

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

February 28, 2008

1:05 p.m.

**MEMBERS PRESENT**

Senator Albert Kookesh, Chair  
Senator John Cowdery, Vice Chair - via teleconference  
Senator Donald Olson  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Gary Wilken

**COMMITTEE CALENDAR**

SENATE BILL NO. 265

"An Act relating to drivers' licenses and identification cards issued to sex offenders and child kidnappers."

MOVED CSSB 265 (TRA) OUT OF COMMITTEE

SENATE BILL NO. 190

"An Act requiring minors 13 through 17 years of age who are not traveling accompanied by a parent or guardian to present identification and to have authorization from a parent or guardian before receiving a ticket from an airline employee."

HEARD AND HELD

SENATE BILL NO. 189

"An Act making special appropriations for bridge repairs and construction and road construction; and providing for an effective date."

MOVED SB 189 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 265

SHORT TITLE: SEX OFFENDERS & CHILD KIDNAPPERS

SPONSOR(S): SENATOR(S) MCGUIRE

02/13/08	(S)	READ THE FIRST TIME - REFERRALS
02/13/08	(S)	TRA, STA
02/21/08	(S)	TRA AT 1:00 PM BUTROVICH 205
02/21/08	(S)	-- MEETING CANCELED --
02/28/08	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: SB 190

SHORT TITLE: MINORS TRAVELING ALONE BY AIR

SPONSOR(S): SENATOR(S) THERRIAULT

01/16/08	(S)	PREFILE RELEASED 1/4/08
01/16/08	(S)	READ THE FIRST TIME - REFERRALS
01/16/08	(S)	TRA, JUD
02/19/08	(S)	TRA AT 2:00 PM BUTROVICH 205
02/19/08	(S)	Heard & Held
02/19/08	(S)	MINUTE(TRA)
02/28/08	(H)	TRA AT 1:00 PM CAPITOL 17

BILL: SB 189

SHORT TITLE: APPROP.: BRIDGES, SERVICE ROADS, TRAILS

SPONSOR(S): SENATOR(S) THERRIAULT

01/16/08	(S)	PREFILE RELEASED 1/4/08
01/16/08	(S)	READ THE FIRST TIME - REFERRALS
01/16/08	(S)	TRA, FIN
02/19/08	(S)	TRA AT 2:00 PM BUTROVICH 205
02/19/08	(S)	Heard & Held
02/19/08	(S)	MINUTE(TRA)
02/28/08	(H)	TRA AT 1:00 PM CAPITOL 17

**WITNESS REGISTER**

SENATOR LESIL MCGUIRE

Alaska State Capitol

Juneau, AK

**POSITION STATEMENT:** Sponsor of SB 265.

KATHRYN MONFREDA, Chief

Criminal Records and Identification Bureau

Division of Statewide Services

Department of Public Safety (DPS)

Anchorage, AK

**POSITION STATEMENT:** Answered questions on SB 265.

TREVOR FULTON

Staff to Senator McGuire

Alaska State Capitol

Juneau, AK

**POSITION STATEMENT:** Commented on SB 265 for the sponsor.

DAVE STANCLIFF

Staff to Senator Therriault

Alaska State Capitol  
Juneau, AK

**POSITION STATEMENT:** Commented on SB 190 and SB 189 for the sponsor.

MIKE LESMANN, Manager  
Community Relations and Legislative Liaison  
Office of Children's Services  
Department of Health and Social Services (DHSS)  
Juneau, AK

**POSITION STATEMENT:** Supported CSSB 190(TRA).

FRANK RICHARDS, Deputy Commissioner  
Department of Transportation and Public Facilities (DOTPF),  
Juneau, AK

**POSITION STATEMENT:** Supported SB 189.

#### **ACTION NARRATIVE**

**CHAIR ALBERT KOOKESH** called the Senate Transportation Standing Committee meeting to order at [1:05:05 PM](#). Present at the call to order were Senators Olson, Wielechowski, Kookesh and Cowdery via teleconference.

#### **SB 265-SEX OFFENDERS & CHILD KIDNAPPERS**

[1:05:41 PM](#)

CHAIR ALBERT KOOKESH announced SB 265 to be up for consideration.

SENATOR LESIL MCGUIRE, sponsor of SB 265, said she brought a committee substitute version E.

SENATOR BILL WIELECHOWSKI moved to adopt CSSB 265, labeled 25-LS1449\E. There were no objections and it was so ordered.

SENATOR MCGUIRE said the goal of the bill is to try and capture the 1 out of 10 sex offenders who are not registering.

[1:06:06 PM](#)

SENATOR MCGUIRE said her first attempt was modeled after Nevada that said when you into the Division of Motor Vehicles (DMV), you would have to be sure you were in compliance with state law, which is why it was originally referred to the Transportation Committee.

SENATOR MCGUIRE said neither the DMV nor the Department of Administration (DOA) support the Nevada model, so she looked at other ways to get compliance for the outstanding 11 percent. She and staff came up with using the Permanent Fund Dividend (PFD) application process as a tool, because it would probably bring more people into compliance than using a driver's license would and the administrative costs would be minimized. She said this new CS also addressed the fact that rural Alaska does not have DMV offices located in all of Alaska's small communities.

CHAIR KOOKESH said since SB 265 no longer had a transportation component, he wanted to move it on to the State Affairs Committee.

SENATOR DONALD OLSON asked why they decided not to follow the Nevada model.

SENATOR MCGUIRE replied that the concerns raised centered primarily around rural Alaska and how people would be able to get in on an annual basis to get their drivers' license renewed. It would be a hardship for them. The other concern was more of an administrative issue. DMV is actually under the Department of Administration (DOA) and not the Department of Public Safety (DPS) and DOA had concerns about how this program would be administered. However, she said the Nevada has worked incredibly well there and it might be something they could consider in the future.

SENATOR WIELECHOWSKI asked if the bill needs a resolution for a title change.

SENATOR MCGUIRE replied that could be addressed in the State Affairs Committee.

[1:09:33 PM](#)

SENATOR JOHN COWDERY asked how many offenders receive PFDs.

SENATOR MCGUIRE replied that statistics show between 10 and 11 percent of all felony sex offenders required to register are not complying.

KATHRYN MONFREDA, Chief, Criminal Records and Identification Bureau, Division of Statewide Services, Department of Public Safety (DPS), said her duties include administration of the sex offender registry and between 195 and 305 offenders are out of compliance with the registration process. A quick study of 40 out-of-compliance offenders indicated that two-thirds had

applied for PFDs where half of them had a valid driver's license or ID

SENATOR COWDERY asked if people who apply for PFDs were now going to have to go through some sort of screening process, because that's what her sponsor statement sounded like.

SENATOR MCGUIRE answered that they are working on the actual process, but she didn't envision a background check. Rather she thought if someone's name popped up as someone out of compliance, that would initiate a verification process at that level.

TREVOR FULTON, staff to Senator McGuire, responded that the sponsor statement was referring to the Nevada model where every time a person renewed his driver's license an electronic query would be sent to the sex offender registry. The query would come back as either a zero, a one or a two. A two indicates a convicted sex offender who is out of compliance.

SENATOR WIELECHOWSKI asked if the Permanent Fund and if it had taken a position on this bill and if it had a fiscal note.

CHAIR KOOKESH replied that a fiscal note had been requested, but it hadn't arrived yet.

SENATOR MCGUIRE also replied that the Permanent Fund didn't oppose the bill, but they were working with her to make sure the administrative process was set up in a way that would work with their business practices.

[1:14:05 PM](#)

SENATOR WIELECHOWSKI moved to report CSSB 265(TRA) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

CHAIR KOOKESH called a short at ease and called the meeting back to order at [1:14:36 PM](#).

**SB 190-MINORS TRAVELING ALONE BY AIR**

[1:14:36 PM](#)

CHAIR ALBERT KOOKESH announced SB 190 to be up for consideration.

SENATOR DONALD OLSON moved to adopt CSSB 190, labeled 25-LS1061\C. There were no objections and it was so ordered.

DAVE STANCLIFF, staff to Senator Therriault, sponsor of SB 190, said the CS addressed a couple of concerns that were raised at the last committee meeting. One was regarding carriers that operate only in-the state and recognizing that a lot of people in rural Alaska move about without having the opportunity to comply with the provisions in the bill. So on page 1, line 8, language was inserted saying "receiving a ticket to a destination outside the state from an airline employee" and on page 2, lines 3-5 a new provision was added saying:

(c) The provisions of (a) of this section do not apply to a state resident not younger than 13 years of age and not older than 17 years of age who is in legal or physical custody of the state.

MR. STANCLIFF said a memo from the Department of Law commented on constitutionality that would be taken up in the Judiciary Committee.

SENATOR OLSON asked if he had talked to other carriers that provide out-of-state service or to White Horse, for instance.

MR. STANCLIFF replied no; he assumed people traveling out of the country would already need the proper credentials.

SENATOR OLSON said the question has to do more with permission from the parents and the burden that would put on the small carriers that aren't even certificated in the United States, like Air North.

MR. STANCLIFF said research has found that some carriers like Qantas require IDs for people of every age just because they don't want the liability of having something happen to a minor. Era Aviation has different standards than Alaska Airlines, but the one thing they all have in common is there is something magical about the age 13, because under that age, all carriers require some kind of ID or permission slip. But from ages 13 to 17 there is a gap. They hoped carriers would see this legislation as favorable in terms of limiting their liability should anything happen to a minor that doesn't have proper ID or permission to be on a flight that goes down.

[1:19:32 PM](#)

CHAIR KOOKESH asked his impression of the Alaska Air Carriers Association letter that wasn't favorable.

MR. STANCLIFF replied their position was well-taken with regard to the types of flying they do and also some of their concerns no longer applied with the adoption of the CS.

CHAIR KOOKESH said they had a copy of the CS at the time they issued their position.

MR. STANCLIFF replied that he couldn't understand their opposition.

SENATOR OLSON said his other concern was that the DMV in Nome has had its office closed because no one was hired to work there and residents were concerned about just being able to get an ID.

MR. STANCLIFF said Alaska Airlines expressed some logistical concerns they would have if this were implemented. Their objections were based on the fact that Alaskans should not go further than what is required under the TSA and existing airline regulations. His research into what other airlines have indicates that their policies are all over the place. Many air carriers are stricter than TSA and he thought it was a liability issue.

SENATOR COWDERY said the Alaska Airlines people he talked to last Saturday definitely oppose this bill, but he wanted to ask if a young person needs written permission to fly.

MR. STANCLIFF replied yes.

SENATOR COWDERY said that he remembers that kids forged a lot of names in their school days for less important things and asked how those signatures would be verified. He thought the bill needed more work.

MR. STANCLIFF replied there is no way to guarantee a child won't get on board an aircraft and forge anything.

[1:25:30 PM](#)

MIKE LESMANN, Manager, Community Relations and Legislative Liaison, Office of Children's Services, Department of Health and Social Services (DHSS), supported CSSB 190(TRA) and primarily the language that exempts children in the custody of DHSS. He said that kids in the state's custody are not unaccompanied; they are sometimes with their biological parent or a blood relative, a foster parent or one of his staff. They have paper work with them and if the bill became law in its current form,

it might make it difficult for the department to act in a child's interest quickly.

SENATOR WIELECHOWSKI asked if the Palin Administration supported the bill.

MR. LESMANN answered that he could only address the exemption in the CS for the DHSS.

SENATOR COWDERY held to his opinion that the bill needed more work.

SENATOR OLSON said he was not in favor of bill.

CHAIR KOOKESH said he wanted a little more time to spend with the air carriers association to alleviate some of their concerns and held SB 190.

**SB 189-APPROP.: BRIDGES, SERVICE ROADS, TRAILS**

[1:29:12 PM](#)

CHAIR ALBERT KOOKESH announced SB 189 to be up for consideration.

DAVE STANCLIFF, staff to Senator Therriault, sponsor of SB 189, reviewed that this bill addressed the most important component of the state's highway system especially in light of some of the construction that is anticipated with the gasline. A number of bridges have been investigated since the bridge disaster in the Lower 48 and have been identified as at-risk and in need of serious work. At the last meeting Senator Cowdery had requested information that the Department of Transportation and Public Facilities (DOTPF) has provided.

SENATOR COWDERY asked if the administration had requested any money for these bridges and how many federal dollars would be involved if the state funds the program.

FRANK RICHARDS, Deputy Commissioner, Department of Transportation and Public Facilities (DOTPF), replied that the bill asks for an appropriation from the general fund and doesn't mention federal funding. He said the state has federal funding through the Highway Administration for bridges, but it is already allocated and these needs are greater than the available resources. He said this bill would address some bridges that currently have structural deficiencies, but aren't in the near-term spending plan.

SENATOR WIELECHOWSKI asked if the administration supports this bill.

MR. RICHARDS answered yes.

SENATOR WIELECHOWSKI asked if he asked for this money from the general fund.

MR. RICHARDS replied that DOTPF didn't request it as part of its capital budget; Senator Therriault brought this bill forward.

SENATOR WIELECHOWSKI asked why they didn't request funds through the budget process.

MR. RICHARDS replied in preparing the capital and operating budget for FY'09 the department received guidance from the governor's office in terms of the level of funding. Subsequently, additional bills were put forward such as the G.O. Bond package for \$121 million of highway needs and the Alaska Transportation Fund that created an endowment that created approximately \$50 million/year earnings that could be used to cover transportation needs across the state.

[1:33:45 PM](#)

SENATOR COWDERY commented that for this amount of money the state should get as much leverage out of it as it can.

SENATOR OLSON agreed and added this approach seemed contradictory if the administration is in favor of it, but is not asking for it.

SENATOR OLSON moved to report SB 189 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

There being no further business to come before the committee, Chair Kookesh adjourned the meeting at [1:35:53 PM](#).