

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

March 2, 2006

1:06 p.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Jim Elkins
Representative Bill Thomas
Representative Nancy Dahlstrom
Representative Sharon Cissna (via teleconference)

MEMBERS ABSENT

Representative Lesil McGuire
Representative Max Gruenberg

COMMITTEE CALENDAR

HOUSE JOINT RESOLUTION NO. 27

Urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

- MOVED CSHJR 27(MLV) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 33

Urging the Alaska Department of Health and Social Services to seek authority and funding from the United States Department of Veterans Affairs to establish a system allowing Alaska veterans treatment in both public and private Alaska facilities.

- MOVED HJR 33 OUT OF COMMITTEE

HOUSE BILL NO. 465

"An Act relating to marine safety and security; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HJR 27

SHORT TITLE: ALLOTMENTS FOR NATIVE VIETNAM VETERANS

SPONSOR(s): REPRESENTATIVE(s) COGHILL

01/18/06 (H) READ THE FIRST TIME - REFERRALS
01/18/06 (H) MLV, STA
03/02/06 (H) MLV AT 1:00 PM CAPITOL 120

BILL: HJR 33

SHORT TITLE: SUPPORTING IN-STATE MED. CARE FOR VETS
SPONSOR(s): REPRESENTATIVE(s) KOTT

02/13/06 (H) READ THE FIRST TIME - REFERRALS
02/13/06 (H) MLV, HES
03/02/06 (H) MLV AT 1:00 PM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE JOHN COGHILL

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, explained the reasoning behind HJR 27 and the corresponding CS.

JOHN HOPKINS

Native Village of Eyak Veterans
Cordova, Alaska

POSITION STATEMENT: Testified in support of HJR 27.

PAUL MAYO, Director
Real Estate Services
Tanana Chiefs Conference
Anchorage, Alaska

POSITION STATEMENT: Testified that HJR 27 is of great importance to Alaska Natives throughout the state.

EDWARD K. THOMAS, President
Central Council
Tlingit & Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: His testimony supporting HJR 27 was read by Desiree Duncan.

TED SUCKLING
Alaska Native Veterans Association
Post 3
Nenana, Alaska

POSITION STATEMENT: Testified in support of HJR 27.

REPRESENTATIVE RICHARD FOSTER

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Testified in support of HJR 27.

REPRESENTATIVE PETE KOTT

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Speaking as the sponsor, explained the intended effects of HJR 33.

RIC DAVIDGE, President

Vietnam Veterans of America

Chapter 904;

Chairman, Alaska Veterans Foundation

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HJR 33.

ACTION NARRATIVE

CHAIR BOB LYNN called the House Special Committee on Military and Veterans' Affairs meeting to order at [1:06:27 PM](#). Representatives Lynn, Elkins, and Thomas were present at the call to order. Representatives Dahlstrom and Cissna (via teleconference) arrived as the meeting was in progress.

[1:06:45 PM](#)

HJR 27-ALLOTMENTS FOR NATIVE VIETNAM VETERANS

[1:06:55 PM](#)

CHAIR LYNN announced that the first order of business would be HOUSE JOINT RESOLUTION NO. 27, urging the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest.

[1:07:14 PM](#)

REPRESENTATIVE JOHN COGHILL, Alaska State Legislature, speaking as the sponsor, explained that HJR 27 is a result of conversations he had with Vietnam veterans who had applied for allotments and weren't able to have their applications completed. This resolution asks Congress to reconsider a reopener on legislatively formulated allotments and asks for the

opening on a court case, Shields v. United States. He remarked that the proposed CS is a result of legal counsel informing him that there are two bills in Congress regarding the same subject matter. He clarified that [the CS] doesn't alter the verbiage of this resolution, rather changes the recipient. The two bills in Congress, S. 2000 and H.R. 1811, are sponsored by U.S. Senator Lisa Murkowski and Congressman Don Young, respectively. He noted that this resolution would encourage and support those bills.

[1:10:17 PM](#)

JOHN HOPKINS, Native Village of Eyak Veterans, relayed that he agreed with what the committee said about the first "go around" being confusing and very restrictive. He said that it almost seemed to him, when he was filling out some of the applications and looking at some of the maps, that [the federal government] wanted this allotment "thing" to fail. He opined that it would have been nice if [Alaska veterans] were allowed half as many choices as those who went before them. He remarked that Vietnam veterans have missed out on a lot of things like limited entry, for example. He further remarked that it would be nice if [Alaska veterans] had some kind of legacy that they could pass on to their children and grandchildren.

[1:12:10 PM](#)

PAUL MAYO, Director, Real Estate Services, Tanana Chiefs Conference, stated that this resolution is of great importance to Alaska Natives throughout the state because it's pivotal in persuading Congress to amend the Alaska Native Vietnam Veterans Act, and to reopen allotments which were previously denied because they were located in the Tongass National Forest. He continued that by passing HJR 27, the Alaska State Legislature will become the leader in [the Tanana Chiefs'] quest to Washington, D.C., to right a wrong on behalf of its Alaska Native Vietnam veterans. He informed the committee that the Tanana Chiefs Conference consists of 15,000 members spread across 235,000 square miles. He noted that many of its members and clients are veterans who honorably served in the military during the Vietnam era. As a result of their military service, many Alaska Native veterans were overseas when the government took allotment applications during the late 1960s and early 1970s, right before the Allotment Act of 1906 was repealed in 1971. He remarked that the Veterans Allotment Act was intended to give those veterans another chance to get an allotment, but

it has not done so. He noted that both congressional bills were referred to committees, but no action has occurred since then.

MR. MAYO relayed that the Tanana Chiefs Conference believes that HJR 27 will persuade Congress to amend the Veterans Allotment Act, as it needs to be changed. Of the estimated 700 veterans who applied for an allotment, approximately 60 percent have been denied and only 1 application has been approved. He said, "Obviously, the law needs to be changed." He continued that there are three major reasons why so many veterans' applications have been denied and why the law needs to be changed. The first reason the existing law needs to be amended is that there is hardly any land left in Alaska that meets the many restrictions. He remarked that the case of Gilbert Ketzler, Jr., illustrates the need to change the type of land available for veteran allotments. Mr. Ketzler volunteered and bravely served as an Army medic in Vietnam until he was killed in action in 1969. Mr. Ketzler volunteered to go to Vietnam in order that his three younger brothers would not have to go. Mr. Mayo informed the committee that Mr. Ketzler's father applied for a veterans' allotment for Mr. Ketzler's heirs, but it was rejected because the land he used was not the type of land available because the land was selected by a Native corporation. Mr. Ketzler's heirs, he further related, could receive an allotment under the pending amendments, which allow Native corporations to voluntarily relinquish land for better allotments.

[1:14:59 PM](#)

MR. MAYO stated that the second reason is the current use restriction requirements are unreasonable and take a lot of time and money to sort out. The pending amendments solve this by replacing the existing use requirements with legislative approval. He relayed that legislative approval is the identical method allowed for all non-veteran allotments and would greatly help veterans, or their heirs, obtain allotments. The third reason the law needs to be changed is that many deserving veterans, who bravely served during the Vietnam era, don't meet the existing military service time restrictions. Only veterans who served between January 1, 1969 to December 31, 1971 are now eligible. He noted that approximately 1,700 veterans are now excluded simply because they bravely served their country a little too early or a little too late. The case of Ronald Paul illustrates this problem. After serving in the National Guard for over five years, Mr. Paul enlisted in the U.S. Army in 1967. He was on the front-line in Vietnam for 11 months until he was critically wounded in 1968. He was told he needed numerous

surgeries available to him only in a Veterans Affairs (VA) hospital. Mr. Paul was hospitalized for over a year and today he's a disabled veteran who isn't eligible for an allotment under current law because he left the military service too early. Mr. Mayo highlighted that although Mr. Paul did receive a purple heart, he did not receive an allotment. However, Mr. Paul could receive an allotment under the pending amendments, which expand the military service dates to include the entire Vietnam era.

[1:16:31 PM](#)

MR. MAYO added that Ruben Mixsooke also volunteered and bravely served in Vietnam, but in 1969 he was forced to leave military service because both of his legs were blown off by a mine. Mr. Mixsooke's veterans' allotment was denied because he didn't serve the required six months of military service between January 1, 1969 and December 31, 1971. Mr. Mixsooke could also receive an allotment under the pending amendments, which expand the military service dates to include the entire Vietnam era.

[1:19:38 PM](#)

REPRESENTATIVE THOMAS surmised that there are between 20 and 30 Native Vietnam veterans in Haines, Klukwan, and Skagway that would qualify [for an allotment].

CHAIR LYNN inquired as to how many people are excluded because of the time limits.

MR. MAYO responded that he didn't have that breakdown with him.

[1:20:32 PM](#)

EDWARD K. THOMAS had his testimony read by Desiree Duncan as follows:

The Central Council of the Tlingit & Haida [Indian Tribes of Alaska] represents about 26,000 members throughout Alaska and the United States. Our council evolved out of the dedication of our people to retain our subsistence way of life. Crucial to this way of life is the lands we have used for many, many generations. Most of this land is now within the Tongass National Forest and has been since 1909. The problem for us is about in order to get an allotment, you must prove you used the land before it was

withdrawn. This means we have very few allotments as compared to other areas of Alaska. Our 26,000 members have only 22 certified or approved allotments and 31 allotments that are pending, but not approved. The Sitka Tribe has recently told me that its 3,900 members have only 13 certified, 3 approved, and 1 pending allotment. We are certain that your resolution will convince Congress to amend the Alaska Native Vietnam Veterans Act and reopen allotments located in the Tongass National Forest that were denied because the land in Southeast Alaska was withdrawn for the Tongass in the very early 1900s. It is well known that the government did not tell people about allotments until the late 1960s and early 1970s, but by then, many who could have applied for allotments in the Tongass were deceased. A federal court case named Shields v. United States was brought in 1983 by several hundred people who had applied [for] allotments in the Tongass, but were born after the land was withdrawn. The applicants hoped that the court in the Shields case would interpret the language in the allotment act in a manner that would allow their ancestors use of their allotment land to count, but the court ruled the law required the applicants to personally use land before it was withdrawn. Thus, there are very few allotments in Southeast Alaska. Adding to the pending amendments, a provision to reopen (indisc.) under Shields will solve this disparity.

MR. THOMAS' testimony continued:

Our veterans are also prevented from obtaining allotments because the Veterans Allotment Act specifically prohibits veterans' allotments in national forests. The amendments to the Veterans Allotment Act, introduced in Congress as H.R. 1811 and S. 2000, will allow for allotments in the Tongass National Forest. The amendments also provide other important changes. The amendments open up the qualifying dates for the veterans who served in the Vietnam era, covering August 5, 1964 to May 7, 1975. It allows veterans' allotments on any vacant federal land, extends legislative approval for veterans' allotments unless protests are lodged, allows the state and Native corporations to voluntarily give up land for veterans' allotments, and allows heirs of

deceased veterans to apply. For those who might think allowing more allotments will just increase the time it takes for the federal government to finalize the land transfers in Alaska, including the land the state is entitled to, I assure you that the amendments will not add more time, it will decrease it. This is true because of the legislative approval provision in the amendment. Legislative approval saves time and money. In fact, the finalization of land transfers cannot happen by 2009 without the expansion of legislative approval to all pending cases Congress enacted the Alaska Native Allotment Act in 1906 so that Alaska Natives would obtain title to land and resources that fed, clothed, and sheltered them for thousands of years. Many Alaska Natives still wait for that promised title. I urge this committee to pass House Joint Resolution (HJR) 27 and in doing so, urge Congress to amend the Veterans Allotment Act and reopen allotments in the Tongass National Forest.

[1:25:56 PM](#)

TED SUCKLING, Alaska Native Veterans Association, Post 3, expressed his hope that HJR 27 passes. He relayed that while growing up around Nenana, the land which he was using during the late 1960s/early 1970s was federal land which has since been taken over by the [State of Alaska]. He further relayed that he has very little [land] to choose from [in Nenana].

[1:27:33 PM](#)

REPRESENTATIVE RICHARD FOSTER, Alaska State Legislature, informed the committee that [constituents] in his district would easily qualify under the provisions of this bill. He noted that due to cultural differences, it's difficult for many of his constituents to complete paperwork, which is why nonprofits in Nome have taken it upon themselves to help veterans do so. He surmised that at least half of the eligible veterans who would have qualified in the late 1990s, before the deadline, probably didn't even bother applying. He relayed that these people have had the use of these lands since childhood for their subsistence needs. He stated that he would support this bill all the way and he would encourage/hope that the committee members move the bill and keep it going.

[1:30:51 PM](#)

REPRESENTATIVE COGHILL requested that upon a quorum, the committee adopt Version G, which is dated 2/21/06. He added that copies of HJR 27 will be sent to the [the chair of the U.S. Senate Committee on] Energy and Natural Resources and the chair of the [U.S.] House Committee on Resources. Therefore, the resolution will be sent to the committees of referral and then to [the Alaska] congressional delegation. He opined that from 1906 until now, the Native allotment issue has been handled rather poorly. He said, "This is our opportunity, really, to open up a window, or at least request that a window be opened up for those that were in service when they closed down the allotment issue in 1969." He further opined that it's a reasonable request. He relayed that there is a possibility of state land being involved and that he will do whatever he can to ensure the flexibility to get state land into hands where it's needed as well as to work closely with the [Alaska] congressional delegation. He noted his intention to follow this resolution all the way to Congress and make the case for Alaska Native Vietnam veterans.

[1:33:15 PM](#)

REPRESENTATIVE THOMAS suggested that the committee waive HJR 27.

REPRESENTATIVE CISSNA agreed to waiving HJR 27.

REPRESENTATIVE COGHILL said that if the committee waived HJR 27, he would present the CS to the other committee of referral.

[1:37:37 PM](#)

REPRESENTATIVE THOMAS moved to adopt CSHJR 27, Version 24-LS0291\G, Bullock, 2/21/06, as the working document. There being no objection, Version G was before the committee.

[1:38:05 PM](#)

REPRESENTATIVE THOMAS moved to report CSHJR 27, Version 24-LS0291\G, Bullock, 2/21/06, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHJR 27(MLV) was reported out of the House Special Committee on Military and Veterans' Affairs.

HJR 33-SUPPORTING IN-STATE MED. CARE FOR VETS

[1:38:52 PM](#)

CHAIR LYNN announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 33, urging the Alaska Department of Health and Social Services to seek authority and funding from the United States Department of Veterans Affairs to establish a system allowing Alaska veterans treatment in both public and private Alaska facilities.

[1:39:19 PM](#)

REPRESENTATIVE PETE KOTT, Alaska State Legislature, speaking as the sponsor, explained that HJR 33 encourages the [U.S.] Department of Veterans Affairs to consider allowing Alaska veterans who currently receive [health care] services in the Lower 48, primarily in Portland or Seattle veterans' hospitals, to receive health care services in Alaska. He noted that in 2004, [the State of Alaska] spent approximately \$2 million in transporting Alaska veterans to Portland or Seattle veterans' hospitals. In addition, HJR 33 is requesting the consideration of a credit-like card, which would allow veterans to receive health care services from their provider in Alaska. The provider would be reimbursed by the Alaska Department of Health and Social Services, which would be reimbursed by the U.S. Department of Veterans Affairs. He mentioned that Alaska doesn't have the population to justify building a veterans' hospital.

[1:41:59 PM](#)

REPRESENTATIVE KOTT, in response to Chair Lynn, confirmed that the concept of a credit-like card, which would allow veterans to receive health care services from their provider in Alaska, is a novel one. He opined that it would be more efficient, and added that it would alleviate the burden of paperwork placed on veterans.

[1:46:17 PM](#)

RIC DAVIDGE, President, Vietnam Veterans of America, Chapter 904; Chairman, Alaska Veterans Foundation, provided the following testimony:

As most of you know, over the last three years, all of the nine National Veterans Organizations of America have been working together, which is a unique thing, to address the failure of Congress and our various administrations to meet the legally required, and certainly morally obligated needs, of our current and

future veterans (indisc.) in their health care area. But we've seen little progress. The problems actually, in our study, appear to be structural and it's time for some new ideas. I think, as a nation, we recognize that we ensure the health care of the poor, the old, and even our illegal immigrants, but not for the men and women who stand guard for America. Alaska is now, and will likely continue to be, at its highest military deployment since World War II. It means more and more Alaskans are serving in harm's way overseas. Alaskans are being killed and wounded, and their families are hurting. Not just because their husbands, wives, or family members are in harm's way, but also because they're financially distressed. If you have a copy of our talking paper, one of the interesting things that Alaskans don't understand is if you're in the active reserve or National Guard and you're activated and you have a full-time job, you have just lost the health care from that full-time job, although you may be guaranteed to return to that job. Your family has lost the full-time health care that's provided by that job. Now they certainly receive a certain amount of health care while you're in service, but when you come back from overseas service, and probably/possibly with some injury, those injuries are excluded from new health care programs that you may apply for, and Alaskans are being hurt because of that. One of the problems I'm going to speak off the paper for a minute, and I hope that the staff has provided you with our talking paper, and this is an active talking paper that goes through the structural programs and what this program would try to do. I think we have an opportunity in Alaska because of our nature, because we're so rural, because we have veterans spread literally thousands of miles around, to look at some new ideas. The VA does encourage what they call demonstration programs. We think Alaska would be an excellent demonstration project and in recent conversations from (indisc.) with our president in Washington, D.C. of the Vietnam Veterans of America, he's very encouraged with this idea. I just provided you today a copy of his recent testimony before Congress, playing out that this \$4.7 billion short in the VA health care program. What we're trying to do here is stop setting up new hospitals/new clinics, shipping veterans out of Alaska at the cost of millions of dollars, and at the economic loss to

the medical community in Alaska in the tens of millions. Because the services are here, but the bureaucracy has a certain mind set. We think we could go back to what would be characterized as the old system. We actually have VA people working at Providence Hospital in the intake/services area. These are VA employees, VA doctors, VA nurses, public health people as well, who are providing services to veterans. The veteran would go to the hospital, show their veteran card, which showed that they had a certain connected disability or they were retired or whatever, and then take advantage of the services of that private health care claim or hospital.

[1:50:14 PM](#)

MR. DAVIDGE continued his testimony:

What this does is ensure a more efficient use of the existing privately provided medical care facilities in the state. Why we send, as the sponsor said, we spent \$2 million last year sending veterans out of the state for medical services, all of which are provided in the state. I've talked to the directors of Providence [Hospital], I've talked to the directors of Alaska Regional, and no one can find medical service need that is not provided in Alaska that these guys are being sent off to be treated for, other than residential [Post Traumatic Stress Disorder (PTSD)] programs. We think that we should really sit down, and the resolution directs basically the State of Alaska to sit down and think creatively about a partnership, if you will, with the veterans' administration in providing Alaska veterans this health care. We believe, in the work that we've done, and I think if you look at the material that we provided you, it would show that rather dramatically, we can not only save the veterans' administration a huge amount of money, but we can better take advantage and support the private medical facilities in our state. Why create a new hospital, a veterans' hospital, we don't have one up here. We sort of have one over at the Air Force base, but not really. When the veteran or their family can go to their doctor of choice, their hospital of choice, show their card, if they have a service-connected disability, a percentage of that disability would be taken off the bill, etc.

It's a very easily put-together concept. One of the things that we discovered is that \$9-\$10 million a year is returned to the Alaska VA to a third party village. In other words, you go to the VA, you get treatment, and they say do you have any other medical insurance? Well I have Blue Cross, okay fine. The VA then bills Blue Cross for a percentage of your medical services. That money, we think, as is the case in Native health care program, should be returned to the state, not the VA. That would be seed money to begin a program within the Alaska Department of Health and Social Services to begin to provide Alaska veterans the medical services that they need in the state. We don't have all the answers, but the effort over the last three years by the nine National Veterans Organizations who finally have come together over this issue have also not found the answers. We need a program that ensures that those men and women from Alaska who stand guard for America get the medical services they need when they come. We think that this is a good, positive first step. We would hope that the state would put together a working task force, bring together the people involved in this, and sit down and look at a way to do this. My discussions with the doctors, leading doctors in Anchorage and both of the hospitals, clearly indicate that they would be very supportive of this. We would literally be returning tens of millions of dollars in medical services that are currently being provided in Oregon or Seattle, or even some cases back East for Alaska veterans. That money would be spent in Alaska, so it would have a huge economic benefit as well as a benefit to Alaska veterans.

[1:53:39 PM](#)

MR. DAVIDGE continued his testimony:

Being a disabled veteran who has to go outside of the state because the VA decides that I have to do that for medical services, at times when those services put significant multiple stress on wife, my children, and separates me from them. If we want to encourage care and healing, having families together at these critical times is very, very important. I have members within my organization, Vietnam Veterans of America, they have to go out monthly for radiation

treatment. All of that service is provided here in the state of Alaska. But they have to absorb, on themselves, the cost of taking their wives, or their husbands in one case, with them so that they have that kind of emotional support. We think this is a good, very positive first step and we look forward to immediate action by your committee and this legislature to move this forward.

CHAIR LYNN opined that HJR 33 is a "pretty good bill" and added that it would be a good idea to assemble a group to work on this issue.

[1:54:52 PM](#)

REPRESENTATIVE CISSNA referred to page 2, lines 16-17, which says: "establish a system allowing Alaska veterans to be treated in public or private facilities in the state whenever possible", and asked Representative Kott:

Was it your intention that we were really talking as close to home means that it would be essentially across the state people in say Hoonah, if there was in fact the facility that could give the service needed, could give that service in Hoonah, rather than the regional center?

REPRESENTATIVE KOTT confirmed that Representative Cissna is correct.

REPRESENTATIVE CISSNA said, "I'm very, very much in favor of this and I do appreciate that understanding that we're really talking about services truly, truly in Alaska, as close to home as possible."

[1:57:16 PM](#)

REPRESENTATIVE DAHLSTROM moved to report HJR 33 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HJR 33 was reported out of the House Special Committee on Military and Veterans' Affairs.

[1:58:04 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:58 p.m.