

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 23, 2024

3:08 p.m.

MEMBERS PRESENT

Representative Laddie Shaw, Chair
Representative Stanley Wright, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Ashley Carrick
Representative Andi Story

MEMBERS ABSENT

Representative Jamie Allard

COMMITTEE CALENDAR

SENATE BILL NO. 256

"An Act establishing May as Amyotrophic Lateral Sclerosis Awareness Month; and providing for an effective date."

- MOVED SB 256 OUT OF COMMITTEE

HOUSE BILL NO. 246

"An Act relating to voter preregistration for minors at least 16 years of age."

- HEARD & HELD

HOUSE BILL NO. 379

"An Act establishing the driving while under the influence diversion program for eligible persons charged with driving while under the influence; relating to judgment for restitution; relating to suspended imposition of sentence; relating to records kept by the Department of Administration; relating to operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance; amending Rule 9, Alaska Rules of Administration, and Rule 39, Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 278

"An Act establishing the administrative regulation review division."

- HEARD & HELD

HOUSE BILL NO. 397

"An Act relating to eliminating vacant positions in the classified and partially exempt service of the state; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 293

"An Act relating to the registration and titling of vehicles; relating to electronic registration and titling; relating to the powers of the commissioner of administration with respect to motor vehicles; relating to the transfer of vehicles; relating to motor vehicle liability insurance; relating to non-domiciled commercial driver's licenses and non-domiciled commercial learner's permits; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 256

SHORT TITLE: ESTABLISH ALS AWARENESS MONTH

SPONSOR(s): STATE AFFAIRS BY REQUEST

02/28/24	(S)	READ THE FIRST TIME - REFERRALS
02/28/24	(S)	CRA
03/12/24	(S)	CRA AT 1:30 PM BELTZ 105 (TSBldg)
03/12/24	(S)	Heard & Held
03/12/24	(S)	MINUTE(CRA)
03/14/24	(S)	CRA AT 1:30 PM BELTZ 105 (TSBldg)
03/14/24	(S)	Moved SB 256 Out of Committee
03/14/24	(S)	MINUTE(CRA)
03/15/24	(S)	CRA RPT 3DP
03/15/24	(S)	DP: DUNBAR, GRAY-JACKSON, BJORKMAN
03/25/24	(S)	TRANSMITTED TO (H)
03/25/24	(S)	VERSION: SB 256
03/27/24	(H)	READ THE FIRST TIME - REFERRALS
03/27/24	(H)	STA
04/09/24	(H)	STA AT 3:00 PM GRUENBERG 120
04/09/24	(H)	-- Rescheduled to 04/11/24 --
04/11/24	(H)	STA AT 3:00 PM GRUENBERG 120
04/11/24	(H)	-- MEETING CANCELED --

04/16/24 (H) STA AT 3:00 PM GRUENBERG 120
04/16/24 (H) <Bill Hearing Canceled>
04/23/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 246

SHORT TITLE: VOTER PREREGISTRATION FOR MINORS

SPONSOR(s): STORY

01/16/24 (H) PREFILE RELEASED 1/8/24
01/16/24 (H) READ THE FIRST TIME - REFERRALS
01/16/24 (H) STA, JUD
04/09/24 (H) STA AT 3:00 PM GRUENBERG 120
04/09/24 (H) -- Rescheduled to 04/11/24 --
04/11/24 (H) STA AT 3:00 PM GRUENBERG 120
04/11/24 (H) -- MEETING CANCELED --
04/23/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 379

SHORT TITLE: DUI DIVERSION PROGRAM

SPONSOR(s): PRAX

02/20/24 (H) READ THE FIRST TIME - REFERRALS
02/20/24 (H) STA, JUD
04/18/24 (H) STA AT 3:00 PM GRUENBERG 120
04/18/24 (H) -- MEETING CANCELED --
04/23/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 278

SHORT TITLE: ADMIN. REGULATION REVIEW DIVISION

SPONSOR(s): WAYS & MEANS

01/18/24 (H) READ THE FIRST TIME - REFERRALS
01/18/24 (H) JUD, STA, FIN
03/13/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/13/24 (H) Heard & Held
03/13/24 (H) MINUTE(JUD)
03/18/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/18/24 (H) Moved HB 278 Out of Committee
03/18/24 (H) MINUTE(JUD)
03/20/24 (H) JUD RPT 3DP 3NR
03/20/24 (H) DP: CARPENTER, ALLARD, VANCE
03/20/24 (H) NR: C.JOHNSON, GRAY, GROH
04/18/24 (H) STA AT 3:00 PM GRUENBERG 120
04/18/24 (H) -- MEETING CANCELED --
04/23/24 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 397

SHORT TITLE: ELIMINATE VACANT STATE POSITIONS
SPONSOR(s): STATE AFFAIRS

04/11/24	(H)	READ THE FIRST TIME - REFERRALS
04/11/24	(H)	STA
04/18/24	(H)	STA AT 3:00 PM GRUENBERG 120
04/18/24	(H)	-- MEETING CANCELED --
04/23/24	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

JOE HAYES, Staff
Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 256 on behalf of Senator Kawasaki, prime sponsor.

BROOK LAVENDER, Care Services Coordinator
ALS Association
Girdwood, Alaska

POSITION STATEMENT: Gave invited testimony in support of SB 256.

MICHELLE FOLEY, representing self
Fairbanks, Alaska

POSITION STATEMENT: Gave invited testimony in support of SB 256.

KATHERYN DIETRICH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 256.

SENATOR SCOTT KAWASAKI
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor of SB 256, provided further information about ALS.

AMY GALLOWAY
League of Women Voters Alaska
Fairbanks, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 246.

MARJORIE MENZI, Retired Educator
Juneau, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 246.

CAROL BEECHER, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 256.

THOMAS FLYNN, Assistant Attorney General
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 256.

REPRESENTATIVE MIKE PRAX
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 379.

WILLIAM SATTERBERG, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 379.

ERIC CORDERO, Staff
Representative Mike Prax
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 379 on behalf of Representative Prax, prime sponsor.

JOHN SKIDMORE, Deputy Attorney General
Criminal Division
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 379.

NANCY MEADE, General Counsel, Alaska Court System
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 379.

DONNA ARDUIN, Staff
Representative Ben Carpenter
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 278 on behalf of the sponsor, the House Special Committee on Ways and Means, on which Representative Carpenter serves as chair.

KENDRA BROUSSARD, Staff
Representative Ben Carpenter
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 397.

ACTION NARRATIVE

[3:08:39 PM](#)

CHAIR SHAW called the House State Affairs Standing Committee meeting to order at 3:08 p.m. Representatives Wright, Carpenter, Carrick, Story, and Shaw were present at the call to order. Representative C. Johnson arrived as the meeting was in progress.

SB 256-ESTABLISH ALS AWARENESS MONTH

[3:09:51 PM](#)

CHAIR SHAW announced that the first order of business would be SENATE BILL NO. 256, "An Act establishing May as Amyotrophic Lateral Sclerosis Awareness Month; and providing for an effective date."

[3:10:14 PM](#)

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

[3:10:42 PM](#)

JOE HAYES, Staff, Senator Scott Kawasaki, Alaska State Legislature, presented SB 256 on behalf of Senator Kawasaki, prime sponsor. He read from the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

The month of May is recognized as National ALS Awareness Month. ALS is also known as Amyotrophic Lateral Sclerosis or Lou Gehrig's disease. ALS was

first identified in 1869. In the 155 years since, there is still no effective treatment and no cure.

ALS is a neurodegenerative disease that affects the nerve cells in the brain and spinal cord that control voluntary muscle movement and breathing. ALS is a 100% fatal disease. There is no cure for ALS.

ALS is a rare disease, affecting approximately 5 in 100,000 people. Approximately 30,000 people in the United States are currently living with ALS and approximately 60 people in Alaska are currently living with ALS. 90 % of patients diagnosed with ALS have no family history of disease. Only 10% of patients have familial/hereditary ALS.

ALS may strike at any age, but most people who have ALS are between 40-70. There are currently only 3 medications that slow the progression of ALS, and one medication that targets familial ALS specifically. These medications only extend life expectancy by a few months.

ALS causes the motor neurons in the central nervous system to degenerate over time and die. This affects a person's ability to talk, walk, and breathe. People with ALS will eventually lose their ability to speak, become paralyzed, and lose the ability to breath on their own. ALS patients die from respiratory failure.ponsor [sic]

The mean survival for someone diagnosed with ALS is two to five years. Every 90 minutes someone is diagnosed with ALS, and every 90 minutes someone dies from it. Veterans are 1 ½ to 2 time more likely than non-service members to be diagnosed with ALS. There is no single test to diagnose ALS, it is diagnosed only after numerous other conditions have been ruled out (a delayed diagnosis results in delayed treatment/start on medications). It can take a patient over a year to get an ALS diagnosis.

ALS symptoms vary. In limb onset ALS, it may manifest as weakness in a patient's hand or foot, arm or leg. In bulbar onset ALS, it may manifest as trouble speaking or swallowing. There currently is no known cause of ALS. 100% of ALS patients are unaware of the

cause of their disease. Why is ALS Awareness month in Alaska important?

ALS Awareness is important on numerous levels. Raising awareness of this disease and the need for funding for research to help discover a treatment that stops progression of ALS (and hopefully one day a treatment that will reverse the damage caused by ALS). Raising awareness so more doctors are aware of ALS and its symptoms, leading to an earlier diagnosis. Raising awareness to increase funding for ALS care. Alaska does not have a single neurologist who specializes in ALS and does not have an ALS care clinic. ALS patients in Alaska (who are not paralyzed yet by it and are still able to travel) have to travel out of state every three months to visit their ALS Care Clinic, which is a team (consisting of a neurologist, respiratory therapist, speech pathologist, physical/occupational therapist, nutritionist) who special in ALS care and work with patient on a care plan to help manage ALS symptoms. Lastly, raising awareness about what ALS is and shining a light on the people who are battling this disease is important to help bring understanding to the challenge.

[3:14:29 PM](#)

MR. HAYES gave the sectional analysis for SB 256 [included in the committee packet], which read as follows [original punctuation provided]:

"An act establishing May as Amyotrophic Lateral Sclerosis Awareness month; and providing for an effective date."

Section 1. Amends AS 44.12 to add a new section to article 2 to read: Sec. 44.12.190 Amyotrophic Lateral Awareness Month.

Section 2. Creates an immediate effective date under AS 01.10.070(c).

[3:15:01 PM](#)

CHAIR SHAW announced the committee would hear invited testimony.

[3:15:15 PM](#)

BROOK LAVENDER, Care Services Coordinator, ALS Association, gave invited testimony in support of SB 256, which would establish May as the awareness month for ALS. She provided a background on the disease and that she was impacted personally by ALS. She said that living in Alaska, she wished to do her part in raising awareness for the condition, and she provided backgrounds of those close to her who battled the disease. She pointed out pressing issues such as delays in diagnosis and how short the disease duration is. There is also an absence of a multidisciplinary clinic in the state, she said, and this void compels those who are suffering from the disease to relocate elsewhere. She said the bill presents a crucial opportunity to address this pressing need and raise awareness in the state, and it would honor the memory of those lost to ALS. She urged the committee to support SB 256.

[3:18:40 PM](#)

MICHELLE FOLEY, representing self, thanked the committee for the opportunity to testify in support of SB 256. She provided her history from the time she was diagnosed with ALS. [Ms. Foley's testimony is truncated because of poor audio quality.]

[3:24:55 PM](#)

CHAIR SHAW opened public testimony on SB 256.

[3:25:06 PM](#)

KATHERYN DIETRICH, representing self, testified in support of SB 256. She noted that she is good friends with the prior testifier and witnessed the devastation ALS caused. She stressed the importance of being able to hasten the diagnosis and anything that can be done such as passing SB 256 would help to raise awareness. She related that three acquaintances of hers had ALS and that the disease can happen to anyone. She expressed concern that even doctors are unaware of all the symptoms to be able to diagnose it early. She urged the passing of SB 256.

[3:26:51 PM](#)

CHAIR SHAW, after ascertaining no one else wished to testify, closed public testimony on SB 256.

[3:27:06 PM](#)

SENATOR SCOTT KAWASAKI, Alaska State Legislature, as prime sponsor of SB 256, offered closing comments and some facts about ALS. He thanked the committee for hearing the proposed legislation.

[3:28:13 PM](#)

REPRESENTATIVE WRIGHT moved to report SB 256 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 256 was reported out of the House State Affairs Standing Committee.

[3:28:39 PM](#)

The committee took an at-ease from 3:28 p.m. to 3:31 p.m.

HB 246-VOTER PREREGISTRATION FOR MINORS

[3:31:28 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 246, "An Act relating to voter preregistration for minors at least 16 years of age."

[3:31:52 PM](#)

REPRESENTATIVE STORY, as prime sponsor, presented HB 246. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 246 would promote democracy in our next generation of Alaskans by introducing high school students to voter pre-registration before they turn 18 years old. Early voter registration has been proven to heighten youth awareness of the importance of exercising their right to vote in a working democracy, not only for the students, but in their families and communities. Dinner table discussions of our national, state and local governing process and issues of the day are vital to growing the next generation of informed Alaskan voters.

HB 246 permits citizens who are at least 16 years old to pre-register to vote. In accordance with existing statute, they would then become eligible to be placed on the voting rolls 90 days before their 18th

birthday. Current statute allows Alaskans who are 17 years old to be able to register to vote within 90 days of their 18th birthday. Starting this process at 16 years old expands the period of time in which young Alaskans are aware of the electoral rights they will have upon turning 18, so they have more opportunity to develop the habits needed to be informed voters.

Twenty-three other states plus the District of Columbia offer preregistration to 16 and 17-year olds. Young voter participation has increased in these states, a habit that will result in lifelong voters. 36.42% of Alaska's population (44.37% of registered voters) cast ballots in the last general election. This bill can bring that percentage up by building awareness, at an early age, of the importance of voting. This bill will also encourage families, communities and educators to promote civic engagement resulting in newfound focus and helping to ensure all Alaskan eligible citizens register to vote.

I respectfully ask for support in the passage of HB 246

REPRESNTATIVE STORY added that there was a sectional analysis included in the committee packet that could be read by her aide at the will of the committee. Also in the packet, she related, that there was a fiscal note and a state-by-state grid showing which states honor similar legislation.

[3:35:50 PM](#)

CHAIR SHAW announced that the committee would move on to invited testimony on HB 246.

[3:36:04 PM](#)

AMY GALLOWAY, League of Women Voters Alaska, gave invited testimony in support of HB 246 and related that she was also a high school civics and history teacher. She offered her belief that the proposed legislation would be a powerful accessory to increase informed youth voter turnout. She added that because of the current age restriction, it is only a "trickle" of student registration. She recognized that students need help navigating the electoral process and why registration is important to protect election integrity. She noted a common question is asking the meaning of political affiliation, to

which she encouraged the students to talk to their families. Schools are the perfect place to teach students how to pre-register to vote, and teachers can provide options to students along with civics lessons, she said, making learning more relevant. If one votes, she opined, they will likely keep voting. She offered her availability to the committee to answer questions.

[3:40:56 PM](#)

MARJORIE MENZI, Retired Educator, gave invited testimony in support of HB 246. She highlighted her involvement in activities related to civics and government that spoke to the importance of involving young people in their civic responsibilities at an early age. She shared her experiences of having parents who were involved in community issues, and she acknowledged that not all children have that experience; therefore, they rely on schools to help develop good, informed citizens. She opined that the earlier this education starts, the better. She spoke to various programs that highlight the important work and that students can be part of the process by voting as adults. She noted that by lowering the preregistration age, schools can be proactive in organizations, such as the League of Women Voters, and make the registration process more relevant to the students. She encouraged the committee to consider that a 14-year-old can obtain a learner's driving permit, so allowing students at sixteen years of age to preregister to vote is a safe and meaningful responsibility.

[3:46:26 PM](#)

REPRESENTATIVE C. JOHNSON pointed to the difficulties in maintaining voter rolls and questioned how students would be treated on a voter roll as a non-voter. He further expressed a concern about sixteen-year olds' information being exposed due to voting records being public.

[3:47:30 PM](#)

CAROL BEECHER, Director, Division of Elections, Office of the Lieutenant Governor, responded that the Division of Elections had not figured out the workings of this yet, and she explained that the systems would have to be programmed to trigger the sending of the voter card within 90 days of the person turning 18.

[3:49:26 PM](#)

THOMAS FLYNN, Assistant Attorney General, Department of Law, in response to a follow up question by Representative C. Johnson, he offered his belief that it sounded more like a policy question rather than a legal one. Certain parts available online are confidential, he said, such as residential address, but under existing law other parts would not be.

REPRESENTATIVE C. JOHNSON referred to the permanent fund dividend (PFD) registration form as an example.

[3:50:38 PM](#)

MS. BEECHER explained that the current process of applying for the PFD is if the individual notes that they are 18, then they are automatically registered. If the individual is under 18, they would not be automatically registered to vote, she confirmed.

[3:51:19 PM](#)

REPRESENTATIVE STORY offered closing comments. She said she sought to look into other states who have allowed students to pre-register to vote and how those states have handled privacy issues. She further noted a companion bill in the Senate that she said complemented the civics education bill forthcoming.

[3:51:56 PM](#)

CHAIR SHAW announced HB 246 was held over.

HB 379-DUI DIVERSION PROGRAM

[3:52:02 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 379, "An Act establishing the driving while under the influence diversion program for eligible persons charged with driving while under the influence; relating to judgment for restitution; relating to suspended imposition of sentence; relating to records kept by the Department of Administration; relating to operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance; amending Rule 9, Alaska Rules of Administration, and Rule 39, Alaska Rules of Criminal Procedure; and providing for an effective date."

[3:52:31 PM](#)

REPRESENTATIVE MIKE PRAX, Alaska State Legislature, as prime sponsor, presented HB 379. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

House Bill 379 aims to establish a DUI Diversion Program. Diversion programs are intended to provide a framework to reduce recidivism rates. By participating in the program and waiving certain rights, successful defendants may avoid the most onerous consequences of a DUI conviction, such as license suspensions, jail time, and large fines and expensive insurance rates for high-risk drivers. The prosecution also obtains benefits. These include the option to resume prosecution if the defendant fails to follow the program's requirements and a significant streamlining of the prosecution and Alaska Court System's trial caseload.

HB379 is modeled after an Oregon program set forth in Oregon Revised Statutes §§ 813.200 to 813.270. This program allows first DUI offenders in simple DUI cases, not involving other charges or Commercial Driver's License (CDL) issues, to seek entry into a diversion program. If they complete the program's requirements, their DUI conviction is dismissed. In the past, various district attorney offices have responded that they have the discretion to offer pretrial diversion in DUI cases. Although theoretically true, it rarely happens from a practical perspective.

To qualify under the program set by HB379, defendants must meet several criteria, applicable only to first-time offenders charged with a simple DUI: no prior or pending DUI charges, no other pending criminal charges involved in the incident, no pending or (within 15 years) prior DUI diversion programs, not holding a CDL, nor driving commercial motor vehicles, at the time of the incident, and no assault or homicide charges involving the defendant's operation of a motor vehicle.

The program requires any defendant eligible for the DUI diversion program to file a petition, together

with a \$490 filing fee, and to request admission to the program, following established deadlines. The defendant must then complete a screening interview to assess any alcohol or substance abuse problems and follow through with any treatment program indicated by the screening interview. They must agree not to use alcoholic beverages, inhalants, or controlled substances during the program and acknowledge that committing an offense during the program will result in a violation of the agreement. It is mandatory to pay attorney fees and restitution if ordered by the court.

Alaska's Therapeutic Courts are successful and have shown that rehabilitation programs work. DUI Diversion Programs have been successful in other states. Implementing a similar program in our state would bring significant benefits. These programs save court resources and participants have an avenue for addressing the root causes of the offense.

[3:55:52 PM](#)

CHAIR SHAW opened public testimony on HB 379.

[3:56:05 PM](#)

WILLIAM SATTERBERG, representing self, testified during the hearing on HB 379 and provided his background in law. He said that recently, the amount of driving under the influence (DUI) cases has become apparent along with other cases such as domestic abuse, but DUI cases are "tremendous." He noted 165 cases are set to go to trial next week in Fairbanks, and there are only 3 district court judges to deal with these cases. He opined that the system is "jammed," and that of the DUIs, most are first-time offenders. He related experiences in Oregon and that many first-time offenders never offend again; they "get the message." He offered his belief that the statute would alleviate the clogs in the court system, the district attorney (DA) system, and public defenders. He stressed the importance of rehabilitation taking priority over money. He said he pushed for this statute for over four years and that he appreciated Representative Prax bringing the legislation to the table.

[4:03:01 PM](#)

CHAIR SHAW, after ascertaining no one else wished to testify, closed public testimony on HB 379.

[4:03:11 PM](#)

REPRESENTATIVE PRAX acknowledged Mr. Satterberg's thorough coverage of the proposed legislation.

[4:03:32 PM](#)

REPRESENTATIVE CARPENTER asked what would happen to individuals who receive a second DUI but have already completed the diversion program.

REPRESENTATIVE PRAX answered that there would be a harsher sentence the second time.

[4:04:11 PM](#)

ERIC CORDERO, Staff, Representative Mike Prax, Alaska State Legislature, on behalf of Representative Prax, prime sponsor of HB 379, explained there is a limitation of 15 years; and a first-time offender cannot be a participant in a program currently or a similar program in fifteen years.

[4:05:20 PM](#)

JOHN SKIDMORE, Deputy Attorney General, Criminal Division, Department of Law, answered questions during the hearing on HB 379. He addressed Representative Carpenter and communicated that he could refer to Section 9 on page 9 of the bill for clarification. He further expounded on the diversion program and, having a second DUI, that individual would still need to be sentenced but would not be subject to the mandatory minimums. He noted bill drafting issues and the policy call that the legislature may wish to make.

REPRESENTATIVE CARPENTER summarized that the mandatory minimums would not apply to a first- or second-time DUI recipient.

MR. SKIDMORE clarified that after successfully completing the program, the mandatory minimum framework does not apply to the individual.

[4:07:36 PM](#)

REPRESENTATIVE STORY asked whether Mr. Skidmore was suggesting there should be amendments to the bill to reinstate the penalties and follow current statute.

MR. SKIDMORE replied yes, if the legislature's intent was to have mandatory minimums applied, then there would need to be amendments.

[4:09:04 PM](#)

REPRESENTATIVE CARRICK asked questions of Nancy Meade. She expressed confusion over the mandatory minimums, and the situation when one goes through a diversion program but commits a second DUI offense.

[4:10:11 PM](#)

NANCY MEADE, General Counsel, Alaska Court System, addressed Representative Carrick and as previously stated, noted there were drafting issues in the bill on page 9. She suggested that Mr. Skidmore could explain the wording on lines 9 and 10, because where it fits was not "terribly clear."

REPRESENTATIVE CARRICK asked the bill sponsor where the \$490 filing fee came from, and she noted the up-front cost of a mandatory minimum first time DUI being \$1,800. She questioned the overall cost of the infraction.

[4:12:54 PM](#)

REPRESENTATIVE PRAX answered that the body would have to think about whether that is a significant enough barrier to discourage people or not. He added that it was a reasonable compromise being the cost of a first-time DUI conviction.

[4:13:54 PM](#)

REPRESENTATIVE CARPENTER asked Mr. Skidmore whether there would be a legal problem with a higher penalty for a second offense than if someone did not complete the diversion program.

MR. SKIDMORE responded that was an interesting question and he would pursue it.

[4:16:20 PM](#)

MS. MEADE added that the legislature could write a statute addressing a second DUI and mandatory minimums.

[4:17:01 PM](#)

REPRESENTATIVE CARRICK requested more information from the bill sponsor on other states that have enacted something similar surrounding a DUI diversion program and the requirements involved.

REPRESENTATIVE PRAX responded that he would research the data.

[4:18:08 PM](#)

REPRESENTATIVE STORY commented that she was still trying to understand how the program would work and referred to comments from an invited testifier. She expressed her confusion on how the convictions work in relation to the diversion program.

REPRESENTATIVE PRAX deferred the inquiry to Ms. Meade.

[4:19:15 PM](#)

MS. MEADE drew attention to the word "shall" on page 11 in reference to first-time offenders. The prosecutor could object or agree, then the court would decide whether the person was an appropriate candidate for the program. She further expounded on how the process would affect the offender's record within a timeline.

[4:21:39 PM](#)

REPRESENTATIVE CARPENTER sought clarity on how the bill is currently drafted in reference to the word "shall".

MS. MEADE pointed out on page 11, line 26, that the person "shall" file the petition. She added that the verbiage could be modified later.

[4:22:13 PM](#)

REPRESENTATIVE CARRICK expressed her interest in the bill and asked Ms. Meade for an example where the term "suspended entry of judgement" was used.

MS. MEADE replied that the suspended entry of judgement (SEJ) disallows that type of resolution for certain case types such as

violent ones that would not be eligible by statute. It is used for drugs, theft, and a number of things, she said.

[4:23:55 PM](#)

REPRESENTATIVE C. JOHNSON questioned whether Alaska had the bandwidth or capability, where there are not many treatment programs, to be able to offer such a program to the multitude of people that would take advantage of it.

MS. MEADE clarified that the bill allowed for an extension, and she referenced page 16, line 16. She offered a scenario where it could be determined after screening that a person does not need treatment. She further explained that according to the bill, the individual must follow the recommendations of the screener. She agreed with the statement about the lack of resources in the state.

[4:28:21 PM](#)

CHAIR SHAW, considering the depth of conversation, foresaw many amendments that the committee would work through at a later date.

[4:28:50 PM](#)

REPRESENTATIVE PRAX expressed his appreciation of the perspective given from the invited testifiers.

[4:29:03 PM](#)

CHAIR SHAW announced that HB 379 was held over.

HB 278-ADMIN. REGULATION REVIEW DIVISION

[4:29:11 PM](#)

CHAIR SHAW announced that the next order of business would be HOUSE BILL NO. 278, "An Act establishing the administrative regulation review division."

[4:29:58 PM](#)

REPRESENTATIVE CARPENTER presented HB 278 on behalf of the bill sponsor, the House Special Committee on Ways and Means, on which Representative Carpenter serves as chair. He paraphrased the

sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

According to the Bureau of Economic Analysis, Alaska's economic growth is the worst in the nation. It is imperative that we grow the private economy. One way to do this is by decreasing the high regulatory burden Alaskan's have when doing business.

In current law, AS 44.62 (Administrative Procedures Act) allows for the Governor or Lieutenant Governor's review of regulations, requires the Department of Law to advise agencies on regulations, and requires public notice and public comment. There is no specific requirement for Legislative review of proposed regulations, nor any action that the Legislature can take on them. Also included in As. 44.62, government corporations are exempt from the Administrative Procedures Act.

HB 278 would establish an Administrative Regulation Review Division, a vital mechanism to ensure transparency, accountability, and efficiency in the regulatory process within the State of Alaska. It also Removes the Government corporations' exemptions from regulatory review from law.

The Administrative Regulation Review Division will serve as a permanent staff agency under the oversight of the Legislative Budget and Audit Committee. Its primary function is to facilitate thorough legislative review of administrative regulations filed by the Lieutenant Governor. This will be achieved through comprehensive assessment of proposed regulations, ensuring alignment with legislative intent, statutory authority, and consistency with applicable laws.

The administrative regulation review division will be tasked with several key responsibilities: 1. Reviewing all administrative regulations to ensure they properly implement legislative intent. 2. Providing comments and recommendations to the governor and state agencies on proposed regulations. 3. Investigating findings transmitted [sic] by standing committees [sic] regarding regulations inconsistent with legislative intent. 4. Promoting needed amendments or repeals of regulations deemed inappropriate or outdated. 5. Recommending

legislative action to annul regulations found to be inconsistent with legislative intent.

Furthermore, the Division will have the authority to examine all administrative regulations, including proposed adoptions, amendments, or orders of repeal. It will provide expert commentary and recommendations to the governor and state agencies, promoting necessary amendments or repeals when regulations deviate from legislative intent or fail to meet statutory standards.

HB 278 aims to simplify regulatory compliance process, ensure regulatory compliance with legislative intent, and provide a mechanism for continuous improvement in our regulatory framework. This will in turn create a better business environment for our State.

[4:34:59 PM](#)

REPRESENTATIVE CARRICK asked about the perspective surrounding the fiscal note for HB 278.

REPRESENTATIVE CARPENTER replied that the analysis did not take into consideration the cost savings of regulatory review. He said the review is not happening now; therefore, it is difficult to judge what the cost savings would be. Speaking to the fiscal note and its continuity would require permanent staff, he said.

[4:37:58 PM](#)

DONNA ARDUIN, Staff, Representative Ben Carpenter, Alaska State Legislature, answered questioned during the hearing on HB 278 on behalf of the sponsor, the House Special Committee on Ways and Means, on which Representative Carpenter serves as chair. She explained that regulations are a delegation of law making, and more money is spent making laws than delegating them to departments. She said that Representative Carpenter recommended that the legislative branch should further review laws made by the executive branch.

REPRESENTATIVE CARRICK expressed curiosity as to why constituents were being excluded from this legislation, and whether there was a sense of what it would cost to provide some additional review and oversight of state corporations.

REPRESENTATIVE CARPENTER confirmed that the bill would remove the exclusion.

[4:39:32 PM](#)

REPRESENTATIVE STORY questioned whether consideration was given to look at areas where the regulatory burden was high.

REPRESENTATIVE CARPENTER replied yes, there was consideration, but the next budget and audit chair may have a different approach over time.

REPRESENTATIVE STORY noticed two different fiscal notes with the bill, and she observed that the governor's fiscal note was zero cost. She asked what the governor's staff would be doing.

REPRESENTATIVE CARPENTER asked for clarification that they were referring to the same control code on the bottom right page.

REPRESENTATIVE STORY clarified she was referring to the "statement of zero fiscal impact" that was behind the fiscal note.

REPRESENTATIVE CARPENTER answered that the division being created was not being created in the executive branch but in the legislative branch; therefore, there would not be a fiscal impact.

[4:43:37 PM](#)

CHAIR SHAW announced that HB 278 was held over.

HB 397-ELIMINATE VACANT STATE POSITIONS

[4:43:46 PM](#)

CHAIR SHAW announced that the final order of business would be HOUSE BILL NO. 397, "An Act relating to eliminating vacant positions in the classified and partially exempt service of the state; and providing for an effective date."

[4:43:59 PM](#)

REPRESENTATIVE CARPENTER, as prime sponsor, presented HB 397. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

The proposed amendment to AS 39.25 establishes a mechanism for the elimination of vacant positions within the classified or partially exempt service. By requiring the director of personnel to identify and eliminate such positions annually, we aim to ensure that our state government operates efficiently and effectively, while giving transparency in the budget process.

House Bill 397 directs the Department of Administration's Director of Personnel to eliminate all unfilled positions in the classified or partially exempt service that have been open for over 364 days. Certain circumstances are exempted from the vacancy criteria, such as positions that have been occupied at any time during the preceding 364 days, those hired to fill the position even if employment begins in the following fiscal year, and individuals eligible to return to the position under AS 39.25.158.

House Bill 397 will eliminate vacant positions, streamline operations, and provide transparency in the Budget process. House Bill 397 will also enable us to redirect resources towards priority areas such as public services and infrastructure development.

[4:46:35 PM](#)

REPRESENTATIVE STORY noted the length of time it took to obtain an authorization for a position, as well as the recruitment process, and she asked the bill sponsor if he had conversations with different departments about the effect of the proposed legislation.

REPRESENTATIVE CARPENTER responded that he was confident that the managers put in place - when they do not have the positions they think they need but cannot be filled - will come back to the legislature to ask for the ones they actually need. If there are processes that need to be revised in the way hiring is done, the managers will engage in that due to having no choice. He stressed that he is not going after money, but to improve government so it is more transparent and less costly.

REPRESENTATIVE STORY spoke to high staff shortages and vacancy rates, and she reiterated the importance of talking to the different departments.

REPRESENTATIVE CARPENTER said that "it is just a policy call" on the legislature being that it created the departments and there are expectations that the departments are doing the right thing.

[4:50:08 PM](#)

REPRESENTATIVE CARRICK expressed that she shared some of Representative Story's concerns and questioned the process for creating new positions.

REPRESENTATIVE CARPENTER responded that positions must be funded through the budget process and there are allocations assigned to each department for positions. He offered his belief that the legislature has to appropriate and create positions for each department. He further expounded on the process and time it may take to hire people.

REPRESENTATIVE CARRICK commented that her concern is that the fiscal year begins but the next day the position is eliminated because it was vacant, but an applicant came forth. She further commented on balancing the idea of transparency with the ability for the legislature to be responsive to filling positions when there is an actual need for positions.

REPRESENTATIVE CARPENTER said he agreed but there should be a communication from the organization to the department that says the position is needed and the intent is to actively recruit for it. He noted that all the state jobs should be advertised, yet they do not match the vacancy for each department; therefore, the process is not working currently with the amount of money being spent.

[4:55:03 PM](#)

KENDRA BROUSSARD, Staff, Representative Ben Carpenter, Alaska State Legislature, on behalf of Representative Carpenter, prime sponsor of HB 397, added that when a department has a request for a position, it goes to the Office of Management and Budget (OMB). She further offered to research step by step procedures in how positions are created, and she would reach out to the committee with the answer.

[4:55:42 PM](#)

CHAIR SHAW announced that HB 397 was held over.

[4:56:10 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:56 p.m.