

HB

216

<TARGET><BILL>HB 216</BILL><SUBJECT>HB
216</SUBJECT><COMM>HCRA28</COMM></TARGET>

ALASKA STATE LEGISLATURE

Representative Jonathan Kreiss-Tomkins

House District 34

rep.jonathan.kreiss-tomkins@akleg.gov

Committees:
Transportation
Fisheries
State Affairs



State Capitol, Room 426
Juneau, Alaska 99801-1182

(907) 465-3732
Toll Free: 1-888-461-3732
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February 3rd, 2014

To: Representative Gabrielle LeDoux, Co-Chair
Representative Benny Nageak, Co-Chair
House Community and Regional Affairs Committee
Fr: Representative Kreiss-Tomkins
Re: HB 216 Hearing Request

Dear Representatives LeDoux and Nageak,
I respectfully request a hearing on HB 216: "An Act adding the Inupiaq, Siberian Yup'ik, Central Alaskan Yup'ik, Alutiiq, Unangax, Dena'ina, Deg Xinag, Holikachuck, Koyukon, Upper Kuskokwim, Gwich'in, Tanana, Upper Tanana, Tanacross, Han, Ahtna, Eyak, Tlingit, Haida, and Tsimpshian language as official languages of the state." I would also request the teleconference line be open for public testimony in lieu of travel to the State Capitol, if and when a hearing date would be set. My staff member Freddie Olin will be assisting our efforts in moving the bill along the legislative process. He can be reached at (907)465-6848.

Sincerely,

A handwritten signature in black ink, appearing to read "JKT".

Representative Jonathan Kreiss-Tomkins

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

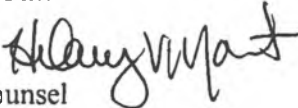
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 26, 2014

SUBJECT: Official Languages (HB 216; Work Order No. 28-LS0905\U)

TO: Representative Jonathan Kreiss-Tomkins
Attn: Freddie Olin

FROM: Hilary Martin 
Legislative Counsel

You have asked whether HB 216, if adopted, would require changes for government communication. HB 216 adds 20 Alaska Native languages as official languages of the state.

AS 44.12.300 - 44.12.390 were enacted as an initiative on the 1998 ballot. In 2007 the Alaska Supreme Court issued an opinion in *Alaskans for a Common Language, Inc. v. Kritz* striking down part of the initiative as unconstitutional.¹

In *Kritz*, the court found that the first sentence of AS 44.12.320 was unconstitutional because it impacted the free speech rights of non-English speaking citizens and their right to petition the government, legislators and other elected officials, and public employees.² The court then determined that the sentence was not sufficiently narrowly tailored to achieve its end, and struck down the sentence.³

The court determined that the second sentence of AS 44.12.320, however, could be read in such a way so as to be constitutional. The court determined that the second sentence of AS 44.12.320 means "that multilingual *official* documents are not prohibited so long as an English version of the document is published."⁴

HB 216 amends AS 44.33.310. It does not amend AS 44.12.320, which states: "The English language shall be used in the preparation of all official public documents and records, including all documents officially compiled, published or recorded by the

¹ 170 P.3d 183 (Alaska 2007).

² *Id.* at 200 - 204.

³ *Id.* at 208.

⁴ *Id.* at 197.

Representative Jonathan Kreiss-Tomkins
March 26, 2014
Page 2

government." HB 216 does not require the government to prepare all official public documents in all 21 languages. The government could provide official documents in a language other than English, including one of the 20 languages included in HB 216, however the current statute, as interpreted by the Alaska Supreme Court, allows the government to do so already. Therefore, in my opinion HB 216 would not create an additional duty of the government to provide documents in another language.

The statement in AS 44.12.310 that English is the official language of the state, when read in combination with the rest of AS 44.12.300 - 44.12.390 as well as the *Kritz* case, can be seen as largely symbolic. While the government is required to provide official documents in English, there is nothing that prevents the government from providing copies of official documents in another language currently. In my opinion, a court would not find that the addition of 20 more languages to AS 44.33.310 imposes additional obligations on the government.

If I may be of further assistance, please advise.

HVM:ray
14-133.ray

ALASKA STATE LEGISLATURE

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SPONSOR STATEMENT

HB 216

HB 216 will allow for 20 different Alaska Native languages to become official languages of the state of Alaska, along with English. HB 216 is a symbolic gesture, similar to Forget-Me-Nots and Chinook Salmon being the official flower and fish of the state of Alaska.

In current state law, English is the only official language of Alaska. The bill would expand the list to include Iñupiaq, Siberian Yupik, Central Alaskan Yup'ik, Alutiiq, Unanga̋, Dena'ina, Deg Xinag, Holikachuk, Koyukon, Upper Kuskokwim, Gwich'in, Tanana, Upper Tanana, Tanacross, Hän, Ahtna, Eyak, Tlingit, Haida, and Tsimshian.

The bill proposal may be symbolic, it is however, an important step in recognizing the living, breathing, Alaska Native languages of the state of Alaska, which continue to grow into daily use by many speakers around the state who both practice and teach as has been done for millennia prior to statehood.

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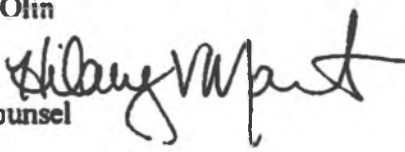
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 24, 2014

SUBJECT: Sectional summary of HB 216
(HB 216; Work Order No. 28-LS0905\U)

TO: Representative Jonathan Kreiss-Tomkins
Attn: Freddie Olin

FROM: Hilary Martin 
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1. Adds the Inupiaq, Siberian Yupik, Central Alaskan Yup'ik, Alutiiq, Unangaġ, Dena'ina, Deg Xinag, Holikachuk, Koyukon, Upper Kuskikwim, Gwich'in, Tanana, Upper Tanana, Tanacross, Hän, Ahtna, Eyak, Tlingit, Haida, and Tsimshian languages as official language of the state.

HVM:lem
14-027.lem

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: HB 216
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB216-OOG-DOE-2-17-14
Title: OFFICIAL LANGUAGES OF THE STATE
Sponsor: ** KREISS-TOMKINS, MILLETT
Requester: House Community and Regional Affairs

Department: Office of the Governor
Appropriation: Elections
Allocation: Elections
OMB Component Number: 21

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **No**

If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By: Gail Fenumiai, Director
Division: Division of Elections
Approved By: Guy Bell, Administrative Director
Agency: Divisio of Administrative Services, Office of the Governor

Phone: (907)465-2644
Date: 02/17/2014 10:36 AM
Date: 02/17/14

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. HB216

Analysis

This bill has no fiscal impact on the division.



Alaska Native Language Center

P.O. Box 757680 • Fairbanks, Alaska 99775-7680 • (907) 474-7874 • fax (907) 474-6586 • www.uaf.edu/anlc

5 February, 2014

To Whom It May Concern:

I am writing to express the support of the Alaska Native Language Center for HB 216, which would make all Alaska Native languages official languages of the State of Alaska, along with English, which already has official status.

Our twenty Native languages are an important cultural resource for our state, linking us to our past and to the populations of other Arctic nations, including Russia, Canada, and Greenland. The state of endangerment of Alaska's Native languages is profound and ever increasing as speaker populations age. A number of our languages have only a handful of elderly speakers remaining, and only one, Yup'ik, has child speakers who learn the language at home as their primary language.

The Alaska Native Language Center, founded by state legislation in 1972, continues to provide support for Alaska Native languages through research, teaching, and service. The publications, writing systems, and archival documentation developed at ANLC provide a strong foundation for official language status.

The preservation and maintenance of Alaska Native languages are of great importance to Alaskans, both the Native population whose heritage is closely tied to cultural and linguistic knowledge, as well as the non-Native population who benefit from this extraordinarily rich cultural landscape.

For these reasons, I urge you to work to pass HB 216 and show support for Alaska's Native languages by granting them official status.

On behalf of the Alaska Native Language Center,

A handwritten signature in cursive script that reads 'L D Kaplan'.

Lawrence D. Kaplan, PhD

Director



Alaska Native Language Preservation and Advisory Council

February 3, 2014

To Whom this may concern

The Alaska Native Language Preservation & Advisory Council supports House Bill 216 recognizing all Alaska Native languages as official languages.

As the authority representing all Alaska Native languages, we strongly urge you to continue to work with members of this council, Legislature, Governor and partner with organizations across the state to pass HB216 to help revitalize Alaska Native languages.

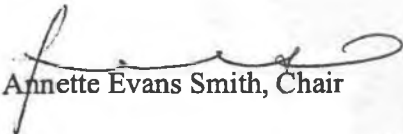
This is a critical time for Alaska Native languages and their continued survival. The Alaska Native Language Center has identified 20 indigenous languages spoken in Alaska. Nearly all of the twenty languages are listed as critically or severely endangered by United Nations Educational, Scientific and Cultural Organization (UNESCO Endangered Languages listing, and two Alaska Native languages are listed as vulnerable.

Recognition and revitalization of Native languages adds richness to our state's heritage and culture. We seek your support for Alaska Native language preservation and revitalization, and commend your efforts.

Thank you for your service to Alaskans.

Sincerely,

ALASKA NATIVE LANGUAGE PRESERVATION AND ADVISORY
COUNCIL


Annette Evans Smith, Chair

Sen. Donald Olson
(Inupiaq)

Rep. Benjamin Nageak
(Iñupiaq)

Annette Evans Smith, Chair
(Athabascan, Alutiiq, Yup'ik)

April Counciller,
Vice-Chair (Alutiiq)

Delores Churchill (Haida)

Bernadette Yaayuk
Alvanna-Stimpfle (Inupiaq)

Walkie Charles
(Yup'ik)

The mission of the Alaska Native Language Preservation and Advisory Council is to advocate for the survival and revitalization of Alaska Native languages through collaboration and sharing for all.

One state, 21 languages

Posted: February 6, 2014 - 12:04am

<http://juneauempire.com/art/2014-02-06/one-state-21-languages#.UvbQuXkhFcR>

By XH'UNEI LANCE A. TWITCHELL

FOR THE JUNEAU EMPIRE

A bill has been proposed this legislative session that would make Alaska Native languages the official languages of the state. This is in addition to English, which is already on record as the official language of the state because of a 1998 bill that many interpret as English-only legislation. Looking back on those times, we find quotes like this one, "most Natives, even in villages, speak English. Why all of a sudden, now, are they going to go backwards? Some of their languages weren't even written. If we want to have all the Native people stay in the villages the rest of their lives, that's fine, but times have changed" ("In the Battle Over English, Two Sides Enter Swinging" by Cynthia Deike-Sims on <http://alaskool.org>. That was Susan Fischetti, the official spokesperson of Alaskans for a Common Language, a group that sponsored the bill.

Times have indeed changed. The notion that English is progress and Alaska Native is backwards or barbaric is outdated and rooted in false beliefs in cultural and racial superiority. Still, these ideas sometimes surface in comments like, "don't forget about English," and "our children need to be ready for the real/modern world." These are ideas we should be talking about more, with the idea that we can become a better place, we can become better people, and we can actually fix a lot of things that our shared history have wrecked.

Many elders have told me stories about times when they were shamed and beaten for speaking their languages. They were abused and ridiculed by teachers, public officers, supervisors, religious leaders, and even their own people. The past two hundred years have seen an incredibly successful assault on languages and cultures worldwide, but instead of looking at fixing the world we can look locally and see incredible results.

Many linguists have come to a consensus that of the estimated that "at least half of the world's 6,000–7,000 languages will disappear (or be on the verge of disappearing) over the next century," and in order for that to happen a language will have to die every two weeks (Grenoble & Whaley, 2006, p. 1). Sometimes this leads us to discussions about ancient languages that became other languages, like Latin to Italian, Spanish, French. We enter a discussion of evolution, which leads us back to some of the fundamental beliefs that allowed entire groups of people to kill off other groups of people without feeling too awful about the whole thing.

When we talk about genocide in the world we often look far across the globe or back in time and think about how awful those places or times must have been. Rarely do we think about our role in genocide right now, and how plans to eliminate entire cultures and languages are coming to fruition on our watch.

It's tricky business. The way out of the forest, so you can see the trees, is to stop what you are doing and think this thought: what can I do to help? What am I doing that keeps the process going. When we look at indigenous languages and colonization, we are not looking at an example of evolution. We are, in fact, looking at the outcome of unimaginable inhumanity. The irony of the human rights movement in the world is that it came after tremendous crimes had been committed right in our own homeland.

But why all this negativity? Because there is a twist towards hope, and that twist is about self-determination, awareness, compassion, and a place where languages, people, cultures, and knowledge live with one another. This is a push towards revitalization. By saying that I am not stating that languages are dead or dying; I am saying that we can keep them from dying, and we can do this together.

If you have a favorite movie where the underdog wins, despite all odds, then prepare to have that feeling in reality and not just imagination. The history leads us to a place where the highest suicide rates, dropout rates, and rates of violence mirror what is happening with our languages. We can stand up as a people and say, "abusing children while killing their languages is wrong."

Oftentimes we may feel helpless in the face of human history. But it was only people who did this, and we are people just like them. This is a time of incredible awareness when it comes to Alaska Native languages. The revitalization movement begins with you. Call a member of your state legislature and let them know that you support equality, that you in fact demand it.

One of the things I hear repeatedly is that there is not enough resources to allocate towards language revitalization. This always leaves me confused. We can extract millions and billions from the land, but we cannot look to fix something that grew here with the land over tens of thousands of years. We can look back and see federal employees, state employees, and religious leaders who all played the pivotal roles in walking these languages to the brink of death, yet no one is fiscally responsible.

It is time to stand united for our collective future. If Alaska Native languages continue to die, then our children will continue to die. If we want healthy communities, then we need healthy languages. Within these languages are the keys to good living for the people that have been born out of them. Within these languages are is knowledge of the land, cures for illnesses, pieces of knowledge that cannot be recorded in books because it actually flows through your blood.

I am blessed to work with elders and language advocates, but I know a bill like this would not seem as obviously beneficial to others as it does to me. It seems like a home run, a no-brainer, but I am sure doubts will emerge. Some may think that English is somehow threatened, even though it is killing hundreds of languages as we speak in North America. Some will think that we will be causing harm to our children or holding them back, when we will actually be teaching them how to be culturally diverse, enriched, and responsible human beings.

I don't know what other arguments are out there, but I do know this: times have changed, and they have changed for the better. Racism is powerful and can hide very well in discussions about what language we should be speaking. This is Tlingit country. We have names for everything here and we still know them. The door to learning this language with us is wide open, and it will make your life better.

If you are on the hill with a vote, then you should know that you have a place in history. There are two sides here: help languages survive and thrive, or continue the movement that tries to rise to the top by killing everything around it. We are better. We are hopeful. We are on the verge of a revolution of languages and thought, and our future generations are going to thank us for stepping out of the centuries of policies, habits, and behaviors, that violate the basic rules of humanity: love and respect one another, help those who need it, and protect that which is sacred.

- Xh'unei - Lance A. Twitchell is Assistant Professor of Alaska Native Languages at UAS.

Lisa Vaught

From: Freddie Olin
Sent: Monday, February 17, 2014 8:44 AM
To: Kimberly Clark; Lisa Vaught
Cc: Jonathan Kreiss-Tomkins
Subject: HB 216 Invited Testimony

Good morning,

We have the following invited for testimony for HB 216 tomorrow morning, as indicated in-person or teleconference:

Lance Twitchell, Assistant Professor UAS, In-Person

Larry Kaplan, Director UAF Alaska Native Language Center, Teleconference Fairbanks LIO

Annette Evans-Smith, Alaska Native Language Preservation and Advisory Council, Teleconference Off-Net

Liz Medicine Crow or Kyle Wark, First Alaskans Institute, Teleconference Off-Net

Rep. Kreiss-Tomkins will also be in attendance and will hopefully have time for a few words.

Thank you,
Freddie
x6848 direct

shóogunáx

sh yaa awoodinéix'i. gunalchéesh áwé ldakát yeewháan.
self-respecting people. thank you, yes, all of you.

ax toowú yak'éí haa yoo x'atánkx'i daat woosh x'awtula.átgi.
i feel good that we are talking about our languages.

haa daséigu áyá. haa daséigu áyá.
this is our life-breath. this is our life-breath.

haa dachxánx'i yán yís áyá x'akkwatáan.
for our grandchildren, i am going to speak.

yadál áyá. yee gu.aa yáx x'wán. yadál áyá.
it is a heavy thing. have strength and courage. it is a heavy thing.

ax séek' x'akkwatée yeedát, Shgaté:
i am going to imitate my clan-daughter, Shgaté (Jessie Johnnie):

tlaḡ wáa sá x'alitseen yá Lingít yoo x'atángi,
how incredibly valuable our language is,

hél dáanaa, a yáx koogéi wudu.óowu.
no money, not any amount, can buy it.

yéi áyá. yéi áyá.
this is how it is. this is how it is.

haa dachxánx'i sáani yís woosh yéi jigaxtooneí.
for our little grandchildren, we are going to work together.

hél yagaxtoosax'aaḡw.
we are not going to die off.

hél yagaxtoosax'aaḡw.
we are not going to die off.

gunalchéesh.
thank you.

—

We are not an English-only state, and we should never tolerate the embarrassment of deciding to be one. For over ten thousand years there have been other languages here, and they are still here today. We are right here wondering why some languages, and therefore cultures, feel the need to state a sense of superiority. This is not a fight with each other, or against the perceived erosion of the English language. This is a fight against death, and it is a death that we can avoid if we so choose.

I am here to testify in support of House Bill 216: Official Languages of the State of Alaska. I am not exaggerating when I say this: we have an absolute crisis on our hands. Michael Krauss, an expert on world languages, Alaska Native languages in particular, predicts that half of the world's 6-7,000 languages will be gone in the next century. In order for that to happen, a language will have to die every two weeks. I urge you to keep this in mind as you do all that is in your power to reverse language shift, to counter genocidal policies and tendencies.

Alaska Native languages are not going to die any more.

In the past ten years we have seen the last fluent speakers of two Alaska Native languages pass away. Marie Smith once said, of being the last fluent Eyak speaker, "I talk to the walls, I talk to the TV, I talk to God, but no one talks back."

We are going to talk back. We are going to work collectively and see how simple it is to begin undoing generations of racist policies, how simple and worthwhile it is to revitalize an entire state.

You are exactly the ones to do this. You have to realize that there is no tomorrow or next week, but there is right now. The average Alaska Native language has fewer than 1,000 speakers, and the vast majority of them are over seventy years old. Now is the perfect time for equality.

This is the today we have been waiting for. If we look back at the troubled history of contact in Alaska, and if we can do so without seeing it as a glorious conquest of untamed lands, then we will see that we have been set up to do exactly this kind of work. We are destined to fix the problems that plague our state.

The most important thing to know about Alaska Native languages is that people did not choose to stop speaking them. Our grandparents were beaten as children for speaking them. Our parents were humiliated for knowing them, and then for not knowing them. We have weathered incredible waves of genocide from the most powerful nation ever conceived, and we are still here, ten thousand years standing.

But these languages are dying right now. I see dying languages and escalating suicide rates and think: how can those things not be connected? I see the end result of cultural genocide and think: how can we just decide to accept this?

There is no magic solution for language loss. But there is the promise of unity, and recognizing that solutions exist: an official language act, immersion schools, language nests, communities that embrace Alaska Native languages.

I sit here as your peer. I sit here as your equal. We may speak different languages, but mine is just as valuable, just as necessary, and just as useful as yours. I urge you to push this bill forward and make us the only other state in America to officially recognize the value, the beauty and necessity, of indigenous languages.

In the name of unity and equality I thank you for your time, and wish you strength of spirit.

Gunalchéesh.