

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

March 24, 2015

8:06 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative David Talerico
Representative Liz Vazquez
Representative Louise Stutes
Representative Max Gruenberg
Representative Jonathan Kreiss-Tomkins

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 77

"An Act relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to guidelines for drivers when encountering or being stopped by a peace officer; relating to driver's license examinations; and relating to a voluntary disability designation on a state identification card and a driver's license."

- HEARD & HELD

HOUSE BILL NO. 142

"An Act establishing Elders' Day."

- MOVED HB 142 OUT OF COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 7

Proclaiming April 2015 as Child Abuse Prevention Month; and proclaiming April 3, 2015, as Go Blue Friday.

- MOVED CSHCR 7(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 14

Making application to the United States Congress to call a convention of the states to propose a countermand amendment to the Constitution of the United States as provided under art. V,

Constitution of the United States; and urging the legislatures of the other 49 states to make the same application.

- MOVED CSHJR 14(STA) OUT OF COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 4

Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

- MOVED CSHCR 4(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 77

SHORT TITLE: DISABILITY:ID/LICENSE AND TRAINING RQMTS.

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

01/23/15 (H) READ THE FIRST TIME - REFERRALS
01/23/15 (H) STA, FIN
03/24/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 142

SHORT TITLE: ESTABLISH ELDERS' DAY

SPONSOR(S): REPRESENTATIVE(S) FOSTER

03/09/15 (H) READ THE FIRST TIME - REFERRALS
03/09/15 (H) STA
03/24/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HCR 7

SHORT TITLE: CHILD ABUSE PREVENTION MONTH

SPONSOR(S): REPRESENTATIVE(S) TARR

03/06/15 (H) READ THE FIRST TIME - REFERRALS
03/06/15 (H) STA

03/24/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 14

SHORT TITLE: CALL FOR US COUNTERMAND CONVENTION

SPONSOR(S): REPRESENTATIVE(S) HUGHES

02/11/15 (H) READ THE FIRST TIME - REFERRALS
02/11/15 (H) STA, JUD
03/19/15 (H) STA AT 8:00 AM CAPITOL 106
03/19/15 (H) Heard & Held
03/19/15 (H) MINUTE(STA)
03/24/15 (H) STA AT 8:00 AM CAPITOL 106

BILL: HCR 4

SHORT TITLE: US COUNTERMAND CONVENTION DELEGATES

SPONSOR(S): REPRESENTATIVE(S) HUGHES

02/11/15 (H) READ THE FIRST TIME - REFERRALS
02/11/15 (H) STA, JUD, FIN
03/19/15 (H) STA AT 8:00 AM CAPITOL 106
03/19/15 (H) Heard & Held
03/19/15 (H) MINUTE(STA)
03/24/15 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE STEVE THOMPSON

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 77.

JANE PIERSON, Staff

Representative Steve Thompson

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented HB 77 on behalf of Representative Thompson, prime sponsor.

AMY ERICKSON, Director

Division of Motor Vehicles

Department of Administration

Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 77.

JUANITA WEBB

Wall Busters Advocacy Group ("Wall Busters")

Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 77.

PATRICK REINHART, Director
Governor's Council on Disabilities and Special Education
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 77.

ARTHUR DELAUNE, Member
Wall Busters Advocacy Group ("Wall Busters")
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 77

KELLY ALZAHARNA, Director
Alaska Police Standards Council (APSC)
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 77.

REBECCA TRAYLOR, Member
Wall Busters Advocacy Group ("Wall Busters")
Fairbanks, Alaska

POSITION STATEMENT: Testified during the hearing on HB 77.

REPRESENTATIVE NEIL FOSTER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 142.

ANDREA WATTS, Staff
Representative Neil Foster
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 142 on behalf of Representative Foster, prime sponsor.

ALBERT NINGEULOOK
Shishmaref, Alaska

POSITION STATEMENT: Testified in support of HB 142.

RAY FRIEDLANDER, Staff
Representative Geran Tarr
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HCR 7 on behalf of Representative Tarr, prime sponsor.

STUART KRUEGER, Staff

Representative Shelley Hughes
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HCR 4 and HJR 14 on behalf of Representative Hughes, prime sponsor.

REPRESENTATIVE SHELLEY HUGHES
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, addressed questions during the combined hearing on HCR 4 and HJR 14.

STUART THOMPSON
Matanuska-Susitna, Alaska

POSITION STATEMENT: Testified in support of HCR 4 and HJR 14.

MIKE COONS, National Director
Citizen Initiatives
Palmer, Alaska

POSITION STATEMENT: Testified in response to other testimony during the hearing on HCR 4 and HJR 14.

ACTION NARRATIVE

[8:06:01 AM](#)

[Due to technical difficulty, the call to order was not recorded.]

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Kreiss-Tomkins, Stutes, Talerico, Vazquez, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

HB 77-DISABILITY:ID/LICENSE AND TRAINING RQMTS.

[8:06:43 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 77, "An Act relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to guidelines for drivers when encountering or being stopped by a peace officer; relating to driver's license examinations; and relating to a voluntary disability designation on a state identification card and a driver's license."

[8:06:56 AM](#)

REPRESENTATIVE STEVE THOMPSON, Alaska State Legislature, as prime sponsor, introduced HB 77, and announced that Jane Pierson would present the proposed legislation.

[8:07:15 AM](#)

JANE PIERSON, Staff, Representative Steve Thompson, Alaska State Legislature, presented HB 77 on behalf of Representative Thompson, prime sponsor. She stated that the goal of HB 77 was to improve communication between law enforcement professionals and those in other agencies, who may interact with people who have no apparent disabilities. She said disabilities that are not apparent to others include the following conditions: intellectual disability, traumatic brain injury, mental health conditions, epilepsy, hearing impairment, fetal alcohol spectrum disorders (FASD), autism, and post-traumatic stress disorder (PTSD).

MS. PIERSON said there were three components to HB 77. The first was in regard to identification. She explained that on a voluntary basis, a person with a disability could get a marker on his/her license that would discretely inform officials of the disability. It would require a letter from a doctor or nurse to qualify for such a marker on the license. The next component was training, which [would be developed by] the Alaska Police Standards Council (APSC). Ms. Pierson noted that she had met with Kelly Alzaharna, the executive director of the council, who had suggested that any changes to police standards would be better placed in regulation, rather than statute.

[8:09:17 AM](#)

REPRESENTATIVE STUTES asked for clarification.

[8:09:23 AM](#)

MS. PIERSON noted that the language on page 2, lines 8-13, of HB 77, described the curriculum requirements, and Ms. Alzaharna had told her that the reason the requirements would be better outlined in regulation, was that if they were in statute, they could grow to be unmanageable. She said the bill sponsor was working on an amendment to address the issue.

[8:10:06 AM](#)

MS. PIERSON said most people did not know the proper protocol to follow if they were pulled over by an officer. The third component of HB 77 would propose that the basic protocol was written in the driver manual and test. Ms. Pierson said she thought [the curriculum requirements] should be in regulation, as Ms. Alzaharna had recommended.

MS. PIERSON stated that sometimes people with disabilities tried to hide them, pretended to understand their rights, did not understand or hear commands, were overwhelmed with the presence of authority, or had trouble processing or remembering information. She said the proposed legislation would bring awareness to the fact that the first interaction a person had with a peace officer may generate the outcome of the entire conversation. Further, it would give people with hidden disabilities a voice.

[8:11:53 AM](#)

REPRESENTATIVE THOMPSON relayed that the idea for the proposed legislation came from people who shared stories about individuals who had been stopped by a police officer and handcuffed for being intoxicated, when the individuals actually were disabled. He said if the officer had had proper training, he would have been able to figure out what was really occurring.

CHAIR LYNN asked if there would be any method by which the proposed marker on the disabled person's driver's license could link to a database that would inform the officer of the specific disability.

MS. PIERSON answered that she thought the fiscal note that would accompany such technology would "be enough to sink the bill"; however, she ventured the technology could be added further along in time. She indicated that the proposed legislation, as written, would [provide a marker on the license], which would start the conversation between the officer and the individual, regarding the individual's disability. In response to a follow-up question, she said the sponsor was not considering coding the disabilities, but rather to offer a more universal symbol on the license indicating a person with a hidden disability.

CHAIR LYNN asked if, under HB 77, those individuals with hidden disabilities would be able to go to the Division of Motor Vehicles (DMV) for a new license.

MS. PIERSON answered that they could. She continued, "There is a \$5 fee if you are getting a new license. Other than that, as long as they have a correct letter from their doctor, they could."

[8:14:37 AM](#)

REPRESENTATIVE STUTES suggested that the requirement for the letter should omit the nurse and add a physician assistant (PA) instead. She opined that HB 77 was "a great bill." She indicated she knew about a situation where a person with a hidden disability not only got put in handcuffs, but was also Tasered.

[8:15:41 AM](#)

MS. PIERSON directed attention to page 3, lines 6-7, which read as follows:

To receive the designation, the person shall provide proof of the disability from a person licensed as a physician or physician assistant under AS 08.64, as an advanced nurse practitioner under AS 08.68, or as a licensed psychologist under AS 08.86.

MS. PIERSON, in response to Chair Lynn, said a psychiatrist would be included, because he/she was a medical doctor.

[8:16:33 AM](#)

REPRESENTATIVE VAZQUEZ determined that the aforementioned language on page 3, lines 6-7, aligned with language on page 4, lines 25-28.

[8:17:13 AM](#)

REPRESENTATIVE THOMPSON related that some people with hidden disabilities did not want those disabilities pointed out; therefore, he emphasized the voluntary nature of the proposal to have the indication on a driver's license.

CHAIR LYNN pointed out that the indicator on the driver's license would be visible to other people who asked to see a license, such as airport security or a person selling alcohol.

REPRESENTATIVE THOMPSON responded that was correct.

8:17:52 AM

CHAIR LYNN offered his understanding that the bill sponsor wished to return to the committee with a committee substitute.

REPRESENTATIVE THOMPSON confirmed that was correct.

8:18:04 AM

REPRESENTATIVE KELLER observed that the fiscal note mentioned there would be some modifications to the manual published by the DMV, and he asked what those modifications would be.

MS. PIERSON said the modification would be the aforementioned list of protocol regarding how to act when approached by a police officer. She indicated that since the DMV revised the manual every year, the addition of the proposed language would cost the state nothing.

8:18:41 AM

REPRESENTATIVE VAZQUEZ said she had spoken to the commissioner and deputy commissioner of the Department of Public Safety (DPS), and they both said they thought the proposed legislation would be "reasonable to implement." She said she wanted that in writing for the record.

MS. PIERSON stated that was something the sponsor would obtain by working with the APSC.

REPRESENTATIVE VAZQUEZ said she also wanted feedback from the DMV. She opined that HB 77 was excellent legislation. She emphasized there was a strong training component, as noted by the bill sponsor in his three-page handout [included in the committee packet] entitled, "Training in recognizing non-apparent disabilities."

8:20:30 AM

AMY ERICKSON, Director, Division of Motor Vehicles (DMV), Department of Administration, stated that the division would have no problem implementing HB 77.

8:20:42 AM

REPRESENTATIVE STUTES said she presumed that because the indicator on the driver's license would be voluntary, there

would be no issue related to the Health Insurance Portability and Accountability Act (HIPA).

MS. PIERSON indicated that was her understanding, but said she could check.

REPRESENTATIVE STUTES recommended doing so.

[8:21:25 AM](#)

JUANITA WEBB, Wall Busters Advocacy Group ("Wall Busters"), began her testimony by relating that Wall Busters advocated for disabled and senior individuals. For example, she said the group was heavily involved with a campaign to get the local fairgrounds paved. She stated that each year Wall Busters held a legislative luncheon to discuss issues with legislators. She indicated that Wall Busters had worked with the legislature to bring forward the legislation to address this issue, which she said extends nationwide.

MS. WEBB said [articles entitled, "How Misunderstanding Disability Leads to Police Violence," by David M. Perry and Lawrence Carter-Long, 5/6/14, and "People With Disabilities Half of People Killed by Cops; Disability Rights Groups Protest," by Joyce Chediak, 1/24/15, included in the committee packet] highlighted the outcomes of different situations that had happened throughout the country. She referred to her personal story [in a letter to the bill sponsor, included in the committee packet]. She said she would never have imagined she would [have had an experience that] gave her a better understanding of what some people with disabilities experience. She relayed that her husband was legally blind, and she had experienced people talking to her instead of him or speaking loudly to him. She stated that unless a person was living with a disability, he/she could not fully understand it.

MS. WEBB said she thought the proposed legislation boiled down to one thing: education, both for people with disabilities and the people who interact with them. She indicated there may be a situation in which a person with a disability may not be able to communicate with an officer, and the marker on the card, along with the training of the officer in what to do in such a situation, would bring about a better outcome. She thanked the bill sponsor.

[8:25:11 AM](#)

MS. WEBB referred again to [the article by Joyce Chediak], and she read [a portion of the final paragraph], which she said summed up her beliefs. It read as follows:

As a member of a community that supports justice and inclusion, we do not have the luxury to stand by when injustice is blatantly taking place in any form, nor should we be satisfied to wait for other communities to ask for our help. Civil rights, respect and justice are due to all.

[8:25:44 AM](#)

CHAIR LYNN remarked that getting pulled over by an officer could render someone "semi-traumatized," and he ventured that the reaction for someone with a disability could be exponentially greater.

[8:26:09 AM](#)

PATRICK REINHART, Director, Governor's Council on Disabilities and Special Education, testified that the council had fully vetted the issues related to HB 77 and fully supported the proposed legislation for its intent to train people with disabilities how to act when pulled over by an officer and to train officers how they should interact with people with disabilities. Further, he said the fact that having a marker on the license would be voluntary would make HB 77 more palatable for some.

CHAIR LYNN talked about the importance of everyone learning what to do when an officer stops his/her vehicle. He indicated he would encourage people to get out their driver's license and place both hands on the steering wheel before the officer approaches the vehicle. He stated that it was dangerous for officers when they pulled people over, because they never knew who was going to be in the vehicle. He said there were thousands of cases that illustrated that.

[8:27:58 AM](#)

ARTHUR DELAUNE, Member, Wall Busters Advocacy Group ("Wall Busters"), expressed his appreciation for the work of the sponsor's office on HB 77. He addressed previously asked questions. First, he said it was not the intent of HB 77 to allow an officer to recognize a disability through a database. He explained that linking a marker on a license to a name and

personal information would be a violation of HIPA. He stated that the entire purpose of the proposed legislation was to train officers how to treat everyone respectfully, especially those with hidden disabilities. The marker on the driver's license would allow the officer to recognize that the person had a disability and, because of the training, he/she would be able to ask appropriate questions. It would be up to the individual to disclose what the disability was and what accommodations he/she might need in order to create a safe interaction. He said several years ago concern was expressed that this type of legislation may make it more dangerous for the police officer, but he said that "absolutely is not the intent of the bill." He said the police officer would ensure a safe traffic stop before looking at the driver's license. He confirmed that the proposed legislation would not violate HIPA regulations. He said it was the person's right to disclose a disability, and if he/she did so, it would be helpful for both parties involved.

[8:30:15 AM](#)

MR. DELAUNE said he had two sons diagnosed with FASD, one of which had an encounter with law enforcement a few years ago. He said one of the traits of someone with FASD was that he/she wanted to please the person with whom they were interacting. He said he had first-hand knowledge that his son was giving answers to the police officer in order to please the authority, but he "did not understand what he was giving to the officer," which resulted in his being arrested. He said there are many stories nationwide about people who have had bad encounters with police officers, and he did not think many people did not realize what an issue this was, because there had been articles about law enforcement "maybe overreacting to situations." He said the intent of HB 77 was to train officers not to overreact, but to use de-escalation techniques in order to diffuse the situation. He said he had been working most of the summer with the various police agencies that would be involved. He said under HB 77, the training would be held at academies in Sitka, Fairbanks, and Anchorage. He said the academies in Anchorage and Fairbanks had been using crisis intervention training, and the training program was due for revamping in April 2015. He indicated that the same standardized training would be used on all Alaska's police force, and the component of the training from HB 77 would create safe practices that would positively affect everyone - not only those with disabilities.

[8:32:51 AM](#)

KELLY ALZAHARNA, Director, Alaska Police Standards Council (APSC), Department of Public Safety (DPS), stated that the division was supportive of the training, but thought that it should be set up in regulation rather than in statute. She confirmed that all three police academies and the correctional academy in Alaska "include some form of this training at this point." She stated, "The council has been working, over the last year, through a committee, to revise the section in our regulations that specifies what training goes into each of the academy curriculum, and this is where we feel we would like to have this type of training specified."

[8:33:51 AM](#)

CHAIR LYNN announced his intent to co-sponsor the proposed legislation.

[8:34:06 AM](#)

REBECCA TRAYLOR, Member, Wall Busters Advocacy Group ("Wall Busters"), indicated that people with disabilities had come to the group with stories of being mistreated by police. She talked about the importance of being treated respectfully, and said some police, parole, probation, and corrections officers have trouble recognizing that a person had a disability; therefore, training would help in that recognition and teach the proper treatment of those with disabilities. She stated she supported HB 77 because of the proposed training for officers. She said Wall Busters Advocacy Group believed that the proposed legislation would reduce conflict between individuals with disabilities and law enforcement, which would "make these encounters safer for all the parties involved."

[8:36:56 AM](#)

MS. TRAYLOR relayed a story of a friend and colleague in Wall Busters who was experiencing mental health issues. She said police entered the woman's home and arrested her. The woman was incoherent, but not hostile or violent. She wound up in a strait jacket in a holding cell overnight, for 18 hours, until the police could figure out what to do with her. Ms. Traylor said there are not many facilities in Fairbanks that addressed mental health issues; therefore, the idea was to send the woman to the Alaska Psychiatric Institute (API) in Anchorage. She offered her understanding that API had become "a dumping ground for people with hidden disabilities or some kind of behavior that's not been determined." She said there was more to the

woman's story that she could provide to the committee. She indicated that this type of story was heard in Fairbanks and had become a huge problem nationally. She said in many of the cases in the country that had been in the news, it was later discovered that the person involved had a mental health issue and the incident could have been handled differently. She stated that Wall Busters wanted to be on the forefront of fixing this situation or at least providing easier solutions for both sides. She emphasized that the desired solution would make everyone involved handle each situation better.

[8:40:22 AM](#)

REPRESENTATIVE GRUENBERG directed attention to the proposal to "create a discrete symbol", found on page 3, line 3. He said he hoped that the sponsor would consider that word, because he opined the symbol should be immediately visible.

MS. PIERSON responded that there was a current universal symbol. She said the symbol would be like the one that was currently used for veterans, which she said was noticeable.

REPRESENTATIVE GRUENBERG suggested the sponsor consider the use of the word "discreet". He explained that he had interpreted it as meaning "subtle" rather than "unique." He then directed attention to a list, which he observed to focus on mental impairment. He said other disabilities that could be hidden were: partial hearing loss, epilepsy, and someone who did not speak English. He said the latter would not usually be called a disability, except it was in an emergency situation.

[8:42:52 AM](#)

REPRESENTATIVE GRUENBERG credited Representative Kreiss-Tomkins as having handed him a note that explained that the two meanings of "discreet" and "discrete" were spelled differently.

[8:43:28 AM](#)

REPRESENTATIVE VAZQUEZ suggested that perhaps there was a better word to use, because if there was confusion among the committee, there could be confusion among the public.

[8:44:07 AM](#)

CHAIR LYNN announced that he would keep public testimony open on HB 77.

[8:44:13 AM](#)

CHAIR LYNN announced that HB 77 was held over.

HB 142-ESTABLISH ELDERS' DAY

[8:44:19 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 142, "An Act establishing Elders' Day."

[8:44:36 AM](#)

REPRESENTATIVE NEIL FOSTER, Alaska State Legislature, as prime sponsor, introduced his staff, Ms. Watts, to present HB 142.

[8:45:12 AM](#)

ANDREA WATTS, Staff, Representative Neil Foster, Alaska State Legislature, presented HB 142 on behalf of Representative Foster, prime sponsor, as follows:

Elders of all cultural and ethnic backgrounds hold a special place in the hearts of Alaskans. Elders' knowledge and experiences provide a link from the past to the present - a link that connects us to our ancestors. Elders also serve a vital role as teachers and mentors, guiding younger generations through the many facets of life. Celebrating and honoring elders on Winter Solstice - a time of change and optimism - not only recognizes the value of those that came before us, but the significant lessons and knowledge they selflessly leave behind for us to take into the future.

MS. WATTS offered to answer questions.

[8:46:06 AM](#)

CHAIR LYNN asked if, under HB 142, the term "elder" was limited to Alaska Natives.

MS. WATTS answered that it would include [elders] of all ethnic and cultural backgrounds.

CHAIR LYNN remarked that elders have a lot to contribute.

[8:46:55 AM](#)

REPRESENTATIVE VAZQUEZ said she liked HB 142, but suggested the word "elder" had a more cultural connotation. She said people of a certain age were considered "seniors," and she said she would like "to see this bill encompass that group, too."

CHAIR LYNN echoed that older people who were non-Native were usually referred to as seniors.

[8:47:45 AM](#)

REPRESENTATIVE GRUENBERG agreed that the term "elder" was usually used to recognize a Native Alaskan senior. He opined that a definition, one way or the other, was necessary to avoid confusion.

CHAIR LYNN said when he hears the word "elder," he thinks of "Native Americans of one type or another."

[8:48:50 AM](#)

REPRESENTATIVE FOSTER talked about strengthening "some of the terms that were already out there." For example, he said there was already an "Older Alaskans' Day." He indicated a willingness to accept an amendment.

CHAIR LYNN asked for information related to "Older Alaskans' Day."

[8:49:39 AM](#)

REPRESENTATIVE GRUENBERG asked for the citation related to "Older Alaskans' Day."

[8:49:56 AM](#)

MS. WATTS related that in 2006, Senate Bill 224 was introduced by Senator Gary Stevens to establish the second Wednesday in September each year as "Older Alaskans Day". She explained that the sponsor's choice to use the word "elder" was because of its definition, which denoted a person who was respected in the community and who had passed on his/her knowledge to other generations, regardless of ethnicity or cultural identification. She said the sponsor felt that "elder" reflected "an Alaskan perspective on an older person." Notwithstanding that, she

echoed the bill sponsor's willingness to modify the language of the bill for clarification.

CHAIR LYNN indicated he had not objection to the use of the word "elders".

[8:51:19 AM](#)

REPRESENTATIVE KELLER said he liked the word "elder", thought it was understood and had a unique meaning, and leaned toward keeping it in the bill.

CHAIR LYNN said he thought of an elder as an older, wise person.

[8:52:01 AM](#)

REPRESENTATIVE GRUENBERG again requested the citation.

[8:52:13 AM](#)

MS. WATTS said it was found in AS 44.12.100, which read as follows [original punctuation provided]:

Sec. 44.12.100. Older Alaskans' Day.
The second Wednesday of September of each year is established as Older Alaskans' Day to honor residents of the state who are 60 years of age or older for the many contributions made by older Alaskans to the state. The day may be celebrated by public ceremonies and by quiet appreciation.

[8:52:45 AM](#)

REPRESENTATIVE FOSTER said he thought "elder" had various connotations. Another use of the word was in reference to church elders.

[8:53:23 AM](#)

REPRESENTATIVE GRUENBERG asked the bill sponsor if it was his intent to also honor church elders under HB 142.

REPRESENTATIVE FOSTER answered, "Our intent is to honor all elders."

REPRESENTATIVE GRUENBERG said that added another dimension, and he asked, "Is there anybody else within the meaning of 'elder' that you're thinking of including?"

REPRESENTATIVE FOSTER answered that his intent was not to specify what kind of elder, but "to strengthen the celebration of older Alaskans, older Americans, [and] elders." He said he thought there were a lot of terms that could explain that, and he thought it was fitting to add "elders" to the lexicon, because there was already such a heavy use of the word "elder" in Alaska.

[8:55:03 AM](#)

REPRESENTATIVE TALERICO stated his substantial preference for the term "elder" over "senior." He mentioned Elderhostel groups in Alaska. He said ["elder"] was a term of respect and, while "senior" may be commonly used in legal matters, on a personal basis, people tend to use the term "elder" in a fond and compassionate way.

CHAIR LYNN said he thought of an elder as a respected senior.

[8:55:56 AM](#)

REPRESENTATIVE STUTES said she would echo "that very same sentiment." She said she liked the definition of an elder as someone who had passed down his/her knowledge. She agreed with Representative Talerico regarding the preference of elder over senior.

[8:56:40 AM](#)

ALBERT NINGEULOOK said he was an elder at 69 years of age. He talked about his background and schooling, including his current effort to earn a Ph.D. in Political Science. He said he was a member of the local elders committee in Shishmaref, as well as a member of the local school's strategic planning committee. He stated his support of HB 142. He said there were many elders in Alaska, from different ethnic groups, who had guided him and had a great impact on the person he had become. He recalled one elder telling him that opening one's eyes in the morning was like opening a present on Christmas, because each day was a new gift.

[8:59:31 AM](#)

MR. NINGEULOOK recited a poem he wrote in 1986, which read as follows [handwritten, with original punctuation provided]:

A CHILD'S PLEA

A CHILD WONDERING...
WONDERING

WHERE LOVED ONES HAD GONE
HOW LIFE BEGAN IN CHANGING TIMES
AND HOW LIFE WILL BE IN THE GROWN-UP YEARS

A PRECIOUS CHILD

SO FULL OF LIFE AND JOY
WHOSE SHINING FACE RADIATES HOPE AND LOVE TO ALL THE WORLD
AND A CHILD WHOSE SOUL IS SO INNOCENTLY PURE
UNBLEMISHED FROM THIS WORLD'S STRIFE AND CARE

A WONDERFUL CHILD

WONDERING
ABOUT SO MANY UNANSWERED QUESTIONS
OF THINGS SO HARD TO UNDERSTAND

THIS BEAUTIFUL UNREPLACEABLE CHILD

PLEADING FOR HELP
IN THESE CHANGING TIMES
TIMES THAT CREATE CLOUDS OF QUESTIONS AND WONDERMENT
IN A PRECIOUS CHILD'S MIND, HEART AND SOUL

AND THE PAIN AND WONDERMENT OF NOT FINDING ANSWERS

OR TO FIND A CARING PERSON TO ASK
MAKES A CHILD CREATE LINES OF WONDERMENT
ON A BEAUTIFUL FACE UNMARKED AND UNTOUCHED BY WORRYING ABOUT LIFE

IT IS THEN THAT CARING PARENTS, RELATIVES AND SENIOR ELDERS

CAN HELP THE CHILD BY ANSWERING AND SHOWING THE WAY
WITH PATIENT UNDERSTANDING AND LOVING COMPASSION
AND UNCLOUDING THE QUESTIONS AND WONDERMENTS AWAY

WE ALL CAN HELP TO GUIDE A PRECIOUS CHILD

WITH LOVE AND TENDER CARE
A PRECIOUS CHILD WHO IS PLEADING FOR HELP AND GUIDANCE
IN THESE CHALLENGING CHANGING TIMES!!!

MR. NINGEULOOK said he wrote the poem in 1986. He said he went to high school at Mr. Edgecombe, and he mentioned a now deceased elder who was like a mother to him in Sitka. He stated his belief that "there are no sunsets in each one of our lives." He encouraged the committee to take the time needed to approve the proposed legislation. He talked about Winter Solstice and preparing for a harsh climate. He explained he had selected his poem to read to emphasize a child's point of view and the importance of elders.

[9:03:44 AM](#)

CHAIR LYNN said it seemed that Mr. Ningeulook exemplified the definition of an elder, and he expressed appreciation for Mr.

Ningeulook's previous remarks about opening one's eyes to a new day.

[9:04:04 AM](#)

REPRESENTATIVE GRUENBERG asked about Mr. Ningeulook's Ph.D.

MR. NINGEULOOK reiterated that he was focused on political science. He indicated that he was taking classes via the Internet, and he expressed appreciation for the ability to earn a degree at his age. He reemphasized his concern about the guidance of the next generation. He ventured that selecting a specific date on which to honor elders may remind young people about the vast knowledge that elders have.

[9:06:09 AM](#)

CHAIR LYNN closed public testimony on HB 142.

[9:06:21 AM](#)

REPRESENTATIVE VAZQUEZ withdrew her previously stated concern about using "elders" versus "seniors". She noted that the aforementioned statute, AS 44.12.100, "covers seniors." She indicated that she liked the term "elder", because of the connotation of wisdom.

[9:07:02 AM](#)

REPRESENTATIVE KELLER moved to report HB 142 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 142 was reported out of the House State Affairs Standing Committee.

HCR 7-CHILD ABUSE PREVENTION MONTH

[9:07:37 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE CONCURRENT RESOLUTION NO. 7, Proclaiming April 2015 as Child Abuse Prevention Month; and proclaiming April 3, 2015, as Go Blue Friday.

[9:08:28 AM](#)

RAY FRIEDLANDER, Staff, Representative Geran Tarr, Alaska State Legislature, presented HCR 7 on behalf of Representative Tarr,

prime sponsor. She said the proposed concurrent resolution would make April 2015 Child Abuse Prevention Month and proclaim April 3, 2015, as "Go Blue Friday." She explained that blue was the color to represent child abuse prevention, and she indicated that the wearing of blue would show solidarity in putting an end to violence against children.

MS. FRIEDLANDER related that for the first time last year, the legislature had passed legislation making April [2014] Child Prevention Month, and then Governor Sean Parnell issued a proclamation for April as Child Abuse and Awareness Month. In 2015, Governor Bill Walker did the same. She stated, "We believe by speaking up and raising awareness, we can be a part of the preventative efforts in ending child abuse in Alaska."

MS. FRIEDLANDER said that under the Reagan Administration in 1983, U.S. Congress proclaimed April to be the first National Child Abuse Prevention Month, as a way to show commitment to finding solutions to end child abuse. Each year, states and their prospective governors used April as "a month to stand strong for our children."

MS. FRIEDLANDER stated that according to the Child Welfare League of America, Alaska had one of the five highest rates of child abuse in the U.S. In 2014, the Office of Children's Services received more than 40,000 allegations of harm involving tens of thousands of children. She said tragically children that are subject to abuse are likely to become abusers themselves, engage in criminal activity, and have a whole spread of psychological and physiological issues. Ms. Friedlander stated, "Every child deserves a loving family, a safe home, and the opportunity to grow into an outstanding and responsible member of society" She encouraged the committee to support the proposed legislation.

[9:11:07 AM](#)

CHAIR LYNN asked Ms. Friedlander to explain what changes would be made under a proposed committee substitute for HCR 7.

MS. FRIEDLANDER answered that because the issue already had statewide support, there were organizations working toward "Go Blue Friday" on April 10. The bill sponsor had originally intended April 3 as the day; therefore, the proposed committee substitute would change it to April 10, in order to match statewide efforts.

[9:11:36 AM](#)

REPRESENTATIVE KELLER noted that according to Wikipedia, the color blue is a symbol of twenty different items, but child abuse was not one of them. He asked if there was anything else besides child abuse that "Go Blue Friday" would represent.

MS. FRIEDLANDER responded that she could not speak to any other holidays that incorporated blue, but said she knew that organizations had been working for the past few years on using blue as the color of child abuse prevention. In response to Representative Keller, she indicated that the Alaska Children's Trust was the impetus for bringing forward a committee substitute.

[9:13:28 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HCR 7, Version 29-LS0684\H, Glover, 3/19/15, as a work draft. There being no objection, Version H was before the committee.

[9:13:41 AM](#)

REPRESENTATIVE GRUENBERG said he was aware of "Go Blue Friday" and expressed appreciation for the sponsor's support of it.

[9:13:59 AM](#)

MS. FRIEDLANDER, in response to a question from Representative Keller, reconfirmed that the term, "Go Blue Friday," as used under HCR 7, was related specifically to child abuse prevention.

[9:15:07 AM](#)

REPRESENTATIVE KELLER reiterated that he had been intrigued by all the other things he read were symbolized by the color blue.

[9:15:52 AM](#)

REPRESENTATIVE GRUENBERG emphasized that the use of the color blue was being used very particularly for "Go Blue Friday," which he indicated was a national campaign.

[9:16:11 AM](#)

CHAIR LYNN closed public testimony on HCR 7.

[9:16:19 AM](#)

REPRESENTATIVE KELLER moved to report CSHCR 7, Version 29-LS0684\H, Glover, 3/19/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHCR 7(STA) was reported out of the House State Affairs Standing Committee.

[9:16:39 AM](#)

CHAIR LYNN passed the gavel to Vice Chair Keller.

HJR 14-CALL FOR US COUNTERMAND CONVENTION
HCR 4-US COUNTERMAND CONVENTION DELEGATES

[9:17:03 AM](#)

REPRESENTATIVE KELLER announced that the final order of business was the combined hearing of:

HOUSE JOINT RESOLUTION NO. 14

Making application to the United States Congress to call a convention of the states to propose a countermand amendment to the Constitution of the United States as provided under art. V, Constitution of the United States; and urging the legislatures of the other 49 states to make the same application.

HOUSE CONCURRENT RESOLUTION NO. 4

Relating to the duties of delegates selected by the legislature to attend a convention of the states called under art. V, Constitution of the United States, to consider a countermand amendment to the Constitution of the United States; establishing as a joint committee of the legislature the Delegate Credential Committee and relating to the duties of the committee; providing for an oath for delegates and alternates to a countermand amendment convention; providing for a chair and assistant chair of the state's countermand amendment delegation; providing for the duties of the chair and assistant chair; providing instructions for the selection of a convention president; and providing specific language for the countermand amendment on which the state's convention delegates are authorized by the legislature to vote to approve.

[Before the committee, adopted on 3/19/15 as a work draft, was the proposed committee substitute (CS) for HJR 14, Version 29-LS0249\E, Gardner, 2/19/15.]

9:19:01 AM

REPRESENTATIVE GRUENBERG moved to adopt the proposed committee substitute (CS) for HCR 4, Version 29-LS0250\E, Gardner, 3/20/15, as work draft. There being no objection, Version E was before the committee.

9:19:23 AM

STUART KRUEGER, Staff, Representative Shelley Hughes, Alaska State Legislature, presented a sectional analysis to HCR 4 on behalf of Representative Hughes, prime sponsor. He said the first "**BE IT RESOLVED**", beginning on page 2, line 26, would authorize the legislature "to appoint and summon delegates for the amendment convention." He said the "**FURTHER RESOLVED**", beginning on page 2, line 29, would give the legislature authority "to decide the qualifications and total number of delegates to send to the Convention," and the "**FURTHER RESOLVED**", beginning on page 3, line 1, would give the legislature "the ability to add or remove delegates."

MR. KRUEGER stated that the "**FUTHER RESOLVED**", beginning on page 3, line 6, would provide "parameters and instructions for state's delegates at the Convention." Further, he noted that it would prohibit delegates from voting for "any other amendments, outside of the countermand amendment, at the Convention." He said the "**FURTHER RESOLVED**", beginning on page 3, line 13, would reserve the countermand amendment as "the only amendment for consideration for ratification by the legislatures." He relayed that the "**FURTHER RESOLVED**", beginning on page 3, line 15, would - "upon a call for convention by 34 states" - call for "establishing of the Delegate Credential Committee within the Alaska Legislature, with duties listed in Section A." Further, the Speaker of the House would appoint three members from the House, one being a minority caucus member, and the President of the Senate would appoint three members of the Senate, one being a minority caucus member.

MR. KRUEGER said the "**FURTHER RESOLVED**", beginning on page 3, line 24, would provide for a "replacement procedure for members of the Delegate Credential Committee." The "**FURTHER RESOLVED**", beginning on page 3, line 26, would allow for "selection of co-chairs of the Delegate Credential Committee," which would include one co-chair from the House, one from the Senate, and staff. The "**FURTHER RESOLVED**", beginning on page 3, line 30, would establish when the Delegate Credential Committee could

meet, and the "**FURTHER RESOLVED**", beginning on page 4, line 1, would acknowledge that the Delegate Credential Committee would "continue until the first day of the Thirtieth Alaska State Legislature."

[9:22:03 AM](#)

MR. KRUEGER stated that the "**FURTHER RESOLVED**", beginning on page 4, line 3, would request that the Delegate Credential Committee be considered for reestablishment during the Thirtieth Alaska Legislature. He pointed out that under Version E, language had been added such that future legislatures would not be bound by the concurrent resolution.

MR. KRUEGER said the "**FURTHER RESOLVED**" language, beginning on page 4, line [7], provided for a "removal and replacement procedure for members of the Delegate Credential Committee"; they would be "removed or replaced by the presiding officer that appointed them." He directed attention to language within the next "**FURTHER RESOLVED**", beginning on page 4, line [18], which provided the duties of the Delegate Credential Committee to: decide matters by majority vote; function as the official facilitator for the legislature; appoint delegates and provide a committee report on selected delegates; appoint a chair and assistant chair; properly vet and confirm delegates; issue convention passes to delegates; notify the legislature of the financial needs at the Convention; administer an oath to the delegates, alternates, chair, and assistant chair; monitor activities of Alaska's delegation; submit quarterly reports to the legislature on events, progress, and recommendations for the Convention; and recommend removal of a delegate or alternate for approval by the legislature.

MR. KRUEGER directed attention to language within the final "**FURTHER RESOLVED**", beginning on page 6, line [12], which would provide for the duties of the chair of Alaska's state delegation and the president of the Convention. The chair would be responsible for: communicating with other state delegations to open convention for business; identifying other legislatures that have approved a delegate resolution; building consensus with at least 26 state delegations to require that each state delegation at the Convention has only one vote; requiring a simple majority vote at all roll calls; nominating convention officials; requiring a quorum of 26 states to conduct business; building a consensus of at least 26 states to support sending the countermand amendment for ratification; working to conclude the Convention in 21 days or no longer than 180 days; and

nominating a candidate for president of the Convention from Alaska's delegation or working to elect a president from a delegate resolution state.

MR. KRUEGER further directed attention to language on page [8], line [1], which listed the type of support that would be established for the following duties of the president: securing a vote for this delegate resolution to be the rules of order at the Convention; focusing on the purpose of sending the countermand amendment for ratification by the states; requesting security measures as needed; overseeing installment of officers at the Convention; establishing convention agenda; providing equal time for floor discussion for all states; prohibiting introduction of any subject other than the countermand amendment; calling for a vote for sending a countermand amendment to the states; reporting to 50 state legislatures and the media on convention progress; providing formal requests, when needed, to states for money that will be needed to carry on business; opposing any effort to delay or modify the countermand amendment vote; and opposing any effort by states to offer amendments other than the countermand amendment.

[9:26:56 AM](#)

MR. KRUEGER said language beginning on page 10, line [4], would address the duties and responsibilities of convention delegates, which would include: complying with directives in this resolution; following instructions of the chair and assistant chair of Alaska's delegation; being present to vote at all roll calls; attending all assigned sessions at the Convention; reporting to the delegation chair the number of states in favor of the countermand amendment; and recommending strategies to help join 26 states in favor of the countermand amendment. The language on page 11, line [9], would provide the text for the countermand amendment to the United States Constitution.

[9:28:11 AM](#)

REPRESENTATIVE KELLER noted that [HCR 4] would be heard also by the House Judiciary Standing Committee and the House Finance Committee.

[9:28:56 AM](#)

REPRESENTATIVE GRUENBERG observed the committee had received letters from several different legislators, including one from a Senator in Louisiana and a Representative in New Mexico, in

support of the legislation. He asked what the genesis of the proposed legislation was and whether it was supported by a particular group or organization.

MR. KRUEGER indicated that [HCR 4 and HJR 14] were brought to the bill sponsor by a constituent, who was the president of the Alaska section of a national, grass-roots organization called Citizen Initiatives. The group had been traveling across the country to promote similar legislation in other states. He stated it was important to remember that the goal of the proposed legislation was to limit [the Convention] to a single issue. He said there are other states in the process of hearing similar legislation. He said the executive director of Citizen Initiatives, Charles Kacprowicz, had previously testified via teleconference, and he was currently traveling from state to state in a motor home. He said the concern of those involved in this grassroots effort was that the sovereignty of states had been "chipped away over time" and needed to be restored.

REPRESENTATIVE KELLER said Mr. Coons was the director of the Alaska section of Citizen Initiatives and was available on line to testify.

[9:32:15 AM](#)

REPRESENTATIVE SHELLEY HUGHES, Alaska State Legislature, as sponsor, addressed questions that had been asked. She explained that the aforementioned change made through Version E, regarding not binding future legislatures, was made in response to a concern raised by Representative Gruenberg at a previous meeting. She confirmed the comment of her staff that the legislation was backed by a grassroots effort, with neither big money nor big names associated with it. She said that was a unique factor. She said she had spoken with Representative Kreiss-Tomkins about the threshold of 30 states, and she related she had read an article from Gallop, which said there were more "blue" states than "red." She acknowledged that that could change, but indicated that the 30-state threshold was high, considering there was only an 18-month window. Finally, she said there had also been concern expressed about the possible unraveling of the U.S. Constitution; however, she said this effort was very specific to protect that from happening.

[9:34:30 AM](#)

REPRESENTATIVE HUGHES, in response to Representative Gruenberg, reviewed that if the U.S. Constitution were amended with a

countermand amendment, there would be an 18-month window for 30 states to agree on "a specific item that's not in their best interest."

REPRESENTATIVE GRUENBERG said one issue had been over the amount of time the states would have for ratification. He offered further details.

REPRESENTATIVE HUGHES, in response, clarified that the window did not apply to ratification, but to "enacting the mechanism." She said the day before, State Senator Dan Sullivan had addressed the House floor regarding federal issues, and the minority leader brought up two issues she said she thought could be addressed through a convention: the Transportation Security Administration (TSA) and the Arctic National Wildlife Refuge (ANWR).

[9:38:27 AM](#)

STUART THOMPSON testified in support of HJR 14 and HCR 4. He posited the only legitimate objection to calling for a countermand convention was that "its essence" already existed under the Ninth and Tenth Amendments to the Constitution of the United States; however, he stated that those constitutional powers were "castrated by mismanagement of the slavery issue and the desperation of the Civil War." Further, he said the powers were "buried from view by anti-constitutional exaggeration of federal powers through unlimited interpretation" of the General Welfare and Do and Proper Clauses under Article II. He stated that holding a convention and passing a countermand amendment would restore the check and balance powers of the states over that of the federal government.

MR. THOMPSON opined that the most serious problem in the U.S. today was the "lack of political will by the American people to benefit from our full, poetical heritage in seeking life, liberty, and the pursuit of happiness." He stated that most, if not all, of the country's present woes could be reduced or eliminated by applying that will, including the management of terrorism "without suffering bankruptcy from continuous war." He said, "This circumstance is directly traceable to encouraging citizen apathy by perverting civics education and increasingly using the methods of other forms of government to deal with things." Mr. Thompson said HB 30 and SCR 1 were "attempting to address this"; however, he urged immediate attention to "the senseless source of political apathy enforcement in this country." He warned that the U.S. was becoming "a has-been

nation plunging into oblivion," and he indicated this was caused by federal overreach and bullying "arising from anti-constitutional centralization of power enabled by neglect of duty by the states." He said this issue was what the aim of the constitutional convention would be.

MR. THOMPSON indicated that those against the proposed legislation would argue that "government of, for, and by the people" did not work in handling economic depression and protecting people from threats such as terrorism. He opined that Americans had been increasingly "buying this" for most of a century and had increasingly been suffering from "the very ills the mutating U.S. Government has promised to protect us from." He urged people to "be real human beings instead of animals begging for protection."

[9:42:08 AM](#)

MR. THOMPSON concluded his testimony, as follows:

As free human beings, we must face that we have to be eternally on guard against the temptation of giving government unsupervised trust. Our founders were very alive to this and constructed our form of government accordingly. We must defend their creation. I'm sorry to say no government in history ever really deserved even the trust that was given. Government always has been an imperfect invention of humanity. Cooperation between those in authority and those governed is the only hope we have, no matter how hard it is to do so.

[9:43:11 AM](#)

MIKE COONS, National Director, Citizens Initiative, stated that his testimony was in response to testimony given [during the House State Affairs Standing Committee's 3/19/15 hearing on HJR 14 and HCR 4] by assistant attorney general Michael Schechter.

VICE CHAIR KELLER noted that Mr. Schechter was available via teleconference for response.

MR. COONS explained that Mr. Schechter had made comments that needed to be corrected. First, he said Mr. Schechter's repeated use of the term "constitutional convention" when referencing the states' use of Article V was incorrect. Mr. Coons emphasized that that use pertained to an "amendment convention." He said

the continued use of the term constitutional convention in this matter was one of the reasons that the John Birch [Society] and the [Texas] Eagle Forum had been so vocal and effective over the last 30 years. He said the only constitutional convention was in 1787, when Article V was put into the Constitution "for purposes of amending the Constitution either by Congress or the states."

MR. COONS said the second mistake Mr. Schechter made was in having stated that Congress had made use of Article V, 27 times. Mr. Coons said the actual number was closer to 100. He explained the significance of this was that the states rejected all but 27 proposed amendments, which was why [Citizens Initiative] put such an emphasis on "state legislature sovereignty in this process." Mr. Coons offered his understanding that Mr. Schechter's third mistake was in regard to limitation of the number of topics at a convention. He said, "He talked about concerns if states can limit to a single amendment. Article V is about the right of states to propose amendments; that means one or more."

MR. COONS said Mr. Schechter had said this issue had never been acted upon by the courts or Congress and that the Department of Law did not know how the question of a convention would be received. Mr. Coons emphasized that the courts had nothing to do with the convening or running of the Convention. He said Congress had only three duties: to keep count of the applications per subject matter; to convene a convention upon the 34 states making the same application; and to receive and send the proposed amendment for ratification to the 50 states. He added, "The rest of it is state sovereignty and the states' rights under Article V."

MR. COONS indicated that Mr. Schechter had put forth as an "equally valid theory" that once called, a convention created its own rules and could consider whatever amendments it may choose. He stated, "This is why the delegate resolution, HCR 4, is so important. When 26 or more states - a majority - pass this, along with the embedded countermand amendment language, there is no option for the several states at the Convention to create its own rules or to bring up other amendments."

[9:47:00 AM](#)

MR. COONS opined that of the two resolutions before the committee, the most important was the one that would ensure the safety and efficiency of the Convention by requiring 26 or more

states adopting the rules for the Convention prior to it being convened.

[9:49:15 AM](#)

REPRESENTATIVE GRUENBERG asked Mr. Coons if he was familiar with the letter from Katherine Marshall [included in the committee packet]. He confirmed that it was an opposition letter.

MR. COONS stated that he had read all the opposition letters.

REPRESENTATIVE GRUENBERG offered his understanding that the quotes included in the letter were of a fragment of statements made by a solicitor general and a U.S. Supreme Court justice, and he said he would like to see the rest of the quotes in order to put them into context. He explained that he thought the quotes pertained to things other than the proposed countermand amendment, but rather to the general philosophies of those who spoke them.

[9:52:11 AM](#)

REPRESENTATIVE HUGHES agreed to supply the contextual text from which the quotes were extracted.

[9:52:25 AM](#)

REPRESENTATIVE GRUENBERG asked whether the sponsor had any more current opinions about the proposed legislation derived from legal scholars, for example, as opposed to lay people or politicians. He said he would like to focus on this in the next committee of referral. He said he would like to see the best legal thinking - pro and con - on the subject.

REPRESENTATIVE HUGHES said her staff could do research; however, she reminded Representative Gruenberg that this effort had not begun until about last year, so there may not be much available specific to this legislation.

REPRESENTATIVE GRUENBERG asked if any states had passed similar measures.

REPRESENTATIVE HUGHES offered her understanding that currently 17 states had sponsors, and 9 of those states introduced the legislation.

[9:54:35 AM](#)

MR. KRUEGER, in response to Representative Gruenberg, said North Dakota had passed its legislation through the House, and he offered his understanding that it was currently being heard in its Senate. In response to a question, he said he was not aware of any specific countermand amendment law reviews. He deferred to Mr. Coons. He said he thought the majority of the opposition letters referred to prior efforts regarding a convention of states, a balanced budget, and an attempt to overturn the Citizens United decision. He explained, "They blanket legislatures whenever there are resolutions or bills regarding a constitutional or amendment convention being discussed, so a number of those are related to other efforts and just directed toward our legislature in response to these resolutions."

REPRESENTATIVE GRUENBERG added further details to his aforementioned request for information.

[9:56:40 AM](#)

VICE CHAIR KELLER noted that in the committee packet was a compendium legislative guide on the Constitution, written by Robert G. Natelson, whom he said he had met. He ventured that Mr. Natelson would agree with him that this issue was a nonpartisan one.

[9:58:34 AM](#)

REPRESENTATIVE STUTES moved to report CSHCR 4, Version 29-LS0250\E, Gardner, 3/20/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHCR 4(STA) was reported out of the House State Affairs Standing Committee.

[9:59:14 AM](#)

REPRESENTATIVE STUTES moved to report CSHJR 14, Version 29-LS0249\E, Gardner, 2/19/15, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 14(STA) was reported out of the House State Affairs Standing Committee.

[10:00:32 AM](#)

VICE CHAIR KELLER returned the gavel to Chair Lynn.

[10:01:20 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:01 a.m.