

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

May 4, 2021

3:32 p.m.

MEMBERS PRESENT

Senator Mike Shower, Chair
Senator Lora Reinbold, Vice Chair (via Teams)
Senator Mia Costello (via Teams)
Senator Roger Holland (via Teams)
Senator Scott Kawasaki (via Teams)

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 126

"An Act relating to the duration of a regular session of the legislature; and providing for an effective date."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3 (JUD)

"An Act relating to the definition of 'disaster.'"

- HEARD & HELD

SENATE BILL NO. 39

"An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

- MOVED CSSB 39(STA) OUT OF COMMITTEE

SENATE BILL NO. 118

"An Act establishing the committee on nullification of federal laws; and providing a directive to the lieutenant governor."

- MOVED SB 118 OUT OF COMMITTEE

SENATE BILL NO. 31

"An Act relating to binding votes by or for a legislator under the Legislative Ethics Act."

- MOVED CSSB 31(STA) OUT OF COMMITTEE

SENATE BILL NO. 120

"An Act establishing the Administrative Regulation Review Committee."

- MOVED SB 120 OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 12

Urging the United States Congress to repeal the Windfall Elimination Provision and Government Pension Offset of the Social Security Act.

- HEARD & HELD

SENATE BILL NO. 108

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

- SCHEDULED BUT NOT HEARD

SENATE BILL NO. 109

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

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 126

SHORT TITLE: REPEAL 90 DAY SESSION LIMIT

SPONSOR(S): SENATOR(S) STEVENS

04/16/21	(S)	READ THE FIRST TIME - REFERRALS
04/16/21	(S)	STA, FIN
04/29/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/29/21	(S)	-- MEETING CANCELED --
05/04/21	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: HB 3

SHORT TITLE: DEFINITION OF "DISASTER": CYBERSECURITY

SPONSOR(s): REPRESENTATIVE(s) JOHNSON

02/18/21 (H) PREFILE RELEASED 1/8/21
02/18/21 (H) READ THE FIRST TIME - REFERRALS
02/18/21 (H) STA, JUD
02/23/21 (H) STA AT 3:00 PM GRUENBERG 120
02/23/21 (H) Heard & Held
02/23/21 (H) MINUTE(STA)
03/02/21 (H) STA AT 3:00 PM GRUENBERG 120
03/02/21 (H) Moved CSHB 3(STA) Out of Committee
03/02/21 (H) MINUTE(STA)
03/08/21 (H) STA RPT CS(STA) 1DP 1NR 5AM
03/08/21 (H) DP: KREISS-TOMKINS
03/08/21 (H) NR: TARR
03/08/21 (H) AM: CLAMAN, STORY, EASTMAN, VANCE,
KAUFMAN
03/10/21 (H) JUD AT 1:30 PM GRUENBERG 120
03/10/21 (H) Heard & Held
03/10/21 (H) MINUTE(JUD)
03/15/21 (H) JUD AT 1:30 PM GRUENBERG 120
03/15/21 (H) Heard & Held
03/15/21 (H) MINUTE(JUD)
03/17/21 (H) JUD AT 1:30 PM GRUENBERG 120
03/17/21 (H) Moved CSHB 3(JUD) Out of Committee
03/17/21 (H) MINUTE(JUD)
03/19/21 (H) JUD AT 1:30 PM GRUENBERG 120
03/19/21 (H) <Bill Hearing Canceled>
03/20/21 (H) JUD RPT CS(JUD) 5DP 2AM
03/20/21 (H) DP: VANCE, DRUMMOND, KREISS-TOMKINS,
SNYDER, CLAMAN
03/20/21 (H) AM: EASTMAN, KURKA
04/19/21 (H) TRANSMITTED TO (S)
04/19/21 (H) VERSION: CSHB 3(JUD)
04/21/21 (S) READ THE FIRST TIME - REFERRALS
04/21/21 (S) STA, JUD
04/26/21 (S) MOTION TO WAIVE PUBLICATION NOTICE,
RULE 23 FAILED Y12 N7 E1
05/04/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 39

SHORT TITLE: BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL

SPONSOR(s): SENATOR(s) SHOWER

01/25/21 (S) PREFILE RELEASED 1/15/21
01/25/21 (S) READ THE FIRST TIME - REFERRALS

01/25/21	(S)	STA, JUD
01/26/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/26/21	(S)	-- MEETING CANCELED --
01/28/21	(S)	STA AT 3:30 PM BUTROVICH 205
01/28/21	(S)	Heard & Held
01/28/21	(S)	MINUTE(STA)
02/02/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/02/21	(S)	Heard & Held
02/02/21	(S)	MINUTE(STA)
02/09/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/09/21	(S)	Scheduled but Not Heard
02/11/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/11/21	(S)	Heard & Held
02/11/21	(S)	MINUTE(STA)
02/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/16/21	(S)	Heard & Held
02/16/21	(S)	MINUTE(STA)
02/18/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/18/21	(S)	-- MEETING CANCELED --
02/25/21	(S)	STA AT 3:30 PM BUTROVICH 205
02/25/21	(S)	Heard & Held
02/25/21	(S)	MINUTE(STA)
03/16/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/16/21	(S)	Heard & Held
03/16/21	(S)	MINUTE(STA)
03/18/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/18/21	(S)	Scheduled but Not Heard
03/30/21	(S)	STA AT 3:30 PM BUTROVICH 205
03/30/21	(S)	Scheduled but Not Heard
04/01/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/01/21	(S)	-- MEETING CANCELED --
04/08/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/08/21	(S)	Scheduled but Not Heard
04/15/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/15/21	(S)	Heard & Held
04/15/21	(S)	MINUTE(STA)
04/20/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/20/21	(S)	-- MEETING CANCELED --
04/21/21	(S)	STA WAIVED PUBLIC HEARING NOTICE, RULE 23
04/22/21	(S)	STA AT 3:30 PM BUTROVICH 205
04/22/21	(S)	Heard & Held
04/22/21	(S)	MINUTE(STA)
04/22/21	(S)	STA AT 6:00 PM BUTROVICH 205
04/22/21	(S)	Heard & Held
04/22/21	(S)	MINUTE(STA)
05/04/21	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: SB 118

SHORT TITLE: CMTE ON NULLIFICATION OF FEDERAL LAWS

SPONSOR(s): SENATOR(s) REINBOLD

04/07/21 (S) READ THE FIRST TIME - REFERRALS
04/07/21 (S) STA, JUD
04/13/21 (S) STA AT 3:30 PM BUTROVICH 205
04/13/21 (S) Heard & Held
04/13/21 (S) MINUTE(STA)
05/04/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 31

SHORT TITLE: PROHIBITING BINDING CAUCUSES

SPONSOR(s): SENATOR(s) SHOWER

01/25/21 (S) PREFILE RELEASED 1/8/21
01/25/21 (S) READ THE FIRST TIME - REFERRALS
01/25/21 (S) STA, JUD
03/18/21 (S) STA AT 3:30 PM BUTROVICH 205
03/18/21 (S) Heard & Held
03/18/21 (S) MINUTE(STA)
05/04/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 120

SHORT TITLE: ADMIN. REGULATION REVIEW COMMITTEE

SPONSOR(s): SENATOR(s) REINBOLD

04/07/21 (S) READ THE FIRST TIME - REFERRALS
04/07/21 (S) STA, FIN
04/13/21 (S) STA AT 3:30 PM BUTROVICH 205
04/13/21 (S) Heard & Held
04/13/21 (S) MINUTE(STA)
04/29/21 (S) STA AT 3:30 PM BUTROVICH 205
04/29/21 (S) -- MEETING CANCELED --
05/04/21 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SJR 12

SHORT TITLE: SOCIAL SECURITY BENEFIT REDUCTION REPEAL

SPONSOR(s): SENATOR(s) WIELECHOWSKI

03/29/21 (S) READ THE FIRST TIME - REFERRALS
03/29/21 (S) STA, FIN
04/27/21 (S) STA AT 3:30 PM BUTROVICH 205
04/27/21 (S) <Bill Hearing Canceled>
05/04/21 (S) STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR GARY STEVENS
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 126.

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Introduced SB 126 on behalf of the sponsor.

ADAM HYKES, representing self
Homer, Alaska
POSITION STATEMENT: Suggested an amendment to SB 126.

REPRESENTATIVE DELENA JOHNSON
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HB 3.

ERIC CORDERRO, Staff
Representative DeLena Johnson
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Introduced HB 3 on behalf of the sponsor.

MARK BREUNIG, Chief Technology Officer
Office of Information Technology
Department of Administration
Juneau, Alaska
POSITION STATEMENT: Answered questions and provided information related to HB 3.

PETER HOUSE, representing self
Wasilla, Alaska
POSITION STATEMENT: Testified in support of HB 3.

SCOTT OGAN, Staff
Senator Mike Shower
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Provided information during the hearing on SB 31.

BERT HOUGHTALING, representing self
Big Lake, Alaska

POSITION STATEMENT: During the hearing on SB 120, stated that he supports anything that will help reduce regulations and allow the economy thrive; stated support for SB 31; and stated opposition to SB 126.

SENATOR BILL WIELECHOWSKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SJR 12.

TREVOR BAILEY, Staff
Senator Tom Begich
former Intern to Senator Bill Wielechowski
Juneau, Alaska

POSITION STATEMENT: Presented a PowerPoint to introduce SJR 12 on behalf of the sponsor.

TOM KLAAMEYER, President
NEA Alaska

POSITION STATEMENT: Testified on SJR 12 by invitation.

RICHARD SEWELL representing self
Anchorage Alaska

POSITION STATEMENT: Testified in support of SJR 12.

CARMEN RUSSO, representing self
Anderson, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

MITCHELL ROTH, representing self
Girdwood, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

SUSAN FREEL, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

CATHY MCDORQUODALE, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

ROBERT SEWARD, representing self
Newark, Delaware

POSITION STATEMENT: Testified in support of SJR 12.

NADINE LEFEBVRE, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

CAROL WATERS, retired educator representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

KIMBERLY METCALFE, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

STEVEN CLICK, representing self
California

POSITION STATEMENT: Testified in support of SJR 12.

JOHN DART, representing self
North Pole, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

BARBARA MCNINCH, representing self
Soldotna, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

JOY GREEN, representing self
Kona, HI

POSITION STATEMENT: Testified in support of SJR 12.

LADAWN DRUCE, Staff
Sterling, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

JAN CAROLYN HARDY, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SJR 12.

ACTION NARRATIVE

3:32:16 PM

CHAIR MIKE SHOWER called the Senate State Affairs Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Reinbold, Holland, Kawasaki (all via Teams), and Chair Shower. Senator Costello joined the meeting remotely soon thereafter.

CHAIR SHOWER reviewed the remote meeting protocols, including the roll call to show the presence and location of the committee members:

SENATOR HOLLAND, Capitol room 113, SENATOR KAWASAKI, Capitol room 7, SENATOR REINBOLD, Capitol room 427, and CHAIR SHOWER, in the Butrovich room, Capitol 205. SENATOR COSTELLO joined shortly thereafter from Capitol room 119.

SB 126-REPEAL 90 DAY SESSION LIMIT

[3:34:29 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 126 "An Act relating to the duration of a regular session of the legislature; and providing for an effective date."

[3:34:42 PM](#)

SENATOR GARY STEVENS, Alaska State Legislature, Juneau, Alaska, sponsor of SB 126, stated that the Alaska Constitution recognizes a 120-day legislative session. In 1986, the legislature met longer than 120 days and passed 29 bills after the midnight deadline. After a court challenge, the Alaska Supreme Court ruled that day one is ceremonial and therefore sessions are 121 days.

SENATOR STEVENS provided an historical perspective of the 90-day session limit. He explained that in 2006, two legislators spearheaded a ballot initiative to end sessions after 90 days to accommodate their personal needs as a fisherman and an hotelier. The initiative narrowly passed, but the arguments used to pass it have proven to be untrue. He offered his belief that the 90-day sessions do not allow time for the legislature to do its work and the short duration allows the executive branch and lobbyists to dominate. The legislature needs relief from the statutory constraint of a 90-day session to return to the 120 days set forth in the Alaska Constitution. He deferred further introduction to Mr. Lamkin.

[3:37:33 PM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, Juneau, Alaska, stated that SB 126 simply repeals AS 24.05.150(b), which passed in 2006 and became effective in 2008, establishing a 90-day session. The bill restores the 120-day session, which is in line with the Alaska Constitution. [The Alaska Supreme Court ruled that day one of the legislative session is ceremonial and sessions therefore are 121 days.

[3:38:03 PM](#)

CHAIR SHOWER recognized that Senator Costello had joined the meeting on Teams. He asked her to state her presence and location.

SENATOR COSTELLO identified herself and stated that she was in her office, Capitol room 119.

MR. LAMKIN began the PowerPoint presentation on SB 126 starting with the background and history. He explained that from 1913 to 1958, the Territorial Legislature met biennially for 60 days. A 60-day session was debated during the 1958 Constitutional Convention but it was voted down by a 20:32 vote. Without a limit, sessions were of varied length. In 1983 HJR 2 passed and the issue was placed on the ballot. The measure passed in 1984 with roughly 60 percent in favor of a 120-day limit. It passed with a margin of 52,000 votes. The 120-day sessions continued until 2007 when the 2006 ballot initiative pursuing a 90-day session became effective.

CHAIR SHOWER asked if a pattern for session length emerged based on whether it was an election year or not.

[3:40:54 PM](#)

MR LAMKIN said he had several graphs later in the presentation that would answer the question. He turned to slide 3 that depicts the official results from the November 2006 vote. He highlighted that this election was the third lowest turnout since 1976. The measure passed with a 3,800 vote margin and 6,800 of the voters took a ballot but did not vote on this issue. He offered his perspective that those who did not vote on the issue perhaps thought that the legislature should make the decision.

[3:41:43 PM](#)

MR. LAMKIN displayed an excerpt from the 2006 election pamphlet showing the summary of the measure and the statement in support a 90-day session. A primary theme was that there would be a savings of 30 days of per diem and legislative operating expenses. However, there has been no change in the legislative budget. Monies were transferred from the session budget to the interim budget in anticipation of more interim meetings and special sessions, and the data shows this has happened. In fact, travel, per diem, and technical expenses associated with holding more interim meetings and special sessions have all increased. The promised cost savings have been a wash.

[3:43:31 PM](#)

MR. LAMKIN said petition organizers circulated a graph showing that 27 other states have a shorter session than Alaska but it did not demonstrate the difference between Alaska's 120 "calendar" legislative days and states with "session" legislative days that only count the days the legislature is on the floor. For example, Hawaii has a 60-day legislative session but it met for 100 calendar days in 2020-2021. Indiana meets for 60 legislative days in odd years and 30 legislative days in even years but they just adjourned after meeting for 116 calendar days. He described the supporting argument as a twist on the facts.

[3:45:05 PM](#)

MR. LAMKIN displayed a bar graph of the same data and pointed out that Alaska is squarely in the middle of the states and that SB 126 maintains that position. He said every state has its own reasons for setting the length of its legislative sessions but it does not matter.

He turned to a graph of Alaska's legislative session days from 1970 to 2019. Responding to an earlier question, he confirmed that sessions tend to be shorter in election years. He directed attention to the wide variation in data points when there was no limit. In response to 160-day legislative sessions, the voters approved HJR 2 and the 120-day session took effect in 1984. He pointed to the relatively stable data points from 1984 to 2005 and highlighted that session lengths were again sporadic after the 90-day session took effect. He said he would argue that this graph illustrates that the 120-day session brought stability to the legislative process.

[3:47:02 PM](#)

MR. LAMKIN said the third point in support of the 90-day session was that since 1990, 24 pieces of legislation were introduced but did not reach the floor in either body. He pointed out that legislation that has no chance of passing is introduced all the time; it is the legislature's prerogative to act or not act on any issue. Performance should not be based on the number of bills passed. He cited examples of perennial issues including abortion that has been introduced 67 times since 1990 and move the Capitol that has been introduced 31 times since 1990. Additional issues include oil and gas taxation, subsistence, pre-K, mining taxes, and compulsory school age. He said the sponsors' logic was not well founded.

MR. LAMKIN pointed out that a 90-day session in no way restricts the legislature from calling itself into special session. The

constitutional framers wanted to balance the power of state government by extending this authority to the legislature but it takes a two-thirds vote of each body. He pointed to the line graph on slide 18 of the total days the Alaska Legislature has spent in special session from 1959 to 2019. The governor has called a special session 37 times and the average duration was 16 days. The legislature called itself into special session 8 times and the average duration was 8 days. He highlighted that the frequency and length of the special sessions has increased substantially since 2006 when the 90-day session took effect.

[3:50:11 PM](#)

MR. LAMKIN said the petition organizers also argued that reducing the length of the session to 90 days would encourage more people to run for office. He directed attention to the graph on the next slide that depicts the number of candidates over the past 60 years. On average, 152 candidates ran for a legislative seat in the 1960 to 2020 elections and 160 candidates ran in elections from 1960 to 2007. Since 2008 when the 90-day session took effect, 125 candidates have run for office, which he said is clear evidence that the 90-day session has not increased the candidate pool.

MR. LAMKIN said he is a staunch proponent of balancing power between the people's branch of government and the executive branch and he believes the 90-day session directly shifts power from the legislative to the executive branch. The 90-day session is not working, he said.

[3:53:11 PM](#)

SENATOR KAWASAKI commented that he believed in the 2006 initiative and he helped collect signatures, but it does not work the way it was intended. He said he tends to support the bill but he would like more discussion.

[3:54:07 PM](#)

CHAIR SHOWER opened public testimony SB 126

[3:54:28 PM](#)

ADAM HYKES, representing self, Homer, Alaska, said the 90-day limit has rarely been met but he believes it is unwise to remove all constraints. He proposed the committee amend to bill to create a 120-day limit instead of simply removing the 90-day limit. He said he expects legislators to be professional and work together to achieve that end. He said he would not support SB 126 without the amendment.

MR. LAMKIN said SB 126 would repeal the 90-day session in statute, but per the Alaska Constitution the session limit would remain 120 days.

[3:56:16 PM](#)

CHAIR SHOWER closed public testimony on SB 126. He advised that written testimony on all the bills heard today could be sent to ssa@akleg.gov.

SENATOR COSTELLO stated support for Mr. Hykes' suggestion. She offered her belief that the 90-day session costs more and adds uncertainty. She said she views aligning the statute with the constitution as a streamlining measure. She said she would be willing to offering the amendment herself or with Senator Kawasaki.

[3:58:56 PM](#)

SENATOR HOLLAND stated support for the measure.

[3:59:14 PM](#)

CHAIR SHOWER held SB 126 in committee.

HB 3-DEFINITION OF "DISASTER": CYBERSECURITY

[3:59:42 PM](#)

CHAIR SHOWER announced the consideration of CS FOR HOUSE BILL NO. 3(JUD), "An Act relating to the definition of 'disaster.'"

[4:00:12 PM](#)

REPRESENTATIVE DELENA JOHNSON, Alaska State Legislature, Juneau, Alaska, sponsor of HB 3, stated that the current Alaska statutes are vague regarding whether a cyber attack could elicit an emergency declaration. She cited examples to illustrate that cyber threats are pervasive and should be treated seriously. The Alaska Court System just this week had to disconnect from the internet after a malware attack. Several years ago the Matanuska-Susitna (Mat-Su) Borough shut down after a cyber attack disrupted day-to-day service operations. She noted that the City of Valdez was also the target of a ransomware attack that was costly to resolve. Additionally, she reported that several states declared emergencies after cyber attacks disrupted government operations. Most recently, a water plant was targeted, but the authorities kept it safe. She summarized that by adding cyber security attacks to the definition of disaster, the state would be able to use disaster relief funds, apply for federal funds, and have access to other federal

resources that might otherwise not be available for disaster preparedness planning.

She advised that her staff would go over the language in the bill and the changes that were made in the House Judiciary Committee.

[4:02:51 PM](#)

ERIC CORDERRO, Staff, Representative DeLena Johnson, Alaska State Legislature, Juneau, Alaska, stated that HB 3 updates the Alaska Disaster Act by adding "cybersecurity attack" to the definitions in the disaster statutes. He recounted that the three changes to the original bill added "political subdivision" throughout the new subparagraph (F) to make it clear that all political subdivisions of the state are included. The definition of "critical infrastructure" was added because the U.S. Department of Homeland Security and the Alaska Department of Military & Veterans Affairs (DMVA) both use this term. Third, the word "event" replaced the word "vulnerability" because it provides more inclusive coverage of potential issues.

MR. CORDERRO reviewed the primary areas of the new subparagraph (F) to [AS 26.23.900(2).] It read as follows:

(F) a cyber attack that affects critical infrastructure in the state, an information system owned or operated by the state or a political subdivision of the state, information that is stored on, processed by, or transmitted on an information system owned or operated by the state or a political subdivision of the state, or a credible threat of an imminent cyber attack or cyber event that the commissioner of administration or commissioner's designee certifies to the governor has a high probability of occurring in the near future; the certification must be based on specific information that critical infrastructure in the state, an information system owned or operated by the state or a political subdivision of the state, or information that is stored on, processed by, or transmitted on an information system owned or operated by the state or a political subdivision of the state may be affected; in this subparagraph, "critical infrastructure" means systems and assets, whether physical or virtual, so vital to the state that the incapacity or destruction of the systems and assets would have a debilitating effect on security, state economic security, state

public health or safety, or any combination of those matters;

[4:05:35 PM](#)

SENATOR KAWASAKI mentioned the Alaska Court System and Mat-Su Borough cyber attacks and asked if passage of HB 3 would qualify the governor to use subparagraph (F) under the Alaska Disaster Act.

MR. CORDERRO answered that the attack would need to be widespread and imminent and meet the other criteria set out in the Alaska Disaster Act. He offered his understanding that the borough was able to declare an emergency, but the statute was too vague for the attack to qualify for a statewide declaration. He deferred further explanation to Mark Breunig.

[4:07:09 PM](#)

MARK BREUNIG, Chief Technology Officer, Office of Information Technology, Department of Administration, Juneau, Alaska, said the Mat-Su Borough appropriately declared a disaster because the attack presented significant risk to health and safety. He confirmed that attacks that are widespread in scope and severity and present high risk to critical infrastructure meet the benchmarks for the governor to be able to declare a disaster.

SENATOR KAWASAKI asked if the data breach the Division of Elections experienced during the last election cycle would allow the governor to implement the Alaska Disaster Act because state economic security was potentially in jeopardy and it is an asset of the state.

REPRESENTATIVE JOHNSON read the definition of "disaster" on page 1 of the bill and segued to the Mat-Su Borough cyber attack. She said it took quite a while for the FBI to start a forensic investigation after that attack because the current statute does not cover cyber attacks. She questioned whether that answered the question.

[4:10:29 PM](#)

CHAIR SHOWER said his reading was that the answer would be "no" because it was not actual damage, injury, death, or the other qualifiers. He called it a priority rather than a disaster.

SENATOR KAWASAKI expressed satisfaction with the responses.

[4:11:15 PM](#)

MR. CORDERO directed attention to the handout in the packet of the list of critical infrastructure, which would be considered in determining whether an event rose to the level of a disaster. He read some of the items on the list.

SENATOR REINBOLD stated support for the bill then asked whether the timeframe and intention mattered. She cited a hypothetical example of a cruise ship anchor accidentally severing a communication cable.

REPRESENTATIVE JOHNSON replied that would be an accident, not a cyber attack. She said there is a national framework for what constitutes a disaster and it would include things like an attack on the power grid or the Trans Alaska Pipeline.

MR. CORDERO added that it depends on the circumstances of each event. As a general rule, he said it is bad actors trying to infiltrate, suspend, or wreak havoc on a system.

CHAIR SHOWER commented that the governor always has the ability to declare a disaster and the bill does not change that. HB 3 specifically relates to a disaster stemming from a cyber attack.

[4:15:00 PM](#)

SENATOR REINBOLD asked the sponsor if she introduced the bill by request.

REPRESENTATIVE JOHNSON answered no; she initially filed the bill two years ago after she learned about the Mat-Su Borough attack and the difficulties associated with the clean up after the attack.

[4:17:06 PM](#)

CHAIR SHOWER opened public testimony on HB 3.

[4:17:21 PM](#)

PETER HOUSE, representing self, Wasilla, Alaska, stated support for HB 3. He advised that his experience as a cybersecurity professional who worked on the Mat-Su Borough and other such incidents is that the number of attacks are increasing. He reported a 50-70 percent increase in attacks on organizations throughout Alaska in 2020 and the number seems to be even higher so far in 2021. He offered his belief that any effort that supports the ability to respond to attacks that threaten the state's infrastructure is worthy.

CHAIR SHOWER asked if he believes the state should focus time and resources on a path to address cyber attacks that include new technologies, consolidation of resources, or engaging outside vendors, like the Permanent Fund does, in order to protect the resources in the state.

MR. HOUSE agreed and added that a mix if not all those elements are necessary to improve the cybersecurity posture in the state.

[4:19:31 PM](#)

CHAIR SHOWER closed public testimony on HB 3 and held the bill in committee.

SB 39-BALLOT CUSTODY/TAMPERING; VOTER REG; MAIL

[4:19:56 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 39 "An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date."

[4:20:20 PM](#)

SENATOR REINBOLD moved to report CSSB 39, work order 32-LS0204\0 as amended, from committee with individual recommendations and attached fiscal note(s).

[4:20:39 PM](#)

SENATOR KAWASAKI objected. He stated he did not support the bill despite the changes in the last committee substitute. The bill still encourages the Division of Elections to use block chain voting, which has not been thoroughly vetted and is not foolproof. He pointed out that the existing election system does work, although it needs refinements. He acknowledged that the system was vulnerable to hacking but pointed out that the Russian block chain e-voting system was also hacked in June 2020 so it is not foolproof. He said it is not appropriate to change systems right now, particularly without DOE speaking to the issues it can fix without the new system.

SENATOR KAWASAKI acknowledged that there were good ideas in the bill and said he appreciated the sponsor and his staff helping with a couple of his amendments like long-term absentee voting.

He expressed hope that the next committees of referral would refine some of the language in the bill and restated that he opposed moving the bill.

[4:23:07 PM](#)

CHAIR SHOWER said he appreciated the comments but he wanted to clarify that the bill does not specifically call for the use of block chain. He advised that his office was working closely with Representative Tuck on his version of the bill and predicted that the final version would be a blend of the two.

[4:23:54 PM](#)

A roll call vote was taken. Senators Reinbold, Costello, Holland, and Chair Shower voted in favor of the motion to move SB 39 from committee and Senator Kawasaki voted against it. Therefore, the motion passed by a 4:1 vote and CSSB 39(STA) moved from the Senate State Affairs Standing Committee.

SENATOR COSTELLO highlighted that the CS for SB 39 was quite different from the initial bill. She offered her belief that the current version would modernize the voting system with provisions for chain of custody for a ballot, ballot curing, and updated voter rolls.

SB 118-CMTE ON NULLIFICATION OF FEDERAL LAWS

[4:25:59 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 118 "An Act establishing the committee on nullification of federal laws; and providing a directive to the lieutenant governor."

SENATOR REINBOLD, speaking as sponsor of SB 118, summarized that the bill establishes a 14-member bicameral, bipartisan committee to evaluate federal regulations, statutes, and executive orders to see whether the federal government has exceeded its constitutional boundaries. If the committee finds this is the case, it can nullify in part or whole the offending regulation, statute, or executive order. A concurrent resolution would make the nullification more formal.

[4:27:58 PM](#)

SENATOR HOLLAND moved to report SB 118, work order 32-LS0563\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and SB 118 was reported from the Senate State Affairs Standing Committee.

SB 31-PROHIBITING BINDING CAUCUSES

4:28:28 PM

CHAIR SHOWER announced the consideration of SENATE BILL NO. 31 "An Act relating to binding votes by or for a legislator under the Legislative Ethics Act."

He noted that he was the sponsor.

4:28:48 PM

SENATOR COSTELLO moved Amendment [1], work order [32-LS0303\A.1].

32-LS0303\A.1
Wayne
3/25/21

AMENDMENT 1

OFFERED IN THE SENATE
TO: SB 31

BY SENATOR MYERS

Page 1, lines 8-9

Delete ", through a vote in a caucus,"

CHAIR SHOWER objected for discussion purposes.

SENATOR COSTELLO suggested that when the bill was drafted, there was some misunderstanding about how a caucus comes together. She read the first part of the sentence without the phrase. It read as follows:

(k) A legislator may not commit or bind another legislator to commit to vote for or against a bill, appointment, veto, or other measure that may come to a vote before a legislative body.

She related that a caucus is a group of people who coalesce around certain ideas. There is no vote to join and it would be inaccurate to leave the phrase in the sentence. This does not change the intent of the legislation; it adds clarity and accuracy.

CHAIR SHOWER, speaking as sponsor of SB 31, said the amendment sounds good but he would like Mr. Ogan to speak to the Legislative Legal Services opinion on the amendment.

[4:31:15 PM](#)

SCOTT OGAN, Staff, Senator Mike Shower, Alaska State Legislature, Juneau, Alaska, stated it is the legislature's prerogative whether or not to agree with legal opinions from the Legislative Legal Services. He offered his belief that the amendment makes the intent of the legislature more succinct.

[4:32:28 PM](#)

CHAIR SHOWER read the March 25, 2021 Legal Services' memorandum from Legislative Counsel, Daniel C. Wayne for the record:

Transmitted herewith is the amendment you requested. If adopted, the amendment would probably make the bill unconstitutional. The U.S. Supreme Court has found that : "restrictions upon legislators' voting are not restrictions upon legislators' protected speech."¹ The Court explained:

[A] legislator's vote is the commitment of his apportioned share of the legislature's power to the passage or defeat of a particular proposal. The legislative power thus committed is not personal to the legislator but belongs to the people; the legislator has no personal right to it.... {T}he legislator casts his vote as trustee for his constituents, not as a prerogative of personal power. In this respect, voting by a legislator is different from voting by a citizen. While a voter's franchise is a personal right, the procedures for voting in legislative assemblies pertain to legislators not as individuals but as political representatives executing the legislative process.²

Notwithstanding this finding, the Court also recognized a general rule that "the First Amendment prohibits laws abridging the freedom of speech, which, as a general matter means that government has no power to restrict expression because of its message, its ideas its subject matter or its content."³ If the proposed amendment is adopted it will prohibit a

legislator from committing to vote a certain way on a piece of legislation - not just in a legislative caucus, hallway, or office, but anywhere. For that reason, if the bill is challenged in litigation a court will probably find that it violates the First Amendment, depending on specific facts. For example, at present a legislator running for reelection may in some instances lawfully make a public pledge to vote a certain way on a pending bill in order to gain support from the electorate. If amended as proposed, SB [31] would prohibit a legislator (but not the legislator's election opponents) from making that promise in any instance. "The First Amendment has its fullest and most urgent application to speech uttered during a campaign for political office."⁴

If I may be of further assistance please advise.

¹ *Nevada Com'n on Ethics v. Carrigan*, 564 U.S. 117, 125(201).

² *Id.* at 125-126 (Internal quotation marks and citations omitted).

³ *Id.* at 121 (Internal quotation marks and citations omitted).

⁴ *Eu v. San Francisco County Democratic Central Comm.*, 489 U.S. 214, 233 (1989) (Internal quotation marks omitted).

[4:33:29 PM](#)

CHAIR SHOWER said he likes the proposed amendment because it makes the intent of the bill more succinct and the foregoing was "just a legal opinion."

[4:34:06 PM](#)

SENATOR HOLLAND offered his perspective that the amendment "offers exceptional clarity" to the bill.

[4:34:53 PM](#)

SENATOR COSTELLO stated that the legislature follows both Mason's Manual and the Alaska Constitution for how it conducts voting. The Open Meetings Act requires that all votes must be taken publicly. She said that is why legislative committees have people who moderate and record the meeting and every vote is taken publicly and recorded. She argued that without the

amendment, SB 31 would require caucus meetings to be recorded and votes made publicly. She said her experience is that votes are not cast in caucus, it is strategy that is discussed. She maintained that the amendment clarifies what occurs in caucus.

CHAIR SHOWER said he agrees and he appreciates the clarification.

[4:37:58 PM](#)

SENATOR KAWASAKI noted the exception relating to the selection of an officer of a caucus or legislative body and offered his understanding that this generally does happen in both majority and minority caucuses, sometimes through secret ballot. He asked if this was incorrect.

CHAIR SHOWER deferred the question to Senator Costello.

SENATOR COSTELLO said the Senate majority caucus does not vote, but when she was in the House the caucus had a secret ballot to select the presiding officer and other organizing. The exception language would allow the House to continue that practice. She clarified that the exception had nothing to do with legislation or an issue and said she believes that language should stay in the bill.

SENATOR KAWASAKI said he appreciated the comments.

SENATOR REINBOLD offered her perspective that the exception language in paragraph (1) on lines 12 and 13 was "kind of a big deal." She asked if the "selection of an officer" phrase meant a chairmanship or leadership.

CHAIR SHOWER asked Senator Costello if she wanted to respond and added that he would like to hear from Mr. Ogan because of the discussion with Legal Services.

[4:41:47 PM](#)

SENATOR COSTELLO responded that this was not her bill and the questions were beyond the scope of the amendment.

SENATOR REINBOLD said her question was not directed to anybody in particular. She just wanted to know whether the phrase meant selection of a chair.

[4:43:09 PM](#)

CHAIR SHOWER responded that the answer is "yes" at the top level, but he could see the difference in a caucus. He said his

vision was that there would be discussions about who would be in leadership and chair positions and that goes out in a Committee on Committees report for the open public vote. He asked Mr. Ogan to comment.

SENATOR REINBOLD stated support for the bill and the amendment.

[4:45:40 PM](#)

MR. OGAN said the discussion is important to establish the legislative intent. He recalled that Legislative Ethics laws allow voting for the selection of officers, including chairs, for the purpose of organizing. The law also says that votes on legislation and amendments should be done in the open. He reported that no other state has a binding caucus and one state has it in their oath that legislators will not pledge their vote to anybody. He suggested the committee consider the language in that oath, perhaps instead of the amendment.

CHAIR SHOWER recalled that Mississippi requires legislators to take an oath that they will not pledge their vote. He asked Senator Reinbold if her question was answered.

SENATOR REINBOLD said yes.

[4:49:37 PM](#)

CHAIR SHOWER removed his objection. Finding no further objection, Amendment [1] passed.

[4:50:01 PM](#)

CHAIR SHOWER opened public testimony on SB 31 and recognized Adam Hykes.

[4:50:18 PM](#)

At ease

[4:50:36 PM](#)

CHAIR SHOWER reconvened the meeting and noted that Mr. Hykes had dropped offline.

[4:50:51 PM](#)

CHAIR SHOWER closed public testimony on SB 31.

[4:51:23 PM](#)

SENATOR HOLLAND stated support for the amendment and said he did not recall taking a vote in caucus.

SENATOR COSTELLO opined that all legislators should be held responsible for ensuring that their caucuses discuss general strategy. If at any time a vote is required in caucus, it is incumbent on all members of that caucus to say that is not allowed.

SENATOR REINBOLD stated that she does not support a binding caucus.

CHAIR SHOWER welcomed suggestions to make the bill better.

[4:54:32 PM](#)

SENATOR REINBOLD moved to report SB 31, work order 32-LS0303\A as amended, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and CSSB 31(STA) was reported from the Senate State Affairs Standing Committee.

SB 120-ADMIN. REGULATION REVIEW COMMITTEE

[4:54:58 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 120 "An Act establishing the Administrative Regulation Review Committee."

[4:55:17 PM](#)

SENATOR REINBOLD, speaking as sponsor, stated that SB 120 reestablishes the Administrative Regulation Review Committee to ensure that regulations the administration writes reflect the intent of bills the legislature passes. She said she was seriously concerned about the 14 pages of regulations that were suspended under the Disaster Act and this bill will provide a check on the executive.

[4:57:47 PM](#)

SENATOR COSTELLO said it is incumbent on the legislature to ensure that the regulations fall in line with the intent of the laws it passes. She characterized SB 120 as a better government bill.

[4:58:27 PM](#)

SENATOR KAWASAKI commented that it was the responsibility of the legislature to stay abreast of what the executive branch is doing but it was difficult to keep up with the information on regulatory changes that comes in several times a week.

CHAIR SHOWER stated agreement.

[4:59:29 PM](#)

CHAIR SHOWER opened public testimony on SB 120.

[5:00:03 PM](#)

BERT HOUGHTALING, representing self, Big Lake, Alaska, said he supports anything that will help reduce regulations and allow the economy to thrive. He advised that he tried to call earlier to state support for SB 31 to eliminate binding caucuses. He said Alaskans are tired of having their voices and votes disregarded by binding caucus rules. He stated opposition to SB 126 saying the legislature's work can be accomplished in 90 days.

[5:01:54 PM](#)

CHAIR SHOWER closed public testimony on SB 120.

SENATOR REINBOLD summarized that the Administrative Regulation Review Committee emboldens and empowers a positive check and balance on the executive branch.

[5:03:01 PM](#)

SENATOR HOLLAND moved to report SB 120, work order 32-LS0477\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR SHOWER found no objection and SB 120 was reported from the Senate State Affairs Standing Committee.

SJR 12-SOCIAL SECURITY BENEFIT REDUCTION REPEAL

[5:03:28 PM](#)

CHAIR SHOWER announced the consideration of SENATE JOINT RESOLUTION NO. 12 Urging the United States Congress to repeal the Windfall Elimination Provision and Government Pension Offset of the Social Security Act.

[5:03:48 PM](#)

SENATOR WIELECHOWSKI, Alaska State Legislature, Juneau, Alaska, sponsor of SJR 12, introduced the resolution paraphrasing the following sponsor statement:

SJR 12 urges Congress to repeal the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) of the Social Security Act. The WEP cuts the Social Security benefits of public employees in

Alaska if they plan to switch between the public sector and private sector or military. In 2021, this loss could be as much as \$498 per month, or about \$6,000 a year. The GPO cuts spousal or widows' benefits for public employees for no reason other than their work in the public sector. This cut could amount to as much as 2/3rds the value of the individual's government pension.

Because Alaska is one of few states that does not offer a defined benefit plan or coverage for social security, the WEP and GPO affect more Alaskans per capita than any other state. Public employees in Alaska are being punished for choosing to work in public service.

The WEP and GPO negatively impact recruitment and retention of Alaska public employees such as firefighters, police officers and especially teachers. Those who do not want to be subject to these provisions will simply look elsewhere for employment. Punishing individuals for choosing public service runs counter to retaining dedicated Alaskan workers and recruiting the best of the best to Alaska.

Passage of SJR 12 will demonstrate that the Alaska Legislature opposes arbitrary and unfair cuts to the rightfully earned Social Security benefits of Alaskans. Alaskans deserve to retire with dignity.

I urge your support of SJR 12.

[5:06:16 PM](#)

At ease

[5:07:03 PM](#)

CHAIR SHOWER reconvened the meeting.

[5:07:20 PM](#)

TREVOR BAILEY, Staff, Senator Tom Begich and former Intern to Senator Bill Wielechowski, Alaska State Legislature, Juneau, Alaska, delivered a PowerPoint presentation to explain the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO). He began with an explanation of how Social Security benefits are calculated. First, an individual must have 40 quarters or 10 years paid into Social Security. The Social Security Administration adds the highest 35 years of earnings

adjusted for inflation. The total is divided by 420 (the number of months in 35 years) to arrive at the average index monthly earnings (AIME). A progressive scale is used to calculate earnings from the AIME. An individual keeps 90 percent of the first \$996 of earnings. Between \$996 and \$6,002, the individual keeps 32 percent. For earnings over \$6,002, the individual keeps 15 percent.

[5:08:21 PM](#)

MR. BAILEY explained that the Windfall Elimination Provision is a reduction to a qualified individual's Social Security benefits because they also worked in job(s) not covered by Social Security. These individuals are primarily public employees. In Alaska, public employees, teachers, firefighters, police officers, and legislators are not covered by Social Security. He said the WEP can reduce the factor in the first step to calculate the AIME from 90 percent to anywhere from 85 to 40 percent depending on the number of years paid into Social Security. In 2021 that factor can be as much as \$498 per month. In 2019, the offset affected about 11.5 of all Social Security recipients. This was 2 million Americans, 12,050 of whom were Alaskans, which is the highest number of any state.

MR. BAILEY explained that the Government Pension Offset affects spousal or widower benefits of Social Security recipients. The reduction is based on the individual receiving a government pension in a job that did not pay into Social Security. The reduction is two-thirds of the value of the government pension. He highlighted that Alaska's Tier IV defined contribution plan is considered a government pension. If the value of the spousal or widower benefit is less than two-thirds of the value of the government pension, the benefit is zero. This offset affected 717,000 Americans in 2020; 3,320 beneficiaries were Alaskans, 2,419 of whom received zero benefit. He pointed out that a spouse or widow affected by GPO would receive no help with funeral costs and no financial help surviving without their spouse.

[5:11:11 PM](#)

CHAIR SHOWER asked how the military is affected.

MR. BAILEY offered his understanding that the military pays into Social Security so members who work in public sector jobs not covered by Social Security would be affected by the WEP.

CHAIR SHOWER asked if they might be affected by both WEP and GPO.

MR. BAILEY replied it depends on the number of years the individual worked in a job covered by Social Security. Somebody with 20 or fewer years in a job covered by Social Security who then moves into a public sector job that does not pay into Social Security, would see the number drop to 40 percent. The percentage increases 5 percent up to 90 percent for anything between 21 and 30 years. Somebody who works 30 years in a job covered by Social Security and then works in a job that is not covered would not be affected by the WEP.

[5:13:05 PM](#)

SENATOR WIELECHOWSKI pointed out that somebody who leaves the military after 20 years and then becomes a legislator would see their Social Security benefit reduced.

[5:14:04 PM](#)

At ease

[5:14:40 PM](#)

CHAIR SHOWER reconvened the meeting and moved to invited testimony.

[5:15:36 PM](#)

TOM KLAAMEYER, President, NEA Alaska, stated that while he is not an expert on the WEP and GPO, he has had to become educated on the topic because it is such an important issue for NEA members, Alaska PERS or TRS members, legislators and staff. They are all potentially subject to the GPO/WEP penalties.

He agreed with Mr. Bailey that the GPO/WEP can negatively affect Social Security benefits of certain state employees simply because they collect a PERS or TRS retirement. Public employees and educators hired after PERS and TRS changed from a defined benefit system to a defined contribution system in 2006 are particularly vulnerable because they do not receive a PERS or TRS pension. Nevertheless, they are subject to the GPO/WEP penalties on their earned Social Security benefits.

[5:17:52 PM](#)

MR. KLAAMEYER said the committee members should know that Alaska TRS members are in an even more difficult situation. About 60 percent of certificated Alaska TRS members hired after 2006 do not receive a pension and are not able to participate in Social Security even if they want to. He said they have the dubious distinction of having the least secure, worst retirement system in the country. If teaching is a second career or if they had to

work a second job to make ends meet they get no pension and their Social Security safety net is shredded by GPO/WEP.

MR. KLAAMEYER said the reason for PERS to opt out of Social Security may have made sense in 1951 when there was just Tier I but he would like to think that state leaders at the time would have made different choices had they known the precarious situation it placed future educators. On a more positive note, he said there is a process by which individual school districts or the state as a whole can reenter the Social Security System. This might provide more retirement security but it would require a cost benefit analysis because of the GPO/WEP problem. He said NEA is doing its best to educate members on this topic, but it is complex. He thanked the sponsor for introducing the resolution and noted that NEA had been working with the congressional delegation on this topic for years. He expressed hope that this resolution would raise the profile of this problem and give the delegation the support it needs to more effectively advocate for this change.

SENATOR REINBOLD recognized Mr. Klaameyer as a constituent and said she would not make a commitment because she was such a fiscal conservative.

[5:24:16 PM](#)

CHAIR SHOWER opened public testimony on SJR 12.

[5:24:23 PM](#)

RICHARD SEWELL representing self, Anchorage Alaska, testified in support of SJR 12. He explained that he paid into Social Security on an off over 50 years. He moved to Alaska in 1981, worked for the Municipality of Anchorage, and is a Tier I member of PERS. The municipality pays into Social Security but because of the WEP, his Social Security benefit is reduced by 40 percent.

[5:25:51 PM](#)

CARMEN RUSSO, representing self, Anderson, Alaska, testified in support of SJR 12. She stated that she paid into Social Security for 30 years and would have received a full Social Security benefit but she became a teacher and the WEP reduced her benefit by two-thirds.

[5:26:59 PM](#)

MITCHELL ROTH, Retiree, University of Alaska, Girdwood, Alaska, testified in support of SJR 12. He stated that he was hired by UAF in 1983 and before that worked in the private sector. Two

things happened the year he started at UAF that he did not know about. First, his prior work qualified him for Social Security benefits. Second, the Social Security Act of 1983 included the WEP provision. As a result he has forfeited 50 percent of his previously earned Social Security benefits. He has lost over \$48,000 in retirement benefits that he earned prior his work in Alaska.

[5:28:55 PM](#)

SUSAN FREEL, representing self, Fairbanks, Alaska, testified in support of SJR 12. She stated that she is a UAA retiree and while she has 16 years of substantial earnings, seven of the years overlapped with her tenure at the university. She earned the full Social Security benefit but she receives just 64 percent.

[5:29:51 PM](#)

CATHY MCDORQUODALE, representing self, Fairbanks, Alaska, testified in support of SJR 12. She said she has the same issue the previous speakers mentioned. Social Security sent annual reports telling her what her benefit would be on retirement but it was not that amount. She said "windfall elimination" is a perfect description for a contradiction and unfairness.

[5:30:40 PM](#)

ROBERT SEWARD, representing self, Newark, Delaware, testified in support of SJR 12. He said he worked for the State of Alaska for 28 years and he learned about the WEP in the Social Security office. He paid into Social Security and he does not think his benefit should be reduced. "When I heard you were considering this resolution, my heart leapt."

[5:31:27 PM](#)

NADINE LEFEBVRE, representing self, Juneau, Alaska, testified in support of SJR 12. She stated that she is a PERS retiree. She reported that about 19 percent of the Alaska population are seniors and 10,000 receive some combination of earned Social Security benefit and retirement pension benefits. She said eliminating the unfair reductions to earned Social Security benefits will help ensure that the growing senior demographic can age in place and continue to support their community. She pointed out that seniors contribute over \$1.5 billion to the Alaska economy annually. Present and future retired Alaskans will benefit by the repeal of the WEP and GPO. She advised that she would send her full comments in an email.

SENATOR HOLLAND advised that he had stepped in to chair the meeting.

[5:33:46 PM](#)

CAROL WATERS, representing self, Anchorage, Alaska, testified in support of SJR 12. She stated that she and her husband have been retired for 20 years and they began receiving Social Security 10 years ago. Their benefits were decreased \$491 per month per person and they estimate that between the GPO and WEP they have lost \$320,000. She said the federal government has taken that money from her family and that is wrong.

[5:34:47 PM](#)

KIMBERLY METCALFE, representing self, Juneau, Alaska, testified in support of SJR 12. She stated that she was close to age 66 when she decided to retire and was concerned that her Social Security benefit might be affected by the GPO or WEP. She worked for the state for 8 years and had a small state pension. The Social Security representative said her benefit would not be affected because she had worked in the private sector for 30 years. She understood that if she waited to collect Social Security until age 70 she would get a larger benefit and until then she could collect a \$1,400 per month widow's pension on her late husband's benefit. He died before he received a benefit but had paid in his entire life. However, she was told there would be an offset when she filled out the paperwork. She learned that her pension counted against her husband's benefit.

[5:36:49 PM](#)

STEVEN CLICK, representing self, testified in support of SJR 12. He stated that he retired from teaching in 1987 as a Tier I retiree. He paid into Social Security for 40 quarters and he estimates that his benefit was cut by 40 percent. He will receive almost nothing from his husband's Social Security benefit even though he paid Social Security throughout his life. He related that his son who is a teacher in Barrow will be a Tier III TRS retiree and he is part of the worst type of retirement system in the nation. He noted that he lives in California now and public employees in that state also are affected by the WEP and/or the GPO.

[5:38:49 PM](#)

JOHN DART, representing self, North Pole, Alaska, testified in support of SJR 12. He stated that he spent half his career in the private sector and half in the public sector and he cannot understand why the WEP and GPO is still affecting the lives of retirees throughout the nation. This needs to change because it

is affecting people's lives. Many people do not find out about the penalty until it is too late to do anything about it.

[5:40:35 PM](#)

BARBARA MCNINCH, representing self, Soldotna, Alaska, testified in support of SJR 12. She stated that she moved to Alaska in 1975 and she worked in the private sector until she was in her 40s and thereafter worked in Alaska public schools. She is affected by both the WEP and the GPO.

[5:41:35 PM](#)

JOY GREEN, representing self, Kona, HI, testified in support of SJR 12. She stated that as a retired teacher from Alaska, her Social Security benefits are affected by both the WEP and the GPO. She is unable to receive the full benefits she earned before becoming a teacher and she is denied the spousal benefits her late husband earned. She feels she is being penalized for choosing a teaching career.

[5:42:46 PM](#)

LADAWN DRUCE, Staff, Sterling, Alaska, testified in support of SJR 12. She stated that her husband retired as a Tier I teacher nine years ago and the WEP and the GPO reduced his benefit \$400 per month, which is a little over \$43,000 over the last nine years. She pointed out that recruiting educators and public employees in Alaska is more difficult now because of the defined contribution retirement system and the GPO/WEP.

[5:44:09 PM](#)

JAN CAROLYN HARDY, representing self, Anchorage, Alaska, testified in support of SJR 12. She stated that when the GPO and the WEP were devised, the reasoning was that public employees were double dipping, although there was no such claim about private sector employees who receive multiple retirement from various companies. It was a policy of the ages to take from the poor and give to the rich. She said she paid into both Social Security and Medicare and was taxed like everyone else who receives the full benefit.

[5:45:42 PM](#)

ACTING CHAIR HOLLAND closed public testimony on SJR 12.

SENATOR WIELECHOWSKI thanked the committee for staying late on this critical issue that affects many thousands of Alaskans. It will not cost the state anything, but it will bring money into Alaska and change the lives of many Alaskans, he said.

ACTING CHAIR HOLLAND held SJR 12 in committee.

5:47:17 PM

There being no further business to come before the committee, Acting Chair Holland adjourned the Senate State Affairs Standing Committee meeting at 5:47 p.m.