

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

April 30, 2019

1:05 p.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Chair
Representative Chris Tuck, Vice Chair
Representative Chuck Kopp
Representative Geran Tarr
Representative Steve Thompson
Representative Sharon Jackson
Representative George Rauscher

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE RESOLUTION NO. 6

Expressing support and appreciation for the National Native American Veterans Memorial.

- MOVED HR 6 OUT OF COMMITTEE

HOUSE BILL NO. 129

"An Act relating to fees charged to physically disabled state residents for hunting and fishing licenses and certain state park permits."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HR 6

SHORT TITLE: NAT'L. NATIVE AMERICAN VETERANS MEMORIAL

SPONSOR(S): REPRESENTATIVE(S) LINCOLN

03/18/19	(H)	READ THE FIRST TIME - REFERRALS
03/18/19	(H)	TRB, MLV
04/09/19	(H)	TRB AT 8:00 AM CAPITOL 106
04/09/19	(H)	Heard & Held
04/09/19	(H)	MINUTE (TRB)
04/16/19	(H)	TRB AT 8:00 AM CAPITOL 106
04/16/19	(H)	Moved HR 6 Out of Committee

04/16/19 (H) MINUTE (TRB)
04/17/19 (H) TRB RPT 7DP
04/17/19 (H) DP: VANCE, ORTIZ, EDGMON, TALERICO,
KOPP, LINCOLN, ZULKOSKY
04/25/19 (H) MLV AT 1:00 PM GRUENBERG 120
04/25/19 (H) Heard & Held
04/25/19 (H) MINUTE (MLV)
04/30/19 (H) MLV AT 1:00 PM GRUENBERG 120

BILL: HB 129

SHORT TITLE: DISABLED ALASKANS F&G LIC/DNR PERMITS

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

04/11/19 (H) READ THE FIRST TIME - REFERRALS
04/11/19 (H) MLV, RES
04/30/19 (H) MLV AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

ALPHEUS BULLARD, Attorney
Legislative Legal Counsel
Legislative Legal Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 129.

EDDIE GRASSER, Director
Division of Wildlife Conservation
Alaska Department of Fish and Game
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 129.

DAN SADDLER, Legislative Liaison
Office of the Commissioner
Department of Natural Resources
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing of HB 129.

ACTION NARRATIVE

1:05:08 PM

CHAIR GABRIELLE LEDOUX called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:05 p.m.

Representatives Thompson, Tarr, Tuck, and LeDoux were present at the call to order. Representatives Kopp, Rauscher, and Jackson arrived as the meeting was in progress.

HR 6-NAT'L. NATIVE AMERICAN VETERANS MEMORIAL

[1:05:58 PM](#)

CHAIR LEDOUX announced the first order of business would be HOUSE RESOLUTION NO. 6, Expressing support and appreciation for the National Native American Veterans Memorial.

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REPRESENTATIVE TUCK moved to report HR 6 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HR 6 was reported out of the House Special Committee on Military and Veterans' Affairs.

The committee took an at-ease from 1:07 p.m. to 1:09 p.m.

HB 129-DISABLED ALASKANS F&G LIC/DNR PERMITS

[1:09:05 PM](#)

CHAIR LEDOUX announced the next order of business would be HOUSE BILL NO. 129, "An Act relating to fees charged to physically disabled state residents for hunting and fishing licenses and certain state park permits."

[CHAIR LEDOUX passed the gavel to Vice Chair Tuck.]

CHAIR LEDOUX, speaking as the sponsor of HB 129, informed the committee HB 129 would enable persons who have a 50 percent or greater disability to have free [Alaska] hunting and fishing licenses and free camping privileges at state parks. She explained the bill was inspired by a constituent who is a veteran, and who is disabled, but is not considered eligible for benefits granted to a "disabled veteran," as defined by statute, because his disability is not the result of his military service. Chair LeDoux advised, although the changes to statute brought by HB 129 seem simple to achieve, a later version of the bill will be used as a vehicle for correcting problems that were found in the related existing statutes.

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REPRESENTATIVE THOMPSON remarked, "... I hope somebody can come up with some answers on what's a 50 percent disability compared to a 70 percent disability."

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CHAIR LEDOUX acknowledged there is not a definition of a 70 percent disability [currently in statute]; she suggested there should be a definition "of all of the various disabilities." Current statute requires a disabled person to obtain an affidavit of his/her 70 percent disability from a physician, or a certificate of disability from a government agency. The bill would change the [minimum level of disability] from 70 percent to 50 percent.

REPRESENTATIVE THOMPSON questioned whether the sponsor reviewed the standards of permanent disability that are established by statutes related to [the Alaska Workers' Compensation Act].

CHAIR LEDOUX indicated she would examine the aforementioned standards during the course of further work on the bill.

REPRESENTATIVE THOMPSON observed from his experience, [the bill's impact by authorizing free licenses] is considered an indirect expenditure because the state loses funds by not collecting fees. He remarked:

And I've worked at trying to slow down how much we lose by not collecting full fees, or giving tax breaks and things like that, so I'll be interested to see where this actually ends up. ... All the fiscal notes - three of them - are indeterminate because they have no way of knowing what the heck this is going to cost us.

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VICE CHAIR TUCK directed attention to the bill on page 2, [lines 26, 27, and 29] in which existing language read in part:

... as having incurred a 50 percent or greater disability ... ;
... and incurred a 50 percent or greater disability while serving ...

VICE CHAIR TUCK pointed out already in statute is language regarding veterans with a 50 percent [or greater] disability.

He then directed attention to the bill on page 4, [line 1] in which proposed language changes the percentage of disability from 70 percent to 50 percent. He surmised HB 129 also expands [the exemption from certain fees] to not just veterans with disabilities, but to all persons with disabilities.

CHAIR LEDOUX said that is correct.

REPRESENTATIVE TARR asked how Chair LeDoux's constituent established the percent of his disability.

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CHAIR LEDOUX said, "[He] had some sort of rating, from probably Workers' Compensation actually, because he was injured on the job..." She further noted, [the constituent] is a veteran, although his disability did not occur during military service.

REPRESENTATIVE TARR asked whether the bill's drafter suggested linking the bill to a related provision in existing statute.

CHAIR LEDOUX deferred to Mr. Bullard.

REPRESENTATIVE TARR agreed with Representative Thompson that gradation of physical disability is established in the state Workers' Compensation process. She restated her question and asked Mr. Bullard if in drafting the legislation, he considered linking the bill to Workers' Compensation, even though not all of the circumstances surrounding a disability would be addressed in Workers' Compensation statutes.

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ALPHEUS BULLARD, Attorney, Legislative Legal Counsel, Legislative Legal Services, advised there are other disability rating systems outside of Workers' Compensation; for example, the [U.S. Department of Veterans Affairs (VA)] has a disability rating. He said the language in the bill is an existing definition and suggested asking the Alaska Department of Fish and Game (ADFG) how it interprets the statutory requirements in existing law.

VICE CHAIR TUCK directed attention to the bill on page 3, [lines 24-29] and [beginning on lines 30-31 and continuing to page 4, lines 1-4] which read:

Sec. 6. AS 16.05.797(c) is amended by adding a new paragraph to read:

(3) "person with physical disabilities" means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled. [;]

Sec. 7. AS 16.05.940(26) is amended to read:

(26) "person with physical disabilities" means a person who presents to the department either written proof that the person receives at least 50 [70] percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 50 [70] percent physically disabled;

VICE CHAIR TUCK said, "It sounds like that there are times when one statute would apply underneath a certain section and [then] a different applies" He asked for clarification on the provisions of AS 16.05.797(c).

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CHAIR LEDOUX said the bill "kept in place" AS 16.05.797(c) as it relates to proxy hunting.

MR. BULLARD advised [on page 3, line 24] section 6 of the bill amends [AS 16.05.797(c)] only as it relates to computer-assisted remote hunting prohibited; thus, the bill keeps the existing rating of 70 percent [disability] for persons to engage in computer-assisted remote hunting. He added the definition of physical disabilities for other purposes was changed [in the bill] to 50 percent. In response to Vice Chair Tuck, Mr. Bullard explained computer-assisted remote hunting means the use of a computer or any other equipment to remotely control the aiming and discharge of a firearm, bow and arrow, or any other weapon used to hunt a gamebird, game animal, or fur-bearing animal, while not in the physical presence of the animal.

REPRESENTATIVE THOMPSON questioned why statutes specific to military and veteran [disabled persons] are amended, rather than

creating a new subsection specific to nonmilitary and nonveteran [disabled persons].

MR. BULLARD asked if Representative Thompson was referring to section 3 of the bill.

VICE CHAIR TUCK pointed out [AS 16.05.341. Free license for disabled veterans and active members of the Alaska National Guard and military reserves] refers to hunting and fishing, and [AS 26. Military Affairs, Veterans, Disasters, and Aerospace] relates to military and veterans' affairs.

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REPRESENTATIVE THOMPSON restated his question. In response to Chair LeDoux, he clarified the bill includes language referring to [existing statutes that relate to] military and veterans but has nothing to do with military and veterans.

CHAIR LEDOUX said [AS Title 16] are the statutes regulating fish and game; for example, [AS 16.05.341 directing free license for disabled veterans and active members of the Alaska National Guard and military reserves], and other provisions, pertain to one's age or disability. She questioned how the placement of the bill [in Alaska Statutes] would change the outcome of the bill.

VICE CHAIR TUCK suggested the placement may be due to enforcement provisions.

REPRESENTATIVE JACKSON opined there are already benefits to veterans with a 70 percent disability.

CHAIR LEDOUX pointed out veterans with a 50 percent disability receive benefits; certain others require a 70 percent disability, which the bill seeks to reduce to 50 percent.

VICE CHAIR TUCK returned attention to page 2, [lines 19-22] which read:

Sec. 16.05.341. Free license for certain disabled residents and disabled veterans and for active members of the Alaska National Guard and military reserves. A person may receive a resident hunting and sport fishing license under AS 16.05.340(a)(5) without charge if the person

VICE CHAIR TUCK said the [proposed] section includes disabled and disabled veterans, but the existing section includes only disabled veterans; the bill adds a [paragraph] to include persons "with a 50 percent disability who are not veterans."

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REPRESENTATIVE KOPP agreed and in response to Representative Thompson, observed [AS 16.05.300] - ADFG's code, definitions, and violations - frequently refers to exemptions for the Department of Military & Veterans' Affairs (DMVA), but are [provisions of AS Title 16, the ADFG statutes]. He concluded the bill would add disabled persons, who are at least 50 percent disabled, to the section that had previously just referred to veterans.

CHAIR LEDOUX stated her legislative intent is to include people who are 50 percent disabled, whether through HB 129 as drafted, or through a committee substitute.

[There followed discussion of various ways the legislation could be drafted to clarify legislative intent.]

REPRESENTATIVE THOMPSON said he would like to know what standards would be used to determine the percentage of disability. From his experience serving on [the Workers' Compensation Board], he said doctors and medical specialists do not agree on the terms that define a disability. He cautioned not having standards would cause a problem.

CHAIR LEDOUX acknowledged as long as individuals practice medicine or law, they will come to different conclusions, which is not a problem inherent to HB 129.

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VICE CHAIR TUCK directed attention to page 2, lines 28-30, which read:

(3) [(2)] served in the Alaska Territorial Guard, is eligible for a loan under AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard; or

VICE CHAIR TUCK suggested language that said, "any Alaska resident with a physical disability of 50 percent or greater,"

would negate page 2, lines 24-27, and [lines 28-30, text previously provided] which read:

(2) has been discharged from military service under honorable conditions, is eligible for a loan under AS 18.56.101, and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service;

MR. BULLARD advised if the intent [of HB 129] is that all persons currently experiencing a 50 percent disability may receive a free sportfishing or hunting license, and the forms of proof currently in statute are acceptable, there would be no need for all of its provisions.

CHAIR LEDOUX recalled the reason to keep specificity in the bill related to military and National Guard service is because certification for a veterans' disability [due to military service] is issued by VA. This is the reason to leave "a discreet section with respect to the veterans, as opposed to lumping everybody together."

MR. BULLARD said:

There may be good reasons to leave these provisions in place. I took Representative Tuck's question as a hypothetical question, as to whether, if you want to just ensure that all people - no matter how they arrived at that point, who currently have a 50 percent disability, you might want to widen the range of, of proof, or proof satisfactory to the department that would be ... accepted. ... Before [the changes] being brought in by your bill, it was necessary to have these standards of proof for what 50 percent constituted.

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VICE CHAIR TUCK restated the intent of the bill is to remove barriers to a disabled person, who is a military veteran, and who was not disabled during military service.

CHAIR LEDOUX said the circumstances of the aforementioned constituent brought the issue to her attention.

VICE CHAIR TUCK asked whether the sponsor's intent is to extend the benefit to anyone with a 50 percent disability, or just to those who served in the military.

CHAIR LEDOUX said no; the intent is to include any state resident who has a 50 percent disability.

VICE CHAIR TUCK noted the bill also extends the benefit to any active member [of the military services listed on page 3, lines 1-6]. He opined paragraphs (2) and (3) are not necessary.

CHAIR LEDOUX acknowledged she had considered the point raised by Vice Chair Tuck but was concerned about language in the bill that might be perceived as disrespectful to members of the military and to veterans.

REPRESENTATIVE RAUSCHER returned to the topic of computer-assisted hunting and asked if provisions in HB 129 allow for the use of devices such as a bionic arm or eye.

CHAIR LEDOUX assured the committee the bill does nothing to change [AS 16.05.797(c)(3)], the statute that addresses proxy hunting or computer-assisted remote hunting.

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EDDIE GRASSER, Director, Division of Wildlife Conservation, ADFG, explained ADFG outlawed the use of a computer, while sitting at home, to see terrain on a computer screen [for the purpose of hunting]. For example, a person sitting at home in Georgia, who wants to hunt a wild boar in Texas, can use a computer to shoot a boar. In response to Representative Rauscher, he directed attention to AS 16.05.797(b) which allows a person with physical disabilities to use equipment or devices designed to assist with a disability while present in the field. He stressed one cannot be sitting at home, but must be present in the field, when using equipment or devices.

REPRESENTATIVE THOMPSON directed attention to [Fiscal Note Identifier: HB129-DNR-PKS-04-27-19] and noted free camping permits cost the state approximately \$265,300 - plus \$500 to produce free decals - per year.

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DAN SADDLER, Legislative Liaison, Office of the Commissioner, Department of Natural Resources (DNR), said correct.

REPRESENTATIVE THOMPSON asked whether HB 129 will increase the number of free camping permits issued by the Division of Parks and Outdoor Recreation (POR), DNR, to persons with disabilities.

MR. SADDLER confirmed as long as a free camping permit has been available to disabled veterans, it has been available to veterans with a disability at the 50 percent level; the level of disability is easily established because, at the time of discharge, VA provides a disability rating to each soldier, airman, sailor, or marine. He was unsure about an equivalent [document] that would rate the percentage of disability for a civilian. Further, HB 129 would reduce DNR revenue by expanding the number of residents eligible for a free permit.

REPRESENTATIVE THOMPSON clarified \$265,300 is the current annual cost of granting free permits just to disabled veterans; by including all [disabled] civilians, HB 129 would increase the number of free campers.

MR. SADDLER directed attention to the fiscal note analysis and explained the Centers for Disease Control (CDC) estimate 83,634 Alaskan adults have some disability and 38,332 have a mobility disability; this difference in the number [of those who may be eligible to apply for a free camping permit] explains why DNR issued an indeterminate fiscal note.

REPRESENTATIVE THOMPSON opined [the passage of HB 129] may more than double the number of free passes issued.

MR. SADDLER said yes. He noted the legislature has encouraged DNR to increase its designated general funds (DGF) funding sources and to reduce its dependence upon unrestricted general funds (UGF); although POR seeks to achieve this by collecting parking and other fees, and an additional loss of fees would further reduce DGF.

REPRESENTATIVE THOMPSON estimated the reduction in POR fees [by HB 129] may reach over \$1 million.

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MR. SADDLER, in response to Chair LeDoux, said currently the only free passes issued by POR are to veterans with a 50 percent disability.

CHAIR LEDOUX said, "So there's nothing in the statutes right now to help people who are 70 percent or over."

MR. SADDLER opined because the bill addresses free camping passes and discounted, or free, hunting and fishing licenses for [disabled] veterans and/or [disabled] nonveterans, there is cause for confusion.

REPRESENTATIVE TARR cautioned the [DNR] fiscal note analysis indicates free camping permits issued by POR are biennial passes, and thus may not compare to those issued on an annual basis. She requested information on [the impact to DNR revenue] of possible modifications to what other Alaskans normally pay to camp, such as a longer term or a reduced rate.

MR. SADDLER stressed the division seeks to ensure that every Alaskan has an enjoyable camping experience, as is provided in current law; however, DNR has concerns about the cost of expanding the current [free camping program]. He related the POR director suggested another way to expand access to disabled campers would be to provide a certain percentage of camping spaces that are reserved for all Alaskan disabled campers.

REPRESENTATIVE TARR emphasized the importance of the issue and recalled her past efforts to provide more cabins and campsites; however, POR increased camping fees at more popular sites to raise DGF revenue. She urged the committee to consider the special circumstances of Alaskans who have disabilities, such as limited income, and inquired as to the percentage of DNR revenue that is sourced from [user fees].

MR. SADDLER reported DNR [DGF] revenue is approximately \$6 million.

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CHAIR LEDOUX remarked:

I may be confusing this now with the hunting and fishing licenses, but ... I know for hunting and fishing licenses that if you're 60 or 65 or older there's, there's no fee. So, how about for camping permits?

MR. SADDLER observed it costs an average of \$15 to camp in state campgrounds, which he characterized as a bargain. In fact, if it chooses, the legislature could provide lower cost camping

permits for anybody, which would further reduce DNR's DGF. In further response to Chair LeDoux, he said he would confirm that there are currently no [free camping passes available to disabled nonveterans].

CHAIR LEDOUX surmised [benefits to disabled nonveterans] may not apply to camping but may apply to hunting and fishing licenses. She said:

When we talk about how many people are disabled, when we're already giving hunting and fishing licenses to people 65, or [who] may even be 60 and over, and those people probably comprise a large portion of the numbers who are disabled, so that you'd have to factor that into account when you're doing the fiscal notes on that. But it doesn't, obviously, doesn't apply to the camping.

VICE CHAIR TUCK returned attention to the [DNR fiscal note analysis] and noted CDC data does not differentiate by percentage of disability, but basically states 19.2 percent of Alaskans have some measure of disability. Furthermore, he noted Alaskans with a 50 percent disability may choose not to experience outdoor activities, which would serve to lower the number of free passes issued by POR.

REPRESENTATIVE TARR recalled there are approximately 70,000 Alaska Mental Health Trust Authority (AMHTA) beneficiaries who have mental illness, developmental disabilities, chronic alcohol or drug addition, Alzheimer's disease and related dementia, and traumatic brain injuries. She opined there are younger Alaskans with disabilities who are more active and who may seek outdoor opportunities.

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MR. SADDLER acknowledged there are various levels of disability and ability, however, HB 129 would establish a firm standard of 50 percent disability, and it is unclear how to do so. He advised a civilian rating of disability could come from the Social Security Administration, [standards set by] Workers' Compensation, or the Department of Administration, Division of Motor Vehicles.

VICE CHAIR TUCK pointed out current statutes direct [a percentage of disability] may be [proven] by a physician or by a document issued by a government agency.

MR. SADDLER said the qualification by an affidavit from a doctor is accepted, although he did not know the standards set by physicians, how many such affidavits are issued to Alaskans, or the extent of their misuse.

REPRESENTATIVE THOMPSON asked whether a tent camper is charged the same camping fee as a motorhome.

MR. SADDLER was unsure. He stated \$100 is the annual fee for a boat launch permit and \$15 per night is an average camping fee, although some campgrounds charge more or less.

REPRESENTATIVE JACKSON pointed out the benefits in the bill are specifically addressed to state residents who are physically disabled and cautioned against expanding the scope of the bill to include AMHTA beneficiaries.

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VICE CHAIR TUCK asked whether the [loss of revenue reflected in the DNR] fiscal note would be more accurate if the total number of veterans in the state was factored on the general population, without the consideration of disability.

MR. SADDLER said correct and explained that is because the proportion of the "universe" of all veterans, to the smaller number of disabled veterans, could be compared to the total number of adult Alaskans, and to the number of disabled Alaskans; however, he cautioned the number of independent variables may skew the results. He opined a more accurate comparison occurs when physical disability is defined.

VICE CHAIR TUCK observed if [disabled] civilians are less active than [disabled] veterans, that may reduce the loss of revenue.

MR. SADDLER confirmed the implication that if [disabled] civilians are less active than [disabled] veterans, a smaller proportion would seek free camping permits.

CHAIR LEDOUX asked if Mr. Saddler could prepare a fiscal note or analysis that would reveal how many veterans are in the state and how many disabled veterans have free camping permits.

MR. SADDLER said yes; however, without knowledge of the level of disability, the number could range from 38,000 to 83,000 Alaskans. In further response to Chair LeDoux, he offered to

research the number of physically disabled [Alaskans], but not the percentage of their disability.

REPRESENTATIVE TARR surmised HB 129 would be held over.

CHAIR LEDOUX suggested a committee substitute would be forthcoming to address "all of the proxy statutes".

REPRESENTATIVE TARR urged, at a subsequent hearing, that the committee hear testimony from AMHTA to answer questions about disabilities in the general population, such as the number of Alaskans with co-occurring disabilities.

CHAIR LEDOUX agreed.

[HB 129 was held over.]

[2:05:33 PM](#)

ADJOURNMENT

There being no further business before the committee, the Special Committee on Military and Veterans Affairs meeting was adjourned at 2:05 p.m.