

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 7, 2016

8:06 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Louise Stutes  
Representative David Talerico  
Representative Liz Vazquez  
Representative Jonathan Kreiss-Tomkins  
Representative Ivy Spohnholz

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CS FOR SENATE CONCURRENT RESOLUTION NO. 16(STA)

Urging the Governor to designate a location for a special session of the Twenty-Ninth Alaska State Legislature, if called after adjournment of the Second Regular Session of the Twenty-Ninth Alaska State Legislature, that is in a community on the state's road system.

- MOVED CSSCR 16(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 123(JUD)

"An Act relating to the bail forfeiture schedule and the penalty for the use of electronic devices while driving; and providing for an effective date."

- MOVED CSSB 123(JUD) OUT OF COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 20

Proclaiming April 2016 as Sexual Assault Awareness Month.

- MOVED SCR 20 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 6(FIN)

"An Act exempting the state from daylight saving time; petitioning the United States Department of Transportation to change the time zones of Alaska; and providing for an effective date."

- MOVED HCS CSSB 6(STA) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 24(JUD)

"An Act relating to the applicability of the Legislative Ethics Act to legislative interns, legislative volunteers, legislative consultants, legislative independent contractors, sole proprietorships, and other legal entities."

- MOVED CSSB 24(JUD) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SCR 16

SHORT TITLE: SPECIAL SESSION TO BE HELD ON ROAD SYSTEM

SPONSOR(s): SENATOR(s) STOLTZE

04/18/15	(S)	READ THE FIRST TIME - REFERRALS
04/18/15	(S)	STA
03/15/16	(S)	STA AT 9:00 AM FAHRENKAMP 203
03/15/16	(S)	Heard & Held
03/15/16	(S)	MINUTE (STA)
03/24/16	(S)	STA AT 9:00 AM BUTROVICH 205
03/24/16	(S)	Moved CSSCR 16(STA) Out of Committee
03/24/16	(S)	MINUTE (STA)
03/25/16	(S)	STA RPT CS 3DP 1NR NEW TITLE
03/25/16	(S)	DP: STOLTZE, COGHILL, HUGGINS
03/25/16	(S)	NR: WIELECHOWSKI
03/30/16	(S)	TRANSMITTED TO (H)
03/30/16	(S)	VERSION: CSSCR 16(STA)
03/31/16	(H)	READ THE FIRST TIME - REFERRALS
03/31/16	(H)	STA
04/07/16	(H)	STA AT 8:00 AM CAPITOL 106

BILL: SB 123

SHORT TITLE: USE OF ELECTRONIC DEVICES WHILE DRIVING

SPONSOR(s): SENATOR(s) MEYER

01/19/16	(S)	PREFILE RELEASED 1/8/16
01/19/16	(S)	READ THE FIRST TIME - REFERRALS
01/19/16	(S)	STA, JUD
02/13/16	(S)	STA AT 10:00 AM BUTROVICH 205
02/13/16	(S)	Heard & Held
02/13/16	(S)	MINUTE (STA)
02/16/16	(S)	STA AT 9:00 AM BUTROVICH 205
02/16/16	(S)	Moved SB 123 Out of Committee
02/16/16	(S)	MINUTE (STA)

02/17/16 (S) STA RPT 3DP 2NR  
 02/17/16 (S) DP: COGHILL, HUGGINS, MCGUIRE  
 02/17/16 (S) NR: STOLTZE, WIELECHOWSKI  
 02/22/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 02/22/16 (S) Heard & Held  
 02/22/16 (S) MINUTE (JUD)  
 02/24/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 02/24/16 (S) Moved CSSB 123(JUD) Out of Committee  
 02/24/16 (S) MINUTE (JUD)  
 02/26/16 (S) JUD RPT CS 3DP NEW TITLE  
 02/26/16 (S) DP: MCGUIRE, COGHILL, COSTELLO  
 03/16/16 (S) TRANSMITTED TO (H)  
 03/16/16 (S) VERSION: CSSB 123(JUD)  
 03/18/16 (H) READ THE FIRST TIME - REFERRALS  
 03/18/16 (H) STA, JUD  
 04/07/16 (H) STA AT 8:00 AM CAPITOL 106

BILL: SCR 20

SHORT TITLE: SEXUAL ASSAULT AWARENESS MONTH: APRIL 2016  
 SPONSOR(s): SENATOR(s) MEYER

02/22/16 (S) READ THE FIRST TIME - REFERRALS  
 02/22/16 (S) STA  
 03/01/16 (S) STA AT 8:30 AM BUTROVICH 205  
 03/01/16 (S) Moved SCR 20 Out of Committee  
 03/01/16 (S) MINUTE (STA)  
 03/02/16 (S) STA RPT 4DP  
 03/02/16 (S) DP: STOLTZE, COGHILL, HUGGINS,  
 WIELECHOWSKI  
 03/16/16 (S) TRANSMITTED TO (H)  
 03/16/16 (S) VERSION: SCR 20  
 03/18/16 (H) READ THE FIRST TIME - REFERRALS  
 03/18/16 (H) STA  
 04/07/16 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 6

SHORT TITLE: ELIMINATE DAYLIGHT SAVING TIME  
 SPONSOR(s): SENATOR(s) MACKINNON

01/21/15 (S) PREFILE RELEASED 1/9/15  
 01/21/15 (S) READ THE FIRST TIME - REFERRALS  
 01/21/15 (S) STA, FIN  
 02/10/15 (S) STA AT 9:00 AM BUTROVICH 205  
 02/10/15 (S) Moved SB 6 Out of Committee  
 02/10/15 (S) MINUTE (STA)  
 02/11/15 (S) STA RPT 5DP

02/11/15 (S) DP: STOLTZE, COGHILL, HUGGINS, MCGUIRE,  
 WIELECHOWSKI  
 02/24/15 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 02/24/15 (S) Departments: Environmental Conservation  
 and  
 03/03/15 (S) FIN AT 9:00 AM SENATE FINANCE 532  
 03/03/15 (S) Departments: Environmental Conservation  
 and  
 03/04/15 (S) FIN RPT CS 5DP 2NR NEW TITLE  
 03/04/15 (S) DP: KELLY, MACKINNON, MICCICHE, BISHOP,  
 HOFFMAN  
 03/04/15 (S) NR: DUNLEAVY, OLSON  
 03/11/15 (S) TRANSMITTED TO (H)  
 03/11/15 (S) VERSION: CSSB 6(FIN)  
 03/12/15 (H) READ THE FIRST TIME - REFERRALS  
 03/12/15 (H) STA  
 03/16/15 (H) FIN REFERRAL ADDED AFTER STA  
 04/02/15 (H) STA AT 8:00 AM CAPITOL 106  
 04/02/15 (H) -- MEETING CANCELED --  
 04/09/15 (H) STA AT 8:00 AM CAPITOL 106  
 04/09/15 (H) Heard & Held  
 04/09/15 (H) MINUTE (STA)  
 10/30/15 (H) STA AT 7:30 AM BELTZ 105 (TSBldg)  
 10/30/15 (H) <Work Session on above Bill>  
 02/11/16 (H) STA AT 8:00 AM CAPITOL 106  
 02/11/16 (H) -- MEETING CANCELED --  
 04/07/16 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 24

SHORT TITLE: LEGIS. ETHICS ACT: CONTRACTORS, INTERNS  
 SPONSOR(S): SENATOR(S) GARDNER

01/21/15 (S) READ THE FIRST TIME - REFERRALS  
 01/21/15 (S) STA, JUD  
 03/05/15 (S) STA AT 9:00 AM BUTROVICH 205  
 03/05/15 (S) Scheduled but Not Heard  
 03/12/15 (S) STA AT 8:00 AM BUTROVICH 205  
 03/12/15 (S) Heard & Held  
 03/12/15 (S) MINUTE (STA)  
 03/31/15 (S) STA AT 9:00 AM BUTROVICH 205  
 03/31/15 (S) Moved SB 24 Out of Committee  
 03/31/15 (S) MINUTE (STA)  
 04/01/15 (S) STA RPT 2DP 2NR  
 04/01/15 (S) DP: COGHILL, MCGUIRE  
 04/01/15 (S) NR: STOLTZE, HUGGINS  
 02/24/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
 02/24/16 (S) Heard & Held

02/24/16 (S) MINUTE (JUD)  
02/29/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)  
02/29/16 (S) Moved CSSB 24(JUD) Out of Committee  
02/29/16 (S) MINUTE (JUD)  
03/02/16 (S) JUD RPT CS 3DP 2NR NEW TITLE  
03/02/16 (S) DP: MCGUIRE, COSTELLO, COGHILL  
03/02/16 (S) NR: WIELECHOWSKI, MICCICHE  
04/01/16 (S) TRANSMITTED TO (H)  
04/01/16 (S) VERSION: CSSB 24(JUD)  
04/04/16 (H) READ THE FIRST TIME - REFERRALS  
04/04/16 (H) STA, JUD  
04/07/16 (H) STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

SENATOR BILL STOLTZE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented SCR 16 as prime sponsor.

SENATOR KEVIN MEYER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented CSSB 123 as prime sponsor.

EDRA MORLEDGE, Staff  
Senator Kevin Meyer  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on CSSB 123, on behalf of Senator Meyer, prime sponsor.

LIEUTENANT DAVID HANSON  
Alaska State Troopers  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on SB 123, answered questions.

SENATOR KEVIN MEYER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented SCR 20 as prime sponsor.

LAUREE MORTON, Executive Director  
Council on Domestic Violence and Sexual Assault (CDVSA)  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on SCR 20.

ERIN SHINE, Staff  
Senator Anna MacKinnon  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Offered testimony and answered questions during the hearing on SB 6, on behalf of Senator MacKinnon, prime sponsor.

SUSIE SHUTTS, Attorney  
Legislative Legal Counsel  
Legislative Legal and Research Services  
Legislative Affairs Agency (LAA)  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing on SB 6, answered questions.

SENATOR BERTA GARDNER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented SB 24 as prime sponsor.

JERRY ANDERSON, Administrator  
Select Committee on Legislative Ethics  
Anchorage, Alaska

**POSITION STATEMENT:** During the hearing on SB 24, testified and answered questions.

#### **ACTION NARRATIVE**

[8:06:45 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Vazquez, Talerico, Stutes, and Chair Lynn were present at the call to order. Representatives Spohnholz and Kreiss-Tompkins arrived as the meeting was in progress.

#### **SCR 16-SPECIAL SESSION TO BE HELD ON ROAD SYSTEM**

[8:07:02 AM](#)

CHAIR LYNN announced that the first order of business would be CS FOR SENATE CONCURRENT RESOLUTION NO. 16(STA), Urging the Governor to designate a location for a special session of the

Twenty-Ninth Alaska State Legislature, if called after adjournment of the Second Regular Session of the Twenty-Ninth Alaska State Legislature, that is in a community on the state's road system.

[8:07:35 AM](#)

SENATOR BILL STOLTZE, Alaska State Legislature, as prime sponsor, advised that SCR 16 is a specific resolution addressing a non-binding, one time circumstance the legislature is currently facing with the capitol renovation beginning at the time of the statutory 90-day limit. He said the governor advised he would call a special session related to a state income tax and other weighty issues. In the event the legislature extends longer than its 90-day limit, the resolution reads that the legislature would meet "somewhere on the road system," and legislators could make that decision should it become necessary. He opined it would be irresponsible for the legislature to continue its work during the renovations, because the state could pay penalties if it impedes construction. He described the proposed concurrent resolution as a non-binding, registered, official voice of the legislature.

[8:12:16 AM](#)

REPRESENTATIVE VAZQUEZ commented that the intent of the resolution is excellent because construction will soon begin, and there are safety issues, and financial penalty issues. On a personal basis, she said having the session in Anchorage is cost effective and that the fiscal note should indicate the savings. It is economical to meet on the road system with 21 House representatives living in the Anchorage bowl area, she said.

[8:13:50 AM](#)

REPRESENTATIVE KELLER moved to report CSSCR 16(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection CSSCR 16(STA) out of the House State Affairs Standing Committee.

[8:14:16 AM](#)

The committee took an at-ease from 8:14 a.m. to 8:16 a.m.

**SB 123-USE OF ELECTRONIC DEVICES WHILE DRIVING**

[8:16:28 AM](#)

CHAIR LYNN announced that the next order of business would be CS FOR SENATE BILL NO. 123(JUD), "An Act relating to the bail forfeiture schedule and the penalty for the use of electronic devices while driving; and providing for an effective date."

[8:16:43 AM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, as prime sponsor of SB 123, advised that Anchorage recently passed an ordinance to lower the penalty for texting while driving from a class A misdemeanor to a \$500 fine or citation. This bill attempts to turn the Anchorage ordinance into a statewide law. He indicated that under SB 123, the current law is not being enforced, and he posited that the \$500 fine would provide a stronger deterrent against drivers' texting while operating a motor vehicle.

CHAIR LYNN asked Senator Meyer to confirm he is saying that the proposed lowering of the violation from a misdemeanor to a \$500 fine would make it less likely drivers would text while driving.

SENATOR MEYER explained that in order to prosecute a class A misdemeanor, a search warrant must be served to obtain the cell phone, then the content of the cell phone must be investigated, and offered that trying the case in a court of law is expensive, time consuming, and hard to prove. For example, he said, the current law in Anchorage was passed in 2011, only 20 individuals were charged over that four year period, and only four of those individuals were actually convicted. Therefore, he pointed out, current law does not work, yet the ordinance passed in Anchorage appeared to work when it went to a violation or fine, such as a speeding ticket. He stressed that no other provision of current law will be changed, such that if someone is texting, gets into an accident and causes serious harm, injury, or death, the individual will suffer the higher penalty. The intent of this bill is to try to prevent a serious accident from taking place, he advised.

CHAIR LYNN asked whether it is difficult for law enforcement to observe texting taking place in another vehicle.

SENATOR MEYER responded that it is possible to see people texting while they are driving, and [texting while driving] is unsafe.

[8:20:29 AM](#)

REPRESENTATIVE VAZQUEZ said she supports the intent of the bill, although she expressed concern regarding individuals caught texting three or four times, and suggested increasing the penalty if they are caught texting over two times.

SENATOR MEYER replied that he had not considered multiple violations, but if someone is picked up multiple times, they have potentially spent \$2,000, which one would hope was a deterrent. He reiterated that currently people texting are not being pulled over at all.

[8:22:19 AM](#)

EDRA MORLEDGE, Staff, Senator Kevin Meyer, Alaska State Legislature, answered that Senator Meyer's office did not contemplate habitual offenders, and she deferred to Lieutenant David Hanson. She said she was unsure whether there is latitude for officers to charge under a different statute, such as reckless endangerment, and whether dispatch could look up a person's driving record while he/she is pulled over.

[8:22:54 AM](#)

LIEUTENANT DAVID HANSON, Alaska State Troopers, Department of Public Safety, advised he has been with the Alaska State Troopers for 22 years, and he is the current deputy commander of the Alaska Bureau of Highway Patrol overseeing activity of patrol troopers dedicated to working in the safety corridors and special events around the state.

LIEUTENANT HANSON, in response to a question from Chair Lynn, advised that he reviewed the case records from 2012 through 2015, and the Department of Public Safety (DPS) initiated a total of 69 cases involving texting, operating a screen device, or otherwise driving while distracted in a motor vehicle. Of the 69 cases, 17 were charged under 13 AAC 02.495(c), which he described as a catch-all regulation addressing drivers distracted by something in the vehicle, such as a small dog, trying to eat, operating an electronic device, or applying makeup, for example. He advised the other 52 cases were charged under AS 28.35.161, which specifically addressing prohibiting screen devices, which is roughly 13 cases each year. Troopers are less likely to charge an individual with a class A misdemeanor under AS 28.35.161, burden of proof requirements in criminal proceedings, evidence the driver was distracted by a screen device. Whereas, he pointed out, the trooper might have

an in-car video that would capture bad driving, such as weaving within the lane, abrupt braking, or slow or erratic speeds.

LIEUTENANT HANSON offered that it is oftentimes difficult and unsafe for the trooper to attempt to document a driver texting or using his/her phone for a reason that violates the statutory definition. The trooper would then appear in a criminal trial with little or no physical evidence. He offered, reducing the crime to a violation allows a trooper to observe an offense such as, a driver running a stop sign or making an illegal lane change, and simply cite them into court. He related that SB 123 would still allow a due process option and encourage law enforcement to contact more drivers observed committing this offense to educate them on the dangers of texting and driving, and take an appropriate enforcement action.

[8:25:55 AM](#)

CHAIR LYNN reiterated his question previously asked of Senator Meyer regarding the difficulty in looking into someone's car and observing the driver texting.

LIEUTENANT HANSON replied that it is not that difficult. The question becomes whether that person is dialing a phone number, which they are allowed to do under current law, or if he/she is texting. He noted that in the case of a larger screen being held in front of the person, it is not difficult for the trooper to see text bubbles, which indicate texting. Many times the troopers will see people looking down into their laps and drive erratically or slowly within a lane, and it takes 30-60 seconds of investigation while driving next to a vehicle to see what is going on and whether the driver is being distracted by something. In reality, he said, if a person is dialing a phone, it takes a couple of seconds, especially with the hands free features, and there is no need to be distracted by the screen device for any length of time.

[8:27:43 AM](#)

REPRESENTATIVE VAZQUEZ said she agrees with the intent of the bill and opined that as written, she could imagine that many law enforcement officers don't bother due to the requirements of a misdemeanor, especially when moving on to a robbery or an assault. She noted the burden of proof is higher when charging someone with reckless driving; this statute would make it easy if they are texting; and more people will be cited if it is a violation. She referred to her concern with the individual with

two or four violations on the books, and said she would like to see a bigger hammer for those people habitually texting.

8:30:35 AM

LIEUTENANT HANSON agreed that subsequent offenses could be more difficult to figure out, such as "if one hammer doesn't work, will a second hammer work?" He opined that if troopers are able to stop more people and \$500 fines are issued, most people will be significantly affected and hopefully stop this behavior. He suggested that the point system may work, because eventually the person would receive an administrative action from the Division of Motor Vehicles, which could adversely affect the person's car insurance. The issue of the violation becoming a misdemeanor at some point would be difficult, because depending on where a person is in the process with his/her prior activity, the Alaska Public Safety Information Network (APSIN) might not have the information. He then clarified that the revenue from the citations go into the general fund. Speaking from an enforcement point of view and his own experiences, he suggested that the point system would probably be the deterrent Representative Vazquez is looking for without elevating this to a reckless driving level. For example, if a \$500 fine and a four point offense were imposed, he opined that would be a fairly strong deterrent.

8:33:36 AM

REPRESENTATIVE VAZQUEZ remarked that she likes the idea of added points, yet the point system of driving under the influence is fairly Draconian at times and yet there are repeat offenders. She said she would like to see an amendment adding the point system as described by Lieutenant Hanson.

8:34:17 AM

SENATOR MEYER noted that the point system is set through regulation.

MS. MORLEDGE advised that the point system is established by the Department of Administration, and she would look into amending SB 123 to direct the department to add [texting while driving] to the point system.

CHAIR LYNN pointed out that Alaska's late friend, Max Gruenberg, had a bill addressing the issue in the House State Affairs Standing Committee some years ago.

REPRESENTATIVE KELLER recommended moving slowly on the point system regulation, not because it is a bad idea, but to make one change at a time to allow time on the violation first.

REPRESENTATIVE KREISS-TOMKINS noted that some members of this committee are also on the next committee of referral, and he asked whether members could work with Representative Vazquez to examine options.

REPRESENTATIVE VAZQUEZ remarked that if it is the will of the committee, the bill should be moved out today to the next committee of referral.

SENATOR MEYER remarked he looks forward to working with Representative Vazquez' office on a possible amendment, so that when the proposed legislation gets to the House Judiciary Standing Committee, it is ready to go.

[8:37:42 AM](#)

The committee took a brief at ease.

[8:37:58 AM](#)

REPRESENTATIVE VAZQUEZ moved to report CSSB 123(JUD), labeled 29-LS1198\E out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 123(JUD) passed from the House State Affairs Standing Committee.

[8:38:21 AM](#)

The committee took a brief at-ease.

**SCR 20-SEXUAL ASSAULT AWARENESS MONTH: APRIL 2016**

[8:38:25 AM](#)

CHAIR LYNN announced that the next order of business would be SENATE CONCURRENT RESOLUTION NO. 20, Proclaiming April 2016 as Sexual Assault Awareness Month.

[8:40:40 AM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, as prime sponsor, explained that SCR 20 is a resolution brought forward every year to proclaim April as the Sexual Assault Awareness Month. He

described it as part of a national campaign to raise public awareness about sexual assault and educate communities and individuals on how to prevent sexual violence. He related he has been doing this for many years and spent much time during his Anchorage Assembly days on Stand Together Against Rape (STAR) and believes this is an important issue.

CHAIR LYNN interjected that if this is done every year, why not make it permanent, because unfortunately the problem will continue.

SENATOR MEYER explained that groups prefer to bring the issue forward each year to put it in front of people, because the problem will not go away any time soon. Nationwide, sexual assault statistics continue to be staggering, and regrettably Alaska is almost 2.5 times higher than the national rate on sexual assault. Sexual violence is preventable, and he described it as a social, public health, criminal justice, and human rights issue. This year, he explained, the 2016 Sexual Assault Awareness Month campaign is focusing on building blocks of prevention by communicating how individuals, communities, and the private sector can take action to promote safety, respect, and equality.

[8:43:43 AM](#)

LAUREE MORTON, Executive Director, Council on Domestic Violence and Sexual Assault (CDVSA), reiterated that Alaska is above the national average in sexual assault and there must be ongoing hard work and daily efforts to end sexual violence. However, she said the 2013 Alaska Victimization Survey showed, compared to 2010, a decrease in sexual violence victimization. There were 3,072 fewer victims of sexual violence in 2015 than in 2010. Acknowledging the good news, she pointed out there is still much work to do, because in 2010, 58 out of 100 women suffered intimate partner violence, sexual violence, or both. In 2015, the number reduced to 50 out of 100 women, which is one out of every two women in Alaska, and the combination of intervention and prevention work must continue. She pointed to SCR 20, page 2, lines 4-7, which read as follows:

**WHEREAS**, in 2015, first responders from 16 communities--Anchorage, Barrow, Bethel, Cordova, Dillingham, Eielson Air Force Base, Fairbanks, Fort Wainwright, Juneau, Kodiak, Kotzebue, Nome, Palmer, Seward, Unalaska, and Valdez--participated in Sexual Assault Response Team training; and

MS. MORTON continued that these first responders and advocates met jointly for training to learn about each other's roles and how the system can better work in response to victims when they come forward and progress through forensic exams. She advised that page 2 of the resolution refers to different primary prevention activities that communities are taking on to end sexual violence, such as Girls on the Run, Coaching Boys into Men, Green Dot, the 4thR, and Compass. Not only is this a concentrated effort by programs funded across the state with paid staff, community members are also invested in working with the programs to end sexual violence. Over the last year, more than 3,000 people have given their time, energy, and efforts to this cause by providing over 63,000 hours of service. She said that Alaska needs to thank the people who day in and day out answer phone calls at 3:00 a.m., go to the hospital with victims, and help when a victim is in court, with law enforcement, or at social services. These people hear the horrendous things people are capable of doing to one another, and they continue to come back and work so that someone will be available when a victim of sexual violence is ready to share his/her story. Advocates work tirelessly to provide a sense of dignity and bear witness to these horrible crimes, and they are owed a great debt of gratitude, she said.

[8:48:23 AM](#)

CHAIR LYNN thanked Ms. Morton for her work and the work the advocates do to make this a better place, and he said there is a special place in heaven for these folks.

[8:48:39 AM](#)

REPRESENTATIVE VAZQUEZ related that while in the district attorney's office, she saw volunteers firsthand and was impressed with the type of support they provide to victims.

CHAIR LYNN, after ascertaining no one further wished to testify, closed public testimony on SCR 20.

[8:49:26 AM](#)

REPRESENTATIVE KELLER moved to report SCR 20, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SCR 20 was reported out of the House State Affairs Standing Committee.

[8:49:41 AM](#)

The committee took an at-ease from 8:49 a.m. to 8:53 a.m.

**SB 6-ELIMINATE DAYLIGHT SAVING TIME**

[8:53:50 AM](#)

CHAIR LYNN announced that the next order of business would be CS FOR SENATE BILL NO. 6(FIN) "An Act exempting the state from daylight saving time; petitioning the United States Department of Transportation to change the time zones of Alaska; and providing for an effective date."

CHAIR LYNN explained the bill was heard last year, it was assigned to a subcommittee, and after hearing testimony from the sponsor's office, the chair of the subcommittee would present a report.

[8:54:49 AM](#)

ERIN SHINE, Staff, Senator Anna MacKinnon, Alaska State Legislature, on behalf of Senator MacKinnon, prime sponsor, related that SB 6 is Senator MacKinnon's second attempt in trying to eliminate daylight saving time. There have been multiple changes to the bill, and staff worked with the chair of the subcommittee on the version before the committee, she said.

[8:55:38 AM](#)

REPRESENTATIVE KELLER, as chair of the aforementioned subcommittee, reported that the subcommittee met during special session and came up with an elegant compromise, because businesses had expressed concern in moving to daylight saving time in that the daylight hours are critical for economics. He explained the compromise of the committee substitute is that the bill is switched around and now the primary intent of the bill is to request that the U.S. Department of Transportation move all of Alaska onto Pacific Standard Time, which is the same time as Seattle, Washington.

[8:56:35 AM](#)

REPRESENTATIVE KELLER, with regard to the second part of the bill, explained that if the U.S. Department of Transportation does put Alaska on Pacific Standard Time, Alaska would eliminate daylight saving time. He described it as a compromise in that

daylight saving time would go away, but only if Alaska's time was the same as that of Seattle. The U.S. Department of Transportation's web site lists its criteria as being for economic and commercial reasons. Clearly, he pointed out, there is a commercial benefit to Alaskans, because the sunshine hours in Alaska change so fast, there are little sunshine hours or a lot of sunshine depending upon the location.

CHAIR LYNN verified that the above compromise is in a committee substitute.

[8:58:01 AM](#)

REPRESENTATIVE STUTES surmised that if the U.S. Department of Transportation chooses not to put Alaska on Pacific Standard Time, then this bill would not be effective.

REPRESENTATIVE KELLER answered that it would be effective in the sense that Alaska has asked for Pacific Standard Time, but Representative Stutes is correct in that daylight saving time would never come into play if the U.S. Department of Transportation does not put Alaska on Pacific Standard Time.

[8:58:26 AM](#)

REPRESENTATIVE SPOHNHOLZ said she noticed that the business community was not in support of the original bill, and asked whether it has responded since that time with any additional information.

REPRESENTATIVE KELLER replied that it is subjective in that there was a subcommittee public hearing and business entities were present and interested. Frankly, he said, he has heard from only one person with concerns, but there was not an official poll.

REPRESENTATIVE STUTES asked whether this transaction would happen in tandem, such that Alaska would not go off daylight saving time without being put on Pacific Standard Time. She clarified she wants to ascertain that Alaska won't move and then be told to wait for a response from the U.S. Department of Transportation.

REPRESENTATIVE KELLER agreed that Representative Stutes is exactly correct; the intent here is that there is no action on daylight saving time unless the U.S. Department of Transportation chooses to put Alaska on Pacific Standard Time.

He opined there is no option, no choice; Alaska would never go on daylight saving time under this bill.

REPRESENTATIVE STUTES verified that this would affect the entire State of Alaska and everyone would be on the same time zone.

CHAIR LYNN replied that whatever time zone the state is on, it would be the same.

9:00:05 AM

REPRESENTATIVE KREISS-TOMKINS asked about the batting average has been for U.S. Department of Transportation petitions to change time zones.

MS. SHINE offered that within the last 20 years, it has been done once when the State of Indiana petitioned to change its time zone when it adopted daylight saving time. There is potentially a precedent when changing daylight saving time and petitioning the U.S. Department of Transportation, she added.

REPRESENTATIVE KREISS-TOMKINS surmised that there had been one petition that was accepted.

MS. SHINE noted she attempted to call the U.S. Department of Transportation yesterday, but no one from the department returned her call to clarify. She offered her understanding that the one petition was accepted and it did go through the process.

9:01:37 AM

REPRESENTATIVE KELLER moved to adopt the House committee substitute (HCS) for CSSB 6(FIN), labeled 29-LS0111\G, Shutts, 1/21/16, as the working document. There being no objection, Version G was before the committee as the working document.

REPRESENTATIVE KREISS-TOMKINS asked, in terms of the physics of earth and daylight, the differential between actual daylight and what Alaska's time zone would be for Western Alaska if all of Alaska were to successfully petition the U.S. Department of Transportation to become part of Pacific Standard Time.

MS. SHINE responded that if this bill went into effect and Alaska received a favorable decision from the U.S. Department of Transportation to move the entire state to Pacific Standard Time as Alaska's standard time, this would be the state's time zone.

She explained, that in March, Alaska went to daylight saving time "and this would then be our standard time when the rest of the states, there would be 47 that would fall off of daylight saving time. They would shift back and we would stay on." Therefore, she said, it would be one hour of daylight in the evening rather than in the morning.

REPRESENTATIVE KREISS-TOMKINS followed up that across the world there are time zones that generally correlate with daylight hours. He pointed to Unalaska and asked, if all of Alaska were to successfully move to Pacific Standard Time (PST), what the time zone differential would be for the far western extremes of Alaska.

MS. SHINE explained that previously, Alaska had four time zones and it consolidated time zones in the early 1980s. When determining the zenith of sun times, sun at high noon at each point in Alaska, the state would probably have five time zone. Therefore, far Western and Northern Alaska will be potentially three or four hours off of their sun time. A counter-argument to being off their sun time is the rate in which daylight is lost and gained, and she offered to pass a chart to the committee depicting lost and gained daylight.

[9:04:55 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked Ms. Shine whether she had a sense of other parts of the world where there may be such a great differential between sun time and time zone.

CHAIR LYNN used the example of Russia.

MS. SHINE remarked she does not have research as to how other countries have consolidated their time zones potentially into one that would span three or four hours, but she will look into it and get back to the committee.

[9:05:28 AM](#)

REPRESENTATIVE VAZQUEZ asked the current number of time zones in Alaska.

MS. SHINE answered that there are two time zones. She related that the Aleutian Islands are on the Hawaii-Aleutian Standard Time Zone.

REPRESENTATIVE VAZQUEZ requested information as to how this bill would affect those two time zones.

MS. SHINE responded they would move forward two hours under the committee substitute.

REPRESENTATIVE VAZQUEZ asked whether she was speaking about the Aleutian Islands.

MS. SHINE answered that is correct.

REPRESENTATIVE VAZQUEZ surmised that in moving forward with the committee substitute, it would add one hour of daylight during the evening, which would be one hour less of daylight in the morning.

MS. SHINE agreed. She added that it would only be for the five months in which the state currently goes back to its standard time. Under this bill, she explained, if Alaska received a favorable decision from the U.S. Department of Transportation, "Alaska would shift to this time zone, and when the rest of the United States shifted back, we would stay." Therefore, she further explained, Alaska would have an hour of daylight in the afternoon and not in the morning.

[9:07:13 AM](#)

REPRESENTATIVE VAZQUEZ asked for clarification that there would be one more hour of daylight throughout the year or just partially throughout the year.

MS. SHINE answered that it would be throughout the year, but she clarified that Alaska would be shifting forward, which would be the state's new standard time. The hour would be at the end of the day but, she reiterated, the state would lose and gain daylight at quite a rapid rate in different areas throughout the state.

[9:07:51 AM](#)

REPRESENTATIVE KREISS-TOMKINS suggested exempting the Hawaii-Aleutian Standard Time from also being shifted two hours, so basically there would be just be a constant shift for all time zones rather than that time zone being shifted two hours. He asked whether the author of the committee substitute had thoughts on his idea.

REPRESENTATIVE KELLER responded that the committee should hear from the sponsor of the bill. He opined that Alaskans would be most affected with regard to commerce and interactions outside of Alaska.

MS. SHINE pointed out that the first version of trying to petition the U.S. Department of Transportation included language stating "all or part of the state." Thereby, giving the U.S. Department of Transportation discretion in possibly moving part of the state into Pacific Standard Time (PST). She opined that this language was included because the sponsor's office had heard from Southeast Alaska, such that in the 1980s, when Alaska consolidated to two time zones, Southeast Alaska felt it had already given up its hour because it was essentially on Pacific Standard Time. She noted there are concerns with all of the daylight being in the morning and not in the afternoon, and concerns with commerce in that if Southeast Alaska were to move forward and the road system stayed on Alaska Standard Time, might renew a conversation, in the 1980s, of a potential capitol move. She said that she has a history of time zones in Alaska pointing to that issue. The sponsor did, at one point, have all or part of the state give discretion on how the U.S. Department of Transportation would draw the time zone lines within the state, which could end up having two or three time zones, she said.

[9:10:22 AM](#)

REPRESENTATIVE KREISS-TOMKINS clarified that he is interested in honoring the existing time zone differential with two time zones. It appears that the consequence of the committee substitute would be to further consolidate Alaska into one time zone perhaps to the detriment of the Aleutian Islands. He said he would like to know what the people living on the Aleutian Islands think about this proposal.

MS. SHINE explained that it is the process of the U.S. Department of Transportation to hold hearings throughout the state and hear from individuals and communities regarding the time zone question. It would take into consideration how those in the far reaching Aleutian Islands, as well as the people living as far north as Barrow, would be affected.

The U.S. Department of Transportation would then make a recommendation whether to change Alaska's time zones. She opined there are some communities that prefer to be in one time zone with the entirety of Alaska, and others communities believe

they could live in their own time zone and it wouldn't affect them.

CHAIR LYNN related that he would like to see all of Alaska in one time zone, whatever it may be.

[9:11:51 AM](#)

The committee took a brief at ease.

[9:12:57 AM](#)

REPRESENTATIVE VAZQUEZ observed an amendment was available that would provide another trigger point.

[9:14:35 AM](#)

REPRESENTATIVE VAZQUEZ moved to adopt Conceptual Amendment 1, which read as follows:

Page 2, line 9

Delete "on or before January 1, 2027"

Insert "after twenty-five states enact state law exempting the state from 15 U.S.C. 260(a)"

CHAIR LYNN surmised there would be 25 or 26 states.

REPRESENTATIVE VAZQUEZ clarified that 25 states would have to opt out.

[9:14:49 AM](#)

REPRESENTATIVE KELLER objected for purposes of discussion, and advised he would like to hear from the sponsor.

[9:16:22 AM](#)

MS. SHINE opined that the intent [of SB 6] is that Alaska be more uniform with at least half of the states. Currently, the states of Hawaii and Arizona have exempted themselves from 15 U.S.C. 260(a), and she added that research from the National Conference of State Legislatures (NCSL) last year indicates there were 19 states considering some form of either eliminating or adopting daylight saving time. The State of Arizona continues to introduce the legislation to be uniform with its

surrounding states. She related that it is one more trigger with one more hurdle, Senator MacKinnon is concerned about health issues with the switching of daylight saving time going on and off, which she spoke to last year.

[9:16:16 AM](#)

CHAIR LYNN asked whether the sponsor supports Conceptual Amendment 1.

MS. SHINE answered that she would be cautious in including something along these lines, because it would be one more hurdle for the state to get away from (indisc.) the switching of daylight saving time. She expressed an unwillingness to say whether Senator MacKinnon did or did not support Conceptual Amendment 1 without first speaking with her.

REPRESENTATIVE STUTES asked how many states opted out currently.

MS. SHINE reiterated that the states of Arizona and Hawaii have opted out.

[9:17:16 AM](#)

REPRESENTATIVE TALERICO commented that he sees Conceptual Amendment 1 as a substantial stumbling block in connecting Alaska with the states of Washington, Oregon, and California in a time zone. He then referred to the issue of advancing telemedicine and distance delivery education, and making [telemedicine] uniform throughout the State of Alaska. Particularly, connecting with the West Coast, which has huge advantages plus educational benefits, he pointed out. He asked whether this might be a substantial delay in order for the legislature to continue advancing that technology "that we're all pretty connected with?"

REPRESENTATIVE VAZQUEZ emphasized it would not. She explained that the Conceptual Amendment 1 would remove the timeframe "on or before January 1, 2025" and provides another trigger point - another mechanism if 25 states or more opt out.

[9:18:37 AM](#)

CHAIR LYNN asked Representative Vazquez to define "trigger point."

REPRESENTATIVE VAZQUEZ indicated it is the opting out of 25 states from daylight saving time. She continued that this provides more flexibility, because it would not necessarily rely on the U.S. Department of Transportation, rather it would rely on what 25 states or more may be doing as far as exempting themselves.

CHAIR LYNN surmised that would potentially make it difficult to do away with daylight saving time.

REPRESENTATIVE VAZQUEZ opined it would just provide an alternative; it would not necessarily make it more difficult.

[9:19:45 AM](#)

REPRESENTATIVE KELLER maintained his objection to Conceptual Amendment 1.

[9:20:35 AM](#)

A roll call vote was taken. Representative Vasquez voted in favor of the motion to adopt Conceptual Amendment 1. Representatives Talerico, Stutes, Keller, Spohnholz, Kreiss-Tomkins, and Lynn voted against it. Therefore, Conceptual Amendment 1 failed to be adopted by a vote of 1-6.

[9:21:15 AM](#)

REPRESENTATIVE KREISS-TOMKINS introduced Conceptual Amendment 2, and referred to the previous discussion of a standard shifting of time zones, specifically the Aleutian Islands. He turned to SB 6, Version G, page 2, line 8, after the word "state," insert "currently within Alaska Standard Time".

[The committee treated Conceptual Amendment 2 as having been moved to be adopted.]

REPRESENTATIVE KELLER objected for discussion, and questioned whether Conceptual Amendment 2 would put people on the Aleutian Islands in a position that they have no option.

REPRESENTATIVE KELLER explained the U.S. Department of Transportation will heed the interests of the people in those communities as part of the process. He asked whether Conceptual Amendment 2 would set it up so that the U.S. Department of Transportation would have only one option, to change the portion of Alaska in one time zone now. Thereby, he continued, the U.S.

Department of Transportation would not even have the option of changing those communities in Alaska that are on Hawaii-Aleutian Standard Time; Conceptual Amendment 2 appears to be limiting. He stated he does not mind making it permissive, but he doesn't want to put it in a box. Possibly, he said, it appears Conceptual Amendment 2 is a limiting amendment in that it would prevent them from being part of Alaska.

[9:23:38 AM](#)

REPRESENTATIVE KREISS-TOMKINS answered that the committee substitute places "all of the state within the Pacific Standard Time Zone," and it appears the legislation takes agency away from those in the far west and taking them even farther away from sunlight time. This would standardize any transition, he said. Currently, there are two time zones and both would be shifted proportionally one hour toward Pacific Standard Time. The intent, he explained is that while most of Alaska is shifting one hour toward Pacific Standard Time, those on Hawaii-Aleutian Standard Time would just shift one hour, rather than shifting two hours.

[9:24:49 AM](#)

REPRESENTATIVE KELLER said he would like to hear from the sponsor.

CHAIR LYNN asked Representative Kreiss-Tompkins to restate Conceptual Amendment 2.

REPRESENTATIVE KREISS-TOMKINS restated the wording of Conceptual Amendment 2.

MS. SHINE surmised that consolidating to one time zone Conceptual Amendment 2 would give the option to Hawaii-Aleutian Standard Time of shifting one hour rather than two hours. She suggested the language that "places all of the state within the Pacific Standard Time" could read "all or part of the state". She offered concern in "making the current two time zones have those hard lines stay." In the event, the Aleutian Islands do want to be part of the Pacific Standard Time Zone through the U.S. Department of Transportation community meetings, this language would potentially prohibit them. She opined that open language, in the U.S. Department of Transportation petition, allows the U.S. Department of Transportation to hold those community meetings, and allows the voices of the communities to be heard when considering drawing those lines. She reiterated

adding "all or part of the state" to address possible concern about making the entire state change to Pacific Standard Time.

[9:27:05 AM](#)

REPRESENTATIVE KELLER noted that the drafter from Legislative Legal and Research Services was available online.

REPRESENTATIVE KREISS-TOMKINS said that Ms. Shine is familiar with the subject matter, and, presumably, had many conversations over the last year with people across Alaska. He asked the sentiment of the people in the Aleutian Islands. Based upon Ms. Shine's suggestion, he said he wondered "if we were to incorporate that, if that might inadvertently open the door for time zone boundaries changing beyond what they are now," potentially parts of Alaska, such as Dillingham, Bethel, or Anchorage getting Balkanized into a different time zone.

[9:28:21 AM](#)

MS. SHINE agreed that she has had many conversations and would review her log as to whether her conversations were specifically with anyone on the Aleutian Islands. She said she will get back to the committee with that information.

REPRESENTATIVE KREISS-TOMKINS referred to Conceptual Amendment 2 and noted the committee did not know which communities had spoken out on this issue; which could guide the committee. He said that Version G appears to put communities in a box and take away their prerogative to maintain their current relationship with daylight. Whereas, he continued, Conceptual Amendment 2 would take a more conservative approach in maintaining the status quo and effecting a one hour shift rather than a two-hour shift.

[9:30:05 AM](#)

REPRESENTATIVE KELLER maintained his objection to Conceptual Amendment 2. He asked that Ms. Susie Shutts, from Legislative Legal and Research Services, enlighten the committee. He referred to Version G, and reviewed that Conceptual Amendment 2 would insert the words on page 2, line 8, after the word "state" insert "currently within the Alaska Time Zone" and opined it is tied to how that fits with page 2 line 2, where the language is "all of the state."

[9:31:06 AM](#)

SUSIE SHUTTS, Attorney, Legislative Legal Counsel, Legislative Legal and Research Services, Legislative Affairs Agency (LAA), pointed out that if a change is made on page 2, line 8, the corresponding change would need to be made to page 2, line 2 to indicate that the legislature would be petitioning the U.S. Department of Transportation to move that same portion of the state. Also, she opined the committee might want to consider whether it would want to make a change to page 2, line 12, but at least it would seem that there should be a mirroring of what the legislature is petitioning the U.S. Department of Transportation to move and what is contemplated that will be moved under page 2, line 8.

[9:32:22M](#)

REPRESENTATIVE KELLER maintained his objection.

REPRESENTATIVE KREISS-TOMKINS withdrew his motion to adopt Conceptual Amendment 2. He said there may be necessary mirroring language to gracefully effect what he intends, which is not to consolidate the current two time zones in Alaska into one time zone.

[9:33:32 AM](#)

REPRESENTATIVE KELLER moved to report HCS CSSB 6(FIN), Version G, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 6(STA) was reported out of the House State Affairs Standing Committee.

[9:34:08 AM](#)

The committee took an at-ease from 9:34 a.m. to 9:36 a.m.

**SB 24-LEGIS. ETHICS ACT: CONTRACTORS, INTERNS**

[9:36:55 AM](#)

CHAIR LYNN announced that the final order of business would be CS FOR SENATE BILL NO. 24(JUD) "An Act relating to the applicability of the Legislative Ethics Act to legislative interns, legislative volunteers, legislative consultants, legislative independent contractors, sole proprietorships, and other legal entities."

[9:37:13 AM](#)

SENATOR BERTA GARDNER, Alaska State Legislature, presented SB 24 as prime sponsor. She stated that during the summer of 2014, the former administrator for the Select Committee on Legislative Ethics pointed out a problem. She explained that, currently, the ethics statute applies to legislators, staffers, interns, many people working in the [Capitol] Building, contractors, and consultants, and there is a requirement, under the statute, requiring them to attend training. However, she related, it is not necessary that bill drafting, for example, attend training related to newsletters, office accounts, and such. Senator Gardener said that the provisions that would be pulled out, under SB 24, do not benefit the state and are impediments to people who may want to respond to Requests for Proposals (RFPs). She stated the statutes on the books are not being enforced, the Select Committee on Legislative Ethics does not have the resources to do it, and there is little benefit in enforcing provisions that do not make sense. She opined that it is poor public policy to ignore enforcement of statutes on the books; therefore, the right thing to do is simply pull out these provisions.

[9:39:20 AM](#)

SENATOR GARDNER, in response to Chair Lynn, agreed the provisions should either be reinforced or removed from statute, or, she added, change them so they're appropriate.

[9:40:01 AM](#)

JERRY ANDERSON, Administrator, Select Committee on Legislative Ethics, in response to Chair Lynn, noted that extensive efforts were made on the provisions of this bill from the Select Committee on Legislative Ethics, Legislative Legal and Research Services, and the experienced public members on the Select Committee on Legislative Ethics, who worked with Senator Gardner.

[9:40:38 AM](#)

CHAIR LYNN asked whether there had been any activity directed to the Select Committee on Legislative Ethics regarding any contractor or anything similar.

MR. ANDERSON answered that the committee had received requests from time to time for ethics training for specific contractors not in the state system, and online ethics training is made available to those particular individuals as they request it.

CHAIR LYNN inquired as to whether there had been any ethics complaints against these types of individuals.

MR. ANDERSON stated he was not aware of any.

[9:41:35 AM](#)

REPRESENTATIVE STUTES moved to report CSSB 24(JUD), out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 24(JUD) was reported from the House State Affairs Standing Committee.

[9:43:08 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:43 a.m.