

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 3, 2024

1:39 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Craig Johnson
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

Representative Ben Carpenter

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 12(JUD)

"An Act relating to the duties of the Department of Administration; creating an address confidentiality program; and providing for an effective date."

- MOVED HCS CSSB 12(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 134(JUD)

"An Act relating to insurance; relating to insurance data security; relating to mammograms; amending Rule 26, Alaska Rules of Civil Procedure, and Rules 402 and 501, Alaska Rules of Evidence; and providing for an effective date."

- MOVED HCS CSSB 134(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 105

"An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date."

- MOVED CSHB 105(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 107

"An Act relating to criminal law definitions."

- MOVED CSHB 107(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 12

SHORT TITLE: ADDRESS CONFIDENTIALITY PROGRAM

SPONSOR(s): SENATOR(s) KIEHL

01/18/23	(S)	PREFILE RELEASED 1/9/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	STA, JUD, FIN
02/02/23	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
02/02/23	(S)	Heard & Held
02/02/23	(S)	MINUTE(STA)
02/28/23	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)
02/28/23	(S)	Moved CSSB 12(STA) Out of Committee
02/28/23	(S)	MINUTE(STA)
03/01/23	(S)	STA RPT CS 1DP 3NR NEW TITLE
03/01/23	(S)	DP: KAWASAKI
03/01/23	(S)	NR: WIELECHOWSKI, BJORKMAN, MERRICK
03/08/23	(S)	JUD AT 1:30 PM BUTROVICH 205
03/08/23	(S)	Heard & Held
03/08/23	(S)	MINUTE(JUD)
03/15/23	(S)	JUD AT 1:30 PM BUTROVICH 205
03/15/23	(S)	Moved CSSB 12(JUD) Out of Committee
03/15/23	(S)	MINUTE(JUD)
03/17/23	(S)	JUD RPT CS 3DP 1AM NEW TITLE
03/17/23	(S)	DP: CLAMAN, TOBIN, KIEHL
03/17/23	(S)	AM: KAUFMAN
03/28/23	(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/28/23	(S)	Heard & Held
03/28/23	(S)	MINUTE(FIN)
04/03/23	(S)	FIN RPT CS(JUD) 3DP 3NR 1AM
04/03/23	(S)	DP: OLSON, HOFFMAN, KIEHL
04/03/23	(S)	NR: STEDMAN, MERRICK, BISHOP
04/03/23	(S)	AM: WILSON
04/03/23	(S)	FIN AT 9:00 AM SENATE FINANCE 532
04/03/23	(S)	Moved CSSB 12(JUD) Out of Committee
04/03/23	(S)	MINUTE(FIN)
04/24/23	(S)	TRANSMITTED TO (H)
04/24/23	(S)	VERSION: CSSB 12(JUD)
04/26/23	(H)	READ THE FIRST TIME - REFERRALS
04/26/23	(H)	STA, JUD, FIN
05/04/23	(H)	STA AT 3:00 PM GRUENBERG 120
05/04/23	(H)	Heard & Held
05/04/23	(H)	MINUTE(STA)
03/05/24	(H)	STA AT 3:00 PM GRUENBERG 120

03/05/24 (H) Heard & Held
 03/05/24 (H) MINUTE(STA)
 03/07/24 (H) STA AT 3:00 PM GRUENBERG 120
 03/07/24 (H) Heard & Held
 03/07/24 (H) MINUTE(STA)
 03/12/24 (H) STA AT 3:00 PM GRUENBERG 120
 03/12/24 (H) Moved HCS CSSB 12(STA) Out of Committee
 03/12/24 (H) MINUTE(STA)
 03/13/24 (H) STA RPT HCS(STA) 3DP 4NR
 03/13/24 (H) DP: CARRICK, STORY, SHAW
 03/13/24 (H) NR: WRIGHT, CARPENTER, C.JOHNSON,
 ALLARD
 04/10/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/10/24 (H) -- MEETING CANCELED --
 04/26/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/26/24 (H) <Bill Hearing Rescheduled to 04/29/24>
 04/29/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/29/24 (H) -- MEETING CANCELED --
 05/01/24 (H) JUD AT 1:00 PM GRUENBERG 120
 05/01/24 (H) Scheduled but Not Heard
 05/03/24 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: SB 134

SHORT TITLE: INS. DATA SECURITY; INFO. SECURITY PRGRMS
 SPONSOR(s): SENATOR(s) KAUFMAN

04/21/23 (S) READ THE FIRST TIME - REFERRALS
 04/21/23 (S) L&C, JUD, FIN
 02/05/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 02/05/24 (S) Heard & Held
 02/05/24 (S) MINUTE(L&C)
 02/16/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
 02/16/24 (S) Moved CSSB 134(L&C) Out of Committee
 02/16/24 (S) MINUTE(L&C)
 02/19/24 (S) L&C RPT CS 3DP SAME TITLE
 02/19/24 (S) DP: BJORKMAN, DUNBAR, BISHOP
 02/19/24 (S) FIN REFERRAL REMOVED
 03/18/24 (S) JUD AT 1:30 PM BUTROVICH 205
 03/18/24 (S) <Bill Hearing Rescheduled to 03/20/24>
 03/20/24 (S) JUD AT 1:30 PM BUTROVICH 205
 03/20/24 (S) Heard & Held
 03/20/24 (S) MINUTE(JUD)
 04/05/24 (S) JUD AT 1:30 PM BUTROVICH 205
 04/05/24 (S) Heard & Held
 04/05/24 (S) MINUTE(JUD)
 04/17/24 (S) JUD AT 1:30 PM BUTROVICH 205
 04/17/24 (S) Heard & Held

04/17/24 (S) MINUTE (JUD)
 04/19/24 (S) JUD AT 1:30 PM BUTROVICH 205
 04/19/24 (S) Moved CSSB 134 (JUD) Out of Committee
 04/19/24 (S) MINUTE (JUD)
 04/22/24 (S) JUD RPT CS 2DP 2NR NEW TITLE
 04/22/24 (S) DP: CLAMAN, KIEHL
 04/22/24 (S) NR: TOBIN, GIESSEL
 04/29/24 (S) TRANSMITTED TO (H)
 04/29/24 (S) VERSION: CSSB 134 (JUD)
 05/01/24 (H) READ THE FIRST TIME - REFERRALS
 05/01/24 (H) JUD, FIN
 05/01/24 (H) JUD WAIVED PUBLIC HEARING NOTICE, RULE
 23
 05/02/24 (H) FIN REFERRAL REMOVED
 05/03/24 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 105

SHORT TITLE: SEX/REPRODUCTION EDUCATION; SCHOOLS
 SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/08/23 (H) READ THE FIRST TIME - REFERRALS
 03/08/23 (H) EDC, JUD
 03/13/23 (H) EDC AT 8:00 AM DAVIS 106
 03/13/23 (H) Heard & Held
 03/13/23 (H) MINUTE (EDC)
 03/29/23 (H) EDC AT 8:00 AM DAVIS 106
 03/29/23 (H) Heard & Held
 03/29/23 (H) MINUTE (EDC)
 03/30/23 (H) EDC AT 5:15 PM DAVIS 106
 03/30/23 (H) Heard & Held
 03/30/23 (H) MINUTE (EDC)
 04/13/23 (H) EDC AT 5:15 PM BARNES 124
 04/13/23 (H) Heard & Held
 04/13/23 (H) MINUTE (EDC)
 04/24/23 (H) EDC AT 8:00 AM DAVIS 106
 04/24/23 (H) Heard & Held
 04/24/23 (H) MINUTE (EDC)
 04/26/23 (H) EDC AT 8:00 AM DAVIS 106
 04/26/23 (H) Moved CSHB 105 (EDC) Out of Committee
 04/26/23 (H) MINUTE (EDC)
 04/28/23 (H) EDC RPT CS (EDC) NEW TITLE 1DP 3DNP 1NR
 2AM
 04/28/23 (H) DP: PRAX
 04/28/23 (H) DNP: HIMSCHOOT, STORY, MCCORMICK
 04/28/23 (H) NR: RUFFRIDGE
 04/28/23 (H) AM: MCKAY, ALLARD
 04/28/23 (H) EDC AT 8:00 AM DAVIS 106

04/28/23 (H) <Bill Hearing Canceled>
 05/01/23 (H) JUD AT 1:00 PM GRUENBERG 120
 05/01/23 (H) <Bill Hearing Canceled>
 01/31/24 (H) JUD AT 1:00 PM GRUENBERG 120
 01/31/24 (H) <Bill Hearing Canceled>
 04/15/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/15/24 (H) Heard & Held
 04/15/24 (H) MINUTE(JUD)
 04/17/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/17/24 (H) Moved CSHB 105(JUD) Out of Committee
 04/17/24 (H) MINUTE(JUD)
 05/01/24 (H) JUD RPT CS(JUD) NEW TITLE 5DP 1DNP 1AM
 05/01/24 (H) DP: C.JOHNSON, CARPENTER, SUMNER,
 ALLARD, VANCE

 05/01/24 (H) DNP: GRAY
 05/01/24 (H) AM: GROH
 05/01/24 (H) FIN REFERRAL ADDED AFTER JUD
 05/03/24 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 107

SHORT TITLE: CRIMINAL LAW DEFINITIONS PERSON/LIFE
 SPONSOR(s) : MCCABE

03/13/23 (H) READ THE FIRST TIME - REFERRALS
 03/13/23 (H) HSS, JUD
 04/12/23 (H) HSS REFERRAL REMOVED
 04/12/23 (H) BILL REPRINTED
 02/21/24 (H) JUD AT 1:00 PM GRUENBERG 120
 02/21/24 (H) -- MEETING CANCELED --
 02/23/24 (H) JUD AT 1:30 PM GRUENBERG 120
 02/23/24 (H) Heard & Held
 02/23/24 (H) MINUTE(JUD)
 02/26/24 (H) JUD AT 1:30 PM GRUENBERG 120
 02/26/24 (H) Heard & Held
 02/26/24 (H) MINUTE(JUD)
 03/20/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/20/24 (H) Heard & Held
 03/20/24 (H) MINUTE(JUD)
 03/22/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/22/24 (H) <Bill Hearing Canceled>
 03/27/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/27/24 (H) <Bill Hearing Canceled>
 04/26/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/26/24 (H) <Bill Hearing Rescheduled to 04/29/24>
 04/29/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/29/24 (H) -- MEETING CANCELED --
 05/01/24 (H) JUD AT 1:00 PM GRUENBERG 120

05/01/24 (H) Moved CSHB 107(JUD) Out of Committee
05/01/24 (H) MINUTE(JUD)
05/02/24 (H) JUD RPT CS(JUD) NEW TITLE 1DP 2DNP 3AM
05/02/24 (H) DP: VANCE
05/02/24 (H) DNP: GRAY, GROH
05/02/24 (H) AM: SUMNER, ALLARD, CARPENTER
05/03/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

SENATOR JESSE KIEHL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HCS CSSB 12(STA).

ELLA ADKISON, Staff
Senator Jesse Kiehl
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HCS CSSB 12(STA), on behalf of Senator Kiehl, prime sponsor.

KEELEY OLSON, Executive Director
Standing Together Against Rape
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on HCS CSSB 12(STA).

SENATOR JAMES KAUFMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented CSSB 134(JUD).

EMILY NENON, Alaska Government Relations Director
American Cancer Society Cancer Action Network, Inc
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the hearing on CSSB 134(JUD).

CONOR SWEENEY, Regional Manager
State Policy and Advocacy
Susan G. Komen
California

POSITION STATEMENT: Testified in support of SB 134.

KELLEY MARRE, representing self

Kasilof, Alaska

POSITION STATEMENT: Testified in support of SB 134.

LORI WING-HEIER, Director

Division of Insurance

Department of Commerce, Community, and Economic Development

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 134 (JUD).

NANCY MEADE, General Counsel

Alaska Court System

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 134 (JUD).

ACTION NARRATIVE

[1:39:13 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 1:39 p.m. Representatives C. Johnson, Sumner, Gray, Groh, and Vance were present at the call to order. Representative Allard arrived as the meeting was in progress.

SB 12-ADDRESS CONFIDENTIALITY PROGRAM

[1:40:05 PM](#)

CHAIR VANCE announced that the first order of business would be CS FOR SENATE BILL NO. 12 (JUD), "An Act relating to the duties of the Department of Administration; creating an address confidentiality program; and providing for an effective date." [Before the committee was HCS CSSB 12 (STA).]

[1:40:24 PM](#)

SENATOR JESSE KIEHL, Alaska State Legislature, as prime sponsor, presented HCS CSSB 12 (STA). He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

SB 12 creates an address protection program for victims of sexual assault and domestic violence, peace officers and correctional officers, and their families.

Alaska is one of only nine states without any form of address protection program. They are so widespread because they are essential. A person needs an address to vote, drive, work, send children to school, and much more. When that address shows up in a public record, an Alaskan seeking safety from a stalker or abuser faces unnecessary danger. So do Alaska law enforcement professionals who face threats of retribution.

An address protection program gives those Alaskans a tool to stay safe.

Under SB 12, the state would keep a Post Office Box and confidentially forward mail to Alaskans with a protective order, public safety professionals, and their families. Victims and those protecting our state deserve the chance to live safely.

SENATOR KIEHL said one unusual aspect of the bill compared to most address protection programs, is that it would allow peace officers and correctional officers to participate. He noted that the current version of the bill, which was adopted by the House State Affairs Standing Committee, closed a potential loophole by prohibiting registered sex offenders or child kidnappers from participating in this program. The bill would also provide [the Department of Administration (DOA)] with the ability to create a pathway for people who had to leave before they could get a protective order to qualify for the registry.

[1:45:41 PM](#)

ELLA ADKISON, Staff, Senator Jesse Kiehl, Alaska State Legislature, on behalf of Senator Kiehl, prime sponsor of HCS CSSB 12(STA), presented the sectional analysis [included in the committee packet], which read as follows [original punctuation provided]:

Sec. 1: Puts the program in the Department of Administration.

Sec. 2: Creates the program.

(b) requires a Post Office Box as a substitute mailing address for enrollees and instructs the department to forward mail to participants. It charges the department with protecting confidentiality and

requires regulations to govern enrollment and withdrawal.

(c) describes eligible participants as people sheltered by a protective order and their parents, guardians, children, and household members. It also admits peace officers and correctional officers.

(d) requires state and municipal agencies to accept the P.O. Box.

(e) describes the eligibility period.

(f) forbids the department from charging a fee.

(g) allows access to confidential addresses subject to a search warrant.

(h) establishes penalties for unlawfully revealing a protected individual's address.

(i) defines certain terms.

Sec. 3: Establishes a transition period for the department to adopt regulations to implement the program.

Sec. 4: Lets the department begin its regulation process immediately.

Sec. 5: Sets an effective date of Jan. 1, 2024 for the rest of the bill.

[1:46:47 PM](#)

KEELEY OLSON, Executive Director, Standing Together Against Rape, gave invited testimony during the hearing on HCS CSSB 12(STA). She shared her knowledge of the address confidentiality program in Washington where she worked as a victim's advocate with the prosecuting attorney's office, and her home state of Montana. She reported that address confidentiality programs are currently available in up to 40 states nationwide at no cost to enrollees, which is an important consideration for those fleeing abuse with no access to funds. She said she also appreciated the inclusion of public safety officers in the bill.

[1:50:26 PM](#)

REPRESENTATIVE GRAY moved to adopt Amendment 1 to HCS CSSB 12(STA), labeled 33-LS0162\H.2, C. Radford, 5/3/24, which read:

Page 3, line 12:
Delete "or"

Page 3, following line 12:

Insert a new paragraph to read:
" (5) an election official; or"

Renumber the following paragraph accordingly.

Page 3, line 13:

Delete "(1) - (4) "
Insert "(1) - (5) "

Page 3, line 19:

Delete "(c) (5) "
Insert "(c) (6) "

Page 3, line 23:

Delete "or (4) "
Insert ", (4), or (5) "
Delete "(c) (5) "
Insert "(c) (6) "

Page 3, lines 24 - 25:

Delete "or (4) "
Insert ", (4), or (5) "

Page 3, line 26:

Delete "or correctional officer"
Insert ", correctional officer, or election official"

Page 4, following line 29:

Insert a new paragraph to read:
" (4) "election official" includes a municipal clerk, municipal election staff, voting official, polling place worker, or other election worker;"

Renumber the following paragraphs accordingly.

REPRESENTATIVE SUMNER objected.

[1:50:34 PM](#)

REPRESENTATIVE SUMNER moved Conceptual Amendment 1 to Amendment 1.

REPRESENTATIVE GRAY objected.

REPRESENTATIVE SUMNER said Conceptual Amendment 1 to Amendment 1 would insert "or elected" on page 1, line 6, and page 2, line 11, and strike "or" on page 2, line 12, and after "worker", insert "or person elected to any municipal or state elected office". He said the proposed conceptual amendment would extend the same protections to election officials as elected officials.

REPRESENTATIVE GRAY asked for the bill sponsor's opinion on Conceptual Amendment 1 to Amendment 1.

SENATOR KIEHL said the clients of address protection registries tend to live private lives. He said he was not aware of any significant use of address protection registries in other states by people who live the exceedingly public lives of those serving in public office. He pointed out that increasing the number of eligible people could increase the cost of the bill.

[1:53:56 PM](#)

REPRESENTATIVE ALLARD said she appreciated the proposed amendment to the amendment because elected officials do not stay in office forever. She informed the committee that she had to file with the Federal Bureau of Investigation (FBI) [to protect herself] from people across state lines.

REPRESENTATIVE C. JOHNSON expressed concern about how Amendment 1 would impact transparency and the Alaska Public Offices Commission (APOC).

REPRESENTATIVE ALLARD suggested that Conceptual Amendment 1 to Amendment 1 could be a separate bill.

REPRESENTATIVE SUMNER appreciated the concern about the fiscal impact; however, he said he didn't understand why Amendment 1 wouldn't be extended to elected officials if it applied to election officials.

[1:56:41 PM](#)

REPRESENTATIVE GRAY asked how to ensure that elected officials live in the district they represent if their address is completely confidential.

REPRESENTATIVE ALLARD pointed out that a lot of information is public. She opined that the proposed amendment would not impact where elected officials live.

REPRESENTATIVE SUMNER clarified that addresses can be obscured on the voter registration; however, it does not remove the requirement to provide a physical address when registering.

SENATOR KIEHL confirmed that municipal clerks retain the ability to know where a registered voter lives so as to assign them to the correct precinct.

[1:58:54 PM](#)

CHAIR VANCE said she understood the need for confidentiality; however, elected officials are no longer anonymous. She said Alaska's communities are too small, and even with the address protection program, people would still know where elected officials live. She expressed a desire to support the original intent of the bill, adding that elected officials choose to expose themselves and their families to scrutiny and danger when running for public office.

REPRESENTATIVE ALLARD disagreed with Representative Vance and said she would continue to support Conceptual Amendment 1 to Amendment 1 because when she leaves public office, she wants to be protected.

[2:02:02 PM](#)

REPRESENTATIVE GRAY asked whether the proposed amendment would apply to former elected officials.

REPRESENTATIVE SUMNER said yes, it was his intention for it to apply to former elected officials.

REPRESENTATIVE GRAY opined that as someone whose child was threatened last week, he wished his information was confidential; however, he agreed with Chair Vance that someone who wants to find an elected official's address will find it. Further, he shared his belief that the intent of the bill is to protect people in domestic violence situations with real threats against their life.

CHAIR VANCE acknowledged that significant threats were made against Representative Allard's family. She clarified that she finds the practicality of remaining anonymous very difficult for elected officials.

[2:05:12 PM](#)

A roll call vote was taken. Representatives Sumner and Allard voted in favor of Conceptual Amendment 1 to Amendment 1. Representatives Gray, Groh, and Vance voted against it. Therefore, Conceptual Amendment 1 to Amendment 1 failed by a vote of 2-3.

[2:05:54 PM](#)

REPRESENTATIVE GRAY explained that Amendment 1 would add election officials to the category of protected people. He referenced the 2020 election and a false accusation against an election official that led to threats against her life. He said if the U.S. wants free and fair elections, people need to be willing to work the elections.

CHAIR VANCE said she could not support Amendment 1 because this particular program is for people who have experienced domestic violence. Nonetheless, she thanked Representative Gray for highlighting this concern and agreed that election workers are needed to provide free and fair elections.

REPRESENTATIVE GRAY highlighted the difference between an elected official and a poll worker and emphasized the importance of ensuring their safety.

[2:10:27 PM](#)

REPRESENTATIVE ALLARD remarked, "Those election officials went to the media, the press, urged people to vote -. said all their names on file, on record, and on the TV." She said she would not support Amendment 1 because [the election workers] made themselves public even before the election.

[2:10:48 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 1. Representatives Sumner, Allard, C. Johnson, and Vance voted against it. Therefore, Amendment 1 failed by a vote of 2-4.

CHAIR VANCE opened public testimony on SB 12. After ascertaining that no one wished to testify, she closed public testimony.

[2:12:16 PM](#)

REPRESENTATIVE GRAY asked whether the participant's address is somehow purged from places its already listed.

SENATOR KIEHL explained that the registry itself does not purge anything and tends to be of greatest use to people who are forced to "pick up stakes and start again." He explained that police officers who buy a new home can create a trust to keep that record from coming available on the Internet, but they would not need to go to extraordinary lengths to do things like register to vote or register their kids for school.

[2:14:33 PM](#)

REPRESENTATIVE ALLARD moved to report HCS CSSB 12(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 12(STA) was reported from the House Judiciary Standing Committee.

[2:14:53 PM](#)

The committee took a brief at-ease at 2:14 p.m.

SB 134-INS. DATA SECURITY; INFO. SECURITY PRGRMS

[2:14:57 PM](#)

CHAIR VANCE announced that the next order of business would be CS FOR SENATE BILL NO. 134(JUD), "An Act relating to insurance; relating to insurance data security; relating to mammograms; amending Rule 26, Alaska Rules of Civil Procedure, and Rules 402 and 501, Alaska Rules of Evidence; and providing for an effective date."

[2:20:53 PM](#)

SENATOR JAMES KAUFMAN, Alaska State Legislature, as prime sponsor, presented CSSB 134(JUD). He shared the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Securing sensitive personal, financial, and health information is an essential issue for the insurance industry. In recent years, there have been several major data breaches involving large insurers that have exposed and compromised the sensitive personal information of millions of insurance consumers, which

underscores the immense need for enhanced cybersecurity measures within the industry.

Senate Bill 134 introduces data security requirements for insurers and empowers the Division of Insurance with the tools necessary to effectively oversee the protection of Alaskans' sensitive personal information by requiring state licensed insurers and other entities to develop, implement, and maintain an information security program based upon a full risk assessment.

Appropriate security measures are based upon careful, ongoing risk assessment for internal and external threats. Licensees are required to investigate cybersecurity events and notify the state insurance commissioner of such events.

Similar legislation already exists in 24 other states and the federal government has urged states to adopt similar measures, reflecting a nationwide recognition of the importance of these provisions.

SB 134 also guarantees that mammography screening, diagnostic breast examinations, and supplemental breast examinations are covered at no cost to the insured under applicable insurance plans.

By passing SB 134, Alaska can proactively protect its citizens from cyber threats, enhance consumer protections, and bolster the cybersecurity position of the insurance industry. I urge my colleagues to join me in supporting the security of sensitive personal information. Thank you for your consideration.

[2:23:32 PM](#)

The committee took a brief at-ease at 2:23 p.m.

[2:24:15 PM](#)

CHAIR VANCE opened invited testimony.

[2:24:42 PM](#)

EMILY NENON, Alaska Government Relations Director, American Cancer Society Cancer Action Network, Inc, gave invited

testimony during the hearing on CSSB 134(JUD). She said she was testifying to the new piece of the bill, which would remove the patient's cost for receiving follow up mammograms, diagnostic mammograms, or supplemental breast imaging. She said the bill would set a standard for other plans to follow even though it only applied to state regulated insurance plans. She shared an anecdote. She said the sooner cancer can be detected, the sooner it can be cured. She encouraged support for this provision.

[2:26:59 PM](#)

CHAIR VANCE opened public testimony on SB 134.

[2:27:46 PM](#)

CONOR SWEENEY, Regional Manager, State Policy and Advocacy, Susan G. Komen, testified in support of SB 134. He shared that many patients must choose to delay or forego a medically necessary diagnostic because they can't afford it. He said the bill would eliminate hefty out of pocket costs and save lives. He urged the committee to eliminate deaths from breast cancer and support the legislation.

[2:29:19 PM](#)

KELLEY MARRE, representing self, testified in support of SB 134, specifically the removal of the cost sharing charge for patients undergoing additional testing. She shared an anecdote and reiterated that people can go from an early-stage breast cancer diagnosis to a stage four quite rapidly. She recommended passage of SB 134.

CHAIR VANCE closed public testimony.

[2:31:10 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 1 to CSSB 134(JUD), labeled 33-LS0253\H.2, Wallace, 5/3/24, which read:

Page 5, lines 10 - 17:

Delete all material and insert:

"(9) require that a third-party service provider that has access to or holds nonpublic information notify the licensee as soon as possible and without unreasonable delay after determining that the third-party service provider has experienced a

cybersecurity event involving nonpublic information associated with a consumer; for purposes of this paragraph, encrypted nonpublic information is considered accessible to or held by the third-party service provider if the associated protective process or key necessary to assign meaning to the nonpublic information is within the possession of the third-party service provider;"

Page 15, line 2, following "of":
Insert "electronic"

Page 15, line 4, following "of":
Insert "electronic"

Page 15, line 14, following "means":
Insert "electronic"

REPRESENTATIVE GRAY objected.

[2:31:23 PM](#)

SENATOR KAUFMAN explained Amendment 1, which would add the word "electronic" back into the bill to clarify that it pertains to cyber security. In addition, the notice by third parties would be amended to align with the requirements under existing law relating to disclosures of personal information.

[2:32:01 PM](#)

REPRESENTATIVE GRAY noted the change from notifying consumers "no later than three days" to "as soon as possible." He questioned the meaning of "as soon as possible."

SENATOR KAUFMAN said the industry endeavors to respond as quickly as possible; however, it can be challenging to stay within that time limit. He said the change is a practical concession to the industry.

REPRESENTATIVE GRAY moved Conceptual Amendment 1 to Amendment 1.

REPRESENTATIVE ALLARD objected.

REPRESENTATIVE SUMNER objected.

[2:33:17 PM](#)

REPRESENTATIVE GRAY explained that Conceptual Amendment 1 would remove the words "and without unreasonable delay" and insert "within five business days". He reasoned that if his banking information were stolen, he would want to be informed within one week.

[2:34:23 PM](#)

REPRESENTATIVE GROH asked for the director's opinion on the proposed amendments.

REPRESENTATIVE SUMNER speculated that third party service providers may not have the patients' contact information on hand and may not be able to obtain it within five days.

[2:35:43 PM](#)

LORI WING-HEIER, Director, Division of Insurance, Department of Commerce, Community, and Economic Development (DCCED), explained that Amendment 1 was written for companies that use vendors, and in many cases, these vendors have just as much information as the insurance company. The amendment was drafted because Senator Kiehl believed that the vendors should notify the insurance company of a data breach. She opined that providing a timeframe would be better than "as soon as possible." After being notified by a third-party service provider, the insurance company has three days to notify Ms. Wing-Heier of the data breach in order to inform consumers.

[2:36:45 PM](#)

REPRESENTATIVE ALLARD opined that leaving the timeframe wide open could lead to problems.

SENATOR KAUFMAN agreed that it's beneficial to shorten the timeframe; however, it could lead to management challenges. He said he would go with the will of the committee.

[2:37:53 PM](#)

SENATOR KAUFMAN cautioned the committee against creating a compliance trap for vendors. He suggested that 10 days might suffice.

MS. WING-HEIER said 10 days would still be better than "as soon as possible."

[2:38:54 PM](#)

REPRESENTATIVE GRAY withdrew Conceptual Amendment 1 to Amendment 1. He moved Conceptual Amendment 2 to Amendment 1, which would remove the words "and without unreasonable delay" and insert "and not later than 10 business days" on lines 3 and 4.

REPRESENTATIVE ALLARD objected for purposes of discussion.

MS. WING HEIER clarified that insurance statutes use "working days" not "business days." She recommended that the language remain consistent with current statutes.

REPRESENTATIVE GRAY withdrew Conceptual Amendment 2 to Amendment 1. He moved Conceptual Amendment 3 to Amendment 1, which would remove the words "and without unreasonable delay" and insert "and not later than 10 working days" on lines 3 and 4.

REPRESENTATIVE ALLARD objected for purposes of discussion.

[2:40:12 PM](#)

REPRESENTATIVE SUMNER voiced his support for Conceptual Amendment 3 to Amendment 1.

REPRESENTATIVE ALLARD removed her objection. There being no further objection, Conceptual Amendment 3 to Amendment 1 was adopted.

[2:40:36 PM](#)

The committee took a brief at-ease at 2:40 p.m.

[2:41:06 PM](#)

REPRESENTATIVE ALLARD removed her objection to Amendment 1, as amended. There being no further objection, Amendment 1, as amended, was adopted.

[2:41:27 PM](#)

REPRESENTATIVE GROH said he would not be offering Amendment 2. He moved Amendment 3 to CSSB 134(JUD), labeled 33-LS0253\H.6, Wallace, 5/3/24, which read:

Page 7, line 3:
Delete "written statement"

Insert "report"

Page 7, line 4:

Delete "certifying"

Insert "demonstrating"

Page 7, line 7:

Delete "written statement"

Insert "report"

Page 7, line 8:

Delete "written statement"

Insert "report"

REPRESENTATIVE ALLARD objected.

[2:41:40 PM](#)

REPRESENTATIVE GROH addressed Amendment 2, saying that by changing the language from "certifying" to "demonstrating," the agency would first lay out their evidence and the Division of Insurance would be responsible for checking for compliance with the law. He asked Ms. Wing-Heier for her views on this matter.

MS. WING-HEIER opined that the changes in Amendment 2 would not make a big difference.

[2:43:01 PM](#)

REPRESENTATIVE SUMNER questioned whether certifying compliance with state statute would hold more weight than demonstrating compliance. If there were an omission, he asked whether "demonstrating" would result in less liability.

MS. WING-HEIER agreed that certifying one's compliance with the statute would be a higher level of assurance.

[2:44:04 PM](#)

REPRESENTATIVE GRAY asked whether a lower standard word than "certifying" should be used.

REPRESENTATIVE GROH questioned whether certification would provide a greater level of protection.

MS. WING-HEIER answered yes, certifying is a much higher standard than documenting.

REPRESENTATIVE GROH sought to confirm that certifying is a better process for the consumer and the state.

MS. WING-HEIER answered yes.

REPRESENTATIVE GROH withdrew Amendment 3. He said he would not be offering Amendment 4.

[2:45:52 PM](#)

REPRESENTATIVE GROH moved to adopt Amendment 5 to CSSB 134(JUD), labeled 33-LS0253\H.10, Wallace, 5/3/24, which read:

Page 8, line 15:
Delete "at the"
Insert "within 90 days of a"

REPRESENTATIVE ALLARD objected.

[2:46:01 PM](#)

REPRESENTATIVE GROH explained that Amendment 5 would create a reliable timeframe and move the state forward in terms of when the records are produced.

REPRESENTATIVE SUMNER said he could see value in Amendment 5 and asked to hear from Ms. Wing-Heier.

REPRESENTATIVE ALLARD said she would not support Amendment 5.

[2:49:07 PM](#)

REPRESENTATIVE GRAY opined that 90 days is too long. If the division is maintaining records at all times, he suggested that the time period should be shorter.

MS. WING-HEIER said "at least five years" complies with record retention requirements in statute. She agreed that 90 days is a long time.

REPRESENTATIVE GROH maintained his belief that a time period would be useful.

MS. WING-HEIER explained that when record requests are made, the divisions provides a two-week time period for the insurance company to supply the requested information or explain why the

data cannot be provided for further investigation or examination.

[2:51:50 PM](#)

REPRESENTATIVE GROH asked whether the director could suggest alternative language.

MS. WING-HEIER opined that the bill is written in a way that works for consumers and efficiency.

REPRESENTATIVE GROH withdrew Amendment 5.

[2:52:26 PM](#)

REPRESENTATIVE GROH moved to adopt Amendment 6 to CSSB 134(JUD), labeled 33-LS0253\H.11, Wallace, 5/3/24, which read:

Page 14, line 3:

Delete "**Enforcement**"

Insert "**Review; enforcement**"

Following "**penalties.**":

Insert "(a) The director shall review the risk assessment and information security program of a licensee to make recommendations for compliance with AS 21.23.250 or 21.23.260. If there is a cybersecurity event, the director shall consider any previous recommendations made under this section and the written statement provided under AS 21.23.260(f) in assessing a penalty under this section."

Reletter the following subsections accordingly.

Page 14, line 4:

Delete "may"

Insert "shall"

Page 14, line 8:

Delete "may"

Insert "shall"

REPRESENTATIVE ALLARD objected.

[2:52:30 PM](#)

REPRESENTATIVE GROH explained that Amendment 6 would allow the division to offer constructive feedback, which would ensure that all parties are working together to protect consumer data.

MS. WING-HEIER shared her knowledge of company audits and examinations. She said if a company has not complied in an audit, the division asks them to be more careful. If the company fails to comply again, fines and penalties are levied because consumers are not being given notice to make a choice. She said the division goes from "being nice" to being the regulator to enforce statutory rules and regulations.

REPRESENTATIVE GROH asked the director to talk more explicitly about what that means. He said he wanted to make sure that this important area of the law is being done the right way.

MS. WING-HEIER said the current law allows the division to perform examinations and investigations. If there were a data breach, she said she would open up an investigation that would involve her four investigators and possibly the FBI and the U.S. Department of Justice (USDOJ). She opined that the current bill language gives the Division of Insurance what it needs, adding that the division spent over two years vetting the legislation with industry, regulators, and the National Conference of Insurance Legislators (NCOIL).

REPRESENTATIVE GROH withdrew Amendment 6.

[2:57:36 PM](#)

CHAIR VANCE sought final comments on CSSB 134(JUD), as amended.

[2:57:56 PM](#)

SENATOR KAUFMAN said the bill carries important improvements to data security, and with the inclusion of the mammography language, it could bring some important things to Alaska.

REPRESENTATIVE SUMNER asked to hear from Ms. Meade about the indirect court rule amendments.

[2:58:45 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, said the notation in Section 4 of the bill is normal and not problematic from the court's perspective.

[2:59:48 PM](#)

The committee took an at-ease from 2:59 p.m. to 3:01 p.m.

[3:01:10 PM](#)

REPRESENTATIVE ALLARD moved to rescind action on Amendment 1, as amended. There being no objection, it was so ordered.

[3:01:44 PM](#)

REPRESENTATIVE GRAY moved to rescind action on Conceptual Amendment 3 to Amendment 1. There being no objection, it was so ordered.

REPRESENTATIVE GRAY moved Conceptual Amendment 4 to Amendment 1 to remove the words "and without unreasonable delay" and insert "and not later than 10 business days". There being no objection, Conceptual Amendment 4 to Amendment 1 was adopted.

CHAIR VANCE announced that Amendment 1, as amended, was adopted.

[3:02:51 PM](#)

REPRESENTATIVE ALLARD moved to report CSSB 134(JUD), as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GROH objected for the purpose of discussion. He thanked the commissioner and removed his objection. There being no further objection, HCS CSSB 134(JUD) was reported from the House Judiciary Standing Committee.

[3:03:57 PM](#)

The committee took an at-ease from 3:03 p.m. to 3:05 p.m.

HB 105-SEX/REPRODUCTION EDUCATION; SCHOOLS

[3:05:17 PM](#)

CHAIR VANCE announced that the order of business would be HOUSE BILL NO. 105, "An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date." [Before the committee,

adopted as the working document on 4/15/24 and reported from committee 4/17/24, was the proposed committee substitute (CS) for HB 105, Version 33-GH1072\0, Bergerud, 4/13/24 ("Version 0").]

CHAIR VANCE noted that a previous zero fiscal note was inadvertently left out when the bill was reported from committee. She said her intention was to rescind action and move the bill out of committee with this correction.

[3:05:41 PM](#)

REPRESENTATIVE ALLARD moved to rescind the committee's action on 4/17/24 in reporting CSHB 105(JUD) from committee.

REPRESENTATIVE GRAY objected.

[3:06:39 PM](#)

A roll call vote was taken. Representatives C. Johnson, Sumner, Allard, and Carpenter voted in favor of rescinding the committee's action on 4/17/24. Representatives Gray and Groh voted against it. Therefore, the motion to report CSHB 105(JUD) from committee was rescinded by a vote of 4-2.

[3:07:16 PM](#)

REPRESENTATIVE ALLARD moved to report CSHB 105, Version 33-GH1072\0, Bergerud, 4/13/24, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRAY objected.

[3:07:33 PM](#)

A roll call vote was taken. Representatives C. Johnson, Allard, and Vance voted in favor of reporting CSHB 105(JUD) from committee. Representatives Sumner, Gray, and Groh voted against it. Therefore, the motion failed by a vote of 3-3.

[3:08:12 PM](#)

The committee took a brief at-ease at 3:08 p.m.

[3:09:48 PM](#)

REPRESENTATIVE SUMNER moved to rescind the committee's action in failing to report CSHB 105(JUD) from committee.

REPRESENTATIVE GRAY objected.

[3:10:02 PM](#)

A roll call vote was taken. Representatives Allard, C. Johnson, Sumner, and Vance voted in favor of rescinding the committee's action on CSHB 105(JUD). Representatives Gray and Groh voted against it. Therefore, the motion was rescinded by a vote of 4-2.

[3:10:35 PM](#)

REPRESENTATIVE ALLARD moved to report CSHB 105, Version 33-GH1072\O, Bergerud, 4/13/24, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRAY objected.

[3:10:58 PM](#)

The committee took a brief at-ease at 3:10 p.m.

[3:11:27 PM](#)

A roll call vote was taken. Representatives Allard, C. Johnson, Sumner, and Vance voted in favor of reporting CSHB 105(JUD) from committee. Representatives Groh and Gray voted against it. Therefore, CSHB 105(JUD) was reported out of the House Judiciary Standing Committee by a vote of 4-2.

HB 107-CRIMINAL LAW DEFINITIONS PERSON/LIFE

[3:11:56 PM](#)

CHAIR VANCE announced that the final order of business would be HOUSE BILL NO. 107, "An Act relating to criminal law definitions." [Before the committee, adopted as the working document on 3/20/24 and reported from committee 5/1/24, was the proposed committee substitute (CS) for HB 107, Version 33-LS0482\U, C. Radford, 3/19/24 ("Version U").]

CHAIR VANCE noted that a previous fiscal note was inadvertently left out when the bill was reported from committee.

[3:12:10 PM](#)

REPRESENTATIVE ALLARD moved to rescind the committee's action on 5/1/24 in reporting CSHB 105(JUD) from committee.

REPRESENTATIVE GRAY objected.

[3:12:27 PM](#)

A roll call vote was taken. Representatives Allard, C. Johnson, Sumner, and Vance voted in favor of rescinding the committee's action on 5/1/24. Representatives Gray and Groh voted against it. Therefore, the motion to report CSHB 107(JUD) from committee was rescinded by a vote of 4-2.

[3:13:04 PM](#)

REPRESENTATIVE ALLARD moved to report moved to report CSHB 107, Version 33-LS0482\U, C. Radford, 3/19/24, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRAY objected.

[3:13:18 PM](#)

A roll call vote was taken. Representatives Sumner, Allard, C. Johnson, and Vance voted in favor of reporting CSHB 107(JUD) from committee. Representatives Gray and Groh voted against it. Therefore, CSHB 107(JUD) was reported out of the House Judiciary Standing Committee by a vote of 4-2.

[3:14:01 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:14 p.m.