

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 12, 2020

3:32 p.m.

**MEMBERS PRESENT**

Senator Joshua Revak, Chair  
Senator John Coghill, Vice Chair  
Senator David Wilson

**MEMBERS ABSENT**

Senator Mia Costello  
Senator Scott Kawasaki

**COMMITTEE CALENDAR**

SENATE BILL NO. 183

"An Act relating to vehicles abandoned on private property."

- MOVED CSSB 183 (STA) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 14

Proposing an amendment to the Constitution of the State of Alaska relating to actions upon veto.

- HEARD & HELD

SENATE BILL NO. 210

"An Act relating to special request specialty organization registration plates."

- HEARD & HELD

SENATE BILL NO. 209

"An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to the duties of the commissioner of corrections; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 183

SHORT TITLE: ABANDONED VEHICLES; PRIVATE PROPERTY

SPONSOR(s): SENATOR(s) KIEHL

02/12/20 (S) READ THE FIRST TIME - REFERRALS  
02/12/20 (S) STA  
03/05/20 (S) STA AT 3:30 PM BUTROVICH 205  
03/05/20 (S) Heard & Held  
03/05/20 (S) MINUTE(STA)  
03/12/20 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SJR 14

SHORT TITLE: CONST. AM: VOTES NEEDED FOR VETO OVERRIDE

SPONSOR(s): JUDICIARY

01/24/20 (S) READ THE FIRST TIME - REFERRALS  
01/24/20 (S) STA, JUD, FIN  
02/25/20 (S) STA AT 3:30 PM BUTROVICH 205  
02/25/20 (S) Heard & Held  
02/25/20 (S) MINUTE(STA)  
03/12/20 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 210

SHORT TITLE: LICENSE PLATES: SPECIALTY ORGANIZATIONS

SPONSOR(s): COSTELLO

02/21/20 (S) READ THE FIRST TIME - REFERRALS  
02/21/20 (S) STA, FIN  
03/12/20 (S) STA AT 3:30 PM BUTROVICH 205

BILL: SB 209

SHORT TITLE: DRIVER LICENSES & IDENT. CARDS FOR INMATE

SPONSOR(s): KIEHL

02/21/20 (S) READ THE FIRST TIME - REFERRALS  
02/21/20 (S) STA, FIN  
03/12/20 (S) STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

TOM WRIGHT, Staff  
Senator Mia Costello  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 210 on behalf of the sponsor.

JOANNE OLSEN, Interim Director

Division of Motor Vehicles  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 210.

BENJAMIN BROWN, Chair  
Alaska State Council on the Arts  
Department of Education and Early Development  
Juneau, Alaska

**POSITION STATEMENT:** Testified in favor of SB 210.

SENATOR JESSE KIEHL  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as sponsor of SB 209.

JOANNE OLSEN, Interim Director  
Division of Motor Vehicles  
Department of Administration (DOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions on SB 209.

KELLY HOWELL, Legislative Liaison  
Department of Corrections (DOC)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 209.

LAURA BROOKS, Division Operations Manager  
Division of Health & Rehabilitation Services  
Department of Corrections  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information and answered questions during the hearing on SB 209.

LINDA SETTERBERG, Coordinator  
Reentry Coalition  
Fairbanks, Alaska

**POSITION STATEMENT:** During the hearing on SB 209, testified that obtaining an ID or driver's license has been a barrier for some reentry clients.

#### **ACTION NARRATIVE**

[3:32:30 PM](#)

CHAIR JOSHUA REVAK called the Senate State Affairs Standing Committee meeting to order at 3:32 p.m. Present at the call to order were Senators Coghill, Wilson, and Chair Revak.

**SB 183-ABANDONED VEHICLES; PRIVATE PROPERTY**

[3:34:03 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 183, "An Act relating to vehicles abandoned on private property."

[The committee adopted the committee substitute (CS) for SB 183, version M, during the 3/5/20 hearing.]

CHAIR REVAK noted that this was the second hearing and the sponsor provided answers to questions previously asked.

[3:34:34 PM](#)

SENATOR JESSE KIEHL, Alaska State Legislature, Juneau, Alaska, speaking as the sponsor, stated that SB 183 shortens the time that private property owners must wait before starting the legal process to gain title and dispose of vehicles abandoned on their property. Affected property owners must provide notice to the last owner of record and any lienholders in order to obtain title to any abandoned vehicles.

[3:35:29 PM](#)

CHAIR REVAK opened public testimony on SB 183; after determining that no one wished to testify, he closed public testimony on SB 183.

[3:36:07 PM](#)

SENATOR COGHILL moved to report the committee substitute (CS) for SB 183, work order 31-LS0587\M, from committee with individual recommendations and attached fiscal note.

CHAIR REVAK found no objection and CSSB 183(STA) was reported from the Senate State Affairs Standing Committee.

[3:36:41 PM](#)

At ease

**SJR 14-CONST. AM: VOTES NEEDED FOR VETO OVERRIDE**

[3:37:27 PM](#)

CHAIR REVAK reconvened the meeting and announced the consideration of SENATE JOINT RESOLUTION NO. 14, Proposing an amendment to the Constitution of the State of Alaska relating to actions upon veto.

CHAIR REVAK noted that this was the second hearing on SJR 14.

[3:37:47 PM](#)

SENATOR COGHILL, speaking as sponsor, stated that this issue is related to the balance of power in state government. He emphasized that although this governor highlighted the issue, this measure is not specifically aimed at the current governor. He pointed out that the governor in Alaska has a great deal of authority, including appointing the attorney general and cabinet members. The Constitution of the State of Alaska also created a separation of powers. There are some things that the governor can do only according to statute. He cited Article 3 Section 16 of the Constitution of the State of Alaska, which reads:

The governor shall be responsible for the faithful execution of the laws. He may, by appropriate court action or proceeding brought in the name of the State, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty, or right by any officer, department, or agency of the State or any of its political subdivisions. This authority shall not be construed to authorize any action or proceeding against the legislature.

SENATOR COGHILL said this creates a balance of power between the legislature and the governor. The governor can compel the legislature to meet. He referred to [Article I, Section 2 of the Constitution of the State of Alaska], which reads, "All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole."

SENATOR COGHILL said that there are several ways that people in Alaska can express their authority. First, people can exercise their authority by voting for legislators and the governor. Second, people can propose amendments to laws through the initiative process. However, the people cannot appropriate funds. The power of appropriation resides with the legislature. This essentially means that the balance of power is maintained since the governor can propose a budget, but the legislature must pass it. However, Alaska provides specific veto power to the governor in Article II, Section 15 of the Constitution of the State of Alaska, which reads:

The governor may veto bills passed by the legislature. He may, by veto, strike or reduce items in appropriation bills. He shall return any vetoed bill, with a statement of his objections, to the house of origin.

[3:41:30 PM](#)

SENATOR COGHILL said the prerogative of the Alaska governor to reduce items in appropriation bills is not common. Only nine other state constitutions grant this power, or a variation of it, to the governor. It takes a three-quarters vote by the legislature to override the governor's veto. SJR 14 proposes to reduce that to a two-thirds vote. He explained that the governor and a minority of the legislature can override the primary policy objective of the legislature. This became evident last year. He said it is a very high bar in Alaska if a governor elected by a 51 percent vote of the people and 25 percent of the legislature could move an agenda forward against 3/4 of the rest of Alaska's will when they voted in their elected officials. He highlighted that the issue is how many votes can substantiate a major policy call of Alaskans, which is the budget. The governor has significant rights, but the balance of power has shifted.

[3:43:22 PM](#)

SENATOR COGHILL expressed concern that the governor can declare martial law with simply a majority vote by the legislature, yet it takes a 3/4 vote by the legislature to override a single line item in the budget.

[3:43:59 PM](#)

CHAIR REVAK related his understanding that martial law would require the legislature to have a majority, 50 percent plus one, vote whereas a veto override would require a 3/4 vote by the legislature.

SENATOR COGHILL said that this is a worthy consideration of the principles in the Constitution of the State of Alaska.

[3:44:33 PM](#)

CHAIR REVAK opened public testimony on SJR 14; after determining no one wished to testify, he closed public testimony on SJR 14.

He stated he would hold SJR 14 in committee.

**SB 210-LICENSE PLATES: SPECIALTY ORGANIZATIONS**

[3:45:20 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 210, "An Act relating to special request specialty organization registration plates."

[3:45:36 PM](#)

TOM WRIGHT, Staff, Senator Mia Costello, Alaska State Legislature, Juneau, Alaska, stated that SB 210 will turn over the authority to issue specialty license plates to the Division of Motor Vehicles (DMV). He continued the introduction paraphrasing from the sponsor statement:

Since 2009, the Legislature has passed eight bills that authorized specialty license plates. In some cases, multiple pieces of specialty plate legislation were rolled into one bill. For example, in the 27th Legislature, four bills were rolled into one bill that authorized six different plates.

Each year, the Legislature is tasked with approving a specialty plate for the various organizations and nonprofits that request these plates. As of now, there are at least ninety-two different license plates that can be purchased at the Division of Motor Vehicles.

Senate Bill 210 was introduced to remove the Legislature from having to approve specialty plates. Those duties would be turned over to the Division of Motor Vehicles under this legislation. The division would adopt regulations to allow for the issuance of the specialty plates that are sponsored by an organization that is based within the state and is tax exempt under 26 U.S.C. 501(c), is an Alaska chapter of a national organization that is tax exempt, is a department of the state or a municipality within the state.

An entity requesting a plate through DMV must submit an application, pay an application fee, pay the cost of developing and issuing the specialty plate, and may be charged a fee for issuance of the specialty license plate in addition to any registration fees.

[3:47:15 PM](#)

SENATOR COGHILL asked if the current statute for specialty license plates for nonprofit organizations would remain in effect or if the DMV would need to figure out the cost.

MR. WRIGHT answered that the underlying statutes would remain in place for existing specialty license plates, but the legislature would be able to make amendments. He cited Senator Stevens' specialty license plate bill to celebrate the Alaska State Council on the Arts, which the legislature could amend.

CHAIR REVAK related his understanding that this bill would give DMV the ability to create specialty license plates.

MR. WRIGHT answered yes.

CHAIR REVAK asked him to describe the purpose of the bill.

MR. WRIGHT answered that the sponsor would like the legislature to focus on other matters.

[3:48:50 PM](#)

SENATOR COGHILL asked what vetting process DMV would go through for specialty license plates and how this bill would impact it.

MR. WRIGHT explained that DMV would work with the requester on the design and would have a say on what is appropriate, just as it currently does for specialty license plates. He deferred further explanation to DMV.

[3:50:51 PM](#)

JOANNE OLSEN, Interim Director, Division of Motor Vehicles (DMV), Department of Administration (DOA), Anchorage, Alaska, responded that the division has an administrative hearing process it uses when organizations are denied a specialty license plate.

SENATOR COGHILL asked the record to reflect that an appeal process would still be in place. He said he thinks this bill is a good idea.

[3:51:24 PM](#)

CHAIR REVAK asked Ms. Olsen her view of this proposal.

MS. OLSEN responded that it would save time for the legislature, allow organizations to have specialty license plates for supporters to use, and simplify the process for the division. She explained that DMV would be able to establish a standard template, and the organization would add to the design. The cost would vary depending on the design complexity and color. She

envisioned that DMV could keep the process simple while addressing the needs of the requesting organizations.

[3:52:32 PM](#)

SENATOR WILSON asked how many licensed vehicles are in Alaska.

MS. OLSEN offered to follow up with the information.

SENATOR WILSON related his understanding that there are 40-41 specialty license plates.

MS. OLSEN responded that there are currently 92 unique specialty license plates.

SENATOR WILSON asked for a count of each of the 92 specialty license plates that have been purchased.

MS. OLSEN offered to follow up with the information.

[3:53:33 PM](#)

SENATOR WILSON agreed with the sponsor that legislative time could be better spent.

MR. WRIGHT clarified that the sponsor does not wish to diminish the sponsorship of these bills, but the number of specialty license plates has increased to 92 and DMV can take over the task. He noted that the fiscal note shows this is a revenue enhancer.

SENATOR COGHILL asked if \$100 would be the new standard fee.

[3:54:47 PM](#)

MS. OLSEN answered that the bill adds a new subsection that states that DMV would charge \$100 for the specialty plate and subsequent replacement plates.

SENATOR COGHILL offered his understanding that this increases the standard fee from \$30 or \$50 to \$100.

MS. OLSEN agreed.

SENATOR COGHILL commented that it is entirely appropriate as long as people understand the cost.

CHAIR REVAK related his understanding that this would not be an increase for all specialty license plates, just for new ones.

MR. WRIGHT answered that is correct.

CHAIR REVAK read the following from page 1, starting on line 4:

(11) Special request specialty organization plates. The department shall adopt regulations to allow for the issuance of special request specialty organization registration plates sponsored by an organization that is based in this state and is tax exempt under 26 U.S.C. 501(c), is an Alaska chapter of a national organization that is tax exempt under 26 U.S.C. 501(c), is a department of the state, or is a municipality of the state.

He asked if that would be restrictive. For example, the military may have a new medal that would be excluded.

MR. WRIGHT acknowledged that the language may need to be expanded, but the sponsor does not have any intention to adversely affect honoring military members. He offered to review the language.

CHAIR REVAK stated agreement with the intent of the bill.

SENATOR COGHILL said it would be interesting to know what other states charge for specialty license plates because the fees seems low. He suggested that the finance committee may wish to consider the fees.

MR. WRIGHT agreed that if the bill makes it to finance, it would be under the committee's purview.

[3:58:46 PM](#)

CHAIR REVAK opened public testimony on SB [210].

BENJAMIN BROWN, Chair, Alaska State Council on the Arts, Department of Education and Early Development, Juneau, Alaska, said Mr. Wright's testimony clarified that this would be prospective so it would not change the artistic license plate fee structure in SB 169, related to the Alaska State Council on the Arts. The arts council is interested in a different pricing point because of the tremendous demand for its specialty license plates. The arts council supports efficiencies in state government and this bill is a step in that direction, so it seems like a good idea.

[4:00:48 PM](#)

CHAIR REVAK, after first determining no one else wished to testify, closed public testimony on SB 210. He said that he appreciated the sponsor introducing the bill, but that he would like to amend the language to be more inclusive.

CHAIR REVAK held SB 210 in committee.

**SB 209-DRIVER LICENSES & IDENT. CARDS FOR INMATES**

[4:01:32 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 209, "An Act relating to state identifications and driver's licenses for persons in the custody of the Department of Corrections; relating to the duties of the commissioner of corrections; and providing for an effective date."

[4:01:53 PM](#)

SENATOR JESSE KIEHL, Alaska State Legislature, Juneau, Alaska, speaking as the sponsor of SB 209, said that this bill is an attempt to improve the success of people leaving Alaska's prisons. Reentry is not easy because of the statutory requirements after release. These people are required to stay clean and sober, to seek and find work and housing, and not commit new crimes. To fulfill these requirements and succeed in society generally requires an identification card (ID) but not everyone leaving prison has a valid driver's license or ID. The Department of Corrections (DOC) recognizes this problem and currently provides people leaving an institution with a face sheet that has the person's photo and name. The person can take this face sheet to the Division of Motor Vehicles (DMV) and obtain a driver's license, if applicable, or an ID card, which the DOC pays for. However, this is an imperfect solution.

[4:04:15 PM](#)

SENATOR KIEHL related that those in the reentry community say there have been problems with the face sheets and repeated trips to DMV have been necessary. These trips can take up to half a day and take time away from meeting with a probation or parole officer, obtaining treatment, or applying for jobs. It is also a problem that these individuals will leave DMV with a temporary ID or license. A mailing address is required to get their permanent card or license and people coming out of prison often do not have that right away.

SENATOR KIEHL emphasized that if inmates who serve a significant amount of time in prison could leave the correctional institution with an ID card or license, it would remove one

barrier to successful reentry. This could help reduce recidivism, he said.

4:05:49 PM

SENATOR WILSON asked how this will address the REAL ID requirements.

SENATOR KIEHL answered that the bill does not cover REAL ID, although some in the reentry community would like to add a provision to include REAL ID. He related his understanding that DOC has begun to look at REAL ID, but he could not speak for the department. He said it is worth noting that most people on probation and parole and probably have restrictions on their travel so they may need to pursue REAL IDs later. Nevertheless, this is worth looking because solving that additional hurdle would be a benefit.

4:07:34 PM

CHAIR REVAK asked Ms. Olsen from DMV if people on probation and parole who have travel restrictions would be prevented from obtaining a REAL ID.

4:08:03 PM

JOANNE OLSEN, Interim Director, Division of Motor Vehicles (DMV), Department of Administration, Anchorage, Alaska, answered that people with an existing DMV record would be eligible for a noncompliant federal ID. If they want to obtain a REAL ID, the division will give the person the information needed and the contacts to obtain a certified birth certificate, social security card, or whatever the requirements are at the time.

CHAIR REVAK asked if the noncompliant federal ID would suffice for those in reentry as identification for state agencies.

MS. OLSEN said that is correct.

4:09:32 PM

SENATOR WILSON asked what information is needed for an update when the person already has a REAL ID.

MS. OLSEN answered that the person's information would already have been verified so that person could get a duplicate REAL ID.

SENATOR WILSON commented on the number of people in pretrial who are felons who have not been charged [sic] and asked how this bill would affect the pretrial population.

SENATOR COGHILL asked if he meant that the defendants have not yet been convicted of felonies.

SENATOR WILSON agreed that he was referring to convictions, not charges.

[4:10:53 PM](#)

SENATOR KIEHL answered that the bill would apply to those offenders who have been sentenced and have served at least 120 days. He said DOC indicated that would give the department time to work with DMV to get the state ID or license issued and transferred to the DOC prior to the person's release. He explained that it is tough to know when those in pretrial will be released. The bill seeks to establish a practical and workable program that DOC could implement once the bill becomes effective.

[4:11:42 PM](#)

SENATOR COGHILL commented that it could be complicated since some people in pretrial have been previously convicted on another charge. He agreed with the concept since those reentering society cannot obtain any help without a valid ID.

CHAIR REVAK asked the sponsor to explain the ID process outlined in the bill.

[4:12:24 PM](#)

SENATOR KIEHL stated that SB 209 would apply to the sentenced population. He suggested that the Department of Corrections could best explain the practical details of the process to issue an ID.

[4:14:22 PM](#)

KELLY HOWELL, Legislative Liaison, Department of Corrections (DOC), Anchorage, Alaska, stated that the sponsor worked with DOC to make sure that this process would work for the agency. She explained that Section 3 requires the Department of Corrections and the Department of Administration to work to ensure that an inmate leaving a correctional institution has a state identification prior to release. She suggested that Ms. Brooks could speak to the logistics.

[4:15:29 PM](#)

LAURA BROOKS, Operations Manager, Division of Health & Rehabilitation Services, Department of Corrections, Anchorage, Alaska, advised that DOC currently provides inmates with identification and under the bill would provide DMV something

similar, including a photo. The DMV would mail DOC the hard copy of the ID and DOC would give it to the inmate.

CHAIR REVAK asked if DOC has the capacity to do this.

MS. BROOKS answered yes. The department currently has a process in place to print the information and update inmate photos. Inmates are photographed during the booking process and periodically thereafter, as necessary. She said the department has not worked out the details for this process, but it is feasible.

SENATOR WILSON asked if DOC has updated its cameras similar to what DMV has done.

MS. BROOKS said she was not certain when the cameras were last upgraded, but she would follow up with the information.

SENATOR WILSON questioned the zero fiscal note since it would require an inmate to leave the facility with an ID.

[4:17:38 PM](#)

MS. HOWELL answered that not every offender will need an ID. She reported that typically about 12 percent of the prison population has requested a paper ID to take to DMV. The department believes it has the capacity to take this on with existing staff and budget.

SENATOR WILSON expressed interest in the figures and an estimate of any increases. He said he would defer to the next committee to further consider the impact.

CHAIR REVAK noted that the next committee of referral is the finance committee.

[4:19:23 PM](#)

CHAIR REVAK asked if DOC currently has a working relationship with DMV and, if so, in what capacity.

MS. HOWELL answered yes; the Department of Corrections (DOC) and the Department of Administration (DOA) have worked together on the REAL ID issues.

CHAIR REVAK asked Ms. Olsen for her perspective on SB 209.

MS. OLSEN answered that DMV has worked well with DOC.

CHAIR REVAK said he attended a reentry simulation and this bill likely stems from that process. It was a wakeup call to see what people might experience as they reintegrate from DOC institutions into the communities. He expressed appreciation for the intent of SB 209.

[4:21:40 PM](#)

CHAIR REVAK opened public testimony on SB 209.

[4:22:06 PM](#)

LINDA SETTERBERG, Coordinator, Reentry Coalition, Fairbanks, Alaska, stated support for SB 209. She said it has been the coalition's experience that obtaining an ID or driver's license is a barrier for some clients. Receiving an ID before leaving a correctional facility would facilitate the reentry experience.

[4:23:14 PM](#)

CHAIR REVAK closed public testimony on SB 209 and held the bill in committee for future consideration.

[4:23:52 PM](#)

There being no further business to come before the committee, Chair Revak adjourned the Senate State Affairs Standing Committee meeting at 4:23 p.m.