

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

March 31, 2015

9:01 a.m.

**MEMBERS PRESENT**

Senator Bill Stoltze, Chair  
Senator John Coghill, Vice Chair  
Senator Charlie Huggins  
Senator Lesil McGuire

**MEMBERS ABSENT**

Senator Bill Wielechowski

**COMMITTEE CALENDAR**

HOUSE BILL NO. 56

"An Act establishing Alaska Firefighters' Day."

- MOVED SCS HB 56(STA) OUT OF COMMITTEE

SENATE BILL NO. 24

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

- MOVED SB 24 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 56

SHORT TITLE: ALASKA FIREFIGHTERS' DAY

SPONSOR(S): REPRESENTATIVE(S) LYNN, CLAMAN

01/21/15	(H)	PREFILE RELEASED 1/16/15
01/21/15	(H)	READ THE FIRST TIME - REFERRALS
01/21/15	(H)	STA
02/24/15	(H)	STA AT 8:00 AM CAPITOL 106
02/24/15	(H)	Moved HB 56 Out of Committee
02/24/15	(H)	MINUTE(STA)
02/25/15	(H)	STA RPT 6DP
02/25/15	(H)	DP: TALERICO, STUTES, LYNN, KREISS- TOMKINS, GRUENBERG, KELLER
03/02/15	(H)	TRANSMITTED TO (S)

03/02/15 (H) VERSION: HB 56  
03/04/15 (S) READ THE FIRST TIME - REFERRALS  
03/04/15 (S) STA  
03/31/15 (S) STA AT 9:00 AM BUTROVICH 205

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

**WITNESS REGISTER**

REPRESENTATIVE BOB LYNN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of HB 56.

JEFF TUCKER, Fire Chief  
Kenai Fire Department  
Kenai, Alaska

**POSITION STATEMENT:** Supports HB 56.

MARK HALL, Fire Chief  
Hilcorp Alaska, LLC  
Alaska-North Slope  
Prudhoe Bay, Alaska

**POSITION STATEMENT:** Supports HB 56.

KELLY NICOLELLO, Alaska State Fire Marshal and Director  
Division of Fire and Life Safety  
Alaska Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Supports HB 56.

SENATOR BERTA GARDNER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 24.

THOMAS PRESLEY, Staff  
Senator Berta Gardner  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided an overview for SB 24.

JOYCE ANDERSON, Contractor  
Select Committee on Legislative Ethics  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Addressed questions regarding SB 24.

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

**POSITION STATEMENT:** Addressed questions regarding SB 24.

#### **ACTION NARRATIVE**

[9:01:21 AM](#)

**CHAIR BILL STOLTZE** called the Senate State Affairs Standing Committee meeting to order at 9:01 a.m. Present at the call to order were Senators Coghill, Huggins, McGuire, and Chair Stoltze.

#### **HB 56-ALASKA FIREFIGHTERS' DAY**

[9:01:47 AM](#)

**CHAIR STOLTZE** announced the consideration of HB 56.

[9:02:01 AM](#)

**REPRESENTATIVE BOB LYNN**, Alaska State Legislature, Juneau, Alaska, provided a sponsor statement as follows:

There's a special group of people who help us survive. At the federal level, of course, it's American's military. At the state and local levels it's first responders and that includes our Alaska firefighters. When you're trying to escape a fire, firefighters run into burning buildings to help us escape. When you suffer a heart attack or some other medical emergency, it's our firefighters who rush into our home to save our lives. When you are trapped in a car from some horrible accident, it's firefighters who rush to the scene to rescue us with Jaws of Life. Unless we

survive, all of the other issues and challenges and opportunities are moot. Alaska's firefighters deserve their own special day of recognition and I urge you to pass this bill out of committee. This good bill has become a better bill when the Chairman included volunteer firefighters. I urge you to pass the bill.

[9:03:36 AM](#)

CHAIR STOLTZE noted that the committee has a committee substitute (CS) that Representative Lynn referenced. He pointed out that the CS does not change any substance of the bill. He added that the CS has a Findings Section that will not be included in the statutes, but does reflect the contribution of a large number of folks.

SENATOR MCGUIRE moved to adopt the Senate State Affairs version for HB 56, [29-LS0241\W] as the working document.

CHAIR STOLTZE objected and explained that he worked closely with the bill sponsor with the desire to recognize the large number of people that are not paid professionals.

[9:04:23 AM](#)

REPRESENTATIVE LYNN commented that Chairman Stoltze made a good bill much better.

CHAIR STOLTZE detailed that the bill's Findings Section is only reflected in the legislative record that the volunteers will be recognized. He pointed out that service includes non-police, public safety, dispatchers, wild firefighters and so forth.

[9:05:08 AM](#)

CHAIR STOLTZE asked if there were any other objections. He announced that the CS is before the committee.

[9:05:29 AM](#)

JEFF TUCKER, Fire Chief, Kenai Fire Department, Kenai, Alaska, revealed that he is also the 2nd Vice President for the Alaska Fire Chiefs Association. He said HB 56 recognizes the contributions of firefighters across the state, both career and volunteer firefighters. He pointed out that the bill gives the state a date to pause, reflect, and celebrate the services that the men and women firefighters provide for their communities. He said the Alaska Fire Chiefs Association supports and encourages the adoption of HB 56.

[9:06:24 AM](#)

MARK HALL, Fire Chief, Hilcorp Alaska, LLC, Alaska-North Slope, Prudhoe Bay, Alaska, said HB 56 is a great thing for all of the fire-people in the fire-service, including professionals that volunteers or paid that put their lives on the line. He concurred with Chief Tucker that HB 56 will establish a great day for people to just think about what the fire-service does for their community and what the community does for the service too.

[9:07:45 AM](#)

CHAIR STOLTZE pointed out that firefighting personnel includes both men and women. He noted that the fire chief at his local fire department is a woman.

MR. HALL agreed with Chair Stoltze.

[9:08:02 AM](#)

KELLY NICOLELLO, Alaska State Fire Marshal, Director, Division of Fire and Life Safety, Alaska Department of Public Safety, Anchorage, Alaska, pointed out that there are approximately 1500 firefighters across the state made up of career, municipal, borough, wildland, and airport firefighters. He added that there are approximately 6000 volunteer municipal, borough, village, and wildland firefighters that are all considered professionals for serving communities with their heart, soul, pocketbooks, and sometimes their lives. He stated that the vast majority of firefighters are volunteers who have other fulltime careers. He said all firefighters dedicate many extra hours to learn, train, equip, and respond to local emergency situations.

He stated that recognition of Alaska Firefighter Day is a great way to demonstrate that firefighters' personal involvement means more than what happens locally. He said that the service firefighters perform has a direct impact on the quality of life of those around them and is recognized as a positive contribution to Alaska as a whole. He summarized that the recognition of Alaska Firefighter Day during Fire Prevention Week is appropriate when remembrance is given to those firefighters who have lost their lives in the performance of their duties.

[9:10:31 AM](#)

SENATOR MCGUIRE stated that she had one amendment for the committee to consider.

[9:11:02 AM](#)

CHAIR STOLTZE asked if there was any other public testimony. He announced that public testimony was closed.

SENATOR MCGUIRE noted that she serves on the board for the Alaska Police and Fire Chaplains' Ministries. She pointed out that chaplains are an amazing part of the fire service. She said chaplains are people that go on the frontlines and help comfort families that lost their loved ones.

SENATOR MCGUIRE moved and asked for unanimous consent that on line 13, after "search and rescue personnel" put a comma and add "chaplains."

CHAIR STOLTZE asked Senator McGuire to repeat her conceptual amendment.

SENATOR MCGUIRE restated that on page 1, line 13, after "search and rescue personnel" insert a comma and add "chaplains, and countless others beyond the field."

[9:12:18 AM](#)

CHAIR STOLTZE found no objection and announced that [Amendment 1] is adopted.

He said he would like to make a personal dedication to two individuals that put three to four decades in their respective fire departments near the area where he lives. He cited Charles Von Gunten from the Butte Volunteer Fire Department and Cliff Gilmore from the Chugiak Volunteer Fire Department.

[9:13:16 AM](#)

SENATOR HUGGINS moved to report the Senate CS for HB 56, version \W as amended, be moved from committee with individual comments and zero fiscal note.

[9:13:29 AM](#)

CHAIR STOLTZE announced that hearing no objection SCS HB 56(STA) is reported from Senate State Affairs Standing Committee.

[9:13:48 AM](#)

At ease

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

[9:15:15 AM](#)

CHAIR STOLTZE announced the consideration of SB 24.

[9:15:28 AM](#)

SENATOR BERTA GARDNER, Alaska State Legislature, Juneau, Alaska, noted that responses will be provided for issues that were raised when the bill was previously heard in the committee.

[9:15:42 AM](#)

THOMAS PRESLEY, Staff, Senator Berta Gardner, Alaska State Legislature, Juneau, Alaska, explained that two questions came up during the last committee meeting: which contracts would be effected by the bill and how the legislation made it through the Ethics Committee. He noted that documents were provided to the committee that listed contractors and contracts that would be effected by the bill. He specified that the bill was unanimously passed by the Ethics Committee based upon changes recommended by Joyce Anderson, Daniel Wayne, and Chair Gary Turner.

[9:18:06 AM](#)

CHAIR STOLTZE asked that the record show that Jerry Anderson and Joyce Anderson have no affiliation with one another.

[9:18:37 AM](#)

SENATOR HUGGINS opined that ethics cannot be legislated. He stated that people are what they are. He asked what consultants will need to do in order to comply.

MR. PRESLEY replied that a handout was provided to the committee at the previous meeting that listed parts of the Ethics Code that applies to legislators. He specified that prohibitions relate to conflicts of interest, restrictions on fund raising, restrictions on employee candidacies, and protection on whistle blowers. He concurred with Senator Huggins that legislating ethics is difficult.

[9:20:14 AM](#)

SENATOR HUGGINS replied that he understood the prohibitions. He asked if consultants would have to be counseled for two hours or would a document have to be signed that attests to their reading of the information.

MR. PRESLEY replied that Joyce Anderson and Jerry Anderson will address Senator Huggins' question. He noted that there was some discussion about creating a 30 minute online video and a form that provides information for consultants.

[9:21:06 AM](#)

JOYCE ANDERSON, Contractor, Select Committee on Legislative Ethics, Alaska State Legislature, Juneau, Alaska, noted that she

was the former administrator to the Ethics Committee. She replied that the training requirement is not going to be required for independent contractors and consultants. She explained that the suggestion was the Ethics Office put out a short video for a contractor or consultant to review as an option and to sign a form that they are aware of the requirements. She said there would not be any lengthy training, approximate time would be 20 minutes.

[9:22:19 AM](#)

JERRY ANDERSON, Committee Administrator, Select Committee on Legislative Ethics, Alaska State Legislature, Juneau, Alaska, agreed that Ms. Anderson's interpretation is the interpretation that the Ethics Committee adopted.

SENATOR HUGGINS asked why the Legislature needs to address ethics applicability changes through a bill. He inquired if the Ethics Committee has the authority to make the changes on their own.

MS. ANDERSON replied as follows:

The Ethics Committee through the Legislative Legal Office has determined that the committee does not have the authority to make this type of change considering that independent contractors and consultants are listed under the definition of legislative employee and so when you are listed as a legislative employee you are required to comply with all of the requirements of the Legislative Ethics Act. So the committee felt that, and through the legal department, that they did not have the authority to make the change without having some sort of legislation passed.

[9:23:46 AM](#)

SENATOR HUGGINS replied that he understood. He pointed out that Ms. Anderson used the term "optional" regarding training.

MS. ANDERSON answered that the training would be optional. She specified that the requirements that the independent contractors and consultants would have to follow are stipulated in SB 24. She said the Ethics Committee felt that training should be optional and not mandatory, but that the changes should be made to only require particular parts of the Legislative Ethics Act.

CHAIR STOLTZE asked if legislators will get billed \$500 per hour by their consultants to take their compliance course.

SENATOR GARDNER replied that potentially legislators could be billed, depending on the terms of their contract. She pointed out that consultants are subject to all parts of the Legislative Ethics Act and it does not make sense in all cases.

SENATOR STOLTZE asked if there was anyone else from the public, state agencies, or contractors that would like to testify. He noted that the next committee of referral is the Judiciary Committee.

[9:25:27 AM](#)

SENATOR MCGUIRE moved to report SB 24 from committee with individual recommendations and attached fiscal notes.

[9:25:40 AM](#)

CHAIR STOLTZE announced that he will talk to the Senate President about adding a Finance Committee referral due to the potential for extra costs for legislative contracts. He asked if there were any objections to moving the bill out of committee.

SENATOR HUGGINS commented that his hope is that the Legislature hires people that have a track record and the hiring is reflective of what the committee addressed in the legislation. He opined that the bill was the equivalent to "pole vaulting over mouse dung."

[9:26:34 AM](#)

CHAIR STOLTZE announced that there being no objection, SB 24 is reported from the Senate State Affairs Standing Committee.

[9:26:54 AM](#)

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Standing Committee hearing at 9:26 a.m.