

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 22, 2011

9:06 a.m.

MEMBERS PRESENT

Senator Bill Wielechowski, Chair
Senator Joe Paskvan, Vice Chair
Senator Albert Kookesh
Senator Kevin Meyer
Senator Cathy Giessel

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 93

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

- HEARD AND HELD

SENATE BILL NO. 2

"An Act relating to National Rifle Association special request license plates."

- HEARD AND HELD

SENATE BILL NO. 16

"An Act relating to special request choose life license plates; and providing for an effective date."

-HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 93

SHORT TITLE: SPECIALTY LICENSE PLATES

SPONSOR(S): STATE AFFAIRS

02/21/11	(S)	READ THE FIRST TIME - REFERRALS
02/21/11	(S)	STA, TRA
02/22/11	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SB 2

SHORT TITLE: LICENSE PLATES: NATIONAL RIFLE ASSN.

SPONSOR(S): MENARD, HUGGINS

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, FIN
02/22/11 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SB 16

SHORT TITLE: SPECIAL REQUEST LICENSE PLATES

SPONSOR(S): MEYER

01/19/11 (S) PREFILE RELEASED 1/7/11
01/19/11 (S) READ THE FIRST TIME - REFERRALS
01/19/11 (S) STA, FIN
02/22/11 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

KARLA HART, Staff to Senator Bill Wielechowski
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 93 for sponsor on behalf of the sponsor.

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

POSITION STATEMENT: Explained provisions of SB 93.

SENATOR LINDA MENARD, Sponsor of SB 2
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Introduced SB 2.

MICHAEL ROVITO, Staff to Senator Menard
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 2 for sponsor.

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 16.

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

POSITION STATEMENT: Explained provisions of SB 93.

SENATOR LINDA MENARD
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 2.

MICHAEL ROVITO, Staff
Senator Menard
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 2 for sponsor.

NEIL MOSS, Alaska State Director
Scholastic Clay Target Program (SCTP)
Wasilla, AK

POSITION STATEMENT: Testified in support of SB 2.

MICHELLE SYDEMAN, Staff
Senator Wielechowski
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Presented SB 93 on behalf of the sponsor.

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 16.

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

POSITION STATEMENT: Gave ACLU position on license plate bills.

RUSS AMERLING, National Publicity Coordinator
Choose Life License Plates

POSITION STATEMENT: Testified in support of SB 16.

JIM MINNERY
Alaska Family Council
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 16.

MIKE PAULSEN, Chairman
Choose Life Alaska
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 16.

KELLY FOREMAN
Choose Life Alaska
Anchorage, AK

POSITION STATEMENT: Testified in support of SB 16.

BOB HEAD, Director
American Family Association of Alaska
Juneau, AK

POSITION STATEMENT: Testified in support of SB 16.

SYD HIEDERSDORF, representing himself
Juneau, AK

POSITION STATEMENT: Testified in support of SB 16.

CAREN ROBINSON, Lobbyist
Alaska Women's Lobby and Alaska Planned Parenthood of the
Greater Northwest
Juneau, AK

POSITION STATEMENT: Testified in support of SB 16.

ACTION NARRATIVE

[9:06:42 AM](#)

CHAIR BILL WIELECHOWSKI called the Senate State Affairs Standing Committee meeting to order at 9:06 a.m. Present at the call to order were Senators Giessel, Meyer, Paskvan, and Chair Wielechowski.

SB 93-SPECIALTY LICENSE PLATES

[9:09:46 AM](#)

CHAIR WIELECHOWSKI announced the first order of business to be SB 93.

KARLA HART, staff to Senator Bill Wielechowski, presented SB 93 for the sponsor. She said that specialty license plates are sweeping the country. The 26th Alaska State Legislature had a total of 15 committee meetings entailing nine versions of bills and requiring one concurrent resolution on license plates. Each license plate request takes legislative attention away from more pressing state matters and creates state costs of drafting, duplicating, distributing, posting, scheduling and amending.

Legislatively created fund raising plates require the Division of Motor Vehicles (DMV) to track and request small amounts of money for reappropriation. Other plates require the DMV to check a registrant's status. Two legislatively created license plates from 1998 have never been issued. The ease of production of license plates has created interest in specialty plates.

SB 93 proposes an administrative approach which frees up the legislature for more pressing business, allows for uniform objective standards to be set by regulation, saves money and time, and creates a uniform specialty plate design which makes it easier for law enforcement to recognize plates. Legislators could refer constituents to the administrative program, rather than addressing each request through a bill. SB 93 gives the DMV guidelines for developing the regulations for a specialty plate program and leaves it up to them to set the specific regulations.

MS. HART explained that section 1 of SB 93 allows the DMV to develop and implement regulations to issue special request plates to any Alaska organization with a 501(c)(3) tax exempt status. It also allows departments and municipalities to issue specialty plates. It directs the DMV to design a standard plate design for all specialty plates, which makes it easier for law enforcement to identify plates.

Each entity must submit its application on a form provided by the DMV, pay a fee that is set by regulation, and then submit registration fees for at least 50 motor vehicles before plates will be issued. Also, the organization requesting the plates may not be offensive in purpose, nature, activity or name. DMV will develop regulations around this statutory requirement. The organization requesting the plate may charge a fee in addition to regular registration fees, and then submit the excess fees to the DMV. For instance, the request for NRA special request plates has funds in excess which would be returned to a charity. This bill allows the sponsoring organization to collect all fees and then pay the \$30 fee to DMV and the organization may keep the rest.

[9:14:19 AM](#)

MS. HART further noted that each organization is free to develop its own policies and procedures for collecting fees. The regulations also specify that a minimum number of registrations or renewals of specialty plates must be conducted. Section 2 sets the fee for specialty plates at \$30 above regular licensing fees. The effective date would be January 1, 2012. DMV says it

would not be a problem to implement the regulations by that date.

9:15:53 AM

SENATOR BILL WIELECHOWSKI, sponsor of SB 93, emphasized that he did not intend to be critical of other license plates bills. This is more of a streamlining bill and can also satisfy the needs of constituents. He asked if his staff knew how the system is working in other states.

MS. HART answered yes. Pennsylvania is very happy with its program. They started with a minimum requirement of 300 plates; now the minimum requirement is one. The program has proven to be cost effective and easy to administer. They are open to sharing their procedure with Alaska.

WHITNEY BREWSTER, Director, Division of Motor Vehicles, Department of Administration, said she was available for questions.

CHAIR WIELECHOWSKI asked for her thoughts on SB 93.

MS. BREWSTER answered that SB 93 would streamline the process.

CHAIR WIELECHOWSKI noted there was a zero fiscal note.

MS. BREWSTER said she did not believe it would cost anything.

9:19:28 AM

SENATOR PASKVAN asked what she would consider to be a basis for denial.

MS. BREWSTER stated the DMV has existing regulations regarding personalized plates and their denial. She said that symbols or letters in a combination that demeans an ethnic, religious, or racial group, or is otherwise vulgar, indecent or offensive will be denied. In those instances when personalized plates fit that description, they do recall the plate and give the individual the ability to go through the administrative hearing process. Organizations could also go through that process.

SENATOR PASKVAN asked if there would be the potential to stop a message if it was distasteful to the majority of people.

MS. BREWSTER replied if the message was patently offensive to the ordinary person the division could go through the process. Standards would be set in regulation.

SENATOR PASKVAN noted that what would be offensive to one may be a core message to another.

MS. BREWSTER answered she did not disagree. This is a difficult topic. DMV uses the standard, is it demeaning to a religious or ethnic group or does it have sexual connotations.

SENATOR PASKVAN asked how the state can expect to prevent people from putting an offensive message on a license plate if it doesn't have the ability to take a similarly offensive bumper sticker off a vehicle.

MS. BREWSTER said there is a process in place, and court cases regarding license plates say it is a freedom of speech issue.

SENATOR MEYER asked if Ms. Brewster could assure him that she would be at the DMV for the next 100 or 200 years it would be fine. The concern is what happens after she is gone. How do we define offensive in purpose, nature, activity or name. For this to work there need to be tight regulations in place. He then asked if she could explain the administrative hearing process.

MS. BREWSTER said the DMV has three administrative hearing officers who hear a number of issues, from DUI revocation to personalized plate revocation. The DMV has software that will weed out many offensive plates. Sometimes combinations slip through the cracks. When notified of this by law enforcement or the public, the DMV looks at the plate against current regulations and if the plate violates regulations they will inform the person via certified mail that they will revoke the license plate. They also give them information on requesting an administrative hearing, and inform them that they can change their plate free of charge. If they do request a hearing, the hearing officer looks at the case and makes a determination based on regulations and existing Alaska court cases.

SENATOR MEYER asked who pays for the administrative hearing.

[9:29:36 AM](#)

MS. BREWSTER answered it falls under the operations of DMV.

SENATOR MEYER asked if this would be an added cost to DMV.

MS. BREWSTER responded she did not foresee a large increase in hearings

SENATOR MEYER noted SB 93 says that before the plate will be issued, there must be at least 50 vehicles, and asked how that would work.

MS. BREWSTER said the fees would be collected by the organization and submitted with the application.

SENATOR MEYER commented that the way other states do this is mixed, and he can see a lot of benefits to having the process streamlined.

CHAIR WIELECHOWSKI asked about court cases. Roughly half the states have this process, so there may be a well-established body of case law.

MS. BREWSTER answered that courts have consistently ruled if a state allows specialty license plates, then it is a billboard for that person or organization. There is a substantial body of decisions to direct hearing officers.

[9:33:39 AM](#)

CHAIR WIELECHOWSKI closed public testimony and announced that SB 93 would be held in committee.

SB 2-LICENSE PLATES: NATIONAL RIFLE ASSN.

[9:36:52 AM](#)

CHAIR WIELECHOWSKI announced the next order of business to be SB 2.

SENATOR PASKVAN moved to adopt work draft committee substitute (CS) for SB 2(), labeled 27-LS0016\I, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

SENATOR LINDA MENARD, sponsor of SB 2 stated that she was a lifetime member of the National Rifle Association (NRA). She noted the proposed committee substitute adds specialty plates for breast cancer awareness. Money left over from the NRA plates after the fees are paid may be appropriated for youth shooting programs. Laws like these are of interest to her constituency. They may not be weighty issues, but to some they mean a lot. There is no fiscal note.

MICHAEL ROVITO, staff to Senator Linda Menard, added that 26 states have breast cancer awareness plates. Currently about 8 states have NRA plates, and others are considering them.

CHAIR WIELECHOWSKI asked about the price of the plates.

SENATOR MENARD said she thought \$50 was a reasonable amount to charge for NRA plates because the excess funds go to youth safety programs. She noted that Senator Huggins was also a co-sponsor, along with Senators Meyer and Giessel.

MS. BREWSTER said she was available for questions.

[9:40:11 AM](#)

CHAIR WIELECHOWSKI asked if she could speak about how the DMV administers these requests when there are excess funds going to specific programs.

WHITNEY BREWSTER, Director, Division of Motor Vehicles, Department of Administration, said specialty license plates that are fund raisers are accounted for separately for appropriation by the legislature. Dealing with plates having excess funds costs the DMV about \$10 for each set, plus shipping charges. These funds go into the general fund.

NEIL MOSS, Alaska State Director, Scholastic Clay Target Program (SCTP), said that Alaska has more NRA members per capita than any other state in the union. Youth shooting sports are always looking for funds for targets, shells, firearms, and safety literature. SB 2 would provide funds for these programs

[9:42:52 AM](#)

SENATOR KOOKESH joined the meeting.

MR. MOSS further noted that SB 2 would be a great fund raiser. A similar program has been very successful in Tennessee. SCTP is a 501 (c)(3) nonprofit corporation, and the funds collected would be available to any youth shooting organization in the state.

CHAIR WIELECHOWSKI closed public testimony on SB 2.

[9:45:36 AM](#)

CHAIR WIELECHOWSKI asked if excess funds from the breast cancer awareness plates would go into the general fund.

SENATOR MEYER responded she believed they would go into the general fund.

CHAIR WIELECHOWSKI said SB 2 would be held in committee.

SB 16-SPECIAL REQUEST LICENSE PLATES

[9:46:48 AM](#)

CHAIR WIELECHOWSKI announced the next order of business would be SB 16.

SENATOR PASKVAN moved to adopt proposed committee substitute CSSB 16 (), labeled 27-LS0120\D, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

MICHELLE SYDEMAN, staff to Senator Bill Wielechowski, said there is only one change in the proposed CS from the original bill, which is the inclusion of a pro-family, pro-choice license plate. On page 2 an addition to the bill establishes where those excess funds would go.

SENATOR KEVIN MEYER, sponsor of SB 16, said his comments would be geared to the original bill and not the CS. The message of SB 16 is Choose Life. There are lots of specialty license plate bills, but this one is taking a different approach. This is not a fund raiser; the funds collected are only to cover costs. He noted that 26 other states have Choose Life license plates. His constituents want this, and he personally likes the idea. It is a pro adoption message and a strong pro life message, but also a message about suicide prevention. Choose Life can mean whatever you want it to mean.

[9:51:28 AM](#)

JEFF MITTMAN, Executive Director, American Civil Liberties Union (ACLU) of Alaska, said that specialty license plates raise free speech issues. SB 93 covers the issue more generally, because it allows any organization to submit a message. The CS addresses a concern with SB 16 as originally offered. The process needs to be neutral.

RUSS AMERLING, National Publicity Coordinator, Choose Life License Plates, said there are 26 states that have Choose Life plates. The license plate in all other states is a fundraiser. The message is a message of life, choose adoption.

JIM MINNERY, Alaska Family Council, said he wanted to emphasize the option of celebrating adoption. SB 16 has the full support of the Alaska Family Council.

[9:55:17 AM](#)

MIKE PAULSEN, Chairman, Choose Life Alaska, said he was available for questions.

KELLY FOREMAN, Choose Life Alaska, said this issue has been discussed by their organization for two years. The Choose Life plate has already been designed to DMV specifications. She said the additional plate added by the CS should be required to go through its own legislative process.

BOB HEAD, Director, American Family Association of Alaska, Juneau, said he has raised an adopted son. He feels that Choose Life is an extremely important message.

SYD HIEDERSDORF, Juneau, testified on his own behalf in support of SB 16. He said the Choose Life message promotes the culture of life. Opposition to this message is a result of the abortion mentality in this country. His testimony is based on the specific issue of Choose Life, not the CS which includes a Planned Parenthood type amendment. He hopes the committee will support the idea of Choose Life.

[10:00:50 AM](#)

CAREN ROBINSON, lobbyist, representing Alaska Women's' Lobby and Alaska Planned Parenthood of the Greater Northwest, testified in support of the proposed CS. She said the organizations she represents are in support of anything that helps people to make good choices. She also raised the possibility of additional dollars going to the Alaska Children's Trust from these specialty plates. The trust already has license plates so the funding process might already be in place at DMV.

CHAIR WIELECHOWSKI closed public testimony [and held SB 16 in committee].

[10:02:00 AM](#)

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee meeting at 10:02 a.m.