

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 18, 2017

3:06 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson

MEMBERS ABSENT

Representative Gary Knopp
Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 235

"An Act creating the North Star Medal."

- HEARD & HELD

HOUSE BILL NO. 125

"An Act relating to a veteran's designation on an identification card or a driver's license for Hmong veterans and Lao veterans."

- HEARD & HELD

HOUSE BILL NO. 224

"An Act relating to reemployment of persons who retire under the teachers' retirement system."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 235

SHORT TITLE: NORTH STAR MEDAL

SPONSOR(S): REPRESENTATIVE(S) KREISS-TOMKINS

04/16/17 (H) READ THE FIRST TIME - REFERRALS

04/16/17 (H) STA
04/18/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 125

SHORT TITLE: LAO/HMONG VETERAN DRIVER'S LIC. & ID CARD
SPONSOR(s): REPRESENTATIVE(s) TARR

02/15/17 (H) READ THE FIRST TIME - REFERRALS
02/15/17 (H) MLV, STA
04/04/17 (H) MLV AT 1:00 PM GRUENBERG 120
04/04/17 (H) Heard & Held
04/04/17 (H) MINUTE(MLV)
04/06/17 (H) MLV AT 1:00 PM GRUENBERG 120
04/06/17 (H) Moved HB 125 Out of Committee
04/06/17 (H) MINUTE(MLV)
04/07/17 (H) MLV RPT 5DP 1NR
04/07/17 (H) DP: SPOHNHOLZ, REINBOLD, PARISH,
SADDLER, TUCK
04/07/17 (H) NR: RAUSCHER
04/18/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 224

SHORT TITLE: REEMPLOYMENT OF RETIRED TEACHERS & ADMIN
SPONSOR(s): REPRESENTATIVE(s) JOHNSTON

04/10/17 (H) READ THE FIRST TIME - REFERRALS
04/10/17 (H) STA, FIN
04/18/17 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

STEPHANIE GILARDI, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 235 on behalf of
Representative Kreiss-Tomkins, prime sponsor.

BOB LYNN
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 235.

WALT MONEGAN, Commissioner Designee
Department of Public Safety (DPS)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 235.

ED MERCER, Deputy Chief
Juneau Police Department (JPD)
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 235.

DAVID CAMPBELL, Lieutenant
Juneau Police Department (JPD)
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 235.

DARYL WEBSTER, Assistant Superintendent
Lemon Creek Correctional Center (LCCC)
Department of Corrections (DOC)
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 235.

TROY LARUE, Division Operations Manager
Statewide Aviation
Department of Transportation & Public Facilities (DOT&PF)
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 235.

STEVE BEAR, Colonel, Director
Division of Alaska Wildlife Troopers (AWT)
Department of Public Safety (DPS)
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 235.

NICK SZABO, Vice President
Alaska Search and Rescue Association (ASARA)
Kodiak, Alaska
POSITION STATEMENT: Testified in support of HB 235.

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented HB 125, as prime sponsor.

VERDIE BOWEN, Director
Veterans Affairs
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 125.

MAI XIONG
Hmong Alaska Community Inc.
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 125.

REPRESENTATIVE JENNIFER JOHNSTON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 224, as prime sponsor.

ROBERT ERVINE, Staff
Representative Jennifer Johnston
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the Sectional Analysis of HB 224 on behalf of Representative Johnston, prime sponsor.

LISA PARADY, PhD, Executive Director
Alaska Council of School Administrators (ACSA)
Juneau, Alaska

POSITION STATEMENT: Testified and answered questions during the hearing on HB 224, with the use of a PowerPoint presentation handout.

NORM WOOTEN, Executive Director
Alaska Association of School Boards (AASB)
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 224.

ACTION NARRATIVE

[3:06:29 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:06 p.m. Representatives Tuck, Wool, Birch, and Kreiss-Tomkins were present at the call to order. Representatives LeDoux and Johnson arrived as the meeting was in progress.

HB 235-NORTH STAR MEDAL

[3:07:41 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 235, "An Act creating the North Star Medal."

CHAIR KREISS-TOMKINS, as prime sponsor of HB 235, stated that the intent of HB 235 is to recognize first responders and law enforcement personnel at the state level like the Purple Heart does on the national level. He mentioned that the proposed

legislation was the idea of former Representative Bob Lynn and resulted from collaboration with Mr. Lynn.

3:09:14 PM

STEPHANIE GILARDI, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of Representative Kreiss-Tomkins, prime sponsor of HB 235, stated that HB 235 would create the North Star Medal, which would serve as a symbol of gratitude from the people of Alaska to first responders and law enforcement personnel. She asserted that the medal is meant to be a rare and high honor awarded by the governor to individuals who are injured or killed in the line of duty while exhibiting great courage in the service of their fellow Alaskans. She said that firefighters, peace officers, emergency medical technicians (EMTs), and search and rescue (SAR) volunteers would all be eligible for the award. The category of peace officer includes police officers, Village Public Safety Officers (VPSOs), Alaska State Trooper (AST) troopers, municipal police, and corrections officers.

MS. GILARDI relayed that other states, such as Idaho, Illinois, Oregon, and Texas, have similar awards honoring first responders and law enforcement for meritorious conduct and/or death or injury in the line of duty. She maintained that the proposed legislation would create an award that would honor Alaska's fallen heroes.

MS. GILARDI stated that there is one comparable award that currently exists in Alaska - the Alaska Medal of Heroism - created by the legislature in 1965, which has been awarded several times to recognize heroic and valorous deeds. She offered that the difference [between that medal and the one currently being proposed] is that the Alaska Medal of Heroism can be awarded to any person and most often is awarded for spontaneous acts of bravery, such as saving people from fire, car crashes, or airplane wrecks. The North Star Medal would not duplicate this award. While the recipients of the Alaska Medal of Heroism are ordinary citizens responding to extraordinary events with courage, the North Star Medal would honor people who "show up" each day knowing that during their work, they could be asked to sacrifice their lives to protect their fellow Alaskans.

MS. GILARDI relayed that nominations for the North Star Medal may originate within communities and [state] departments. The nominee names would be passed on to the highest-ranking supervisor in that department and forwarded to the commissioner

of the Department of Public Safety (DPS), who would review the nominations and pass them on to the governor. She said the medals would be awarded by the governor in a ceremony occurring no more than once per year; if the honoree is no longer living or unable to accept the award, it would be presented to his/her next of kin.

MS. GILARDI related that staff has been working closely with DPS; the DPS already creates and designs awards for its own employees and would be amenable to designing this one. She thanked Commissioner Monegan for assisting with naming the medal.

CHAIR KREISS-TOMKINS mentioned that HB 235 would complement HB 23 [signed into law 6/21/17], which created benefits for survivors of those felled in the line of duty.

[3:13:06 PM](#)

REPRESENTATIVE TUCK asked if the Purple Heart may be awarded to a member of the [Alaska] National Guard or a member of the organized militia of Alaska who respond to emergencies.

MS. GILARDI responded that there is a military honor, which was created in 2007 - the Alaska Declaration of Honor - that may be awarded to members of the military such as guardsmen.

[3:13:54 PM](#)

REPRESENTATIVE JOHNSON asked which award - the North Star Medal or the Alaska Medal of Heroism - would be appropriate for a SAR volunteer.

MS. GILARDI answered that she included the SAR volunteers among those eligible for the North Star Medal because they work closely with law enforcement and have made commitments to serve in an organization devoted to helping other people; they are on call like first responders; and they are willing to put themselves in danger.

REPRESENTATIVE JOHNSON offered that SAR volunteers would be like volunteer firefighters who are members of an active volunteer corps.

MS. GILARDI replied, that's correct.

[3:15:31 PM](#)

REPRESENTATIVE WOOL referred to the letter, included in the committee packet, from the Alaska Correctional Officers Association (ACOA) and asked for confirmation that this group would be included under the category "peace officers."

MS. GILARDI answered, "Yes they are."

3:16:05 PM

BOB LYNN testified, "There is a medal that Alaska needs, that too many people deserve, but nobody wants." He relayed that the U.S. Armed Forces has the Purple Heart, which is awarded to someone who is wounded or killed in a hostile action. He maintained that Alaska law enforcement heroes and those working with them, who are wounded or killed by hostile actions by opponents of law and order - thugs, criminals, and the scum of humanity - are deserving of such a medal. He said that HB 235 proposes such a medal, which would be titled the "North Star Medal." He offered that Alaska's budget issues are important, but so is honoring law enforcement through the proposed legislation. He stated that without the help and support of the military overseas and law enforcement at home, all other issues, including budget issues, are moot. He maintained that when law enforcement officers are wounded or killed on behalf of Alaskans, there needs to be special recognition by the State of Alaska; that is what is proposed under HB 235; and it is the least Alaska can do.

MR. LYNN stated that he has a special interest in the proposed legislation due to having been a law officer himself and having many family members in law enforcement. He said, "By the grace of God, none of our family were ever wounded or killed, but we had comrades and friends who were." He maintained that these people should have been awarded special recognition by their states, just as a member of the military is awarded a Purple Heart by a grateful nation. He urged the committee to pass HB 235.

3:19:08 PM

REPRESENTATIVE BIRCH expressed his appreciation and support for the proposed legislation.

3:20:27 PM

WALT MONEGAN, Commissioner Designee, Department of Public Safety (DPS), stated that his father, Walt Monegan, Jr., was a U.S. (Marine Corps) marine, killed in action during the Korean War and posthumously awarded the Congressional Medal of Honor. Commissioner Monegan relayed that he was in utero when his father died, so never met his father. He stated that the medal is proudly displayed in his home and has served as a physical reminder since childhood that "I, too, must believe in something larger than myself."

Commissioner Monegan offered that the award being considered under HB 235 is a similar form of recognition [as the Purple Heart] of a first responder who has answered a threat in a manner that is above and beyond the call of duty. He maintained that the medal will honor its wearer and his/her family, and it will serve as a reminder that there are still brave and noble Alaskans who also believe in things that are bigger than themselves.

[3:22:10 PM](#)

ED MERCER, Deputy Chief, Juneau Police Department (JPD), relayed a story of heroism and sacrifice as follows: On April 2015, two general police officers responded to a call involving an airline passenger who violated a rule on the airplane. The officers contacted the passenger near the tarmac, who provided the officers with a fake name, then became increasingly agitated. The man took off running toward the restricted area of the tarmac, and both officers pursued him. After a brief chase, the officers tackled the man; the man tried to take one officer's handgun; and the other officer tried to subdue the man applying several soft- and hard-hand techniques to no avail. The man continued to try to remove the officer's gun, but the other officer hit the man until the man stopped. The man then started to grab the officer's taser and was stopped only after the other officer pulled out his taser and demanded the man to stop. The man was arrested, and JPD learned that the man had an outstanding warrant in another state. Although no one was killed in this incident, one of the officers sustained an injury resulting in months of missed work, surgery, and rehabilitation.

MR. MERCER stated that he believes policing is one of the noblest professions a person can undertake. It is one with incredible rewards and responsibilities; however, it is not without risk or sacrifice. He said that the story he related is just one example, and he maintained that across Alaska law enforcement, fire fighters, first responders, and SAR volunteers

risk their lives daily in service to the communities of Alaska. He asserted that it is for this reason he supports HB 235 and the North Star Medal.

[3:24:32 PM](#)

DAVID CAMPBELL, Lieutenant, Juneau Police Department, relayed that in preparation for testifying, he walked through the police department and asked each officer he encountered whether he/she had ever been injured or assaulted in the line of duty. He stated that except for two officers, every officer with whom he spoke had been assaulted. He offered that he has been assaulted four times over the course of his 22 years with JPD. He related the story of one officer: The officer arrested a suspect who sucker punched him, grabbed him in a headlock, and tried to gouge out his eye. The officer was rescued by an off-duty police officer from Colorado; the suspect was tasered and taken into custody. The officer missed time from work while his eye was recovering from a scratched cornea.

MR. CAMPBELL attested to the humility of that officer in relating his story and of all the officers who told Mr. Campbell of their injuries on the job. He stated that he looked at the Law Enforcement Officers Killed and Assaulted (LEOKA) Program statistics for 2016 and learned that for JPD with 55 officers, there were 20 reports of officers injured in the line of duty by assaultive behavior.

MR. CAMPBELL maintained that the North Star Medal is a good idea for two reasons. First, it would counteract "police cynicism" - the tendency of police officers to contract a negative view of society after dealing with negative things every day. He maintained that two of his favorite days of the year are the [National] Police Memorial Day and the National Night Out in Juneau, because regular citizens come out to these events and thank the police for the work they do; it demonstrates to police officers that there are good people "out there" who care about them. He asserted that this medal would represent a show of support and respect from the highest office in the state.

MR. CAMPBELL offered the second reason that the North Star Medal is a good idea: the average citizen in the state may not realize how dangerous it is to be a law enforcement officer; it would be a reminder that not just those making the ultimate sacrifice should be recognized, but people who get assaulted on a regular basis. He suggested that the award may counter some

of the negative rhetoric against police officers, heard across the nation.

[3:27:37 PM](#)

REPRESENTATIVE JOHNSON thanked the officers for serving; mentioned that she has attended the [National] Police Memorial Day in Anchorage; and expressed her support for the proposed legislation.

CHAIR KREISS-TOMKINS concurred.

[3:28:44 PM](#)

REPRESENTATIVE TUCK asked if any police officers have received the Alaska Medal of Heroism.

MR. CAMPBELL replied that he did not know, but JPD has an internal process to bestow awards; the officer in Mr. Mercer's narration was given a local award. He maintained that he supports the North Star Medal for law enforcement as well as civilians, because he believes that statewide recognition would "go a long way" to let Alaskans know that sacrifices are being made.

[3:29:54 PM](#)

DARYL WEBSTER, Assistant Superintendent, Lemon Creek Correctional Center (LCCC), Department of Corrections (DOC), testified that he is in support of HB 235, because he was a police officer for 28 years before working for DOC. He said his father was a police officer; and as a child, Mr. Webster experienced his first police officer funeral when his father's best friend was shot to death, while on duty, by a barricaded armed robber. He relayed that during the time he was a police officer, he attended the funerals of two of his coworkers, who were shot to death. He added that many of his coworkers have been injured, as has he.

MR. WEBSTER asserted that he is sensitive to the sacrifices that Alaska's first responders make and the need to recognize them for those sacrifices. He maintained that the award would send a message to Alaska's emergency service workers that Alaskans are aware of what they do. He offered that it is easy for first responders to feel that their work and suffering is unappreciated except by their coworkers; they need to be reminded that Alaskans understand "what they're going through."

He asserted that workers in this field recognize that they may be injured or killed, but they want it to mean something. He offered that sometimes all that is needed is a small but sincere gesture to inspire other people to heroic service, and it is a gesture worth making.

MR. WEBSTER reiterated that the award would demonstrate Alaska's recognition that the sacrifice of an officer is not his/her sacrifice alone but is the sacrifice of his/her family, colleagues, and society. He offered his support for the proposed legislation.

[3:32:20 PM](#)

TROY LARUE, Division Operations Manager, Statewide Aviation, Department of Transportation & Public Facilities (DOT&PF), testified that he has worked with many dedicated first responders across the state for 20 years. He said that Alaska has an extremely diverse population in all walks of life, but saving lives transcends all personal differences. He maintained that emergency responders, whether volunteers or paid staff, spend countless hours in training and preparation to save lives and property. He stated that when an emergency responder arrives at a scene, most of the time he/she has limited information as to what he/she might be facing; the first rule for a responder is "to stay the rescuer and not join the list of people who need to be rescued." He said that unfortunately there are occasions when some of Alaska's first responders find themselves in harm's way; and Alaska needs a clear vision of how it honors its fallen and injured emergency personnel. He expressed his belief that HB 235 is more than a provision to hand out awards; it is a method to show appreciation for personal sacrifice when tragedy strikes.

[3:34:23 PM](#)

STEVE BEAR, Colonel, Director, Division of Alaska Wildlife Troopers (AWT), Department of Public Safety (DPS), testified that the Purple Heart was created for military personnel many years ago, because it realized the importance of recognizing the sacrifices that people make, and the North Star Medal would "go a long way" towards doing the same. He mentioned that in his many years with DPS and the military, he has become aware of many people deserving of such a medal and the importance of such recognition to their families. He offered that these public servants work for individual departments but serve all citizens of the State of Alaska. He expressed his appreciation for the

inclusion of SAR volunteers, because there are many organized SAR groups who save many lives every year; and without their service, there would be many more deaths in Alaska.

[3:36:43 PM](#)

NICK SZABO, Vice President, Alaska Search and Rescue Association (ASARA), referred to the letter from Corey Aist, President, ASARA [included in the committee packet]. He stated that ASARA represents over 750 SAR volunteers across the state, who are organized into about 50 SAR teams; most are unpaid volunteers dispatched by the Alaska State Troopers (AST) [DPS] to assist in searching for and rescuing lost people in the wilderness and back country. He pointed out that HB 235 would not cost the state money. He maintained that ASARA fully supports HB 235, and he urged the committee to support the proposed legislation.

[3:38:10 PM](#)

REPRESENTATIVE JOHNSON reiterated that she appreciates the proposed legislation, especially considering the size of the state and the abundance of outdoor activity in the state.

CHAIR KREISS-TOMKINS announced that HB 235 would be held over.

HB 125-LAO/HMONG VETERAN DRIVER'S LIC. & ID CARD

[3:40:05 PM](#)

CHAIR KREISS-TOMKINS announced that the next order of business would be HOUSE BILL NO. 125, "An Act relating to a veteran's designation on an identification card or a driver's license for Hmong veterans and Lao veterans."

[3:40:28 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, as prime sponsor of HB 125, stated that the intent of HB 125 is to recognize Hmong veterans living in Alaska for their service to the country by designating their driver's licenses. She offered that many people do not know about the service of the Hmong veterans. During the Vietnam War, there was a United Nations (UN) agreement that forbid the U.S. from committing U.S. troops in Laos. As a result, the Central Intelligence Agency (CIA) launched a covert operation training and funding Hmong soldiers: first to retrieve the bodies of pilots whose planes had crashed; and then to block supplies and attack North Vietnamese and

Communist troops. An estimated 30,000 people, more than 10 percent of the Hmong population in Laos, were killed in the war, and about 100,000 Hmong became refugees inside Laos; and it remains a hostile situation for those refugees to this day.

REPRESENTATIVE TARR said that beginning in the late 1970s, the U.S. and other nations began resettling the Hmong; currently 6,000 Hmong live in Alaska. She relayed that it has been more than 40 years since the Vietnam War ended, but Hmong veterans have never received proper recognition for their service. There have been efforts at the national level: U.S. Senator Lisa Murkowski introduced legislation in Congress that would allow Hmong veterans to be buried in national cemeteries [Hmong Veterans' Service Recognition Act]. Representative Tarr maintained that General Vang Pao, a well-known leader in the Hmong [American] community, wished to be buried at the Arlington National Cemetery upon his death, but the law did not allow it.

REPRESENTATIVE TARR relayed that the proposed legislation would allow a designation on a driver's license identifying the individual as a veteran, thus making him/her eligible for any services or benefits available to someone with such a designation. She requested the committee to move the proposed legislation forward; there are only a few dozen people who would qualify; they can verify their service; and they are in their sixties and seventies. She expressed her hope that Alaska can honor their service before they've all passed away.

[3:43:48 PM](#)

REPRESENTATIVE BIRCH pointed out the many letters of support for the proposed legislation.

REPRESENTATIVE TARR confirmed there were about 435 letters demonstrating strong support for HB 125.

REPRESENTATIVE BIRCH asked if the Hmong soldiers were in the employ of U.S. as military personnel. He asked, in what capacity were they working - as mercenaries, independents, or employees?

REPRESENTATIVE TARR replied that because direct military involvement was forbidden by the UN agreement, the Hmong involvement was a covert operation and was often referred to as the "Secret War." The CIA recruited young Hmong individuals to fight alongside American soldiers; some were as young as eight,

nine, and ten years old. They were told that they would receive recognition for their service.

REPRESENTATIVE TARR relayed that former President William Clinton signed legislation [Hmong Veterans Naturalization Act of 2000] easing the U.S. citizenship requirements for Hmong immigrants who fought in the Secret War. There have been several iterations of the legislation introduced by Senator Murkowski. Representative Tarr maintained that it is an important story to tell; many Americans are unaware of it; U.S. always honors veterans for their service; and many Hmong died fighting alongside of U.S. soldiers.

REPRESENTATIVE TARR quoted the testimony of Chue Chou Tchang, the national chairman of the Special Guerrilla Unit - an association of Hmong fighters in the U.S. Speaking through an interpreter, Mr. Tchang stated, "We were American soldiers fighting alongside American soldiers. We fought like brothers. We died together. Coming to this country, we'd like to rest with the American soldiers that fought with us."

REPRESENTATIVE BIRCH asked if the former Hmong soldiers qualified as veterans at the federal level, and the proposed legislation would allow them to qualify as veterans at the state level.

REPRESENTATIVE TARR answered that the shame is that they don't qualify as veterans; they receive no veterans benefits such as medical care or pensions; and they are not permitted to be buried in national cemeteries. She stated that it has been an ongoing effort to recognize their service in some way. She maintained that the state has jurisdiction over license plates, but that would confer only social recognition, not personal benefit. She asserted that with the driver's license designation, they could receive local veteran discounts.

[3:47:47 PM](#)

REPRESENTATIVE LEDOUX expressed her support for HB 125. She opined that the necessity for this legislation is sad; these Hmong were promised that they would be treated as veterans; and it is unfortunate when promises are made and not kept. She pointed out a similar situation with Filipino soldiers, who fought with the U.S. during World War II but never received the compensation that they were promised. She maintained that the Filipino veterans did not receive recognition or compensation until the [American Recovery and Reinvestment Act of 2009] was

passed; the issue was very important to Senator Daniel Inouye of Hawaii, who advocated for it. She said that the Filipinos who finally received recognition were in their eighties and nineties.

REPRESENTATIVE LEDOUX maintained that at the state level, not much more can be done than what is proposed by HB 125. She noted that HJR 17 has been introduced encouraging Congress to allow Hmong veterans burial rights at national ceremonies. She maintained that the fact that General Chue Chou Tchang, who wanted desperately to be buried at Arlington National Cemetery, was not permitted to be buried at a national cemetery is a tragedy and a travesty.

REPRESENTATIVE TARR concurred. She mentioned that the Hmong Veterans' Service Recognition Act, introduced by Senator Murkowski, identifies two very specific categories of people. The first is someone who was naturalized pursuant to the Hmong Veterans' Naturalization Act of 2000 and who resided in the United State at the time of death. The second is someone who the Secretary of Veterans Affairs (VA) determined served with a special guerrilla unit or irregular forces operating from a base in Laos in support of the U.S. Armed Forces between February 28, 1961, and May 7, 1975, and who at the time of death resided in the United States and was a U.S. citizen or an alien lawfully admitted for permanent residence.

REPRESENTATIVE TARR stated that under the proposed legislation she believes the number of people who would qualify is 48. She maintained that the Hmong veterans have indicated to her that they are very proud of their service and are proud to be American citizens. As an ethnic minority in Laos, losing 30,000 of their number was a devastating blow to their community. They had to resettle elsewhere and reinvigorate their community. She maintained that it is time that Alaska honors their service.

[3:52:19 PM](#)

VERDIE BOWEN, Director, Veterans Affairs (VA), testified that the Hmong served in Laos in locations where the U.S. Armed Forces could not and would not because of the laws in existence. They were enlisted by the CIA to perform the functions of setting up listening posts and radar sites to observe the enemy. He maintained that the most significant aspect of their service was that about 30,000 Hmong soldiers faced over 75,000 North Vietnamese soldiers - a much stronger force. He said that most of the Hmong were young men and children; they were able to hold

their own; and at the end of the war they immigrated to the U.S. He mentioned that he is not clear on all the promises made to the Hmong by the CIA, as they were not recorded, but he believes that there were many.

MR. BOWEN offered that the designation on the driver's licenses under the proposed legislation would accomplish two things: it would provide them the ability to receive some benefits; and it would provide these Hmong fighters living in Alaska a "thank you" from people who recognize their service. He said that the only time Alaskans become aware of Hmong veterans is on Memorial Day in May, and that would be a good time to pass the proposed legislation. This legislation would serve to thank the Hmong for their service and showcase support for Senator Murkowski's proposed legislation authorizing burial in national cemeteries.

[3:54:57 PM](#)

REPRESENTATIVE BIRCH relayed that he supports the proposed legislation; it is arguably 40 to 50 years late; but the country is "late to the table" in thanking its Vietnam [War] veterans as well.

REPRESENTATIVE LEDOUX asked if military officers may attend Veterans Day and Memorial Day events in their military capacity.

MR. BOWEN answered, yes, they are. He added that a Hmong memorial was placed at the Arlington National Cemetery sometime around 2003 or 2004. He maintained that military officers may attend those events.

[3:56:09 PM](#)

REPRESENTATIVE JOHNSON asked if veteran organizations have commented on the proposed legislations.

REPRESENTATIVE TARR responded that many of the 435 signed letters of support had been distributed through Veterans of Foreign Wars (VFW) halls; and in many cases the post with which a Hmong veteran was associated was included with the signature. She said that the Hmong veteran groups work closely with local VFW posts; she mentioned several collaborative efforts. She stated that as far as she is aware, every indication points to solidarity and support of one group for the other.

REPRESENTATIVE JOHNSON stated that although she does not discount the service of the Hmong fighting for their own rights

in their own homeland, it is different from a United States military veteran. She said that she supported legislation recognizing African American soldiers working on the Alaska Highway [SB 46, signed into law 5/1/17]; she offered that if legislators begin identifying foreign collaborators in the multiple overseas situations involving the CIA, then there are many more to be considered, such as the Iraqi collaborators. She maintained that offering the Hmong asylum in the U.S. is warranted, but she relayed that she does not want to take anything away from the U.S. military veterans who fought "in a foreign war in a foreign country to defend people." She maintained that she does not think the two groups should be interchangeable.

REPRESENTATIVE TARR responded that this situation is different; the Hmong soldiers fought alongside American soldiers instead of being like a traditional ally. They were fighting for the Americans in this instance; there is a specific designation for people who would qualify; and there are specific service dates that need to be verified.

MR. BOWEN referred to a document modeled after the Alaska Territorial Guard (ATG) application, which would be verified against the records that the Hmong currently have showing that they fought during the [specified] period. He said that what makes the Hmong unique is the fact that prior to the war, they had no country; they were people of the hills. They aligned themselves with the CIA and the U.S. thinking that the U.S. would bring them to the U.S. to provide them a home. Because of how the war ended, that did not happen. To this day the Hmong are continuously hunted and killed by the (indisc.) communists. He reiterated that they are a people with no country or place, except the U.S. as they immigrate to the U.S.

[4:02:31 PM](#)

REPRESENTATIVE WOOL pointed out that the legislation proposes a veteran's designation on an identification card or driver's license, not a full on veteran status. About Representative Johnson's point, he gave the example of the U.S. Armed Forces fighting alongside the Northern Alliance in Afghanistan against the Taliban at the time the U.S. first sent soldiers to that country. He mentioned that the U.S. has had the support of foreign forces often, and sometimes members of these foreign forces have been offered asylum.

REPRESENTATIVE TARR reiterated that under the proposed legislation, the Hmong would not receive Veterans health care benefits or pensions. It would merely offer them some local discounts.

[4:04:04 PM](#)

MAI XIONG, Hmong Alaska Community Inc., testified that she supported HB 125. She stated that the Hmong were recruited by the CIA to help the U.S. win the war. (indisc.) She stated that her dad is also a veteran who fought in that war. She maintained that the Hmong were brought to America because the U.S. lost the war, not because they wanted to come to the U.S. She expressed that she supported the designated driver's license under the proposed legislation. She mentioned that the Hmong have been in the U.S. for over 42 years and are just asking for this one thing. (indisc.)

CHAIR KREISS-TOMKINS announced that HB 125 would be held over.

HB 224-REEMPLOYMENT OF RETIRED TEACHERS & ADMIN

[4:06:58 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be HOUSE BILL NO. 224, "An Act relating to reemployment of persons who retire under the teachers' retirement system."

[4:07:40 PM](#)

REPRESENTATIVE JENNIFER JOHNSTON, Alaska State Legislature, as prime sponsor of HB 224, stated that Alaska has many budget challenges and has challenges in recruiting and retaining qualified teachers in the rural areas. She said that even with the University of Alaska Anchorage (UAA) graduating qualified teachers, there is still a teacher shortage; and districts are struggling every year to fill the positions.

REPRESENTATIVE JOHNSTON relayed that HB 224 would allow school districts to rehire retired educators to work as contractors, which would offer savings to the district. Under HB 224, educators younger than age 62 may be rehired after one year of retirement; educators age 62 and older may be rehired after three months of retirement. If the school district uses this tool, it must contribute [12.6] percent salary base rate toward paying down the unfunded liability of the pension fund of the

Teachers' Retirement System (TRS) but won't be required to contribute other costs beyond the salary.

REPRESENTATIVE JOHNSTON maintained that the two benefits of the proposed legislation are cost savings and expanding the pool of qualified teachers. She added that it also might provide some mentorship within school districts.

[4:09:18 PM](#)

ROBERT ERVINE, Staff, Representative Jennifer Johnston, Alaska State Legislature, on behalf of Representative Johnston, prime sponsor of HB 224, stated that Section 1 of HB 224 would modify the terms of the teacher employment and tenure to allow school districts to rehire educators who have retired under the defined benefit plan or the defined contribution plan - Tier II or Tier III. Section 1 clarifies that if an educator is younger than age 62, he/she must be retired for a year before being rehired, or if age 62 or older, must be retired for three months before being rehired. Section 1 also would require employers to contribute to TRS for reemployed educators.

MR. ERVINE relayed that Section 2 would allow for retirees who are rehired, as permitted by Section 1, to continue to receive their retirement benefits during the period of reemployment.

MR. ERVINE said that Section 3 would ensure that retired teachers who are rehired don't accrue more benefits. He relayed that Section 4 would clarify in the TRS statutes that members will continue to receive benefits, and deductions for TRS will not come from their salaries but from the school district in a separate payment. Section 4 also states that reemployed educators will not receive credited time during their reemployment.

MR. ERVINE stated that Section 5 would further clarify that school districts will have to contribute to TRS. He said that Section 6 would apply the provision of HB 224 to the contracts that are made.

[4:11:12 PM](#)

REPRESENTATIVE WOOL summarized: a retired teacher goes back to work; he/she still collects retirement; and the school district pays into the TRS fund, but the rehired teacher does not. He asked if normally a teacher pays into the fund.

REPRESENTATIVE JOHNSTON responded that with both TRS and the Public Employees' Retirement System (PERS), the public agency employer pays an assessed fee. The fee for teachers is [12.6] percent of the salary base, which is both defined contributions and contributing contributions. She said that the rehired teacher would be part of that salary base. The fee for PERS employees is 22 percent of the salary base.

REPRESENTATIVE WOOL asked if there would be any difference between the contribution levels of the rehired retired teacher and the regular teacher. He stated that he would like to know what the difference would be between the two teachers as far as TRS is concerned.

MR. ERVINE answered that there would be no difference; it would be the same contribution level.

[4:12:57 PM](#)

REPRESENTATIVE LEDOUX referred to the "cost savings" mentioned in the sponsor statement [included in the committee packet]. She asked, if the contributions are at the same level, "where are the cost savings coming from?"

REPRESENTATIVE JOHNSTON replied that the retired employee would continue to receive health care and other benefits from the retirement system. She maintained that the school district might not have to pay as much to hire the retired teacher as it would a teacher without health care benefits or other retirement benefits.

REPRESENTATIVE LEDOUX asked if the school district would have to pay into TRS for the rehired retired teacher.

REPRESENTATIVE JOHNSTON explained that when PERS and TRS were changed in 2008, the whole base salary for the hiring entity, such as a municipality or a school district, was assessed for the amount that the entity must pay towards the retirement system - 22 percent [for PERS, 12.6 percent for TRS]. The rehired retired teacher would be part of that salary base; therefore, the entity would be paying for the teacher's salary as it's "prorated out towards the pension."

REPRESENTATIVE LEDOUX asked for the source of savings if the school district is paying into the retirement system. She conceded that savings are not necessarily needed for the proposed legislation to make sense.

REPRESENTATIVE JOHNSTON responded that the principle savings would be derived from the teacher not requiring the health care benefits that other teachers would require. She agreed that satisfying the need for teachers may be more important than saving money under the proposed legislation. She maintained that the intent of HB 224 is to enlarge the pool of teachers.

REPRESENTATIVE LEDOUX offered a scenario: Two teachers are being considered for hire; each would be paid \$50,000 per year. One teacher is a retired teacher wanting to be rehired; the other teacher is a new teacher. Representative LeDoux asked, "Can you explain to me how it would work for each one?"

REPRESENTATIVE JOHNSTON replied that for the new hire, there would be encumbered costs - a health care plan, payments into the retirement system, and continuing education incentives.

[4:17:20 PM](#)

REPRESENTATIVE LEDOUX asked what Representative Johnston means by "encumbered costs."

REPRESENTATIVE JOHNSTON replied that the benefits that a person receives along with his/her salary is what she is referring to as encumbered costs.

REPRESENTATIVE JOHNSTON explained that the rehired teacher would not necessarily need the health care benefits or the continuing education incentives; the only additional expense would be the salary base formula going into the pension fund.

REPRESENTATIVE LEDOUX summarized by saying the rehire doesn't have as many encumbered costs.

REPRESENTATIVE JOHNSTON concurred, but reminded the committee that the most important aspect of the proposed legislation is not cost savings but addressing the teacher shortage by allowing school districts access to a larger teacher pool.

[4:19:26 PM](#)

LISA PARADY, PhD, Executive Director, Alaska Council of School Administrators (ACSA), testified that she is representing superintendents, secondary and elementary school principals, school business officials, and other school district administrators. In response to Representative LeDoux, she

stated that the proposed legislation is focused on "supply and demand" - trying to increase the teacher pool. She relayed that the retiree would be rehired in an "at-will" situation. She maintained that one can be retired from any state in the country, come to Alaska, and be employed as an educator; Alaska's own retired teachers are prohibited from doing so.

DR. PARADY maintained that the intent of HB 224 is to allow retired teachers to be employed under an at-will contract without impacting their retirement benefits. She stated that in a compromise with the Department of Administration (DOA), included in the proposed legislation is the requirement that the districts pay the 12.6 percent employer contribution to TRS, as they would with a non-retired employee. She relayed that the rehired retiree would be under contract with the school district, and the legislature would not be involved with that contract.

DR. PARADY suggested there may be cost savings if a school district negotiated a lower salary with the employee than he/she received before retirement. She reiterated that the employee would not be availing themselves of the benefits offered through the school district, because his/her [retirement] benefits would be intact. She offered that the school district would be willing to pay the additional amount to TRS because it needed the employee; the employee would not pay into TRS because they would be an independent at-will employee under contract with the district. She added that the district might decide to pay a greater salary for a "high need" position - such as a special education teacher - but less for a teacher in a position that the school district decided was of lesser value to them. She reiterated that the intent of the proposed legislation is not cost savings but the teacher shortage crisis.

REPRESENTATIVE LEDOUX asked why a teacher would retire, then go back to work.

[4:23:42 PM](#)

DR. PARADY replied that the proposed legislation does not address the retiree's intent. HB 224 would allow a school district to avail itself of the services of a retired person if, in fact, there is someone available who is willing to work; currently a retired teacher is prohibited from doing so. She maintained that the proposed legislation would provide an additional tool to school districts; it is not about incentivizing someone to retire or not to retire. If a

community has retired educators and the school district has trouble filling a teaching position, HB 224 would allow the school district to hire a retired educator who is familiar with both Alaska students and the state and is willing to teach.

DR. PARADY reviewed for the committee the history of the provision under the proposed legislation. Previous legislation with this provision was in existence starting in 2001 and sunsetting in 2009. At the point of sunset, the teacher shortage was reaching a crisis level. She relayed that DOA reported that 325 retired teachers were rehired from 2001 to 2010, and because the teachers were counted each year, the actual number of teachers rehired may have been much lower. She relayed that the average period of reemployment was 18.7 months; the shortest period 3 months; and the longest period 46 months. The employer employing the largest number of retired teachers was the Lower Kuskokwim School District (LKSD); and the most employed in one year was 181. She reported that the position with the highest number of rehires was "teacher" at 149; 18 superintendents; 22 principals; 45 special education teachers; and 12 psychologists.

DR. PARADY referred to Slide 3 of the ACSA PowerPoint presentation handout and relayed that Alaska is "working against a backdrop of a teacher shortage nationally." She offered that the Alaska Teacher Placement (ATP) center [University of Alaska Fairbanks (UAF)] currently lists 602 openings; there were about 700 vacancies at the start of the year. At last year's ATP job fair, 35 school districts participated with 185 school district personnel in attendance, and there were 265 candidates; this year there were 212 candidates at the job fair. She said that historically the ATP job fair attracts hundreds of people from all over the country, but now the applicant pools are shrinking. She mentioned that currently there are 250 teaching jobs listed and given that school districts have been actively recruiting for the past three months, the number of vacancies is staggeringly high for Alaska. She stated that in Alaska, many of the school districts have started the school year unstaffed and remain so. She added that this is common in rural school districts where the turnover is high but historically has not been common in the urban school districts.

DR. PARADY relayed that there are about 100 positions that were not filled, which means they are being filled with anyone - substitutes and paraprofessionals - just to fill the gaps. She referred to Slide 4 and mentioned that the University of Alaska [UA] pipelines teachers into Alaska teaching positions, but

there are not enough teachers to fill the void. She said that the UA Colleges and Schools of Education produce about 200 to 250 new teachers per year, which is not enough to fill the existing gap. She relayed that UA President [Jim] Johnsen has a goal of UA preparing 90 percent of the annual hired teachers by 2025. It is an ambitious goal which ACSA supports, but she maintained that the shortage needs to be addressed now, and the proposed legislation may help to alleviate the gap until the UA Strategic Pathways initiative produces results.

[4:29:56 PM](#)

REPRESENTATIVE LEDOUX asked what the rationale was for not allowing the school districts to hire retired teachers.

DR. PARADY responded that she did not know the specific reasons; she conjectured it was related to the state not wanting to interfere with the retirement system. She maintained that under the current staffing crisis, putting Alaska's retired teachers on equal footing with all other retired teachers in the country and allowing Alaska's retired teachers to be in the pool of applicants balances out that concern. She maintained that there are safeguards included in the proposed legislation: the delay period before rehiring and the age consideration. She referred to Slide 12, which states that rural and remote schools have the highest turnover rate of principals and teachers. The slide illustrates the urban rural comparisons: urban principal turnover is 21 percent; urban teacher turnover is 14 percent; rural remote principal turnover is 32 percent; and rural remote teacher turnover is 31 percent. She said that student achievement depends on hiring high quality teachers.

[4:33:40 PM](#)

REPRESENTATIVE WOOL asked how long an educator must work and what age an educator must be to retire with benefits. He relayed that Alaska is having a hard time filling trooper and Village Public Safety Officer (VPSA) positions, and Alaska has the highest unemployment rate in the country. He asked, "What gives?" He asked if it is just in salary and benefits that Alaska is unable to compete with other states. He mentioned that Alaska historically "outperformed" other states in the salary and benefits it offered.

DR. PARADY answered, "That absolutely is a consideration. She related that there is a national shortage of teachers because people are not choosing education as a profession. Alaska has

lost competitiveness; it used to lead the country with its salary and benefit package; and it has lost that momentum.

[4:35:41 PM](#)

NORM WOOTEN, Executive Director, Alaska Association of School Boards (AASB), stated that the previous retire rehire bill [House Bill 161, passed into law during the Twenty-Fourth Alaska State Legislature, 2005-2006] was for employees working under a waiver for hard to fill positions, which included special education teachers and secondary education mathematics and science teachers. Generally elementary positions are easier to fill because there are more elementary teachers.

MR. WOOTEN maintained that when the sunset clause of House Bill 161 went into effect in 2009, AASB adopted a resolution in support of continuing the program and continues to support retire rehire to this day. He relayed that the retire rehire program was initiated for good reasons, and the primary reason was to fill the positions that are difficult to fill. The conditions of teacher shortage in Alaska still exist despite the arbitrary deadline of the sunset clause.

MR. WOOTEN testified that the irony of Alaska's prohibition is that a teacher can retire in any other state, come to Alaska, and be hired as a teacher; however, Alaska retired teachers wanting to teach again in Alaska cannot do so. Some people "fail" at retirement; and he is an example of that. He maintained that many people go back to work after retirement, because they feel like they made a mistake by retiring. He reiterated that Alaska school districts need the services of these retired teachers.

REPRESENTATIVE LEDOUX pointed out that the provisions under House Bill 161 expired in 2009, and it is now 2017. She asked if there have been efforts made in previous legislatures to reinstitute the retire rehire program.

MR. WOOTEN responded yes. The AASB has worked hard to get this accomplished, and "this is the first time we've gotten it this far"

[4:38:53 PM](#)

REPRESENTATIVE WOOL presented a scenario: A teacher retires at the time he/she is eligible to retire; the teacher decides he/she wants to go back to teaching after being retired six

months; he/she negotiates a contract with the school district possibly at a lower pay level; he/she receives a teacher salary and a retirement check, therefore, makes more money than another teacher. He asked if that would be a problem and if the additional teaching time would increase the retirement payments when the teacher retires fully.

MR. WOOTEN replied that the decision to retire is a personal choice. He maintained that when he retired from his first job, he was hired back as a contractor; therefore, he was getting two salaries - a contractor salary and a retirement salary - and other workers were not getting two salaries. He maintained that it is a decision that everyone faces - to stay at his/her job or retire.

REPRESENTATIVE WOOL conceded that as a contractor, one is not getting all the benefits that employees receive.

MR. WOOTEN answered, that's correct. He said that he received no benefits when he returned to work as a contractor.

REPRESENTATIVE WOOL asked if a returning teacher would get benefits, since he/she would come back as an employee. He also asked if that additional work would enhance his/her retirement amount.

MR. WOOTEN expressed that he is not qualified to answer that question.

[4:42:13 PM](#)

REPRESENTATIVE TUCK pointed out that a returning retiree would be exempt from any collective bargaining agreements. Someone coming from another state would not be exempt but would be under a collective bargaining agreement. He asked if there is any reason Alaska would not want employees working under collective bargaining agreements.

MR. WOOTEN responded that when school districts have a choice, they prefer long-term employees; the current proposed legislation is a stopgap measure to employ people in hard to fill positions. He said a school district is not going to staff its entire school with contracted retired teachers, because these teachers are temporary; they are not permanent employees with long-term teaching aspirations.

REPRESENTATIVE TUCK suggested that it is "cheaper" for the school district to hire the temporary employee than a long-term employee receiving benefits under collective bargaining. He suggested that it is illogical to hire temporary employees if the school district wants long-term employees.

REPRESENTATIVE TUCK stated that with the Senate's cuts to education, there will be an estimated 700 teachers terminated. He maintained if that occurs, Alaska may have teachers to fill the shortage.

[4:44:56 PM](#)

REPRESENTATIVE LEDOUX referred to the statement: Some people realize after retirement that they want to go back to work. She asked if there is a way that a person could re-enter the school system, not take retirement benefits, and become a regular employee again, or if once the person has retired, "there's no going back."

MR. WOOTEN answered that a retired teacher can come off retirement and go back into the system.

REPRESENTATIVE LEDOUX maintained if that is the case, the proposed legislation is unnecessary.

MR. WOOTEN stated that the magnitude of the problem of being unable to fill positions is great. He relayed his experience at Kodiak: when he served on the school board 30 years ago, school administrators were able to fill every position from the job fair in Anchorage; when he got off the school board 25 years later, the administrators needed to attend eight to ten job fairs across the country to find teachers. He maintained that the teacher shortage in Alaska is huge, and it is a nationwide shortage as well. He said that he doubts very seriously that a retired teacher receiving retirement pay would be willing to give up the retirement pay to re-enter the system if he/she had the opportunity to draw both retirement and a contracted salary.

REPRESENTATIVE LEDOUX maintained that was the point she was making. The proposed legislation would incentivize retirement, because the teacher could retire, take some time off, and come back and receive both a salary and retirement. She said without HB 224, the teacher would need to decide to stay or not stay.

[HB 224 was held over.]

4:48:23 PM

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:48 p.m.