

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

February 1, 2022

3:32 p.m.

**MEMBERS PRESENT**

Senator Mike Shower, Chair  
Senator Lora Reinbold, Vice Chair  
Senator Mia Costello  
Senator Roger Holland  
Senator Scott Kawasaki

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 136

"An Act relating to firearms and other weapons restrictions."

- HEARD & HELD

SENATE BILL NO. 147

"An Act requiring the Department of Administration to allow individuals to execute an anatomical gift when renewing a driver's license; and establishing April of each year as Donate Life Month."

- HEARD & HELD

SENATE BILL NO. 145

"An Act relating to per diem for legislators; and providing for an effective date."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 16

Encouraging the United States Congress to pass legislation granting the Hmong veterans of the Vietnam War access to the same veteran benefits received by United States veterans.

- HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: SB 136

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS

SPONSOR(s): SENATOR(s) MYERS

05/05/21 (S) READ THE FIRST TIME - REFERRALS  
05/05/21 (S) CRA, STA  
05/11/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
05/11/21 (S) -- MEETING CANCELED --  
05/13/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
05/13/21 (S) Heard & Held  
05/13/21 (S) MINUTE(CRA)  
05/18/21 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)  
05/18/21 (S) Moved CSSB 136(CRA) Out of Committee  
05/18/21 (S) MINUTE(CRA)  
05/19/21 (S) CRA RPT CS 2DP 1DNP SAME TITLE  
05/19/21 (S) DP: HUGHES, MYERS  
05/19/21 (S) DNP: GRAY-JACKSON  
02/01/22 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 147

SHORT TITLE: ORGAN DONATION; ADL RENEWAL

SPONSOR(s): SENATOR(s) COSTELLO

01/18/22 (S) PREFILE RELEASED 1/7/22  
01/18/22 (S) READ THE FIRST TIME - REFERRALS  
01/18/22 (S) STA  
02/01/22 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 145

SHORT TITLE: LEGISLATOR RETROACTIVE PER DIEM

SPONSOR(s): SENATOR(s) HOLLAND

01/18/22 (S) PREFILE RELEASED 1/7/22  
01/18/22 (S) READ THE FIRST TIME - REFERRALS  
01/18/22 (S) STA, FIN  
02/01/22 (S) STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

SENATOR ROBERT MEYER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 136.

MICHAELA ANDERSON, Staff  
Senator Robert Meyer

Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 136 on behalf of the sponsor.

AOIBHEANN CLINE, Esq., Northwest Regional Director  
National Rifle Association (NRA)  
Fairfax, Virginia

**POSITION STATEMENT:** Answered questions during the hearing on SB 136.

KATIE MCCALL, Staff  
Senator Mia Costello  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 147 on behalf of the sponsor.

JEFFREY SCHMITZ, Director  
Division of Motor Vehicles (DMV)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 147.

#### **ACTION NARRATIVE**

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**CHAIR MIKE SHOWER** called the Senate State Affairs Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Holland, Costello, Kawasaki, and Chair Shower. Senator Reinbold arrived soon thereafter.

#### **SB 136-LIMITATIONS ON FIREARMS RESTRICTIONS**

[3:32:56 PM](#)

**CHAIR SHOWER** announced the consideration of SENATE BILL NO. 136 "An Act relating to firearms and other weapons restrictions."

[3:33:56 PM](#)

**SENATOR ROBERT MEYER**, Alaska State Legislature, Juneau, Alaska, sponsor of SB 136 stated that this legislation seeks to protect the Second Amendment right of citizens during a disaster declaration.

[3:34:27 PM](#)

**MICHAELA ANDERSON**, Staff, Senator Robert Meyer, Alaska State Legislature, Juneau, Alaska, stated that SB 136 was introduced

as a companion to HB 179. These bills address the closure of gun stores, munition stores, and firing ranges during the COVID-19 pandemic because they were deemed nonessential. She stressed that this threatened Second Amendment rights.

MS. ANDERSON explained that SB 136 clarifies the extent of the emergency authority granted during an emergency declaration regarding the Second Amendment and the constitutional right to keep or bear arms. SB 136 states that during a disaster declaration, [the governor, a state agency, or a municipality] may not forbid possession, use, or transfer of a firearm, a firearm accessory, ammunition, or other weapon for personal use. The bill also states that closures or limitations on commerce must be applied equally to all forms of commerce.

MS. ANDERSON reported that last month a three-judge panel for the U.S. Court of Appeals for the Ninth Circuit ruled that it was a violation of Second Amendment rights for Los Angeles County to have ordered the closure of gun stores and shooting ranges in 2020 in response to the COVID-19 pandemic.

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SENATOR REINBOLD joined the committee.

[3:35:49 PM](#)

MS. ANDERSON presented the following sectional analysis for SB 136:

[Original punctuation provided.]

**Section 1.**

Adds new sections to Article 5 of AS 44.99.

- a) Establishes that notwithstanding a disaster emergency declared under AS 26.23.020, a state or municipal agency may not impose the following:
  - a. Forbid the possession, use, or transfer of a firearm, a firearm accessory, ammunition, or other weapon for personal use.
  - b. Order the seizure or confiscation of a firearm, a firearm accessory, ammunition, or other weapon for personal use.
  - c. Limit the quantity or place other restrictions on the sale or service of firearms, firearm accessories, ammunition, or other weapons for personal use.
  - d. Unless the closure or limitation applies equally to all forms of commerce within the

jurisdiction, close or limit the operating hours of the following:

- i. An entity engaged in the sale or service of firearms, firearm accessories, ammunition, or other weapons for personal use, or
    - ii. An indoor or outdoor shooting range.
  - e. Suspend or revoke a permit to carry a concealed handgun issued under AS 18.65.700, except as provided in AS 18.65.735 and 18.65.740; or
  - f. Refuse to accept an application to carry a concealed handgun, provided the application contains the information required under AS 18.65.710.
- b) Establishes that this section does not apply to the possession of a firearm, a firearm accessory, ammunition, or other weapon by a person who is prohibited from legally possessing a firearm, a firearm accessory, ammunition, or other weapon under state law.
- c) Establishes that a person may bring a civil action in superior court if the person is adversely affected by a violation of (a) of this section, and the person is the following:
  - a. Qualified under state law to possess a firearm, a firearm accessory, ammunition, or other weapon; or
  - b. A membership organization consisting of two or more individuals eligible under (1) of this subsection that is dedicated in whole or in part to the protection of the rights of persons who possess or use firearms or other weapons.
- d) Notwithstanding AS 09.17.020(f) - (h), a prevailing plaintiff under (c) of this section may recover.
  - a. The greater amount of actual economic damages or punitive damages in the amount of three times the plaintiff's attorney fees.
  - b. Court costs; and
  - c. Attorney fees.
- e) Defines "State or Municipal Agency" to include the following: University of Alaska or a department, institution, board, commission, division, council, committee, authority, public corporation, school district, regional

educational attendance area, or other administrative unit of a municipality or of the executive, judicial, or legislative branch of state government, and includes employees of those entities.

**Section 2.**

Repeals AS 44.99.500(g)(1) which is the definition of a firearm accessory

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CHAIR SHOWER asked if this not only defines what the state can and cannot do during a disaster declaration, but also limits what the state will do in cooperating with federal laws.

SENATOR MEYER replied the bill does not directly address what the state can and cannot do regarding federal laws, but the state would not help with a federal policy by issuing an order or proclamation.

CHAIR SHOWER asked if his expert witness might have thoughts on this considering what is happening in the rest of the country.

SENATOR MEYER said he would like to hear what Ms. Cline has to say because she is tracking the national movement.

[3:39:40 PM](#)

AOIBHEANN CLINE, Esq., Northwest Regional Director, National Rifle Association (NRA), Fairfax, Virginia, stated that SB 136 is drafted solely to apply to state and municipal actions. However, the 9th Circuit Court of Appeals held in a federal case that such actions were unconstitutional when applied by a county ordinance.

CHAIR SHOWER asked if the federal case related to a municipal action that was struck down as unconstitutional.

MS. CLINE replied it was a municipal ordinance in Los Angeles County that restricted access to gun stores and ranges. A federal three-judge panel recently ruled that was unconstitutional under the Second Amendment of the U.S. Constitution.

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SENATOR REINBOLD offered her reading of the language on page 1, line 5 of the original version of SB 136, which was contrary to her understanding of the sponsor's intent.

CHAIR SHOWER observed that she was reading from the version that was not before the committee.

SENATOR MEYER explained that the term "notwithstanding" created confusion in the first committee of referral and it was removed. The point was and is that despite a disaster declaration, there are certain things [the governor, a state agency, or a municipality] may not do. These entities may not limit individuals' Second Amendment rights just because a disaster was declared.

SENATOR REINBOLD read Sec. 44.99.510, which was followed by paragraphs (1)-(6) that delineate the actions that would be prohibited.

(a) During a disaster emergency declared under AS 26.23.020, the governor, a state agency, or a municipality may not issue or adopt an order, proclamation, regulation, ordinance, or policy

She called it a good change but articulated her preference for language that says nothing in the constitution can be suspended during an emergency, only during Martial Law which only lasts 30 days. She warned that she may offer amendments to the bill.

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CHAIR SHOWER said he appreciates the bill because constitutional rights are based on reason and the hurdle to suspend those should be high. He acknowledged that Marshal Law may be warranted, depending on the level of the crisis. He mentioned Hurricane Katrina and relayed stories he heard that many people chose not to evacuate and that police went door to door confiscating weapons. He said this left people essentially defenseless to protect their homes. It is an example of why constitutional rights should be protected, he said.

He found no questions or comments and asked the sponsor if he had any closing comments.

[3:45:33 PM](#)

SENATOR MEYER thanked the committee for hearing the bill.

CHAIR SHOWER held SB 136 in committee.

**SB 147-ORGAN DONATION; ADL RENEWAL**

[3:46:00 PM](#)

CHAIR SHOWER announced the consideration of SENATE BILL NO. 147 "An Act requiring the Department of Administration to allow individuals to execute an anatomical gift when renewing a driver's license; and establishing April of each year as Donate Life Month."

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KATIE MCCALL, Staff, Senator Mia Costello, Alaska State Legislature, Juneau, Alaska, introduced SB 147 on behalf of the sponsor. She stated that this legislation seeks to make it easier for Alaskans to register as an organ donor and have that designation appear on their driver's license. A larger registry of donors will facilitate these lifegiving transplants. SB 147 requires the Division of Motor Vehicles to give individuals who are renewing their driver's license by mail or online the option to be an organ donor. She directed attention to the sample application on slide 2 that highlights the optional designators on the D1 driver license application form. The "organ donor" option will now be on the renewal forms.

MS. MCCALL reported that according to Life Center Northwest, 150 people in Alaska are wait-listed for an organ transplant and over 100,000 are wait-listed in the U.S. SB 147 recognizes the importance of organ donation by establishing April of each year as "Donate Life Month." This aligns with National Donate Life Month that is also in April.

She turned to slide 4 that describes in detail the uses for donated organs, bones, connective tissue, corneas, skin, and veins. She concluded the presentation highlighting that one organ and tissue donor can save or significantly improve the lives of over 100 recipients.

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MS. MCCALL presented the sectional analysis for SB 147.

[Original punctuation provided.]

**Sec. 1 - AS 28.15.101 Page 1, Lines 5-14, Page 2, Lines 1-3**

Is amended by adding a new subsection requiring the Division of Motor Vehicles to provide the option for individuals to become an organ, eye, and tissue donor when renewing their driver's license by mail or on the department's website.

This section also requires the department to provide information detailing the procedure for organ, eye, and tissue donation on their website, and in a brochure sent to each person who renews their driver's license by mail.

Under this section, the department is also required to notify the individual renewing their driver's license that the information on their license will be transmitted to the statewide donor registry.

This section requires the department to direct the licensee to notify a procurement organization or the department if their license is destroyed, or if the donor revokes their anatomical gift.

This section also requires the department to carry out the requirements of Chapter 50, Anatomical Gifts Registry.

**Sec. 2 - AS 44.12 Page 2, Lines 4-8**

Is amended by adding a new section, AS 44.12.190, establishing April of each year as Donate Life Month.

[3:51:42 PM](#)

CHAIR SHOWER asked for a brief description of the fiscal note.

MS. MCCAL relayed that the Division of Motor Vehicles estimates that 10 programming hours at \$115 per hour will be required to add information about organ donor options to the website. The estimate to mail brochures about organ donation to individuals renewing by mail is \$379 annually.

CHAIR SHOWER asked the sponsor if she would like to speak to the bill.

[3:53:32 PM](#)

SENATOR COSTELLO stated that she serves on the Life Alaska Board and it was there she learned that individuals must renew their driver's license in person if they want the organ donor designation on their driver's license. SB 147 allows an individual to become a donor when renewing their license either online or by mail.

CHAIR SHOWER observed that the bill could make a statistically significant difference in the number of donations.

SENATOR HOLLAND asked if the organ donor designation continues for individuals who renew their driver's license online.

SENATOR COSTELLO offered her understanding that the organ donor website houses the list of donors, but it is easy to identify a donor by the red heart on an individual's driver's license. She deferred further explanation to Ms. McCall.

MS. MCCALL suggested that the following section of statute provides the answer. She read:

**Sec. 13.50.140. Notification of cancellation.**

(a) A donor whose motor vehicle or identification document information is on a registry shall notify a procurement organization or the department of the destruction or mutilation of the motor vehicle or identification document or revocation of the gift under AS 13.52.183 in order to remove the donor's name from a registry. If the procurement organization that is notified does not maintain a registry, the organization shall notify all procurement organizations that do maintain a registry.

MS. MCCALL suggested the foregoing clarifies that the individual would need to notify the organization that has the registry.

CHAIR SHOWER asked Jeffrey Schmitz to respond to the question.

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JEFFREY SCHMITZ, Director, Department of Administration (DOA), Division of Motor Vehicles (DMV), Anchorage, Alaska, explained that individuals who go to the DMV to apply for a driver's license are asked whether they want to be an organ donor. This option is also available in the online application, but the individual must select the donor option to move forward with the process. Somebody who uses a paper application also has the option to select the organ donor box but there is no prompt if they fail to notice that option. He said that may be the impetus for the bill but it is important to understand that the option to be an organ donor is available regardless of how an individual renews their driver's license.

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CHAIR SHOWER held SB 147 in committee.

**SB 145-LEGISLATOR RETROACTIVE PER DIEM**

3:59:39 PM

CHAIR SHOWER announced the consideration of SENATE BILL NO. 145 "An Act relating to per diem for legislators; and providing for an effective date."

4:00:17 PM

SENATOR ROGER HOLLAND, speaking as sponsor of SB 145, read the sponsor statement into the record:

[Original punctuation provided.]

In 2018, the legislature passed an ethics reform bill in HB 44. This legislation was deemed substantially similar to a citizen's initiative signed by over 40,000 Alaskans – Removing the issue from the ballot. One of the key components of the initiative was to end per diem payments if a budget had not been passed by the end of the 121-day session, and not to allow per diem payments to resume until after a budget had been passed. The public reportedly viewed this provision as an incentive for legislators to finish their work without subjecting government employees to the uncertainty brought on by perpetual pink slips.

To the dismay of many supporters of the initiative, legislative council later decided that legislators could receive retroactive back-pay for their missed per diem payments once the budget passed. This apparent circumvention of the process strikes many voters as dishonest and erodes public trust. Very simply, the lack of per diem payments provides an incentive to finish our one true job of providing a budget in a timely fashion before the end of the regular session. Allowing either per diem payments or retroactive per diem payments creates an incentive to not pass a budget on time.

SB 145 seeks to remedy the situation by prohibiting retroactive per diem payments after a failure to pass a budget during the regular session and disallowing per diem payments to resume until after a budget is passed. I believe this bill takes a step toward restoring that public's trust and aligns the law with the intent of the citizens.

[4:02:27 PM](#)

SENATOR HOLLAND presented the sectional analysis for SB 145.

[Original punctuation provided with some formatting changes.]

**Sec. 1**

Amends AS 24.10.130(b), relating to legislative per diem, to prohibit the retroactive authorization of per diem for legislators beginning the day after the 121st day of the legislative session until the day a fully funded operating budget is passed by the legislature.

**Sec. 2**

Provides for an immediate effective date.

[4:03:02 PM](#)

SENATOR HOLLAND summarized that the fiscal impact of SB 145 is indeterminate because nobody knows how many days it will take to pass an operating budget after the 121st day of a regular session.

He added that enacting this legislation will result in savings because per diem would not be paid after day 121.

CHAIR SHOWER offered his belief that this would not be an additive cost.

SENATOR HOLLAND said the simple reading of the statute is that legislators are not entitled to per diem after day 121 if the budget has not passed. SB 145 clarifies that per diem may not be paid retroactively.

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SENATOR REINBOLD said she likes the bill and it matches the intent of the ballot initiative.

CHAIR SHOWER commented on learning about the ballot initiative and per diem when he was a freshman legislator. He expressed appreciation that SB 145 clarifies and codifies what happens.

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SENATOR HOLLAND commented that the legislature paid per diem retroactively but has not been honoring the statutory PFD. He opined that SB 145 will go a long way toward putting faith and confidence back in the legislature.

CHAIR SHOWER said this puts downward pressure on legislators to do the right thing.

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CHAIR SHOWER held SB 145 in committee for future consideration.

[4:09:46 PM](#)

There being no further business to come before the committee, Chair Shower adjourned the Senate State Affairs Standing Committee meeting at 4:09 p.m.