

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

April 5, 2001

8:05 a.m.

**MEMBERS PRESENT**

Representative John Coghill, Chair  
Representative Jeannette James  
Representative Hugh Fate  
Representative Gary Stevens  
Representative Peggy Wilson  
Representative Harry Crawford  
Representative Joe Hayes

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 167

"An Act relating to license plates for Alaska National Guard personnel and for antique motor vehicles; relating to gold rush license plates; and providing for an effective date."

- MOVED CSHB 167(STA) OUT OF COMMITTEE

HOUSE BILL NO. 200

"An Act establishing July 3 as Drunk Driving Victims Remembrance Day."

- HEARD AND HELD

HOUSE BILL NO. 28

"An Act relating to the location of legislative sessions; and providing for an effective date."

- HEARD AND HELD

HOUSE BILL NO. 195

"An Act requiring governmental entities to meet certain requirements before placing a burden on a person's free exercise of religion."

- HEARD AND HELD

HOUSE BILL NO. 20

"An Act relating to state aid to municipalities and certain other recipients, and for the village public safety officer program; relating to municipal dividends; relating to the public safety foundation program; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS ACTION**

BILL: HB 167

SHORT TITLE:MOTOR VEH. LIC.PLATES: NATL GRD/ANTIQUE

SPONSOR(S): REPRESENTATIVE(S)DYSON

Jrn-Date	Jrn-Page		Action
03/09/01	0516	(H)	READ THE FIRST TIME - REFERRALS
03/09/01	0516	(H)	STA, FIN
04/03/01		(H)	STA AT 8:00 AM CAPITOL 102
04/03/01		(H)	Scheduled But Not Heard
04/05/01		(H)	STA AT 8:00 AM CAPITOL 102
04/05/01		(H)	Moved CSHB 167(STA) Out of Committee
04/05/01		(H)	MINUTE(STA)

BILL: HB 200

SHORT TITLE:DRUNK DRIVING VICTIMS REMEMBRANCE DAY

SPONSOR(S): JUDICIARY

Jrn-Date	Jrn-Page		Action
03/19/01	0650	(H)	READ THE FIRST TIME - REFERRALS
03/19/01	0650	(H)	STA
04/05/01		(H)	STA AT 8:00 AM CAPITOL 102

BILL: HB 28

SHORT TITLE:MOVE SECOND LEGISLATIVE SESSION

SPONSOR(S): REPRESENTATIVE(S)OGAN

Jrn-Date	Jrn-Page		Action
01/08/01	0031	(H)	PREFILE RELEASED 1/5/01
01/08/01	0031	(H)	READ THE FIRST TIME - REFERRALS
01/08/01	0031	(H)	STA, FIN
01/08/01	0031	(H)	REFERRED TO STATE AFFAIRS
01/12/01	0073	(H)	COSPONSOR(S): DYSON
04/03/01		(H)	STA AT 8:00 AM CAPITOL 102

04/03/01 (H) Scheduled But Not Heard  
04/05/01 (H) STA AT 8:00 AM CAPITOL 102

BILL: HB 195

SHORT TITLE: FREEDOM OF RELIGION  
SPONSOR(S): REPRESENTATIVE(S) DYSON

Jrn-Date	Jrn-Page		Action
03/19/01	0649	(H)	READ THE FIRST TIME - REFERRALS
03/19/01	0649	(H)	STA, JUD, FIN
04/05/01	0869	(H)	COSPONSOR(S): WILSON
04/05/01		(H)	STA AT 8:00 AM CAPITOL 102

**WITNESS REGISTER**

REPRESENTATIVE FRED DYSON  
Alaska State Legislature  
Capitol Building, Room 104  
Juneau, Alaska 99801

POSITION STATEMENT: Testified as sponsor of HB 167 and as  
cosponsor of HB 195.

HEATHER NOBREGA, Staff  
to Representative Norman Rokeberg  
Alaska State Legislature  
Capitol Building, Room 118  
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of Representative  
Norman Rokeberg, sponsor of HB 200.

CHRISTINE TALBOT  
(No address provided)

POSITION STATEMENT: Testified in favor of HB 200.

BRIAN CLARK  
(No address provided)

POSITION STATEMENT: Testified in favor of HB 200.

CINDY CASHEN  
Mothers Against Drunk Drivers  
315 Gold Street  
Juneau, Alaska 99801

POSITION STATEMENT: Testified in favor of HB 200.

PAM WATTS, Executive Director  
Advisory Board on Alcoholism and Drug Abuse

(No address provided)

POSITION STATEMENT: Testified in favor of HB 200.

DAVID STANCLIFF, Staff  
to Representative Scott Ogan  
Alaska State Legislature  
Capitol Building, Room 108  
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of Representative Scott Ogan, sponsor of HB 28.

REPRESENTATIVES ERIC CROFT  
Alaska State Legislature  
Capitol Building, Room 400  
Juneau, Alaska 99801

POSITION STATEMENT: Testified as a sponsor of HB 195.

ROBERT ROYCE, Assistant Attorney General  
Governmental Affairs Section  
Department of Law  
1031 West Fourth Street, Suite 200  
Anchorage, Alaska 99501-1994

POSITION STATEMENT: Testified on HB 195.

GARY WATERHOUSE, Pastor  
Juneau and Sitka Seventh Day Adventist Churches  
4343 Mendenhall Loop Road  
Juneau, Alaska 00901

POSITION STATEMENT: Testified in support of HB 195.

AL SUNDQUIST, President, Alaska Chapter  
Americans United for Separation of Church and State  
3384 Mount Vernon Court  
Anchorage, Alaska 99503

POSITION STATEMENT: Testified in opposition to HB 195.

EDWARD C. FURMAN  
PO Box 2361  
Cordova, Alaska 99574

POSITION STATEMENT: Testified on HB 195.

#### **ACTION NARRATIVE**

TAPE 01-34, SIDE A  
Number 0001

CHAIR JOHN COGHILL called the House State Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Coghill, Fate, Stevens, Wilson, and Crawford were present at the call to order. Representatives James and Hayes arrived as the meeting was in progress.

HB 167-MOTOR VEH. LIC.PLATES: NATL GRD/ANTIQU

Number 0054

CHAIR COGHILL announced that the first order of business would be HOUSE BILL NO. 167, "An Act relating to license plates for Alaska National Guard personnel and for antique motor vehicles; relating to gold rush license plates; and providing for an effective date."

Number 0140

REPRESENTATIVE FRED DYSON, Alaska State Legislature, came forward to testify as sponsor of HB 167. He began by saying he believes HB 167 has "no downside." A number of automobile hobbyists approached him several years ago asking that the law be changed to allow them to use (if they can find them) old Alaska license plates that match the year of manufacture of their antique or collectable cars. About half of the other states allow this, he said. If HB 167 passes, the automobile owners will ask the Department of Motor Vehicles (DMV) to check to see if there is a duplicate number among the current plates. If there is not and the old plate is legible, then DMV will allow the person to use the old plate with a sticker indicating the current registration. He said DMV is comfortable with the idea and does not see it as a problem.

Number 0280

REPRESENTATIVE DYSON explained that when he started out to sponsor HB 167, one of his colleagues in the Senate said there are people who want to be able to get the so-called "gold rush" type license plates as vanity plates with their initials or whatever on them. His friend in the Senate added that provision to the bill, "and the bill kind of went in a ditch," Representative Dyson said. When he resurrected the idea for this session, the bill still contained the part pertaining to gold rush plates. He asked the House State Affairs Standing Committee to amend HB 167 by taking the gold rush plates out of it. He thinks there is very little demand for those, and that part of the bill places the most of a fiscal note on HB 167.

Number 0366

REPRESENTATIVE DYSON then said DMV had asked that a small change be made so that people who have Alaska National Guard license plates would not be required to turn them in at the end of their term of service and DMV would not be burdened with the bookkeeping and "going out and chasing them down." From his perspective, HB 167 largely has to do with allowing people to use year-of-manufacture license plates on their collector cars, and the section on the National Guard plates is being added as an accommodation to DMV.

Number 0420

CHAIR COGHILL asked if the part pertaining to the gold rush plates was subsection (w), page 2, line 11.

REPRESENTATIVE DYSON replied that there also was mention in paragraph (4), line 30, of that same page.

CHAIR COGHILL asked if cost and/or the impracticability were the reason for deleting it.

REPRESENTATIVE DYSON replied, "Yes, sir."

Number 0460

CHAIR COGHILL said he would take that as a conceptual amendment and ask a drafter to delete subsection (w) and paragraph (4), taking out the gold rush plates. There being no objection, the conceptual amendment [Amendment 1] was adopted. Chair Coghill asked if there was anyone who wished to speak on HB 167, and said he personally likes the bill, "now that it is a little lighter economically."

Number 0536

REPRESENTATIVE HAYES moved to report HB 167, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

Number 0552

REPRESENTATIVE STEVENS asked about the fiscal note, which he assumed would change considerably in response to Amendment 1.

CHAIR COGHILL said he thinks the fiscal note will go down to zero. He called attention to the second sentence of the fiscal note, which says, "Due to the low number, this is not anticipated to have a fiscal impact." That being the case, he thought the committee could zero out the fiscal note.

Number 0597

CHAIR COGHILL then called for the question. There being no objection, CSHB 167(STA) was moved out of the House State Affairs Standing Committee with individual recommendations and the accompanying zero fiscal note.

HB 200-DRUNK DRIVING VICTIMS REMEMBRANCE DAY

Number 0632

CHAIR COGHILL announced that the next order of business would be HOUSE BILL NO. 200, "An Act establishing July 3 as Drunk Driving Victims Remembrance Day."

Number 0669

HEATHER NOBREGA, Staff to Representative Norman Rokeberg, Alaska State Legislature, came forward to testify on behalf of Representative Rokeberg, sponsor of HB 200. She explained that HB 200 would establish July 3 as Drunk Driving Victims Remembrance Day. The date is just before the major Fourth of July holiday weekend when there are many accidents related to drunk driving. It also is the day that Jessie Withrow was killed last summer. Alaska would be the first state in the union to establish such a day and it would be a great way to remember the victims of drunk driving. She said the sponsor hopes to bring awareness of the problem by creating this day and it will be recognized in several ways, which Mothers Against Drunk Driving will describe.

Number 0775

CHRISTINA TALBOT came forward to testify. She said she met Jessie Withrow in high school, that they had been friends for about seven years, and "I'm going to get all weepy here." Jessie was always very involved in community service and working for people's rights and changing things, and working for the future of the State of Alaska, Ms. Talbot said. "I was always really impressed by her," she said, even though she didn't

realize the kinds of things Jessie did until after she died because Jessie "didn't make a big deal about it."

MS. TALBOT said drunk driving is a huge problem in this state and in this country, but it is not something people think about until somebody they know is killed. She said that like most people, she didn't think about it. "Then I lost Jessie, and suddenly it was really a personal problem," she said.

MS. TALBOT continued:

So what I hope is that when you bring the flag down l . . . , people will look at it and say, "What happened? Why is this flag down? What happened that we lost something that was so important to the State of Alaska that we had to lower the flag?" In losing people, we are losing our future. Jessie wanted to come back and live in this state and work for it. And we're using young people all the time. We need to let people know, make them aware that this is a problem that we need to work on and it needs to be changed. So I'd really like to see this bill passed because I believe that when people look at the flag, they will look around and they will ask people what happened, what is so important, and what is causing this huge sorrow for the State of Alaska. Thank you very much.

Number 0941

CHAIR COGHILL expressed appreciation for Ms. Talbot's coming before the committee to honor not only her friend, but also to warn Alaskans, which he thinks is totally appropriate.

Number 0963

REPRESENTATIVE FATE said he thinks all share the concern, but why choose the day just before the one on which we celebrate independence and freedom in the nation?

MS. TALBOT said it is a day when a lot of people go out and start drinking to celebrate the Fourth of July, "and it's an important day, and that's part of why it's important to have it on that day, because people will be looking at the flags . . . , and also because it is the day when many people do go out and they use alcohol as part of the celebration and we'd like to encourage them to think about that before they go out and get drunk."

Number 1043

REPRESENTATIVE FATE asked if the proponents had considered that it might detract from the day that the nation celebrates its freedom.

MS. TALBOT said that was a concern, but she did not believe that it will. "We're not trying to take away from the Fourth of July," she said. "We just want to remind people that everyone should have a chance to celebrate it."

Number 1096

BRIAN CLARK came forward to testify. He said Christina is his fiancée and Jessie was also a very good friend of his, and he wished to add his support to this. He showed the committee pictures of Jessie and said he thinks it is very important to have a day like this that is focused on the people who have been lost. He continued:

So much of the discussion of the drunk driving issue has been focused as it must be on the offenders, but we need also to remember the people who have been taken from us whose stories have been brought to such a tragic and preventable end. These pictures are memories of Jessie because that's all that we have, and her memory doesn't belong -- and can't be allowed to belong -- to the man who took her from us. And so I'd like to see is have a day that is dedicated to the remembrance of these people whose potential could so have enriched our lives and [who] will never have a chance.

I think that it's appropriate on the day when we are preparing for our celebrations that people should have ... a moment's thought on the possible consequences of one bad decision, one irresponsible action,; [that it] will make people ... prepare to celebrate a little bit more responsibly and maybe they'll remember to think about taking keys from people that are participating in their celebrations and all the other little things and then go on the Fourth of July and have a great time. But it's a very dangerous time of year. It's a holiday when a lot of people drink at a time in the year when up north, as we are, it's light all night and so people think, "Hey, why not go out and hit the

road." and so I think that it's an excellent time for prudence.

Number 1262

CHAIR COGHILL observed that many people have had friends who died in similar circumstances, "and, in fact, my own brother died on the third of July."

Number 1304

CINDY CASHEN, Mothers Against Drunk Drivers (MADD), came forward to testify. She said:

MADD feels HB 200 would activate a useful tool in preventing drunk driving by bringing to our fellow Alaskans' attention the dangers of drunk driving through ceremonial events. The lowering of our flag draws our attention. We wonder why the flag is at half-mast and we talk about it with others. MADD holding a candlelight vigil on that day, placing announcement in public areas, are effective ways of reminding ourselves not to drink and drive.

I am here before you this morning because I speak not only on behalf of MADD but also on behalf of the victims who are no longer here and those who are left behind. On April 19, my father, Ladd Macaulay, along with his boss, Martin Richard, was killed by a drunk driver. The drunk driver has had a prior conviction in 1992, but records show he was unable to attend his treatment because of the waiting list. His blood alcohol content was .258. He had had a hard day at work and felt he deserved a few drinks. While we were reeling from the shock of his death, our family as well as other families across this state watched in horror as victim after victim fell to drunk driving.

Drunk driving knows no discrimination. After Dad and Martin were killed on April 19, Donna Hobson, a grandmother walking with her husband on a bike trail, was thrown 20 feet into a pond when she was struck by a drunk driver. With her husband pleading for help, the drunk driver refused and ran as Mr. Hobson's wife lay near death. As of this date, Donna suffers from chronic and intense pain.

July 2: On Chena Hot Springs Road, there are the crosses of six people killed when an eastbound pickup crossed the centerline and struck two other vehicles, one of them head-on. The 39-year-old driver died instantly along with his three passengers. He also took the lives of Christopher McFadden, 21, and Bruno Gugliemi, 24, as they were driving to a restaurant with their young wives.

On July 3, a young woman, Jessie Withrow, was bicycling on a Minnesota Drive sidewalk in Anchorage when she was struck and killed by a drunk driver. The driver, who already had six DWI convictions, also had a 2-year-old in the truck with him.

After admitting to drinking four beers and two shots, a 48-year-old drunk driver drove his truck the wrong way down a one-way street on Northern Light Boulevard in Anchorage on July 5, two days later. The drunk driver hit a Ford Escort head-on, causing the passenger, Gloria Steelman, 19, massive head injuries and Jacqueline Fetherolf, 20, the driver, also injuries. The drunken driver had five previous DWIs  
....

On July 12, one week later, the grandparents of 11-year-old Kenneth Kramer and his cousin, 15-year-old Kevin Blake, intended to take the boys fishing. Grandpa David Glazen let Kevin drive as he had received his learner's permit recently. Kenneth was seated directly behind his cousin when a drunk driver rammed into them, killing both boys instantly. The grandparents survived, but wished they had died instead of their grandsons. The drunk driver had earlier driven his vehicle into Portage Lake, had been pulled out by a tow truck driver, and had gotten back into his truck and driven off. Kevin's last words to his grandmother were, "What is that man doing, Grandma?" as the drunk driver bore into them. The drunk driver's blood alcohol content was .175. This was his first DWI.

On September 3, a 29-year-old intoxicated woman struck and killed her friend and then fled the scene in Unalaska. After six weeks of investigation, police determined the drunk driver had lied about the injuries of her friend, Robert Shapsnikoff, that she

indeed played a part in his death by running over him with her truck.

On September 30, 17-year-old Heather Dowdy was killed after suffering numerous injuries when struck on the Old Steese Highway. The 32-year-old Fairbanks drunk driver had a blood alcohol content of .29 and had slid his truck into oncoming traffic, killing Heather, a Lathrop High School student.

On October 14, a 28-year-old Wasilla man, Chris Moore, was killed when the vehicle he was driving rolled over. October 4, in Anchorage, a husband and wife were severely injured when their Harley Davidsons were struck by a drunk driver who had six prior DWIs. The drunk driver tried to escape but was caught by Mark and Tammy Thorn's friends. Tammy almost died from internal injuries, and was hospitalized along with her husband and two other victims at Providence hospital.

I don't need to explain to you the devastation this has caused, not only to the friends and families of these victims, but the rest of our state. We are all horrified by the unnecessary bloodshed that occurred this past summer. July 3 was the date Jessie was killed. Jessie's death was in the middle of all the heartbreaking days of last summer. Jessie's death happened during our nation's celebration of freedom and liberty. It is ironic she lost hers, but it is appropriate we pick her day as a day of remembrance. Alaskans need to protect ourselves from ourselves. We need to be constantly and on a regular basis be reminded not to drink and drive. We need laws passed to protect our children, our parents, our grandparents, our friends, and our co-workers. We don't want any more stories like Ladd, Martin, Donna, Jackie, Christopher, Bruno, Jessie, Gloria, Jacqueline, Gloria, Kenneth, Kevin, Robert, Heather, Chris, and Tammy's. By having a drunk driving Remembrance Day, we can save the lives of those who might otherwise die, such as Jessie, needlessly in painfully. Through actions such as lowering our flags, producing public announcements, holding candlelight vigils, we bring attention and awareness to celebrate life in a safe manner. MADD strongly supports this bill and as a victim, I do as well. Thank you for your time.

Number 1769

MS. CASHEN added that the wording "traffic accident" is used in the language of HB 200. She said MADD is adamant about not using the word "accident" in drunk driving cases, because the group does not consider these to be accidents, but crimes. She urged the committee to consider making an amendment to change that language to something other than "accident."

CHAIR COGHILL suggested the word "incident."

MS. CASHEN said anything but "accident" would be acceptable.

Number 1825

PAM WATTS, Executive Director, Advisory Board on Alcoholism and Drug Abuse, came forward to testify. She said the advisory board encourages support of HB 200. The group believes this legislation will help Alaskans remember the true high cost that society pays for the negative consequences of alcohol. She testified:

The board believes we all have a responsibility to do what we can to reduce the incidence of drunk driving injuries and fatalities. Legislation to increase access to substance abuse treatment, to increase penalties for drunk driving, and other alcohol related offenses ... and to increase the taxes to more closely reflect the financial burden Alaskans bear will not fully compensate for the loss to families and friends of drunk driving victims. We encourage your support.

MS. WATTS said she appreciates the concern about having this day be the day before the Fourth of July. "I certainly am a strong supporter of veterans, having been a readjustment counseling therapist for about five years for the Veterans Administration," she testified. Although the loss of lives because of drunk driving is not the same as the loss of lives on the battlefield, she said, "I think that the true loss in terms of sheer numbers to drunk driving of the lives of Americans is staggering as well. So I would encourage your support to recognize July 3 as Drunk Driving Victims Remembrance Day."

Number 1947

CHAIR COGHILL noted that the subject is a troubling one to have to consider, and he wanted to make sure that the emotional nature of the issue does not prevent having an open discussion on this.

Number 1974

REPRESENTATIVE HAYES asked why advocates decided to have a day instead of a week or a month, and why they decided to pursue this as a bill rather than as a resolution.

MS. NOBREGA said she could not answer either of those questions, but could find out.

Number 2016

MR. CLARK said he had participated in the formation of HB 200, and the reason for presenting this as a bill rather than as a resolution is that a resolution would only establish the day for the year. The idea behind this as a bill is for the State of Alaska to take ownership of this problem and to recognize it on an annual basis, he said.

Number 2063

REPRESENTATIVE JAMES volunteered that her head "is just kind of churning here" listening to Cindy Cashen's enumeration of all of the drunk driving accidents. She said she is very supportive of doing this, and she thinks the real benefit is that it gives those folks who have lost someone a time to think about that and to get the message out. She does not have problems with the date, July 3. She added:

I just wanted to put on the record that I sat through committee after committee after committee of people just reaching and stretching and searching for a way to solve this problem, and quite frankly, I have little faith that any of those methods is going to stop the particular kind of folks that cause these accidents. ... We can, however, I believe, stop young people from getting involved in alcohol consumption in the beginning. We can encourage people to be responsible. ... Every little thing we do helps.

REPRESENTATIVE JAMES also expressed concern about inconveniencing law-abiding citizens in the effort to curb offenders. "We have to come up with something better," she said.

"And I'm perfectly happy to support this. I think it's a good idea." She suggested the observance could even be expanded to include other victims of the misuse of alcohol, not just those involved in traffic incidents.

Number 2331

REPRESENTATIVE FATE asked if anyone knew on how many days the Alaskan flag flies at half-mast. "First," he said, "let me say that I completely concur with the desire here ... but this is public policy ... and I take this very, very seriously. The flying at half-mast does bother me a little bit as it relates to other events where our flag must fly or doesn't fly at half-mast." He said he thought Representative James had a good suggestion, since many boating accidents and drownings are caused by alcohol, and they often occur around major holidays in summer such as the Fourth of July. He noted that other controlled substances are a problem in Alaska, and he worries about those, too, being involved in these accidents. "I just have a problem," he said. "not with the subject matter, but with the public policy of the half mast." He also expressed concern about the possibility of detracting from the Fourth of July.

Number 2469

CHAIR COGHILL asked Ms. Nobrega if there had been any research done or consideration of other dates.

MS. NOBREGA said she did not know.

Number 2490

CHAIR COGHILL noted that his staff was working with the governor's office to find the answer to Representative Fate's question about the occasions when the state flag flies at half-mast.

Number 2499

REPRESENTATIVE STEVENS said he supports HB 200. The flag often is lowered when somebody on a state level dies, but he thinks it often does not have much impact. He thinks the comment that people may ask and have some learning experience is valid. He said what is important about lowering the flag on July 3 is that it become a focus for other activities, and he asked what else is going to happen then.

Number 2554

MS. CASHEN said MADD considers lowering the flag to be an educational tool. The organization is not looking at the chronic drunk driver and does not expect this to affect that person. "What we are looking at, instead, is our youth, our children," she said. MADD plans to hold candlelight vigils, make public announcements, and participate in community Fourth of July activities, especially those for children. "We would do this in a positive manner," she said. "We wouldn't say, 'Don't drink and drive!' We would say, 'MADD encourages you to have a safe and happy holiday.'"

MS. CASHEN said it attracts children's attention when the flags are at half-mast. MADD would capitalize on that and use the news as an educational tool to say, "This is a day of remembrance for those who have died due to alcohol. We encourage you to have a safe and happy holiday."

MS, CASHEN continued, "The Fourth of July is in my viewpoint the biggest holiday, the most celebrated holiday in Alaska. I know it is in my town, in Juneau. We don't want to take away from that celebration; we want to add to it. Alcohol abuse does not add to it; it detracts." Focusing on July 3 as a day of remembrance would be a positive, educational tool for the children, the state's future drivers, she said. She concluded:

Our goal is that by the time these children get their drivers license, they don't think of drinking and driving in the same sentence. Flying the flag at half mast on a day before we celebrate our liberty has great meaning, and we would like to take that and use that on an annual, regular basis to teach our youth how to have a safe and happy holiday. MADD is not against drinking. We're against drinking and driving, and we're against underage drinking.

CHAIR COGHILL added, "As a matter of policy, so is the State of Alaska."

Number 2715

REPRESENTATIVE WILSON said she thinks it would be a positive and timely thing to have the day of remembrance on July 3. Drinking is the number-one challenge in Alaska, and although chronic abusers of alcohol probably are not going to be affected, she

thinks this will say something. It can be a very positive thing that everybody will hear, and she is going to vote for it.

Number 2788

CHAIR COGHILL said he had heard from Bob King in the governor's office that the state flag is lowered about six times a year for occasions other than a specific person's death, so it apparently is state policy now, although he had not been aware of it.

Number 2813

REPRESENTATIVE CRAWFORD said he is in complete agreement with HB 200. He would like to see the word "accident" changed to "crime" in the bill, which "shines a laser light on the problem"[of drunk driving]. He stated his belief that the bill should be moved with the conceptual amendment to change "accident" to "crime". He did not think it was a good idea to diffuse it by adding other alcohol-related concerns, he added.

Number 2876

REPRESENTATIVE JAMES said she certainly understands the problem of drunk driving but she is still enumerating in her mind all of the other victims, including children, of what she calls "the dead drunk." Just focusing on drinking and driving doesn't get to the problem, which is that excessive drinking is wrong. She said she would vote for HB 200, but still feels a pang about not dealing with the real problem.

Number 2955

CHAIR COGHILL declared a brief at-ease at 9:51 a.m. The meeting was called back to order at 9:52 a.m.

CHAIR COGHILL proposed amending HB 200 by changing the language on line 6, striking the word "accident" and replacing it with the word "incident". He said the criminal action was implied.

TAPE 01-34, SIDE B

Number 2962

REPRESENTATIVE CRAWFORD asked if there would ever be a time when driving over the .10 [blood alcohol concentration level] wasn't a crime. "What we're trying to do here is tell the truth, and driving drunk is a crime, period," he said, adding that he thought the word used should be "crime".

Number 2938

REPRESENTATIVE JAMES mentioned recognizing people who were gravely injured, saying she did not know how broadly or narrowly the bill should be focused. She did not have a problem with the language.

Number 2864

REPRESENTATIVE STEVENS noted that the way in which the first sentence bill is worded would mean that the death of a drunk driver also would be commemorated.

MS. CASHEN explained that MADD considers a drunk driver who is killed to be a victim, too. She added that it would please MADD if the language involved the drunk driving "victim," which includes those who are living as well as those who have died, and also "crime," because drunk driving is a crime, "and we need to teach our children it's a crime," she said. "It's not an incident. It's not an accident. It's a crime."

REPRESENTATIVE JAMES said she likes that wording.

Number 2757

REPRESENTATIVE WILSON remarked, "If we're going to go to the trouble of doing this, we really need to make a statement here ... by saying a 'crime,' a 'traffic crime involving a drunk driver victim,' because it is a crime to drive drunk, period."

Number 2734

CHAIR COGHILL indicated willingness to withdraw his motion. He said there is no doubt that any time there is a death involved, it is a serious matter. However, there are incidents in which there is no criminal proceeding, and he thought that should be left to the courts.

REPRESENTATIVE WILSON asked where HB 200 goes next.

Number 2690

CHAIR COGHILL determined that HB 200 next goes to the House Rules Standing Committee. He said he was willing to hold it for further discussion because he would like to know what the other six days are for which the state flag is lowered.

Number 2674

REPRESENTATIVE CRAWFORD maintained that he believes "crime" is the proper word to use and would like to make that conceptual amendment, to read, "as a result of a traffic crime involving a drunk driver".

REPRESENTATIVES FATE and HAYES objected.

Number 2625

REPRESENTATIVE FATE said he wanted to have a clear statement from the Legislative Legal Division about the appropriateness of using the word "crime." He thought it was taking jurisdiction away from the courts in establishing criminality. Stating that he was basically in favor of the bill, Representative Fate said he wanted to be assured that it would not face a lot of litigation in the future or encounter problems in the Senate.

Number 2590

REPRESENTATIVE HAYES expressed concern about using the word "crime." He said he would like the bill to have a House Judiciary Standing Committee referral. He said the House State Affairs Standing Committee could make the public policy call, but that there were judicial areas that should be addressed, too.

Number 2560

REPRESENTATIVE JAMES said she understood "where Representative Fate is coming from on this issue, because our basic principle in this nation is that we're innocent until proven guilty...." She wondered if by putting in the word "crime" the committee might be eliminating some of the deaths that it wants to include. She said she does like the language that Cindy Cashen proposed, and what she would really like to do is refer HB 200 back to Chair Coghill and have him return with a committee substitute (CS) that meets the concerns expressed.

Number 2469

REPRESENTATIVE CRAWFORD said he would like to withdraw his amendment and enter another amendment "where we just delete 'a traffic accident involving' and that way it would be, 'as a

result of a drunk driver'." He said he would like to ask Ms. Cashen if that would be acceptable to her.

CHAIR COGHILL restated the amendment as follows:

Page 1, line 6:

Delete "traffic accident involving a"

Therefore, the language would read: "commemorate the individuals who died as a result of a drunk driver".

Number 2420

MS. CASHEN suggested the following language: "to commemorate the victims of drunk driving." She thought that might satisfy Representative Fate, since it takes out the word "crime" and puts the emphasis on the victims of drunk driving.

REPRESENTATIVE CRAWFORD said that would be fine with him.

Number 2394

MS. CASHEN provided two other pieces of information. She said April is Child Abuse Month, so there already is special recognition of the role of alcohol in relation to that problem. Also, the dates the Alaska flags are flown at half-mast are April 9 in honor of Prisoners of War and those Missing in Action, November 9 in honor of women veterans, December 7 for those who died in the attack on Pearl Harbor, and June 3 for individuals who died in the attack on Dutch Harbor.

CHAIR COGHILL asked if there was any objection to the amendment with Ms. Cashen's suggestion incorporated, which would read "to commemorate the victims of drunk driving."

Number 2334

REPRESENTATIVE WILSON objected. She asked that it be "checked out."

CHAIR COGHILL noted that the committee had spent a full hour on HB 200, and that even the public policy issue of flying the flag at half-mast still needed to be discussed. He set the bill aside to the call of the chair and indicated willingness to work on it with anyone who wished to do so. [HB 200 was held over.]

HB 28 - MOVE SECOND LEGISLATIVE SESSION

Number 2300

CHAIR COGHILL announced that the next item of business before the committee would be HOUSE BILL NO. 28, "An Act relating to the location of legislative sessions; and providing for an effective date." He said his intention was not to hear or discuss the bill today, but simply to have it presented.

Number 2360

DAVID STANCLIFF, Staff to Representative Scott Ogan, Alaska State Legislature, came forward to testify on behalf of Representative Ogan, sponsor of HB 28. He explained that many of Representative Ogan's constituents have asked why the legislature cannot conduct more of its business closer to the more populated part of Alaska. He explained that there is an initiative in statute, the so-called FRANK Initiative, that was put there to make sure that if the capital is ever moved, that the public is informed on all expenses and everything that it would take to move the capital. Moving the legislature occasionally might be a viable alternative, but that also is very expensive. So Representative Ogan decided "that maybe what we should do is give the legislature the authority to by concurrent resolution approve a change in legislative location for the first part of each two-year session based on solicitation from communities."

MR. STANCLIFF said he had done some rough calculations on what the legislature brings to Juneau's economy, and found that legislators and their staff generate a little more than \$5 million. He suggested that hosting the legislature meet in Anchorage or Fairbanks would not be "nearly as risky a proposition financially as the Olympics," and recalled that Anchorage "got very excited about the Olympics at one time" and had been willing to commit to major building projects. He said he thought that Fairbanks, Anchorage, the Mat Valley, the Peninsula, or some other municipality would be interested in attracting \$5 million worth of business in a four-month period and might try to accommodate the legislature by offering the facilities, amenities, and the things that the legislature might need. At that point the community would offer to the legislature a proposal of what they had to offer, and the legislature would consider if it was fiscally or logistically possible to move the session there. Under HB 28, the

legislature would have the authority to approve doing so by a concurrent resolution.

Number 2111

MR. STANCLIFF offered reasons for considering doing so. He said HB 28 "would probably be one of the best things the legislature could do ensure that the capital always remained in Juneau," because if people "had the legislature occasionally in their part of the world, they would not be nearly as apt to want to go to the extreme of moving the entire capital." In addition, meeting in other parts of the state would contribute to a healthy perspective. "We're really a state of many states," he said, and many people do not see the diversity of Alaska's Native cultures, economy, and geography. Furthermore, many voters feel it is unfair that their government is so remote. "Our people tell us that they would like to be more involved," he said. "The constituents that many of us represent and work for do not have the same access to government as people here in Southeast do," as it is too expensive and time-consuming for them to travel to the legislature. "If you want to truly address the urban-rural divide, bringing the legislature closer to rural Alaska would be a wonderful thing to do," he added. He continued:

For any major policy decision such as a fiscal plan, you have to have public trust. And if the legislature stays in Juneau in a distant place, then the ideas seem distant also. And if you were to ... show a good faith effort to take government to the people, I think it would go a long way in building more trust.

Passing around the legislature and the legislative process spreads a little bit of the economy that comes with them. If you have families you can't bring down or kids you have to dislocate from other school systems, its a very costly project, but its costly in terms of more than just dollars. It's costly emotionally.

Number 1784

CHAIR COGHILL asked if any municipalities have expressed interest in taking advantage of the opportunity HB 28 would present.

MR. STANCLIFF said he did not think any of them will take the idea seriously until HB 28 is passed out of committee.

CHAIR COGHILL asked him to let Representative Ogan know that he would be interested in knowing about any municipality that was anticipating what it might do.

MR. STANCLIFF noted that there is a referendum being sponsored in the Matanuska Valley to move the legislature there.

Number 1725

REPRESENTATIVE HAYES said he would appreciate knowing if there is any other state that moves its legislature around.

Number 1700

REPRESENTATIVE CRAWFORD asked how the legislature would go about deciding, if there was a bidding competition between communities.

MR. STANCLIFF said he thinks the community that offers the least expensive option would rank very high, but also that there would be some effort made to move to places where the legislature had not been. He said he thinks communities have the ability to make offers to the legislature that would involve little or no cost to it.

Number 1540

REPRESENTATIVE WILSON asked how many places to stay a community would have to provide.

MR. STANCLIFF said Juneau provides homes for approximately 200, and he thought Anchorage or Fairbanks could easily accommodate that type of influx, especially during the winter.

REPRESENTATIVE WILSON asked how Gavel to Gavel would be provided.

MR. STANCLIFF replied, "Hopefully, the same. We would still want to have coverage because rural Alaska especially depends heavily on that, because they don't get down here hardly at all." He expected that it would continue with electronic feeds from the alternative location.

REPRESENTATIVE WILSON volunteered that North Carolina has had several places besides Raleigh as its capital, and that the legislature usually meets in each of those other locations for a day once each session. Also, she said, if the session moved to other locations, there would still be family upheaval for many legislators and staff, and that it would not make any difference to rural Alaska because there would be so few places that could accommodate it. The problem is simply displaced, she said.

Number 1402

CHAIR COGHILL sent best wishes to Representative Ogan, who was in the hospital, and said he looked forward to his coming before the committee to answer questions about HB 28.

MR. STANCLIFF said Representative Ogan had asked the House State Affairs Standing Committee to consider, "Is there any good reason you wouldn't want to grant the authority to a future legislature to consider ... such a proposal from another area of the state, because that's all this does." [HB 28 was held over.]

HB 195 - FREEDOM OF RELIGION

Number 1300

CHAIR COGHILL announced that the next order of business before the committee would be HOUSE BILL NO. 195, "An Act requiring governmental entities to meet certain requirements before placing a burden on a person's free exercise of religion."

Number 1270

REPRESENTATIVE FRED DYSON, Alaska State Legislature, sponsor of HB 195, came forward, accompanied by Representative Eric Croft, cosponsor. [After a brief return to HB 167, the hearing for HB 195 was continued and thus their testimony is found in the subsequent minutes listed for the same date.]

HB 167 - MOTOR VEH. LIC.PLATES: NATL GRD/ANTIQU

Number 1270

Attention was returned briefly to HOUSE BILL NO. 167, "An Act relating to license plates for Alaska National Guard personnel and for antique motor vehicles; relating to gold rush license plates; and providing for an effective date."

REPRESENTATIVE DYSON said he wished to correct something he had said earlier in the meeting concerning HB 167. He had said the accommodation on National Guard license plates was the request of the Department of Motor Vehicles (DMV). That was incorrect, he said. The request originally came from a constituent and, when asked, DMV said that would not be a problem, would help them, and would change the law to reflect current DMV practice.

CHAIR COGHILL said it seemed to him that the request now was coming "from us rather than from them."

REPRESENTATIVE DYSON agreed, but said he had misspoken and wished to set the record straight.

#### HB 195 - FREEDOM OF RELIGION

CHAIR COGHILL returned attention to HOUSE BILL NO. 195, "An Act requiring governmental entities to meet certain requirements before placing a burden on a person's free exercise of religion."

REPRESENTATIVE DYSON commented that HB 195 probably should be titled, "Standards for Religious Freedom Restoration Act." In this country, since 1963, the standard for government intervention in religion has been that there must be "a compelling state interest," he explained. Further, if it is demonstrated that there is a compelling state interest for the state to interfere in somebody's practice of religion, then that the government must take the least restrictive way of dealing with it.

REPRESENTATIVE DYSON explained that in the 1990 case, Employment Division of Oregon v. Smith, the United States Supreme Court decision eliminated the "compelling interest" and "least restrictive" provisions from federal law. "Virtually immediately, the United States Congress wheeled into action and on almost unanimous vote of both houses, put through a religious freedom Act restoring those two criteria to the government's restriction of religious practice," Representative Dyson said. The Supreme Court then overturned that congressional action, saying this is a state issue and not the purview of the federal government. The court encouraged the states to restore this historic standard for government intervention in religion, and that is what HB 195 does. Several other states already have done so.

REPRESENTATIVE DYSON credited Representative Croft for "heroically" carrying the bill last session, noting that Representative Croft had asked him to work on it this session with him. Representative Dyson suggested that questions be directed to Representative Croft. He added, "I think you will hear some discussion from some parts of the administration waving red flags on this." He encouraged the committee to focus on whether this standard caused problems before 1990. He said, "Indeed, if there are any problems with us having this kind of protection for religion in our country, those problems would have shown up in the pre-1990 time frame."

Number 0971

REPRESENTATIVE ERIC CROFT, Alaska State Legislature, speaking as cosponsor, pointed out the irony that "it was the liberal Warren Court that put in this protection, and it was the conservative Scalia and Rehnquist court that took it out."

REPRESENTATIVE CROFT said the protection now in place is easy to administer. It says that it is all right to limit a person's practice of religion as long as that was not the intent of the law. There are no exceptions. By contrast, the protection sought in HB 195 opens the way for discussion and questions. It has to be applied case-by-case, considering how much of a burden is being put on a person's religious practice and how much of a problem that practice creates for the government. "It's inherently messy," he acknowledged. He concluded:

We are proud in this state of our constitutional rights. I think our constitution is in some cases a model, and our court ... has continued to apply the test of compelling state interest even after the federal court retreated. But ... Representative Dyson and I wanted to make sure that we didn't retreat from that standard, to buttress that position.

Number 0645

CHAIR COGHILL asked if HB 195 was prescriptive and not prompted by any current problem.

REPRESENTATIVE DYSON said he knows of no current problems with unconstitutional impingement of religious freedom in Alaska. "What we are trying to do here," he explained, "is make sure that this very clear standard that has worked well is in place as future cases come up." He added that the American Civil

Liberties Union "has come down very firmly on the same side on this, as has Edward Kennedy and a number of other strange bedfellows, and I'm delighted to be in their company on this issue."

CHAIR COGHILL told the House State Affairs Standing Committee members that a policy call is what he wanted from them. He suggested leaving "all the Supreme Court cases" for the scheduled House Judiciary Standing Committee hearing. He added:

I want to make very clear the policy call that we're asking about, and that is we're going to restrict the government to the point where they have to show reason to lay a burden on the exercise of religion, and those tests are going to be a "compelling interest" and a "least restrictive means."

CHAIR COGHILL asked Representative Dyson for examples of compelling interest and least restrictive means.

Number 0482

REPRESENTATIVE DYSON directed attention to committee members' packets. He noted that when the standard was established in 1963, the court said three questions must be asked. The first of those was, does the government create an infringement on a constitutional right to practice religion? That is, has a government action somehow impaired someone's practice of religion? For example, a rabbi was holding Sabbath services in his garage. The government came along and said, "You're not zoned to have religious ceremonies here, and you can't do that." There had been no complaints from neighbors and no one had objected.

REPRESENTATIVE DYSON said the second question is whether the government has a compelling state interest that justifies burdening the religious activity in question. The term "compelling" means "very important, or of the highest magnitude," he explained. He described the case of two drug counselors in Oregon who said they were of a Native American religion and that using peyote was part of their religious service. "The government said they could not be drug counselors and use hallucinogens at coffee break; there is a compelling state interest why that doesn't work," he said.

REPRESENTATIVE DYSON said the third question is, "If a compelling interest does exist, are there alternative means by

which the government can achieve its goal and thus not burden the religious action?" For example, if religion requires a person to wear some kind of headgear and that person's job requires wearing a crash helmet, then the crash helmet can go over the headgear.

Number 0233

CHAIR COGHILL said he would like to postpone discussion to allow witnesses to testify.

Number 0150

ROBERT ROYCE, Assistant Attorney General, Governmental Affairs Section, Department of Law, Anchorage, testified by teleconference. He called attention to Section 2 of HB 195, where, under "Findings," paragraph (2) says:

In 1990, the United States Supreme Court retreated from over 200 years of respect for the right to free exercise of religion in Employment Division v. Smith ... by holding that the government no longer had to make reasonable exceptions to general laws in order to accommodate the religious beliefs of its citizens;

MR. ROYCE said he thought that finding is "somewhat inaccurate" because the Smith decision recognized several exceptions to its holdings and because the Supreme Court in that case was not dealing just with the accommodation of religious beliefs, "which are always 100 percent protected;" it [also] was dealing with religiously motivated activity that resulted in violation of a generally applicable criminal law.

MR. ROYCE explained that in the Smith case, the Supreme Court considered a free exercise claim brought by members of the Native American Church who were denied unemployment benefits when they lost their jobs because they had used peyote. Their practice was to ingest peyote for sacramental purposes, and they challenged the Oregon statute.

TAPE 01-35, SIDE A

MR. ROYCE cited the Sherbert v. Verner case, which established the so-called Sherbert Balancing Test. He said that test would have asked whether Oregon's prohibition would have substantially burdened a religious practice, and, if it did, whether the burden was justified by a compelling governmental interest. The

application of that Sherbert Balancing Test would have produced an anomaly in the law, a constitutional right to ignore neutral laws of general applicability.

MR. ROYCE noted that the Smith decision itself recognized several exceptions. The first exception would be the "hybrid rights exception," which is set out in the Wisconsin v. Yoder case. Wisconsin had a mandatory school attendance law and Amish parents refused for religious reasons to send their children to the school. The court allowed them an exception to that generally applicable law because there was a combination of the right to free exercise of religion and also the right of parents to control their children's education. Another exception is in the Smith case, where the government is providing monetary benefits, unemployment compensation, and the balance again tips in favor of the individual.

MR. ROYCE said in the Sherbert case, the Thomas case, and the Hobie case, the court explained that the compelling state interest was appropriate because there was already an individualized mechanism set up by the government. For example, when somebody leaves a job, there is an unemployment hearing to determine whether there was good cause, and the court says you can't deny somebody benefits that are available to everybody unless you meet the compelling interest test.

MR. ROYCE returned to the Smith case, saying:

The court said where there's a generally applicable and neutral law, such as Oregon's, the sounder approach and the approach in accord with the vast majority of our precedents is to hold the test inapplicable to free exercise challenges. So under Smith; neutral, generally applicable laws that only incidentally affect religious exercise do not require justification by compelling state interest.

Number 0281

CHAIR COGHILL said he wanted to keep the discussion in the House State Affairs Standing Committee on a broader policy level because HB 195 is scheduled to go on to a House Judiciary Standing Committee hearing. He asked Mr. Royce to help in getting the language right. He asked him if he thought that "retreating from 200 years of respect for the right to exercise freedom of religion" was too broad a statement?

MR. ROYCE said yes; the majority opinion in the Smith decision did not overrule any prior precedent. It either distinguished them or tried to reconcile them; which, he said, is not an easy thing to do in covering 200 years of free exercise jurisprudence and in a somewhat unclear area of the law.

Number 0366

CHAIR COGHILL sought further clarification, asking, "So the assertion then is debatable, ... the assertion that 200 years of law had been retreated from?"

MR. ROYCE replied, "Yes. There are arguments on both sides."

Number 0395

CHAIR COGHILL said he wanted it on the record that the assertion is debatable. The other thing he said he wished to clarify was the bar that keeps a government from placing a burden. "I think we need to get to that," he said.

CHAIR COGHILL told Mr. Royce, "I'd like to hear from you some more on this particular bill. It's not my intention to move it out today; we're running up against the clock ...." He explained that he wanted to take testimony from some people in the room, "not to cut you off, but to give you an idea of what other people might say as well."

MR. ROYCE concurred, but said he would like to make an additional point.

CHAIR COGHILL invited him to go ahead and make the additional point.

Number 0461

MR. ROYCE said even though the free exercise clause of the Alaska constitution is identical to the free exercise clause of the federal constitution, the Alaska Supreme Court is not required to adopt or to apply the Smith test, and they have, in fact, expressly declined it. He continued:

The important point is that the Alaska Supreme Court has adopted the Sherbert Test to determine whether the free exercise clause under the Alaska constitution requires an exemption from a ... neutral law, but the elements are different than what is proposed in HB

195. The court says to get a religious exemption, ... you have to have religion involved, the conduct in question is religiously based, and the claimant must be sincere in his or her religious belief. Once those requirements are met, religiously impelled actions can be forbidden only where they pose some substantial threat to public safety, peace, or order. ...

That's not the same test that is set out in HB 195. House Bill 195 says "any burden," not just "a substantial burden" that's required under federal case law; and you have [in HB 195] a "clear and convincing evidence" standard that isn't under current jurisprudence in Alaska law; and you have [in HB 195] the "least restrictive means" test, which has not been applied by the Alaska Supreme Court. So I think the bill is improper because it is changing the way the judiciary would have to evaluate free exercise claims.

Number 0592

CHAIR COGHILL said he thinks that is the public policy call the legislature is considering making, and that he thinks the legislature is well within its right to do that. "It would certainly be a discussion between us and the judiciary somewhere along the line, there's no doubt," he said.

Number 0645

GARY WATERHOUSE, Pastor, Juneau and Sitka Seventh Day Adventist Churches, came forward to testify. He said part of his responsibilities also are as the representative of the Northwest Religious Liberty Association, which includes Alaska, Washington, and Oregon. He said he had a statement prepared by Greg Hamilton, president of the Northwest Religious Liberty Association, which Mr. Hamilton had asked him to read to the committee.

CHAIR COGHILL said time was too short to allow for the seven-minute oral presentation, but that the committee would take that statement on record. He asked Mr. Waterhouse if he was correct in assuming that they were in agreement with HB 195.

MR. WATERHOUSE said they were in agreement with it, and that it was fine with him to distribute written copies of the letter. However, "there is an amendment that we are suggesting in the paper, and that is in the last part of the paper that you have."

CHAIR COGHILL asked if he would make sure the committee had that as well as the written testimony. He said he would commit to him to entertain that amendment.

MR. WATERHOUSE said he would be available for a later committee meeting.

Number 0849

AL SUNDQUIST, President, Alaska Chapter, Americans United for Separation of Church and State, testified by teleconference. He said:

We are opposed to HB 195, the Religious Freedom Restoration Act. Some interest groups aligned with the so-called "religious right" have signaled their intentions to use such laws as the Religious Freedom Protection Act currently being proposed in Alaska as a means to restrict the civil rights of others. We are deeply concerned with this possibility. For example, in Swanner v. [Anchorage] Equal Rights Commission, the court held that it did not abridge the free exercise of religion to force a landlord to rent to unmarried couples. In pursuance of applicable anti-discrimination laws, we are concerned that HB 195 could be used to try to overturn this wise decision, pitting a new religion claim against the present civil rights protections. For these reasons, Americans United opposes the Religious Freedom Protection Act in its current form and urges you to vote no on HB 195. Thank you.

Number 0964

CHAIR COGHILL asked if they "had come up with any proposed language that might help you keep it from doing the harm that you say it might?"

MR. SUNDQUIST said he thought so, but did not have it with him at the moment. He said he would be happy to work with the legislature on modifying the language.

CHAIR COGHILL asked if he had been in touch with the sponsor of HB 195.

MR. SUNDQUIST said he had not.

CHAIR COGHILL suggested that he do so. He added:

I think you'll find him a very reasonable man and I think that you could have a very profitable discussion on that issue. I don't think he's interested in doing harm to people; I think he's just trying to put a test on the government with some bar for them to go over before they can compel somebody.

Number 1060

EDWARD C. FURMAN came forward to testify. He said when Patrick Henry, a Founding Father of the federal constitution, was alive, he saw a terrible thing: a man being whipped because he would not take a license. Mr. Furman emphasized the need to look at the common law and the state constitution. The attorney general has turned his back on Alaska's constitution, he said, and has let American politics and lawyers come into our state and deny our constitutional right.

CHAIR COGHILL expressed appreciation for Mr. Furman's testimony. He said constitutional rights are part of the issue "and what bar we are going to place on government and what the compelling interests are." He asked Mr. Furman if he could come back to testify again.

MR. FURMAN said he could.

CHAIR COGHILL said he was not going to cut off public testimony and still wanted to hear from department people who were present. He stated his intention to put HB 195 at the top of the calendar for the next meeting of the committee. [HB 195 was held over.]

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:57 a.m.