

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 15, 2011
8:07 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 71

"An Act relating to the duration of a regular session of the legislature and to certain procedures relating to the legislature; and providing for an effective date."

- MOVED OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 33(STA)

"An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

- MOVED OUT OF COMMITTEE

HOUSE BILL NO. 92

"An Act relating to special request Lao veteran registration plates; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 71

SHORT TITLE: LEGISLATIVE SESSION LIMIT/PROCEDURES

SPONSOR(S): REPRESENTATIVE(S) SEATON, GRUENBERG, EDGMON

01/18/11 (H) PREFILE RELEASED 1/7/11

01/18/11 (H) READ THE FIRST TIME - REFERRALS
01/18/11 (H) STA, FIN
01/26/11 (H) SPONSOR SUBSTITUTE INTRODUCED
01/26/11 (H) READ THE FIRST TIME - REFERRALS
01/26/11 (H) STA, FIN
02/15/11 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 33

SHORT TITLE: DISPOSITION OF SERVICE MEMBERS' REMAINS
SPONSOR(s): SENATOR(s) WIELECHOWSKI, PASKVAN, COGHILL

01/19/11 (S) PREFILE RELEASED 1/14/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, JUD
01/25/11 (S) STA AT 9:00 AM BUTROVICH 205
01/25/11 (S) Heard & Held
01/25/11 (S) MINUTE(STA)
01/27/11 (S) STA AT 9:00 AM BUTROVICH 205
01/27/11 (S) Moved CSSB 33(STA) Out of Committee
01/27/11 (S) MINUTE(STA)
01/28/11 (S) STA RPT CS 5DP NEW TITLE
01/28/11 (S) DP: WIELECHOWSKI, KOOKESH, PASKVAN,
MEYER, GIESSEL
01/31/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/31/11 (S) Heard & Held
01/31/11 (S) MINUTE(JUD)
02/02/11 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/02/11 (S) Moved CSSB 33(STA) Out of Committee
02/02/11 (S) MINUTE(JUD)
02/04/11 (S) JUD RPT CS(STA) 4DP
02/04/11 (S) DP: FRENCH, WIELECHOWSKI, PASKVAN,
MCGUIRE
02/07/11 (S) TRANSMITTED TO (H)
02/07/11 (S) VERSION: CSSB 33(STA)
02/08/11 (H) MLV AT 1:00 PM CAPITOL 120
02/08/11 (H) Scheduled But Not Heard
02/09/11 (H) READ THE FIRST TIME - REFERRALS
02/09/11 (H) STA
02/15/11 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 92

SHORT TITLE: LAO VETERANS LICENSE PLATES
SPONSOR(s): REPRESENTATIVE(s) PETERSEN

01/18/11 (H) PREFILE RELEASED 1/14/11
01/18/11 (H) READ THE FIRST TIME - REFERRALS
01/18/11 (H) STA, FIN

02/15/11

(H)

STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

KATIE KOESTER, Staff
Representative Paul Seaton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SSHB 71 on behalf of Representative Seaton, joint prime sponsor.

SHANE MILLER, Finance Manager
Accounting
Legislative Administrative Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on SSHB 71.

MICHAEL CAULFIELD, Intern
Senator Bill Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 33 on behalf of Senator Wielechowski, joint prime sponsor.

MARK SAN SOUCI, Regional Liaison Northwest
Defense State Liaison Office
Office of the Deputy Assistant Secretary of Defense
Deputy Under Secretary of Defense (Military Community and Family Policy)
U.S. Department of Defense (DoD)
Tacoma, Washington

POSITION STATEMENT: Answered questions during the hearing on SB 33.

RIC DAVIDGE
Vietnam Veterans of America;
Alaska Veterans Foundation
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on SB 33.

DAVID BREMMER, Staff
Representative Pete Petersen
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information about HB 92 on behalf of Representative Petersen, sponsor.

WHITNEY BREWSTER, Director
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 92.

ACTION NARRATIVE

[8:07:03 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Keller, Seaton, P. Wilson, Petersen, and Lynn were present at the call to order. Representatives Johansen and Gruenberg arrived as the meeting was in progress.

HB 71-LEGISLATIVE SESSION LIMIT/PROCEDURES

[8:07:54 AM](#)

CHAIR LYNN announced that the first order of business was SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 71, "An Act relating to the duration of a regular session of the legislature."

[8:08:02 AM](#)

REPRESENTATIVE SEATON, as joint prime sponsor, said SSHB 71 would repeal AS 24.05.150(b).

[8:08:34 AM](#)

KATIE KOESTER, Staff, Representative Paul Seaton, Alaska State Legislature, presented SSHB 71 on behalf of Representative Seaton, joint prime sponsor. She said the proposed legislation would repeal the 90-day session, which was passed by ballot initiative in 2005. She reviewed that in 2007, House Bill 171 directed Legislative Council to appoint a committee to evaluate the 90-day session. The members of that committee were Representative Max Gruenberg, Representative Bryce Edgmon, and Representative Paul Seaton, all of whom are joint prime sponsors of SSHB 71, having concluded from their evaluation that the 90-day session should be repealed. She said this conclusion was supported by a survey, in which 31 members of the House showed

support of repealing the 90-day session. That survey is available in the committee packet. She related that further information regarding the survey is available on Representative Seaton's web site.

[8:10:49 AM](#)

MS. KOESTER began a slide presentation, which first highlighted questions asked in the aforementioned survey. Question 13 asked if the respondents believe that changing to a 90-day session from a 120-day session cut down on the Legislature's operating costs; 92.9 percent of the respondents answered no. Question 14 asked the respondents if they believe that they and their staff are able to communicate with their constituents as well during a 90-day session; 83.3 percent said no. Question 18 asked if the respondents feel that a 90-day session provides less time to schedule personal meetings with constituents and members of the public during session; 93.3 percent said yes. Ms. Koester said comments received regarding question 18 included that the 90-day session gives more power to those who know "the inner workings of the system." A further comment was that there was less time to meet with other representatives.

MS. KOESTER moved on to question 21, which asked respondents if they believe that the 90-day session allows their personal legislation to be adequately evaluated by committees of referral; 90 percent answered no. Question 31 asked respondents if they see a value in comparing Alaska with other states with sessions shorter than 120 days, considering the issues dealt with by the Alaska State Legislature; 83.3 percent said no. Question 33 asked respondents if they believe that decreasing the time that the legislature is convened to 90 days cedes some of the power of the legislature to the governor or the bureaucracy; 86.2 percent said yes.

[8:14:07 AM](#)

MS. KOESTER'S slide presentation next depicted a series of charts [included in the committee packet]. The first chart showed legislation introduced and passed from 1979 through 2010. She pointed to the years 2007-2008 and 2009-2010, and said there was only a difference of four in terms of bills that passed. She further pointed out that there has not been a substantial change in the number of bills introduced or passed when comparing the 120-day session with the 90-day session.

[8:15:08 AM](#)

MS. KOESTER, in response to a question from Representative Gruenberg, stated her understanding that [the reason there were over 2,100 bills introduced between 1981 and 1982] is because there was at that time no constitutional limit on the number of bills that could be introduced. She said the amount of bills introduced dropped remarkably by the 1990s, so it could be said that the 120-day session did curtail the amount of legislation introduced.

[8:16:07 AM](#)

MS. KOESTER stated that one of the arguments used in support of a 90-day session was that it would encourage more people to run for office, because the candidate would not have to spend as much time away from his/her job and family. However, she highlighted the chart labeled "Total Candidates Filed For Alaska State House & Senate 2000-2010," which shows that there has been a steady decrease in the number of candidates running for office. She turned to another chart labeled "Legislative Sessions Since Statehood - Session Lengths in Days" and noted that it also shows the length of special sessions held during that time period. She drew attention to a memorandum dated 2/1/2011, from Legislative Legal and Research Services, which shows how things have changed since the initiation of the 90-day sessions. Referring once again to the slides, she noted that the next chart shows "State Legislatures' Limits to Regular Session Lengths (Days)," and Alaska falls somewhere in the middle with its 180 biennial session days.

MS. KOESTER said if the 90-day session is repealed, the state would revert back to the 120-day session provided for in the state's constitution, but would not preclude the legislature from meeting for less than 120 days.

[8:19:01 AM](#)

MS. KOESTER directed attention to the fiscal note, prepared by Shane Miller of the Administrative Services Division, dated 1/31/11. She said the estimated cost of SSHB 71 would be approximately \$800,000 for the extra 30 days of session; however, she explained that that amount of money was never removed, but instead was put into a budget to cover special sessions. She said a special session can be more expensive than a regular session.

[8:23:32 AM](#)

SHANE MILLER, Finance Manager, Accounting, Legislative Administrative Services, Legislative Affairs Agency, in response to a question from Representative Gruenberg, offered his understanding that when the vote went into effect to change to a 90-day session, the thought was that there would be more special sessions, which is why the extra money that would have been used in a 120-day session was put aside. He stated his further understanding that there were indeed more special sessions as a result of the 90-day session. Prior to that the legislature had to approve additional funding for special sessions.

REPRESENTATIVE GRUENBERG said presumably if logic is that a shorter session will yield more and more special sessions that are expensive, then conversely a longer session should yield fewer special sessions. He questioned why that is not reflected in the fiscal note.

[8:25:12 AM](#)

REPRESENTATIVE P. WILSON said there are committees that meet during the interim that would not have done so when session was longer.

[8:26:23 AM](#)

MR. MILLER, in response to a question from Representative Gruenberg, said he does not know exactly what he means by "savings." He explained that the fiscal note was based on what the costs were for the 2010 session, broken out into a daily rate, and then that number was used to "run it back out 30 more days."

[8:26:53 AM](#)

REPRESENTATIVE SEATON directed attention to a sentence in the second paragraph of the fiscal note analysis, which read:

It is the intent of House Leadership that funding for the additional 30 days be included in this fiscal note and the special session contingency account remain to provide adequate funding for future special sessions.

REPRESENTATIVE SEATON concluded that no one should presume that the Legislative Affairs Agency took it upon itself to put money in a special account. He said he thinks that the committee should not try to draw direct correlations between the costs and

benefits. He said it is apparent that the costs for special sessions are higher, and there have been more special sessions [following 90-day sessions]. He said the idea that the 90-day session would save money is being called into question; it has not been a cost savings.

CHAIR LYNN added that it cannot be said that 90 days is less expensive just because less salaries and per diem are paid.

REPRESENTATIVE SEATON said another cost factor is that legislative staff used to have to pay their transportation costs to and from Juneau, but because it became more difficult to find staff willing to come to Juneau for a 90-day session, Legislative Council changed the requirements so that the legislature pays for the transportation cost of its staff.

CHAIR LYNN commented that it is difficult to find good staff no matter how many days the session lasts, but indicated that [a 90-day session] "narrows the pool."

[8:31:32 AM](#)

REPRESENTATIVE PETERSEN prefaced his remark by relaying that he has not worked as a legislator during a 120-day session. He then said he heard that the overlap of the 120-day session with the tourist season made finding housing difficult.

CHAIR LYNN emphasized that the important point of focus should be how well the legislature serves its constituents.

[8:33:19 AM](#)

REPRESENTATIVE GRUENBERG, regarding the fiscal note, cited AS 24.08.035, which addresses fiscal notes. He paraphrased the first sentence of AS 24.08.035(a), which read as follows:

(a) Before a bill or resolution, except an appropriation bill, is reported from the committee of first referral, there shall be attached to the bill a fiscal note containing an estimate of the amount of the appropriation increase or decrease that would result from enactment of the bill for the current fiscal year and five succeeding fiscal years or, if the bill has no fiscal impact, a statement to that effect shall be attached.

REPRESENTATIVE GRUENBERG interpreted that the requirement of the law is that the fiscal note should be limited to the amount of change that is caused by the bill. He then read the sentence from the second paragraph of the fiscal note referred to by Representative Seaton [text provided previously]. He stated, "It sounds like the additional money ... doesn't result from the bill itself but from the choice of House leadership to keep the special contingency account. That's a management decision that doesn't result from the bill and doesn't meet the statutory requirement." He asked Mr. Miller for comment.

MR. MILLER responded that since the bill restores the session to 120 days, the fiscal note, "per guidance we had from House leadership," reflects the cost of restoring the extra 30 days to session.

REPRESENTATIVE GRUENBERG asked if the fiscal note would still be \$864,000 if that special account had not been kept alive.

MR. MILLER said he would have to get back to the committee with that information.

[8:36:06 AM](#)

REPRESENTATIVE P. WILSON said she does not think that information is relevant, because "the decision was made ... when we started having 90-day sessions."

REPRESENTATIVE GRUENBERG responded that the reason that decision was made was because leadership foresaw an increase in the number of special sessions as a result of the shortened regular session. He said, "That assumption would no longer be true if we have a longer regular session. So, there's no need for the special contingency fund, presumably because we'll have enough time."

REPRESENTATIVE P. WILSON countered that the reason there is no increase in the fiscal note is that the same money that was put aside for special session would now be used for a longer regular session, so, "there's no increase in money."

REPRESENTATIVE GRUENBERG said he agrees, but observed that the fiscal note seems to be for an additional \$864,000.

MR. MILLER said the fiscal note is "an increment for \$846,000." He then pointed to the previously quoted sentence in the second paragraph of the fiscal analysis and said it specifies that

House leadership wants that money to remain in the contingency account to cover future special sessions.

[8:38:08 AM](#)

REPRESENTATIVE JOHANSEN opined that it is not possible to surmise what was in the minds of those who made the decisions at the time they were made, so he doesn't understand why the committee is wasting time on this discussion.

REPRESENTATIVE P. WILSON concurred with Representative Johansen.

[8:39:33 AM](#)

REPRESENTATIVE PETERSEN referred to the chart showing the number of legislative sessions and special sessions since statehood and observed that during the years when there was a 120-day legislative session, there were 25 special sessions in 20 years. He said he does not see a correlation between the length of sessions and whether there are special sessions.

CHAIR LYNN said special sessions are unpredictable.

[8:40:29 AM](#)

REPRESENTATIVE SEATON, in response to Representative P. Wilson, said under SSHB 71 the legislature would return to the length of session written in the constitution, which is a maximum of 120 days after the convening of session, which means a maximum total number of 121 days. In response to Chair Lynn, he said the effective date of the bill would be the next legislative session in January.

[8:42:18 AM](#)

REPRESENTATIVE KELLER directed attention to the graph showing the total number of candidates who filed for the Alaska State House and Senate from 2000-2010, and he noted that the numbers dropped steadily during those years. He indicated that he thinks it would be an exaggeration to say that the entire reason for that decrease is because of the 90-day session, and he asked Representative Seaton to comment.

[8:43:11 AM](#)

REPRESENTATIVE SEATON explained that the chart is just part of the data that gathered. He said although it does not prove that

the decline in numbers of those running for office was caused by the 90-day session, it certainly proves that the 90-day session did not aid in increasing those numbers.

[8:45:21 AM](#)

REPRESENTATIVE GRUENBERG referred to a copy [included in the committee packet] of Ballot Measure 1 [as presented in the Division of Elections' voter information pamphlet], regarding the 90-day session. He cited an excerpt of the statement in support of Ballot Measure 1, written by Senator Tom Wagoner, who quoted The Juneau Empire as follows:

"Reducing the time away from family and other work also might encourage people to run for office. Competition and choice only helps the democratic process and ultimately might boost the caliber of candidates."

REPRESENTATIVE GRUENBERG then related that the language that would be repealed by the proposed SSHB 71 is in the ballot language and read as follows:

Section 1. AS 24.05.150 is amended by adding a new subsection to read:

(b) The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session.

[8:46:52 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[8:47:19 AM](#)

REPRESENTATIVE JOHANSEN said he does not think the overlap in the legislative session and the tourist season would be problematic for Juneau.

[8:47:53 AM](#)

REPRESENTATIVE KELLER said he supports passage of SSHB 71. He talked about the importance of keeping balance between all branches of government and protecting the citizens of Alaska.

He emphasized the importance of the extra 30 days of session, because it takes time to learn how to work within the legislature and get the job done.

[8:51:02 AM](#)

REPRESENTATIVE P. WILSON relayed that having served as a legislator during both the 120-day and 90-day sessions, she has found it is much harder to pass a bill within a shorter session. She further pointed out that legislation can be alive for a two-year period, which means that 60 days, not 30, are not available to work on legislation, hear from constituents, or communicate with other legislators when 90-day sessions are in play. She concluded that less time vetting bills leads to more unintended consequences.

CHAIR LYNN concurred.

[8:53:54 AM](#)

REPRESENTATIVE PETERSEN said he does not disagree with the arguments that have been made, but finds it difficult to vote against the people of Alaska who voted for the 90-day session.

[8:54:44 AM](#)

CHAIR LYNN proffered that legislators are subject to the will of the people and that that will is reflected by who gets elected every two years to the House.

[8:55:07 AM](#)

REPRESENTATIVE GRUENBERG opined that in three years the legislature has given the 90-day session a good try, which has allowed constituents to see how it works. He said a vast majority of his constituents understand that the legislature needs time to do a professional job. Regarding the comparison of Alaska's legislature to that of other states, he said Alaska has vast resources to manage and great distances to span. He stated his support of the bill.

[8:57:50 AM](#)

CHAIR LYNN remarked that a longer session provides no personal benefits to legislators.

[8:58:53 AM](#)

REPRESENTATIVE SEATON said Alaska has a robust initiative process. He said an initiative is just another way of creating statute, except that the initiative empowers the people and cannot be repealed for two years. He echoed Representative Gruenberg's statement that the 90-day session has been in place for three years. He directed attention to question 36 on page 14 of the aforementioned survey, which read as follows:

Taking into account the effect of the 90-day session on all aspects of the legislative process, does the fact that the session length was established by the initiative process effect [sic] your willingness to change the session length?

REPRESENTATIVE SEATON pointed out that 73.3 percent of the respondents answered yes to that question. He said, "The recommendation that has come forward to stimulate this bill is the recommendation that came out of the majority of the House respondents."

[9:01:45 AM](#)

CHAIR LYNN said he thinks many legislators have heard from their constituents that they want the legislature to return to the 120-day session.

[9:02:02 AM](#)

REPRESENTATIVE KELLER moved to report SSHB 71 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SSHB 71 was reported out of the House State Affairs Standing Committee.

SB 33-DISPOSITION OF SERVICE MEMBERS' REMAINS

[9:02:39 AM](#)

CHAIR LYNN announced that the next order of business was CS FOR SENATE BILL NO. 33(STA), "An Act relating to the disposition of remains of a member of the armed forces if the member dies while in a duty status."

[9:02:57 AM](#)

MICHAEL CAULFIELD, Intern, Senator Bill Wielechowski, Alaska State Legislature, presented SB 33 on behalf of Senator

Wielechowski, joint prime sponsor. He stated that it is important to treat those on active duty in the military with respect, especially in honoring their final wishes in the event of their tragic death while on active duty. Mr. Caulfield said the U.S. Department of Defense (DoD) requires active duty service members, reservists, and National Guard members to complete a Record of Emergency Data, called a DD Form 93, annually or prior to deployment, in which the service member stipulates who should manage their remains in the event of their death. The U.S. Coast Guard, which falls outside the U.S. Department of Defense, but follows the same federal statutes, has its own form, the Designation of Beneficiaries and Record of Emergency Data or CG-2020D.

MR. CAULFIELD said many states, including Alaska, do not comply with these forms because no laws exist that recognize a legal designee as the person in charge of remains. Instead, he said, they default to a predetermined list, generally starting with a spouse. Clearly a name on a form differing from one on the default list can lead to disputes when both parties wish to have authority over the remains. He said this situation can draw out an already painful process of mourning and burial.

MR. CAULFIELD said SB 33 would solve this problem by amending Alaska's statutes so that the person on the form is recognized as the primary manager of the remains. He said this will not only stop disputes over who should have the authority, but also should protect against the worst-case scenario when no one can be found to deal with the remains. He noted that 20 states already have laws that comply with the federal form, and adopting SB 33 would mean that Alaska's soldiers' remains are handled by the people they choose. Mr. Caulfield relayed that SB 33 is supported by the Alaska Veterans Association, the Office of the Deputy Undersecretary of Defense, the Alaska Chapter of Vietnam Veterans of America, and the National Funeral Directors Association. He urged the committee to support SB 33.

[9:05:28 AM](#)

MR. CAULFIELD, in response to Representative Gruenberg, said he is not aware of any stated opposition to SB 33.

[9:05:49 AM](#)

MR. CAULFIELD, in response to Representative P. Wilson, said if a husband who is estranged from his wife goes overseas to serve in active duty, finds someone else to designate to be

responsible for his remains, and is killed while on active duty, then the person he designated would be in charge, not the estranged wife.

REPRESENTATIVE P. WILSON said sometimes a military person might go overseas to serve on active duty and, while there, designate someone else without telling his/her spouse back home. She said this does happen and can be devastating to the spouse back home. She asked what would happen under that scenario.

MR. CAULFIELD said he would have to defer that question to Mark San Souci of the U.S. Department of Defense, but indicated that the bottom line is to honor the wishes of the soldier.

[9:08:58 AM](#)

CHAIR LYNN said it seems to him that a person serving on active duty in the military has the most right of anyone to choose who will be responsible for his/her remains in the event of his/her death.

[9:10:15 AM](#)

MARK SAN SOUCI, Regional Liaison Northwest, Defense State Liaison Office, Office of the Deputy Assistant Secretary of Defense, Deputy Under Secretary of Defense (Military Community and Family Policy), U.S. Department of Defense (DoD), stated that the DD Form 93 allows the service member to choose between a surviving spouse, a blood relative, or an adopted relative; therefore, the case that Representative P. Wilson described could not happen. The person could choose a brother rather than a spouse. In response to the question asked by Representative Petersen, he offered his understanding that the military does not have an obligation to notify the former designee when the active duty military person chooses another designee.

[9:12:51 AM](#)

RIC DAVIDGE, Vietnam Veterans of America; Alaska Veterans Foundation, said he has been actively involved with Senator Wielechowski on SB 33, particularly as chair of the Alaska Veterans Foundation. He related that last year there was a two-tour marine who died in his home, and next of kin could not be found, so the Alaska Veterans Foundation held of service for him with an honor guard. He expressed delight that the state is making an effort to come into compliance with federal forms. He said every member of the military must update this form annually

and when going overseas to serve in active duty; therefore, he said he hopes the forms best reflect the intention of the member.

[9:14:26 AM](#)

REPRESENTATIVE GRUENBERG said the issue of remains is highly personal, and choices are made such as whether to be buried or cremated, and whether to donate organs. He asked if federal law trumps state law when a soldier writes a will designating someone other than those persons allowed by the federal government to be in charge of his/her remains.

MR. SAN SOUCI replied that the aforementioned forms are congressionally mandated, whereas a will, which may even be outdated, is not. He said he has been counseled that if a current will is in conflict with a DD Form 93, the matter would likely end up in litigation.

[9:18:01 AM](#)

REPRESENTATIVE GRUENBERG said he supports the proposed bill and will vote "do pass," but is concerned that the decedent's wishes are followed as closely as possible.

[9:19:00 AM](#)

REPRESENTATIVE JOHANSEN noted that in the committee packet is a two-page handout with the heading, "Comport State Laws with DoD Rules on Disposition," which addresses this issue and shows that ten states recognize in statute the DD Form 93 as the official form. He observed that absent that statutory reference, "it goes back to the state's ... order of disposition of apparently nonmilitary folks." He said he does not know if Alaska has designated the DD Form 93 as the official document or not. He suggested that the bill sponsor may consider having Alaska designate the DD Form 93 as the official form.

[9:20:44 AM](#)

MR. SAN SOUCI said that handout comes from the USA4MilitaryFamilies. He said last year ten states recognized in law the DD Form 93 as the official form. He further related that in 2009, this issue was taken on as one of the entity's top ten priorities and, at that time, lawyers said they thought nine states had sufficient latitude in existing statute to recognize the DD Form 93. He further relayed that eleven states are

considering legislation this year to adopt the DD form 93 as the official form, and he said he thinks SB 33 has been crafted expressly for that purpose - to honor the desires of the person who has died while on active duty.

[9:22:15 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[9:22:41 AM](#)

REPRESENTATIVE KELLER moved to report CSSB 33(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 33(STA) was reported out of the House State Affairs Standing Committee.

HB 92-LAO VETERANS LICENSE PLATES

[9:23:11 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 92, "An Act relating to special request Lao veteran registration plates; and providing for an effective date."

[9:23:28 AM](#)

REPRESENTATIVE PETERSEN, as prime sponsor, introduced HB 92. He said the bill would honor Hmong veterans who fought with and for the United States during the Vietnam War. During that war, he said, the CIA organized a Hmong army in Laos, which performed important combat support missions for the U.S. military, including the rescue of U.S. Air Force pilots that were shot down and the disruption of North Vietnamese supply lines along the Ho Chi Minh Trail. As a result, he said, the Hmong people faced persecution and genocide after the U.S. withdrew from Southeast Asia. Many Hmong left Asia and moved to the U.S., where they were granted asylum under the Indochina Migration and Refugee Assistance Act of 1975. Representative Petersen said there is a growing Hmong population in Alaska, and HB 92 is one small way for expressing appreciation for their service and assistance during the Vietnam War.

[9:24:56 AM](#)

CHAIR LYNN handed the gavel to Vice Chair Keller.

[9:25:38 AM](#)

REPRESENTATIVE GRUENBERG noted that the language on page 1, lines 6-7, relates that the bill would commemorate the license plate owner's service in combat in support of U.S. military operations in the Kingdom of Laos, whereas the sponsor statement indicates that the license plate recipients would recognize and honor Lao veterans who fought in support of the U.S. He stated his belief that the language of the bill could be interpreted to mean that Americans who fought would be included.

[9:27:04 AM](#)

REPRESENTATIVE PETERSEN explained that the intent of the bill is to honor veterans of Laotian decent who have since immigrated to America.

REPRESENTATIVE GRUENBERG said he thought that was the sponsor's intent, but said the language of the bill does not seem to limit the issue of the license plates to those former Laotians. He recommended checking with the bill drafter to narrow the language.

[9:29:34 AM](#)

REPRESENTATIVE GRUENBERG reiterated that the current language may allow non-Laotians who fought in Laos in support of U.S. military operations to receive that license. He suggested an amendment may be necessary to clarify the sponsor's intent.

REPRESENTATIVE PETERSEN said although it was not his intention to allow military veterans who fought in Laos who were not originally from Laos to qualify for the proposed license plate, he surmised they could order the license plate if they wanted to honor their service in Laos.

[9:32:16 AM](#)

REPRESENTATIVE KELLER remarked that certification would be different for someone originally from Laos than it would be for an American who fought there.

[9:32:54 AM](#)

REPRESENTATIVE SEATON offered his understanding that the words "owner's service" on page 1, line 7, would mean that someone leasing a car would not be eligible. He then asked whether the

sponsor would like to allow descendants to qualify, because, if so, language to that effect would need to be added.

REPRESENTATIVE PETERSEN said he is glad Representative Seaton pointed that out, because he said he would not want to exclude someone wanting to honor a relative who had served.

[9:34:14 AM](#)

REPRESENTATIVE JOHANSEN questioned what sort of documentation a person would have to bring to the Division of Motor Vehicles (DMV).

DAVID BREMMER, Staff, Representative Pete Petersen, Alaska State Legislature, on behalf of Representative Petersen, sponsor, responded that several criteria have been set out by the federal government under the Hmong Veterans' Naturalization Act of 2000, which exempted Laotians who came to the U.S. from having to take the English language test and citizen test. He indicated that allowable documentation [for the former Laotian who fought for the U.S. and is trying to obtain the proposed license plate] may include: military orders from the U.S. government; an affidavit signed by a military officer; two affidavits from soldiers who served with the Laotian; photographs of the Laotian in training or with certain Laotian generals.

[9:38:14 AM](#)

REPRESENTATIVE JOHANSEN said by the next bill hearing he would like clarification regarding exactly who would qualify under HB 92, because he does not want these license plates to be given to just anyone or for people to be sporting a plate and bragging about something in which they were not involved, because that would be disrespectful.

[9:39:25 AM](#)

REPRESENTATIVE P. WILSON directed attention to a sentence on page 1, [beginning on line 10], which read as follows:

To be issued a registration plate under this subsection, the owner must present evidence satisfactory to the department that the owner served in combat as required by this subsection.

[9:40:28 AM](#)

VICE CHAIR KELLER commended the bill sponsor for bringing the bill forward and encouraged him to get further clarification. He said the Hmong people were left with enemies at home when the U.S. pulled out of the war.

[9:40:53 AM](#)

REPRESENTATIVE GRUENBERG related his experience in the military to illustrate that "in combat" is a technical term. He explained that someone may have been involved in conflict but not have shot a gun, thus, he recommended that the sponsor clarify whether that person would be included.

VICE CHAIR KELLER handed the gavel back to Chair Lynn.

[9:43:14 AM](#)

CHAIR LYNN said he has heard good things about those from Laos who moved to the U.S. and have assimilated in this country. He talked about other indigenous tribes, such as Miao and Montagnards, who were in the area in Vietnam, and he asked the bill sponsor if he would consider them in this bill.

[9:46:12 AM](#)

REPRESENTATIVE PETERSEN noted that the term Montagnards was coined by the French to mean "mountain people." He indicated that the Hmong is a larger group that may incorporate some of the others.

CHAIR LYNN asked that the bill sponsor check to see if there are any peoples calling themselves Montagnards who may be interested in this or a similar license plate.

REPRESENTATIVE KELLER, in response to the chair, recommended that the bill be held for another hearing.

[9:49:48 AM](#)

WHITNEY BREWSTER, Director, Division of Motor Vehicles (DMV), Department of Administration, said the DMV does not oppose HB 92, but emphasized the importance to the DMV of the topic of evidence that would be brought forth to the division. She stated her understanding that under the bill, as currently written, anyone who served in Laos during that war would qualify, not just those who are originally from Laos. Further, she said she thinks the bill would need to be amended if the

intent is to include descendants. In response to Representative Seaton's point that those who leased a car would not qualify, she suggested that the word "applicant's" could replace the word "owner's"

CHAIR LYNN recommended the committee be careful when identifying ethnic or racial groups in correlation with designating license plates.

[9:51:52 AM](#)

MS. BREWSTER, in response to Representative Gruenberg, said she believes the DMV has the regulatory powers to carry out the bill.

[9:52:49 AM](#)

REPRESENTATIVE PETERSEN asked Ms. Brewster what documentation is required for other specialized license plates.

MS. BREWSTER answered that, for example, to obtain a Gold Star Family plate, a person must bring any document that has been issued by the military or an obituary. She said the division could use those criteria "as evidence of eligibility for the plate."

[9:54:33 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[HB 92 was held over.]

[9:55:09 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:55 a.m.