

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 14, 2007

1:37 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Charlie Huggins, Vice Chair
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Gene Therriault

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 64

"An Act relating to the requirement for candidates, groups, legislators, public officials, and other persons to submit reports electronically to the Alaska Public Offices Commission; relating to disclosures by legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and certain candidates for public office concerning services performed for compensation and concerning certain income, gifts, and other financial matters; requiring legislators, public members of the Select Committee on Legislative Ethics, legislative directors, public officials, and municipal officers to make certain financial disclosures when they leave office; relating to insignificant ownership interest in a business and to gifts from lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act; and providing for an effective date."

HEARD AND HELD

SENATE BILL NO. 78

"An Act relating to the installation of window tinting in automobiles."

HEARD AND HELD

SENATE BILL NO. 89

"An Act relating to requiring electronic monitoring as a special condition of probation for offenders whose offense was related to a criminal street gang."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 64

SHORT TITLE: DISCLOSURES & ETHICS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/26/07	(S)	READ THE FIRST TIME - REFERRALS
01/26/07	(S)	JUD, STA, FIN
02/08/07	(S)	JUD AT 3:30 PM BUTROVICH 205
02/08/07	(S)	Heard & Held
02/08/07	(S)	MINUTE(JUD)
02/12/07	(S)	JUD AT 1:30 PM BELTZ 211
02/12/07	(S)	Heard & Held
02/12/07	(S)	MINUTE(JUD)
03/12/07	(S)	JUD AT 1:30 PM BELTZ 211
03/12/07	(S)	Heard & Held
03/12/07	(S)	MINUTE(JUD)

BILL: SB 78

SHORT TITLE: MOTOR VEHICLE WINDOW TINTING

SPONSOR(s): SENATOR(s) FRENCH

02/09/07	(S)	READ THE FIRST TIME - REFERRALS
02/09/07	(S)	TRA, JUD
03/06/07	(H)	TRA AT 1:30 PM CAPITOL 17
03/06/07	(S)	Moved SB 78 Out of Committee
03/06/07	(S)	MINUTE(TRA)
03/07/07	(S)	TRA RPT 1DP 3NR
03/07/07	(S)	DP: KOOKESH
03/07/07	(S)	NR: WIELECHOWSKI, WILKEN, COWDERY
03/14/07	(S)	JUD AT 1:30 PM BELTZ 211

WITNESS REGISTER

Anne Carpeneti, Assistant Attorney General
Criminal Division
Department of Law
Juneau, AK

POSITION STATEMENT: Responded to questions related to SB 64

David Jones, Senior Assistant Attorney General
Civil Division

Opinions, Appeals, and Ethics
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Responded to questions related to SB 64

William Boswood
Auto Trim Design
Fairbanks, AK

POSITION STATEMENT: Opposed SB 78

Andrew Felt
Auto Trim Design
Fairbanks, AK

POSITION STATEMENT: Opposed SB 78

Steve Vincent
Auto Trim Design
Fairbanks, AK

POSITION STATEMENT: Opposed SB 78

Lieutenant Nancy Reeder
Anchorage Police Department
Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 78

Rob Hill
Autostart Alaska, LLC
Anchorage, AK

POSITION STATEMENT: Opposed SB 78

Margaret Auth, Member
Spennard Community Council
Anchorage, AK

POSITION STATEMENT: Spoke in support of SB 78

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at [1:37:42 PM](#). Present at the call to order were Senator Therriault, Senator Huggins, Senator Wielechowski, and Chair French. Senator McGuire arrived shortly thereafter.

SB 64- DISCLOSURES & ETHICS

[1:38:09 PM](#)

CHAIR FRENCH announced the consideration of SB 64, Version \E committee substitute (CS).

CHAIR FRENCH motioned to adopt Amendment 1, labeled 25-GS1059\E.5, and Senator Huggins objected for discussion purposes.

A M E N D M E N T 1

OFFERED IN THE SENATE BY SENATOR FRENCH
TO: CSSB 64(JUD), Draft Version "E"

Page 1, line 1, following "Act":

Insert "**relating to bribery, receiving a bribe, and receiving unlawful gratuities;**"

Page 1, following line 9:

Insert a new bill section to read:

"* **Section 1.** AS 11.56.130 is amended to read:

Sec. 11.56.130. Definition. In AS 11.56.100 - 11.56.130, "benefit" has the meaning ascribed to it in AS 11.81.900 but does not include

(1) political campaign contributions reported in accordance with AS 15.13 unless the contribution is made or received in exchange for an agreement to alter an elected official's or candidate's vote or position on a state administrative matter or a legislative or municipal matter;

(2) concurrence in official action in the cause of legitimate compromise between public servants; or

(3) support, including a vote, solicited by a public servant or offered by any person in an election."

Page 1, line 10:

Delete "**Section 1**"

Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Page 5, following line 10:

Insert a new bill section to read:

"* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Section 1 of this Act applies to offenses occurring on or after the effective date of section 1 of this Act."

Renumber the following bill sections accordingly.

Page 5, line 11:

Delete "Section 2"

Insert "Section 3"

Page 5, line 12:

Delete "Section 4"

Insert "Section 5"

Page 5, line 13:

Delete "secs. 7 and 8"

Insert "secs. 9 and 10"

CHAIR FRENCH explained that Amendment 1 intends to close a loophole that came to light with a legislative legal opinion that said that it is not against the law for a candidate to receive a bribe in the form of a campaign contribution. The idea behind the amendment is that the quid pro quo of a contribution in exchange for a promise of an agreement to alter a position on an administrative, legislative, or municipal matter is precluded.

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SENATOR MCGUIRE arrived.

[1:42:59 PM](#)

SENATOR THERRIAULT, noting that the crime of bribery did and still does exist, asked if this addresses only a change in position or also the situation of a contribution that is accompanied by a wink and nod to continue to maintain a particular position. Stating that he would show the door to the person either way, he questioned whether the latter is any less a bribe.

CHAIR FRENCH replied it's important for the public to know that most ethical candidates take the position that they were elected because of their good judgment and ability to be fair and not because they promised to do something in the future.

SENATOR HUGGINS commented that it also talks about the other person's intent.

CHAIR FRENCH explained that someone could give a contribution with the intent to effect a change in position, but for the loop to close the promise must come back in exchange.

SENATOR HUGGINS focused on the words "contribution is made or received" and said "it appears that you're being held accountable for somebody else's conduct, potentially, versus your own."

CHAIR FRENCH, agreeing that both parties would be equally culpable, said he wouldn't dispute that there will always be proof problems.

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SENATOR McGUIRE summarized that this wouldn't apply unless it could be proved that there was intent to alter an elected official's position in exchange for a contribution.

CHAIR FRENCH added that it's the agreement that protects candidates and elected officials from false charges and false accusations.

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SENATOR WIELECHOWSKI proposed the committee expand on the word "alter" on line 11 to address situations such as, "Keep this position and I'll give you \$500."

SENATOR THERRIAULT questioned whether receiving money to switch a position is any different from receiving money to maintain a position.

CHAIR FRENCH urged caution. Because most elected officials state emphatic support for something or someone at one time or another, he suggested that could be far more problematic. He reminded the committee that the essence of bribery is changing your mind or buying your influence in a corrupt way that didn't already exist.

SENATOR THERRIAULT asked if the exception in the statutes allows bad acts.

CHAIR FRENCH said that under current statute he believes it is perfectly legal for someone to say "I can gather up \$20,000 in campaign contributions if you promise me you'll never vote for X or Y."

SENATOR THERRIAULT commented it would be interesting to know the discussion that took place when the statutes were crafted to clarify the reason for the exception.

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SENATOR McGUIRE mused that it's not unheard of for an elected official to change his/her mind on an issue as a result of increased understanding of a subject. Hypothesizing about changing her mind about tort reform, she asked if it could be interpreted as a violation if the trial lawyers association were to contribute to her campaign after learning that she had changed position.

CHAIR FRENCH said the contribution was not made in exchange for an agreement to change position; the change came first.

SENATOR HUGGINS asked if a vote for a particular candidate would qualify as proof of an exchange.

CHAIR FRENCH said no. "You'd have to show the blood oath, the handshake, the hall of lawyers outside waiting with checkbooks." That's the proof to the agreement to change your mind in exchange for the money."

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SENATOR WIELECHOWSKI brought up the issue of questionnaires that candidate respond to during election cycles. The answers are evaluated and could result in a campaign contribution. He asked for discussion on the thinking because even though he realizes that there is a mens rea that has be met, he wants to be sure that type of situation would be covered.

CHAIR FRENCH said it would be problematic if the questionnaire came with a check that was good only if a certain series of boxes is selected.

SENATOR McGUIRE said she is bothered by questionnaires that require a date and a signature agreeing to certain points. Sometimes the questionnaires come at forums and it's very clear that the members won't support candidates that don't agree to certain positions.

CHAIR FRENCH said that is a good example of the normal political process for achieving particular goals and perhaps the Department of Law could help the committee on the issue of whether there has been quid pro quo - an exchange or a deal made to change your mind in exchange for that contribution.

SENATOR McGUIRE elaborated that in some forums candidates may only have the opportunity to hold up a card indicating agreement or disagreement with a particular question or issue. There is no opportunity to explain the reason for an answer or the reasoning behind a change in position. At the end there is an evaluation on some level and the candidate may or may not get a check.

SENATOR FRENCH granted that that is an example of money and power being persuasive, but what is missing is the explicit agreement that the candidate is changing his or her mind in exchange for a contribution.

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ANNE CARPENETI, Assistant Attorney General, Criminal Division, Department of Law, drew attention to the fact that the bill changes the definition of benefit. Benefit is used in the bribery statute, which is a specific intent crime thereby providing yet another layer of having to prove specific intent. She clarified that specific intent means that someone does an act with a specific intent of getting a result out of the act. For example, intent to kill means that someone does an act that intends to cause the death of somebody.

CHAIR FRENCH added that the most difficult type of crime to prove is the type where there is specific intent, mental element.

MS. CARPENETI agreed adding that that is why there aren't many in case law.

SENATOR THERRIAULT noted that Title 11 deals with criminal law.

CHAIR FRENCH said that's a good point; it is not an Ethics Act issue.

SENATOR HUGGINS asked about enforceability unless there is a recording.

MS. CARPENETI recalled just two cases. One case was a bribery prosecution of a former legislator, which did involve a wire and she wasn't sure about the other.

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SENATOR WIELECHOWSKI asked for an opinion on the following situations: 1) someone answers a questionnaire and then receives a check from the entity that issued the questionnaire, and

2) someone changes his/her vote and then receives a campaign contribution. He asked if she foresees those situations as bribery under the current proposal.

MS. CARPENETI replied those situations are different. They do not involve the quid pro quo; there is no bargain or meeting of the minds to exchange a position for money.

SENATOR WIELECHOWSKI, noting that the proposed amendment says "to alter an elected official's ... vote", asked if she agrees that the current language does not cover situations where a candidate doesn't have a particular position but might be influenced one way or another.

MS. CARPENETI said she does agree, but she would want to give it serious thought before suggesting different language.

SENATOR WIELECHOWSKI asked if she interprets the provision as applicable to both the briber and the bribee.

MS. CARPENETI said yes.

SENATOR HUGGINS removed his objection to Amendment 1.

CHAIR FRENCH, finding no further objection to Amendment 1, announced it is adopted.

At ease

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CHAIR FRENCH motioned to adopt Amendment 2, labeled 25-GS1059\E.7, and Senator Huggins objected for discussion purposes.

A M E N D M E N T 2

OFFERED IN THE SENATE BY SENATOR FRENCH
TO: CSSB 64(JUD), Draft Version "E"

Page 1, line 3, following "**Commission;**":

Insert "**relating to the use of state government assets and resources when there is no charge to the state for their use, and to the use of state aircraft for partisan political purposes;**"

Page 4, following line 30:

Insert new bill sections to read:

"* **Sec. 6.** AS 39.52.120(b) is amended to read:

(b) A public officer may not

(1) seek other employment or contracts through the use or attempted use of official position;

(2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;

(3) use state time, property, equipment, or other facilities to benefit personal or financial interests;

(4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;

(5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or

(6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no [SPECIAL] charge to the state for the use; in this paragraph, "for partisan political purposes"

(A) means having the intent to differentially benefit or harm a

(i) candidate or potential candidate for elective office; or

(ii) political party or group;

(B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.

* **Sec. 7.** AS 39.52.120 is amended by adding a new subsection to read:

(f) Use of state aircraft for partisan political purposes is permitted under (b) of this section only when the use is collateral or incidental to the normal performance of official duties and does not exceed 10 percent of the total of the use of the aircraft for official purposes and partisan political purposes, combined, on a single trip. A public officer who

authorizes or makes any partisan political use of a state aircraft under (b) of this section shall disclose the authorization and use under AS 39.52.210, 39.52.220, or 39.52.230 for each trip, and the person who uses the aircraft shall reimburse the state for the actual cost of the use."

Renumber the following bill sections accordingly.

Page 5, line 13:

Delete "secs. 7 and 8"

Insert "secs. 9 and 10"

SENATOR FRENCH highlighted that Amendment 2 follows up on a previous discussion about the use of state aircraft. After that discussion he reviewed the APOC decision as well as the opinion Mr. Jones issued regarding the way jet use is allocated. Recognizing that the governor is a complex person with a fulltime job that doesn't allow leave slips, he continues to return to the fact that the jet is a state asset and the use of state facilities to further partisan political purposes is simply not right.

CHAIR FRENCH explained that the amendment does essentially two things. It adds "state aircraft" into the same category as the governor's residence to make it clear that the governor is not prohibited from sitting in the aircraft and talking about politics. Similar to the residence, it is a place that the governor will spend a certain amount of time so it shouldn't be an ethics violation to have a political discussion.

The second thing the amendment does is allow for the fact that if the governor takes the jet to a bill-signing and it is during campaign season, there may be some incidental use of that travel to accomplish some partisan political end. Nevertheless, in his view that time should be very incidental or the governor should not be using a valuable state asset to achieve that partisan political end.

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SENATOR THERRIAULT asked for an explanation of the 10 percent allocation.

CHAIR FRENCH said his interpretation is that it is the percentage of time spent on partisan political activity compared to the total time spent on the trip. Each trip would be a separate entity.

SENATOR THERRIAULT asked how he made the 10 percent determination.

CHAIR FRENCH said it was a policy call. Right now up to 48 percent may be okay, which strikes him as being far too much.

SENATOR HUGGINS asked if this would apply to the governor's chauffeured vehicles.

CHAIR FRENCH responded the amendment targets state aircraft - specifically the jet.

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DAVID JONES, Assistant Attorney General, Criminal Division, Department of Law, said the current language would not cover chauffeured vehicles. Including chauffeured vehicles is problematic because security concerns frequently dictate that the governor use that type of transportation.

SENATOR HUGGINS questioned what "government asset or resources" would be other than aircraft.

MR. JONES replied that would be a variety of things including the governor's residence or office.

SENATOR HUGGINS said that's already been discussed; the residence can be used.

MR. JONES said use the residence for partisan political purposes is very limited. For example the governor could not hold a fundraiser at the residence.

CHAIR FRENCH clarified that the preemption is for partisan political purposes; a rally for breast cancer, Boys and Girls Club or something similar is acceptable.

SENATOR McGUIRE asked if the state would pay for airline tickets for a security detail to travel with the governor when she/he is campaigning and flying commercial.

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MR. JONES understands that the governor is usually accompanied by security, but he doesn't know the details. He further explained that the current APOC rules would require an allocation of cost if the state pays for a plane ticket and one

of the purposes of the trip is to participate in partisan political activity.

SENATOR THERRIAULT questioned why that system wouldn't work for the state aircraft.

MR. JONES explained that under this provision there would be separate treatment for state aircraft.

SENATOR THERRIAULT questioned why the current system couldn't accommodate both.

MR. JONES replied it is a policy call.

SENATOR THERRIAULT asked for clarification that the current system does not cover the jet.

MR. JONES said when he wrote the opinion that was discussed at the last hearing he believed that the current system would deal with the use of state aircraft. He acknowledged that many people, including some on the committee, disagree with his opinion.

CHAIR FRENCH said in all fairness to Mr. Jones it is conceivable to continue under the current system. However, because the jet is an extremely valuable state asset, tight rules should be constructed to make it clear to the public that it will not be used as a private jet.

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MR. JONES said he had opportunity to review the amendment and he would suggest that the reference to AS 39.52.230 on page 2, line 17 is redundant. Also, on line 18 the reference to reimbursement of the actual cost of the use isn't clear. It could mean the entire cost of the trip or just the proportionate share that is attributed to the partisan political activity. He suggested that if partisan political activity is restricted to just 10 percent, then it might be overwhelming to require a public officer to pay the entire cost of the use of the state aircraft.

CHAIR FRENCH said his intent is to require payment for the portion attributable to partisan political purposes.

MR. JONES suggested inserting "a proportionate share of."

CHAIR FRENCH motioned to amend Amendment 2. On line 18 insert "the proportional share of" after the word "for" and before the word "the".

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SENATOR WIELECHOWSKI objected to ask if the language prohibits the governor from using state aircraft for all partisan political purposes.

CHAIR FRENCH said no, but anything exceeding 10 percent would be an ethics violation.

SENATOR WIELECHOWSKI asked for clarification that there would not be an instance in which the governor reimbursed more than 10 percent because that would be an ethics violation.

MR. JONES said that's correct. He understands that the amendment would say that if the attributable time is more than 10 percent, then the governor could not use the state aircraft. Also, the governor would be required to reimburse the state for the share of the travel that is attributable to the partisan political activities so that use of a state aircraft would not be a benefit.

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SENATOR WIELECHOWSKI withdrew his objection.

CHAIR FRENCH announced that without objection, the amendment to Amendment 2 is adopted and the committee would continue to consider the amendment.

SENATOR THERRIAULT remarked that under the 10 percent rule a two hour flight to Anchorage would leave just 12 minutes for partisan political activity and that is too tight.

CHAIR FRENCH suggested the committee clarify how much time is involved and what time is relevant for one trip. In his view it would be easier to consider time on the ground, roundtrip travel time and time spent performing official duties as one trip. Thus for a ten hour trip from Juneau to Juneau, the allowable time for partisan political time would be one hour. That strikes me as being fair, he stated, "but if it's a two hour fundraiser, maybe you should be flying coach."

SENATOR THERRIAULT agreed that it is more palatable if the relevant time is from takeoff to touchdown, but other than the

discussion here in the committee he isn't sure it would be interpreted that way.

SENATOR WIELECHOWSKI commented that weather greatly affects total travel time so he questioned whether travel is the best indicator. He asked Mr. Jones how that is addressed currently.

MR. JONES said Chair French, Ms. Smith and the drafter did a remarkable job on a very difficult concept. He didn't believe the attorney general's office would have any trouble interpreting a single trip as being takeoff to touchdown, but he couldn't speak for the personnel board or the court system.

SENATOR McGUIRE pointed out that the intent is to change behavior. For awhile this will be inconvenient, but ultimately incumbents will be required to better separate the office of the governor and partisan political activities.

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CHAIR FRENCH motioned to adopt a second amendment to Amendment 2. On page 2, line 17, delete "or 39.52.230".

SENATOR WIELECHOWSKI suggested different punctuation.

CHAIR FRENCH rephrased the second amendment to Amendment 2. On page 2, line 16, after "210" delete the comma and insert "or" and after "220" delete ", or 39.52.230". There was no objection and the second amendment to Amendment 2 was adopted.

SENATOR HUGGINS removed his objection to Amendment 2.

CHAIR FRENCH announced that without objection Amendment 2 is adopted. He stated his intention to prepare a clean committee substitute and bring the bill back before the committee at the next meeting for final action.

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SENATOR HUGGINS commented and he hopes that what is being done here doesn't haunt future legislatures. "I'm listening to this and reluctantly accepting it," he stated.

CHAIR FRENCH held SB 64 in committee.

SB 78-MOTOR VEHICLE WINDOW TINTING

[2:33:43 PM](#)

CHAIR FRENCH announced the consideration of SB 78. He read sponsor statement into the record as follows:

Illegally tinted windows cause a number of safety concerns in Alaska's local communities. The dark tints create a danger for peace officers who approach vehicles as they can completely block any view of the driver and passengers. In addition, these tints deny pedestrians, bikers and motorcyclists the opportunity to confirm they have been seen by a driver when meeting in an intersection or sharing a roadway.

Currently it is illegal for a vehicle to be on Alaska's roadways if the window tinting allows less than thirty percent of the light to transmit through the glass. However, it is not illegal for higher levels of tinting to be installed by auto detailing shops and similar businesses.

SB 78 would close this loophole by making it a misdemeanor to install illegal window tinting. The bill would also help enforcement efforts by allowing police to "go to the source" by bringing charges against installers.

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WILLIAM BOSWOOD, Owner, Auto Trim Design, Fairbanks, said his purpose today is to educate the committee about window film. He explained that reputable firms have been self-regulating since 1994 and providing after-market tinting that meets the needs of the safety issue and the needs of the customer. Customers are looking for glare reduction, UV protection and cosmetic appeal. He acknowledged that unscrupulous people who tint windows darkly to conceal illegal activity, but reputable installers are against that. The current regulation, which passed in 1994, is the second most restrictive in the nation and he has been against it from the beginning. He urged the committee to consider changing the current regulations to allow the industry to survive. "When you tint those windows with a 70 percent light transmission on the front, 40 percent on the back it's invisible." The only thing that is good for is UV protection, he stated.

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SENATOR WIELECHOWSKI asked if it's true that the bill will only kill the industry if people are violating the regulation.

MR. BOSWOOD replied yes, "but the regulation to begin with was way too restrictive." Customers see no value in tinting with 70 percent light transmittance. It does not reduce glare and it has no cosmetic affect at all.

SENATOR WIELECHOWSKI asked if it's fair to say that a large number of tinting installations are in violation of the regulation.

MR. BOSWOOD replied, "Any film that you put on a vehicle that you can see is in violation of the regulation."

SENATOR WIELECHOWSKI asked if most of the tinting he does is in violation of the regulation.

MR. BOSWOOD said, "There is no tint manufactured that would be in compliance with the regulation from 1994. We would like to see that regulation changed..."

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ANDREW FELT, Auto Trim Design, said he has installed tinted windows for over 20 years in several different states. He agrees with the sponsor statement that windows that are darker than 30 percent light transmission are a problem. The difficulty is that the current regulation only allows tinting at basically the factory level. Mini vans, sport utility vehicles, and pickup trucks are allowed to have dark glass on the back so this bill would only affect front windows on those types of vehicle.

The company policy is to only tint down to 35 percent on any front door. Business is thriving and very few customers return to have the film removed after having had a run-in with law enforcement. He interprets that to mean that law enforcement is not uncomfortable with the work that Auto Trim Design does. "This law would basically just run out of business all of us doing it for a living and transfer that into a black market of people doing it on their own."

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STEVE VINCENT, General Manager, Auto Trim Design, Fairbanks, expressed the view that SB 78 would allow DMV to make changes to tinting laws via internal interpretation and memo. Now it's a state regulation and this seems to be a shift of power. There are an awful lot of vehicles running around that have 35 percent tint and chances are you wouldn't realize there was any tint at all, he stated. "We think the law ought to be changed to reflect what an awful lot of other states are allowing," he concluded.

MR. BOSWOOD interjected that this is an important matter. People's ability to feed their family is at stake here. He offered to demonstrate that the tinting his company does is safe. This legislation will kill the tinting portion of his business.

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SENATOR MCGUIRE asked him to clarify what light transmission percentage he is advocating.

MR. BOSWOOD explained that the number he is quoting is the actual light transmittance. Current regulation says 70 percent on the front windows and 40 percent on the back windows. A 70 percent tint allows 70 percent of the light to get through and it blocks 30 percent. He asked the committee to hold the bill and change the current regulation to allow tinting that is safe and something that customers want.

SENATOR MCGUIRE asked him to fax his suggestions to Senator French at 465-6595.

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LIEUTENANT NANCY REEDER, Traffic Commander, Anchorage Police Department, stated that she was available to answer questions more than to give testimony, but she wanted to clarify that the state statute and municipal ordinance are both aligned with federal law. Furthermore, law enforcement is not confused about the issue of light transmittance. "We know that there has to be 70 percent light transmittance that shows on those front windows and it's very clear within the current statute." SB 78 is also quite clear; it refers back to the regulations in statute and would simply address those shops that operate outside that regulation.

LT. REEDER, speaking as an officer who has written citations for non-compliance, said that motorists who are ignorant of the law and buy vehicles with after-market tinting are a big problem. Dealerships send vehicles out to these shops for add-ons and they sell those vehicles to the unknowing and uneducated motorist. The motorist pays for the add-on in the vehicle purchase price and then must pay to remove it if they are stopped and cited. SB 78 deals with this issue in the right place, she stated.

In conclusion Lt. Reeder highlighted the issue of night driving. When windows are tinted a driver's ability to see is obscured

and so that motorist becomes more a danger to pedestrians, bikers, and others on the roadway.

SENATOR McGUIRE asked how law enforcement deals with panel vans and if there is any interest in changing how they are treated.

LT. REEDER acknowledged the disparity, but it's legal for those vehicles to be more darkly tinted than passenger vans and cars. Law enforcement realizes it must be more cognizant when approaching those vehicles and takes precautions accordingly, she stated.

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ROB HILL, Autostart Alaska, LLC., said he owns a tint installation center in Anchorage and he can't understand why there is so much concern about this issue. Other states have much higher crime rates yet they have laws that allow much darker window film. As a responsible shop owner this is discouraging. He agrees with Mr. Boswood that there ought to be some reasonable amount of tinting allowed on front windows for cosmetic and glare purposes. It's a safety issue, he said. "I don't like to have people see into my car and see my laptop through the front windows in the backseat."

MR. HILL said that "to bring charges against the installers I think that is a huge can of worms...." It should be left in the hands of the consumers.

SENATOR HUGGINS asked where to buy a light meter to test light transmittance.

MR. HILL replied his company doesn't use a photo meter. He is very forthright in informing customers that law enforcement could require the removal of any customized window tinting.

[3:02:51 PM](#)

MARGARET AUTH, Member, Spenard Community Council, Anchorage, said this issue came up during a council meeting about a year ago. The discussion centered on criminal activity in the neighborhood and it was noted that it is difficult to assess vehicles that have darkly tinted windows. Also, vehicles with dark window tinting are a safety issue for pedestrians and bikers. She relayed a story about a neighbor who purchased a new car that had after-market tinting. He was stopped by law enforcement and required to remove the film. Basically the auto shop received payment twice - first to install the film and next to remove it.

CHAIR FRENCH held SB 78 in committee.

There being no further business to come before the committee,
Chair French adjourned the meeting at [3:05:27 PM](#).