

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 6, 2018

3:11 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp

MEMBERS ABSENT

Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 2

Urging Governor Bill Walker to join with the Alaska State Legislature to respond to the public and behavioral health epidemic of adverse childhood experiences by establishing a statewide policy and providing programs to address this epidemic.

- HEARD & HELD

HOUSE BILL NO. 168

"An Act relating to regulation notice and review by the legislature; and relating to the Administrative Regulation Review Committee."

- HEARD & HELD

HOUSE CONCURRENT RESOLUTION NO. 10

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the jurisdiction of standing committees.

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 31

Urging the United States Congress to overturn the Federal Communications Commission's order ending net neutrality.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HCR 2

SHORT TITLE: RESPOND TO ADVERSE CHILDHOOD EXPERIENCES

SPONSOR(S): REPRESENTATIVE(S) TARR

01/23/17 (H) READ THE FIRST TIME - REFERRALS
01/23/17 (H) HSS, STA
03/14/17 (H) HSS AT 3:00 PM CAPITOL 106
03/14/17 (H) <Bill Hearing Canceled>
03/21/17 (H) HSS AT 3:00 PM CAPITOL 106
03/21/17 (H) Heard & Held
03/21/17 (H) MINUTE(HSS)
03/23/17 (H) HSS AT 3:00 PM CAPITOL 106
03/23/17 (H) Moved HCR 2 Out of Committee
03/23/17 (H) MINUTE(HSS)
03/24/17 (H) HSS RPT 6DP 1NR
03/24/17 (H) DP: JOHNSTON, TARR, EDGMON, SULLIVAN-
LEONARD, KITO, SPOHNHOLZ
03/24/17 (H) NR: EASTMAN
05/16/17 (H) STA AT 3:00 PM GRUENBERG 120
05/16/17 (H) -- MEETING CANCELED --
02/06/18 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 168

SHORT TITLE: REPEAL ADMIN. REG. REVIEW COMMITTEE

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

03/10/17 (H) READ THE FIRST TIME - REFERRALS
03/10/17 (H) STA, FIN
02/06/18 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HCR 10

SHORT TITLE: UNIFORM RULES: REGULATION REVIEW

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

03/10/17 (H) READ THE FIRST TIME - REFERRALS
03/10/17 (H) STA, FIN
02/06/18 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HJR 31

SHORT TITLE: CONGRESS REVERSE FCC ON NET NEUTRALITY

SPONSOR(S): REPRESENTATIVE(S) KAWASAKI

01/26/18 (H) READ THE FIRST TIME - REFERRALS
01/26/18 (H) STA
02/06/18 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HCR2 as prime sponsor, with the use of a PowerPoint presentation.

ALISON KULAS, Executive Director
Advisory Board on Alcoholism and Drug Abuse (ABADA)
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HCR 2.

REPRESENTATIVE MIKE CHENAULT
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 168 and HCR 10, as prime sponsor.

TOM WRIGHT, Staff
Representative Mike Chenault
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 168 and HCR 10 on behalf Representative Chenault, prime sponsor.

REPRESENTATIVE Scott KAWASAKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HJR 31, as prime sponsor.

JACOB GERRISH, Staff
Representative Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 31 on behalf of Representative Kawasaki, prime sponsor.

ACTION NARRATIVE

[3:11:24 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:11 p.m. Representatives LeDoux, Wool, Birch, Johnson, Knopp, and Kreiss-Tomkins were present at the call to order. Representative Tuck arrived as the meeting was in progress.

HCR 2-RESPOND TO ADVERSE CHILDHOOD EXPERIENCES

[3:12:11 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 2, Urging Governor Bill Walker to join with the Alaska State Legislature to respond to the public and behavioral health epidemic of adverse childhood experiences by establishing a statewide policy and providing programs to address this epidemic.

[3:12:28 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, as prime sponsor of HCR 2, brought attention to the proposed committee substitute (CS) for HCR 2 [30-LS0277\J, Glover, 1/17/18, included in the committee packet and hereafter referred to as "Version J"]. She maintained that given the current fiscal crisis, the need for long-term planning, and the need to understand the state's "cost drivers," the time is right to discuss the issue of the public health crisis of adverse childhood experiences (ACEs) in Alaska and its impacts to communities and the state budget.

REPRESENTATIVE TARR began a PowerPoint presentation, entitled "A Public Health Crisis: Adverse Childhood Experiences." She referred to slide 2, entitled "What are ACEs?" and relayed that two physicians - Dr. [Vincent] Filitti and Dr. [Robert] Anda - in doing research on obesity, discovered a link between early childhood experiences and health problems in adulthood. This led to their 1998 study, in which they gave a ten-question quiz to enrollees of a health insurance program to assess their exposure to trauma as children. Based on the answers to those questions, each research subject was assigned an ACE score from zero to ten.

REPRESENTATIVE TARR turned to slide 3, entitled "What Kind of Childhood Trauma?" and relayed that the quiz assessed trauma in three categories - abuse, neglect, and household disfunction. Two of the categories include behaviors that impact the person,

such as physical abuse, sexual abuse, neglect, domestic violence to an adult family member, and having a parent in jail.

REPRESENTATIVE TARR moved on to slide 4, entitled "What is your ACES Score?" and encouraged committee members to take the quiz on their own to get a better understanding of the exposures that are assessed by the quiz. She offered that doing so would help the members appreciate the information gathered and the potential of that information to influence policy and save money.

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REPRESENTATIVE TARR referred to slide 5, entitled "ACES Studies in Alaska," and stated that there were two key findings from the ACE studies conducted in Alaska. The first is that childhood trauma is far more common and far more expensive than previously realized. She said that the finding that childhood trauma is "more common" is something of great concern. Alaska has a record number of children in foster care - more than 3,000 currently - and these children likely have experienced a great deal of trauma in childhood and are continuing to experience trauma. She referred to the category "neglect," and offered that the research demonstrates that prolonged neglect can be more damaging than physical and sexual abuse. She stated that the second key finding was that the impact of this trauma affects individuals over a lifetime and societies over generations. She emphasized the importance of that finding: the ACE study reveals the exposures to an individual that lead to undesirable health outcomes in adulthood; the impact to societies over generations has not been fully understood in the public policy context. She mentioned that the Office of Children's Services (OCS) often serves the second and third generations of the same families.

REPRESENTATIVE TARR referred to slide 6, entitled "Select Negative Health Outcomes," and said that some of the negative outcomes listed are not surprising. Before the ACE studies, people referred to the "cycle of violence," in which individuals growing up with domestic violence in the home have a higher likelihood of committing violence. She said that what the ACE study discovered that was new was physical health problems as outcomes, such as liver disease and heart disease, which can be very costly.

REPRESENTATIVE TARR turned to slide 7, entitled "Select Negative Health Outcomes," to point out the percentages of an outcome

linked to high ACE scores. She relayed that the research shows that 40.6 percent of Medicaid spending can be linked to childhood trauma; Medicaid spending is prominent in state budget discussions; and there has been an increase of 30,000 Medicaid enrollees this year. To the extent that the increase in Medicaid enrollees is the result of early childhood trauma, "upstream" prevention activities become more important for influencing the outcomes and eliminating spending.

REPRESENTATIVE TARR cited from slide 7 the "current smoker" outcome percentage of 32 percent and the "heavy drinking" outcome percentage of 20.5 percent. She referred to a McDowell Group report, entitled "The Economic Costs of Drug Abuse in Alaska, 2016 Update," prepared for the Alaska Mental Health Trust Authority (AMHTA) and the Advisory Board on Alcoholism and Drug Abuse (ABADA), which claims that the cost is in the billions of dollars. She emphasized that Alaska is paying for the costs through treatment, through courts, through incarceration, and through the handling of dysfunctional students in schools. She maintained that considering the cost to Alaska, there is great opportunity to makes changes and spend this money better.

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REPRESENTATIVE TARR referred to slide 8, entitled "The Price of Not Intervening Before Trauma Occurs," to demonstrate potential savings: a 32 percent reduction in costs due to smoking would yield a \$186 million in savings; a 20 percent reduction in [costs due to] substance abuse would yield a \$350 million in savings; and a 40.6 percent reduction in Medicaid costs would yield a \$350 million in savings. She offered that the proposed resolution mentions other statistics and explained that because of all the research in this area, costs and percentages are constantly being updated; in any case, the costs are significant and there are opportunities for savings.

REPRESENTATIVE TARR referred to slide 9, entitled "Overcoming ACES in Alaska Building a Statewide Movement," to point out the many and varied organizations that have been able to "connect the dots" by looking at the outcomes, such as drug abuse, domestic violence, and suicide, through the ACE "lens", and thus understand that their issues are all interrelated. She gave an example: individuals with four or more ACEs are in the hundreds of percentiles more likely to commit suicide; Alaska leads the nation in suicide rates; if suicide prevention is directed toward young adults or teens, the opportunity may have been

missed, because suicide may be the result of childhood trauma. She claimed that organizations such as Best Beginnings and Alaska Association for Infant and Early Childhood Mental Health (AK-AIMH) have been formed based on the recognition that early childhood experiences are integral to lifetime experiences, and there is opportunity to impact the subsequent issues by looking at them through the lens of ACE.

[3:24:06 PM](#)

REPRESENTATIVE TARR turned to slide 10, entitled "Overcoming ACES in Alaska: Connecting people and policies," to point out additional work done in the state. She stated that OCS receives 50 reports of child abuse or neglect per day. Most ACEs happen to Alaska kids by age 3; therefore, waiting until early adulthood or adulthood to address the problem is too long.

REPRESENTATIVE TARR moved on to slide 11, entitled "Overcoming ACES in Alaska" to present the three "asks" in the resolution. She maintained that the resolution does not request policy changes at this time; it is more focused on raising awareness and building the knowledge foundation around ACE, the research that has been performed in Alaska, and the opportunity for changing practices, improving health outcomes, and saving money.

[3:25:07 PM](#)

ALISON KULAS, Executive Director, Advisory Board on Alcoholism and Drug Abuse (ABADA), testified that ABADA looks for the connections that Representative Tarr mentioned and ways to work with partners to reduce ACEs. She stated that ABADA has been able to partner with the Department of Education and Early Development (DEED), which created eLearning modules to inform teachers, school staff, and community members about ACEs and offer them a trauma-informed approach to intervening early in life.

[3:26:50 PM](#)

REPRESENTATIVE KNOPP moved to adopt Version J as the working document. There being no objection, Version J was before the committee.

[3:27:17 PM](#)

REPRESENTATIVE LEDOUX expressed her belief that ACEs cause some real problems in adulthood. She referred to page 2 of Version

J, lines 6-10, and asked whether smoking and obesity were more the result of parents smoking and the foods they gave their children, rather than abuse.

REPRESENTATIVE TARR maintained that ACE research is changing the understanding on those issues. She gave an example: many schools are incorporating "mindfulness" activities to address trauma by helping children self-regulate their emotions; activities often include meditative and deep breathing exercises. She maintained that some counselors believe that the link between smoking and a high ACE score is because smoking replicates a mindfulness activity; it involves deep breathing, but in the form of smoking. She claimed that the original [ACE] study is recent, and the information is new, therefore, has not been broadly applied in the medical community or in public policy yet. She emphasized the importance of the quiz and maintained that doctors are beginning to ask their patients the same questions [as on the ACE quiz] to better understand the origin of behaviors.

REPRESENTATIVE TARR offered the term "epigenetics" and explained that everyone starts out with a genetic blueprint, but it is subject to change due to environmental exposures. She said that there are modifications and mutations to the genetic blueprint that may be related to later health effects.

[3:30:00 PM](#)

REPRESENTATIVE LEDOUX asked if the quiz is in the committee packet.

REPRESENTATIVE TARR replied, it is not. She stated that she would provide the link to committee members. She maintained that the collective ACE score of all 60 legislators would be interesting information.

[3:30:38 PM](#)

REPRESENTATIVE WOOL expressed his appreciation with the study and his support of early intervention. He commented that he believes that there are some "leaps of faith" in the numbers provided by Representative Tarr: for example, 20 percent of people who smoke do so because of ACEs or 20 percent of people who drink heavily do so because of ACEs; therefore, without ACEs, 20 percent of the costs would be eliminated.

REPRESENTATIVE WOOL relayed that he recently asked the principal at his children's school what she needed most. He said that she replied, "I need a social worker." He offered that children in elementary school today have more social problems than children a generation ago; dealing with those problems earlier [in life] would be advantageous.

REPRESENTATIVE TARR referred to page 8 of the report, entitled "The Economic Costs of Adverse Childhood Experiences in Alaska" [prepared by Patrick Sidmore, MSW, for ABADA and the Alaska Mental Health Board (AMHB) and included in the committee packet], which read, "Population attributable risk is a well-established method in epidemiology of determining the percentage of an outcome which is linked back to a precursor". She said that this section of the report explains the science and methodology of determining the percentages. She maintained that often health data is difficult to obtain, and it is important to continue the research.

REPRESENTATIVE TARR mentioned that the All Alaska Pediatric Partnership (A2P2) has been encouraging physicians to have conversations [about ACEs] with their patients; Alaska Native Tribal Health Consortium (ANTHC) has incorporated these discussions into their standard communications with patients. She emphasized the importance of this in dealing with the intergenerational trauma aspect of ACE.

REPRESENTATIVE TARR stated that when one hears stories about a person getting into trouble, he/she rarely hears that the person came from a stable, loving home with an upbringing that offered opportunity; more often the person had a great deal of childhood trauma. She maintained that when looking at these issues through the ACE lens, instead of asking, Why did you do that? or placing the blame for the behavior entirely on the person, whether a child or adult, ask, What happened to you? She maintained that many of these behaviors are the result of "bad things that have happened to people" and people are only so resilient. Resiliency comes from protective factors, and protective factors include a stable, loving home. Children growing up without protective factors are hindered in their abilities to overcome trauma experiences.

[3:34:53 PM](#)

REPRESENTATIVE JOHNSON offered that [ACE] exists to some degree but opined that the proposed resolution feels like "big brother" intrusion and "social engineering." She cited page 3 of Version

J, lines 23-26, which read, "take into account the principles of early childhood and youth brain development and, whenever possible, consider the concepts of early adversity, toxic stress, childhood trauma, and the promotion of resilience through protective relationships, supports, self-regulation, and services".

REPRESENTATIVE TARR answered that she disagrees. She relayed that she grew up in an abusive household and watched her brother struggle his whole life until he committed suicide. She expressed her belief that what is proposed under HCR 2 is not social engineering; children should not have to be beaten or sexually abused; children are innocent and have no choice or power in the situations into which they are brought; and caring for children is a moral responsibility. She reminded the committee of the 50 reports of child abuse or neglect per day coming into OCS; over 10,000 reports per year; and in the month of December there were several hundred reports of child sexual abuse. She asserted that there are children suffering unnecessarily, and the state has a role to play to end the suffering and give these children more opportunities in life.

REPRESENTATIVE JOHNSON responded that she did not say that children should be abused. She emphasized that the legislature is not for abusing children. She maintained that not passing the resolution does not mean that the legislature is for abusing children.

[3:38:30 PM](#)

CHAIR KREISS-TOMKINS announced that HCR 2 would be held over.

HB 168-REPEAL ADMIN. REG. REVIEW COMMITTEE
HCR 10-UNIFORM RULES: REGULATION REVIEW

[3:38:58 PM](#)

CHAIR KREISS-TOMKINS announced that the next two orders of business would be HOUSE BILL NO. 168, "An Act relating to regulation notice and review by the legislature; and relating to the Administrative Regulation Review Committee." and HOUSE CONCURRENT RESOLUTION NO. 10, Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to the jurisdiction of standing committees.

[3:39:14 PM](#)

REPRESENTATIVE MIKE CHENAULT, Alaska State Legislature, as prime sponsor of HB 168, paraphrased from the sponsor statement, which read as follows [original punctuation provided]:

The purpose of House Bill 168 is to repeal the statutes pertaining to the Administrative Regulation Review Committee. According to the analysis provided by Legislative Research, included in your packets, the ARRC [Administrative Regulation Review Committee] has not overturned any regulations as a result of these committee hearings. Although AS 24.20.445 provides that the committee can suspend regulations for a "certain time period," the Alaska Supreme Court found in a 1980 case [State v. ALIVE Voluntary], that the Legislature has no implied power to veto agency regulations by informal legislative action and such actions would violate Article II of the state Constitution. The actions available to the ARRC are to introduce legislation to supersede or nullify regulations. However, Legislative Research was not able to find any effort to do so from 2003 to the present.

REPRESENTATIVE CHENAULT relayed that HCR 10 would allow the jurisdiction of standing committees to oversee proposed and adopted regulations to replace regulation oversight that is currently under the jurisdiction of ARRC.

[3:41:36 PM](#)

REPRESENTATIVE WOOL referred to page 1 of the document, entitled "Administrative Regulation Review," prepared by Legislative Research Services and included in the committee packet, and noted the 15 ARRC meetings during one legislature.

REPRESENTATIVE CHENAULT suggested that it may have been one of the few periods of time ARRC met on a regular basis. He mentioned that the 15 meetings occurred during the Twenty-Eighth Alaska State Legislature, 2013-2014, and Representative [Lora] Reinbold was committee chair.

[3:42:45 PM](#)

REPRESENTATIVE KNOPP asked if HCR 10 would repeal ARRC and give jurisdiction back to the standing committees to review a regulation and propose legislation to amend or repeal it.

[3:43:35 PM](#)

TOM WRIGHT, Staff, Representative Mike Chenault, Alaska State Legislature, on behalf of Representative Chenault, prime sponsor of HB 168 and HCR 10, responded, "Yes, that is correct." He relayed that standing committees have jurisdiction now through [Uniform Rule} regulations and can propose any changes they see fit. The proposed legislation would repeal the language in Alaska Statutes that refers to ARRC and clarify that the standing committees can undertake regulation review if they so choose.

[3:44:13 PM](#)

REPRESENTATIVE BIRCH stated that his understanding of the Alaska Supreme Court case is that the legislature was dissatisfied with the way the regulations were written for statutes that were adopted during a specific administration. The legislature is fully empowered to subsequently rewrite the statute to realign the regulatory interpretation. He summarized by saying that it is not necessary to have a review committee, because a regulation can be "fixed".

REPRESENTATIVE CHENAULT agreed and said whether it is by a review committee or by a standing committee, the only way a regulation can be changed is through legislation; it can be accomplished by the committee or an individual.

REPRESENTATIVE BIRCH suggested that there is a corresponding federal process whereby regulations can be revised after Congress has adopted [a law]. He asked whether there is any opposition to the proposed legislation and resolution.

REPRESENTATIVE CHENAULT replied that he knows of no opposition and added that funding for regulation review is not in this year's budget.

CHAIR KREISS-TOMKINS commented that Representative Birch may have been referring to the Congressional Review Act (CRA) [1996].

[3:46:17 PM](#)

REPRESENTATIVE LEDOUX inquired as to the last time ARRC had the funds to hire an attorney to review the myriad of regulations and did so.

REPRESENTATIVE CHENAULT stated that his guess is that it occurred in the Twenty-Ninth Alaska State Legislature, 2015-2016, and the committee chair at that time was [former] Senator Lesil McGuire.

[3:47:00 PM](#)

CHAIR KREISS-TOMKINS announced that HB 168 and HCR 10 would be held over.

HJR 31-CONGRESS REVERSE FCC ON NET NEUTRALITY

[3:47:28 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 31, Urging the United States Congress to overturn the Federal Communications Commission's order ending net neutrality.

[3:47:56 PM](#)

REPRESENTATIVE SCOTT KAWASAKI, Alaska State Legislature, as prime sponsor of HJR 31, paraphrased in part from his sponsor statement, included in the committee packet, which read as follows [original punctuation provided]:

In December 2017, the Federal Communication Commission (FCC) adopted an order to reverse regulations that had established a federal broadband policy of net neutrality and attempted to preempt states from imposing regulations on Internet Service Providers (ISPs).

Net neutrality protects an individual's ability to access and transmit information on a free and open internet. Without net neutrality, ISPs can lawfully slow down and block access to sites and charge customers higher rates to access certain websites, download music or watch videos. The FCC's order to repeal net neutrality risks making the internet into an unfair pay-to-play system for small businesses and individual users.

Alaska's isolation from the Lower 48 means our citizens rely heavily on the internet for communication, commerce and emergencies. Many Alaskan communities already struggle to obtain stable,

affordable internet access. Alaskans First Amendment rights of free speech, free press and free association are also at risk without a net neutral environment enabling the free and open flow of thoughts, ideas and concerns over the internet.

Upon approval, this resolution would urge the United States Congress to exercise its authority under the Congressional Review Act to overturn the Federal Communication Commission's regulatory decision to reverse net neutrality protections.

[3:50:40 PM](#)

JACOB GERRISH, Staff, Representative Scott Kawasaki, Alaska State Legislature, on behalf of Representative Kawasaki, prime sponsor of HJR 31, gave a brief history of net neutrality by paraphrasing from his written testimony, which read as follows [original punctuation provided]:

In the 1996 Telecom Act, Congress made a distinction between two types of services: "telecommunications services" (Title II) and "information services." (Title I) "Telecommunications services" transmit a user's information from one designated point to another without changing the form or content of that information. For example, a phone call transmits the user's voice from one point to another without changing the content of the voice message, similar to the way a pizza delivery service transports a pizza from the pizza parlor to someone's home. "Information services," on the other hand, offer a user the capability to create, store, or process information. An information service is like a website hosting service, an online content creator, or an online social media service. Based on the definitions in the 1996 Telecom Act, in 2002 the FCC classified cable broadband as an "information service," but attempted to regulate Internet Service Providers (ISPs) as a "telecommunications service" by imposing common carrier-style telecommunications regulations. In this way, the FCC attempted to enforce net neutrality without specifically classifying ISPs as utility-style service provider. The FCC was attempting to find a common middle ground for net neutrality supporters and ISPs.

In 2007 Comcast was caught slowing down people's internet (also known as throttling) and the FCC issued an order to stop the throttling and tell subscribers exactly how it managed their traffic. Comcast took the order to court and in 2010, a judge found that the FCC lacked the authority to enforce the open internet principles exactly because Comcast was classified as an information service provider, and not a telecommunications provider. Earlier that year, the FCC Chairman, Julius Genachowski, had attempted to bolster net neutrality rules by applying some Title II regulations to Title I services. When those regulations went into effect in 2011, this time they were immediately challenged by Verizon and MetroPCS. In 2014, DC Circuit Court Judge David Tatel again ruled in favor of the broadband companies and found that unless ISPs were reclassified as a Title II "telecommunications service", it would be illegal for the FCC to impose any common carrier regulations on them. In that ruling, he specifically stated, "Broadband providers represent a threat to internet openness."

MR. GERRISH relayed that since 1996, the FCC has intended to regulate net neutrality; however, it found through the various court cases that to do so would require reclassifying ISPs as Title II telecommunication services. He stated that the 2017 FCC rule-making proposal reclassified the ISPs as Title I services, thereby eliminating the authority of the federal government to enforce net neutrality.

[3:54:48 PM](#)

REPRESENTATIVE BIRCH opined that "I think we're kind of getting the cart ahead of horse here." He offered that the law is in the process of being changed; Alaska has an opportunity to weigh in on this issue through its congressional delegation; and he suggested that those who were around during the time of rotary phones remember the days of heavy-handed government regulation involved in the phone service, which kept that phone in place for many years. He opined that the proposed resolution would interject government regulation into a process that arguably has advanced the United States; from a technology and internet standpoint, the country has done very well. He maintained that he is concerned with having the regulatory engagement throttled back and managed in the way proposed.

REPRESENTATIVE BIRCH stated that he does not support HJR 31 and its objective and believes it is unnecessary because Alaska's congressional delegation will be taking a hard look at the issue. He added that he is not sure the Congressional Review Act is the appropriate vehicle in this situation. He offered that he understands the intent of the proposed resolution but is skeptical that inviting the government in to manage the effort is good for the end consumer.

[3:56:58 PM](#)

REPRESENTATIVE KNOPP asked for confirmation of his understanding that the "failure" was due to ISPs not being classified as Title II services, proposed in the court case, but remaining classified as Title I services.

MR. GERRISH answered that before 2015, ISPs were classified as Title I information service providers. When they were caught slowing down the internet, the FCC issued an order requiring them to stop. The ISPs took the issue to court and the ruling stated that under Title I, the FCC did not have enforcement powers. In 2015, the FCC reclassified ISPs as Title II telecommunication service providers; the FCC was taken to court again, resulting in the order for net neutrality regulations to be upheld. He relayed that under Title II, the federal government has enforcement powers, under Title I, it does not. The 2017 [FCC] resolution [Notice of Proposed Rulemaking (NPRM)] returned ISP classification back to Title I; therefore, the FCC has no powers to enforce net neutrality.

REPRESENTATIVE KNOPP asked why the FCC returned ISP classification back to Title I.

MR. GERRISH replied that he believed the decision was subject to the opinion of the FCC chairman at the time.

REPRESENTATIVE KNOPP expressed that he does not understand the potential outcome of the repeal of net neutrality. He offered his understanding that with the repeal, internet speed and services would be subjective, while with net neutrality, government mandates open and equal access to the internet.

MR. GERRISH agreed.

[3:59:22 PM](#)

REPRESENTATIVE LEDOUX cited the sponsor statement, which read, "The FCC's decision is extremely unpopular with the American public. A survey conducted by the University of Maryland found that 83 percent of Americans opposed repealing net neutrality." She asked whether the survey was a "push poll"; she questioned whether 83 percent of Americans even know what net neutrality is, let alone have an opinion on it.

MR. GERRISH answered that the survey is included in the committee packet for review. He expressed his belief that it was not a push poll; the breakdown of responses by party affiliation revealed that both Democrats and Republicans support net neutrality.

REPRESENTATIVE LEDOUX pointed out that the goal of the proposed resolution is to have the issue addressed by the U.S. Congress under the Congressional Review Act. She suggested that since net neutrality was repealed in December 4, 2017, and submission to the U.S. Congress for reversal of the rule under the Act must be done within 60 days, in the time it would take the legislature to act on the resolution, that deadline would have passed.

MR. GERRISH expressed his belief that the 60 days begins after the new regulation has been added to the Federal Register, and that has not occurred yet.

[4:01:51 PM](#)

REPRESENTATIVE TUCK commented that his 26-year-old son, who doesn't follow any legislation, has expressed strong support along with his friends for net neutrality; it is an issue important to people who spend a great deal of time on the internet.

[4:02:23 PM](#)

REPRESENTATIVE WOOL commented that he has followed the net neutrality issue throughout its history; he noted that many millions of people commented to the FCC about the issue; he agreed that it is a very important issue; and he expressed his concern that without net neutrality, consumers will be paying extra for access to certain internet websites in addition to their monthly data plans. He stated that he supports the intent of the proposed resolution.

[4:03:27 PM](#)

CHAIR KREISS-TOMKINS announced HJR 31 would be held over.

4:04:03 PM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:04 p.m.