

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

March 27, 2014

8:11 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Lynn Gattis  
Representative Shelley Hughes  
Representative Doug Isaacson  
Representative Charisse Millett (via teleconference)  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 293

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

- MOVED CSHB 293(STA) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 116(STA)

"An Act relating to service of citations; amending Rule 3(f), Alaska Rules of Minor Offense Procedure; repealing Rule 3(g), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

- MOVED CSSB 116(STA) OUT OF COMMITTEE

HOUSE BILL NO. 216

"An Act adding the Inupiaq, Siberian Yupik, Central Alaskan Yup'ik, Alutiiq, Unangax, Dena'ina, Deg Xinag, Holikachuk, Koyukon, Upper Kuskokwim, Gwich'in, Tanana, Upper Tanana, Tanacross, Hän, Ahtna, Eyak, Tlingit, Haida, and Tsimshian languages as official languages of the state."

- HEARD & HELD

HOUSE BILL NO. 270

"An Act relating to service of citations; amending Rule 3(f), Alaska Rules of Minor Offense Procedure; repealing Rule 3(g),

Alaska Rules of Minor Offense Procedure; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 293

SHORT TITLE: BEAR LICENSE PLATES

SPONSOR(s): REPRESENTATIVE(s) P.WILSON

02/03/14 (H) READ THE FIRST TIME - REFERRALS  
02/03/14 (H) STA, FIN  
03/27/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: SB 116

SHORT TITLE: SERVICE OF CITATIONS

SPONSOR(s): SENATOR(s) EGAN

01/22/14 (S) PREFILE RELEASED 1/17/14  
01/22/14 (S) READ THE FIRST TIME - REFERRALS  
01/22/14 (S) STA  
03/13/14 (S) STA AT 9:00 AM BUTROVICH 205  
03/13/14 (S) Moved CSSB 116(STA) Out of Committee  
03/13/14 (S) MINUTE(STA)  
03/14/14 (S) STA RPT CS 3DP SAME TITLE  
03/14/14 (S) DP: DYSON, COGHILL, GIESSEL  
03/21/14 (S) TRANSMITTED TO (H)  
03/21/14 (S) VERSION: CSSB 116(STA)  
03/24/14 (H) READ THE FIRST TIME - REFERRALS  
03/24/14 (H) STA, JUD  
03/27/14 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 216

SHORT TITLE: OFFICIAL LANGUAGES OF THE STATE

SPONSOR(s): REPRESENTATIVE(s) KREISS-TOMKINS, MILLETT, EDGMON, NAGEAK, HERRON

01/21/14 (H) PREFILE RELEASED 1/10/14  
01/21/14 (H) READ THE FIRST TIME - REFERRALS  
01/21/14 (H) CRA, STA  
02/18/14 (H) CRA AT 8:00 AM BARNES 124  
02/18/14 (H) Moved Out of Committee  
02/18/14 (H) MINUTE(CRA)  
02/19/14 (H) CRA RPT 5DP  
02/19/14 (H) DP: FOSTER, HERRON, DRUMMOND, LEDOUX, NAGEAK

03/27/14

(H)

STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE P. WILSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, introduced her staff to present HB 293.

CHERE KLEIN, Staff  
Representative Peggy Wilson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 293 on behalf of Representative P. Wilson, prime sponsor.

AMY ERICKSON, Director  
Division of Motor Vehicles (DMV)  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Responded to questions during the hearing on HB 293.

JERRY CEGELSKE  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 293.

JEFF TUCKER  
Kenai, Alaska

**POSITION STATEMENT:** Testified in support of Conceptual Amendment 1, during the hearing on HB 293.

SENATOR DENNIS EGAN  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor, introduced SB 116.

JESSE KIEHL, Staff  
Senator Dennis Egan  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Offered information on SB 116 on behalf of Senator Egan, prime sponsor.

SCOTT BLOOM, City Attorney  
City of Kenai

Kenai, Alaska

**POSITION STATEMENT:** Testified in support of SB 116.

HILARY MARTIN, Attorney at Law  
Legislative Legal and Research Services  
Legislative Affairs Agency  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 216.

LIBBY BAKALAR, Assistant Attorney General  
Labor and State Affairs Section  
Civil Division (Juneau)  
Department of Law (DOL)  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 216.

REPRESENTATIVE BENJAMIN NAGEAK  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As joint prime sponsor, testified during the hearing of HB 216.

#### **ACTION NARRATIVE**

[8:11:02 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:11 a.m. Representatives Keller, Isaacson, Gattis, Hughes, Kreiss-Tomkins, and Lynn were present at the call to order. Representative Millett arrived (via teleconference) as the meeting was in progress.

#### **HB 293-BEAR LICENSE PLATES**

[8:11:32 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 293, "An Act relating to motor vehicle registration plates; and providing for an effective date."

[8:12:16 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 293, Version 28-LS1304\N, Strasbaugh,

3/17/14, as a work draft. There being no objection, Version N was before the committee.

[8:12:39 AM](#)

REPRESENTATIVE P. WILSON, Alaska State Legislature, as prime sponsor, introduced her staff to present HB 293.

[8:12:58 AM](#)

CHERE KLEIN, Staff, Representative Peggy Wilson, Alaska State Legislature, presented HB 293 on behalf of Representative P. Wilson, prime sponsor. She stated that the proposed legislation would "add an option to our primary license plate." She said a constituent told Representative P. Wilson about how many compliments he used to receive on his bicentennial license plate, which depicted a bear, when he drove in the Lower 48 back in the '70s and '80s. She said a recent poll at carinsurance.com shows that Alaska's plain yellow license plate is one of the least favorite of all the 50 states' plates. She relayed that a former commissioner of the Department of Public Safety (DPS) said the main reason the bear was put on the Alaska license plate in 1976 was that the bear is something that all of Alaska has in common.

MS. KLEIN said another constituent asked Representative P. Wilson why she was wasting time on an insignificant license plate when there are important issues, such as education, a gas pipeline, and state funds, to address. She said the comment made Representative P. Wilson wonder why the legislature needs to be involved in what could be day-to-day operations of the Division of Motor Vehicles (DMV) and question whether the legislature should spend its time drafting and carrying a bill every time a constituent wants a specialty plate, when there are more important matters to consider. Ms. Klein noted that [a request for new license plate design] had been brought before the legislature about every two years.

[8:15:15 AM](#)

MS. KLEIN stated that under HB 293, all specialty license plates would be approved within the DMV. The [division] would develop a standard procedure that all constituents could follow when requesting a specialty license plate, as well as develop a fee schedule that would cover the cost of all new specialty plates. Additionally, the DMV would change current language regarding

specialty plates for fire fighters and [emergency medical service providers] from "former" to "retired".

[8:16:13 AM](#)

CHAIR LYNN, regarding Ms. Klein's comment about perceived unimportant legislation, stated that the consideration of issues such as education, the gas pipe line, and the budget are not delayed by consideration of other legislation. He explained that he wants to assure the public that the legislature attends to multiple issues quite well, with "a sensitive priority."

[8:17:53 AM](#)

REPRESENTATIVE GATTIS relayed that she has constituents who were involved in specialty license plates related to the National Rifle Association, and she indicated that the sale of those license plates funded "shooting groups." She asked how the turning over of license plate management to the DMV, under HB 293, would affect "the future fundraisers coming forward."

REPRESENTATIVE P. WILSON indicated that nothing about the DMV's regulations would be changed under the proposed legislation.

REPRESENTATIVE GATTIS clarified that she wanted to know if, under HB 293, groups that want license plates for fundraising purposes would not be able to come to the legislature to ask for them.

REPRESENTATIVE P. WILSON deferred to the director of the DMV.

[8:19:45 AM](#)

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), said she thinks Representative Gattis has a point that "these specialty plates that are tied to an appropriation would need to be handled by the legislature." She continued as follows:

So, while we could take care of the specialty plates, and the ordering of them, and setting up the design, if you're going to dedicate it to a certain fund, I think you would have to touch it after we did.

MS. ERICKSON, in response to a question, said she did not think it would matter whether the legislature addressed those license plates before or after the DMV did.

REPRESENTATIVE GATTIS expressed concern that those fundraising plates would not be thwarted.

[8:21:23 AM](#)

REPRESENTATIVE ISAACSON noted that he had been planning to propose a broad amendment to delete Section 4; however, after discussing the issue, he indicated he was considering instead just deleting the words "active" and "retired" - the latter of which would replace "former" under Version N - in Section 4, beginning on page 2, line 18, through page 3, line 9. He asked what the effect of such an amendment would be on [the division].

[8:22:23 AM](#)

MS. ERICKSON answered that "it could go two ways." First, the DMV could "turn that into a specialty plate," which anyone could choose; second, there could be standards for which people could qualify, which would require the DMV to set up some regulations to establish what the standards are.

REPRESENTATIVE ISAACSON asked if adopting a conceptual amendment so special request license plates for firefighters and EMS providers would be available for those who had served five years, whether retired or not, would provide the necessary direction to [the DMV].

MS. ERICKSON answered that she thought it would.

[8:23:22 AM](#)

REPRESENTATIVE KELLER directed attention to Section 5 of Version N, [on page 3, lines 10-30, regarding special request specialty organization license plates]. He expressed concern that the language in Section 5 would put the division in the position of having to choose between political concepts, and he opined that it does not seem right to place that task on the administrative branch. He expressed appreciation for specialty plates, and he said they are a matter of state pride. Nevertheless, he said the idea of [the DMV] having to decide whether someone is pro-gun or anti-gun, for example, makes him squirm. He said, "It seems to me like we have avoided that well in the legislature; I think it needs to be continued to be avoided." He asked Ms. Erickson to correct him if he was presuming things he should not be presuming, but said he would like Section 5 deleted from the proposed legislation.

[8:25:00 AM](#)

MS. ERICKSON responded, "It wouldn't necessarily be me, but it would be the ... Department of Administration."

REPRESENTATIVE KELLER said he understood. He said the DMV's regulations specify processes, but under the proposed legislation, the politicized process would be removed from the legislature and given to the administration.

MS. ERICKSON responded that she thought Representative Keller was right.

[8:25:41 AM](#)

REPRESENTATIVE HUGHES said she had been asked to sponsor a bill for a specialty license plate, but had not done so, because her understanding was that many such bills did not get adopted because of the cost involved in setting up a mold for the design. She asked what the cost was to make a specialty license plate. Regarding the bear design, she noted that the fiscal note is for the design, but does not address the cost of setting up the equipment to create the licenses.

MS. ERICKSON answered that the DMV works with whatever organization wants the plate and gives them specifications for the size of the plate and the type of file in which the design needs to be made. The design then needs to be approved by the commissioner of DOA. The cost to set up the license with DMV's vendor is \$250, which is stated in the fiscal note.

[8:27:16 AM](#)

REPRESENTATIVE P. WILSON indicated that she supported the conceptual amendment suggested by Representative Isaacson. She said currently DOA handles the design of the license plates; the legislature merely tells the department what it wants.

[8:28:10 AM](#)

REPRESENTATIVE ISAACSON moved to adopt Conceptual Amendment 1, labeled 28-LS0905\U.1, Martin, 3/14/14, on page 2, line 18, through page 3, line 9, to delete references to "active" and "**retired**", and on page 3, lines 6 and 9, to change "10" to "five".

8:28:40 AM

REPRESENTATIVE KELLER objected for purposes of discussion. He asked for the reason for changing the 10 years to five.

8:29:03 AM

REPRESENTATIVE P. WILSON said one reason is because "more people would be interested in the plates." She remarked that people in Alaska move around a lot. She said many fire fighters and EMS providers in Alaska work as volunteers, and without them many lives would be lost. Representative P. Wilson opined that because of that, it is "only fair that they be able to purchase these license plates also."

8:29:42 AM

REPRESENTATIVE ISAACSON said he spoke to two fire chiefs and one police chief. He said the fire chiefs explained that they want the specialized plates made available to both retired and active fire fighters, but not to someone who has only been with them for six months; therefore, a five-year requirement would be good. He relayed that the police chief instructs his departments to view the license plates as a badge of service, not a license to speed.

REPRESENTATIVE KELLER removed his objection to the motion to adopt Conceptual Amendment 1. There being no further objection, it was so ordered.

REPRESENTATIVE KELLER acknowledged he may have put the bill sponsor on the spot with his previous suggestion to delete Section 5 of the bill; however, he said he still had concerns. He asked the sponsor what she thought about his suggestion.

REPRESENTATIVE P. WILSON responded that she thought it would be good to keep the language of Section 5 in the bill; however, she stated that if it was not the will of the committee to do so, "that wasn't the main purpose of the bill to begin with."

8:32:28 AM

JERRY CEGELSKE stated that he is the one who originally contacted Representative P. Wilson. He confirmed that he acquired the bear license plate in 1978, and it drew positive attention when he drove in the Lower 48. He opined that the license plate is free advertising that can help with the state's

tourism economy. He mentioned Kansas may be thought of as the first of the rectangle states, while Alaska is known as the Last Frontier. He said currently his friends are driving through about 20 states, which is an opportunity to advertise the state amongst a broad section of the general public. He said that is the main driving factor for his having requested that Representative P. Wilson sponsor the proposed legislation.

[8:34:46 AM](#)

JEFF TUCKER stated that he was a fire service professional of Alaska testifying on behalf of himself. He stated support of Conceptual Amendment 1, because he thinks that would allow fire fighters and "any of us professionals around the state" to take advantage of the special license plate that would reflect the pride of being an active or retired fire fighter in the state.

[8:35:59 AM](#)

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

[8:36:06 AM](#)

REPRESENTATIVE KELLER moved to adopt Conceptual Amendment 2, to delete Section 5, on page 3, lines 10-30.

REPRESENTATIVE ISAACSON objected for the purpose of discussion.

REPRESENTATIVE KELLER explained that he sees Section 5 as being a problem for DOA if the department would have to decide between nonprofit organizations. He said, "Even if we have equal time in the regulations, so that all sides can have their say, it just seems like it's something that the legislature is here to represent the state." He echoed the idea that an attractive license plate can serve as a positive influence on state tourism. He indicated that if the legislature were to politicize the issue, at least it would do so "on the basis of constituents, and in this case in the House, 15,000 each that ... are represented."

[8:37:50 AM](#)

REPRESENTATIVE GATTIS asked for clarification from Representative Keller.

REPRESENTATIVE KELLER said he thinks switching which entity does the approval of special license plate designs from the legislature to the DMV would burden the DMV with "a dangerous situation." He remarked upon the passion behind issues, and expressed concern that there may be endless requests to the DMV from 501(c)(3) organizations wanting to use license plates as a means to promote their interests.

[8:39:25 AM](#)

CHAIR LYNN responded, "So, in other words, you're saying that it would put the DMV in the political process rather than [the decision being made through] the legislative political process."

REPRESENTATIVE KELLER said, "Precisely."

REPRESENTATIVE GATTIS offered her understanding that [the intent of the proposed Conceptual Amendment 2] was to keep the legislature in the decision-making "loop," rather than being taken out of it as the bill sponsor had recommended [in Section 5].

REPRESENTATIVE KELLER responded, "That's right."

[8:39:57 AM](#)

REPRESENTATIVE HUGHES asked if, under current law, DOA is obligated to accept any license design that is brought to them.

REPRESENTATIVE KELLER answered that the department currently has "broad powers to break regulations," and it can choose "yes or no." He said it seems like putting that process out of the reach of the legislature is a potential problem. He said if a person in the department chooses "to approve something that is politically caustic," then the consequences to the department or division could be huge. He remarked that the legislature is used to making those kinds of decisions all the time.

CHAIR LYNN pointed out that legislators get elected, but state workers do not.

[8:43:05 AM](#)

REPRESENTATIVE ISAACSON said he appreciates the sponsor wanting to streamline that process, but would like to hear from Ms. Erickson how many times the DMV receives requests for specialty license plates and how she would direct regulation, because he

said, "To one person, what is caustic might be to another person the purpose for existence."

[8:43:45 AM](#)

MS. ERICKSON responded that currently the DMV does not get any requests, because they are handled through the legislature; however, the commissioner of DOA has said that he would not object to the responsibility. She said she understood Representative Keller's point that under Section 5, it would be the commissioner's responsibility to establish regulations, but she said she does not know how that would be done.

[8:44:41 AM](#)

REPRESENTATIVE ISAACSON said that [without deleting Section 5], the legislature would be imitating Congress by allowing agencies to do its work rather than doing its own due diligence. He stated his support of Conceptual Amendment 5.

[8:45:01 AM](#)

REPRESENTATIVE GATTIS highlighted statistics [shown on a handout in the committee packet entitled, "Specialty license plates"]. She noted that there was a "Breast Cancer Awareness" license plate that had zero purchased within a five-year period; "Military unit designation" had 3,705 sold in five years; and "Support our Troops" had 1,182 sold in five years. She said she can see Representative Keller's point of view and would support Conceptual Amendment 2.

[8:45:54 AM](#)

REPRESENTATIVE HUGHES said she thinks there may be an increased [workload] for the department with [Section 5] left in the proposed legislation, because the legislative process of getting a license plate approved is more complex than the process would be through the department. She expressed appreciation for the sponsor's attempts for streamlining, but said in this case streamlining concerned her.

[8:46:29 AM](#)

REPRESENTATIVE ISAACSON removed his objection to the motion to adopt Conceptual Amendment 2. There being no further objection, it was so ordered.

[8:46:46 AM](#)

REPRESENTATIVE ISAACSON observed that because Conceptual Amendment 1 had been adopted, now the committee needed to address the language in Section 6, which lists fees for specialty license plates, by removing the words "active" and "retired", as well as deciding on one fee rather than the two listed.

[8:47:47 AM](#)

REPRESENTATIVE P. WILSON offered her understanding that the bill drafter would go through the bill and automatically remove [all references to "active" and "retired", because of Conceptual Amendment 1.

REPRESENTATIVE ISAACSON offered his understanding that because he had been specific in Conceptual Amendment 1, by listing page numbers and lines, he would need to propose the change in Section 6 in a new conceptual amendment. He asked the sponsor if she had a preference over whether the specialty license plate for the fire fighters and EMS providers would cost \$30 or \$50.

[REPRESENTATIVE P. WILSON and MS. ERICKSON spoke amongst themselves inaudibly.]

REPRESENTATIVE P. WILSON offered her understanding that Ms. Erickson had said the decision about fees would be up to the legislature.

[8:49:09 AM](#)

REPRESENTATIVE GATTIS suggested that the fee be the same for all specialty license plates.

CHAIR LYNN responded that then there would be no preferential treatment.

[8:49:43 AM](#)

MS. ERICKSON said she does not know the cost of some of the plates, but said she thinks some of them are as much as \$100.

REPRESENTATIVE GATTIS questioned whether some of the specialty license plates are sold in an effort to raise funds for a nonprofit organization. She indicated that she would like the plates sold as fundraisers to be treated separate from those

that are sold "plate only." She said she could not determine the difference by looking at the aforementioned list. She asked the bill sponsor about her intent: "Was it to be a fundraiser or just the actual plate?"

REPRESENTATIVE P. WILSON answered, "Just the actual plate."

[8:50:51 AM](#)

REPRESENTATIVE ISAACSON moved to adopt Conceptual Amendment 3, on page 4, Section 6, to delete references to "active" and "**retired**", and to set the fee equivalent to that of the veteran's license plate.

[8:51:18 AM](#)

REPRESENTATIVE GATTIS objected for the purpose of discussion.

REPRESENTATIVE ISAACSON stated his understanding that the veteran's plate is not a fundraising plate.

REPRESENTATIVE GATTIS removed her objection to the motion to adopt Conceptual Amendment 3, under the condition that the intent is clear for the record that the veteran's plate is not a fundraising plate, but rather a flat fee.

MS. ERICKSON stated that the fee for the non-fundraising plate is \$30.

[8:52:36 AM](#)

REPRESENTATIVE GATTIS restated that she had removed her objection.

REPRESENTATIVE ISAACSON moved an amendment to Conceptual Amendment 3, to reflect that the specialty plate for fire fighters and EMT providers be \$30. There being no objection, the amendment to Conceptual Amendment 3 was adopted.

[8:53:12 AM](#)

CHAIR LYNN asked if there was any objection to the motion to adopt Conceptual Amendment 3, as amended. There being none, Conceptual Amendment 3, as amended, was adopted.

[8:53:26 AM](#)

REPRESENTATIVE KELLER moved to report hte proposed committee substitute (CS) for HB 293, Version 28-LS1304\N, Strasbaugh, 3/17/14, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 293(STA) was reported out of the House State Affairs Standing Committee.

[8:53:46 AM](#)

The committee took an at-ease from 8:54 a.m. to 8:55 a.m.

[8:55:34 AM](#)

**SB 116-SERVICE OF CITATIONS**

[8:55:35 AM](#)

CHAIR LYNN announced that the next order of business was CS FOR SENATE BILL NO. 116(STA), "An Act relating to service of citations; amending Rule 3(f), Alaska Rules of Minor Offense Procedure; repealing Rule 3(g), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

[8:55:52 AM](#)

SENATOR DENNIS EGAN, Alaska State Legislature, as prime sponsor, introduced SB 116. He stated that the proposed legislation would correct the unintended consequence of a good bill passed in 2010, which stopped law enforcement from leaving a ticket under the windshield wiper of a vehicle. He stated, "To keep enforcing local laws, many municipalities went to civil violations for just a minor offense, and that has its own problems - it wasn't available to state law enforcement at all." Under SB 116, law enforcement could leave a parking ticket under a person's windshield wiper, thereby no longer having to write a citation with the person receiving the citation present. In response to Chair Lynn, he clarified that currently, the police officer has to issue the citation directly to the person. He said, for example, that if someone was parking in a loading zone, the police would have to stay there and issue the violation in person.

CHAIR LYNN commented, "Meanwhile an assault is going on someplace and they're waiting for a parking ticket."

SENATOR EGAN said that's correct.

8:57:42 AM

JESSE KIEHL, Staff, Senator Dennis Egan, Alaska State Legislature, stated that many municipalities took their minor offenses out of the realm of the lowest possible criminal offense and made them civil violations, which allowed police to leave a ticket under the windshield wiper of a car. However, he explained the effect of that was that if a citizen believes it was an unjust ticket, he/she does not get to see a judge or magistrate, but instead must "fight city hall." He said many Alaskans are concerned about the civil violation process, which is more costly for municipalities and difficult for them to enforce when someone occasionally just throws out the ticket. He said the civil violation route is not available to Alaska State Troopers, so they do not write many parking tickets, but do write several tickets at the Palmer state fair when people block access lanes, driveways, or fire zones, for example. He said, "And that becomes a very difficult thing under the law as it reads today, because the legislature has never delegated to the Department of Public Safety any authority to make offenses civil violations, and probably appropriately so." The proposed legislation would fix that problem and allow an Alaska State Trooper to leave a ticket under the windshield wiper.

CHAIR LYNN asked what happens when a ticket blows off a vehicle in a strong wind and is lost.

MR. KIEHL answered that under SB 116, the ticket would then go into a default process after the time in which to contest the ticket had passed and the ticket had not been paid. He said the state court clerk would send a default letter to the owner of the registered vehicle, and the person with the violation would be given a certain amount of time to pay the ticket, after which if the ticket was still not paid, then the state would garnish that money from the person's permanent fund dividend (PFD).

9:00:39 AM

SCOTT BLOOM, City Attorney, City of Kenai, testified in support of SB 116. He listed three reasons that the issues addressed under SB 116 would be important to the City of Kenai. The first reason was public safety. He explained that on peak days in July, the city commonly has 10,000-12,000 visitors; on its busiest day last year there were an estimated 15,000 visitors to the community. The local and residential streets are inundated. He said as word gets out that the city cannot issue parking citations, people tend to ignore restrictions and block fire

lanes, driveways, and emergency access. He said being able to force driving regulations without requiring personal service would alleviate a large portion of the problem.

MR. BLOOM stated that second reason he was asking for support of SB 116 was because the enforcement of parking under current law strains the City of Kenai's municipal resources greatly. Without the ability to leave parking tickets, the city's limited police force must try either to track down drivers, boot the vehicle, or tow them, all of which takes time and manpower. He relayed that in 2013, during the month of July, the City of Kenai issued approximately 106 citations; in 2014, since the current law was in place, the city issued only 12. As a relatively small municipality, it is difficult to set up an alternative administrative system to issue citations. Unlike Anchorage or Fairbanks, which have the economics to support a separate parking authority, this is not a practical solution for the City of Kenai.

MR. BLOOM said the third reason he was asking the committee to support SB 116, was that he believed it would reduce the cost to both the city and the public. He explained that if the city must provide an administrative process, it would cost the city time and money, and that cost would be passed on to the public through increased citation amounts. Further, he said the alternative of immobilizing vehicles or towing them is exponentially more expensive and burdensome on all parties. Mr. Bloom offered to answer questions.

[9:04:22 AM](#)

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

[9:04:30 AM](#)

REPRESENTATIVE KELLER moved to report CSSB 116(STA) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 116(STA) was reported out of the House State Affairs Standing Committee.

[9:05:00 AM](#)

The committee took an at-ease from 9:05 a.m. to 9:07 a.m.

[9:07:15 AM](#)

**HB 216-OFFICIAL LANGUAGES OF THE STATE**

[9:07:16 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE BILL NO. 216, "An Act adding the Inupiaq, Siberian Yupik, Central Alaskan Yup'ik, Alutiiq, Unangax, Dena'ina, Deg Xinag, Holikachuk, Koyukon, Upper Kuskokwim, Gwich'in, Tanana, Upper Tanana, Tanacross, Hän, Ahtna, Eyak, Tlingit, Haida, and Tsimshian languages as official languages of the state."

[9:07:37 AM](#)

REPRESENTATIVE KREISS-TOMKINS, as joint-prime sponsor, introduced HB 216. He noted the other joint-prime sponsors were Representatives Millett, Edgmon, Nageak, and Herron. He stated that HB 216 would acknowledge Alaska Native languages as Alaska's languages. The proposed legislation would amend a part of statute that was created with the 1998 U.S. English Voter Initiative, which did two things: Created English as the official language of Alaska in a ceremonial sense, and in a legal and binding sense stated in statute that English had to be used by the State of Alaska government. He said the latter has been litigated and "some of it's still in the books today." He clarified, "This bill does not touch that at all; it just relates to the first part of the statute that was created by that voter initiative, which created sort of a ceremonial official language of Alaska - that language being English." He said HB 216 would acknowledge the Alaska Native languages that have existed long before his own ancestors existed.

REPRESENTATIVE KREISS-TOMKINS characterized HB 216 as a grassroots bill, and he ventured there were hundreds of people listening to the meeting. He said the testimony heard on HB 216 in the House Community and Regional Affairs Standing Committee a couple weeks prior was some of the most inspirational he has experienced as a legislator. He said there are people dedicating their lives trying to prevent the extinction of these languages. In 2008, the last fluent speaker of the Eyak Language, Chief Marie Smith Jones, died. He said there are a number of other languages currently with only a handful of speakers alive. He noted that just before the current hearing, he learned from a woman present in the room that she had moved from the Yukon Territory to Juneau in order to take classes from the University of Southeast, Juneau, in the Tlingit language. He said that is representative of what hundreds of people in

Alaska are doing to try to "turn the tide of language loss." He said the proposed legislation would acknowledge those efforts.

9:10:50 AM

REPRESENTATIVE KREISS-TOMKINS offered his understanding that there was an amendment available.

9:11:02 AM

CHAIR LYNN asked if every current Alaska Native language would be included under HB 216.

REPRESENTATIVE KREISS-TOMKINS answered that the list was obtained from the linguists from the University of Alaska Fairbanks and is inclusive of all Alaska Native languages today.

9:11:35 AM

REPRESENTATIVE KELLER moved to adopt Amendment 1, labeled 28-LS0905\U.1, Martin, 3/14/14, which read as follows [original punctuation provided]:

Page 1, following line 5:

Insert a new bill section to read:

"\* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE INTENT. It is the intent of the legislature that the amendment to AS 44.12.310 adding 20 languages as official languages of the state is symbolic and is not intended to require the government to provide additional services in those 20 additional languages."

Page 1, line 6:

Delete "**Section 1**"

Insert "**Sec. 2**"

REPRESENTATIVE GATTIS objected for the purpose of discussion.

REPRESENTATIVE KREISS-TOMKINS explained that the proposed Amendment 1 would clarify that HB 216 would neither amend the part of statute that relates to day to day government functions nor force government [documents] to be printed in 20 languages. He indicated that Amendment 1 was in line with the legal perspective, which the committee would hear about later, and the zero fiscal note, included in the committee packet.

REPRESENTATIVE ISAACSON stated an objection to Amendment 1. He indicated that he wanted to hear from someone at Legislative Legal and Research Services.

9:13:03 AM

HILARY MARTIN, Attorney at Law, Legislative Legal and Research Services, Legislative Affairs Agency, Alaska State Legislature, echoed Representative Kreiss-Tomkins' statement that Amendment 1 solidifies the intent of making the recognition of the state's Native languages a symbolic one that would not require the government to provide services in these languages.

9:14:08 AM

REPRESENTATIVE KELLER questioned the concept of taking a law that has litigation attached to it and calling it symbolic.

MS. MARTIN indicated that the language of Amendment 1 was intent language in uncodified law. She said she was not certain if calling a law symbolic had been done before. She said there has been a court case about the official language statutes, which she offered to discuss. She stated that intent language in uncodified law lessens the impact, because the language would not go into statute.

REPRESENTATIVE KELLER asked what the ramifications would be for naming the languages "official".

MS. MARTIN answered, "The statute doesn't define official language aside from declaring what the official language is." She continued as follows:

The [Alaska] Supreme Court has said that part of the ... official language statute is unconstitutional .... Right now, the statute says English language has to be used in the preparations of all official documents and records, but the [Alaska] Supreme Court has said that that means it has to be done in English. That does not prevent using another language, and that statute is not being amended in this bill. So, beyond that it is not entirely clear what the effect is of declaring something is an official language. There's ... nothing else, really, that forces the use of the other languages that I'm aware of.

[9:17:45 AM](#)

REPRESENTATIVE ISAACSON asked what the effect of uncodified law is in a legal proceeding.

MS. MARTIN answered that although uncodified law is not entered into statute, if a statute is ambiguous, a court can look to intent language to determine how the statute should be interpreted.

REPRESENTATIVE ISAACSON referenced AS 44.12.320 and questioned whether, without a clear statement of intent, there may be an unintended consequence of that statute being mandated.

MS. MARTIN reiterated that AS 44.12.320 would not be amended under HB 216, and she stated her belief that it would not "mandate the ... use of all of the official languages to prepare documents and records." She reiterated that currently the government could choose, but is not required, to prepare documents in the other languages. She clarified, "I don't think that ... this bill would change that circumstance."

REPRESENTATIVE ISAACSON expressed his desire to hear from the Department of Law.

[9:20:06 AM](#)

The committee took a brief at-ease due to technical difficulties.

[9:21:32 AM](#)

REPRESENTATIVE MILLETT, participating on the committee via teleconference, said she is a joint-prime sponsor of HB 216. She relayed that the proposed legislation is personal, because she is one-quarter Inupiaq and grew up not knowing her language. She said her grandmother was born in White Mountain and at a young age taken to Oregon, where she was taught English and told not to speak in her Native language. When she returned to Alaska years later, she did not pass on her Native tongue to her daughter or granddaughter, and Representative Millett expressed feeling the loss of an opportunity to learn.

REPRESENTATIVE MILLETT said HB 216 is symbolic and would not require any change to statute or have any legal standing. She indicated that her intent in testifying is to ensure that "we still have English as our first and only language in Alaska."

REPRESENTATIVE MILLETT talked about Native youth in Alaska trying to cope, and she said, "We are number one for domestic violence; we are number one in suicide." She said the intent of the proposed legislation is to create an environment where Alaska Native youths can take pride in their ancestry and, through learning their languages and hearing their stories told, know that they are not the outsiders, but rather are "the people that we should be learning from."

REPRESENTATIVE MILLETT asked that care be taken with the proposed legislation, such that any amendments to it would not result in future litigation. In response to Chair Lynn, she said she did not oppose the proposed Amendment 1.

[9:25:03 AM](#)

REPRESENTATIVE ISAACSON stated that several years ago, a bill passed that allowed Alaska to preserve its Native languages. He stated his belief that HB 216 would open a door to an unintended consequence. He said, "This is something that has already been through the courts and has a huge history." He asked for DOL's feedback as to the effect of uncodified law on legal proceedings.

[9:26:40 AM](#)

LIBBY BAKALAR, Assistant Attorney General, Labor and State Affairs Section, Civil Division (Juneau), Department of Law (DOL), said she essentially agreed with the answer provided by Ms. Martin that [uncodified law] is viewed as legislative intent. She said that in interpreting the statute, the court would first look to the constitution, then to statute, and finally to regulations or legislative intent language. She said she did not think [intent language] would have any legal impact, but would weigh in the court's determination in a disputed issue over the statute.

REPRESENTATIVE ISAACSON reiterated his concern that HB 216 would create an unintended consequence, because people would not see the intent language, which may result in the legislature or DOL in the future thinking it should "align this section" with the aforementioned statute to mandate that all official documents include all the official languages.

MS. BAKALAR responded, "I think that would be a separate bill entirely; this bill, standing alone, in my view, even without

the intent language, does not impose any additional requirements on the government to produce documents in the listed languages." She said the phrase "official language" does not appear anywhere else in Alaska statute. Further, she said the bill would not change any of the other requirements in the Official Language initiative that expressly provide for government documents and publications in English. She said the case that Ms. Martin mentioned held that a statute that is reduced to a statement that English is the official language of the state could not be given legal affect, because it would only be a statement of policy. She continued:

Based on that, the amendment to the statute that adds all these languages is really what ... the sponsors both mentioned - a policy statement without legal impact - so, even regardless of intent language, I think the statute standing alone doesn't impose any additional obligations on the state to produce government documents in these listed languages.

[9:29:32 AM](#)

CHAIR LYNN asked Ms. Bakalar if the proposed Amendment 1 would be detrimental to HB 216 in any way.

MS. BAKALAR answered that she did not think it would affect the bill itself, because the statutory language was clear. She offered her understanding that the purpose of Amendment 1 was to reiterate what was already true in statute and in the constitution, as interpreted by the [Alaska] Supreme Court, that "it is largely symbolic."

[9:30:27 AM](#)

REPRESENTATIVE KELLER asked what the proposed legislation, with or without Amendment 1, would change, within the context of the law, in terms of Alaska's official language.

MS. BAKALAR answered, "I don't believe we have changed anything in terms of what that phrase means, because that phrase is not actually defined anywhere in the statutes."

REPRESENTATIVE KELLER sought clarification that the term is not used in other statutes. He then asked, "Will it not be ... looked at in law or in court cases, maybe, in the future ..., here ... along with the other places it might be used?"

MS. BAKALAR answered, "I don't believe it is used anywhere else in the statute."

[9:32:12 AM](#)

REPRESENTATIVE BENJAMIN NAGEAK, Alaska State Legislature, as joint-prime sponsor, asked permission to make a statement in his Native language of Inupiaq. In response to Chair Lynn, he said he would follow that statement with a translation. He then gave his testimony in Inupiaq.

[9:34:42 AM](#)

REPRESENTATIVE NAGEAK said he initially came in anger to testify on HB 216, but then he realized the emotion was not anger, but passion to keep "our language" alive. He emphasized the importance of this issue. He stated that as recent as 1969, "we were second-class people." Representative Nageak told of a time when he and his cousin were walking along a street at night, in Fairbanks, Alaska, when two large men attacked them. He said police were around but "nothing happened."

REPRESENTATIVE NAGEAK stated disagreement with the labeling of the proposed bill as symbolic. He opined that it is a recognition that the people who have lived in Alaska since time immemorial spoke other languages. He relayed that Barter Island got its name, because it was the place where the Gwich'in and Inupiat people met to trade. He said people did not always get along, but recognized they needed each other to trade. Representative Nageak said today people need each other. He talked about the unintended consequences of diseases that were brought to Alaska by non-Natives and killed many Native people who had no immunity to them. He said there are unintended consequences for everything. He said he does not think the bill would change anything, but is a recognition of those who are speaking the languages of their ancestors and trying to keep those languages alive. He added, "Just like you. You want English to be alive. And so, we have the same passion you do in protecting what you ... know." He said that is human nature. He reiterated that the bill is not symbolic, but is a recognition that there were people here before the Russians came.

[9:38:50 AM](#)

REPRESENTATIVE KELLER said he had spent time on the North Slope, and he wished he knew more than some words in Inupiaq. He

concluded with Representative Nageak that the issue is not symbolic; it is about the desire to preserve languages that are in danger of becoming extinct, which in turn would protect the cultures that use those languages. He commented on how many words for different types of snow there are in Inupiaq. He questioned why the issue is being addressed in "this format," when there are so many other things that could be done. For example, he said there could be a designated day to honor all the languages of Alaska. He said he would co-sponsor such legislation.

CHAIR LYNN interjected that he also would co-sponsor such legislation.

REPRESENTATIVE KELLER suggested that the state could provide funds to ensure that Native languages do not get lost. He stated, "I'm passionately with you, and I appreciate your language ... but I'm really struggling with this format."

CHAIR LYNN asked Representative Keller to clarify if he was struggling with the format of Amendment 1 or the format of HB 216.

REPRESENTATIVE KELLER answered the format of the proposed bill. He mentioned a "voter bill" that was passed, in which he indicated the word "official" was used, which "politicized it to a point that it seems like it might work against us; it actually might ... deepen the wedge that we don't need."

[9:42:24 AM](#)

REPRESENTATIVE NAGEAK indicated that the format used for HB 216 was the same as was used to make English the official language, and both are recognitions. He stated, "It's a recognition that language is used officially in a lot of things." He spoke of the period of time when he was growing up and was told not to speak his language, but people did speak it to keep it alive. He said his generation was the last to speak, read, and write his language. He said his children are struggling. He talked about language being emotional.

[9:46:08 AM](#)

REPRESENTATIVE KELLER reiterated that he shares [Representative Nageak's] passion, and would support the efforts to honor and preserve Native languages, but he struggles with the vehicle being used. He shared a word that he said meant "white guy,"

and he indicated that he was described as such when he was [on the North Slope].

[9:46:24 AM](#)

CHAIR LYNN reminded the committee that Amendment 1 was before it.

[9:46:29 AM](#)

REPRESENTATIVE GATTIS said her parents came from Russia, but she does not speak Russian, because her parents learned English to assimilate, since the English language is "what the United States speaks and reads." She observed that the proposed legislation would do nothing to keep the Native languages alive, but it also would not hinder [efforts to do so]. She concurred with Representative Keller that a different vehicle could be used to keep the languages alive and utilize them in an educational setting. She indicated that even though she appreciated the comments from Representative Nageak, the proposed legislation is of a symbolic nature; therefore, "there's a little bit of separation there."

CHAIR LYNN remarked, "It's almost like two separate bills."

REPRESENTATIVE GATTIS concurred.

CHAIR LYNN recognized Representative Isaacson to speak and asked him if he would be speaking to the proposed amendment or bill.

[9:48:39 AM](#)

REPRESENTATIVE ISAACSON noted that the committee had been speaking to both, and offered to remove his objection to the motion to move Amendment 1, but noted that he had some questions about Amendment 1. He stated that he and Representative Nageak were "brothers - heart and soul," but said that on this issue, he had "heartburn." He indicated that he had supported a bill to preserve Alaska's languages that passed through the legislature. He related that he was a linguist who held a Bachelor of Arts and Linguistics, and he said he was published with a Ph.D. candidate in a peer-reviewed article in a Salish Indian dialect. He said he grew up in a family where his grandfather on his father's side did not allow his children to speak Norwegian, because they were in America. He said although he could not speak Norwegian, he had studied, formally and informally, about 10-12 languages, was in Alaska as a Russian

linguist, and was in a Spanish singing group; therefore, he understood language as emotional and from the heart.

REPRESENTATIVE ISAACSON said preserving languages takes more than declaring it is official. He said, "We have never declared any language in America official - not Cherokee, not English, not German, not Spanish - and yet we've accepted English as the language of trade, and now Spanish is coming on board." He noted that when Teddy Roosevelt was President, he warned that the country could become "a boarding house of polyglot residents," where people would be unable to communicate at all. Representative Isaacson indicated there may be an unintended burden of making something official when trying to establish culture and pride and trying to be "one people recognizing the multifaceted diversity of our culture." He noted that Amendment 1 used the word "symbolic," and he offered his understanding that Representative Nageak was saying "it is a recognition - a symbolic recognition." He questioned whether "this vehicle" would "really accomplish what you and the sponsor are trying to do."

[9:51:55 AM](#)

REPRESENTATIVE ISAACSON asked if [the people who traded on] Barter Island really had one language of trade.

REPRESENTATIVE NAGEAK said he thought they did, but the language was not perpetuated.

REPRESENTATIVE ISAACSON said many cultures throughout history have adopted a trade language. He asked Representative Nageak if he would speak against Amendment 1, because of the use of the word "symbolic."

REPRESENTATIVE NAGEAK reiterated that "it's a recognition; it's not symbolic." He emphasized that those who spoke Native languages were in what is now Alaska much longer than those who came along after. He asked Representative Isaacson not to "parse words" with him.

REPRESENTATIVE ISAACSON responded that when the legislature is speaking about law, it must parse words. He indicated that [Amendment 1] is an attempt to establish intent, and he emphasized the importance of ensuring that intent follows the law, so that future legislatures are not encumbered with, for example, "having to provide everything in 20 different languages." He said, "The next step is progression. Somebody

will do something more, and someone will try to infer an intent that is not in this intent, because intent doesn't follow the codified law; it won't be in the books." He asked Representative Nageak to help him understand.

[9:55:29 AM](#)

REPRESENTATIVE NAGEAK answered, "Let me remind you: We're using the same format that was used to place English as a recognized language."

[9:55:49 AM](#)

REPRESENTATIVE MILLETT stated that she does not understand the pushback from recognizing the first people that were in Alaska before it became part of the U.S. She indicated that the legislature passed other symbolic bills, such as making the malamute Alaska's official dog, without nearly as much discussion. She emphasized that HB 216 would be a beginning step towards restoring pride in Alaska Natives by righting a wrong that was done years ago. She continued as follows:

I'm very passionate about this bill. I'm so upset that I don't know Inupiaq, that I don't know the language. I wish that my grandma wasn't beaten and told not to speak the Native language. I wish my mother wasn't ashamed of being Native and not wanting to learn her indigenous language. I want to right that wrong.

REPRESENTATIVE MILLETT said she has heard many stories from elders about Natives being beaten for speaking their language. She ventured that others may not understand without having walked "in some of those shoes." She asked people to "look in their hearts" and consider that "we're not doing anything with force of law": no statutes would be changed under HB 216; "English is our language"; and learning a Native language would not be mandatory. She emphasized that the proposed legislation is "a symbolic gesture to just pass on to the youth of our ... state" to encourage pride, the learning of Native languages, and a knowledge of personal history.

[9:59:06 AM](#)

CHAIR LYNN indicated that what he saw happening was not a push-back, but a committee process. He opined that the proposed bill and amendment are important and worthy of committee discussion.

He suggested that if the proposed legislation was not that important, perhaps the committee would not be spending so much time vetting it.

[10:00:19 AM](#)

REPRESENTATIVE KREISS-TOMKINS reviewed that Alaska already has a symbolic official language, which is English. That was passed in the aforementioned 1998 voter initiative. That initiative excluded the 20 Native languages of Alaska. He said the intent of HB 216 is to recognize the people who are dedicating their lives to learning the languages, by recognizing that the languages - in the official and ceremonial sense - are to the State of Alaska equally important and just as much Alaska's languages [as English]. He concluded, "That's the significance of this bill."

CHAIR LYNN asked the committee to focus again on the proposed Amendment 1.

[10:01:32 AM](#)

REPRESENTATIVE GATTIS [maintained] her objection to the motion to adopt Amendment 1.

[10:01:51 AM](#)

CHAIR LYNN announced that HB 216 was held over.

[The motion to adopt Amendment 1 was left pending, with an objection.]

[10:02:27 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:02 a.m.