

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

January 27, 2009

8:02 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Paul Seaton, Vice Chair
Representative Carl Gatto
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen

MEMBERS ABSENT

Representative Craig Johnson

COMMITTEE CALENDAR

HOUSE BILL NO. 80

"An Act relating to the Joint Armed Services Committee and its Homeland Security and Emergency Management Subcommittee; and providing for an effective date."

- MOVED CSHB 80(STA) OUT OF COMMITTEE

HOUSE BILL NO. 5

"An Act relating to certain investments of the Alaska permanent fund, the state's retirement systems, the State of Alaska Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments."

- BILL HEARING RESCHEDULED TO 01/29/09

HOUSE BILL NO. 45

"An Act relating to certain investments of the Alaska permanent fund, the state's retirement systems, the State of Alaska Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments."

- BILL HEARING RESCHEDULED TO 01/29/09

"An Act relating to certain investments of the Alaska Permanent Fund, the state's retirement systems, the State of Alaska

Supplemental Annuity Plan, and the deferred compensation program for state employees in companies that do business in Sudan, and restricting those investments; and providing for an effective date."

- Pending Introduction & Referral; Bill Hearing Rescheduled to 01/29/09

PREVIOUS COMMITTEE ACTION

BILL: HB 80

SHORT TITLE: JOINT ARMED SERVICES COMMITTEE

SPONSOR(s): REPRESENTATIVE(s) DAHLSTROM

01/22/09	(H)	READ THE FIRST TIME - REFERRALS
01/22/09	(H)	STA
01/27/09	(H)	STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

LAURA PIERRE, Staff
Representative Nancy Dahlstrom
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 80 on behalf of Representative Dahlstrom, prime sponsor.

McHUGH PIERRE, Director of Communications/Legislative Liaison
Office of the Commissioner/Adjutant General
Department of Military & Veterans Affairs (DMVA)
Fort Richardson, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 80.

ACTION NARRATIVE

8:02:13 AM

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:02 a.m. Representatives Gatto, Seaton, Gruenberg, Peterson, and Lynn were present at the call to order. Representative Wilson arrived as the meeting was in progress.

8:02:53 AM

[Each committee member present introduced him/herself and related their involvement in other House committees, and Chair

Lynn relayed that information regarding Representative Johnson, who was not present.]

8:07:43 AM

CHAIR LYNN shared the history behind his gavel, and talked about the House State Affairs Standing Committee commonly being the first committee of referral. He reviewed his method for hearing bills and running the committee.

HB 80-JOINT ARMED SERVICES COMMITTEE

8:09:46 AM

CHAIR LYNN announced that the only order of business was HOUSE BILL NO. 80, "An Act relating to the Joint Armed Services Committee and its Homeland Security and Emergency Management Subcommittee; and providing for an effective date."

8:10:45 AM

REPRESENTATIVE GRUENBERG moved to adopt the proposed committee substitute (CS) for HB 80, Version 26-LS0394\R, Cook, 1/26/09, as a work draft. There being no objection, Version R was before the committee.

8:11:06 AM

REPRESENTATIVE GRUENBERG expressed concern that HB 80 repeals and revises several sections of law, and the committee does not have those changes in writing.

8:11:33 AM

LAURA PIERRE, Staff, Representative Nancy Dahlstrom, Alaska State Legislature, introduced HB 80 on behalf of Representative Dahlstrom, prime sponsor. She said the legislation "revives" the Joint Armed Services Committee (JASC). She explained that when the committee was introduced in 1999, there was a 10-year sunset put in place, and that sunset took place on January 1, 2009. Ms. Pierre indicated that the reason for the sunset had to do with not knowing how often the Base Realignment and Closure (BRAC) Commission would consider closing military bases in Alaska or across the country. The commission has closed bases throughout the last 10 years, and will be considering more closures in Alaska in another two years. She mentioned a missile defense site at Fort Greely.

MS. PIERRE said the bill does not revive the JASC Homeland Security and Emergency Management subcommittee. She explained that members of that committee are required to get security clearance from the U.S. Department of Defense, but since [the terrorist attacks of September 11, 2001] the department no longer issues security clearance to state legislatures. The purpose of the subcommittee, she reviewed, is to hear confidential information related to disasters or emergencies that take place in Alaska - information that is presented by state and federal officials. However, the subcommittee has not met in two years. She stated that the bill sponsor and "some other ... military officials" have determined that the Homeland Security and Emergency Management subcommittee is no longer needed. She urged support of HB 80.

[8:13:53 AM](#)

CHAIR LYNN announced that his staff soon would be supplying the committee with the language pertaining to statute cited in the bill.

[8:14:09 AM](#)

REPRESENTATIVE GRUENBERG observed that the Joint Armed Services Committee does not have proportional representation. He cited AS 24.20.650(b)(1) and (2), which read [from 1999 statute]:

- (b) The committee is composed of
 - (1) five members of the senate, at least one of whom is a member of the minority, appointed by the president of the senate;
 - (2) five members of the house of representatives, at least one of whom is a member of the minority, appointed by the speaker of the house of representatives;

REPRESENTATIVE GRUENBERG indicated the necessity for an amendment to the bill to ensure proportional representation.

[8:15:47 AM](#)

CHAIR LYNN asked how many of each party are currently members on the Joint Armed Services Committee, and how Representative Gruenberg would like to see that changed.

REPRESENTATIVE GRUENBERG asked for time to look in the Uniform Rules for an answer. In response to a follow-up question, he said he became aware of this issue "quite awhile ago." He added that he would not expect a change to be made to the make-up of the committee until the Twenty-Seventh Alaska State Legislature. In response to Chair Lynn, he said he has not yet approached the chair of the Joint Armed Services Committee about this issue.

8:17:20 AM

REPRESENTATIVE SEATON observed that the language in Version R, on page 1, line 8, read that AS 24.20.650 would be revived, and that is the statute which Representative Gruenberg had just cited; therefore, proportional representation would be incorporated with the passage of Version R.

REPRESENTATIVE GRUENBERG explained that that would not happen because of the five representatives on the Joint Armed Services Committee, only one can be a member of the Minority. He said his amendment would allow two members of the Minority in that case.

8:19:11 AM

REPRESENTATIVE WILSON suggested that since the committee in question has so many members, it likely would be made up of a diverse group of people. She asked if HB 80 bill would make the Joint Armed Services Committee a permanent committee in the legislature.

CHAIR LYNN answered yes.

REPRESENTATIVE WILSON noted that it is often difficult for the Senate to form new committees, because they have half the members than the House.

MS. PIERRE said the sponsor is working closely with Vice Chair Senator Wielechowski who is in full support of HB 80. She noted that the Joint Armed Services Committee does not meet on a regular basis; it meets for briefings by state and federal military officials. She noted some topics for briefing are: BRAC, missile defense, F-22s being moved into the state, and the temporary grounding of F-15s a couple years ago.

CHAIR LYNN noted that he was a member of the Joint Armed Services Committee, and during that time the committee met 1-3 times during an entire session.

[8:21:37 AM](#)

REPRESENTATIVE GATTO observed that the legislature sometime uses the terms "not less than one" and "only one" interchangeably, but they are not the same. He asked what would happen if there is no Minority party.

REPRESENTATIVE GRUENBERG reported that according to the Uniform Rules, the Minority has to be a certain size before it gets any representation: a total of 15 or less gets 1 and a total of 16-19 gets 2 in the House; and a total of 7 or less gets 1 and a total of 8-9 gets 2 in the Senate. He noted that there are several committees that are not under the Uniform Rules that were not changed when the legislature adopted proportional representation during the Fifteenth Alaska State Legislature. In response to Chair Lynn, he said there is one member of the Minority currently on the Joint Armed Services Committee, and that member is Representative Peterson. He reemphasized that he is not seeking to upset the current committee, but to "get it right" in the future.

[8:24:56 AM](#)

REPRESENTATIVE SEATON stated his understanding that according to the Uniform Rules, there is no Minority representation necessary on any Senate committee, because the minority is four on a Senate committee and the Uniform Rules does not call for proportional representation when there is a minority of four. He recommended that the committee consider statute and figure out how small a Minority guarantee it wants so that it does not end up without any Minority seats.

[8:26:39 AM](#)

REPRESENTATIVE GRUENBERG confirmed that what Representative Seaton said about the Senate seats is correct; there are no guaranteed seats on any committee with less than five. In the House there is no guarantee with less than 10. He said that is something the committee can take into consideration; however, he relayed that he is more concerned with proportion once the numbers get higher.

[8:27:50 AM](#)

CHAIR LYNN expressed concern about delaying HB 80.

[8:28:21 AM](#)

MS. PIERRE, in response to Chair Seaton, agreed that the sponsor knows nothing about this issue and would want to weigh in on the matter, but is not available this morning. She said there is no other committee of referral. She reiterated that the Joint Armed Services Committee serves to receive briefings, and every briefing has been held as a joint House and Senate committee meeting, to which all members of the legislature are invited.

[8:29:57 AM](#)

REPRESENTATIVE GRUENBERG said he does not feel strongly about the amendment, but is bringing the idea up to raise the consciousness of the House State Affairs Standing Committee members and the public to the issue of fairness to those in the Minority. He reiterated his desire to see the statutes that would be affected by the proposed legislation.

CHAIR LYNN reiterated his reluctance to bog down the process.

REPRESENTATIVE GRUENBERG stated that he would not [move to adopt] the conceptual amendment.

[8:31:58 AM](#)

REPRESENTATIVE GATTO suggested Representative Gruenberg could offer the amendment on the House floor.

REPRESENTATIVE GRUENBERG said he probably would bring up the issue on the House floor, but he would not move an amendment.

[8:32:37 AM](#)

REPRESENTATIVE WILSON offered her understanding that a preference has been expressed that legislators offer their amendments during committee hearings rather than during floor session.

The committee took an at-ease from [8:33:30 AM](#) to [8:40:15 AM](#).

[8:40:17 AM](#)

REPRESENTATIVE GRUENBERG noted that [during the at-ease] the committee had been given and looked at some handouts. He directed attention to one of them, which is an Act from 1999. He said the Act enacted the laws establishing the joint

committee. The findings, he said, are not a factor. He noted that on page 2 of the 1999 Act, beginning on line 19, is language that sets up the current statutes. He offered his understanding that those statutes have not yet been amended. He stated, "What we're doing here is repealing a repealer and keeping these statutes on the books."

REPRESENTATIVE GRUENBERG turned to another handout, which is an Act from 2004, which he explained is mentioned in the original bill. He asked members to look at the language on page 1, line 4, of the original bill version, and contrast it to Version R. On line 4, he said, the reference to the 2004 Act is eliminated. The only other difference between the original bill and Version R, he said, is that the original bill references AS 24.20.680, while Version R does not. The language that was taken out was Section 23. He directed attention to the language on page 19, line 19, of the 2004 Act, which repealed Section 680. Page 2, line 4, of the same Act, is the language of Section 680, which established the Homeland Security and Emergency Management Subcommittee of the Joint Armed Services Committee. Representative Gruenberg clarified that the original bill version would have revived that subcommittee, but the proposed CS, Version R, would not do so.

[8:43:58 AM](#)

REPRESENTATIVE GRUENBERG said he takes issue with repealing that subcommittee and asked why the repeal is being proposed.

[8:44:25 AM](#)

McHUGH PIERRE, Director of Communications/Legislative Liaison, Office of the Commissioner/Adjutant General, Department of Military & Veterans Affairs (DMVA), told Representative Gruenberg that it is the department's view that in order to facilitate this subcommittee, it would have to get security clearances, as mandated in law, for the legislators. He echoed Ms. Pierre's prior remark that the federal government does not give those security clearances to state legislators; it is a matter of confidentiality. He explained further:

The committee, as it is drafted, won't meet the needs spelled out in statute, because you will not be able to receive the confidential information that is desired to be shared in that setting; therefore, from the department's standpoint it's irrelevant. You can

receive this information through the traditional JASC committee, as has already been happening.

MR. PIERRE offered his understanding that the subcommittee has not met since 2004.

[8:45:44 AM](#)

REPRESENTATIVE SEATON noted that the House State Affairs Standing Committee is the committee of jurisdiction for Homeland Security, and in the past it has met in executive session to receive briefings of a confidential nature.

[8:46:24 AM](#)

MR. PIERRE, in response to Chair Lynn, indicated that the type of confidentiality to which the House State Affairs Committee members are privy during an executive session is not the same type of confidentiality level that would require the clearance previously mentioned as necessary from the government.

REPRESENTATIVE SEATON explained that he had brought the subject to the committee's attention because "eliminating that committee does not eliminate the opportunity for the committee of jurisdiction to get the information that we're legally entitled to and to have oversight of anything in Homeland Security."

CHAIR LYNN asked if the administration agrees with that.

MR. PIERRE answered yes.

[8:47:30 AM](#)

REPRESENTATIVE WILSON pointed out that [the House State Affairs Standing Committee] has oversight and has a balanced Minority.

[8:48:20 AM](#)

REPRESENTATIVE SEATON directed attention to "sec. 1, ch. 6, SLA 1999" on line 9 of Version R and asked what the purpose is of reviving a finding.

MS. PIERRE said she does not know the answer to that question, but proffered that Legislative Legal and Research Services could provide an answer.

MR. PIERRE, in response to Chair Lynn, said [off microphone] that he does not have an answer to that question.

REPRESENTATIVE SEATON read Chapter 6, Section 1, paragraph (6) of the 1999 Act, which read as follows:

(6) the closure of Adak Naval Air Facility and realignment of army activities at Fort Greely by the 1995 Base Realignment and Closure Commission continue to create challenges for communities committed to their productive reuse and integration into the state's economy:

REPRESENTATIVE GRUENBERG told Mr. Pierre that he wants to ensure that all the findings are still accurate.

MR. PIERRE said "finding 6," which would be deleted, is dated and does not necessarily apply to current law. He said in 2005, there was another base realignment and closure commission, in which Kulis Air National Guard Base was closed and the 176th Wing of the Air National Guard was being moved to Elmendorf. He mentioned the contentious nature of discussion to decide whether or not to close Eielson Air Force Base. He stated that the department expects "another round of BRAC discussions during the next couple of years of the Obama Administration." He said it would be appropriate to leave out the language [in finding 6] or simply to acknowledge that BRAC affects Alaska's communities. He emphasized the importance of having an active, unified voice within the legislature in taking on the interest of Alaskans.

[8:52:08 AM](#)

REPRESENTATIVE GRUENBERG concurred. He requested that Mr. Pierre check that all the legislative findings are up to date and "as persuasive as possible," because "this will constitute the legislature's position on these BRACs." He suggested that the committee repeal and reenact Section 1 to make it as "persuasive and tough as possible."

MR. PIERRE commented that the Joint Armed Services Committee is more powerful than the language in the bill. He said by simply removing the dated information, the current committee members could sponsor a resolution that brings that information before the full body.

[8:54:09 AM](#)

REPRESENTATIVE GRUENBERG directed attention to page 1, line 7, of the legislative findings in the 1999 Act, which mentions "two new rounds of military base closures". He suggested that there may be more or less than two rounds necessary now, and urged careful consideration of the findings to avoid any problems.

[8:55:32 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Seaton, directed attention to lines 8-9 of Version R, which shows that Section 6 of SLA 1999 would be revived. He strongly recommended that the department and the sponsor's staff ensure that the language contained within that Section is accurate.

[8:56:43 AM](#)

MR. PIERRE offered to look at that language. In response to Chair Lynn, he said he could do so during an at-ease.

The committee took an at-ease from [8:57:01 AM](#) to [8:58:39 AM](#).

[8:58:39 AM](#)

MR. PIERRE said he would not recommend any changes of the current language, although some of it "was appropriate to 1995, when the [U.S.] Department of Defense anticipated only two future BRAC Commission meetings." Now, he said it is generally accepted that those meetings will be ongoing. He stated his belief that the language is strong and establishes strategic location, continued, unparalleled training and maneuvering abilities, and modern facilities of Alaska's military bases, as well establishing the total income value.

[8:59:33 AM](#)

REPRESENTATIVE GRUENBERG asked if the figure of \$1.7 billion, on page 1, line 14, of Chapter 6, Section 1, of the 1999 Act, still accurately represents the total economic value.

MR. PIERRE answered yes.

[9:00:12 AM](#)

REPRESENTATIVE SEATON suggested that the closure of Adak Naval Base and the realignment at Fort Greely probably does continue to create challenges for those communities. He said he does not think the findings are dated, but recommended that the committee

ensure that they are correct. He stated his preference for adopting the findings as they are.

[9:01:57 AM](#)

MR. PIERRE, in response to a question from Representative Gruenberg, confirmed that the first finding is still accurate and, thus, does not need to be changed.

[9:02:34 AM](#)

REPRESENTATIVE SEATON moved to report committee substitute (CS), Version 26-LS0394\R, Cook, 1/26/09, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 80(STA) was reported out of the House State Affairs Standing Committee.

[9:03:31 AM](#)

CHAIR LYNN announced the upcoming calendar.

[9:05:37 AM](#)

REPRESENTATIVE GRUENBERG asked that two ideas be sponsored as legislation by the House State Affairs Standing Committee.

[9:08:28 AM](#)

REPRESENTATIVE GATTO mentioned another bill regarding gender neutrality.

[9:10:22 AM](#)

REPRESENTATIVE ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:10 a.m.