

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

January 24, 2006

3:35 p.m.

**MEMBERS PRESENT**

Senator Gene Therriault, Chair  
Senator Thomas Wagoner, Vice Chair  
Senator Charlie Huggins  
Senator Bettye Davis  
Senator Kim Elton

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CS FOR HOUSE BILL NO. 83(FIN)

"An Act relating to the Alaska Seismic Hazards Safety Commission; and providing for an effective date."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 83

SHORT TITLE: SEISMIC HAZARDS SAFETY COMMISSION

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

01/19/05	(H)	READ THE FIRST TIME - REFERRALS
01/19/05	(H)	MLV, STA, FIN
02/03/05	(H)	MLV AT 1:00 PM CAPITOL 124
02/03/05	(H)	Moved CSHB 83(MLV) Out of Committee
02/03/05	(H)	MINUTE(MLV)
02/04/05	(H)	MLV RPT CS(MLV) NT 6DP
02/04/05	(H)	DP: MCGUIRE, CISSNA, ELKINS, DAHLSTROM, GRUENBERG, LYNN
03/08/05	(H)	STA AT 8:00 AM CAPITOL 106
03/08/05	(H)	Moved CSHB 83(MLV) Out of Committee
03/08/05	(H)	MINUTE(STA)
03/09/05	(H)	STA RPT CS(MLV) NT 7DP
03/09/05	(H)	DP: GARDNER, LYNN, GATTO, ELKINS, GRUENBERG, RAMRAS, SEATON
03/29/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
03/29/05	(H)	-- Meeting Canceled --
04/01/05	(H)	FIN AT 9:00 AM HOUSE FINANCE 519

04/01/05	(H)	Heard & Held
04/01/05	(H)	MINUTE(FIN)
04/07/05	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/07/05	(H)	Moved CSHB 83(FIN) Out of Committee
04/07/05	(H)	MINUTE(FIN)
04/08/05	(H)	FIN RPT CS(FIN) NT 6DP 4NR
04/08/05	(H)	DP: CROFT, FOSTER, MOSES, WEYHRAUCH, MEYER, CHENAULT;
04/08/05	(H)	NR: HAWKER, HOLM, STOLTZE, KELLY
04/13/05	(H)	TRANSMITTED TO (S)
04/13/05	(H)	VERSION: CSHB 83(FIN)
04/14/05	(S)	READ THE FIRST TIME - REFERRALS
04/14/05	(S)	STA, FIN

**WITNESS REGISTER**

Representative Gabrielle LeDoux  
 Alaska State Capitol  
 Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of HB 83

Michael Menge, Commissioner Designee  
 Department of Natural Resources  
 400 Willoughby Ave.  
 Juneau, AK 99801-1724  
**POSITION STATEMENT:** Spoke in support of HB 83

Pat Davidson, Legislative Auditor  
 Legislative Audit Division  
 P.O. Box 113300  
 Juneau, AK 99811-3300  
**POSITION STATEMENT:** Responded to questions related to HB 83

John Aho, Ph.D., Chair  
 Alaska Seismic Hazards Safety Commission  
 2015 Shepherdia Drive  
 Anchorage, AK 99508  
**POSITION STATEMENT:** Spoke in support of HB 83

Roger Schnell, DMVA Representative  
 Alaska Seismic Hazards Safety Commission  
 Department of Military and Veterans Affairs  
 P.O. Box 5800  
 Fort Richardson, AK 99505-0800  
**POSITION STATEMENT:** Spoke in support of HB 83

Dennis Nottingham, Public Member

Alaska Seismic Hazards Safety Commission  
1506 West 36th Avenue  
Anchorage, AK 99503

**POSITION STATEMENT:** Spoke in support of HB 83

Linda Freed, Manager  
City of Kodiak  
710 Mill Bay Road  
Kodiak, AK 99615

**POSITION STATEMENT:** Spoke in support of HB 83

Gary Carver, Ph.D., Vice-Chair  
Alaska Seismic Hazards Safety Commission  
Kodiak Island Borough Planning & Zoning Commission  
710 Mill Bay Road  
Kodiak, AK 99615

**POSITION STATEMENT:** Spoke in support of HB 83

Rod Combellick, DNR Representative  
Alaska Seismic Hazards Safety Commission  
Department of Natural Resources  
P.O. Box 82422  
Fairbanks, AK 99708

**POSITION STATEMENT:** Spoke in support of HB 83

David Liebersbach, Director  
Alaska Division of Homeland Security and Emergency Management  
P.O. Box 5750  
Fort Richardson, AK 99505-5750

**POSITION STATEMENT:** Spoke in support of HB 83

Sheldon Winters, Lobbyist  
State Farm Insurance  
3000 Vintage Blvd.  
STE. 100  
Juneau, AK 99801

**POSITION STATEMENT:** Spoke in support of HB 83

#### **ACTION NARRATIVE**

**CHAIR GENE THERRIault** called the Senate State Affairs Standing Committee meeting to order at [3:35:13 PM](#). Present were Senators Elton, Wagoner, Huggins, Davis and Chair Therriault.

#### **CSHB 83(FIN)-SEISMIC HAZARDS SAFETY COMMISSION**

CHAIR THERRIault announced HB 83 to be up for consideration.

REPRESENTATIVE GABRIELLE LEDOUX, Sponsor of HB 83, explained that the bill extends the sunset date of the Alaska Seismic Hazards Safety Commission, adds tsunamis to the purview of the commission, and increases the commission membership from 9 to 11 to provide more local representation.

She reported that because neither Governor Murkowski nor Governor Knowles had appointed anyone to the commission, Legislative Budget and Audit initially recommended not extending the sunset date. However, all commission positions are currently filled and two meetings have been held.

[3:37:54 PM](#)

CHAIR THERRIAULT noted that frequent reference to "tsunami" is inserted throughout the text of the bill. He further noted that since commission appointments have been made since the bill passed the House, the contingent language on page 3, Sections 6 and 7 could be removed. Because the bill title is broad it wouldn't be affected by the changes.

REPRESENTATIVE LeDOUX voiced agreement.

[3:39:10 PM](#)

SENATOR KIM ELTON said he assumed that "tsunami" would be covered as a type of seismic activity. He articulated the concern that if that's correct, then specifically mentioning tsunamis might exclude other events that could occur as a result of a seismic event. For example a seismic event could cause an avalanche.

REPRESENTATIVE LeDOUX agreed that the point is valid and acknowledged that she hadn't discussed with issue with legislative legal.

[3:41:14 PM](#)

SENATOR ELTON expressed support for the bill and reiterated his concern about potentially narrowing the commission's scope.

REPRESENTATIVE LeDOUX replied narrowing the scope was not the intention.

CHAIR THERRIAULT agreed there's an inherent problem with lists because it's open to question whether or not an omission infers an intention to leave an item off the list.

[3:42:06 PM](#)

MICHAEL MENGE, Commissioner Designee, Department of Natural Resources, expressed support for the bill. He observed that the commission is responsible for remaining mindful of what can occur as a result of seismic activity and keeping preparedness at the forefront even when there is no recent event.

He related that the Trans-Alaska Pipeline System (TAPS) crosses a fault line and although there had been no discernable movement for years, the engineers took seismic activity into consideration during design and construction. In 2002 a magnitude 7.9 event occurred that moved the pipeline nearly 20 feet, but there was no decrease in flow. Planning for such an event saved the state hundreds of millions of dollars and avoided catastrophic environmental consequences.

He reiterated DNR support for the bill and said he understands that the division in Fairbanks is able to accommodate the proposed changes without any additional financial support.

In response to Senator Elton's concern, he said he would certainly seek clarification of the issue because landslides are a significant risk associated with earthquakes.

[3:45:13 PM](#)

SENATOR THOMAS WAGONER reviewed the zero fiscal notes and questioned whether travel and associated cost might be anticipated in the future.

COMMISSIONER DESIGNEE MENGE replied it should be minimal. The original budget was \$10,000 and \$6,000 is remaining. He acknowledged that as the activity level increases, required support would increase as well.

[3:46:44 PM](#)

CHAIR THERRIAULT asked Pat Davidson to outline the history of the appropriation.

[3:47:24 PM](#)

PAT DAVIDSON, Division of Legislative Audit, explained that the commission was established in 2002 and that \$33,500 was appropriated to the governor's office. At the end of FY03 the money was swept into a reserve fund. In 2004 the commission was transferred to DNR and \$28,900 was placed in the geological development base-budget. The former commissioner decided that funding was too large and allocated \$10,000 for the commission. Upon review, she found no particular increases or decreases indicated in the geological development budget transactions for FY06 and FY07.

[3:48:55 PM](#)

CHAIR THERRIAULT asked Ms. Davidson if she had any points to bring forward regarding the audit.

MS. DAVIDSON reported that the recommendation to terminate the commission was made simply because it was non-functioning at that time. However, overwhelming legislative support for continuing the commission was subsequently noted.

The recommendation to add two more local government members was made because the most tangible mitigation efforts occur in building codes and zoning ordinances, which local governments control. The increased representation will make it a little easier to get from the discussion phase to tangible efforts, she said.

CHAIR THERRIAULT asked if the recommendations made in the audit report had been followed.

MS. DAVIDSON replied just nine commissioners were appointed.

[3:50:25 PM](#)

SENATOR ELTON pointed out that the latest bill version increases the representation to 11 members.

CHAIR THERRIAULT thanked him for that information and opened public testimony.

[3:50:57 PM](#)

JOHN AHO Ph.D., Chair, Alaska Seismic Hazards Safety Commission, testified via teleconference and gave background information regarding his 30-year engineering career in Alaska. His background is structural dynamics and earthquake engineering and

much of his career related to earthquake risk mitigation activities.

[3:52:13 PM](#)

He reported that because Alaska has the highest earthquake hazard in the nation, there is a continuing need for the existing commission. The goal is to reduce earthquake risk by supporting scientific advancement, practicing earthquake engineering, and increasing the understanding of the impacts of earthquakes. Also, the commission can provide a means for integrating public, private, local and state government input for making seismic risk decisions.

He outlined the three meetings the commission has held since the appointments were made as well as the presentation he gave in Juneau. He noted that the Juneau Emergency Response Commission passed a supporting resolution after his presentation and other groups have indicated that they too would be sending supporting letters.

Alaska is fortunate not to have had a devastating earthquake since 1964, but the 2002 Denali earthquake was a reminder of what can happen, he said. It's just a matter of time before a catastrophic earthquake occurs and this type of commission is needed to provide leadership and guidance before and after an earthquake. It can be instrumental in affecting life and property safety for future generations.

[3:56:17 PM](#)

CHAIR THERRIAULT asked him to comment on the issue of adding the words "and tsunami" to the statutes.

DR. AHO said he understands why "tsunami" was specifically mentioned, but he's not sure what it means in terms of eliminating other hazards that might result from seismic activity. He recognizes seismic hazards as anything that happens as a result of strong earth movement.

CHAIR THERRIAULT recognized Roger Schnell.

ROGER SCHNELL, member, Alaska Seismic Hazards Safety Commission, testified via teleconference. He echoed the chair's position and recommended that the commission be extended.

[3:58:06 PM](#)

DENNIS NOTTINGHAM, Public Member, Alaska Seismic Hazards Safety Commission, testified via teleconference and reported that he has lived in Alaska approximately 45 years. He complemented Commissioner Menge for having made some very good points.

He reported that he played a significant part in designing the Trans-Alaska Pipeline System, which included addressing the Denali fault. He is pleased that the engineering has been successful because not much was known about earthquake design in the early 1970s. In fact, that was one of the first projects that was designed with seismic events in mind.

Addressing the question of the wisdom of specifically listing tsunamis, he explained that tsunamis are a standalone phenomenon. A landslide could, in the absence of a seismic event, cause what is referred to as a local tsunami. That's what happened in Skagway some years ago when a massive submarine landslide occurred. He opined that it caused great confusion in state government because there was no commission such as this to shed light on the situation. There simply wasn't the back up in the state to realize what had happened.

He recommended passing the bill with the tsunami language included because "it is distinct, in some cases."

[4:00:05 PM](#)

SENATOR ELTON agreed that the Skagway slide is an excellent example of a tsunami that wasn't caused by a seismic event. He then mentioned the example of the landslide in Lituya Bay, which was caused by a seismic event.

He emphasized that he had no problem adding "tsunami" as long as there was legal assurance that the addition wouldn't preclude other events that weren't specifically mentioned.

[4:00:57 PM](#)

LINDA FREED, Local Government Representative, Alaska Seismic Hazards Safety Commission, testified via teleconference. She advised that she was speaking as the city manager of the City of Kodiak and that the city passed a resolution supporting the commission. Kodiak is subject to the potential risk of both earthquakes and tsunamis and it sees the need for this commission to provide advice and recommendations to protect its

citizens. In fact, the City of Kodiak considers this so important that it is paying for her position on the commission.

In closing she reported that a number of citizens have expressed surprise that a sunset date had been placed on the commission in the first place and questioned whether a three-year sunset is appropriate.

[4:03:23 PM](#)

CHAIR THERRIAULT responded all boards and commissions in the state have periodic sunset review by the Legislature. Indeed it was the sunset review that highlighted the dormancy issue and spurred the administration to make the commission appointments.

[4:03:53 PM](#)

GARY CARVER, Ph.D., Vice-Chair, Alaska Seismic Hazards Safety Commission and Kodiak Island Borough Planning & Zoning Commission member, testified via teleconference. He explained that he is a geologist and has worked in the area of earthquake hazard and safety for about 35 years.

After receiving his doctorate, one of his first jobs was to collaborate in identifying the fault hazards for alignment and construction of the TAPS. He admitted that he was very worried on November 3, 2002 when he learned about the 7.9 magnitude earthquake along the Denali Fault, but suggested that it is a good example of how applying knowledge in advance of an event yields great benefit. The pipe didn't fail and was actually up and operating within 60 hours, which speaks with authority to the wisdom of having this type commission to guide the state and municipalities with regard to seismic hazards.

He opined the commission has a lot of work to do since Alaska has a significant number of the earthquakes that occur in the world and in large part they occur in the more populated regions of the state.

The City of Kodiak recently assessed its schools for seismic safety and several were found in need of retrofitting. This is the kind of guidance that the commission could provide to other communities, he concluded.

[4:08:17 PM](#)

ROD COMBELLICK, Deputy Director, Division of Geologic and Geophysical Surveys, Department of Natural Resources, testified via teleconference. He said he would provide his perspective as a geologist and the DNR representative on the commission.

He explained that geologists see the scientific side of earthquakes. In particular they see evidence of prehistoric earthquakes in the geologic record, which offers long-term information about the frequency of such events. In addition geologists see the geologic effects of earthquakes that are due to ground failures, landslides, and tsunamis. This information gives an idea of the variability in the destructive potential of such events.

He cautioned that scientific information is of no use unless it's used to determine land use, building codes and planning practices to affect cost-effective public policy designed to reduce loss and save lives. This is already taking place in Alaska, but there isn't a great deal of coordination. The Alaska Seismic Hazards Safety Commission brings these interests together in a common forum with the goal of increasing seismic safety. He urged passage of HB 83.

[4:11:11 PM](#)

DAVID LIEBERSBACH, Director, Alaska Division of Homeland Security and Emergency Management, testified via teleconference in support of the bill. He made several clarifying points. First, his agency has passed a resolution in support of HB 83. Second, most western states have a seismic commission and it's reasonable that Alaska continue with one since it is so active seismically. He advised that he is vice-chair of the Western State Seismic Policy Council and it is expanding its membership to include a representative from the seismic safety commissions of each state or province. Membership would provide opportunity for valuable information sharing, he opined.

The Skagway landslide was mentioned as a non-seismic tsunami, but volcano activity was not mentioned in that regard. One of the early concerns related to the recent St. Augustine volcanic activity was that there could be an underwater blowout. If that had occurred there was potential for a tsunami and it doesn't take a huge one to kill people or destroy a lot of property. In conclusion he said the original definition for tsunami is harbor wave.

[4:15:22 PM](#)

SHELDON WINTERS, Lobbyist for State Farm, stated support for extending the commission.

[4:15:53 PM](#)

CHAIR THERRIAULT announced that he intended to have a committee substitute (CS) drafted and he would ask about the wisdom of specifically referencing tsunamis. He observed that the findings section of the original bill doesn't give any indication of how broad the interpretation is meant to be.

Further discussion is also needed with regard to the length of the extension. Even though the auditors suggested a longer extension, he wanted the committee members to weigh in since the commission had particular difficulty getting started.

[4:17:05 PM](#)

SENATOR WAGONER said it was a lack of attention by various governors' offices that caused the difficulty and all indications are that the commission will be active, which is why he would recommend a 10-year sunset.

SENATOR ELTON suggested extending the terms out far enough to get staggered terms going.

CHAIR THERRIAULT said he would discuss the issue with the auditor and decide whether a 7-year extension would make sense.

[4:18:45 PM](#)

CHAIR THERRIAULT announced he would hold CSHB 83(FIN) in committee.

There being no further business to come before the committee, Chair Therriault adjourned the meeting at [4:18:51 PM](#).