

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

March 18, 2014

9:02 a.m.

**MEMBERS PRESENT**

Senator Fred Dyson, Chair  
Senator Cathy Giessel, Vice Chair  
Senator John Coghill  
Senator Bill Wielechowski

**MEMBERS ABSENT**

Senator Bert Stedman

**COMMITTEE CALENDAR**

SENATE CONCURRENT RESOLUTION NO. 17

Commemorating the 150th anniversary of the purchase of Alaska for \$7,200,000; urging Alaska communities to plan activities and events in 2017 to commemorate the Alaska Purchase; requesting that the Alaska Historical Commission coordinate events; and inviting Alaska communities, schools, universities, libraries, museums, businesses, civic and historical groups, and government agencies to participate in and support commemorative activities and events.

- MOVED SCR 17 OUT OF COMMITTEE

SENATE BILL NO. 206

"An Act relating to motor vehicle registration and fees; relating to licensing of school bus drivers; relating to notice of an accident involving a motor vehicle; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 174

"An Act relating to the procurement of leases for legislative office space."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SCR 17

SHORT TITLE: 150TH ANNIVERSARY OF ALASKA PURCHASE  
SPONSOR(s): RULES

02/26/14 (S) READ THE FIRST TIME - REFERRALS  
02/26/14 (S) STA  
03/18/14 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SB 206

SHORT TITLE: VEHICLE REGIS/LICENSING/ACCIDENT REPORTS  
SPONSOR(s): MICCICHE

02/26/14 (S) READ THE FIRST TIME - REFERRALS  
02/26/14 (S) STA  
03/18/14 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SB 174

SHORT TITLE: LEASES FOR LEGISLATIVE OFFICE SPACE  
SPONSOR(s): WIELECHOWSKI

02/14/14 (S) READ THE FIRST TIME - REFERRALS  
02/14/14 (S) STA, FIN  
03/18/14 (S) STA AT 9:00 AM BUTROVICH 205

**WITNESS REGISTER**

ERIN HANSON, Staff  
Senator McGuire  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided an overview of SCR 17.

BARBARA PROPES, Staff  
Office of the Lieutenant Governor  
Alaska State Capitol  
Juneau, Alaska

**POSITION STATEMENT:** Addressed the 150th Anniversary of the Alaska Purchase in 2017.

SENATOR PETER MICCICHE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** SB 206 sponsor.

LARRY SEMMENS, Staff  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Addressed questions pertaining to SB 206.

AMY ERICKSON, Director  
Division of Motor Vehicles (DMV)  
Alaska Department of Administration  
Anchorage, Alaska

**POSITION STATEMENT:** Addressed DMV related questions regarding SB 206.

TIFFANY THOMAS, Driver Licensing Manager  
Division of Motor Vehicles (DMV)  
Alaska Department of Administration  
Anchorage, Alaska

**POSITION STATEMENT:** Addressed DMV related questions regarding SB 206.

LIEUTENANT RODNEY DIAL, Deputy Commander  
Division of Alaska State Troopers (AST)  
Alaska Department of Public Safety  
Ketchikan, Alaska

**POSITION STATEMENT:** Addressed AST related questions pertaining to SB 206.

ANNE CARPENETI, Assistant Attorney General  
Criminal Division  
State of Alaska Department of Law (ADOL)  
Juneau, Alaska

**POSITION STATEMENT:** Addressed ADOL related questions regarding SB 206.

MONICA SOUTHWORTH, Staff  
Senator Wielechowski  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided an overview of SB 174.

#### **ACTION NARRATIVE**

[9:02:38 AM](#)

**VICE-CHAIR CATHY GIESSEL** called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Coghill, Wielechowski, and Vice-Chair Giessel.

#### **SCR 17-150TH ANNIVERSARY OF ALASKA PURCHASE**

[9:03:28 AM](#)

ERIN HANSON, Staff, Senator McGuire, Alaska State Legislature, Juneau, Alaska, provided an overview of SCR 17 as follows:

SCR-17 is a resolution commemorating the 150th anniversary of the purchase of Alaska for \$7.2 million. Urging Alaskan communities to plan activities and events in 2017 to commemorate the Alaska purchase. Requesting that the Alaska Historical Commission (AHC) coordinate events and inviting Alaska communities, schools, universities, libraries, museums, businesses, civic and historical groups, and government agencies to participate in and support commemorative activities and events. As Alaskans we all share a unique and special pride in our great state, from rich Alaska native heritage, to our unparalleled natural resources, our majestic landscapes, to our diverse communities, plus some of the most caring and resilient people in the country. This resolution gives us the opportunity to reflect on the history of Alaska under the American flag and share with the rest of the nation what makes our state so strong. The United States purchased Alaska from Russia in 1867 for \$7.2 million, or about 2 cents an acre. The 150th Anniversary of the purchase is an ideal opportunity for all Alaskans to celebrate our state's remarkable history. SCR 17 recognizes the historic significance of the anniversary of the purchase and encourages all Alaskan communities to participate in celebration statewide.

She noted that SCR 17 comes with a zero fiscal note.

[9:05:28 AM](#)

SENATOR WIELECHOWSKI pointed out that "sesquicentennial" is defined as 150 years.

SENATOR COGHILL remarked that it is important for Alaskans to begin to look at Alaska's sesquicentennial from the time of the purchase until now. He pointed out that Alaska was purchased by the federal government and the state was ultimately granted 104 million acres. He noted that the Alaska was probably one of the largest geographic transfers that was done without bloodshed.

[9:07:20 AM](#)

BARBARA PROPES, Staff, Office of the Lieutenant Governor, Alaska State Capitol, Juneau, Alaska, said AHC has been working on the

sesquicentennial event and noted that interest and support was growing across the state. She pointed out that AHC has been working considerably with the native communities to make sure all sides are heard. She added that AHC has reached out to Seattle and other states that have been affected by Alaska. She said the hope is for the sesquicentennial event to gain national appeal as well.

SENATOR COGHILL asked what organization will be overseeing the event.

MS. PROPES answered the Alaska Historical Commission (AHC). She noted that by statute, the Lieutenant Governor serves on AHC and currently acts as Chair. She added that she is the current point of contact for the sesquicentennial event.

SENATOR COGHILL noted the importance in having Alaskans learn about their state's history and its impact on addressing present day issues.

[9:09:14 AM](#)

VICE-CHAIR GIESSEL announced that seeing no additional requests for testimony, public testimony is closed.

[9:09:22 AM](#)

SENATOR COGHILL moved to report SCR 17 from committee with individual recommendations and attached zero fiscal note.

[9:09:34 AM](#)

VICE-CHAIR GIESSEL declared that seeing no objections, SCR 17 moves from committee.

[9:09:38 AM](#)

VICE-CHAIR GIESSEL announced that the committee will stand at ease.

#### **SB 206-VEHICLE REGIS/LICENSING/ACCIDENT REPORTS**

[9:10:16 AM](#)

VICE-CHAIR GIESSEL called the committee back to order. She announced the consideration of SB 206.

[9:10:22 AM](#)

SENATOR PETER MICCICHE, Alaska State Legislature, Juneau, Alaska, SB 206 sponsor.

LARRY SEMMENS, Staff, Alaska State Legislature, Juneau, Alaska.

SENATOR MICCICHE said SB 206 is an act relating to motor vehicle registration, school bus driver licensing, and motor vehicle accident notice. He explained that SB 206 is his vision to allow Alaskans to use the internet to manage their DMV fees and licensing requirements in the same manner as other purchasing and billing activities that are done online.

He specified that SB 206 will do the following:

1. Allows DMV to use the internet to increase customer service efficiency.
2. Ultimately reduces DMV's operational costs.
3. Places into statute a \$10 service fee for in-person vehicle renewals.
4. Allows DMV to receive immediate electronic accident reports from law enforcement agencies.
5. Modifies the statutes governing the licensing process for school bus drivers.

He addressed the present school bus driver licensing parameters and asserted that there are individuals that should not be left alone with young children. He added that SB 206 has a zero fiscal note.

SENATOR WIELECHOWSKI declared that he supports allowing people to renew their licenses by using the internet. He asked how licensing renewal would occur without an updated photograph.

[9:14:58 AM](#)

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Alaska Department of Administration, Anchorage, Alaska, replied that an individual may use the photograph they used last time.

SENATOR WIELECHOWSKI asked how the licensing and renewal process will work, particularly with photographs and identification documentation.

MS. ERICKSON replied that internet use will only be for renewals. She specified that drivers will have to establish their identity with a photograph prior to future renewals.

SENATOR WIELECHOWSKI asked how many years an on-file photograph may be used.

MS. ERICKSON answered for ten years. She explained that an approved license is good for five years and a renewal with the same photograph for another five years.

SENATOR WIELECHOWSKI asked if a person will have to come back to the DMV after ten years.

MS. ERICKSON answered yes.

SENATOR MICCICHE noted that his internet vision for DMV extends beyond driver's license renewals. He explained that small businesses and fleet managers would benefit from increased efficiency when managing multiple vehicles or trailers.

VICE-CHAIR GIESSEL asked Tiffany Thomas to elaborate on the photo and other credential requirements for renewals and original licenses.

[9:17:55 AM](#)

TIFFANY THOMAS, Driver Licensing Manager, Division of Motor Vehicles (DMV), Alaska Department of Administration, Anchorage, Alaska, replied that Director Erickson actually touched on everything that she would have explained regarding photo validity and licensing in rural communities without photo. She said SB 206 specifies renew-only as opposed to an original license, making online renewal a simple process.

SENATOR COGHILL addressed Section 1 and asked to clarify that DMV may deliver notice by e-mail or postal mail.

MS. ERICKSON answered correct. She explained that a person may choose to be notified by e-mail instead of by mail.

VICE-CHAIR GIESSEL noted in Section 2 that reference is made to an emissions inspection station. She asked how many communities have emission credentialing for vehicles.

SENATOR MICCICHE answered that no communities currently do, but the language is kept in statute should a community choose to do so.

VICE-CHAIR GIESSEL noted additional language from Section 2 that addressed "contract office." She asked if a contract office was DMV's business partnerships.

SENATOR MICCICHE answered yes.

SENATOR COGHILL addressed Sections 4 and 5. He asked what was repealed and reenacted that was significantly different than what was already in statute. He called attention to AS 28.15.046(c) and (d).

9:20:42 AM

SENATOR MICCICHE explained Section 4, AS 28.15.046(c) as follows:

This section is being repealed and reenacted to allow for a restructuring of the disqualifying offenses for a school bus driver in the state. The statute as currently written only allows the DMV to deny an application for a school bus license if a person has been convicted within a 20 year period of the following offenses:

1. Sexual abuse of a minor in any degree;
2. Sexual assault in any degree;
3. Incest under AS 11.41.450;
4. Unlawful exploitation of a minor;
5. Contributing to the delinquency of a minor;
6. Felony involving possession of a controlled or imitation controlled substance;
7. Felony or misdemeanor involving distribution of a controlled or imitation controlled substance;
8. Sex trafficking in the first or second degree;  
and
9. Indecent exposure.

He explained that the statute as currently written did not allow for DMV to deny an application of a person who was convicted of a serious felony assault on an infant. He said the reenacted statute will significantly add to the disqualifying offenses in AS 28.15.046(c) by allowing the DMV to deny a license to a convicted person.

He explained that his goal as a sponsor is not to make it difficult for a nonviolent, nonsexual, or non-serious drug related person to get back into the workforce. He explained that the new section simply separates those who should not be driving a school bus with children. He asked the committee to look at the listed felonies to decide on the right mix.

SENATOR COGHILL said his intent to understand what is new prior to voting on SB 206. He remarked that he understands the qualification level and the public safety needs. He noted his

concern for the possibility of someone claiming improper treatment for looking back ten years.

9:24:22 AM

MS. ERICKSON replied that the genesis for the bill occurred last year when a DMV licensing manager reviewed a person's application who had been convicted of a felony against an infant in another state and that was not a disqualifier in Alaska because the offense was not sexual in nature. She revealed that the application paradox was brought to the Governor's attention. She pointed out that the changes made by SB 206 mirror the Department of Social Services' barrier for service providers. She noted the only exceptions were misdemeanor prostitution, driving under the influence (DUI), and DUI testing refusal.

SENATOR COGHILL replied that he totally understands what Ms. Erickson was asserting and set forth that he does not want people who are unsafe when working with children. He noted his concern for the extensive criminal provisions and going back from two to ten years. He remarked that he may have to ask for the bill to go to the Senate Judiciary Committee (SJC).

VICE-CHAIR GIESSEL asked if Lieutenant Dial had any comment to Senator Coghill's discussion of the bill's legal implications.

9:27:20 AM

LIEUTENANT RODNEY DIAL, Deputy Commander, Division of Alaska State Troopers, Department of Public Safety, Ketchikan, Alaska, replied that he would have to defer to the Department of Law.

SENATOR MICCICHE noted that Ms. Anne Carpeneti, Assistant Attorney General, will be available to answer questions.

SENATOR COGHILL specified that he needs to understand the reenactments and new laws in the bill. He said he probably will want the bill to go the SJC if he thought that it fits.

SENATOR MICCICHE replied that Section 4 is about protecting young children and asserted that the statute was a labor issue. He said he will fight to not allow Alaska's kids from not being protected. He conceded that Section 5 was a different issue and welcomed the opportunity to meet with Senator Coghill and answer his questions.

SENATOR COGHILL pointed out that he does not necessarily have to have the bill go to the SJC and noted that three State Affairs Committee members served on the SJC. He reiterated that he needs

to understand SB 206 more thoroughly. He asked if there was another version of SB 206 in the House.

SENATOR MICCICHE replied no.

SENATOR COGHILL remarked that there were 30 days left to address SB 206.

SENATOR MICCICHE answered yes.

VICE-CHAIR GIESSEL noted that Ms. Carpeneti had joined the meeting and asked that she address Senator Coghill's questions regarding Sections 4 and 5 in SB 206.

[9:31:29 AM](#)

ANNE CARPENETI, Assistant Attorney General, Criminal Division, State of Alaska Department of Law, Juneau, Alaska.

SENATOR COGHILL stated that his issues include the repeal and reenactment of AS 28.15.046(c) and (d) with a new crime. Section 3, AS 28.15.046(b), the look-back goes from 2 years to 10 years. He explained that his intent was to understand the new law and find out if the ten year look-back was legal.

MS. CARPENETI replied that the look-back addresses the records and not necessarily to a crime. She explained that the statute asks where an applicant has resided for the past ten years and not necessarily a crime on their records. She said it doesn't hurt to put a ten year look-back on the records and noted that a finger print based record will show up anyway.

SENATOR COGHILL asked Ms. Carpeneti to verify that an extended look-back is allowed. He asked if a national crime record system would be used.

MS. CARPENETI answered yes and noted that all activities will be shown on the system.

SENATOR COGHILL asked to verify that the difference in a background check from two years to ten years is not considered significant for a bus driver license applicant.

MS. CARPENETI answered yes. She detailed that a finger print based record would go all of the way back.

[9:34:54 AM](#)

SENATOR COGHILL asked Ms. Carpeneti to address AS 28.15.046(c) and point out the difference from the previous statute.

MS. CARPENETI noted that sexual abuse of a minor is covered under the new law.

SENATOR COGHILL replied that sexual abuse of a minor is covered in the old law.

MS. CARPENETI answered yes, but the new statute adds "attempt." She detailed that the statute states that the department may not issue a license to an applicant who has been convicted of a violation, or an attempt, solicitation, or conspiracy to commit a violation of murder, homicide, assault, and various sex crimes. She explained that AS 11.41.360 to AS 11.41.530 adds inchoate crimes as well as endangering the welfare of a child.

She asked if Senator Coghill had any particular crime that he had concerns with. She noted that one concern was to address a person who has committed child pornography crimes.

[9:36:57 AM](#)

SENATOR MICCICHE addressed the new listings under Section 4, AS 28.15.046(c) as follows:

1. (1)(D) Felony indecent viewing or photography under AS 11.61.123;
2. (1)(E) Distribution of child pornography under AS 11.61.125;
3. (1)(F) Possession of child pornography under AS 11.61.127;
4. (1)(G) Distribution of indecent material to minors under AS 11.61.128;
5. (1)(H) Felony prostitution under AS 11.66.100(c);
6. (1)(K) Felony violation under AS 28.35.030(n) or 28.35.032(p).

MS. CARPENETI noted that (1)(K) was felony drunk driving and felony refusal.

SENATOR COGHILL asked to confirm that the statutory listings were new. He remarked that all of the listed offenses were appropriate.

SENATOR MICCICHE answered yes. He said the additional new listings in Section 4, AS 28.15.046(c) included the following:

7. (2)(A) Assault in the fourth degree under AS 11.41.230;
8. (2)(B) Reckless endangerment under AS 11.41.250;
9. (2)(C) Misdemeanor prostitution under AS 11.66.100(a)(2);
10. (2)(D) Misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

SENATOR MICCICHE addressed (c)(2)(A) and (c)(2)(B) and noted that he was not sure if the proposed statutes potentially endangered the welfare of a child.

[9:39:01 AM](#)

MS. CARPENETI explained that the provisions under Section 4, subsection (c), paragraph 1, are the more serious crimes where a person will never be considered eligible for having a license to drive a school bus.

VICE-CHAIR GIESSEL asked if the serious crimes would be considered barrier crimes.

MS. CARPENETI answered yes. She noted that under Section 4, subsection (c), paragraph 2, assault in the fourth degree and reckless endangerment would be considered limited-time barrier crimes for two years after a person has been unconditionally discharged from probation or parole.

SENATOR COGHILL asked to confirm that barrier crimes do not have other legal ramifications for disqualifying a bus driver applicant and bring double jeopardy into question.

MS. CARPENETI answered no. She explained that SB 206 addresses the legislature's policy statement for an appropriate person to get a school bus driver's license. She advised that SB 206's statute changes would not be considered additional punishment.

SENATOR COGHILL asked to verify that Section 5 addresses DUI offenses.

MS. CARPENETI answered yes. She specified that the statutes address first and second DUI convictions, or DUI testing refusal convictions that do not add up to a felony during a certain time period.

SENATOR COGHILL asked to confirm that there are two, five, and ten year barriers.

MS. CARPENETI answered correct.

SENATOR COGHILL asked Ms. Carpeneti to address AS 28.33.040(a) regarding the refusal to commit to a test and the 10 year barrier associated with the refusal.

[9:42:09 AM](#)

MS. CARPENETI explained that two years must elapse from an unconditional discharge for a first time DUI or DUI testing refusal conviction. She added that for a second DUI or DUI testing refusal, five years must have elapsed for the second offense and 10 years for the first offense. She noted that commercial driving offenses are considered more severe than regular driving offenses. She said the look-back takes into account the severity of the offense and how recent the offense occurred.

SENATOR WIELECHOWSKI specified page 4, line 20 and asked if the allowable blood alcohol content was lower for commercial drivers than the standard .08 for DUI.

MS. CARPENETI replied yes, .04 for commercial drivers.

SENATOR COGHILL agreed with the statutes that pertained to handling youngsters to avoid horrific accidents. He asked if Section 2 was a new section.

SENATOR MICCICHE replied that Section 2 (a) and (b) are new sections.

MS. CARPENETI explained that AS 28.15.046(d) is being rewritten and noted that the statute addressed separating first, second, and third drunk driving convictions.

[9:45:36 AM](#)

VICE-CHAIR GIESSEL addressed Section 5 and inquired if the current two year period is expanded to 5 and 10 year periods in the new statute.

SENATOR MICCICHE read Section 5 as follows:

The new statute will modify the two years period to require the DMV to deny issuance of a license if less than two years has elapsed since the applicant's unconditional discharge from the first time conviction for driving under the influence or a refusal, less

than five years has elapsed from their unconditional discharge for a second conviction for driving under the influence or refusal, and less than ten years has elapsed from unconditional discharge from a refusal to submit to a chemical test if the offense occurred while driving a commercial motor vehicle.

MS. CARPENETI confirmed that Senator Micciche was correct. She explained that current law specifies that a first offense requires two years for the first offense and five years for the second offense. She asserted that the new law makes it safer and more cautious regarding people who commit DUI and drive school buses.

SENATOR COGHILL asked if "substantially" was taken out.

[9:47:40 AM](#)

MS. CARPENETI answered yes. She explained that the term "substantially" used in front of "similar" has been taken out of statutes because the term gives rise to litigation as to what "substantially similar" is to another state's statute and "similar" is enough in terms of the conduct in the past. She detailed that taking "substantial" out is essentially a housekeeping-measure that will make it much clearer for law enforcement.

SENATOR COGHILL addressed Section 7, line 29, Subsections (g) and (h) and noted that "immediate cancellation" was something new. He asked if the ability to cancel was available in the statute's previous version.

MS. CARPENETI answered that "immediate cancellation" was inferred but not articulated in the previous version.

SENATOR COGHILL said the next logical question pertains to the communication between DMV and the court system regarding "immediate cancellation."

He noted that AS 12.55.185 was a new statute and asked what "unconditional discharge" meant.

[9:50:43 AM](#)

MS. CARPENETI explained that "unconditional discharge" occurs when a person is finished with probation and parole.

SENATOR COGHILL asked to verify that unconditional discharge meant an individual was once again eligible.

SENATOR MICCICHE read the statute as follows:

To qualify for a license an applicant who has been convicted of an offense described in (c)(2) or (d) of this section, shall supply proof that is acceptable to the department of the state of the applicant's unconditional discharge from the offense.

MS. CARPENETI explained that the unconditional discharge establishes a specific date for qualification purposes.

SENATOR COGHILL noted that Section 12 allows paperwork for crash reports if electronic means are not available.

SENATOR MICCICHE replied that Section 12 "allows" and does not "require" the use of the Traffic and Criminal Software (TraCS) for electronic transmission.

[9:53:04 AM](#)

MS. CARPENETI concurred with Senator Micciche's interpretation.

VICE-CHAIR GIESSEL remarked that the operative word is "may" in line 13.

SENATOR MICCICHE replied yes.

SENATOR COGHILL noted that Section 13 was a new section and asked if reporting accidents electronically was something new or a codification of how things are currently happening.

MS. ERICKSON answered that people and law enforcement are required to submit accident reports to DMV. She explained that the accident reporting process is moving towards electronic submission which allows for easier access.

SENATOR COGHILL asked if police officers and sending reports electronically from crash sites.

MS. ERICKSON answered yes.

LIEUTENANT DIAL explained that approximately three dozen Alaska law enforcement agencies are using TraCS for electronic system reporting. He said AST is working with DMV and the Alaska Department of Transportation & Public Facilities (DOT) to establish a system where AST can instantaneously transmit information between the different departments and agencies. He

said using TraCS will reduce duplication, save staff time, and allow for the immediate information access. He said SB 206 puts the ability to use TraCS into statute.

SENATOR COGHILL asked how corrections are made in the event an accident reporting error occurs.

[9:56:52 AM](#)

SENATOR MICCICHE noted that the legislature has converted to electronic record keeping. He conceded that operator errors occur, but noted that corrections can be made as is done in a paper format. He asserted that the electronic conversion should not be viewed as a change on meeting record keeping requirements.

VICE-CHAIR GIESSEL asked Lieutenant Dial to comment on the possibility of human error and how one would correct it.

LIEUTENANT DIAL replied that using TraCS will reduce errors because there currently are multiple agencies that are inputting the same information over and over again. He remarked that every time somebody else gets their hands on information, the chance for error increases. He noted that correcting erroneous reports is currently not a problem.

SENATOR COGHILL remarked that he was satisfied with Lieutenant Dial's explanation.

VICE-CHAIR GIESSEL noted that one of the benefits she sees is faster accident reporting to insurance companies rather than waiting for written law enforcement reports.

SENATOR COGHILL said he always looks at applicability, especially when new requirements are enacted. He asked if looking back ten years is allowed.

[9:59:57 AM](#)

MS. CARPENETI noted that she was involved in drafting SB 206 and the process was a group effort from the Department of Law. She stated that Senator Coghill's concern with looking back was valid and she would take a further look. She pointed out the bill's intent duality that makes sure recent convictions were applied for departmental consideration, but she questioned if the intent was to also go back 20 years and look at an offense that happened before a current bus driver was licensed. She informed the committee that she would talk to Senator Micciche to clarify the bill's intent.

SENATOR COGHILL replied that he shared the same concerns and encouraged further dialog with Senator Micciche.

SENATOR MICCICHE commented that he would continue to address SB 206 and welcomed an opportunity to answer Senator Coghill's questions.

SENATOR COGHILL remarked that he would rather have questions clearly addressed and avoid having the bill referred to the Judiciary Committee.

[10:01:55 AM](#)

VICE-CHAIR GIESSEL announced that public testimony will be left open. She declared that SB 206 will be held in committee.

#### **SB 174-LEASES FOR LEGISLATIVE OFFICE SPACE**

[10:02:27 AM](#)

VICE-CHAIR GIESSEL announced the consideration of SB 174. She noted that SB 174 is sponsored by Senator Wielechowski.

[10:02:41 AM](#)

MONICA SOUTHWORTH, Staff, Senator Wielechowski, Alaska State Legislature, Juneau, Alaska, explained that SB 174 will add two sections that establish how the legislature will solicit public comment in the event it seeks a lease with total payments exceeding \$250,000 for the lease's entire term, including renewal options.

MS. SOUTHWORTH explained the sectional analysis for SB 174 as follows:

The first section amends section AS 24.20.060, which is the powers of the Legislative Council, it includes reference to the two new sections, Sections G and H. Section 2 adds the same references to Sections G and H. Section 3 adds in Sections G and H which establishes how the legislature will seek comment, and that is a process. The process is 14 days before a public hearing, there will be a notice on the legislature's website. The legislature will hold a public hearing that will provide the public with information, including details on the space that will be leased, terms of the lease, and how much the lease will cost. This will allow members of the public to

voice their concerns, ask questions of the legislature, and give the legislators an opportunity to respond to those questions and concerns. There is a requirement for teleconferencing abilities included in there to allow access across the state to all of the Legislative Information Office (LIOs). After the public hearing, it allows a 30 day comment period for the public to submit comments. This is a similar process in which regulation changes seek comments for regulation changes. Section H is a definition and Section 4 adds the applicability section for the effective date.

VICE-CHAIR GIESSEL asked to confirm that the bill includes a zero fiscal note.

MS. SOUTHWORTH answered correct.

[10:05:24 AM](#)

SENATOR COGHILL said public comment is a great thing. He asked if Section G was patterned after the regulation review process.

MS. SOUTHWORTH answered yes.

SENATOR COGHILL asked to clarify that the bill addresses a contracting against a regulatory issue. He inquired if there are any other contracts that are subject to the proposed review.

MS. SOUTHWORTH answered no. She noted that there are executive sessions in which contracts are discussed. She explained that is not common practice to have the public comment period when reviewing contracts. She asserted that not having public comment is an oversight regarding large leases. She said there should be public input and review to some extent for large leases.

SENATOR COGHILL offered that he has been on the Judicial Council and knows the council can be in executive session. He asked to verify that the bill will require public comment.

MS. SOUTHWORTH answered that the bill only addresses leases the legislature enters into. She remarked that SB 174 stems from the recent lease with the Anchorage Legislative LIO. She asserted that the sponsor's intent was not to attack anyone on the issue, but given the number of calls to the committee members' offices about the Anchorage LIO concern, the belief was to have a conversation regarding large lease expenditures. She reiterated

that the lease expenditure floor is over \$250,000 for a lease's term.

10:07:34 AM

SENATOR COGHILL replied that he lives in the Fairbanks area and his office has not received the calls. He remarked that he has seen the news accounts regarding the Anchorage LIO lease-purchase. He said he was open to the discussion and having the public input was probably an important part of the bill. He asked how a public comment process would occur with a situation similar to the Anchorage LIO lease.

10:08:46 AM

CHAIR DYSON joined the committee meeting.

MS. SOUTHWORTH answered that a public hearing would occur after a single-sourced procurement proposal was finalized. She explained that a 14 day notice would be provided where the Legislative Council confers with the Legislative Affairs Agency for a presentation that hears public comment. She added that a 30 day comment period would follow the public hearing.

VICE-CHAIR GIESSEL asked if Ms. Southworth was aware of the discussion that had taken place in Legislative Council the previous evening regarding modifications to the Anchorage LIO lease.

MS. SOUTHWORTH answered yes.

VICE-CHAIR GIESSEL asked if lease modifications would also require a 30 day public hearing and comment period.

MS. SOUTHWORTH replied that the bill only applies to single-sourced procurement leases. She noted that the Anchorage LIO lease was now going through the Alaska Housing Finance Corporation (AHFC) for a possible purchase and would require a bill to proceed with the eventual public comment. She said SB 174 would not apply to the Anchorage LIO lease-purchase.

10:11:16 AM

SENATOR COGHILL asked if the Anchorage LIO avoids AHFC and reverts to a lease, would the proposed bill apply to the lease.

MS. SOUTHWORTH answered yes.

SENATOR COGHILL remarked that he did not have that big of a problem with the bill.

CHAIR DYSON asked if anyone would like to testify.

[10:11:58 AM](#)

CHAIR DYSON announced that the committee will stand at ease.

[10:12:31 AM](#)

CHAIR DYSON called the committee back to order and asked if there are any other items of business to come before the committee. [SB 174 was heard and held in committee.]

[10:12:51 AM](#)

There being no further business to come before the committee, Chair Dyson adjourned the Senate State Affairs Standing Committee hearing at 10:12 a.m.