

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 12, 2024

1:35 p.m.

MEMBERS PRESENT

Senator Matt Claman, Chair
Senator Jesse Kiehl, Vice Chair
Senator James Kaufman
Senator Cathy Giessel
Senator Löki Tobin

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 163

"An Act relating to animal adoption and foster care records."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 163

SHORT TITLE: ANIMAL ADOPTION RECORDS

SPONSOR(S): SENATOR(S) MYERS

01/16/24	(S)	PREFILE RELEASED 1/8/24
01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	JUD
02/09/24	(S)	JUD AT 1:30 PM BUTROVICH 205
02/09/24	(S)	-- MEETING CANCELED --
02/12/24	(S)	JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

SENATOR ROBERT MYERS, District Q
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 163.

THERESA WOLDSTAD, Staff
Senator Robert Myers

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 163 on behalf of the sponsor.

JILL DOLAN, Borough Attorney
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 163.

KIMBERLY IMBERT, Shelter Operations Supervisor
Division of Animal Control
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Gave invited testimony and answered questions during the discussion of SB 163.

CHRISTOPHER LOSCAR, Director
Mat-Su Borough Animal Care and Regulations
Palmer, Alaska

POSITION STATEMENT: Gave invited testimony and answered questions during the discussion of SB 163.

MICHAELLA ANDERSON, Strategic Projects Coordinator
Mayor's Office
Fairbanks North Star Borough
Fairbanks, Alaska

POSITION STATEMENT: Gave invited testimony in support of SB 163.

ACTION NARRATIVE

[1:35:42 PM](#)

CHAIR MATT CLAMAN called the Senate Judiciary Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Kiehl, Giessel, Tobin, Kaufman, and Chair Claman.

SB 163-ANIMAL ADOPTION RECORDS

[1:36:12 PM](#)

CHAIR CLAMAN announced the consideration of SENATE BILL NO. 163 "An Act relating to animal adoption and foster care records."

He said this is the first hearing of this bill in the Senate Judiciary Standing Committee. He invited the bill sponsor to identify himself for the record and begin his remarks.

[1:36:34 PM](#)

SENATOR ROBERT MYERS, District Q, Alaska State Legislature, Juneau, Alaska, sponsor of SB 163, explained the impetus for the bill and spoke to the sponsor statement as follows:

The Fairbanks North Star Borough and some other municipalities around the state have an animal adoption situation. Borough animal control officers pick up stray animals and hold them in shelters while waiting for the owner to claim the animal. If animals are unclaimed for long enough, the facility will put them up for adoption. The problem comes weeks or months later when the original owner discovers the animal was adopted and submits a public records request to find out by whom. On occasion, the original owner will harass the new owner using the address or phone number provided in the public records.

A few municipalities in the state generally withhold adoption information and disclose it if they determine that public health, safety, or welfare requires disclosure. However, the standard is that a municipal entity can only withhold information from a public information request if there is a threat to safety. This requires an analysis of each public records request to determine if there is a public health, safety, or welfare concern. It is important to note that the municipality cannot ask a public record requester for their specific purpose for requesting those records. The information is released unless animal control has a history or a reason to reach out to the adopter to ask if they have concerns.

[1:38:16 PM](#)

This is a less than an ideal situation. SB 163 aims to solve this situation by making the names and personal identifiers of people adopting or fostering animals not subject to public record requests. By doing this at the state level, we are also providing cover for our municipalities who are just trying to protect animal adopters. While we see value in public scrutiny of government records, we also want to protect people's privacy. The proposed exemption fits in with the other exemptions already in statute.

[1:38:56 PM](#)

THERESA WOLDSTAD, Staff, Senator Robert Myers, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 163 on behalf of the sponsor:

[Original punctuation provided.]

Section 1: Amends AS 40.25.120(a) Exemptions of Public Record Disclosures. Establishes that records that include names, addresses, or other information identifying a person who has adopted or is providing foster care for an animal is exempt from public record disclosures.

[1:39:36 PM](#)

SENATOR TOBIN asked about potential complications SB 163 might introduce for investigators, animal control, or others conducting investigations into allegations of animal cruelty or adopters with nefarious intentions. She asked whether SB 163 would inadvertently make it more difficult to access records for those providing that public good.

SENATOR MYERS expressed his belief that a public records request is not the same as someone conducting an official investigation, and deferred to Ms. Dolan.

[1:40:58 PM](#)

CHAIR CLAMAN directed the question to Ms. Dolan.

[1:41:08 PM](#)

JILL DOLAN, Borough Attorney, Fairbanks North Star Borough, Fairbanks, Alaska, confirmed that SB 163 would not hinder municipalities from coordinating with the Alaska State Troopers or animal control officers during investigations. However, this legislation aims to restrict public access to records for those attempting independent investigations. The Borough Attorney's Office also receives requests for its investigation records, and the office evaluates these requests to determine whether those records should be withheld. This is slightly different than the animal adoptive requests.

[1:41:56 PM](#)

SENATOR TOBIN followed up with two questions, asking:

- Whether investigations always stem from an animal control operator or whether entities like an adoption or foster care facility ever hire paid investigators to look into potential issues.

- Whether this statutory change prohibits animal care facilities from accessing records if they suspect an adopter is engaged in nefarious action with adopted pets.

[1:42:49 PM](#)

MS. DOLAN replied that the system is complaint-driven and described the FNSB complaint process:

- Any citizen, including private animal rescue organizations or concerned individuals, can make a complaint.
- The animal control office receives these complaints.
- The internal animal control officer either investigates or refers it to the Alaska State Troopers.

MS. DOLAN said that every municipality has different procedures. She speculated that a private facility could perform an investigation if it were under contract with a municipality and acting as an agent for the municipality.

[1:43:56 PM](#)

SENATOR KIEHL stated the general benefit of a broad public records law is its ability to provide the public with information they might need from the government. He noticed that he expressed reluctance to limit this exception, then cited a couple of limitations that already exist based on potential risks, such as:

- requests involving law enforcement if release of personal information could reasonably be expected to endanger somebody, and
- requests involving infrastructure if release of personal information could reasonably be expected to interfere with public safety.

SENATOR KIEHL asked if there was a reason the sponsor did not limit this legislation similarly, such as considering a reasonable expectation that someone could be endangered.

[1:45:02 PM](#)

SENATOR MYERS replied that SB 163 involves private citizens adopting animals, whereas he is talking about the State, State employees, and State-owned property. He said that, except for

official investigations, he would find it difficult to justify why someone would need access to the borough records of a person who adopted an animal. He tends to err on the side of privacy when it comes to private citizens. He explained that he tends to presume that such requests are not made for a good reason. He said that he would have a hard time coming up with a good reason, hence erring on the side of individual privacy.

[1:46:18 PM](#)

SENATOR KIEHL commented that was a good response.

Senator KIEHL inquired about the specific language in the bill amending AS 40.25.120(a). He asked whether this would allow the release of a record if the personal information were redacted or whether the language prevents the release of the record entirely.

SENATOR MYERS deferred to Ms. Dolan or the Division of Animal Control.

CHAIR CLAMAN directed the question to Ms. Dolan.

[1:46:54 PM](#)

MS. DOLAN replied that the legislation is worded to include the records broadly, including other information identifying a person. She explained that often when an animal is dropped off, records are generated that extend beyond just the adoption paperwork and contain identifying information. This legislation is broad enough to allow those types of records to be redacted.

[1:47:28 PM](#)

SENATOR KIEHL suggested that the committee think about whether to craft this legislation so that it is specific to the redaction of personally identifiable information or whether to keep the entirety of the record non-disclosable.

[1:47:48 PM](#)

CHAIR CLAMAN sought confirmation that although these discussions often involve inquiries concerning the health, safety, and welfare of pets, this legislation pertains to humans.

SENATOR MYERS replied that SB 163 is primarily aimed at the health, safety, and welfare of the owners and people in their household.

[1:48:38 PM](#)

SENATOR GIESSEL offered a hypothetical scenario of a person who is bitten and asked whether this legislation would allow the injured party to obtain that animal's shot records.

SENATOR MYERS replied that a bill passed several years ago narrowed releasable information to the number of contagious disease cases, such as rabies, that occurred within a given area. These records would not include personal identifiers. As for the availability of shot records involving a bite, he deferred the question to animal control.

[1:49:50 PM](#)

CHAIR CLAMAN directed the question to Ms. Imbert.

[1:50:13 PM](#)

KIMBERLY IMBERT, Shelter Operations Supervisor, Division of Animal Control, Fairbanks North Star Borough, Fairbanks, Alaska, asked the committee member to repeat the question.

[1:50:17 PM](#)

SENATOR GIESSEL restated the question. She offered the scenario of an individual bitten by a dog and asked, the owner's personal information aside, whether the injured individual could obtain the animal's vaccination records.

MS. IMBERT replied that typically, the animal control officers obtain the shot records, not the victims.

SENATOR GIESSEL sought confirmation that the victim would obtain the shot records through the animal control officer.

MS. IMBERT replied that she believed so. She said the borough shares vaccination information with victims according to borough policy and procedures.

SENATOR GIESSEL asked whether SB 163 would change those policies and procedures.

[1:51:33 PM](#)

CHAIR CLAMAN restated the question, asking whether SB 163 would limit the release of vaccination information under the dog-bite scenario.

MS. IMBERT said Ms. Dolan could better answer the question.

CHAIR CLAMAN directed the question to Ms. Dolan.

MS. DOLAN replied that SB 163 would not limit the borough; it would be able to release the vaccination records.

[1:52:19 PM](#)

SENATOR TOBIN asked the following questions:

- She offered a scenario of a mushing dog in a small community that bites someone. She asked how the injured party would find that dog's vaccination records.
- She read Section 1(a) and Section 1(a)(19) of SB 163, "Every person has a right to inspect a public record in the state, including public records in recorder's offices, except ... records that include names, addresses, or other information identifying a person who has adopted or is providing foster care for an animal." She questioned the language of the added provision, asking whether any of her public records would be subject to inspection since she had adopted a dog.

[1:53:18 PM](#)

SENATOR MYERS clarified that Section 1(a)(19) only applies to records pertaining to the adoption of an animal, not other records.

SENATOR TOBIN said that she might ask Legal Services to ensure the interpretation of the provision is correct.

[1:54:04 PM](#)

CHAIR CLAMAN commented that it is disturbing that the original owner of an animal would obtain the personal information of the adopter for the sole purpose of harassing that person. SB 163 seeks to prevent that from occurring.

[1:54:43 PM](#)

SENATOR GIESSEL asked about microchipping dogs. She said her adopted dog did not have a microchip when she rehomed it, so she had one inserted. She wondered whether someone other than a veterinarian could access the registration data with the right tools.

SENATOR MYERS deferred to Animal Control.

[1:55:26 PM](#)

CHAIR CLAMAN directed the questions to Mr. Loscar.

[1:55:31 PM](#)

CHRISTOPHER LOSCAR, Director, Mat-Su Borough Animal Care and Regulations, Palmer, Alaska, said anyone can purchase a microchip scanner and use it to scan a chip. Multiple companies maintain microchip databases, and their policies governing the release of personal identifying data depend entirely on that company. If the animal changes hands, the new owner is responsible for updating the registration data with that microchip company. He said Animal Care frequently finds that chipped dogs are registered to the previous owner because the adopter never updated the registration data. Since there is no consistency in how the databases are maintained, it is really difficult. He stated that he was unsure if he had answered her question.

[1:56:44 PM](#)

SENATOR GIESSEL commented that he answered the question very well. She sought confirmation that SB 163 only pertains to the State of Alaska records, meaning the provision has no control over private vendors.

SENATOR MYERS replied that is correct. SB 163 only pertains to State or municipal records. It would not affect records maintained out-of-state or by a private company.

SENATOR GIESSEL asked if that would include records maintained by a private veterinarian.

SENATOR MYERS replied that would be correct, yes.

[1:57:20 PM](#)

CHAIR CLAMAN offered a public service reminder, encouraging owners to update the chip registration info of their microchipped adopted pets.

[1:57:43 PM](#)

CHAIR CLAMAN announced invited testimony on SB 163.

[1:58:08 PM](#)

MICHAELLA ANDERSON, Strategic Projects Coordinator, Mayor's Office, Fairbanks North Star Borough, Fairbanks, Alaska, gave invited testimony in support of SB 163, stating the FNSB Assembly passed legislation after issues of harassment occurred involving adoptive owners. SB 163 encourages animal adoption by protecting the privacy and safety of adoptive persons. She described an incident where an animal owner was incarcerated and lost their animals. After release, this person found who had adopted the animals and proceeded to harass the adoptive owner.

She said another benefit of this legislation is that it protects municipalities from potential litigation, removing some gray areas in the Public Records Act.

[2:00:19 PM](#)

MR. LOSCAR thanked the bill sponsor for introducing SB 163. This bill applies directly to the operations of municipal government agencies. He expressed his belief that SB 163 is reasonable and necessary legislation that safeguards the personal privacy of members of the community. It helps to ensure public safety. He said that his community had experienced safety concerns when the borough released personal identifying information, especially in cases where an owner forfeited the animal due to cruelty or failure to provide humane care. Those animals become borough property, then are adopted out. There have been issues where former owners try to obtain information of the adopters. He said there have also been issues where an owner surrenders their animal and later has a change of heart. He surmised that this legislation would encourage people to adopt and foster more animals because the bill would keep their records confidential. Increasing the number of adopters and fosters decreases shelter-stay times, which benefits animals. He said the Mat-Su Borough mayor and manager offered a letter of support.

[2:02:05 PM](#)

SENATOR KAUFMAN asked about the length of time an owner has to retrieve their animal from the shelter.

MR. LOSCAR replied that Mat-Su Animal Care:

- Holds the animal for three days if the animal has no identifying tag or microchip. After that, the animal becomes borough property.
- Holds the animal for five days if it has an identifying tag or microchip. The shelter makes every effort to contact the owner before the animal becomes borough property.

[2:03:00 PM](#)

SENATOR KAUFMAN asked the FNSB Animal Control about the length of time an owner has to retrieve their animal from the shelter.

MS. IMBERG replied that the duration of stay is:

- seventy-two hours or a three-business day hold without identification or known owner,

- one hundred forty hours or a five-business day hold with identification or a known owner, and
- ten business days in instances of protective custody where the owner is incarcerated, and a peace officer delivers the animal. She said that in these cases, the duration is longer.

[2:03:51 PM](#)

SENATOR TOBIN asked about a person who is incapacitated and unable to get to the shelter in three, five, or ten days. For example, if a pet owner is hit by a car and hospitalized, she asked about the mechanism for that person and pet to reunite.

MS. IMBERT replied that Animal Control does everything possible to contact the next of kin or a power of attorney. The owner can designate another party to pick up their pet.

[2:04:57 PM](#)

MR. LOSCAR replied that Mat-Su Animal Care has a similar process for animal owners in protective custody or hospitalized. The shelter looks for next of kin or a designated party to pick up the animal. If the person hospitalized does not have a designee, Animal Care will hold the animal until the person is released from the hospital and able to reclaim the animal.

[2:05:30 PM](#)

CHAIR CLAMAN asked whether Mat-Su Animal Care counts only business days, excluding weekends from its total count.

MR. LOSCAR answered that the count is by the hour for stray holds, whether the animal has identification or not. So, the duration of the hold is 72 or 140 hours. The clock starts when the animal is brought in and the staff member processes the intake.

[2:06:21 PM](#)

CHAIR CLAMAN asked Ms. Imbert to offer remarks under invited testimony.

[2:06:35 PM](#)

MS. IMBERT said that she has worked at Animal Control for 13 years. She has been interested in this topic for a long time because adopters want to know about potential problems before they adopt. She recounted adoption situations that involved threatening behavior or dangerous persons where Animal Control was able to withhold some records when the threats were obvious. She said that when it comes to a person's pet, Animal Control

has done business with scary people, threatening staff and public safety. She relayed the story of one creative individual who transferred the microchipped data of an animal out of the owner's name and into their name. She listed several reasons that someone might turn over an animal to the shelter:

- urgent vet care needs,
- domestic disputes, for example, someone in the household surrenders a pet that has no identification, but the pet was not theirs, and
- owners who could not afford the stray hold fees.

MS. IMBERT said she sees many unhappy people. This impacts the shelter's ability to rehome animals quickly because potential adopters worry about the previous owner's state of mind. She discussed public media, stating that she has seen negative posts influencing potential adopters' decisions to rehome a pet. She said the shelter wants the best outcome for the animals but is also concerned about public safety and protecting individuals from former animal owners who, in her opinion, are dangerous.

[2:09:55 PM](#)

CHAIR CLAMAN concluded invited testimony on SB 163.

[2:10:09 PM](#)

CHAIR CLAMAN held SB 163 in committee.

[2:10:44 PM](#)

There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:10 p.m.