

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 21, 2022

3:06 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair
Representative Geran Tarr
Representative Andi Story
Representative James Kaufman
Representative David Eastman

MEMBERS ABSENT

Representative Sarah Vance

COMMITTEE CALENDAR

HOUSE BILL NO. 396

"An Act restricting certain investments of state funds in certain Russian entities; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 66

"An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 316

"An Act providing for a standardized improvement tracking system for state agencies."

- MOVED CSHB 316 (STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 161 (JUD)

"An Act relating to the definition of 'political party'; and providing for an effective date."

- MOVED HCS CSSB 161 (STA) OUT OF COMMITTEE

HOUSE BILL NO. 256

"An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; requiring the Department of Public Safety to submit a yearly use-of-force report to the legislature; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report to the Federal Bureau of Investigation incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

- MOVED CSHB 256(CRA) OUT OF COMMITTEE

SENATE BILL NO. 66 AM

"An Act relating to the membership of the legislative council; and relating to the membership of the Legislative Budget and Audit Committee."

- HEARD & HELD

HOUSE BILL NO. 271

"An Act relating to the Alaska Industrial Development and Export Authority; and providing for an effective date."

- HEARING POSTPONED TO 4/26/22

PREVIOUS COMMITTEE ACTION

BILL: HB 396

SHORT TITLE: DIVEST INVESTMENTS IN RUSSIAN ENTITIES

SPONSOR(S): STATE AFFAIRS

03/09/22	(H)	READ THE FIRST TIME - REFERRALS
03/09/22	(H)	STA, FIN
03/10/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/10/22	(H)	Heard & Held
03/10/22	(H)	MINUTE(STA)
03/15/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/15/22	(H)	Heard & Held
03/15/22	(H)	MINUTE(STA)
03/17/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/17/22	(H)	<Bill Hearing Canceled>
03/22/22	(H)	STA AT 3:00 PM GRUENBERG 120
03/22/22	(H)	Heard & Held
03/22/22	(H)	MINUTE(STA)

04/19/22 (H) STA AT 3:00 PM GRUENBERG 120
04/19/22 (H) Scheduled but Not Heard
04/21/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 66

SHORT TITLE: ELECTIONS, VOTING, BALLOTS

SPONSOR(s): TUCK

02/18/21 (H) PREFILE RELEASED 1/15/21
02/18/21 (H) READ THE FIRST TIME - REFERRALS
02/18/21 (H) STA, JUD
04/09/21 (H) STA REFERRAL MOVED TO AFTER JUD
04/09/21 (H) BILL REPRINTED
04/12/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/12/21 (H) Heard & Held
04/12/21 (H) MINUTE(JUD)
04/14/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/14/21 (H) Heard & Held
04/14/21 (H) MINUTE(JUD)
04/19/21 (H) JUD AT 1:00 PM GRUENBERG 120
04/19/21 (H) Moved CSHB 66(JUD) Out of Committee
04/19/21 (H) MINUTE(JUD)
04/21/21 (H) JUD RPT CS(JUD) 4DP 3DNP
04/21/21 (H) DP: KREISS-TOMKINS, DRUMMOND, SNYDER,
CLAMAN
04/21/21 (H) DNP: EASTMAN, VANCE, KURKA
04/21/21 (H) FIN REFERRAL ADDED AFTER STA
04/21/21 (H) BILL REPRINTED
04/29/21 (H) STA AT 3:00 PM GRUENBERG 120
04/29/21 (H) Heard & Held
04/29/21 (H) MINUTE(STA)
05/06/21 (H) STA AT 3:00 PM GRUENBERG 120
05/06/21 (H) Scheduled but Not Heard
01/25/22 (H) STA AT 3:00 PM GRUENBERG 120
01/25/22 (H) Heard & Held
01/25/22 (H) MINUTE(STA)
04/12/22 (H) STA AT 3:00 PM GRUENBERG 120
04/12/22 (H) Heard & Held
04/12/22 (H) MINUTE(STA)
04/19/22 (H) STA AT 3:00 PM GRUENBERG 120
04/19/22 (H) Heard & Held
04/19/22 (H) MINUTE(STA)
04/21/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 316

SHORT TITLE: STANDARDIZED IMPROVEMENT TRACKING SYSTEM

SPONSOR(s): KAUFMAN

02/11/22 (H) READ THE FIRST TIME - REFERRALS
02/11/22 (H) STA, FIN
03/15/22 (H) STA AT 3:00 PM GRUENBERG 120
03/15/22 (H) Heard & Held
03/15/22 (H) MINUTE(STA)
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120
04/16/22 (H) Heard & Held
04/16/22 (H) MINUTE(STA)
04/21/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 161

SHORT TITLE: POLITICAL PARTY DEFINITION

SPONSOR(s): WIELECHOWSKI

01/18/22 (S) READ THE FIRST TIME - REFERRALS
01/18/22 (S) STA, JUD
02/17/22 (S) STA AT 3:30 PM BUTROVICH 205
02/17/22 (S) Heard & Held
02/17/22 (S) MINUTE(STA)
03/01/22 (S) STA AT 3:30 PM BUTROVICH 205
03/01/22 (S) -- MEETING CANCELED --
03/03/22 (S) STA AT 3:30 PM BUTROVICH 205
03/03/22 (S) Moved SB 161 Out of Committee
03/03/22 (S) MINUTE(STA)
03/04/22 (S) STA RPT 4NR 1DP
03/04/22 (S) NR: SHOWER, COSTELLO, REINBOLD, HOLLAND
03/04/22 (S) DP: KAWASAKI
03/14/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/14/22 (S) Heard & Held
03/14/22 (S) MINUTE(JUD)
03/16/22 (S) JUD AT 1:30 PM BUTROVICH 205
03/16/22 (S) Moved CSSB 161(JUD) Out of Committee
03/16/22 (S) MINUTE(JUD)
03/18/22 (S) JUD RPT CS 1AM 3DP SAME TITLE
03/18/22 (S) AM: HOLLAND
03/18/22 (S) DP: MYERS, HUGHES, KIEHL
03/25/22 (S) TRANSMITTED TO (H)
03/25/22 (S) VERSION: CSSB 161(JUD)
04/04/22 (H) READ THE FIRST TIME - REFERRALS
04/04/22 (H) STA, JUD
04/05/22 (H) STA AT 3:00 PM GRUENBERG 120
04/05/22 (H) -- MEETING CANCELED --
04/09/22 (H) STA AT 10:00 AM GRUENBERG 120
04/09/22 (H) Heard & Held
04/09/22 (H) MINUTE(STA)
04/21/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 256

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE

SPONSOR(s): TARR

01/18/22 (H) PREFILE RELEASED 1/7/22
01/18/22 (H) READ THE FIRST TIME - REFERRALS
01/18/22 (H) CRA, STA, FIN
03/08/22 (H) CRA AT 8:00 AM BARNES 124
03/08/22 (H) Heard & Held
03/08/22 (H) MINUTE(CRA)
03/15/22 (H) CRA AT 8:00 AM BARNES 124
03/15/22 (H) Heard & Held
03/15/22 (H) MINUTE(CRA)
03/17/22 (H) CRA AT 8:00 AM BARNES 124
03/17/22 (H) Moved CSHB 256(CRA) Out of Committee
03/17/22 (H) MINUTE(CRA)
03/18/22 (H) CRA RPT CS(CRA) NEW TITLE 3DP 2NR
03/18/22 (H) DP: DRUMMOND, SCHRAGE, HANNAN
03/18/22 (H) NR: MCCARTY, MCCABE
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120
04/16/22 (H) Heard & Held
04/16/22 (H) MINUTE(STA)
04/21/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 66

SHORT TITLE: MEMBERS LEG COUNCIL; LEG BUDGET & AUDIT

SPONSOR(s): BEGICH

02/03/21 (S) READ THE FIRST TIME - REFERRALS
02/03/21 (S) STA
03/16/21 (S) STA AT 3:30 PM BUTROVICH 205
03/16/21 (S) Heard & Held
03/16/21 (S) MINUTE(STA)
02/10/22 (S) STA AT 3:30 PM BUTROVICH 205
02/10/22 (S) Scheduled but Not Heard
02/17/22 (S) STA AT 3:30 PM BUTROVICH 205
02/17/22 (S) Moved CSSB 66(STA) Out of Committee
02/17/22 (S) MINUTE(STA)
02/22/22 (S) STA RPT CS 1DP 3NR 1AM SAME TITLE
02/22/22 (S) DP: SHOWER
02/22/22 (S) NR: COSTELLO, REINBOLD, HOLLAND
02/22/22 (S) AM: KAWASAKI
03/28/22 (S) RETURNED TO STA COMMITTEE
03/28/22 (S) STA WAIVED PUBLIC HEARING NOTICE, RULE
23
03/29/22 (S) STA AT 3:30 PM BUTROVICH 205

03/29/22 (S) Moved CSSB 66 (2d STA) Out of Committee
03/29/22 (S) MINUTE(STA)
03/30/22 (S) STA RPT 2D CS 2DP 1NR SAME TITLE
03/30/22 (S) DP: SHOWER, KAWASAKI
03/30/22 (S) NR: COSTELLO
04/12/22 (S) TRANSMITTED TO (H)
04/12/22 (S) VERSION: SB 66 AM
04/13/22 (H) READ THE FIRST TIME - REFERRALS
04/13/22 (H) STA
04/21/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

XANNIE BORSETH, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an explanation of changes in the proposed CS for HB 396 sponsored by the House State Affairs Standing Committee, on behalf of Representative Kreiss-Tomkins, chair.

KAREN MATTHIAS
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 396.

ROBERT WELTON
Juneau, Alaska

POSITION STATEMENT: Testified on the proposed CS for HB 66, Version O.

MIKE MASON, Staff
Representative Chris Tuck
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the proposed CS for HB 66, Version O, on behalf of Representative Tuck, prime sponsor.

KACI SCHROEDER, Assistant Attorney General
Criminal Division
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS for HB 66, Version O.

SENATOR BILL WIELECHOWSKI

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided introductory remarks and answered questions during the hearing on CSSB 161(JUD), as the prime sponsor.

DAVID DUNSMORE, Staff
Senator Bill Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 161(JUD), on behalf of Senator Wielechowski, prime sponsor.

THOMAS FLYNN, Assistant Attorney General
Civil Division
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 161(JUD).

PHILLIP MOSER
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 256.

HELEN MARIE MATESI
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 256.

HELEN GOOD, Deputy Director
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 256(CRA).

SENATOR TOM BEGICH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 66, as the prime sponsor.

MERCEDES COLBERT, Staff
Senator Tom Begich
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis of SB 66, on behalf of Senator Begich, prime sponsor.

ACTION NARRATIVE

[3:04:46 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:06 p.m. Representatives Tarr, Story, Kaufman, and Kreiss-Tomkins were present at the call to order. Representatives Eastman and Claman arrived as the meeting was in progress.

HB 396-DIVEST INVESTMENTS IN RUSSIAN ENTITIES

[3:06:37 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 396, "An Act restricting certain investments of state funds in certain Russian entities; and providing for an effective date."

[3:07:08 PM](#)

REPRESENTATIVE TARR moved to adopt the proposed committee substitute (CS) for HB 396, labeled 32-LS1618\I, Nauman, 4/15/22, as the working document.

CHAIR KREISS-TOMKINS objected for presentation purposes.

[3:07:28 PM](#)

XANNIE BORSETH, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, provided an explanation of changes in the proposed CS for HB 396, ("Version I"), sponsored by the House State Affairs Standing Committee, which read as follows [original punctuation provided]:

Section 1 (page 1, sections a. and b.): changes divestment timeline from 90 to 180 days on page 1, lines 11, 13, and 14 and on page 2, line 6.

Section 1 (page 3, section g., lines 5-7): adds "the commissioner or a fiduciary of a fund is not required to divest from an investment under this section if the commissioner or fiduciary determines that divestment is not consistent with the fiduciary responsibilities of the commissioner or the fiduciary."

Section 1 (page 3, section i., line 13): adds "debt instrument issued by the government of Russia" to the definition of "Russian entity."

Section 1 (page 3, section i., lines 20-21): adds that the definition of "Russian entity... does not include a company the United States federal government excludes from federal sanctions related to Russia," so if a company is not included on OFAC's list, or if it is removed, that company is no longer regarded as a "Russian entity" under this legislation.

Section 2 (page 3, section a., lines 22-26): specifies that the uncodified law shall establish guidelines for transition, stating that "within 30 days after the effective date of this Act, the commissioner of revenue shall create an initial list of Russian entities" as specified by this Act.

Section 2 (page 3, line 27 - page 4, line 4, section b.): establishes that section 1(g) of this Act notwithstanding, "the commissioner of revenue, a fiduciary of a fund subject to AS 37, or an outside investment manager shall, within 180 days after the effective date, divest ownership in the initial list of Russian entities created," and specified that the commissioner of revenue or the fiduciary shall submit a letter consistent with section 1(b) to the manager of a commingled investment.

[3:11:19 PM](#)

REPRESENTATIVE TARR inquired about the repealer language in Section 3 and asked whether the January 1, 2024, timeline was consistent with the original version of the bill.

MS. BORSETH shared her understanding that the date was consistent.

REPRESENTATIVE CLAMAN asked what version of the bill Representative Tarr was referring to.

MS. BORSETH reported that the original version of the bill was Version A.

REPRESENTATIVE CLAMAN confirmed that the date in Version A was January 1, 2024.

MS. BORSETH noted that the governor's bill pertaining to divestment from Russian entities expired on July 1, 2023.

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Version I was adopted as the working document.

[3:13:09 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 396.

[3:13:41 PM](#)

KAREN MATTHIAS stated her support for HB 396. She expressed her strong belief that generally, the managers of the Alaska Permanent Fund should abide by the mandate to make investment decisions that protected and grew the fund to benefit Alaskans today and in the future; however, she acknowledged that these were not normal times. Russia's invasion of a peaceful, sovereign nation must be met with global responses, including divestment from Russian assets, she opined. She urged the legislature not to turn a blind eye to the atrocities being committed by Russia. She encouraged the committee to rely on the expertise found in the Alaska Permanent Fund Corporation (APFC) and the Department of Revenue (DOR) to ensure swift, efficient action and a well-crafted piece of legislation.

CHAIR KREISS-TOMKINS closed public testimony on HB 396 and announced that the bill was held over.

HB 66-ELECTIONS, VOTING, BALLOTS

[3:15:56 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 66, "An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date." [Before the committee was the proposed CS, "Version 0," labeled 32-LS0322\0, Klein, 3/30/22, adopted as the working document on 4/12/22.]

[3:16:22 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 66.

[3:16:38 PM](#)

ROBERT WELTON opined that the goal of the system should be to make it easier to vote and harder to cheat. He added his belief that barriers to voting should only be erected if a verified need arose. Although he expressed his support for the bill's expansion of early registration, he highlighted two major concerns. Firstly, he argued that requiring absentee voters to reapply if they hadn't voted absentee in over four years was problematic. He recalled testimony provided by Director Fenumiai, Division of Elections (DOE), during a Senate State Affairs Standing Committee that confirmed the absence of fraud amongst absentee voting in the 2020 election. For that reason, he believed there was no need to increase restrictions. Additionally, he suggested that the absentee voting provision in question likely violated federal election law, which did not allow states to strike voters from the roll for failing to vote. He took issue with the provision requiring mandatory signature verification on all absentee ballots for similar reasons. Furthermore, he suggested that tighter restrictions on absentee voting could open the process to partisan abuse.

[3:19:59 PM](#)

The committee took a brief at-ease.

[3:20:31 PM](#)

CHAIR KREISS-TOMKINS closed public testimony on HB 66.

[3:21:30 PM](#)

MIKE MASON, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor, pointed out that the change to the absentee voting system referenced by Mr. Welton corresponded to the Senate version of the bill that aligned with Governor Dunleavy's election bill. The provision in the Senate bill would allow voters to request absentee ballots for four years, after which they would be required to resubmit an application. He clarified that Version O would give Alaskans the option to receive absentee ballots by mail for all future state elections without having to fill out an application each year. Currently, he noted, Alaska maintained a permanent absentee voting list that was authorized by regulation, as opposed to statute.

[3:22:51 PM](#)

REPRESENTATIVE STORY inquired about the rationale for the four-year requirement in the governor's bill.

MR. MASON said that question would be better addressed to Senator Shower [prime sponsor of SB 39]. He maintained that under Version O, absentee voters would always be able to receive an absentee ballot without making a formal request each year.

REPRESENTATIVE STORY, in response to Mr. Welton's testimony, was unsure which section of Version O would violate federal law.

MR. MASON reiterated that Mr. Welton was mistakenly referring to the Senate bill [SB 39].

REPRESENTATIVE STORY remarked, "So that does not violate federal law?"

MR. MASON shared his understanding that arbitrarily removing a voter from a registered list would violate federal law. He stressed that Version O did not include such a provision.

[3:24:46 PM](#)

CHAIR KREISS-TOMKINS invited questions for Ms. Schroeder, Department of Law (DOL).

REPRESENTATIVE TARR asked Ms. Schroeder to delineate between fraud that may occur prior to voting versus fraudulent election results.

[3:26:27 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, DOL, explained that there were different criminal offenses relating to voter registration fraud, which occurred before election day, and fraudulent voting with the intent of affecting the election outcome, such as intentionally voting more than once.

REPRESENTATIVE EASTMAN inquired about the elements of perjury.

MS. SCHROEDER indicated that perjury occurred when a person knowingly falsifies a sworn statement under penalty of perjury. She added that in a perjury case, it must be proven that the defendant believed the sworn statement to be true.

REPRESENTATIVE EASTMAN sought to confirm that a sworn statement did not require the raising of one's right hand.

MS. SCHROEDER confirmed that raising one's right hand was not required. She defined a sworn statement as, "a statement knowingly given under oath or affirmation attesting to the truth of what is stated, including a notarized statement, or a statement knowingly given under penalty of perjury under AS 09.63.020."

[3:29:07 PM](#)

CHAIR KREISS-TOMKINS considered a scenario posed during a prior hearing in which suspiciously fraudulent behavior was observed on election day, such as the use of falsified identification. He asked how the Criminal Division would process the reported incident.

MS. SCHROEDER stated that DOL encouraged citizens to report suspicious activity to DOE. The division would investigate the incident and, if it rose to the level of criminal offense, the evidence would be compiled and forwarded to the Criminal Division. She said the case would be treated and screened by DOL as any other criminal case.

CHAIR KREISS-TOMKINS asked how many referrals the Criminal Division received for suspicious instances regarding voter fraud in recent decades.

MS. SCHROEDER reported that there were only 10 instances in the entire history of the Criminal Division that were accepted, of which 5 were still open and 5 were closed.

[3:31:39 PM](#)

REPRESENTATIVE EASTMAN asked how many of the 10 cases came through DOE.

MS. SCHROEDER suspected that the division was involved in all 10.

REPRESENTATIVE EASTMAN asked whether anything was lacking from statute to allow effective prosecution of election-related offenses.

MS. SCHROEDER was unaware of any requested changes to the current criminal code in that regard. She opined that the current election law was robust.

REPRESENTATIVE EASTMAN asked what statute of limitations applied to election related offenses.

MS. SCHROEDER answered five years.

REPRESENTATIVE EASTMAN asked when the five-year clock "starts ticking."

MS. SCHROEDER said when DOL became aware of the offense.

[3:34:58 PM](#)

CHAIR KREISS-TOMKINS announced that HB 66 was held over.

HB 316-STANDARDIZED IMPROVEMENT TRACKING SYSTEM

[3:36:13 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 316, "An Act providing for a standardized improvement tracking system for state agencies." [Before the committee was proposed committee substitute (CS) for HB 316, "Version B," labeled 32-LS1076\B, Wallace, 3/17/22, adopted as the working document on 4/16/22.]

CHAIR KREISS-TOMKINS opened public testimony on HB 316; after ascertaining that no one wished to testify, he closed public testimony.

[3:36:49 PM](#)

The committee took a brief at-ease.

[3:37:06 PM](#)

CHAIR KREISS-TOMKINS entertained final comment from committee members.

[3:37:23 PM](#)

REPRESENTATIVE KAUFMAN, prime sponsor of HB 316, noted that the revised fiscal note was greatly reduced in comparison to the original.

[3:38:34 PM](#)

The committee took a brief at-ease.

[3:38:39 PM](#)

REPRESENTATIVE CLAMAN moved to report CSHB 316, Version 32-LS1076\B, Wallace, 3/17/22, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 316(STA) was reported out of the House State Affairs Standing Committee.

SB 161-POLITICAL PARTY DEFINITION

[3:39:46 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be CS FOR SENATE BILL NO. 161(JUD), "An Act relating to the definition of 'political party'; and providing for an effective date."

[3:39:58 PM](#)

The committee took a brief at-ease.

[3:40:19 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on CSSB 161(JUD); after ascertaining that no one wished to testify, he closed public testimony.

[3:41:02 PM](#)

SENATOR BILL WIELECHOWSKI, Alaska State Legislature, prime sponsor, noted that the idea for the legislation was brought to him by a constituent who was an active member of the Libertarian Party. He welcomed questions from committee members.

[3:41:37 PM](#)

REPRESENTATIVE EASTMAN asked whether the bill was conceived before or after the passage of Ballot Measure 2 [Top-Four Ranked-Choice Voting and Campaign Finance Laws Initiative (2020)].

SENATOR WIELECHOWSKI deferred to Mr. Dunsmore.

[3:42:02 PM](#)

DAVID DUNSMORE, Staff, Senator Bill Wielechowski, Alaska State Legislature, on behalf of Senator Wielechowski, prime sponsor, recalled that Senator Wielechowski was approached by a constituent in December 2021, which was after the passage of Ballot Measure 2.

[3:42:52 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1 to CSSB 161(JUD), [labeled 32-LS1361\B.2, Bullard, 4/19/22], which read:

Page 1, line 1, following "Act":

Insert **"relating to the verification of a political party's number of registered voters;"**

Page 1, following line 3:

Insert new bill sections to read:

*** Section 1.** AS 15.80.008(a) is amended to read:

(a) A political group that the director has not recognized as a political party may obtain recognized political party status if

(1) [,] on or before May 31 of the election year for which the political group seeks recognition, the political group [(1)] files an application with the director; **and**

(2) **on January 1 of that year, the political group** [SUBMITS BYLAWS TO THE DIRECTOR AND THE UNITED STATES DEPARTMENT OF JUSTICE AS REQUIRED OF POLITICAL PARTIES IN AS 15.25.014; AND

(3)] meets the definition of a political party in AS 15.80.010.

*** Sec. 2.** AS 15.80.008(c) is amended to read:

(c) The director shall perform a verification described in (b) of this section **on January 1 of each** [AT LEAST ONCE A MONTH AFTER THE DATE OF CERTIFICATION OF THE PRECEDING GENERAL ELECTION, EXCEPT THAT THE DIRECTOR MAY SUSPEND THE MONTHLY VERIFICATIONS ON AND AFTER JUNE 1 AND BEFORE NOVEMBER 30 OF A GENERAL ELECTION] year. For purposes of (b) of this section, the director shall verify that the voters who have submitted registration forms to the division of elections are qualified under AS 15.05.010 and have declared affiliation with the political group or

recognized political party for which the verification is performed."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 3**"

ReNUMBER the following bill section accordingly.

Page 1, lines 6 - 10:

Delete "; beginning with the results of the 2030 decennial federal census, following each decennial federal census, the division shall by regulation adjust this number by the percentage of the change to the population of the state since the 2020 decennial federal census, rounded to the nearest 500"

REPRESENTATIVE CLAMAN objected.

[3:42:57 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 1 would insert the date, January 1, on which the Division of Elections (DOE) would calculate the number of registered voters associated with a political party to verify the party's status. He indicated that the relevant language was found on page 1, line 13 of Amendment 1.

SENATOR WIELECHOWSKI said his preference was to leave the bill in its current form.

[3:45:32 PM](#)

REPRESENTATIVE CLAMAN maintained his objection.

[3:45:36 PM](#)

REPRESENTATIVE EASTMAN argued that January 1 was a logical place to "set the benchmark."

[3:46:19 PM](#)

A roll call vote was taken. Representatives Eastman voted in favor of the adoption of Amendment 1. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 1 failed by a vote of 1-4.

[3:46:51 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2 to CSSB 161(JUD), [labeled 32-LS1361\B.3, Bullard, 4/19/22], which read:

Page 1, line 6:

Delete "5,000"

Insert "250"

Page 1, lines 6 - 10:

Delete "; beginning with the results of the 2030 decennial federal census, following each decennial federal census, the division shall by regulation adjust this number by the percentage of the change to the population of the state since the 2020 decennial federal census, rounded to the nearest 500"

REPRESENTATIVE CLAMAN objected.

[3:46:58 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 2 would reduce the number of required registered voters from 5,000 to 250. He reasoned that there were not many groups attempting to form political parties in Alaska, so reducing the number of registered voters would not produce an overabundance of new political parties. Additionally, Amendment 2 deleted the provision that required the division to adjust the number of registered voters by the percentage of the change to state population based on the decennial federal census results.

[3:48:03 PM](#)

SENATOR WIELECHOWSKI said his preference was to leave the bill in its current form.

[3:48:53 PM](#)

REPRESENTATIVE CLAMAN sought to confirm that the original version of the bill lacked the "decennial population adjustment" provision.

SENATOR WIELECHOWSKI said, "That's correct."

REPRESENTATIVE CLAMAN maintained his objection.

[3:49:22 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 2.

[3:49:33 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3 to CSSB 161(JUD), [labeled 32-LS1361\B.6, Bullard, 4/19/22], which read:

Page 1, line 1, following "Act":

Insert "**relating to confidential affiliation with a political party or political group;**"

Page 1, following line 3:

Insert new bill sections to read:

"* **Section 1.** AS 15.07 is amended by adding a new section to read:

Sec. 15.07.073. Confidential affiliation with a political party or political group. (a) A voter registering as affiliated with a political party or political group may request that the division keep confidential, to the extent provided under (c) and (d) of this section, the voter's affiliation with the political party or political group.

(b) Subject to (c) and (d) of this section, the division shall keep confidential the affiliation of a voter who requests that the voter's affiliation with a political party or political group remain confidential under (a) of this section.

(c) The division shall notify the state chair of a political party or political group, or another person authorized by the rules or bylaws of the political party or political group, of the name of a voter who has registered as affiliated with the political party or political group and who has requested that the voter's affiliation be kept confidential under this section.

(d) A voter who chooses to keep confidential the voter's affiliation with a political party or political group under this section may not be counted as affiliated with the political party or political group unless, under AS 15.80.008(c), counting the voter allows the political party or political group to maintain or obtain recognized political party status under AS 15.80.008. The affiliation of a voter counted under this subsection becomes public information, and the division may not continue to keep the affiliation confidential.

* **Sec. 2.** AS 15.07.075 is amended to read:

Sec. 15.07.075. Voters unaffiliated with a political party. The director shall consider a voter to be a voter registered as

(1) "nonpartisan" and without a preference for a political party if the voter registers as nonpartisan on a voter registration form;

(2) "undeclared" if the voter

(A) registers as undeclared on a voter registration form;

(B) fails to declare an affiliation with a political group or political party on a voter registration form; or

(C) declares an affiliation with an entity other than a political party or political group on a voter registration form; or

(3) "other" if the voter

(A) declares on a voter registration form an affiliation with a political group; or

(B) requests to keep the voter's affiliation with a political party or political group confidential under AS 15.07.073 and the voter's affiliation is not made public under AS 15.07.073(d).

* **Sec. 3.** AS 15.07.127 is amended to read:

Sec. 15.07.127. Preparation of master register. Subject to AS 15.07.073 and 15.07.075, the [THE] director shall prepare both a statewide list and a list by precinct of the names and addresses of all persons whose names appear on the master register and their political party affiliation. Subject to the limitations of AS 15.07.195, any person may obtain a copy of the list, or a part of the list, or an electronic format containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director.

* **Sec. 4.** AS 15.07.195(a) is amended to read:

(a) The following information set out in state voter registration records is confidential and is not open to public inspection:

(1) the voter's age or date of birth;

(2) the voter's social security number, or any part of that number;

(3) the voter's driver's license number;

(4) the voter's voter identification number;

(5) the voter's place of birth;

(6) the voter's signature;
(7) the voter's affiliation with a political party or political group if requested, and to the extent allowable, under AS 15.07.073.

* **Sec. 5.** AS 15.07.195(c) is amended to read:

(c) Notwithstanding other provisions, and in compliance with federal law, information made confidential by (a) (1) - (6) of this section may be released by the division

(1) to a local, state, or federal government agency, including to the child support services agency created in AS 25.27.010 or the child support enforcement agency of another state; the agency receiving information under this paragraph may use the information only for governmental purposes authorized under law;

(2) in compliance with a court order;

(3) to a person holding a writ of execution against the person or property of the voter;

(4) if the voter about whom information has been requested has provided written consent to the release; or

(5) to another state or an organized group of states for the purpose of ensuring the accuracy of the state's voter registration list prepared under AS 15.07.125 and the eligibility of persons on the list to vote in state elections, if the other state or organized group of states maintains the confidentiality of the information using information security management policies and procedures that comply with

(A) the information security standards of the International Organization for Standardization; or

(B) a published information security standard used by the state and approved by the Department of Administration.

* **Sec. 6.** AS 15.15.400 is amended to read:

Sec. 15.15.400. Preparation of voter list.
Subject to AS 15.07.073 and 15.07.075, the [THE]

director shall prepare both a statewide list and a list by precinct of the names and addresses of all persons who voted in the election and their political party affiliation. Any person may obtain a copy of the list, or a part of the list, or a computer tape containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director.

* **Sec. 7.** AS 15.80.008(c) is amended to read:

(c) The director shall perform a verification described in (b) of this section at least once a month after the date of certification of the preceding general election, except that the director may suspend the monthly verifications on and after June 1 and before November 30 of a general election year. For purposes of (b) of this section, the director shall verify that the voters who have submitted registration forms to the division of elections are qualified under AS 15.05.010 and have declared affiliation with the political group or recognized political party for which the verification is performed. A voter who requests that the voter's political affiliation remain confidential under AS 15.07.073 may not be counted as having declared affiliation with a political group or recognized political party under this section unless counting the voter allows the political party or political group to maintain or obtain recognized political party status under this section and AS 15.80.010(27)."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 8**"

Renumber the following bill section accordingly.

Page 2, following line 12:

Insert a new bill section to read:

"* **Sec. 9.** AS 43.23.110(c) is amended to read:

(c) Information submitted on a permanent fund dividend application that is used for the purpose of registering an applicant to vote under AS 43.23.101 shall be kept confidential by the division of elections as provided in AS 15.07.073 and 15.07.195 [AS 15.07.195]."

Renumber the following bill section accordingly.

REPRESENTATIVE CLAMAN objected.

[3:49:37 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 3 would create an opportunity for voters to maintain a confidential party affiliation, which would only become public if counting the

voter allowed the political party or group to maintain or obtain recognized political party status.

SENATOR WIELECHOWSKI said he appreciated the intent; however, under current law, a person could select "undeclared" if he/she wished to keep his/her party affiliation private.

[3:51:58 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 3.

[3:52:20 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 4 to CSSB 161(JUD), [labeled 32-LS1361\B.1, Bullard, 4/19/22], which read:

Page 1, line 6:

Delete "represents a political program and"

Page 1, line 10, following "500":

Insert "[REPRESENTS A POLITICAL PROGRAM AND"

Page 1, line 11:

Delete "[(A) "

Insert "(A) "

REPRESENTATIVE CLAMAN objected.

[3:52:25 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 4 would delete the language "represents a political program and" on page 1, line 6 of the bill. He argued that subscribing to the same political program should not a requirement of the registered voters that constitute a political party.

SENATOR WIELECHOWSKI deferred to Mr. Dunsmore.

MR. DUNSMORE said he wasn't clear what practical effect Amendment 4 would have, as DOE didn't conduct a review to determine whether a group had a political program. He indicated that it was definitionally assumed that a group seeking party access would represent a political program.

CHAIR KREISS-TOMKINS inquired about the practical effect of the language in question.

[3:54:47 PM](#)

THOMAS FLYNN, Assistant Attorney General, Civil Division, Department of Law, sought further clarification.

CHAIR KREISS-TOMKINS directed attention to page 1, line 6 of CSSB 161(JUD) and asked whether the deletion of the language "represents a political program and" would have any substantive impact.

MR. FLYNN answered no, DOE was not in the business of deciding what a political party is and isn't and denying status on those grounds. He stated that the deletion of that language would not have a large practical effect.

CHAIR KREISS-TOMKINS sought to confirm that Amendment 4 may economize the statutory language.

MR. FLYNN said, "That's my sense."

[3:56:27 PM](#)

REPRESENTATIVE CLAMAN considered a scenario in which a group of 4,000 people wanted to call themselves the Liberty Party. He sought to confirm that the group would not obtain recognized status until they reached 5,000.

MR. FLYNN answered yes, they would have to clear the threshold of 5,000 registered voters.

REPRESENTATIVE CLAMAN surmised that deleting the language "represents a political program and" would allow any organized groups to be recognized as a political party once reaching that threshold.

MR. FLYNN said he was struggling to identify a situation in which the division would refuse to recognize a group of over 5,000 registered voters based on the absence of an identifiable political program.

REPRESENTATIVE CLAMAN remarked, "But on some level, there would have to be some finding that there was some way to figure out that the group, such as they are, have ... enough of a commonality of interest to call them an organized group."

MR. FLYNN answered yes, I'd suppose so.

[3:58:59 PM](#)

REPRESENTATIVE TARR surmised that identifying a political program could help the division differentiate between two respective groups with similar missions. She asked how such a circumstance would be handled.

MR. FLYNN said that was an inherent danger in the system. Nonetheless, he shared his understanding that groups were not required to submit a political program to the division for approval.

REPRESENTATIVE EASTMAN pointed out that similar political parties existed.

[4:02:47 PM](#)

REPRESENTATIVE CLAMAN withdrew his objection to the adoption of Amendment 4. There being no further objection, Amendment 4 was adopted.

[4:04:05 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 5 to CSSB 161(JUD), [labeled 32-LS1361\B.4, Bullard, 4/19/22], which read:

Page 1, line 1, following "**Act**":

Insert "**relating to voter registration;**"

Page 1, following line 3:

Insert new bill sections to read:

*** Section 1.** AS 15.07.050(b) is amended to read:

(b) Except as provided in (c) of this section, only the voter or the individual authorized by the voter in a written power of attorney under (a) of this section may mark the voter's choice of party or group affiliation on the voter registration application form.

*** Sec. 2.** AS 15.07.050 is amended by adding a new subsection to read:

(d) A voter registration agency shall provide each applicant for registration or reregistration the opportunity to adopt a political party or group affiliation. The voter registration agency shall provide each applicant a complete list of political parties and political groups in the state.

*** Sec. 3.** AS 15.07.070(j) is amended to read:

(j) The division shall cooperate with the Department of Revenue under AS 43.23.101 to ensure that the permanent fund dividend application form furnished by the Department of Revenue under AS 43.23.015 provides an applicant the opportunity to adopt a political party or group affiliation, includes the list of active political parties and political groups required under AS 15.07.050(d), allows an applicant, a person who is designated in a power of attorney to act on behalf of an applicant, or a person acting on behalf of a physically disabled applicant to submit voter registration information required under AS 15.07.060(a)(1) - (4) and (7) - (9), and requires an applicant to attest [AN ATTESTATION] that the required voter registration [SUCH] information is true. The director may require proof of identification of the applicant, if not already in the Department of Revenue's possession, as required by regulations adopted by the director under AS 44.62 (Administrative Procedure Act).

* **Sec. 4.** AS 15.07.070(k) is amended to read:

(k) Upon receipt of an applicant's [THE] registration and political affiliation information provided under (j) of this section, the director shall, as soon as practicable and in accordance with a schedule established by the director by rule, notify by United States mail and any other means authorized by the director, each applicant not already registered to vote at the address provided in the applicant's application

(1) of the processes to

(A) decline to be registered as a voter;

and

(B) maintain an existing voter registration or be newly registered at a valid place of residence not provided in the applicant's application; and

[(C) ADOPT A POLITICAL PARTY AFFILIATION;
AND]

(2) that failure to respond to the notification shall constitute the applicant's consent to cancel any registration to vote in another jurisdiction.

* **Sec. 5.** AS 15.07.127 is amended to read:

Sec. 15.07.127. Preparation of master register. The director shall prepare both a statewide list and a list by precinct of the names and addresses of all persons whose names appear on the master register and

their political [PARTY] affiliation. Subject to the limitations of AS 15.07.195, any person may obtain a copy of the list, or a part of the list, or an electronic format containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director.

* **Sec. 6.** AS 15.15.400 is amended to read:

Sec. 15.15.400. Preparation of voter list. The director shall prepare both a statewide list and a list by precinct of the names and addresses of all persons who voted in the election and their political [PARTY] affiliation. Any person may obtain a copy of the list, or a part of the list, or a computer tape containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 7**"

Renumber the following bill section accordingly.

REPRESENTATIVE CLAMAN objected.

[4:04:12 PM](#)

REPRESENTATIVE EASTMAN directed attention to Section 2 and Section 3 of Amendment 5, which he characterized as the pertinent information. He indicated that the proposed amendment would require a voter registration agency, DOE, and the Department of Revenue (DOR) to provide a list of active political parties and political groups on the permanent fund dividend (PFD) application form and the voter registration application.

SENATOR WIELECHOWSKI expressed concern that Amendment 5 would make the application forms too lengthy. Additionally, he pointed out that if a person was interested in declaring a political party affiliation, he/she could simply go online and register for said party.

REPRESENTATIVE EASTMAN opined that by omitting a list of active political parties, the larger, more well-known parties were benefitting at the expense of smaller groups.

SENATOR WIELECHOWSKI questioned whether it was the state's duty to promote political parties or make people aware of their existence.

MR. DUNSMORE added that after reviewing it from the perspective of a legislative staffer who often assisted constituents with related matters, he argued that a lengthier form might cause undue burden.

[4:10:12 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 5.

[4:11:18 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 6 to CSSB 161(JUD), [labeled 32-LS1361\B.5, Bullard, 4/19/22], which read:

Page 1, line 1, following "**Act**":

Insert "**relating to changing the name of a political group or recognized political party;**"

Page 1, following line 3:

Insert a new bill section to read:

"* **Section 1.** AS 15.80.008 is amended by adding a new subsection to read:

(f) A political group or political party may change its name and retain its membership, and, for a political party, its recognized status under this title, if the political group or political party submits evidence satisfactory to the director that the name change was approved at a state convention of the political group or political party or by another means authorized by the rules or bylaws of the political group or political party. If, before the filing deadline for office, a political group or political party submits evidence satisfactory to the director of a name change under this subsection,

(1) and a candidate affiliated with that political party or political group requests that the candidate's affiliation be designated after the name of the candidate on the ballot under AS 15.15.030(a)(5), the director shall use the new name of the political party or political group; and

(2) a candidate registered as affiliated with the political group or political party shall state the new name in the candidate's listed

affiliation or party designation in a declaration of candidacy under AS 15.25.030(a)(5)."

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill section accordingly.

REPRESENTATIVE CLAMAN objected.

[4:11:23 PM](#)

REPRESENTATIVE EASTMAN explained that the purpose of Amendment 6 was to clarify that there was no intention of burdening or penalizing a political party that decided to change its name.

SENATOR WIELECHOWSKI opined that Amendment 6 was worthy of its own bill.

REPRESENTATIVE TARR suggested addressing this topic after the passage of CSSB 161(JUD) if dozens of new parties were formed in its wake. She maintained her belief that the focus of the proposed legislation should be limited in scope.

[4:13:36 PM](#)

REPRESENTATIVE EASTMAN withdrew Amendment 6.

CHAIR KREISS-TOMKINS invited closing comments from committee members.

[4:14:02 PM](#)

REPRESENTATIVE TARR expressed her appreciation for the bill, as the diversity of views among Alaskans were not well-represented by the few existing parties, she opined. She expressed her hope that increasing the options would engage more people in the electoral and policy-making process.

REPRESENTATIVE EASTMAN applauded the sponsor for bringing the bill forward.

[4:14:58 PM](#)

REPRESENTATIVE CLAMAN moved to report CSSB 161(JUD), as amended, out of committee with individual recommendations and the

accompanying fiscal notes. There being no objection HCS CSSB 161(STA) was reported out of the House State Affairs Standing Committee.

HB 256-LAW ENFORCEMENT: REGISTRY; USE OF FORCE

[4:15:25 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 256, "An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; requiring the Department of Public Safety to submit a yearly use-of-force report to the legislature; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report to the Federal Bureau of Investigation incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date." [Before the committee was CSHB 256(CRA).]

[4:15:48 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 256.

[4:16:01 PM](#)

PHILLIP MOSER stated his support for HB 256 and emphasized the importance of creating a centralized database for the use of force by police officers. He shared a lack of confidence in the Federal Bureau of Investigation's (FBI's) database, arguing that the database should be publicly accessible. He called into question one committee member's potential conflict of interest over his membership [in the Oath Keepers]. He concluded by urging the committee to pass the proposed legislation.

[4:18:47 PM](#)

HELEN MARIE MATESI stated her support for the bill and any steps towards accountability that would protect Alaskan citizens. She pointed out that the bill could prevent officers with a history of violence from relocating and continuing that behavior.

[4:19:44 PM](#)

CHAIR KREISS-TOMKINS closed public testimony on HB 256.

[4:20:07 PM](#)

REPRESENTATIVE CLAMAN shared his understanding that the bill would codify existing practice.

[4:20:29 PM](#)

HELEN GOOD, Deputy Director, Department of Corrections (DOC), confirmed that the bill would codify existing practice and bring training practices under one umbrella.

REPRESENTATIVE STORY shared her appreciation and support for the bill.

REPRESENTATIVE EASTMAN said he was hesitant to pass a bill that required additional reporting.

REPRESENTATIVE TARR agreed that she was not a fan of shuffling paperwork around. She suggested revisiting that provision in the future should the bill pass.

[4:23:12 PM](#)

REPRESENTATIVE CLAMAN moved to report CSHB 256(CRA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 256(CRA) was reported out of the House State Affairs Standing Committee.

SB 66-MEMBERS LEG COUNCIL; LEG BUDGET & AUDIT

[4:23:38 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be SENATE BILL NO. 66 am, "An Act relating to the membership of the legislative council; and relating to the membership of the Legislative Budget and Audit Committee."

[4:24:06 PM](#)

SENATOR TOM BEGICH, Alaska State Legislature, prime sponsor, introduced SB 66. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

As outlined in AS 24.20, the Legislative Council has the essential role of conducting internal business for the Alaska Legislature, while the Legislative Budget and Audit (LB&A) Committee plays a pivotal role in managing state finances and expenditures. Both committees are established in statute with authority to conduct business anytime throughout the year so that internal legislative business may be conducted in a timely manner.

Alaska State Statute establishes membership on Legislative Council and the LB&A Committee to include "at least one member from each of the two major political parties of each house." However, the Alaska Legislature has a long history of coalition caucuses and unaffiliated legislators. In addition, following passage of voter initiative Ballot Measure 2 in 2020, candidates are not required to name a political party affiliation, and therefore may be elected to office without one. Senate Bill 66 seeks to update the membership statutes for both Legislative Council and the LB&A Committee to reflect these changes in law and practice to ensure fair caucus representation on these committees.

Every committee established in the Alaska Legislature Uniform Rules ensures representation of organized minority caucuses. Under current law, there is no guarantee that these two joint interim committees will include representation of all organized caucuses. SB 66 also reflects the Uniform Rules definition of "minority" as constituting at least 25 percent of a chamber's membership.

As all Alaskans have a right to vote for their legislators, who in turn have a right to form caucuses if they choose, those organized caucuses have a right to have their voices and visions represented on all committees. Senate Bill 66 seeks to ensure this fair representation is established in law.

[4:27:29 PM](#)

MERCEDES COLBERT, Staff, Senator Tom Begich, Alaska State Legislature, on behalf of Senator Begich, prime sponsor, presented a sectional analysis of SB 66 [included in the

committee packet], which read as follows [original punctuation provided]:

Section 1. Amends AS 24.20.020 to include at least one member of the minority on the legislative council. Includes language from Uniform Rule 1(e) to entitle minority caucus membership on the council that is proportional to their total house membership.

Section 2. Amends AS 24.20.161 to include at least one member of the minority on the Legislative Budget and Audit Committee, and changes "chairman" to "chair."

Section 3. Adds a new section to AS. 24.20 to define "minority" as a group of members who have organized and elected a minority leader and who constitute at least 25 percent of the total house membership.

[4:29:09 PM](#)

REPRESENTATIVE EASTMAN directed attention to page 2, line 1, and asked what would happen if no one was appointed from each house within the 15-day deadline after convening the first regular session of each legislature.

SENATOR BEGICH stated that the bill was silent on that matter; nonetheless, he indicated that he was open to suggestions from the committee.

[4:30:59 PM](#)

REPRESENTATIVE CLAMAN expressed his concern about the language on page 1, lines 9-14, and the provision on page 2, which defined the minority as having at least 25 percent of the membership in the body. He remarked:

If you had a ... 16-member majority and a 4-member minority, under this definition, there is no minority, and yet, the first section of the bill would suggest that there should be some proportional representation. And A, you don't have a minority, so in theory, there's no minority entitled to sit, but in addition, if you had 4 minority members, ... you're at 20 percent and ... of 6 Senate seats, that would justify 1 Senate seat even though there's no minority. That seems like a math problem, but it's more than a math problem.

SENATOR BEGICH contended that per the Uniform Rules of the Alaska State Legislature, a minority was defined as having 5 members in the case of the Senate. He remarked, "If I and another of my colleagues had elected to lead my body, we would not have an official minority; consequently, when you look at the definition of minority on Page 1, ... they would have no seat because there would be no minority and that is consistent with Uniform Rules." He pointed out that currently, the Uniform Rules did not offer proportional representation, except by the goodness of a presiding officer to an unrecognized minority.

REPRESENTATIVE CLAMAN considered the scenario in which the Senate had 6 members in the minority. He asked how many seats would be entitled to the legislative council under this provision.

MS. COLBERT stated that with a 6-member minority for a 7-member committee, 2 members would be appointed from the Senate minority. For the 18-member House minority, she reported that 3 members would be appointed to the legislative council.

[4:34:45 PM](#)

REPRESENTATIVE CLAMAN shared his understanding that the language in the bill made no reference to the Uniform Rules. Instead, it provided that the minority was entitled to the number of seats on the council proportional to the number of minority members compared to the total house membership.

MS. COLBERT clarified that the language in question on page 1, lines 9-14, was adopted from uniform Rule 1(e). Likewise, the definition of "minority" in Section 3 was lifted from the Uniform Rules. Therefore, although the bill made no direct reference to the Uniform Rules, it essentially placed the Uniform Rules into statute.

REPRESENTATIVE CLAMAN maintained his belief that, per the existing bill language, a strict proportional analysis would be conducted to determine the minority's membership on the legislative council.

[4:36:18 PM](#)

REPRESENTATIVE EASTMAN shared his understanding that the language in Section 3 was found in the Legislative Ethics Act. He shared his preference that the minority leader would appoint

the minority members serving on the legislative council, as opposed to allowing the majority to make that selection.

[4:39:26 PM](#)

SENATOR BEGICH said the intent was to make the legislation as consistent with the Uniform Rules as possible. He acknowledged that the language in Section 3 mirrored the Legislative Ethics Act; however, it was also taken directly from the Uniform Rules. He explained that the Uniform Rules directed the power of appointment to the presiding officers, which was a topic of debate in the Senate. He expressed his hope that the minority's preferences would be considered; nonetheless, he had no desire to codify that, as it would create another inconsistency with the Uniform Rules. He suggested passing the bill in its current form, pointing out that without some form of representation, the minority would be subject to potentially being denied a seat on the legislative council during the next legislative session. He suggested that the Uniform Rules and how they were applied should be addressed in the future in the interest of fairness.

[4:41:48 PM](#)

REPRESENTATIVE TARR wondered whether Legislative Legal Services would recommend further clarification of the language on page 1, lines 9-14.

SENATOR BEGICH sought to confirm that Representative Tarr was suggesting that there should be a direct reference to the Uniform Rules in statute. He offered to follow up with a response from Legislative Legal Services.

[4:42:56 PM](#)

REPRESENTATIVE EASTMAN pointed out that Uniform Rule 1(e) only applied to standing committees, which excluded the legislative council, and the Legislative Budget and Audit Committee (LB&A). He asked for the bill sponsor's perspective on providing alternate members for the legislative council.

SENATOR BEGICH conveyed that the statutes pertaining to the legislative council did not provide for an alternate while the LB&A statutes allowed for a single alternate. He shared a personal anecdote. He reported that at present, the alternates were of the majority, adding that he was open to the idea of allowing alternates from the minority.

REPRESENTATIVE EASTMAN pointed out that if the minority leader was unable to attend a council meeting, the minority would have no representation without an alternate.

SENATOR BEGICH agreed that it was a deficit that needed to be fixed. He welcomed a proposal from Representative Eastman on this issue to ensure fairness and equity.

[4:48:23 PM](#)

REPRESENTATIVE STORY emphasized the need for bipartisanship.

SENATOR BEGICH thanked the committee and expressed his hope that the bill would move forward.

[4:49:02 PM](#)

CHAIR KREISS-TOMKINS aligned himself with Representative Story's comments. He highlighted the importance of having equitable systems in place. He announced that SB 66 was held over.

[4:50:33 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:50 p.m.