

**HB**

**13**

<TARGET><BILL>HB 13</BILL><SUBJECT>HB  
13</SUBJECT><COMM>HSTA30</COMM></TARGET>

# ALASKA STATE LEGISLATURE



*Serving Midtown,  
University, and  
East Anchorage  
neighborhoods*

**Committees:**  
Resources: Co-Chair  
•  
Legislative Budget  
and Audit: Vice-Chair  
•  
Labor and Commerce  
•  
House Special  
Committee on Econ.  
Devel., Tourism, &  
Arctic Policy (EDA)

REPRESENTATIVE ANDY JOSEPHSON

## Sponsor Statement

### **House Bill 13: An Act prohibiting the expenditure of state or municipal assets to create a registry based on race, or religion**

The purpose of House Bill 13 is to prevent state or municipal agencies from spending public funds on a registry of persons based on their race or religion. In light of recent public comments by the new federal administration regarding limiting rights of people based on their religion or country of origin, it has become necessary to safeguard Alaskans' rights. These include the right to freely practice one's religion without governmental infringement, the right to be free of racial or religious discrimination by the government or in public life, and the right to bear arms irrespective of race or religion. Sources of these rights include the United State Constitution, the Alaska Constitution, and hundreds of years of common law jurisprudence.

The language of this policy would amend an existing statute that prohibits a state or municipal entity from implementing or aiding in the implementation of specified other federal directives. Consequently, the Alaska State Legislature has previously legislated against assisting the federal government with violating the rights of Alaskans. This proposed legislation takes this principle a step further and specifically prevents state implementation of a federal registry based on the protected classes of race, or religion.

I invite you to discuss this issue with me further and urge you to support this legislation.

# HOUSE COMMITTEE REPORT

4/3/17

(7)  
Date Referred to Committee: January 18, 2017

FURTHER REFERRALS: Judiciary

Date of Committee Action: March 28, 2017

The STATE AFFAIRS Committee considered:

HB 13

**HOUSE BILL NO. 13**

**"An Act prohibiting the expenditure of state or municipal assets to create a registry based on race or religion."  
HB 13 STATE FUNDS FOR FEDERAL IMMIGRATION LAW**

Recommends it be replaced with  HCS or  CS for HB 13 (STA)  
For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

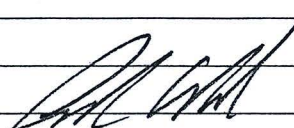


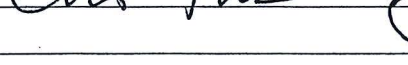
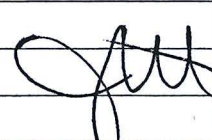
- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

- List of Abbrev for Depts.:
- ADM
  - AJS
  - CED
  - COR
  - EED
  - DEC
  - DFG
  - GOV
  - DHS
  - LWF
  - LAW
  - LEG
  - MVA
  - DNR
  - DPS
  - REV
  - DOT
  - UA

| <u>NEW FISCAL NOTES</u>                  |                  |        |        |      |
|--|------------------|--------|--------|------|
| *FN# is assigned by Chief Clerk's Office |                  |        |        |      |
| *FN#                                     | List by Dept(s): | Fiscal | Indet. | Zero |
| 1  | GOV/<br>various  |        |        | ✓    |
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| <u>PREVIOUS FISCAL NOTES</u> |                  |        |        |      |
|------------------------------|------------------|--------|--------|------|
| FN#                          | List by Dept(s): | Fiscal | Indet. | Zero |
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(4) (1)

| <u>Signing with recommendations</u>   | Printed Last Name | DP | DNP | NR | AM |
|---|-------------------|----|-----|----|----|
|  | Wool              | x  |     |    |    |
|  | Knopp             | x  |     |    |    |
|  | Birds             |    |     | x  |    |
|  | Tuck              | x  |     |    |    |
|  | Kreiss-Tomkins    | x  |     |    |    |
| Chair:  |                   |    |     |    |    |
| Chair:  |                   |    |     |    |    |

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## REPRESENTATIVE ANDY JOSEPHSON

### MEMORANDUM

**Date:** January 26, 2016

**To:** House State Affairs Chair:  
Jonathan Kreiss-Tomkins

**From:** Representative Andy Josephson *Aj*

**Re:** Hearing Request for House Bill 13

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I respectfully request a hearing in the House State Affairs for House Bill 13 relating to the prohibition of the expenditure of state or municipal assets to create a registry based on race or religion.

Attached is a sponsor statement. I will provide a witness list, a proposed committee substitute, and an explanation of changes prior to the hearing that will be scheduled later. Please contact Paul Kelly at 465-4939 if you have any questions. Thank you for your consideration.

*Andy Josephson*

30-LS0147J  
Martin  
1/26/17

**CS FOR HOUSE BILL NO. 13( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**THIRTIETH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES JOSEPHSON, Gara**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act prohibiting the expenditure of state or municipal assets to create a registry**  
2 **based on race, religion, ethnicity, or national origin."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 44.99.040(a) is amended to read:

5 (a) A state or municipal agency may not use or authorize the use of an asset to  
6 implement or aid in the implementation of a requirement of

7 (1) an order of the President of the United States, a federal regulation,  
8 or a law enacted by the United States Congress that is applied to

9 (A) infringe on a person's right, under the Second Amendment  
10 to the Constitution of the United States, to keep and bear arms;

11 (B) deny a person a right to due process, or a protection of due  
12 process, that would otherwise be available to the person under the Constitution  
13 of the State of Alaska or the Constitution of the United States; or

14 **(C) create a registry based on race, religion, ethnicity, or**

1  
2

**national origin; or**

(2) P.L. 109-13, Division B (REAL ID Act of 2005).

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## Explanation of Changes

### **House Bill 13: An Act prohibiting the expenditure of state or municipal assets to create a registry based on race, or religion**

In addition to race and religion, the proposed Committee Substitute protects the classes of national origin and ethnicity.

# Fiscal Note

State of Alaska  
2017 Legislative Session

Bill Version: HB 13  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB013-OOG-OMB-2-10-17  
Title: NO ST/MUNI FUNDS: FED IMMIGRAT REGISTRY  
Sponsor: JOSEPHSON  
Requester: (H) STA

Department: Various (for Fiscal Notes only)  
Appropriation: Various  
Allocation: All Branches  
OMB Component Number: 0

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

|                               | FY2018<br>Appropriation<br>Requested | Included in<br>Governor's<br>FY2018<br>Request | Out-Year Cost Estimates |            |            |            |            |
|-------------------------------|--------------------------------------|--|-------------------------|------------|------------|------------|------------|
|                               |                                      |  | FY 2019                 | FY 2020    | FY 2021    | FY 2022    | FY 2023    |
| <b>OPERATING EXPENDITURES</b> | <b>FY 2018</b>                       | <b>FY 2018</b>                                 |                         |            |            |            |            |
| Personal Services             |                                      |  |                         |            |            |            |            |
| Travel                        |                                      |  |                         |            |            |            |            |
| Services                      |                                      |  |                         |            |            |            |            |
| Commodities                   |                                      |  |                         |            |            |            |            |
| Capital Outlay                |                                      |  |                         |            |            |            |            |
| Grants & Benefits             |                                      |  |                         |            |            |            |            |
| Miscellaneous                 |                                      |  |                         |            |            |            |            |
| <b>Total Operating</b>        | <b>0.0</b>                           | <b>0.0</b>                                     | <b>0.0</b>              | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Fund Source (Operating Only)**

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Positions**

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

**Change in Revenues**

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2018) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable; initial version.

|              |                                 |        |                     |
|--------------|---------------------------------|--------|---------------------|
| Prepared By: | Sylvan Robb, Policy Analyst     | Phone: | (907)465-4676       |
| Division:    | Office of Management and Budget | Date:  | 02/10/2017 04:00 PM |
| Approved By: | Pat Pitney, Director            | Date:  | 02/10/17            |
| Agency:      | Office of Management and Budget |        |                     |

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2017 LEGISLATIVE SESSION

BILL NO. HB 13

**Analysis**

This bill prohibits the expenditure of state or municipal assets to create a registry based on race or religion, therefore no fiscal impact to the state is anticipated.

September 1, 1941

Pearl Harbor, HI attacked, and USA enters a state of war with Japan and Germany

February 19, 1942

Executive Order 9066 authorized the Secretary of War to prescribe certain areas as military zones.

March 2, 1942

General John L DeWitt, commander of the Western Defense Area, creates Military Areas 1 and 2

March 27, 1942

General DeWitt orders all persons of Japanese descent living in Military Area 1 to remain there

May 3, 1942

General DeWitt orders all persons of Japanese descent living in Military Area 1 to report to assembly centers by May 9, pending re-location to internment camps. Fred Korematsu refuses and flees.

May 30, 1942

Fred Korematsu is arrested on a street corner in San Leandro, CA.

June 12, 1942

With ACLU on the case, he is given a trial date and a bail amount of \$5000.

June 18, 1942

Fred Korematsu posts bail, but is immediately arrested by military police.

September 8, 1942

Fred Korematsu is tried and convicted of violating Public Law 503 criminalizing violations of Executive Order 9066. He was given a 5 year probation. He and his family were sent to the Central Utah War Relocation Center.

March 27, 1943

Fred Korematsu appealed to US Superior Court.

January 7, 1944

Fred Korematsu's original conviction was upheld.

March 27, 1944

Supreme Court agrees to hear case.

December 18, 1944

Supreme Court votes 6-3 to also uphold the conviction. (933 days or > 2.5 years in custody for system to resolve itself through the legal system)

September 2, 1945

War ends and Fred Korematsu and family are released. (1191 days or > 3.25 years in custody until released)

# LEGISLATIVE RESEARCH SERVICES

30<sup>th</sup> Alaska Legislature  
LRS Report 17.149  
March 7, 2017



(907) 465-3991 phone  
(907) 465-3908 fax  
research@akleg.gov

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## Registries in Alaska Based on Race, Religion, or Country of Origin

Tim Spengler, Legislative Analyst

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***You wished to know if any state agencies or local governments in Alaska maintain registries/lists on individual Alaskans based on race, religion, nationality, or country of origin.***

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We queried a number of state departments—Administration, Education and Early Development, Health and Social Services, and Law—and municipalities—Anchorage, Fairbanks, Juneau, Kenai, and Mat-Su—as well as the Alaska Human Rights Commission to ascertain if any of these entities compile information on the race, religion, or country of origin of *individual* Alaskans. While some of this information—usually race/ethnicity—is compiled by some agencies, it is done so in an aggregated manner.<sup>1</sup> None of the entities we queried report that they disaggregate these data in a way that would identify the race/ethnicity, religion, or country of origin of individuals. In fact, a number of the departmental and municipal contacts with whom we corresponded questioned the legality of lists or registries that would identify individual Alaskans by such categories.<sup>2</sup>

A number of the divisions within the Department of Health and Social Services (DHSS) collect race/ethnicity information from those who receive their services. Religion and national origin data are also requested by some agencies within DHSS. In many cases, the information is provided voluntarily. Below, we provide the response we received from DHSS (largely verbatim) regarding what relevant information their divisions compile.<sup>3</sup> You will notice that the data varies by agency, as do the methods of collecting such information.<sup>4</sup>

The **Alaska Pioneer Homes** maintain a database known as Point Click Care, in which staff enter the race and religion of new residents entering the Pioneer Homes system. This information is provided voluntarily by residents as part of their application process.

The Division of **Behavioral Health** maintains a web-based application and database (AKAIMS, or Alaska Automated Information Management System) that serves the dual purpose of a management information system and an electronic health record. While data on religion, nationality, and country of origin is not kept, data on race is collected by AKAIMS. Reports on race are generated to monitor for disparities between services that may exist for AK Native and non-Native peoples.

**Health Care Services** receives Medicaid recipient eligibility files from the Division of Public Assistance. These files contain race information, but only for recipients who chose to provide this

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<sup>1</sup> The Division of Personnel, Department of Administration, tracks race information of employees for the purposes of federal reporting for Equal Opportunity Employment/Affirmative Action. This information is aggregated, however, so the race of individual Alaskans is not identifiable. Also, while the U.S. Census Bureau does not ask questions about religion, it does ask about citizenship, place of birth, and race. Again, this data is typically aggregated at the national level, and sometimes at the state level. Finally, school districts track the race/ethnicity of students as reported by parents/guardians, which they report to the Department of Education and Early Development in an aggregated form.

<sup>2</sup> We are not attorneys and, therefore, are not qualified to address the legality of such data compilation. You may wish to contact Legislative Legal for their opinion on the matter.

<sup>3</sup> The information was provided by DHSS legislative liaison Tony Newman. Should you have questions regarding DHSS' response, we encourage you to contact Mr. Newman directly at (907) 465-1611, or at [anthony.newman@alaska.gov](mailto:anthony.newman@alaska.gov).

<sup>4</sup> It is our understanding that the DHSS data collected is not disaggregated by individuals.

information during the eligibility determination process. Religion, nationality, and country of origin information are not contained in these files.

The Division of **Juvenile Justice** maintains the Juvenile Offender Information Management System (JOMIS), for which race information is routinely collected for youth served by the division. Religious preference, country of origin, nationality may also be documented when offered or warranted.

As part of its application process, the Division of **Public Assistance** collects race, religion, and national origin information voluntarily from applicants to meet federal program and nondiscrimination requirements, and provides an annual report to the U.S. Department of Health and Human Services regarding caseload demographics. Certain assistance programs require Alaska Natives to provide race information. The division maintains privacy and confidentiality of client information pursuant to state and federal laws, which prohibit the disclosure of client information without written authorization from the client or their authorized representative.

The Division of **Public Health** maintains three registries that collect the race, country of origin, and nationality of individuals in order to monitor health status and diagnose and investigate health problems. None collect data on religion. The Alaska Immunization Registry, VacTrAK, collects data on race. The Alaska Trauma Registry collects data on race, ethnicity, and country of origin. The Alaska Cancer Registry collects race and birthplace (state or country if outside the U.S.).

The **Office of Children's Services'** collects, through its Online Resources for Children of Alaska (ORCA) database, information on race, religion, nationality, religious preference, and country of origin, when offered or warranted, for clients, families, and foster family members.

We hope this is helpful. If you have questions or need additional information, please let us know.

HB 13 Constituent Letters

**From:** Chelsea Lindquist [mailto:chelserin@gmail.com]

**Sent:** Wednesday, February 15, 2017 1:41 PM

**To:** Rep. Andy Josephson <Rep.Andy.Josephson@akleg.gov>

**Subject:** HB 13

Rep. Josephson,

I want to take this opportunity to thank you for filing legislation that would protect Alaskans from a national registry. Now is a time to let all Alaskans know they are an important and appreciated part of our communities, and that we stand beside them.

Thank you for this important legislation and all you do for our state.

Chelsea Vukovich

99516