Management Board (ARMB) must be able to add or change distribution options easily and in a relatively short timeframe.
- The proposal is to move disbursement options from the Alaska Public Employees' Retirement System (PERS) and the Teachers' Retirement System (TRS) defined contribution statutes into regulation to allow for a faster response to participant needs.
- The ARMB unanimously approved the proposal.

She referenced slide 3, "The Issue" as follows:

- The PERS/TRS DCR (Tier IV) plans to use the statutes as the plan document.
- Any changes to modernize options or to meet new Internal Revenue requirements require a statutory change.
- Statutory changes can take several sessions to accomplish, if at all.
- Meanwhile, participants' needs are not being met.
- This bill would give the DCR plans the same flexibility as the supplemental benefits system (SBS) and Deferred Compensation plans.

MS. LEA summarized that the bill will move the referenced statutes into regulation, provide the board with more flexibility to add, change or delete options. She noted that the referenced flexibility already exists in the SBS and Deferred Compensation plans where their statutes authorize the plan, but they are governed by a plan document.

[5:01:25 PM](#)

She referenced slide 4, "PERS/TRS Need," as follows:

- The PERS/TRS DCR plans have vested employees who are retiring and need help facing the challenges of retirement.
- The ARMB Defined Contribution Subcommittee is exploring options that will help participants:
 - Not outlive their retirement savings,
 - Address purchasing power over time, and
 - Protect against market uncertainty.

She commented as follows:

These are in the form of what's called a Qualified Longevity Annuity Contract that addresses the longevity risk when spending down a defined contribution plan by deferring payment to age 80 or 85, a portion of the assets can be a maximum of \$125,000 or 25 percent of the assets of the account, and it is to ensure that you don't out live your assets; however, that type of a plan is not included in the current statute.

Another type of withdrawal is a Guaranteed Lifetime Withdrawal Option, and what this does is the participant can elect to enter that anytime between 10 years prior to their retirement and they pay an insurance premium and they insure their balance and

this deals with the uncertainty of how much money am I going have to live on, because with that insurance whatever is their highest balance during that tenure period or beyond is what their monthly withdrawal benefit is based on. So, it protects them from the downside of the investments, but allows them to have the benefit of the upside, this is also not an option that is covered by the statutes.

MS. LEA explained that by moving the statutory requirements into regulation, the public process will remain. She referenced slide 4, "Transparent Process for Change," as follows:

- Discussions regarding disbursement options are done in a public forum during the selection process.
- Participants and groups representing participants will have input during subcommittee and ARMB committee meetings.
- The process remains public and transparent but allows for faster adoption of needed change.
- All interested parties are notified of any changes through the regulation process.

She pointed out that when regulations are noticed, the notice must be for 30 days. She detailed that the notices will occur in newspapers and online on the department's website. She emphasized that the change will allow for a faster process for needed change. She summarized that approximately 60 days would be needed to implement a change after ARMB adoption rather than one or two legislative sessions.

[5:04:28 PM](#)

CHAIR MEYER asked if the bill will result in everything being done by regulation rather than having to come before the Legislature.

MS. LEA answered correct. She specified that the department would proceed through regulation on the recommendation from ARMB.

SENATOR WILSON asked if she knew the percentage of people that retire and take their entire balance in a lump sum.

MS. LEA answered that she will get back to Senator Wilson with an answer.

SENATOR COGHILL asked if the bill would provide departmental regulatory authority and put ARMB in charge of policy makeup.

MS. LEA answered correct. She detailed that ARMB would make recommendations for changes in options and the department would do the regulations and public notice. She added that for visibility reasons the Legislature would receive notice for all regulations that the retirement system promulgates.

SENATOR COGHILL asked what the difference was in how the supplemental benefit system management works outside of ARMB.

MS. LEA explained that the SBS works the way that the bill proposes for the defined contribution retirement plan and added that ARMB has oversight for those as well as the public employee's deferred compensation plan.

SENATOR COGHILL pointed out that a practicing, working model exists. He asked if there have been pushback issues.

[5:07:07 PM](#)

MS. LEA replied that she is not aware of any pushback items. She said the department's intent is to improve the defined contribution retirement plans and improving the options for spend-down. She noted that the options can be added as soon as ARMB approves them into the SBS plan.

SENATOR COGHILL explained that his first thought was the Legislature would give up authority; however, he noted that flexibility might be required for management purposes. He said he has not heard of problems within the Legislature regarding SBS. He continued as follows:

The other thing is in the management style, this will probably fall into the question of diminished benefit issues and as long as it is done through a management to look out for the best interest of that particular fund, is that how you get out of problem there?

MS. LEA replied that there would not be a diminishment of benefits because the option is a dispersement, dispersement to the participant is not being denied. She summarized as follows:

What we are doing is trying to add dispersement options to them, but even if we in the future were to take away a dispersement option, that still would not

be a diminishment of their benefit, they are still allowed to take their whole benefit.

SENATOR COGHILL replied as follows:

I was searching for a way that it might happen, but I just couldn't think of one, so it's just the options.

5:09:09 PM

SENATOR WILSON said he had a similar question on the dispersement. He noted that there was a recent study showing that in the PERS Tier IV options that most folks would not receive enough to live upon. He asked if drawing down over a longer period would still allow a person to accumulate more in their savings. He inquired if the department has an actuarial study or numbers on the stress test of the Tier IV program for current retirees.

MS. LEA replied that the department has done analysis on the PERS and TRS defined contribution plans. She detailed as follows:

What our analysis showed was that if a participant was participating in either social security or the SBS that they would have sufficient means to have a dignified retirement. The problem areas come in with those groups that do not participate in social security or SBS and that problem has been identified and that is something that ARMB is also looking at as well as the administration.

SENATOR WILSON asked her to verify that the bill does not address the other need of giving more dispersement options.

MS. LEA answered as follows:

The plan is a little over 10 years old so it's hard to say what it will be doing at the end of a career for a person. What we are trying to do is put in place options for those who are going to look at a lifetime income from this at some point in the future. So, we are trying to improve those options so that they have more choices to address whether they feel it's a longevity risk, a market risk at the time they retire, or if they just want to take their money and do something else with it.

SENATOR WILSON replied as follows:

I appreciate that, speaking as the only millennial senator in the building and for other future staffers, this is a concern for folks that would like to make a career of any Tier IV governmental type of job. I do recognize the concern and appreciate the different options of looking at different strategies.

CHAIR MEYER asked if the bill only pertains to the defined benefit plan.

MS. LEA explained that the bill only applies to the PERS and TRS defined contribution plan. She specified that the other plans, the defined benefit plans, already have guaranteed lifetime benefits.

[5:13:09 PM](#)

CHAIR MEYER held SB 159 in committee.

[5:14:14 PM](#)

There being no further business to come before the committee, Chair Meyer adjourned the Senate State Affairs Standing Committee at 5:14 p.m.