

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

March 21, 2024

1:31 p.m.

MEMBERS PRESENT

Senator James Kaufman, Chair
Senator David Wilson, Vice Chair
Senator Löki Tobin
Senator Jesse Kiehl
Senator Robert Myers

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 81

"An Act relating to the transfer of a title on the death of the owner; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 255

"An Act relating to the obstruction of airports and runways; relating to the obstruction of highways; establishing the crime of obstruction of free passage in public places; relating to the obstruction of public places; relating to the crime of trespassing; relating to the obstruction of navigable waters; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 81

SHORT TITLE: VEHICLES/BOATS: TRANSFER ON DEATH TITLE

SPONSOR(S): REPRESENTATIVE(S) RAUSCHER

02/22/23	(H)	READ THE FIRST TIME - REFERRALS
02/22/23	(H)	TRA, STA
03/02/23	(H)	TRA AT 1:00 PM BARNES 124
03/02/23	(H)	Heard & Held
03/02/23	(H)	MINUTE(TRA)

03/07/23 (H) TRA AT 1:00 PM BARNES 124
 03/07/23 (H) Moved HB 81 Out of Committee
 03/07/23 (H) MINUTE(TRA)
 03/08/23 (H) TRA RPT 6DP 1NR
 03/08/23 (H) DP: C.JOHNSON, SUMNER, MCKAY, MINA,
 VANCE, MCCABE
 03/08/23 (H) NR: STUTES
 03/21/23 (H) STA AT 3:00 PM GRUENBERG 120
 03/21/23 (H) Heard & Held
 03/21/23 (H) MINUTE(STA)
 04/11/23 (H) STA AT 3:00 PM GRUENBERG 120
 04/11/23 (H) Moved HB 81 Out of Committee
 04/11/23 (H) MINUTE(STA)
 04/14/23 (H) STA RPT 7DP
 04/14/23 (H) DP: ARMSTRONG, STORY, ALLARD,
 C.JOHNSON, CARPENTER, WRIGHT, SHAW
 04/24/23 (H) FIN REFERRAL ADDED AFTER STA
 04/24/23 (H) BILL REPRINTED
 05/04/23 (H) FIN AT 1:30 PM ADAMS 519
 05/04/23 (H) Heard & Held
 05/04/23 (H) MINUTE(FIN)
 02/01/24 (H) FIN AT 1:30 PM ADAMS 519
 02/01/24 (H) Heard & Held
 02/01/24 (H) MINUTE(FIN)
 02/14/24 (H) FIN RPT 10DP 1NR
 02/14/24 (H) DP: STAPP, GALVIN, HANNAN, ORTIZ,
 COULOMBE, CRONK, TOMASZEWSKI,
 D.JOHNSON,
 02/14/24 (H) EDGMON, FOSTER
 02/14/24 (H) NR: JOSEPHSON
 02/14/24 (H) FIN AT 8:30 AM ADAMS 519
 02/14/24 (H) Moved HB 81 Out of Committee
 02/14/24 (H) MINUTE(FIN)
 03/06/24 (H) TRANSMITTED TO (S)
 03/06/24 (H) VERSION: HB 81
 03/07/24 (S) READ THE FIRST TIME - REFERRALS
 03/07/24 (S) TRA, STA
 03/21/24 (S) TRA AT 1:30 PM BUTROVICH 205

BILL: SB 255

SHORT TITLE: OBSTRUCTION OF PUBLIC PLACES; TRESPASSING
 SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/21/24 (S) READ THE FIRST TIME - REFERRALS
 02/21/24 (S) TRA, JUD
 03/14/24 (S) TRA AT 1:30 PM BUTROVICH 205
 03/14/24 (S) Heard & Held

03/14/24 (S) MINUTE (TRA)
03/21/24 (S) TRA AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE GEORGE RAUSCHER, District 29
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 81.

RYAN MCKEE, Staff
Representative George Rauscher
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for HB 81 on behalf of the sponsor.

ABBY O'CONNOR, Attorney
O'Connor Law LLC
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony on HB 81.

MARIAM HALL, Marketing and Communications Coordinator
Peak Trust Company
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during the discussion of HB 81.

ED MARTIN, JR., representing self
Kenai, Alaska

POSITION STATEMENT: Testified on HB 81 with concerns.

KAY BROWN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

MORGAN LIM, Advocate
Planned Parenthood Alliance Advocates
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

MATT JACKSON, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

AARON BRAKEL, representing self
Douglas, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

MICHAELA STITH, Climate Justice Director
Native Movement
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

KIRA LENA LAJARNIE, Climate Justice Organizer
Native Movement
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

SARAH FURMAN, Member Organizer and Administrative Coordinator
Fairbanks Climate Action Coalition
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

ELEANOR GAGNON, Advocate
Fairbanks Climate Action Coalition
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

AURORA BOWERS, Narrative Strategist
Fairbanks Climate Action Coalition
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

PATTI SAUNDERS, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

MOLLY LEMEN, Interfaith Organizer
Fairbanks Climate Action Coalition
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

JEFF CHEN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

ANDRES CAMACHO, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

MICHAEL GARVEY, Advocacy Director
American Civil Liberties Union (ACLU) Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

ED MARTIN, representing self
Kenai, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

PHIL MOSER, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to SB 255.

ANDY MILLS, Legislative Liaison
Department of Transportation and Public Facilities (DOTPF)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 255.

PARKER PATTERSON, Assistant Attorney General
Civil Division
Department of Law (DOL), Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 255.

ACTION NARRATIVE

[1:31:28 PM](#)

CHAIR JAMES KAUFMAN called the Senate Transportation Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Myers, Wilson, Kiehl, Tobin, and Chair Kaufman.

^#hb81

HB 81-VEHICLES/BOATS: TRANSFER ON DEATH TITLE

[1:32:59 PM](#)

CHAIR KAUFMAN announced the consideration of HOUSE BILL NO. 81 "An Act relating to the transfer of a title on the death of the owner; and providing for an effective date."

[1:33:34 PM](#)

REPRESENTATIVE GEORGE RAUSCHER, District 29, Alaska State Legislature, Juneau, Alaska, sponsor of HB 81, paraphrased the following sponsor statement:

[Original punctuation provided.]

The process of probate in the state of Alaska can take anywhere from six months to several years, and can

cost family members and beneficiaries thousands, potentially tens of thousands of dollars in legal and filing fees. While the State Legislature has already taken great strides to reduce the costs of probate, there is still much room for improvement.

House Bill 81 continues in spirit with the Uniform Real Property Transfer on Death Act (URPTDA), which unanimously passed both the House and Senate in 2014. URPTDA created the Transfer on Death (TOD) deed, which allows for non-probate transfers of real property. TOD deeds allow Alaskans to select a beneficiary who will receive the property at their passing and removes that property from the process of probate.

1:35:18 PM

SENATOR RAUSCHER continued to paraphrase the sponsor statement.

In 2016, legislation similar to HB 81 was introduced but the legislation failed to pass that session. HB 81 is nearly identical, although it expands the concept to apply both to vehicles and boats that are issued titles through the state.

HB 81 continues the ongoing effort to reduce the costs of probate for Alaskans and creates a streamlined service through the DMV through which they can designate beneficiaries for both cars and boats through a simple form. The TOD titles will be available for all boats and vehicles for which the DMV provides titles, which also includes some mobile manufactured homes under AS 45.29.102(66). The program will be self-sustaining through fees.

At no cost to the state, HB 81 will allow countless Alaskans to pass down boats, vehicles, and some manufactured homes to beneficiaries with more ease, and will help simplify and streamline the potentially complicated, costly, and painful process of probate following the death of a loved one.

1:36:08 PM

RYAN MCKEE, Staff, Representative George Rauscher, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for HB 81 on behalf of the sponsor.

[Original punctuation included.]

**House Bill 81 - Vehicles/Boats: Transfer on Death
Title**

Sectional Analysis

Section 1:

Adds a new section under AS 05.25 that allows owners of boats, for which the Department of Administration (DoA) issues titles, to obtain a transfer on death (TOD) title.

Section 2:

Amends AS 13.33.101(a) to add a transfer of a boat or vehicle by a TOD title to the existing list of acceptable nonprobate transferable property.

[1:36:36 PM](#)

MR. MCKEE continued the presentation of the sectional analysis.

Section 3:

Creates a provision under AS 13.33 for a transfer on death (TOD) title for boats and vehicles. Creates and defines the mechanism through the Division of Motor Vehicles (DMV), by which individuals will obtain, revoke, or change their transfer on death title and defines the parameters of the transfer on death title.

(a)-(c) Obtaining a TOD Title

- Creates a provision under AS 13.33 for a transfer on death title for vehicles and boats for which DoA issues titles.
 - This includes some manufactured homes for which the DMV issues titles under AS 45.29.102(66). These homes are without a permanent foundation and transportable in one or more sections.
- Requires that the transfer of title to the designated beneficiary occurs when the sole owner or last surviving joint owner of the vehicle dies.
- Requires that owners of the boats or vehicles file a form through the DMV and pay associated fees to apply for a TOD title.
- Limits the TOD titles to two beneficiaries.

[1:37:46 PM](#)

MR. MCKEE continued the presentation of the sectional analysis.

(d) TOD titles effective without notice or consideration

- Provides that TOD titles will not require notice or acceptance by the designated beneficiary.
- Provides that TOD titles will not be subject to consideration, the process by which there is an exchange or "quid pro quo" required from the recipient of the assets.
 - o Language taken from TOD deed statute under AS 13.48.060.

(e) TOD titles are nontestamentary

- States that TOD titles are nontestamentary, meaning that the associated vehicles do not need to be provided for in the decedents will.

(f)-(g) Revocation or Change to TOD titles

- Provides that the owner may revoke or change the designated beneficiary on the TOD at any time without the beneficiary's consent.
- Explains the process by which owners may revoke or change a TOD title.
 - o The owner can either assign and deliver the certificate of title for the vehicle to another person, thereby revoking the TOD title, or;
 - o file with the DMV to reissue the title without a designated beneficiary or with a different designated beneficiary.

(h) Designated beneficiaries right to disclaim interest

- Allows designated beneficiaries to refuse the boat or vehicle designated to them in a TOD title.
 - o Language taken from TOD deed statute under AS 13.48.100.

(i) TOD titles subject to decedent's creditors, contracts, etc.

- Subjects the TOD title to creditor's claims against the owner's estate, as well as to other

interests, contracts, liens, encumbrances, assignments, and other interests.

- These interests remain attached to the boat or vehicle after it is transferred to the designated beneficiary.

[1:39:48 PM](#)

MR. MCKEE continued the presentation of the sectional analysis.

(j-m) Enforcing liability upon TOD titles

- Imposes the same procedures for enforcing liability upon TOD titles that is applied to TOD deeds under AS 13.48.110 and AS 13.48.088.
 - Provides that the estate may enforce liability against boats or vehicles with TOD titles if the owner's estate does not cover an allowed claim.
 - States that if there are multiple vehicles and/or boats, and a liability exists in the deceased's estate, the liability will be apportioned to each asset in proportion to its net value.
 - Requires that a proceeding to enforce a liability must begin within 12 months of the owner's passing and can only begin once proper notification to beneficiaries has occurred.
 - Stipulates that TOD titles do not affect rights of ownership before the owner's death, and do not affect rights of the designated beneficiary or creditors of the owner(s).
 - TOD titles do not give legal or equitable preference to the designated beneficiary.
 - TOD titles do not affect designated beneficiaries' eligibility for state public assistance.

(n-p) Uniform standard of survivorship, requirements to receive TOD title

- Requires that the designated beneficiary survive the previous owner by 120 hours.
- Requires that the designated beneficiary submit proof of the owner's death and an application and associated fees to the DMV.
- If there are two beneficiaries listed on the TOD title, they become joint owners.

(q) TOD titles may not be changed by other instruments

- Provides that TOD titles may only be changed by the process outlined in section 3 and not by a will or any other instrument.

(r) Gives the DoA authority to develop regulations to implement the TOD titles, establish necessary forms and fees, etc.

(s) Definitions

[1:41:50 PM](#)

MR. MCKEE continued the presentation of the sectional analysis.

Section 4:

Amends AS 13.48.110(c) to add a person acting on behalf of the surviving spouse of the decedent to the list of people who may demand to enforce liability against the decedents' property.

Section 5:

Adds a new section to AS 28.10.275, relating to vehicle titles, to clearly state that owners of vehicles for which the DMV issues titles may obtain a TOD title.

Section 6:

Gives the DoA authority to develop necessary regulations.

Section 7:

Applies an immediate effective date to section 5 of the bill to allow the department to develop regulations.

Section 8:

Applies an effective date of July 1, 2024 to the legislation except for sections 5 and 7.

[1:42:51 PM](#)

CHAIR KAUFMAN invited committee members to ask questions.

[1:42:57 PM](#)

SENATOR TOBIN noted that on page 5 of HB 81, the definition of "person" includes a corporation, company, partnership, firm, association, organization, trust, business trust, or society, as well as a natural person. She sought clarification on whether the definition includes charitable entities, organizations, and nonprofits. She refined the question by posing a scenario, asking if HB 81 would allow an individual wishing to bequeath a boat to the Seward Community Foundation to do so.

[1:44:13 PM](#)

MR. MCKEE deferred the question to an attorney who was invited to answer questions during the meeting.

[1:44:24 PM](#)

CHAIR KAUFMAN invited Ms. O'Connor to put herself on the record and respond to the question.

[1:44:39 PM](#)

ABBY O'CONNOR, Attorney, O'Connor Law LLC, Anchorage, Alaska, said she is a trust and estate attorney, and that while she did not write the legislation, typically a charitable entity has some organizational structure. Often it is a corporation or nonprofit corporation, or some kind of an organization. She suggested the spirit of the legislation is to allow a charitable gift. She said that she could not promise that every charitable organization would qualify as a person, but if it identifies as one of the listed forms, she said it would likely qualify as an heir.

[1:46:03 PM](#)

SENATOR TOBIN sought clarification as to whether that definition interpretation includes a place of worship. She offered that her church, for example, has no articles of incorporation.

MS. O'CONNOR replied that, in her interpretation, she would include a place of worship as an organization, association, or society, but she cannot promise a court would interpret it the same way. She noted the language of HB 81 does not specifically say religious organization, but it does say organization.

[1:46:57 PM](#)

SENATOR TOBIN said she would work with the bill sponsor to ensure those entities are included within the definition.

[1:47:06 PM](#)

SENATOR MYERS referred to HB 81, page 3, lines 18-22, and asked whether a loan held by the deceased would go away or would pass to the beneficiary.

[1:47:55 PM](#)

REPRESENTATIVE RAUSCHER expressed his understanding that it would but deferred the question to the drafters of the bill for confirmation.

[1:48:18 PM](#)

CHAIR KAUFMAN directed the question to Ms. Hall.

[1:48:35 PM](#)

MARIAM HALL, Marketing and Communications Coordinator, Peak Trust Company, Anchorage, Alaska, said that she would find out and respond in writing.

[1:49:05 PM](#)

SENATOR MYERS asked how often this legislation might be used if passed into law.

[1:49:31 PM](#)

REPRESENTATIVE RAUSCHER replied that he would get a quantification.

[1:49:52 PM](#)

SENATOR KIEHL sought clarification on what happens if the beneficiary fails to move the Transfer of Death (TOD) title to their name. He described a hypothetical scenario in which a beneficiary is in an accident, and an officer asks for vehicle registration. He asked what happens if the beneficiary failed to transfer the title cleanly into their name.

REPRESENTATIVE RAUSCHER said there are likely many situations in which titles were not updated with a beneficiary's name. He deferred the question.

[1:51:17 PM](#)

CHAIR KAUFMAN directed the question to Ms. O'Connor.

[1:51:30 PM](#)

MS. O'CONNOR replied the same question applies with or without HB 81. She explained that HB 81 seeks to create an equitable interest in a beneficiary. She said a disclaimer is an affirmative rejection of an inheritance. AS 13.70 describes how to disclaim. She said failing to go to the DMV [to update a registration] does not constitute a disclaimer, and the

beneficiary would still have an equitable interest in the property. She said HB 81 does present an interesting issue of liability. She described a hypothetical situation in which Joe has been named beneficiary [of a car], but Sally takes the car and gets in an accident. In that case, it is in question whether Joe is liable. She acknowledged that she is not an injury lawyer, and does not know the answer, but she said it does create a concern for the beneficiary. Whether it creates a concern for the estate is in question. She explained that one of the concerns with probate and vehicles [in Alaska], is that a decedent's vehicle is a concerning liability for an estate, because it's very difficult to insure and there is a question as to whether the insurance applies. She said HB 81 would allow that liability problem to be avoided by naming a beneficiary. To answer the question, she restated, if a beneficiary has not gone to the DMV to register the inherited car, the beneficiary still has an equitable interest in the car; in terms of liability, she said she does not know that it's clear. She also said she doesn't know whether HB 81 could solve [the liability question]; however, she said it would not be worse than what Alaska currently has, which says the estate presumably would be liable.

[1:54:38 PM](#)

SENATOR KIEHL thanked Ms. O'Connor and said he wasn't thinking of personal injury, rather things like tickets. He suggested that most beneficiaries would need the title in order to get insurance. He suggested he may ask the DMV whether it would be possible to do better than the status quo.

[1:55:17 PM](#)

CHAIR KAUFMAN opened public testimony on HB 81.

[1:55:55 PM](#)

ED MARTIN, JR., representing self, Kenai, Alaska, testified on HB 81 with concerns. Mr. Martin explained that he, his wife and his son own a construction company. His questions concern the company and the heavy equipment that may be involved in probate. He said he does not think HB 81 includes heavy construction equipment, a large asset. He explained that he already has a will, establishing a means to transfer the equipment to his son. He said there could be barriers to the transfer, such as a UCC Code, or a bank might place a hold on this equipment or try to collect a debt on the equipment and he suggested HB 81 may not be complete in that sense. He said only 26 states have passed a beneficiary waiver act and he urged more research into beneficiary waivers. He affirmed the spirit of HB 81 and suggested the committee members do their homework to strengthen

the bill. He said it is very important to ease the financial burden and support the wellbeing of beneficiaries experiencing loss.

[1:58:15 PM](#)

CHAIR KAUFMAN closed public testimony on HB 81.

[1:58:25 PM](#)

CHAIR KAUFMAN offered Representative Rauscher an opportunity to make closing remarks.

[1:58:32 PM](#)

REPRESENTATIVE RAUSCHER said that in past committees there were attempts to include airplanes in HB 81. He said airplanes are controlled by the Federal Aviation Administration (FAA) and can't be included in the bill. Machinery has not come up at all, previously, but airplanes have already been ruled out in previous discussions.

[1:59:39 PM](#)

CHAIR KAUFMAN held HB 81 in committee.

#

[1:59:41 PM](#)

At ease.

^#sb255

SB 255-OBSTRUCTION OF PUBLIC PLACES; TRESPASSING

[2:03:07 PM](#)

CHAIR KAUFMAN reconvened the meeting and announced the consideration of SENATE BILL NO. 255 "An Act relating to the obstruction of airports and runways; relating to the obstruction of highways; establishing the crime of obstruction of free passage in public places; relating to the obstruction of public places; relating to the crime of trespassing; relating to the obstruction of navigable waters; and providing for an effective date."

This is the second hearing of this bill in the Senate Transportation Committee.

[2:04:05 PM](#)

CHAIR KAUFMAN opened public testimony on SB 255.

[2:04:29 PM](#)

KAY BROWN, representing self, Anchorage, Alaska, testified in opposition to SB 255. She said SB 255 impinges on the peoples constitutionally protected right to gather in a public place without a permit. She said the bill criminalizes this constitutionally protected behavior, the right to assemble as citizens and to protest and speak out. She opined the bill is an attempt to intimidate, dissuade and discourage people from assembling, by establishing this new crime of obstructing free passage in a public place. She said she hopes the bill does not pass, but that if it does, she said the definition of public place is far too broad. She said it appears that significant criminal and civil liabilities could be triggered by standing on a sidewalk and blocking someone's path. She noted SB 255, Section 9 evokes unreasonable inconvenience, without definition, could result in Class B misdemeanor conviction, which she said is outrageous. She said SB 255, Section 4 also has significant problems, including that it lacks a clear definition of nominal damages. Ms. Brown asked for consideration of the effect SB 255 would have on the unhoused who occupy public places and may arguably impede movement at times. She concluded SB 255 is unnecessary and an unconstitutional violation of the rights of citizens.

[2:07:08 PM](#)

MORGAN LIM, Advocate, Planned Parenthood Alliance Advocates, Juneau, Alaska, testified in opposition to SB 255. He said this bill would criminalize Alaskans who exercise their freedom of speech and assembly, and the language of the bill is so broad that it renders constitutionally protected speech illegal and so vague that those who would wish to follow or enforce the law would be unclear as to the legislation's scope. He noted under SB 255, people could be charged for obstruction of free passage in public places if they knowingly make a public place impassable or significantly inconvenient or hazardous for passage; and it is unclear what impassable, significantly inconvenient or hazardous for passage mean. He said the vague language of the bill is an attempt to crack down on Alaskans' ability to protest, demonstrate and freely assemble in public places. He noted that vague and overly broad laws could be applied selectively by law enforcement against parties engaged in disfavored speech and that there is no way for the state to neutrally apply this bill. He said the bill raises more questions than answers about what conduct is permissible in public. Moreover, he said a new obstruction of free passage crime appears to criminalize homelessness in public spaces and could be weaponized by law enforcement to target marginalized groups including the un-housed, exacerbating rather than

alleviating Alaska's housing crisis. He submitted that this legislation does not make Alaska safer or address the current problem for people protesting across the state. Instead, he said, it is government overreach that sends a threatening message to protestors, intending to chill free speech.

2:09:33 PM

MATT JACKSON, representing self, Anchorage, Alaska, testified in opposition to SB 255. He began by reading: Congress shall make no law abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and to petition the government for a redress of grievances. He opined that is all that needs be known about SB 255, that it is a blatant violation of first amendment rights. He said the bill is clearly intended to chill dissent and he said the first amendment was specifically intended to protect against bills like SB 255. He noted Section 4 describes the liability for civil action under this Act, for no less than \$50,000 to a person who suffers damage to property. It appears that someone who caused \$5 in damages while exercising the right to protest could be liable for no less than \$50,000. He noted that the median income in Alaska is \$34,000. He concluded this is just one example of the issues this bill raises of the intimidating effect of SB 255 on the constitutionally protected right to free speech and encourages the committee to oppose SB 255.

2:11:35 PM

AARON BRAKEL, representing self, Douglas, Alaska, testified in opposition to SB 255. Mr. Brakel said SB 255 is a non-Alaska solution to a non-Alaska problem. He related his experience earlier in the day of being directed to vacate a public sidewalk outside the Dimond Courthouse and that the directive originated with the Department of Law building manager. He characterized the gathering as an assembly of people speaking in front of their state capital. He said SB 255 is an unacceptable bill and is a sign of things to come. He opined that the bill could create an entirely litigious, ridiculous situation. He said SB 255 exists so people who are assembling with concerns can be targeted by big concerns, both individually and in groups.

2:13:55 PM

MICHAELA STITH, Climate Justice Director, Native Movement, Juneau, Alaska, testified in opposition to SB 255. Ms. Stith characterized SB 255 as an attempt to criminalize nonviolent protest. She said the bill is against the First Amendment right to peaceable assemble, and the right to petition the government for a redress of grievances. She evoked Martin Luther King Jr

and recalled that he said: We adopt the means of non-violence because our end is a community at peace with itself. We will try to persuade with our words, but if our words fail, we will try to persuade with our acts. She said non-violent action is core to American identity and core to what it means to be Alaskan. She sought to remind those present that the right to peaceably assemble is a unique freedom provided in this country. She put forth specific concerns with Sections 8 and 7 addressing the obstruction of highways, a common form of non-violent protest in the United States. She emphasized that banner drops and highway blockades make a statement to persuade when people are not heard by other means. She maintained that it is a right to participate in non-violent direct action. She said it was not clear to her whether a conviction under SB 255 would result in the loss of the right to vote in federal elections. She concluded that SB 255 is a violation of First Amendment rights and urged that it not be passed.

[2:16:12 PM](#)

Cathy Walling, representing self, Fairbanks, Alaska testified in opposition to SB 255. Ms. Walling invited the committee to uplift the voices of previous testifiers, and to uphold peaceful assembly and protection of First Amendment rights by opposing SB 255.

[2:17:22 PM](#)

KIRA LENA LAJARNIE, Climate Justice Organizer, Native Movement, Anchorage, Alaska, testified in opposition to SB 255. She said when government bodies and assemblies are not adequately representing the will of the people, the people have to have a way for redress. She said SB 255 is a clear conflict of interest; if the people want to protest government actions that are not serving them, the government could simply choose not to grant them a permit to assemble. The bill could promote authoritarian government actions and suppress freedom of speech. The First Amendment clearly protects this right. She said that if people have the protection to gather for their beliefs in religious places of worship, people must also be able to gather on the streets, even if they don't have the means to buy a hall of worship. She concluded that the public has the right to public spaces.

[2:18:39 PM](#)

SARAH FURMAN, Member Organizer and Administrative Coordinator, Fairbanks Climate Action Coalition, Fairbanks, Alaska, testified in opposition to SB 255. Ms. Furman said SB 255 is a clear violation of freedom of speech and assembly, protected in the

constitution. The language in the bill is vague, will criminalize people directly and indirectly in constitutionally protected activities. She said the ability for US citizens to assemble and protest is fundamental to democracy and there are examples throughout history when the people needed to use this right to fight injustices: the civil rights movement, women's suffrage movement, etc. Looking back, she said, we uplift these people and their leaders for moving the country forward. We don't say: oh, they shouldn't have blocked that sidewalk in their pursuit of fundamental rights. She concluded: these are the kind of laws that authoritarian and fascist governments use against their people, and we don't want to do that.

[2:19:52 PM](#)

ELEANOR GAGNON, Advocate, Fairbanks Climate Action Coalition, Fairbanks, Alaska, testified in opposition to SB 255. She said public spaces exist for people to gather. She agreed with earlier testimony describing the language of SB 255 as vague and offered a range of interpretation for the definition of obstruction and the potential for subjective application. She emphasized that the lack of clear definitions contributes to the dangers of SB 255. She said the people who are most likely to be harmed by SB 255 are those unhoused, and they need public spaces the most. She implored the committee that denying access to safe spaces for the unhoused is a crime.

[2:20:56 PM](#)

AURORA BOWERS, Narrative Strategist, Fairbanks Climate Action Coalition, Fairbanks, Alaska, testified in opposition to SB 255. Ms. Bowers said she was eleven when 911 happened and that event and those that followed set the course for her life. She joined nonviolent protests against the invasion of Iraq. She described her childhood involvement and experience as empowering and said the experiences demonstrated to her the power of a citizen. She said that, though the demonstrators weren't able to affect the change they desired, they exercised a core right of Americans and Alaskans. She pointed out that those gatherings of fifteen or fifty pacifists could have been charged with criminal activity under SB 255. She urged opposition to SB 255.

[2:22:31 PM](#)

PATTI SAUNDERS, representing self, Anchorage, Alaska, testified in opposition to SB 255. Ms. Saunders said she is a former lawyer and that she spent three years in law school learning about things like the Bill of Rights, the rights of citizens and what democracy meant. She said reading SB 255 engendered horror in her heart and mind when she realized the governor was trying

to impose this in Alaska. She emphasized that it was not some nutjob that proposed the bill, but our governor. She opined that SB 255 guarantees litigation. She predicted someone will be arrested and someone will be sued because this bill violates the constitution. She predicted a costly outcome and eventual Supreme Court action. She said SB 255 is a solution looking for a problem and there is no evidence that demonstrations, rallies, gatherings, exercises of free speech or assembly have caused any problems in Alaska. She asserted there is no reason for the bill, even if was constitutional. She said she cannot believe the man who serves at the head of our state government proposed this. She implored the committee to oppose SB 255.

[2:24:53 PM](#)

MOLLY LEMEN, Interfaith Organizer, Fairbanks Climate Action Coalition, Fairbanks, Alaska, testified in opposition to SB 255. Ms. Lemen expressed concern that SB 255 seems, on it's face, to protect people's freedom of movement and access to emergency care but will in fact be used against peaceful protesters as an excuse to force people to vacate a premises when their opinions are inconvenient, restricting the right to peacefully assemble. She queried: who would determine what constitutes unreasonable inconvenience and how can such broad language be equitably enforced?

[2:25:49 PM](#)

JEFF CHEN, representing self, Anchorage, Alaska, testified in opposition to SB 255. Mr. Chen said protests and rallies, like journalism, like serving as a senator, like filibusters and conversations with families, are tools used in democracies for making change. He emphasized that he, coming from an immigrant family, holds these things dear. He urged better definitions in SB 255. He characterized the bill as an overreach of government, an impingement on free speech and he encouraged broad opposition.

[2:27:18 PM](#)

ANDRES CAMACHO, representing self, Juneau, Alaska, testified in opposition to SB 255. Mr. Camacho affirmed prior testimony and noted that the expression of shared values is an essential promise of this country. He affirmed the system of checks and balance that allows for many ways to be heard, in buildings and rooms like this, as well as in greater public places. He expressed appreciation for the opportunity to demand, to cry out, to express the needs and values of a community. He suggested that there is still a lot to be done to fulfill an essential promise of this country: to honor the voices of all

those that live here. He said SB 255 strips away a key part of that process.

2:29:36 PM

MICHAEL GARVEY, Advocacy Director, American Civil Liberties Union (ACLU) Alaska, Anchorage, Alaska, testified in opposition to SB 255 on behalf of the ACLU in Alaska. He said the organization is wholly opposed to the bill and views it as an unconstitutional and overbroad bill that would chill all Alaskans' fundamental rights to freedom of speech and assembly. By creating a new crime, increasing penalties for existing crimes and establishing extreme civil penalties, SB 255 would deter Alaskans from exercising these rights. The proposed civil penalties, which he said are not based on actual losses or damages and could apply to a broad range of behavior, potentially including sharing information about a protest on social media, are the minimum amounts that could be imposed without having to prove that a person acted negligently or unreasonably or with ill intent. He said this form of strict liability likely means that our constitutional rights to free speech may not be a defense. Additionally, when the government regulates speech and expression, it must do so in a narrowly tailored way that satisfies a compelling government interest. SB 255 was proposed to prevent hypothetical scenarios and is based on a right to free passage that is not found in either the federal or state constitution. He further noted that, in order to uphold Alaskans' due process rights, the government must clearly define conduct that it prohibits. Implementing the concept of obstruction of free passage in public places would require law enforcement and prosecutors to make judgment calls about what conduct qualifies [for prosecution], because the [current] definition could capture a lot of unremarkable activity. He said the standard is too vague to clearly understand and too subjective to avoid uneven enforcement. He concluded that SB 255 is an overbroad solution in search of a problem and, top to bottom, a violation of constitutional rights. For these reasons, he said, the ACLU of Alaska urges the committee not to advance SB 255.

2:31:40 PM

ED MARTIN, representing self, Kenai, Alaska, testified in opposition to SB 255. Mr. Martin sought to share with the committee his findings that SB 255 originated with a publication by the Yale Law Journal, 2014. He said he was not surprised that there have been attempts to limit free speech, assembly, free access and choice of residence. Mr. Martin expressed frustration

with local Kenai leadership that reflected what he considered to be similar attempts to limit citizens' rights.

[2:34:39 PM](#)

PHIL MOSER, representing self, Juneau, Alaska, testified in opposition to SB 255. Mr. Moser said SB 255 would have been applicable to the march from Selma to Montgomery and to other civil rights efforts in the 1950's and 1960's. He said he was present during Juneau's version of the Freedom Convoy, the protest against vaccinations in 2022. He asserted that, had SB 255 been in effect for that event, he would have been able to sue many people and organizations, including several state legislators and community leaders. He pointed out that legislation which is intended to support one ideology can also be used to support opposing viewpoints.

[2:37:22 PM](#)

CHAIR KAUFMAN closed public testimony on SB 255.

CHAIR KAUFMAN invited questions from committee members noting that individuals representing Alaska State Troopers, Department of Transportation and Public Facilities (DOTPF), and Department of Law are available to answer them.

[2:37:51 PM](#)

SENATOR KIEHL asked whether there is a state law that explicitly permits the Department of Transportation and Public Facilities (DOTPF) to plow snow onto the sidewalks.

[2:38:18 PM](#)

ANDY MILLS, Legislative Liaison, Department of Transportation and Public Facilities (DOTPF), Juneau, Alaska, answered questions during the discussion of SB 255. Mr. Mills offered to find the regulations that address berms and clearing of snow and provide that to the committee.

[2:38:37 PM](#)

SENATOR KIEHL said DOTPF may have an explicit statutory authorization, but the City and Borough of Juneau does not have regulations allowing snowplow drivers to pile snow on the sidewalks. He asked whom to sue when his sidewalk is plowed in, whether the suit would be against the drivers in their personal capacity for \$10,000 each, or in their professional capacity as city employees.

[2:39:15 PM](#)

PARKER PATTERSON, Assistant Attorney General, Civil Division, Department of Law (DOL), Juneau, Alaska, answered questions during the discussion of SB 255. Mr. Patterson said he would have to investigate city ordinances. He said he would get back to the committee.

[2:39:34 PM](#)

SENATOR KIEHL said that he checked with the city attorney and there is no authorization.

MR. PATTERSON said that he would have to personally research it before offering an opinion.

SENATOR KIEHL said there may be even more overbreadth in the liability section than public testimony indicated today.

[2:40:35 PM](#)

CHAIR KAUFMAN held SB 255 in committee.

#

[2:41:00 PM](#)

There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 2:41 p.m.