

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 20, 2023

3:31 p.m.

MEMBERS PRESENT

Senator Scott Kawasaki, Chair
Senator Jesse Bjorkman
Senator Bill Wielechowski
Senator Kelly Merrick

MEMBERS ABSENT

Senator Matt Claman, Vice Chair

COMMITTEE CALENDAR

PRESENTATION: WHAT IS ELECTRONIC REGISTRATION

- HEARD

SENATE BILL NO. 21

"An Act relating to the Executive Budget Act; relating to strategic plans, mission statements, performance plans, and financial plans for executive branch agencies; and providing for an effective date."

- MOVED SB 21 OUT OF COMMITTEE

SENATE BILL NO. 95

"An Act relating to special request specialty organization registration plates; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 8

"An Act relating to electric-assisted bicycles."

- HEARD & HELD

SENATE BILL NO. 62

"An Act relating to electric-assisted bicycles."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 21

SHORT TITLE: STRATEGIC PLANS FOR STATE AGENCIES

SPONSOR(s): SENATOR(s) KAUFMAN

01/18/23 (S) PREFILE RELEASED 1/9/23
01/18/23 (S) READ THE FIRST TIME - REFERRALS
01/18/23 (S) STA, FIN
03/14/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
03/14/23 (S) Heard & Held
03/14/23 (S) MINUTE(STA)
04/18/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
04/18/23 (S) -- MEETING CANCELED --
04/20/23 (S) STA AT 3:30 PM

BILL: SB 95

SHORT TITLE: LICENSE PLATES: SPECIALTY ORGANIZATIONS

SPONSOR(s): SENATOR(s) MERRICK

03/08/23 (S) READ THE FIRST TIME - REFERRALS
03/08/23 (S) STA, FIN
04/18/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)
04/18/23 (S) -- MEETING CANCELED --
04/20/23 (S) STA AT 3:30 PM

BILL: HB 8

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(s): REPRESENTATIVE(s) CARRICK

01/09/23 (H) PREFILE RELEASED 1/9/23
01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) STA, L&C, TRA
02/23/23 (H) STA AT 3:00 PM GRUENBERG 120
02/23/23 (H) Heard & Held
02/23/23 (H) MINUTE(STA)
02/27/23 (H) L&C REFERRAL REMOVED
02/27/23 (H) BILL REPRINTED
03/02/23 (H) STA AT 3:00 PM GRUENBERG 120
03/02/23 (H) Moved HB 8 Out of Committee
03/02/23 (H) MINUTE(STA)
03/06/23 (H) STA RPT 6DP
03/06/23 (H) DP: ARMSTRONG, CARPENTER, C.JOHNSON,
ALLARD, WRIGHT, SHAW
03/14/23 (H) TRA AT 1:00 PM BARNES 124
03/14/23 (H) Heard & Held
03/14/23 (H) MINUTE(TRA)

03/28/23	(H)	TRA AT 1:00 PM BARNES 124
03/28/23	(H)	Moved CSHB 8(TRA) Out of Committee
03/28/23	(H)	MINUTE(TRA)
03/29/23	(H)	TRA RPT CS(TRA) NEW TITLE 7DP
03/29/23	(H)	DP: MINA, STUTES, MCKAY, C.JOHNSON, SUMNER, VANCE, MCCABE
04/14/23	(H)	FAILED TO ADOPT TRA CS N39 E1
04/17/23	(H)	TRANSMITTED TO (S)
04/17/23	(H)	VERSION: HB 8
04/19/23	(S)	READ THE FIRST TIME - REFERRALS
04/19/23	(S)	STA
04/20/23	(S)	TRA AT 1:30 PM BUTROVICH 205
04/20/23	(S)	STA AT 3:30 PM

WITNESS REGISTER

SENATOR JAMES KAUFMAN
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SB 21.

SHANE HAMLIN, Executive Director
Electronic Registration Information Center (ERIC)
Washington, DC
POSITION STATEMENT: Delivered a presentation on ERIC.

KERRY CROCKER, Staff
Senator Kelly Merrick
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented the sectional analysis for SB 95.

JEFFREY SCHMITZ, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska
POSITION STATEMENT: Stated that DMV is neutral on SB 95.

REPRESENTATIVE ASHLEY CARRICK, District 35
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HB 8.

STUART RELAY, Staff
Senator Ashley Carrick
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HB 8 on behalf of the sponsor.

ERIC TROYER, board member
Fairbanks Cycle Club
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 8.

DYANI CHAPMAN, State Director
Alaska Environment Action
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 8.

JOHN SCHAUER, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 8.

ACTION NARRATIVE

[3:31:22 PM](#)

CHAIR SCOTT KAWASAKI called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Merrick, Bjorkman, and Chair Kawasaki. Senator Claman arrived soon thereafter.

SB 21-STRATEGIC PLANS FOR STATE AGENCIES

[3:32:45 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 21 "An Act relating to the Executive Budget Act; relating to strategic plans, mission statements, performance plans, and financial plans for executive branch agencies; and providing for an effective date."

He asked the sponsor if he any had final comments before the committee took action on the bill.

[3:33:09 PM](#)

SENATOR JAMES KAUFMAN, Alaska State Legislature, Juneau, Alaska, sponsor of SB 21, thanked the committee for hearing and considering the bill.

[3:33:25 PM](#)

SENATOR MERRICK moved to report SB 21, work order 33-LS0207\A, from committee with individual recommendations and attached fiscal note(s).

[3:33:37 PM](#)

CHAIR KAWASAKI found no objection and SB 21 was reported from the Senate State Affairs Standing Committee.

[3:34:01 PM](#)

At ease

PRESENTATION: WHAT IS ELECTRONIC REGISTRATION

[3:35:06 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced a presentation on the Electronic Registration Information Center (ERIC) and how it benefits elections. He read the following statement about ERIC and Shane Hamlin.

Shane Hamlin is the Executive Director of the Electronic Registration Information Center (ERIC). ERIC is a nonprofit, nonpartisan organization dedicated to helping states improve the accuracy of America's voter rolls and increasing access to voter registration for all eligible citizens. Shane has worked in elections policy and elections administration at the state and national levels for over 17 years.

[3:35:33 PM](#)

SENATOR CLAMAN joined the committee.

[3:36:23 PM](#)

SHANE HAMLIN, Executive Director, Electronic Registration Information Center (ERIC), Washington, DC, stated that he became interested in election policy when he worked in the Washington State legislature.

[3:37:46 PM](#)

At ease

[3:38:21 PM](#)

CHAIR KAWASAKI reconvened the meeting.

MR. HAMLIN began the presentation by discussing the challenges associated with maintaining good voter rolls. He spoke to the following:

Maintaining accurate voter rolls is a challenge because, every day, voters move or die. Voters don't always remember to update their registration.

- About 27 million people, or 8.4 percent of the population, moved in 2021 according to the U.S. Census Bureau. Note - this is the lowest rate in recent history. Pre-COVID move rates are higher.
- Nearly 3.46 million Americans died in 2021, the most recent year with official death estimates.

MR. HAMLIN added that it's difficult to get good results without good quality data and a rigorous, high standard matching process. He stated ERIC's mission and opined that ERIC is the most effective tool to help election officials maintain the integrity of their voter rolls. He noted that when ERIC was created, the seven initial member states believed in the balanced mission of maintaining accurate voter rolls so there was confidence in the process and providing voter registration information to those who were eligible and providing information on the most effective and efficient way to register.

[3:41:57 PM](#)

MR. HAMLIN advanced to slide 4 that consists of a color-coded map that identifies the 32 member states in green and the states that have resigned from ERIC in yellow. He noted that membership will drop to 27 in June, but ERIC is actively talking to other states about joining.

MR. HAMLIN turned to slide 5, "ERIC 101 - The Basics" and spoke to the following:

- Non-profit membership organization founded in 2012 by seven states, four led by Republican and three led by Democrats. Today, ERIC is led by bipartisan mix of Republican and Democratic state officials across 32 states and DC.
- Participating states control ERIC. Chief elections officials appoint a member representative to serve on the Board of Directors. [For Alaska, Division of Elections Director Carol Beecher] serves on the board.
- Funded by participating states. New members pay a one-time fee. All members pay annual dues. Start-up support from Pew, no other funding source.

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MR. HAMLIN displayed the graphic on slide 6 that shows the data ERIC uses to generate the reports it provides.

Voter Registration Information: full name, mailing and residential address, date of birth, Social Security Number, and the last activity date to determine the most recent record.

Division of Motor Vehicles: full name, mailing and residential address, driver's license/ID numbers, Social Security Number, and last activity dates.

Social Security Limited Master Death File: full name, date of birth, Social Security Number, and date of death.

Information ERIC Does Not Collect: confidential voter records, party affiliation, and known noncitizens.

Double Cryptographic Hashing: Member states apply a cryptographic hash on the specific data fields for DOB, SSN, and DL/ID# before the data is submitted to ERIC. He noted that a cryptographic hash renders the data to a string of characters that allow comparison but not discernable. Once the file is taken in house, the data is hashed a second time ensuring that ERIC never sees the data in plain text and they're not included in reports. If somebody were to access the data center, the hacker would not see the data fields in plain text.

[3:47:59 PM](#)

MR. HAMLIN turned to slide 7 to discuss the different reports ERIC generates.

Eligible but Unregistered Report: This report identifies individuals who appear to be eligible to vote but are not registered.

List Maintenance Report is comprised of the following:

- In-state mover report identifies people who have moved within Alaska but have not updated their voter registration record.
- Cross-state movers report identifies Alaska voters who have moved to another ERIC member state and have not canceled their registration in Alaska.
- Deceased voter report is comprised of individuals who appear on the National Death Data File from the Social Security Administration.
- In-state duplicate registration report.

Optional Reports

- National Change of Address (NCOA) report uses data individuals submit to the USPS.
- Voter Participation report identifies cases of possible illegal voting, double voting within a member state, voting in the same election between two member states, or voting on behalf of a deceased voter. Alaska uses this report but it is optional in an attempt to protect peoples' rights against being wrongfully accused of a crime.

[3:50:26 PM](#)

SENATOR CLAMAN asked if the reports only have data about people who hit certain parameters or if the state was supposed to send just certain data to ERIC.

MR. HAMLIN answered that a state requests the reports it wants based on what it is trying to accomplish. For example, if the state wants data on deceased voters, ERIC sends all the data it has on the deceased voter report.

SENATOR CLAMAN summarized that ERIC goes through the entire voter roll and sorts for the information the state requested.

MR. HAMLIN said that's correct. Member states are required to upload a voter file and DMV file at least every 60 days and when a state requests data, ERIC uses the most recent uploaded data. If the request was for the individuals who moved cross-state, that most recent file is compared to every other member state's voter files and DMV records. The report includes the individuals who have a driver's license or registration that appears to have been obtained more recently in another state. That information was provided to the Alaska Division of Elections and that's their Cross-State report. That data is compared against all currently registered voters in Alaska.

SENATOR CLAMAN asked how much is the one-time fee and the annual fee.

MR. HAMLIN said the one-time fee to join is \$25,000; it is reserved for periodic large expenses. Alaska paid annual dues of \$26,000 this fiscal year and that goes toward operating expenses.

SENATOR CLAMAN asked how that compares to a more populous state like Texas.

MR. HAMLIN answered that Texas paid \$116,000 this fiscal year. He explained that the dues formula factors the voting age population in the member state and the total number of states in ERIC.

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MR. HAMLIN advanced to slide 8, "ERIC 101- Eligible but Unregistered Report" and spoke to the following:

Important points:

- These reports come directly from ERIC and contain individuals who have a driver's license/ID card but who are not registered to vote.
- The data in these reports is from the DMVA, protected by the Driver's Privacy Protection Act of 1993.
- No political party information in these reports.
- States filter out any individual they know not to be eligible, for example due to age or felony status.
- Mailings clearly state the eligibility requirements - age, citizenship, residency, etc.

[3:56:20 PM](#)

MR. HAMLIN advanced to slide 9, "ERIC 101 - List Maintenance Reports." States are required to use these reports to keep their rolls accurate and up to date. The underlined and bolded language in the membership agreement speaks to this. He highlighted that the agreement includes a clause that says the member will use the report in a manner that complies with applicable federal and state laws. Members are required to use the report to do list maintenance.

Membership Agreement, Section 4(b).

"When the Member receives credible ERIC Data...indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, **the Member shall, at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record.** Each Member has ninety (90) days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date, as described above, was provided."

[3:57:55 PM](#)

MR. HAMLIN advanced to slide 10 and continued to discuss the List Maintenance Report. The table on the left shows how the reports are generated.

Cross-state Movers

- The voter has a newer registration or licensing record in another state.

In-state Updates

- This is a comparison to the DMV record. If DMV has information that is newer or isn't on the voter record, it's provided so they can either be added to the voter record or the elections division can contact the voter for the purposes of updating the record. This report has the largest number of records.

Deceased

- This report compares the voter file to the Social Security Death Master list.

In-state Duplicates

- This report is an analysis of the existing voter file that looks for more than one registrations for the same individual.

The requirements listed on the right side of the slide are outlined below.

- ~ Members must request a minimum of one report at least once every 425 days. He noted that this was old language that would likely be replaced very soon with more stringent language.
- ~ Members are strongly encouraged to request and act on all four list maintenance reports at least once per calendar year. He encourages members to request these as frequently as local election officials have the bandwidth to process in a year. Some states take them monthly.
- ~ Members must certify that contact was initiated with at least 95 percent of individuals.
- ~ Possible actions on Cross-State and In-State:
 - ~ Send postcard to old addresses and act on undeliverables.
 - ~ Send voluntary cancellation request to new address.

~ Send notice and inactivate if there is no response as per NVRA.

[4:00:46 PM](#)

MR. HAMLIN displayed slide 11, "List Maintenance Reports: Alaska 2016-2023 chart" that provides a summary of the value Alaska has received from ERIC since joining in 2016. The division has received: 7 Cross-State Mover reports that identified 101,497 inaccuracies; 5 In-State Update reports that identified 56,366 inaccuracies; 6 Deceased Voters reports that identified 1,933 inaccuracies; and 6 Duplicate Registration reports that identified 276 inaccuracies. He said the Alaska Division of Elections has done a good job of requesting reports often enough that the lists are updated prior to major elections. He noted that he tells all members that they could maximize the value of their investment by making more frequent requests for list maintenance reports.

[4:03:03 PM](#)

CHAIR KAWASAKI asked if ERIC charges a member state each time it requests an update to its active voter list.

MR. HAMLIN answered that the \$26,000 that Alaska pays annually entitles a state to request as many reports as the Division of Elections (DOE) wants. There is no charge for subscription services or assessment services for death data or NCOA data. The state is getting data in the Cross-State report that isn't available anywhere else.

[4:05:28 PM](#)

SENATOR WIELECHOWSKI asked if the 101 thousand cross-state movers were people who moved away from Alaska and have voter records in another state.

MR. HAMLIN confirmed that those are Alaska voters who moved away and got a license or registered to vote in another state after the last activity on their Alaska registration.

SENATOR WIELECHOWSKI asked if it was fair to say that the Cross-State Mover report has potentially prevented 101,497 people from fraudulently voting in Alaska.

MR. HAMLIN responded that it has significantly reduced the opportunity for voter fraud.

SENATOR WIELECHOWSKI asked if it was fair to say that if Alaska were to drop its membership in Eric, the likelihood for voter fraud would increase exponentially.

MR. HAMLIN responded that the opportunity for fraud is higher when a state does not have a robust list maintenance program. It's easier for people to cheat.

[4:07:43 PM](#)

SENATOR WIELECHOWSKI asked if any other system was comparable to ERIC.

MR. HAMLIN said no.

SENATOR WIELECHOWSKI asked if it was fair to say that if Alaska were to change to another system, the likelihood for voter fraud would probably increase.

MR. HAMLIN said the opportunity for voter fraud certainly would increase.

SENATOR WIELECHOWSKI said his point is that with the concern some people have with voter fraud, the likelihood of having more voter fraud is increased without access to ERIC.

MR. HAMLIN agreed that the underlying point was why take away a tool that reduces the opportunity to catch voter fraud. Another tool that ERIC offers gives data to investigate cases of possible duplicate voting. The credible cases are then referred to law enforcement.

[4:09:10 PM](#)

SENATOR WIELECHOWSKI asked why some states were dropping their membership in ERIC.

MR. HAMLIN prefaced his response by clarifying that every state that has dropped their membership joined ERIC with the full understanding of the membership requirements to request and act on the reports. He continued that two primary concerns have been expressed. One concern was that the individual who held one of the two nonvoting board seats was increasingly viewed as partisan. The member states voted in February on whether to remove those nonvoting seats from the bylaws and it failed. During a second February meeting the members voted to repeal those seats so there are no longer any nonvoting board seats. That issue has been resolved.

The second concern was that some states decided they no longer wanted to spend state funds to mail postcards that have basic information on how to register to vote to people who were eligible but unregistered. Those states asked for that report to be optional. The board convened a bipartisan working group that developed a package of reforms for the full board to consider. That reform package would have modified the report requirements such that the eligible but unregistered report, and all the other reports, would have been optional after the first one was done. That vote failed and the states that initially expressed the concerns opted to leave ERIC.

[4:13:31 PM](#)

SENATOR WIELECHOWSKI asked him to clarify that the voter registration requirements that caused some states to leave ERIC were requirements that those states agreed to when they joined ERIC originally.

MR. HAMLIN said that is 100 percent accurate.

CHAIR KAWASAKI noted that Florida was one of the states that left ERIC. He asked if it was more likely now that an Alaskan voter could move to Florida and register to vote there.

MR. HAMLIN responded that Florida data will no longer appear in the Cross-State-Movers report. He added that the larger point is that the Cross-State-Movers report is more robust when more states participate. The loss of states reduces the effectiveness of that report, which is why ERIC is actively recruiting other states to join.

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CHAIR KAWASAKI thanked Mr. Hamlin for the presentation.

[4:16:08 PM](#)

At ease

SB 95-LICENSE PLATES: SPECIALTY ORGANIZATIONS

[4:17:55 PM](#)

CHAIR KAWASAKI reconvened the meeting and announced the consideration of SENATE BILL NO. 95 "An Act relating to special request specialty organization registration plates; and providing for an effective date."

[4:18:15 PM](#)

SENATOR KELLY MERRICK, District L, speaking as sponsor of SB 95, introduced the legislation speaking to the following sponsor statement.

Each year, the Legislature is tasked with approving a specialty plate for the various organizations and nonprofits that request plates. As of now, there are at least forty-two license plates that can be purchased at the Division of Motor Vehicles.

Since 2003, the Legislature has passed nine bills that authorized specialty license plates. In some cases, multiple pieces of specialty plate legislation were rolled into one bill. For example, in the 27th Legislature, four bills were rolled into one bill that authorized six different plates.

Senate Bill 95 was introduced to remove the Legislature from approving specialty plates. Under this legislation, responsibility would be turned over to the Division of Motor Vehicles. Streamlining the process for both the legislature and the (DMV).

The division would adopt regulations to allow for issuance of specialty plates sponsored by tax exempt organizations based within the state or Departments of the state, or a municipality within the state.

[4:19:38 PM](#)

KERRY CROCKER, Staff, Senator Kelly Merrick, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 95.

Section 1: Creates a new subsection in the Motor Vehicle statutes, AS 28.10 181, to require the Division of Motor Vehicles (DMV) to adopt regulations allowing for the issuance of specialty organization license plates sponsored by charitable and government organizations within Alaska.

Section 2: Adds a new paragraph to AS 28.10.421 that sets the fees for new plates and allows for other fees.

Section 3: Provides an effective date of January 1, 2024

SENATOR WIELECHOWSKI commented that it was an efficiency bill and he appreciated the sponsor bringing it forward.

CHAIR KAWASAKI agreed that it created efficiency and was good government. He asked the sponsor to comment on the license plate she brought to the meeting.

[4:21:39 PM](#)

SENATOR MERRICK explained that she brought the specialty license plate her mother used on all her vehicles. It had her initials that spelled the word CAR.

[4:22:29 PM](#)

CHAIR KAWASAKI opened public testimony on SB 95; finding none, he closed public testimony.

He noted who was available to answer questions.

SENATOR WIELECHOWSKI asked whether DMV had a position or any thoughts on how to improve the bill.

[4:23:10 PM](#)

JEFFREY SCHMITZ, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), Anchorage, Alaska, stated that DMV was neutral on SB 95 and he had no comments on the legislation.

[4:23:51 PM](#)

CHAIR KAWASAKI held SB 95 in committee for future consideration.

HB 8-ELECTRIC-ASSISTED BICYCLES

[4:24:20 PM](#)

CHAIR KAWASAKI announced the consideration of CS FOR HOUSE BILL NO. 8(TRA) "An Act relating to electric-assisted bicycles; and providing for an effective date."

He noted that this was the companion bill to SB 62 that many members had already seen.

[4:25:00 PM](#)

REPRESENTATIVE ASHLEY CARRICK, District 35, Alaska State Legislature, Juneau, Alaska, sponsor of HB 8, introduced the legislation speaking to the sponsor statement.

Electric-assisted bicycles are an emerging and exciting source of exercise, transportation, and

recreation for Alaskans. Currently Alaska does not have any laws pertaining to electric assisted bicycles, nor related references to operating licenses, safety requirements, local traffic laws, or related definitions. This is problematic since electric-assisted bicycles do not currently fit into existing definitions of any other type of vehicle. A new definition in statute is needed to address electric-assisted bicycles that can resolve this confusion for electric-assisted bicycle owners and retailers.

Forty-six other states define electric bicycles and thirty-nine of those states classify e-bikes with a three-tiered industry standard definition. Here in Alaska, the Municipality of Anchorage defined low-speed electric bicycles in 2016. Adding this definition to statute will regulate electric-assisted bicycles as a bicycle, and that any current statute related to bicycles includes electric assisted-bicycles. Additionally, e-bikes are not subject to the registration, licensing or insurance requirements that apply to motor vehicles, and they may be operated where regulations currently allow bicycles to be operated.

Additionally, this legislation has passed the House in the two preceding legislatures. Please join me in supporting House Bill 8 to bring our statutes up to date so all Alaskans can enjoy and use electric-assisted bicycles.

[4:27:14 PM](#)

REPRESENTATIVE CARRICK stated that HB 8 has three goals: 1) to regulate electric assisted bicycles as bicycles in statute, 2) to update the statute to reflect the advances in technology, and 3) to bring clarity to consumers and retailers on electric-assisted bicycle laws and allow local flexibility. The new definition in statute would identify an e-bike as a bicycle that is designed to have not more than three wheels in contact with the ground; has fully operable pedals for human propulsion; and is equipped with an electric motor with a power output of not more than 750 watts.

HB 8 further defines three classes of electric bicycles; Class 1 provides assistance only while the rider pedals and stops assisting at a maximum speed of 20 miles per hour (mph); Class 2

propels the rider whether or not the rider pedals and stops assisting at a maximum speed of 20 mph; Class 3 assists the rider only when the rider is pedaling and stops assisting at a maximum speed of 28 mph. She highlighted that the definitions in HB 8 have been adopted in 39 other states. The language in HB 8 also clarifies that e-bikes are not mopeds, motor scooters, dirt bikes, segues, motorcycles, cars, or electric wheelchairs.

[4:31:31 PM](#)

CHAIR KAWASAKI requested the sectional analysis.

[4:31:45 PM](#)

STUART RELAY, Staff, Senator Ashley Carrick, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for HB 8 on behalf of the sponsor.

Section 1. (Page 1) Amends AS 19.10.399(9) to state that the definition of motor vehicle excludes electric-assisted bicycles.

Section 2. (Page 1) Amends AS 19.10.399(16) to clarify that electric-assisted bicycles are to be regulated as bicycles in regard to operation on a way, path, or area.

Section 3. (Page 1-2) Amends AS 28.05.011(a) to state that electric-assisted bicycles should be regulated as bicycles in regard to the rules of the road. It also includes electric-assisted bicycles under an existing provision allowing municipal ordinances to separately regulate in this area.

Section 4. (Page 3) Amends AS 28.10.011 to state that an electric-assisted bicycle is not required to be registered as a vehicle.

Section 5. (Page 3-4) Amends AS 28.90.990(a)(12) to state that an electric-assisted bicycle does not fall under the definition of an "electric personal motor vehicle."

Section 6. (Page 4) Amends AS 28.90.990(a)(18) to state that an electric-assisted bicycle does not fall under the definition of "motor vehicle."

Section 7 (Page 4) Amends AS 28.90.990(a)(19) to state that an electric assisted bicycle does not fall under the definition of a "motorcycle."

Section 8 (Page 4) Amends AS 28.90.990(a)(20) to state that an electric-assisted bicycle does not fall under the definition of a "motor-driven cycle."

Section 9 (Page 4-5) Amends 28.90.990(a)(33-36) to state the term "bicycle" includes electric-assisted bicycles in the three following classes

(34) Class 1: bicycles that assist only while the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour.

(35) Class 2: bicycles that can propel whether or not the rider is pedaling and that stop providing assistance at the speed of 20 miles per hour

(36) Class 3: bicycles that only assist while the rider is pedaling and that stop providing assistance at the speed of 28 miles per hour.

Section 9 Cont. (Page 4-5) Amends AS 28.90.990(a)(37) to define electric assisted bicycles as a bicycle that is designed to travel with not more than three wheels in contact with the ground, has fully operative pedals for human propulsion, is equipped with an electric motor that has a power output of not more than 750 watts, and includes Class 1, Class 2, and Class 3 electric assisted bicycles.

Section 10 (Page 5) Amends AS 41.23.300 is amended by adding a new section that states "bicycling" includes the use of electric-assisted bicycles, and that "electric-assisted bicycles" have the meaning provided for in the previous section.

MR. RELAY listed the letters of support for HB 8 that were in members' packets.

[4:36:39 PM](#)

SENATOR WIELECHOWSKI asked how the definition of e-bikes in the bill aligns with the federal definition.

MR. RELAY replied that the definitions are the same.

SENATOR WIELECHOWSKI asked if there were federal efforts to regulate the usage of e-bikes.

MR. RELAY replied that the Department of the Interior, which includes the National Park Service and the Bureau of Land Management (BLM) and the US Forest Service (Department of Agriculture) use this definition for e-bikes. In National Parks it is up to the park superintendent whether or not e-bikes can be used on trails that allow bicycles. He noted that Denali National Park allows e-bikes on trails that bicycles use. On BLM land, the land use plan for a particular parcel must allow the use of e-bikes.

SENATOR WIELECHOWSKI asked whether this bill would impact Anchorage's regulatory scheme for electric bicycles.

MR. RELAY responded that the Municipality of Anchorage uses the same definition for e-bikes as the federal government.

[4:38:49 PM](#)

SENATOR WIELECHOWSKI asked whether the bill changes the way Anchorage regulates e-bikes.

MR. RELAY answered no, the bill does not change how Anchorage regulates electric assisted bikes.

SENATOR WIELECHOWSKI asked whether the bill will impact how e-bikes are used on the BLM Special Recreation Management Area Campbell Track that's in the Municipality of Anchorage.

MR. RELAY answered that BLM personnel are reviewing an amendment to the land use plan for Campbell Track to allow e-bikes, but they currently are not allowed.

SENATOR WIELECHOWSKI asked if HB 8 would create an inconsistency between the way the state treats electric assisted bicycles and motorized scooters. If so, he asked for the rational for the disparity.

MR. RELAY replied that scooters fall under a completely different definition that is not included in HB 8.

SENATOR WIELECHOWSKI asked for the rational for treating them differently.

MR. RELAY replied they are treated differently because they are different vehicles. Motorized scooters don't have to have operable pedals and are not bicycles. HB 8 says that because of the similarities between bicycles and electric assisted bicycles, they are both bicycles.

SENATOR WIELECHOWSKI asked if there was an ongoing rewrite of the regulations in 13 AAC (2) and (4) that could address the definition of e-bicycles.

MR. RELAY replied that bills to define e-bikes as bicycles have been introduced since 2019 and to his knowledge there was no active rewrite of 13 AAC (2) and (4) in process.

SENATOR WIELECHOWSKI asked if any department had sufficient statutory authority to define electric assisted bikes as not a motorized vehicle or if that required a statutory change.

MR. RELAY offered his understanding that various department define electric assisted bicycles differently, which results in a gray area and HB 8 clears up that gray area.

[4:41:41 PM](#)

SENATOR WIELECHOWSKI asked if people who have lost their driver's license because of a DUI or a dangerous driving infraction would be able to get back on the road on an e-bike.

MR. RELAY answered that HB 8 regulates electric assisted bicycles as bicycles. People who have lost their license are able to ride bicycles so, as written, they would be able to ride an electric assisted bicycle.

SENATOR WIELECHOWSKI asked if there was evidence that charging an e-bike in a residential building could create a risk of fire or explosion.

MR. RELAY answered that the sponsor has not found any instances of that happening.

SENATOR WIELECHOWSKI asked if e-bikes can be modified to go faster than allowed under the definition in the bill.

MR. RELAY replied that it would no longer be an e-bike.

[4:43:19 PM](#)

CHAIR KAWASAKI asked whether electric assisted bicycles require a license plate or specialty registration to use on roads.

MR. RELAY responded that SB 95 relating to specialty plates would not apply specifically to House Bill 8.

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SENATOR BJORKMAN asked why electric assisted bicycles can travel so much faster than a regular bike that does not have electric assist.

MR. RELY replied that the definition in the bill has been widely adopted including by about three-quarters of the states, the federal government, and the Municipality of Anchorage. HB 8 seeks to add Alaska to that list.

SENATOR BJORKMAN asked how far someone typically could travel on one full battery.

MR. RELAY said he didn't have any personal experience but he would guess the range would be 50-100 miles. He offered to follow up with an answer after doing some research.

CHAIR KAWASAKI reported that the land speed record trailing behind a vehicle was 183 mph and the top speed for a conventional bike was 88.26 mph. He noted that Senator Claman shared that his top speed down Thompson Pass was 45 mph.

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CHAIR KAWASAKI opened public testimony on SB 95.

[4:48:40 PM](#)

ERIC TROYER, board member, Fairbanks Cycle Club (FCC), Fairbanks, Alaska, stated that FCC supports HB 8 for several reasons: 1) it adds a definition for e-bikes to the Alaska Administrative Code; 2) it adds e-bikes to the list of modes of transportation that do not need to be registered with the Division of Motor Vehicles (DMV); 3) it separates e-bikes from motor-driven cycles such as motorcycles and motor scooters; 4) it has language that defines the three classes of e-bikes; 5) the national groups League of American bicyclists and People for Bikes as well as 30 states advocate this language; and 6) it supports local control by allowing municipalities and state agencies to add further regulation. E-bikes encourage more people to cycle and they encourage some people to replace car trips with cycle trips, which improves health, reduces traffic congestion, and reduces greenhouse gases that contribute to climate change. He advocated for further encouraging e-bikes with a good law like HB 8.

MR. TROYER offered the following perspective on the speed of e-bikes. His wife, who is over 60, leads a group of fit women riders and their average pace on road rides is 16 - 18 mph.

[4:50:51 PM](#)

SENATOR WIELECHOWSKI asked if there was any concern in the cycling community about conflict between people using e-bikes on trails where people and dogs are walking.

MR. TROYER replied that the club discussed the issue and decided it was better to let local municipalities control any additional regulations because what fits one municipality might not be appropriate for another.

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DYANI CHAPMAN, State Director, Alaska Environment, Anchorage, Alaska, stated that this is a statewide nonprofit environmental organization that supports regulating e-bikes as bicycles. HB 8 allows people to have a better idea of how and where they will be able to use e-bikes in their community. E-bikes provide a more efficient transportation choice and make it possible for more people to cycle whether they're going to work, running errands, or recreating. E-bikes are an efficient use of energy and don't contribute to air pollution. She relayed that she's comfortable sharing space with e-bikes when she's riding her traditional pedal bicycle. She also pointed out that the bill gives municipalities the option of further regulating e-bikes if there are concerns in a particular area. She thanked the committee for considering HB 8.

[4:53:46 PM](#)

JOHN SCHAUER, representing self, Fairbanks, Alaska, stated that he is 66 years old and in January 2018 he and his wife purchased Class 1 electric assist bicycles. HB 8 would regulate these as bicycles just as they're regulated in Canada, most of Europe, 39 other states, and the Municipality of Anchorage. Since he purchased his bike he's ridden 6,900 miles, mostly on trails in Alaska and the Yukon. He rides 6-20 miles 4-6 days per week during most of the year. He typically averages 10-12 mph with top speeds of 20 mph, which is about the speed he goes with his Alaskan huskies. He shares trails with dog mushers, conventional cyclists, skiers, and four-wheelers and has never had a conflict. He relayed his experience with motorcycles and motorized bikes and said his e-bike is definitely neither of those. He rides his e-bike with his sons who are on mountain bikes. They drop him on the down hills but he catches them on

the uphill. He views each of the four levels of assist as taking 10 years off his age. He can't ride a road bike at 17-18 mph for 40-50 miles any more but his e-bike allows him to get out and enjoy the trails with all the other trail users and his dog. He said he hopes the committee supports HB 8.

MR. RELAY thanked the committee for hearing the bill.

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CHAIR KAWASAKI closed public testimony HB 8 and held the bill in committee.

[5:00:39 PM](#)

There being no further business to come before the committee, Chair Kawasaki adjourned the Senate State Affairs Standing Committee meeting at 5:00 p.m.