

**ALASKA STATE LEGISLATURE**  
**SENATE TRANSPORTATION STANDING COMMITTEE**

May 9, 2024

9:01 a.m.

**MEMBERS PRESENT**

Senator James Kaufman, Chair

Senator Löki Tobin

Senator Robert Myers

**MEMBERS ABSENT**

Senator David Wilson, Vice Chair

Senator Jesse Kiehl

**COMMITTEE CALENDAR**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 375 (L&C)

"An Act prohibiting certain restrictions based on the energy source of a motor vehicle."

- MOVED CSHB 375 (L&C) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 375

SHORT TITLE: ENERGY SOURCES OF MOTOR VEHICLES

SPONSOR(S): TRANSPORTATION

02/20/24	(H)	READ THE FIRST TIME - REFERRALS
02/20/24	(H)	L&C
04/17/24	(H)	L&C AT 3:15 PM BARNES 124
04/17/24	(H)	<Bill Hearing Rescheduled to 04/22/24>
04/22/24	(H)	L&C AT 3:15 PM BARNES 124
04/22/24	(H)	Heard & Held
04/22/24	(H)	MINUTE (L&C)
04/24/24	(H)	L&C AT 3:15 PM BARNES 124
04/24/24	(H)	Moved CSHB 375 (L&C) Out of Committee
04/24/24	(H)	MINUTE (L&C)
04/26/24	(H)	L&C RPT CS (L&C) 5DP 2DNP
04/26/24	(H)	DP: WRIGHT, PRAX, SADDLER, RUFFRIDGE, SUMNER
04/26/24	(H)	DNP: FIELDS, CARRICK
04/29/24	(H)	L&C CS ADOPTED Y35 N2 E1 A2
05/01/24	(H)	TRANSMITTED TO (S)

05/01/24 (H) VERSION: CSHB 375(L&C)  
05/03/24 (S) READ THE FIRST TIME - REFERRALS  
05/03/24 (S) TRA  
05/07/24 (S) TRA AT 1:30 PM BUTROVICH 205  
05/07/24 (S) -- MEETING CANCELED --  
05/09/24 (S) TRA AT 9:00 AM BUTROVICH 205

#### **WITNESS REGISTER**

REPRESENTATIVE JOHN MCCABE, District 30  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced HB 375 on behalf of the House Transportation Standing Committee.

JULIE MORRIS, Staff  
Representative John McCabe  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Explained the sectional analysis for HB 375 on behalf of the House Transportation Standing Committee.

COLBY MARTIN, Director of State Government Affairs  
Specialty Equipment Market Association  
Diamond Bar, California

**POSITION STATEMENT:** Provided invited testimony on HB 375.

#### **ACTION NARRATIVE**

[9:01:12 AM](#)

**CHAIR JAMES KAUFMAN** called the Senate Transportation Standing Committee meeting to order at 9:01 a.m. Present at the call to order were Senators Myers, Tobin, and Chair Kaufman.

#### **HB 375-ENERGY SOURCES OF MOTOR VEHICLES**

[9:02:06 AM](#)

CHAIR KAUFMAN announced the consideration of CS FOR HOUSE BILL NO. 375(L&C) "An Act prohibiting certain restrictions based on the energy source of a motor vehicle."

[9:02:42 AM](#)

REPRESENTATIVE JOHN MCCABE, District 30, Alaska State Legislature, Juneau, Alaska, introduced HB 375 on behalf of the House Transportation Standing Committee, paraphrasing the sponsor statement.

[Original punctuation provided.]

**House Bill 375 Ver.  
Sponsor Statement**

"An Act prohibiting certain restrictions based on the  
energy source of a motor vehicle."

HB375 seeks to ensure the freedom of choice for consumers in Alaska regarding the energy source of their motor vehicles. By prohibiting state agencies or political subdivisions from imposing restrictions based on the energy source used by a motor vehicle, we aim to promote fairness, innovation, diversity, and market competition in the transportation sector.

The definition of "energy source" provided in this Act is comprehensive, encompassing traditional fuel sources like gasoline and diesel, as well as alternative sources such as, electricity, hydrogen, and solar power or a combination thereof. This inclusive definition ensures that consumers have the flexibility to choose from a range of options that best suit the needs of Alaskans and the harsh winter environments we often find ourselves in.

This legislation supports a dynamic transportation sector in Alaska, affirming our commitment to individual choice, technological advancement, and a thriving automotive industry.

I urge my fellow legislators to support this important bill for the benefit of our constituents and our state's future.

[9:04:45 AM](#)

JULIE MORRIS, Staff, Representative John McCabe, Alaska State Legislature, Juneau, Alaska, explained the sectional analysis for HB 375 on behalf of the House Transportation Standing Committee.

[Original punctuation provided.]

**House Bill 375**

"An Act prohibiting certain restrictions based on the  
energy source of a motor vehicle."

## Sectional Analysis

**Section 1:** Amends AS 28.90 by adding a new section that prohibits certain restrictions based on energy source.

A state agency or political subdivision may not restrict the use or sale of motor vehicles based on the energy source used by the motor vehicle.

The term "energy source" is also defined as a source including gasoline, diesel fuel, electricity, hydrogen, solar power, or a combination of sources used to a motor vehicle for propulsion purposes or other functions of the motor vehicles.

[9:06:19 AM](#)

SENATOR TOBIN said she was disappointed that dog mushing wasn't mentioned. She referred to Article 10 of the Alaska Constitution, maximizing local control and asked whether any Alaska communities have sought to ban any specific fuels and, if not, why the legislature would strip that control from local entities.

[9:06:59 AM](#)

REPRESENTATIVE MCCABE answered that no communities have sought to ban specific energy sources for motor vehicles. He said HB 375 is preventative, proposed by a group concerned that Alaska may be headed down a path based on the California Air Resources Board and some bills in California that seek to restrict internal combustion engines from a locality. He said that California failed to take into account that hydrogen powered vehicles have internal combustion engines. He said that, frankly, was a mistake and HB 375 seeks to prevent a similar mistake by Alaska localities. He invoked a hypothetical mess that would occur if Wasilla or Palmer banned diesel trucks from driving through their communities. He said the local control issue may not be applicable when considering roads that run statewide.

[9:08:27 AM](#)

SENATOR TOBIN appreciated the comments about Alaska becoming like California, though she doesn't see that happening. She said she was curious about the idea of [restricting vehicles] going through communities such as Wasilla. She noted that HB 375, Version A does not restrict the prohibition or the regulation of the emission of gas. She asked how HB 375 would apply in

communities that have very strict gas emissions ratings or requirements that would impact the use of certain fuels [because of the means of propulsion]. She noted that the means of propulsion may not be prohibited, but the level of emissions may be banned or regulated.

[9:09:14 AM](#)

REPRESENTATIVE MCCABE said he was not sure the legislation goes that deep. He said it is meant to prevent banning one form of propulsion engine over another. He offered as an example a city that wanted to ban electric bikes. If bicycles were defined as motor vehicles, HB 375 would prevent the city from banning bicycles.

[9:09:48 AM](#)

SENATOR TOBIN asked if a city could ban vehicles that have any emissions.

[9:09:55 AM](#)

REPRESENTATIVE MCCABE said he didn't read it that way. He said the bill is specific to the type of propulsion system/engine.

[9:10:06 AM](#)

SENATOR TOBIN read HB 375, Section 1(b), lines 8 and 9 "This section may not be construed to prohibit the regulation of motor vehicle emissions, including greenhouse gas emissions." and sought to clarify that a community could ban all emissions from vehicles in that community.

[9:10:20 AM](#)

REPRESENTATIVE MCCABE concurred that a community could limit emissions. He mentioned emission testing in Anchorage in the past.

SENATOR TOBIN commented, not now.

REPRESENTATIVE MCCABE concurred, not now.

[9:10:38 AM](#)

CHAIR KAUFMAN noted that was federal requirement because of air quality, so it was not locally imposed.

[9:10:45 AM](#)

REPRESENTATIVE MCCABE concurred.

[9:10:48 AM](#)

CHAIR KAUFMAN suggested the HB 375 is meant to deal with the "inputs," not with the "output," other than propulsion.

[9:10:59 AM](#)

SENATOR MYERS said he understood his California comments and agreed with his proposal to eliminate carbs. He mentioned attempts to ban Segway scooters in some cities (not in Alaska) and asked whether HB 375 would prohibit those bans.

[9:11:26 AM](#)

REPRESENTATIVE MCCABE said the scooter is a whole vehicle. HB 375 seeks to prohibit banning specifically those scooters with internal combustion engines. He asked that the question be rephrased.

[9:12:02 AM](#)

SENATOR MYERS noted the bans were aimed at Segways, but the bans usually mention electric propulsion on sidewalks or similar phrasing. He said the bans are either specific to sidewalks or to vehicles of a certain size, rather than banning a particular model. He asked whether HB 375 would prevent that [type of ban] from happening.

[9:12:49 AM](#)

REPRESENTATIVE MCCABE answered that HB 375 was not designed to restrict a community from banning a particular vehicle for safety reasons. He said banning Segways on sidewalks for safety reasons would be fine. He said if Segways came with a choice of a gas engine or electric engine, an effort to ban the gas engine would be impacted by HB 375. He said HB 375 was designed to prevent favoring one propulsion system over another.

[9:13:41 AM](#)

CHAIR KAUFMAN said he was in favor of a V-8 Segway.

[9:13:50 AM](#)

SENATOR TOBIN referred to HB 375, Section 1(c) listing different types of energy sources. She noted that the list doesn't include a battery charged with natural gas. She noted electric vehicles in areas without solar power are charged [using electricity generated by] natural gas and asked how or whether HB 375 accounted for that.

[9:14:36 AM](#)

REPRESENTATIVE MCCABE said a battery is not a power source. He said a battery may supply power to a motor, but the battery is for storage, much like natural gas in the ground is for storage,

but the engine itself is the power source. He did not think [battery powered vehicles] would be addressed by HB 375.

[9:15:09 AM](#)

SENATOR TOBIN clarified that she was thinking about the battery that receives the power to store through natural gas. Natural gas powers the home electrical system which is used to charge the battery.

[9:15:26 AM](#)

REPRESENTATIVE MCCABE said that would not be covered by HB 375 because a battery is simply a storage device and it doesn't matter how the electricity gets into the battery.

[9:15:45 AM](#)

SENATOR TOBIN asked whether HB 375 would apply to airplanes. She mentioned certain limitations on "Avgas" in particular areas and asked whether HB 375 applied only to individual motor vehicles or to aviation as well.

[9:16:06 AM](#)

REPRESENTATIVE MCCABE replied that a community cannot regulate aviation. He said aviation is all regulated by the FAA. HB 375 would not apply to aviation.

[9:16:32 AM](#)

SENATOR TOBIN appreciated the clarification.

[9:16:39 AM](#)

CHAIR KAUFMAN asked whether riding lawnmowers would be considered a vehicle under HB 375.

[9:16:49 AM](#)

REPRESENTATIVE MCCABE reported that the discussion leading to the bill considered lawnmowers and weed-eaters, etc. It was decided to leave that out of HB 375 in the interest of time to draft and introduce the bill. He opined that a riding lawnmower is more a tool than a vehicle.

[9:17:32 AM](#)

CHAIR KAUFMAN countered that in some communities it is very much a mode of transportation.

[9:17:49 AM](#)

At ease

[9:18:07 AM](#)

CHAIR KAUFMAN reconvened the meeting and noted that Colby Martin was available for testimony, invited him to put himself on the record and begin his testimony.

9:18:35 AM

COLBY MARTIN, Director of State Government Affairs, Specialty Equipment Market Association, Diamond Bar, California, introduced himself and explained that SEMA is a trade association, the Specialty Equipment Marketing Association. He said SEMA represents the after-market automotive trade industry. SEMA supports HB 375 which prohibits state agencies, cities and towns from regulating or restricting the use or sale of motor vehicles based on their energy source.

MR. MARTIN said SEMA represents over 7,000 American businesses, including 18 in Alaska that manufacture and sell parts and accessories that improve the performance, function and style of motor vehicles. While 95 percent of SEMA's member companies are small businesses, he said their industry impact is massive, employing over 1.3 million Americans and contributing \$337 billion annually to the U.S. economy. He said the industry contributes \$325 million to Alaska's economy and employs over 1700 individuals, generates over \$121 million in wages and benefits and \$34 million in taxes.

MR. MARTIN said SEMA strongly supports individual consumer choice and innovation in the automotive industry. He said SEMA believes consumers should be free to choose the vehicles that best meet their needs and preferences regardless of its energy source. HB 375 promotes this freedom by preventing government entities from unfairly targeting specific vehicle types based on their fuel source. HB 375 empowers consumers to make informed decisions about the vehicles they purchase and drive. It removes unnecessary restrictions that can limit their access to certain technologies or features. By creating a level playing field for all vehicle types, this bill encourages manufacturers to research and develop new and innovative technologies across all fuel sources, ultimately benefitting consumers with a broader range of efficient and environmentally friendly options.

9:20:39 AM

MR. MARTIN said, while the automobile's roots are tied to the internal combustion engine (ICE), SEMA prides itself on maintaining a forward-looking vision that embraces new technology, including electric vehicles (EVs) and other zero-emissions vehicles. The specialty automotive aftermarket has led the way with alternative fuel innovations, from replacing older

engine technologies with newer cleaner versions, to converting older ICE vehicles to electric, hydrogen and other alternative fuels. The automotive aftermarket industry employs millions of Americans and supports thousands of small businesses nationwide.

[9:21:20 AM](#)

MR. MARTIN concluded, this bill insures a healthy and competitive marketplace for all types of vehicles and aftermarket products. HB 375 is a pro-consumer, pro-innovation and pro-business piece of legislation. It promotes individual choice, fosters innovation and protects jobs. SEMA urges the committee to support this bill and allow the automotive industry to continue delivering the freedom of choice that Alaskans deserve. He thanked the committee for their time and consideration.

[9:21:54 AM](#)

CHAIR KAUFMAN opened public testimony on HB 375; finding none, he closed public testimony.

[9:22:21 AM](#)

CHAIR KAUFMAN solicited the will of the committee.

[9:22:32 AM](#)

SENATOR MYERS moved to report CSHB 375(L&C), work order 33-LS1381\B, from committee with individual recommendations and attached fiscal note(s).

[9:22:47 AM](#)

SENATOR TOBIN objected.

[9:22:54 AM](#)

SENATOR TOBIN said her objection was rooted in her personal views on local control. She said she believed communities have a constitutional right to make the choices that are best for them. She noted that no bans were in effect nor had been proposed and it seemed superfluous to propose a preventative measure. She said she was not a fan of creating law for law's sake. She acknowledged her fellow committee members and the direction she thought the vote was likely to go and removed her objection.

[9:23:51 AM](#)

At ease

[9:25:03 AM](#)

CHAIR KAUFMAN reconvened the meeting; he found no further objection and CSHB 375(L&C) was reported from the Senate Transportation Standing Committee.

9:25:39 AM

There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 9:25 a.m.