

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 17, 2021

3:05 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair (via teleconference)
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative David Eastman

MEMBERS ABSENT

Representative James Kaufman

COMMITTEE CALENDAR

HOUSE BILL NO. 123

"An Act providing for state recognition of federally recognized tribes; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 157

"An Act requiring the disclosure of the identity of certain persons, groups, and nongroup entities that expend money in support of or in opposition to an application filed for a state referendum or recall election; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 148

"An Act relating to the Alaska Coordinate System of 2022."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 123

SHORT TITLE: STATE RECOGNITION OF TRIBES

SPONSOR(S): REPRESENTATIVE(S) ZULKOSKY

03/03/21 (H) READ THE FIRST TIME - REFERRALS

03/03/21 (H) TRB, STA
 03/30/21 (H) TRB AT 8:00 AM DAVIS 106
 03/30/21 (H) Heard & Held
 03/30/21 (H) MINUTE (TRB)
 04/01/21 (H) TRB AT 8:00 AM DAVIS 106
 04/01/21 (H) Moved HB 123 Out of Committee
 04/01/21 (H) MINUTE (TRB)
 04/05/21 (H) TRB RPT 3DP 1NR
 04/05/21 (H) DP: FIELDS, TARR, ZULKOSKY
 04/05/21 (H) NR: CRONK
 04/17/21 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 157

SHORT TITLE: APOC; REPORT REFERENDA/RECALL CONTRIBUTOR
 SPONSOR(s): REPRESENTATIVE(s) RASMUSSEN

03/31/21 (H) READ THE FIRST TIME - REFERRALS
 03/31/21 (H) STA, JUD
 04/17/21 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 148

SHORT TITLE: ALASKA COORDINATE SYSTEM OF 2022
 SPONSOR(s): REPRESENTATIVE(s) SHAW

03/24/21 (H) READ THE FIRST TIME - REFERRALS
 03/24/21 (H) STA, RES
 04/17/21 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE TIFFANY ZULKOSKY
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: As the prime sponsor, introduced HB 123.

LOGAN BASNER, Staff
 Representative Tiffany Zulkosky
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis of HB 123 on behalf of Representative Zulkosky, prime sponsor.

NATASHA SINGH, General Counsel
 Tanana Chiefs Conference
 Fairbanks, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation, titled "Recognition of Alaska Tribes," during the hearing on HB 123.

REPRESENTATIVE SARA RASMUSSEN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As the prime sponsor, introduced HB 157.

CRYSTAL KOENEMAN, Staff
Representative Sara Rasmussen
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis of HB 157 on behalf of Representative Rasmussen, prime sponsor.

SCOTT KENDALL
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on HB 157.

HEATHER HEBDON, Executive Director
Alaska Public Offices Commission
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 157.

REECE WILLIAMS, Staff
Representative Laddie Shaw
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 148 on behalf of Representative Shaw, prime sponsor.

GWEN GERVELIS, Surveys Manager
Division of Mining Land and Water
Department of Natural Resources
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 148.

JAKE MAXWELL, Executive Member
Alaska Society of Professional Land Surveyors
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 148.

REPRESENTATIVE LADDIE SHAW
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As the prime sponsor, provided closing comments during the hearing on HB 148.

ACTION NARRATIVE

[3:05:34 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:05 p.m. Representatives Tarr, Story, Claman (via teleconference), Eastman, and Kreiss-Tomkins were present at the call to order. Representative Vance arrived as the meeting was in progress.

HB 123-STATE RECOGNITION OF TRIBES

[3:07:14 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 123, "An Act providing for state recognition of federally recognized tribes; and providing for an effective date."

[3:07:31 PM](#)

REPRESENTATIVE TIFFANY ZULKOSKY, Alaska State Legislature, as prime sponsor, introduced HB 123. She noted that the proposed legislation began as a bipartisan effort in the previous legislature. It would for the first time, formally recognize Alaska's tribes in state law, she said. She explained that tribes had been recognized by the federal government, as well as the executive and judicial branches of Alaska's government; however, the Alaska State Legislature had yet to officially recognize them in statute. She cited a memorandum from Legislative Legal Services, Legislative Affairs Agency, which affirmed that passing HB 123 would not substantively change the state's existing relationship with tribes and would serve as a first step towards recognizing their existence and history in Alaska's legal statutes. Further, as Alaska looked to its tribal partners to provide a myriad of essential services to Alaskans living in remote parts of the state, she emphasized the importance of healing historic political division. She reported that in 2017, the State of Alaska entered its first compact with tribes by signing the Tribal Child Welfare Compact to address the significant disproportionate number of Alaska Native children in state custody. More recently, tribes and tribal nonprofits provided timely, expanded COVID-19 vaccinations well before the state had the ability to do so. She believed it was

difficult for the legislature to have meaningful discussions about expanding relationships with tribes when their existence was not formally acknowledged in the first place. She recalled testimony from the House Special Committee on Tribal Affairs that acknowledged the difficulty of discussing progress without resolving some of the historical trauma that occurred in Alaska. In closing, she maintained that the time had long come for Alaska to acknowledge its tribes and offer a path towards reconciliation by recognizing Alaska's first people for the first time in state law.

[3:13:24 PM](#)

LOGAN BASNER, Staff, Representative Tiffany Zulkosky, Alaska State Legislature, on behalf of Representative Zulkosky, prime sponsor, provided a sectional analysis of HB 123 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: This section adds legislative finding and intent language.

Section 2: This section is a technical change and could have been included in a revisor's bill. In 2016, provisions from chapter 14 of title 25 of the United States Code were reorganized. As a result, the Federally Recognized Indian Tribe List Act of 1994 received a different section number in the U.S. Code. The operative provision of this bill in Section 4 of the bill references this act. The proposed new statute in Section 4 cross references AS 23.20.520 and so Legislative Legal is suggesting that the new section number in the U.S. Code be updated in this statute.

Sections 3 and 4. Sections 2 and 3 are technical changes. The proposed new statute of this bill was deemed to be codified in AS 44.03 by Legislative Legal. This chapter of title 44 contains only four statutes that deal with state ownership and jurisdiction of offshore water and submerged lands and rules of statutory construction for the chapter. Because the proposed new statute of this bill is a completely different concept than the existing statutes within AS 44.03, clarifying language was inserted to accommodate the proposed new statute within this chapter.

Section 5. This section contains the proposed new statute which acknowledges the unique status tribes have with the federal government and makes it the State's official policy that the State recognizes the federally recognized tribes within the state of Alaska. The list of federally recognized tribes is codified in the U.S. Code and this statute references that act. This section makes clear that this recognition is in no way intended to affect the federal trust responsibility the U.S. Government extends to tribes nor is it an attempt to create a state trust responsibility to tribes.

Section 6: Adds an immediate effective date.

MR. BASNER emphasized that the proposed legislation would not create additional rights or privileges for Tribes, nor would it lead to the creation of casinos. He referenced a letter from the Alaska Oil and Gas Association (AOGA) [included in the committee packet], later adding that the bill would not interfere with access to natural resources or resource development.

[3:16:56 PM](#)

NATASHA SINGH, General Counsel, Tanana Chiefs Conference (TCC), informed committee members that TCC represented 37 federally recognized tribes in interior Alaska. She explained that TCC is a tribal consortium that assists tribes with their federal relationships. She introduced a PowerPoint presentation, titled "Recognition of Alaska Tribes" [hard copy included in the committee packet]. She briefly discussed the historical context of tribes in Alaska on slide 2 before defining tribes in further detail on slide 3, titled "What are Tribes?," which read as follows [original punctuation provided]:

- Domestic Dependent Nations
- Inherent powers and authorities with self-governance of internal affairs, e.g. type of government; tribal membership
- Tribes exercise all powers, unless those powers have been expressly limited by Congress
- Regulate matters pertaining to tribal members, e.g. taxes, property, members' conduct
- Immune from lawsuits

- Tribes are not state or local governments; political subdivisions or agencies or instrumentalities of the federal or state governments; tax exempt organizations

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MS. SINGH continued to slides 4-5, which reviewed the historical relationship between tribes and the United States Government via federal Indian policy periods. She conveyed that these periods of federal policy reflected the different approaches that Congress took to what they termed "the Indian problem." She explained that the colonial period [1492-1820] established the initial government-to-government relationship. The removal/relocation period [1820-1850] gave rise to the Trail of Tears, as the United States expanded its territory pushing East Coast tribes westward. The reservation/treaty period [1850-1997] saw the development of numerous treaties between Lower 48 tribes and the federal government; many reservations were also created. Subsequently, during the allotment and assimilation period [1887-1934], the United States rolled back the promises made in its treaties and the effort to culturally assimilate Native Americans ensued. The Indian self-government period [1934-1953] consisted of a paternalistic dynamic wherein the United States provided services to tribes with stipulations. The termination period followed [1953-1960s], which essentially ended the government-to-government relationship and the political existence of some Tribes. The prior failed policies culminated in the successful self-determination period [1960s to present] under President Richard Nixon, which originated from the concept of local control.

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MS. SINGH proceeded to slides 6-7 and discussed a set of three U.S. Supreme Court decisions referred to as the Marshal Trilogy, which affirmed the legal and political standing of tribes and established them as domestic dependent nations. She touched on the Alaska Purchase and the Treaty of Cession on slide 8. Slide 9 emphasized that the relationship between the federal government and tribes was constitutionalized in Article I, Section 8, Clause 3 of the U.S. Constitution, which also specified that Congress has the authority to regulate tribes. She advanced to slide 10, titled "Self-Determination," which read as follows [original punctuation provided]:

- The only policy that has worked to make significant progress in reversing otherwise distressed social, cultural, and economic conditions in Native communities.
- The policy of self-determination reflects a political equilibrium, which has held for four decades and which has withstood various shifts in the party control of Congress and the White House.
- The first major piece of legislation, Public Law 93-638, the Indian Self Determination Act of 1975.

-Tribes identify federal government services that they wish to provide to their own tribal members and contract for the federal funding to provide those services themselves.

MS. SINGH noted that tribal recognition and the pursuit of tribal self-determination was a bipartisan effort. Additionally, she explained that the two federal compacts held by TCC were made possible by the authority in the Indian Self-Determination and Education Assistance Act championed by President Nixon.

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MS. SINGH provided an overview of Executive Order 13175 on slides 11-12. The executive order further recognized the United States' unique legal relationship with tribal governments and established regular consultation and collaboration with tribes in the development of federal policies that had tribal implications. Slides 13-16 examined the historical relationship between tribes and the State of Alaska. She explained that a large portion of the state's tribal population was either wiped out or forced into settlements and boarding schools. There was also no acknowledgment of tribes in both the Alaska Constitution and the Alaska Native Claims Settlement Act (ANCSA) [1971]. She conveyed that the lack of dialogue between the State of Alaska and tribes caused confusion, and in Native Village of Stevens v. Alaska Management & Planning [1988], the Alaska Supreme Court indicated that there had never been tribes of Indians in Alaska. Additionally, a 1991 Alaska administrative order (No. 125) opposed the expansion of tribal government powers. She relayed that in response to the "Sansonetti Opinion" [1993], which disagreed with the Alaska Supreme Court's historical analysis of tribes in Stevens Village, the U.S. Department of the Interior (DoI) issued a list of federally recognized tribes in Alaska.

One year later, Congress passed the Federally Recognized Indian Tribe List Act of 1994 that directed the Bureau of Indian Affairs (BIA) to publish lists of recognized tribes that included Alaska's. She stated that eventually, case law with a better understanding of tribes and their political and legal standing developed. Slide 16, titled "Current Position of the State of Alaska on Recognition of Tribes," read as follows [original punctuation provided]:

- Alaska Supreme Court - "If Congress or the Executive Branch recognizes a group of Native Americans as a sovereign Tribe, we 'must do the same.'" *John v. Baker* (1999)
- State of Alaska's Executive Branch - "[W]e will improve government-to-government relations with Alaska Tribes [...]." Alaska Admin. Order No. 300 (2018). See also Alaska Department of Law 2017 Opinion - Legal status of tribal governments in Alaska ("[T]here are no unresolved legal questions regarding the legal status of Alaska Tribes as federally recognized tribal governments.")

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MS. SINGH continued to slide 17, titled "HB 123," which read as follows [original punctuation provided]:

- Will bring the Alaska State Legislature in-line with the other two branches of State government regarding the status of Alaska Tribes.
- Will modernize the policy towards Alaska Native tribes by officially moving the State legislature out of the Termination Era and into the Self-Determination Era.
- Create the potential for the State of Alaska to lead the country in creation of State-tribal relations.

MS. SINGH concluded that the 37 federally recognized tribes of Interior Alaska favored the proposed legislation. She expressed excitement for the opportunity to grow the relationship between state government and Alaska's tribes and an interest in fixing existing state issues together.

CHAIR KREISS-TOMKINS invited questions from committee members.

[3:43:43 PM](#)

REPRESENTATIVE EASTMAN speculated that if Alaska would lead the country in state and tribal relations with the proposed legislation, there must be bipartisan [opposition] to this idea. He asked what was keeping all 50 states from going this route.

MS. SINGH clarified that Alaska was in last place with tribal relations, but it had the potential to lead the nation. She indicated that other states were in various stages of relationships with Tribes; some had entered into sophisticated compact agreements that addressed criminal justice, child protection, and education, while others acknowledged tribes that were not even federally recognized. She reiterated that the mere recognition of Alaska's tribes would allow the state to lead the nation and could move Alaska out of last place.

REPRESENTATIVE ZULKOSKY noted that there were roughly 12 states that had recognized tribes through legislation. She offered to provide that information to the Chair Kreiss-Tomkin's office for distribution. She pointed out that of the 571 federally recognized tribes in the country, 229 subsisted in Alaska; therefore, Alaska had the potential to be a leader for improved state and tribal relations. She opined that with so many tribes in Alaska, it was unfortunate that the state had yet to acknowledge tribes in state law.

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CHAIR KREISS-TOMKINS, referring to the bill language, inquired about the change in federal citation on page 2, line 2.

REPRESENTATIVE ZULKOSKY offered to follow up with the requested information.

[3:48:20 PM](#)

REPRESENTATIVE EASTMAN observed that Section 3 looked as if it would restrict applicability to a smaller portion of statute as opposed to the entire chapter. He asked why that change was necessary.

REPRESENTATIVE ZULKOSKY offered to follow up with the requested information.

[3:49:01 PM](#)

REPRESENTATIVE VANCE sought to clarify the meaning of "self-determination" versus "domestic dependent nation".

REPRESENTATIVE ZULKOSKY returned to slide 6, titled "Domestic Dependent Nations," which read [original punctuation provided]:

...a weaker power does not surrender its independence - its right to elf-government - by associating with a stronger, and takings its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state.

REPRESENTATIVE ZULKOSKY indicated that the slide captured the issue of inherent sovereignty that was often discussed in association to the relationships that tribes have with federal or state government. She expounded that while tribes may have aligned themselves with stronger governments, there was also an opportunity for the federal government, through self-determination policy, to allow tribes to make decisions for themselves. She suggested considering tribes as the most local form of government, adding that the term "tribal sovereignty" should not be a scary word. She pointed out that it was the "domestic dependent nations" framework with which tribes exercised their self-determination. She considered the example of tribal health, explaining that the federal compacts allowed tribes to offer healthcare in the stead of the federal government; however, she noted that the federal government also seeded decision making authority to tribes to allow them to create culturally relevant, locally appropriate programs that worked best in their communities. She believed self-determination was a policy framework that provided decision making authority to domestic dependent nations that had aligned with the federal government.

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MS. SINGH agreed with Representative Zulkosky, adding that "domestic dependent nation status" was a legal status established in the Cherokee Nation v. Georgia decision. The case outlined the sovereign nature of tribes as unlike states and quasi-sovereign. Alternatively, she said self-determination was a policy, which implemented the legal status of domestic dependent nations.

[3:54:46 PM](#)

REPRESENTATIVE VANCE claimed that there was an underlying fear of tribes becoming legally recognized by the state and pondered "what lies at the heart of that fear?" She asked where the state fit in the relationship between governments and whether the bill sponsor had addressed some of the "unknown fears."

REPRESENTATIVE ZULKOSKY in response to a previous question from Chair Kreiss-Tomkins regarding the language in Section 2, clarified that the reference change was a technical change. Similarly, in response to a previous question from Representative Eastman, she said the change in Section 3 was also a technical change and directed attention to the sectional analysis [included in the committee packet] for further explanation. Returning to Representative Vance's query, she declined to speculate on the actions of future legislators with respect to their opinions on tribes in Alaska. She stated that the beauty of HB 123 was that it would provide an opportunity in 2021 - as the country was experiencing significant divisiveness and challenges with cultural relationships - for the existing legislature to pass straightforward [legislation] that would establish state policy acknowledging federally recognized tribes in Alaska for the first time since statehood. She believed that simple recognition would go a long way toward healing historical and political divisions. She continued by reporting that Alaska led the country in the number of times a state government had sued tribes in its attempt to diminish their authority; further, [Alaska's] tribes had not seen great reparation for the colonial and extermination periods. She opined that HB 123 was long overdue.

[4:00:09 PM](#)

CHAIR KREISS-TOMKINS [announced that HB 123 was held over].

HB 157-APOC; REPORT REFERENDA/RECALL CONTRIBUTOR

[4:00:53 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 157, "An Act requiring the disclosure of the identity of certain persons, groups, and nongroup entities that expend money in support of or in opposition to an application filed for a state referendum or recall election; and providing for an effective date."

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REPRESENTATIVE SARA RASMUSSEN, Alaska State Legislature, prime sponsor, introduced HB 157. She conveyed that the proposed legislation would move the statutory boundary for disclosing certain contributions and expenditures from those made to influence a referendum or recall election to an earlier point in the statutory process. It would require the reporting of certain campaign finance activity prior to the collection of signatures, she said. This would align both the recall/referendum reporting requirements with reporting requirements for ballot initiatives. She noted that an article from the Alaska political blog, Alaska Landmine, alerted her to the issue. She concluded that Alaskans deserved to know who was funding any referendum or recall election. She pointed out that financial contributions were a significant part of relaying a campaign message or successfully collecting signatures. She said she hoped the bill would make the process more transparent. Further, she believed that aligning [reporting] requirements would create less confusion for those working on recall/referendums or ballot initiatives.

[4:03:13 PM](#)

CRYSTAL KOENEMAN, Staff, Representative Sara Rasmussen, Alaska State Legislature, on behalf of Representative Rasmussen, prime sponsor, presented a sectional analysis of HB 157 [included in the committee packet], which read as follows [original punctuation provided]:

Sections 1: AS 15.13.010(b) - Applicability related to State Election Campaigns. Adds language related to initiative proposal, referendum, and recall applications.

Sections 2: AS 15.13.050(a) - Registration before expenditure. Adds language related to referendum and recall applications.

Sections 3: AS 15.13.065(c) - Contributions. Adds language related to referendum and recall applications.

Sections 4: AS 15.13.110(e) - Filing of Reports. Rewrites the language related to those receiving or making expenditures to support or oppose referendums. This language is identical to the language contained

in AS 15.13.040(k) for ballot proposition reporting requirements and AS 15.13.110(g) for ballot initiative reporting requirements.

Sections 5: AS 15.13.110 - Filing of Reports. Adds a new subsection (k) for those receiving or making expenditures to support or oppose a recall. This language is identical to Section 4 of this bill and AS 15.13.040(k) for ballot proposition reporting requirements and AS 15.13.110(g) for ballot initiative reporting requirements.

Sections 6: AS 15.13.400(4) - Definitions. Modifies the definition of "contributions" to include groups and referendum and recall applications.

Sections 7: AS 15.13.400(7) - Definitions. Modifies the definition of "expenditures" to include referendum and recall applications.

Sections 8: AS 15.13.400(7) - Definitions. Modifies the definition of "group" to include referendum and recall applications.

Sections 9: Uncodified law. States that this Act applies only to referendums or recalls that are filed on or after the effective date of this Act.

Sections 10: Provides for a January 1, 2022 effective date.

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CHAIR KREISS-TOMKINS noted that the current campaign [to recall the governor] had been "front and center." He said he was always struck by the gaping loophole in the laws and believed that fixing [that loophole] would make sense for all parties.

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SCOTT KENDALL informed committee members that he worked as an attorney in Anchorage but was testifying in a personal capacity. He pointed out that there were people on both sides of a current effort [to recall Governor Mike Dunleavy], and the proposed legislation would treat both sides equally. He emphasized that regardless of the political affiliation, [HB 157] would keep everyone honest. He conceded that he might seem like an odd

advocate for the bill. He disclosed that he was one of the authors of Governor Dunleavy's recall and one of the attorneys who successfully challenged the denial of that recall; additionally, he said he had personally donated funds to the recall campaign. He noted that he was also one of the authors of Alaska Ballot Measure 2 in 2020 [Top-Four Ranked-Choice Voting and Campaign Finance Laws Initiative] that promoted election transparency. He conveyed that he found it evident from his experience as a campaign and elections attorney that the current void in the law harmed the public overall by shielding political activities from disclosure, which led to needless controversy and speculation. He stated that Alaskans had a right to transparency. He opined that all organizations supporting or opposing Governor Dunleavy's recall campaign were complying with current law; however, the law lacked disclosure requirements. He acknowledged the public attention regarding the lack of financial transparency from the "Recall Dunleavy" movement and drew attention to an equally troubling detail, explaining that when a public official was under recall, that public official could solicit unlimited donations from virtually any source without disclosure. He characterized the loophole in the law with respect to the finances of recall elections and referendums as "incredibly harmful," adding that it undermined the public's faith in elections. He said regardless of the individuals who may be involved in a future recall, his opinion was that the status quo was untenable. He warned that [the loophole] was a "massive blind spot" for the public and created an unacceptably high risk of potential corruption and undue influence on sitting elected officials. For those reasons, he urged [committee members] to support the proposed legislation.

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REPRESENTATIVE STORY thanked the bill sponsor and agreed that there seemed to be a gap in the law. She asked whether requiring disclosures from referendums and recall initiatives was a common practice in other states.

MS. KOENEMAN offered to follow up with information on the requirements in other states.

REPRESENTATIVE STORY asked why the proposed legislation did not have an immediate effective date.

REPRESENTATIVE RASMUSSEN opined that changing the reporting requirements in the middle of an effort to recall the governor could create a political environment in which the bill may not

advance. She noted that she would not be opposed to any current recall campaign sharing its financial information by choice. She emphasized her desire for a clean transition and shared her hope that current recalls would not be impacted by this, as that could create a barrier for the proposed legislation.

CHAIR KREISS-TOMKINS pointed out that any changes in commercial fishing regulations were scheduled for the "nadir" of the offseason, indicating that this could be similar.

[4:13:34 PM](#)

REPRESENTATIVE VANCE questioned why the bill excluded municipal referendums.

MS. KOENEMAN pointed out that there were many different reporting requirements for municipalities, noting that the proposed legislation focused on state elections. Nonetheless, she offered to look into the municipal code.

REPRESENTATIVE RASMUSSEN added that she was open to considering how the addition of municipal or borough requirements for local recalls would impact the bill.

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REPRESENTATIVE EASTMAN asked how long Alaskans have had the right to recall their public officials.

MS. KOENEMAN deferred the question to Ms. Hebdon.

[4:15:25 PM](#)

HEATHER HEBDON, Executive Director, Alaska Public Offices Commission, said she was unsure.

MS. KOENEMAN believed the requested information was in the Alaska Constitution.

REPRESENTATIVE EASTMAN asked how many recall efforts had been successful.

REPRESENTATIVE RASMUSSEN shared her understanding that there had never been a successful recall campaign at the state level. Nonetheless, she believed that with the increased occurrence of recall efforts during elections, financial reporting requirements should be as transparent as possible.

CHAIR KREISS-TOMKINS concurred that there had been very few, if any, successful recall elections in state history. As a supporter of the bill, he expressed concern that recall campaigns were not required to disclose their financials, which he characterized as a "black box of a campaign apparatus" regardless of whether the recall came to fruition. He pointed out that all the money was unaccounted for and being used for political communication. He reiterated that even if the recalls never resulted in an election, there was still a massive transparency problem, which the proposed legislation would solve.

4:18:25 PM

REPRESENTATIVE EASTMAN agreed that there had never been a successful recall effort. He expressed concern that if the hurdles to successfully recalling an elected official were such that it had never been accomplished, it could appear [controversial] if legislators were to add to the administrative and regulatory burden.

REPRESENTATIVE RASMUSSEN maintained that the proposed legislation would provide the public with a transparent procedure for financial contributions. She said the recall process itself could be considered in a different bill, but the proposed legislation before the committee was solely about financial reporting requirements. She believed that the public had the right to know who funded the organizations both supporting and opposing a recall referendum. She pointed out that the same rules applied to ballot initiatives. She stressed the importance of providing a greater level of transparency.

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REPRESENTATIVE EASTMAN asked at what point the right to recall would be effectually regulated out of existence. He questioned whether there were too many regulations and whether "the financial expense" was too high "to exercise this right."

REPRESENTATIVE RASMUSSEN contended that the bill did not pertain to that. She acknowledged that an elected official had never been successfully recalled; however, under the current reporting requirements, there were many unanswered questions about the funding on either side. She asserted that it was not her intention to change the outcome of a recall election with the proposed legislation. She added that her goal was to ensure

that Alaskans knew who was behind the funding, which was not possible under current law.

CHAIR KREISS-TOMKINS pointed out that many elected officials who were subject to a recall campaign might have resigned before suffering the public shame of being evicted from office, which could be a reason for the lack of "positive proof points." That said, he believed that was a distinct and separate issue from the question of financial transparency. He added that if Representative Eastman wished to pursue legislation that revisited the thresholds for recalling an elected official, it would be guaranteed a hearing in this committee.

[4:23:26 PM](#)

REPRESENTATIVE VANCE questioned how the recall process would be altered if this bill were to pass.

MS. HEBDON stated that the major change would be the time of reporting. Currently, reporting was not required during the signature gathering phase, she said. She remarked:

Generally, because of the definitions of contribution and expenditure - because it does not currently include money raised and spent in support or opposition to a recall or referendum during that signature gathering phase - it's not reportable activity. It's only reportable once it makes the ballot and becomes a ballot question. So, in essence, it would be a timing thing; they would be reporting money in and money out as soon as they began the signature gathering phase.

REPRESENTATIVE VANCE asked for verification that the bill did not include additional [requirements] but would implement an earlier timeframe for reporting.

MS. HEBDON confirmed that is correct.

REPRESENTATIVE VANCE asked whether there were fees associated with an earlier reporting timeframe.

MS. HEBDON replied that there were no fees associated with APOC reporting. She added that she was unfamiliar with the Division of Elections and whether there would be a fee associated with filing an application for recall or referendum.

MS. KOENEMAN, per the Division of Elections, reported that referendums and initiatives required a deposit of \$100 upon the initial filing, which would not change if HB 157 were to pass.

CHAIR KREISS-TOMKINS shared his belief that legislators, as candidates, should hold themselves to the same standards that they expect of others, indicating that the legislature often espoused user fee mechanisms to other groups in Alaska despite APOC itself lacking a user fee mechanism.

REPRESENTATIVE VANCE inquired about the timeline for that initial deposit of \$100 [to the Division of Elections] and how that differed from the reporting timeline.

REPRESENTATIVE RASMUSSEN understood that the \$100 fee was deposited with the initial application. She explained that the proposed legislation would change only the timeline for reporting financial contributions, such that it would coincide with signature gathering.

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REPRESENTATIVE VANCE asked what steps were involved in the collection of signatures and whether there were associated fees.

[4:28:27 PM](#)

MS. KOENEMAN relayed that for recall petitions, the application could not be submitted within the first 120 days of the term of office. After 120 days, the application, which included a name, office, and three sponsors to serve as the recall committee, was filed with the Division of Elections. Further, she said that 10 percent of individuals who voted in the preceding general election of the official sought to be recalled were required, 100 of whom would serve as sponsors. Afterwards, the division director certified the recall or notified the recall committee on grounds for refusal. Once certified, the director prepared the petition booklets for circulation throughout the state or House/Senate district. She added that recall campaigns were allowed 180 days to gather the signatures of qualified voters. After the signatures were collected, the division verified the signers of the petition booklets and upon review, notified them of proper or improper filing within 30 days. At that point, under current law, the APOC reporting would initiate with the following requirements: "the first report shall report the contribution or contributions on a form prescribed by the commission no later than 30 days after the contribution that

requires them to report is made." She offered to submit the aforementioned information to the chair for distribution.

[4:32:01 PM](#)

REPRESENTATIVE EASTMAN suggested that additional resources be provided for recalls and referendums, as regulations on those efforts were increasing. Further, he characterized [recalls] as an "unfair fight."

REPRESENTATIVE RASMUSSEN contended that it was unfair to represent the proposed legislation as intending to "increase regulations." She clarified that the bill would provide more transparency by changing the timeline for existing regulations.

[4:33:59 PM](#)

CHAIR KREISS-TOMKINS announced that HB 157 was held over.

[4:34:27 PM](#)

The committee took an at-ease from 4:34 p.m. to 4:35 p.m.

HB 148-ALASKA COORDINATE SYSTEM OF 2022

[4:35:39 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 148, "An Act relating to the Alaska Coordinate System of 2022."

[4:35:52 PM](#)

REECE WILLIAMS, Staff, Representative Laddie Shaw, Alaska State Legislature, introduced HB 148 on behalf of Representative Shaw, prime sponsor. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

HB 148 House Bill 148 revises Alaska Statute chapter 38.20, known as the Alaska Coordinate System, to reflect changes in the federal datum used as a base for the coordinate system and to allow for future updates.

The system is comprised of rectangular plane coordinates used to define accurate positions or locations of points on the surface of the earth.

Currently, forty-eight states have adopted state plane coordinate systems into their statutes. This bill revises the Alaska Coordination System as an ongoing modernization of the U.S National Spatial Reference System to reduce the distortions present in the current system. In addition to improved zone locations, that will cover population and resources areas, a new statewide zone will be created for Alaska. This will reduce the distortion of the projection currently in use and improve the display of statewide geographic data.

This is an important and practical step for Alaska to adapt to this coordination system. Alaska will have the advantage of improvements in the geodetic positioning, and with the new gravity-based elevation. This will dramatically improve the ability to measure elevations in Alaska. This modernization effort will benefit scientists, surveyors, design professionals, GIS specialists, and the geospatial community. The improved coordinate system minimizes linear distortions and is designed to include population centers and resource development.

I encourage your support in the passage of HB 148 as it is critical to Alaska maintaining accuracy to surveying and mapping.

CHAIR KREISS-TOMKINS noted that most members were familiar with the legislation, as an identical bill was heard by the committee last session. After ascertaining that the full bill introduction was not necessary, he invited committee questions.

[4:38:10 PM](#)

REPRESENTATIVE VANCE asked how often the statute [AS 38.20] required revision.

MR. WILLIAMS responded that the statute was revised only when there was enough new federal data acquired to justify an update. He noted that the last update was in 1988.

[4:39:12 PM](#)

GWEN GERVELIS, Surveys Manager, Division of Mining Land and Water, Department of Natural Resources (DNR), confirmed that the last vertical data update occurred in 1988; 1983 was the last horizontal data update. She noted that the proposed legislation would provide a major revision and a much better model for the earth. She added that new data were not expected for another 50 of 60 years.

CHAIR KREISS-TOMKINS commended the efficient data compilation.

[4:40:23 PM](#)

REPRESENTATIVE EASTMAN asked whether it would be harmful if HB 148 did not pass.

MR. WILLIAMS advised that if the proposed legislation did not pass, Alaska would be severely lacking in its ability to survey and map, which would have a fiscal impact.

CHAIR KREISS-TOMKINS directed Representative Eastman's question to Mr. Maxwell.

[4:41:16 PM](#)

JAKE MAXWELL, Executive Member, Alaska Society of Professional Land Surveyors, conveyed that the bill was necessary because private and public industries could not support the new system unless it was codified. He added that every state was expected to adopt similar legislation. He concluded that updating the Alaska Coordinate System would be beneficial to the state.

REPRESENTATIVE EASTMAN sought to clarify whether failing to update the statute would financially impact Alaskans or result in less accurate data. He asked for a more "tangible" explanation of the effects of not passing the proposed legislation.

MR. WILLIAMS said if the bill did not pass, Alaska would lack the advantage of increased consistency in its surveying and would not be able to use the updated technology.

MR. MAXWELL explained that the legislation would help develop a modern and more functional statewide coordinate system for mapping. He reported that the vastly improved 2022 system used space and gravity measurements and would enhance the coordinate system model.

[4:45:12 PM](#)

CHAIR KREISS-TOMKINS gathered that there would be no changes to pricing if the bill were to pass. He concluded that the only impact would be to surveys, as their accuracy would be improved. He asked if that was correct.

MR. WILLIAMS answered yes.

CHAIR KREISS-TOMKINS sought to identify the real-world implications of passing the bill. He asked whether surveyors would have to buy new equipment because their old equipment would be tethered to the old system.

MR. MAXWELL answered that surveyors would not need to buy new equipment.

[4:46:47 PM](#)

REPRESENTATIVE EASTMAN asked whether the bill sponsor would object to labeling the coordinate system as "2021" [rather than 2022] if the governor and the Senate had indicated that they were strongly supportive of passing this legislation [in 2021].

MR. WILLIAMS believed the number corresponded with the federal data. He indicated his desire to stay consistent with the federal government.

MS. GERVELIS verified that "2022" was the National Oceanic and Atmospheric Administration National Geodetic Survey's (NOAA NGS's) new designation for the data.

[4:48:23 PM](#)

REPRESENTATIVE LADDIE SHAW, Alaska State Legislature, prime sponsor of HB 148, reiterated that the proposed legislation would bring [the Alaska Coordinate System] into the twenty-first century by defining accurate positions and locations.

[4:49:05 PM](#)

CHAIR KREISS-TOMKINS [announced that HB 148 was held over].

[4:49:13 PM](#)

CHAIR KREISS-TOMKINS provided closing remarks and reviewed the upcoming schedule.

4:49:43 PM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:49 p.m.