

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 17, 2005
8:04 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Carl Gatto, Vice Chair
Representative Jim Elkins
Representative Bob Lynn
Representative Jay Ramras
Representative Berta Gardner
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 36

"An Act relating to applications requesting the delivery of absentee ballots by mail."

- MOVED HCS CSSB 36(STA) OUT OF COMMITTEE

HOUSE BILL NO. 178

"An Act relating to special motor vehicle registration plates; and providing for an effective date."

- MOVED CSHB 178(STA) OUT OF COMMITTEE

HOUSE BILL NO. 12

"An Act relating to televisions and monitors in motor vehicles."

- MOVED CSHB 12(STA) OUT OF COMMITTEE

HOUSE BILL NO. 34

"An Act relating to the expungement of records relating to conviction set asides granted after suspended imposition of sentence."

- HEARD AND HELD

HOUSE BILL NO. 186

"An Act relating to quarterly payments of a permanent fund dividend, and to a permanent fund dividend and eligibility for public assistance; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SB 36

SHORT TITLE: ABSENTEE BALLOTS

SPONSOR(S): SENATOR(S) THERRIAULT

01/11/05	(S)	PREFILE RELEASED 1/07/05			
01/11/05	(S)	READ THE FIRST TIME - REFERRALS			
01/11/05	(S)	STA, JUD			
01/20/05	(S)	STA AT 3:30 PM BELTZ 211			
01/20/05	(S)	Heard & Held			
01/20/05	(S)	MINUTE(STA)			
02/01/05	(S)	STA AT 3:30 PM BELTZ 211			
02/01/05	(S)	Moved CSSB 36(STA) Out of Committee			
02/01/05	(S)	MINUTE(STA)			
02/02/05	(S)	STA RPT CS	3DP		1NR
		NEW TITLE			
02/02/05	(S)	DP: THERRIAULT, WAGONER, HUGGINS			
02/02/05	(S)	NR: ELTON			
02/08/05	(S)	JUD AT 8:30 AM BUTROVICH 205			
02/08/05	(S)	Moved CSSB 36(JUD) Out of Committee			
02/08/05	(S)	MINUTE(JUD)			
02/10/05	(S)	JUD RPT CS	3DP		1NR
		NEW TITLE			
02/10/05	(S)	DP: SEEKINS, THERRIAULT, HUGGINS			
02/10/05	(S)	NR: FRENCH			
03/02/05	(S)	TRANSMITTED TO (H)			
03/02/05	(S)	VERSION: CSSB 36(JUD)			
03/03/05	(H)	READ THE FIRST TIME - REFERRALS			
03/03/05	(H)	STA, JUD			
03/15/05	(H)	STA AT 8:00 AM CAPITOL 106			
03/15/05	(H)	Heard & Held			
03/15/05	(H)	MINUTE(STA)			
03/17/05	(H)	STA AT 8:00 AM CAPITOL 106			

BILL: HB 178

SHORT TITLE: SPECIAL REQUEST LICENSE PLATES

SPONSOR(S): REPRESENTATIVE(S) OLSON

02/25/05	(H)	READ THE FIRST TIME - REFERRALS			
02/25/05	(H)	STA, FIN			

03/17/05 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 12

SHORT TITLE: TVS AND MONITORS IN MOTOR VEHICLES

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG, LYNN, GARDNER, MCGUIRE

01/10/05 (H) PREFILE RELEASED 12/30/04
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) STA, JUD, FIN
03/01/05 (H) STA AT 8:00 AM CAPITOL 106
03/01/05 (H) Scheduled But Not Heard
03/05/05 (H) STA AT 9:30 AM CAPITOL 106
03/05/05 (H) Heard & Held
03/05/05 (H) MINUTE(STA)
03/17/05 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 34

SHORT TITLE: EXPUNGEMENT OF SET ASIDES

SPONSOR(S): REPRESENTATIVE(S) WEYHRAUCH

01/10/05 (H) PREFILE RELEASED 12/30/04
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) STA, JUD
03/01/05 (H) STA AT 8:00 AM CAPITOL 106
03/01/05 (H) Bill Postponed
03/17/05 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

DAVID STANCLIFF, Staff
to Senator Gene Therriault
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 36 on behalf of Senator
Therriault, sponsor.

LAURA GLAISER, Director
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding SB 36.

KONRAD JACKSON, Staff
to Representative Kurt Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 178 on behalf of Representative Olson, sponsor.

DUANE BANNOCK, Director
Division of Motor Vehicles (DMV)
Alaska Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding HB 178.

DOUGLAS JOHNSON, Senior Director,
Technology Policy
Consumer Electronics Association (CEA)
(Address not provided)

POSITION STATEMENT: Commented on HB 12.

REPRESENTATIVE BRUCE WEYHRAUCH
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 34 as sponsor.

ACTION NARRATIVE

CHAIR PAUL SEATON called the House State Affairs Standing Committee meeting to order at [8:04:14 AM](#). Present at the call to order were Representatives Gatto, Elkins, Lynn, Ramras, Gardner, Gruenberg, and Seaton.

SB 36-ABSENTEE BALLOTS

[8:07:19 AM](#)

CHAIR SEATON announced that the first order of business was CS FOR SENATE BILL NO. 36(JUD), "An Act relating to absentee ballots."

CHAIR SEATON said there had been questions raised at the prior hearing of SB 36, regarding the direct submission of applications to the Division of Elections, and what that means.

[8:08:24 AM](#)

CHAIR SEATON directed attention to a legislative intent letter [included in the committee packet], which read as follows [original punctuation provided]:

The legislature understands and intends that the requirement to "submit the application directly to the

division of elections" means that no intermediary organization will control the applications which could cause delay in their submission to the Division nor are the ballots available for data mining by individuals or other organizations. The language of "direct return" is not meant to prevent deposit into the US mail, Fed Ex, or other expedited delivery system by a friend, relative or others.

CHAIR SEATON said the legislative intent letter could be done conceptually, because there may be typographical errors. He asked if the intent letter is acceptable to the sponsor.

[8:09:32 AM](#)

DAVID STANCLIFF, Staff to Senator Gene Therriault, Alaska State Legislature, speaking on behalf of Senator Therriault, sponsor, indicated support of the language [in the legislative intent letter].

[8:10:28 AM](#)

LAURA GLAISER, Director, Division of Elections, Office of the Lieutenant Governor, said [the language in the legislative intent letter] is perfect and helpful. It makes it clear how the legislature would like the division to deal with the absentee by-mail ballots.

[8:11:30 AM](#)

REPRESENTATIVE GATTO directed attention to the third line of the legislative intent letter and the phrase, "which could cause delay". He emphasized the word "could". He said what the legislature is really trying to prevent is data mining.

MS. GLAISER agreed that there is a concern regarding data mining. She stated that the additional concern is in regard to organizations that had, in order to mine the data, caused a significant delay. She explained as follows:

We had absentee, by-mail applications that were signed by an individual, that were driven by a particular party, and those were turned into our division almost a month after the voter signed them. So, that's what we're trying to prevent; that caused significant delay in delivery of the ballot.

And that's what ... breaks our hearts; that's what made us work ... 24 hours, for weeks on end, to try and get those processed. So, ... that cause delay is ... equally important to the division - and I think to everybody who's concerned about a voter's right to receive a ballot - as the data mining, which interferes with their confidentiality. So, I think they both have equal weight of importance to the division.

8:13:39 AM

CHAIR SEATON indicated the following amendments to the legislative intent letter:

On the third line of the letter:
Between "applications" and "which"
Insert "in a manner"

On the fourth line of the letter:
Between "nor" and "the ballots"
Delete "are"
Insert "would"

8:14:14 AM

REPRESENTATIVE GRUENBERG said he would like to see "this language or the conceptual amendment be put in as a legislative intent section." He clarified that he would like it to be Section 1 of the bill.

8:14:46 AM

CHAIR SEATON said he doesn't think that "this is going to be misread," but he asked if the sponsor would prefer that the language in the legislative intent be included as a section of the bill.

8:15:25 AM

MR. STANCLIFF opined that the issue is whether or not "we" trust the directors of the Division of Elections to have the discretion to decide what is worth investigating and what is not. He said, "This is certainly preferable than trying to dictate to them in the body of the bill exactly what they should do."

[8:16:15 AM](#)

REPRESENTATIVE GATTO directed attention to the last sentence, which read:

The language of "direct return" is not meant to prevent deposit into the US mail, Fed Ex, or other expedited delivery system by a friend, relative or others.

REPRESENTATIVE GATTO indicated that he has been considering an amendment [that would insert on page 1, line 13, following "elections."]: "In this subsection, "directly" means in person, by electronic transmission, by mail, or by other common carrier." He said, "It's a way of phrasing it in the affirmative to say exactly what you mean, rather than what you didn't mean." He said he would like to substitute one sentence for another.

[8:17:51 AM](#)

REPRESENTATIVE GATTO, in response to remarks by Chair Seaton and Representative Gruenberg, explained that he had originally intended for the sentence to be added in the text of the bill; however, he said after speaking previously to Ms. Glaiser, he thinks it could be added within the language of the legislative intent letter.

[8:18:36 AM](#)

CHAIR SEATON asked if anyone has a problem with exchanging [the last sentence of the legislative intent letter] for the sentence suggested by Representative Gatto, [text provided previously].

[8:19:34 AM](#)

REPRESENTATIVE GRUENBERG said the language proposed by Representative Gatto would "narrow this a little further." He explained, "The way it could have been read was that the voter had to hand carry it to the director; and what the Gatto language means is you can put it in the mail." He said he thinks that it's obviously the intent of the bill to "allow you to put it in the mail." He said he prefers [the language at the end of the legislative intent letter], which would broaden the bill to mean "you don't have to do it yourself, but you can give it to a friend to put it in the mail." He indicated that he

hopes the committee would not adopt Representative Gatto's amending language.

[8:21:19 AM](#)

CHAIR SEATON said, "... Since we've got this as a new Section 1, as intent, ... I think it's pretty clear, as we're just intending that it doesn't restrict you from using a friend or relative. So, I'd prefer leaving the language the way we have it in the ... legislative intent."

REPRESENTATIVE GATTO asked, "Does that go in Section 1?"

CHAIR SEATON answered, "No, it will be a new section ahead of Section 1; it'll be legislative intent, and it'll be right in the bill." He asked Representative Gatto, "You didn't make an amendment; we were just talking about it, right?"

[8:21:46 AM](#)

REPRESENTATIVE GATTO replied, "I didn't, right. This was just a thought. I didn't really plan on submitting it as an amendment unless nothing else had happened."

[8:22:04 AM](#)

CHAIR SEATON stated, "I would move to include this legislative intent in the bill, as Section 1 in the bill."

[8:22:18 AM](#)

REPRESENTATIVE GATTO [objected]. He said "Fed Ex" is a specific company. He said that group, plus UPS, for example, "must fall under a name." He explained that he didn't want to mention one company and exclude another.

[8:22:47 AM](#)

CHAIR SEATON said he would consider it a friendly amendment to delete "Fed Ex" and "other" [from the legislative intent letter]. In response to a question from Representative Gatto, he said he thinks the word "expedited" is necessary, because "we don't want it to be a slow delivery through someplace else."

[8:23:37 AM](#)

REPRESENTATIVE GARDNER asked what the phrase meant that includes the words "expedited" and "by a friend, relative or others".

[8:23:59 AM](#)

REPRESENTATIVE GRUENBERG offered his understanding that Representative Gardner is referring to the modifier of the sentence. He suggested that the sentence should read:

The language of "direct return" is not meant to prevent deposit by a friend, relative or others into the US mail.

[8:24:23 AM](#)

CHAIR SEATON said that would be fine.

REPRESENTATIVE GATTO suggested changing the word "other" to "similar".

[8:25:20 AM](#)

REPRESENTATIVE GARDNER said, "What about 'designated person'?"

REPRESENTATIVE GATTO said, "I'll remove my objection."

[8:25:28 AM](#)

CHAIR SEATON asked if there was any further objection to adopting the Conceptual Legislative Intent language [as amended]. In response to Representative Gardner, he clarified that the last sentence of the legislative intent letter now read:

The language of "direct return" is not meant to prevent deposit by a friend, relative or others into the US mail, or expedited delivery system.

REPRESENTATIVE GRUENBERG interjected, "or an expedited".

CHAIR SEATON responded, "Yeah, that's fine."

[8:25:58 AM](#)

REPRESENTATIVE GRUENBERG requested removing "The language of".

REPRESENTATIVE GATTO responded, "That's a good idea."

[8:26:17 AM](#)

CHAIR SEATON, upon hearing no objections, announced that [the legislative intent letter] was adopted.

[8:26:32 AM](#)

REPRESENTATIVE LYNN moved to report CSSB 36(JUD), as amended, out of committee with individual recommendations and the accompanying fiscal note. There being no objections HCS CSSB 36(STA) was reported out of the House State Affairs Standing Committee.

HB 178-SPECIAL REQUEST LICENSE PLATES

[8:27:38 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 178, "An Act relating to special motor vehicle registration plates; and providing for an effective date."

[8:27:39 AM](#)

KONRAD JACKSON, Staff to Representative Kurt Olson, Alaska State Legislature, introduced HB 178 on behalf of Representative Olson, sponsor. He explained that if HB 178 were to pass, "all registration plates will be available for use on all motor vehicles." Currently, passenger vehicles, motorcycles, noncommercial vans, pickup trucks, and motor homes are the only vehicles allowed to display "nonstandard license plates or registration plates."

[8:29:15 AM](#)

REPRESENTATIVE RAMRAS asked how he could put a regular-sized vanity plate on a motorcycle.

MR. JACKSON replied, "It would not actually be the same size license plate. It would be a motorcycle-sized plate with the custom lettering."

[8:29:59 AM](#)

REPRESENTATIVE GATTO asked if state vehicles would be included under the bill.

MR. JACKSON deferred to the director of the Division of Motor Vehicles.

[8:31:26 AM](#)

DUANE BANNOCK, Director, Division of Motor Vehicles (DMV), Alaska Department of Administration, replied that the State of Alaska could choose to put a personalized license plate on one of its vehicles and pay the extra fee.

[8:32:33 AM](#)

REPRESENTATIVE GATTO pointed out that on page 6, lines 10-11, the bill refers to "a vehicle owned by the state" and "a vehicle owned by an elected state official." He asked if perhaps the language should include vehicles owned by a municipality or other government entity.

MR. BANNOCK responded that there are other sections of the bill that deal with local governments. He said:

This bill is not about vehicle registration or the fee that someone does or does not pay for vehicle registration. This bill is about the piece of metal that goes on the vehicle that is the subject of vehicle registration, regardless of what the cost of the registration is.

[8:34:03 AM](#)

REPRESENTATIVE GARDNER stated that under the current license plate system, a person can identify vehicles that are owned by the government by the number. She asked if that would still be true if HB 178 passed.

MR. JACKSON said there would not be a change to that. He said that he didn't foresee any instance where the state would "change that registration."

REPRESENTATIVE GARDNER commented that the bill language leaves the option open. She opined, "There's a value in citizens being able to tell which vehicles are government-owned because they want to watch and see if [the vehicles] are used appropriately."

CHAIR SEATON stated, "As I understand it, this doesn't change the policy decisions that are made by any department."

REPRESENTATIVE RAMRAS expressed, for the record, his appreciation for the "exemplary service" at the Juneau DMV office.

[8:36:51 AM](#)

REPRESENTATIVE GRUENBERG turned to page 6, line 12, which read, "the fee required for that vehicle under (b), (c), (h), or (i) of this section." He asked if this language would allow legislators to get a legislative plate for their motorcycles and trailers.

MR. BANNOCK responded:

There are four key categories for vehicle registration: [Subsection (b)] is most common, noncommercial registration; [subsection (c)] is commercial registration, which is a two-year biannual commercial registration; [subsection (h)] references annual commercial registration; and [subsection (i)] references the permanent trailer registration.

[8:40:19 AM](#)

REPRESENTATIVE GATTO commented that he and Representative Gruenberg have been involved in getting interlocks installed in vehicles under certain circumstances. He asked if there would be any value in having identification on a license plate of a vehicle that has an interlock device installed.

MR. BANNOCK replied:

As to whether or not the plate itself should identify that [there is an interlock device in the vehicle], that is an excellent debate. It's been discussed among others of you in Juneau, and there are some major hurdles because, in the [DMV], our system records you as an individual for one record, and we record your automobile as a separate record that you just happen to be an owner of. As a result, there is no direct connection between the alcohol offender and the vehicle that that alcohol offender owns. ... [That] doesn't mean that it can't be done, it just means that if we were to go in that direction, I would be looking for some additional resources.

[8:43:11 AM](#)

REPRESENTATIVE RAMRAS commented that his office determined there would be a \$12 million fiscal note to attach the "scarlet letter license plate" to a vehicle.

[8:43:55 AM](#)

REPRESENTATIVE GARDNER asked what interlock is.

REPRESENTATIVE GATTO explained that it is a Breathalyzer that won't let an intoxicated person start his/her car. He then pointed out to Mr. Bannock, "One cannot help but notice that some of those unmarked police cars have those three letters 'AST', and were someone to apply for those, I guess that's prohibited, as would be 'XXX'."

[8:44:45 AM](#)

MR. BANNOCK replied:

Regulation speaks to that. And while we do have some proposed regulation changes that will help us in our zeal to get more personalized plates on the road, we have no intention of allowing a customer to get a license plate that could be in ... any way, shape, or form confused with an Alaska State Trooper car or any other government exempt car. For instance, ['XXE' has] a specific implication, and there are other sets of criteria that we already utilize. We intend to continue that policy through regulation.

[8:45:29 AM](#)

REPRESENTATIVE GARDNER pointed out that page 3, line 12 says that registration plates issued to legislators remain with the owner of the vehicle only during the term of office. She asked, "What's the mechanism by which this is upheld?"

MR. BANNOCK responded that he believed that distribution and recall of those plates is done through the Office of Legislative Affairs in Juneau.

CHAIR SEATON commented that he knows there are a number of plates that are signed and auctioned off.

[8:47:16 AM](#)

REPRESENTATIVE GRUENBERG commented that as he understood it, an elected official can retain the plates once he/she is out of office, but the plates can't be on the car anymore. He moved to [adopt an amendment] which would delete the final sentence on page 3, lines 11-13.

CHAIR SEATON objected for discussion purposes and suggested changing the sentence to read, "The registration plates issued under this subsection may remain on the vehicle only during the official's term of office."

[8:48:57 AM](#)

REPRESENTATIVE GRUENBERG withdrew his previous motion, and then moved to adopt a new Conceptual Amendment 1:

Page 3, lines 11-12, after "subsection":
Delete "remain with the owner of"
Insert "may remain on"

REPRESENTATIVE ELKINS said he thought the current language already says that, and therefore the amendment was not needed.

CHAIR SEATON said that there seems to be confusion about whether plates were recalled from legislators at the end of term of office. He commented that the amendment would clear up the confusion.

[8:51:05 AM](#)

REPRESENTATIVE ELKINS objected to Conceptual Amendment 1.

REPRESENTATIVE GARDNER clarified that the amendment would make it legal for legislators to keep the legislative plates as souvenirs, but not keep the plates on their vehicles.

REPRESENTATIVE ELKINS removed his objection.

[There being no objection, Conceptual Amendment 1 was adopted.]

[8:52:15 AM](#)

REPRESENTATIVE GARDNER pointed out, "I don't like the idea of state officials' license plates being on commercial vehicles." She suggested a conceptual amendment which would retain the word "noncommercial" on page 3, line 9, and take out subsections (c) and (h) on page 6, line 12. "I just think that it's sort of

inappropriate to blend legislative duties and privileges with commercial activities," she commented.

CHAIR SEATON stated that the bill addressed all vanity plates, not just those owned by legislators. He asked if Representative Gardner thought there should be no commercial vanity plates at all.

REPRESENTATIVE GARDNER stated that she doesn't think legislative plates should be on a commercial vehicle.

[8:53:32 AM](#)

REPRESENTATIVE GRUENBERG suggested deleting the language on page 6, line 12.

CHAIR SEATON asked Mr. Bannock which sections would need to be removed to address Representative Gardner's concerns.

MR. BANNOCK replied that changes would need to be made to page 3, line 9.

[8:55:03 AM](#)

REPRESENTATIVE GARDNER pointed out that [subsection (b)] on page 6, line 12 refers to noncommercial vehicles, and therefore that should remain in the bill, while (c) and (h) in the same line refer to commercial vehicles, and therefore should be removed from the bill.

[8:55:31 AM](#)

REPRESENTATIVE LYNN asked if a vehicle would be considered to be commercial if it had a magnetic business sign on it.

MR. BANNOCK replied that Section 4 of the bill only applies to the legislators, and the DMV "doesn't have any heartburn" about what becomes of this section. He continued:

The principle behind the matter is that it is your director's opinion that there are a lot of vehicles that should be paying commercial registration fees that, quite frankly, are not paying commercial registration fees, and one of the reasons we suspect that they are not paying commercial fees is because of some of the laws prohibiting the display of license plates on those commercial vehicles.

MR. BANNOCK explained that if a person were to lease a car, the car title and registration would be in the name of the financial services company; based on the way the car is registered, it would be considered a commercial vehicle. He stated that the reason for changes [that would be made by the bill] is that the cost of the registration is predicated upon how the vehicle is titled. He continued:

We do not feel that it is appropriate that the license plate rules be predicated upon the price of the registration, which is why we made these changes, so that if you did lease that [car] and you did pay higher commercial use registration fees, but [if] you still wanted to put a personalized license plate on it, you would have that opportunity to do so.

8:59:20 AM

REPRESENTATIVE GARDNER commented, "The distinction is then in terms of the ownership of the vehicle, not the usage of the vehicle. And my concern is that legislative plates not be on vehicles that are visibly commercially used."

MR. BANNOCK replied that the DMV has developed the "three-way test," which he explained is a statutorily dictated test that determines what is a commercial vehicle. He continued:

Step test number one: is [the vehicle] registered in the name of a business or a company? Step number two: does it weigh in excess of 10,000 pounds, excluding motor homes and buses? Step number three: is it used commercially? And then we go in different sections of the code of the statute book to determine what the delimitation of "used commercially" is.

MR. BANNOCK explained that if a vehicle is used for commercial purposes, however rarely, it is still considered to be a commercial vehicle.

9:01:38 AM

REPRESENTATIVE GATTO asked if the words on page 3, line 9 should be changed from "noncommercial" to "not-for-profit passenger vehicle" instead.

MR. BANNOCK replied, "I hesitate to answer that because there is already a statutory provision that defines what commercial registration is." He presented an example of a vehicle that is used seasonally for business purposes, and asked the committee if this vehicle would be included as a "not-for-profit passenger vehicle".

CHAIR SEATON asked the committee members to rethink their concerns about the language in the bill.

[9:03:47 AM](#)

REPRESENTATIVE GARDNER asked Mr. Bannock if the fees charged cover the costs paid for vanity plates.

MR. BANNOCK answered, "Yes, many times over." In response to Chair Seaton, he confirmed that the vanity plates provide a net income to the general fund.

[9:04:38 AM](#)

CHAIR SEATON closed public testimony.

[9:04:52 AM](#)

REPRESENTATIVE GARDNER asked Mr. Bannock why there is a fiscal note for this bill if the vanity plate program is income generating.

MR. BANNOCK replied that there is a \$5,000 cost in fiscal year (FY) 06 for changing the programming in the DMV system. He noted, "Under changes in revenues, we have suggested quite a large increase in revenues compared to the capital expenditure to pay for the plates themselves."

[9:05:51 AM](#)

REPRESENTATIVE LYNN mentioned that there is a bill [being considered] in the House Special Committee on Military and Veterans' Affairs involving license plates for Purple Heart recipients.

REPRESENTATIVE GRUENBERG proposed an amendment on behalf of himself and Representative Lynn that would add language to the bill which would allow recipients of the Purple Heart to receive the [special license] plate without paying the \$30 fee.

CHAIR SEATON noted that HB 178 does not modify fees or fee structures.

REPRESENTATIVE LYNN asked Mr. Bannock how many Purple Heart license plates there are currently in Alaska.

MR. BANNOCK replied that he didn't have that information at hand, but he did know that there are a total of 52 special license plates for Purple Heart recipients, Prisoners of War, and Pearl Harbor survivors.

CHAIR SEATON remarked that if the Purple Heart license plates become free, more people may apply.

[9:09:40 AM](#)

REPRESENTATIVE GRUENBERG said he offered the amendment with the proviso that if Representative Olson objected to it, the amendment would be deleted.

MR. BANNOCK retracted his previous answer, and stated that he now had the correct information which showed that in FY 03 there were a total of 509 Purple Heart license plates in Alaska.

REPRESENTATIVE GRUENBERG clarified that if this number was correct, then his proposed amendment would equal a \$15,270 reduction [in funds to the state].

[9:10:53 AM](#)

CHAIR SEATON remarked that if the amendment were to cost the state about \$15,000, then the 2008-9 fiscal note which says that there would be a [net income] of \$10,000 would then instead become a cost of \$5,000 to the state.

MR. BANNOCK pointed out that even if there were 509 such plates today, it doesn't mean that there were that many issued in a single year; some of the plates could have been issued 20 years ago.

[9:11:58 AM](#)

REPRESENTATIVE GRUENBERG stated that the text of the amendment would modify AS 28.10.421 (d)(2), on page 6, line 1 of the bill, changing the figure "\$30" to "none". He remarked that the amendment would also modify AS 28.10.431(h) to add "or a recipient of a Purple Heart" to make it clear that the applicant

must still pay the registration fee, but is exempted from the \$30 fee for the plate.

9:13:29 AM

REPRESENTATIVE GATTO asked if a [legislator] who is also a contractor is allowed to have a legislator plate on his work truck.

MR. BANNOCK answered that this might be possible. He explained that if the contractor had disclosed to the DMV that he uses the truck commercially, he would not be able to put the legislative plate on his truck. If he did not disclose to the DMV that he uses the truck for work, the bill would have no effect on him. If the bill were to pass, the contractor who disclosed to the DMV that the truck is used commercially would now be able to use legislative plates.

9:14:39 AM

REPRESENTATIVE GATTO commented that he was confused by this answer. He offered his own example in which a contractor goes to a worksite with a legislator's plate on his truck, which gives the contractor "a bit of an unfair advantage" because perhaps the client will then view the contractor in a better light.

MR. BANNOCK replied that Representative Gatto was correct about how the bill could be applied. He said, "We have a tremendous amount of automobiles in Alaska that meet the definition of 'commercial' ... but have not been disclosed to the [DMV] so we think that they are noncommercial vehicles." He continued:

I believe I understand what your concern is. It goes back to the intent of how the vehicle ... is currently registered. If that person that you're describing has disclosed to the [DMV] that the vehicle is a commercial use vehicle, under the rules today that person could not display their legislative plates on that vehicle.

9:17:39 AM

REPRESENTATIVE GATTO pointed out that under current law, that person would be violating the law for failure to disclose; this legislation would simply give him the privilege of not violating the law.

MR. BANNOCK said, "This change that we're proposing doesn't have anything to do with that violation because until that violation is cured, the customer comes in, reregisters his vehicle as a commercial vehicle. That violation is still going on regardless of what type of plate they're displaying on the vehicle." He noted that there have been several recent court decisions in Alaska that backed up this position; that the use of the vehicle predicates if a vehicle should be required to pay commercial registration or not.

[9:19:08 AM](#)

REPRESENTATIVE GARDNER expressed her concern that it may not be appropriate for someone to be visibly doing a commercial activity with legislative plates on the vehicle.

CHAIR SEATON commented, "Hopefully we will have legislators that use their discretion on legislative plates and consider that within the ethical bounds instead of the statutory bounds." He reminded the committee that Conceptual Amendment 1 had been adopted.

[9:20:52 AM](#)

REPRESENTATIVE GARDNER moved to report HB 178, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 178(STA) was reported out of the House State Affairs Standing Committee.

HB 12-TVS AND MONITORS IN MOTOR VEHICLES

[9:21:40 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 12, "An Act relating to televisions and monitors in motor vehicles."

[9:22:00 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt the committee substitute (CS) to HB 12, Version 24-LS0058\L, Luckhaupt, 3/9/05, as a work draft. There being no objection, Version L was before the committee.

[9:23:43 AM](#)

REPRESENTATIVE GRUENBERG reviewed the changes incorporated into the committee substitute. He said:

This attempted to deal with all the issues that were raised [at the last committee meeting] with the exception of one that we were not able to solve. First, on line 5 of page 1, we changed "operation of" in the title to "driving". ... Secondly, on line 9, we inserted "laptop type portable computer". Third, we added in there the [paragraph] 2, ... which includes also "devices that are visible to or intended to be viewed by the driver and that would visually distract the driver, excluding devices used in the operation of the vehicle." ... That dealt with everything we had raised in the previous hearing of the bill with the exception of the word "watching", which Representative Gatto had asked [us to define], and the intent of that is watching to the extent that you are distracted, because you couldn't be totally watching it and driving, but the point is that you're watching it to the extent that you're distracted.

[9:25:24 AM](#)

DOUGLAS JOHNSON, Senior Director, Technology Policy, Consumer Electronics Association (CEA), testified in support of the bill. He commented that HB 12 "follows very closely with a model that we've been supportive of across the country." He noted that CEA developed a model bill on the subject of in-vehicle video displays, and in 2003 both California and Indiana adopted this model. He noted that CEA had submitted written comments to the committee and he pointed out the key points:

[Consumer Electronics Association is] looking for a consistent treatment of this across the country, which obviously benefits drivers and law enforcement, as well as the industry. Secondly, we're looking for flexibility with regard to the bill. If you start singling out individual technologies or products which are constantly changing in our industry, then the legislation needs to be frequently amended, and so we're looking for a more comprehensive approach that targets the behavior that's in question rather than itemizing specific technologies. And thirdly, ... we want to focus on the problem at hand, which is ... watching, not driving. So we believe that the model

approach, which we've been supportive of in other states, tracks well with the introduced version of HB 12....

[9:28:06 AM](#)

MR. JOHNSON addressed the changes made in Version L. He said:

We don't have any comment about the first change. That's fine. The mention of laptop portable computer, however, is an example of identifying a specific product or technology. The problem with that, of course, as I mentioned, is that technology is always changing and if you start [to] list products, we're not sure when you'd stop. ... There's a lot of devices out there that are portable, that have screens, and we think it's a better approach to focus more generically on the problem.

... Just a quick comment on the [term] "interlock," which appears in a couple of different places in the bill: a couple of states have used that term. It's not in our model approach. We favor a more generic term called, "device" instead of "interlock" ... because of the confusion about what interlock really means.... That was one specific concern we had there.

The other had to do with the removal of "power provision", which is in [subsection (b)] of the bill. We would suggest and support "disable" rather than "remove power". ... We feel that this is redundant since it's already included in [paragraph] 5 of the bill, but if it is to be included in [subsection (b)], we favor the more generic term "disable". When you remove power from something, that's kind of hard to define with a technology product, and somewhat hard to do in an engineering sense.

[9:30:30 AM](#)

CHAIR SEATON asked Mr. Johnson if paragraph (5) of the bill comports with his testimony.

MR. JOHNSON replied affirmatively, "save for the term 'interlock device'."

[9:31:44 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 1, as follows:

Page 2, line 19, after "has"
Delete "an interlock"
Insert "a"

REPRESENTATIVE GATTO objected and noted that the word "interlock" appears in several places in the bill.

[9:33:30 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt an amendment to Conceptual Amendment 1:

Page 2, line 6, after "moving."
Delete "An interlock or other mechanism"
Insert "A device"

[There being no objection, it was so ordered.]

REPRESENTATIVE GATTO suggested that Representative Gruenberg make an additional change to Amendment 1, changing the words "removes power" on page 2, line 6, and substituting the word, "disables."

[9:34:26 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt a second amendment to Conceptual Amendment 1:

Page 2, lines 6-7, after "that"
Delete "removes power from"
Insert "disables"

[There being no objection, it was so ordered.]

REPRESENTATIVE GATTO removed his objection.

There being no objection, Conceptual Amendment 1, as amended, was adopted.

[9:35:42 AM](#)

REPRESENTATIVE GRUENBERG moved to adopt Conceptual Amendment 2, as follows:

Page 2, line 12, after "a"
Delete "Global Positioning System"
Insert "navigation or global positioning"

There being no objection, Conceptual Amendment 2 was adopted.

[9:36:47 AM](#)

REPRESENTATIVE GRUENBERG commented that he was not going to limit [the bill] to "low speed maneuvering," although this was Mr. Johnson's recommendation.

MR. JOHNSON responded that he had no objection to leaving that out.

REPRESENTATIVE GRUENBERG asked Mr. Johnson if any he had any other suggestions that the committee may have missed.

MR. JOHNSON reiterated that CEA would recommend deleting the reference to "laptop type portable computer" on page 1, lines 9-10.

CHAIR SEATON said that he would like to leave that language in the bill.

[9:39:32 AM](#)

CHAIR SEATON closed public testimony.

[9:39:41 AM](#)

REPRESENTATIVE GATTO turned attention to the words "laptop type portable computer" and commented:

A computer itself is an instrument that ... has no real reason to be stared at or looked at; the only thing we're really concerned about is the display. And so, adding "laptop type portable computer" without somehow connecting it to the screen that is with it - the computer itself is not something anyone would look at.

CHAIR SEATON noted lines 7-8 on page 1, which say "A person may not drive a motor vehicle while watching a". He commented, "Everybody knows what a laptop is."

REPRESENTATIVE GRUENBERG said he believes that the screen is part of the computer, so the word "computer" includes the screen.

[9:41:20 AM](#)

REPRESENTATIVE LYNN moved to report CSHB 12, Version 24-LS0058\L, Luckhaupt, 3/9/05, as amended, out of committee with individual recommendations and the accompanying fiscal note.

[9:41:57 AM](#)

REPRESENTATIVE GRUENBERG objected for discussion purposes. He said that he has been in touch with the Alaska Department of Law, and that department will deal with this bill when it is in the House Judiciary Standing Committee. He removed his objection.

[9:42:12 AM](#)

CHAIR SEATON asked if there was any further objection. There being none, CSHB 12(STA) moved from House State Affairs Standing Committee.

HB 34-EXPUNGEMENT OF SET ASIDES

[9:42:36 AM](#)

CHAIR SEATON announced that the next order of business was HOUSE BILL NO. 34, "An Act relating to the expungement of records relating to conviction set asides granted after suspended imposition of sentence."

[9:42:49 AM](#)

REPRESENTATIVE BRUCE WEYHRAUCH, Alaska State Legislature, as sponsor, presented HB 34 to the committee. He explained that a court has the option to set aside a conviction following the defendant's successful completion of the conditions of his/her suspended sentence. However, under current law, that conviction will always be on the defendant's record. He commented, "There's no opportunity for a person to have their record expunged of a conviction; there's no opportunity to wipe the slate clean." He clarified that HB 34 would authorize the expungement of a record of a conviction that has been set aside following a suspended imposition of sentence.

[9:48:09 AM](#)

REPRESENTATIVE WEYHRAUCH pointed out that some crimes are so heinous that it wouldn't be good public policy to give that individual the opportunity to have an expunged record. But in some case, he said, "I think it is appropriate to consider allowing an individual to have their record expunged or cleaned."

[9:50:19 AM](#)

CHAIR SEATON commented that the committee had just received some of the bill background information.

REPRESENTATIVE WEYHRAUCH replied that is his intention to get the bill introduced and he would consider a committee substitute or a sponsor substitute to address the committee's concerns.

[9:50:58 AM](#)

CHAIR SEATON turned to a list in the committee packet titled, "Crimes Excluded from Set Aside Options," and asked Representative Weyhrauch if these crimes would not be expunged.

REPRESENTATIVE WEYHRAUCH explained that those crimes are excluded from the set aside option and therefore would not be able to be expunged. Giving the example of a battered woman who finally kills her abuser, he commented that there may, however, be some instances in which an individual convicted of a crime on the list should have his/her record expunged.

[9:53:22 AM](#)

CHAIR SEATON asked why 4th Degree Assault and Reckless Endangerment are omitted from the list.

REPRESENTATIVE WEYHRAUCH replied that in some cases, individuals who committed these crimes should be eligible for expungement.

[9:54:16 AM](#)

CHAIR SEATON asked why 1st Degree Custodial Interference is on the list, but 2nd Degree Custodial Interference is omitted.

REPRESENTATIVE WEYHRAUCH replied, "I'm simply going off what the set aside statute allows, and then allowing those convictions that can be set aside and a suspended imposition imposed to then

be allowed the class of convictions that can be expunged - to limit it to that. It's already under existing statute...."

[9:55:08 AM](#)

REPRESENTATIVE LYNN asked for other examples of crimes to be available for expungement.

REPRESENTATIVE WEYHRAUCH replied, "Teenage drinking, smoking marijuana. A lot of these are youthful offenses that show up on a person's record forever. Theft, [shoplifting]." He pointed out that these types of offenses can make it difficult for a person to get into college or a military academy, or to get a job. He noted that the only way a record can currently be expunged is through the President of the United States or the governor of the State of Alaska for a pardon or executive clemency.

CHAIR SEATON suggested that it would be helpful for the committee to have more examples [of offenses to which this bill would apply] for the next hearing.

[9:58:02 AM](#)

CHAIR SEATON announced that HB 34 was heard and held.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:59:58 AM](#).