

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 16, 2012

8:06 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Max Gruenberg

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 89(JUD)

"An Act clarifying that a legislator or legislative employee is allowed to accept certain compassionate gifts; allowing legislators and legislative employees who are representing persons in an administrative hearing to contact hearing officers and attempt to influence the outcome of the hearing if they are professionals licensed in the state, and allowing legislators and legislative employees who are not professionals licensed in the state to contact hearing officers for the purpose of influencing the outcome of the hearing in certain instances; requiring the Select Committee on Legislative Ethics to maintain a refrain from disclosure under the Legislative Ethics Act; relating to the applicability of certain provisions of the Legislative Ethics Act to certain legislative employees, volunteers, and interns; establishing a seat for an alternate public member on the Select Committee on Legislative Ethics; clarifying the requirements related to participation by alternate public members and alternate legislative members in the proceedings of the committee; amending the definition of 'legislative employee' in the Legislative Ethics Act; and repealing a procedure for appointment of alternate legislative members."

- HEARD & HELD

HOUSE BILL NO. 254

"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 89

SHORT TITLE: LEGISLATIVE ETHICS ACT

SPONSOR(S): SENATOR(S) COGHILL

02/16/11	(S)	READ THE FIRST TIME - REFERRALS
02/16/11	(S)	STA, JUD
03/15/11	(S)	STA AT 9:00 AM BUTROVICH 205
03/15/11	(S)	Heard & Held
03/15/11	(S)	MINUTE(STA)
03/31/11	(S)	STA AT 9:00 AM BUTROVICH 205
03/31/11	(S)	Moved CSSB 89(STA) Out of Committee
03/31/11	(S)	MINUTE(STA)
04/01/11	(S)	STA RPT CS 1DP 4NR NEW TITLE
04/01/11	(S)	DP: MEYER
04/01/11	(S)	NR: WIELECHOWSKI, KOOKESH, PASKVAN, GIESSEL
04/11/11	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/11/11	(S)	Scheduled But Not Heard
04/13/11	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/13/11	(S)	Scheduled But Not Heard
04/15/11	(S)	JUD AT 1:30 PM BUTROVICH 205
04/15/11	(S)	Heard & Held
04/15/11	(S)	MINUTE(JUD)
01/18/12	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/18/12	(S)	Heard & Held
01/18/12	(S)	MINUTE(JUD)
01/27/12	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
01/27/12	(S)	Moved CSSB 89(JUD) Out of Committee
01/27/12	(S)	MINUTE(JUD)
01/30/12	(S)	JUD RPT CS 3DP NEW TITLE
01/30/12	(S)	DP: FRENCH, COGHILL, PASKVAN
02/08/12	(S)	TRANSMITTED TO (H)
02/08/12	(S)	VERSION: CSSB 89(JUD)
02/09/12	(H)	STA AT 8:00 AM CAPITOL 106
02/09/12	(H)	<Bill Hearing Rescheduled to 02/16/12>
02/10/12	(H)	READ THE FIRST TIME - REFERRALS
02/10/12	(H)	STA, JUD
02/16/12	(H)	STA AT 8:00 AM CAPITOL 106

BILL: HB 254

SHORT TITLE: ALASKA NATIVE LANGUAGE COUNCIL

SPONSOR(S): REPRESENTATIVE(S) DICK, MUNOZ

01/17/12 (H) PREFILE RELEASED 1/6/12
01/17/12 (H) READ THE FIRST TIME - REFERRALS
01/17/12 (H) STA, FIN
02/16/12 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

SENATOR JOHN COGHILL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 89 as a member of the Senate Judiciary Standing Committee, sponsor.

JOYCE ANDERSON, Ethics Committee Administrator
Select Committee on Legislative Ethics
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 89.

REPRESENTATIVE DICK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 254 as joint prime sponsor.

ANNETTE KREITZER, Staff
Representative Alan Dick
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered information on behalf of Representative Dick, joint prime sponsor.

DENISE MORRIS, President/CEO
First Alaskans Institute (FAI)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 254.

ANNETTE EVANS SMITH, President/CEO
Alaska Native Heritage Center (ANHC)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 254.

ROSITA WORL, Ph.D., President
Sealaska Heritage Institute (SHI)

Juneau, Alaska

POSITION STATEMENT: Testified on behalf of HB 254.

ACTION NARRATIVE

[8:06:23 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Seaton, P. Wilson, Petersen, and Lynn were present at the call to order. Representative Johansen arrived as the meeting was in progress.

SB 89-LEGISLATIVE ETHICS ACT

[8:06:48 AM](#)

CHAIR LYNN announced that the first order of business was CS FOR SENATE BILL NO. 89(JUD), "An Act clarifying that a legislator or legislative employee is allowed to accept certain compassionate gifts; allowing legislators and legislative employees who are representing persons in an administrative hearing to contact hearing officers and attempt to influence the outcome of the hearing if they are professionals licensed in the state, and allowing legislators and legislative employees who are not professionals licensed in the state to contact hearing officers for the purpose of influencing the outcome of the hearing in certain instances; requiring the Select Committee on Legislative Ethics to maintain a public record of certain ethics disclosures made by legislators and legislative employees; prohibiting a public member of the Select Committee on Legislative Ethics from disclosing confidential information without authorization; clarifying the ethics disclosure requirements for tickets to or gifts in connection with charity events; amending disclosure deadlines under the Legislative Ethics Act; relating to requests to refrain from disclosure under the Legislative Ethics Act; relating to the applicability of certain provisions of the Legislative Ethics Act to certain legislative employees, volunteers, and interns; establishing a seat for an alternate public member on the Select Committee on Legislative Ethics; clarifying the requirements related to participation by alternate public members and alternate legislative members in the proceedings of the committee; amending the definition of 'legislative employee' in the Legislative Ethics Act; and repealing a procedure for appointment of alternate legislative members."

[8:07:06 AM](#)

SENATOR JOHN COGHILL, Alaska State Legislature, presented SB 89 as a member of the Senate Judiciary Standing Committee, sponsor. He related the reason for his selection as presenter was due to his being a member of the Select Committee on Legislative Ethics (SCLE). He said the impetus for the bill was the need for clarification of existing statute that pertains to the state's ethics laws. He explained that the SCLE sometimes finds itself in the position of having to ascertain legislative intent.

SENATOR COGHILL said he would talk about the housekeeping measures of the proposed legislation. He indicated that currently there are limitations to the administrative hearing process that prohibit legislators from advocating for constituents in administrative hearings; however, under SB 89, some exceptions would be made. One example is that a legislator who is hired as a lawyer by a person who is his/her constituent would be allowed to represent that constituent at an administrative hearing. Another example is that a legislator who is witness to some of the facts within a case could be called forward to bear witness. He said if a [legislator] talks to a constituent without knowing the constituent is involved in an administrative hearing, "there is an excuse for that called, 'ex parte'."

[8:11:09 AM](#)

SENATOR COGHILL relayed that under SB 89, instead of compiling a list of financial disclosure statements, the SCLE would only have to keep a report of those lists. In response to the chair, he clarified that he is talking about state loans. He said he would defer a question from Representative Petersen, regarding Alaskan Housing Authority Loans, to someone who could better provide an answer. Senator Coghill said current confidentiality requirements apply only to legislative members of the SCLE, and, under SB 89, the requirements would extend to public members of the committee. Regarding those who have to "report," he said those who do not will all be categorized as "hourly" employees: those who keep the capitol operating but are not involved in policy work.

[8:14:46 AM](#)

SENATOR COGHILL turned next to the substantive issues in SB 89. He said currently legislators are restricted as to what charitable gifts they can accept. The proposed legislation would clarify that a ticket to a charity event from a lobbyist

or gifts received because of the ticket from a lobbyist cannot exceed \$250. The gift would have to be reported, and the event must be sanctioned by Legislative Council and must be "501c3." In response to Representative Seaton, regarding whether there is a distinction between the lobbyist and the organization the lobbyist represents, said he would address that question forthcoming.

[8:18:33 AM](#)

SENATOR COGHILL said under SB 89, there would be alternate members for public members of the SCLE, and they would be appointed by the Alaska Supreme Court justice and confirmed by the Alaska State Legislature. Furthermore, if an alternate - public or legislative - gets involved in an issue, he/she would be held by rules of confidentiality and would see that issue through to conclusion. Another change under SB 89 would be a change from the current 30-day reporting deadline to a 60-day deadline, which would allow legislators flexibility in compiling the necessary information. Senator Coghill noted that also under SB 89, there would be ethics training for volunteers who work [more than] 30 days. In response to Representative P. Wilson, he said the term, "educational trainees", [in Section 9 of the proposed legislation], would include, for example, a university student who is serving as an intern to a legislator.

[8:22:58 AM](#)

REPRESENTATIVE SEATON asked if volunteers would include legislators' spouses and if the 30 days would be 30 consecutive days, 30 days in a session, or 30 days in a legislature.

SENATOR COGHILL deferred to Joyce Anderson, the administrator for the SCLE.

[8:23:42 AM](#)

SENATOR COGHILL, in response to Representative Johansen, said a legislator hired by a constituent as an attorney would disclose that relationship.

[8:24:41 AM](#)

JOYCE ANDERSON, Ethics Committee Administrator, Select Committee on Legislative Ethics, stated that there is a form called, "representation for compensation," which would be filled out by "attorneys or other people that are representing clients before

any state agency, board, or commission," and that form must be disclosed.

REPRESENTATIVE JOHANSEN offered his understanding, "So, this administrative hearing portion is just not included in that, and we're adding that to this, and it fits right in to what we're already doing?"

MS. ANDERSON confirmed that is correct.

REPRESENTATIVE JOHANSEN said currently when an issue becomes an administrative hearing, legislative staff is no longer allowed to be involved, and he asked for confirmation that SB 89 would not change that.

SENATOR COGHILL said that is correct.

[8:26:17 AM](#)

SENATOR COGHILL, in response to Representative Johansen, said [the new language regarding the SCLE's record keeping of loan information] is on page 6, line 3.

MS. ANDERSON added that the SCLE has a list of state benefits and loans awarded on a discretionary basis that require disclosure. In response to Representative Petersen's previous query, she said the Alaska Housing Finance Corporation (AHFC) loans are not discretionary loans. In response to Representative Johansen, she said ADA loans do have to be disclosed.

[8:28:29 AM](#)

REPRESENTATIVE JOHANSEN questioned if there would be less money for charities as a result of limits placed on charitable giving by lobbyists.

[8:29:57 AM](#)

SENATOR COGHILL reiterated that SB 89 would clarify the \$250 limit on charitable gifts given by lobbyists and received by legislators.

MS. ANDERSON clarified that the \$250 limit is already in statute, but SB 89 is "opening it up to have other individuals, other than lobbyists, give tickets to you, which are over the

\$250 limit." Those gifts would have to be disclosed within 60 days under SB 89.

SENATOR COGHILL offered an example.

REPRESENTATIVE JOHANSEN offered his understanding that the proposed legislation would actually broaden the category.

SENATOR COGHILL, in response to a question, said the need for the bill was brought by legislators who have found themselves in awkward positions. He offered examples.

[8:34:23 AM](#)

MS. ANDERSON, in response to Representative P. Wilson, said discretionary loans are those for which there is no fixed criterion to award the loan. She offered, as examples, the following loans: the Alaska Capstone Avionics Revolving Loan Fund; the Commercial Fishing Revolving Loan Fund; and the Fisheries Enhancement Revolving Loan Fund. She said the list of loans that are awarded on a discretionary basis is approximately two and a half pages long.

MS. ANDERSON, in response to Representative P. Wilson, said the aforementioned \$250 limit on tickets to charity events given to legislators by lobbyists is a limit set each year and per lobbyist. The lobbyists are required to report the gifts they give legislators on the lobbyist disclosure form.

[8:39:50 AM](#)

SENATOR COGHILL, in response to Representative Seaton, stated the following:

The lobbyist is given a definite amount that they cannot exceed: \$250, cumulative, per year. But those that are non-lobbyists are now able to do that, but there's three very clear conditions: they must report it; it has to be a 501(c)(3); and it has to be sanctioned by the [Legislative] Council. So, it's all very clearly reported as to who is giving, but they are able to give beyond the \$250 limit.

REPRESENTATIVE SEATON asked for confirmation that in the case of a company with three lobbyists, each lobbyist can give a legislator a ticket valued up to \$250 for a sanctioned event.

MS. ANDERSON answered that is correct.

[8:42:04 AM](#)

REPRESENTATIVE PETERSEN asked who sets the values related to charitable events. He said he can see that legislators might receive better seats or food at a charitable event.

MS. ANDERSON replied that that very issue is being brought before the SCLE at its 9 a.m. meeting the following Thursday, 2/23/12, and a draft advisory opinion will be heard. She said the advisory opinion suggests that in an event where there is more than one price, the committee would consider that a person could have taken part in the event at the lowest price. Regarding travel, she said most times there are costs associated with that travel, but not always. She said, "The statute uses the ... fair market value, and so, we would look at that and see if we could come up with some sort of a cost."

[8:45:28 AM](#)

SENATOR COGHILL presented the Sectional Analysis. Section 1 read as follows [original punctuation provided]:

Sec. 1. Replaces "lawful gratuity" with "gift" to make section of law consistent with the usage of "gift".

[8:47:52 AM](#)

SENATOR COGHILL, in response to Representative Seaton, said he thinks the word "knowingly", on page 4, line 3, and on page 6, line 20, "applies in both cases."

[8:48:19 AM](#)

MS. ANDERSON concurred. She noted that there is a definition of "knowingly" in statute.

REPRESENTATIVE SEATON said he is happy to have it on the record that the SCLE agrees that "knowingly" also applies to "make false statements".

[8:48:41 AM](#)

SENATOR COGHILL directed attention to Section 2 in the sectional analysis, which read as follows [original punctuation provided]:

Sec. 2. Bright line for legislators or staff being actively involved in constituent problems with the State. Once the issue is assigned to an administrative hearing the involvement of the legislative office ceases. Exceptions are included for lawyers and provision for inadvertent ex parte contact.

REPRESENTATIVE SEATON recollected the statement was made that a [legislator who is a] lawyer acting on behalf of his/her client would report that activity. He queried, "I thought doctors and lawyers were exempt from reporting ... the names of their clients; am I mistaken in that?"

MS. ANDERSON responded that ethics statute does require [a legislator] to report [when he is acting as a lawyer on behalf of a client]. She said no one has questioned that reporting in the past. She said there has only been one individual in the past who has actually reported representation for compensation and did so for 10-12 clients. That legislator listed the names of the clients and the boards before which he/she was representing those clients.

SENATOR COGHILL noted that new language was proposed in Section 8, which would provide that "a person" may submit a written request to refrain from making a disclosure that is required by this chapter if making the disclosure would violate state or federal law".

[8:52:15 AM](#)

SENATOR COGHILL turned to Sections 3-7 of the sectional analysis, which read as follows [original punctuation provided]:

Sec. 3. Eliminates requirement of committee to compile lists of financial disclosure statements. They must only maintain public records and forward them to chief clerk and senate secretary.

Sec. 4. Adds public members to statute prohibiting disclosure of confidential information.

Sec. 5. Clarifies that a ticket to a charity event from a lobbyist, or gifts received because of the ticket from a lobbyist cannot exceed \$250.

Sec. 6. Further describes "a contribution to a charity event" by clarifying it could be a ticket to a charity event or a gift in connection with a charity event.

Sec. 7. Extend the reporting period for gifts of travel for the purpose of obtaining information on legislative matters and disclosure of gifts from charitable events from 30 days to 60 days.

8:55:13 AM

MS. ANDERSON, in response to Representative Seaton, said AS 24.60.030 states that legislators may solicit and accept contributions for a charity event, because a contribution to a charity event is not considered a gift.

8:55:46 AM

REPRESENTATIVE KELLER turned attention to Section 2 and the phrase, "administrative hearing". He expressed concern that without a definition, that phrase may be misinterpreted.

8:57:17 AM

SENATOR COGHILL noted that there are administrative law judges. He said the Dental Board has disciplinary action for dentists, and he said the question is: "Should we go to bat for a dentist at that board when they really are going to have legal counsel?" He continued as follows:

And so, I think that is what we were trying to say is we're not really the legal counsel; we're the legislator. ... We're advocates for them generally, but to advocate for them specifically in a matter of law then starts to get into that area where we might be stepping out of our bounds. So, it's probably not as tight as many would like, but that's the best definition I think we can come up with.

REPRESENTATIVE KELLER ventured that stating that for the record is probably sufficient.

SENATOR COGHILL, in response to Chair Lynn, said the point is that legislators are not to use their power to overly influence a hearing. He stated that a legislator is meant to be a public servant, to help and advocate for his/her constituent; however, there comes a point where too much influence can be destructive

to justice. He said there are many times where administrative action, because of rules, can be arcane and unjust. He said he thinks the job of the legislature is to find out where the rules are unjust and advocate for change.

SENATOR COGHILL pointed to a handout [included in the committee packet] showing the definitions in AS 44.64.200 for: "administrative hearing", "administrative law judge", "agency", "hearing officer", and "office". He said he would defer to the House State Affairs Standing Committee as to whether these definitions should be included in SB 89; however, he asked the committee to consider that when the SCLE makes decisions based on nuance, it would most likely "look into this issue."

[9:01:02 AM](#)

SENATOR COGHILL, in response to Representative Johansen, stated that the intent of law is to ensure that legislators are using their authority correctly for constituent work. He said "this" deals with constituent work and "what you may be able to do up to the point of administrative hearings." He said care must be taken by legislators not to influence the outcome of a hearing, because to do so would be unethical. In response to the chair, he reiterated that the moment an administrative hearing begins is key.

[9:05:12 AM](#)

SENATOR COGHILL, in response to Representative Petersen, confirmed that it is up to the legislators to know and be able to convey to their constituents the point at which they must say when they cannot go any further on the constituents' behalf. In response to Chair Lynn, he said SB 89 proposes that a legislator be allowed to testify at an administrative hearing when he/she is a party to or witness to something that is vital to the administrative hearing. Under current law, he said, that is prohibited. He said a legislator may not realize that he/she is giving advice to someone who is involved in an administrative hearing.

[9:07:40 AM](#)

REPRESENTATIVE SEATON asked if it would be helpful to the SCLE to include in the bill the definition of "administrative hearing", which read as follows:

Sec. 44.64.200. Definitions.

In this chapter,

(1) "administrative hearing" means a quasi-judicial hearing before an agency; it does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing;

[9:09:14 AM](#)

SENATOR COGHILL said he knows of no reason to keep that definition out of the bill.

[9:09:37 AM](#)

SENATOR COGHILL, in response to Representative Johansen and Chair Lynn, said he would like to think about how best to add that language.

[9:11:42 AM](#)

SENATOR COGHILL directed attention to Sections 8-12 of the sectional analysis, which read as follows [original punctuation provided]:

Sec. 8. Allows for exceptions from disclosure under the legislative ethics law if it would be in violation of the state or federal constitution or state or federal law. The State Affairs Committee added language that includes exceptions for disclosures for a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. A written request with justification must be submitted to the committee.

Sec. 9. Requires anyone who is a volunteer or educational trainee for more than 30 days to take the ethics training. The 30 day guideline was added in State Affairs.

Sec. 10. Adds cite for new section on Alternate Members to statute describing the committee, its structure and its duties.

Sec. 11. Adds cite for new section on Alternate Members to statute describing the committee, its structure and its duties.

Sec. 12. This is a new section describing the process for appointing alternates. The section adds a new provision that provides for the Chief Justice to appoint an alternate public member.

SENATOR COGHILL said Section 12 pertains to quorums and the requirement that once an alternate member becomes involved in a discussion involving confidentiality, he/she follows the discussion through to its conclusion.

[9:13:24 AM](#)

MS. ANDERSON interjected that the SCLE has two quorums to meet: one of public members and one of legislators.

[9:13:40 AM](#)

SENATOR COGHILL noted that travel is involved for public members of the SCLE.

[9:13:51 AM](#)

SENATOR COGHILL turned to Sections 13-15 in the sectional analysis, which read as follows [original punctuation provided]:

Sec. 13. Adds legislative volunteers and educational trainees who are in that capacity for more than 30 days to the statute requiring the Legislative ethics course. The 30 day guideline was added in State Affairs.

Sec. 14. Redefines legislative employee.

Sec. 15. Repeals old statute describing the process for appointing alternates.

[9:14:57 AM](#)

REPRESENTATIVE JOHANSEN said next time the bill is heard he will want a good definition of an hourly employee, because he does not want to exempt anyone who works on policy.

SENATOR COGHILL directed attention to language on page 13, [lines 21-22], which read as follows:

it does not include individuals who are hourly employees who perform functions that are incidental to legislative functions

SENATOR COGHILL said that if someone was an hourly employee and working on functions that were beyond incidental, that would be clear to the SCLE. He said he thinks the language makes it clear that anyone involved in policy questions must be reporting.

[9:16:17 AM](#)

MS. ANDERSON provided examples of hourly employees.

REPRESENTATIVE JOHANSEN noted that legislators have the option to hire staff on an hourly basis, and he wanted it clear for the record that "we don't have staff that is exempted from anything just because they're hourly."

MS. ANDERSON pointed out that "those employees" do not "perform functions that are incidental."

SENATOR COGHILL noted that throughout the bill title, both legislators and legislative employees are "included in almost all recording requirements."

[9:17:36 AM](#)

REPRESENTATIVE SEATON reminded Senator Coghill that at the next bill hearing he would like to know whether Section 9 includes spouses, and whether 30 consecutive days refers to per session or per legislature.

[9:18:35 AM](#)

CHAIR LYNN announced that SB 89 was held over.

[9:19:21 AM](#)

The committee took a brief at-ease.

HB 254-ALASKA NATIVE LANGUAGE COUNCIL

[Contains brief mention of SB 130.]

[9:19:58 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 254, "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

[9:20:22 AM](#)

REPRESENTATIVE DICK, Alaska State Legislature, presented HB 254 as joint prime sponsor. He said his wife is the youngest fluent speaker of the Dena'ina dialect of the Athabascan Language, and she is 66. He said three years prior to coming to Juneau, he administered an endangered language grant for the Alaska Heritage Center. He related that he and his wife have done video documentation and have attempted to come up with strategies to help preserve the numerous languages of Native Alaskans. He talked about the complexity of the Athabascan Language, and indicated that he knows some of the Yupik language. He talked about the frequent use of onomatopoeia - where the words sounds like the things they reference.

[9:25:49 AM](#)

REPRESENTATIVE DICK stated that in the past, Native people were beaten for speaking their language. He said that does not happen any longer; however, he related that when the legislature announced that English was the official language of Alaska, a Native friend of his said that hurt. He said the assumption is still being made that "everybody either is like us or wants to be like us," when there are unique people across the state. He said the bill is calling for a respectful dialogue. He said he thinks [the University of Alaska] is doing a fantastic job in preserving the languages, but not in revitalizing [the use of those languages].

[9:28:41 AM](#)

CHAIR LYNN noted that many languages have become extinct over the years, and he asked, "How does that relate to what you're trying to do here?"

[9:29:51 AM](#)

REPRESENTATIVE DICK talked about the Jewish people not speaking their language for a long time and bringing it back, and the Irish people realizing that Gaelic was a part of who they were

and making a concerted effort to bring it back. He related that a Frenchman single-handedly revived the Eyak Language - thought to be extinct - and is developing lessons for those in Alaska for whom that language is their heritage. Representative Dick said the proposed bill does not have a huge fiscal note, because it does not mandate curriculum in schools; however, passage of HB 254 would send the message that "we" accept partial responsibility for the disappearance of many of Alaska's languages. He stated his belief that even those who do not speak the languages would benefit from the dialogue that HB 254 would bring about.

[9:32:15 AM](#)

REPRESENTATIVE JOHANSEN directed attention to language on page 2, beginning on line 17 through line 21, which read as follows [original punctuation provided]:

In appointing the nonvoting members of the council, the president of the senate and the speaker of the house of representatives shall appoint a member of the bush caucus, if a bush caucus exists. In this subsection, "bush caucus" means a group of legislators that represents rural areas of the state.

REPRESENTATIVE JOHANSEN said he thinks the language should be deleted, because there are members of the legislature who started out in rural areas and moved to urban areas and vice versa, and the President of the Senate and the Speaker of the House should have the ability to select anyone of the legislative members based on who is best for the position.

REPRESENTATIVE JOHANSEN pointed to the first sentence of subsection (c), on page 2, lines 13-15, which read as follows:

(c) The governor shall appoint to the council established in this section five voting members who are professional language experts and who represent diverse regions of the state.

REPRESENTATIVE JOHANSEN said he does not know whether or not there are enough language experts throughout the state to meet that requirement.

[9:34:29 AM](#)

REPRESENTATIVE DICK named five cultural areas in Alaska: the Tlingit, Haida, and Tsimshian of Southeast; Yupik; Alutiiq; Inupiat; and Athabascan. He stated his understanding that that is why the number five was chosen for voting members to be appointed by the governor.

[9:35:08 AM](#)

ANNETTE KREITZER, Staff, Representative Alan Dick, Alaska State Legislature, indicated that there is an amendment in the committee packet that may address Representative Johansen's concerns by clarifying what a language expert is. She suggested that the committee could wait to speak more directly to the question until the amendment has been moved.

REPRESENTATIVE JOHANSEN indicated that the language of the aforementioned amendment does not answer his question.

REPRESENTATIVE JOHANSEN next asked what efforts have been made by the regional and village corporations regarding [Native languages].

[9:37:05 AM](#)

REPRESENTATIVE DICK said all the Native groups in Alaska have had this dialogue, and HB 254 is a way to unify those voices. He said even though the Native people talk to each other, "it's always the outside world that is ... passing legislation that's communicating something very different."

REPRESENTATIVE JOHANSEN talked about the segregation of Caucasians and Native Alaskans in the past, and echoed Representative Dick's statement about the time in history when an entire generation of Alaska Natives was forced to speak only English. He said the government endorsed that through inaction, and he questioned implementing HB 254 through legislation, rather than promoting it through Native corporations, which "has more buy-in from ... the people."

REPRESENTATIVE DICK deferred to those waiting to testify.

[9:40:20 AM](#)

REPRESENTATIVE P. WILSON directed attention to page 2, lines 30-31, which read as follows [original punctuation provided]:

(b) The governor shall make the appointments required by AS 44.33.530(c), added by sec. 2 of this Act, on or before December 1, 2012.

REPRESENTATIVE P. WILSON asked for confirmation that "this is going to be ... with permanent members that don't change, except for the legislators."

MS. KREITZER answered yes.

9:41:40 AM

REPRESENTATIVE PETERSEN commented that having lived in another culture and attempted to learn the language, he understands the important connection between a language and its culture. He expressed his hope that the proposed legislation gets the intended results, because he said he thinks the joint prime sponsor's intention is "well founded and ... from the heart."

CHAIR LYNN questioned how a person can think without language, and remarked upon the varied effects of different words, even within one language.

9:43:46 AM

MS. KREITZER, in response to Representative P. Wilson, said the intent of the proposed [Alaska Native Language Preservation and Advisory Council] is to view what is going on around the state and recommend cost-effective ways of supporting preservation, restoration, and revitalization of languages. She said it is a concept that the council would more broadly define, but the framework for it is clear in HB 254. In response to a follow-up question, she offered her understanding that the council would advise the governor and the legislature.

9:48:05 AM

REPRESENTATIVE JOHANSEN pointed out that the answer to Representative P. Wilson's question is in [subsection (b)], on page 2 of the proposed legislation.

REPRESENTATIVE DICK, in response to Representative Johansen, said the impetus for the bill came from 45 years of observation and many people who have expressed concern about the issue. He indicated that the names of those people are on a list.

9:49:37 AM

DENISE MORRIS, President/CEO, First Alaskans Institute (FAI), testified in support of HB 254. She mentioned companion bill SB 130. She said FAI works to empower the indigenous people of the land and assists in making decisions that impact their lives. She stated that FAI believes the revitalization of Alaska Native languages is integral to "the restoration of healthy (indisc.) all Alaskans." She asked that the legislature support the creation of the Alaska Native Language Preservation and Advisory Council. She talked about languages having a home, and contributing to the unique nature of the state.

MS. MORRIS reported that currently there are only about 120 fluent speakers of the (indisc.) language, and most of those people are over the age of 65. She talked about the connection between language and the land, and she said, "If we, as Alaskans, are to steward Alaska and our resources into the future for the common good and for the benefit of all Alaskans, then the language[s] of Alaska Native people are crucial to this endeavor." She said the proposed council will be able to look at what has been, is being, and should be done, reorganize programs, and make recommendations to the governor, the legislature, and to other organizations that are also looking to revitalize Alaska Native languages. She stated that having people on the council who speak, teach, and continually learn their Native language and work for the preservation and revitalization of the language is crucial to the success of the council.

[9:53:51 AM](#)

MS. MORRIS, regarding a previous question as to the involvement of Native corporations, said the Alaska Native Heritage Center, and regional, village, and tribal corporations have all been involved in some critical way in keeping Alaska Native languages alive. She said there are ongoing programs, and she mentioned an annual conference held by FAI, where elders and youth meet for language workshops. In closing, Ms. Morris asked the legislature to appropriate money for the establishment and ongoing activities of the council and to support HB 254.

[9:55:42 AM](#)

ANNETTE EVANS SMITH, President/CEO, Alaska Native Heritage Center (ANHC), testified in support of HB 254. She first introduced herself speaking both Yupik and Koyukon Athabascan. She said her mother is from South Naknek and her father is from

Rampart, on the Yukon River. She stated that many people believe that the "DNA" of one's culture exists within the language of that culture, and with the loss of that language comes the loss of a vast amount of traditional knowledge. She said [Alaska Native] languages tell the story of Alaska, and it is critical to take proactive measures immediately to strengthen [Alaska Native] languages, while those who speak the languages are still alive and the interest in revitalizing the languages is strong.

MS. EVANS SMITH relayed that compelling evidence exists showing a link between indigenous children with strong, traditional cultures and linguistic backgrounds and academic success. She said children taking language and culture classes benefit by gaining stronger identities and an appreciation of their heritage. Conversely, American Indian and Alaska Native teenagers who are conflicted about their culture are at greater risk for engaging in alcohol and drug use and dropping out of school. She reported that the ANHC's nationally award-winning after school program and internship program have reached their highest graduation rates in history. She said the graduation rate for Alaska Native students in the Anchorage School District is approximately 43 percent, while the children in the ANHC's program graduate at a rate of 83 percent. Ms. Evans Smith stated, "At our core, we recognize that indigenous language learning promotes increased self-esteem and confidence for our youth, and a strong cultural identity and knowledge translates into a stronger person overall." She said ANHC is currently working to develop onsite programs that provide indigenous language and learning opportunities in a full immersion environment.

MS. EVANS SMITH, in response to a request from the chair to wrap up her testimony, stated that there are examples of successful attempts to restore indigenous languages in New Zealand, Hawai'i, and Wyoming. She said the proposed bill will help unify the programs aimed at restoring Alaska Native languages and will provide a much needed political infrastructure, both inside and outside state government, to "promote sustainable Alaska Native language efforts." She thanked the joint prime sponsors and the members of the House State Affairs Standing Committee.

[10:00:28 AM](#)

ROSITA WORL, Ph.D., President, Sealaska Heritage Institute (SHI), testified on behalf of HB 254. She stated that the

mission of SHI is to perpetuate the Tlingit, Haida, and Tsimshian cultures, and its goal is to support cultural diversity and promote cross-cultural understanding. She said SHI has been engaged in language restoration for the last 12 years. Dr. Worl imparted that she also serves on the board of directors of the Indigenous Language Institute, is a member of the National Council of Native American Languages, and earned her Ph.D. in Anthropology at Harvard University, with a minor in Sociolinguistics. She said she would give the committee a written statement on Alaska Native languages, which outlines the need for [HB 254], and a report on Alaska Native language programs administered by Alaska Native organizations, which demonstrates that Native organizations are successful in implementing Native language revitalization programs. She said much more is needed to be done in this area. In response to Representative Johansen, she stated her belief that professional language expertise exists within Alaska, and she said that view is supported in the aforementioned report.

[10:02:18 AM](#)

DR. WORL shared her heritage in both Tlingit and English. She said she is from the Thunderbird clan and the Eagle moiety, from the House Lowered From The Sun in Klukwan, a child of the Sockeye clan. She said her Tlingit names embody both her social identity and her cultural values; they establish a bond between her and her ancestors and create for her a responsibility to future generations. She said her social identity reflects "our world view and our relationship to the land and environment." Dr. Worl revealed that it has taken many years for her to resolve the conflicts between her Native self and herself in the non-Native world. She explained that she is of the generation of Alaska Natives who were forcibly kidnapped from their homes and put in a mission school to be "educated" and "civilized." She said conflicts still exist for many young Native Alaskans living in both a Native and non-Native world. She stated her belief that [HB 254] can do much to bring about understanding of cultural differences, and she expressed her hope that it would protect linguistic and cultural diversity.

[10:04:09 AM](#)

DR. WORL outlined the status of Alaska Native languages. She warned that unless remedial action is initiated, most Alaska Native languages will become extinct. She related the status of the following languages, according to a United Nations Educational, Scientific and Cultural Organization (UNESCO)

report: Inupiat, in the North Slope and Kotzebue, and Gwitchen Athabascan languages are listed as severely endangered, which means that those languages are spoken by grandparents and older generations, and, while parent generations may understand those languages, they do not generally speak them to their children or among themselves; Aleut and the Southeast Alaska Native languages are listed as critically endangered, which means that the youngest speakers are grandparents and older who speak the language partially and infrequently; and Yupik is listed as vulnerable, which means that most children speak the language, but it may be restricted to certain domains, such as in the home. Dr. Worl noted with regret that Eyak is extinct.

DR. WORL said some people have suggested that the proposed Alaska Native Language Preservation and Advisory Council may duplicate the work of the Alaska Native Center, but she assured the committee that this is not the case. She emphasized the importance of understanding the difference between documentation and revitalization. She explained that the Alaska Native Center, established about 40 years ago, focuses primarily on the documentation of Alaska Native languages. She said documentation itself does not lead to the restoration of a language, because it does not include the development of curriculum or the training of Native language instructors - the two critical components of language revitalization. She stated her belief that the legislature fully understands the social and economic cost to a society and to the state when a significant percent of its population has a poor education. She echoed the comments of Ms. Evans Smith that children who grow up thinking their language and culture are inferior often have low self-esteem, which is a major factor in failure at school.

[10:07:04 AM](#)

DR. WORL opined that Native language restoration benefits not only the language itself, but also society as a whole. She talked about the millions of dollars that are spent trying to mend an educational system that has failed Alaska Native people. She echoed the previous testimony of Ms. Evans Smith that studies of existing programs have shown that integrating language and culture into curriculum improves academic achievement. Dr. Worl concluded by stating that although she supports HB 254 as a means by which to identify the barriers to language restoration, much more needs to be done immediately. She invited the committee to read her written testimony, [included in the committee packet].

[HB 254 was held over.]

10:09:07 AM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:09 a.m.