

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 10, 2020

3:02 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Co-Chair
Representative Grier Hopkins
Representative Andi Story
Representative Steve Thompson
Representative Sarah Vance
Representative Laddie Shaw

MEMBERS ABSENT

Representative Zack Fields, Co-Chair

COMMITTEE CALENDAR

HOUSE BILL NO. 233

"An Act relating to the display of documents on an electronic device."

- MOVED HB 233 OUT OF COMMITTEE

HOUSE BILL NO. 264

"An Act relating to proof of financial responsibility after certain motor vehicle accidents."

- MOVED HB 264 OUT OF COMMITTEE

HOUSE BILL NO. 250

"An Act relating to voter preregistration for minors at least 16 years of age."

- MOVED HB 250 OUT OF COMMITTEE

HOUSE BILL NO. 307

"An Act relating to living conditions for prisoners."

- HEARD & HELD

HOUSE BILL NO. 285

"An Act relating to the Alaska Coordinate System of 2022."

- HEARD & HELD

HOUSE BILL NO. 228

"An Act relating to notice provided to victims regarding petitions for removal from a registry that is published on the Internet; relating to the duration of the duty to register as a sex offender or child kidnapper; relating to petitions for removal from a registry that is published on the Internet; relating to the definitions of 'tier I sex offense,' 'tier II sex offense or child kidnapping,' and 'tier III sex offense or child kidnapping'; amending the definition of 'sex offense'; relating to the jurisdiction of the Court of Appeals; establishing Rule 35.3, Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 233

SHORT TITLE: ELECTRONIC DISPLAY OF REQUIRED DOCUMENTS

SPONSOR(s): REPRESENTATIVE(s) VANCE

02/05/20	(H)	READ THE FIRST TIME - REFERRALS
02/05/20	(H)	STA, JUD
03/03/20	(H)	STA AT 3:00 PM GRUENBERG 120
03/03/20	(H)	Scheduled but Not Heard
03/05/20	(H)	STA AT 3:00 PM GRUENBERG 120
03/05/20	(H)	Heard & Held
03/05/20	(H)	MINUTE(STA)
03/10/20	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 264

SHORT TITLE: PROOF OF INSURANCE: UNSATISFIED JUDGMENTS

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS

02/21/20	(H)	READ THE FIRST TIME - REFERRALS
02/21/20	(H)	STA, JUD
03/03/20	(H)	STA AT 3:00 PM GRUENBERG 120
03/03/20	(H)	Scheduled but Not Heard
03/05/20	(H)	STA AT 3:00 PM GRUENBERG 120
03/05/20	(H)	Heard & Held
03/05/20	(H)	MINUTE(STA)
03/10/20	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 250

SHORT TITLE: VOTER REGISTRATION AGE

SPONSOR(s): REPRESENTATIVE(s) HOPKINS

02/17/20 (H) READ THE FIRST TIME - REFERRALS
02/17/20 (H) STA, JUD
03/03/20 (H) STA AT 3:00 PM GRUENBERG 120
03/03/20 (H) Scheduled but Not Heard
03/05/20 (H) STA AT 3:00 PM GRUENBERG 120
03/05/20 (H) Heard & Held
03/05/20 (H) MINUTE (STA)
03/10/20 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 307

SHORT TITLE: EXPANDING PRISONER ACCESS TO COMPUTERS
SPONSOR(s): STATE AFFAIRS

03/05/20 (H) READ THE FIRST TIME - REFERRALS
03/05/20 (H) STA, JUD
03/10/20 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 285

SHORT TITLE: ALASKA COORDINATE SYSTEM OF 2022
SPONSOR(s): SHAW

02/24/20 (H) READ THE FIRST TIME - REFERRALS
02/24/20 (H) STA, RES
03/10/20 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 228

SHORT TITLE: SEX OFFENDER REGISTRY; NOTICE TO VICTIMS
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/27/20 (H) READ THE FIRST TIME - REFERRALS
01/27/20 (H) STA, JUD, FIN
03/10/20 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REID HARRIS, Staff
Representative Jonathan Kreiss-Thompson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 264 on behalf of Representative Kreiss-Tompkins, prime sponsor.

JUDY SMITH, Board Member
Kids Voting North Alaska
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 250.

ALEX KOPLIN

Kenai Peninsula Votes

Homer, Alaska

POSITION STATEMENT: Testified in support of HB 250.

KENGO NAGAOKA, Youth Civic Engagement Coordinator

Alaska Center Education Fund

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 250.

MAIDA BUCKLEY

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 250.

RACHEL HARTMAN

Wasilla, Alaska

POSITION STATEMENT: Testified in support of HB 250.

REID HARRIS, Staff

Representative Kreiss-Tomkins

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 307 on behalf of the House State Affairs Standing Committee, sponsor of the bill and which Representative Kreiss-Tomkins chairs.

JENNIFER WINKELMAN, Acting Deputy Commissioner

Department of Corrections (DOC)

Anchorage, Alaska

POSITION STATEMENT: Provided information and answered questions during the hearing on HB 307.

KELLY HOWELL, Special Assistant to the Commissioner

Department of Corrections (DOC)

Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 307.

JOSHUA WALTON, Staff

Representative Laddie Shaw

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 285 on behalf of Representative Shaw, prime sponsor.

MARTY PARSONS, Director

Division of Mining Land and Water
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 285.

GWEN GERVELIS, Surveys Manager
Division of Mining Land and Water
Department of Natural Resources (DNR)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 285.

JOHN SKIDMORE, Deputy Attorney General
Criminal Division
Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Presented HB 228 on behalf of the House Rules Standing Committee, sponsor, by request of the governor.

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

POSITION STATEMENT: Reviewed the sectional analysis for HB 228 on behalf of the House Rules Committee, sponsor, by request of the governor.

ACTION NARRATIVE

[3:02:45 PM](#)

CO-CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:02 p.m. Representatives Shaw, Hopkins, Story, Thompson, Vance, and Kreiss-Tomkins were present at the call to order.

HB 233-ELECTRONIC DISPLAY OF REQUIRED DOCUMENTS

[3:04:16 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 233, "An Act relating to the display of documents on an electronic device."

[3:04:32 PM](#)

CO-CHAIR KREISS-TOMKINS opened public testimony on HB 233. After ascertaining that there was no one who wished to testify, he closed public testimony.

[3:04:54 PM](#)

REPRESENTATIVE VANCE, prime sponsor of HB 233, expressed her desire to strengthen the statutes for people's privacy.

The committee took a brief ease.

[3:05:21 PM](#)

REPRESENTATIVE THOMPSON moved to report HB 233 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 233 was reported from the House State Affairs Standing Committee.

HB 264-PROOF OF INSURANCE: UNSATISFIED JUDGMENTS

[3:05:59 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 264, "An Act relating to proof of financial responsibility after certain motor vehicle accidents."

[3:06:26 PM](#)

CO-CHAIR KREISS-TOMKINS opened public testimony on HB 264. After ascertaining that there was no one who wished to testify, he closed public testimony.

[3:06:43 PM](#)

REPRESENTATIVE THOMPSON asked Representative Kreiss-Tomkins, prime sponsor of HB 264, what prompted him to introduce the proposed legislation.

[3:07:04 PM](#)

REID HARRIS, Staff, Representative Jonathan Kreiss-Thompson, Alaska State Legislature, on behalf of Representative Kreiss-Tompkins, prime sponsor of HB 264, explained that the requirement for a lifetime SR-22 insurance for an unsatisfied judgement - that is, a failure to pay for damages after causing injury, death, or property damage of over \$501 [in a motor

vehicle accident] - even after the judgement has been staid or satisfied, is an onerous requirement. Under the proposed legislation, it would be necessary for the judgement to be staid or satisfied; however, the SR-22 would only be required for three years from the time the judgement was satisfied.

[3:08:32 PM](#)

REPRESENTATIVE THOMPSON moved to report HB 264 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, HB 264 was reported from the House State Affairs Standing Committee.

HB 250-VOTER REGISTRATION AGE

[3:08:59 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 250, "An Act relating to voter preregistration for minors at least 16 years of age."

[3:09:39 PM](#)

CO-CHAIR KREISS-TOMKINS opened public testimony on HB 250.

[3:09:46 PM](#)

JUDY SMITH, Board Member, Kids Voting North Alaska, testified that her board expressed that HB 250 would be very beneficial in enlisting youth involvement in their own registration process - more so than offered by the automatic system. The goal of her organization is to interest young people in voting early in their lives so that voting becomes part of the "family fabric." The organization urges students to vote with their families, thus, encouraging parents to vote. She expressed her belief that passage of HB 250 would raise the percentage of voters among young people and impact families as well.

[3:11:02 PM](#)

ALEX KOPLIN, Kenai Peninsula Votes, testified that his organization is non-partisan and encourages people to vote. He expressed his support for the proposed legislation to increase voter turnout, to engage voters, and to highlight the importance of voting. He maintained that it would increase engagement among young people, as well as in high schools and in families. He emphasized that increasing the percentage of voters is a non-

partisan issue and getting people out to vote is an ongoing challenge.

[3:13:40 PM](#)

KENGO NAGAOKA, Youth Civic Engagement Coordinator, Alaska Center Education Fund, testified that he became involved in local issues at an early age. He works on voter engagement of young people and creating opportunities for young people to get involved in the political process. The work of his organization is non-partisan. He maintained that HB 250 would expand voter engagement opportunities into high school; most high schoolers turn age 18 after graduation. High school offers an incredible opportunity for teachers to be able to talk about voting with their students. He mentioned a practice in other states to send out voter registration forms with graduation diplomas. He said that HB 250 would provide an entry point for the next generation of Alaska leaders.

[3:16:31 PM](#)

MAIDA BUCKLEY, paraphrased from her written testimony, which read [original punctuation provided]:

Thank you for this opportunity to submit testimony regarding HB250.

"A republic, if you can keep it."

Ben Franklin's now famous words spoken at the conclusion of the Constitution Convention in 1787 carry authenticity today. These words acknowledge the fragile nature of representative democracy that is dependent upon citizen participation. It is the government's responsibility to protect and promote the right to participate, whether it is by speech, by petition, or by the vote. In this light, I support HB250's providing a process of pre-registration for 16 year olds. By engaging young people in the election process, HB250 strengthens our democratic republic. Studies have shown that voter turnout is enhanced when voter registration is streamlined.

HB 250 instills in our youth the importance of voting to maintain democratic institutions and provides the foundation for creating a robust electorate, both

principles guiding our founding fathers in their efforts to provide a strong and lasting democracy.

MS. BUCKLEY added the following testimony:

... the government's responsibility to protect and promote the right to participate in our system of representative government. As a society, we believe that every student learn and recite the words to both the "Pledge of Allegiance" and "The Star-Spangled Banner." Similarly, learning the voting process, how to register, how to find polling places, let alone, reading and marking ballots, provide students with this tool. This bill fulfills the promise of representative government that our founders presented in the Declaration.

In conclusion, it seems unfathomable that women were not allowed the right to vote a hundred years ago but as we celebrate this hundredth anniversary, I'm ironically reminded of [what] ... Antoinette Blackwell, an early suffragette, said, "We fully believed, so soon as we saw that woman's suffrage was right, everyone would soon see the same thing, that in a year or two, at farthest, it would be granted."

MS. BUCKLEY pointed out that it took over 70 years for suffrage to be granted. She stated that since passage of the Nineteenth Amendment to the U.S. Constitution, suffrage has been extended to other groups, and other barriers to voting have been removed through government actions. She maintained that HB 250 represents a continuation of that trend. She expressed the value of Kids Voting in high school and civic engagement that directly involves students in the process, not just in theory, but in actual actions to ensure civic participation in the democratic republic.

[3:20:36 PM](#)

RACHEL HARTMAN paraphrased from her written testimony, which read [original punctuation provided]:

I am Rachel Hartman, an 18 year old senior at Matsu Career and Technical High School in Wasilla. I support this bill because I believe it will be an effective first step in mobilizing my peers to become more active in politics early on in their lives. When

people are actively going to school they tend to be more engaged in how the government runs by way of Civics and Government classes. In Alaska we even have a student government conference called the Alaska Association of Student Governments abbreviated to AASG where around 300 students from all over Alaska come together twice a year to hear resolutions and decide whether we support them as a whole. In the past AASG has passed resolutions that support the lowering of the voting age to 16 under specific circumstances such as in 2018 it was only for municipal elections. Though this bill only establishes preregistration, it reflects the demands that Alaska's students have expressed so frequently. Young people want to get out there and do their civic duty and registration is a good place for them to start. Often people graduate at 17 and are not registered before they had [sic] off to college and are in a transitional period, in that time many forget to register and vote as they turn 18 and are eligible for the first time in their lives. I believe this bill will help young people be ready to vote when they are available to perform their civic duty.

CO-CHAIR KREISS-TOMKINS closed public testimony.

[3:22:32 PM](#)

REPRESENTATIVE VANCE clarified that the state has actively put in place a mechanism for automatic registration of Alaskans when applying for their PFDs. She maintained that the issue of people "falling through the cracks" has already been addressed, and pre-registration for 18-year-olds already exists. She said that she asked a 16-year-old what his/her peers thought about the topic; the response was that registering to vote at 16 and not being allowed to vote is a major letdown.

REPRESENTATIVE VANCE maintained that she likes the educational element of the proposed legislation; however, HB 250 does not include any educational mechanism that the teachers don't already have. She expressed her understanding that the intent of HB 250 is to encourage engagement through activity in the process. She acknowledged that more needs to be done to make young people - and all Alaskans - aware of the process. She stated that her overall objection is due to the FN, which is a challenge at this time

[3:25:23 PM](#)

REPRESENTATIVE STORY emphasized the importance of an educated public and encouraging young people to vote. She mentioned that she has witnessed the interest and engagement of students in local issues and elections - both in student government classes and at home. She expressed her belief that HB 250 would serve Alaskans well in the future by encouraging more people to be active in elections. She lamented the small turnout in elections and the fact that few voters are making decisions affecting municipalities and choosing their representatives.

[3:27:30 PM](#)

REPRESENTATIVE THOMPSON moved to report HB 250 out of committee with individual recommendations and the accompanying fiscal note. There being no objection, HB 250 was reported from the House State Affairs Standing Committee.

HB 307-EXPANDING PRISONER ACCESS TO COMPUTERS

[3:27:54 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 307, "An Act relating to living conditions for prisoners."

[3:28:16 PM](#)

REID HARRIS, Staff, Representative Kreiss-Tomkins, Alaska State Legislature, paraphrased from the sponsor statement, which read:

HB 307 bill amends AS 33.30.015(a) relating to living conditions for prisoners by removing the restriction prohibiting a prisoner from possessing a computer in the prisoner's cell, and expanding the approved purposes for which a prisoner may use a computer to include facilitation of rehabilitation and reintegration, access to legal reference materials, visitation, or as part of a reentry plan.

[3:29:12 PM](#)

JENNIFER WINKELMAN, Acting Deputy Commissioner, Department of Corrections (DOC), relayed that the department supports HB 307 - the use of computers by inmates for reentry and rehabilitative purposes. She pointed out the zero-fiscal note (FN) and stated

that under HB 307, the prohibition on inmate access to computers would be lifted; once the restriction was lifted, the department would consider the technologies and opportunities that exist.

[3:30:24 PM](#)

REPRESENTATIVE VANCE asked about department oversight regarding the inmate use of computers.

MS. WINKELMAN answered that oversight would be addressed in the next phase. She said that the phase of lifting the restrictions would be first; examining the policies for oversight and determining the details of implementation would be in a second phase.

REPRESENTATIVE VANCE offered that "reintegration into society" is vague. She maintained that the general public would support efforts to assist inmates with education and reintegration; and she acknowledged the importance of accessing services. She stated, however, that the phrase "reintegration into society" is too vague; the parameters of what an inmate may access is not well defined; and an inmate could legally demand access to social media and video games.

MS. WINKELMAN responded that to date, the focus has been on General Education Development (GED) testing, [access to] Medicaid [a government health care insurance program], and "for the system to be able to create some sort of efficiency for other departments." She stated that she acknowledged the concerns and would welcome an amendment.

CO-CHAIR KREISS-TOMKINS commented that although the language is permissive, in no way would an inmate have the legal right to demand access to video games.

MS. WINKELMAN concurred, and reiterated that the department has not had discussions on policies to address the concerns brought forward by Representative Vance.

[3:33:46 PM](#)

REPRESENTATIVE STORY commented that school districts have information technology (IT) security measures; they dictate the sites that may or may not be accessed; the schools can monitor what students are accessing. She offered that DOC IT could also provide that security.

REPRESENTATIVE THOMPSON asked whether DOC would provide the computers for computer access.

MS. WINKELMAN answered no.

CO-CHAIR KREISS-TOMKINS expressed his understanding that currently there is electronic device access by inmates and asked what devices they access and who provides the devices.

MS. WINKELMAN replied that currently in facility education departments with computers, the computers are older and without internet access. In certain institutions, an inmate can purchase a video game machine; however, any of the computers provided to the inmates are "locked down" in the education department and overseen by correctional officers (COs) or education coordinators.

[3:36:21 PM](#)

REPRESENTATIVE VANCE asked for a clear statement of the goal for lifting the prohibition and exactly what opportunities exist for reintegration into society under HB 307.

[3:37:26 PM](#)

KELLY HOWELL, Special Assistant to the Commissioner, Department of Corrections (DOC), answered that the department considered knowledge and awareness of the use of technology as one of the aspects facilitating successful reintegration; once inmates are released, they would have a familiarity with filling out an online application for employment or health benefits.

CO-CHAIR KREISS-TOMKINS summarized that the intent of the proposed legislation is clear philosophically and as such, has the support of the committee; however, more specificity is needed on implementation mechanically and programmatically.

REPRESENTATIVE VANCE asked whether the use of computers for reentry would occur within the education department, or whether there are other areas in the prison where that would occur.

MS. WINKELMAN answered that often the education department area is where reentry courses are held; however, many times volunteers from community and the reentry coalitions and the field and institutional probation officers (POs) work with inmates to prepare them for release. Not just the education

coordinators or teachers in the facility help with the reentry program.

CO-CHAIR KREISS-TOMKINS stated that HB 307 would be held over.

HB 285-ALASKA COORDINATE SYSTEM OF 2022

[3:40:30 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 285, "An Act relating to the Alaska Coordinate System of 2022."

[3:40:49 PM](#)

REPRESENTATIVE SHAW introduced HB 285, as prime sponsor, by saying that HB 285 would revise the Alaska Statute chapter 38.20, known as the Alaska Coordinate System.

[3:41:01 PM](#)

JOSHUA WALTON, Staff, Representative Laddie Shaw, Alaska State Legislature, paraphrased from his written talking points, which read:

- Thank you Mister Co-Chair, and thank you for the opportunity to present House Bill 285 to the committee.
- House Bill 285 revises Alaska Statute chapter 38.20, known as the Alaska Coordinate System, to reflect changes in the federal datum used as a base for the coordinate system and to allow for future updates.
- The updated 2022 datum and Alaska Coordinate System will greatly improve accuracy, eliminate known issues, and provide Alaskans an easy system to share positioning data and access to the National Spatial Reference System.
- So what is a geodetic datum?
 - A geodetic datum is a tool used to define the shape and size of the earth, as well as the reference point for the various coordinate systems used in mapping the earth.
 - Datums are used in geodesy (the study of the Earth's shape), navigation, and surveying by

cartographers and satellite navigation systems to translate positions indicated on maps (paper or digital) to their real position on Earth.

- o Each starts with an ellipsoid (stretched sphere), and then defines latitude, longitude and altitude coordinates.
- o One or more locations on the Earth's surface are chosen as anchor "base-points".
- The Earth, of course, is not a perfect ellipsoid. It has hills, mountains, canyons, valleys, and the like.
- Previous datums have not always been able to be [sic] capture these deviations accurately and consistently.
 - o For example the most recent datum incorporated in statute - the North American Datum of 1983, adopted into statute as the Alaska Coordinate System of 1983 - provides horizontal positions in latitude and longitude, but not elevation or altitude positions.
- Fortunately, the forthcoming National Geodetic Survey datum represents a significant improvement in this regard.
- It relies completely on reference stations that continuously receive GPS information.
- For elevation, it combines the previous ellipsoid height estimations with geoid estimations which are based in variations in the Earth's gravity.
- We have a short video going over this which may make things a bit more clear.

[3:43:47 PM](#)

[A 4-minute, 40-second video from the National Geodetic Survey (NGS), National Oceanic and Atmospheric Administration (NOAA), entitled "What's Next for Geodetic Datums?" was shown, and can be found through the internet link:

https://geodesy.noaa.gov/corbin/class_description/NGS_Datums_video_2c/

[3:47:57 PM](#)

MR. WALTON continued with his presentation, which read:

- To sum up, this new datum will allow for much more precise and standardized positioning, which will be of enormous value for purposes of accurate navigation and surveying.
- By incorporating this forthcoming datum into our statutes, House Bill 285 helps ensure that the State of Alaska is prepared to make full use of the latest and greatest technical standards available.
- Once this new datum is adopted, the National Geodetic Survey will no longer support the old systems. Alaska will not be able to take advantage of improvements in geodetic positioning, in particular the new gravity-based elevation which will dramatically improve the ability to measure elevations in Alaska.
- Forty-eight states have adopted state plane coordinate systems in their statutes; all will need to be updated.
- House Bill 285 does that for Alaska.
- Scientists, surveyors, design professionals, GIS specialists, and the geospatial community will all benefit from an improved coordinate system that minimizes linear distortions and is designed to include population centers and resource development.
- Even though the change is over a year away, the time to prepare is now. While tools will be available to facilitate the transformation of specific position information, it can take years to change products services or databases. Passage of HB 285 is critical to Alaska maintaining accuracy to survey and mapping in the near future.
- I should note - if I haven't made it painfully obvious already - that this is not a particular area of expertise for me.
- Fortunately, I don't have to go it alone today; on the line we have some folks from the Department of Natural Resources who are far more [knowledgeable] than I am, specifically:
 - Gwen Gervelis - Chief Surveyor, State Geodetic Coordinator

- o Kris Hess - Deputy Director, Mining, Land and Water
- With that, I'm happy to go through the brief sectional analysis, if that's the will of the committee.
- That's all I have. Thank you for the opportunity to present this legislation, and I remain available for questions.

[3:51:01 PM](#)

CO-CHAIR KREISS-TOMKINS asked why such specificity regarding geodetic datums is written into law.

[3:51:41 PM](#)

MARTY PARSONS, Director, Division of Mining Land and Water, Department of Natural Resources (DNR), expressed that he did not know why, but his guess is that working with a single datum offers consistency among all the different surveying platforms and ensures information is consistent throughout the various types of survey and scientific operations.

REPRESENTATIVE SHAW added that spatial perspective is important relative to establishing the geodesic survey, which, in turn, is important for hiking. He said that if a person is hiking 1,000 vertical feet, he/she would want to be sure the measurement is exact.

CO-CHAIR KREISS-TOMKINS asked for the likelihood that the coordinate system would change in a decade or two based on improved technology, and the state would again change its statute.

MR. PARSONS replied that changes in the coordinate system are out of the state's control; the U.S. Geological Survey (USGS) and NOAA NGS control the coordinate system; the last correction was in 1983 and before that in 1927. He maintained that once the datums are put in place, they are there for a significant period.

REPRESENTATIVE SHAW added that since 1983, so much has changed due to advanced technology and satellite-based systems; it is hard to imagine improvements happening very soon.

REPRESENTATIVE VANCE asked how the change in statute would affect activity in DNR and other systems.

MR. WALTON responded that it would enable DNR and all state agencies that do surveying to operate with a much more precise positioning system. Locations can be identified more clearly and with more accuracy and less dispute over boundary lines.

MR. PARSONS explained that it is important to keep in mind that as people increase their ability to locate themselves precisely on the face of the earth and do so quickly, it significantly cuts down time and expense in the surveying process, not only for surveyors but for lay people. He added that it enables the state to better monitor the movement of dams and other structures due to tectonics.

[3:57:19 PM](#)

REPRESENTATIVE HOPKINS asked whether Alaska has enough reference stations to produce satisfactory results in remote areas of state.

MR. PARSONS answered that with the updated Alaska Coordinate System, the state would have enough Continuously Operating Reference Stations (CORS) allowing Alaska to do real-time differential adjustment. Under the current system, Alaska would need a significant number of additional stations.

REPRESENTATIVE HOPKINS asked how the current system differs from the system proposed under HB 285 in terms of having enough stations.

MR. PARSONS explained that the new system would work with the number of stations Alaska has; under the current system, Alaska would need to increase the number of CORS to perform real-time adjustment.

[3:59:51 PM](#)

GWEN GERVELIS, Surveys Manager, Division of Mining Land and Water, Department of Natural Resources (DNR), relayed that the current CORS in the state are adequate for accessing the National Spatial Reference System (NSRS) under the [2022] datum and coordinate system update which is proposed under HB 285; the CORS were used to measure the state for the system.

REPRESENTATIVE STORY referred to testimony that 48 states have made these changes and expressed her understanding that Alaska is "behind the curve" in adopting the new coordinates. She mentioned the zero-fiscal note (FN). She asked how many other changes would be needed in response to changing the geographical coordinate system and the length of time to make the change.

MR. WALTON responded that there are 48 states, including Alaska, that have adopted the State Plane Coordinate System (SOCS) in statute. Any state with those statutes, would need to update them ahead of the 2022 datum coming online, because the NGS will support the new specifications and stop supporting the old ones. He opined that there is a zero FN because the coordinate system is created and provided by the federal government; therefore, the state would only need the statutory change to allow it to use the new standard, but would not need additional equipment.

MR. PARSONS concurred with Mr. Walton's explanation and added that the coordinate change represents a mathematical conversion. If Alaska does not update its coordinate system to the 2022 references, it would have to do the conversions itself, which introduces error. Updating to the new system would eliminate the error, allow Alaska to take the readings directly from the equipment, and put the readings directly into the different surveying and scientific programs that use the information.

[4:04:49 PM](#)

REPRESENTATIVE HOPKINS asked whether surveyors and private surveying companies would need to purchase additional equipment or programs to utilize the data.

MS. GERVELIS answered, "No, they will not." She added that the current Global Navigation Satellite System (GNSS) equipment that they use will access the [updated] system; NOAA NGS will create software to make the transition smooth.

CO-CHAIR KREISS-TOMKINS indicated that HB 285 would be held over.

[4:05:54 PM](#)

The committee took a brief at-ease.

HB 228-SEX OFFENDER REGISTRY; NOTICE TO VICTIMS

[Contains discussion of HB 49.]

[4:06:17 PM](#)

CO-CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 228, "An Act relating to notice provided to victims regarding petitions for removal from a registry that is published on the Internet; relating to the duration of the duty to register as a sex offender or child kidnapper; relating to petitions for removal from a registry that is published on the Internet; relating to the definitions of 'tier I sex offense,' 'tier II sex offense or child kidnapping,' and 'tier III sex offense or child kidnapping'; amending the definition of 'sex offense'; relating to the jurisdiction of the Court of Appeals; establishing Rule 35.3, Alaska Rules of Criminal Procedure; and providing for an effective date."

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JOHN SKIDMORE, Deputy Attorney General, Criminal Division, Department of Law (DOL), on behalf of the House Rules Standing Committee, sponsor, by request of the governor, relayed that HB 228 is in response to the Alaska Supreme Court decision of June 2019, Doe v. Department of Public Safety. It held that offenders on the sex offender registry must be afforded the opportunity to be removed from the registry, if they can demonstrate that they no longer pose a danger to the public. The decision was based on the Alaska State Constitution's "Right of Privacy" provision [Article I, Section 22], and stated that the state's sex offender registry, without affording an offender the opportunity to be removed, is unconstitutional. The decision discussed an offender on the registry being denied housing, employment, and living in a certain community.

MR. SKIDMORE explained that HB 228 would provide the legislature with an opportunity to provide guidance to practitioners and the courts about the burden of proof that an offender must produce to establish that he/she is no longer a danger - "beyond a reasonable doubt," "clear and convincing evidence," or "probable cause." He posed the following questions: What sort of prior convictions or other factors might influence the decision about whether an individual is dangerous? How long must an offender be on the registry before he/she is able to apply to be removed from the registry? If an offender is denied, can he/she reapply to be removed? If so, how frequently and what sort of factors would determine whether the offender could reapply?"

MR. SKIDMORE stated that there are two components to the registry: the law enforcement registry, which is used for law

enforcement purposes, and the information posted online for the public to view. Under current law, a smaller subset of the information provided to law enforcement is posted online. All the concepts that the Alaska Supreme Court found that violate the Alaska State Constitution are based on the public registry. Another very significant question is, "When an individual has the opportunity to be removed from the registry, is that simply an opportunity to not have their information published to the public, or does that mean that they never have to provide any information to law enforcement, once they've met that burden?" He maintained that these are all questions that need to be answered and are best answered by the legislature. He said that HB 228 would afford the legislature the opportunity to discuss these issues and provide guidance on policy.

MR. SKIDMORE noted that HB 228 would also bring Alaska's registry into closer alignment with the federal government and other states. He relayed that the proposed legislation accomplishes this in two ways: First, it creates three tiers of registry for evaluating different types of offenses instead of two tiers of registry. Second, there is additional information that Alaska does not currently require that would be helpful for law enforcement. An example is international travel information. When an individual from another country travels to the U.S., the U.S. State Department asks the other country to advise it if the individual has been convicted or held responsible in that other country for a sex offense. The U.S. government wants to monitor the sex offender who is coming to the U.S. Likewise, other countries want that information on U.S. citizens that travel. This information is valuable for law enforcement but is never posted on a public registry.

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CO-CHAIR KREISS-TOMKINS asked what would happen if the legislature took no action.

MR. SKIDMORE answered that all the questions that he posed are under litigation in the superior court. If the legislature does not act, then the courts would have to continue to legislate "from the bench" to answer the questions. He stated that if decisions are made on a case by case basis, then each superior court judge would make decisions independently on each case. There is no controlling guidance from one superior court to another. The only way judges would be bound and uniformity brought to the process is if there was a conflict in the lower courts and the case was heard by the court of appeals or the

Alaska Supreme Court. In that case, one of them would have to legislate from the bench and provide guidance. He said that another option would be for the Alaska Court System to adopt rules to answer the questions - again resulting in the judicial branch legislating and providing policy guidance instead of the legislature. He added that if the legislature does not act, there would be two outcomes: 1) increased litigation and expense, and 2) a lack of guidance resulting in continued confusion and cases handled in different manners. He added that if the legislature were to decide that it doesn't agree with the courts, it would have no ability to reverse the decisions.

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REPRESENTATIVE HOPKINS asked how a minor - in the case of a 14-year-old sending a nude photograph through a [cell] phone - would be treated under the tiered system and be removed from a sex registry.

MR. SKIDMORE replied that in Alaska, minors are not required to register for sex offenses; therefore, they would not be impacted under HB 228 or current law.

REPRESENTATIVE VANCE referred to the chart from DOL, entitled "Sex Offender Registration" and included in the committee packet, and asked how the benchmarks for the tiers were chosen: registration with the Department of Public Safety (DPS) for 10 years under Tier I, 15 years under Tier II, and Life under Tier III; eligible for removal from the online registry at 5 years under Tier I, 10 years under Tier II, and 15 years under Tier III.

MR. SKIDMORE answered that the tiers in the chart are those used by the federal government and by most states in the country. Alaska is following other states for a uniform approach nationwide. The tier system and the time frames are in line with what other states are doing.

REPRESENTATIVE VANCE asked whether there is data showing that a sex offender or kidnapper is unlikely to reoffend after a certain number of years to support the schedule in the chart.

MR. SKIDMORE acknowledged that he is not aware of studies on that issue. Most of the states in the country have statutory provisions like what the Alaska Supreme Court is requiring the legislature to enact - a way for individuals to be removed from

the registry if they can demonstrate that they no longer pose a danger.

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REPRESENTATIVE VANCE asked Mr. Skidmore to elucidate on "Class A Misdemeanor Sex Offense: Sexual Abuse of a Minor 4" under Tier 1.

MR. SKIDMORE responded that misdemeanor sex offenses are the least serious of the sex offenses. Sex offenses are characterized by sexual penetration and sexual contact; and misdemeanors relate to sexual contact, as defined under AS 11.41.427(a)(1)-(5), which read in part:

(a) An offender commits the crime of sexual assault in the fourth degree if

(1) while employed in a state correctional facility or other placement designated by the commissioner of corrections for the custody and care of prisoners, the offender engages in sexual contact with a person who the offender knows is committed to the custody of the Department of Corrections to serve a term of imprisonment or period of temporary commitment;

(2) the offender engages in sexual contact with a person 18 or 19 years of age who the offender knows is committed to the custody of the Department of Health and Social Services under [AS 47.10](#) or [AS 47.12](#) and the offender is the legal guardian of the person;

MR. SKIDMORE pointed out that the sexual contact cited involves someone older and not sexual abuse of a minor.

REPRESENTATIVE VANCE asked what the legal effects would be for the state, if it chose to increase the time frames [for being on the online registry] under the tiers.

MR. SKIDMORE answered that he does not know at what point the court would conclude that the length of time someone is on the registry is longer than what the court considers due process required under the Alaska State Constitution. He offered that the courts have indicated that someone needs to be afforded the opportunity to be removed from the registry. The proposed legislation would set a clear and convincing evidence burden of proof to show that the person is not a danger; that is, looking

at subsequent convictions, other assessments, and whatever DOL considers would give the greatest assurance that someone removed from the registry would not be a danger. He added that under HB 228, the individual would only be removed from the public registry but would still be required to report to law enforcement.

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KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), on behalf of the House Rules Committee, sponsor, by request of the governor, paraphrased from the sectional analysis for HB 228, which read:

Sections 1 and 2 require a victim to be notified of the filing of a petition for removal from a registry that is published on the Internet and of their right to participate in the subsequent hearing.

Sections 3, 4, and 5 add to the list of information that a sex offender or child kidnapper must provide to the Department of Public Safety upon registering to include such things as if they intend to leave the state or intend to travel internationally.

Section 6 of the bill creates a third tier of sex offenders and child kidnappers. The tier will determine the length of the registration period. Tier I offenders will need to register for 10 years after unconditional discharge, tier II offenders will need to register for 15 years after unconditional discharge, and tier III offenders will need to register for life after unconditional discharge.

Section 7 of the bill clarifies that the period of registration is tolled if the sex offender or child kidnapper is not in compliance with the registration requirements or is incarcerated. The period tolled would be equal to the amount of time that the person was out of compliance or was incarcerated.

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Section 8 outlines the criteria that must be satisfied before a sex offender or child kidnapper may

be removed from an Internet registry. The sex offender or child kidnapper must have

(1) successfully completed all treatment programs ordered by the court or required by the parole board;

(2) within the previous year, been assessed as low-risk by a treatment provider approved by the Department of Corrections under AS 44.28.020;

(3) since being convicted of the offense for which the person is registering, has not been convicted of an offense, attempt, solicitation, or conspiracy to commit any of the following offenses:

(i) a crime against a person under AS 11.41;

(ii) a violation by sex offender of condition of probation under AS 11.56.759;

(iii) sending an explicit image of a minor under AS 11.61.116;

(iv) cruelty to animals under AS 11.61.140;

(v) misconduct involving weapons under AS 11.61.190 - 11.61.250;

(vi) a sex offense or child kidnapping as defined in AS 12.63.100; or

(vii) a crime of domestic violence under AS 18.66.990.

In addition, the person must not have been convicted of failure to register as a sex offender or child kidnapper for the previous 15 years for a tier III offender, 10 years for a tier II offender, or five years for a tier I offender. These time periods must not include the period prior to unconditional discharge.

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REPRESENTATIVE HOPKINS referred to Section 8(a)(3), on page 9, line 29 - page 10, line 11, of HB 228, and asked whether an offender convicted of any of the crimes listed under subparagraphs (A)-(G) would never be removed from the offender registry.

MS. SCHROEDER answered, "That's correct. Those are disqualifying offenses."

CO-CHAIR KREISS-TOMKINS asked whether the standards were consistent with the Alaska Supreme Court ruling.

MS. SCHROEDER replied that the supreme court was not very prescriptive regarding the standards; DOL looked to other states to develop a list that the department thought would work in Alaska.

MS. SCHROEDER continued to paraphrase from the sectional analysis, which read:

The court must find by clear and convincing evidence that (1) the registration and compliance requirements outlined in statute have been satisfied; (2) the sex offender or child kidnapper is unlikely to commit another sex offense or child kidnapping; and (3) continued registration on a registry that is published on the Internet is not necessary for the protection of the public. Even if the person's information is removed from an Internet registry, the person must still register with the Department of Public Safety for law enforcement purposes.

This section also requires the Department of Corrections to pay for the risk assessments required under this section if the court determines that the person petitioning for removal from a registry that is published on the Internet is indigent.

Finally, this section makes clear that the court must allow the victim of the offense which required the sex offender or child kidnapper to register to submit comments to the court about whether the person should be removed from the registry that is published on the Internet.

Section 9 of the bill makes sexual conduct with animals a registerable sex offense.

Section 10 of the bill defines "registry that is published on the Internet" and "tier I," "tier II," and "tier III" sex offenses.

Section 11 is a conforming change.

Section 12 of the bill allows the public defender to represent an indigent person in their petition for removal from an Internet registry.

Section 13 gives the Court of Appeals jurisdiction to hear appeals regarding removal from an Internet registry.

Section 14 requires the Department of Corrections adopt standards for the administration of risk assessments for sex offenders and child kidnappers.

Section 15 establishes a court rule which mirrors the requirements in section 8 of the bill.

Section 16 amends the applicability of the requirements for an out-of-state sex offender to register in Alaska when that person is present in the state (ch.4 FSSLA 2016 (HB 49)) to apply to offenses committed before, on, or after July 9, 2019.

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CO-CHAIR KREISS-TOMKINS asked why the legislature did not make the requirement [for an out-of-state sex offender to register in Alaska] retroactive at the time HB 49 was passed.

Section 17 repeals AS 12.63.100(1), the definition of aggravated sex offense under AS 11.41.100(a)(3) or similar law of another jurisdiction since the bill moves from the aggravated sex offense classification to the tier system established in section 6.

Section 18 is the applicability section. Most of the bill is retroactive and will apply to sex offenders and child kidnappers who have already been convicted and are on the registry.

Section 19 is the conditional effect section for the court rule.

Section 20 establishes the effective date of the bill as July 1, 2020.

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REPRESENTATIVE HOPKINS asked whether sex offenders from out of state, who must register in Alaska, would be subject to Alaska's requirements for removal from the registry or those in the state in which they were convicted.

MR. SKIDMORE answered that an individual from out of state would be required to register for the same length of time that he/she is required to register in the state of conviction. To afford the person the opportunity to be removed from Alaska's registry, DOL would need to determine the appropriate tier.

MR. SKIDMORE, in response to Representative Kreiss-Tomkins's question, said that DOL wanted to keep the law as narrow as possible in dealing with out-of-state sex offenders so that if there was a legal challenge, it would be a "clean" legal challenge. He explained that applying the law retroactively is a different legal concept - one that DOL wanted to keep separate. He added that the case that prompted introduction of HB 228 had two components: One component was whether Alaska sex offender registration may be imposed on sex offenders who have moved to Alaska. At the time HB 49 was moving through the legislature, there was litigation in the Alaska Supreme Court addressing such issues. That portion of the opinion was decided in Alaska's favor. The second component was that the court's opinion led DOL to believe that applying the law retroactively would be legal.

CO-CHAIR KREISS-TOMKINS stated that HB 228 would be held over.

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ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:39 p.m.