

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

March 11, 2014

1:05 p.m.

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Representative Neal Foster, Co-Chair

**COMMITTEE CALENDAR**

HOUSE BILL NO. 313

"An Act relating to mitigation at sentencing in a criminal case for a defendant found by the court to have been affected by combat-related post-traumatic stress disorder or combat-related traumatic brain injury."

- HEARD & HELD

HOUSE BILL NO. 318

"An Act relating to public school reports of students whose parents are members of the active duty military service."

- MOVED HB 318 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 313

SHORT TITLE: MITIGATING FACTOR: COMBAT-RELATED PTSD

SPONSOR(S): REPRESENTATIVE(S) GARA

02/19/14	(H)	READ THE FIRST TIME - REFERRALS
02/19/14	(H)	MLV, JUD
03/11/14	(H)	MLV AT 1:00 PM CAPITOL 120

BILL: HB 318

SHORT TITLE: ANNUAL SCHOOL REPORT: MILITARY FAMILIES

SPONSOR(S): REPRESENTATIVE(S) SADDLER

02/21/14 (H) READ THE FIRST TIME - REFERRALS  
02/21/14 (H) MLV, EDC  
03/11/14 (H) MLV AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

REPRESENTATIVE LES GARA  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As prime sponsor of HB 313, introduced the bill.

RIC DAVIDGE, State Director  
Government Affairs  
Vietnam Veterans of America, Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 313.

BRANT MCGEE, Attorney  
Anchorage, Alaska

**POSITION STATEMENT:** Speaking on his own behalf, testified in support of HB 313.

CINDY STROUT, Attorney  
Anchorage, Alaska

**POSITION STATEMENT:** Speaking on her own behalf, testified in support of HB 313.

MCHUGH PIERRE, Deputy Commissioner  
Office of the Commissioner/Adjutant General  
Department of Military and Veterans Affairs  
Joint Base Elmendorf-Richardson, Alaska

**POSITION STATEMENT:** Answered questions during the hearings on HB 313 and HB 318.

PAUL PRESSING, Deputy Director  
Teaching and Learning Support  
Department of Education and Early Development  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 313.

MARK SAN SOUCI, Regional Liaison  
State Liaison Office  
U.S. Department of Defense  
Tacoma, Washington

**POSITION STATEMENT:** Testified in support of HB 318.

LIEUTENANT COLONEL KAY SPEAR BUDD  
State Family Program Director  
Alaska National Guard; Member,  
Coalition for Alaska Service Members, Veterans and Families  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 318.

**ACTION NARRATIVE**

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**CO-CHAIR GABRIELLE LEDOUX** called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:05 p.m. Representatives Hughes, Reinbold, Higgins, and LeDoux were present at the call to order. Representatives Gruenberg and Saddler arrived as the meeting was in progress.

**HB 313-MITIGATING FACTOR: COMBAT-RELATED PTSD**

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CO-CHAIR LEDOUX announced that the first order of business would be HOUSE BILL NO. 313, "An Act relating to mitigation at sentencing in a criminal case for a defendant found by the court to have been affected by combat-related post-traumatic stress disorder or combat-related traumatic brain injury."

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REPRESENTATIVE LES GARA, Alaska State Legislature, prime sponsor of HB 313, informed the committee the bill creates a mitigating factor in law. When a judge is considering the sentence to be imposed on a felon, the judge can increase the sentence if the felon has done something especially bad, and can reduce the sentence if there is a sympathetic factor, called a mitigator. In law there are about 35 aggravators that can increase a sentence, and about 20 mitigators that can decrease a sentence. The bill creates a mitigator related to military veterans that if a military veteran can prove that his or her crime is related to, and in part caused by, combat-related post-traumatic stress disorder (PTSD) or combat-related traumatic brain injury (TBI), the judge can take that into consideration and decide either not to reduce the sentence, or to reduce the sentence. Representative Gara pointed out that roughly 60-80 percent of Vietnam veterans who returned home with PTSD have some level of

substance abuse problems; in fact, in some, PTSD creates long-term anxiety, fear, aggravation, or depression, and can contribute to suicide. He advised that some veterans come home changed, and that is a relevant mitigating circumstance if caused by one's military service. Although the bill does not absolve one of responsibility for the crime, the judge should be able to consider mitigating factors. The bill is modeled after the mitigating circumstances for felons who suffer from fetal alcohol syndrome (FAS), and which exclude the crimes that cause someone serious injury or are sex crimes. The mitigator would apply to crimes of burglary, theft, and felony driving while intoxicated (DWI).

CO-CHAIR LEDOUX surmised that someone with PTSD caused by combat would most likely be engaged in violent crime.

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REPRESENTATIVE GARA responded that he had no statistics on that and acknowledged that some crimes will be violent crimes. Violent crimes were not included in the FAS legislation because the legislature decided that for a certain level of crime, there could be no mitigator; however, the committee can choose whether to agree. He added that with the increased firepower at use in military conflicts today, military blasts cause about twice the number of brain injuries than during the time of the Vietnam conflict; veterans returning from Afghanistan and Iraq have higher levels of brain injury, and these injuries happened during their service to the U.S., which justifies a reduced sentence if proven to be a factor in criminal behavior.

REPRESENTATIVE REINBOLD agreed that the intent of the bill is good, however, many crimes involve drugs and alcohol and the perpetrators may be self-medicating or hiding their symptoms. She asked how much risk there is to the public when shorter sentences are imposed.

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REPRESENTATIVE GARA reminded the committee that the bill only applies in felonies, and those with reduced sentences will still serve jail time and will receive treatment while in jail. Many of these offenses carry presumptive five- to eight-year jail sentences, so reducing the amount of jail time by 20 percent will not have an effect on the public, he opined, but is recognition of their condition. If the bill extended to rape or murder and to violent criminals, there may be an argument that

there is a danger to society; on the other hand, confinement, jail, and solitary living in a cell can exacerbate the symptoms of PTSD.

REPRESENTATIVE REINBOLD inquired as to whether felons receive treatment through veterans' benefits at an equal level if not in jail.

REPRESENTATIVE GARA was unsure if veterans' benefits apply while in jail, but expressed his hope that veterans' benefits and substance abuse treatment would be offered in jail and afterward. In further response to Representative Reinbold, he said he would get a definitive answer.

REPRESENTATIVE HUGHES noted a benefit of the bill is that more veterans may be properly diagnosed with PTSD and receive treatment. She asked for information on the treatment available to veterans while incarcerated, and whether other states have similar legislation.

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REPRESENTATIVE GARA was unsure whether mitigators in other states address combat-related PTSD or TBI injuries. The bill was written in response to reports from practitioners on the increased rate of clients with PTSD.

REPRESENTATIVE HUGHES questioned if mitigators may impact whether treatment during or following incarceration is [mandated as] part of the sentence.

REPRESENTATIVE GARA advised that after leaving jail, one is still under the jurisdiction of the state because there are periods of probation or parole. It is very common to have a treatment requirement of release and it must be proven to a probation or parole officer that substance abuse or counseling programs are completed; refusal will lead to re-arrest on a probation or parole violation.

REPRESENTATIVE GRUENBERG opined PTSD is an important issue from other points of view such as health. The state has a high percentage of veterans and PTSD affects others as well.

REPRESENTATIVE REINBOLD supported the use of the word "may" instead of "shall" on the first page of the bill.

REPRESENTATIVE GARA affirmed that mitigators are not automatic but are "based on the facts."

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REPRESENTATIVE GRUENBERG called attention to page 1, line 6 of the bill which read:

(d) The following factors shall be considered by the sentencing court if proven

REPRESENTATIVE GRUENBERG clarified that mitigators are required to be considered, but are not required to be applied.

REPRESENTATIVE REINBOLD said correct.

CO-CHAIR LEDOUX opened public testimony on HB 313.

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RIC DAVIDGE, State Director, Government Affairs, Vietnam Veterans of America, Alaska, informed the committee he is a combat veteran and has held other positions with various organizations representing Vietnam veterans. He suggested that had this legislation been law after the Vietnam conflict, many Vietnam veterans incarcerated today might not still be incarcerated. Mr. Davidge said he has been diagnosed with 75 percent PTSD after his service as a combat medic in Vietnam, but with personal effort he is able to manage the syndrome. He described the actions of those with PTSD as "appropriate behavior which has been trained or learned as a result of combat, but is now not appropriate in civil society." Symptoms are detected and managed only with great effort and a lot of support from fellow veterans. In response to an earlier question, he said there are incarcerated chapters of Vietnam Veterans of America and their members qualify and receive Veterans Health Administration benefits for the treatment of PTSD. He described how a sufferer suddenly experiences a trigger, which could be stress, a sound, or a smell. Unfortunately many who suffer are not diagnosed or willing to admit that they need help, even though now veterans are encouraged to do so. The opportunity for a judge to consider a mitigator to a crime when it is clear that someone suffers from PTSD or TBI would be a great help in veteran courts. Mr. Davidge pointed out veterans today have often served in combat for four or six years after multiple deployments and this is a reason for the high divorce and suicide rates among new

veterans. He expressed his organization's full support for HB 313, and said forty-nine other states are considering similar legislation.

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REPRESENTATIVE HUGHES asked whether this is a recent effort.

MR. DAVIDGE responded that PTSD and "minor" TBI as mitigators for criminal sentencing have been discussed nationwide for three to five years; however, this is the first bill to his knowledge.

REPRESENTATIVE GRUENBERG assumed that a service member could acquire PTSD during military service even if it were not "combat-related."

MR. DAVIDGE said yes, PTSD could be acquired through a training incident, but it is not classified combat-related unless the nature of the incidences that cause triggers is repetitive. Combat-related PTSD has done more damage to the brain.

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REPRESENTATIVE GRUENBERG related his personal experience on an aircraft carrier. He asked whether the term "combat-related" is limited to those under enemy fire, since others can acquire PTSD from stressful and dangerous assignments.

MR. DAVIDGE advised that service members who are in a combat theatre are eligible for consideration for combat-related PTSD, because anyone in a combat situation deals with an enormous amount of stress. In further response to Representative Gruenberg, he said the term is defined with the PTSD diagnosis; however, if one is in a combat zone or a theatre of combat, one's experience is relative to one's military occupation. The definition has been expanded some since the Vietnam conflict, and the diagnoses for PTSD and combat-related PTSD are extremely precise and accurate.

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BRANT MCGEE, speaking for himself, informed the committee he is a lifelong Alaskan who served as a combat medic in the Central Highlands of Vietnam in 1969, and is an attorney. He encouraged the committee to review literature on PTSD and TBI. Mr. McGee described in detail the experience of a combat veteran returning home: during the tour of duty the veteran dreams of an idyllic

life at home; after coming home everyday life is strange and different; family and friends have changed; the tour is a hole in the veteran's life; family and friends do not understand combat experiences; the veteran survives with fear and paranoia, remembering horrible sights that prevent sleep; there is exhaustion; there are lapses in memory; there is a different fear than in combat, in that the veteran cannot act as in combat, and actions are unacceptable; the veteran is alone, cannot hold a job, cannot control her or her emotions, and the only relief is from drugs and alcohol which leads to illegal activities; the best case is that this lasts only a few years.

REPRESENTATIVE GRUENBERG assumed Mr. McGee represented clients who suffer from PTSD in his criminal defense law practice, and asked whether there is a definition for PTSD in the Diagnostic and Statistical Manual of Mental Disorders (DSM), third or fourth edition.

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MR. MCGEE said yes, it is well-defined in the DSM, fifth edition (DSM-5).

REPRESENTATIVE GRUENBERG urged for the definition to be entered into the record.

MR. MCGEE said there is a source for the definition regarding PTSD on the Department of Veterans Affairs (VA) web site: [www.PTSD.VA.GOV](http://www.PTSD.VA.GOV).

REPRESENTATIVE REINBOLD restated her belief that the intent of the bill is good; however, her question was whether [substance abuse] treatment for veterans is better delivered inside or outside of jail. She again questioned the amount of risk to family members and the public "if for some reason they get out early without treatment ...."

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MR. MCGEE answered that time in jail has been found to aggravate combat-related PTSD in veterans, and jail is not an appropriate place for treatment. There are programs through VA and other sources that are effective; in fact, VA Health Administration is much better prepared now than during the Vietnam era, and today's veterans are more willing to acknowledge the problem and get treatment. He opined a sentencing judge may shorten the jail term, but also mandate treatment because there are risks to

family and community from those with PTSD symptoms. He affirmed that many who are affected turn to alcohol and drugs, and for those who end up in the criminal justice system it is important to recognize their service so that judges may consider the mitigator. Mr. McGee reminded the committee that in Alaska judges cannot determine treatment after one is committed to the Department of Corrections (DOC).

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CINDY STROUT, speaking for herself, informed the committee working as a criminal defense attorney she has had contact with many young men who are in the criminal justice system for offenses involving controlled substances. Many of these clients suffer from PTSD; and her experience, experts, and studies have shown that combat-related PTSD and substance abuse generally go hand-in-hand. In order to return a soldier to mental health, both conditions require treatment. The treatment for combat-related PTSD is specific and needs to take place in a setting with other combat veterans at VA, and is beyond the programs available at DOC. Ms. Strout opined the intent of the bill is to give a judge the flexibility to reduce a jail sentence and require treatment in an appropriate setting. In response to an earlier question, she said her experience with clients is that VA psychologists in this field have developed a specific tool to make a diagnosis of combat-related PTSD. She agreed with the previous speaker that PTSD is a pervasive mental illness that affects the soldier's life and must be treated. Ms. Strout was encouraged by promising new treatments for PTSD; however, the mitigator provided by HB 313 would allow the sentencing judge to recognize the specialized treatment a soldier needs.

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REPRESENTATIVE GRUENBERG referred to a U.S. Supreme Court ruling stating that "for aggravators" one has a federal constitutional right to a jury trial if there are new facts. He asked whether the mitigator proposed in HB 313 would entitle a defendant to a jury trial.

MS. STROUT answered that the case is *Blakely v. Washington* 542 U.S. 296(2004). She opined that the defendant has to prove the mitigator by clear and convincing evidence; in addition, the *Blakely* analysis would not apply because the defendant is seeking to decrease the sentence.

REPRESENTATIVE GRUENBERG then asked whether those who would be affected by the bill have a constitutional right to treatment.

MS. STROUT advised that the Alaska State Constitution carries a requirement of rehabilitation, and answered in the affirmative.

REPRESENTATIVE HIGGINS inquired as to whether there is mitigation in existing law for those who have acquired PTSD while working in other fields such as law enforcement officers, firefighters, and first responders, because others may need this help also.

MS. STROUT said no, and agreed that many others suffer from PTSD including victims of sex abuse and rape. There are mitigating factors for duress and coercion.

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MR. MCGEE acknowledged that many others are affected by PTSD due to a variety of causes; however, it is appropriate to set combat-related PTSD sufferers aside from others because they suffer due to their service at the bidding of the nation, thus the nation bears some responsibility for their care.

REPRESENTATIVE HUGHES added that the factors of the frequency and duration of combat-related events are another reason. She then asked Mr. Pierre how many Alaskan veterans are coming home with PTSD and whether diagnoses are made previous to their discharge, and if a veteran can request a diagnosis by medical professionals other than VA personnel.

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MCHUGH PIERRE, Deputy Commissioner, Office of the Commissioner/Adjutant General, Department of Military and Veterans Affairs (DMVA), answered that a veteran must be diagnosed by a VA doctor in order to determine the level of disability for disability claims. He said he was unsure of how many Alaskans are returning, but all service members are given thorough treatment and examinations. Mr. Pierre stressed that DMVA and the Alaska National Guard encourage returning veterans to acknowledge their injuries and seek treatment. Along with increased weapons technology, advances in medical care mean more veterans survive combat, but return with complex and serious injuries that must be addressed in every way possible.

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CO-CHAIR LEDOUX, after ascertaining no one else wished to testify, closed public testimony on HB 313. She announced that HB 313 was heard and held.

**HB 318-ANNUAL SCHOOL REPORT: MILITARY FAMILIES**

[2:03:13 PM](#)

CO-CHAIR LEDOUX announced that the final order of business would be HOUSE BILL NO. 318, "An Act relating to public school reports of students whose parents are members of the active duty military service.

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REPRESENTATIVE SADDLER introduced HB 318 as the prime sponsor. He informed the committee that military families in Alaska face special challenges such as: frequent transfers; overseas deployment on short notice; students must transfer schools and adjust to different graduation criteria and class requirements; and students face social dislocations and social pressures. These challenges can impede students' normal progress toward graduation. Military parents may be very aware of these challenges to their children's educational progress, but they are largely hidden from school districts, and state and federal governments. Although state law requires annual reports on school and student performance regarding accreditation, achievement test scores, proficiency, retention, attendance, drop-out and graduation rates, and enrollment changes, the Department of Education and Early Development (EED) does not specifically track the performance of military students thus there is no indicator linking school performance to military status. The U.S. Department of Education (DOE), Impact Aid Program seeks to collect information on military families and their students for tax purposes, but it does not identify the specific school or individual students' performance. Representative Saddler said there are about 37,000 military dependents in Alaska including a significant number of kindergarten through twelfth-grade students. The bill seeks to capture information on students of active-duty military families and require school districts to gather and report to EED on the number, attendance, and performance of students in public schools. Also, the information would be posted on the worldwide web with other reports. The families affected are those on active duty in the armed forces of the U.S., the U.S. Coast Guard, the Alaska National Guard, the Alaska Naval Militia, or

the Alaska State Defense Force. He concluded that having this information would benefit local school districts, help school districts design programs, generate federal tax assistance, and provide guidance to incoming military families. Furthermore, educational organizations connected with military students endorse identifying and tracking students, and seven states have similar laws or executive orders.

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REPRESENTATIVE HUGHES asked whether the U.S. Department of Defense (DoD) or DOE has requested this information, and if this information has been proven to be helpful to military families.

REPRESENTATIVE SADDLER deferred to a representative of DoD.

REPRESENTATIVE HIGGINS observed that HB 318 directs certain information to be gathered that is already known by school districts.

REPRESENTATIVE SADDLER responded that EED does not gather this information on students from military families, although local schools may on a voluntary basis. In further response to Representative Higgins, he said EED would create new forms and questionnaires to collect the required information.

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PAUL PRESSING, Deputy Director, Division of Teaching and Learning Support, EED, affirmed that the department now gathers the following information: sex, race, original spoken language, and migrant status, but not whether a student is part of a military family. This would require a new data element to be incorporated into the department's data collection system.

REPRESENTATIVE HIGGINS expressed his belief that a military transfer would be part of a student's school registration.

MR. PRESSING explained EED could request certain information that schools already have. In further response to Representative Higgins, he noted that the state report cards on each school and school district show the academics for subgroups such as English Language Learners. A military student subgroup would reveal reading, writing, and math scores, and could be compared to other students or subgroups on the state report card.

REPRESENTATIVE SADDLER added that other performance comparisons could be on graduation rates, attendance, and higher or lesser achievement than peers.

REPRESENTATIVE HUGHES cautioned that even if the information is gathered by group, when the information is used a pattern may inadvertently identify individual students.

MR. PRESSING assured the committee that all student data is confidential, and districts use this type of data to drive their educational programs.

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CO-CHAIR LEDOUX opened public testimony on HB 318.

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MARK SAN SOUCI, Regional Liaison, State Liaison Office, DoD, informed the committee this issue arose in 2012 and 2013 as one of the key issues towards improving the quality of life for military families. He said there are school districts in Alaska that document military families, but these are typically schools near military installations that do so in order to apply for and receive military impact aid from DoD or DOE; this aid totals about \$2 million, however, DoD and DOE do not know about the population in schools that do not request money. Tracking of this type reveals trends such as absenteeism based on parental deployments or other military service. In addition, this information can facilitate the distribution of DoD and local resources. In the 2014 DoD budget, \$25 million is designated to school districts and the first step is to know how many military-connected kids are in a school district. Mr. San Souci pointed out the bill has a low fiscal note because most schools would just need to add a code to their information-gathering system. He added that the intent of the bill is to protect privacy, and similar legislation is too new to provide supporting documentation. In response to Representative Higgins, Mr. San Souci confirmed that this information is important to the education agency of DoD.

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REPRESENTATIVE HIGGINS asked whether DoD has funds to contribute to the cost of gathering this information.

MR. SAN SOUCI recalled in 2013 the DoD Impact Aid Program gave Alaska EED \$1.5 million and the Delta/Greely School District \$48,000, and DOE provided approximately \$106 million in federal aid to school districts.

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LIEUTENANT COLONEL KAY SPEAR BUDD, State Family Program Director, Alaska National Guard, said she was representing the Coalition for Alaska Service Members, Veterans and Families. The purpose of the coalition is to support Joining Community Forces, a national initiative, which seeks to educate community members about the military throughout Alaska, to identify gaps in services, and to encourage collaboration between agencies. From its outreach efforts, the coalition has identified the gap in information addressed by HB 318, which is to identify all students of parents who have served in the past or are currently serving in the military. She stated that the benefits of collecting this data are to connect and communicate with teachers and schools to aid children of military families and provide resources and referrals. The U.S. has been at war for over 12 years and the coalition is looking at the long-term effects of war on the children of military families and at the community support that is needed now more than ever.

CO-CHAIR LEDOUX inquired as to how to prevent the disclosure of an individual's performance information in a small school setting.

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MR. SAN SOUCI responded that there would be the same protection of information as there is for any other subgroup of kids. He added that some military families live away from the base, and their children attend school in a district not highly-impacted by the military.

REPRESENTATIVE HUGHES cautioned that publicly reporting performance in a school with two or three military-family students could reveal their identities easier than other subgroups. She asked if a school with very low numbers of these students could be exempted.

REPRESENTATIVE SADDLER acknowledged that the reporting of small samples is a challenge in Alaska; he was unsure if there are provisions in existing protective laws for the non-public

disclosure of small populations, but said this situation is "in the clutter of statistical reporting ... information."

REPRESENTATIVE HUGHES requested that Co-Chair LeDoux discuss her concerns with EED at the next committee of referral. In response to Representative Saddler, she agreed that being in a military family is honorable, but frequent moves can be hard on students.

CO-CHAIR LEDOUX said she and the sponsor will ensure that this issue is thoroughly vetted at the next committee of referral.

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REPRESENTATIVE HIGGINS opined that in Alaska there are many studies that are completed and paid for, but that are without value. He stressed that when the military deploys a service member there are not many choices of location for the family, and questioned how spending \$80,000 - and \$10,000 per year subsequently - to collect information, will help military families. Representative Higgins remarked:

... and when it goes to the next committee, I want ... to hear specifics, how does it help you? ... It all sounds good, but until we actually put pen to paper, how does it help?

REPRESENTATIVE SADDLER answered that the information will help parents know whether or not to live on base. Further, DoD wants to know at which locations the kids of soldiers and airmen are getting a good education, because a good education for their family members is a significant element for morale.

REPRESENTATIVE HIGGINS interjected that the military cares most about the service member.

REPRESENTATIVE SADDLER acknowledged that the service member is most important, but his experience shows that the military does value a strong family. Another value of HB 318 is to school districts; for example, DoD has programs at schools near Joint Base Elmendorf-Richardson (JBER) for counseling for kids of deployed parents through Impact Aid resources.

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CO-CHAIR LEDOUX asked whether there are any statistics that show that there are high-performing schools that are not working for

students of military families, or vice-versa. She suggested that the school reports that show a school is doing well in general should be sufficient.

REPRESENTATIVE SADDLER said identifying students with the unique challenges of military families provides the metrics required to measure outcomes. There are benefits to knowing the performances of subgroups, because "what gets measured gets managed."

REPRESENTATIVE GRUENBERG read from AS 14.60.010(6) as follows:

Public schools include elementary schools, high schools, citizenship night schools for adults and other public educational institutions that may be established;

REPRESENTATIVE GRUENBERG questioned whether the bill includes charter schools or only affects non-charter schools.

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CO-CHAIR LEDOUX said charter schools are public schools.

REPRESENTATIVE GRUENBERG then referred to the bill on page 2, lines 25-28, paragraph 11, which read:

(11) information on the number, attendance, and performance of students enrolled in the school whose parents or guardians are on active duty in the armed forces of the United States, the United States Coast Guard, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Defense Force.

REPRESENTATIVE GRUENBERG said paragraph 11 would only require EED to provide information on "number, attendance, and performance" of the students. Paragraph 10 [page 2, lines 24 and 23] read:

(10) other information concerning school performance and the performance of the school's students as required by the state board in regulation

REPRESENTATIVE GRUENBERG questioned whether the information required in paragraph 11 was equal to the information required in paragraph 10.

CO-CHAIR LEDOUX suggested the sponsor review the order of paragraphs 10 and 11.

REPRESENTATIVE GRUENBERG asked supporters of the bill whether any additional information is desired.

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LIEUTENANT COLONEL SPEAR BUDD said there is a lot of confusion with the term "active duty." For example, service members in the National Guard or Reserve that are not deployed, are not considered active duty. She suggested that the language, "parents or guardians, serving or have served in the armed forces" would ensure that all of the families and students get the services that they have earned as former or current military service members.

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MCHUGH PIERRE, Deputy Commissioner, Office of the Commissioner/Adjutant General, Department of Military and Veterans Affairs (DMVA), added that the goal of [paragraph] 11 is to include those affiliated with DoD or the U.S. Coast Guard that are active service members. He clarified that the Alaska Naval Militia and the Alaska State Defense Force are state entities that are not technically considered military. They are the organized state militia as far as the State of Alaska is concerned, but not by DoD, thus including these services might glean more information than is necessary. Additionally, members of the Alaska Naval Militia serve under a memorandum of understanding with the Navy Reserve and any of its Reserve members will already be counted.

REPRESENTATIVE SADDLER, in additional response, said veterans or traditional [U.S. Coast Guard] service members do not transfer as much so - at this time - the proposed legislation is focused on active military.

REPRESENTATIVE HUGHES asked for affirmation that a deployed member of the Reserve fits the bill's definition of "active duty in the armed forces."

REPRESENTATIVE SADDLER said the Alaska National Guard has deployed service members.

MR. PIERRE clarified that the effort [of the bill] is to acknowledge that some service members in the Alaska National

Guard do move across the state; he agreed that the sponsor of the bill is correct to include members of the Alaska National Guard. In further response to Representative Hughes, he confirmed that if Reserve members of the Alaska National Guard are deployed, they meet the definition of active duty in [paragraph] 11 of the bill.

[2:46:41 PM](#)

CO-CHAIR LEDOUX, after ascertaining that no one else wished to testify, closed public testimony on HB 318.

REPRESENTATIVE GRUENBERG urged the sponsor to closely review the language of the bill.

REPRESENTATIVE SADDLER said Representative Gruenberg's question would be posed to EED.

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REPRESENTATIVE HUGHES moved to report HB 318 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 318 was reported from the House Special Committee on Military and Veterans' Affairs.

[2:48:13 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 2:48 p.m.