

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 12, 2022

3:08 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Matt Claman, Vice Chair (via teleconference)
Representative Geran Tarr
Representative Andi Story
Representative Sarah Vance
Representative James Kaufman
Representative David Eastman (via teleconference)

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 66

"An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 142

"An Act relating to eligibility for the permanent fund dividend."

- HEARD & HELD

CS FOR SENATE BILL NO. 182(JUD)

"An Act establishing the crime of interference with emergency communications."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 66

SHORT TITLE: ELECTIONS, VOTING, BALLOTS

SPONSOR(S): REPRESENTATIVE(S) TUCK

02/18/21 (H) PREFILE RELEASED 1/15/21
 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
 04/12/21 (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)
 04/19/21 (H) JUD AT 1:00 PM GRUENBERG 120
 04/19/21 (H) Moved CSHB 66(JUD) Out of Committee
 04/19/21 (H) MINUTE(JUD)
 04/21/21 (H) JUD RPT CS(JUD) 4DP 3DNP
 04/21/21 (H) DP: KREISS-TOMKINS, DRUMMOND, SNYDER,
 CLAMAN
 04/21/21 (H) DNP: EASTMAN, VANCE, KURKA
 04/21/21 (H) FIN REFERRAL ADDED AFTER STA
 04/21/21 (H) BILL REPRINTED
 04/29/21 (H) STA AT 3:00 PM GRUENBERG 120
 04/29/21 (H) Heard & Held
 04/29/21 (H) MINUTE(STA)
 05/06/21 (H) STA AT 3:00 PM GRUENBERG 120
 05/06/21 (H) Scheduled but Not Heard
 01/25/22 (H) STA AT 3:00 PM GRUENBERG 120
 01/25/22 (H) Heard & Held
 01/25/22 (H) MINUTE(STA)
 04/12/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 142

SHORT TITLE: PFD ELIGIBILITY

SPONSOR(S): REPRESENTATIVE(S) MCCARTY

03/20/21 (H) READ THE FIRST TIME - REFERRALS
 03/20/21 (H) STA, JUD, FIN
 04/09/21 (H) STA REFERRAL MOVED TO AFTER JUD
 04/09/21 (H) BILL REPRINTED
 04/21/21 (H) JUD AT 1:00 PM GRUENBERG 120
 04/21/21 (H) Heard & Held
 04/21/21 (H) MINUTE(JUD)
 04/26/21 (H) JUD AT 1:00 PM GRUENBERG 120
 04/26/21 (H) Moved CSHB 142(JUD) Out of Committee
 04/26/21 (H) MINUTE(JUD)
 04/28/21 (H) JUD RPT CS(JUD) NEW TITLE 3DP 2NR 1AM
 04/28/21 (H) DP: SNYDER, KREISS-TOMKINS, CLAMAN

04/28/21 (H) NR: EASTMAN, DRUMMOND
 04/28/21 (H) AM: VANCE
 04/29/21 (H) STA AT 3:00 PM GRUENBERG 120
 04/29/21 (H) Heard & Held
 04/29/21 (H) MINUTE(STA)
 05/04/21 (H) STA AT 3:00 PM GRUENBERG 120
 05/04/21 (H) Heard & Held
 05/04/21 (H) MINUTE(STA)
 05/19/21 (H) FIN AT 9:00 AM ADAMS 519
 05/19/21 (H) -- MEETING CANCELED --
 02/08/22 (H) STA AT 3:00 PM GRUENBERG 120
 02/08/22 (H) Heard & Held
 02/08/22 (H) MINUTE(STA)
 03/22/22 (H) STA AT 3:00 PM GRUENBERG 120
 03/22/22 (H) Scheduled but Not Heard
 03/29/22 (H) STA AT 3:00 PM GRUENBERG 120
 03/29/22 (H) Heard & Held
 03/29/22 (H) MINUTE(STA)
 04/12/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 182

SHORT TITLE: INTERFERENCE WITH EMERGENCY SERVICES

SPONSOR(s): SENATOR(s) WILSON

02/08/22 (S) READ THE FIRST TIME - REFERRALS
 02/08/22 (S) JUD
 02/16/22 (S) JUD AT 1:30 PM BUTROVICH 205
 02/16/22 (S) Heard & Held
 02/16/22 (S) MINUTE(JUD)
 02/25/22 (S) JUD AT 1:30 PM BUTROVICH 205
 02/25/22 (S) Heard & Held
 02/25/22 (S) MINUTE(JUD)
 02/28/22 (S) JUD AT 1:30 PM BUTROVICH 205
 02/28/22 (S) <Bill Hearing Rescheduled to 03/02/22>
 03/02/22 (S) JUD AT 1:30 PM BUTROVICH 205
 03/02/22 (S) Moved CSSB 182(JUD) Out of Committee
 03/02/22 (S) MINUTE(JUD)
 03/04/22 (S) JUD RPT CS 3DP 2NR SAME TITLE
 03/04/22 (S) DP: HOLLAND, MYERS, HUGHES
 03/04/22 (S) NR: SHOWER, KIEHL
 03/04/22 (S) JUD AT 1:30 PM BUTROVICH 205
 03/04/22 (S) <Bill Hearing Canceled>
 03/09/22 (S) TRANSMITTED TO (H)
 03/09/22 (S) VERSION: CSSB 182(JUD)
 03/14/22 (H) READ THE FIRST TIME - REFERRALS
 03/14/22 (H) STA, JUD
 04/12/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

JEFF STEPP, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced the proposed CS for HB 66, Version O, and provided an explanation of changes, on behalf of Representative Kreiss-Tomkins.

MIKE MASON, Staff
Representative Chris Tuck
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on the proposed CS for HB 66, Version O.

GAIL FENUMIAI, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 66 (JUD).

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 66 (JUD).

NOAH KLEIN, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSHB 66 (JUD).

REPRESENTATIVE KEN MCCARTY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided introductory remarks on the CS for HB 142, Version W, as the prime sponsor.

ANNA MACKINNON, Director
Permanent Fund Dividend Division
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 142, Version W.

EMILY NAUMAN, Deputy Director
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the CS for HB 142, Version W.

SENATOR DAVID WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced CSSB 182(JUD), as the prime sponsor.

JASMIN MARTIN, Staff
Senator David Wilson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a sectional analysis of CSSB 182(JUD), on behalf of Senator Wilson, prime sponsor.

JAMES COCKRELL, Commissioner
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on CSSB 182(JUD).

JOEL BUTCHER, President
Alaska Joint Chapter of NENA and APCO
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on CSSB 182(JUD).

JACOB BUTCHER, Communications Manager
Mat-Com Dispatch Center
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on CSSB 182(JUD).

ACTION NARRATIVE

[3:08:23 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:08 p.m. Representatives Kaufman, Tarr, Story, Eastman (via teleconference), Claman (via teleconference) and Kreiss-Tomkins were present at the call to order. Representative Vance arrived as the meeting was in progress.

HB 66-ELECTIONS, VOTING, BALLOTS

[3:10:07 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 66, "An Act relating to voting, voter qualifications, and voter registration; relating to poll watchers; relating to absentee ballots and questioned ballots; relating to election worker compensation; and providing for an effective date." [Before the committee was CSHB 66(JUD).]

[3:10:29 PM](#)

REPRESENTATIVE TARR moved to adopt the proposed committee substitute (CS) for HB 66, labeled 32-LS0322\O, Klein, 3/30/22, as the working document.

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[3:11:06 PM](#)

JEFF STEPP, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, provided an explanation of changes in the proposed CS for HB 66 ("Version 0"). He paraphrased a 16-page document, titled "HB 66 Explanation of Changes Version I to Version 0" [hard copy included in the committee packet].

[3:20:58 PM](#)

REPRESENTATIVE VANCE asked whether "risk-limiting audit" (RLA) was defined in the bill. Additionally, she asked how it differed from a forensic audit.

[3:22:47 PM](#)

MIKE MASON, Staff, Representative Chris Tuck, Alaska State Legislature, explained that the RLA was a new form of post-election audit that cut down on the number of ballots that needed to be audited, as it was statistically based. He added

that a RLA would provide statistical confidence that an incorrect election result was not made official. He said as part of adopting the regulations, the Division of Elections (DOE) would be required to consult with recognized statistical experts, equipment vendors, and municipal clerks that were familiar with these audits.

[3:24:39 PM](#)

REPRESENTATIVE VANCE noted that DOE already conducted a precinct audit. She asked whether the RLA would be in addition to that and how it would change from the current practice.

MR. MASON shared his understanding that it would be in addition to the existing practice. He explained that the RLA was a statistical model that considered a sample size of ballots as opposed to reviewing each individual ballot. He noted that the sample size would be larger if the margin for the election results was narrow, and vice versa. He offered to follow up with more detailed information.

REPRESENTATIVE VANCE shared her understanding that open-source software created less need for forensic audits. She asked for further information on open-source technology.

MR. MASON deferred to Ms. Fenumiai.

[3:26:55 PM](#)

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, said she was not a qualified expert on open-source software and declined to speak on the subject.

CHAIR KREISS-TOMKINS suggested consulting with Senator Shower's office.

REPRESENTATIVE VANCE believed that open-source software would allow for a more transparent process. She sought to confirm that once the ballots were counted, open-source technology would allow that information to be viewed.

CHAIR KREISS-TOMKINS shared his understanding that the description provided by Representative Vance reflected the intent shared by Senator Shower.

REPRESENTATIVE VANCE directed attention to the signature verification in Section 39. She asked whether signature

verification would be the only identifier used to verify a ballot.

MR. MASON recalled earlier conversations among lawmakers about this topic. He explained that signature verification was added in place of the witness signature.

MS. FENUMIAI believed that the proposed legislation did not remove the additional identifier requirements.

REPRESENTATIVE VANCE asked Ms. Fenumiai to speak to the signature verification. She asked what would be required of the division.

MS. FENUMIAI acknowledged that it was an entirely new process that would require the purchase of signature verification equipment, software, and training.

[3:32:36 PM](#)

REPRESENTATIVE VANCE asked whether people would be able to submit an electronic signature for the division to have on hand for verification.

MS. FENUMIAI said signatures were currently captured via the voter registration system.

REPRESENTATIVE VANCE asked whether the verification would be completed manually or via automation.

MS. FENUMIAI was unsure. She referenced the signature verification process used by the Municipality of Anchorage, which relied on a "human element." She said best practices in other states would be considered.

MR. MASON confirmed that the bill would require DOE to provide training on signature comparison and associated software to election officials.

[3:35:02 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, prime sponsor of CSHB 66(JUD), shared his understanding that 3 or 4 machines would be needed to verify signatures for the entire state.

CHAIR KREISS-TOMKINS invited broader comments on Version O from the bill sponsor.

REPRESENTATIVE TUCK emphasized the collaborative effort that was put forth to produce Version O.

[3:36:23 PM](#)

REPRESENTATIVE CLAMAN asked whether Section 43 would allow for a vote-by-mail election to be held in Alaska.

MS. FENUMIAI shared her understanding that according to the language in Section 43, any federal election could not be conducted by mail.

REPRESENTATIVE CLAMAN sought to confirm that under Section 43, the current special election for the U.S. House seat could not be conducted by mail.

MS. FENUMIAI pointed out that under current law, the director could conduct an election by mail if held at a time other than the general party primary or municipal election. She said that provision gave her statutory authority to conduct the special primary election by mail.

CHAIR KREISS-TOMKINS said he was not opposed to by-mail elections; however, the language in the bill reflected "the nexus of offices and thinking." He said it could be worth another conversation, as the option to conduct a by-mail election in unusual or extenuating circumstances was useful.

[3:40:00 PM](#)

REPRESENTATIVE EASTMAN returned the discussion to the RLA and asked whether it would restrict the types of audits that could be performed.

MR. MASON shared his understanding that it would not preclude any of the current auditing methods for election results. Instead, he said, it would add one more tool to the toolbox for DOE.

CHAIR KREISS-TOMKINS recounted an experience in 2017 when he chaired STA and held a hearing on election reform. He explained that RLAs came up in that meeting as a recommended best practice from a variety of authorities. He offered to bring in some election security experts to provide testimony on RLAs.

3:42:15 PM

REPRESENTATIVE EASTMAN directed attention to page 10, line 13 of Version O. He sought to confirm that the RLA could only be used if a recount would change the outcome of the election.

MR. MASON answered no. He understood the language to mean that after each election but before certification, the director [of DOE] shall conduct an RLA of selected election results. He added that further regulations would be developed to identify which results would be audited.

REPRESENTATIVE EASTMAN asked whether a drafter was available to comment on the language in question.

3:43:57 PM

NOAH KLEIN, Attorney, Legislative Legal Services, Legislative Affairs Agency, asked Representative Eastman to repeat the question.

REPRESENTATIVE EASTMAN interpreted the language on page 10, line 13, to suggest that the RLA could only be used if a recount would change the outcome of the election.

MR. KLEIN clarified that the occurrence of the RLA would not be dependent on risk; instead, the RLA would be conducted to limit risk.

REPRESENTATIVE EASTMAN surmised that the purpose of the RLA was to avoid recount efforts if it would change the result of the election. He expressed concern that the RLA "[would] have nothing to do with whether or not the ballots themselves are correct, or legal, or lawful, or fraudulent ... because we're tying it to the recount."

CHAIR KREISS-TOMKINS said that was not the intent of the RLA.

3:47:40 PM

REPRESENTATIVE EASTMAN asked how passage of the proposed legislation would impact ballot retention.

MR. MASON said the only significant change was that all ballots would be retained for 22 months.

REPRESENTATIVE EASTMAN inquired about the current record retention requirements.

MS. FENUMIAI conveyed that the current DOE records retention schedule required all ballots to be retained for 22 months and other election materials to be retained for 4 years post certification.

REPRESENTATIVE EASTMAN inquired about the motivation for changing the 4-year requirement for "other election materials" to 22 months.

MR. MASON pointed out that the language in question was taken directly from SB 39, sponsored by Senator Shower.

CHAIR KREISS-TOMKINS confirmed.

[3:50:16 PM](#)

REPRESENTATIVE KAUFMAN noticed that "absentee voting stations" would be renamed "early voting stations" and asked for the reasoning.

MR. MASON shared his understanding that there had been confusion across much of Alaska between the meaning of early voting and absentee in-person voting; thus, the intent of Version 0 was to clarify that misunderstanding by calling all stations "early voting stations" despite the fact that an in-person absentee ballot would be cast from those locations.

REPRESENTATIVE TUCK agreed with Mr. Mason's interpretation. He recalled that people had been accidentally turned away from early voting in rural Alaska during the 2016 election due to poll workers' misunderstanding of absentee in-person voting. He reiterated that in an attempt to eliminate the confusion, all stations would be renamed "early voting stations."

REPRESENTATIVE KAUFMAN said he was still confused. He inquired about the different types of ballots.

MR. MASON shared his understanding that the type of ballot would not be changed. For example, an individual who showed up to an early voting station would still be casting an absentee in-person ballot.

CHAIR KREISS-TOMKINS asked Ms. Fenumiai whether that was correct.

[3:55:14 PM](#)

MS. FENUMIAI clarified that early voting and absentee in-person voting were two distinct processes. She explained the procedural differences, stating that early voting locations were stationed at the five regional elections offices and did not require the completion of an absentee in-person affidavit envelope. She added that an individual would sign the voter certificate and vote the ballot with no further review of eligibility required. Alternatively, absentee in-person voting occurred outside the regional election offices at single site voting locations. The voter was required to provide identification and complete a ballot envelope with appropriate identifiers and an election official's signature, she said. Those ballots were returned to the division and logged by staff, at which point the voters' eligibility was determined.

REPRESENTATIVE KAUFMAN inquired about the "structural" differences between the early voting ballots and the absentee in-person ballots.

MS. FENUMIAI reiterated that the voters' eligibility for early voting was determined on location while eligibility for absentee in-person voters was determined later by the absentee review board after staff had processed the ballots at the regional offices.

[3:58:31 PM](#)

REPRESENTATIVE KAUFMAN surmised that for the absentee in-person process, there was not enough staff to verify registration on location.

MS. FENUMIAI confirmed that only early voting centers had access to the statewide voter registration database.

REPRESENTATIVE KAUFMAN asked whether anyone would be "left behind" by renaming the voting stations to "early voting stations."

MS. FENUMIAI said no one would be left behind. She shared that she was not aware of the aforementioned confusion regarding absentee in-person ballots and early voting. She said the differentiation was purely for the division to identify which processes were performed at which locations. She reiterated that the name change would have no impact on methods of voting.

CHAIR KREISS-TOMKINS emphasized that it was purely a semantic change. He explained that he typically cast an absentee in-person ballot at Sitka City Hall before election day, which per Version O, would be renamed an early voting station; nonetheless, an absentee in-person ballot would still be cast from that location.

REPRESENTATIVE KAUFMAN suggested renaming the voting centers "voting stations."

[4:01:36 PM](#)

REPRESENTATIVE TARR inquired about the ballot tracking system and whether the system would only be available for individuals who chose to vote absentee.

MR. MASON answered yes, it would only apply to the absentee voting system.

REPRESENTATIVE TARR referred to page 19, line 17, which provided that the "the director shall immediately make a reasonable effort to contact the voter" regarding a ballot deficiency. She suspected that the language "reasonable effort" could be challenged and suggested adding further clarification, such as a "within 48 hours", for example.

CHAIR KREISS-TOMKINS noted that ballot curing was a policy area with overlapping legislation.

[4:05:17 PM](#)

MR. STEPP acknowledged that there were different ballot curing provisions in different bills. Ultimately, he said, the intent was to assign the director the responsibility of determining an appropriate timeframe in which to respond.

MR. MASON noted that the bill would allow the director to contact the voter through additional methods, such as electronic mail, telephone call, or text message, instead of just sending a deficiency notice.

REPRESENTATIVE TARR reiterated that "reasonable effort" was the concerning language, as it could be ambiguous.

MS. FENUMIAI agreed that "reasonable effort" seemed unclear.

REPRESENTATIVE TARR asked how the division would track the director's "reasonable effort."

MS. FENUMIAI speculated that the division would need to develop some kind of system for tracking the attempts made to contact voters.

[4:09:57 PM](#)

REPRESENTATIVE STORY directed attention to page 1, line 10, and inquired about the 30-day registration requirement.

MR. MASON stated that Representative Story was referring to what was known as "same-day voter registration." He shared his understanding that anyone who took advantage of the same day voter registration, or the 30-day timeframe, could vote a special needs ballot, absentee in-person ballot, or question ballot, as those ballots were reviewed by the division; however, they could not vote a regular ballot.

REPRESENTATIVE STORY observed that Version O would create a lot of additional work for DOE. She inquired about the fiscal note.

MR. MASON said the current fiscal note was no longer representative of the bill, as it has greatly expanded by Version O. He summarized associated costs according to Version I of the bill.

REPRESENTATIVE STORY wondered whether the division had concerns about any specific provisions in Version O.

MS. FENUMIAI said the division had not had the opportunity to review it in detail. She pointed out that there were some sections that outlined current practices, such as the question ballot process that Mr. Mason had referenced. She suggested that there were duplicative items in the proposed legislation.

[4:16:37 PM](#)

REPRESENTATIVE STORY questioned why people's ballots had been thrown out in past elections and asked how that could be corrected.

MS. FENUMIAI said the lack of a witness signature was a big factor, as well as a missing signature or being postmarked after election day.

[4:17:47 PM](#)

CHAIR KREISS-TOMKINS removed his objection to the adoption of the proposed CS for HB 66, labeled 32-LS0322\O, Klein, 3/30/22, as the working document.

REPRESENTATIVE EASTMAN maintained his objection.

[4:18:35 PM](#)

A roll call vote was taken. Representatives Tarr, Story, Claman, Vance, Kaufman, and Kreiss-Tomkins voted in favor of the proposed CS. Representative Eastman voted against it. Therefore, Version O was adopted as the working document by a vote of 6-1.

HB 142-PFD ELIGIBILITY

[4:19:36 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 142, "An Act relating to eligibility for the permanent fund dividend." [Before the committee, adopted as the working draft on 3/29/22, was the proposed committee substitute (CS) for HB 142, Version 32-LS0491\W, Nauman, 3/28/22, "Version W."]

[4:20:23 PM](#)

REPRESENTATIVE KEN MCCARTY, Alaska State Legislature, prime sponsor of HB 142, provided brief introductory remarks on Version W.

[4:20:54 PM](#)

The committee took an at-ease from 4:20 p.m. to 4:24 p.m.

[4:24:38 PM](#)

CHAIR KREISS-TOMKINS moved to adopt Amendment 1, [labeled 32-LS0491\W.1, Nauman, 3/29/22], which read:

Page 4, following line 7:

Insert new bill sections to read:

"* **Sec. 3.** AS 43.23.008(e) is amended to read:

(e) To determine whether an individual intends to return and remain in the state indefinitely, the

department shall consider all relevant factors, including

(1) the length of time the individual was absent from the state compared to the length of time the individual was physically present in the state;

(2) the frequency and duration of voluntary return trips to the state during the past five years;

(3) whether the individual's intent to return to and remain in the state is conditioned on future events beyond the individual's control;

(4) the ties the individual has established with the state or another jurisdiction, as demonstrated by

(A) maintenance of a home;

(B) payment of resident taxes;

(C) registration of a vehicle;

(D) except as provided in (g) of this section, registration to vote and voting history;

(E) acquisition of a driver's license, business license, or professional license; and

(F) receipt of benefits under a claim of residency in the state or another jurisdiction;

(5) the priority that the individual gave the state on an employment assignment preference list, including a list used by military personnel.

* **Sec. 4.** AS 43.23.008 is amended by adding a new subsection to read:

(g) An individual who is absent from the state for a reason permitted under (a)(1) or (2) of this section but who the department determines is ineligible because the individual voted or registered to vote outside the state regains eligibility for a permanent fund dividend if, during the qualifying year or the year immediately preceding the qualifying year, the individual

(1) is physically present in the state at some time during the qualifying year;

(2) registers to vote in the state or cancels the individual's voter registration outside the state; and

(3) is otherwise eligible."

Re-number the following bill sections accordingly.

Page 4, line 10, following "APPLICABILITY.":

Insert "(a)"

Page 4, following line 11:

Insert a new subsection to read:

"(b) AS 43.23.008(e), as amended by sec. 3 of this Act, and AS 43.23.008(g), added by sec. 4 of this Act,

(1) apply to the permanent fund dividend 2023 qualifying year for the 2024 dividend year and thereafter; and

(2) may not be applied to allow an individual to regain eligibility for a qualifying year before 2023."

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[4:25:18 PM](#)

CHAIR KREISS-TOMKINS deferred to Ms. Mackinnon, as the proposed amendment was drafted in communication with the Permanent Fund Dividend Division.

[4:25:35 PM](#)

ANNA MACKINNON, Director, Permanent Fund Dividend Division, explained that Amendment 1 would allow students who accidentally voted out of state to correct that error and maintain eligibility for the Permanent Fund Dividend (PFD).

REPRESENTATIVE EASTMAN shared his understanding that it would be a crime for a student to vote in another state if he/she was still a resident in Alaska. He asked why the legislature should overlook that and allow the individual to qualify for the PFD.

MS. MACKINNON explained that many students unintentionally register to vote in another state, unaware that it would make them ineligible to receive a PFD.

[4:28:14 PM](#)

DIRECTOR MACKINNON, in response to a follow up question from Representative Eastman, said it would be a policy decision. She conveyed that many students and parents felt disenfranchised in these scenarios.

REPRESENTATIVE EASTMAN believed that this situation highlighted an education issue in Alaska. He argued that the solution for accidentally committing a crime in another state was not to allow the students to maintain their PFD eligibility. Instead,

he opined that the concern should be addressed through education efforts.

[4:30:39 PM](#)

REPRESENTATIVE VANCE directed attention to Section 4 on page 2, lines 2-7, of Amendment 1. She asked whether the student, after registering to vote in another state in 2020, would lose eligibility in 2021 and regain eligibility in 2022.

MS. MACKINNON pointed out that the effective date of 2023 would nullify Representative Vance's example. Nonetheless, she acknowledged that if the student met the criteria in paragraphs (1)-(3) of Section 4, the division could remedy the mistake.

REPRESENTATIVE VANCE sought to clarify that a student who registered to vote in another state would lose eligibility for the dividend that year.

MS. MACKINNON answered, "Correct."

[4:33:51 PM](#)

REPRESENTATIVE EASTMAN expressed concern about paragraph (2) on page 2, line 10, of Amendment 1. He suggested that the language may encourage people to vote twice from two different states in the same election.

DIRECTOR MACKINNON said that would never be the case, as the election timeline was different than the application period. Further, she explained that the division wouldn't become aware of this error until the student filed for the following year's dividend.

[4:35:46 PM](#)

REPRESENTATIVE EASTMAN maintained his concern.

CHAIR KREISS-TOMKINS tabled Amendment 1.

REPRESENTATIVE KAUFMAN wondered whether the solution to the questions posed by Representative Eastman was contained in HB 66.

[4:37:52 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2, [labeled 32-LS0491\W.2, Nauman, 3/29/22], which read:

Page 3, line 19:

Delete "(16), or (17)"

Insert "or (16) - (18) [(16), OR (17)]"

Page 3, line 27, following "(17)":

Insert "servicing as a volunteer for a religious or charitable program;

(18)"

Page 3, line 31:

Delete "(4) - (16)"

Insert "(4) - (17) [(4) - (16)]"

Page 4, line 3:

Delete "(4) - (16)"

Insert "(4) - (17) [(4) - (16)]"

Page 4, line 6:

Delete "(1) - (16)"

Insert "(1) - (17) [(1) - (16)]"

Page 4, line 7:

Delete "(4) - (16)"

Insert "(4) - (17) [(4) - (16)]"

Page 4, following line 7:

Insert a new bill section to read:

"* **Sec. 3.** AS 43.23.008(b) is amended to read:

(b) An individual may not claim an allowable absence under (a) (1) - (17) [(a)(1) - (16)] of this section unless the individual was a resident of the state for at least six consecutive months immediately before leaving the state."

Renumber the following bill sections accordingly.

Page 4, line 10:

Delete "applies"

Insert "AS 43.23.008(a), as amended by sec. 2 of this Act, and AS 43.23.008(b), as amended by sec. 3 of this Act, apply"

REPRESENTATIVE TARR objected.

[4:38:00 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 2 would create an exemption for individuals serving as a volunteer for a religious or charitable program.

[4:39:21 PM](#)

REPRESENTATIVE MCCARTY opined that specifying religious and nonprofit organizations would open the bill up "to a lot of different things." He argued that it was a dangerous path to go down.

DIRECTOR MACKINNON stated that Amendment 2 was a policy decision for the legislature.

[4:40:41 PM](#)

REPRESENTATIVE VANCE asked how religious or charitable program would be defined.

REPRESENTATIVE EASTMAN said he would look to the federal definitions for tax status and organizations that regularly send individuals overseas for periods of service.

[4:41:30 PM](#)

REPRESENTATIVE TARR maintained her objection.

[4:42:20 PM](#)

A roll call vote was taken. Representatives Eastman, Vance, and Kaufman voted in favor of the adoption of Amendment 2. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 2 failed by a vote of 4-3.

[4:43:01 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3, [labeled 32-LS0491\W.3, Nauman, 3/29/22], which read:

Page 2, lines 19 - 20:

Delete ", as determined by the Alaska Commission on Postsecondary Education,"

Insert "[, AS DETERMINED BY THE ALASKA COMMISSION ON POSTSECONDARY EDUCATION,]"

Page 4, line 10:

Delete ", applies"

Insert "and AS 43.23.008(a), as amended by sec. 2
of this Act, apply"

REPRESENTATIVE TARR objected.

[4:43:07 PM](#)

REPRESENTATIVE EASTMAN explained that Amendment 3 would remove the Alaska Commission on Postsecondary Education's (ACPE's) adjudicatory role for determining the availability of comparable education programs in Alaska, per AS 43.23.008(a)(2). He shared his understanding that the commission was not fulfilling this requirement and did not see it as part of its mission.

CHAIR KREISS-TOMKINS asked whether that was true.

DIRECTOR MACKINNON said she had no knowledge of whether ACPE was fulfilling that provision. Nonetheless, she contended that it was a statutory requirement.

CHAIR KREISS-TOMKINS asked Representative Story whether she had any insight on this matter.

[4:44:56 PM](#)

REPRESENTATIVE STORY did not know the answer. She believed that the intent of AS 43.23.008(a)(2) was to provide consumer protection for students.

CHAIR KREISS-TOMKINS said he was not necessarily opposed to Amendment 3; however, he suggested that ACPE should weigh in.

REPRESENTATIVE EASTMAN suggested tabling Amendment 3 to a later bill hearing at which the commission would be present to testify.

CHAIR KREISS-TOMKINS agreed. He announced that Amendment 3 was tabled.

[4:47:18 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 4, [labeled 32-LS0491\W.4, Nauman, 3/29/22], which read:

Page 2, line 23:

Delete "armed forces"
Insert "uniformed services [ARMED FORCES]"

Page 4, following line 7:

Insert a new bill section to read:

"* **Sec. 3.** AS 43.23.008(f) is amended to read:

(f) In [FOR PURPOSES OF (a)(7) OF] this section,
(1) "family member" means a person who is
(A) [(1)] legally related to the individual
through marriage or guardianship; or
(B) [(2)] the individual's sibling, parent,
grandparent, son, daughter, grandson, granddaughter,
uncle, aunt, niece, nephew, or first cousin;
(2) "uniformed service" means the Army,
Navy, Air Force, Marine Corps, Coast Guard, Space
Force, and the Commissioned Corps of the National
Oceanic and Atmospheric Administration and Public
Health Services."

Renumber the following bill sections accordingly.

Page 4, line 10:

Delete "applies"

Insert "AS 43.23.008(a), as amended by sec. 2 of
this Act, and AS 43.23.008(f), as amended by sec. 3 of
this Act, apply"

REPRESENTATIVE TARR objected.

[4:47:26 PM](#)

REPRESENTATIVE EASTMAN explained that the intent of Amendment 4 was to include all members of the uniformed services in the exemptions section to allow those individuals to retain PFD eligibility.

[4:48:52 PM](#)

REPRESENTATIVE STORY spoke in favor of Amendment 4. She emphasized the importance of recognizing these uniformed service members, the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA) and Public Health Services in particular, as those individuals were often sent on long deployments. She reported that 15 Alaska residents served in the NOAA Commissioned Corps.

CHAIR KREISS-TOMKINS noted that 231 Alaskans served in the Commissioned Corps of the Public Health Services.

[4:50:52 PM](#)

CHAIR KREISS-TOMKINS shared a personal anecdote. He asked whether a member of the Public Health Services Commissioned Corps who performed his/her residency in Maine followed by 20 years of service in Sitka would be able to claim dividend eligibility in Maine, if Maine had a dividend program.

REPRESENTATIVE EASTMAN said, per his intent, the answer would be no. He clarified that the focus was a uniformed services member on deployment, as opposed to permanent station.

CHAIR KREISS-TOMKINS asked what constituted deployment for NOAA and Public Health Services Commissioned Corps.

REPRESENTATIVE STORY deferred to Ms. MacKinnon.

[4:52:49 PM](#)

MS. MACKINNON said the terms of deployment were provided under the Universal Code of Military Justice. She pointed out that uniformed service members on deployment would also be subject to the 5-year rule, as it currently existed, the 72-hour rule, and the intent to return.

CHAIR KREISS-TOMKINS repeated his question, asking what constituted deployment for the Commissioned Corps of the NOAA and Public Health Services.

REPRESENTATIVE EASTMAN maintained his understanding that the legislature could borrow the federal definition of deployment.

CHAIR KREISS-TOMKINS reiterated his interest in "nailing down" the definition.

[4:55:07 PM](#)

REPRESENTATIVE STORY offered to follow up with the definition.

CHAIR KREISS-TOMKINS announced that Amendment 4 was tabled.

[4:55:31 PM](#)

REPRESENTATIVE VANCE moved to adopt Amendment 5, [labeled 32-LS0491\W.5, Nauman, 3/29/22], which read:

Page 1, line 1, following "eligibility":

Insert "of active duty members of the armed forces for the permanent fund dividend; relating to the physical presence in the state requirement for eligibility"

CHAIR KREISS-TOMKINS objected.

[4:55:35 PM](#)

REPRESENTATIVE VANCE explained that the intent of Amendment 5 was to provide additional clarification of active duty members by requiring physical presence in the state for eligibility.

REPRESENTATIVE MCCARTY expressed his appreciation for the clarification offered in the proposed amendment.

CHAIR KREISS-TOMKINS sought to confirm that Amendment 5 was a title change.

REPRESENTATIVE VANCE answered yes.

REPRESENTATIVE TARR highlighted the issue with conforming language, as Amendment 4 replaced "armed forces" with "uniformed services."

[4:56:32 PM](#)

REPRESENTATIVE VANCE suggested that Legislative Legal Services could be authorized to make the appropriate conforming changes.

[4:56:44 PM](#)

The committee took a brief at-ease.

[4:57:09 PM](#)

CHAIR KREISS-TOMKINS said he would provide Legislative Legal Services with the appropriate latitude for conforming changes when final action was taken.

[4:57:47 PM](#)

REPRESENTATIVE EASTMAN opined that the significance of the proposed amendment was unclear. He asked what inspired Amendment 5.

REPRESENTATIVE VANCE deferred to the bill sponsor.

REPRESENTATIVE MCCARTY said, "this bill, HB 142, is really talking about military or changes to uniformed services only."

[4:59:11 PM](#)

CHAIR KREISS-TOMKINS asked Ms. Nauman how the adoption of Amendment 1 would interact with the adoption of a title change amendment as embodied by Amendment 5.

[4:59:58 PM](#)

EMILY NAUMAN, Deputy Director, Legislative Legal Services, Legislative Affairs Agency, shared her understanding that Amendment 5 would narrow the title to lock in the procedural intent of the bill. In response to Chair Kreiss-Tomkins' question, she indicated that authorizing Legislative Legal Services to making conforming changes would remedy any issues.

[5:00:56 PM](#)

CHAIR KREISS-TOMKINS removed his objection. There being no further objection, Amendment 5 was adopted. He announced that the bill would be held over.

SB 182-INTERFERENCE WITH EMERGENCY SERVICES

[5:01:32 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be CS FOR SENATE BILL NO. 182(JUD), "An Act establishing the crime of interference with emergency communications."

[5:02:01 PM](#)

SENATOR DAVID WILSON, Alaska State Legislature, prime sponsor, introduced CSSB 182(JUD). He presented the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 182 establishes the offense of interference with emergency communications. This

statute would apply when a person: repeatedly makes 911 calls to report something they know has already been reported, repeatedly calls 911 when there is no emergency, harasses or threatens a 911 operator, or disrupts communications between 911 operators and first responders.

Interference with emergency communications - the misuse, abuse, and disruption of 911 dispatch centers - is a problem that severely impacts public safety and emergency response by delaying responses to real emergencies. It is prevalent at dispatch centers across Alaska and must be addressed.

During these disruptive events, other urgent emergency calls must be placed on hold or delayed to meet standards; industry standards are that all 911 calls must be answered within 15-20 seconds. A dispatcher could be required to place the parent of a choking child on hold to answer repeated calls from a harassing individual who is not in need of emergency services, delaying necessary life-saving measures. Under the language in the bill, that harasser could be charged. Currently, state statute does not address harassing behavior specific to 911 dispatch centers, nor does it give law enforcement adequate recourse to stop the behavior.

This problem is not unique to Alaska. Other states have developed legislation that makes interfering with emergency communications an arrestable offense - which is the most effective way to stop the interference - thus allowing 911 telecommunicators to focus on legitimate emergencies.

[5:04:49 PM](#)

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, on behalf of Senator Wilson, prime sponsor, presented a sectional analysis of CSSB 182(JUD), which read as follows [original punctuation provided]:

Section 1: Adds a new section (.785. Interference with emergency communications) to AS 11.56. (Criminal Law, 56. Offenses Against Public Administration).

- (a) Establishes that a person commits a crime of interference with emergency communication when they:
 - (1) Call 911 to elicit a first responder response for a previously reported incident when there has been no change in circumstances, and they have been instructed to stop calling
 - (2) Make repeated 911 calls when there is no emergency.
 - (3) Threaten 911 operator during a call to 911.
 - (4) Disrupt emergency communications:
 - (A) Between 911 operators and first responders,
 - (B) Between first responders.
 - (C) Between a 911 operator and a person reporting an emergency.
- (b) Clarifies that that (4)(a) does not apply to in person communications.
- (c) Defines: "emergency communication," "emergency communication center," and "emergency communication worker."
- (d) Establishes that this crime is
 - (1) A class C felony if the interference results in death or serious physical harm.
 - (2) Otherwise, it is a class A misdemeanor.

Section 2: Adds a section to uncodified law that specifies that this act is not applicable to offenses committed prior to this legislation.

REPRESENTATIVE STORY asked whether the bill sponsor had considered including an exemption for someone with behavioral health disorders.

SENATOR WILSON answered yes, it was considered. He argued that the proposed legislation would help with intervention. If the bill were to pass, he explained that after violating the law, individuals with behavioral health disorders would most likely be sent to therapeutic court where they could seek the help that they need.

REPRESENTATIVE STORY said she would hate to see someone who was experiencing a mental health crisis charged with a felony. She asked whether therapeutic court was an option.

[5:09:24 PM](#)

SENATOR WILSON said that would be decided by the court and the prosecuting attorneys.

CHAIR KREISS-TOMKINS shared a personal anecdote. He explained that his grandmother, who was diagnosed with Alzheimer's, would call the police incessantly. He expressed concern that someone like his grandmother could be charged with a class C felony if the bill were to pass.

[5:11:06 PM](#)

MS. MARTIN directed attention to page 1, lines 12-13, of CSSB 192(JUD), which stated that a person "makes repeated emergency communications knowing that there is not a police, fire, or medical emergency;". She argued that the onus would be placed on the prosecutor to prove that the defendant knew there was no emergency.

CHAIR KREISS-TOMKINS expressed his interest in hearing from a drafter or someone with legal insight to ensure that the intent described by Ms. Martin would be achieved.

[5:12:23 PM](#)

REPRESENTATIVE VANCE directed attention to page 3, lines 6-8, which addressed the criminalization of these acts. She asked whether repeat offenders would be informed that their actions were illegal if the bill were to pass. Additionally, she asked whether the bill sponsor had considered creating a graduated approach with a first offense, second offense, and so on, to provide individuals with the opportunity to correct their behavior.

MS. MARTIN shared her understanding that in terms of public outreach, emergency dispatchers would be allowed to inform repeat offenders that their actions were against the law.

[5:14:26 PM](#)

CHAIR KREISS-TOMKINS welcomed invited testimony.

[5:14:49 PM](#)

JAMES COCKRELL, Commissioner, Department of Public Safety (DPS), conveyed that DPS was in support of the proposed legislation. He stated that the consequences of repeat calls could be fatal if the operator was unable to respond to a true emergency.

Further, he pointed out that the bill would provide protection for dispatchers who regularly dealt with high stress situations.

[5:17:01 PM](#)

JOEL BUTCHER, President, Alaska Joint Chapter of NENA and APCO, conveyed that the Alaska Joint Chapter of APCO and NENA represented over 150 emergency communications professionals and approximately 40 communications centers in Alaska. He expressed support for the proposed legislation. He indicated that emergency call centers were too often plagued with interference by repeat callers. He summarized the different types of interference that the legislation would statutorily criminalize. He argued that the bill was not intended to affect individuals with behavioral health disorders; instead, it would provide dispatchers with a tool to discourage repeat callers.

[5:21:11 PM](#)

JACOB BUTCHER, Communications Manager, Mat-Com Dispatch Center, noted that he had been employed as a 911 telecommunicator for nearly 16 years. He shared several personal anecdotes that detailed his experience with emergency communication interference and spoof calls. He asked the committee members to place themselves in the position of calling 911 in an emergency only to be placed on hold for a harassing call. He emphasized that most true emergencies were those where seconds counted.

CHAIR KREISS-TOMKINS announced that CSSB 182(JUD) would be held over.

[5:24:28 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 5:24 p.m.