

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 25, 2017

3:04 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
Representative Gary Knopp

MEMBERS ABSENT

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

COMMITTEE CALENDAR

HOUSE BILL NO. 190

"An Act relating to the presentation of oral comments on the proposed adoption, amendment, or repeal of regulations."

- HEARD & HELD

HOUSE BILL NO. 224

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

- 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."

- MOVED HB 125 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 190

SHORT TITLE: REGULATION ADOPTION/ORAL COMMENT

SPONSOR(S): REPRESENTATIVE(S) TALERICO

03/22/17 (H) READ THE FIRST TIME - REFERRALS

03/22/17 (H) STA
03/28/17 (H) STA AT 5:30 PM GRUENBERG 120
03/28/17 (H) Heard & Held
03/28/17 (H) MINUTE(STA)
04/04/17 (H) STA AT 3:00 PM GRUENBERG 120
04/04/17 (H) Heard & Held
04/04/17 (H) MINUTE(STA)
04/06/17 (H) STA AT 3:00 PM GRUENBERG 120
04/06/17 (H) Scheduled but Not Heard
04/11/17 (H) STA AT 3:00 PM GRUENBERG 120
04/11/17 (H) Heard & Held
04/11/17 (H) MINUTE(STA)
04/25/17 (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
04/18/17 (H) Heard & Held
04/18/17 (H) MINUTE(STA)
04/25/17 (H) STA AT 3:00 PM GRUENBERG 120

BILL: HB 125

SHORT TITLE: LAO/HMONG VETERAN DRIVER'S LIC. & ID CAR
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
04/18/17 (H) Heard & Held
04/18/17 (H) MINUTE(STA)
04/20/17 (H) STA AT 3:00 PM GRUENBERG 120
04/20/17 (H) <Bill Hearing Canceled>
04/25/17 (H) STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

SEAN DUSEK, President
Alaska Superintendents Association (ASA)
Soldotna, Alaska
POSITION STATEMENT: Testified in support of HB 224.

PETER HOEPFNER
Cordova School District (CSD) Board of Education
Cordova, Alaska
POSITION STATEMENT: Testified in support of HB 224.

MARY MCMAHON, President
Alaska Council of School Administrators (ACSA)
Juneau, Alaska
POSITION STATEMENT: Testified in support of HB 224.

REPRESENTATIVE JENNIFER JOHNSTON
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Answered questions during the hearing on HB 224, as prime sponsor.

KANG YANG
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 125.

ROBERT DOEHL, Deputy Commissioner
Department of Military and Veterans Affairs (DMVA)
Joint Base Elmendorf-Richardson (JBER), Alaska
POSITION STATEMENT: Testified in support of HB 125.

PAFERT LEE
Hmong America Veterans
Anchorage, Alaska
POSITION STATEMENT: Testified in support of HB 125.

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

ACTION NARRATIVE

[3:04:45 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:04 p.m. Representatives Johnson, Knopp, Wool, Birch, and Kreiss-Tomkins were present at the call to order. Representatives LeDoux and Tuck arrived as the meeting was in progress.

HB 190-REGULATION ADOPTION/ORAL COMMENT

[3:06:36 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 190, "An Act relating to the presentation of oral comments on the proposed adoption, amendment, or repeal of regulations." [Before the committee, adopted as a work draft on 04/04/17 and amended on 04/11/17, was the proposed committee substitute (CS) for HB 190, Version 30-LS0732\J, Bannister, 3/31/17.]

[HB 190 was held over.]

HB 224-REEMPLOYMENT OF RETIRED TEACHERS & ADMIN

[3:07:03 PM](#)

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

[3:08:02 PM](#)

SEAN DUSEK, President, Alaska Superintendents Association (ASA), testified that he is the superintendent of the Kenai Peninsula Borough School District (KPBSD); the district has a good retention rate and successful recruitment practices. He relayed that he anticipates problems finding high quality candidates for positions in schools accessed by only boat or plane and for special education positions. He offered that he is speaking in behalf of ASA when he says recruitment and retention for all educator positions is a serious issue for many of the school districts. He maintained that the members of ASA are the ones making the ultimate hiring decisions in their districts and are confronted with increased difficulty in doing so; for ASA, preparing, attracting, and retaining qualified educators is a high priority. He asserted that quality education depends on effective educators for all students.

MR. DUSEK related that all of Alaska is experiencing a shortage of educators, which include teachers, principals, and superintendents. He said that in response, ASA strongly encourages the development of comprehensive statewide programs to prepare, attract, and retain high quality educators and professionals. He maintained that HB 224 would offer one piece in that effort. He relayed that a pressing issue is the unfilled vacancies after the school year begins. The proposed legislation would address this issue by helping districts fill vacancies for which they have advertised but have been unable to fill by the start of the school year. He asserted that the choice comes down to having either larger class sizes or qualified, competent, consistent teachers for quality personalization with the students. He emphasized that the situation will only get worse, as evidenced by the fact that this year's Alaska Teacher Placement (ATP) job fair had more hiring personnel than applicants. He declared, "This is unprecedented."

MR. DUSEK maintained that due to the state budget uncertainty, the contraction of the Alaska economy, and the law of supply and demand, fewer educators will make Alaska their home for the long-term. He stated that ASA is in strong support of HB 224; the proposed legislation would offer school districts one tool to help them attract teacher and leadership talent; the state has a long way to go to once again become the most attractive destination for education. He maintained that HB 224 would not address cost of living (COL) or the competitive compensation necessary for long-term recruitment and retention; it would not offer much, if any, cost savings; however, it would help with the most pressing issue of opening schools with unfilled positions. He asked for the committee's support for HB 224.

[3:11:12 PM](#)

REPRESENTATIVE WOOL referred to the "supply and demand" problem. He asked, "How much of that is linked to the number of teachers that Alaska's producing, and how much of it is just linked to people not going into education because there's better options that probably pay more money?"

[3:11:50 PM](#)

MR. DUSEK opined that this is a problem nationwide, and Alaska used to be the most competitive in terms of compensation and quality of life. He said that in 1988, even coming off its economic downturn, Alaska was very attractive, and school

districts were able to support teachers in a way that is getting more difficult today because of Alaska's economic uncertainty. He maintained that ASA is grateful for all the support that the legislature has provided, but what is needed now is a plan. He relayed that he is waiting to find out what will happen with the [state] budget process before advertising 30 positions; knowing that would allow school districts to hire educators in June. He claimed that not being able to plan for hiring is bad business and bad for students. He stated that school districts did well with recruitment and retention across the state when Alaska had the cost differential funding formula in place, which was a three- to five-year funding plan. He maintained that with that certainty, he could attract educators from the Lower 48; and not having it, contributes to the recruitment and retention problem.

REPRESENTATIVE WOOL summarized the two issues: in the old days Alaska could attract teachers, because it paid higher salaries than other states; and the budget uncertainty prevents school districts from knowing how much money they will have to hire or retain teachers. He asked if these were the two primary issues.

MR. DUSEK said, "Yes, that's my opinion." He added that last year, he did not know what KPBSD's budget would be until July, and this year does not appear to be different. He mentioned that Alaska is not producing enough teachers to fill the positions. He expressed his appreciation for University of Alaska (UA) Strategic Pathways goal to supply 90 percent of Alaska's teachers [by 2025] but maintained "that's a few years off." He asserted that the uncertainty makes it difficult to recruit prospective teachers from out of state. He said large school districts have issues, but rural school districts are "definitely feeling the pain"; there were a significant number of openings at the beginning of last school year. He maintained that there are many retired teachers living on the Kenai Peninsula, because it is a great place to live. He offered his belief that many of them would be interested in teaching under the provisions of HB 224, and especially be interested in teaching temporarily in a rural area.

[3:16:12 PM](#)

REPRESENTATIVE KNOPP expressed that he was curious about the need for the legislation. He stated that currently there are retired Alaska teachers employed as contract teachers in the Interior who are receiving the federal per diem rate. He asked, "What keeps us from just continuing down that path instead of putting them back on payroll?"

MR. DUSEK replied that there are some retired teachers who will do contract work, but they are limited for the length of time they can work, and those who can work in a specialized area can leverage a better contract. He stated that under HB 224, if teachers can work long term and keep their retirement, they would be more likely to sign a full year contract, which would provide consistency for the students.

REPRESENTATIVE KNOPP asked if under the proposed legislation, the retired rehired teacher would receive additional retirement pay, since the school district would be contributing [12.6] percent to the retirement system on their behalf. He said his understanding was that the retirement benefit would not be affected by the additional contribution; he questioned the necessity for the contribution.

MR. DUSEK answered that he has not explored the proposed legislation in depth, and his understanding is that HB 224 would be a short-term measure to help fill a position that has not been filled by the beginning of the school year. He maintained that there would be little or no cost savings under HB 224; the intent is to provide a high-quality instructor in the classroom.

[3:18:41 PM](#)

REPRESENTATIVE BIRCH opined that the proposed legislation would be an excellent option for a school district. He asked if the duration of the hire under HB 224 would be limited.

MR. DUSEK responded that he did not believe there was a cap on the duration of the contract. He said that from his perspective as a superintendent, he would work as hard as he could to limit the duration to one year, because he would want to fill that position with a long-term employee; he would use it in an "emergency" situation for one year.

[3:19:52 PM](#)

PETER HOEPFNER, Cordova School District (CSD) Board of Education, testified that he is currently the president of the Alaska Association of School Boards (AASB). He expressed his belief that the proposed legislation would benefit all schools. There is a nationwide shortage of teachers, and school districts are not able to fill all the open teaching positions. He referred to information from the U.S. Department of Education (DOE) Office of Postsecondary Education (OPE): from 2005 to

2011, Alaska had shortages in Mathematics, Science, and Special Education; from 2012 to 2014 Alaska had shortages in Mathematics, Science, Special Education, and Social Studies; and from 2015 to 2016 Alaska had shortages in English Language Arts, Mathematics, Science, Social Studies, Special Education, and Education.

MR. HOEPFNER relayed that at last year's ATP job fair in Anchorage, there were 265 applicants for teaching positions; this year the number declined to 213. He said that 35 districts were represented; there were 538 open teaching positions and 70 support positions. He concluded that Alaska is not able to attract as many people to the ATP fair as in the past. He said that nationwide, fewer individuals are entering the teaching and education field; increasingly teachers are leaving the field mid-career. He mentioned some of the cities that Alaska school districts recruit in - Seattle, Minneapolis, Phoenix, Dallas, and Austin.

MR. HOEPFNER maintained that HB 224 could help address the teacher crisis that is already developing. He asserted that retired teachers who are living in rural communities and are available in a crisis - when a teacher abruptly leaves - understand the community and the culture. He relayed that AASB has supported the proposed legislation through its resolution 4.10 - urging the State of Alaska to continue the retire rehire program.

MR. HOEPFNER summarized by saying that some teaching and administrative positions are difficult to fill; the proposed legislation would be one more tool in the districts' toolboxes; it would be helpful for late resignations and filling a position due to late year maternity leave. He maintained that a retiree is not interested in a long-term commitment.

[3:23:45 PM](#)

MARY MCMAHON, President, Alaska Council of School Administrators (ACSA), testified that she is the Principal of Colony Middle School (CMS) in the Matanuska-Susitna Borough School District (MSBSD) and the president of the Alaska Association of Secondary School Principals (AASSP). She said that ACSA is the umbrella organization for four of Alaska's premier education organizations: AASSP; the Alaska Association of Elementary School Principals (AAESP); the Alaska Superintendents Association (ASA); and the Alaska Association of School Business Officials (ALASBO). She relayed that each year, ACSA drafts

joint position statements to inform legislative policy; the position statements address the education needs considered most urgent by educators; and the positions are voted on by each organization's membership before they are final. She maintained that the positions before the committee [included in the committee packet] are ones supported by the full membership of the organizations.

MS. MCMAHON stated that preparing, attracting, and retaining qualified educators is a high priority; quality education depends on effective educators for all students. She maintained that Alaska is experiencing a shortage of qualified educators - teachers, principals, and superintendents. In response, ACSA strongly encourages development of comprehensive statewide programs to prepare, attract, and retain high quality educators and professionals. She said that ACSA supports innovative pathways, which are needed to attract leadership and talent to the education profession. She asserted that HB 224 is an innovative approach; it is a tool that will help school districts at a time when they need help. She offered that the HB 224 "retire rehire" would allow for the reemployment of retired teachers and administrators to help school districts fill vacancies and is a necessary tool to help meet personnel needs in both urban and rural school districts.

MS. MCMAHON declared that Alaska is experiencing the worst educator shortage that it has ever experienced. She stated that when she went to the ATP job fair 19 years ago, there were thousands of people in line for an Alaska teacher or administrator job; this year was the first year that there was no one at the job fair for the MSBSD interviewing team to interview. She urged the committee to support the proposed legislation. She maintained that "our children deserve the best, and when we have no one to choose from, we are not able to give our students the best."

[3:28:05 PM](#)

REPRESENTATIVE KNOPP asked for clarification regarding the [12.6] percent for TRS, included in the bill language. He referred to retired teachers in the Interior earning the federal per diem rate of \$300-plus per day. He asked why that arrangement is not a viable option for addressing the teacher shortage in other school districts. He asked if rehired teachers would be eligible for the federal per diem in addition to the teacher salary.

[3:29:11 PM](#)

REPRESENTATIVE JENNIFER JOHNSTON, Alaska State Legislature, responded to Representative Knopp's first question as follows: the retirement pension programs - PERS and TRS - charge the hiring government entities a percentage of the salary base of all defined benefit employees and defined contribution employees, to be fair across all employers. She maintained that there is no way for employers to separate employees out from that salary base.

REPRESENTATIVE KNOPP stated that the [12.6] percent contribution to TRS is a concern as it relates to terminations studies and reduction in staff.

REPRESENTATIVE JOHNSTON replied that from her background in termination studies, she can assure him that the proposed legislation would have no effect on that issue. In response to the second question, she said she would have to follow up with that information.

[HB 224 was held over.]

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

[3:32:06 PM](#)

CHAIR KREISS-TOMKINS announced that the final 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."

CHAIR KREISS-TOMKINS opened public testimony on HB 125.

[3:32:44 PM](#)

KANG YANG testified that she is speaking in behalf of Hmong community members and millennials of that community in support of HB 125. She asserted that the proposed legislation represents an incredible opportunity to honor the Hmong who spent their childhood and teen years sacrificing their lives for the lives of American soldiers. She stated that many Hmong in Southeast Asia are still being persecuted and killed for aiding Americans during the Vietnam War.

MS. YANG maintained that she has spent much of her 22 years growing up in Anchorage explaining who the Hmong are and their

background, even though Anchorage has one of the largest Hmong communities in America. She asserted that her parents and grandparents are thankful for the opportunity to live in America; and the proposed legislation is a small way to bring respect and honor to those that helped bring so many American family members home from the Vietnam War.

[3:34:51 PM](#)

ROBERT DOEHL, Deputy Commissioner, Department of Military and Veterans Affairs (DMVA), testified that last April [2016], the Alaska Veterans Advisory Council (AVAC) looked at identical legislation introduced by Representative LeDoux [House Bill 330, introduced during the Twenty-Ninth Alaska State Legislature, 2015-2016, withdrawn on 5/2/16]. The AVAC consists of Alaskans and veterans organizations across the state. The AVAC voted to support state recognition of the Hmong as veterans, for those who served in Vietnam assisting the U.S. Armed Forces.

[3:35:58 PM](#)

PAFERT LEE, Hmong America Veterans, relayed the experience of the Hmong during the Vietnam War from 1961 to 1975, their involvement with the U.S. Central Intelligence Agency (CIA), and statistics of casualties among soldiers of the Vietnam War. (indisc.) He maintained that the Hmong soldiers never received any benefits from the CIA or the U.S. government. (indisc.) He explained the move of the Hmong people to the U.S. in 1975. (indisc.)

MR. Lee offered his support for HB 125 and said that the Hmong have waited over 42 years to receive notice for their sacrifice. He maintained that it is time for the Hmong and Lao [veterans] to be acknowledged and urged the passage of the proposed legislation.

[3:40:44 PM](#)

REPRESENTATIVE BIRCH requested Mr. Lee's testimony in written form.

[3:41:17 PM](#)

MAI XIONG testified that she was speaking for the Hmong people who assisted the U.S. during the Vietnam War. Many Hmong sacrificed their lives for America; and many Hmong are still hiding in the jungles [in Southeast Asia]; because of their

involvement in the war they fear repercussions from the Communists. (indisc.)

[3:44:31 PM](#)

CHAIR KREISS-TOMKINS asked Ms. Xiong to provide written testimony to the committee.

CHAIR KREISS-TOMKINS, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 125.

[3:45:12 PM](#)

REPRESENTATIVE LEDOUX expressed her support for HB 125.

[3:45:23 PM](#)

REPRESENTATIVE WOOL concurred.

[3:45:30 PM](#)

REPRESENTATIVE LEDOUX moved to report HB 125 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 125 was reported out of the House State Affairs Standing Committee.

[3:45:46 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 3:46 p.m.