

12157

HOUSE

JUDICIARY

When providing public records or electronic services and products, a public agency may not discriminate among requestors or classes of requestors, such as academic researchers, state and federal agencies, members of the public, news organizations, genealogists, or nonprofit groups.

2 AAC 96.240. Reasonable fees required

Statute text

(a) A public agency may establish a fee schedule for duplicating public records, and shall establish a fee schedule for providing electronic services and products. Fees shall be consistent with AS 40.25.110, AS 40.25.115, and this chapter.

(b) The fees developed by a public agency to provide electronic services and products may not be set at a level necessary to recover all development and operational costs of the public agency's information system, unless the system exists solely for responding to requests for public records.

(c) Fees may not be assessed as a condition of inspecting public records if the public agency receiving the request does not incur costs to search for the requested public record.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 24, 2007

FURTHER REFERRALS: Finance

Date of Committee Action: May 5, 2007

The JUDICIARY Committee considered:

HB 65

HOUSE BILL NO. 65

PERSONAL INFORMATION & CONSUMER CREDIT

"An Act relating to breaches of security involving personal information, credit report and credit score security freezes, consumer credit monitoring, credit accuracy, protection of social security numbers, care of records, disposal of records, identity theft, furnishing consumer credit header information, credit cards, and debit cards, and to the jurisdiction of the office of administrative hearings; amending Rule 60, Alaska Rules of Civil Procedure; and providing for an effective date."

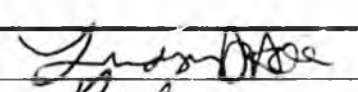

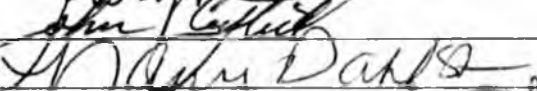
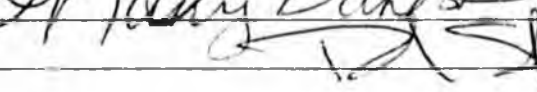

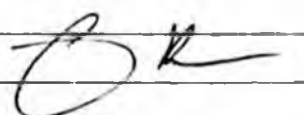
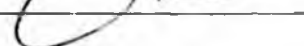
Recommends it be replaced with HCS or CS for HB 65 (JUD)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
ADM	2	✓		
GRONBALL	1		✓	

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Holmes	x			
	C. Smith	x			
	Coakley	✓			
	Daniels				x
	SAMUELS				x
Chair: 	LAWRENCE	x			
Chair: 					

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras
Chairman

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Representative_Jay_Ramras@legis.state.ak.us

1292 Sadler Way, Suite 324
Fairbanks, AK 99701



Committee Members:
Representative Nancy Dahlstrom,
Vice-Chairman
Representative John Coghill
Representative Bob Lynn
Representative Ralph Samuels
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol Room 120
Juneau, Alaska 99801-1182

Fax

To: Leg. Legal

Fax #: 2029

Number of pages including cover:

From: Jane Pierson

Date: May 2, 2007

Re: HB65 version \E

Please draft a HJUD CS for the above-referenced bill with attached amendments. We will be taking the bill up again on Saturday, May 5, 2007.

Thank you.

AMENDMENT

#2
ADOPT.

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

1 Page 7, line 5:

2 Delete "AS 45.48.160(b)"

3 / Insert "AS 45.48.160(c)"

4

5 Page 10, line 15:

6 Delete "(b) or (c)"

7 / Insert "(b), (c), or (d)"

8

9 Page 10, following line 20:

10 Insert a new subsection to read:

11 "(b) A consumer credit reporting agency may charge a consumer \$2 for
12 placing a security freeze."

13

14 Page 10, line 21:

15 Delete "(b)"

16 Insert "(c)"

17

18 Page 10, line 27:

19 Delete "(c)"

20 Insert "(d)"

21

22 Page 11, line 8:

23 Delete "at no charge"

1

10
Insert "for \$2"

AMENDMENT

#3
ADOPT

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

- 1 Page 10, line 2:
- 2 Delete "certified"
- 3
- 4 Page 10, line 8:
- 5 Delete "certified"
- 6
- 7 Page 12, line 16, following "mail.":
- 8 Insert "Under some circumstances, the consumer credit reporting agency may charge
- 9 you \$2 to temporarily lift the freeze."

AMENDMENT

4

Delete ART 3 .
ADOPT

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

- 1 Page 1, line 2:
- 2 Delete "consumer credit monitoring, credit accuracy,"
- 3
- 4 Page 15, line 29, through page 18, line 23:
- 5 Delete all material.
- 6
- 7 Page 18, line 24:
- 8 Delete "Article 4"
- 9 Insert "Article 3"
- 10
- 11 Page 22, line 21.
- 12 Delete "Article 5"
- 13 Insert "Article 4"
- 14
- 15 Page 25, line 22:
- 16 Delete "Article 6"
- 17 Insert "Article 5"
- 18
- 19 Page 27, line 31:
- 20 Delete "Article 7"
- 21 Insert "Article 6"
- 22
- 23 Page 28, line 16:

- 1 Delete "Article 8"
- 2 Insert "Article 7"
- 3
- 4 Page 29. line 13:
- 5 Delete "Article 9"
- 6 Insert "Article 8"

AMENDMENT

#5

ADOPT

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

- 1 Page 25, lines 10 - 16:
2 Delete all material and insert:
3 "(4) "personal information" means
4 (A) an individual's passport number, driver's license number,
5 state identification number, bank account number, credit card number, debit
6 card number, other payment card number, financial account information, or
7 information from a financial application; or
8 (B) a combination of an individual's
9 (i) name, address, or telephone number; and
10 (ii) medical information, insurance policy number,
11 employment information, or employment history;"

Make it more explicit

ADOPT

25-LS0311E.13
Bannister
5/2/07

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

#6
- NON ASY. PROCEDURE
- 12.62.180 ASPIN RECEIPTS
- 12.95.620
- reasonable doubt - not more rigorous
- LABELS NOT DEL (TCL) or sealed

1 Page 25, line 30, following "theft":

2 Delete ";

3 Insert "by the victim; and"

4

5 Page 26, line 10:

6 Delete "shall"

7 Insert "may"

8

9 Page 26, lines 11 - 18:

10 Delete all material.

11 Insert "determine that a petitioner under AS 45.48.600 is factually innocent of a crime
12 if the court finds beyond a reasonable doubt that

13 (1) the petitioner is a victim of identity theft;

14 (2) the petitioner did not commit the offense for which the perpetrator
15 of the identity theft was arrested, cited, or convicted;

16 (3) the petitioner filed a criminal complaint against the perpetrator of
17 the identity theft; and

18 (4) the petitioner's identity was mistakenly associated with a record of
19 conviction for the crime."

20

21 Page 26, line 25:

22 Delete "deleted, sealed, or"

23

- 1 Page 26, line 30:
- 2 Delete "or fraudulent material"
- 3 Insert ", omission, or false information"

ADOPT

25-LS0311E.14
Bannister
5/2/07

AMENDMENT #7

OFFERED IN THE HOUSE

TO: CSHB 65(L&C)

1 Page 1, line 4:

2 Delete "furnishing consumer credit header information."

3

4 Page 27, line 31, through page 28, line 15:

5 Delete all material.

6

7 Page 28, line 16:

8 Delete "Article 8"

9 Insert "Article 7"

10

11 Page 29, line 13:

12 Delete "Article 9"

13 Insert "Article 8"

25-LS0311M.4

1 (b) The department shall disclose applicant information to a business under a
2 contract with the department that requests the applicant information if the business has
3 a license under AS 43.70.020, the business, or an agent, an employee, or a contractor
4 of the business, indicates that the business will use the applicant information only in
5 the normal course of business, the person making the request provides proof of the
6 person's identity, and the person making the request states that the business will use
7 the applicant information only

8 (1) to obtain information for law enforcement agencies or for an
9 investigation, if the business is the practice of law or includes the service of process;

10 (2) in connection with a civil, a criminal, an administrative, or an
11 arbitration proceeding, including the service of process, investigation in anticipation of
12 litigation, executing on a judgment, enforcing a judgment, or complying with a court
13 order;

14 (3) for a legal or beneficial interest relating to the applicant, if the
15 business holds the legal or beneficial interest;

16 (4) on behalf of the applicant, if the business is acting in a fiduciary
17 capacity on behalf of the applicant;

18 (5) in connection with insurance claims, insurance investigations, or
19 insurance anti-fraud activities, if the business is an insurer or a person who provides
20 support services to an insurer;

21 (6) to comply with federal, state, or municipal laws, regulations,
22 ordinances, or other legal requirements; or

23 (7) for bulk distribution to political candidates, ~~nonprofit~~
24 ~~organizations~~, or persons taking polls.

25 (c) In this section,

26 (1) "applicant" means an applicant for a permanent fund dividend;

27 (2) "applicant information" means name, mailing address, and birth
28 year of an applicant;

29 (3) "business" means a person engaging in business."
30

31 Renumber the following bill sections accordingly.

25-LS0311M.4

- 1
- 2 Page 27, line 23:
- 3 Delete "sec. 3"
- 4 Insert "sec. 5"
- 5
- 6 Page 27, line 27:
- 7 Delete "sec. 3"
- 8 Insert "sec. 5"
- 9
- 10 Page 27, line 30:
- 11 Delete "sec. 3"
- 12 Insert "sec. 5"
- 13
- 14 Page 28, line 1:
- 15 Delete "sec. 4"
- 16 Insert "sec. 6"

ADOPT

25-LS0311E.4
Bannister
5/1/07

#8

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

1 Page 1, line 5:

2 Delete "**Rule 60**"

3 Insert "**Rules 60 and 82**"

4

5 Page 22, line 16:

6 Delete "and court costs and attorney fees"

7 Insert "court costs"

8

9 Page 22, line 17, following "court":

10 Insert ", and full reasonable attorney fees"

11

12 Page 30, line 24:

13 Delete "AMENDMENT."

14 Insert "AMENDMENTS. (a)"

15

16 Page 30, following line 27:

17 Insert a new subsection to read:

18 "(b) AS 45.48.480(b), enacted by sec. 3 of this Act, has the effect of changing

19 Rule 82, Alaska Rules of Civil Procedure, by changing the criteria for determining the

20 amount of attorney fees to be awarded to a party in an action under AS 45.48.480(b)."

ADOPT

#9

A M E N D M E N T

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

1 Page 19, following line 28:

2 Insert a new paragraph to read:

3 "(2) if the person is engaging in the business of government and

4 (A) is authorized by law to request or collect the individual's
5 social security number; or

6 (B) the request or collection of the individual's social security
7 number is required for the performance of the person's duties or
8 responsibilities as provided by law;"

9

10 Renumber the following paragraphs accordingly.

11

12 Page 20, following line 23:

13 Insert a new paragraph to read:

14 "(2) the person is engaging in the business of government and

15 (A) is authorized by law to disclose the individual's social
16 security number; or

17 (B) the disclosure of the individual's social security number is
18 required for the performance of the person's duties or responsibilities as
19 provided by law;"

20

21 Renumber the following paragraphs accordingly.

ADOPT

25-LS0311E.7
Bannister
5/1/07

AMENDMENT # 11

OFFERED IN THE HOUSE

TO: CSHB 65(L&C)

- 1 Page 20, following line 17:
- 2 Insert a new subsection to read:
- 3 "(c) A person who knowingly violates (a) of this section is guilty of a class A
- 4 misdemeanor. In this subsection, "knowingly" has the meaning given in
- 5 AS 11.81.900."
- 6
- 7 Page 22, lines 18 - 20:
- 8 Delete all material.
- 9
- 10 Reletter the following subsection accordingly.

ADOPT

25-LS0311E.8
Bannister
4/30/07

AMENDMENT #12

OFFERED IN THE HOUSE

TO: CSHB 65(L&C)

1 Page 20, line 4:

2 Delete "or"

3

4 Page 20, line 7, following "benefits":

5 Insert "; or

6 (5) if the disclosure does not have independent economic value, is
7 incidental to a larger transaction, and is necessary to verify the identity of the
8 individual"

AMENDMENT

#1

Rep. Kamras

M6
BL
JC
JR
ND
RS
LH

OFFERED IN THE HOUSE
TO: CSHB 65(L&C)

1 Page 1, line 1, following "to":

2 Insert "the disclosure of permanent fund dividend applicant records,"

3

4 Page 2, following line 3:

5 Insert new bill sections to read:

6 *** Sec. 2.** AS 43.23.017 is amended to read:

7 **Sec. 43.23.017. Applicant information confidential.** Information on each
8 permanent fund dividend application, except the applicant's name, is confidential. The
9 department may only release information that is confidential under this section

10 (1) to a local, state, or federal government agency;

11 (2) in compliance with a court order;

12 (3) to the individual who or agency that files an application on behalf
13 of another;

14 (4) to a banking institution to verify the direct deposit of a permanent
15 fund dividend or correct an error in that deposit;

16 (5) as directed to do so by the applicant; [AND]

17 (6) to a contractor who has a contract with a person entitled to obtain
18 the information under (1) - (5) of this section to receive, store, or manage the
19 information on that person's behalf; a contractor receiving data under this paragraph
20 may only use the data as directed by and for the purposes of the person entitled to
21 obtain the information; and

22 (7) as provided under (b) of this section.

23 *** Sec. 3.** AS 43.23.017 is amended by adding new subsections to read:

1 (b) The department shall disclose applicant information to a business that
2 requests the applicant information if the business has a license under AS 43.70.020,
3 the business, or an agent, an employee, or a contractor of the business, indicates that
4 the business will use the applicant information only in the normal course of business,
5 the person making the request provides proof of the person's identity, and the person
6 making the request states that the business will use the applicant information only

7 (1) as necessary to implement or enforce a transaction authorized by
8 the applicant;

9 (2) to obtain information from law enforcement agencies or self-
10 regulatory organizations or for an investigation, if the business is the practice of law or
11 includes the service of process;

12 (3) in connection with a civil, a criminal, an administrative, or an
13 arbitration proceeding, including the service of process, investigation in anticipation of
14 litigation, executing on a judgment, enforcing a judgment, or complying with a court
15 order;

16 (4) for a legal or beneficial interest relating to the applicant, if the
17 business holds the legal or beneficial interest;

18 (5) on behalf of the applicant, if the business is acting in a fiduciary
19 capacity on behalf of the applicant;

20 (6) to verify the accuracy of information provided by the applicant, to
21 prevent fraud by the applicant, or to pursue legal remedies against the applicant;

22 (7) in connection with insurance claims, insurance investigations, or
23 insurance anti-fraud activities, if the business is an insurer or a person who provides
24 support services to an insurer;

25 (8) to comply with federal, state, or municipal laws, regulations,
26 ordinances, or other legal requirements; or

27 (9) for bulk distribution to political candidates, nonprofit
28 organizations, or persons taking polls.

29 (c) In this section,

30 (1) "applicant" means an applicant for a permanent fund dividend;

31 (2) "applicant information" means name, mailing address, and birth

1 year of an applicant;

2 (3) "business" means a person engaging in business."

3

4 Renumber the following bill sections accordingly.

5

6 Page 30, line 24:

7 Delete "sec. 3"

8 Insert "sec. 5"

9

10 Page 30, line 28:

11 Delete "sec. 3"

12 Insert "sec. 5"

13

14 Page 30, line 30:

15 Delete "sec. 4"

16 Insert "sec. 6"

Bill contains 3 sections
Sec. 1 – Care of Records

*disposal Requirement
+ Policy of disposal Requirement*

Sec. 2 – Adds a new paragraph to AS 44.64.030 – *Breach of Security involving personal information*

Sec. 3 – Amends AS 45 adding a new chapter -
Chapter 48 – *Personal Information Protection Act*

Jurisdiction of hearing officers

Within new Chapter 48 – are 9 Articles

Article 1. Breach of Security Involving Personal Information

Article 2. Credit Report and Credit Score Security Freeze

E.9 E.6

~~Article 3. Consumer Credit Monitoring; Credit Accuracy~~

E.3 Bankers

Article 4.3 Protection of Social Security Number

*E.4, E.5, E.7, E.8, E.15
Bankers*

Article 5.4 Disposal of Records

E.2

Article 6.5 Factual Declaration of Innocence after Identify Theft, Right to file Police Report Regarding Identity Theft

- Am E.13 Bankers

~~Article 7.6 Consumer Credit Header Information~~

E.14

Article 8.7 Truncation of Card Information

Article 9.8 General Provisions

ADOPT

M
25-LS0311E.15
Bannister
5/2/07

AMENDMENT #10

OFFERED IN THE HOUSE

TO: CSHB 65(L&C)

- 20 9-10
- 1 Page ~~2~~, lines ~~15-16~~:
 - 2 Delete "or \$5,000, whichever amount is greater."

Amend #13

p. 23, L 24 - Delete "by the victim"

25-LS0311M.4
Bannister
5/4/07

AMENDMENT

N - N
C - Y
S - Y
L - Y
H - N
G - N
R - Y

4-3

ADOPTED

OFFERED IN THE HOUSE

TO: CSHB 65(JUD), Draft Version "M"

1 Page 1, line 1, following "to":

2 Insert "the disclosure of permanent fund dividend applicant records,"

3

4 Page 2, following line 2:

5 Insert new bill sections to read:

6 ** Sec. 2. AS 43.23.017 is amended to read:

7 **Sec. 43.23.017. Applicant information confidential.** Information on each
8 permanent fund dividend application, except the applicant's name, is confidential. The
9 department may only release information that is confidential under this section

10 (1) to a local, state, or federal government agency;

11 (2) in compliance with a court order;

12 (3) to the individual who or agency that files an application on behalf
13 of another;

14 (4) to a banking institution to verify the direct deposit of a permanent
15 fund dividend or correct an error in that deposit;

16 (5) as directed to do so by the applicant; [AND]

17 (6) to a contractor who has a contract with a person entitled to obtain
18 the information under (1) - (5) of this section to receive, store, or manage the
19 information on that person's behalf; a contractor receiving data under this paragraph
20 may only use the data as directed by and for the purposes of the person entitled to
21 obtain the information; and

22 (7) as provided under (h) of this section.

23 * Sec. 3. AS 43.23.017 is amended by adding new subsections to read:

25-LS0311M.4

1 (b) The department shall disclose applicant information to a business under a
2 contract with the department that requests the applicant information if the business has
3 a license under AS 43.70.020, the business, or an agent, an employee, or a contractor
4 of the business, indicates that the business will use the applicant information only in
5 the normal course of business, the person making the request provides proof of the
6 person's identity, and the person making the request states that the business will use
7 the applicant information only

8 (1) to obtain information for law enforcement agencies or for an
9 investigation, if the business is the practice of law or includes the service of process;

10 (2) in connection with a civil, a criminal, an administrative, or an
11 arbitration proceeding, including the service of process, investigation in anticipation of
12 litigation, executing on a judgment, enforcing a judgment, or complying with a court
13 order;

14 (3) for a legal or beneficial interest relating to the applicant, if the
15 business holds the legal or beneficial interest;

16 (4) on behalf of the applicant, if the business is acting in a fiduciary
17 capacity on behalf of the applicant;

18 (5) in connection with insurance claims, insurance investigations, or
19 insurance anti-fraud activities, if the business is an insurer or a person who provides
20 support services to an insurer;

21 (6) to comply with federal, state, or municipal laws, regulations,
22 ordinances, or other legal requirements; or

23 (7) for bulk distribution to political candidates, ~~nonprofit~~
24 organizations, or persons taking polls.

25 (c) In this section,

26 (1) "applicant" means an applicant for a permanent fund dividend;

27 (2) "applicant information" means name, mailing address, and birth
28 year of an applicant;

29 (3) "business" means a person engaging in business."
30

31 Renumber the following bill sections accordingly.

25-LS0311\W.4

- 1
- 2 Page 27, line 23:
- 3 Delete "sec. 3"
- 4 Insert "sec. 5"
- 5
- 6 Page 27, line 27:
- 7 Delete "sec. 3"
- 8 Insert "sec. 5"
- 9
- 10 Page 27, line 30:
- 11 Delete "sec. 3"
- 12 Insert "sec. 5"
- 13
- 14 Page 28, line 1:
- 15 Delete "sec. 4"
- 16 Insert "sec. 6"

New # 2 to Amend # 1

FAILED

Amendment to Amendment ¹ to CSHB 65 (JUD)
By: Lynn + Gruenberg
(# 25-LS 0311 \ M. 4")

page 2 line 24

Party or candidate

Add:

" Applicant information for bulk distribution to
political candidates in an election shall also be
disclosed directly to a candidate who has filed a party
^{or a recognized political}
~~directly~~ a declaration of candidacy or letter of intent
to run in that ~~same~~ election. "

2-5 FAILED

New ² Amendment to Amendment I to CS HB 65 (JUD)
By: Lynn + Gruenberg
(#25-LS0311 \ M.4")

page 2 line 24

Add:

" Applicant information for bulk distribution to
political candidates in an election shall also be
disclosed directly to a candidate who has filed a
~~directly~~ a declaration of candidacy or letter of intent
to run in that ~~same~~ election. "
↳ to a ^{recognized} political party

Conform the rest of the amendment accordingly #1

W/D

25-LS0311M.2
Bannister
5/4/07

11

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE RAMRAS

TO: CSHB 65(JUD), Draft Version "M"

- 1 Page 26, lines 29 - 30:
- 2 Delete "assembling or evaluating consumer credit information or other information on
- 3 consumers"
- 4 Insert "maintaining consumer credit information"

to any person related by common ownership or affiliated by corporate control, if the information is--

- (A) medical information;
 - (B) an individualized list or description based on the payment transactions of the consumer for medical products or services; or
 - (C) an aggregate list of identified consumers based on payment transactions for medical products or services.
- (e) The term "investigative consumer report" means a consumer report or portion thereof in which information on a consumer's character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends, or associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information. However, such information shall not include specific factual information on a consumer's credit record obtained directly from a creditor of the consumer or from a consumer reporting agency when such information was obtained directly from a creditor of the consumer or from the consumer.
- (f) The term "consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.
- (g) The term "file," when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored.
- (h) The term "employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee.
- (i) The term "medical information" --
- (1) means information or data, whether oral or recorded, in any form or medium, created by or derived from a health care provider or the consumer, that relates to--
 - (A) the past, present, or future physical, mental, or behavioral health or condition of an individual;
 - (B) the provision of health care to an individual; or
 - (C) the payment for the provision of health care to an individual.

Norman Cohen

From: Everett Robbins [president@apdea.org]
Sent: Monday, February 05, 2007 1:54 PM
To: Norman Cohen
Subject: RE: HB 67 - Municipal Property Tax Exemption for Law Enforcement Officers

Rep. Max Gruenberg
State Capitol, Room 110
Juneau, AK 99801

Dear Representative Gruenberg:

I am writing in support of the municipal tax exemption for law enforcement officers (House Bill 67). This legislation would allow a municipality to enact an ordinance designating eligible parcels of property exempt from taxation up to \$150,000 of the assessed value of the property. Eligible parcels of property are those (1) that are owned by and constitute the primary residence of a law enforcement officer; (2) that meet the eligibility requirements under a federal program of special assistance; and (3) that have a statistically higher occurrence of crime than the municipality as a whole.

We believe this bill would be instrumental in helping to reduce crime throughout Anchorage while also recognizing the contributions that law enforcement officers make in our communities. This bill would help to foster the concept of community policing by providing an incentive for law enforcement officers to work and live in neighborhoods most in need of police interaction and intervention. This bill may well help to relieve the economic costs to the municipalities, as well as private employers and individuals, that are generally associated with high-crime neighborhoods by encouraging law enforcement officers to insert themselves into their communities and assume a personal stake in the future of the neighborhood. The bill is also an important recognition of the services provided by individual law enforcement officers. In short, we believe this bill would be beneficial from both the public's perspective and any individual law enforcement officer who participates in the program.

Thank you for introducing this bill into the Alaska legislature. If it passes, Alaska will lead the way in recognizing the contributions that law enforcement officers make in our communities and the benefit that can be derived from permitting a property exemption for those officers who demonstrate their commitment to community policing. Please convey my wholehearted support for its passage to the relevant legislative committees and leaders of each chamber.

Sincerely,

Everett Robbins
President
Anchorage Police Department Employee's Association

12
v/d

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE RAMRAS

TO: CSHB 65(JUD), Draft Version "M"

1 Page 27, lines 1 - 11:

2 Delete all material and insert:

3 "(3) "credit report" means a written, oral, or other communication of
4 credit information by a consumer credit reporting agency bearing on a consumer's
5 credit worthiness, credit standing, or credit capacity;"

815 ILCS 505/2MM

enforcement agency about unlawful use of his or her personal information by another person.

(o) If a security freeze is in place, a consumer reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the consumer within 30 days of the change being posted to the consumer's file: (i) name, (ii) date of birth, (iii) Social Security number, and (iv) address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(p) The following entities are not required to place a security freeze in a consumer report, however, pursuant to paragraph (3) of this subsection, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency:

(1) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payment.

(2) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

(3) A consumer reporting agency that:

(A) acts only to resell credit information by assembling and merging information contained in a database of one or more consumer reporting agencies; and

(B) does not maintain a permanent database of credit information from which new credit reports are produced.

(q) For purposes of this Section:

"Credit report" has the same meaning as "consumer report", as ascribed to it in 15 U.S.C. § 1681a(d).

"Consumer reporting agency" has the meaning ascribed to it in 15 U.S.C. § 1681a(f).

"Security freeze" means a notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or score relating to an extension of credit, without the express authorization of the consumer.

"Extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account.

"Proper identification" means information generally deemed sufficient to identify a person. Only if the consumer is unable to reasonably identify himself or herself with the information described above, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity.

(r) Any person who violates this Section commits an unlawful practice within the meaning of this Act.

CREDIT(S)

25-LS0311M

Bannister

5/3/07

CS FOR HOUSE BILL NO. 65(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): **REPRESENTATIVES COGHILL AND GARA, Hawker, Lynn, Samuels, Fairclough, Ramras, Kawasaki, Kerttula, Gatto, Neuman, Olson**

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to breaches of security involving personal information, credit report
2 and credit score security freezes, protection of social security numbers, care of records,
3 disposal of records, identity theft, credit cards, and debit cards, and to the jurisdiction of
4 the office of administrative hearings; amending Rules 60 and 82, Alaska Rules of Civil
5 Procedure; and providing for an effective date."

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

7 * **Section 1.** AS 40.21.110 is amended to read:

8 **Sec. 40.21.110. Care of records.** Except for public records lawfully in the
9 possession of a person other than the state, public records of existing or defunct
10 agencies of the state, territorial, and Russian governments in Alaska are the property
11 of the state and shall be created, maintained, preserved, stored, transferred, destroyed
12 or disposed of, and otherwise managed in accordance with the provisions of this
13 chapter and AS 45.48.500 - 45.48.530. Records shall be delivered by outgoing

1 officials and employees to their successors, and may not be removed, destroyed or
2 disposed of, except as provided in this chapter and AS 45.48.500 - 45.48.530.

3 * **Sec. 2.** AS 44.64.030(a) is amended by adding a new paragraph to read:

4 (35) AS 45.48.080(c) (breach of security involving personal
5 information).

6 * **Sec. 3.** AS 45 is amended by adding a new chapter to read:

7 **Chapter 48. Personal Information Protection Act.**

8 **Article 1. Breach of Security Involving Personal Information.**

9 **Sec. 45.48.010. Disclosure of breach of security.** (a) If a person owns or uses
10 personal information that includes personal information on a state resident, and a
11 breach of the security of the information system containing the personal information
12 occurs, the person shall, after discovering or being notified of the breach, disclose the
13 breach to each state resident whose personal information was subject to the breach.

14 (b) An information collector shall make the disclosure required by (a) of this
15 section in the most expeditious time possible and without unreasonable delay, except
16 as provided in AS 45.48.020 and as necessary to determine the scope of the breach and
17 restore the reasonable integrity of the information system.

18 **Sec. 45.48.020. Allowable delay in notification.** An information collector
19 may delay disclosing the breach under AS 45.48.010 if an appropriate law
20 enforcement agency determines that disclosing the breach will interfere with a
21 criminal investigation. However, the information collector shall disclose the breach to
22 the state resident in the most expeditious time possible and without unreasonable delay
23 after the law enforcement agency informs the information collector in writing that
24 disclosure of the breach will no longer interfere with the investigation.

25 **Sec. 45.48.030. Methods of notice.** An information collector shall make the
26 disclosure required by AS 45.48.010

27 (1) by a written document sent to the most recent address the
28 information collector has for the state resident;

29 (2) by electronic means if making the disclosure by the electronic
30 means is consistent with the provisions regarding electronic records and signatures
31 required for notices legally required to be in writing under 15 U.S.C. 7001 et seq.

1 (Electronic Signatures in Global and National Commerce Act); or

2 (3) if the information collector demonstrates that the cost of providing
3 notice would exceed \$150,000, that the affected class of state residents to be notified
4 exceeds 300,000, or that the information collector does not have sufficient contact
5 information to provide notice, by

6 (A) electronic mail if the information collector has an
7 electronic mail address for the state resident;

8 (B) conspicuously posting the disclosure on the Internet
9 website of the information collector if the information collector maintains an
10 Internet site; and

11 (C) providing a notice to major statewide media.

12 **Sec. 45.48.040. Notification of certain other agencies.** (a) If an information
13 collector is required by AS 45.48.010 to notify more than 1,000 state residents of a
14 breach, the information collector shall also notify without unreasonable delay all
15 consumer credit reporting agencies that compile and maintain files on consumers on a
16 nationwide basis and provide the agencies with the timing, distribution, and content of
17 the notices.

18 (b) This section may not be construed to require the information collector to
19 provide the consumer reporting agencies identified under (a) of this section with the
20 names or other personal information of the state residents whose personal information
21 was subject to the breach.

22 (c) This section does not apply to an information collector who is subject to 15
23 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act).

24 (d) In this section, "consumer reporting agency that compiles and maintains
25 files on consumers on a nationwide basis" has the meaning given in 15 U.S.C.
26 1681a(p).

27 **Sec. 45.48.050. Exception for employees and agents.** In AS 45.48.010 -
28 45.48.090, the good faith acquisition of personal information by an employee or agent
29 of an information collector for a legitimate purpose of the information collector is not
30 a breach of the security of the information system if the employee or agent does not
31 use the personal information for a purpose unrelated to a legitimate purpose of the

1 information collector and does not make further unauthorized disclosure of the
2 personal information.

3 **Sec. 45.48.060. Waivers.** A waiver of AS 45.48.010 - 45.48.090 is void and
4 unenforceable.

5 **Sec. 45.48.070. Treatment of certain breaches.** (a) If a breach of the security
6 of the information system containing personal information on a state resident that is
7 maintained by an information recipient occurs, the information recipient is not
8 required to comply with AS 45.48.010 - 45.48.030. However, immediately after the
9 information recipient discovers the breach, the information recipient shall notify the
10 information distributor who owns the personal information or who licensed the use of
11 the personal information to the information recipient about the breach and cooperate
12 with the information distributor as necessary to allow the information distributor to
13 comply with (b) of this section. In this subsection, "cooperate" means sharing with the
14 information distributor information relevant to the breach, except for confidential
15 business information or trade secrets.

16 (b) If an information recipient notifies an information distributor of a breach
17 under (a) of this section, the information distributor shall comply with AS 45.48.010 -
18 45.48.030 as if the breach occurred to the information system maintained by the
19 information distributor.

20 **Sec. 45.48.080. Violations.** (a) If an information collector who is a
21 governmental agency violates AS 45.48.010 - 45.48.090 with regard to the personal
22 information of a state resident, the information collector

23 (1) is liable to the state for a civil penalty of up to \$500 for each state
24 resident who was not notified under AS 45.48.010 - 45.48.090, but the total civil
25 penalty may not exceed \$50,000; and

26 (2) may be enjoined from further violations.

27 (b) If an information collector who is not a governmental agency violates
28 AS 45.48.010 - 45.48.090 with regard to the personal information of a state resident,
29 the violation is an unfair or deceptive act or practice under AS 45.50.471 - 45.50.561.
30 However, the information collector is not subject to the civil penalties imposed under
31 AS 45.50.551 but is liable to the state for a civil penalty of up to \$500 for each state

1 resident who was not notified under AS 45.48.010 - 45.48.090, except that the total
2 civil penalty may not exceed \$50,000.

3 (c) The Department of Administration may enforce (a) of this section against a
4 governmental agency. The procedure for review of an order or action of the
5 department under this subsection is the same as the procedure provided by AS 44.62
6 (Administrative Procedure Act), except that the office of administrative hearings
7 (AS 44.64.010) shall conduct the hearings in contested cases and the decision may be
8 appealed under AS 44.64.030(c).

9 (d) In this section, "governmental agency" means a state or local governmental
10 agency, except for an agency of the judicial branch.

11 **Sec. 45.48.090. Definitions.** In AS 45.48.010 - 45.48.090,

12 (1) "breach of the security" means unauthorized acquisition, or
13 reasonable belief of unauthorized acquisition, of personal information that
14 compromises the security, confidentiality, or integrity of the personal information
15 maintained by the information collector; in this paragraph, "acquisition" includes
16 acquisition by

17 (A) photocopying, facsimile, or other paper-based method;

18 (B) a device, including a computer, that can read, write, or
19 store information that is represented in numerical form; or

20 (C) a method not identified by (A) or (B) of this paragraph;

21 (2) "information collector" means a person who owns or uses personal
22 information in any form if the personal information includes personal information on a
23 state resident;

24 (3) "information distributor" means a person who is an information
25 collector and who owns or licenses personal information to an information recipient;

26 (4) "information recipient" means a person who is an information
27 collector but who does not own or have the right to license to another information
28 collector the personal information received by the person from an information
29 distributor;

30 (5) "personal information" means information in any form on an
31 individual that is not encrypted or redacted, or is encrypted and the encryption key has

1 been accessed or acquired, and that consists of a combination of

2 (A) an individual's name, address, or telephone number; in this
3 subparagraph, "individual's name" means a combination of an individual's

4 (i) first name or first initial; and

5 (ii) last name; and

6 (B) one or more of the following information elements:

7 (i) the individual's social security number;

8 (ii) the individual's driver's license number or state
9 identification card number;

10 (iii) the individual's account number, credit card
11 account number, or debit card account number;

12 (iv) account passwords or personal identification
13 numbers or other access codes.

14 **Article 2. Credit Report and Credit Score Security Freeze.**

15 **Sec. 45.48.100. Security freeze authorized.** A consumer may prohibit a
16 consumer credit reporting agency from releasing all or a part of the consumer's credit
17 report or credit score without the express authorization of the consumer by placing a
18 security freeze on the consumer's credit report.

19 **Sec. 45.48.110. Placement of security freeze.** (a) To place a security freeze, a
20 consumer shall make the request to the consumer credit reporting agency

21 (1) by certified mail to the address designated by the consumer credit
22 reporting agency to receive security freeze requests; or

23 (2) as allowed by (b) of this section.

24 (b) A consumer may make a request under (a) of this section by telephone or
25 by fax, the Internet, or other electronic media if the consumer credit reporting agency
26 has developed procedures for using the telephone or an electronic medium to receive
27 and process the request in an expedited manner.

28 (c) A consumer credit reporting agency shall place a security freeze within
29 five business days after receiving a request under (a) or (b) of this section and proper
30 identification from the consumer.

31 **Sec. 45.48.120. Confirmation of security freeze.** (a) Within 10 business days

1 after a consumer makes the request under AS 45.48.110, a consumer credit reporting
2 agency shall send a written confirmation of the placement of the security freeze to the
3 consumer. The confirmation must also inform the consumer that the consumer credit
4 reporting agency may charge, as allowed by AS 45.48.160(c), a fee for third-party
5 access during the security freeze.

6 (b) At the same time that the consumer credit reporting agency sends a
7 confirmation under (a) of this section, the consumer credit reporting agency shall
8 provide the consumer with a unique personal identification number, password, or
9 similar device to be used by the consumer when the consumer authorizes the release of
10 the consumer's credit report or credit score under AS 45.48.130.

11 **Sec. 45.48.130. Access and actions during security freeze.** (a) While a
12 security freeze is in place, a consumer credit reporting agency shall allow a third party
13 access to a consumer's credit report or credit score if the consumer requests that the
14 consumer credit reporting agency allow the access.

15 (b) To make a request under (a) of this section, the consumer shall contact the
16 consumer credit reporting agency by mail at the address designated by the consumer
17 credit reporting agency to receive security freeze requests or as allowed by (c) of this
18 section, authorize the consumer credit reporting agency to allow the access, and
19 provide the consumer credit reporting agency with

20 (1) proper identification to verify the consumer's identity;

21 (2) the unique personal identification number, password, or similar
22 device provided under AS 45.48.120(b); and

23 (3) the proper information necessary to identify the third party to
24 whom the consumer credit reporting agency may allow the access or the time period
25 during which the consumer credit reporting agency may allow the access to third
26 parties who request the access.

27 (c) In addition to making the request by mail, a consumer may make a request
28 under (a) of this section by telephone or by fax, the Internet, or other electronic media
29 if the consumer credit reporting agency has developed procedures for using the
30 telephone or an electronic medium to receive and process the request in an expedited
31 manner.

1 (d) A consumer credit reporting agency that receives a request from a
2 consumer under (b) or (c) of this section shall comply with the request immediately
3 after receiving the request by telephone or by an electronic medium or within three
4 business days after receiving the request by mail.

5 (e) If a security freeze is in place, a consumer credit reporting agency may not
6 release the credit report or credit score to a third party without the prior express
7 authorization of the consumer.

8 (f) If a security freeze is in place on a consumer's credit report and credit score
9 and if a third party applies to a consumer credit reporting agency to provide the third
10 party with access to the consumer's credit report or credit score, the consumer credit
11 reporting agency and, except as provided for insurers under (g) of this section, the
12 third party may treat the third party's application as incomplete unless the consumer
13 authorizes the access under (a) of this section.

14 (g) If an insurer requests access to a consumer's credit report and credit score
15 on which a security freeze is in place, unless the consumer authorizes access under (a)
16 of this section, the insurer may, notwithstanding AS 21.36.460,

17 (1) treat the consumer's application as incomplete;

18 (2) decline the consumer's application if the consumer does not lift the
19 security freeze for the insurer after a request by the insurer or the insurer's agent;

20 (3) treat the consumer as if the consumer has a neutral credit rating;

21 (4) exclude the use of credit information as a factor and use only
22 underwriting criteria; or

23 (5) treat the consumer in a manner that is otherwise approved by the
24 division of insurance.

25 (h) If a security freeze is in place, a consumer credit reporting agency may not
26 change the consumer's official information in the consumer's credit report and credit
27 score without sending a written statement of the change to the consumer within 30
28 days after the change is made. A consumer credit reporting agency is not required to
29 send a written statement if the consumer credit reporting agency makes a technical
30 change in the consumer's official information. If a consumer credit reporting agency
31 makes a change, other than a technical change, in a consumer's address, the consumer

1 credit reporting agency shall send the written statement to the consumer at both the
2 new address and the former address. In this subsection,

3 (1) "official information" means name, birth date, social security
4 number, and address;

5 (2) "technical change" means changing spelling, transposing numbers
6 or letters, abbreviating a word, or spelling out an abbreviation.

7 (i) This section is not intended to prevent a consumer
8 credit reporting agency from advising a third party that requests access
9 to a consumer's credit report or credit score that a security freeze is in
10 effect.

11 (j) The procedures used by a consumer credit reporting agency for
12 implementing the provisions of this section may include the use of telephone,
13 facsimile, or electronic means if making the disclosure by the electronic means is
14 consistent with the provisions regarding electronic records and signatures required for
15 notices legally required to be in writing under 15 U.S.C. 7001 et seq. (Electronic
16 Signatures in Global and National Commerce Act).

17 **Sec. 45.48.140. Removal of security freeze.** (a) Except as provided by
18 AS 45.48.130, a consumer credit reporting agency may not remove a security freeze
19 unless

20 (1) the consumer requests that the consumer credit reporting agency
21 remove the security freeze under (b) of this section; or

22 (2) the consumer made a material misrepresentation of fact to the
23 consumer credit reporting agency when the consumer requested the security freeze
24 under AS 45.48.110; if a consumer credit reporting agency intends to remove a
25 security freeze on a consumer's credit report under this paragraph, the consumer credit
26 reporting agency shall notify the consumer in writing before removing the security
27 freeze.

28 (b) A consumer credit reporting agency shall remove a security freeze
29 immediately after receiving a request for removal from the consumer who requested
30 the security freeze.

31 (c) To make a request under (b) of this section, the consumer shall contact the

1 consumer credit reporting agency by mail or as allowed by (d) of this section,
2 authorize the consumer credit reporting agency to remove the security freeze, and
3 provide the consumer credit reporting agency with

4 (1) proper identification to verify the consumer's identity; and

5 (2) the unique personal identification number, password, or similar
6 device provided under AS 45.48.120(b).

7 (d) In addition to mail, a consumer may make a request under (b) of this
8 section by telephone or ~~by~~ fax, the Internet, or other electronic media if the consumer
9 credit reporting agency has developed procedures for using the telephone or an
10 electronic medium to receive and process the request in an expedited manner.

11 **Sec. 45.48.150. Prohibition.** When dealing with a third party, a consumer
12 credit reporting agency may not suggest, state, or imply that a consumer's security
13 freeze reflects a negative credit score, history, report, or rating.

14 **Sec. 45.48.160. Charges.** (a) Except as provided by (b), (c), or (d) of this
15 section, a consumer credit reporting agency may not charge a consumer to place or
16 remove a security freeze, to provide access under AS 45.48.130, or to take any other
17 action, including ~~the~~ issuance of a personal identification number, password, or similar
18 device under AS 45.48.120, that is related to the placement of, removal of, or allowing
19 access to a credit report or credit score on which a security freeze has been placed.

20 (b) A consumer credit reporting agency may charge a consumer \$10 for
21 placing a security freeze.

22 (c) If a consumer makes more than two access requests during a calendar year,
23 a consumer credit reporting agency may charge the consumer \$2 for each additional
24 access request made by the consumer during that calendar year. In this subsection,
25 "access request" means a request made by the consumer under AS 45.48.130 to allow
26 third-party access to the consumer's credit report or credit score on which a security
27 freeze has been placed.

28 (d) If a consumer fails to retain a personal identification number, password, or
29 similar device issued under AS 45.48.120, a consumer credit reporting agency may
30 charge the consumer up to \$5 for each time after the first time that the consumer credit
31 reporting agency issues the consumer another personal identification number,

1 password, or similar device because the consumer failed to retain the personal
2 identification number, password, or similar device.

3 **Sec. 45.48.170. Notice of rights.** When a consumer credit reporting agency is
4 required to give a consumer a summary of rights under 15 U.S.C. 1681g (Fair Credit
5 Reporting Act), a consumer credit reporting agency shall also give the consumer the
6 following notice:

7 **Consumers Have the Right to Obtain a Security Freeze**

8 You may obtain a security freeze on your credit report and
9 credit score for \$10 to protect your privacy and ensure that credit is not
10 granted in your name without your knowledge. You have a right to
11 place a "security freeze" on your credit report and credit score under
12 state law (AS 45.48.100 - 45.48.290).

13 The security freeze will prohibit a consumer credit reporting
14 agency from releasing your credit score and any information in your
15 credit report without your express authorization or approval.

16 The security freeze is designed to prevent credit, loans, and
17 other services from being approved in your name without your consent.
18 However, you should be aware that using a security freeze to take
19 control over who gets access to the personal and financial information
20 in your credit report and credit score may delay, interfere with, or
21 prohibit the timely approval of any subsequent request or application
22 you make regarding a new loan, credit, a mortgage, a governmental
23 service, a governmental payment, rental housing, employment, an
24 investment, a license, a cellular telephone, a utility, a digital signature,
25 an Internet credit card transaction, an extension of credit at point of
26 sale, and other items and services.

27 When you place a security freeze on your credit report and
28 credit score, within 10 business days you will be provided a personal
29 identification number, password, or similar device to use if you choose
30 to remove the freeze on your credit report and credit score or to
31 temporarily authorize the release of your credit report and credit score

1 to a specific third party or specific third parties or for a specific period
2 of time after the freeze is in place. To provide that authorization, you
3 must contact the consumer credit reporting agency and provide all of
4 the following:

- 5 (1) proper identification to verify your identity;
- 6 (2) the personal identification number, password, or
7 similar device provided by the consumer credit reporting agency;
- 8 (3) proper information necessary to identify the third
9 party or third parties who are authorized to receive the credit report and
10 credit score or the specific period of time for which the credit report
11 and credit score are to be available to third parties.

12 A consumer credit reporting agency that receives your request
13 to temporarily lift a freeze on a credit report and credit score is required
14 to comply with the request immediately after receiving your request if
15 you make the request by telephone, or an electronic method if the
16 agency provides an electronic method, or within three business days
17 after receiving your request if you make the request by mail. Under
18 some circumstances, the consumer credit reporting agency may charge
19 you \$2 to temporarily lift the freeze.

20 A security freeze does not apply to circumstances where you
21 have an existing account relationship and a copy of your credit report
22 and credit score are requested by your existing creditor or its agents or
23 affiliates for certain types of account review, collection, fraud control,
24 or similar activities.

25 If you are actively seeking credit, you should understand that
26 the procedures involved in lifting a security freeze may slow your own
27 applications for credit. You should plan ahead and lift a freeze, either
28 completely if you are shopping around, or specifically for a certain
29 creditor, days before applying for new credit.

30 You have a right to bring a civil action against someone who
31 violates your rights under these laws on security freezes. The action can

1 be brought against a consumer credit reporting agency.

2 **Sec. 45.48.180. Notification after violation.** If a consumer credit reporting
3 agency violates a security freeze by releasing a consumer's credit report or credit
4 score, the consumer credit reporting agency shall notify the consumer within five
5 business days after the release, and the information in the notice must include an
6 identification of the information released and of the third party who received the
7 information.

8 **Sec. 45.48.190. Resellers.** A consumer credit reporting agency that acts as a
9 reseller of consumer information shall honor a security freeze placed on a consumer's
10 credit report and credit score by another consumer credit reporting agency.

11 **Sec. 45.48.200. Violations and penalties.** (a) A consumer who suffers
12 damages as a result of a person's violation of AS 45.48.100 - 45.48.290 may bring an
13 action in court against the person and recover, in the case of a violation where the
14 person acted

15 (1) negligently, actual damages, including loss of wages, and, when
16 applicable, damages for pain and suffering;

17 (2) knowingly,

18 (A) damages as described in (1) of this subsection;

19 (B) punitive damages that are not less than \$100 nor more than
20 \$5,000 for each violation as the court determines to be appropriate; and

21 (C) other relief that the court determines to be appropriate.

22 (b) A consumer may bring an action in court against a person for a violation or
23 threatened violation of AS 45.48.100 - 45.48.290 for injunctive relief, whether or
24 not the consumer seeks another remedy under this section.

25 (c) Notwithstanding (a)(2) of this section, a person who knowingly violates
26 AS 45.48.100 - 45.48.290 is liable in a class action for an amount that the court
27 allows. When determining the amount of an award in a class action under this
28 subsection, the court shall consider, among the relevant factors, the amount of any
29 actual damages awarded, the frequency of the violations, the resources of the violator,
30 and the number of consumers adversely affected.

31 (d) In this section, "knowingly" has the meaning given in AS 11.81.900.

1 **Sec. 45.48.210. Exemptions.** (a) The provisions of AS 45.48.100 - 45.48.290
2 do not apply to the use of a credit report by

3 (1) a person, the person's subsidiary, affiliate, or agent, or the person's
4 assignee with whom a consumer has or, before the assignment, had an account,
5 contract, or debtor-creditor relationship if the purpose of the use is to review the
6 consumer's account or to collect a financial obligation owing on the account, contract,
7 or debt;

8 (2) a subsidiary, an affiliate, an agent, an assignee, or a prospective
9 assignee of a person to whom access has been granted under AS 45.48.130 if the
10 purpose of the use is to facilitate the extension of credit or another permissible use;

11 (3) a person acting under a court order, warrant, or subpoena;

12 (4) an agency of a state or municipality that administers a program for
13 establishing and enforcing child support obligations;

14 (5) the Department of Health and Social Services, its agents, or its
15 assigns when investigating fraud;

16 (6) the Department of Revenue, its agents, or its assigns when
17 investigating or collecting delinquent taxes or unpaid court orders or when
18 implementing its other statutory responsibilities;

19 (7) a person if the purpose of the use is prescreening allowed under 15
20 U.S.C. 1681b(c) (Fair Credit Reporting Act);

21 (8) a person administering a credit file monitoring subscription service
22 to which the consumer has subscribed; or

23 (9) a person providing a consumer with a copy of the consumer's credit
24 report or credit score at the consumer's request; or

25 (10) a consumer credit reporting agency if the data base or file of the
26 consumer credit reporting agency consists entirely of information concerning and used
27 solely for one or more of the following purposes:

28 (A) criminal record information;

29 (B) personal loss history information;

30 (C) fraud prevention or detection;

31 (D) tenant screening; or

1 (E) employment screening.

2 (b) Except as provided by AS 45.48.190, the provisions of AS 45.48.100 -
3 45.48.290 do not apply to a person who acts only as a reseller of consumer
4 information.

5 **Sec. 45.48.290. Definitions.** In AS 45.48.100 - 45.48.290,

6 (1) "account review" means activities related to account maintenance,
7 account monitoring, credit line increases, and account upgrades and enhancements;

8 (2) "consumer" means an individual who is the subject of a credit
9 report or credit score;

10 (3) "consumer credit reporting agency" has the meaning given in
11 AS 45.48.990, but does not include a person who issues reports

12 (A) on incidents of fraud or authorizations for the purpose of
13 approving or processing negotiable instruments, electronic funds transfers, or
14 similar methods of payments; or

15 (B) regarding account closures because of fraud, substantial
16 overdrafts, automated teller machine abuse, or similar negative information
17 regarding a consumer to inquiring banks or other financial institutions for use
18 only in reviewing consumer requests for deposit accounts at the inquiring
19 banks or financial institutions;

20 (4) "reseller of consumer information" means a person who assembles
21 and merges information contained in the data bases of consumer credit reporting
22 agencies and does not maintain a permanent data base of consumer information from
23 which new consumer credit reports are produced;

24 (5) "security freeze" means a prohibition against a consumer credit
25 reporting agency from releasing all or a part of a consumer's credit report or credit
26 score without the express authorization of the consumer;

27 (6) "third party" means a person who is not

28 (A) the consumer who is the subject of the consumer's credit
29 report or credit score; or

30 (B) the consumer credit reporting agency that is holding the
31 consumer's credit report or credit score.

1 **Article 3. Protection of Social Security Number.**

2 **Sec. 45.48.400. Use of social security number.** A person may not

3 (1) intentionally communicate or otherwise make available to the
4 general public an individual's social security number;

5 (2) print an individual's social security number on a card required for
6 the individual to access products or services provided by the person;

7 (3) require an individual to transmit the individual's social security
8 number over the Internet unless the Internet connection is secure or the social security
9 number is encrypted;

10 (4) require an individual to use the individual's social security number
11 to access an Internet site unless a password, a unique personal identification number,
12 or another authentication device is also required to access the site; or

13 (5) print an individual's social security number on material that is
14 mailed to the individual unless

15 (A) local, state, or federal law, including a regulation adopted
16 under AS 45.48.470, expressly authorizes placement of the social security
17 number on the material; or

18 (B) the social security number is included on an application or
19 other form, including a document sent as a part of an application process or an
20 enrollment process, sent by mail to establish, amend, or terminate an account, a
21 contract, or a policy, or to confirm the accuracy of the social security number;
22 however, a social security number allowed to be mailed under this
23 subparagraph may not be printed, in whole or in part, on a postcard or other
24 mailer that does not require an envelope, or in a manner that makes the social
25 security number visible on the envelope or without the envelope's being
26 opened.

27 **Sec. 45.48.410. Request and collection.** (a) A person who does business in the
28 state, including the business of government, may not request or collect an individual's
29 social security number. This subsection does not prohibit a person from asking for
30 another form of identification from the individual.

31 (b) The prohibition in (a) of this section does not apply

1 (1) if the person is expressly authorized by local, state, or federal law,
2 including a regulation adopted under AS 45.48.470, to demand proof of the
3 individual's social security number, to collect the individual's social security number,
4 or to submit the individual's social security number to the local, state, or federal
5 government;

6 (2) if the person is engaging in the business of government and

7 (A) is authorized by law to request or collect the individual's
8 social security number; or

9 (B) the request or collection of the individual's social security
10 number is required for the performance of the person's duties or
11 responsibilities as provided by law;

12 (3) to a financial institution that is regulated by 15 U.S.C. 6801 - 6827
13 (Gramm-Leach-Bliley Financial Modernization Act) if the financial institution
14 requests or collects the individual's social security number to facilitate a transaction of
15 the individual;

16 (4) to a communication to or from a consumer reporting agency; in this
17 paragraph, "consumer reporting agency" has the meaning given in 15 U.S.C. 1681a
18 (Fair Credit Reporting Act);

19 (5) if the request or collection is for a background check on the
20 individual, law enforcement purposes, or the individual's employment, including
21 employment benefits; or

22 (6) if the disclosure does not have independent economic value, is
23 incidental to a larger transaction, and is necessary to verify the identity of the
24 individual.

25 **Sec. 45.48.420. Sale, lease, loan, trade, or rental.** (a) A person may not sell,
26 lease, loan, trade, or rent an individual's social security number to a third party.

27 (b) The prohibition in (a) of this section does not apply if the sale, lease, loan,
28 trade, or rental is

29 (1) expressly authorized by local, state, or federal law, including a
30 regulation adopted under AS 45.48.470;

31 (2) part of a report prepared by a consumer credit reporting agency in

1 response to a request by a person and the person submits the social security number as
2 part of the request to the consumer credit reporting agency for the preparation of the
3 report.

4 (c) A person who knowingly violates (a) of this section is guilty of a class A
5 misdemeanor. In this subsection, "knowingly" has the meaning given in AS 11.81.900.

6 **Sec. 45.48.430. Disclosure.** (a) A person doing business, including the
7 business of government, may not disclose an individual's social security number to a
8 third party.

9 (b) The prohibition in (a) of this section does not apply if

10 (1) the disclosure is expressly authorized by local, state, or federal law,
11 including a regulation adopted under AS 45.48.470;

12 (2) the person is engaging in the business of government and

13 (A) is authorized by law to disclose the individual's social
14 security number; or

15 (B) the disclosure of the individual's social security number is
16 required for the performance of the person's duties or responsibilities as
17 provided by law;

18 (3) the third party is a financial institution that is regulated by 15
19 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act), and the
20 disclosure is to facilitate a transaction of the individual;

21 (4) the disclosure is part of a report prepared by a consumer credit
22 reporting agency in response to a request by a person and the person submits the social
23 security number as part of the request to the consumer credit reporting agency for the
24 preparation of the report; or

25 (5) the disclosure is for a background check on the individual, law
26 enforcement purposes, or the individual's employment, including employment
27 benefits.

28 **Sec. 45.48.440. Interagency disclosure.** Notwithstanding the other provisions
29 of AS 45.48.400 - 45.48.480, a state or local governmental agency may disclose an
30 individual's social security number to another state or local governmental agency or to
31 an agency of the federal government if the disclosure is required in order for the

1 agency to carry out the agency's duties and responsibilities.

2 **Sec. 45.48.450. Exception for employees, agents, and independent**
3 **contractors.** (a) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, a
4 person may disclose an individual's social security number to an employee or agent of
5 the person for a legitimate purpose established by and as directed by the person, but
6 the employee or agent may not use the social security number for another purpose or
7 make an unauthorized disclosure of the individual's personal information.

8 (b) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, and
9 except as provided for an agent under (a) of this section, a person may disclose an
10 individual's social security number to an independent contractor of the person to
11 facilitate the purpose or transaction for which the individual initially provided the
12 social security number to the person, but the independent contractor may not use the
13 social security number for another purpose or make an unauthorized disclosure of the
14 individual's personal information.

15 **Sec. 45.48.460. Employment-related exception.** The provisions of
16 AS 45.48.400 - 45.48.480 may not be construed to restrict a person's use or exchange
17 of an individual's social security number

18 (1) in the course of the administration of a claim, benefit, or procedure
19 related to the individual's employment by the person, including the individual's
20 termination from employment, retirement from employment, and injury suffered
21 during the course of employment; or

22 (2) to check on an unemployment insurance claim of the individual.

23 **Sec. 45.48.470. Agency regulations.** If regulations are necessary in order for a
24 state agency to carry out the state agency's duties and responsibilities, a state agency
25 may adopt regulations under AS 44.62 (Administrative Procedure Act) to establish
26 when the state agency or a person regulated by the state agency may

27 (1) print an individual's social security number on material that is
28 mailed to the individual;

29 (2) demand proof from an individual of the individual's social security
30 number, collect from an individual the individual's social security number, or submit
31 an individual's social security number to a local, state, or federal agency;

1 (3) ask an individual to provide the state agency with the individual's
2 social security number;

3 (4) disclose an individual's social security number to a third party;

4 (5) sell, lease, loan, trade, or rent an individual's social security number
5 to a third party.

6 **Sec. 45.48.480. Penalties.** (a) A person who knowingly violates AS 45.48.400
7 - 45.48.430 is liable to the state for a civil penalty not to exceed \$3,000.

8 (b) An individual may bring a civil action in court against a person who
9 knowingly violates AS 45.48.400 - 45.48.430 and may recover actual damages or
10 \$5,000, whichever amount is greater, court costs allowed by the rules of court, and full
11 reasonable attorney fees.

12 (c) In this section, "knowingly" has the meaning given in AS 11.81.900.

13 **Article 4. Disposal of Records.**

14 **Sec. 45.48.500. Disposal of records.** (a) When disposing of records that
15 contain personal information, a business and a governmental agency shall take all
16 reasonable measures necessary to protect against unauthorized access to or use of the
17 records.

18 (b) Notwithstanding (a) of this section, if a business or governmental agency
19 has otherwise complied with the provisions of AS 45.48.500 - 45.48.590 in the
20 selection of a third party engaged in the business of record destruction, the business or
21 governmental agency is not liable for the disposal of records under AS 45.48.500 -
22 45.48.590 after the business or governmental agency has relinquished control of the
23 records to the third party for the destruction of the records.

24 (c) A business or governmental agency is not liable for the disposal of records
25 under AS 45.48.500 - 45.48.590 after the business or governmental agency has
26 relinquished control of the records to the individual to whom the records pertain.

27 **Sec. 45.48.510. Measures to protect access.** The measures that may be taken
28 to comply with AS 45.48.500 include

29 (1) implementing and monitoring compliance with policies and
30 procedures that require the burning, pulverizing, or shredding of paper documents
31 containing personal information so that the personal information cannot practicably be

1 read or reconstructed;

2 (2) implementing and monitoring compliance with policies and
3 procedures that require the destruction or erasure of electronic media and other
4 nonpaper media containing personal information so that the personal information
5 cannot practicably be read or reconstructed;

6 (3) after due diligence, entering into a written contract with a third
7 party engaged in the business of record destruction to dispose of records containing
8 personal information in a manner consistent with AS 45.48.500 - 45.48.590.

9 **Sec. 45.48.520. Due diligence.** In AS 45.48.510(3), due diligence ordinarily
10 includes performing one or more of the following:

11 (1) reviewing an independent audit of the third party's operations and
12 its compliance with AS 45.48.500 - 45.48.590;

13 (2) obtaining information about the third party from several references
14 or other reliable sources and requiring that the third party be certified by a recognized
15 trade association or similar organization with a reputation for high standards of quality
16 review; or

17 (3) reviewing and evaluating the third party's information security
18 policies and procedures, or taking other appropriate measures to determine the
19 competency and integrity of the third party.

20 **Sec. 45.48.530. Policy and procedures.** A business or governmental agency
21 shall adopt written policies and procedures that relate to the adequate destruction and
22 proper disposal of records containing personal information and that are consistent with
23 AS 45.48.500 - 45.48.590.

24 **Sec. 45.48.540. Exemptions.** (a) A business or a governmental agency is not
25 required to comply with AS 45.48.500 - 45.48.530 if federal law requires that the
26 business or governmental agency act in a way that does not comply with AS 45.48.500
27 - 45.48.530.

28 (b) A business is not required to comply with AS 45.48.500 - 45.48.530 if

29 (1) the business is subject to and in compliance with 15 U.S.C. 6801 -
30 6827 (Gramm-Leach-Bliley Financial Modernization Act); or

31 (2) the manner of the disposal of the records of the business is subject

1 to 15 U.S.C. 1681w (Fair Credit Reporting Act) and the business is complying with 15
2 U.S.C. 1861w.

3 **Sec. 45.48.550. Civil penalty.** (a) An individual, a business, or a governmental
4 agency that knowingly violates AS 45.48.500 - 45.48.590 is liable to the state for a
5 civil penalty not to exceed \$3,000.

6 (b) In this section, "knowingly" has the meaning given in AS 11.81.900.

7 **Sec. 45.48.560. Court action.** An individual who is damaged by a violation of
8 AS 45.48.500 - 45.48.590 may bring a civil action in court to enjoin further violations
9 and to recover damages for the violation and court costs and attorney fees allowed by
10 the rules of court.

11 **Sec. 45.48.590. Definitions.** In AS 45.48.500 - 45.48.590,

12 (1) "business" means a person who conducts business in the state or a
13 person who conducts business and maintains or otherwise possesses personal
14 information on state residents; in this paragraph,

15 (A) "conducts business" includes engaging in activities as a
16 financial institution organized, chartered, or holding a license or authorization
17 certificate under the laws of this state, another state, the United States, or
18 another country;

19 (B) "possesses" includes possession for the purpose of
20 destruction;

21 (2) "dispose" means

22 (A) the discarding or abandonment of records containing
23 personal information;

24 (B) the sale, donation, discarding, or transfer of

25 (i) any medium, including computer equipment or
26 computer media, that contains records of personal information;

27 (ii) nonpaper media, other than that identified under (i)
28 of this subparagraph, on which records of personal information are
29 stored; and

30 (iii) equipment for nonpaper storage of information;

31 (3) "governmental agency" means a state or local governmental

1 agency, except for an agency of the judicial branch;

2 (4) "personal information" means

3 (A) an individual's passport number, driver's license number,
4 state identification number, bank account number, credit card number, debit
5 card number, other payment card number, financial account information, or
6 information from a financial application; or

7 (B) a combination of an individual's

8 (i) name, address, or telephone number; and

9 (ii) medical information, insurance policy number,
10 employment information, or employment history;

11 (5) "records" means material on which information that is written,
12 drawn, spoken, visual, or electromagnetic is recorded or preserved, regardless of
13 physical form or characteristics, but does not include publicly available information
14 containing names, addresses, telephone numbers, or other information an individual
15 has voluntarily consented to have publicly disseminated or listed.

16 **Article 5. Factual Declaration of Innocence after Identity Theft; Right to File Police**
17 **Report Regarding Identity Theft.**

18 **Sec. 45.48.600. Factual declaration of innocence after identity theft.** (a) A
19 victim of identity theft may petition the superior court for a determination that the
20 victim is factually innocent of a crime if

21 (1) the perpetrator of the identity theft was arrested for, cited for, or
22 convicted of the crime using the victim's identity;

23 (2) a criminal complaint was filed against the perpetrator of the
24 identity theft by the victim; and

25 (3) the victim's identity was mistakenly associated with a record of a
26 conviction for a crime.

27 (b) In addition to a petition by a victim under (a) of this section, the
28 department may petition the superior court for a determination under (a) of this
29 section, or the superior court may, on its own motion, make a determination under (a)
30 of this section.

31 **Sec. 45.48.610. Basis for determination.** A determination of factual

1 innocence under AS 45.48.600 may be heard and made on declarations, affidavits,
2 police reports, or other material, relevant, and reliable information submitted by the
3 parties or ordered to be made a part of the record by the court.

4 **Sec. 45.48.620. Criteria for determination; court order.** (a) A court may
5 determine that a petitioner under AS 45.48.600 is factually innocent of a crime if the
6 court finds beyond a reasonable doubt that

7 (1) the petitioner is a victim of identity theft;

8 (2) the petitioner did not commit the offense for which the perpetrator
9 of the identity theft was arrested, cited, or convicted;

10 (3) the petitioner filed a criminal complaint against the perpetrator of
11 the identity theft; and

12 (4) the petitioner's identity was mistakenly associated with a record of
13 conviction for the crime.

14 (b) If a court finds under this section that the victim is factually innocent of a
15 crime, the court shall issue an order indicating this determination of factual innocence
16 and shall provide the victim with a copy of the order.

17 **Sec. 45.48.630. Orders regarding records.** After a court issues an order under
18 AS 45.48.620, the court may order the name and associated personal information of
19 the victim of identity theft that is contained in the files, indexes, and other records of
20 the court that are accessible by the public labeled to show that the name and personal
21 information of the victim of identity theft is incorrect.

22 **Sec. 45.48.640. Vacation of determination.** A court that has issued an order
23 under AS 45.48.620 may, at any time, vacate the order if the petition, or any
24 information submitted in support of the petition, is found to contain a material
25 misrepresentation, omission, or false information.

26 **Sec. 45.48.650. Court form.** The supreme court of the state may develop a
27 form to be used for the order under AS 45.48.620.

28 **Sec. 45.48.660. Data base.** The department may establish and maintain a data
29 base of individuals who have been victims of identity theft and who have received an
30 order under AS 45.48.620. The department shall provide a victim or the victim's
31 authorized representative access to a data base established under this section to

1 establish that the individual has been a victim of identity theft. Access to the a data
2 base established under this section is limited to criminal justice agencies, victims of
3 identity theft, and individuals and agencies authorized by the victims.

4 **Sec. 45.48.670. Toll-free telephone number.** The department may establish
5 and maintain a toll-free telephone number to provide access to information in a data
6 base established under AS 45.48.660.

7 **Sec. 45.48.680. Right to file police report regarding identity theft.** (a) Even
8 if the local law enforcement agency does not have jurisdiction over the theft of an
9 individual's identity, if an individual who has learned or reasonably suspects the
10 individual has been the victim of identity theft contacts, for the purpose of filing a
11 complaint, a local law enforcement agency that has jurisdiction over the individual's
12 actual place of residence, the local law enforcement agency shall make a report of the
13 matter and provide the individual with a copy of the report. The local law enforcement
14 agency may refer the matter to a law enforcement agency in a different jurisdiction.

15 (b) This section is not intended to interfere with the discretion of a local law
16 enforcement agency to allocate its resources to the investigation of crime. A local law
17 enforcement agency is not required to count a complaint filed under (a) of this section
18 as an open case for purposes that include compiling statistics on its open cases.

19 **Sec. 45.48.690. Definitions.** In AS 45.48.600 - 45.48.690,

- 20 (1) "crime" has the meaning given in AS 11.81.900;
21 (2) "department" means the Department of Law;
22 (3) "identity theft" means the theft of the identity of an individual;
23 (4) "perpetrator" means the person who perpetrated the theft of an
24 individual's identity;
25 (5) "victim" means an individual who is the victim of identity theft.

26 **Article 6. Truncation of Card Information.**

27 **Sec. 45.48.750. Truncation of card information.** (a) A person who accepts
28 credit cards or debit cards for the transaction of business may not print more than the
29 last four digits of the card number or the expiration date on any receipt or other
30 physical record of the transaction provided at the point of the sale or transaction.

31 (b) This section applies only to receipts that are electronically printed and does

1 no' apply to transactions in which the sole means of recording a credit card or debit
2 card account number is by handwriting or by an imprint or copy of the card.

3 (c) An individual may bring a civil action in court against a person who
4 knowingly violates this section and may recover actual damages or \$5,000, whichever
5 is greater, and court costs and attorney fees allowed by the rules of court.

6 (d) A person who knowingly violates this section is liable to the state for a
7 civil penalty not to exceed \$3,000.

8 (e) In this section,

9 (1) "credit" means the right granted by a creditor to a debtor to defer
10 payment of debt, to incur debts and defer payment of the debt, or to purchase property
11 or services and defer payment of the purchase; in this paragraph, "creditor" means a
12 person who regularly extends, renews, or continues credit, a person who regularly
13 arranges for the extension, renewal, or continuation of credit, or an assignee of an
14 original creditor who participates in the decision to extend, renew, or continue credit;

15 (2) "credit card" means a card, plate, coupon book, or other credit
16 device existing for the purpose of obtaining money, property, labor, or services on
17 credit;

18 (3) "debit card" means a card issued by a financial institution to a
19 consumer for use in initiating an electronic fund transfer from the account of the
20 consumer at the financial institution for the purpose of transferring money between
21 accounts or obtaining money, property, labor, or services;

22 (4) "knowingly" has the meaning given in AS 11.81.900.

23 **Article 7. General Provisions.**

24 **Sec. 45.48.990. Definitions.** In this chapter, unless the context indicates
25 otherwise,

26 (1) "consumer" means an individual;

27 (2) "consumer credit reporting agency" means a person who, for
28 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or
29 in part in the practice of assembling or evaluating consumer credit information or
30 other information on consumers for the purpose of furnishing credit reports to third
31 parties;

L

1 (3) "credit report" means a written, oral, or other communication of
2 information by a consumer credit reporting agency bearing on a consumer's credit
3 worthiness, credit standing, credit capacity, character, general reputation, personal
4 characteristics, or mode of living if the communication is used or expected to be used
5 or collected in whole or in part to serve as a factor in establishing the consumer's
6 eligibility for

7 (A) credit or insurance to be used primarily for personal,
8 family, or household purposes;

9 (B) employment purposes; or

10 (C) any other permissible purpose authorized under section 15
11 U.S.C. 1681b;

12 (4) "information system" means any information system, including a
13 system consisting of digital data bases and a system consisting of pieces of paper;

14 (5) "person" has the meaning given in AS 01.10.060 and includes a
15 state or local governmental agency, except for an agency of the judicial branch;

16 (6) "state resident" means an individual who satisfies the residency
17 requirements under AS 01.10.055.

18 **Sec. 45.48.995. Short title.** This chapter may be cited as the Alaska Personal
19 Information Protection Act.

20 * **Sec. 4.** AS 45.48.750 is amended by adding a new subsection to read:

21 (f) A person may not sell a device that electronically prints more than the last
22 four digits of a credit card or debit card on a consumer receipt for a business
23 transaction or on a copy retained by a business person for a business transaction.

24 * **Sec. 5.** AS 45.50.471(b) is amended by adding a new paragraph to read:

25 (52) an information collector, other than a governmental agency,
26 violating AS 45.48.010 - 45.48.090 (breach of security involving personal
27 information); in this paragraph,

28 (A) "governmental agency" has the meaning given in
29 AS 45.48.080;

30 (B) "information collector" has the meaning given in
31 AS 45.48.090.

1 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **INDIRECT COURT RULE AMENDMENTS.** (a) AS 45.48.640, enacted by sec. 3 of
4 this Act, has the effect of changing Rule 60(b), Alaska Rules of Civil Procedure, by allowing
5 a court to vacate an order on its own motion and at any time and by establishing a specific
6 criterion for vacating the order under AS 45.48.640.

7 (b) AS 45.48.480(b), enacted by sec. 3 of this Act, has the effect of changing Rule 82,
8 Alaska Rules of Civil Procedure, by changing the criteria for determining the amount of
9 attorney fees to be awarded to a party in an action under AS 45.48.480(b).

10 * **Sec. 7.** AS 45.48.470, enacted by sec. 3 of this Act, takes effect immediately under
11 AS 01.10.070(c).

12 * **Sec. 8.** AS 45.48.750(f), enacted by sec. 4 of this Act, takes effect January 1, 2009.

Summary of proposed PCI amendments to HB 65 (credit freeze provisions)

PCI has proposed a series of amendments to HB 65 that are designed to do two things:

1. Allow access to "frozen" consumer files for non-lending purposes (including insurance rating).
 - a. Identity thieves do not steal consumer information to buy home or auto insurance.
 - b. Insurers can more quickly, accurately and conveniently provide rate quotes to consumers with access to their consumer files.
2. Remove language added that was intended to help insurers, but in fact limits our ability to fairly provide accurate rate quotes to individuals with frozen credit files.
 - a. This language was suggested in 2006 as an alternative an insurer exemption, but regardless of whether an exemption is allowed or not, PCI supports removal of the language as noted below in **Sec. 45.48.110**.

Proposed amendments and their effect:

Article 2. Credit Report and Credit Score Security Freeze.

Sec. 45.48.100. Security freeze authorized. A consumer may place a "security freeze" notice on a their consumer file that prohibits a consumer reporting agency from releasing a consumer report relating to the extension of credit involving that consumer file without the express authorization of the consumer. ~~prohibit a consumer credit reporting agency from releasing all or a part of the consumer's credit report or credit score without the express authorization of the consumer by placing a security freeze on the consumer's credit report.~~

EFFECT: specifies that a consumer may place a security freeze on their consumer file (we use the term "consumer file" and "consumer report" to include non-credit consumer files, including driver records) which prevents the unauthorized release of consumer reports relating to the extension of credit. By omission, non-lending related access to "frozen" consumer reports is allowed.

Sec. 45.48.110. Placement of security freeze.

(e) If a security freeze is in place, a consumer credit reporting agency may not release the credit report or credit score to a third party that intends to use the information to determine a consumer's eligibility for credit or for the opening of a new account without the prior express authorization of the consumer.

(f) If a security freeze is in place on a consumer's credit report and credit score and if a third party applies to a consumer credit reporting agency to provide the third party with

access to the consumer's credit report or credit score, ~~the consumer credit reporting agency and, except as provided for insurers under (g) of this section,~~ the third party may treat the third party's application as incomplete unless the consumer authorizes the access under (a) of this section.

~~(g) If an insurer requests access to a consumer report on which a security freeze is in place, unless the consumer authorizes access under (a) of this section, the insurer may, notwithstanding AS 21.36.460,~~

- ~~(1) treat the consumer's application as incomplete;~~
- ~~(2) decline the consumer's application if the consumer does not lift the security freeze for the insurer after a request by the insurer or the insurer's agent;~~
- ~~(3) treat the consumer as if the consumer has a neutral credit rating;~~
- ~~(4) exclude the use of credit information as a factor and use only underwriting criteria;~~
or
- ~~(5) treat the consumer in a manner that is otherwise approved by the division of insurance.~~

~~(h)~~ (g) If a security freeze is in place, a consumer credit reporting agency may not...

EFFECT: Deletes language added to the bill at the request of insurers in 2006 that specifies how an insurer may deal with a consumer seeking rate information on an insurance policy if they have placed a "freeze" on their consumer file and cannot or will not lift the freeze in order to obtain the rate quote. With this change, all entities (absent a specific exemption or the "narrow consumer file definition" proposed above) will be required to treat a consumer with a "frozen" file in the same way. Even if the other amendments proposed here are not accepted, we support removing the language in the above section.

Sec. 45.48.290. Definitions. In AS 45.48.100 - 45.48.290,

(5) "security freeze" means a notice placed on a consumer file that prohibits a consumer reporting agency from releasing a consumer report relating to the extension of credit involving that consumer file ~~prohibition against a consumer credit reporting agency from releasing all or a part of a consumer's credit report or credit score~~ without the express authorization of the consumer.;

EFFECT: Specifies in the definition section that a "security freeze" means a notice on a consumer file prohibiting access to the file for purposes related to the extension of credit. By omission, non-lending purposes are thus not subject to the definition of a "security freeze."

Alaska Bankers Association

P.O. Box 100720 • Anchorage, Alaska 99510-0720 • 907-777-3011 • Fax 907-777-3029

April 11, 2007

Honorable John Coghill
Alaska House of Representatives
State Capitol, Room 214
Juneau, AK 99801-1182

Dear Representative Coghill:

The members of the Alaska Bankers Association are dedicated to protecting the privacy and security of sensitive customer information. Toward that end, the Alaska Bankers Association appreciates your desire to help protect our customers' financial information through your introduction of House Bill 65.

The Alaska Bankers Association supports many of the provisions proposed in HB 65, however, we would like to offer amendments that will enable financial institutions to protect the privacy of our customers without inhibiting our ability to provide our customers with the benefits resulting from the responsible transfer of information – i.e. fraud protection, quick credit approvals and convenient ATM services.

The amendments we are offering are the following:

Amendment #1 – Need for consistent and meaningful security breach requirements

As you are aware, there are a number of federal laws and numerous federal agencies that oversee the protection of customer information. Attached to this letter is a copy of the Interagency Guidelines for Information Security Standards. These guidelines primarily implement two statutes, Section 501(b) of the Gramm-Leach-Bliley Act, and Section 216 of the Fair and Accurate Credit Transactions Act.

These guidelines are drafted to ensure that customers are immediately notified of any material breach of information that has the potential to cause harm while, at the same time, guarding against causing undue customer concern by providing an exemption for incidents where the potential for misuse of information is negligible and unlikely.

The Alaska Bankers Association would like to see the language amended into the bill that would recognize any institution deemed in compliance with the extensive federal regulatory requirement is also deemed compliant under the provisions of this proposed legislation. Suggested draft amendments to this effect are attached and identified as “**Draft Amendment #1.**”

Amendment #2 – SSN protection provision so restrictive they could inadvertently inhibit ability to protect customers

While HB 65 currently contains an exception on the prohibition on disclosing SSN numbers for consumer reports under Fair Credit Reporting Act, there is no exception for other types of information where SSN might be a necessary identifier such as fraud alerts.

Consequently, if the fraudulent use of a person's financial information is suspected, under the current provisions of this measure, access to SSN would not be available to help differentiate a fraudster from an innocent individual with a similar name.

The Alaska Bankers Association would like to offer language that would provide for a disclosure exemption when the disclosure is necessary to process an individual's requested transaction. Suggested draft amendments to this effect are attached and identified as "**Draft Amendment #2.**"

Amendment #3 – Credit report challenge provisions could result in abuse

As currently drafted, HB 65 requires credit bureaus to stop reporting credit report information that has been challenged by the consumer until the disputed information has been re-verified. This would enable a devious consumer to challenge accurate information and immediately apply for credit, knowing that the bureau will not be able to report the challenged information for some time. Federal law and other state laws require the bureau to tag challenged information as "disputed," and are permitted to be reported until the 30-day reinvestigation period has run.

The Alaska Bankers Association would appreciate your consideration of an amendment that would conform HB 65 to federal and other existing state law requiring bureaus to tag challenged information as "disputed." Suggested draft amendments to this effect are attached and identified as "**Draft Amendment #3.**"

On behalf of the Alaska Bankers Association, we appreciate the opportunity to work with you to make meaningful changes to state law that protect the privacy of our customers while also allowing us to provide the services and benefits resulting from the responsible transfer of information. We believe the amendments we are offering will help achieve this worthwhile goal.

If you have any questions or require additional information, please contact the Alaska Bankers Association lobbyist in Juneau, Thyes Shaub, at 907.463.5118.

Sincerely,



David A. Lawer, President

Enclosures

Cc: Representative Anna Fairclough
Representative Les Gara
Representative Mike Hawker
Representative Scott Kawasaki
Representative Beth Kerttula
Representative Bob Lynn
Representative Jay Ramras
Representative Ralph Samuels

**Suggested Amendment to
Alaska House Bill No. 65**

✓ **Amendment #1** – conforming language to existing federal regulatory requirements.

- ✓ • On page 2, line 13, after “breach,” insert:
“made a reasonable determination as to whether unintentional use of the information has occurred or is likely to occur, and if so,”
- ✓ • On page 3, strike lines 23 and 24 in their entirety
- ✓ • On page 3, line 25, strike “(d)” and insert “(c)” in its place.
- ✓ • On page 6, between lines 14 and 15, insert an entirely new section as follows:
“**Sec. 45.48.095. Exemption.** This chapter does not apply to an information collector who is subject to 15 U.S.C. 6801-6827 (Gramm-Leach-Bliley Financial Modernization Act).”

✓ **Amendment #2** - providing a SSN disclosure exemption when the disclosure is necessary to process an individual's requested transaction.

- On page 19, strike lines 24 – 31 in their entirety.
- On page 20, strike lines 1- 18 in their entirety.
- In their place insert the following:

Sec. 45.48.420. Sale, lease, loan, trade, rental or disclosure. A person may not sell, lease, loan, trade, rent or otherwise intentionally disclose an individual's social security number to a third party unless (i) the person or entity has the written consent to the disclosure from the individual, or (ii) the disclosure is required or authorized by federal or state law. Nothing in this paragraph prohibits the sale, transfer or disclosure of an individual's Social Security number to a third party if the sale, transfer or disclosure has no independent economic value and is incidental to a larger transaction and is necessary for the purpose of verifying the identity of the individual.

✓ **Amendment #3** - preventing fraudulent use of credit report disputes

On page 17, replace lines 25-26 with the following:

"...immediately (1) initiate an investigation in to the accuracy of such information, (2) indicate that the accuracy of such information has been disputed in any subsequent consumer report containing such information pending completion of the reinvestigation; and, if such information cannot be reverified within thirty days, correct or delete such information in any subsequent consumer reports."

HB

69

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: HB 69

1 Page 1, lines 4 - 10:

2 Delete "(a) The governor shall [MAY] refer applications for executive clemency to
3 the board of parole and may not act on an application unless 60 days have elapsed since
4 the notice required under (b) of this section has been provided. The board shall
5 investigate each case and submit to the governor a report of the investigation, together with all
6 other information the board has regarding the applicant. When the report or investigation is
7 submitted, the board shall also transmit to the governor the comments it has received under
8 (b) of this section."

9 Insert "(a) The governor shall [MAY] refer applications for executive clemency to the
10 board of parole and may not act on an application unless 60 days have elapsed since the
11 notice required under (b) of this section has been provided. The board shall investigate
12 each case and submit to the governor a report of the investigation, together with all other
13 information the board has regarding the applicant. As part of its investigation, the board
14 shall determine if granting the application would benefit a personal or financial interest
15 of the governor, an employee of the governor's office, a commissioner, or an elected
16 public officer of the state. When the report or investigation is submitted, the board shall also
17 transmit to the governor the comments it has received under (b) of this section. In this
18 subsection, "personal interest" and "financial interest" have the meanings given in
19 AS 39.52.960."

(D) the executive director of a board or commission for the staff of the board or commission;

(E) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and

(F) the governor, for commissioners and for other public officers not included in (A) - (E) of this paragraph; or

(G) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;

(9) "financial interest" means

(A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;

(B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management;

(10) "gain" includes actual or anticipated gain, benefit, profit, or compensation;

(11) "immediate family member" means

(A) the spouse of the person;

(B) another person cohabiting with the person in a conjugal relationship that is not a legal marriage;

(C) a child, including a stepchild and an adoptive child, of the person;

(D) a parent, sibling, grandparent, aunt, or uncle of the person; and

(E) a parent or sibling of the person's spouse;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska

Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "nonsalaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee;

(B) a member of a board or commission; and

(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in AS 37.14.450 ;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

BILL ID: HB 69

00 HOUSE BILL NO. 69

01 "An Act relating to executive clemency."

02 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

03 * Section 1. AS 33.20.080(a) is amended to read:

04 (a) The governor shall [MAY] refer applications for executive clemency to
05 the board of parole and may not act on an application unless 60 days have elapsed
06 since the notice required under (b) of this section has been provided. The board
07 shall investigate each case and submit to the governor, within 60 days of receipt of the
application, a report of the investigation,

08 together with all other information the board has regarding the applicant. When the
09 report or investigation is submitted, the board shall also transmit to the governor the
10 comments it has received under (b) of this section.

11 * Sec. 2. AS 33.20.080(b) is amended to read:

12 (b) The board shall send notice of an application for executive clemency
13 to the Department of Law and the office of victims' rights within 5 days of receipt of the
application. If requested by the

14 victim of a crime against a person, a crime involving domestic violence, or arson in
15 the first degree, the board shall send notice of an application for executive clemency to
01 the victim within 5 days of receipt of the application. [SUBMITTED BY THE STATE

PRISONER WHO WAS CONVICTED

02 OF THAT CRIME]. The victim may comment in writing to the board on the
03 application for executive clemency. The board shall provide notice of any action
04 taken by the governor on an application for executive clemency to the
05 Department of Law, the office of victims' rights, and the victim.

AMENDMENT

OFFERED IN THE HOUSE JUDICIARY COMMITTEE

To: HB 69

By Representative Samuels

Page 1, Section 1

Conceptual

Add:

The governor may not pardon restitution.

AMENDMENT

OFFERED IN THE HOUSE JUDICIARY COMMITTEE

To: HB 69

By Representative Samuels

Page 1, Section 2

Edit:

(B) The board shall send notice of an application for executive clemency to the Department of Law, the office of victims' rights, and the victim [. IF REQUESTED BY] of a crime against a person, a crime involving domestic violence, or arson in the first degree [THE BOARD SHALL SEND NOTICE OF AN APPLICATION FOR EXECUTIVE CLEMENCY TO THE VICTIM].

AMENDMENT

OFFERED IN THE HOUSE JUDICIARY COMMITTEE

To: HB 69

By Representative Samuels

Page 1, line 5

Insert:

the board of parole and may not act, unless to deny, on an application unless 60 days
have elapsed...

Representative Ralph Samuels

Sponsor Statement House Bill 69

“An Act relating to executive clemency.”

House Bill 69 would amend Alaska statutes to require the governor to refer applications for executive clemency to the board of parole no less than 60 days prior to granting an executive clemency. The board of parole will then be required to notify the Department of Law, the Office of Victims' Rights and the victim (in the case of a crime involving domestic violence, arson in the first degree, or a crime against a person). A crime against a person includes homicide, assault, sexual offenses and all other crimes set out in AS11.41.

This amendment will not only ensure that victims of crimes are notified of the governor's intent to grant clemency but also allow them to become part of the process. By notifying the victims in advance, all parties involved can provide information that may or may not impact the final decision to grant clemency.

It is only fair that the victim of a crime be notified of the intent to grant clemency and that the governor have all applicable information regarding the crime before finalizing an executive clemency.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

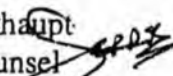
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 16, 2007

SUBJECT: Sectional Summary - HB 69 (Work Order No. 25-LS0317A)

TO: Representative Ralph Samuels

FROM: Gerald P. Luckhaupt
Legislative Counsel 

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 33.20.080(a) by requiring the governor to refer applications for executive clemency to the Board of Parole and further provides that the governor may not act on an application until at least 60 days have passed since notice of the application is provided by the Board of Parole to the Department of Law and the Office of Victim's Rights and, if applicable, the crime victim.

Section 2 of the bill amends AS 33.20.080(b) by requiring the Board of Parole to send notice of applications for executive clemency to the Department of Law and the Office of Victim's Rights and further provides that the board must provide notice of any action taken on the application by the governor to the Department of Law and the Office of Victim's Rights and, if applicable, to the crime victim.

GPL:med
07-0015.med

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 69 (JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
 Title An Act relating to executive clemency. RDU Administration and Operations
 Component Parole Board
 Sponsor Representative Samuels
 Requester House Judiciary Component No. 695

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should have no fiscal impact on the Department of Corrections.

Prepared by: Sharleen Griffin, Director Phone (907) 465-3339
 Division Administrative Services Date/Time 1/19/07 5:20 PM
 Approved by: Dwyane Peeples, Deputy Commissioner Date 1/19/2007
 Agency Department of Corrections

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB069-LAW-CJL-1-18-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to executive clemency and the RDU Criminal Division
notification of crime victims. Component Criminal Justice Litigation
 Sponsor Representative Samuels
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would amend current statute by requiring the Governor to submit all applications for executive clemency to the parole board and would mandate a sixty-day waiting period after their submission before any action could be taken on such applications. The bill would also require the parole board to notify the victims as well as the Department of Law and the Office of Victim's Rights of the initial application and any resulting action taken by the Governor.

It is not anticipated that this bill would have any significant fiscal impact upon the Department of Law.

Prepared by: Robert Meiners, Acting Director
 Division Administrative Services Division
 Approved by: Robert Meiners for Talis Colberg, Attorney General
 Agency Department of Law

Phone 465-5427
 Date/Time 1/18/07 11:44 AM
 Date 1/18/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB69
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
 Title "An Act relating to executive clemency." RDU Executive Operations
 Component Executive Office
 Sponsor Representative Samuels
 Requester House Judiciary Committee Component No. 6

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will have no fiscal impact on the Office of the Governor.

Prepared by: Gail Fenumiai, Asst. Admin. Director
 Division: Division of Administrative Services
 Approved by: Linda J. Perez, Administrative Director
 Agency: Office of the Governor, Division of Administrative Services

Phone 465-3885
 Date/Time 1/22/07, 11:20am
 Date _____

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB069-DOA-AS-1-22-07
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to executive clemency RDU Violent Crimes Compensation Board
 Component Violent Crimes Compensation Board
 Sponsor Representative Samuels
 Requester _____ Component No. 2694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Susan L. Browne
 Division: Violent Crimes Compensation Board
 Approved by: Kevin Brooks, Deputy Commissioner
 Agency: Department of Administration

Phone 907-465-5525
 Date/Time 1/22/2007 9:00 a.m.
 Date 1/22/2007

Sydney Morgan

From: Rep. Ralph Samuels
Sent: Thursday, January 18, 2007 12:41 PM
To: Sydney Morgan
Subject: FW: Victims Bill

-----Original Message-----

From: chris schelb [mailto:cschelb@chilkoot-nsn.gov]
Sent: Thursday, January 18, 2007 8:57 AM
To: Rep. Ralph Samuels
Subject: Victims Bill

Please do not waiver in your attempt to install the bill that calls for the survivor's to be notified and to make comment regarding pardons. With the Stone matter, I had the chance to read all investigation reports and the depositions of all parties involved in the death. This event was not an accident, and Frank Murkowski should be ashamed of himself for letting Fischer off the hook. The only way Fischer could have been more culpable would have been if he put a gun to Stone's head and pulled the trigger. Please make sure that a pardon for something like this never happens again.

Of note; I plan to write more detailed letters of support to my reps Bill Thomas and Albert K in support of your bill. If you have any questions or need assistance doing research, lobbying, or other, do not hesitate to contact me. Thanks.

Chris

Chris Schelb MPA
Director of Natural Resources
Chilkoot Indian Association
PO Box 490 Haines, AK 99827
907/766-2323 (ph)
907/766-2365 (fax)
907/314-0259 (cell)

Sydney Morgan

From: Rep. Ralph Samuels
Sent: Tuesday, January 16, 2007 8:01 AM
To: Sydney Morgan
Subject: FW: Thank You !!!

-----Original Message-----

From: Lysa Maher [mailto:lysamarie@gci.net]
Sent: Tuesday, January 16, 2007 7:16 AM
To: Rep. Ralph Samuels
Subject: Thank You !!!

For proposing The victims Bill !! The former Gov's gross abuse of authority in the Whitewater case was really the frosting on a corrupt cake, & so hard for many Alaskans to stomach, in part because it can't be changed . I can't help but to continue to ponder if Frank (flippin fired) Murkowski were to have taken a test to determine his level of brain loss due to demensia, ect, could his judgements be rendered null and void, like his consideration and compassion for the common people of this State ?
Thank You again
Lysa Maher