

**ALASKA STATE LEGISLATURE
HOUSE EDUCATION STANDING COMMITTEE**

March 3, 2010

8:04 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Robert L. "Bob" Buch

MEMBERS ABSENT

Representative Cathy Engstrom Munoz, Vice Chair
Representative Bryce Edgmon
Representative Wes Keller
Representative Peggy Wilson
Representative Berta Gardner

COMMITTEE CALENDAR

HOUSE BILL NO. 285

"An Act supporting parental involvement in schools through employment of parental involvement coordinators."

- BILL HEARING CANCELED

HOUSE BILL NO. 347

"An Act allowing certain teachers, public employees, and private sector employees to take leave without pay when their spouses are on leave from deployment in a combat zone."

- HEARD & HELD

HOUSE BILL NO. 350

"An Act relating to the local contribution to public school funding; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 347

SHORT TITLE: LEAVE FOR MILITARY SPOUSES

SPONSOR(S): REPRESENTATIVE(S) PETERSEN

02/15/10	(H)	READ THE FIRST TIME - REFERRALS
02/15/10	(H)	EDC, FIN

03/03/10 (H) EDC AT 8:00 AM CAPITOL 106

BILL: HB 350

SHORT TITLE: PUBLIC SCHOOL FUNDING: LOCAL CONTRIBUTION

SPONSOR(s): EDUCATION

02/17/10 (H) READ THE FIRST TIME - REFERRALS
02/17/10 (H) EDC, FIN
02/17/10 (H) EDC AT 8:00 AM CAPITOL 106
02/17/10 (H) <Bill Hearing Rescheduled to 02/19/10>
02/19/10 (H) EDC AT 8:00 AM CAPITOL 106
02/19/10 (H) Heard & Held
02/19/10 (H) MINUTE(EDC)
02/22/10 (H) EDC AT 8:00 AM CAPITOL 106
02/22/10 (H) <Bill Hearing Rescheduled to 02/26/10>
02/26/10 (H) EDC AT 8:00 AM CAPITOL 106
02/26/10 (H) Heard & Held
02/26/10 (H) MINUTE(EDC)
03/03/10 (H) EDC AT 8:00 AM CAPITOL 106

WITNESS REGISTER

PEDER TERLAND, Intern
Representative Pete Petersen
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 347 on behalf of Representative Petersen, prime sponsor.

REPRESENTATIVE PETE PETERSEN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 347 as the prime sponsor.

JEFFREY MITTMAN, Executive Director
American Civil Liberties Union of Alaska (ACLU of Alaska)
Anchorage, Alaska

POSITION STATEMENT: Urged the adoption of an amendment to HB 347.

RIC DAVIDGE, Chairman
Alaska Veterans Foundation; State Council President
Vietnam Veterans of America in Alaska; Chairman Municipal
Commission on Military and Veterans' Affairs
Anchorage, Alaska

POSITION STATEMENT: Testified in favor of HB 347.

STACY BANNERMAN
Medford, Oregon

POSITION STATEMENT: Testified in favor of HB 347.

DAVE JONES, Assistant Superintendent
Kenai Peninsula Borough School District (KPBSD)
Soldotna, Alaska

POSITION STATEMENT: Testified in favor of HB 350.

GEORGE TROXEL, Superintendent
Mat-Su Borough School District
Palmer, Alaska

POSITION STATEMENT: Testified in opposition to HB 350.

COLLEEN VAGUE, President
Mat-Su District School Board
Palmer, Alaska

POSITION STATEMENT: Testified during the hearing on HB 350.

ACTION NARRATIVE

[8:04:26 AM](#)

CHAIR PAUL SEATON called the House Education Standing Committee meeting to order at 8:04 a.m. Representatives Seaton and Buch were present at the call to order.

HB 347-LEAVE FOR MILITARY SPOUSES

[8:04:50 AM](#)

CHAIR SEATON announced the first order of business would be HOUSE BILL NO. 347, "An Act allowing certain teachers, public employees, and private sector employees to take leave without pay when their spouses are on leave from deployment in a combat zone."

[8:05:49 AM](#)

PEDER TERLAND, Intern, Representative Pete Petersen, Alaska State Legislature, introduced HB 347, paraphrasing from a prepared statement that read as follows [original punctuation provided]:

The leave a soldier has from a combat zone is sacred. This time with their family is in some cases the last time they may see them.

Although HB347 is six pages long it is really a simple concept.

This law will apply to school districts, state and local governments, and private sector employers with 20 or more employees. It will allow the employees to take up to 10 days of unpaid leave to spend time with their spouses before they return to combat.

Combat Zones are:

Arabian Peninsula Areas including the Persian Gulf; Kosovo; Afghanistan.

While The Federal Family & Medical Leave Act already grants up to 12 weeks of job protected leave for military family members in many situations, including times of R&R, it is restricted to members of the Guard and Reserves. It does not apply to members of the regular Armed Forces. This is an inequity that exists that needs to be corrected.

We have heard of opposition to this bill and that it would place undue hardships on employers. In response we have prepared some amendments for future consideration.

There are ten other states that have enacted similar legislation.

The bill has a zero fiscal note.

[8:08:45 AM](#)

CHAIR SEATON restated HB 347 provides leave for military spouses. He asked for the subject matter of the amendments.

[8:09:11 AM](#)

MR. TERLAND explained the first and third amendments offer two versions of proposed language that requires 48 hours of advance notice for a leave request. The second amendment offers an

exemption from HB 347 for school districts with 20 or fewer employees.

[8:10:03 AM](#)

CHAIR SEATON noted these points were raised by small school districts concerned about arranging for substitutes without advance notice, and that substitutes may not be available at all.

[8:11:20 AM](#)

REPRESENTATIVE PETE PETERSEN, Alaska State Legislature, informed the committee similar legislation was enacted in other states to provide a benefit for active military equal to what is available through federal legislation to families of members of the National Guard and Reservists.

[8:12:45 AM](#)

JEFFREY MITTMAN, Executive Director, American Civil Liberties Union of Alaska (ACLU of Alaska), stated the ACLU of Alaska, in order to fully support HB 347, requests the committee consider an amendment. He pointed out that although the state restricts the marriage of same-sex partners, the state constitution recognizes and grants equal employment and benefits to same-sex partners. Based on legal standing, Mr. Mittman urged the legislature to include same-sex partners in the provisions of HB 347. He opined without the inclusion of same-sex partners, passage of the bill would lead to legal challenges.

[8:15:26 AM](#)

CHAIR SEATON asked whether the current "don't ask, don't tell" policy would "put a person in the military at risk" when applying for the benefits provided by HB 347.

[8:15:58 AM](#)

MR. MITTMAN advised the aforementioned military policy may be overturned soon; nevertheless, this legislation affects the civilian family member, and the "don't ask, don't tell" policy would not apply. He provided an example of a violation, and said, "We don't anticipate that any but the most negative or unpatriotic employers would take that step."

[8:17:44 AM](#)

RIC DAVIDGE, Chairman, Alaska Veterans Foundation; State Council President, Vietnam Veterans of America in Alaska; Chairman, Municipal Commission on Military and Veterans' Affairs, observed that Americans want to help, and are willing to make sacrifices in support of members of the military engaged in the present war. He noted that immediate leave may be needed in the case of a wounded military member, and expressed concern about the amendment that will require 48 hours notice. Mr. Davidge provided an example of how leave affects family members and espoused on HB 347 as a means for the state to show support of troops that is beyond "ribbons on trees and ... stickers on our car." He also spoke in support of the amendment requested by ACLU of Alaska.

CHAIR SEATON stated his understanding that Mr. Davidge supports the amendment requiring 48 hours notice if the amendment is conditioned on certain circumstances.

MR. DAVIDGE replied yes.

[8:22:12 AM](#)

STACY BANNERMAN informed the committee she is an Army National Guard Blue Star Wife whose husband served two combat tours of duty in Iraq with honors. She also is the author of *When the War Came Home: The Inside Story of Reservists and the Families They Leave Behind*, the founder/director of Sanctuary Weekends for Women Veterans and Camp Howdy for Military Kids, and is a recipient of the 2009 Patriotic Employer Award from the National Guard Commission for the Employer Support of the Guard & Reserve. Ms. Bannerman expressed her support for HB 347, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Thank you to the Committee for considering this important bill to support the families of the troops who are serving or will serve in the war on terror, and other combat deployments. In a few short months, another 30,000 troops will be deploying for Afghanistan - again. The majority of those troops are married with children; most of the spouses left behind work outside the home. Many of us have to choose between work and family when our loved one deploys. It's an impossible choice, and one that military families should never be asked to make when America is at war.

My husband is a Sergeant First Class with the Army National Guard, and his Brigade spent several months training at Ft. McCoy, Wisconsin, more than a thousand miles away from home and family, prior to shipping out for a second tour in Iraq. I had recently moved to southern Oregon to accept a new position in order to implement programs to help military families and veterans. I had been on the job for a few months, and didn't have any sick leave or vacation time available. It would be more than one year before I saw my husband again.

If we support the troops, and by extension, military families, then passing the Military Family Leave Act should be at the top of this nation's to-do list. Because when the soldier goes to war, so does the family. And when the veteran comes home, family support is the single most critical factor in successful reintegration. The demands of the war on terror and the demographics of the 21st Century military are very different from the past, and adapting to those realities must, by definition, include expanding support for military families.

For the first years of the Vietnam War, married men were exempt from the draft, and for the duration of the war, married men with children were given deferments so that they wouldn't be deployed as it would constitute too much of a hardship on the families. During Vietnam, the majority of troops were single soldiers serving one tour, and comparatively few citizen soldiers served in combat. Today, the bulk of the boots on the ground in Iraq and Afghanistan are married. They have served, or are serving, multiple tours; and most of them have children. Around 40 percent are citizen soldiers.

[8:25:45 AM](#)

CHAIR SEATON asked about pre-deployment leave.

MS. BANNERMAN advised that this legislation can be different in each state; however, her understanding is that the Alaska version provides 10 days of unpaid leave per United States Code Title 10 status. The family member can utilize the time at their discretion.

[8:27:05 AM](#)

CHAIR SEATON closed public testimony.

[8:28:09 AM](#)

REPRESENTATIVE BUCH asked for the amount of unpaid leave that teachers are allowed.

[8:28:22 AM](#)

REPRESENTATIVE PETERSEN responded that five days are allowed currently, but that may depend on the availability of a substitute.

[8:28:53 AM](#)

REPRESENTATIVE BUCH asked whether the sponsor patterned the bill after legislation enacted in other states.

[8:29:13 AM](#)

REPRESENTATIVE PETERSEN explained that HB 347 differs in that the bill does not allow leave before deployment, as that date is known well in advance and families can make arrangements for time off.

[8:30:03 AM](#)

REPRESENTATIVE BUCH then asked what brought this issue to Representative Petersen's attention.

REPRESENTATIVE PETERSEN related he was a member of the Joint Armed Services Committee and there are two military bases in close proximity to his district.

[8:30:51 AM](#)

CHAIR SEATON asked whether the sponsors' intent was to pattern the bill on language enacted in other states to "then be judged independently under Alaska law."

REPRESENTATIVE PETERSEN responded that the drafter attempted to adapt the bill to conform to Alaska statutes.

CHAIR SEATON surmised the intent was for the bill "to be interpreted with the Alaska Constitution and Alaska law, and not bringing those other cases from other jurisdictions."

REPRESENTATIVE PETERSEN said that is correct.

[8:33:32 AM](#)

REPRESENTATIVE BUCH offered his support for the bill.

[8:33:51 AM](#)

CHAIR SEATON directed attention to the committee packet and the letters of support and opposition.

[8:34:25 AM](#)

CHAIR SEATON stated that HB 347 would be held over.

HB 350-PUBLIC SCHOOL FUNDING: LOCAL CONTRIBUTION

[8:34:51 AM](#)

CHAIR SEATON announced that the next order of business would be HOUSE BILL NO. 350, "An Act relating to the local contribution to public school funding; and providing for an effective date."

DAVE JONES, Assistant Superintendent, Kenai Peninsula Borough School District (KPBSD), informed the committee that legislation enacted in 2001 created a disparity in local mill levy equivalents and a serious equity issue among school districts; however, HB 350 would resolve the equity issue. Historically, his school district has been "funded to the cap," thus local support provided by taxpayers has increased significantly. The bill would lower the [local maximum allowed by law] and provide local taxpayer relief without a revenue loss to the school district; therefore, he related that the KPBSD school board is in strong favor of HB 350, and would like to see the bill move forward.

[8:37:16 AM](#)

GEORGE TROXEL, Superintendent, Mat-Su Borough School District, paraphrased from a prepared statement, which read as follows [original punctuation provided]:

House Bill 350 reduces the revenue available to the Mat Su School District without increasing local taxes, and furthermore, that impact is exponential over coming years. I don't support HB 350 for that reason. The Mat-Su School District is experiencing financial hardships due to the general nature of expenses rising faster than revenues in these times. Given this scenario, the Mat-Su and two other Districts in the state are singled out by HB 350 to get a double whammy in the area of revenue shortfalls.

The Mat-Su School District has a growing enrollment, over 800 students in the last three years. The District did realize revenue enhancements generated by the growth. Revenue increases received because of increased enrollment take care of day-to-day expenses but not the expenses of more general support and infrastructure, such as buildings, grounds, furnishings, and equipment.

In the past 10 years as many new schools have been opened in the Valley. The opening of new schools has tremendous impact on annual budgets. In the Mat-Su we plan approximately a million dollars above the usual annual operating costs for that first year a school is open. Growth in the Valley is a good thing for the State of Alaska, growth has its costs, and while the Valley appreciates the Stat's support in handling this growth that help is also an expectation for which the state as a whole realizes dividends.

New schools are needed in the Valley. These new schools will further stress the property owners capacity to keep up with increasing demand for more tax dollars to build these schools. The District currently uses 61 portable buildings for classrooms. These house close to 2000 student full time equivalents. Bonds will need to be passed in the near future that will rely on subsequent tax increases to construct these needed schools.

House Bill 350 ultimately puts the askance for more dollars from property owners in the Mat-Su. The valley is not a home to major or great amounts of industry. Many of our taxpayers are those who can least afford more and more property tax increases. Median incomes for most who work in the Valley are on

the low end of the scale. Multiply that by the fact that a sizable percentage of gross property value in the Valley is not a result of newly developed property resulting from growth, but rising property tax assessments on existing property. When higher tax assessments come about because of increased value of a property, the long term property owners become victims. Just because a property's value increases it does not follow that a property owner's ability to pay more in taxes increases.

All of us are in dire budgetary circumstances with more and more challenges. This is not the time to change formulas for funding where anyone loses while others are experiencing substantial gains.

[8:40:56 AM](#)

CHAIR SEATON asked for clarification on how HB 350 would reduce the revenue available to the Mat-Su School District without increasing local taxes. He observed that the intention of the bill was to lower the mill rate across the state.

[8:41:38 AM](#)

MR. TROXEL explained that HB 305 changes the base year from 1999 to "one year in the past." Due to the increase in property values, even though the mill rate remains constant, the dollar amount of the assessment is greatly increased. In future years to maintain funding, those dollars would be provided by local taxpayers.

[8:42:39 AM](#)

CHAIR SEATON pointed out the intent of the bill was to assign all of the municipalities across the state the same mill rate required for local contributions. He surmised the mill rate was not Mr. Troxel's concern.

[8:43:28 AM](#)

MR. TROXEL said he is not opposed to a 2.7 mill rate, but the shifting of the base year to a more recent year with higher property values, results in a substantial increase in the local contribution.

CHAIR SEATON restated Mr. Troxel's objection to the bill was regarding the change from a fixed base year, with new growth taxed at 50 percent, to a rolling base year.

[8:45:19 AM](#)

MR. TROXEL said yes, and added that the relevant provision is in Sec. 4 of the bill.

[8:45:57 AM](#)

COLLEEN VAGUE, President, Mat-Su District School Board, informed the committee her school district has built eight new schools in the last ten years. Each school was financed by homeowner bonds that increased taxes for homeowners. She noted that three of the new elementary schools are now at, or over, capacity and the district lacks sufficient buildings to house and educate its school population. In addition, at the current growth rate, the district will be further behind in five years. Ms. Vague pointed out that the increase in student population does not result in more money for school construction; in fact, the student population in the Mat-Su School District increased from 12,699 students in 1999 to the present count of 16,673 students. She reiterated the school board's opposition to Sec. 4 of the bill.

[8:49:29 AM](#)

CHAIR SEATON stated that HB 350 would be held over.

ADJOURNMENT

There being no further business before the committee, the House Education Standing Committee meeting was adjourned at 8:52 a.m.