

HB 96

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/14/91

FURTHER:

DATE TURNED INTO OFFICE: 5/15/91

The Finance Committee considered CS FOR HOUSE BILL NO. 96 (HES) am

"An Act relating to free tuition and fees for a spouse or dependent of certain state residents who died while serving in the United States armed services or who were listed as prisoners of war or missing in action."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
  - or adopt CS HB 96 (HES)
  - attached amendment(s)
  - \_\_\_\_\_ letter of intent adopted
- same title
  - new title
  - technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):  
Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:  
Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) 5/15/91  
DMBA 5/15/91

SIGNING DO PASS:

*[Handwritten signatures]*

1. \_\_\_\_\_

2. \_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

FISCAL NOTE

No. 1  
 Bill Version: HB 96  
 (H) Publish Date: 2/13/91

STATE OF ALASKA  
 1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: University of Alaska  
 Title: An Act Relating to Free Tuition and Fees for Dependents of Certain State Residents Involved in the Persian Gulf BRU: ALL  
 Component: \_\_\_\_\_  
 Sponsor: Rep. Hudson, Ivan, Gruenberg, Barnes, Larson  
 Requestor: House Military Affairs COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Changes in SCS(SHB)96 (HB) have no fiscal impact. This fiscal note is appropriate.

14/2/91 date MAF Comite Aide (initial)

Prepared By: Marsha Hubbard Phone: 474-7593

Division: Statewide Budget Office Date: February 11, 1991

Approved by Commissioner: Brian Rogers, Vice President for Finance

Agency: University of Alaska Date: February 11, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**COMMITTEE COPY**

FISCAL NOTE

No. 2

Bill Version: HB 96

(H) Publish Date: 2/13/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Military & Veterans Affairs

Title: Tuition and fees of dependents of BRU: \_\_\_\_\_

Alaskans in Persian Gulf crisis Component: \_\_\_\_\_

Sponsor: Hudson

Requestor: House DMVA COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0					

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact on DMVA

Changes in SCSOS HB 96 (HES) have no fiscal impact. This fiscal note is appropriate.

5/14/91 date MA Comte Aided (initial)

Prepared By: Jeff Morrison, Director Phone: 465-4600

Division: Administrative & Support Services Division Date: February 12, 1991

Approved by Commissioner: MG Hugh L. Cox III by J Morrison

Agency: Military & Veterans Affairs Date: Feb. 12, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3

Bill Version: SCSCS HR 96 (HE)

(S) Publish Date: 5/14/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Education  
 Title: Free tuition and fees for BRU: Alaska Vocational Technical Center  
dependents of certain state residents Component: Alaska Vocational Technical Center  
 Sponsor: House HES  
 Requestor: Hudson COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Mary Hakala Phone: 465-2800  
 Division: Commissioner's Office Date: 5/9/91  
 Approved by Commissioner: Steve Hole, Acting Commissioner  
 Agency: Education Date: 5/9/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SENATE CS FOR CS FOR HOUSE BILL NO. 96 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 5/14/91  
Referred: Finance

Sponsor(s): REPRESENTATIVES HUDSON, Ivan, Gruenberg, Barnes, Larson, M.A. Miller, B. Davis, Zawacki, Navarre, MacLean, Ulmer, Grussendorf

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to free tuition and fees for a spouse or dependent of certain state  
2 residents who died while serving in the United States armed services or who were listed  
3 as prisoners of war or missing in action."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 14.43.085 is amended to read:

6 Sec. 14.43.085. FREE TUITION AND FEES FOR A SPOUSE OR DEPENDENT OF  
7 MEMBERS OF THE ARMED SERVICES [ALASKA MILITIA MEMBERS]. A person  
8 enrolled as a student in good standing in a [THE] state supported educational institution in this  
9 state [UNIVERSITY SYSTEM,] is entitled to a waiver of tuition and fees [,] if the person was  
10 the spouse or dependent child of a bona fide resident of the state who was a member of the  
11 armed services [ALASKA NATIONAL GUARD OR ALASKA NAVAL MILITIA] and who  
12 died in the line of duty or who died as a result of injuries sustained while in the line of duty  
13 for the state or federal government or was listed by the United States Department of Defense  
14 as a prisoner of war or as missing in action. In this section

1                   (1) "armed services" means the Alaska National Guard, Alaska Naval Militia,  
2 and the armed services of the United States;

3                   (2) "dependent child" means a person who [IS LESS THAN 23 YEARS OF AGE,  
4 WHO] was a dependent of a member of the armed services [ALASKA NATIONAL GUARD  
5 OR ALASKA NAVAL MILITIA] at the time of the member's death, and who is

6                   (A) the member's natural or adopted child;

7                   (B) a child in relation to whom the deceased armed services [ALASKA  
8 NATIONAL GUARD OR ALASKA NAVAL MILITIA] member stood in loco parentis  
9 for at least three years before the member's death;

10                  (C) the member's stepchild; or

11                  (D) the member's acknowledged illegitimate child;

12                  (3) [(2)] "line of duty" has the meaning given under federal law;

13                  (4) "resident" means a person who resided in the state for at least one year  
14 before serving in the armed services and who lists Alaska as the home state for purposes  
15 of military records.

16 \* Sec. 2. AS 14.43.080 is repealed.

# Alaska State Legislature

REPRESENTATIVE BILL HUDSON

P.O. Box V  
Juneau, Alaska  
99811  
(907)465-3744 or 4991

May 9, 1991

Senator Pat Pourchot,  
Co-Chair - Senate Finance Committee  
Alaska State Senate  
Juneau, Alaska

Dear Senator Pourchot:

CSHB 96(HES)am passed the House unanimously on May 7, and has been referred to the Senate Health Education and Social Services Committee, and will be heard in that committee on May 14.

This legislation grants tuition and fee waivers to a spouse or dependent children of members of the armed forces who are Alaska residents killed in the line of duty or who die as a result of injuries sustained while in the line of duty.

Zero fiscal notes have been prepared by the Alaska Department of Military and Veterans Affairs as well as by the University of Alaska. The Alaska Commission on Postsecondary Education has indicated there will not be a fiscal impact to their agency. Additionally, a zero fiscal note has been prepared by the Department of Education in relation to the Seward Skill Center.

In light of these zero fiscal impacts, I respectfully request that HB 96 be waived from the Senate Finance Committee.

Section 1 amends AS 14.43.085 to include all members of the armed forces. Current statute pertains to Alaska militia members. Additionally, this section amends statute so that a spouse or dependent child can attend an instate supported educational institution.

Line 12 on page 1 adds language addressing Alaska resident members of the armed forces who died in the line of duty or who died as a result of injuries sustained while in the line of duty . . . Military members are on active duty 24 hours per day, and I believe if they are killed while on active duty but not necessarily on combat duty, we should also make their dependents eligible for the tuition and fee waiver. Further, if an Alaskan is injured while on active duty, and later dies of those injuries but who is no longer on active duty at the time of death, that person's dependent spouse or child should be also be eligible.

## COMMITTEES

CHAIR  
House Special Committee  
on Oil & Gas  
MEMBER  
Resources  
Transportation  
International Trade & Tourism

FINANCE SUBCOMMITTEE:  
Department of Transportation  
and Public Facilities



HB 96 originally sought to amend AS 14.43.080. A copy of that statute is attached for your convenient reference. The existing language pertains only to tuition and fee waivers for members of the armed forces who are listed by the United States Department of Defense as a prisoner of war or as missing in action in Southeast Asia. The earlier version of HB 96 would have added language to include those Alaskans killed, listed as missing in action or as prisoner of war in the Viet Nam conflict and the Persian Gulf crisis.

CSHB 96(HES)am now repeals 14.43.080 and includes all Alaskan members of the armed forces who are killed on active duty, die of injuries sustained while on active duty, or listed by the United States Department of Defense as a POW or MIA in any war or conflict.

Definitions are contained for armed forces, dependent child and resident.

Also enclosed for convenient reference is a copy of each version of the bill, a current BASIS printout, a copy of 1990 SLA Chapter 13, a discussion of "line of duty," and a discussion of a "student in good standing."


This legislation is supported by the Alaska Department of Military and Veterans Affairs, and a copy of a letter authored by Mr. Jeff Morrison, Director of Administrative & Support Services Division dated May 6, 1991 is attached, as are Position Papers dated February 12, 1991 and May 7, 1991.

The Disabled Veterans of Alaska also support this bill, and a copy of their letter is enclosed. Additionally, the resolution in support of HB 96 prepared and adopted by the Southeast District of the American Legion is enclosed.

No one has contacted me or my staff to voice opposition to this legislation.

Your favorable consideration to waive the Senate Finance Committee referral for CSHB 96(HES)am will be very much appreciated. If you have questions or if you need further information, please call me or Landa Holtan at 3744.

Respectfully,

  
Bill Hudson

BH:lh

Enclosures

Explanation of "Line of Duty" determination in proposed amendment to HB96:

Each of the armed services (Army, Air Force, Navy, etc.) has its own regulations concerning "line of duty," but they all are essentially the same. Whenever a member of the service dies or suffers an injury or disease that significantly affects his or her military duties, a determination of whether or not the injury or disease was in the line of duty is required.

For members of the active military, an injury or death is presumed to be in the line of duty unless a preponderance of evidence supports the finding that the disease, injury, or death was incurred while the member was absent without authority, or was caused by the member's own misconduct. Any intentional conduct that is wrongful, improper, illegal, or willfully neglectful is considered misconduct. This includes injuries or diseases caused by alcohol and drug abuse.

Members of the reserve components of the active military are also subject to line of duty determinations if their disease, injury, or death occurred while participating in, or traveling to or from, authorized training or duty.

A STUDENT IN GOOD STANDING MUST BE ABLE TO SHOW GRADUATION FROM A HIGH SCHOOL OR EQUIVALENT (GED), BE ADMITTED TO A DEGREE PROGRAM, AND HAVE A GRADE POINT AVERAGE OF 2.0 (C) OR BETTER FOR THE PAST SEMESTER. THE STUDENT DOES NOT HAVE TO BE FULL TIME.

DAV



*Motto: "If I cannot speak good of my comrade, I will not speak ill of him."*

## DISABLED AMERICAN VETERANS

### Anchorage Chapter 1

HEADQUARTERS  
4040 Mt. View Dr.  
Anchorage, Alaska 99508  
(907) 276-2844 or 276-2846

VETERANS CRISIS CENTER  
(907) 276-2848  
1-800-478-2848

February 11, 1991

Representative Bill Hudson  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Dear Rep. Hudson

Thank you for giving the Disabled American Veterans an opportunity to address your bill on free tuition and fees for dependents of certain state residents involved in the Persian Gulf crisis.

It is the position of the DAV that an Alaskan family who loses a loved one or one that becomes a POW is entitled to all the benefits we as Alaskans can give, and that includes most of all education for their children. The price we as Alaskans have to pay is small compared to the sacrifice men and women of our armed forces make to preserve peace.

HB 96 provides for taking care of these needs and we of the DAV go on record as supporting this legislation. We stand ready to assist you in any way necessary to pass the bill.

We the veterans of Alaska commend you for putting forth this type of legislation that is needed in the situation of the present conflict in the Persian Gulf.

If you have any questions or need further assistance regarding this issue, please do not hesitate to contact me.

Respectfully,

A handwritten signature in cursive script, which appears to read "Joseph Murdy".

Joseph Murdy  
Legislative Affairs Chairman

Resolution No. 91-05

Resolution of Support of H.B. No. 88 and No. 96

WHEREAS, the House of Representatives has introduced HB-88 and 96 forgiveness of scholarship loans; and,

WHEREAS, many students are/were actively attending courses of study; and,

WHEREAS, any student who is unable to complete a course of studies because of condition beyond their control; and,

WHEREAS, any dependent of State residents involved in the S.E. Asia, Grenada, Panama or Persian Gulf crisis is either a P.O.W./M.I.A. may attend any State supported educational institution without payment of tuition and fees; and,

THEFORE BE IT RESOLVED, by the American Legion, Southeast District, that Alaska Legislature adopt bills, H.B. 88 and H.B. 96, and that language include the above concerns.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

POSITION PAPER  
HB96

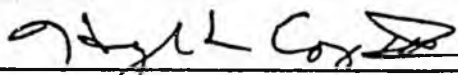
Summary of Bill: This bill provides free tuition and fees at state-supported educational institutions for dependents of Alaskan residents who participate in the ongoing Persian Gulf Conflict and who are listed as prisoners of war, missing in action, or lost in action.

Background: The bill amends an existing statute which provided the same benefits to dependents of Alaskan residents who were POWs or missing in the Vietnam war.

Impact of Resolution of Department of Military and Veterans Affairs: None

Departmental Position: The department supports the bill.

Approved: \_\_\_\_\_



MG Hugh L. Cox

Date: \_\_\_\_\_

Feb 12, 1991

# STATE OF ALASKA

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

WALTER J. HICKEL, GOVERNOR

P.O. BOX L  
JUNEAU, ALASKA 99811-0900

Administrative & Support  
Services Division  
P.O. Box L  
Juneau, AK 99811

May 6, 1991

Representative Bill Hudson  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Hudson,

This letter is in response to your inquiry about the number of Alaskans who were killed during the Vietnam War, in reference to House Bill 96.

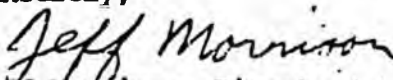
According to the Friends of the Vietnam Veterans Memorial in Washington, D.C. (phone 202-628-0726), there are 56 Alaskans listed as killed in action and one Alaskan listed as missing in action on the Vietnam Veterans Memorial. For your further information, the Vietnam Veterans Memorial includes the names of 58,175 Americans killed or missing in action.

We have no way to determine how many of these Alaskans left dependents who might be eligible to receive the benefits accorded by HB96. However, because of the large numbers of draftees who entered the military at a young age during the Vietnam War, and based on personal knowledge of individuals in DMVA, we estimate that no more than fifty percent of the Alaskans killed in action would have left any dependents.

The Vietnam War ended in 1975, which means that any children born to Alaskans killed in the Vietnam War would be at least 16 years old. The median age of children born to Alaskans killed in Vietnam is probably more like 20 or more years old. It is also likely that at least some of the families would have moved out of the state in the last 15-20 years.

The conclusion I would like to offer is that there would a very minimal impact on the university system by extending the benefits of free tuition and fees to dependents of Alaskans killed in the Vietnam War. Please contact me if you would like any additional information.

Sincerely,

  
Jeff Morrison, Director

cc: Maj Gen Hugh L. Cox III, The Adjutant General  
Larry Landry, Director of Veterans Affairs  
Capt. Michael Haller, Public Affairs Officer, DMVA  
[File: JM/vietvet]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

POSITION PAPER  
CSHB 96 (HES) am H [Proposed]

Summary of Bill: The HESS Committee Substitute of this bill provides free tuition and fees at state-supported educational institutions for dependents of Alaskan residents who participated in the Persian Gulf Conflict and were listed as prisoners of war, missing in action, or killed in action. The bill also extends the benefit to dependents of Alaskan residents who died during the Vietnam War (dependents of POW/MIAs of Vietnam War already have the benefit).

The proposed amendment being considered for adoption on the House floor would expand the benefit to include the dependents of any Alaskan resident who died in the line of duty while serving as a member of the U.S. military.

Background: The bill amends an existing statute which provided the same benefits to dependents of Alaskan residents who were POWs or missing in the Vietnam war. In 1990, the benefit of free tuition and fees was extended to include dependents of members of the Alaska National Guard who died while in the line of duty (SIA 1990, Ch 13). The best information we have available indicates that there was one Alaskan resident killed during the Persian Gulf Conflict, and 56 Alaskan residents killed during the Vietnam War.

The total number of Alaskan residents currently serving in the active military forces of the United States in 1989 was 14,471, according to information on file in the Alaska Permanent Fund Dividend Division. The current number of Alaskan residents in the active military service is estimated at about 15,000. The total number of dependents of these residents, based on ratios of PFD applications in 1989, is estimated at about 25,000.

Departmental Position: It is a fitting tribute to those who serve in the military to provide this benefit to their dependents. The University of Alaska will feel the fiscal effects of this bill, if any, and we will rely on their judgement to provide the best estimate of the bill's fiscal impact. If the fiscal impact of the amended version of the bill is significant, the department supports the HESS committee substitute of the bill. However, the latest estimate from the University of Alaska is that the fiscal note is zero or negligible. Therefore, the department is pleased to support the proposed amended version of the bill.

Approved: \_\_\_\_\_



Maj Gen Hugh L. Cox III.

Date: \_\_\_\_\_

7/13/91