

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

April 27, 2021
1:01 p.m.

MEMBERS PRESENT

Representative Grier Hopkins, Chair
Representative Sara Hannan, Vice Chair
Representative Ivy Spohnholz
Representative Harriet Drummond
Representative Tom McKay
Representative Kevin McCabe
Representative Mike Cronk

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 87

"An Act relating to electric-assisted bicycles."

- MOVED HB 87 OUT OF COMMITTEE

HOUSE BILL NO. 166

"An Act relating to the issuance of vehicle registration plates."

- MOVED HB 166 OUT OF COMMITTEE

HOUSE BILL NO. 160

"An Act relating to the state procurement code; establishing the construction manager general contractor procurement method; and providing for an effective date."

- MOVED CSHB 160(TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 87

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(s): REPRESENTATIVE(s) WOOL

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	TRA, JUD

04/20/21 (H) TRA AT 1:00 PM BARNES 124
04/20/21 (H) Heard & Held
04/20/21 (H) MINUTE(TRA)
04/27/21 (H) TRA AT 1:00 PM BARNES 124

BILL: HB 166

SHORT TITLE: ONE LICENSE PLATE PER VEHICLE

SPONSOR(S): REPRESENTATIVE(S) MCCABE

04/07/21 (H) READ THE FIRST TIME - REFERRALS
04/07/21 (H) TRA, FIN
04/20/21 (H) TRA AT 1:00 PM BARNES 124
04/20/21 (H) Heard & Held
04/20/21 (H) MINUTE(TRA)
04/27/21 (H) TRA AT 1:00 PM BARNES 124

BILL: HB 160

SHORT TITLE: PROCUREMENT; CONSTRUCTION; CONTRACTS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/31/21 (H) READ THE FIRST TIME - REFERRALS
03/31/21 (H) TRA
04/15/21 (H) TRA AT 1:00 PM BARNES 124
04/15/21 (H) Heard & Held
04/15/21 (H) MINUTE(TRA)
04/27/21 (H) TRA AT 1:00 PM BARNES 124

WITNESS REGISTER

ASHLEY CARRICK, Staff
Representative Adam Wool
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 87 on behalf of Representative Wool, prime sponsor.

JOE HARDENBROOK, Staff
Representative Grier Hopkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained Conceptual Amendment 1 to HB 160.

MIKE LESMANN, Legislative Liaison
Office of the Commissioner
Department of Transportation and Public Facilities
Juneau, Alaska

POSITION STATEMENT: Explained how Conceptual Amendment would improve HB 160.

MIKE LUND, Regional Construction Engineer
Northern Region
Department of Transportation and Public Facilities
Fairbanks, Alaska

POSITION STATEMENT: Explained language in Conceptual Amendment 1 to HB 160.

ALICIA SIIRA, Executive Director
Associated General Contractors of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 160, as amended.

SARAH LEFEBVRE
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of HB 160, as amended.

ACTION NARRATIVE

[1:01:01 PM](#)

CHAIR GRIER HOPKINS called the House Transportation Standing Committee meeting to order at 1:01 p.m. Representatives McCabe, McKay, Cronk, Drummond, Hannan, and Hopkins were present at the call to order. Representative Spohnholz arrived as the meeting was in progress.

HB 87-ELECTRIC-ASSISTED BICYCLES

[1:01:54 PM](#)

CHAIR HOPKINS announced that the first order of business would be HOUSE BILL NO. 87, "An Act relating to electric-assisted bicycles."

[1:02:34 PM](#)

ASHLEY CARRICK, Staff, Representative Adam Wool, Alaska State Legislature, presented HB 87 on behalf of Representative Wool, prime sponsor. She reviewed that the proposed bill would add the definition of electric-assisted bicycles to statute so that they can be regulated as bicycles rather than motor vehicles.

[1:03:15 PM](#)

REPRESENTATIVE CRONK noted one outcome of HB 87 would be to allow electric-assisted bicycles on hunting trails that currently allow bicycles.

MS. CARRICK confirmed that is correct. She pointed out, however, that municipalities could choose to ban electric-assisted bicycles from certain trails via ordinance.

CHAIR HOPKINS offered his understanding that HB 87 would establish "the electric pedal-assisted bikes as nonmotorized vehicles." He asked for confirmation that currently they are not categorized and could go on those trails.

MS. CARRICK responded that's correct.

REPRESENTATIVE CRONK mentioned a specific hunting trail, on which he said bicycles currently are allowed, and he expressed concern for the increase in the number of users on that trail, and others, should HB 87 pass, because electric-assisted bicycles, which have motors, would also be used on the trail. He asked whether the sponsor had held conversations with the Alaska Department of Fish & Game (ADF&G) on this topic.

MS. CARRICK answered that the sponsor has "had conversations in the past" when sponsoring the previous iteration of this legislation, which she indicated was the impetus to limit the legislation to pedal-assisted bikes as opposed to throttle-controlled bikes. The bicycles being defined under HB 87 are those that reach a maximum speed of 28 miles per hour (mph) while being pedaled. She suggested those factors may adequately assuage Representative Cronk's concerns.

CHAIR HOPKINS added that electric-assisted bicycles are "fairly quiet."

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REPRESENTATIVE MCCABE proffered that there is a difference between "motor vehicle," a category from which HB 87 would remove electric-assisted bicycles, and "a motorized vehicle," which he offered his understanding is referenced in ADF&G's hunting regulations; therefore, he surmised that ADF&G's regulation could still prohibit the use of electric-assisted bicycles [on hunting trails].

CHAIR HOPKINS concurred that there is "a way around this."

[1:09:12 PM](#)

REPRESENTATIVE HANNAN moved to report HB 87 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 87 was reported out of the House Transportation Standing Committee.

[1:09:33 PM](#)

The committee took an at-ease from 1:09 p.m. to 1:11 p.m.

HB 166-ONE LICENSE PLATE PER VEHICLE

[1:11:05 PM](#)

CHAIR HOPKINS announced that the next order of business would be HOUSE BILL NO. 166, "An Act relating to the issuance of vehicle registration plates."

[1:11:08 PM](#)

REPRESENTATIVE MCCABE, as prime sponsor, presented HB 166. He said at its last hearing of the bill, the committee had asked to hear from local members of law enforcement. He said he left numerous messages for the Anchorage Police Department (APD) but surmised he had not heard back because of a command structure change. He said he spoke with Joel Smith, Chief of Police, City of Wasilla, and he offered his understanding that Chief Smith, like the Department of Public Safety (DPS), takes no position on HB 166 but does not have an issue with it since it would not put his officers at risk and is not a safety issue, thus is something that he could "work around." He then indicated he had contacted the Fairbanks post of the Alaska State Troopers and understood that entity to say it took no official position on HB 87. The person he spoke with told him the front license plate is not visible at night; only the back plate is required to be lighted to show the registration tag. He was told the front plate provides no assistance to the troopers in Fairbanks.

REPRESENTATIVE MCCABE shared that he had spoken with Trooper Jessica McIntyre of the Ohio State Highway Patrol, who said Ohio's recent roll-out of the single rear license plate has been seamless, with no decrease in the troopers' abilities to do their jobs. From Alaska's DPS Commissioner James Cockrell, he indicated confirmation of DPS having no official stance on HB 166. He remarked that on a recent trip to Anchorage, he took note of vehicles and estimated 2 out of 10 had no front plates,

and of those that did, many were muddy. Even at slow speeds, he said he could not read the front plates. He said he contacted the Department of Corrections (DOC) because at the previous meeting someone had expressed concern that parolees could be found to be violating parole if their front plates were missing, and Director Jennifer Winkleman [of the Division of Pretrial, Probation and Parole] indicated that she knows of no instance when that has occurred. Lieutenant Eric Olsen, who had testified during the last hearing, offered follow-up information that DPS cannot confirm the number of incidents or cases that originated from a front license plate or lack thereof. He reported that Kelly Howell (ph) said the examples provided were an informal survey of troopers in the field and the feedback offered on their experience.

REPRESENTATIVE MCCABE said he thinks "these commonsense changes" should be made. He recounted a conversation with Representative Spohnholz during which she had recommended a more surgical approach to budget trimming. He noted that Governor Mike Dunleavy had proposed removing several DMV locations, which he indicated the legislature did not support. That measure would have saved the state approximately half a million dollars. Representative McCabe pointed out that "just by moving a piece of tin from the front of your car," the state could save over half that amount. He expressed his desire to see HB 166 reported out of committee today.

[1:16:34 PM](#)

CHAIR HOPKINS relayed that the committee had received two letters since its last hearing on HB 166: one letter of support from the owner of Fairbanks Nissan, and one letter of opposition from the APD Employees Association.

[1:17:00 PM](#)

CHAIR HOPKINS opened public testimony on HB 166. After ascertaining no one wished to testify, he closed public testimony.

[1:17:44 PM](#)

REPRESENTATIVE HANNAN, for the purpose of clarification, explained that although she would be offering the upcoming motion, she would be a "no" vote on HB 166. She explained that the Juneau Police Department (JPD) and APD have concerns related

to removing the second license plate. She opined this was not a budget solution but rather "a solution looking for a problem."

[1:18:44 PM](#)

CHAIR HOPKINS said he shared concerns for law enforcement but would be a "yes" vote, because he thinks it would reduce unwarranted traffic stops.

[1:19:35 PM](#)

REPRESENTATIVE HANNAN moved to report HB 166 out of committee with individual recommendations and the accompanying fiscal notes.

[1:19:48 PM](#)

REPRESENTATIVE HANNAN objected.

[1:19:52 PM](#)

A roll call vote was taken. Representatives Drummond, McKay, McCabe, Cronk, and Hopkins voted in favor of the motion to report HB 166 out of committee with individual recommendations and the accompanying fiscal notes.. Representative Hannan voted against it. Therefore, HB 166 was reported out of the House Transportation Standing Committee by a vote of 5-1.

[1:20:27 PM](#)

The committee took an at-ease from 1:20 p.m. to 1:21 p.m.

HB 160-PROCUREMENT; CONSTRUCTION; CONTRACTS

[1:21:54 PM](#)

CHAIR HOPKINS announced that the final order of business would be HOUSE BILL NO. 160, "An Act relating to the state procurement code; establishing the construction manager general contractor procurement method; and providing for an effective date."

[1:23:16 PM](#)

REPRESENTATIVE HANNAN moved to adopted Conceptual Amendment 1 to HB 160, which read as follows [original punctuation provided]:

Page 2, line 5

Following "the Department of Transportation & Public Facilities may,"

Insert "through the competitive sealed proposal process"

Page 2, line 10

Following "construction phase"

Delete "through the competitive sealed proposal process"

Page 2, line 11

Following "the department"

Delete "shall"

Insert "may"

The committee authorizes the Legislative Legal Services division to make technical and conforming changes to the committee substitute for HB 160.

[1:23:28 PM](#)

JOE HARDENBROOK, Staff, Representative Grier Hopkins, Alaska State Legislature, explained Conceptual Amendment 1 to HB 160. He said the amendment was available in the committee packet, with the second page showing how it is incorporated into HB 160.

[1:25:34 PM](#)

MIKE LESMANN, Legislative Liaison, Office of the Commissioner, Department of Transportation and Public Facilities, explained how Conceptual Amendment 1 would improve HB 160. He explained that moving the words "through the competitive proposal sealed process" from page 2, line 10, to line 5 clarifies that the construction manager/general contractor (CM/GC) really starts with that competitive sealed proposal process and takes care of the phase of pre-construction services. He explained the change from "shall" to "may" would help the contracting community better understand the process. He deferred to Mike Lund for further explanation.

[1:26:23 PM](#)

MIKE LUND, Regional Construction Engineer, Northern Region, Department of Transportation and Public Facilities, regarding the change from "shall" to "may" explained that the process is further clarified in [subsections] (b) and (c) as to when those actions would take place and related to whether or not costs can

be negotiated. Further, he said "may" would provide protection for the owner or the State of Alaska in the event, for example, that a cost is negotiated but funding is not available to proceed with the construction contract. He said, "It provides an avenue for the State of Alaska or the Department of Transportation [& Public Facilities] to ... have an out even if we can still satisfy a fair negotiation of costs."

[1:27:45 PM](#)

CHAIR HOPKINS opened public testimony on HB 160, as amended.

[1:28:06 PM](#)

ALICIA SIIRA, Executive Director, Associated General Contractors of Alaska (AGC), stated that AGC supports having CM/GC as an additional tool in the toolbox. She said AGC represents over 600 members. She said CM/GC is a common and accepted alternative delivery project method of construction used in Alaska for over a decade. She asked that the committee remember that CM/GC is but one tool, and she asked for transparency and ample review when using it, in order to ensure the best value for the state. She stated that HB 160 would benefit the construction industry and the state by modifying procurement statutes to codify the CM/GC procurement process, thus allowing DOT&PF to use the process without having to submit an innovative procurement request with the Department of Law and the Federal Highway Administration (FHWA) or the Federal Aviation Administration (FAA) for each project. She stated, "This bill will modernize, clarify, and improve the state's procurement process and align Alaska with a majority of other states." Further, passage of HB 160 would allow the industry to participate in the development of a regulatory package to address concerns about consistency in the use of CM/GC on projects. She said AGC requests a seat at the table for this process. She noted that the association has compiled a list of best practices within Alaska and in other states that it looks forward to sharing with DOT&PF partners. She said AGC supports the amendments to HB 160 discussed earlier in this hearing.

[1:31:15 PM](#)

SARAH LEFEBVRE shared that she works for a statewide contractor in its Fairbanks office and has been in the construction industry for over 23 years. She said passage of the proposed legislation would ensure that CM/GC would be applied more consistently and transparently. Putting the process in statute

would allow DOT&PF to move forward in completing regulations and completing a handbook that has existed in draft form for a couple years. She said the construction community is excited about the possibility of additional infrastructure funds through the state from the federal level but is concerned that DOT&PF "may need some more opportunities in the future to move projects forwards," and having CM/GC as a tool will facilitate this. She closed by stating her support of [Conceptual Amendment 1] to HB 160.

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CHAIR HOPKINS, after ascertaining there was no one else who wished to testify, closed public testimony on HB 160.

[1:33:17 PM](#)

MR. LESMANN thanked the committee and staff for working on HB 160.

[1:33:50 PM](#)

REPRESENTATIVE HANNAN moved to report HB 160, [as amended], out of committee with individual recommendations and the accompanying zero fiscal notes, and with authorization for Legislative Legal Services to make technical and conforming changes.

[1:34:19 PM](#)

CHAIR HOPKINS objected for the purpose of taking the time to thank Mr. Lesmann for his service. He then removed his objection. There being no further objection, CSHB 160(TRA) was reported out of the House Transportation Standing Committee.

[1:37:56 PM](#)

The committee took an at-ease from 1:38 p.m. to 1:40 p.m.

[1:40:22 PM](#)

CHAIR HOPKINS announced Representative Spohnholz had arrived for the signing of the bills.

The committee took an at-ease from 1:40 p.m. to 1:42 p.m.

[1:42:44 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:43 p.m.