

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

March 17, 2011

1:02 p.m.

MEMBERS PRESENT

Representative Dan Saddler, Co-Chair
Representative Steve Thompson, Co-Chair
Representative Carl Gatto, Vice Chair
Representative Alan Austerman
Representative Bob Lynn
Representative Bob Miller

MEMBERS ABSENT

Representative Sharon Cissna

COMMITTEE CALENDAR

HOUSE BILL NO. 180

"An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

- MOVED CSHB 180(MLV) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 18

Relating to the case of U.S. v. Hasan and to the decision of the Judge Advocate General of the United States Army with respect to that case.

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 180

SHORT TITLE: VETERAN DESIGNATION ON DRIVER'S LICENSE

SPONSOR(S): REPRESENTATIVE(S) SADDLER

03/09/11	(H)	READ THE FIRST TIME - REFERRALS
03/09/11	(H)	MLV, STA
03/17/11	(H)	MLV AT 1:00 PM CAPITOL 120

BILL: HJR 18

SHORT TITLE: CONSIDER DEATH PENALTY FOR NIDAL HASAN

SPONSOR(s): REPRESENTATIVE(s) GATTO

03/07/11 (H) READ THE FIRST TIME - REFERRALS
03/07/11 (H) MLV, JUD
03/17/11 (H) MLV AT 1:00 PM CAPITOL 120

WITNESS REGISTER

VERDIE BOWEN, Director
Office of Veteran Affairs
Department of Military & Veterans' Affairs (DMVA)
Fort Richardson, Alaska
POSITION STATEMENT: Testified in support of HB 180.

WHITNEY BREWSTER, Director
Division of Motor Vehicles
Department of Administration (DOA)
Anchorage, Alaska
POSITION STATEMENT: Answered questions during the hearing on HB 180.

JOSEPH FIELDS, Chair
Alaska Veterans Advisory Council
Department of Military & Veterans' Affairs (DMVA)
Fairbanks, Alaska
POSITION STATEMENT: Testified in support of the proposed committee substitute (CS) for HB 180.

RON SIEBLES, Regional Commander
Military Order of the Purple Heart
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 180.

GARY KURPIUS, Past National Commander
Veterans of Foreign Wars (VFW)
Wasilla, Alaska
POSITION STATEMENT: Testified in support of HB 180.

SARAH MUNSON, Staff
Representative Carl Gatto
Juneau, Alaska
POSITION STATEMENT: During discussion of HJR 18, responded to questions on behalf of the sponsor, Representative Gatto.

JEFFREY MITTMAN, Executive Director
American Civil Liberties Union of Alaska (ACLU of Alaska)
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HJR 18.

ACTION NARRATIVE

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CO-CHAIR STEVE THOMPSON called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:02 p.m. Representatives Thompson, Saddler, Miller, Gatto, Austerman, and Lynn were present at the call to order. Representative Cissna was excused.

HB 180-VETERAN DESIGNATION ON DRIVER'S LICENSE

[1:02:58 PM](#)

CO-CHAIR THOMPSON announced that the first order of business would be HOUSE BILL NO. 180, "An Act authorizing the Department of Administration to note a person's status as a veteran on the person's driver's license and to provide certain information to the Department of Military and Veterans' Affairs."

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REPRESENTATIVE GATTO moved to adopt the proposed committee substitute (CS) for HB 180, Version 27-LS0589\B, Luckhaupt, 3/15/11, as the working document. There being no objection, Version B was before the committee.

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CO-CHAIR SADDLER, speaking as the prime sponsor of HB 180, explained that the bill authorizes the, Division of Motor Vehicles (DMV), Department of Administration, to note a person's status as a veteran on their state driver's license or identification card. The division would also be authorized to give the name and address of a person receiving a veteran-designated card to the Department of Military & Veterans' Affairs (DMVA). This legislation seeks to help Alaska veterans receive more of the benefits they have earned and to which they are entitled. In Alaska, about 60 percent of businesses offer special discounts and benefits to veterans. Veteran-designated driver's licenses and identification cards would provide veterans convenient proof of their veteran status in order for them to more easily enjoy the full range of benefits offered, without having to carry discharge documents. Furthermore, HB

180 authorizes DMV to provide names and addresses of veterans to DMVA in order to better remain in contact with them.

REPRESENTATIVE GATTO asked whether other groups such as firemen and students will want designated licenses.

CO-CHAIR SADDLER indicated no.

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VERDIE BOWEN, Director, Office of Veteran Affairs, Department of Military & Veterans' Affairs, explained that there are veterans around the state who are unable to receive a U.S. Department of Veteran Affairs (VA) medical card, and thus they are required to present their discharge documents in order to receive discounts. Because discharge documents are difficult to decipher, deserving veterans are sometimes denied benefits.

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CO-CHAIR SADDLER asked for background information on this issue.

MR. BOWEN relayed that last summer he witnessed an elderly gentleman using his Report of Separation (DD Form 214) to obtain a military discount and, when asked, the gentleman indicated that a veteran designation on his driver's license would be helpful.

CO-CHAIR SADDLER asked for other states' experience with veteran-designation licenses.

MR. BOWEN offered his understanding that Oregon and Arkansas have programs in place, and that many people are pleased. He surmised that the licenses are more easily recognized than is a DD Form 214.

REPRESENTATIVE MILLER asked whether the bill specifies a veteran's service in a particular branch of the military, or just their status as a veteran.

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MR. BOWEN indicated no, because those offering discounts are recognizing the veteran.

REPRESENTATIVE GATTO pointed out that the fiscal note indicated a one-time expense of about \$100,000, and surmised there are no on-going expenses.

MR. BOWEN said correct, and added that the impact of the bill is similar to that of organ donors who are seeking changes to their driver's licenses.

REPRESENTATIVE GATTO asked for the source of the additional revenue of \$693,000 for fiscal year 2012 (FY 12) that was indicated on the fiscal note.

CO-CHAIR SADDLER explained that DOA estimated expenses of \$96,000 in the first year, and additional revenues of about \$700,000 from issuing duplicate cards to eligible veterans for a fee of \$15 each.

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WHITNEY BREWSTER, Director, Division of Motor Vehicles, Department of Administration, advised that the estimated \$96,500 expense to DMV is for the expansion of its database to include a field for veterans' information and the transfer of information to DMVA. The estimated revenue amount assumes 75 percent of current veterans will seek a duplicate card, less 20 percent who are due for renewal anyway.

REPRESENTATIVE GATTO asked whether this was a one-time charge to the veteran.

MS. BREWSTER explained that the veteran would be charged \$15 for a duplicate license with the veteran designation if it is issued prior to the expiration date of their license. If they wait for renewal, there would be no charge for the veteran designation.

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JOSEPH FIELDS, Chair, Alaska Veterans Advisory Council, Department of Military & Veterans' Affairs, informed the committee Alaska has 77,000 veterans, with about one-third registered. He predicted that this legislation would provide an incentive to register and thereby bring additional benefits to the state and its veterans. Mr. Fields opined the bill would be an effective way to reach and honor veterans.

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RON SIEBLES, Regional Commander, Military Order of the Purple Heart, expressed his full support for the bill because it gives veterans a helping hand. In fact, this is a bridge to services that are available. He pointed out that a driver's license or card is easier to carry and more durable than a document.

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GARY KURPIUS, Past National Commander, Veterans of Foreign Wars (VFW), expressed his full support of HB 180, and added that compiling a record at DMVA of all veterans will mean that all registered veterans are notified of legislative changes within the U. S. Department of Veterans Affairs (VA). This method would be more efficient than efforts by service officers, and would bring in revenue to the state.

REPRESENTATIVE AUSTERMAN asked for the purpose of the provision requiring DMV to provide the names and addresses of veterans to DMVA.

MR. KURPIUS advised his experience as a service officer for 21 years was that is it hard to relay information to veterans who live in the Bush. An atlas on record would allow every veteran to be notified that they may be eligible to file a claim.

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CO-CHAIR SADDLER further explained that the benefit to veterans of having their name and address on record with the Office of Veterans Affairs, DMVA, is to ensure that they are aware of the benefits due them. He restated that there are 50,000 veterans in Alaska not in contact with the office, and this presents another opportunity for communication.

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CO-CHAIR THOMPSON closed public testimony.

REPRESENTATIVE AUSTERMAN expressed his surprise at the estimated time allowed to make this small change to driver's licenses. Furthermore, he said he has a hard time believing that 80 percent of veterans will come forward to request duplicate licenses, thus the amount of estimated revenue may be inflated.

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REPRESENTATIVE LYNN expressed his support of the bill, but questioned the language on page 1, line 8, which refers to "a retired veteran," saying retired veterans have a military identification (ID) card.

CO-CHAIR THOMPSON relayed that he, as an honorably discharged veteran, does not know where his discharge documents are, and would request a veteran-designated driver's license.

REPRESENTATIVE LYNN surmised the language, although redundant, does not cause any harm.

CO-CHAIR SADDLER acknowledged that military retirees do have access to the card, but added that many veterans served honorably, but did not retire from service.

REPRESENTATIVE LYNN concluded that they are a veteran, whether retired or not.

REPRESENTATIVE MILLER asked whether the design has been developed yet.

CO-CHAIR SADDLER said no.

REPRESENTATIVE MILLER suggested putting the designation on the line with the driver's name, in order to avoid the cost of re-programming the system.

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REPRESENTATIVE AUSTERMAN, observing that the fiscal note refers to the redesign of driver's licenses, assumed that the bill includes other ID cards issued by DMV or the Division of State Troopers, Department of Public Safety (DPS).

CO-CHAIR SADDLER concurred, pointed out that provision was included in the CS.

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REPRESENTATIVE GATTO agreed with Representative Austerman that the fiscal note designates a lot of money for software work.

REPRESENTATIVE AUSTERMAN advised the fiscal note can be changed by the committee.

CO-CHAIR SADDLER said he would encourage DMV to do what it can to reduce the cost. In further response, he suggested that the next committee of referral could address this issue.

REPRESENTATIVE LYNN indicated this could be done by the House State Affairs Standing Committee.

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REPRESENTATIVE AUSTERMAN moved to report the proposed CS for HB 180, Version 27-LS0589\B, Luckhaupt, 3/15/11, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 180(MLV) was reported from the House Special Committee on Military and Veterans' Affairs.

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The committee took an at-ease from 1:31 p.m. to 1:32 p.m.

HJR 18-CONSIDER DEATH PENALTY FOR NIDAL HASAN

[1:32:12 PM](#)

CO-CHAIR THOMPSON announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 18, Relating to the case of U.S. v. Hasan and to the decision of the Judge Advocate General of the United States Army with respect to that case.

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REPRESENTATIVE GATTO, speaking as the sponsor, offered his understanding that the alleged crime described in the sponsor statement was witnessed by a number of people, and the act was deliberate and pre-planned. The resolution is an opportunity to have the death penalty considered at sentencing.

REPRESENTATIVE MILLER asked whether the death penalty option is "currently off the table, or on the table, or being discussed."

REPRESENTATIVE GATTO said that was unknown, but the intent of the resolution is to encourage it. He opined a military sentencing would include the death penalty.

REPRESENTATIVE MILLER concurred.

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SARAH MUNSON, Staff, Representative Carl Gatto, Alaska State Legislature, on behalf of the sponsor, Representative Gatto, understood that Major Nidal Malik Hasan, M.D. faces a court martial with the possibility of the death penalty.

REPRESENTATIVE LYNN pointed out that the subject has not been tried yet, and asked whether the resolution may prejudice the case.

MS. MUNSON acknowledged that the resolution does not refer to the events as "alleged," which was an oversight. The drafter of the bill indicated that "According to publicly available documents, these are the assumed or alleged facts of the case" could be inserted at the beginning of the resolution if the committee so desires.

CO-CHAIR SADDLER agreed with Representative Lynn and stated he would like to see "allegedly" included in the language. Furthermore, he expressed his concern about the language on page 2, lines 5-8, which refers to crimes and an act of terrorism, and questioned how these statements would be qualified.

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REPRESENTATIVE AUSTERMAN opined this is poor public policy and said he would have difficulty supporting the resolution or moving it from committee.

REPRESENTATIVE MILLER noted that the subject is identified as both "Major" and "Mr." in the document, and asked if clarification is needed.

MS. MUNSON opined the use of both titles is a stylistic choice. In further response to Representative Miller, she indicated that the resolution was modeled after one similar.

REPRESENTATIVE LYNN expressed a preference for the resolution to be consistent throughout.

REPRESENTATIVE MILLER asked whether insanity has been offered as a possible defense.

MS. MUNSON expressed her belief that the subject was declared competent to stand trial.

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REPRESENTATIVE GATTO opined that none of the statements in the resolution are under dispute.

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JEFFREY MITTMAN, Executive Director, American Civil Liberties Union of Alaska (ACLU of Alaska), called attention to written testimony provided in members' committee packets. In response to an earlier question, he expressed his understanding that as of the beginning of March, the Commander of the 21st Air Cavalry Brigade recommended that the charges against Major Hasan be sent to a general court martial, which would allow for imposition of the death penalty. This decision will be made by the III Corps Commander, Lt. Gen. Cone, thus this resolution may not be timely; moreover, ACLU of Alaska has fundamental and significant concerns with the death penalty. He pointed out that trial proceedings must be seen to be independent of political influence and based only on the facts and evidence presented. Because of the ethical duties of the attorneys and for the independence of the tribunal, ACLU of Alaska believes it is inappropriate for any political body to attempt to influence the impartiality. In fact, this resolution may be used by defense counsel as a point of appeal. In addition, Mr. Mittman referred to page 1, lines 7-8 of the resolution, and noted that, as worded, the resolution could be construed as disrespectful to Muslim Americans and their faith. He concluded by saying that ACLU of Alaska prefers that the committee not move forward with HJR 18 in order to prevent the appearance of impropriety or of attempting to influence the tribunal.

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REPRESENTATIVE GATTO asked whether different uses of the phrase "Allahu Akbar" make different statements.

MR. MITTMAN explained that in reading HJR 18, the language intends to show that the statement is evidence that Major Hasan was committing a "jihad" crime; however, as written, the resolution does not draw such a distinction. Therefore, it would be beneficial to alter the language.

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REPRESENTATIVE LYNN explained that he agreed with much of Mr. Mittman's comments.

REPRESENTATIVE AUSTERMAN referred to a handout in member's committee packets titled, "Death Penalty Script." He asked for the source of the document.

REPRESENTATIVE LYNN clarified that the document was submitted by him and was drafted last year to reflect his opinion on other proposed legislation related to the death penalty.

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MS. MUNSON referred to page 1, lines 7-8, of the resolution, and explained that the legislation reflects only that Major Hasan made this statement during the commission of a crime.

REPRESENTATIVE GATTO added that the resolution contains "observations made by people that were there."

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CO-CHAIR THOMPSON closed public testimony.

REPRESENTATIVE MILLER noted that language on page 1, line 9, states that Mr. Hasan killed 12 unarmed soldiers, a civilian, and an unborn child; however, 13 victims are named.

MS. MUNSON explained that a retired officer was counted as a civilian, and the unborn child was not named.

CO-CHAIR SADDLER understood the motivation of the sponsor; however, he, too, agrees with the comments from Mr. Mittman, and does not want to give any grounds for appeal.

CO-CHAIR THOMPSON indicated that HJR 18 would be set aside in order to allow time for the committee to receive an opinion from Legislative Legal and Research Services, Legislative Affairs Agency, as to whether the resolution would be proper, and whether it would provide grounds for appeal.

[HJR 18 was heard and held.]

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:52 p.m.