

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

May 5, 2022

3:05 p.m.

MEMBERS PRESENT

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

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

CS FOR SENATE BILL NO. 95(STA)

"An Act relating to the right of first refusal of a volunteer search and rescue group with respect to obsolete or surplus state property."

- MOVED HCS CSSB 95(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 182(JUD)

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

- MOVED HCS CSSB 182(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 36(EDC)

"An Act relating to reporting requirements of the Board of Regents of the University of Alaska."

- 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
04/12/22	(H)	Heard & Held
04/12/22	(H)	MINUTE(STA)
04/19/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/19/22	(H)	Heard & Held
04/19/22	(H)	MINUTE(STA)
04/21/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/21/22	(H)	Heard & Held
04/21/22	(H)	MINUTE(STA)
04/26/22	(H)	STA AT 3:00 PM GRUENBERG 120
04/26/22	(H)	Heard & Held
04/26/22	(H)	MINUTE(STA)

04/28/22 (H) STA AT 3:00 PM GRUENBERG 120
04/28/22 (H) Heard & Held
04/28/22 (H) MINUTE(STA)
05/03/22 (H) STA AT 3:00 PM GRUENBERG 120
05/03/22 (H) Heard & Held
05/03/22 (H) MINUTE(STA)
05/05/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 95

SHORT TITLE: SEARCH AND RESCUE SURPLUS STATE PROPERTY
SPONSOR(S): SENATOR(S) WILSON

03/03/21 (S) READ THE FIRST TIME - REFERRALS
03/03/21 (S) STA, FIN
03/16/21 (S) STA AT 3:30 PM BUTROVICH 205
03/16/21 (S) Heard & Held
03/16/21 (S) MINUTE(STA)
03/30/21 (S) STA AT 3:30 PM BUTROVICH 205
03/30/21 (S) Moved CSSB 95(STA) Out of Committee
03/30/21 (S) MINUTE(STA)
03/31/21 (S) STA RPT CS (FORTHCOMING) 3DP 2NR
03/31/21 (S) NR: SHOWER, REINBOLD
03/31/21 (S) DP: KAWASAKI, COSTELLO, HOLLAND
04/03/21 (S) STA CS RECEIVED NEW TITLE
04/07/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/07/21 (S) Heard & Held
04/07/21 (S) MINUTE(FIN)
04/27/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
04/27/21 (S) Moved CSSB 95(STA) Out of Committee
04/27/21 (S) MINUTE(FIN)
04/28/21 (S) FIN RPT CS(STA) 7DP
04/28/21 (S) DP: STEDMAN, BISHOP, HOFFMAN, WILSON,
WIELECHOWSKI, OLSON, VON IMHOF
05/03/21 (S) TRANSMITTED TO (H)
05/03/21 (S) VERSION: CSSB 95(STA)
05/04/21 (H) READ THE FIRST TIME - REFERRALS
05/04/21 (H) CRA, STA
05/13/21 (H) CRA RPT 4DP 2NR 1AM
05/13/21 (H) DP: DRUMMOND, MCCABE, PATKOTAK, SCHRAGE
05/13/21 (H) NR: MCCARTY, PRAX
05/13/21 (H) AM: HANNAN
05/13/21 (H) CRA AT 8:00 AM BARNES 124
05/13/21 (H) Moved CSSB 95(STA) Out of Committee
05/13/21 (H) MINUTE(CRA)
03/22/22 (H) STA AT 3:00 PM GRUENBERG 120
03/22/22 (H) Heard & Held
03/22/22 (H) MINUTE(STA)

05/05/22 (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
04/12/22 (H) Heard & Held
04/12/22 (H) MINUTE(STA)
04/16/22 (H) STA AT 10:00 AM GRUENBERG 120
04/16/22 (H) Heard & Held
04/16/22 (H) MINUTE(STA)
05/05/22 (H) STA AT 3:00 PM GRUENBERG 120

BILL: SB 36

SHORT TITLE: U OF A REGENTS REPORTING REQUIREMENTS

SPONSOR(s): SENATOR(s) STEVENS

01/25/21 (S) PREFILE RELEASED 1/8/21
01/25/21 (S) READ THE FIRST TIME - REFERRALS
01/25/21 (S) EDC, FIN
03/08/21 (S) EDC AT 9:00 AM BUTROVICH 205
03/08/21 (S) Heard & Held
03/08/21 (S) MINUTE(EDC)
03/17/21 (S) EDC AT 9:00 AM BUTROVICH 205

03/17/21 (S) Moved CSSB 36(EDC) Out of Committee
 03/17/21 (S) MINUTE(EDC)
 03/19/21 (S) EDC RPT CS 5DP SAME TITLE
 03/19/21 (S) DP: HOLLAND, HUGHES, STEVENS, MICCICHE,
 BEGICH
 03/22/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/22/21 (S) Heard & Held
 03/22/21 (S) MINUTE(FIN)
 03/29/21 (S) FIN RPT CS(EDC) 3DP 1NR
 03/29/21 (S) DP: STEDMAN, BISHOP, WIELECHOWSKI
 03/29/21 (S) NR: WILSON
 03/29/21 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/29/21 (S) Moved CSSB 36(FIN) Out of Committee
 03/29/21 (S) MINUTE(FIN)
 04/07/21 (S) TRANSMITTED TO (H)
 04/07/21 (S) VERSION: CSSB 36(EDC)
 04/09/21 (H) READ THE FIRST TIME - REFERRALS
 04/09/21 (H) EDC, STA
 03/14/22 (H) EDC AT 8:00 AM DAVIS 106
 03/14/22 (H) Heard & Held
 03/14/22 (H) MINUTE(EDC)
 03/30/22 (H) EDC AT 8:00 AM DAVIS 106
 03/30/22 (H) Moved CSSB 36(EDC) Out of Committee
 03/30/22 (H) MINUTE(EDC)
 04/04/22 (H) EDC RPT 2DP 3NR
 04/04/22 (H) DP: STORY, DRUMMOND
 04/04/22 (H) NR: HOPKINS, CRONK, GILLHAM
 05/05/22 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

MIKE MASON, Staff

Representative Chris Tuck

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS for HB 66, Version N, on behalf of Representative Tuck, prime sponsor.

REPRESENTATIVE CHRIS TUCK

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on the proposed CS for HB 66, Version N, as the prime sponsor.

HILLARY HALL, Government Affairs Director

National Vote at Home Institute

Washington, D.C.

POSITION STATEMENT: Answered questions during the hearing on the proposed CS for HB 66, Version N.

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

POSITION STATEMENT: Answered questions during the hearing on the proposed CS for HB 66, Version N.

SENATOR DAVID WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed CSSB 95(STA), as the prime sponsor.

MARK STIGAR, President
Alaska Search and Rescue Association
Palmer, Alaska

POSITION STATEMENT: Testified in support of CSSB 95(STA).

HILLARY XANNIE BORSETH, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an explanation of Amendment 1 to CSSB 95(STA), on behalf of Representative Kreiss-Tomkins.

TERRY BANNISTER, Attorney
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 95(STA).

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

POSITION STATEMENT: Answered questions during the hearing on CSSB 182(JUD), on behalf of Senator Wilson, prime sponsor.

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

POSITION STATEMENT: Answered questions during the hearing on CSSB 182(JUD).

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

POSITION STATEMENT: Answered questions during the hearing on CSSB 182(JUD).

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

POSITION STATEMENT: Introduced Amendment 2 to CSSB 182(JUD), on behalf of Representative Kreiss-Tomkins.

TIM LAMKIN, Staff
Senator Gary Stevens
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced CSSB 36(EDC), on behalf of Senator Stevens, prime sponsor.

PAUL LAYER, PhD, Vice President
Academics, Students, & Research
University of Alaska Fairbanks
Fairbanks, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on CSSB 36(EDC).

ACTION NARRATIVE

[3:05:12 PM](#)

VICE CHAIR CLAMAN called the House State Affairs Standing Committee meeting to order at 3:05 p.m. Representatives Eastman, Story, Vance, Tarr, Kaufman (via teleconference), Kreiss-Tomkins (via teleconference), and Claman were present at the call to order.

HB 66-ELECTIONS, VOTING, BALLOTS

[3:06:05 PM](#)

VICE CHAIR CLAMAN 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, adopted as the working document and amended on 5/3/22, was the proposed committee substitute (CS) for HB 66, Version 32-LS0322\N, Klein, 4/30/22, ("Version N"), as amended.]

[3:07:27 PM](#)

REPRESENTATIVE KAUFMAN moved to adopt Amendment 3 to HB 66, Version N, as amended, labeled 32-LS0322\N.3, Klein, 5/3/22, which read:

Page 15, line 6:
Delete "four"
Insert "two"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[3:07:45 PM](#)

REPRESENTATIVE KAUFMAN explained that under Amendment 3, a voter who had not voted an absentee ballot for a period of two years, as opposed to four years, would be required to reapply for an absentee ballot by mail. He opined that lowering the timeframe from four years to two years would increase ballot security.

[3:08:30 PM](#)

REPRESENTATIVE STORY asked whether military members had been considered in the drafting of Amendment 3.

REPRESENTATIVE KAUFMAN confirmed that he had considered military members. He maintained his belief that two years seemed more reasonable than four.

REPRESENTATIVE STORY stated that her preference was to maintain a four-year cycle.

[3:10:32 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which a voter turned in an absentee ballot at a polling station once within four years. He asked whether that person would continue to receive absentee ballots perpetually.

3:11:07 PM

MIKE MASON, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor, confirmed that as long as the voter voted within the specified [four-year] time period, he/she would stay on the permanent absentee voter list.

REPRESENTATIVE EASTMAN sought to confirm that per Amendment 3, the voter would need to miss at least two elections [to be removed from the permanent absentee voter list].

MR. MASON said under the current system, voters who cast a ballot within the four-year timeframe remain on the absentee voter list. In contrast, voters who do not cast a ballot within the four-year timeframe are removed from the list. He shared his understanding that Amendment 3 would shorten that timeframe from four years to two years. He opined that voters should be able to miss an election cycle and retain the privilege of permanent absentee voting, whereas Amendment 3 would penalize a voter for missing an election by removing him/her from that list.

3:13:14 PM

MR. MASON, in response to a follow-up question from Representative Eastman, stated that the Division of Elections (DOE) would remove a voter from the permanent absentee voting list if he/she missed two election cycles.

REPRESENTATIVE EASTMAN sought to clarify the sponsor's position on the matter.

MR. MASON clarified the bill sponsor's position, such that a voter would be required to reapply for permanent absentee voting after missing two, two-year election cycles.

REPRESENTATIVE EASTMAN sought to confirm that a voter who signs up for permanent absentee voting would receive four ballots in a four-year period.

MR. MASON pointed out that currently, the division maintained a permanent absentee voting list; however, those on the list were sent an absentee ballot application, as opposed to a ballot. The intent of the permanent absentee voting system proposed in Version N, he said, was to allow a person to check a box on the voter registration form and be sent an absentee ballot for all

state elections going forward. The aforementioned process would exclude someone who simply filled out a traditional absentee ballot application for one specific election.

REPRESENTATIVE EASTMAN sought to confirm that the permanent absentee voting application was separate from a traditional absentee ballot application.

MR. MASON said the bill empowers DOE to implement the system accordingly. He clarified that the intent was for a voter to "check a box" and be included on the permanent absentee voter list and receive a ballot in perpetuity unless he/she met the criteria to be removed from the list. Alternatively, a voter who did not want to receive absentee ballots permanently could always sign up for a traditional one-time absentee ballot to vote in a specific election.

VICE CHAIR CLAMAN shared his understanding that the application for an absentee ballot would include a box that could be checked in the affirmative to opt-in to permanent absentee voting. He asked if that was correct.

MR. MASON answered yes.

[3:17:50 PM](#)

REPRESENTATIVE TARR pointed out that the Municipality of Anchorage had implemented a vote-by-mail system. She asked how the provision in question would impact state versus local elections.

MR. MASON shared his understanding that the bill would not impact municipal elections; therefore, the municipal system in Anchorage would stay the same.

REPRESENTATIVE TARR opined that Amendment 3 would defy the bill sponsor's intent.

MR. MASON explained that the bill was drafted to allow voters to miss an election cycle and still be included on the permanent absentee voter list, a cost-saving measure that would make it easier to vote.

[3:19:58 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, prime sponsor of HB 6, agreed with Mr. Mason. He argued that if a

voter were to miss a primary and a general election, he/she should be removed from the list.

[3:20:48 PM](#)

REPRESENTATIVE EASTMAN remarked, "You say, a moment ago, that if someone misses both a primary and a general, then they should have to reapply?"

REPRESENTATIVE TUCK answered, "Yes, if they miss two elections."

VICE CHAIR CLAMAN shared his understanding that if Amendment 3 were adopted, a voter would be removed from the list after missing both the 2022 primary and the 2022 general election, thereby shortening the allowance from four opportunities to vote to two opportunities. The bill sponsor, he clarified, preferred four opportunities.

REPRESENTATIVE TUCK agreed. He noted the four-year time span was recommended by national organizations.

REPRESENTATIVE EASTMAN said he had heard the bill sponsor describe this as a cost-saving measure. He asked for further explanation.

REPRESENTATIVE TUCK deferred to Hillary Hall.

VICE CHAIR CLAMAN noted that pre-paid postage only incurred cost if it was mailed by the recipient.

[3:23:44 PM](#)

HILLARY HALL, Government Affairs Director, National Vote at Home Institute (NVAHI), asked Representative Eastman to rephrase the question.

REPRESENTATIVE EASTMAN asked how the permanent absentee voting provision was a cost-saving measure.

MS. HALL indicated that money was saved in the application process, as processing absentee ballot requests averaged \$1 per form.

REPRESENTATIVE EASTMAN asked Ms. Hall to weigh that against what he characterized as "increased costs" associated with voters who were on the permanent absentee voter list that had moved out of state and continued to receive a ballot that was never voted.

MS. HALL stated that there were ways to clean that up, such as the national change of address notification process, which the division already practiced. Further, she reported that people who sign up for by-mail voting are more likely to vote a ballot compared to the average in-person voter. She characterized the provision as a "win-win."

[3:26:48 PM](#)

REPRESENTATIVE EASTMAN considered a scenario in which an Alaska voter moved out of state and filed a change of address with the United States Postal Service (USPS). He asked whether that person would be removed from the voter registration list or whether he/she would no longer receive absentee ballots.

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, said currently, a change of address would not trigger a response; however, Version N provided that if a voter's previous absentee ballot, sent under this section, was returned to the division as undeliverable, the voter would be removed from the permanent absentee voting list. Alternatively, if the voter's intent was to remain in Alaska or the mailing address change was in-state, he/she would be given the opportunity to update his/her voter registration.

REPRESENTATIVE EASTMAN remarked:

"What is the process by which we get to that point where you're actually able to receive something back as undeliverable. I understand there was some other intervening steps in that process."

MS. FENUMIAI asked Representative Eastman to restate the question.

REPRESENTATIVE EASTMAN considered a scenario in which an Alaska voter moved out of state and filed a change of address with USPS. He asked whether that person would be removed from the voter registration list or whether he/she would no longer receive absentee ballots.

MS. FENUMIAI sought to confirm that Representative Eastman was referring to DOE's current list maintenance process.

VICE CHAIR CLAMAN asked Ms. Fenumiai to elaborate.

MS. FENUMIAI offered to follow up with the requested information, as it involved a lengthy and long explanation.

MR. MASON directed Representative Eastman to a document [hard copy included in the committee packet] titled, "Additional Info - DOE List Maintenance."

[3:32:38 PM](#)

REPRESENTATIVE TARR inquired about the administrative burden associated with Amendment 3, as it would require the division to process absentee ballot applications on a two-year cycle instead of every four years.

MS. FENUMIAI said there was no way to quantify the impact on cost. She suggested that the two-year versus four-year cycle was a policy call.

REPRESENTATIVE TARR responded to Representative Kaufman's inference that mailing out absentee ballots in perpetuity was a security issue. She pointed out that "the universe of potential Alaskans involved" was limited to individuals who had opted-in to the permanent absentee voter list and then proceeded to miss an election or move out of state. She asked whether DOE had any concerns about the four-year timeframe or ballots being unreceived by the intended recipient.

MS. FENUMIAI acknowledged that election security was always a concern; nonetheless, she expressed her hope that voters would take the time to notify the division of a change in location. She emphasized that the division only sent ballots to individuals who requested them; further, verification tools had been implemented to create adequate checks and balances in the system.

[3:36:12 PM](#)

REPRESENTATIVE EASTMAN removed his objection to the motion to adopt Amendment 3.

VICE CHAIR CLAMAN objected.

[3:36:30 PM](#)

REPRESENTATIVE EASTMAN opined that ballots were of the utmost importance and should be handled with great care. He believed that Amendment 3 was overly generous; however, he intended to

support it. He expressed his concern about ballots getting lost, misplaced, or stolen.

VICE CHAIR CLAMAN said he did not support Amendment 3. He shared a personal anecdote and likened permanent absentee voting to autopayments on a credit card.

[3:39:15 PM](#)

REPRESENTATIVE KAUFMAN shared final comments on Amendment 3. He recalled that an "errant" ballot was worth \$1 and believed that the added security Amendment 3 offered was worth consideration. To those who utilize absentee ballots, he contended that the elderly population could "become incapacitated" within the four-year timeframe. He characterized it as "demonstrable" that people were not great at notifying the division of a change in location. He acknowledged the desire to make things easier but preferred to err on the side of security while respecting the desire for convenience.

[3:41:00 PM](#)

A roll call vote was taken. Representatives Vance, Kaufman, and Eastman voted in favor of the motion to adopt Amendment 3. Representatives Tarr, Story, Claman, and Kreiss-Tomkins voted against it. Therefore, Amendment 3 to HB 66, Version N failed by a vote of 3-4.

VICE CHAIR CLAMAN announced that HB 66 was held over.

SB 95-SEARCH AND RESCUE SURPLUS STATE PROPERTY

[3:42:35 PM](#)

VICE CHAIR CLAMAN announced that the next order of business would be CS FOR SENATE BILL NO. 95(STA), "An Act relating to the right of first refusal of a volunteer search and rescue group with respect to obsolete or surplus state property."

[3:43:31 PM](#)

SENATOR DAVID WILSON, Alaska State Legislature, prime sponsor of CSSB 95(STA), provided a brief summary of the bill. He said the proposed legislation would allow volunteer search and rescue organizations to exercise the right to first refusal on surplus state property items related to search and rescue.

VICE CHAIR CLAMAN opened public testimony on CSSB 95(STA).

[3:45:08 PM](#)

MARK STIGAR, President, Alaska Search and Rescue Association, explained that volunteer search and rescue organizations received virtually no state funding. Sometimes the groups were reimbursed for costs incurred during specific operations, but no funding was provided upfront. He shared a personal anecdote and urged the committee to pass the bill.

VICE CHAIR CLAMAN, after ascertaining there was no one else who wished to testify, closed public testimony on CSSB 95(STA).

[3:47:56 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 1 to CSSB 95(STA), labeled 32-LS0593\I.2, Bannister, 4/28/22, which read:

Page 1, line 12, following "section.":

Insert "To qualify under this subsection, the group shall be organized as a nonprofit corporation under AS 10.20 or exercise the right of first refusal through and in the name of the municipality in which the group is located or a Native village council operating in the area in which the group is located that agrees to accept the property and use the property for search and rescue services. If the group exercises the right of first refusal through and in the name of a municipality or Native village council, the municipality or Native village council shall own the property."

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[3:48:18 PM](#)

HILLARY XANNIE BORSETH, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, explained that Amendment 1 would allow eligibility for the right of first refusal to a search and rescue group that was one of the following: an organized nonprofit corporation; procuring the property in the name of the Municipality in which the group is located; or associated with a Native village council operating in the area in which the group is located that agrees to accept the property and use the property for search and rescue services. She conveyed that the

proposed amendment was drafted in response to the ambiguity associated with the term "group of volunteers that is organized to provide search and rescue services." She added that the purpose of Amendment 1 was to ensure that the relevant property was procured by an organized, official group providing ongoing search and rescue services to the community.

VICE CHAIR CLAMAN asked for the bill sponsor's position on Amendment 1.

SENATOR WILSON said it was always his intent that the equipment be entitled to a responsible entity for search and rescue purposes. He acknowledged that the proposed amendment helped to clarify that intent; therefore, he was supportive of Amendment 1.

[3:49:56 PM](#)

REPRESENTATIVE EASTMAN asked whether the term "municipality" included both a city and a borough.

MS. BORSETH stated that the intent was for any organized borough or municipal government to be included in the unlikely scenario that the search and rescue group was not a nonprofit organization.

REPRESENTATIVE EASTMAN directed the question to Legislative Legal Services.

[3:51:07 PM](#)

TERRY BANNISTER, Attorney, Legislative Legal Services, Legislative Affairs Agency (LAA), said there was a general definition of "municipality" in statute under AS 01.10.060(a)(4), which read:

"municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

REPRESENTATIVE EASTMAN sought to confirm that Amendment 1 was broad enough to encompass volunteer organizations that already fell under the "umbrella" of a municipality.

MS. BANNISTER said a group would be eligible as long as it organized as a nonprofit under AS 10.20 [Alaska Nonprofit

Corporation Act] or exercised the group in the name of a municipality or Native village council.

REPRESENTATIVE EASTMAN asked what would happen if the municipality provided reimbursement for gas expenses or other expenses that the volunteers incurred during an on-call or emergency situation.

MS. BANNISTER shared her understanding that it would depend on the interpretation of "volunteer." She pointed out that if a person was paid, it called into question his/her volunteer status.

[3:55:22 PM](#)

SENATOR WILSON excused himself, as he was being called to present in the House Finance Committee. He directed all questions to his staff, Ms. Martin.

REPRESENTATIVE EASTMAN considered a scenario in which the Matanuska-Susitna Borough provided small renumerations to volunteers who were not otherwise paid to perform the search and rescue functions.

MS. BORSETH shared her belief that the sponsor of Amendment 1 would have no problem with that, as they were still inherently a search and rescue volunteer organization. She encouraged local governments or municipalities to support the volunteer groups.

REPRESENTATIVE EASTMAN asked whether additional clarifying language was needed to ensure the inclusion of the organizations or entities in question.

MS. BANNISTER underscored the common understanding that volunteers were not paid. She said clarifying language could be added; however, it could be misleading unless the bill title was changed.

VICE CHAIR CLAMAN pointed out that countless nonprofit organizations had paid administrative staff. He sought to confirm that such an inclusion would not change their volunteer status.

MS. BANNISTER said it was unclear.

VICE CHAIR CLAMAN disagreed with Ms. Bannister's analysis. He emphasized that countless volunteer organizations that qualified as nonprofits had one or several paid employees on staff.

[4:00:27 PM](#)

REPRESENTATIVE STORY asked whether out-of-state nonprofits were covered under Amendment 1.

MS. BORSETH answered no, it would not include nonprofit organizations outside of Alaska.

[4:01:23 PM](#)

REPRESENTATIVE EASTMAN asked whether government nonprofits were included in AS 10.20.

MS. BANNISTER asked for a definition of government nonprofit.

REPRESENTATIVE EASTMAN considered a scenario in which a volunteer group was operating under the auspices of a municipality or Native village council. He asked whether the nonprofit was sufficient to qualify under the AS 10.20 language on line 3 of Amendment 1.

MS. BANNISTER answered, "They could be a nonprofit or they can exercise the right through the municipality or the Native village council. So, it doesn't matter - they can do one or the other."

[4:03:15 PM](#)

REPRESENTATIVE EASTMAN withdrew his objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 to CSSB 95(STA) was adopted.

VICE CHAIR CLAMAN invited final comments on the underlying bill.

[4:03:53 PM](#)

REPRESENTATIVE EASTMAN expressed his support for the bill. He stated his hope that a nonprofit organization, such as the Anchorage Fire Department, would not qualify as a volunteer organization under the bill, as their employees were full-time, salaried workers. In contrast, he expressed his hope that an organization, such as the Chugiak Volunteer Fire Department in

Eagle River, would qualify for the benefits provided under CSSB 95 (STA) .

[4:05:16 PM](#)

REPRESENTATIVE KAUFMAN stated his support for the bill.

REPRESENTATIVE TARR expressed her support for the bill.

[4:05:56 PM](#)

REPRESENTATIVE TARR moved to report CSSB 95 (STA), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 95 (STA) was reported out of the House State Affairs Standing Committee.

SB 182-INTERFERENCE WITH EMERGENCY SERVICES

[4:06:48 PM](#)

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

VICE CHAIR CLAMAN moved to adopt Amendment 1 to CSSB 182 (JUD), labeled 32-LS1103\O.3, Radford, 4/25/22, which read:

Page 3, lines 5 - 8:

Delete all material and insert:

"(d) Interference with emergency communications is a class A misdemeanor."

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[4:07:34 PM](#)

VICE CHAIR CLAMAN explained that Amendment 1 would remove the felony provisions in the proposed legislation and instead make [interference with emergency communications] a class A misdemeanor. He expressed concern that elevating the conduct to a felony crime may have a significant impact on people who were suffering from a mental health issue.

[4:08:47 PM](#)

REPRESENTATIVE VANCE disagreed. She shared her understanding that an "unknowing person" was already considered in the bill and would be protected under the law.

VICE CHAIR CLAMAN acknowledged that a judge could take that into consideration during sentencing; however, he maintained his hesitation to elevating the criminal offense to a felony until it was proven that criminalizing the conduct on any level reduced the number of interfering calls.

REPRESENTATIVE VANCE reiterated her understanding that the intent of the bill was to create a "big stick" for bad actors who continually abuse the system. She opined that a misdemeanor was not enough of a deterrent and respectfully opposed Amendment 1.

[4:10:31 PM](#)

REPRESENTATIVE EASTMAN believed that a felony charge was excessive for many reasons; further, he opined that threatening people that were suffering from a mental health crisis with a felony charge would not be effective in changing their behavior. He suggested further reducing the class A misdemeanor to a class B misdemeanor.

[4:12:01 PM](#)

REPRESENTATIVE TARR asked whether there was a history of serious physical injury or death as a result of interference with emergency communications.

JASMINE MARTIN, Staff, Senator David Wilson, Alaska State Legislature, on behalf of Senator Wilson, prime sponsor, said she was not aware of any instances. She conveyed that the bill sponsor was not opposed to Amendment 1. She deferred to Mr. Butcher for additional comment.

[4:12:45 PM](#)

JACOB BUTCHER, Communications Manager, Mat-Com Dispatch, reported that in his 16 years in a 911 communications center, he was not aware of any direct injury or death related to interference with emergency communications. Nonetheless, he said there was an "open road" to the possibility of it happening in the future. He shared a personal anecdote.

REPRESENTATIVE TARR said she would be more inclined to leave the bill in its current form if there had been incidents of injury or death associated with the behavior. She cautioned against elevating the criminal offense to a felony, adding that she felt comfortable with the language in Amendment 1.

[4:14:55 PM](#)

REPRESENTATIVE KREISS-TOMKINS stated his support for Amendment 1. He asserted that turning people into felons was not the answer to all problems. He opined that criminalizing conduct should come with a reminder of the punishable amount of jailtime, as well as the difficulties that accompany the lifelong label of "felon."

REPRESENTATIVE EASTMAN withdrew his objection.

[4:16:13 PM](#)

REPRESENTATIVE VANCE objected for clarification. She sought to confirm that a person would not be charged with a class C felony unless the interference resulted in serious physical injury or death of a person.

VICE CHAIR CLAMAN said, "That's correct as I read the bill."

REPRESENTATIVE VANCE sought to confirm that per Amendment 1, interference that resulted in injury or death would be penalized with a class A misdemeanor.

VICE CHAIR CLAMAN clarified that under the statute [AS 11.56], the criminal offense would be classified as a misdemeanor; however, there were circumstances relating to serious injury or death in which other crimes could be charged depending on the scenario.

[4:17:34 PM](#)

REPRESENTATIVE EASTMAN shared his understanding that that if someone died, there would be an element of culpability. He indicated that there were other civil and criminal charges that could be brought against the offender if the behavior resulted in death.

REPRESENTATIVE VANCE inquired about the Senate's perspective on the bill.

MS. MARTIN explained that the original version of the bill included an escalating factor, such that multiple convictions would result in a felony after two or three occurrences. She stated that the Senate Judiciary Standing Committee removed that provision, changing it to a class A felony if the behavior resulted in serious injury or death.

VICE CHAIR CLAMAN cited AS 11.41.130 [criminally negligent homicide] and asked whether the adoption of Amendment 1 could impact the charge of criminally negligent homicide.

[4:20:27 PM](#)

KACI SCHROEDER, Assistant Attorney General, Criminal Division, Department of Law (DOL), agreed that it would be fact dependent, as causation would need to be proven. She explained that a direct link between the behavior and the death of another person would need to be identified.

VICE CHAIR CLAMAN sought to confirm that the issue of causation still existed for the criminal offense created under CSSB 182(JUD).

MS. SCHROEDER confirmed. She explained that the underlying offense would still need to be proven and directly linked to the death of another person, should that scenario occur. She suspected that it would be difficult to prove.

VICE CHAIR CLAMAN surmised that when considering the mental state, criminally negligent homicide may be easier to prove than a homicide related to interference with emergency communications.

MS. SCHROEDER confirmed that when considering the mental state only, that may be true; however, causation was also an issue.

VICE CHAIR CLAMAN, referencing AS 11.41.210 [assault in the second degree], sought to confirm that the same issues would arise in regard to recklessness as a mental state; however, the issue of causation would still need to be proven, suggesting that one "might be able to prove assault."

MS. SCHROEDER said she was far less comfortable with that.

REPRESENTATIVE VANCE [removed her objection] to the motion to adopt Amendment 1. There being no further objection, Amendment 1 to CSSB 182(JUD) was adopted.

[4:24:00 PM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 2 to CSSB 182(JUD), labeled 32-LS1103\0.5, Radford, 4/28/22, which read:

Page 3, line 8:
Delete "A"
Insert "B"

REPRESENTATIVE EASTMAN objected for the purpose of discussion.

[4:24:34 PM](#)

JEFF STEPP, Staff, Representative Jonathan Kreiss-Tomkins, Alaska state Legislature, on behalf of Representative Kreiss-Tomkins, explained that Amendment 2 would modify the bill, such that interference with emergency communications resulted in a class B misdemeanor, rather than a class A misdemeanor. For reference, he said, a class A misdemeanor in Alaska is punishable by up to one year in jail and a fine of up to \$10,000. In contrast, a class B misdemeanor is punishable by up to 90 days in jail and a fine of up to \$2,000.

[4:26:01 PM](#)

REPRESENTATIVE EASTMAN withdrew his objection. There being no further objection, Amendment 2 to CSSB 182(JUD) was adopted.

[4:26:18 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3 to CSSB 182(JUD), labeled 32-LS1103\0.6, Radford, 5/3/22, which read:

Page 1, line 6, following "knowingly":
Insert ", "

Page 1, lines 7 - 15:
Delete all material.

Page 2, line 1:
Delete "(4) "

Page 2, line 4:
Delete "(A) "
Insert "(1) "

Page 2, line 6:
Delete "(B)"
Insert "(2)"

Page 2, line 7:
Delete "(C)"
Insert "(3)"

Page 2, line 10:
Delete "(a)(4)"
Insert "(a)"

VICE CHAIR CLAMAN objected for the purpose of discussion.

[4:26:23 PM](#)

REPRESENTATIVE EASTMAN indicated that the substantive language of Amendment 3 was on page 1, lines 4-5, which deleted all material on lines 7-15 of CSSB 182(JUD).

VICE CHAIR CLAMAN asked for the bill sponsor's perspective on Amendment 3.

[4:28:36 PM](#)

SENATOR WILSON pointed out that the proposed amendment would delete operative language in the underlying bill, as it related to repeated emergency communications. He shared his belief that Amendment 3 would eliminate the original intent of the bill.

VICE CHAIR CLAMAN maintained his objection to Amendment 3.

[4:29:48 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of the motion to adopt Amendment 3 to CSSB 182(JUD). Representatives Tarr, Story, Claman, Vance, Kaufman, and Kreiss-Tomkins voted against it. Therefore, Amendment 3 failed by a vote of 1-6.

[4:30:33 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 4 to CSSB 182(JUD), labeled 32-LS1103\0.7, Radford, 5/3/22, which read:

Page 2, lines 20 - 26:
Delete all material.

Reletter the following subparagraphs accordingly.

Page 2, line 27, following "personnel;"
Insert "and"

Page 2, line 31, through page 3, line 2:
Delete all material.

VICE CHAIR CLAMAN objected for the purpose of discussion.

[4:30:38 PM](#)

REPRESENTATIVE EASTMAN indicated that the operative language of Amendment 4 was on page 1, lines 1-2, which deleted the qualifying details in the definition of "emergency communications center." He opined that although the definition in the bill was comprehensive, it expanded beyond the traditional understanding of a dispatch center.

VICE CHAIR CLAMAN asked for the bill sponsor's perspective on Amendment 4.

MS. MARTIN stated that the definitions of "emergency communications center," which Amendment 4 sought to delete, were pulled from the National Emergency Number Association (NENA). She deferred to the will of the committee.

VICE CHAIR CLAMAN maintained his objection to the motion to adopt Amendment 4.

[4:35:04 PM](#)

A roll call vote was taken. Representative Eastman voted in favor of the motion to adopt Amendment 4 to CSSB 182(JUD). Representatives Kaufman, Tarr, Story, Claman, Vance, and Kreiss-Tomkins voted against it. Therefore, Amendment 4 failed by a vote of 1-6.

VICE CHAIR CLAMAN invited final comments on the underlying bill.

[4:35:50 PM](#)

REPRESENTATIVE EASTMAN expressed his apprehension to the broad scope of the bill, given the criminalization of conduct.

REPRESENTATIVE KAUFMAN expressed his support for the bill, as amended.

REPRESENTATIVE TARR expressed her support for the legislation; nonetheless, she opined that there was a need for stiffer penalties in the justice system when it came to crimes against people. She asserted that her consideration of the bill would have been different if there had been any evidence of harm.

[4:37:46 PM](#)

REPRESENTATIVE STORY thanked the committee for lowering the criminal offense to a misdemeanor. She highlighted that many young adults were functioning with undeveloped brains, as executive functions were established later in life; therefore, she preferred the lesser charges.

VICE CHAIR CLAMAN acknowledged the concerns about escalating the punishment. He pointed out that there was plenty of opportunity to penalize improper behavior. He stated his support for the bill.

[4:38:54 PM](#)

REPRESENTATIVE TARR moved to report CSSB 182(JUD), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 182(STA) was reported out of the House State Affairs Standing Committee.

SB 36-U OF A REGENTS REPORTING REQUIREMENTS

[4:39:33 PM](#)

VICE CHAIR CLAMAN announced that the final order of business would be CS FOR SENATE BILL NO. 36(EDC), "An Act relating to reporting requirements of the Board of Regents of the University of Alaska."

[4:40:07 PM](#)

TIM LAMKIN, Staff, Senator Gary Stevens, Alaska State Legislature, introduced CSSB 36(EDC), on behalf of Senator Stevens, prime sponsor. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 36 is introduced in response to the revocation of accreditation of the University of Alaska-Anchorage School of Education in 2019.

One thought as to how the failure occurred includes the idea that perhaps not enough Alaskans were aware of the problems leading up to it. Establishing a reporting requirement on the subject of UA system-wide accreditation is an effort toward improved communication and awareness, the intent being to help avoid seeing such an unexpected accreditation loss from happening again.

Other reporting requirements have been installed and proven effective for the University of Alaska to maintain clear lines of communication with the Alaska Legislature. Including a biennial report on the status of the UA's accreditations seems timely and appropriate.

Thank you for your consideration of this important policy proposal.

[4:41:40 PM](#)

PAUL LAYER, PhD, Vice President, Academics, Students, & Research, University of Alaska, relayed that the Board of Regents, which governed the University of Alaska, took its oversight of accreditation very seriously. He explained that the board would receive annual reports from both the chancellor and the president on accreditation status to avoid the communication breakdown that occurred in 2019. He opined that the board took the public and the legislature's comments to heart regarding responsibility for accreditation. He assured the committee that reports on finances and future programs would be provided to the board, as provided under current statute, in addition to biennial updates on accreditation to the legislature. He welcomed questions from committee members.

[4:43:52 PM](#)

REPRESENTATIVE EASTMAN inquired about the word "remediate" on page 2, line 15 of the bill.

[4:44:59 PM](#)

DR. LAYER noted that the Board of Regents had adopted similar language in its current policy to allow for different scenarios regarding accreditation. He asserted that the proposed legislation would similarly allow for the scenarios described by Representative Eastman, such as choosing not to pursue reaccreditation were it to lapse.

MR. LAMKIN responded that in the instances described by Representative Eastman, the plan outlined in the report could state that there was no plan.

[4:46:47 PM](#)

VICE CHAIR CLAMAN observed that the loss of accreditation was a massive break in communication. He characterized the incident [in 2019] as troubling and sad. He described the proposed legislation as a checklist to ensure that such events would never occur again.

REPRESENTATIVE STORY described the measure as an accountability measure in response to the loss in accreditation. She stated her support for the bill.

[4:48:09 PM](#)

The committee took a brief at-ease at 4:48 p.m.

[4:49:36 PM](#)

REPRESENTATIVE TARR pointed out that [in Section 1], the biennial report would be submitted to the House Chief Clerk's Office and the Senate Secretary's Office to ensure that delays in the organization of either body would not prevent the report from being delivered.

[4:50:33 PM](#)

MR. LAMKIN characterized Representative Tarr's summation of Section 1 as "reasonable." He explained that Section 1 was a result of the report being sent to the House Education Standing Committee during a year in which the Alaska House of Representatives had not yet organized, which created confusion. Therefore, consistent with other statutory reports, the bill clarified that the biennial report shall be submitted to the House Chief Clerk's Office and the Senate Secretary's Office in addition to being presented to the education committees.

[4:51:38 PM](#)

VICE CHAIR CLAMAN, referencing the language on page 2, lines 1-4 of the bill, asked why the report must be presented to the legislative committees on education if it was also being delivered to the legislature via the House Chief Clerk's Office and the Senate Secretary's Office.

MR. LAMKIN clarified that the bill distinguished between deliverance to the legislature and reporting to the "legislative committees having jurisdiction over education" to ensure that the report would be completed in a timely manner and communicated to the legislature via legislative hearings.

[4:52:49 PM](#)

REPRESENTATIVE EASTMAN sought to confirm that a committee chair would be responsible for scheduling a hearing on such a topic. He suggested that the chair could choose not to prioritize the presentation.

MR. LAMKIN supposed that the question could apply to a number of statutory provisions, such as confirmation hearings. He said the language could be loosened at the committee's discretion; however, it was included to ensure that a lapse in accreditation never occurred again.

REPRESENTATIVE EASTMAN expressed reticence to the provision in question.

[4:54:42 PM](#)

MR. LAMKIN reminded the committee that the report would be given once every other year.

VICE CHAIR CLAMAN announced that CSSB 36(EDC) was held over.

[4:55:30 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:55 p.m.