

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

March 12, 2013

1:07 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Gabrielle LeDoux, Co-Chair
Representative Pete Higgins
Representative Shelley Hughes
Representative Lora Reinbold
Representative Dan Saddler
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE CONCURRENT RESOLUTION NO. 4
Proclaiming May 15 to be Hmong-American Veterans Memorial Day.

- MOVED HCR 4 OUT OF COMMITTEE

HOUSE BILL NO. 59
"An Act relating to missing vulnerable adult prompt response and notification plans."

- MOVED CSHB 59(MLV) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HCR 4
SHORT TITLE: HMONG-AMERICAN VETERANS DAY
SPONSOR(S): REPRESENTATIVE(S) LEDOUX

02/15/13	(H)	READ THE FIRST TIME - REFERRALS
02/15/13	(H)	MLV
03/12/13	(H)	MLV AT 1:00 PM CAPITOL 120

BILL: HB 59
SHORT TITLE: MISSING VULNERABLE ADULT RESPONSE PLAN
SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

01/16/13	(H)	PREFILE RELEASED 1/11/13
----------	-----	--------------------------

01/16/13 (H) READ THE FIRST TIME - REFERRALS
01/16/13 (H) MLV, STA
02/28/13 (H) MLV AT 1:00 PM CAPITOL 120
02/28/13 (H) Heard & Held
02/28/13 (H) MINUTE(MLV)
03/12/13 (H) MLV AT 1:00 PM CAPITOL 120

WITNESS REGISTER

DIRK MOFFATT, Staff
Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HCR 4 on behalf of
Representative LeDoux, sponsor.

STEVEN YANG

Anchorage, Alaska

POSITION STATEMENT: Answered a question and testified in
support of HCR 4.

ARTHUR YANG

Anchorage, Alaska

POSITION STATEMENT: Answered a question and testified in
support of HCR 4.

PASART LEE

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HCR 4.

MILES BROOKS, Staff

Representative Max Gruenberg

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Speaking on behalf of Representative
Gruenberg, sponsor, clarified a portion of HB 59.

PATRICK CUNNINGHAM, Member

Board of Directors

Alzheimer's Resource of Alaska; Professor

College of Health

University of Alaska Anchorage

Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 59.

BRAD JOHNSON, Deputy Chief

Fairbanks Police Department (FPD); Vice President

Alaska Association of Chiefs of Police (AACOP)
Fairbanks, Alaska

POSITION STATEMENT: Speaking on behalf of the Alaska Association of Chiefs of Police and the Fairbanks Police Department, testified in support of HB 59, Version 0.

STEVE SMITH, Deputy Chief
Anchorage Police Department (APD)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 59.

RODNEY DIAL, Lieutenant
Deputy Commander
A Detachment
Division of State Troopers
Department of Public Safety (DPS)
Ketchikan, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 59.

MIKE O'HARE, Deputy Director
Division of Homeland Security/Emergency Management (DHSEM)
Department of Military & Veterans' Affairs (DMVA)
Joint Base Elmendorf-Richardson, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 59.

KEN HELANDER, Advocacy Director
AARP Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 59.

MARIE DARLIN, Spokesperson
Alaska Commission on Aging (ACoA)
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: On behalf of the Alaska Commission on Aging, testified in support of HB 59.

ACTION NARRATIVE

[1:07:48 PM](#)

CO-CHAIR NEAL FOSTER called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:07 p.m.

Representatives Hughes, LeDoux, Reinbold, Gruenberg, Higgins, Saddler, and Foster were present at the call to order.

HCR 4-HMONG-AMERICAN VETERANS DAY

[1:08:18 PM](#)

CO-CHAIR FOSTER announced that the first order of business would be HCR 4, HOUSE CONCURRENT RESOLUTION NO. 4 Proclaiming May 15 to be Hmong-American Veterans Memorial Day.

[1:08:58 PM](#)

DIRK MOFFATT, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, on behalf of Representative LeDoux, sponsor, explained that HCR 4 would proclaim May 15 to be Hmong-American Veterans Memorial Day. From 1960 to 1973 Hmong tribesmen rescued downed American pilots and identified targets for bombing missions while fighting against communist forces and suffering heavy casualties. On May 15, 1997, the U.S. government declassified its role in the war against the North Vietnamese Army and Viet Cong communist forces in Laos, thus the choice of May 15 as the day of commemoration. The Hmong fighters are not recognized as veterans of the U.S. military and are not eligible for benefits for their service; however, U.S. Senator Lisa Murkowski introduced legislation that would allow 6,900 former Hmong soldiers living in the U.S. the right to be buried in national cemeteries. Hmong are people of Southeast Asia who live in the highlands of Laos, and who were recruited by the Central Intelligence Agency (CIA) to fight a guerilla war against communist forces in Laos and North Vietnam, beginning in the 1960s. Mr. Moffatt provided a short history of the Hmong people and their long involvement in active support of U.S. forces in Southeast Asia.

MR. MOFFATT explained that about 40,000 Hmong were killed, 50,000 were injured, and 3,000 are missing in action while defending democracy, but because the U.S. war effort in Laos was covert, accounts of these sacrifices remain untold. After the war, thousands of Hmong were evacuated to Thailand to avoid reprisals by the communist forces, but even so, hundreds of thousands of Hmong families suffered atrocities and were forced to flee their homeland. Approximately 50,000 Hmong veterans reside in the U.S. and 150,000 Hmong children have graduated from school, although little is taught about their honorable service to the U.S. The passage of HCR 4 will increase

awareness of the important role Hmong have played in U.S. history, and will recognize their sacrifice.

[1:13:53 PM](#)

REPRESENTATIVE REINBOLD asked how many Hmong live in Alaska.

[1:14:50 PM](#)

STEVEN YANG said he was not sure how many Hmong families are in Alaska, however, the parents in most families served in the Vietnam War.

[1:15:39 PM](#)

ARTHUR YANG, Anchorage, Alaska, added that the total Hmong population in Alaska is approximately 5,000.

MR. MOFFATT offered to research that issue further.

[1:16:47 PM](#)

PASART LEE provided statistics on the Hmong. He expressed his hope that Americans will not forget about Hmong, and urged for the passage of HCR 4.

REPRESENTATIVE REINBOLD pointed out that March 29th is Vietnam Veterans Day and opined it would be appropriate to have special recognition of Hmong veterans recognized along with the activities of that day.

MR. MOFFATT explained that the reason May 15th was chosen is that it is the day the U.S. government recognized the sacrifices of the Hmong people. In further response to Representative Reinbold, he said multiple veterans' recognition days are acceptable.

REPRESENTATIVE REINBOLD said her concern is that multiple days of recognition may dilute their impact.

[1:21:26 PM](#)

REPRESENTATIVE SADDLER asked about the current relationship between Hmong living in Laos and their government.

MR. MOFFATT has heard that the Laotian government continues to hunt down Hmong and their descendants that remain in hiding.

REPRESENTATIVE SADDLER asked whether this type of recognition would ameliorate the circumstances of Hmong people still living in Southeast Asia.

MR. MOFFATT opined the purpose of the resolution is recognition in the U.S. for Hmong veterans and their contributions. He pointed out that the general of the Hmong army that fought with the U.S. was not allowed to be buried in Arlington National Cemetery, and one special day is "the right thing to do."

REPRESENTATIVE SADDLER observed that formal government acknowledgment of sacrifice does have an impact and the resolution might help.

[1:26:15 PM](#)

REPRESENTATIVE REINBOLD agreed that formal recognition is good; however, there are many groups that have made significant sacrifices in many past wars that do not have a special day, such as Alaska Natives, and she expressed her concern about picking one group.

CO-CHAIR LEDOUX relayed that the name of the aforementioned Hmong general was Vang Pao, and he led an army that fought bravely for the U.S. during the Vietnam War.

REPRESENTATIVE HUGHES confirmed that the resolution carries no fiscal note. She opined additional days of recognition do not dilute [recognition], but are beneficial in that they raise awareness and understanding for Alaskans. Representative Hughes estimated about 2 percent of the U.S. population of Hmong live in Alaska, and said she would support HCR 4.

REPRESENTATIVE HIGGINS said he is aware of the help given by Hmong to the U.S. Army Special Forces in Vietnam. He expressed his belief this distinction and honor is appropriate for the sacrifice of their lives and families, and urged passage of HCR 4. He asked whether any other states have designated a similar memorial day.

MR. MOFFATT advised California has, along with several municipalities.

[1:31:03 PM](#)

REPRESENTATIVE GRUENBERG noted that before redistricting he represented the community of Mountain View, which has a high

population of Hmong. Hmong families are very highly education-motivated, and provide much to the community through gardens and businesses. As a co-sponsor, he would like to see the bill move from committee.

[1:32:48 PM](#)

CO-CHAIR FOSTER opened public testimony on HCR 4.

MR. LEE expressed his support for federal legislation, "Lao Hmong Veterans' Burial Honors Act" U.S. House of Representatives House Resolution 3192.

MR. ARTHUR YANG expressed his support for HCR 4.

MR. STEVEN YANG expressed his support for HCR 4.

[1:34:40 PM](#)

CO-CHAIR FOSTER, after ascertaining that no one else wished to testify, closed public testimony on HCR 4.

[1:35:26 PM](#)

REPRESENTATIVE HUGHES moved to report HCR 4 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCR 4 was reported from the House Special Committee on Military and Veterans' Affairs.

[Later in the meeting, Co-Chair Foster noted written testimony on HCR 4 from Dr. Chang would be accepted.]

The committee took an at-ease from 1:35 p.m. to 1:39 p.m.

HB 59-MISSING VULNERABLE ADULT RESPONSE PLAN

[1:39:50 PM](#)

CO-CHAIR FOSTER announced that the final order of business would be HOUSE BILL NO. 59, "An Act relating to missing vulnerable adult prompt response and notification plans."

[1:40:48 PM](#)

REPRESENTATIVE GRUENBERG recalled the committee had adopted Version N as the working document at the 2/28/13 meeting. He

moved to adopt the proposed committee substitute (CS) for HB 59, Version 28-LS0260\0 as the working document.

REPRESENTATIVE REINBOLD objected for discussion purposes.

The committee took a brief at-ease.

[1:43:03 PM](#)

REPRESENTATIVE GRUENBERG called the committee's attention to Version N, page 2, lines 6 through 9, and explained that Version O makes a stylistic change that places these provisions on page 2, paragraph (1), lines 7 through 10. Also, in Version N, page 2, line 10, "determining when it is appropriate to implement a plan" and on line 16, "determining where to implement the plan" have been combined on page 2, line 12, in Version O. Another change to Version N, on page 2, line 25, is the word "that" was eliminated in Version O. Representative Gruenberg explained at the time the bill was offered during the 27th Alaska Legislature, AS 47.24.900 read as the definition of vulnerable adult in Version O. However, House Bill 150 passed during that session broadened the definition in statute to address elder fraud. Thus, in concurrence with the Department of Public Safety (DPS), Version O again narrows the definition of vulnerable adult.

[1:46:18 PM](#)

MILES BROOKS, Staff, Representative Max Gruenberg, Alaska State Legislature, stressed that the change to the definition of vulnerable adult applies only to the bill and does not change any other statutes.

[1:46:53 PM](#)

REPRESENTATIVE REINBOLD removed her objection.

[Version O was before the committee.]

MR. BROOKS provided additional statistics on Alaska's senior population and on Silver Alert programs in other states. He noted that Silver Alerts are part of a growing trend begun in 2006-2007, and the success rate of safe returns from Silver Alerts is approximately 95 percent to 100 percent. In 2015 the estimated population of Alaskans aged 60 and older is approximately 100,000, and by 2024 the population is expected to grow to 155,000. The estimated number of Alaskans with

Alzheimer's Disease and Related Dementia (Alzheimer's) is estimated to be approximately 7,000 in 2015 and 11,000 in 2025. Furthermore, as life spans increase due to advancements in medical care, it is anticipated that more cases will arise.

REPRESENTATIVE GRUENBERG pointed out the memorandum dated 3/11/13 from Legal Services, Division of Legal and Research Services, Legislative Affairs Agency, advising that the bill does not require a special section authorizing the promulgation of regulations.

REPRESENTATIVE REINBOLD asked how many people will likely be impacted by the legislation.

MR. BROOKS stated that is hard to estimate; however, statistics provided by the Alaska Commission on Aging (ACoA), Department of Health and Social Services, indicate that about 60 percent of people who suffer from Alzheimer's disease will wander away, although all 60 percent may not meet the definition for a Silver Alert under the bill.

REPRESENTATIVE REINBOLD opined "some sort of a number" is important to know because helping a lot more people could be very costly.

MR. BROOKS offered to research how many Alaskans would be affected.

[1:52:05 PM](#)

REPRESENTATIVE SADDLER asked for clarification as to whether the legislation directs DPS and [DMVA] to work with existing media to develop a program.

REPRESENTATIVE GRUENBERG said yes.

REPRESENTATIVE HUGHES questioned whether DPS and DMVA have ever issued an alert for someone who is not a child, and whether that could occur without passage of the bill.

REPRESENTATIVE GRUENBERG deferred to representatives of the aforementioned departments.

[1:53:53 PM](#)

PATRICK CUNNINGHAM, Member, Board of Directors, Alzheimer's Resource of Alaska; Professor, College of Health, University of

Alaska Anchorage, stated that his agency provides services throughout the state to persons who have Alzheimer's and their families. He is also a professor of social work in the College of Health at the University of Alaska Anchorage (UAA). It is estimated that close to 7,000 Alaskans have Alzheimer's and unfortunately as a result of the disease six out of ten will tend to wander and be unable to find their way home or to a safe place. Further, if not located within 24 hours, they may suffer a serious injury or death. Mr. Cunningham gave the example of an elder woman in Anchorage who was found dead last summer. In addition to seniors, there are adults with physical and intellectual disabilities, persons with mental illness, and soldiers and veterans suffering from traumatic brain injuries or post-traumatic stress disorder. This legislation will create a safety plan for many of those who benefit from the Alaska Mental Health Trust Authority and others who are missing and at risk. As the number of affected adults is on the rise in Alaska, the bill would also promote more awareness among public safety officials and the public. He stated his strong support for the timely passage of HB 59.

[1:56:21 PM](#)

BRAD JOHNSON, Deputy Chief, Fairbanks Police Department (FPD); Vice President, Alaska Association of Chiefs of Police (AACOP), stated that AACOP and FPD are in support of Version 0 of the legislation, which narrows the definition of vulnerable adult. In addition, FPD does not believe that the bill precludes any of the methods it currently uses to locate missing vulnerable adults, but makes available an additional tool. Mr. Johnson expressed his belief that the bill is not a mandate but provides opportunities for municipalities to use when appropriate, and stated support for the bill on behalf of FPD.

[1:58:42 PM](#)

REPRESENTATIVE HIGGINS asked for the steps currently taken by FPD to respond to a report of a missing adult.

MR. JOHNSON explained FPD would gather information from the family and then would go door-to-door in areas familiar to the missing person. Alert notifications would be issued through Nixle - a government entity social media -, cab drivers would be notified, and neighbors would be notified through the reverse-dial notification system through the Fairbanks North Star Borough. In further response to Representative Higgins, he said if the case met the criteria for an alert, the bill would

allow FPD to notify Alaska State Troopers (AST) and request an alert through DMVA and then an emergency alert would go out over the emergency alert system (EAS) utilizing all broadcast radio and television, and the General Communication Inc. (GCI) cable television network.

REPRESENTATIVE HIGGINS surmised the bill authorizes the use of local media that is currently unavailable.

MR. JOHNSON concurred, and said the notification could be statewide if warranted.

[2:02:44 PM](#)

REPRESENTATIVE HUGHES pointed out the definition of vulnerable adult for HB 59 has been redefined, and asked whether the new definition confuses the enforcement of other provisions.

MR. JOHNSON said the change is not a cause for concern for FPD; however, AST and DPS will be the entities that establish requesting criteria through a formal Silver Alert plan.

[2:04:21 PM](#)

REPRESENTATIVE REINBOLD expressed concern that the legislation could have local impact on first responders and asked what system Anchorage already has in place, and for the effect of the legislation on the Amber Alert in Anchorage. She cautioned that there may not be sufficient resources "if it is going to be a tremendous increase in the people that you're having to deal with on the front line."

STEVE SMITH, Deputy Chief, Anchorage Police Department (APD), stated APD has a robust procedure for responding to missing, runaway, or abducted persons regardless of their status. The Amber Alert system is a very small and narrowly defined part of that system and is used only in specific cases. In the broader policy is an array of resources: a patrol supervisor would assess the situation and determine the right response; contact is made with the complainant; a thorough search is conducted close to home; and the response is escalated if warranted. Available also to APD is its Auxiliary Search Team, which is a group of citizen volunteers trained in search and incident command. This approach has served APD well.

REPRESENTATIVE REINBOLD asked whether APD supports the legislation and whether the absence of this law leaves people at risk.

MR. SMITH said his testimony does not include the position of the police department on the bill. However, he said he appreciates the definition of vulnerable adult in Version 0 because APD does deal with chronic inebriates. He opined APD does a good job of finding missing persons and agreed with Mr. Johnson that the bill provides a tool that may not be needed very often because APD is judicious in the use of the alert system, and a vulnerable missing adult probably would not be found far outside the vicinity of Anchorage.

REPRESENTATIVE REINBOLD raised the issue of the fiscal impact of the bill on the police department.

MR. SMITH opined the bill will not increase the number of calls and the responding supervisor makes a judgment call on each situation. He pointed out that APD has found that the local press is very receptive to carrying press releases and has begun to use social media and other means of communication as well.

[2:13:27 PM](#)

REPRESENTATIVE REINBOLD asked for confirmation that APD supports the bill and there is no fiscal note.

MR. SMITH said that is a fair characterization.

REPRESENTATIVE SADDLER asked whether the subject of a search is ever obligated to bear the cost of the search.

MR. SMITH answered that he was not aware of any type of cost recovery mechanism.

REPRESENTATIVE HUGHES asked Lieutenant Dial whether the bill would provide a helpful tool and incur no cost.

[2:16:04 PM](#)

RODNEY DIAL, Lieutenant, Deputy Commander, A Detachment, Division of State Troopers, Department of Public Safety (DPS), stated that DPS supports the intent of HB 59 and the changes brought forth in Version 0 that provide the department flexibility in accomplishing the goals of the legislation. As far as the bill providing an additional tool to the department,

he said it may assist some of the smaller municipalities that do not already have a plan of this nature, but the department currently maintains emergency and media contact lists that can be utilized in all missing person cases.

REPRESENTATIVE HUGHES then asked whether other areas of law enforcement use the term "vulnerable adult" and if the use of a different definition creates a problem for the other work done by the department.

LIEUTENANT DIAL responded that the change in Version 0 is specific to this legislation, thus the department anticipates no impact on other activities. In further response to Representative Hughes, he said his understanding is that the definition [not found in HB 59] affects how the department interacts with the Department of Law (DOL) and how certain offenses are charged. The manner of investigations is not altered.

REPRESENTATIVE HUGHES raised the issue that in a domestic violence situation the legislation could be abused. She asked whether this type of case would be "filtered out."

LIEUTENANT DIAL advised the department envisions the Department of Military & Veterans' Affairs (DMVA) and DPS will create a plan with sufficient flexibility to address that type of situation.

[2:20:10 PM](#)

REPRESENTATIVE HIGGINS cautioned that if federal law mandates the implementation of Silver Alerts by digital signage along the highways, each state may be responsible for that cost.

LIEUTENANT DIAL opined that DPS does not see this legislation as creating a notification system similar to an Amber Alert; however, an expansion of the Amber Alert system to incorporate Silver Alerts would result in a fiscal note to the department.

[2:22:32 PM](#)

MIKE O'HARE, Deputy Director, Division of Homeland Security/Emergency Management, DMVA, stated that the bill requires DMVA and DPS to collaborate on a planning mechanism that will provide communications to the local community in the case of a missing person described by the bill. Some communities already have a plan and this will help those that do

not. He said DMVA supports the intent of the bill and will collaborate with DPS as directed by the legislation.

[2:24:38 PM](#)

KEN HELANDER, Advocacy Director, AARP Alaska, related his professional and personal experience dealing with Alzheimer's patients and others who have wandered away and were lost. From the standpoint of one who has been a caregiver, the need for a response system would be rare because most vulnerable adults are being carefully monitored. However, when someone has wandered, a system like this would be very helpful to family members and caregivers.

[2:27:04 PM](#)

MARIE DARLIN, Spokesperson, Alaska Commission on Aging (ACoA), Department of Health and Social Services, expressed the agency's support of the bill. A letter of support from the commission is provided in the committee packet. She agreed with the statement of the previous speaker. In fact, ACoA has heard during the past year from caregivers of Alzheimer's patients that locating a missing patient is a top priority.

[2:29:23 PM](#)

REPRESENTATIVE REINBOLD asked whether the EAS will be used to issue the alerts.

MR. O'HARE said that would be determined by the "urgency of the issue." The EAS is a statewide network, but often notifications are at a localized level and so would not include the EAS.

LIEUTENANT DIAL concurred, adding that that discussion will be part of the formulation of the plan.

REPRESENTATIVE SADDLER asked whether DMVA and DPS designed the Amber Alert system.

[2:31:18 PM](#)

MR. O'HARA explained the Amber Alert system was designed from a national model. It is part of a statewide relay system in cooperation with the state broadcasters and the Department of Transportation & Public Facilities (DOTPF) using cable television, radio, and multimedia to send tsunami warnings as

well as the Amber Alert signal. The system is used on rare occasions so society is aware of its importance.

LIEUTENANT DIAL added that the notifications are processed through the DPS Fairbanks dispatch center.

REPRESENTATIVE HIGGINS referred to the language on page 2, subsection (c) paraphrased as follows:

... the operators of the communications are not civilly liable for participating in a missing vulnerable adult prompt response and notification plan or for participating in the actual implementation of a plan if the broadcaster, publisher, or owner or operator has verified the authenticity of the plan's implementation with the law enforcement agency.

REPRESENTATIVE HIGGINS asked what happens if the plan is not verified.

REPRESENTATIVE GRUENBERG responded that the immunity would not apply. The plan will be well-known and if the operators do not follow the plan the immunity does not apply.

[2:35:00 PM](#)

CO-CHAIR LEDOUX asked how the authenticity of the plan would be verified.

REPRESENTATIVE GRUENBERG explained sufficient verification could be done by email or fax from an official address. In conclusion, he thanked the testifiers and offered his hope that the bill will pass out from committee and save lives.

CO-CHAIR FOSTER closed public testimony on HB 59.

[2:36:29 PM](#)

CO-CHAIR LEDOUX moved to report the proposed committee substitute (CS) for HB 59, Version 28-LS0260\0, Strasbaugh, 3/6/13, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 59(MLV) was reported from the House Special Committee on Military and Veterans' Affairs.

[2:37:07 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 2:37 p.m.