

LEGAL SERVICES


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MEMORANDUM

March 23, 2013

SUBJECT: Arctic Council (HCS CSSJR 10(STA))
(Work Order No. 28-LS0542\C)
TO: Representative Bob Lynn
Attn: Nancy Manly
FROM: Emily Nauman 
Legislative Counsel

The "N" version of CSSJR 10(RES) contains a defective title. The title is defective in that the reference to *urging* appointment of a representative did not accurately describe the change made by the floor amendment N.2, *appreciating the United States' ongoing offer* to include a representative of the state on the Arctic Council. The title of CSSJR 10(RES) does not disclose this.

Although the bill was passed by the Senate containing this defect, it is my opinion that a title change to correct this defect does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee from reporting out a committee substitute or amendment that requires a title change, other than a technical one, the title change here is not "required" by an amendment or change in the second house, but rather by the defective title in the first house. Accordingly, our office has in the past considered such changes to be "technical." Unfortunately, because the title change does constitute a change to the bill, the Senate will have to concur in the title change, even if the House passed a version that was otherwise identical to the bill passed by the Senate.

If I may be of further assistance, please advise.

ELN:Ind
13-178.Ind

28-LS0542\C

Nauman

3/22/13

HOUSE CS FOR CS FOR SENATE JOINT RESOLUTION NO. 10(STA)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-EIGHTH LEGISLATURE - FIRST SESSION****BY THE HOUSE STATE AFFAIRS COMMITTEE****Offered:****Referred:****Sponsor(s): SENATORS GIESSEL, McGuire, Hoffman, Micciche, Stevens, Olson, Dyson, Stedman, Bishop, Dunleavy, Gardner****REPRESENTATIVE Kreiss-Tomkins****A RESOLUTION**

1 **Relating to the presence and interests of the state and the nation in the Arctic;**
2 **appreciating the United States' ongoing offer to include a representative of the state on**
3 **the Arctic Council; relating to icebreakers; and relating to United States Coast Guard**
4 **operations and facilities in the Arctic.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** this state alone qualifies the United States as an Arctic nation; and

7 **WHEREAS**, according to the United States Geological Survey, the Arctic may hold
8 up to 90,000,000,000 barrels of oil, the equivalent of 13 percent of the world's undiscovered
9 oil reserves, and 47.3 trillion cubic meters of natural gas, the equivalent of 30 percent of the
10 world's undiscovered natural gas reserves, and the development of these resources would have
11 a profound economic effect on the state and promote energy security for the nation; and

12 **WHEREAS** the amount of Arctic Ocean ice during the summer months has
13 increasingly diminished, resulting in the opening of international shipping lanes through the
14 Arctic; and

15 **WHEREAS** the Northwest Passage along North America and the Northern Sea Route

1 along Eurasia both pass through the Bering Strait and decrease shipping time and costs
2 between the Pacific and Atlantic Oceans compared to traveling conventional routes through
3 the Suez Canal or Panama Canal; and

4 **WHEREAS** growing interest in economic and strategic opportunities in the Arctic has
5 led the Russian Federation to announce its interests in the region and, in August 2007, to plant
6 a Russian flag on the Arctic Ocean seabed and resume strategic bomber flights over the Arctic
7 region for the first time since the end of the Cold War; and

8 **WHEREAS** Russia has submitted a claim to the United Nations Convention on the
9 Law of the Sea to an area of 460,000 square miles in the Arctic Ocean, an area the size of
10 Germany, France, and Italy combined; and

11 **WHEREAS** the United States Coast Guard does not have a base on or adjacent to the
12 Arctic Ocean, inhibiting the nation's ability to respond to situations that could threaten United
13 States sovereignty in the Arctic and reducing the nation's emergency and disaster
14 preparedness in the area; and

15 **WHEREAS** increasing interest in the Arctic as a result of emerging geopolitical and
16 economic factors has created a national priority for the United States to map the Arctic floor,
17 which is essential to establish legitimate claims to areas beyond the 200 nautical mile
18 exclusive economic zone and best assert the nation's rights in the international community;
19 and

20 **WHEREAS**, as the use of international shipping lanes through the Arctic Ocean
21 becomes possible, the demand for icebreaker vessels is increasing; and

22 **WHEREAS** Canada currently has six icebreaker vessels, with a plan to complete a
23 seventh, the 459-foot John G. Diefenbaker, in 2017; and

24 **WHEREAS** the Russian icebreaker fleet is the largest in the world, with 36 vessels,
25 including 17 government-operated icebreakers and six nuclear-powered icebreakers with at
26 least 45,000 brake horsepower; and

27 **WHEREAS** a seventh nuclear-powered Russian icebreaker is currently under
28 construction, and three more nuclear-powered icebreakers are planned for completion by
29 2017; and

30 **WHEREAS** the most powerful icebreaker in the world, the Russian nuclear-powered
31 50 Years of Victory, commissioned in 2007, is 524 feet long, has 75,000 horsepower, and can

1 break ice up to 9.2 feet thick; and

2 **WHEREAS** the United States has five icebreakers, only three of which are United
3 States Coast Guard vessels; and

4 **WHEREAS** only one of the United States Coast Guard icebreakers, the USCGC
5 Healy, which has 30,000 horsepower and was designed primarily for research purposes, is
6 presently in service; and

7 **WHEREAS**, of the two other United States Coast Guard icebreakers, the USCGC
8 Polar Star and the USCGC Polar Sea, constructed in 1976 and 1977, the USCGC Polar Sea is
9 unlikely to return to service and the USCGC Polar Star is not anticipated to return to service
10 until late 2013 at the earliest; and

11 **WHEREAS** the Arctic Council is a high-level forum of Arctic states, is the only
12 circumpolar forum that includes all of the Arctic states, and includes participation of Arctic
13 indigenous peoples for the purpose of holding political discussions on Arctic issues shared in
14 common and fostering Arctic cooperation; and

15 **WHEREAS** the Arctic Council includes official state representatives from the
16 governments of Canada, Denmark, Finland, Iceland, Norway, the Russian Federation,
17 Sweden, and the United States; and

18 **WHEREAS** the chairmanship of the Arctic Council rotates every two years, and,
19 following the chairmanship of Canada beginning in May 2013, the United States will assume
20 chairmanship of the Arctic Council in May 2015; and

21 **WHEREAS** the United States has a presence on the Arctic Council only because of
22 Alaska's location in the Arctic; and

23 **WHEREAS**, in 2011, in the spirit of cooperation between the Arctic states, and
24 cognizant of the harsh conditions that pose a challenge to search and rescue operations in the
25 Arctic and the vital importance of providing rapid assistance to persons in distress in those
26 circumstances, the Arctic Council signed the council's first legally binding agreement in
27 Nuuk, Greenland, to coordinate search and rescue operations in the Arctic Ocean; and

28 **WHEREAS** the official state delegation of Canada to the Arctic Council includes
29 representatives from the governments of the territories of Yukon and Nunavut; and

30 **WHEREAS** the official United States delegation to the Arctic Council does not
31 include any officially appointed representative from Alaska; and

1 **WHEREAS** the interests of the state are directly affected by Arctic policy;

2 **BE IT RESOLVED** that the Alaska State Legislature, recognizing the importance of
3 diplomatic opportunities and the particular effect of Arctic policy on the state's interests,
4 appreciates the United States' ongoing offer since the inception of the Arctic Council to
5 include a designated representative from this state as a member of its official delegation to the
6 Arctic Council; and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
8 Congress and the President of the United States to provide the United States Coast Guard with
9 sufficient funding to expand its Arctic operations, to retrofit the nation's existing icebreaker
10 fleet, to build needed vessels and facilities, including icebreakers and a United States Coast
11 Guard base for Arctic operations, to map the United States outer continental shelf for the
12 purpose of preserving and defending the nation's sovereign territorial rights, and to maintain a
13 strong presence in the region; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States to
15 continue to assert its political, strategic, environmental, and economic interests in the Arctic,
16 with particular emphasis on the well-being of the state, and to take a leadership role in guiding
17 international Arctic policy through diplomatic, military, and economic means.

18 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
19 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
20 President of the U.S. Senate; the Honorable John F. Kerry, United States Secretary of State;
21 General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff; the Honorable Janet A.
22 Napolitano, United States Secretary of Homeland Security; the Honorable Robert Menendez,
23 Chair of the U.S. Senate Committee on Foreign Relations; the Honorable Michael T. McCaul,
24 Chair of the U.S. House Committee on Homeland Security; the Honorable Thomas R. Carper,
25 Chair of the U.S. Senate Committee on Homeland Security and Governmental Affairs; the
26 Honorable Barbara Mikulski, Chair of the U.S. Senate Committee on Appropriations; the
27 Honorable Dave Camp, Chair of the U.S. House Ways and Means Committee; the Honorable
28 Bob Corker, ranking member, U.S. Senate Committee on Foreign Relations; Admiral Robert
29 J. Papp, Jr., Commandant of the United States Coast Guard; and the Honorable Lisa
30 Murkowski and the Honorable Mark Begich, U.S. Senators, and the Honorable Don Young,
31 U.S. Representative, members of the Alaska delegation in Congress; and all other members of

1 the United States Senate.