

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

April 10, 2014

1:13 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**

CS FOR SENATE JOINT RESOLUTION NO. 24(STA)  
Relating to certain holiday practices at federal Veterans Health  
Administration facilities.

- MOVED HCS CSSJR 24(MLV) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SJR 24

SHORT TITLE: VETERANS HEALTH ADMINISTRATION POLICIES

SPONSOR(S): SENATOR(S) HUGGINS

02/14/14	(S)	READ THE FIRST TIME - REFERRALS
02/14/14	(S)	STA
03/11/14	(S)	STA AT 9:00 AM BUTROVICH 205
03/11/14	(S)	Moved CSSJR 24(STA) Out of Committee
03/11/14	(S)	MINUTE(STA)
03/12/14	(S)	STA RPT CS 4DP SAME TITLE
03/12/14	(S)	DP: DYSON, WIELECHOWSKI, COGHILL, GIESSEL
04/02/14	(S)	TRANSMITTED TO (H)
04/02/14	(S)	VERSION: CSSJR 24(STA)
04/03/14	(H)	READ THE FIRST TIME - REFERRALS
04/03/14	(H)	MLV
04/08/14	(H)	MLV AT 1:00 PM CAPITOL 120
04/08/14	(H)	Heard & Held
04/08/14	(H)	MINUTE(MLV)

04/10/14

(H)

MLV AT 1:00 PM CAPITOL 120

**WITNESS REGISTER**

PAUL LABOLLE, Staff  
Representative Neal Foster  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced the House committee substitute for CSSJR 24(STA) on behalf of Co-Chair Foster.

ERIC HOLLEN, Staff  
Senator Charlie Huggins  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on behalf of Senator Huggins, prime sponsor, during the hearing on CSSJR 24(STA).

**ACTION NARRATIVE**

[1:13:19 PM](#)

**CO-CHAIR GABRIELLE LEDOUX** called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:13 p.m. Representatives Higgins, Hughes, Saddler, Reinbold, Gruenberg, and LeDoux were present at the call to order.

**SJR 24-VETERANS HEALTH ADMINISTRATION POLICIES**

[1:13:37 PM](#)

CO-CHAIR LEDOUX announced that the only order of business would be CS FOR SENATE JOINT RESOLUTION NO. 24(STA), Relating to certain holiday practices at federal Veterans Health Administration facilities.

[1:14:20 PM](#)

REPRESENTATIVE HIGGINS moved to adopt the proposed House committee substitute (HCS) for CSSJR 24(STA), labeled 28-LS1412\N, Bannister, 4/10/14, as the working draft.

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CO-CHAIR LEDOUX objected for the purpose of discussion.

[1:14:50 PM](#)

PAUL LABOLLE, Staff, Representative Neal Foster, Alaska State Legislature, informed the committee the conceptual amendments discussed at the previous hearing on 4/8/14, and an amendment offered by Representative Higgins have been incorporated into the HCS for CSSJR 24(STA), labeled 28-LS1412\N, Bannister, 4/10/14, as follows:

Page 2, line 9 adding:

**WHEREAS** the officials at the Veterans Health Administration facilities described in this resolution ignored the policies established by the United States Secretary of Veterans Affairs regarding holiday practices at the facilities

Page 2, line 21 changing existing language to:

**BE IT RESOLVED** that the Alaska State Legislature condemns the actions of the Veterans Health Administration officials that prohibited religious holiday messages and gifts from being conveyed to veterans at Veterans Health Administration facilities and respectfully requests that the United States Secretary of Veterans Affairs ensure that the violations of veterans' rights described in this resolution do not occur again

Page 2, line 26 adding:

**FURTHER RESOLVED** that the Alaska State Legislature finds it unconscionable that the established policies of the United States Secretary of Veterans Affairs on holiday practices at Veterans Health Administration facilities are being ignored and respectfully requests that the United States Secretary of Veterans Affairs follow the established policies on holiday practices at Veterans Health Administration facilities and train personnel on those policies so that the violations of veterans' rights described in this resolution do not occur again

Page 3, line 2 conforming:

**FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that the United States Secretary of Veterans Affairs provide each member of the Alaska State Legislature with a written assurance that the actions of the Veterans Health Administration officials described in this resolution do not reflect the policies on holiday practices at Veterans Health Administration facilities

[1:18:41 PM](#)

REPRESENTATIVE GRUENBERG asked whether changes were made to the existing **WHEREAS**.

MR. LABOLLE said no. An additional change was made to the **COPIES** section as follows:

Page 3, line 12 adding:

the Honorable Bernie Sanders, Chair, U.S. Senate Committee on Veterans' Affairs; the Honorable Richard Burr, Ranking Member, U.S. Senate Committee on Veterans' Affairs;

REPRESENTATIVE SADDLER surmised the resolution was in response to a situation in Texas, and asked whether any other violations at Veterans Health Administration facilities were known.

[1:20:49 PM](#)

ERIC HOLLEN, Staff, Senator Charlie Huggins, Alaska State Legislature, responded that instances occurred in Texas, Georgia, Alabama, and Iowa over the holiday. In further response to Representative Saddler, he said there have been no instances in Alaska.

REPRESENTATIVE GRUENBERG directed attention to the Veterans Health Administration (VHA), Department of Veterans Affairs (VA), VHA Handbook 1111.02, Spiritual and Pastoral Care Procedures, found in the committee packet. On page 19, paragraph 26. RELIGIOUS LITERATURE read in part:

Religious literature may be purchased to benefit the spiritual health of patients.

a. Various religious denominations offer literature free of charge. The chaplains are responsible for reviewing all donated or purchased religious literature and determining its appropriate distribution.

b. Upon a patient's request, a chaplain may provide literature that describes a particular religious or denominational viewpoint.

c. Material must not be distributed that may interfere with patient care.

REPRESENTATIVE GRUENBERG opined the distribution of cards is governed by the chaplain at the facility as directed above in subparagraph a. He pointed out that the policy leaves the question of distribution to the chaplain, but does not provide much guidance for the chaplain, who may believe he or she is following the policy. Representative Gruenberg said he had not seen the federal consent decree that was discussed at the hearing on 4/8/14, or the policy that governs Christmas carols.

[1:25:37 PM](#)

MR. LABOLLE remarked:

The consent decree is not on this particular case. That was on the case referenced in the previous article we had looked at in the committee where ... the American Legion commander who has stated that the VA was already under a consent decree. That consent decree was under a different case which was on caroling, and not directly related to this, but tangentially related to this.

REPRESENTATIVE GRUENBERG observed that part of the concern addressed by the resolution is that singers were not allowed to sing carols, so that might be governed by the consent decree.

MR. HOLLEN clarified that the issue at the Augusta, Georgia, VA facility was that the high school carolers were not allowed to perform the songs they had rehearsed.

CO-CHAIR LEDOUX directed attention back to the VHA Handbook and suggested that the committee reexamine the policy of having the chaplain review all religious literature, which she said she found offensive. The VA policy may be an issue of prior

restraint [prohibited by the First Amendment to the U.S. Constitution] on the freedom of speech.

MR. LABOLLE directed attention to the response letter from VA [North Texas Health Care System] dated 12/27/13 found in the committee packet. He read from paragraph [3] as follows:

As a practical matter, Chaplaincy Service fulfills that duty by reviewing holiday cards and determining if the cards contain religious material within them and in the event they do, our Chaplains distribute them by asking patients on an individual basis if they will accept a holiday card with religious references.

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CO-CHAIR LEDOUX maintained her belief that prior restraint may still apply.

REPRESENTATIVE HUGHES pointed out the response on 12/27/13 was not written on behalf of the Secretary of Veterans Affairs and did not "lay out the policy." She agreed that the policy is a problem and needs to be readdressed, and offered a conceptual amendment that the original **RESOLVE** in the resolution is reinserted and reflected in the **RESOLVE** offered by Representative Higgins.

[1:31:01 PM](#)

The committee took a brief at-ease.

REPRESENTATIVE GRUENBERG cautioned that very short and seemingly innocuous legislation can create very significant problems. In this case, one must consider the rights of those who send the message, the rights of the sender to have message delivered, and to a less significant degree, the right of the institution to provide patient care. He pointed out that mail is delivered by the postal service without interference. Representative Gruenberg stated, "... and to have the institution or the Chaplain say 'Do you want to receive this ...?' that's a serious potential infringement on the sender's right ...."

CO-CHAIR LEDOUX restated her support for Representative Hughes's conceptual amendment because there are problems not just with the interpretation of the policy, but with the policy.

REPRESENTATIVE SADDLER said whether letters were addressed to an individual resident, or to the administrators at a VA facility, would have a bearing on their delivery.

[1:34:44 PM](#)

REPRESENTATIVE HUGHES moved to adopt Conceptual Amendment [1], to reinsert in the resolution the original **RESOLVE** which read:

**BE IT RESOLVED** that the Alaska State Legislature respectfully requests that the United States Secretary of Veterans Affairs reconsider the policies on holiday practices at Veterans Health Administration facilities and rewrite those policies so that the violation of veterans' rights described in this resolution do not occur again; and be it

REPRESENTATIVE HUGHES said the above **RESOLVE** is to be reinserted in Version N, beginning at page 2, line 26. The conceptual amendment would also provide conforming language with the proposed HCS.

[1:36:05 PM](#)

CO-CHAIR LEDOUX withdrew her objection to the proposed House CS.

[1:36:35 PM](#)

The committee took a brief at-ease.

[1:40:42 PM](#)

REPRESENTATIVE HIGGINS objected for the purpose of discussion. He referred to the original question of whether the problem addressed by the resolution is with VA policy or with the interpretation of the policy. Returning attention to the VHA Handbook for Spiritual and Pastoral Care Procedures, he pointed out that paragraph 26. RELIGIOUS LITERATURE applies to religious literature that may be purchased to benefit the spiritual health of patients. The incident in Texas centered on literature that was given, not purchased, and he opined that paragraph 26 does not apply.

REPRESENTATIVE GRUENBERG advised that the policy is not well-drafted. The first statement is a general statement that religious literature may be purchased. The question remaining is whether a religious denomination can offer the literature to

patients free of charge, and that is what the Chaplain decides. Although it is not entirely clear, he expressed his belief that the resolution is governed by subparagraph a. Representative Gruenberg explained that after a federal law is passed, regulations, policies, and procedures are written in addition to the statute. He stated that the policy in the handbook may violate a statute or a regulation, but that is unknown to the committee. In response to Co-Chair LeDoux, he agreed that there could also be a violation of the U. S. Constitution.

[1:44:01 PM](#)

REPRESENTATIVE HIGGINS removed his objection. There being no further objection, Version N was before the committee.

[1:44:29 PM](#)

REPRESENTATIVE HUGHES restated her motion to adopt Conceptual Amendment 1. Without further objection, it was so ordered.

[1:47:14 PM](#)

REPRESENTATIVE HUGHES moved to adopt Conceptual Amendment 2, that on page 2, line 26 delete the language between the words "Legislature" and "and" on line 28.

CO-CHAIR LEDOUX suggested the following change:

Page 2, line 26

Delete all material and insert:

**FURTHER RESOLVED** that the Alaska State Legislature finds the violations of veterans' rights described in this resolution are unconscionable

REPRESENTATIVE HUGHES offered the following change:

Page 2, line 26

Delete all material and insert:

**FURTHER BE IT RESOLVED** that the Alaska State Legislature requests the U.S. Secretary of Veterans Affairs ensure that the personnel are trained appropriately in the rewritten policies so the

violations described in this resolution do not occur again.

[1:49:15 PM](#)

REPRESENTATIVE HIGGINS said to remove the first use of the word "established" because the purpose behind the entire resolution is that the policies were working, but there were some individuals who were not properly trained.

CO-CHAIR LEDOUX expressed her understanding that the policies of the Veterans Health Administration facilities are unconscionable, and in violation of statute, regulation, and the U.S. Constitution.

REPRESENTATIVE HIGGINS stated that may not be true as the committee has only read the handbook and not the policy; in fact, the policy may be correct and the training of employees may be the problem.

REPRESENTATIVE GRUENBERG noted there is insufficient time to research this topic; however, if the committee seeks action now it could ask VA and Congress to take a look at the problem and take corrective action.

REPRESENTATIVE HIGGINS observed that is what the **RESOLVE** says now.

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REPRESENTATIVE GRUENBERG suggested on page 2, line 28 delete "are" and insert "may be." Also, the legislature could request that Congress, in its oversight function, take a look into the issue.

CO-CHAIR LEDOUX asked whether this is viewed as a friendly amendment.

REPRESENTATIVE HUGHES responded:

I have a problem with it because I think that we've agreed that there's a problem, and we all looked at the procedures ... and you can tell that the procedures need to be worked on. We can see that they need to be addressed. ... So I had a way perhaps that we could craft this and I can amend my amendment. ... We could state that "the procedures established by the

United States Secretary of Veterans Affairs on holiday practices at Veterans Health Administration facilities are unconscionable." ... If we're just allowing Congress to review it then there - we're not making as strong as a statement then if we say this is a problem, the procedures aren't right.

The committee took an at-ease from 1:54 p.m. to 2:15 p.m.

[2:15:35 PM](#)

REPRESENTATIVE HUGHES withdrew Conceptual Amendment 2. Without further objection, it was so ordered.

[2:15:49 PM](#)

REPRESENTATIVE HIGGINS moved to adopt Conceptual Amendment [3].

[2:15:56 PM](#)

CO-CHAIR LEDOUX objected for the purpose of discussion.

REPRESENTATIVE HIGGINS explained that Conceptual Amendment [3] amends Version N on page 2, beginning at line 26 as follows:

Delete all material and insert:

**FURTHER RESOLVED** that the Alaska State Legislature finds it greatly troubling that the established policies and procedures of the United States Secretary of Veterans Affairs on holiday practices at the Veterans Health Administration facilities appear to be being ignored and respectfully requests that the United States Secretary of Veterans Affairs review the present established policies on holiday practices at Veterans Health Administration facilities and train personnel on those policies so that the apparent violations of veterans' rights described in this resolution do not occur again; and be it

REPRESENTATIVE HIGGINS added that another change is as follows:

Page 2, line 22 after "messages"

Insert ", music,"

[2:17:40 PM](#)

CO-CHAIR LEDOUX removed her objection. Without further objection, Conceptual Amendment [3] was adopted.

REPRESENTATIVE GRUENBERG directed attention to Consent Decree Civil Action No. 4:11-ev-01992, United States District Court for the Southern District of Texas, Houston Division, noting that the decree addresses activities at a VA cemetery, and suggested that the committee might want to consider researching this topic as an agenda item during the next session.

CO-CHAIR LEDOUX expressed her preference to consider the resolution before the committee.

[2:19:36 PM](#)

REPRESENTATIVE HUGHES moved to adopt Conceptual Amendment [4] to add the director of the Alaska VA Healthcare System on page 3, line 16 following "Department of Military and Veterans' Affairs;". Without objection, it was so ordered.

[2:20:36 PM](#)

REPRESENTATIVE SADDLER moved Conceptual Amendment [5] to add "Alaska" on page 3, line 16 preceding "Department". Without objection, it was so ordered.

MR. HOLLEN read the following quote from George Washington:

The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of earlier wars were treated by their nation.

REPRESENTATIVE SADDLER agreed that compensation, propensity and the perception of how veterans are treated are important for recruiting.

REPRESENTATIVE HUGHES thanked the bill's sponsor and staff.

REPRESENTATIVE GRUENBERG concurred.

[2:23:20 PM](#)

The committee took an at-ease from 2:23 p.m. to 2:26 p.m.

[2:26:35 PM](#)

REPRESENTATIVE HIGGINS moved to report the proposed House CS for CSSJR 24, Version 28-LS1412\N, Bannister, 4/10/14, as amended, out of committee with individual recommendations and the accompanying fiscal notes. Hearing no objection, HCS CSSJR 24(MLV) was reported from the House Special Committee on Military and Veterans' Affairs.

[2:27:00 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 2:27 p.m.