

HB

19

<TARGET><BILL>HB 19</BILL><SUBJECT>HB
19</SUBJECT><COMM>HSTA27</COMM></TARGET>

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Special Committee
Joint Armed Services Special Committee
Military and Veterans' Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans' Affairs



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol #108
Juneau, AK 99801-1182

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Sponsor Statement **HB 19**

"An Act relating to special request registration plates;"

HB 19 authorizes the Department of Administration-Division of Motor Vehicles to create a special request license plate incorporating the American flag and the phrase "In God We Trust." The specific design is left to DMV's discretion. These special request plates would cost \$30 plus the normal fees required to register the vehicle in question. The Act would take effect on January 1, 2012.

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MEMO

RE: Court Opinions on "In God We Trust" on Government Documents

"There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789."

-Chief Justice Warren Burger, *Lynch v. Donnelly*, 465 U.S. 668 (1984)

"...government declaration of Thanksgiving as a public holiday, **printing of 'In God We Trust' on coins**, and opening court sessions with 'God save the United States and this honorable court.' Those government acknowledgments of religion serve... the legitimate secular purposes of solemnizing public occasions, expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. For that reason, and because of their history and ubiquity, **those practices are not understood as conveying government approval of particular religious beliefs.**"

-Justice Sandra Day O'Connor, *Lynch v. Donnelly*, 465 U.S. 668 (concurring) [emphasis added]

"The government violates [the Establishment Clause] if it **endorses or disapproves** of religion."

-Justice Sandra Day O'Connor, *County of Allegheny v. ACLU*, 492 U.S. 573 [emphasis added]

“[‘In God We Trust’] symbolizes the historical role of religion in our society...formalizes our medium of exchange...fosters patriotism...and expresses confidence in the future. The motto’s primary effect is not to advance religion; instead, it is a form of ‘ceremonial deism’ which through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief...We conclude, therefore, that the statutes establishing ‘In God We Trust’ as our national motto and providing for its reproduction on United States currency do not violate the Establishment Clause.”

-Senior Circuit Judge Deanell Reece Tacha, *Gaylor v. United States*, 74 F.3d 214, U.S. Circuit Court of Appeals for the Tenth Circuit

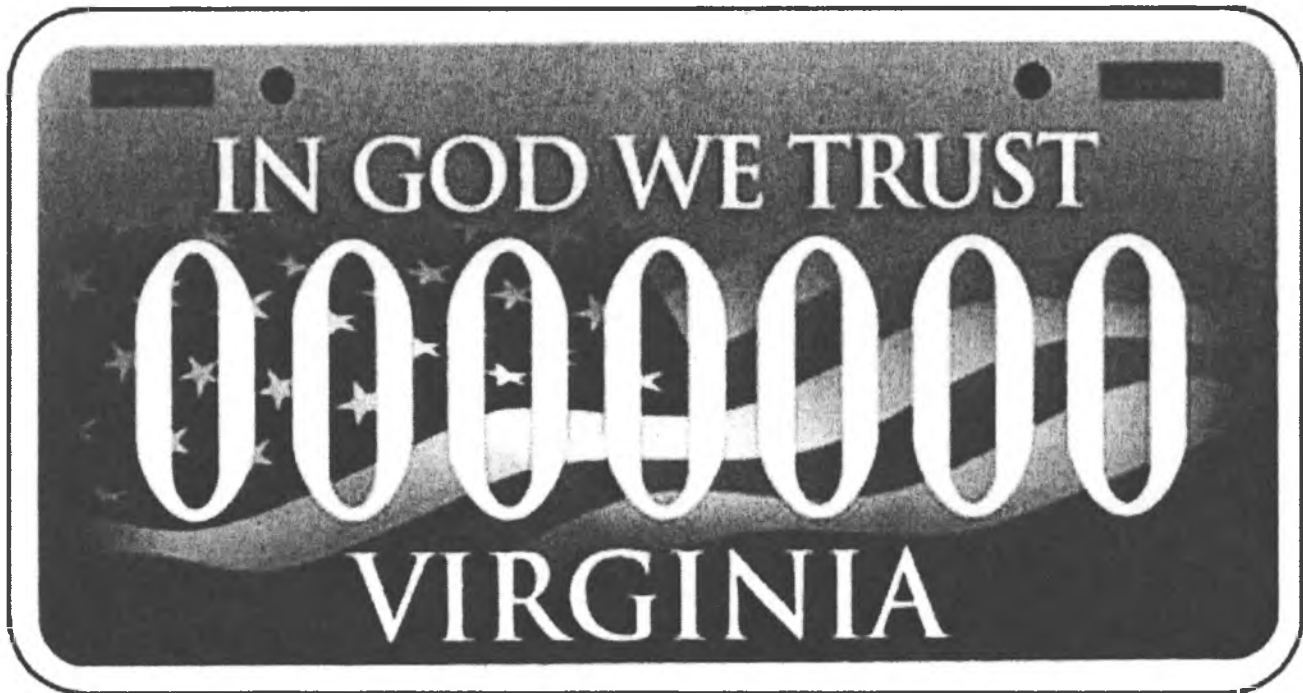
These statements highlight the federal courts’ history of upholding the constitutionality of our national motto. While none of these cases relates directly to the use of “In God We Trust” on license plates, it seems implausible that the courts would apply a stricter constitutional standard to license plates than to the currency. Citizens wishing to participate in our economy have no choice but to utilize the national currency, but drivers would only receive this license plate if they requested and paid for it. In addition, public funds are utilized to operate the Treasury and print currency containing the national motto, but these license plates will be paid for through user fees.

For more information on the constitutionality of the phrase “In God We Trust” or for copies of the cases cited in this memo, please contact Thomas Reiker at 465-4965 or thomas_reiker@legis.state.ak.us.

Sample Indiana "In God We Trust" License Plate



Sample Virginia "In God We Trust" License Plate



Sample South Carolina "In God We Trust" License Plate



FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HB019D (STA)
 () Publish Date _____

Identifier (file name) HB019-STA-DOA-DMV-02-04-11 Dept. Affected Administration
 Title Special Request Plates - In God We Trust Appropriation Motor Vehicles
 Allocation Motor Vehicles
 Sponsor Rep(s) LYNN, KELLER, GATTO
 Requester H (STA) OMB Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| | Appropriation Required | Information | | | | | | |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
| | | FY 2012 | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Services | | | | | | | | |
| Commodities | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Grants | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | | | |
|-----------------------------|--|--|--|--|--|--|--|--|

| | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|
| CHANGE IN REVENUES | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | | |
| 1003 GF Match | | | | | | | | |
| 1004 GF | | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | | |
| 1037 GF/Mental Health | | | | | | | | |
| Other (please identify) | | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2011) cost _____

POSITIONS

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version

Prepared by Whitney Brewster
 Division Motor Vehicles
 Approved by John Cramer
Department of Administration

Phone 907-269-5574
 Date/Time 2/4/11 4:00 PM
 Date 2/4/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 19

Analysis

This bill has no fiscal impact on the Division of Motor Vehicles.