

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

February 17, 2009

1:01 p.m.

MEMBERS PRESENT

Representative Carl Gatto, Chair
Representative John Harris
Representative Bob Lynn
Representative Kurt Olson
Representative Robert L. "Bob" Buch
Representative Scott Kawasaki

MEMBERS ABSENT

Representative Jay Ramras

COMMITTEE CALENDAR

HOUSE BILL NO. 99

"An Act relating to providing a death certificate for a deceased veteran without charge; relating to a program to honor the memory of a deceased veteran; and providing for an effective date."

- MOVED CSHB 99(MLV) OUT OF COMMITTEE

CS FOR SENATE JOINT RESOLUTION NO. 5(FIN)

Urging the United States Department of Defense to continue to provide retirement benefits for members of the Alaska Territorial Guard who served during World War II.

- MOVED CSSJR 5(FIN) OUT OF COMMITTEE

HOUSE BILL NO. 97

"An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries, establishing the Alaska veterans' cemetery fund in the general fund, and authorizing appropriation of income from fees for special request plates commemorating Alaska veterans to that cemetery fund."

- MOVED HB 97 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 99

SHORT TITLE: DECEASED VETERAN DEATH CERTIFICATE/HONOR

SPONSOR(S): STATE AFFAIRS

01/28/09 (H) READ THE FIRST TIME - REFERRALS
01/28/09 (H) MLV, STA, FIN
02/17/09 (H) MLV AT 1:00 PM BARNES 124

BILL: SJR 5

SHORT TITLE: AK TERRITORIAL GUARD RETIREMENT BENEFITS

SPONSOR(S): RULES

01/28/09 (S) READ THE FIRST TIME - REFERRALS
01/28/09 (S) FIN
02/03/09 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/03/09 (S) Moved CSSJR 5(FIN) Out of Committee
02/03/09 (S) MINUTE(FIN)
02/04/09 (S) FIN RPT CS 7DP NEW TITLE
02/04/09 (S) DP: HOFFMAN, STEDMAN, ELTON, HUGGINS,
THOMAS, OLSON, ELLIS
02/04/09 (S) TRANSMITTED TO (H)
02/04/09 (S) VERSION: CSSJR 5(FIN)
02/06/09 (H) READ THE FIRST TIME - REFERRALS
02/06/09 (H) MLV, STA
02/17/09 (H) MLV AT 1:00 PM BARNES 124

BILL: HB 97

SHORT TITLE: STATE VETERANS CEMETERY & FUND

SPONSOR(S): REPRESENTATIVE(S) GUTTENBERG

01/28/09 (H) READ THE FIRST TIME - REFERRALS
01/28/09 (H) MLV, STA, FIN
02/17/09 (H) MLV AT 1:00 PM BARNES 124

WITNESS REGISTER

McHUGH PIERRE, Director of Communications
Legislative Liaison
Office of the Commissioner/Adjutant General
Department of Military & Veterans' Affairs (DMVA)
Fort Richardson, Alaska

POSITION STATEMENT: Testified in support of HB 99.

KAREN SAWYER, Staff
Senator Charlie Huggins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SJR 5 on behalf of the sponsor, the Senate Rules Standing Committee, which is chaired by Senator Huggins.

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 97.

STACY OATES, Administrative Manager
Director's Office
Department of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Responded to questions during discussion of HB 97.

TIM WHEELER, President
Alaska Veterans Business Alliance (AVBA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 97.

PAT LUBY, Advocacy Director
AARP Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 97.

ACTION NARRATIVE

[1:01:52 PM](#)

CHAIR CARL GATTO called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:01 p.m. Representatives Gatto, Lynn, Olson, Buch, and Kawasaki were present at the call to order. Representative Harris arrived as the meeting was in progress.

HB 99 - DECEASED VETERAN DEATH CERTIFICATE/HONOR

[1:02:40 PM](#)

CHAIR GATTO announced that the first order of business would be HOUSE BILL NO. 99, "An Act relating to providing a death certificate for a deceased veteran without charge; relating to a program to honor the memory of a deceased veteran; and providing for an effective date."

[1:02:59 PM](#)

REPRESENTATIVE LYNN moved to adopt the proposed committee substitute (CS) for HB 99, Version 26-LS0010\E, Bullard, 2/4/09, as the work draft. There being no objection, Version E was before the committee.

REPRESENTATIVE LYNN, speaking as chair of the House State Affairs Standing Committee, sponsor of HB 99, explained that HB 99 provides a certified death certificate, without cost, to the surviving spouse, next of kin, or other eligible relative of a deceased veteran. The adoption of HB 99 is one more thing that can and should be done to honor Alaska's veterans and to help their families when the veteran passes away. He noted that Version E no longer contains reference to a proposed governor's memorial certificate program, and that this type of legislation was introduced in both the Twenty-fourth Alaska State Legislature and the Twenty-fifth Alaska State Legislature. Characterizing HB 99 as a good and appropriate bill, he asked for the committee's favorable consideration of HB 99.

[1:04:58 PM](#)

McHUGH PIERRE, Director of Communications, Legislative Liaison, Office of the Commissioner/Adjutant General, Department of Military & Veterans' Affairs (DMVA), said that the DMVA worked with the sponsor and fully supports HB 99. Characterizing the bill as commendable, he mentioned that his grandfather was a lifelong veteran who recently passed away, and that had legislation such as HB 99 been in effect at the time of his grandfather's passing, it would have helped his grandmother. In response to a question regarding the list - located on page 3, lines 2-8 - of military units in which one must have served in order to be eligible for the death certificate authorized by HB 99, he offered his belief that that list is sufficient to capture everyone it ought to.

CHAIR GATTO surmised that a person could have served in more than one of the enumerated military units.

MR. PIERRE concurred.

CHAIR GATTO noted that the bill contains a definition of "veteran" [for purposes of proposed AS 18.50.320(7)], and an immediate effective date. After ascertaining that no one else wished to testify, he closed public testimony on HB 99.

1:08:00 PM

REPRESENTATIVE LYNN moved to report the proposed CS for HB 99, Version 26-LS0010\E, Bullard, 2/4/09, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 99(MLV) was reported from the House Special Committee on Military and Veterans' Affairs.

SJR 5 - AK TERRITORIAL GUARD RETIREMENT BENEFITS

1:08:24 PM

CHAIR GATTO announced that the next order of business would be CS FOR SENATE JOINT RESOLUTION NO. 5(FIN), Urging the United States Department of Defense to continue to provide retirement benefits for members of the Alaska Territorial Guard who served during World War II.

1:09:20 PM

KAREN SAWYER, Staff, Senator Charlie Huggins, Alaska State Legislature, in presenting SJR 5 on behalf of the sponsor - the Senate Rules Standing Committee, which is chaired by Senator Huggins - began by explaining that members of the Alaska Territorial Guard ("ATG") defended the Alaska coastline from the Japanese during WWII, and that most of the 6,368 ATG members were Alaska Natives ranging in age from 12 to 80. The contribution of these guard members to the U.S. military was not acknowledged until 2000, when they were finally granted U.S. veteran status by law, though by that time there were only a few hundred such guard members still alive. However, in January 2009, because of a legal interpretation regarding whether ATG service qualified towards military retirement benefits, the U.S. Army decided to stop paying retirement benefits to the 26 ATG members who were receiving them. Most of these 26 veterans are in their 80s and are living in rural communities, where winter is bitterly cold, resources are scarce, and the cost of heating oil is extremely high.

MS. SAWYER said that when news of the Army's decision to stop paying retirement benefits to ATG members reached [the public], it engendered a critical response towards both the Army and Congress, and Alaska's congressional delegation immediately brought the situation to the attention of the President and the rest of Congress. A few weeks later, the Army decided that it would pay 60-days' worth of retirement benefits to the 26 ATG members out of an emergency fund until the matter could be

investigated further. Senate Joint Resolution 5 urges the U.S. Department of Defense (DOD) to continue to provide retirement benefits to ATG members; supports federal legislation on this matter recently introduced by Alaska's congressional delegation; and urges the DOD to continue paying the aforementioned benefits out of the emergency fund until the Army either reverses its initial decision to stop payments or the federal legislation passes. In conclusion, she asked that the resolution be passed from committee.

[1:12:05 PM](#)

CHAIR GATTO asked whether there is any reason to believe that the Army will reverse its initial decision, given that it was made based on a legal interpretation.

MS. SAWYER relayed that there are those who say there is a chance the Army will reverse its decision; however, the likelihood that such would happen during the current 60-day extension is slim. Furthermore, should the aforementioned federal legislation pass, it wouldn't take effect until after the 26 ATG members are no longer receiving the temporary payments unless the Army continues to make such payments beyond the current 60-day extension.

REPRESENTATIVE BUCH expressed favor with SJR 5.

CHAIR GATTO, after ascertaining that no one else wished to testify, closed public testimony on SJR 5.

MS. SAWYER, in response to a question, said that the 26 ATG members are all living in Alaska, though there are an additional 30 ATG members who are going through the application process. It has taken a long time for the members of the ATG to be found, so there might also be others who could be affected by the current situation.

[1:14:56 PM](#)

REPRESENTATIVE LYNN moved to report CSSJR 5(FIN) out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSJR 5(FIN) was reported from the House Special Committee on Military and Veterans' Affairs.

HB 97 - STATE VETERANS CEMETERY & FUND

1:15:23 PM

CHAIR GATTO announced that the final order of business would be HOUSE BILL NO. 97, "An Act authorizing the Department of Military and Veterans' Affairs to establish and maintain Alaska veterans' cemeteries, establishing the Alaska veterans' cemetery fund in the general fund, and authorizing appropriation of income from fees for special request plates commemorating Alaska veterans to that cemetery fund."

1:15:46 PM

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, sponsor, indicated that research engendered by [a constituent's request] led him to discover that although Alaska is ineligible for another national cemetery, the State Cemetery Grants Program was established by the U.S. Department of Veterans Affairs (VA) with the goal of having a veterans' cemetery within 75 miles of 90 percent of the country's veterans. Legislation similar to HB 97 has passed the House twice, and although Fairbanks is currently the only community that would be eligible under the federal program, HB 97 is not specific with regard to location. He relayed that his office has written a grant to the VA, and the governor has put \$200,000 into the budget for "this," adding his hope that this legislation will pass both the House and Senate this time. All criteria regarding who can be buried in a state veterans' cemetery would be established by the VA, which would pay 100 percent of the costs of establishing the cemetery, and the state would then be responsible for maintenance of the cemetery.

REPRESENTATIVE GUTTENBERG, in response to questions, explained that the VA provides an allotment of \$300 for internment; that the VA considers 20 acres to be the optimum size for such a cemetery; that in part, HB 97 authorizes the use of fees generated by the Alaska's veterans' commemorative license plate program for the purposes of a state veterans' cemetery; that he does not know why previous versions of the legislation did not pass the Senate; and that he doesn't know whether there is sufficient room for such a cemetery at Fort Richardson, Alaska.

REPRESENTATIVE HARRIS indicated that he is amenable to having such a cemetery in a different location.

CHAIR GATTO opined that such cemeteries should be located in different locations around the state since Alaska's veterans come from different locations.

REPRESENTATIVE HARRIS said he supports HB 97.

[1:24:41 PM](#)

STACY OATES, Administrative Manager, Director's Office, Department of Motor Vehicles (DMV), Department of Administration (DOA), in response to a question, explained that under [current statute], the DMV reports the amount of the fees it receives for veterans' commemorative license plates to the Division of Finance, and keeps a record of how much money is collected for those specific license plates; that money, which goes into the general fund (GF), is then available for appropriation for veterans' issues and veterans' programs, and, under the bill, that money would then also be available for appropriation for a veterans cemetery fund.

REPRESENTATIVE HARRIS pointed out that all funds in the GF are available for appropriation; that under the Alaska State Constitution, there shall be no dedicated funds; and that HB 97 merely establishes a guideline for what fees from veterans' commemorative license plates might be appropriated for.

[1:27:14 PM](#)

TIM WHEELER, President, Alaska Veterans Business Alliance (AVBA), after indicating that members' packets should include a letter from Ric Davidge, relayed that he supports HB 97, characterizing it as the right thing to do and as a way of thanking veterans for their service to the country. He added that it would be fair for Fairbanks to be the location of a state veterans' cemetery so that family members won't have to drive all the way to Anchorage to visit their buried loved ones. He expressed his hope that members will support HB 97 and move it from committee.

[1:28:08 PM](#)

PAT LUBY, Advocacy Director, AARP Alaska, explained that the AARP has a large number of veterans among its membership, and that one of the greatest honors that can be afforded a veteran and his/her family is a final resting place in a veterans' cemetery. However, such families would prefer to have a cemetery that is close to them, and HB 97 will offer many Alaska veterans and their families that opportunity via the future development of one or more new cemeteries - hopefully in the Interior, he added. In conclusion, he said that the AARP

strongly supports HB 97, and, as a veteran himself, that he is requesting passage of HB 97 for the benefit of all veterans. In response to a question, he relayed that compared to any other state, Alaska has the highest per capita number of veterans.

CHAIR GATTO, after ascertaining that no one else wished to testify, closed public testimony on HB 97.

[1:30:28 PM](#)

REPRESENTATIVE HARRIS moved to report HB 97 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 97 was reported from the House Special Committee on Military and Veterans' Affairs.

[1:30:46 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:30 p.m.