

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

March 26, 2024

1:45 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Jesse Kiehl

COMMITTEE CALENDAR

HOUSE BILL NO. 341

"An Act naming the Marvin Thurmond Galena Maintenance and Operation Station."

- MOVED HB 341 OUT OF COMMITTEE

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."

- MOVED HB 81 OUT OF COMMITTEE

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."

- MOVED SB 255 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 341

SHORT TITLE: MARVIN THURMOND GALENA MAINT. STATION

SPONSOR(S): REPRESENTATIVE(S) CRONK

02/20/24 (H) READ THE FIRST TIME - REFERRALS
02/20/24 (H) TRA
03/05/24 (H) TRA AT 2:00 PM BARNES 124
03/05/24 (H) Moved HB 341 Out of Committee
03/05/24 (H) MINUTE(TRA)
03/06/24 (H) TRA RPT 7DP
03/06/24 (H) DP: MINA, STUTES, MCKAY, VANCE, SUMNER,
C.JOHNSON, MCCABE
03/13/24 (H) TRANSMITTED TO (S)
03/13/24 (H) VERSION: HB 341
03/15/24 (S) READ THE FIRST TIME - REFERRALS
03/15/24 (S) TRA
03/26/24 (S) TRA AT 1:30 PM BUTROVICH 205

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
03/21/24 (S) Heard & Held
03/21/24 (S) MINUTE(TRA)
03/26/24 (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
03/21/24 (S) Heard & Held
03/21/24 (S) MINUTE(TRA)
03/26/24 (S) TRA AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Representative Mike Cronk, District 36
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 341.

Representative George Rauscher, District 29
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 81.

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

POSITION STATEMENT: Answered questions on SB 255.

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

POSITION STATEMENT: Answered questions on SB 255.

TREG TAYLOR, Attorney General
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 255.

KACI SCHROEDER, Assistant Attorney General
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions on SB 255.

ACTION NARRATIVE

[1:45:45 PM](#)

CHAIR JAMES KAUFMAN called the Senate Transportation Standing Committee meeting to order at 1:45 p.m. Present at the call to order were Senators Tobin, Myers and Chair Kaufman. Senator Wilson arrived during the introductions.

CHAIR KAUFMAN announced that the agenda would consist of HB 341, HB 81, and SB 255.

HB 341-MARVIN THURMOND GALENA MAINT. STATION

[1:46:50 PM](#)

CHAIR KAUFMAN announced the consideration of HOUSE BILL NO. 341 "An Act naming the Marvin Thurmond Galena Maintenance and Operation Station."

He noted that the committee previously heard the companion bill, SB 244 March 5, 2024.

[1:47:29 PM](#)

REPRESENTATIVE MIKE CRONK, District 36, Alaska State Legislature, Juneau, Alaska, sponsor of HB 341 explained that his office received a request from those intimately familiar with the service provided by the Galena DOT maintenance station to name it after a highly respected, long-term employee who had passed. He said he did not know Marvin Thurmond personally, but he was held in high regard by all those who knew him in Galena. Marvin Thurmond was known as a tireless worker and as an airport

manager, brought a dimension to the service worthy of note. He said there is widespread support for this bill and there have been no objections of any kind. There are also no changes from the senate version of the bill. He said he recently met Marvin Thurmond's brother, who was appreciative of this acknowledgement.

[1:48:51 PM](#)

At ease

[1:49:12 PM](#)

CHAIR KAUFMAN reconvened the meeting and solicited a motion.

[1:49:17 PM](#)

SENATOR WILSON moved to report HB 341, work order 33-LS1389\A, from committee with individual recommendations and attached fiscal note(s).

[1:49:30 PM](#)

CHAIR KAUFMAN HB 341 was reported from the Senate Transportation Standing Committee.

[1:49:37 PM](#)

At ease

HB 81-VEHICLES/BOATS: TRANSFER ON DEATH TITLE

[1:52:18 PM](#)

CHAIR KAUFMAN reconvened the meeting and 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."

[1:52:58 PM](#)

Representative George Rauscher, District 29, Alaska State Legislature, Juneau, Alaska, sponsor of HB 81, introduced himself and was available to answer questions.

[1:53:15 PM](#)

SENATOR TOBIN referred to HB 81, Section 3(s)(6) and said she asked Legislative Legal if the definition of person included a nonprofit, a charitable entity or a place of worship, and their office indicated their interpretation of person would include those organizations. She summarized: if an individual chooses to will their boat [or vehicle] to a place of worship, [under HB 81] they would be able to do so.

[1:53:56 PM](#)

At ease

[1:54:08 PM](#)

CHAIR KAUFMAN reconvened the meeting and solicited a motion.

[1:54:12 PM](#)

SENATOR WILSON moved to report HB 81, work order 33-LS0366\A, from committee with individual recommendations and attached fiscal note(s).

[1:54:23 PM](#)

CHAIR KAUFMAN found no further objection and HB 81 was reported from the Senate Transportation Standing Committee.

[1:54:30 PM](#)

At ease

SB 255-OBSTRUCTION OF PUBLIC PLACES; TRESPASSING

[1:55:57 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."

CHAIR KAUFMAN noted there were representatives from Department of Law (DOL) and Department of Transportation and Public Facilities (DOTPF), available to answer questions. He invited Parker Patterson, Department of Law (DOL) to answer follow up questions from prior hearing of SB 255.

[1:56:46 PM](#)

PARKER PATTERSON, Senior Assistant Attorney General, Department of Law (DOL), Juneau, Alaska recalled that Senator Kiehl described a hypothetical event in which a municipality plowed streets and caused snow to accumulate on sidewalks. The question was whether the snow accumulation on the sidewalks would create civil liability under SB 255 for the municipality directly or for the drivers. Mr. Parker said Department of Law does not believe that it would create a liability. He explained that a municipal street has a right of way that the municipality controls. The right of way extends outward from the center of

the street and encompasses sidewalks, granting the municipality authority to control and regulate sidewalks. This authority also allows the municipality to close a sidewalk in the case of construction or a permitted event. He said SB 255 would not alter the municipality's ability to exercise its right of way authority. He said, in the case of the plow, snow would simply be relocated from one part of a right of way to another part of the same right of way and the municipality would have the legal authority to do that.

MR. PATTERSON read SB 255, Section 9, subsection (b)(1): This section does not apply to the obstruction of free passage in public places authorized by a permit issued by a state agency or municipality of the state.

MR. PATTERSON said that, if the municipality has the authority to authorize private citizens to obstruct, then they may authorize the plow driver to do the same. He read SB 255, Section 9 (b)(2): conduct otherwise authorized by law or the person in charge of the premises. In this case, he said, the person in charge would be the municipality. The municipality may authorize the plow drivers to create an obstruction on the sidewalks, over which they have authority. Department of Law does not interpret SB 255 to create a liability in the scenario described by Senator Kiehl.

[1:59:28 PM](#)

SENATOR WILSON asked whether the same rule would apply to the right of way part of a driveway. He posed a hypothetical in which a twelve to eighteen inch berm is built by those providing snow removal services and a vehicle gets stuck, [causing obstruction]. He asked whether SB 255 would allow for an individual to take civil action against those providing snow removal.

[1:59:58 PM](#)

MR. PATTERSON questioned whether a driveway would be considered a public place.

[2:00:04 PM](#)

SENATOR WILSON clarified that the obstruction would be at the edge of the driveway in that easement or [right of way] area and blocking joint access to the street.

[2:00:30 PM](#)

ANDY MILLS, Special Assistant and Legislative Liaison, Department of Transportation and Public Facilities (DOTPF),

Juneau, Alaska answered that for snow removal activities, all driveways are permitted by DOT as access points to roads maintained by the state. He referred to the regulations concerning berms, AAC 17.10.020 and said DOTPF often hears from legislators and from constituents that are not pleased with the berms. He said DOTPF has maintained that, by law, the state's responsibility is to clear roadways and driveway owners' is to clear berms. He said he is not aware of eighteen-inch parameter and clearing individual driveways would be a significant maintenance activity for DOTPF to add.

[2:01:51 PM](#)

SENATOR WILSON said he understands the approach for state roads. He discussed various parameters and agreements for municipal streets and roads and asked if SB 255 would give a private individual more authority to sue their local government if an oversize berm creates an obstruction.

[2:02:50 PM](#)

MR. MILLS said he didn't know about [agreements for clearing berms] in every locality and that it would likely depend on each jurisdiction and the particular entity tasked with snow removal. For a legal perspective he deferred to lawyers from the local municipalities or from the state.

[2:03:27 PM](#)

MR. PATTERSON sought clarification about the snow berm being in a public place but also not something that the municipality would be authorized to do.

[2:03:56 PM](#)

SENATOR WILSON clarified that, in his area, there is a twelve inch berm allowance. He described a situation in which an 18 inch to two foot berm is left in a driveway. He said that a Prius, for example, will not be able to get through, potentially resulting in obstruction and significant inconvenience for the driver. He asked whether SB 255 allows more options for those individuals to seek legal civil liability action against the municipality or the plow driver for knowingly leaving the berm. He agreed with the spirit of SB 255 as a deterrent, but expressed discomfort with it's civil liabilities and the potential for unintended consequences.

[2:05:41 PM](#)

MR. PATTERSON reiterated that the municipality would maintain authority over the right of way. He said it would not be

difficult to add to SB 255 provision that it would not apply to municipalities.

[2:06:10 PM](#)

SENATOR WILSON said that seemed worse. He said that would result in civil liabilities applying unequally to municipal and state roads, depending on the area and what authority the roads are under. He acknowledged that he did not have an answer and understood the concept of the law, but was hesitant to create an opportunity for frivolous law suits.

[2:06:56 PM](#)

TREG TAYLOR, Attorney General, Department of Law, Anchorage, Alaska, sought to clarify that there would first have to be a determination that a criminal violation occurred. He explained that discretion would have been exercised by law enforcement and by prosecutors and he expressed confidence that discretion would prevent a silly position in which a berm accidentally left leads to unlimited liability. He said he does not anticipate the civil liability provisions likely to lead to problems because of the requirement to establish that a crime occurred [before civil liability may be pursued].

[2:08:14 PM](#)

SENATOR MYERS sought clarification on SB 255, Section 7. He asked whether obstruction of highways applies to roads in road service areas and other smaller roads or only to main highways, like the Parks, Glenn and Richardson Highways.

[2:08:41 PM](#)

MR. PATTERSON stated that is a criminal provision and he deferred the question to someone with greater familiarity with criminal law.

[2:08:57 PM](#)

KACI SCHROEDER, Assistant Attorney General, Department of Law, Juneau, Alaska offered the definition for highway from criminal code, AS 11.81.900: a highway is a public road, road right of way, street, alley, bridge, walk, trail, tunnel, path or similar or related facility as well as ferries and similar or related facilities. She characterized the definition as relatively broad.

[2:09:37 PM](#)

SENATOR MYERS sought to confirm that the definition would include a road in a road service area.

[2:09:44 PM](#)

MS. SCHROEDER said she was not an expert in road service areas, but it seems that if it was a public road, it would apply.

[2:09:52 PM](#)

SENATOR MYERS related a concern from a constituent. He described a mechanic business operated out of a home from which vehicles were often left on the roadway for significant periods of time, creating challenges for snow removal and for traffic to pass. He asked whether this situation would qualify under SB 255 as obstruction of highways.

[2:10:52 PM](#)

MS. SCHROEDER said that the described situation could fit the conditions described by SB 255. She explained that if the definition of highway were met and it was found that the highway was knowingly made impassable or passable only with unreasonable inconvenience or hazard, this hypothetical would describe a violation of the law.

[2:11:12 PM](#)

SENATOR TOBIN asked for clarification about discretion. She said it appeared that SB 255 would treat the state and municipalities differently than we would be treating private citizens. She asked if there would be concern about equal protection.

[2:11:48 PM](#)

MR. TAYLOR explained that discretion would be applied regardless of whether it is a municipality, the state or an individual. [Law enforcement] officers that respond always have discretion and prosecutors who are deciding what charges to bring also exercise discretion regardless of who the actor is. He said individuals would be given the same discretionary treatment as a state or a municipality.

[2:12:23 PM](#)

SENATOR TOBIN sought to verify that Department of Law has no concern with regard to equal protection laws and that the intent of SB 255 was to treat private citizens differently and hold them more accountable than municipalities or states.

[2:12:43 PM](#)

MR. TAYLOR replied that there was no intent to treat municipalities or states differently than private individuals. He said he has no concerns that SB 255 causes any constitutional challenges.

[2:13:07 PM](#)

CHAIR KAUFMAN finding no further questions; solicited a motion.

[2:13:20 PM](#)

SENATOR TOBIN moved to adopt Amendment 1, work order 33-GS2378\A.6.

33-GS2378\A.6
C. Radford
3/25/24

AMENDMENT 1

OFFERED IN THE SENATE

BY SENATOR TOBIN

Page 1, line 4, following "**waters;**":

Insert "**relating to the Office of the Governor;**"

Page 5, following line 2:

Insert a new bill section to read:

"* **Sec. 11.** AS 44.19.010 is amended by adding a new subsection to read:

(b) The governor shall designate a person in the executive branch to assist applicants in submitting a public use permit application to the appropriate state agency."

Renumber the following bill sections accordingly.

[2:13:26 PM](#)

CHAIR KAUFMAN objected for purposes of discussion.

[2:13:28 PM](#)

SENATOR TOBIN explained that her intent with Amendment 1 was to provide Alaskans who wish to utilize the right to assemble and

the right to free speech the opportunity to request a permit to ensure that they do not fall into violation of the liability clauses contained in SB 255. She sought to ensure that they have the opportunity to peacefully protest and have a legal means to exercise that right. She emphasized the importance of not leaving things solely up to the discretion of [law enforcement] officer but to provide the opportunity to comply with the law and ensure that [citizens] do not experience undue financial hardship for the constitutionally protected right to peacefully assemble and peacefully protest.

SENATOR TOBIN noted that [Senate Transportation Committee] is not the appropriate committee for this amendment and she therefore withdrew Amendment 1. She said she would wait to hear the bill in a later committee and work to ensure that it does not violate the protections of the constitution.

[2:15:32 PM](#)

CHAIR KAUFMAN noted that several intriguing points arose during the discussion, which might warrant additional refinements to the legislation.

[2:16:08 PM](#)

At ease

[2:16:14 PM](#)

CHAIR KAUFMAN reconvened the meeting and solicited the will of the committee.

[2:16:20 PM](#)

SENATOR WILSON moved to report SB 255, work order 33-GS2378\A, from committee with individual recommendations and attached fiscal note(s).

[2:16:34 PM](#)

CHAIR KAUFMAN found no objection and SB 255 was reported from the Senate Transportation Committee.

[2:16:43 PM](#)

At ease

[2:18:33 PM](#)

There being no further business to come before the committee, Chair Kaufman adjourned the Senate Transportation Standing Committee meeting at 2:18 p.m.