

HB

19

<TARGET><BILL>HB 19</BILL><SUBJECT>HB
19</SUBJECT><COMM>SSTA27</COMM></TARGET>

27-LS0141\X
Luckhaupt
4/11/11

SENATE CS FOR HOUSE BILL NO. 19(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN, KELLER, AND GATTO, Peggy Wilson, Johnson, Stoltze

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to special request registration plates; and providing for an effective**
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 28.10.181 is amended by adding new subsections to read:

5 (bb) Special request United States flag "In God We Trust" plates. Upon
6 application by the owner of a motor vehicle, the department may issue registration
7 plates with a design incorporating the flag of the United States and the motto "In God
8 We Trust" on the plate. The commissioner shall determine the design and color of the
9 plates. The department may disapprove the issuance of registration plates under this
10 subsection when the requested plates are a duplication of an existing registration.

11 (cc) Special request Lao veteran plates. Upon application by the owner of a
12 motor vehicle, the department may issue registration plates commemorating the
13 owner's service in military operations in support of the United States in the Kingdom
14 of Laos between February 28, 1961, and May 15, 1975. The commissioner shall

1 determine the design and color of the Lao veteran plates in consultation with veterans'
2 and Southeast Asian community organizations in the state. To be issued a registration
3 plate under this subsection, the owner must present evidence satisfactory to the
4 department that the owner served in military operations as required by this subsection.
5 The department may disapprove the issuance of registration plates under this
6 subsection when the requested plates are a duplicate of an existing registration.

7 (dd) Special request plates commemorating the National Rifle Association.
8 Upon application by the owner of a motor vehicle, the department may issue
9 registration plates commemorating the National Rifle Association. The commissioner,
10 after consulting with representatives of the National Rifle Association in Alaska, shall
11 determine the design and color of the plates. The department may disapprove the
12 issuance of registration plates under this subsection when the requested plates are a
13 duplication of an existing registration.

14 (ee) Special request breast cancer awareness plates. Upon application by the
15 owner of a motor vehicle, the department may issue breast cancer awareness
16 registration plates. The commissioner, after consulting with the Alaska office of the
17 American Cancer Society, shall determine the design and color of the plates. The
18 department may disapprove the issuance of registration plates under this subsection
19 when the requested plates are a duplication of an existing registration.

20 (ff) Special request specialty organization plates. The department shall adopt
21 regulations to allow for the issuance of special request specialty organization
22 registration plates sponsored by an organization that is based in this state and is tax
23 exempt under 26 U.S.C. 501(c), is an Alaska chapter of a national organization that is
24 tax exempt under 26 U.S.C. 501(c), is a department of the state, or is a municipality of
25 the state. The department shall determine a common design and color for the plates
26 and provide for the placement of the artwork of the organization and a short piece of
27 descriptive text on the plate. The department may disapprove the issuance of
28 registration plates under this subsection when the requested plates duplicate an
29 existing registration. The regulations

30 (1) must provide that the entity requesting the issuance of the plates

31 (A) submit an application on a form provided by the

department;

(B) pay an application fee set by the department for issuance of the new registration plates;

(C) submit registration fees for at least 50²³ motor vehicles before specialty registration plates will be issued;

(D) may not be offensive in purpose, nature, activity, or name;

(E) may charge a fee for issuance of a specialty registration plate in addition to any registration fees set by statute or regulation;

(2) must provide for a minimum number of registrations and renewals of the specialty plate and for cancellation of specialty plates that do not meet that minimum; the regulations must provide that before a specialty plate may be cancelled the entity sponsoring the plate be given notice at least six months before the proposed cancellation;

(3) must establish procedures for owners of vehicles to purchase specialty registration plates under this subsection.

* Sec. 2. AS 28.10.421(d)(2) is amended to read:

(2) special request plates for

- (A) Alaska National Guard personnel \$30;
- (B) veterans, [OR] retired veterans, or Lao veterans \$30;
- (C) recipients of the Purple Heart none;
- (D) owners of custom collector vehicles \$50;
- (E) Iditarod race finishers \$50;
- (F) other special request plates \$30;

plus the fee required for that vehicle under (b) of this section; the fee required by this paragraph shall be collected only on the first issuance and on the replacement of special request plates;

* Sec. 3. AS 28.10.421(d) is amended by adding new paragraphs to read:

(20) special request United States flag "In God We Trust" plates.. \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the fee required by this paragraph shall be collected biennially in the same manner as the fee required under (b), (c), (h), or (i) of this section;

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(21) special request National Rifle Association plates \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; a \$30 fee shall be collected biennially thereafter in the same manner as the fee required under (b), (c), (h), or (i) of this section; the commissioner shall separately account for the fees received under this paragraph that the department deposits into the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to establish and maintain a scholastic clay target program and for other youth shooting programs;

(22) special request breast cancer awareness plates..... \$50 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$50 fee required by this paragraph shall be collected only on the first issuance and the replacement of the special request plates; the commissioner shall separately account for the fees received under this paragraph that the department deposits into the general fund; notwithstanding (g) of this section, the annual estimated balance in the account that is in excess of the cost of issuing special request plates may be appropriated by the legislature to programs that provide screening for breast and cervical cancer;

(23) special request specialty organization plates under AS 28.10.181(ff) \$30 plus the fee required for that vehicle under (b), (c), (h), or (i) of this section; the \$30 fee required by this paragraph shall be collected only on the first issuance of and the replacement of the plates; in addition, an entity sponsoring a special request specialty organization plate may charge a fee on first issuance and renewal of the plates.

* Sec. 4. This Act takes effect January 1, 2012.

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

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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.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number 1
Bill Version HB 19
(H) Publish Date 2/9/2011

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								
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CHANGE IN REVENUES								
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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 #1

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. HB 19

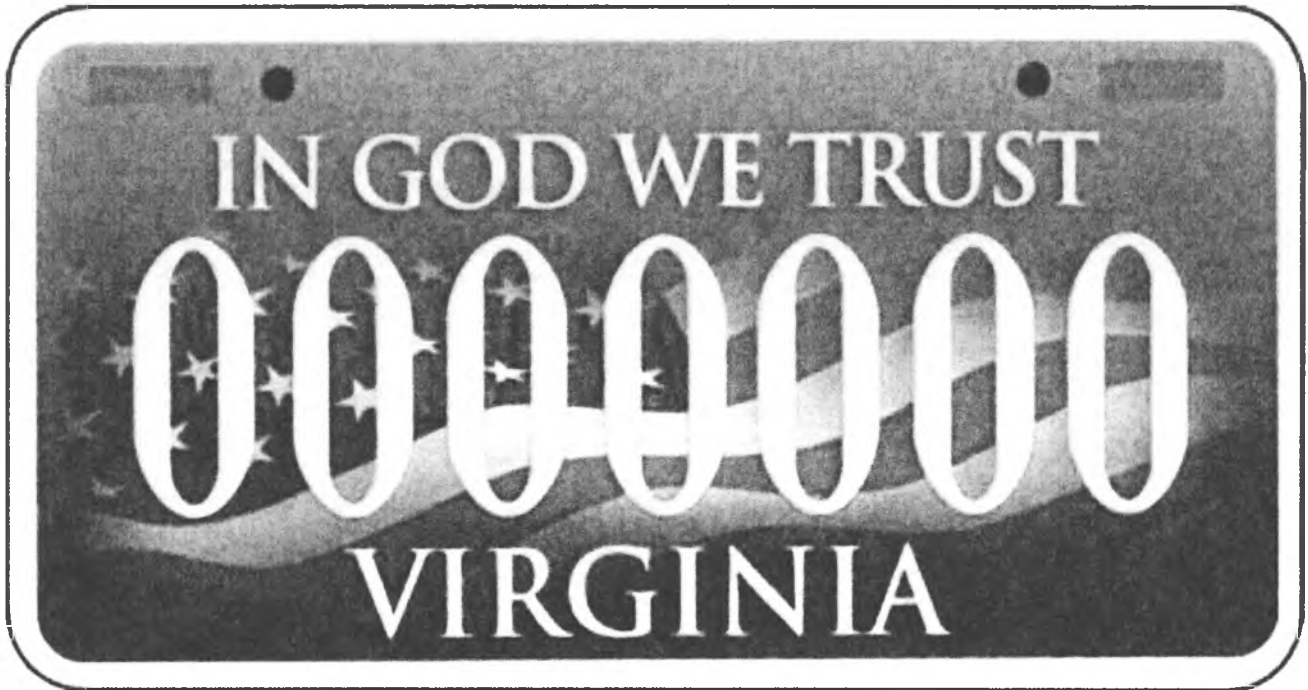
Analysis

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

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



Alaska State Legislature



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Judiciary Committee
Energy Special Committee
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Military and Veterans' Affairs Committee

Finance Subcommittees

Administration
Corrections
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A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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March 7, 2011

To: Representative Craig Johnson, Chair
House Rules Committee

Fr: Representative Bob Lynn

Re: Court Opinions on use of "In God We Trust" in Government Documentation

"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 opinions 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.