

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 13, 2023

3:12 p.m.

MEMBERS PRESENT

Representative Laddie Shaw, Chair
Representative Stanley Wright, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jamie Allard
Representative Jennie Armstrong
Representative Andi Story

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 140

"An Act relating to the State Officers Compensation Commission; and relating to policies of the Alaska Legislative Council regarding allowances and reimbursement for moving expenses."

- MOVED CSHB 140 (STA) OUT OF COMMITTEE

HOUSE BILL NO. 146

"An Act relating to fireworks; repealing restrictions on the sale of fireworks; directing the Department of Public Safety to adopt fireworks regulations; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 38

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

- HEARD & HELD

HOUSE BILL NO. 42

"An Act relating to the elimination or modification of state agency publications that are outdated, duplicative, or excessive."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 140

SHORT TITLE: LEG SALARIES; STATE OFFICERS COMP COMM

SPONSOR(s): RULES BY REQUEST

03/27/23	(H)	READ THE FIRST TIME - REFERRALS
03/27/23	(H)	STA
03/28/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/28/23	(H)	<Bill Hearing Rescheduled to 03/30/23>
03/30/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/30/23	(H)	Heard & Held
03/30/23	(H)	MINUTE(STA)
04/11/23	(H)	STA AT 3:00 PM GRUENBERG 120
04/11/23	(H)	Moved CSHB 140(STA) Out of Committee
04/11/23	(H)	MINUTE(STA)
04/13/23	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 146

SHORT TITLE: REGULATION OF FIREWORKS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/29/23	(H)	READ THE FIRST TIME - REFERRALS
03/29/23	(H)	STA, L&C
04/13/23	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: SB 38

SHORT TITLE: INTERFERENCE WITH EMERGENCY SERVICES

SPONSOR(s): WILSON

01/18/23	(S)	PREFILE RELEASED 1/13/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	JUD
01/23/23	(S)	JUD AT 1:30 PM BUTROVICH 205
01/23/23	(S)	Heard & Held
01/23/23	(S)	MINUTE(JUD)
01/30/23	(S)	JUD AT 1:30 PM BUTROVICH 205
01/30/23	(S)	Moved SB 38 Out of Committee
01/30/23	(S)	MINUTE(JUD)
02/01/23	(S)	JUD RPT 3DP 2NR
02/01/23	(S)	DP: CLAMAN, GIESSEL, KAUFMAN
02/01/23	(S)	NR: TOBIN, KIEHL
02/01/23	(S)	FIN REFERRAL ADDED AFTER JUD
02/08/23	(S)	FIN AT 9:00 AM SENATE FINANCE 532
02/08/23	(S)	Heard & Held

02/08/23 (S) MINUTE (FIN)
03/07/23 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/07/23 (S) Moved SB 38 Out of Committee
03/07/23 (S) MINUTE (FIN)
03/13/23 (S) FIN RPT 3DP 1NR
03/13/23 (S) DP: OLSON, WILSON, MERRICK
03/13/23 (S) NR: KIEHL
03/17/23 (S) TRANSMITTED TO (H)
03/17/23 (S) VERSION: SB 38
03/20/23 (H) READ THE FIRST TIME - REFERRALS
03/20/23 (H) STA
04/06/23 (H) STA AT 3:00 PM GRUENBERG 120
04/06/23 (H) -- MEETING CANCELED --
04/13/23 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

JOSH WALTON, Staff
Representative Laddie Shaw
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Detailed the rescinded action on HB 140, on behalf of Chair Shaw.

NOAH KLEIN
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Provided an explanation of changes in the proposed CS for HB 140, Version B.

LISA PURINTON, Acting Legislative Liaison
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Introduced HB 146, on behalf of the House Rules Standing Committee, sponsor by request of the governor.

LLOYD NAKANO, State Fire Marshall
Division of Fire and Life Safety
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Presented HB 146 via PowerPoint presentation, on behalf of the House Rules Standing Committee, sponsor by request of the governor.

JASMIN MARTIN, Staff
Senator David Wilson

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 38, on behalf of Senator Wilson, prime sponsor.

JAMES COCKRELL, Commissioner
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Offered invited testimony during the hearing on SB 38.

JOEL BUTCHER, President
Association of Public-Safety Communications Officials;
National Emergency Numbers Association
Wasilla, Alaska

POSITION STATEMENT: Offered invited testimony during the hearing on SB 38.

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

POSITION STATEMENT: Offered invited testimony during the hearing on SB 38.

ACTION NARRATIVE

[3:12:32 PM](#)

CHAIR LADDIE SHAW called the House State Affairs Standing Committee meeting to order at 3:12 p.m. Representatives C. Johnson, Allard, Armstrong, Story, Wright, and Shaw were present at the call to order. Representative Carpenter arrived as the meeting was in progress.

HB 140-LEG SALARIES; STATE OFFICERS COMP COMM

[3:13:31 PM](#)

CHAIR SHAW announced that the first order of business would be HOUSE BILL NO. 140, "An Act relating to the State Officers Compensation Commission; and relating to policies of the Alaska Legislative Council regarding allowances and reimbursement for moving expenses." [CSHB 140(STA) was reported out of committee on 4/11/23.]

[3:14:01 PM](#)

REPRESENTATIVE WRIGHT moved to rescind the committee's action on 4/11/23 in reporting CSHB 140(STA) out of committee. There being no objection, it was so ordered.

[3:14:28 PM](#)

REPRESENTATIVE WRIGHT moved to adopt the proposed CS for HB 140, Version 33-LS069\B, Klein/Wallace, 4/11/23, as the working document.

CHAIR SHAW objected for the purpose of discussion.

[3:14:58 PM](#)

JOSH WALTON, Staff, Representative Laddie Shaw, Alaska State Legislature, on behalf of Representative Shaw, relayed that Version B corrected conflicting language in the version of the bill that had moved from committee on 4/11/23. He deferred to Mr. Klein to provide an explanation of changes in Version B.

[3:16:15 PM](#)

NOAH KLEIN, Legislative Legal Services, Legislative Affairs Agency, recalled that a previously adopted amendment essentially bifurcated the compensation committee report creating a separate report for the legislature and a separate report for executive branch officials. He explained that the amendment used plural language, while another amendment was in the singular. He highlighted page 2, line 11, of Version B, noting that the language in the proposed CS was drafted in the plural to correct those technical inconsistencies.

[3:17:45 PM](#)

CHAIR SHAW removed his objection. There being no further objection, Version B was before the committee.

[3:18:00 PM](#)

REPRESENTATIVE WRIGHT moved to report CSHB 140, Version 33-LS069\B, Klein/Wallace, 4/11/23, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 140(STA) was reported out of the House State Affairs Standing Committee.

[3:18:34 PM](#)

The committee took an at-ease from 3:18 p.m. to 3:21 p.m.

HB 146-REGULATION OF FIREWORKS

[3:21:36 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 146, "An Act relating to fireworks; repealing restrictions on the sale of fireworks; directing the Department of Public Safety to adopt fireworks regulations; and providing for an effective date."

[3:22:24 PM](#)

LISA PURINTON, Acting Legislative Liaison, Department of Public Safety (DPS), provided brief introductory remarks on HB 146, on behalf of the sponsor, House Rules by request of the governor.

[3:22:57 PM](#)

LLOYD NAKANO, State Fire Marshall, Division of Fire and Life Safety, Department of Public Safety, on behalf of the sponsor, House Rules by request of the governor presented HB 146 via PowerPoint [hard copy included in the committee packet], and began on slide 2, titled "What does the bill do," which read as follows [original punctuation provided]:

- House Bill (HB 146) repeals and reenacts Alaska Statute (AS) 18.72.010 for the regulation of fireworks
- The Department of Public Safety is required to adopt regulations to establish minimum standards for the sale and use of fireworks
- International Fire Code (IFC) standards
- National Fire Protection Association (NFPA) codes
- Federal Regulations
- Repeals
- AS 18.72.020: Regulation of salable fireworks
- AS 18.72.030: Fireworks wholesaler's license
- AS 18.72.100: Definitions

[3:25:04 PM](#)

MR. NAKANO continued to slide 3, titled "Why is the bill needed," which read as follows [original punctuation provided]:

- Existing statute (AS 18.72) originally adopted over 50 years ago without being substantially amended
- Out of date with modern regulations set at the national

and international level • Statutory changes are not easily undertaken

[3:25:58 PM](#)

MR. NAKANO turned to slide 4, titled "What is changed under this bill," which read as follows [original punctuation provided]:

Criminal penalties under AS 18.72.040 would be based on failure to comply with regulations under AS 18.72.010 instead of the Fire Safety Code

Regulations under AS 18.72.010 would supersede the provisions of an ordinance adopted by a city or borough, whether before or after May 23, 1969, that are less restrictive than the regulations

The Fire Safety Code defined in AS 18.72.100 would be repealed and redefined in regulations adopted by the Department of Public, Fire and Life Safety Division

MR. NAKANO welcomed questions from the committee.

[3:27:04 PM](#)

REPRESENTATIVE ARMSTRONG inquired about the bill's impact on private companies selling fireworks and the industry in general.

MR. NAKANO stated that the bill would make it easier for the industry.

[3:27:45 PM](#)

REPRESENTATIVE CARPENTER, returning to slide 4, sought to verify that the provisions in HB 146 would supersede municipal ordinance. He asked how many cities would be impacted by the proposed legislation.

MR. NAKANO said the bill would not impact municipalities or boroughs. Nonetheless, he pointed out that municipalities could make their own determination to be more stringent.

[3:29:20 PM](#)

REPRESENTATIVE STORY sought confirmation that the bill would make the law less restrictive; however, local municipalities could choose to enact more restrictive code.

MR. NAKANO confirmed that the bill would not prohibit municipalities from regulating more restrictively.

MS. PURINTON, in response to Representative Story and Representative Carpenter, noted that the language in AS 18.72.060 would be repealed from statute and replaced in regulation; therefore, municipalities would not be impacted. She offered to provide a sectional analysis of the bill.

[3:30:56 PM](#)

REPRESENTATIVE C. JOHNSON shared his understanding that state statute took precedent over municipal ordinance. He expressed his confusion as to how regulation could override a municipal bill.

MS. PURINTON deferred to the Department of Law (DOL).

[3:32:53 PM](#)

REPRESENTATIVE C. JOHNSON restated his question regarding the weight of a statute overruling municipal ordinance versus the weight of a regulation overruling municipal ordinance.

MR. NAKANO stated that regulations were statewide whereas local jurisdictions could be more stringent. He referenced the international fire code, building code, field gas code, and mechanical code.

REPRESENTATIVE C. JOHNSON contended that those codes were adopted into statute.

MR. NAKANO shared his understanding that the international fire code, building code, and mechanical code were adopted into regulation by DPS.

REPRESENTATIVE ALLARD shared her understanding that municipalities could not supersede state law.

[3:35:42 PM](#)

REPRESENTATIVE CARPENTER directed attention to page 2, line 20-22, which read as follows [original punctuation provided]:

However, nothing in this section affects the authority of a city or organized borough under other law to

prohibit or regulate more restrictively than regulations adopted under AS 18.72.010

CHAIR SHAW asked whether that answered Representative C. Johnson's question.

REPRESENTATIVE C. JOHNSON said not entirely. He asked whether municipal code could be less restrictive than regulation.

CHAIR SHAW asked Ms. Purinton to follow up on the committee's questions.

[3:37:45 PM](#)

REPRESENTATIVE CARPENTER asked whether the class B [misdemeanor], as referenced in the bill, was resulting from a violation of statute or a violation of regulation created by the commissioner.

MS. PURINTON offered to follow up with the requested information.

[3:39:01 PM](#)

REPRESENTATIVE STORY directed attention to page 2, lines 6-8, and asked whether DPS was authorized to enter [residential] or commercial buildings where fireworks were stored or kept.

MS. PURINTON deferred to the state fire marshal for clarification.

MR. NAKANO responded, "Businesses would be for the retail, post-sale, and displays."

REPRESENTATIVE STORY asked whether the language in question needed further clarification to avoid entrance into residential property.

MS. PURINTON offered to follow up with the requested information.

REPRESENTATIVE ALLARD agreed that the language [on page 2, lines 6-8] needed further clarification.

[3:41:11 PM](#)

CHAIR SHAW shared his understanding that the legislation was accompanied by a zero fiscal note.

MS. PURUNTON answered yes.

[3:41:25 PM](#)

CHAIR SHAW opened public testimony on HB 146. After ascertaining that no one online or in person wished to testify, he closed public testimony.

[3:42:35 PM](#)

CHAIR SHAW announced that HB 142 would be held over.

SB 38-INTERFERENCE WITH EMERGENCY SERVICES

[3:42:41 PM](#)

CHAIR SHAW announced that the final order of business would be SENATE BILL NO. 38, "An Act establishing the crime of interference with emergency communications."

[3:42:55 PM](#)

The committee took a brief at-ease from 3:43 p.m. to 3:44 p.m.

[3:44:26 PM](#)

JASMIN MARTIN, Staff, Senator David Wilson, Alaska State Legislature, presented SB 38, on behalf of Senator Wilson, prime sponsor. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 38 establishes the offense of interference with emergency communications. This statute would apply when a person: repeatedly makes 911 calls to report something they know has already been reported, repeatedly calls 911 when there is no emergency, or harasses or threatens a 911 operator.

Interference with emergency communications -- the misuse, abuse, and disruption of 911 dispatch centers -- is a problem that severely impacts public safety and emergency response by delaying responses to real

emergencies. It is prevalent at dispatch centers across Alaska and must be addressed.

During these disruptive events, other urgent emergency calls must be placed on hold or delayed to meet standards; industry standards are that all 911 calls must be answered within 15-20 seconds. A dispatcher could be required to place the parent of a choking child on hold to answer repeated calls from a harassing individual who is not in need of emergency services, delaying necessary life-saving measures. Under the language in the bill, that harasser could be charged. Currently, state statute does not address harassing behavior specific to 911 dispatch centers, nor does it give law enforcement adequate recourse to stop the behavior.

This problem is not unique to Alaska. Other states have developed legislation that makes interfering with emergency communications an arrestable offense -- which is the most effective way to stop the interference -- thus allowing 911 telecommunicators to focus on legitimate emergencies.

[3:47:03 PM](#)

CHAIR SHAW proceeded with invited testimony.

[3:47:25 PM](#)

JAMES COCKRELL, Commissioner, Department of Public Safety (DPS), expressed support for the proposed legislation on behalf of the department. He said the bill was long overdue, as emergency dispatch was a lifeline to law enforcement officers. He indicated that emergency dispatch was plagued by individuals continuing to call 911 in an attempt to interfere or complain. He concluded by stating that SB 38 would act as a tool to stop people from making continuous obstructive 911 calls.

[3:49:55 PM](#)

JOEL BUTCHER, President, Association of Public-Safety Communications Officials; National Emergency Numbers Association (NENA), stated his support for the proposed legislation, as there was no existing statute that criminalized this type of activity. He clarified that the bill was not an attempt to penalize a person who called 911 in error. Instead, SB 38 would

provide dispatchers the ability to warn callers of their behavior and provide law enforcement with the authority to arrest as a last result.

[3:51:18 PM](#)

JACOB BUTCHER, Communications Manager, Mat-Com Dispatch, expressed support for the proposed legislation. He explained that nonemergency calls to 911 were often handled in stride and redirected to the appropriate resource; however, in some instances, explanation and education were not sufficient to surmount the disruption caused by intentional disorderly and harassing calls to the 911 center. He attested to several of such occasions in which emergency dispatch was intentionally disrupted. He pointed out that in most true emergencies, seconds count. For that reason, he stated SB 38 would provide a mechanism with which law enforcement could react swiftly to resolve these disruptions to Alaska's central public safety infrastructure. Quick resolution would free up the 911 lines, unencumber the emergency telecommunicators and responders, and expedite resources to Alaskans with true time sensitive emergencies, he said.

[3:54:25 PM](#)

CHAIR SHAW shared his understanding that the legislation was accompanied by a zero fiscal note.

COMMISSIONER COCKRELL confirmed that is correct.

[3:54:40 PM](#)

REPRESENTATIVE STORY inquired asked how emergency personnel would assess whether a person "knowingly" called. Additionally, she asked how individuals with behavioral health issues would be addressed.

COMMISSIONER COCKRELL outlined the procedures, indicating that the first step was to warn the caller. If that individual continued to call, he/she would be making those calls knowingly, he said. Regarding mental health concerns, he stated that it would be up to the officer to discern and assess the caller. He pointed out that disruptive calls were typically coming from a person who had an unfavorable interaction with police. He reiterated that the intent was to protect dispatchers, noting that many other states had enacted similar laws.

REPRESENTATIVE STORY opined that a person with behavioral health issues should not be arrested. She asked whether Soldotna had a Crisis Now unit.

COMMISSIONER COCKRELL answered no; however, he shared his understanding that a Crisis Now unit was being set up in the Matanuska-Susitna (Mat-Su) Valley.

[3:59:51 PM](#)

REPRESENTATIVE C. JOHNSON asked whether other types of emergency communications were being interfered with other than 911 dispatch centers.

MS. MARTIN highlighted the definition of "emergency communications" in the bill, which included communication made to or from an emergency communications center or between police fire, or medical service personnel.

REPRESENTATIVE C. JOHNSON inquired about an emergency broadcast station, for example. He suggested amending the definition to include all types of emergency communications, including the act of stopping a police officer to talk with him/her.

COMMISSIONER COCKRELL explained that the examples of interference offered by Representative C. Johnson would most likely be charged with a different crime. Further, he pointed out that most radio communications between law enforcement and emergency medical services (EMS) was encrypted.

[4:03:31 PM](#)

REPRESENTATIVE ALLARD suggested including interference with municipalities' emergency management systems in the bill.

MS. MARTIN discussed a similar piece of legislation that was identical to SB 38 with an added section pertaining to the physical destruction of emergency communication infrastructure. She explained that the provision was removed because the conduct was already a crime.

[4:04:40 PM](#)

REPRESENTATIVE STORY asked whether the bill would help with employee retention.

COMMISSIONER COCKRELL said that was a goal, expressing his hope that SB 38 would set a new standard and discourage people from harassing dispatchers.

[4:05:35 PM](#)

REPRESENTATIVE CARPENTER expressed support for the concept of SB 38. He suggested that although caller ID was utilized, a person other than the registered owner of the phone could have placed the call. He asked how a law enforcement officer would identify the true caller.

MS. MARTIN said often, callers provide their name. Further, law enforcement officers would be sent immediately to actively stop the disruptive calls from continuing.

COMMISSIONER COCKRELL pointed out that any police action was accompanied by an investigation. Additionally, any arrest would be supported by probable cause and a submitted report to the district attorney. He encouraged the committee not to overthink the legislation.

[4:07:41 PM](#)

CHAIR SHAW opened public testimony on SB 38. After ascertaining that no one online or in person wished to testify, he closed public testimony. He announced that SB 38 would be held over.

[4:08:46 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:08 p.m.