

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 16, 2021

1:05 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Violent Crimes Compensation Board

Gregory Bringhurst - Fairbanks
Anne Helzer - Anchorage
Dr. Robert Urata - Juneau

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 116

"An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

- MOVED HB 116 OUT OF COMMITTEE

HOUSE BILL NO. 39

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

- HEARD & HELD

HOUSE BILL NO. 29

"An Act relating to liability of an electric utility for contact between vegetation and the utility's facilities; and relating to vegetation management plans."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 116

SHORT TITLE: JUVENILES: JUSTICE, FACILITIES, TREATMENT

SPONSOR(s): REPRESENTATIVE(s) SPOHNHOLZ

02/24/21	(H)	READ THE FIRST TIME - REFERRALS
02/24/21	(H)	HSS, JUD
04/09/21	(H)	HSS REFERRAL MOVED TO AFTER JUD
04/09/21	(H)	BILL REPRINTED
04/12/21	(H)	JUD AT 1:00 PM GRUENBERG 120
04/12/21	(H)	Heard & Held
04/12/21	(H)	MINUTE(JUD)
04/14/21	(H)	JUD AT 1:00 PM GRUENBERG 120
04/14/21	(H)	Heard & Held
04/14/21	(H)	MINUTE(JUD)
04/16/21	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 39

SHORT TITLE: VOTER PREREGISTRATION FOR MINORS

SPONSOR(s): REPRESENTATIVE(s) HOPKINS

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	STA, JUD
04/09/21	(H)	STA REFERRAL MOVED TO AFTER JUD
04/09/21	(H)	BILL REPRINTED
04/16/21	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 29

SHORT TITLE: ELECTRIC UTILITY LIABILITY

SPONSOR(s): REPRESENTATIVE(s) RAUSCHER

02/18/21	(H)	PREFILE RELEASED 1/8/21
02/18/21	(H)	READ THE FIRST TIME - REFERRALS

02/18/21	(H)	JUD, L&C
03/19/21	(H)	JUD AT 1:30 PM GRUENBERG 120
03/19/21	(H)	<Bill Hearing Canceled>
03/22/21	(H)	JUD AT 1:30 PM GRUENBERG 120
03/22/21	(H)	Heard & Held
03/22/21	(H)	MINUTE (JUD)
03/29/21	(H)	JUD AT 1:00 PM GRUENBERG 120
03/29/21	(H)	Heard & Held
03/29/21	(H)	MINUTE (JUD)
04/09/21	(H)	JUD AT 1:00 PM GRUENBERG 120
04/09/21	(H)	Heard & Held
04/09/21	(H)	MINUTE (JUD)
04/16/21	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

GREGORY BRINGHURST, Appointee
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Violent Crimes Compensation Board.

ANNE HELZER, Appointee
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Violent Crimes Compensation Board.

BOB URATA, Appointee
Juneau, Alaska

POSITION STATEMENT: Testified as appointee to the Violent Crimes Compensation Board.

THERESEA OBERMEYER
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearings on appointees to the Violent Crimes Compensation Board.

CHARLES MCKEE
Anchorage, Alaska

POSITION STATEMENT: Testified during the confirmation hearings on appointees to the Violent Crimes Compensation Board.

REPRESENTATIVE GRIER HOPKINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 39.

AMY GALLAWAY, Teacher

2020 Teacher of the Year
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 39.

ALEX KOPLIN, Member
Kenai Peninsula Votes
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 39.

THOMAS FLYNN, Assistant Attorney General
Labor and State Affairs Section
Civil Division (Anchorage)
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 39.

CAROL THOMPSON, Operations Manager
Division of Elections
Office of the Lieutenant Governor
Wasilla, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 39.

ANDY LEHMAN, General Counsel
Alaska Power Association
Bethel, Alaska

POSITION STATEMENT: Testified during the hearing on HB 29.

REPRESENTATIVE GEORGE RAUCHER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, offered comments during the hearing on HB 29.

ACTION NARRATIVE

[1:05:39 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:05 p.m. Representatives Drummond, Kreiss-Tomkins, Vance, Snyder (via teleconference), and Claman were present at the call to order. Representatives Eastman and Kurka arrived as the meeting was in progress.

CONFIRMATION HEARING(S) : **Violent Crimes Compensation Board**

[1:06:26 PM](#)

CHAIR CLAMAN announced that the first order of business would be the confirmation hearing for consideration of the governor's appointees to the Violent Crimes Compensation Board.

[1:06:42 PM](#)

CHAIR CLAMAN opened public testimony.

[1:07:04 PM](#)

CHAIR CLAMAN stated that the first appointee for consideration would be Mr. Gregory Bringhurst. He reminded the committee that Mr. Bringhurst was appointed to the Violent Crimes Compensation Board on May 21, 2019, and his term is scheduled to expire on March 1, 2022.

[1:07:25 PM](#)

GREGORY BRINGHURST, Appointee, Violent Crimes Compensation Board, stated that he was born and raised in Fairbanks, Alaska. He stated that far too many Alaskans are victims of violent crime, and that it is the duty of the board to help alleviate some of the hardships for victims during their greatest time of need. He shared with the committee that in 1996, when he was age 14, he was a victim of a violent crime in which his mother had been murdered and he had received compensation from the board. He stated that the compensation that he received had enabled him to more easily attend college. He shared that he chose a career in public policy and worked previously for U.S. Senator Lisa Murkowski in Washington, D.C. and currently works as a staff member for U.S. Senator Dan Sullivan. He said that he had also worked a fellowship in Juneau, Alaska. He claimed that his legislative experience and personal history would aid him in serving victims of violent crime. He emphasized the importance of the services and compensation provided by the board.

[1:10:24 PM](#)

REPRESENTATIVE DRUMMOND recognized Mr. Bringhurst's work at the Cook Inlet Housing Authority within her district. She asked how long he had been employed in Senator Sullivan's office. She further thanked him for his advocacy in public service for victims of violent crime.

MR. BRINGHURST answered that he had worked with Cook Inlet Housing Authority following his relocation back to Alaska to be closer to family in Alaska. He estimated his tenure at Senator Sullivan's office to be about a year and a half. He offered to provide the committee with an updated resume.

[1:11:45 PM](#)

CHAIR CLAMAN said that the information provided on Mr. Bringhurst's resume was sufficient for the committee's consideration of his appointment, and he did not need to provide an updated resume.

[1:12:22 PM](#)

CHAIR CLAMAN stated that the next appointee for consideration would be Ms. Anne Helzer. He reminded the committee that Ms. Helzer was appointed to the Violent Crimes Compensation Board on November 20, 2020, and her term is scheduled to expire on March 1, 2023.

[1:12:36 PM](#)

ANNE HELZER, Appointee, Violent Crimes Compensation Board, stated that she is an attorney in Anchorage, Alaska. She shared that she is active in her community and grateful to serve on the board. She explained that she was focused in her work and public advocacy to aid people in terrible situations. She stated that, while practicing as an attorney, she had helped hundreds of Alaskans all over the state. She disclosed that she is the chairperson for another board and had been past president of a volunteer board as evidence of her qualification to serve on the board.

[1:14:06 PM](#)

CHAIR CLAMAN asked whether the other board mentioned by Ms. Helzer was the Alaska Public Offices Commission (APOC).

MS. HELZER confirmed that as correct and said she is currently chairperson for that board. In response to follow-up questions, she estimated the expiration of her term on APOC to be March 2023, and said she could not identify any time conflicts in serving on both the APOC and the Violent Crimes Compensation Board.

[1:14:55 PM](#)

CHAIR CLAMAN stated that the next appointee for consideration would be Dr. Robert Urata. He reminded the committee that Dr. Urata was appointed to the Violent Crimes Compensation Board on March 1, 2021, and his term is scheduled to expire on March 1, 2024.

[1:15:22 PM](#)

BOB URATA, MD, Appointee, Violent Crimes Compensation Board, stated that he was born and raised in Wrangell, Alaska. He shared that he had attended the University of Washington medical program and has been practicing medicine for 36 years. He stated that he had retired from his medical career in June 2020. He expressed his desire to serve the community on the board and use his experience as a physician to aid victims of violent crimes to recover and heal. He shared his previous experience on community boards including the [Bartlett Regional Hospital Board of Directors] and that he had served as the medical director for Hospice and Home Care of Juneau. He also had served on former Governor Sarah Palin's Governor's Health Care Planning Strategy Council from 2006-2008 and on former Governor Sean Parnell's Alaska Health Care Commission from 2012-2015.

[1:17:36 PM](#)

REPRESENTATIVE DRUMMOND expressed her gratitude to the appointees' public service.

[1:17:44 PM](#)

REPRESENTATIVE EASTMAN thanked the appointees and stated he was looking forward to their public service.

[1:17:59 PM](#)

REPRESENTATIVE CLAMAN lauded the applicants experience and stated that they have many positive attributes.

[1:19:24 PM](#)

THERESEA OBERMEYER testified during the confirmation hearings on appointees to the Violent Crimes Compensation Board. She stated her concern of any appointee holding a position on multiple boards when there exist other citizens who may serve on only one board.

[1:21:32 PM](#)

CHARLES MCKEE testified on subjects outside the scope of the confirmation hearings on appointees to the Violent Crimes Compensation Board

[1:23:56 PM](#)

CHAIR CLAMAN closed public testimony.

[1:24:12 PM](#)

REPRESENTATIVE SNYDER stated that the House Judiciary Standing Committee has reviewed the qualification of the governor's appointees and recommends that the following names be forwarded to a joint session of the House and Senate for consideration: Gregory Bringhurst, Ann Helzer, and Robert Urata to the Violent Crimes Compensation Board. She stated this does not reflect any intent by any of the members to vote for or against these individuals during any further sessions for the purposes of confirmation.

[1:24:39 PM](#)

CHAIR CLAMAN stated that the [House Judiciary Standing Committee has reviewed the qualifications of the governor's appointees and recommends that the following] names be forwarded to a joint session [for consideration: Gregory Bringhurst, Anne Helzer, and Robert Urata to the Violent Crimes Compensation Board.] He said that [signing the report regarding appointments to boards and commissions in no way reflects an individual member's approval or disapproval of the appointee, and the nomination is merely forwarded to the full legislature for confirmation or rejection].

HB 116-JUVENILES: JUSTICE, FACILITES, TREATMENT

[Contains discussion on HB 105.]

[1:24:51 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 116, "An Act relating to care of juveniles and to juvenile justice; relating to employment of juvenile probation officers by the Department of Health and Social Services; relating to terms used in juvenile justice; relating to mandatory reporters of child abuse or neglect; relating to

sexual assault in the third degree; relating to sexual assault in the fourth degree; repealing a requirement for administrative revocation of a minor's driver's license, permit, privilege to drive, or privilege to obtain a license for consumption or possession of alcohol or drugs; and providing for an effective date."

[1:25:34 PM](#)

REPRESENTATIVE DRUMMOND expressed her support for the revisions to statute that HB 116 would effect and expressed her support for the passage of HB 116.

[1:26:03 PM](#)

REPRESENTATIVE VANCE expressed her hope that the House Health and Social Services Standing Committee would strive for conformity between HB 105 and HB 116 to ultimately close any loophole that would prohibit prosecution of those who commit crimes against vulnerable people.

[1:26:40 PM](#)

REPRESENTATIVE EASTMAN urged for an intuitive, logical, and consistent approach in defining terms in statute such as "minor" so that any lay person can understand them.

[1:27:56 PM](#)

REPRESENTATIVE KURKA stated that it had been his intention to offer an amendment and that the deadline to submit it to the House Judiciary Standing Committee had passed. He stated that language in Section 6, on page 3, lines 2-4 lists individuals in a "position of authority" and may contain a grammatical error. He requested an amendment be made or that HB 116 be held in committee until such an amendment could be made.

[1:30:01 PM](#)

CHAIR CLAMAN reminded members that the deadline for amendments had been announced at the House Judiciary Standing Committee meeting held on April 12, 2021, and acknowledged that HB 105 had previously been moved from committee, and discussion had taken place that the House Health and Social Services Standing Committee would likely scrutinize any overlap between HB 105 and HB 116. He reminded Representative Kurka that the prime sponsor of HB 116 was a member of House Health and Social Services

Standing Committee and encouraged him to continue his intent to amend either bill in that committee of referral.

[1:31:21 PM](#)

REPRESENTATIVE SNYDER spoke as a member of the House Health and Social Services Standing Committee and reassured interested parties that it would be the intention of that committee to scrutinize HB 105 and HB 116 for any overlap that may exist.

[1:32:05 PM](#)

The committee took an at-ease from 1:32 p.m. to 1:33 p.m.

[1:33:48 PM](#)

REPRESENTATIVE SNYDER moved to report HB 116 out of committee with individual recommendations and the accompanying fiscal notes. There being no objections, HB 116 was reported out of the House Judiciary Standing Committee.

[1:34:21 PM](#)

The committee took an at-ease from 1:34 p.m. to 1:37 p.m.

HB 39-VOTER PREREGISTRATION FOR MINORS

[1:37:53 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 39, "An Act relating to voter preregistration for minors at least 16 years of age."

[1:38:20 PM](#)

REPRESENTATIVE GRIER HOPKINS, Alaska State Legislature, presented HB 39 as prime sponsor. He stated that he had sponsored HB 39 as part of an ongoing effort to take a detailed look at ways to improve the electoral process and to encourage young Alaskans to become active and informed voters. He stated that he had received interest in the bill from young Alaskans, local educators, and fellow legislators. He stated that the main intent of the bill is to allow individuals at 16 years of age to register [prior to becoming eligible to vote at age eighteen], and that HB 39 would not change the voting age. He suggested that the passage of the bill would further voter education and engagement by providing an additional tool for

civics educators. He stated that 23 states and Washington, D.C. currently offer some form of preregistration for individuals under 18. He stated that in the State of North Dakota voters are not required to register to vote, and encouraged the committee to review the information contained in committee packet items including those entitled, "HB 39 Supporting Document - Data Excerpts 4.16.2021," "HB 39 Research Document - Increasing Youth Participation The Case for a National Voter Pre-Registration Law 2012 4.16.2021," "HB 39 Research Document - Voter Preregistration Programs (Case Study of Hawaii and Florida) 4.16.2021," and "HB 39 Research Document - Making Young Voters The Impact of Preregistration on Youth Turnout 4.16.2021," from which he cited statistics.

[1:43:59 PM](#)

REPRESENTATIVE CLAMAN introduced invited testimony.

[1:44:22 PM](#)

AMY GALLAWAY, Teacher, 2020 Teacher of the Year, testified during the hearing on HB 39. She read from a prepared letter [included in the committee packet], titled "HB 39 Supporting Document - Letters Received as of 4.11.2021," which read as follows [original punctuation provided]:

To: Representative Claman, Representative Snyder, and
Committee Members

My name is Amy Gallaway. I am a high school civics and CTE teacher in the Fairbanks Northstar Borough and the 2020 Alaska Teacher of the year. I am writing in support of HB39 "Voter Registration Age". As citizen legislators, you are acutely aware of the necessity of having an informed electorate that is representative of the entirety of the state and not just certain demographics. Allowing non-partisan early voter registration at 16 will empower students to more engaged citizens by demystifying the election process and making the registration process more relevant for more students. Academic studies from NCSL and electoral analyses show that voting behavior is habit-forming. It's important to engage prospective voters early on to create a habit of voting and civic engagement. After 22 years of teaching civics, I can unequivocally state the research is spot on. My students who vote in their first election at 18 or 19

continue to vote throughout their lives whereas my students who did not, are still trying to figure out 5 years later. Most interestingly, I find that my students who are able to register and vote while still in high school are more engaged in our local and state elections instead of only every 4 years for president.

Registration is a critical step to protecting the integrity of our elections, but it shouldn't be a barrier. While some say it is "easy", I can tell you from experience students find voter registration HARD and most parents don't teach it. Many parents do not vote, especially in local elections, so the education students get about registration and the electoral process comes almost entirely from the school curriculum. Schools are the perfect place to teach how to register to vote because we are already teaching the power and necessity of the vote. By lowering the registration age, teachers can provide the option for all students to register to vote alongside their civics lessons and preregistration drives can be designed to operate on an ongoing basis, even when there is no scheduled election, making learning relevant and empowering students. At West Valley High School, we hold an annual student-run local government candidate forum. It is usually school board or State House races. As a culminating activity, we then hold a schoolwide Kids Voting election. Many students find the election childish since it "doesn't count", even though it is important to teach the process of getting informed, election districts, and how to interact with the ballot. During this time we hold voter registration drives, but often only a handful of students qualify. With HB39 as law, more students each year could register and feel firsthand the importance of engaging the democratic process.

We need to increase youth voter turnout so the electorate represents all sectors of society better. Average voter turnout in annual municipal elections hovers between 15-21% and for state elections between 44-48%. In the 2018 election, only 6% of 18-24 year-olds voted. This is not just disheartening, it is unhealthy. Every year I ask students why they think people don't vote. They say, "One vote doesn't really matter, people don't care, and it is HARD to vote". Last year while teaching a lesson on public policy and

voter turnout, I had a group of students goofing off. They were talking about the basketball game, their jobs, Snapchat, but definitely not voter turnout. I asked them, "Since young people vote in such low numbers, should the voting age be increased to thirty?" I thought this would outrage them. To my surprise, at least 15 students said, "Sure, it doesn't really matter anyway." Four students even offered to give up their vote altogether; they decided only the people who care should vote. This is the reality in most classrooms in Alaska. By allowing 16-year-olds to register to vote, educators can lower one barrier- how to register. Then use it alongside effective civics programs like Kids Voting, We the People, and iCivics. If we want to make elections fully representative, we need to make the distribution of voting costs and benefits independent of party lines. Simplified voter registration does that. 14 states, including Florida, Louisiana, Hawaii, and Oregon permit preregistration beginning at 16 years old. Alaska should be number 15 so our students can help save the republic.

[1:49:53 PM](#)

ALEX KOPLIN, Member, Kenai Peninsula Votes, testified in support of HB 39. He explained that the organization which he represents is a non-partisan group of citizens that promotes voter education and voting. He suggested that the passage of HB 39 would result in voters being able to register between the ages of 16 and 17 and would increase voter participation. He stated his understanding that 14 states and Washington, D.C. permit preregistration for voters who are 16 years of age [or older], and more states allow preregistration for voters who are 17 years of age [or older]. He opined that preregistration of voters would allow education in civics. He stated that, during his time as a high school teacher, he encouraged his students to complete a voter registration form, regardless of their age. He stated that, in some states, individuals as young as 16 years of age may vote in certain elections. He suggested that the passage of HB 39 would strengthen civics education. He urged bipartisan support for HB 39.

[1:52:29 PM](#)

CHAIR CLAMAN informed the committee that staff from the Division of Elections, Department of Law, and Department of Health and Social Services were available to answer questions.

[1:52:59 PM](#)

REPRESENTATIVE KURKA shared with the committee concerns expressed to his office by constituents that this bill would be a precursor to lowering the voting age. He expressed his support for voter education.

REPRESENTATIVE HOPKINS stated that it was not the intent to lower the voting age and offered his understanding that the federal voting age remains at 18.

[1:54:23 PM](#)

REPRESENTATIVE KURKA recalled his experience of his parents having brought him into the voting booth as part of his civics education. He asked what need exists to allow voters to preregister and engage in the process [prior to age 18].

REPRESENTATIVE HOPKINS recalled prior testimony that, when students are engaged in the public process, the education on civics becomes relevant to students beyond memorization. He suggested that [the lack of early registration] may not constitute a need; however, it would provide a tool and incentive to generate interest among students.

[1:57:16 PM](#)

REPRESENTATIVE KURKA stated his understanding that a voter may preregister at age 17. He referred to subsection (c), on lines 13-15:

"When a person has preregistered to vote under (b) of this section, the division shall, 90 days before the person reaches 18 years of age, register the person to vote and forward to the person an acknowledgment in the form of a registration card."

He asked whether this would allow individuals to be eligible to vote sooner.

[1:58:24 PM](#)

REPRESENTATIVE HOPKINS answered that HB 39 would allow for an individual to preregister and would not change [when an individual is eligible to vote]. He invited staff from the Department of Law to weigh in on the question.

[1:59:26 PM](#)

THOMAS FLYNN, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Anchorage), Department of Law, answered that AS 15.07.040 allows voters to register 90 days preceding their eighteenth birthday and that HB 39 would align preregistration with existing statute.

[1:59:50 PM](#)

CHAIR CLAMAN provided an example in which an individual preregistered on his/her seventeenth birthday, then on the ninetieth day before his/her eighteenth birthday, registration would be automatic.

MR. FLYNN agreed with the example provided by Chair Claman and referred the question to Division of Elections staff.

[2:00:22 PM](#)

CAROL THOMPSON, Operations Manager, Division of Elections, Office of the Lieutenant Governor, answered that a person may register to vote 90 days prior to his/her eighteenth birthday. She stated that, should HB 39 pass, an individual would then be able to preregister to vote at age 16 and would be registered to vote 90 days prior to his/her eighteenth birthday. She added that existing statute and the Alaska State Constitution specify that a person cannot vote until eighteen years of age. She further explained that the 90-day advance registration allowed an individual to register to vote when he/she turns eighteen immediately prior to an election.

[2:01:19 PM](#)

REPRESENTATIVE KURKA asked whether an individual who is registered to vote prior to his/her eighteenth birthday may vote before age 18.

[2:01:46 PM](#)

CHAIR CLAMAN asked whether, if election day is on November first, and an individual registers on October first, and his/her

[eighteenth] birthday is December first, that individual would be permitted to vote on November first.

MS. THOMPSON answered no; due to an internal tracking on voter registration rolls, an individual's name will not appear on the register at a precinct until he/she is eligible to vote.

[2:02:44 PM](#)

REPRESENTATIVE KURKA expressed his concern regarding adding preregistration as a third category in addition to the 90-day preregistration [that exists] and asked whether an individual who is registered to vote but not age eighteen prior to an election would be allowed to vote.

MS. THOMPSON answered that, currently, when an individual preregisters 90 days prior to his/her eighteenth birthday, the individual appears registered within the system but not published on precinct registers at the polls and would be required to vote on a question ballot. She added that [his/her ballot] would be denied if the individual was not eighteen on or before election day.

[2:05:07 PM](#)

MR. FLYNN offered that the proposed bill would create a third category of which there already exist the two: registered and eligible to vote and preregistered and automatically registered to vote 90 days prior to election day. The bill would add a category of those who are preregistered [but not automatically registered until 90 days prior to an election].

[2:05:40 PM](#)

REPRESENTATIVE KURKA asked whether an extension of the 90-day period [back] to age 16 could be a streamlined approach.

[2:06:08 PM](#)

REPRESENTATIVE HOPKINS allowed that an extension of the 90-day preregistration deadline could be a solution and welcomed further discussion.

[2:06:33 PM](#)

REPRESENTATIVE EASTMAN asked, under current statute, when an individual 17 years of age, who preregisters to vote, would receive his/her voter registration card.

[2:07:04 PM](#)

MS. THOMPSON answered that voter cards are mailed within 2 - 4 weeks of receipt of application.

REPRESENTATIVE EASTMAN asked, should HB 39 pass, when that individual would receive his/her voter registration card.

MS. THOMPSON anticipated that the process would not change; as soon as the 90-day advance deadline was reached, cards would be mailed.

REPRESENTATIVE EASTMAN asked whether Ms. Thompson had encountered a voter who had mistaken his/her voter registration card as [proof of] eligibility to vote.

MS. THOMPSON answered that occasionally an underage voter will attempt to vote on a question ballot, and the ballot is rejected and the voter notified. She added that she could not answer whether it was due to the underage voter having a registration card.

REPRESENTATIVE EASTMAN asked if an individual was voting for a presidential election only, might a voter be allowed to vote according to federal regulations with a valid voter identification card [when the voter is ineligible].

MS. THOMPSON answered that, even for a federal-only election, a person would still be required to be eighteen years of age in order to vote. She further added that, if they attempted to vote at another precinct on an absentee ballot, the ballot would be reviewed and if, after review, it was determined that the voter was not at least eighteen, then the ballot would be rejected.

[2:09:58 PM](#)

REPRESENTATIVE EASTMAN asked whether there might be benefit in tying the registering for the [U.S. Selective Service System] to the registration to vote.

REPRESENTATIVE HOPKINS suggested that it would likely be a federal matter and suggested that the Department of Military &

Veterans' Affairs may be able to answer questions regarding the [U.S. Selective Services System] early registration.

2:11:05 PM

REPRESENTATIVE EASTMAN questioned whether preregistration as early as 16 would be so far in advance [of eligibility to vote] that the preregistered voter may not remember when he/she is eligible to vote.

REPRESENTATIVE HOPKINS recommended the question be answered by Ms. Galloway.

2:12:30 PM

MS. GALLOWAY suggested that although individuals may be eligible to register at age 16, not all students would choose to do so. She suggested that it would be at the option of the voter and would enable students to choose to participate during their [civics] educational experience. She opined that many students would likely choose to register at age 17 or closer to their eighteenth birthday, in advance of an upcoming election.

2:13:52 PM

REPRESENTATIVE DRUMMOND referred to the State of Alaska Voter Registration Application [included in the committee packet] and a screenshot of the Division of Elections webpage showing "Who Can Register and Who Can Vote," and she asked for confirmation that a voter who registers on the ninetieth day in advance of his/her eighteenth birthday would receive a voter registration card within 3 to 4 weeks and, if eighteen at the time of election, would be eligible to vote.

MS. THOMPSON confirmed this as correct.

REPRESENTATIVE DRUMMOND asked if the card is valid when issued if election day is after the voter turns 18 years old.

MS. THOMPSON confirmed this as correct.

REPRESENTATIVE DRUMMOND asked for confirmation of her understanding that, should HB 39 pass, a voter may register at age 16 and the Division of Elections would issue a voter registration card 90 days in advance of the voter's eighteenth birthday without additional action by the voter.

MS. THOMPSON stated her understanding to be the same.

[2:17:36 PM](#)

REPRESENTATIVE DRUMMOND asked whether the voter registration offered during the permanent fund dividend (PFD) application process indicates the existence of the 90-day [time period] prior to an applicant's eighteenth birthday.

MS. THOMPSON deferred the question to be answered by Mr. Flynn.

[2:18:27 PM](#)

MR. FLYNN answered that AS 43.23.015 indicates that applicants are required to be eligible to vote and would only then be automatically registered to vote.

REPRESENTATIVE DRUMMOND indicated that could be problematic.

[2:19:23 PM](#)

REPRESENTATIVE EASTMAN asked whether information held on [minors] would be held separately from adult information to safeguard against [any data breach].

[2:20:18 PM](#)

REPRESENTATIVE HOPKINS expressed that he would be open to the possibility of an amendment to include additional safeguards on minors' data as well as Representative Kurka's earlier concern of maintaining a separate list of individuals who have registered within 90 days prior to their eighteenth birthdays.

[2:20:59 PM](#)

REPRESENTATIVE EASTMAN asked, should HB 39 pass, how long information is retained on individuals who register at age 16 to vote and subsequently leaves the state.

MS. THOMPSON stated that had not been taken into consideration in analyzing the proposed bill. She explained that, should an individual become registered and not vote or have any contact with the division, the registration maintenance logs procedures would apply.

REPRESENTATIVE EASTMAN stated that the permanent fund dividend application contains a question as to whether an applicant is

registered to vote in another state. He expressed his concern that, should HB 39 pass, a sixteen-year-old, who preregistered to vote and subsequently left the state and registered in another state, would be registered to vote in two states, which could create an issue for the voter.

[2:23:55 PM](#)

MS. THOMPSON expressed her hesitancy to answer the question, but offered that, should the division receive notification from another state that an individual had registered in that other state, the division would cancel that voter's registration. She further added that voter registration could be cancelled if the division was contacted by the voter and finally, the division conducts yearly voter registration list maintenance. She further referred the question to the Department of Law.

[2:24:49 PM](#)

CHAIR CLAMAN suggested that the scenario described by Representative Eastman could exist for a voter of any age.

[2:25:07 PM](#)

MR. FLYNN stated his agreement with Chair Claman's suggestion that the potential issues described could exist for a voter of any age. He added that preregistration is not automatic.

[2:25:27 PM](#)

CHAIR CLAMAN opened public testimony on HB39 and ascertained that there was no one who wished to testify, and closed public testimony.

[2:26:07 PM](#)

CHAIR CLAMAN asked Ms. Galloway whether she encourages her students in the classroom to register to vote when they become eligible 90 days prior to their eighteenth birthdays. He asked how the passage of HB 39 might change how students are engaged to register to vote.

MR. GALLOWAY answered that each classroom is different, and schools may conduct voter registration drives close to graduation or close to upcoming elections. She explained that, in her classroom, she monitors each student's birthday and offers a voter registration form to a student who is turning 18

as a birthday present. She added that, in her school, there exist teachers who are registrars and provide additional support to students. She suggested that the passage of HB 39 would result in more students preregistering.

[2:28:41 PM](#)

CHAIR CLAMAN shared his experience while speaking to students in classrooms and suggested that, should HB 39 pass, elected officials could encourage students to vote.

[2:29:14 PM](#)

REPRESENTATIVE VANCE referred to the fiscal note [included in the committee packet], entitled "HB39-OOG-DOE-4-14-21" and suggested that the analysis contained in the fiscal note warranted scrutiny. She asked, if HB 39 had been enacted prior to the data breach that occurred [with the Division of Elections] prior to the last election, what liability would the state be subject to should minors' [protected] data have been breached.

MR. FLYNN stated that he could not answer what liabilities may exist for the state had HB 39 passed. He stated that minors' voter registration data would be included in voter registration rolls. Alaska currently does not have specific protections on data associated with minors; all data is protected under public records statutes. He postulated that other states which have preregistration for minors may have additional protections pertaining specifically to minors' data.

[2:31:17 PM](#)

REPRESENTATIVE VANCE referred to the fiscal note analysis which read: "...regulations would be necessary to clarify how the division will store this data and what parts will be made available to the public as well as how individuals (or their legal guardians) would interact with the division in the maintenance of the data." She asked what protections currently exist in statute pertaining to minors' information.

MR. FLYNN expressed that he is not aware of any individual protections that exist specific to data of minors.

[2:31:58 PM](#)

CHAIR CLAMAN asked whether Representative Vance was inquiring on protections that may exist on minors' voter registration data that may exist in the 90 days prior to their eighteenth birthdays or data of minors in general.

REPRESENTATIVE VANCE specified her inquiry pertained to the protection of data of minors in general.

CHAIR CLAMAN asked whether Mr. Flynn's previous answer pertained to protections that may exist on minors' voter registration data or data of minors in general.

MR. FLYNN answered that he had spoken to the protection of data of minors in general.

CHAIR CLAMAN suggested that some of the discussion taking place pertained to voter registration in general and may be going beyond the scope of HB 39.

[2:32:57 PM](#)

REPRESENTATIVE EASTMAN referred to line 9 and postulated that the language would not allow for a minor to preregister via the PFD application process and asked for conversation with the bill's sponsor regarding an instance where a parent would preregister his/her child to vote via that process.

REPRESENTATIVE HOPKINS asked whether Representative Eastman's question was whether or not to include preregistration as part of the PFD application process.

REPRESENTATIVE EASTMAN asked for conversation on whether to include preregistration as part of the PFD application process of a parent on behalf of a minor.

REPRESENTATIVE HOPKINS answered that one of the purposes of the proposed legislation would be to encourage students' engagement in their civics education. He opined that automatic voter preregistration through the PFD application process would not work toward that purpose.

[2:34:51 PM](#)

CHAIR CLAMAN announced that HB 39 was held over.

HB 29-ELECTRIC UTILITY LIABILITY

[2:35:07 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 29, "An Act relating to liability of an electric utility for contact between vegetation and the utility's facilities; and relating to vegetation management plans."

CHAIR CLAMAN reminded the committee that previous discussions on HB 29 had included issues related to insurance companies and rates. He stated that the Alaska Power Association (APA) has responded to suggested draft language by the American Property Casualty Insurance Association and the National Association of Mutual Insurance Companies.

[2:36:25 PM](#)

CHAIR CLAMAN asked the Alaska Power Association to answer a question he had posed to it earlier that remained unanswered, which was, according to the preference of the APA, whether the legislature should examine creating a statewide standard for vegetation management that would be enacted by the Regulatory Commission of Alaska (RCA) and apply to utility companies or whether the utility companies should submit vegetation management plans to the RCA, subject to its approval.

[2:37:01 PM](#)

ANDY LEHMAN, General Counsel, Alaska Power Association, answered on behalf of the APA that it opposed either option. He added that a single, statewide standard would not work due to the diversity of vegetation and growth rates throughout the state. He stated that some utilities have virtually no risk of vegetation interacting with facilities, and other utilities have significantly different risks.

CHAIR CLAMAN interjected to ask whether the APA would prefer to submit vegetation management plans to the RCA, subject to its approval rather than there being a statewide standard.

MR. LEHMAN asked for the committee to consider that Alaska [utility] cooperatives have maintained an option for decades that permits their memberships to vote whether they would be subject to regulation by the RCA. He added that all the cooperatives outside of the Railbelt had voted not to be subject to regulation. He suggested that vegetation management plans subject to RCA approval would amount to a fundamental shift in

the way that cooperatives are managed. He stated he was not in a position to endorse either option.

2:39:47 PM

CHAIR CLAMAN acknowledged the hesitancy on the part of Mr. Lehman to answer and suggested that, in the absence of any other option, he surmised that the position of the APA would be to submit vegetation management plans to the RCA, subject to its approval rather than a statewide standard.

2:40:10 PM

REPRESENTATIVE VANCE stated her understanding that the intent of the bill would be to reduce the liability of vegetation on utility [companies] and asked how many instances resulted in liability to utility companies and, by extension, to Alaskans, and to what expense.

CHAIR CLAMAN asked Representative Vance whether she wished to know whether the urgency of the proposed legislation was based on how many lawsuits [were brought against utility companies] historically or whether she was asking the reason for the urgency now.

REPRESENTATIVE VANCE stated that she was attempting to understand the opposition [to HB 29]. She stated her understanding that the [unfulfilled] need would be to protect rate payers.

CHAIR CLAMAN asked Representative Vance from whom she inferred opposition.

REPRESENTATIVE VANCE answered that she had inferred opposition from the APA.

CHAIR CLAMAN offered that the APA does not agree with the perspective offered by the insurance companies and suggested that the proposed legislation may protect utility companies but may place a higher burden on property owners and, while utility rates may be less affected, property owners may be subject to higher property insurance rates. He recalled the Miller's Reach fire that had resulted in a lawsuit filed on behalf of property owners against the State of Alaska alleging that the State had mismanaged the fire and [should be held liable]. He opined that the utility companies are articulate in their opposition to the

RCA reviewing vegetation management plans subject to its approval.

[2:44:16 PM](#)

REPRESENTATIVE VANCE referred to a paragraph from the letter from the APA [included in the committee packet], entitled "HB 29 Additional Document - APA Response to APCIA and NAMIC Joint Letter to HJUD 4.12.2021" which read, [original punctuation provided]:

The Division of Forestry testified that out of 313 fires resulting from vegetation contacting utility facilities from 2011-19, the state only pursued compensation from utility companies for firefighting response costs once. Out of all those fires that involved utility facilities, only once (.3%) did the state believe a utility should be held responsible for State fire suppression costs.

REPRESENTATIVE VANCE stated her understanding that the APA claims that [its members] are already taking actions to sufficiently protect their facilities from risk. She asked whom shall benefit from the passage of the bill and expressed her wish that the people should benefit. She expressed her sympathy to utility companies' reluctance to invite more regulation that will result in more cost. She acknowledged the insurance companies' interest in gaining more [revenue] from proposed changes to regulations. She asked how many instances of an insurance company filing a claim against a utility had occurred.

[2:46:12 PM](#)

CHAIR CLAMAN stated that there existed at least one lawsuit pending against the [Matanuska Electrical Association] (MEA) and referred to the committee packet item, entitled "HB 29 Additional Document - Anchorage Daily News Article (Distributed by HJUD Committee) 3.28.2021" and opined that there did not exist a complete picture on the frequency of insurance companies seeking compensation from other parties for damages.

CHAIR CLAMAN referred also to a paragraph in the letter from the APA [included in the committee packet] entitled "HB 29 Additional Document - APA Response to APCIA and NAMIC Joint Letter to HJUD 4.12.2021" which read [original punctuation provided]:

That demonstrates that in the State's view, Alaska's electric utilities are already doing everything they reasonably can to protect their facilities from fire risk.

CHAIR CLAMAN expressed his disagreement that this statement could be construed as a representation of the state's viewpoint. He suggested that the questions posed during the hearing on HB 29 warranted further discussion by the committee.

[2:47:20 PM](#)

REPRESENTATIVE VANCE asked for testimony from the bill's sponsor regarding the questions that had been brought forward.

[2:47:57 PM](#)

REPRESENTATIVE GEORGE RAUCHER, Alaska State Legislature, as prime sponsor of HB 29, stated that he had been listening to the discussion and cautioned that decisions made should be based on facts and data rather than on the opinions [of interested parties].

[2:48:54 PM](#)

REPRESENTATIVE EASTMAN suggested that testimony should be sought from the Division of Forestry to provide its perspective on the discussion.

REPRESENTATIVE RAUSCHER suggested that an amendment could be drafted to offer guidelines on an environmental management plan.

[2:50:31 PM](#)

CHAIR CLAMAN stated his appreciation to the bill sponsor and affirmed that it was the committee's intent to work together and encouraged additional conversation rather than an amendment. He referenced law existing in the State of Utah and possibly the State of California as a potential source of information to further develop effective policy. He opined that the State of California regulations were complex due to the State's regulatory complexities. He suggested that rate increases to utilities and insurance are unpopular and that the state and federal government are subject to the largest cost associated with [wildfires].

[2:52:28 PM](#)

REPRESENTATIVE RAUSCHER noted that the State of California has a high number of wildfires and property loss and cautioned that its policy was not likely drafted confined to utility right-of way.

[2:52:57 PM](#)

CHAIR CLAMAN added that Alaska has experienced more wildfires in the last 10-15 years than in prior years. He opined that the discussion on HB 29 had raised complex issues. He stated the intention would be a committee substitute. He stated that the APA, insurance companies, and utility consumers in Alaska have each raised legitimate concerns.

[2:53:53 PM](#)

CHAIR CLAMAN announced that HB 29 was held over.

[2:54:24 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:54 p.m.