

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 3, 2007

8:07 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Carl Gatto

COMMITTEE CALENDAR

HOUSE BILL NO. 179

"An Act relating to insurance for public employees, teachers, and certain retired public employees and teachers and to supplemental employee benefits; relating to teachers' and public employees' defined benefit retirement plans, to teachers' and public employees' defined contribution retirement plans, to employee and employer contributions to the teachers' retirement system and the public employees' retirement system, and to the administration of the Public Employees' Retirement System of Alaska and the deferred compensation program for state employees; establishing in the Department of Revenue the teachers' retirement system past service cost liability account and the public employees' retirement system past service cost liability account; relating to benefits of, references to federal law in, and investments in the teachers' retirement system and the public employees' retirement system; modifying the jurisdiction of the independent office of administrative hearings as related to retirement and related personnel benefits; and providing for an effective date."

- MOVED CSHB 179(STA) OUT OF COMMITTEE

HOUSE BILL NO. 210

"An Act relating to the appointment and qualifications of the adjutant general."

- MOVED HB 210 OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 7

Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

- HEARD AND HELD

HOUSE BILL NO. 45

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries; and establishing the Alaska veterans' cemetery fund in the general fund."

- MOVED CSHB 45(MLV) OUT OF COMMITTEE

HOUSE BILL NO. 52

"An Act relating to driver's licenses for persons under 18 years of age."

- BILL HEARING CANCELED

HOUSE BILL NO. 193

"An Act relating to the composition of the Alaska Police Standards Council; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 179

SHORT TITLE: PUBLIC EMPLOYEE/TEACHER RETIREM'T SYSTEMS

SPONSOR(S): REPRESENTATIVE(S) KELLY

03/05/07	(H)	READ THE FIRST TIME - REFERRALS
03/05/07	(H)	STA, FIN
03/29/07	(H)	STA AT 8:00 AM CAPITOL 106
03/29/07	(H)	Heard & Held
03/29/07	(H)	MINUTE(STA)
03/31/07	(H)	STA AT 10:00 AM CAPITOL 106
03/31/07	(H)	Heard & Held
03/31/07	(H)	MINUTE(STA)

04/03/07 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 210

SHORT TITLE: QUALIFICATIONS OF THE ADJUTANT GENERAL

SPONSOR(S): REPRESENTATIVE(S) DAHLSTROM

03/21/07 (H) READ THE FIRST TIME - REFERRALS
03/21/07 (H) MLV, STA
03/29/07 (H) MLV AT 1:00 PM BARNES 124
03/29/07 (H) Moved Out of Committee
03/29/07 (H) MINUTE(MLV)
03/30/07 (H) MLV RPT 4DP 1NR
03/30/07 (H) DP: FAIRCLOUGH, DAHLSTROM, BUCH, ROSES
03/30/07 (H) NR: KAWASAKI
04/03/07 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 7

SHORT TITLE: CONST AM: GENDER-NEUTRAL REFERENCES

SPONSOR(S): REPRESENTATIVE(S) GATTO

01/30/07 (H) READ THE FIRST TIME - REFERRALS
01/30/07 (H) STA, JUD, FIN
04/03/07 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 45

SHORT TITLE: STATE VETERANS' CEMETERY & FUND

SPONSOR(S): REPRESENTATIVE(S) GUTTENBERG, DOLL

01/16/07 (H) PREFILE RELEASED 1/5/07
01/16/07 (H) READ THE FIRST TIME - REFERRALS
01/16/07 (H) MLV, STA, FIN
02/13/07 (H) MLV AT 1:00 PM CAPITOL 124
02/13/07 (H) Heard & Held
02/13/07 (H) MINUTE(MLV)
02/20/07 (H) MLV AT 1:00 PM CAPITOL 124
02/20/07 (H) -- Meeting Canceled --
02/22/07 (H) MLV AT 1:00 PM CAPITOL 124
02/22/07 (H) Moved CSHB 45(MLV) Out of Committee
02/22/07 (H) MINUTE(MLV)
02/26/07 (H) MLV RPT CS(MLV) 5DP
02/26/07 (H) DP: LEDOUX, KAWASAKI, RAMRAS, BUCH,
ROSES
04/03/07 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE NANCY DAHLSTROM

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 210 as prime sponsor.

McHUGH PIERRE, Director of Communications
Office of the Commissioner/Adjutant General
Department of Military & Veterans Affairs
Fort Richardson, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 210.

SANDRA WILSON, Intern
to Representative Carl Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HJR 7 on behalf of Representative Gatto, prime sponsor.

HEATH HILYARD, Staff
to Representative Gatto
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered information to the committee during the hearing on HJR 7, on behalf of Representative Gatto, prime sponsor.

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 45 as joint prime sponsor.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [8:07:21 AM](#). Representatives Roses, Coghill, Johnson, Gruenberg, Doll, and Lynn were present at the call to order. Representative Johansen arrived as the meeting was in progress.

[8:07:51 AM](#)

CHAIR LYNN announced the passing of former Representative Jim Elkins, and asked those in the room to stand for a moment of silence.

REPRESENTATIVE GRUENBERG expressed his appreciation for the late Representative Elkins as a person and a legislator. He said he will be missed.

HB 179-PUBLIC EMPLOYEE/TEACHER RETIREMENT SYSTEMS

8:09:09 AM

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 179, "An Act relating to insurance for public employees, teachers, and certain retired public employees and teachers and to supplemental employee benefits; relating to teachers' and public employees' defined benefit retirement plans, to teachers' and public employees' defined contribution retirement plans, to employee and employer contributions to the teachers' retirement system and the public employees' retirement system, and to the administration of the Public Employees' Retirement System of Alaska and the deferred compensation program for state employees; establishing in the Department of Revenue the teachers' retirement system past service cost liability account and the public employees' retirement system past service cost liability account; relating to benefits of, references to federal law in, and investments in the teachers' retirement system and the public employees' retirement system; modifying the jurisdiction of the independent office of administrative hearings as related to retirement and related personnel benefits; and providing for an effective date."

8:09:45 AM

REPRESENTATIVE ROSES moved to adopt Amendment 1, labeled 25-LS0252\M.1, Wayne, 4/2/07, which read as follows:

Page 2, line 3:
Delete "a new subsection"
Insert "new subsections"

Page 2, line 4:
Delete "2007"
Insert "2010"

Page 2, line 6:
Delete "five"
Insert "one"

Page 2, following line 6:
Insert new bill subsections to read:

"(f) Beginning with the payroll for the first pay period in July 2011, a member shall contribute to the plan, in addition to the combined total of the amounts calculated in (a) and (e) of this section, an amount equal to two percent of the member's base salary.

(g) Beginning with the payroll for the first pay period in July 2012, a member shall contribute to the plan, in addition to the combined total of the amounts calculated in (a), (e), and (f) of this section, an amount equal to two percent of the member's base salary."

[8:10:20 AM](#)

REPRESENTATIVE JOHNSON objected for discussion purposes.

[8:10:44 AM](#)

REPRESENTATIVE ROSES explained the intent of the amendment. He noted that there are several labor contracts that have either recently been settled or have the potential of being settled before the proposed legislation would go into effect. He said one of the questions in negotiating a labor contract is deciding how much the take-home pay will be and comparing that take-home pay with that of the last contract. He said people negotiate the contracts in good faith; they expend a lot of effort and equity. For example, Representative Roses noted that the Anchorage Education Association was in negotiations for two years. He stated his concern is related to retroactivity. He explained, "If you know going in that you're going to have issues that are impacting your take-home pay, you negotiate differently. And so, to have this go in effect after the fact, to me becomes ... a retroactive bill; it's something over which they had no control in negotiations." He clarified that negotiations are not made on employee contributions; however, they are made involving "everything else," which has a direct impact on take-home pay. He concluded, "So, I felt if we were going to put the 5 percent in, ... it at least ought to be delayed so that we hold harmless those contracts that have just gotten settled, or those that may be settled here in the near future."

The committee took an at-ease from [8:12:33 AM](#) to [8:15:05 AM](#).

[8:15:26 AM](#)

REPRESENTATIVE GRUENBERG reminded the committee that he had asked for a legal opinion regarding a memorandum - referenced during the last hearing on HB 179 - from Legislative Legal and Research Services, dated January 29, 2005, [included in the committee packet]. [That opinion was noted at the time to be in conflict with that of the attorney general.] He drew attention to the response to his request, made via memorandum dated April 2, 2007, from Dan Wayne, Legal Council, Legislative Legal and Research Services, in which Mr. Wayne concurs with the Attorney General's opinion. He paraphrased an excerpt of the AG's opinion, which read as follows [original punctuation provided]:

These statement [sic] and the analysis that follows them in the LAA memorandum are not consistent with the Alaska Supreme Court's repeated rulings that an employee's rights under the retirement systems vest -- i.e., are "accrued" -- at the time the employee first enrolls in the system, and that those accrued rights include not only the amount of and eligibility requirements for benefits, but also "the practical effect of the whole complex of provisions" of the systems.

[8:17:19 AM](#)

REPRESENTATIVE COGHILL remarked, "There is section in here that talks about the strong argument that the 5 percent may not be considered an accrued benefit. So, I think that there is room for argument."

[8:18:17 AM](#)

REPRESENTATIVE ROSES, in response to being asked if he would consider withdrawing his amendment so that Representative Doll could offer an amendment, stated:

The concern that I have is the legal part of it. I understand where Representative Kelly is going, and I understand the arguments that he's making, in terms of everybody having skin in the game, but part of the concern that we have is: when there were surpluses in the account, what happened at that point in time is they reduced the amount that the employers paid; they never did reduce the amount the employee paid. So, now, when there's a shortfall, we're trying to get the employees to kick in, whereas if that reduction hadn't been made, we maybe wouldn't have been in quite as bad

a shape as we are. So, ... this is one of those ones where you're kind of caught in the middle. I don't like the 5 percent, but if we are going to put the 5 percent in, I think it needs to be taken care of properly. So, it appears to me from the discussions that I've had with the other members sitting around the table that they are not going to pass this amendment that I've made; that they're more in favor of reducing the 5 percent. So, we can either vote it up or vote it down.

[8:19:28 AM](#)

REPRESENTATIVE COGHILL recommended that Representative Doll offer her amendment as an amendment to Amendment 1, rather than having Representative Roses withdraw his amendment.

CHAIR LYNN concurred and suggested that it be conceptual.

[8:19:37 AM](#)

REPRESENTATIVE DOLL moved to adopt [Conceptual Amendment 1 to Amendment 1], which read as follows [original punctuation provided]:

Page 2, lines 3-6

Delete all language

[(E) BEGINNING WITH THE PAYROLL FOR THE FIRST PAY PERIOD IN JULY 2007, A MEMBER SHALL CONTRIBUTE TO THE PLAN, IN ADDITION TO THE AMOUNT CALCULATED IN (A) OF THIS SECTION, AN AMOUNT EQUAL TO FIVE PERCENT OF THE MEMBER'S BASE SALARY]

Page 17, lines 17-19

Delete all language

[(E) BEGINNING WITH THE PAYROLL FOR THE FIRST PAY PERIOD IN JULY 2007, A MEMBER SHALL CONTRIBUTE TO THE PLAN, IN ADDITION TO THE AMOUNT CALCULATED IN (A) OF THIS SECTION, AN AMOUNT EQUAL TO FIVE PERCENT OF THE MEMBER'S BASE SALARY]

[8:21:14 AM](#)

REPRESENTATIVE COGHILL objected. He explained as follows:

This pushes hard against the contribution rate employees need to bring in. But the tension here is you have a 3 to 5 percent, before or after tax - however you want to count it - contribution level that's going to go up, compared to a chunk that the state's going to pick up that is in the double digits and beyond, as far as the overall payment or not only the existing system, but the debt retirement. So, the cost borne by both the employers and the state is not even close to 5 percent; it's not close to 10 percent; it's not close to 50 percent; it gets way, way up there.

... And then, the needle keeps tipping over to the point where the people of Alaska, through their taxes -- now the benefit to Alaskans is: we get oil taxes, so we're not digging it out of people's back pockets very much. But I could conceive of a day where the bill goes to the back pockets of the people of Alaska who are not in state employment. Be that as it may, regardless of where the money comes from, the fact is it's the people of Alaska that pick up that, not only in the double digits, but the double digits that are very high. ... And honestly, [all] I know is that it's high; I honestly don't know where you fix that number; I just know it's way up there.

So, asking employees to step up to the plate: I like the amendment, because it looks past the bargaining deadlines that we have now. I like that part, because I don't think this retroactive thing is -- the case was made very well that it could be very retroactive. And I like the idea of maybe incrementally going into it. Even though that small incremental change becomes, probably, less significant in the overall bill, it's ... a part of saying we're going to feel some responsibility for it. My guess is you would probably bargain for higher wages, so I don't know that the cost really goes to the employee anyway. Eventually, I think the state's going to pick it up. But it's a recognition that we all have to kind of step up to it. So, just taking it out, I think, is not the best policy in my view. And so, I'm going to vote against it. I like the idea that it asks people to come to the table. That's painful, but not any

less painful than everybody else who has to come kind of take care of this bill. So, I'm going to speak against the amendment to the amendment.

[8:24:21 AM](#)

REPRESENTATIVE COGHILL, in response to Representative Gruenberg, explained his previous mention of "may be" and "may not be" was meant to illustrate that he thinks other opinions outside that of Mr. Wayne may be correct.

[8:25:06 AM](#)

CHAIR LYNN said using "may" in legislation is ambiguous.

[8:25:32 AM](#)

REPRESENTATIVE GRUENBERG provided clarification regarding the aforementioned letter from Mr. Wayne. He offered his understanding that [Conceptual Amendment 1 to Amendment 1] would replace the entire Amendment 1, and would be a "flat out deletion of the 5 percent," which would mean that employees would be contributing no more than they currently contribute.

[8:28:05 AM](#)

REPRESENTATIVE DOLL warned, "I think we're running into a lot of trouble if we do not do this. ... Even trying to phase it in, I think we'd be running into a great deal of trouble." She said a great contributor to the unfunded liability is related to health care cost, and she said she would like the legislature to confront that issue.

[8:29:09 AM](#)

A roll call vote was taken. Representatives Johansen, Johnson, Gruenberg, Doll, Roses, and Lynn voted in favor of Amendment 1 to Amendment 1. Representative Coghill voted against it. Therefore, Amendment 1 to Amendment 1 was adopted by a vote of 6-1.

[8:30:18 AM](#)

CHAIR LYNN asked if there was any further discussion on Amendment 1, as amended.

REPRESENTATIVE COGHILL objected to Amendment 1, as amended.

8:30:58 AM

REPRESENTATIVE JOHNSON opined that the state's retirement system is a crushing burden and employees need to share [in that burden]. He stated his primary concern is regarding constitutionality, and he said he doesn't want to see a long legal battle. He said he supports the concept [of Amendment 1, as amended], but is not prepared at this point to "go against the constitution."

8:32:43 AM

REPRESENTATIVE GRUENBERG pointed out that the House State Affairs Standing Committee has changed over the last few years. He explained that an increasing number of bills proposed have legal implications. Not all those bills can go before House Judiciary Standing Committee, thus they are being heard by the House State Affairs Standing Committee. He urged members to be willing to look at legal issues, as well [as policy issues].

8:33:59 AM

REPRESENTATIVE COGHILL remarked that every bill addressed in almost every committee has a legal implication. He said issues of constitutionality properly reside within both the House Judiciary Standing Committee and House State Affairs Standing Committee. He said he is sorry the committee voted - through its adoption of Conceptual Amendment 1 to Amendment 1 - to take out the language proposed by Representative Roses, thus shrinking from bringing employees to the table at a crucial time of discussion. He concluded that he thinks the committee has removed the question of constitutionality.

8:36:02 AM

REPRESENTATIVE ROSES said there has been considerable discussion regarding the issue of 5 percent. Many people he spoke with expressed willingness to support the 5 percent, provided the bill would be heard in the House Judiciary Standing Committee; however, since it was not scheduled for that committee, they felt the 5 percent should be removed. He stated that he understands both sides of the issue. He said he doesn't disagree with Representative Kelly regarding moving forward, and that when people were given benefits years ago, no one had a way of predicting the increased costs. He stated, "With that being

said, I supported the amendment to the amendment, and I'm going to support this amendment, as is."

[8:38:29 AM](#)

REPRESENTATIVE COGHILL [maintained his objection to Amendment 1, as amended.]

[8:38:36 AM](#)

A roll call vote was taken. Representatives Johnson, Gruenberg, Doll, Roses, Johansen, and Lynn voted in favor of Amendment 1, as amended. Representative Coghill voted against it. Therefore, Amendment 1, as amended, was adopted by a vote of 6-1.

[8:39:28 AM](#)

REPRESENTATIVE ROSES noted that there was another amendment in the committee packet that would have been necessary, had Amendment 1 been adopted, unamended; however, it would not be offered now.

[8:40:17 AM](#)

REPRESENTATIVE COGHILL moved to report HB 179, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 179(STA) was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [8:40:47 AM](#) to [8:41:59 AM](#).

HB 210-QUALIFICATIONS OF THE ADJUTANT GENERAL

[8:42:04 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 210, "An Act relating to the appointment and qualifications of the adjutant general."

[8:42:14 AM](#)

REPRESENTATIVE NANCY DAHLSTROM, Alaska State Legislature, presented HB 210 as prime sponsor. She paraphrased the sponsor statement, which read as follows [original punctuation provided]:

House Bill 210, "An act relating to the appointment and qualifications of the adjutant general," is before us to bring attention to the importance of guard duty in relation to its leadership.

In recent years, the Alaska National Guard has undergone major changes. It has seen organizational restructure, increased deployment responsibility and additional missions at home. With the amplified demand for the Alaska National Guard, it is imperative for our state's adjutant general be adequately qualified.

House Bill 210's intent is to positively impact troop morale by appointing leaders who have shared similar experiences and walked in their shoes. Knowing their leader has been down a similar path will create a deeper respect within the troops.

The National Guard Bureau in Washington, D.C. is considering an increase in rank for the bureau chief, from three-star to four-star. Increasing the rank from major general to lieutenant general will give the Alaska National Guard a jump start on this initiative and make our adjutant general more qualified and better received when working with issues back in Washington, D.C. An increase in rank will not impact the state budget and will not increase the adjutant general's salary as a state employee.

It is important to note this legislation does not limit the power of the Governor to appoint a viable candidate as Adjutant General/Commissioner of the Department of Military and Veterans Affairs. This legislation is supported by the Administration and I ask for your favorable consideration.

CHAIR LYNN stated, "It's my understanding that potentially a National Guard general could be advanced to the Joint Armed Services Committee in [Washington], D.C."

[8:45:12 AM](#)

McHUGH PIERRE, Director of Communications, Office of the Commissioner/Adjutant General, Department of Military & Veterans Affairs, confirmed that Lieutenant General Blum (ph) is "looking

at the possibility of staying on," and he is being considered for promotion from three-star to four-star rank.

[8:45:59 AM](#)

REPRESENTATIVE COGHILL asked what the differences are between the requirements of a lieutenant [general] versus a major general.

MR. PIERRE replied that [the lieutenant general] holds a higher level of respect, with more troops serving underneath him/her. He added:

However, that wouldn't change very much in our situation. Simply, it would just allow the level of interaction on the federal, on the national, side of the house to increase, and that way they would have more pull in D.C.

REPRESENTATIVE COGHILL summarized as follows:

The intent, then, is to try to ratchet up the level of qualification. I see you have five-years' experience, and so the intention here is to ratchet up the level of experience so that ... getting this higher grade, this general grade officer, ... not only would be recognized as an appointed position, but also as an earned position, I take it.

[8:47:21 AM](#)

REPRESENTATIVE DAHLSTROM said that's absolutely correct.

REPRESENTATIVE COGHILL directed attention to page 1, line 5, of the bill, and noted that the language read, "the governor may". He reminded Representative Dahlstrom of Chair Lynn's remarks [during the hearing on HB 179] regarding the ambiguity of using the word "may." He questioned whether the sponsor may want to use a stronger directive, such as by using the word, "shall."

REPRESENTATIVE DAHLSTROM responded that that issue has been discussed between the Department of Military & Veterans Affairs and the administration, thus she deferred the question to Mr. Pierre.

MR. PIERRE stated that the department wants to keep the power of governor intact, which he said is not only important from the

standpoint of the governor, but also in finding a viable candidate. He explained that if there are no viable candidates, the department doesn't want to set limitations that would "hinder the growth of the organization." He said the department believes that with the increasing demands on the National Guard, there must be a strong leadership to guide the organization and help it grow.

REPRESENTATIVE COGHILL said although the verbiage in the bill gives direction, the use of the word "may" is not strong. The word "shall" is too strong, he said; therefore, he questioned whether the word "should" could be a possibility.

REPRESENTATIVE DAHLSTROM said she does not know about the legality of using the word "should."

CHAIR LYNN noted that if the governor does not do what he/she "should" do, than he/she is doing something that should not be done, which he said would not make him very comfortable if he were governor.

REPRESENTATIVE COGHILL explained that he has discovered in the past that the common sense use of a word sometimes differs from its legal definition. He said his concern over the semantics is not such that he wants to slow down bill. He said he thinks the bill gives some direction that the legislature would "prefer qualifications at the five-level mark ... in military service." On the other hand, he indicated that he does not want to disallow the possibility of finding someone in the Department of Homeland Security who didn't necessarily have the "heavy military experience."

[8:50:41 AM](#)

MR. PIERRE clarified that a person must be a federally recognized general officer in order to "have this position." Furthermore, the increase in rank would only happen if approved on "the federal side of the House."

REPRESENTATIVE COGHILL remarked, "Well then, those are enough 'shoulds' for me."

[8:51:10 AM](#)

REPRESENTATIVE DOLL said the bill uses "may" more than once, and she interpreted that to mean that "it could happen without this bill."

MR. PIERRE confirmed:

It has happened without the bill. Our current adjutant general, General Campbell, is an Alaskan. He's a long time member of the Alaska National Guard - 25 years - so, certainly this happened. It has not happened in the past, and the organization has suffered because of that, according to members of the organization. And the Alaska National Guard Officers' Association feels very strongly that this should be in statute, not directing, but suggesting. And the fact that it's suggesting on statute has enough implication that the future governor will look at that and consider his or her appointment with that much more complication or ... weight behind it.

REPRESENTATIVE DOLL asked for further clarification. She noted, "Because the governor will make the appointment, but you said it also has to be ... mandated or okayed on a federal level, as well."

MR. PIERRE explained:

Well, you must be a federally recognized general officer, so you must have achieved rank that is sufficient to be promoted to Brigadier General, within the military.

[8:53:26 AM](#)

MR. PIERRE, in response to a request from Representative Roses, stated for the record that major general is a "two-star" and a lieutenant general is a "three-star."

REPRESENTATIVE ROSES opined that if there is any state in the Union where the adjutant general deserves to be considered for a higher rank, it ought to be the state of Alaska. He explained that the level of engagement that the National Guard has in Alaska far exceeds any other state. He said many of the generals he has met have spoken to the fact that Alaska "sets the standard on the way the [National] Guard and the active military should engage." He mentioned, by way of example, the disaster on the H.M.S. Tireless, emphasizing the expediency with which the National Guard took over the responsibility of the otherwise engaged Coast Guard. He stated his support of HB 210.

[8:56:03 AM](#)

MR. PIERRE, in response to a question from Representative Doll, clarified that Alaska's current adjutant general is not a lieutenant general. According to federal law and Alaska State Statute, the adjutant general can only be a two-star general, which Mr. Pierre reviewed is a major general.

REPRESENTATIVE DOLL noted that the language, [on page 1, line 8], specifies that the adjutant general "may not exceed **lieutenant** [MAJOR] general." She asked what the next rank up would be.

MR. PIERRE answered, "General." He continued:

Due to federal requirements ..., the National Guard bureau chief is a rank above the adjutant generals. Therefore, if the National Guard bureau chief is to be a four-star general, the adjutant generals would be a three-star general.

[8:56:55 AM](#)

REPRESENTATIVE DAHLSTROM offered a means by which the committee could memorize the rank of generals from bottom to top: "be my little general." Using the first letter of each word, "b" stands for brigadier general, "m" stands for major general, "l" stands for lieutenant general, and "g" stands for the top ranking general.

[8:57:55 AM](#)

REPRESENTATIVE GRUENBERG said adding an additional star on Alaska's adjutant generals will help maintain their independence. He discussed other legislation.

CHAIR LYNN expressed appreciation of the Alaska National Guard.

[9:01:22 AM](#)

REPRESENTATIVE DAHLSTROM, in response to a question from Representative Coghill, said she does not believe there is a need for an effective date on the bill.

[9:01:30 AM](#)

REPRESENTATIVE ROSES moved to report HB 210 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 210 was reported out of the House State Affairs Standing Committee.

The committee took an at-ease from [9:02:07 AM](#) to 9:03:42 and again from [9:03:47 AM](#) to 9:04:22.

[9:04:26 AM](#)

REPRESENTATIVE ROSES noted that the association of the adjutant generals would be meeting this June in Anchorage.

HJR 7-CONST AM: GENDER-NEUTRAL REFERENCES

[9:05:34 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE JOINT RESOLUTION NO. 7, Proposing amendments to the Constitution of the State of Alaska to avoid the use of personal pronouns and similar references that denote masculine or feminine gender in that document.

[9:05:51 AM](#)

SANDRA WILSON, Intern to Representative Carl Gatto, Alaska State Legislature, introduced HJR 7 on behalf of Representative Gatto, prime sponsor. She paraphrased the sponsor statement, which read as follows [original punctuation provided]:

HJR 7 removes all masculine or feminine terms from the Constitution of the State of Alaska. This resolution deletes the terms "his," "him," and "himself" and replaces them with terms as "oneself," "Governor," "Governor-elect," "Lieutenant Governor," "Legislator," "members," "executive," "justice or judge," "voter," "person's," "auditor," and "accused." Other changes that occur make the sentences grammatically correct.

Some of our oldest and youngest states in the union such as New York and Hawaii have amended their constitutions to reflect gender neutrality. The framers of our constitution went to great lengths in the construction of the Constitution to recognize gender equality and it is in that spirit and as a continuation of their leadership that we seek to

modify our constitution in recognition of the progress in our society and culture.

This resolution is before us now because it is time for us to recognize a significant moment in Alaska history, a time when we elected our first female Governor. The administration fully supports this effort.

I ask for your support.

[9:07:16 AM](#)

CHAIR LYNN noted that there is also an effort being made by some to change the Holy Bible to gender neutral language. He pointed out, "'Man' is generic for 'mankind' or even 'humankind.'" He asked Ms. Wilson if the resolution is addressing a problem with language or the way the language is interpreted.

[9:07:52 AM](#)

MS. WILSON said the sponsor wants to give significance to having a female governor, because currently everything reads "he" or "himself" or "his."

CHAIR LYNN concluded that it is just the pronouns that are being changed.

[9:08:27 AM](#)

REPRESENTATIVE ROSES said he understands the intent of the [resolution] and will not vote against it, even though he sees it as unnecessary. He explained that back when he was in high school, "he" meant either gender. Most language, including the state constitution and Masons Rules, for example, follows Standard English. He said, "I don't think when this language was written it ever, in any way, shape, or form excluded females from having those positions."

[9:10:07 AM](#)

REPRESENTATIVE GATTO said he is okay with saying "all mankind," but he thinks of this as a matter of courtesy. He said he thinks those representatives who are female would prefer the proposed language, and he pointed out that it does no harm.

[9:11:01 AM](#)

REPRESENTATIVE DOLL said she thinks the resolution is wonderful and timely.

[9:11:26 AM](#)

REPRESENTATIVE GRUENBERG said he strongly supports the resolution. He recollected that somewhere - either in the constitution or in statute - the lieutenant governor is still referred to as the secretary of state. He indicated that that issue may have been "cleaned up" but he is just mentioning it. He stated that he would like to cosponsor HJR 7.

[9:12:14 AM](#)

REPRESENTATIVE COGHILL said he would be asking for a legal opinion regarding HJR 7 and revision of the constitution to find possible ramifications. He said he would prefer that the resolution stay in the House State Affairs Standing Committee until that information has been reviewed; however, he noted that he sits on the House Judiciary Standing Committee, which is the next committee of referral for HJR 7. He emphasized how many different articles of the Constitution of the State of Alaska this proposed legislation would affect.

[9:14:27 AM](#)

REPRESENTATIVE GRUENBERG said his staff just informed him that "secretary of state" is found in the proposed resolution on page 2, line 16, and on page 5, line 26. He indicated that there had been a prior constitutional amendment a number of years ago, but those two references were overlooked. He said he would like to offer an amendment to address this issue.

[9:15:52 AM](#)

HEATH HILYARD, Staff to Representative Gatto, Alaska State Legislature, on behalf of Representative Gatto, prime sponsor of HJR 7, informed Representative Gruenberg that according to Legislative Legal and Research Services, it is not allowable to address "two separate subject areas" in one constitutional amendment.

REPRESENTATIVE GRUENBERG said he would hold off on addressing the matter.

CHAIR LYNN said it is a subject that needs to be addressed.

[9:17:03 AM](#)

REPRESENTATIVE DOLL asked if the committee would like a motion on the resolution.

[9:17:15 AM](#)

REPRESENTATIVE JOHNSON said he would like to hold the resolution in order to get answers to the legal questions.

[9:17:45 AM](#)

REPRESENTATIVE JOHANSEN said he likes the thought behind the bill. He stated that he has three daughters, and his youngest is learning how to read and questions the slant toward the male gender in literature. He said he thinks moving to gender neutral references is the right thing to do; however, he said he would like hold the bill in committee for one more hearing, out of respect for Representative Coghill's wishes.

[9:18:30 AM](#)

REPRESENTATIVE ROSES concurred.

REPRESENTATIVE GRUENBERG concurred.

[9:18:45 AM](#)

CHAIR LYNN recognized that the year is 2007, but he said it is possible to go overboard in an attempt to be politically correct. He said it's a balancing act. He stated, "If this is written correctly where we don't get silly with it, where we just refer to officers rather than all these pronouns, I probably won't have that large a problem with it."

[9:19:34 AM](#)

REPRESENTATIVE DOLL indicated that she would [not make a motion today].

[9:19:49 AM](#)

CHAIR LYNN announced that HJR 7 was heard and held.

HB 45-STATE VETERANS' CEMETERY & FUND

[9:20:08 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 45, "An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries; and establishing the Alaska veterans' cemetery fund in the general fund." [Before the committee was CSHB 45(MLV).]

[9:20:25 AM](#)

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, introduced HB 45 as joint prime sponsor. He related that Alaska is no longer eligible for national cemeteries for veterans - the two that exist are in Sitka and Fort Rich - but there are programs the U.S. Department of Veterans Affairs ("the VA") has for establishing state cemeteries. He told the committee that his constituents have been approaching him to request a veterans' burial site closer to home than the one in Anchorage. He said HB 45 would allow the state to apply to the VA for a grant for state cemeteries in eligible communities. The VA would be responsible for the criteria related to the cemeteries.

[9:21:53 AM](#)

REPRESENTATIVE GUTTENBERG, in response to a question from Representative Gruenberg, confirmed that he had introduced legislation regarding the same issue last year, but it "died in the other body."

[9:22:10 AM](#)

REPRESENTATIVE ROSES said he was satisfied by the lengthy and complete bill hearing process that took place in the House Special Committee on Military and Veterans' Affairs on HB 45; therefore, he stated his support of HB 45.

[9:22:46 AM](#)

REPRESENTATIVE ROSES moved to report CSHB 45(MLV) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 45(MLV) was reported out of the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:23:59 AM](#).