

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 9, 2010

9:02 a.m.

MEMBERS PRESENT

Senator Linda Menard, Chair
Senator Kevin Meyer, Vice Chair
Senator Hollis French
Senator Albert Kookesh

MEMBERS ABSENT

Senator Joe Paskvan

COMMITTEE CALENDAR

CONFIRMATION HEARING: STATE COMMISSION FOR HUMAN RIGHTS

- CONFIRMATION ADVANCED

CONFIRMATION HEARING: LIEUTENANT GOVERNOR SUCCESSOR

- CONFIRMATION ADVANCED

CONFIRMATION HEARING: DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

- CONFIRMATION ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

LESTER LUNCEFORD, Appointee

POSITION STATEMENT: Appointee for the State Commission for Human Rights

LARRY HARTIG, Appointee

POSITION STATEMENT: Appointee for Lieutenant Governor Successor

BRIGADIER GENERAL THOMAS KATKUS, Appointee

POSITION STATEMENT: Appointee for Commissioner - Department of Military and Veterans Affairs

MAJOR MICHAEL COONS, Executive Officer
First Battalion Central Command 49th Readiness Brigade
Alaska State Defense Force

POSITION STATEMENT: Spoke in support of the confirmation of
Brigadier General Katkus.

ACTION NARRATIVE

[9:02:30 AM](#)

CHAIR LINDA MENARD called the Senate State Affairs Standing Committee meeting to order at 9:02 a.m. Present at the call to order were Senators Meyer, French, Kookesh and Menard.

Confirmation Hearing: State Commission for Human Rights

[9:03:59 AM](#)

CHAIR MENARD announced the first order of business to come before the committee was the confirmation hearing for the State Commission for Human Rights.

LESTER LUNCEFORD, appointee, State Commission for Human Rights said he has served on the Human Rights Commission for over seven years after having been appointed and confirmed by the Legislature twice previously. His background includes police and law enforcement. He is currently the mayor of Whittier and works for the Alaska Railroad Corporation. He feels the Human Rights Commission's work to help eliminate discrimination in the workplace is important and he would like to continue with it.

[9:05:53 AM](#)

CHAIR MENARD asked Mr. Lunceford what his contributions to the Human Rights Commission are.

MR. LUNCEFORD replied that he served as a law enforcement officer for his adult life, trying to uphold the rights of individuals. Within the Human Rights Commission, he was surprised to learn the amount of discrimination in the workplace that takes place and has worked to eliminate it. He believes the Commission's staff is good at investigating offenses and he likes being involved in the process of educating workplaces and citizen about discrimination.

CHAIR MENARD asked him to list a couple of his objectives for his possible next term on the Commission.

MR. LUNCEFORD replied that the length of time between reporting a case and that case's resolution is a concern for complainants, employers and elected officials. His goal is to work with the Legislature and Governor's office to reduce the time needed to investigate cases. Sometimes an investigation, appeals process and resolution take years to complete.

[9:08:59 AM](#)

CHAIR MENARD closed public testimony.

SENATOR FRENCH moved to advance Lester Lunceford's name for appointment to the State Commission for Human Rights. His name will be forwarded to the full membership of the legislature in joint session for consideration and a final vote.

[9:09:57 AM](#)

CHAIR MENARD called an at ease from 9:09 to 9:11.

[9:11:02 AM](#)

CHAIR MENARD clarified that passing Mr. Lunceford's name out of committee does not reflect any member's intent to vote for or against the confirmation of the individual during further sessions.

Confirmation Hearing: Lieutenant Governor Successor

[9:11:32 AM](#)

CHAIR MENARD announced the next order of business to come before the committee was the confirmation hearing for the Lieutenant Governor Successor.

LARRY HARTIG, appointee, Lieutenant Governor Successor, said he is currently the Commissioner of Alaska Department of Environmental Conservation (DEC). Commissioner Hartig said he grew up in Anchorage. He did land and title work for Alyeska pipeline for several years, then managed a company in Kenai before going to Lewis and Clark Law School in Oregon. While there, he also worked for Safeco Title Insurance Company. After completing law school and returning to Alaska, he worked for his father's former law firm for 23 years. He left private practice in February, 2007, to work for the state of Alaska in his current position. He enjoys working with the Legislature and people all over Alaska on a variety of issues. Should he need to step into the Lieutenant Governor's position between now and August or November, his primary function would be to understand and ensure a fair primary election in August and general

election in November. His successor would be in place after those elections.

9:15:39 AM

CHAIR MENARD asked if it is reasonable to assume Commissioner Hartig has a good working relationship with Governor Parnell and Lieutenant Governor Campbell.

COMMISSIONOR HARTIG replied that Governor Parnell has known him for 25 years and has said that Commissioner Hartig can be counted on to step in and deal with an emergency.

SENATOR FRENCH said he and Commissioner Hartig had a conversation a month ago about the circumstances around Gershon Cohen's appointment and subsequent removal from the Science Advisory Panel. He asked Commissioner Hartig to give his perspective on what happened.

COMMISSIONER HARTIG replied that the Science Advisory Panel was formed under HB 134, which passed unanimously in both bodies in 2009. He worked closely with the Legislature on HB 134 which pertained to wastewater discharge permits issued to large cruise ship vessels operating in Alaska.

9:17:56 AM

The Legislature expressed its intent that the cruise ship industry eventually meet state water quality standards at the point they discharge, but recognized that the cruise ships were not at that point yet and do not know when technology will facilitate doing so. During the interim, DEC can authorize a mixing zone, allowing some dilution, after determining that the discharger is using the most effective pollution-reducing technology that is economically feasible. DEC was directed to form a Science Advisory Panel to help determine what can be achieved now and in the future. The panel consists of 11 members some of whom must come from specific sectors including non-governmental organizations (NGO's), the cruise ship and fishing industries and local communities. The panel is supposed to prepare several reports for the Legislature and DEC about what is achievable. The panel and DEC's authority to authorize mixing zones cease after 6 years; the Legislature reconsiders if DEC can continue to authorize mixing zones or if cruise ship companies are going to meet water quality standards at that time. DEC can ask questions of the cruise ship industry and require answers, allowing DEC to track cruise ships' technological advancements.

[9:21:03 AM](#)

Within six years, permits have to be rewritten and ships have to be fitted with new technology and meet the toughest standards in the world, which are unknown until the panel informs the legislature and DEC. In the interim, the cruise ship industry has to abide by DEC permits and limits while looking at the panel's work to foresee what is coming in six years.

COMMISSIONER HARTIG said appointing people to the panel had two competing factors: satisfy various interest groups that the process is fair and ensuring the panel does the best science as their decisions affect Southeast Alaska's economy and environment. The only nominee from an NGO was Dr. Gershon Cohen, who Commissioner Hartig has known for 15 years. Dr. Cohen was a co-sponsor of the 2006 initiative which created the tight [discharge] requirements. Commissioner Hartig did not feel Dr. Cohen could be impartial on a science panel. Crossing the line from science into advocacy can cripple the effort.

[9:25:15 AM](#)

COMMISSIONER HARTIG said he assured Dr. Cohen that Dr. Cohen will get all the information for all meetings and can attend meetings as a member of the public and provide input. He said the decision [to keep Dr. Cohen off the panel] was not perfect nor one he enjoyed.

SENATOR FRENCH asked if Commissioner Hartig appointed Dr. Cohen to the panel in mid-December, 2009.

COMMISSIONER HARTIG replied that the DEC did so but he did not handle the appointments himself. He knew Dr. Cohen was on the list and, as the only candidate from an NGO, would likely be appointed.

SENATOR FRENCH asked Commissioner Hartig if he was aware Dr. Cohen had been nominated and who Dr. Cohen was before he was appointed.

COMMISSIONER HARTIG replied that he was aware that Dr. Cohen was the only candidate from an NGO the last time he saw the list, which was shortly before the appointments. He assumed Dr. Cohen would be appointed.

SENATOR FRENCH asked Commissioner Hartig if he did anything to stop the appointment ahead of time.

COMMISSIONER HARTIG replied no.

SENATOR FRENCH said Commissioner Hartig removed Dr. Cohen one month later.

COMMISSIONER HARTIG confirmed this.

SENATOR MEYER asked Commissioner Hartig if, in the event that he became the Lieutenant Governor, he would consider or support the possibility of electronic voting in statewide elections.

[9:28:03 AM](#)

COMMISSIONER HARTIG answered that he is not familiar with the issue and does not see it happening during the short tenure he would have as Lieutenant Governor. Federal requirements about voting and voting access would have to be examined. He would consult the AG's office, the Director of Elections and other experts on any question about election practices.

SENATOR MEYER questioned if Commissioner Hartig's appointment is only in effect between now and next November.

COMMISSIONER HARTIG said he believes that is correct. He believed that the Governor elected in November would designate the Lieutenant Governor's successor and go through the confirmation process.

SENATOR MEYER asked if Commissioner Hartig currently lives in Anchorage or Juneau.

COMMISSIONER HARTIG replied that he lives in Anchorage.

[9:30:57 AM](#)

CHAIR MENARD closed public testimony.

SENATOR FRENCH said he would not be supporting Commissioner Hartig. He was profoundly disturbed by the handling of the Gershon Cohen situation. Dr. Cohen was appointed by the commissioner's office and removed one month later before the Science Advisory Panel had met. He said it looked like the cruise ship industry had swooped in and exercised some influence.

SENATOR KOOKESH said he has known Commissioner Hartig for years and would be very comfortable with him as Lieutenant Governor.

[9:33:14 AM](#)

SENATOR MEYER moved to advance the name of Larry Hartig for appointment as the Lieutenant Governor Successor. The name will be forwarded to the full membership of the legislature in joint session for consideration and a final vote.

[9:33:50 AM](#)

CHAIR MENARD called an at ease from 9:33 to 9:35 a.m.

Confirmation Hearing: Commissioner - Department of Military and Veterans Affairs

[9:35:07 AM](#)

CHAIR MENARD announced the next order of business to come before the committee was the confirmation hearing for the Commissioner - Department of Military and Veterans Affairs.

BRIGADIER GENERAL THOMAS KATKUS, appointee, Commissioner for the Department of Military and Veterans Affairs, said he is currently serving in this position and as the Adjutant General for the State of Alaska. He said he has had a great career in civilian and military opportunities, is in awe of being able to go through the confirmation process and is open to any questions.

SENATOR FRENCH noted that General Katkus was in Bethel as the Communications Electronics Officer in 1993 and then in Quinhagak as the Infantry Company Commander in 1994. He asked General Katkus about his years in the Yukon-Kuskokwim Delta.

GENERAL KATKUS replied that he had moved from an airborne attachment located in Anchorage which found places around the state to parachute into over night. He said that gave him some insight into how rural areas function. He then went to the 5th Battalion at Jewel Lake Armory, an Anchorage based organization with tracked armored vehicles in muskeg country, which gave him an appreciation of the land and climate. Through his law enforcement career, he met numerous people from the village areas on the streets of Anchorage and realized people have different perceptions and attitudes. When he went out to a rural area it was with the direction to learn everything he could from the commanders out there and learn what it takes to lead a rural area. He said he was taught how to make life a little easier in a rural area and developed relationships there.

[9:39:20 AM](#)

He recalled when the Bethel armory had to be moved from an area that was not well-suited, in the middle of a swamp. Interacting

with the community and moving it to a better site all happened within eight months and was about understanding relationships, knowing the people out there and understanding how to interact instead of coming from an urban-centric mindset.

SENATOR MEYER said, for the record, that his wife works for General Katkus and he knows General Katkus very well. Senator Meyer believes procedure calls for him to participate at the committee level and then declare a conflict of interest and be excused from voting on the floor.

[9:40:57 AM](#)

CHAIR MENARD opened public testimony.

MAJOR MICHAEL COONS, Executive Officer, First Battalion Central Command 49th Readiness Brigade, Alaska State Defense Force, said the State Defense Force gives a product, public safety, for a very small price with volunteers who train one weekend per month without pay. All equipment needed to deploy on a moment's notice are paid for by members. The only cost to the state is when the Defense Force deploys. After having a 2.5 hour conversation with General Katkus, Major Coons believes the Alaska State Defense Force has and can continue to give the people of Alaska huge bang for the buck with support from the Legislature, General Katkus and the Governor.

[9:44:33 AM](#)

CHAIR MENARD closed public testimony.

SENATOR FRENCH moved to advance the name of Brigadier General Thomas Katkus' name for Commissioner - Department of Military and Veterans Affairs. The name will be forwarded to the full membership of the legislature in joint session for consideration and a final vote.

[9:45:07 AM](#)

CHAIR MENARD, see no further business to come before the committee, adjourned the meeting.