

**ALASKA STATE LEGISLATURE**  
**SENATE JUDICIARY STANDING COMMITTEE**

February 7, 2024

1:36 p.m.

**MEMBERS PRESENT**

Senator Matt Claman, Chair  
Senator Jesse Kiehl, Vice Chair  
Senator Löki Tobin

**MEMBERS ABSENT**

Senator James Kaufman  
Senator Cathy Giessel

**COMMITTEE CALENDAR**

OVERVIEW: SUMMARY OF FINDINGS ON EO 133 AND EO 135

- HEARD

EO 133 ELIMINATING THE CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

- HEARD

EO 135 ELIMINATING THE ALASKA SAFETY ADVISORY COUNCIL

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

BREANNA KAKARUK, Staff  
Senator Matt Claman  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the summary of findings on EO 133 and EO 135.

LISA PURINTON, Director  
Division of Statewide Services

Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on EO 133.

ELAINE BANDA, Chief  
Consultation and Training Section  
Alaska Occupational Safety and Health (AKOSH)  
Labor Standards and Safety Division  
Department of Labor and Workforce Development (DOLWD)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on EO 135.

#### **ACTION NARRATIVE**

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**CHAIR MATT CLAMAN** called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Tobin, Kiehl, and Chair Claman.

#### **OVERVIEW: SUMMARY OF FINDINGS ON EO 133 and EO 135**

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**CHAIR CLAMAN** announced a brief summary of findings, which the committee requested on:

Executive Order (EO) 133  
Eliminating the Criminal Justice Information Advisory Board (CJIAB)

and

Executive Order (EO) 135  
Eliminating the Alaska Safety Advisory Council (ASAC)

He invited Ms. Kakaruk to identify herself for the record and to present the summary of findings.

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**BREANNA KAKARUK**, Staff, Senator Matt Claman, Alaska State Legislature, Juneau, Alaska, presented the summary of findings on EO 133 and EO 135.

**MS. KAKARUK** paraphrased a Legal Services opinion the committee received on EO 133, dated January 24, 2024. Article 3, sec. 23, of the Constitution of the State of Alaska, states, "The

governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor."

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MS. KAKARUK said that this article gives the governor the authority to issue EO 133. The Senate asked whether EO 133 conforms to art. III, sec. 23, of the Constitution of the State of Alaska. The Legal Services opinion states, "The short answer is probably yes." She said EO 133 transfers functions of the existing board to the Department of Public Safety (DPS) and makes no statutory changes other than those necessary to effectuate the reorganization.

MS. KAKARUK reviewed the board's makeup and meeting frequency and found that the board has nine members and one vacant position designated for a municipal police officer. The board has not met since September 12, 2018; before that, it had one meeting in 2017 and three in 2003. Alaska Statute requires the board to meet at least once every six months and is scheduled to meet quarterly.

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MS. KAKARUK presented the summary of findings on EO 135 Eliminating the Alaska Safety Advisory Council (ASAC). The committee received a Legal Services opinion on EO 135, dated January 25, 2024. The Senate asked whether EO 135 conforms to art. III, sec. 23, of the Constitution of the State of Alaska. The Legal Services opinion states, "The short answer is probably yes" for reasons similar to EO 133.

MS. KAKARUK stated EO 135 transfers the council's functions to the Department of Labor and Workforce Development (DOLWD) with no statutory changes other than those necessary to effectuate the reorganization.

MS. KAKARUK reviewed the council's makeup and the frequency of its meetings. She said ASAC has 14 positions, nine of which had appointed members as of 2023. Seven of those terms expire in 2024. Five vacant positions are listed. ASAC meets during the

Annual Governor's Safety and Health Conference. The council's meeting history includes:

- two meetings in 2023,
- one meeting in 2011,
- one meeting in 2010,
- two meetings in 2009,
- one meeting in 2008, and
- one meeting in 2006.

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CHAIR CLAMAN asked whether the council meetings held during the Annual Governor's Safety and Health Conference were additional or included in the listed meeting history.

MS. KAKARUK replied that her research showed those meetings were in addition to the scheduled meetings, and the council was consistent in meeting at the annual conference.

**EO 133 ELIMINATING THE CRIMINAL JUSTICE INFORMATION  
ADVISORY BOARD**

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CHAIR CLAMAN announced consideration of EO 133 Eliminating the Criminal Justice and Information Advisory Board.

This is the second hearing of EO 133.

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CHAIR CLAMAN opened public testimony on EO 133; finding none, he closed public testimony.

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CHAIR CLAMAN remarked that the findings indicate CJIAB rarely meets. He asked about the reasons for the committee's prolonged inactivity.

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LISA PURINTON, Director, Division of Statewide Services, Department of Public Safety (DPS), Anchorage, Alaska, replied that she reviewed the records and attributed CJIAB's inconsistent meeting schedule to:

**Personnel changes**

The department has membership responsibilities for many councils and boards. Each time a director or commissioner changes, it disrupts momentum.

### **Competing priorities**

Recent changes in the department have created competing priorities. For example, the department is in the process of a significant undertaking with the Criminal Justice Information Services Modernization System. It is replacing the department's criminal justice systems that are sitting on a 1980s legacy mainframe. This is a 5-year endeavor, and DPS is entering year three of the project. The department has worked with all its partner organizations during this process. She said it is easier to reach out to partner organizations and to work through agencies directly than try to convene board meetings to address issues. She brought up a committee member's concern related to the importance of fingerprinting. She said it is easier to reach out to partner agencies to find solutions than it is to go through the board process.

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CHAIR CLAMAN found no further questions and thanked Ms. Purinton.

### **EO 135 ELIMINATING THE ALASKA SAFETY ADVISORY COUNCIL**

[1:45:21 PM](#)

CHAIR CLAMAN announced the consideration of EO 135 Eliminating the Alaska Safety Advisory Council (ASAC).

This is the second hearing of EO 135.

CHAIR CLAMAN brought up the fiscal impacts of EO 135, stating the executive order requires the addition of two position control numbers (PCNs) at an estimated cost of \$260,000. He asked Ms. Banda to provide clarifying commentary on this, because the discussion of fiscal impacts in the first hearing were ambiguous.

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ELAINE BANDA, Chief, Consultation and Training Section, Alaska Occupational Safety and Health (AKOSH), Labor Standards and Safety Division, Department of Labor and Workforce Development (DOLWD), Anchorage, Alaska, answered that implementing EO 135 would require roughly \$263,000 from the general fund. This amount covers:

#### **Two Positions**

- The EO requires the addition of two positions to support the transition.

- The cost is estimated at \$255,000 for personnel services, specifically:
  - a Safety Program Manager or Liaison, range 21 and
  - a Project Manager, range 15 or range 18.

### **Travel Costs**

The division would continue to reach out to Alaskans statewide.

### **Services**

Office space, computer, printer, and office supplies.

MS. BANDA explained that the Labor Standards and Safety Division houses ASAC. The division would remove ASAC and insert a new safety entity to oversee all the duties outlined in EO 135. She clarified that the personnel services is roughly \$255,000 for two new positions.

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SENATOR KIEHL commented that he hasn't reviewed the budget documents recently, but there is funding in this allocation now and a portion comes from conference fees. He asked about the details of this allocation.

MS. BANDA replied that the conference fees are program receipts that fund the governor's conference. The amount spent on the conference must be paid back. She clarified that revenue generated from conference fees is separate from other funds. She drew attention to a \$26,000 line item in the fiscal note, stating these funds are designated for ASAC's administrative support. The new safety entity proposed in EO 135 would absorb those funds into its personnel services cost, roughly \$255,000.

SENATOR KIEHL remarked that the explanation was helpful and he would review the fiscal document again.

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CHAIR CLAMAN conjectured that the division outsources some of ASAC's work. He asked who does this work and how much the State pays them.

MS. BANDA replied that ASAC has people who volunteer for just the [conference]. The problem is that the council has a lot of duties beyond the conference that have been neglected for many years. She said the volunteers donate their time to the governor's conference.

CHAIR CLAMAN interjected, seeking clarification that EO 135 proposes hiring two new executive branch staff to handle the workload currently performed by volunteer-based workers. He acknowledged that while volunteers may not accomplish all tasks due to workload, currently, all duties are fulfilled by volunteers.

MS. BANDA clarified that the only task the volunteers are performing is the governor's conference; the volunteers are not doing other work. She pointed out that the State neither pays for nor receives work other than administrative support for the Governor's Safety and Health Conference.

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CHAIR CLAMAN sought confirmation that EO 135 proposes more than eliminating ASAC; it proposes having additional work done by two State employees that was never done by the council.

MS. BANDA replied the administration proposes to establish an entity tasked with overseeing the duties outlined in EO 135. While the division would still utilize volunteers, a State entity would ensure these duties are carried out. For example, one role of ASAC is to establish a Safety and Health Plan; this has not been done. ASAC is responsible for promoting safety and health in schools and nonprofits statewide; this has not been done. EO 135 lists 15 duties that have not been accomplished; therefore, having an entity dedicated to ensuring these responsibilities get done would benefit Alaska.

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CHAIR CLAMAN sought confirmation that the reason for the two new staff positions is to do work that presently is not being done at all.

MS. BANDA replied, correct.

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Senator Tobin inquired about ASAC staffing and who provides support to this group of volunteers. Specifically, she asked whether there is a dedicated staff position responsible for support or if the work is assigned to staff members as part of their "other duties as assigned".

MS. BANDA requested clarification about the question.

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SENATOR TOBIN restated the question, asking which State employee is responsible for coordinating the following functions for ASAC:

- contacting and recruiting members,
- providing updates to members,
- managing state assets and resources for members, and
- performing activities identified by members that require State involvement or resources.

MS. BANDA referred to the fiscal note with a \$26,000 line item, stating this funding is for one part-time person. She explained that the position is only used during the Governor's Safety and Health Conference. Otherwise, no one performs these duties.

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SENATOR TOBIN said volunteer management requires a specialized skill set and a dedicated position. She acknowledged the significant burden on those who manage volunteers and suggested one full-time position instead of two to avoid alienating community members who want to volunteer their time. She expressed concern about disenfranchising volunteers from participating in the activities they care about.

MS. BANDA acknowledged those comments but reiterated her concern that ASAC lacks staff for volunteer outreach and management. The part-time position is only active during the governor's conference, and the other ASAC roles are not part of their duties. When the conference approaches, the part-time person emails former members to spread the word. Attendance is voluntary and of the nine active members, only five members show up. She emphasized that there is no dedicated oversight of these tasks.

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CHAIR CLAMAN opened public testimony on EO 135; finding none, he closed public testimony.

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SENATOR TOBIN emphasized that volunteers who give their time have value. The Independent Sector, a nonprofit group that assesses the worth of volunteers nationwide, estimates that an hour of volunteer work in Alaska is valued at \$33.60. This figure applies to regular volunteers without specific expertise who contribute to their communities. She stressed the importance of acknowledging volunteers and that in-kind dollars have a value.

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SENATOR KIEHL shared his budget findings, stating the legislature authorized about \$280,000 in receipts, not general funds, to the Consultation and Training Section. In 2023, the Section collected about \$111,000, with a portion split between the part-time employee and the five to nine volunteers. He raised questions stemming from EO 135:

- Whether the governor is justified in eliminating the volunteers of the council who serve a role in the governor's conference.
- Whether the State should pay for two full-time, permanent State employees to perform the dozen or so tasks assigned to it but not currently carried out by the council.

SENATOR KIEHL said these are independent questions; it is not a good idea to conflate them. He pointed out that even if the executive order takes effect, the legislature does not guarantee the funding of these two positions. He said it is important to consider the budget question separately.

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CHAIR CLAMAN summarized both executive orders. He said that Executive Order 133 proposes eliminating an advisory board that seldom meets and whose functions the department seems to effectively manage with its current staffing structure.

CHAIR CLAMAN said that EO 135 raises more complicated questions than EO 133. It proposes to add two new sections to the Alaska statutes, a power typically exercised by the legislature. He said that EO 135 also adds a significant fiscal cost, roughly \$250,000, which is not to diminish the importance of public safety. It is one of the State's greatest responsibilities under the constitution. However, EO 135 raises the question of whether these functions would be more effectively deliberated by the legislature who could provide a more detailed review of these matters through the legislative process.

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There being no further business to come before the committee, Chair Claman adjourned the Senate Judiciary Standing Committee meeting at 2:04 p.m.