

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 8, 2011

9:02 a.m.

**MEMBERS PRESENT**

Senator Bill Wielechowski, Chair  
Senator Joe Paskvan, Vice Chair  
Senator Albert Kookesh  
Senator Kevin Meyer  
Senator Catherine Giessel

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 36

"An Act relating to an opt-out charitable giving program offered by an electric or telephone cooperative."

- MOVED CSSB 36(STA) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 1

Designating May 2011 as Lupus Awareness Month.

- MOVED CSSCR 1(STA) OUT OF COMMITTEE

SENATE BILL NO. 7

"An Act relating to the civil rights of felons."

- MOVED SB 7 OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 28(FIN)

"An Act relating to temporary courtesy licenses for certain nonresident professionals and to a temporary exemption from fees and other licensing requirements for active duty members of the armed forces."

- HEARD AND HELD

HOUSE BILL NO. 98

"An Act relating to display, folding, presentment, and retirement of the state flag."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 36

SHORT TITLE: OPT-OUT CHARITABLE GIVING PROGRAM

SPONSOR(s): SENATOR(s) THOMAS

01/19/11 (S) PREFILE RELEASED 1/14/11  
01/19/11 (S) READ THE FIRST TIME - REFERRALS  
01/19/11 (S) STA, JUD  
03/01/11 (S) STA AT 9:00 AM BUTROVICH 205  
03/01/11 (S) Heard & Held  
03/01/11 (S) MINUTE(STA)  
03/08/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SCR 1

SHORT TITLE: LUPUS AWARENESS MONTH

SPONSOR(s): SENATOR(s) DAVIS

01/19/11 (S) READ THE FIRST TIME - REFERRALS  
01/19/11 (S) STA, HSS  
03/01/11 (S) STA AT 9:00 AM BUTROVICH 205  
03/01/11 (S) Heard & Held  
03/01/11 (S) MINUTE(STA)  
03/08/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SB 7

SHORT TITLE: FELONS' RIGHT TO VOTE OR BE JURORS

SPONSOR(s): SENATOR(s) DAVIS

01/19/11 (S) PREFILE RELEASED 1/7/11  
01/19/11 (S) READ THE FIRST TIME - REFERRALS  
01/19/11 (S) STA, JUD  
02/03/11 (S) STA AT 9:00 AM BUTROVICH 205  
02/03/11 (S) Heard & Held  
02/03/11 (S) MINUTE(STA)  
03/08/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: HB 28

SHORT TITLE: TEMP LICENSE/FEE WAIVER FOR PROFESSIONALS

SPONSOR(s): REPRESENTATIVE(s) THOMAS, HERRON, FEIGE

01/18/11 (H) PREFILE RELEASED 1/7/11  
01/18/11 (H) READ THE FIRST TIME - REFERRALS  
01/18/11 (H) L&C, FIN  
02/07/11 (H) L&C AT 3:15 PM BARNES 124

02/07/11 (H) Moved CSHB 28(L&C) Out of Committee  
 02/07/11 (H) MINUTE(L&C)  
 02/09/11 (H) L&C RPT CS(L&C) NT 7DP  
 02/09/11 (H) DP: THOMPSON, SADDLER, JOHNSON, HOLMES,  
 MILLER, SEATON, OLSON  
 02/16/11 (H) FIN AT 1:30 PM HOUSE FINANCE 519  
 02/16/11 (H) Moved CSHB 28(FIN) Out of Committee  
 02/16/11 (H) MINUTE(FIN)  
 02/18/11 (H) FIN RPT CS(FIN) NT 11DP  
 02/18/11 (H) DP: FAIRCLOUGH, GARA, T.WILSON,  
 GUTTENBERG, JOULE, NEUMAN, COSTELLO,  
 EDGMON,  
 02/18/11 (H) DOOGAN, STOLTZE, THOMAS  
 02/23/11 (H) TRANSMITTED TO (S)  
 02/23/11 (H) VERSION: CSHB 28(FIN)  
 02/24/11 (S) READ THE FIRST TIME - REFERRALS  
 02/24/11 (S) STA, L&C  
 03/08/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: HB 98

SHORT TITLE: HANDLING OF STATE FLAG

SPONSOR(S): REPRESENTATIVE(S) JOHNSON

01/18/11 (H) READ THE FIRST TIME - REFERRALS  
 01/18/11 (H) STA  
 02/17/11 (H) STA AT 8:00 AM CAPITOL 106  
 02/17/11 (H) Moved Out of Committee  
 02/17/11 (H) MINUTE(STA)  
 02/18/11 (H) STA RPT 5DP  
 02/18/11 (H) DP: JOHANSEN, KELLER, SEATON, PETERSEN,  
 LYNN  
 02/25/11 (H) TRANSMITTED TO (S)  
 02/25/11 (H) VERSION: HB 98  
 02/28/11 (S) READ THE FIRST TIME - REFERRALS  
 02/28/11 (S) STA  
 03/08/11 (S) STA AT 9:00 AM BUTROVICH 205  
 02/16/11 (H) Moved CSHB 28(FIN) Out of Committee  
 02/16/11 (H) MINUTE(FIN)  
 02/18/11 (H) FIN RPT CS(FIN) NT 11DP  
 02/18/11 (H) DP: FAIRCLOUGH, GARA, T.WILSON,  
 GUTTENBERG, JOULE, NEUMAN, COSTELLO,  
 EDGMON,  
 02/18/11 (H) DOOGAN, STOLTZE, THOMAS  
 02/23/11 (H) TRANSMITTED TO (S)  
 02/23/11 (H) VERSION: CSHB 28(FIN)  
 02/24/11 (S) READ THE FIRST TIME - REFERRALS  
 02/24/11 (S) STA, L&C

03/08/11

(S)

STA AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

GRIER HOPKINS, Staff to Senator Joe Thomas  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented CSSB 36 for sponsor.

ED SNIFFEN  
Assistant Attorney General  
Consumer Protection and Antitrust Enforcement  
Civil Division  
Department of Law  
Anchorage, AK

**POSITION STATEMENT:** Answered questions regarding CSSB 36(STA),  
version B.

JOE GALLAGHER  
Homer Electric Association  
Homer, AK

**POSITION STATEMENT:** Testified in support of CSSB 36(STA),  
version B.

SENATOR BETTYE DAVIS  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Sponsor of SCR 1.

SARAH CHAMBERS  
Division of Corporations and Professional Licensing  
Department of Commerce and Economic Development  
Juneau, AK

**POSITION STATEMENT:** Answered questions regarding HB 28.

KACI SCHROEDER, Staff to Representative Bill Thomas  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented HB 28 for Representative Bill  
Thomas, sponsor.

MARK SANSOUCI  
Department of Defense  
Liaison for Military Families  
Seattle, AK

**POSITION STATEMENT:** Testified in support of HB 28.

JEANNE OSTNES, Staff to Representative Craig Johnson  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented HB 98 for Representative Craig Johnson, sponsor.

BIANCA ARMSTRONG, Junior Reserve Officer Training Corps  
Diamond High School  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of HB 98.

ROBERT HOWSER, JROTC Battalion Commander  
Diamond High School  
Anchorage, AK

**POSITION STATEMENT:** Testified in support of HB 98.

#### **ACTION NARRATIVE**

[9:01:44 AM](#)

CHAIR BILL WIELECHOWSKI called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Giessel, Meyer, Paskvan and Chair Wielechowski.

#### **SB 36-OPT-OUT CHARITABLE GIVING PROGRAM**

[9:02:05 AM](#)

CHAIR WIELECHOWSKI announced the first order of business would be SB 36.

SENATOR PASKVAN moved to adopt CS for SB 36( ), labeled 27-LS0342\B, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

GRIER HOPKINS, staff to Senator Joe Thomas, sponsor of SB 36, said the changes in version B add a sentence to the title, which now includes the provision allowing an electric cooperative to assist persons in acquiring and installing weatherization and energy efficiency products and services. This change occurs in section 2, page 2, and line 29.

[9:04:23 AM](#)

SENATOR KOOKESH joined the meeting.

Currently, utilities can only provide financing programs for electrical appliances and plumbing upgrades. Homer Electric Association runs a line of credit program for its members, and a number of them have asked for help with energy efficiency and weatherization programs. On page 4, lines 13 - 17, the CS defines "charitable program" for purposes of the bill.

SENATOR KOOKESH asked how it works if a customer asks for a full three-year refund.

MR. HOPKINS answered that the cooperatives are required to keep a reserve fund for this purpose. The donation is a maximum of 99 cents per bill or \$36 per customer over a three year period.

CHAIR WIELECHOWSKI asked Mr. Sniffen to define "charitable purpose."

ED SNIFFEN, Assistant Attorney General, Consumer Protection and Antitrust Enforcement, Civil Division, Department of Law (DOL), Anchorage, said there were some questions regarding the definition of "charitable purpose," and limiting language was discussed at the last meeting. The CS language tracks the language currently in the bill under section 01.013 to allow donations to a charitable, scientific, or educational purpose, but specifically restricts the use of money for any pecuniary profit or for a labor organization. A charitable purpose is further defined as relief of poverty, distress, or any other condition of concern to the state.

[9:10:19 AM](#)

JOE GALLAGHER, Homer Electric Association, spoke in support of CSSB 36( ), version B. He said the bill would allow the association to assist people in installing weatherization and energy efficiency products and services. The association already has a financing program for appliances, which has worked very well. Members would like to add weatherization and energy efficiency products. Because of restrictions in the current law, the association is unable to do this. The goal of the CS is to add language that allows them to help finance energy efficiency projects.

[9:11:11 AM](#)

CHAIR WIELECHOWSKI closed public testimony, and removed his objection.

SENATOR PASKVAN moved to report CS for SB 36( ), version B, from committee with individual recommendations and accompanying fiscal notes.

CHAIR WIELECHOWSKI announced that without objection, CSSB 36(STA) passed from the Senate State Affairs Standing Committee.

**SCR 1-LUPUS AWARENESS MONTH**

[9:12:21 AM](#)

CHAIR WIELECHOWSKI announced consideration of SCR 1 [version B was before the committee].

SENATOR BETTYE DAVIS, sponsor of SCR 1, offered to answer question.

CHAIR WIELECHOWSKI noted there was a zero fiscal note.

SENATOR PASKVAN moved to report CS for SCR 1, version B, from committee with individual recommendations and accompanying fiscal notes.

CHAIR WIELECHOWSKI announced that without objection, CSSCR 1(STA) passed from the Senate State Affairs Standing Committee.

**SB 7-FELONS' RIGHT TO VOTE OR BE JURORS**

[9:14:03 AM](#)

CHAIR WIELECHOWSKI announced the next order of business would be SB 7, which would give convicted felons the right to vote or be jurors immediately upon their release from incarceration. He noted many states have recently revised their laws in this area. It is a complex issue in Alaska because our state constitution specifically provides that:

No person may vote who has been convicted of a felony involving moral turpitude unless his civil rights have been restored." This phrase is not defined and has not been interpreted by our state courts, and its meaning is a matter of speculation.

SENATOR BETTYE DAVIS, sponsor of SB 7, said the bill is needed.

SENATOR PASKVAN moved to report SB 7 from committee with individual recommendations and accompanying fiscal notes.

SENATOR GIESSEL objected and said she has heard concerns from her constituents who are crime victims that felons on probation and parole are still under sentence, and it would be inappropriate to give them some kind of special exemption from fulfilling that sentence. Their victims did not choose to be victims.

She noted a recent article in the Seattle Times that discusses granting special privileges to ex-convicts. The author provides interim housing for felons, and talks at length about how this is a very tricky business. These people have committed serious crimes, and they are not victimless crimes. People on probation and parole are still under sentence. Allowing them to vote is the wrong direction; instead, we should help them serve their parole and probation to regain their rights and credibility.

[9:20:12 AM](#)

CHAIR WIELECHOWSKI agreed it is a delicate issue. But, he noted, the recidivism rate appears to drop when people are allowed to vote. If the state can cut that rate by even 2 percent, it will save money and prevent future victims. He also said the bill has a referral to the Judiciary committee.

SENATOR KOOKESH said giving ex-felons the right to vote does not absolve them of their crimes; it just gets them a step closer to being part of society. He stated the Native community has the highest number of incarcerated people in the state. Forcing people on probation to stay in urban centers is part of the recidivism problem. Whatever can be done to return them to society is what we should do. Recidivism would drop. This would be a good step. Perhaps we should give felons the right to vote when their probationary period is done. He said he wants to move the bill on for further discussion.

[9:23:56 AM](#)

SENATOR GIESSEL said that felons already regain the right to vote after their probation is completed.

SENATOR GIESSEL removed her objection.

SENATOR PASKVAN moved to report SB 7 from committee with individual recommendations and attached fiscal note(s). There being no objection, it was so ordered.

**HB 28-TEMP LICENSE/FEE WAIVER FOR PROFESSIONALS**

CHAIR WIELECHOWSKI announced the next order of business would be HB 28. [CSHB 28(FIN) was before the committee.]

9:28:26 AM

KACI SCHROEDER, staff to Representative Bill Thomas, sponsor of HB 28, said the bill would allow a military spouse to obtain a temporary license to practice their profession while they are in the state. Military spouses are some of the most transient populations in the country, and being able to maintain employment is extremely important to military spouses and families. She noted that teachers and attorneys are not covered in the bill. Teachers in Alaska are not regulated by the Department of Commerce (DCCED); they are regulated by the Department of Education, which has already addressed this issue. Attorneys also have their own regulatory system, and they can come to the state and practice on a temporary basis before taking the bar exam.

CHAIR WIELECHOWSKI asked if doctors are covered.

MS. SCHROEDER answered yes.

SENATOR GIESSEL noted that if a nurse is licensed in the state of Maryland and put on active duty at Elmendorf, the federal government covers that by maintaining that person's license. They are not licensed in Alaska or under jurisdiction of the Board of Nursing in Alaska.

MS. SCHROEDER replied the intent of the bill is that if a person licensed in Alaska is called to active duty for some reason, they are not at risk of losing their Alaska license while serving on active duty anywhere in the world. They are not required to pay licensing fees or keep up with continuing education while they out of state on active duty.

9:31:46 AM

SENATOR KOOKESH asked for clarification that the section refers only to Alaska residents.

MS. SCHROEDER answered yes.

SENATOR GIESSEL asked what is the intent of the language on page 2, referring to 180 days after active duty ends.

MS. SCHROEDER replied they wanted an exemption but they don't want a person who has been gone to drop back in without any licensing requirements. This gives them six months to get back

to speed without practicing; then they can complete requirements and return to practicing their profession.

[9:33:44 AM](#)

SENATOR GIESSEL asked how this would be enforced.

MS. SCHROEDER answered DCCED could speak to enforcement.

[9:34:50 AM](#)

SARAH CHAMBERS, Program Coordinator, Professional Licensing, Division of Corporations, Department of Commerce, Community and Economic Development (DCCED), said part of their task will be to develop mechanisms to make sure these things are done. She said that DCCED has an investigations wing and administrative relationships with the military and other agencies to gather information. They feel confident they can protect the public.

SENATOR KOOKESH mentioned fees and other requirements, and asked if this applies to 180 days after leaving active duty.

MS. CHAMBERS stated that was correct.

SENATOR GIESSEL said having had the honor to serve on a regulatory board she understands the complexities involved; the board has a responsibility to insure that ineligible people are not practicing and that they are bringing themselves up to speed with whatever they may have missed. She also wondered about the cost to the regulatory board should there be a violation.

[9:38:09 AM](#)

MS. CHAMBERS responded the division regulates 40 different licenses. Sometimes a person on active duty will be engaged in their profession, while some may not. This is not really a one-size-fits-all program, and will not be enacted that way. It will be the task of DCCED to work through the needed processes. Regarding a fiscal note, the division director believes they will work to be proactive rather than reactive. The division feels the risk will be minimal, and they should be able to absorb any costs through current fees and receipts.

SENATOR KOOKESH stated that many people returning from the military have a lot of emotional problems. They need the six months afterwards to get back on their feet. This bill gives them time to adjust.

MS. CHAMBERS answered that is correct. Six months was chosen because it does take time to disengage from active duty and return to society.

SENATOR MEYER said the bill is interesting and worthwhile. If the division says there are no additional costs, he will trust that opinion. He asked how many people will be affected, and if other states have done this.

MS. SCHROEDER replied it is difficult to track that kind of data, but they estimate there are 8,000 military spouses in the state, with maybe 1,000 who require licensing.

[9:43:38 AM](#)

SENATOR MEYER asked about other states.

MS. SCHROEDER answered that both Colorado and Florida have done something similar.

CHAIR WIELECHOWSKI asked if the bill had a Finance Committee referral, and how many people might take advantage.

MS. SCHROEDER replied there was no Finance referral.

CHAIR WIELECHOWSKI said the bill would seem to have a fiscal impact.

MS. CHAMBERS responded that the first section of the bill requires military spouses to pay all fees when applying for licenses. The second portion relates to actual active duty military that would already be currently licensed by the state.

CHAIR WIELECHOWSKI asked if there might be any equal protection arguments against the bill.

MS. SCHROEDER explained the impacts are not necessarily out-of-state vs. in-state. The only difference for military spouses is for their licenses to be expedited. Also, it is not uncommon for military groups to be treated differently, especially in times of war.

CHAIR WIELECHOWSKI asked if the bill includes the Coast Guard and National Guard.

MS. SCHROEDER answered that it does.

SENATOR GIESSEL noted that some of the most exemplary health care providers in state are retired military. She asked if a board has more stringent requirements in place, does this bill lower those requirements.

MS. SCHROEDER answered no.

[9:47:19 AM](#)

MARK SANSOUCI, Liaison for military families in the Northwest, Department of Defense (DOD), said military spouse careers is a top priority of First Lady Michelle Obama. Military families need the dual incomes and there is also concern for retention and reenlisting. Fifty-nine percent of military members are married; 72 percent of those are in the NCO and officer class. DOD data shows that today in Alaska there are 13,229 active duty military spouses. Roughly 50 percent of them are employed, so that would be about 6,500. They don't know how many may be licensed.

CHAIR WIELECHOWSKI asked what the percentages are in other states.

MR. SANSOUCI answered that in Florida the bill was just enacted in July 2010, so they don't have good numbers yet. Colorado has a different way of handling licenses, so there is no real comparison.

CHAIR WIELECHOWSKI said it would be helpful to have that data.

[9:51:04 AM](#)

CHAIR WIELECHOWSKI closed public testimony and held HB 28 in committee.

### **HB 98-HANDLING OF STATE FLAG**

[9:51:32 AM](#)

CHAIR WIELECHOWSKI announced the next order of business would be HB 98, which would establish a standardized procedure for handling of the state flag.

JEANNE OSTNES, staff to Representative Craig Johnson, sponsor of HB 98, said the bill adds subsections and two new sections to AS 44.09.030. The bill would bring standardization in handling the state flag in Alaska. It is designed to insure consistent, respectful, and appropriate procedures for display of the flag.

[9:54:21 AM](#)

BIANCA ARMSTRONG, Junior Reserve Officer Training Corps (JROTC), Diamond High School, Anchorage, said the idea for the bill came from a service learning project. While looking in state statutes, they noticed there were no guidelines for the state flag.

ROBERT HOWSER, JROTC Battalion Commander, Diamond High School, said they wanted a more unique way to fold the Alaska flag in comparison to the U.S. flag. They wanted to fold it so that the North Star would be on top.

[9:56:00 AM](#)

Members were shown a video of a flag ceremony made by the JROTC students, showing how to fold the flag.

MS. OSTNES said she wanted to recognize the students for their work on the video and for taking the time to testify during their spring break. They also prepared a booklet for use by each school district or senate district. She displayed a draft mock-up of the booklet. Most important is placement of the flag and folding it properly.

[10:03:34 AM](#)

SENATOR PASKVAN noted there are many ways of displaying the state flag. Many people wear bandanas, patches, or t-shirts. He hopes the bill would encourage correct procedures but not ban other types of display.

MS. OSTNES responded that was correct. There was no standard procedure for vertical hanging of the state flag. The bill sponsor just wants to make a uniform policy, and no penalties would be involved.

CHAIR WIELECHOWSKI said perhaps the bill should refer to display in a public place.

[10:06:19 AM](#)

MS. OSTNES replied the booklet goes into extensive etiquette.

SENATOR PASKVAN pointed out that the flag could be displayed many different ways in different places; for instance, in a newspaper advertisement. He said the first Alaska Legislature did not put a penalty for improper display of flags. He does not want to see any penalty or punishment.

MS. OSTNES confirmed there are no penalties in the bill, just basic guidelines. The booklet could be educational. It is a draft and things can change.

[10:09:23 AM](#)

SENATOR MEYER asked how to obtain the booklet.

MS. OSTNES answered the print shop is printing them now.

SENATOR MEYER said he recently gave a state flag that had flown over the Capitol Building to a deceased soldier's parents, and the booklet would make a nice addition to such a gift.

CHAIR WIELECHOWSKI announced HB 98 would be held in committee.

[10:11:00 AM](#)

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee meeting at 10:11 a.m.