

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

February 21, 2012
8:06 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Wes Keller, Vice Chair
Representative Paul Seaton
Representative Peggy Wilson
Representative Max Gruenberg
Representative Pete Petersen
Representative Kyle Johansen

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 304

"An Act relating to the membership of the Alaska Fire Standards Council."

- MOVED HB 304 OUT OF COMMITTEE

HOUSE BILL NO. 254

"An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

- MOVED CSHB 254(STA) OUT OF COMMITTEE

HOUSE JOINT RESOLUTION NO. 34

Urging the United States Congress to fund all the facilities and vessels necessary for the United States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base.

- MOVED CSHJR 34(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 304

SHORT TITLE: ALASKA FIRE STANDARDS COUNCIL

SPONSOR(s): REPRESENTATIVE(s) JOHNSON

01/30/12 (H) READ THE FIRST TIME - REFERRALS
01/30/12 (H) STA, FIN
02/21/12 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 254

SHORT TITLE: ALASKA NATIVE LANGUAGE COUNCIL
SPONSOR(S): REPRESENTATIVE(S) DICK, MUNOZ

01/17/12 (H) PREFILE RELEASED 1/6/12
01/17/12 (H) READ THE FIRST TIME - REFERRALS
01/17/12 (H) STA, FIN
02/16/12 (H) STA AT 8:00 AM CAPITOL 106
02/16/12 (H) Heard & Held
02/16/12 (H) MINUTE(STA)
02/21/12 (H) STA AT 8:00 AM CAPITOL 106

BILL: HJR 34

SHORT TITLE: COAST GUARD ICEBREAKERS & ARCTIC BASE
SPONSOR(S): REPRESENTATIVE(S) HERRON

02/03/12 (H) READ THE FIRST TIME - REFERRALS
02/03/12 (H) MLV, STA
02/16/12 (H) MLV AT 1:00 PM CAPITOL 120
02/16/12 (H) Moved CSHJR 34(MLV) Out of Committee
02/16/12 (H) MINUTE(MLV)
02/17/12 (H) MLV RPT CS(MLV) 4DP
02/17/12 (H) DP: MILLER, LYNN, CISSNA, THOMPSON
02/21/12 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE CRAIG JOHNSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As sponsor, introduced HB 304.

ERIN SHINE, Staff
Representative Craig Johnson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 304 on behalf of
Representative Johnson, sponsor.

JEFF TUCKER, Fire Chief
North Star Volunteer Fire Department (NSVFD); Past President
Alaska Fire Chiefs Association (AFCA)

North Pole, Alaska

POSITION STATEMENT: Testified in support of HB 304.

TOM WESCOTT, President

Alaska Professional Fire Fighters Association (AKPFFA),
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 304.

GORDON DESCUTNER, Executive Director

Alaska Fire Standards Council
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 304.

ANNETTE KREITZER, Staff

Representative Alan Dick
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 254 on behalf of Representative Dick, joint prime sponsor.

REPRESENTATIVE BOB HERRON

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HJR 34 as sponsor.

ADMIRAL JEFFREY GARRETT (Retired)

Seattle, Washington

POSITION STATEMENT: Testified during the hearing on HJR 34.

ACTION NARRATIVE

[8:06:00 AM](#)

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Keller, Seaton, P. Wilson, Petersen, and Lynn were present at the call to order. Representatives Johansen and Gruenberg arrived as the meeting was in progress.

HB 304-ALASKA FIRE STANDARDS COUNCIL

[8:06:30 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 304, "An Act relating to the membership of the Alaska Fire Standards Council."

[8:06:47 AM](#)

REPRESENTATIVE CRAIG JOHNSON, Alaska State Legislature, as sponsor, introduced HB 304. He deferred to his staff to present the proposed legislation.

[8:07:46 AM](#)

ERIN SHINE, Staff, Representative Craig Johnson, Alaska State Legislature, presented HB 304 on behalf of Representative Johnson, sponsor. She noted that the sponsor statement in the committee packet shows two changes [to the membership of the Alaska Fire Standards Council (AFSC)], and she explained that there is a third change that did not make it into the sponsor statement in time for the bill hearing. She said the proposed legislation would make the following three changes relating to AFSC: designate an existing seat to a member of the Alaska Professional Fire Fighters Association (AKPFFA); add a seat for a member of the Alaska Fire Chiefs Association (AFCA); and reclassify the existing seat for the Alaska State Firefighters Association (ASFA) from "firefighter administrative officer" to "a member of" the association.

MS. SHINE stated that the mission of AFSC is to establish professional standards for fire service personnel and curriculum requirements for the certification of training programs. She said AKPFFA, an affiliate of the International Association of Fire Fighters, represents roughly 500 career fire fighters throughout the state. She relayed that the mission of AFCA is to serve the people of the state of Alaska by influencing fire and emergency services programs in legislation, advancing fire and emergency services professionals, and providing for the safety and well-being of fire fighters and their communities. She said the mission of ASFA is to serve its members through professionalism and leadership, thereby enhancing the fire rescue services of Alaska.

MS. SHINE said under HB 304, the Governor would appoint one member of AKPFFA, one member of ASFA, and one member of AFCA to the council from a list of at least three nominees submitted by each association. She said the intent of the bill is to ensure that AKPFFA, ASFA, and AFCA are represented on the Alaska Fire

Standards Council and to guarantee their designees can "speak with the full confidence of their respective associations."

[8:10:54 AM](#)

MS. SHINE, in response to a question from Chair Lynn, offered her understanding that the need for HB 304 was voiced by AFCA and AKPFFA, as well as through letters of support from AFSC.

[8:12:14 AM](#)

REPRESENTATIVE PETERSEN asked, "So, instead of having an administrator, we're having a professional fire fighter - an experienced fire fighter - on the council instead? Is that ... why that was switched?"

MS. SHINE answered yes.

[8:12:36 AM](#)

MS. SHINE, in response to Representative P. Wilson, said after asking all three associations and the council, she could not find any opposition to the proposed bill. In response to Representative Seaton, she offered her understanding that HB 304 includes all fire fighter associations of Alaska; however, she deferred to upcoming witnesses for verification.

[8:14:04 AM](#)

JEFF TUCKER, Fire Chief, North Star Volunteer Fire Department (NSVFD); Past President, Alaska Fire Chiefs Association (AFCA), testifying in support of HB 304, confirmed Ms. Shine's answer to Representative Seaton that [HB 304] would represent the three statewide organizations that represent fire fighters throughout Alaska. He said AFCA, along with AKPFFA, has worked with the council to give those two organizations representation on the council; ASFA already had a seat on the council. He said the decisions of the council have a direct influence on fire service provisions and fire fighter training. He emphasized the importance of having direct representation on the council.

[8:15:19 AM](#)

REPRESENTATIVE GRUENBERG cited AS 18.70.360, which read as follows:

Sec. 18.70.360. Alaska fire services personnel fund.

The Alaska fire services personnel fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The council may use the money in the fund to carry out its powers and duties.

REPRESENTATIVE GRUENBERG noted that AS 18.70.350 does not reference the Alaska fire services personnel fund. He said he thinks the last sentence in AS 18.70.360 would normally appear in AS 18.70 350. He said he would like to know more about the fund.

[8:17:10 AM](#)

MS. SHINE said she would have to get back to Representative Gruenberg with an answer.

[8:17:38 AM](#)

CHAIR LYNN asked what Representative Gruenberg's question has to do with the number people on the council.

REPRESENTATIVE GRUENBERG answered nothing, but indicated that it is related.

[8:18:06 AM](#)

MR. TUCKER deferred to Gordon Descutner to answer Representative Gruenberg's question.

[8:18:49 AM](#)

TOM WESCOTT, President, testified in support of HB 304. He stated that AKPFFA represents fire fighters from Kotzebue to Ketchikan. He said both the fire chief and AKPFFA have worked with the council to be represented on the council and to get the support of the council for the proposed legislation. He said, "Speaking for both, it's basically our goal to bring our experience, our expertise, and our resources to the board in an effort to help the board fulfill its mission."

[8:20:13 AM](#)

MR. WESCOTT, in response to Representative P. Wilson, said there are criteria for a fire fighter from a town with a population of less than 2,500, as well as one from a town that has a population greater than that. In response to a follow-up

question, he said there was no major event that brought about the realization that the proposed changes were needed; there were a couple meetings, where the idea was generated that the people who make up AKPFFA and AFCA have something to offer to the council. He confirmed that there are seven communities represented by AKPFFA. In response to Representative P. Wilson's query as to whether AKPFFA would "try to get more," he said, "Well, certainly."

[8:22:51 AM](#)

MS. SHINE, in response to Representative Petersen, said currently there are 11 members serving on the council and, under HB 304, there would be 12.

[8:24:36 AM](#)

GORDON DESCUTNER, Executive Director, Alaska Fire Standards Council (AFSC), Department of Public Safety (DPS), in response to Representative Gruenberg's previous question, said the original intent of the council was to collect a fee from home insurance premiums that would be put into a dedicated fund to support the council; however, that never materialized. He said that language is still in statute, but technically there is no money in a fire services personnel fund. He said the council does have the authority to collect receipts, which are tied most directly to testing and certification, but are not tied to council travel, which has, to date, been covered with the council's general funds. In response to Representative Gruenberg, he said he does not know why the provision in statute for the fund has never been implemented. He said there was a lot of work done about 10 years ago regarding this issue, but no agreement was reached with the insurance agencies and "the other personnel that were involved with the early formation of the council." He stated his belief that because of the difficulty reaching an agreement, [the council] chose an alternative solution, part of which was to at least have the administrative services and travel costs for council members covered under the general fund.

CHAIR LYNN requested that the bill sponsor check into this issue and report his findings to the next committee of referral - the House Finance Committee.

REPRESENTATIVE GRUENBERG said he would like a copy of those findings.

[8:27:45 AM](#)

CHAIR LYNN, after ascertaining that there was no one else who wished to testify, closed public testimony.

[8:28:13 AM](#)

REPRESENTATIVE KELLER moved to report HB 304 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 304 was reported out of the House State Affairs Standing Committee.

[8:28:24 AM](#)

The committee took an at-ease from 8:28 a.m. to 8:30 a.m.

HB 254-ALASKA NATIVE LANGUAGE COUNCIL

[8:30:16 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 254, "An Act establishing the Alaska Native Language Preservation and Advisory Council and relating to the preservation, restoration, and revitalization of Alaska Native languages."

[8:30:28 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 254, Version 27-LS1145\M, Mischel, 2/20/12, as a work draft.

[8:30:40 AM](#)

REPRESENTATIVE GRUENBERG objected for the purpose of discussion. He offered his understanding that the only changes made under Version M would be to subsection (c), on page 2, lines 13-22.

[8:31:14 AM](#)

ANNETTE KREITZER, Staff, Representative Alan Dick, Alaska State Legislature, answered questions on behalf of Representative Dick, joint prime sponsor of HB 254. She confirmed that Representative Gruenberg was correct about where the changes would be made. In response to Chair Lynn, she explained that in the original bill version, subsection (c) proposed that the five voting members appointed to [the Alaska Native Language

Preservation and Advisory Council] by the governor would be "professional language experts"; however, after consultation with Rosita Worl, Ph.D., President of the Sealaska Heritage Institute, the decision was made that "professional language experts" was too broad, because that term could include linguists who have no experience in Alaska Native language. The language that was decided upon was: "three of whom are professional Alaska Native language revitalization experts and two of whom are fluent in an Alaska Native language and engaged in revitalization efforts." Ms. Kreitzer said Dr. Worl is an example of the former and Representative Dick's wife is an example of the latter.

[8:32:55 AM](#)

REPRESENTATIVE GRUENBERG suggested that there could be someone who is well qualified, who is fluent in an Alaska Native language but has not been previously engaged in revitalization efforts, and who would be useful on the council. He said he wonders whether a person must have been previously engaged in revitalization efforts or whether it could be someone who is an expert in the language and interested in revitalization efforts. He opined that there are so few people who meet the proposed criteria, and the governor should have as much leeway as possible, particularly with some of the more remote languages and dialects.

[8:34:42 AM](#)

MS. KREITZER responded that those who are interested in the proposed legislation will put forward names of people they believe to be qualified. She said she does not think the language, as written [in Version M], would restrict the ability of the governor to select someone who is fluent in an Alaska Native language and is interested and has attempted to engage in revitalization efforts.

REPRESENTATIVE GRUENBERG asked, "So, it could be ... either previously or currently engaged?"

MS. KREITZER offered her understanding that that is correct.

[8:35:53 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to the motion to adopt the proposed committee substitute (CS) for HB 254, Version

27-LS1145\M, Mischel, 2/20/12, as a work draft. [There being no further objection, Version M was before the committee.]

8:36:14 AM

MS. KREITZER, in response to a question from Representative P. Wilson, offered her understanding that the fiscal note for HB 254 is approximately \$240,000.

8:36:51 AM

MS. KREITZER, in response to Representative Johansen, said the normal, open board application process would be used, and the only restriction on the governor's authority is that the five voting members represent diverse regions of the state.

REPRESENTATIVE JOHANSEN asked if the joint prime sponsor would object to an amendment stating that the Sealaska Corporation would submit names for the Southeast Alaska council seat, from which the governor would then choose.

MS. KREITZER ventured that Representative Dick would respond that he does not want to restrict the opportunity for someone not affiliated with Sealaska to apply for a seat on the council.

8:40:28 AM

REPRESENTATIVE GRUENBERG noted that there was an unoffered amendment in the committee packet, the language of which was subsumed into Version M, with one exception: the words "who are engaged in revitalization efforts" are in the amendment, whereas the words "and engaged in revitalization efforts" are in Version M. He noted that that underscores Ms. Kreitzer's prior acknowledgement that the person could be either previously or currently engaged. He observed that language on page 3, line 1, gives the governor a date by which he/she must make the appointments, and he asked Ms. Kreitzer if it is the intent of the joint primer sponsor that the legislative appointments also would be made by that date.

8:42:08 AM

MS. KREITZER answered yes. She said there was a point in time when governors were not making timely appointments; however, in general, if the House and Senate pass legislation, those bodies will make the appointments required by the piece of legislation.

[8:43:10 AM](#)

CHAIR LYNN closed public testimony.

[8:43:31 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 1, as follows:

Page 2, line 19:

Following "members."

Delete "In appointing the nonvoting members of the council, the president of the senate and the speaker of the house of representatives shall appoint a member of the bush caucus, if a bush caucus exists. In this subsection, "bush caucus" means a group of legislators that represents rural areas of the states."

[8:44:03 AM](#)

REPRESENTATIVE P. WILSON objected for the purpose of discussion.

REPRESENTATIVE JOHANSEN stated that deleting that language would allow the Senate President and the Speaker of the House to determine who would be best to serve on the council, without necessarily having to find someone who is a member of the bush caucus. He said he, Representative P. Wilson, and Representative Kerttula are members of the bush caucus; however, Representative Kerttula, for example, does not necessarily represent a rural area of the state. He opined that [requiring the appointment of a member of the bush caucus] would disqualify people who were born and raised [in rural Alaska] and speak a Native Alaska language, but have moved to an urban area of the state where they are not part of the bush caucus. He questioned that someone who grew up in an urban area and subsequently moved to a rural area would be more qualified.

[8:46:32 AM](#)

REPRESENTATIVE GRUENBERG stated his support of Amendment 1. He echoed Representative Johansen's point that someone living in an urban area may have come from rural Alaska and speak a Native Alaska language fluently.

[8:47:39 AM](#)

REPRESENTATIVE P. WILSON said she would like to hear what the joint prime sponsor thinks of Amendment 1.

[8:48:15 AM](#)

MS. KREITZER said [the joint prime sponsor] opposes Amendment 1. She said she understands Representative Johansen's concern; however, with the language as is, there would be many members of the bush caucus that would be qualified.

[8:48:50 AM](#)

REPRESENTATIVE KELLER stated opposition to Amendment 1. He said he cannot imagine a scenario in which there would be no qualifying names for the Senate President and Speaker of the House to put forward.

[8:49:56 AM](#)

REPRESENTATIVE P. WILSON maintained her objection.

[8:49:59 AM](#)

A roll call vote was taken. Representatives Gruenberg and Johansen voted in favor of Amendment 1. Representatives Seaton, Keller, P. Wilson, and Lynn voted against it. Therefore, the motion to adopt Amendment 1 failed by a vote of 2-4.

[8:50:33 AM](#)

REPRESENTATIVE KELLER moved to report CSHB 254, Version 27-LS1145\M, Mischel, 2/20/12 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 254(STA) moved out of the House State Affairs Standing Committee.

[8:50:57 AM](#)

The committee took an at-ease from 8:51 a.m. to 8:53 a.m.

HJR 34-COAST GUARD ICEBREAKERS & ARCTIC BASE

[8:53:05 AM](#)

CHAIR LYNN announced that the final order of business was HOUSE JOINT RESOLUTION NO. 34, Urging the United States Congress to fund all the facilities and vessels necessary for the United

States Coast Guard to fulfill its Arctic missions, including icebreakers and an Arctic Coast Guard base.

[Before the committee was CSHJR 34(MLV).]

[8:53:21 AM](#)

REPRESENTATIVE KELLER moved to adopt Amendment 1, which read as follows:

Page 4, lines 26 - 28:

Delete "icebreakers, including charging for icebreaker escorts, the option to lease rather than own the icebreakers needed in the Arctic, and selling our aging icebreakers to the private sector for refurbishment"

Insert "the refurbishment of our current polar class icebreakers, the acquisition of new icebreakers, and the long-term maintenance funding of the United States Coast Guard icebreaker fleet and Arctic facilities"

[8:53:47 AM](#)

REPRESENTATIVE P. WILSON objected [for the purpose of discussion].

[8:53:56 AM](#)

REPRESENTATIVE BOB HERRON, Alaska State Legislature, presented HJR 34 as sponsor. He stated his support of Amendment 1, which he said is a result of testimony heard in the previous committee of referral. He explained that "when you lease, you don't have full control over icebreakers at all times," which he said could be important in emergency situations. He said charging for icebreaker escorts is illegal in international waters, where freedom of navigation is guaranteed under international law. He said "this" makes sense in regard to the northern sea route - the Russian side; it does not make so much sense in regard to the Bering Strait. He relayed that although selling icebreakers may make sense on rare occasion, refurbishing them is probably the best plan.

[8:56:51 AM](#)

REPRESENTATIVE P. WILSON removed her objection. [There being no further objection, Amendment 1 was adopted.]

[8:57:09 AM](#)

REPRESENTATIVE HERRON stated that [CSHJR 34(MLV), as amended,] asks U.S. Congress to fund all facilities and vessels necessary for the U.S. Coast Guard to fulfill its mission, including a forward Arctic base, icebreakers, and ice capable vessels. He said the genesis of the proposed resolution came from a study done by the Northern Waters Task Force, in particular from conversations and testimony heard during that process regarding national and state securities, for which the USCG is responsible. He explained that during the testimony, the opinion was voiced that the State of Alaska should urge the federal government to strengthen and broaden USCG capabilities with more icebreakers.

REPRESENTATIVE HERRON said currently the only operational ice breaker is the Healy, and its life expectancy is to 2029; the Polar Star is due back in 2013, after its refurbishment, but is only expected to last until 2023. In response to Chair Lynn, he said all three icebreakers are in the Pacific Northwest currently. He relayed that the Polar Sea is slated to be decommissioned. He indicated that President Barack Obama has put \$8 million toward studies and a new icebreaker. He said a new icebreaker costs up to \$1 billion and can take 7-10 years from the time it is funded to the time it is launched. He further indicated that the rationale of the proposed legislation is contained within its language.

[8:59:44 AM](#)

REPRESENTATIVE HERRON said the ideas inserted in the proposed joint resolution were from Lt. Governor Mead Treadwell, whose history with the Arctic is well chronicled. He noted that the last committee of referral amended HJR 34 so that all foreign ministers of "the appropriate Arctic jurisdictions" would receive a copy.

[9:00:23 AM](#)

REPRESENTATIVE GRUENBERG stated his support of the proposed joint resolution. He asked if there is a need to purchase additional aircraft.

REPRESENTATIVE HERRON replied that under the proposed legislation, the legislature is asking the U.S. Coast Guard to work with its federal funders for an icebreaker with helicopters

that would be stationed on the icebreaker. He suggested a shorter term goal would be the establishment of a forward base somewhere between Nome and Barrow that would house a C 1-30. He offered his understanding that in the recent past, a C 1-30 had to overnight in Barrow in freezing weather and, because there was no housing for it, parts froze, and the C 1-30 was grounded to wait for new parts to be brought in.

[9:02:29 AM](#)

REPRESENTATIVE JOHANSEN pointed to the reference to "the United States Arctic Region Policy" on page 1, line 13, and asked for information about that policy.

REPRESENTATIVE HERRON relayed that on January 9, 2009, there was a Presidential directive to the U.S. Department of Homeland Security regarding the security of the Arctic region. He said he would make copies available to the committee.

[9:04:17 AM](#)

REPRESENTATIVE JOHANSEN said he thinks it is logical that "we have a presence and move towards this," but explained that he is trying to clarify language within the proposed joint resolution. He directed attention to language on page 2, line 1, which states that "ice cover in the Arctic is at historic lows", and he questioned the scientific accuracy of that statement.

REPRESENTATIVE HERRON responded that he thinks that brief statement could be "further and better explained."

[9:05:40 AM](#)

REPRESENTATIVE JOHANSEN directed attention to language on page 4, lines 8-10, which read as follows [original punctuation provided]:

WHEREAS having a sufficient number of ice-capable vessels, including shallow-draft vessels with icebreaking capability, is vital for the United States Coast Guard to fulfill its expanding mission in the Arctic; and

REPRESENTATIVE JOHANSEN asked the sponsor if he is familiar with the U.S. Coast Guard's plans for the future.

REPRESENTATIVE HERRON deferred to Admiral Garrett.

REPRESENTATIVE JOHANSEN directed attention to the term, "Bering Strait chokepoint", on page 4, line 12, and asked for the sponsor's definition of "chokepoint".

REPRESENTATIVE HERRON answered that "chokepoint" is a common phrase heard during visits to the Nome area, Wales, and Little Diomedede, but he deferred to Admiral Garret for further explanation.

[9:07:57 AM](#)

REPRESENTATIVE GRUENBERG asked the bill sponsor if he would consider adding another "whereas" and another "be it resolved" to HJR 34, to ask U.S. Congress to ratify the Law of the Sea Treaty "for reasons expressed in here."

[9:09:03 AM](#)

REPRESENTATIVE HERRON said the legislature has passed a resolution related to the Law of the Sea Treaty, which is in court.

[9:10:49 AM](#)

ADMIRAL JEFFREY GARRETT (Retired) related that he spent much of his career with the U.S. Coast Guard serving in the icebreaker fleet both in the Arctic and the Antarctic. He continued as follows:

I think, as the Arctic has transformed in the past few years, these assets have become increasingly critical to the Coast Guard's ability to perform all its mission responsibility in the Arctic, and I think right now we're starting to see the consequences of the nation's long-term disinvestment in our icebreaker fleet.

ADMIRAL GARRETT said the U.S. Coast Guard has been unable to deploy an icebreaker for Arctic multi-mission purposes for over two years, and planned missions for the Polar Sea have had to be cancelled. He said, "The nation's had no icebreaker available to provide the critical annual resupply of U.S. bases in Antarctica this year, forcing reliance on the expensive, short-term charter of a Russian vessel." Furthermore, he relayed, the icebreaker Healy was used to supply Nome with its fuel supply last month, and, while the mission to Nome was successful, it

was accomplished only at the cost of extending Healy's lengthy Arctic deployment and disrupting planned maintenance and future operations.

ADMIRAL GARRETT said he thinks Alaskans clearly understand what is happening in the Arctic today. He said he is glad to see the need for adequate Arctic resources summarized in HJR 34, as well as the resolution's strong call for the federal government to provide the U.S. Coast Guard with the means to "meet our national needs in the Arctic" - particularly in regard to icebreakers. He said the fact that the President's 2013 budget includes funding to begin icebreaker requisition is encouraging; however, he opined that "this important action must move forward quickly, and we have to ensure that the Polar Star and Polar Sea remain fully operational in the interim." He said, "There's really no substitute for having the right tool to meet the challenges of a transforming Arctic."

ADMIRAL GARRETT echoed Representative Herron's mention of a Presidential directive to the U.S. Department of Homeland Security regarding the security of the Arctic region, and said it is a "high-level document." He noted that the U.S. Coast Guard has a high-level document called, "A Strategic Arctic Approach." He said, "Really what's missing, I think, is the actual tool to do these things."

[9:14:50 AM](#)

ADMIRAL GARRETT, in response to a previous question from Representative Johansen asking for a definition of "chokepoint", explained that any entrance to or from the Western Arctic requires travel through the Bering Strait, which forces international traffic "through U.S. waters in Nome." He said the U.S. Coast Guard is concerned about having the ability to monitor that traffic. He said icebreakers are the key to situations related to defense, security, search and rescue, and pollution.

[9:15:49 AM](#)

ADMIRAL GARRETT, regarding previous mention of the Law of the Sea Treaty, stated:

This has been on the table for many years: multiple chiefs of naval operations, multiple commandants of the Coast Guard, joint chiefs of staff have all (indisc.) incentive to pass the Law of the Sea

[Treaty], which will enable the United States to make Continental Shelf claims and will preserve U.S. rights and give us (indisc. -- coughing) standing, basically to participate in future Law of the Sea items. And this is particularly germane to the Arctic, where, for the past 6 years, the icebreaker Healy has been doing survey work to justify and defend this against foreign claims of the outer Continental Shelf.

[9:16:48 AM](#)

REPRESENTATIVE GRUENBERG recollected that in history, there were seven or eight vital straits named, and he questioned if the Bering Strait was one.

ADMIRAL GARRETT said he does not believe "in those days" that the Bering Strait "figured much into the worldwide strategic construct," but he opined that it should today.

[9:18:12 AM](#)

REPRESENTATIVE GRUENBERG referred to a book entitled, The Influence of Sea Power on History, and indicated that updating related to straits would be necessary.

ADMIRAL GARRETT concurred. He mentioned the effect of climate change on naval operations. He said he thinks the Bering Strait has to be considered a critical waterway.

[9:19:06 AM](#)

CHAIR LYNN said this issue is interesting, but questioned whether it is germane to the proposed joint resolution.

[9:19:23 AM](#)

REPRESENTATIVE HERRON asked that the committee not include language regarding the Law of Sea Treaty in HJR 34.

REPRESENTATIVE GRUENBERG said The Study of Sea Power shows that battles and wars are won by who controls the straits. He referenced the word "chokepoint", on page 4, line 12, and emphasized the importance of controlling the entire Bering Strait, which he said will "have a lot of importance as we have more global warming."

[9:21:19 AM](#)

REPRESENTATIVE HERRON mentioned the National Academy of Sciences' 50-year U.S. Navy research project, and indicated that the proposed legislation could be amended on the House floor.

[9:22:09 AM](#)

REPRESENTATIVE GRUENBERG offered his office's service in that effort. He reemphasized, "It's more than a chokepoint; it's a strategic strait."

CHAIR LYNN suggested that the word "strategic" may be better than the word "chokepoint".

REPRESENTATIVE JOHANSEN remarked that "perhaps another Arctic resolution ... might be your answer."

[9:22:49 AM](#)

CHAIR LYNN closed public testimony.

[9:22:57 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 2, as follows:

Page 1, lines 6-7:

Delete "on equal footing with the previously admitted states"

[9:23:26 AM](#)

REPRESENTATIVE GRUENBERG objected for the purpose of discussion. He asked why Representative Johansen thinks Alaska was not admitted on equal footing.

REPRESENTATIVE JOHANSEN opined that since the original thirteen colonies, no state has been admitted on equal footing, especially Alaska, where most of the land is owned by the federal government and the state is controlled by the federal government like no other state in the Union.

REPRESENTATIVE GRUENBERG said the effect of Amendment 1 would be to imply that Alaska was admitted on less than equal footing. He said he thinks it is important to establish that Alaska has the rights of all other states, even if it is not always accorded those rights.

CHAIR LYNN questioned whether Amendment 1 would have an effect on the heart of the proposed joint resolution, which is that Alaska needs more icebreakers.

[9:25:34 AM](#)

REPRESENTATIVE JOHANSEN, in response to Chair Lynn, asked why the language is in HJR 34 if it does not make a difference. In response to Representative Gruenberg, he said the language directly before that which would be deleted under Amendment 1 shows that "Alaska was admitted to statehood in 1959". He reiterated that stating Alaska is on equal footing is admitting that Alaska is treated equally, which he does not believe is true.

[9:26:09 AM](#)

REPRESENTATIVE GRUENBERG maintained his objection.

[9:26:16 AM](#)

REPRESENTATIVE SEATON ventured there is a legal question wherein there may be debate as to whether Alaska was the only state admitted having subsurface rights to gas, oil, and other minerals, and he remarked that almost all of Alaska's budget is based upon the particularity of receiving oil and all the subsurface rights. He said the legislature has had discussions regarding the amount of land "given to education" and "whether some of them were resolved by money and trust instead of actual land." He said he thinks the intent of the first four or five "WHEREAS" statements in HJR 34 is to say that Alaska was purchased and admitted on equal footing, and in recognition of that, Alaska deserves the same protection and preferences as any other state. He stated, "I think that the sequence in hear is to make a continuity between the second whereas and the fifth whereas following in conjunction." In response to the chair, he clarified that he was speaking in objection to Amendment 2.

[9:28:28 AM](#)

REPRESENTATIVE KELLER stated his support for Amendment 2.

[9:28:39 AM](#)

REPRESENTATIVE SEATON asked that the proposed Amendment 2 be read again for clarification.

[9:28:55 AM](#)

REPRESENTATIVE JOHANSEN clarified Amendment 2. He said he would like the bill sponsor's response to Amendment 2.

[9:29:11 AM](#)

REPRESENTATIVE HERRON said he thinks Amendment 2 is in the possession of the committee, and he said, "I have no opinion either way."

[9:29:40 AM](#)

REPRESENTATIVE PETERSEN asked for confirmation that Amendment 2 would not delete the word "and" [on page 1, line 7].

REPRESENTATIVE JOHANSEN answered that is correct.

[9:30:03 AM](#)

A roll call vote was taken. Representatives P. Wilson, Keller, Petersen, Johansen, and Lynn voted in favor of Amendment 2. Representatives Seaton and Gruenberg voted against it. Therefore, Amendment 2 was adopted by a vote of 5-2.

[9:30:46 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 3, as follows:

Page 1, line 8:
Delete "deserves"
Insert "expects"

Delete "and assistance"

[9:31:46 AM](#)

REPRESENTATIVE P. WILSON objected. She said she would like to split [Amendment 3] in two. She explained that she likes "expects" but does not like "and assistance".

REPRESENTATIVE JOHANSEN said he would like to speak to Amendment 3 before any motions are made to change it. Regarding the proposed change from "deserves" to "expects", he said, "I don't want to sit around and think that I deserve anything." Likewise, he said he does not want anyone to think he is waiting around for assistance.

[9:32:57 AM](#)

REPRESENTATIVE PETERSEN said he understands where [Representative Johansen] is coming from, but does not believe that the State of Alaska wants to be in the icebreaker buying business and, thus, needs the assistance of the federal government to procure icebreakers.

CHAIR LYNN reiterated that obtaining icebreakers is the key element of HJR 34. He said he supports Amendment 3; however, he indicated Alaska's involvement with the federal government in terms of acquiring icebreakers.

[9:34:10 AM](#)

REPRESENTATIVE SEATON offered his understanding that a motion had been made to divide the question, and he said he supports doing so.

[9:34:16 AM](#)

CHAIR LYNN announced that the committee would divide the question to Amendment 3, such that there would be an Amendment 3a and 3b.

[9:34:32 AM](#)

REPRESENTATIVE P. WILSON moved to adopt Amendment 3a, as follows:

Page 1, line 8:
Delete "deserves"
Insert "expects"

[9:34:49 AM](#)

REPRESENTATIVE GRUENBERG objected. He explained that it is possible to expect something but not deserve it. He opined that it is more important that Alaska deserve [full recognition], and he said he thinks the state deserves it. Furthermore, he said he thinks the state deserves the assistance in this particular case. He warned, "The effect of this amendment, whether it's divided or not, will weaken the '**WHEREAS**' clause." He said, "This is not just semantics; this is the heart of the policy behind the resolution." He concurred with Representative Petersen regarding Alaska not being in the business of buying

icebreakers. He said this is a national issue of strategic importance. He emphasized that without the assistance of the federal government, Alaska will not have the icebreakers it needs. He opined that the proposed language would weaken HJR 34.

[9:36:13 AM](#)

REPRESENTATIVE P. WILSON said, "I'll withdraw my amendment to divide."

CHAIR LYNN stated, "So, we're back to the original amendment." He asked Representative Johansen to restate [Amendment 3].

[9:36:33 AM](#)

REPRESENTATIVE JOHANSEN renewed his motion to adopt Amendment 3 [language previously provided].

REPRESENTATIVE GRUENBERG restated his opposition to Amendment 3.

REPRESENTATIVE JOHANSEN explained that he thinks using the term "deserves" makes Alaska sound like a spoiled little child, while he thinks using the word "expects" means that high expectations will be met. Regarding the previous remark that the amendment is not germane to the issue, he said, the language addressed by Amendment 3 is a part of the proposed joint resolution. He said the current language states that Alaska deserves federal assistance like any other state. He said, "I'm pretty sure they're not building icebreakers in Kansas; they get other ways of assistance."

[9:38:18 AM](#)

REPRESENTATIVE KELLER offered his understanding that "expects" presumes "the deserved part" and is, therefore, a much stronger word.

[9:38:28 AM](#)

A roll call vote was taken. Representatives Johansen, Keller, and Lynn voted in favor of the motion to adopt Amendment 3. Representatives Seaton, Gruenberg, Petersen, and P. Wilson voted against it. Therefore, Amendment 3 failed by a vote of 3-4.

[9:39:15 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 4, as follows:

Page 2, lines 4-5, following "activity":

Delete "related to shipping, oil and gas development, commercial fishing, and tourism"

REPRESENTATIVE JOHANSEN said the intent of Amendment 4 is to broaden the language. He explained that there could be other types of human activity in the Arctic region, including sail boats and vessels related to science.

[9:40:29 AM](#)

REPRESENTATIVE GRUENBERG objected. He said the phrase, "related to shipping, oil and gas development, commercial fishing, and tourism" is meant to be illustrative, not exclusive. He said the text focuses the attention of the reader on "things that are involved and ... are essential to the icebreaker issue." He said he does not think anyone would argue that the state needs to purchase an icebreaker to enable a sail boat to travel in the Arctic. He reiterated that the proposed change would weaken the "WHEREAS" clause.

[9:41:28 AM](#)

CHAIR LYNN moved to amend Amendment 4, to add "including" [instead of "related to"].

REPRESENTATIVE GRUENBERG said he would support that.

REPRESENTATIVE JOHANSEN objected. He said if an amendment is made to Amendment 4, he would like the language to say "including but not limited to".

REPRESENTATIVE GRUENBERG called a point of order, and related that [AS 01.10.040(b)] specifies that the meaning of "including" in legislation is "including but not limited to".

REPRESENTATIVE JOHANSEN maintained his objection to the amendment to Amendment 4.

[9:42:49 AM](#)

CHAIR LYNN, in response to Representative Seaton, clarified that under the amendment to Amendment 4, [page 2, lines 3-5 would read as follows]:

WHEREAS the entire Arctic region, including the Arctic region of the United States, is experiencing increased human activity, including activity related to shipping, oil and gas development, commercial fishing, and tourism; and

REPRESENTATIVE GRUENBERG returned to AS 01.10.040(b), which read as follows:

(b) When the words "includes" or "including" are used in a law, they shall be construed as though followed by the phrase "but not limited to."

REPRESENTATIVE GRUENBERG acknowledged that the language being considered is part of a joint resolution, but said he thinks the term "including" would be read in accordance with AS 01.10.040(b).

[9:44:38 AM](#)

REPRESENTATIVE JOHANSEN removed his objection to the proposed amendment to Amendment 4.

REPRESENTATIVE P. WILSON objected to the amendment to Amendment 4 to point out that AS 01.10.040(b) is Alaska law, and HJR 34 would be read by the federal government. She supported Representative Johansen's suggestion to use the phrase "including but not limited to".

CHAIR LYNN said, "That's fine with me; I'll amend the amendment to the amendment, to include Representative Wilson's modification."

REPRESENTATIVE JOHANSEN questioned whether it is in order for the committee to amend an amendment to the amendment.

REPRESENTATIVE GRUENBERG said, "No, but ... we got the gist."

CHAIR LYNN emphasized the conceptual nature of the amendment.

[9:46:09 AM](#)

REPRESENTATIVE JOHANSEN said he would like to hear feedback from the sponsor.

REPRESENTATIVE HERRON responded, "The list could have been exhaustive, but I support the amendment."

REPRESENTATIVE P. WILSON removed her objection. [The amendment, as amended, to Amendment 4 was treated as adopted.]

[9:46:42 AM](#)

REPRESENTATIVE GRUENBERG removed his objection to Amendment 4, as amended.

[9:47:14 AM](#)

CHAIR LYNN confirmed that Amendment 4, as amended, was adopted.

[9:47:18 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 5, as follows:

Page 2, line 7, following "United States":

Delete "to enable the responsible development of resources, foster maritime commerce, safeguard the well-being of Arctic residents and ecosystems, facilitate emergency and disaster preparedness and response, and protect United States sovereignty"

REPRESENTATIVE GRUENBERG objected. He said the existing language focuses attention on specific problems. Under Amendment 5, the language becomes general and does not give the reason for the need for investment.

[9:49:09 AM](#)

REPRESENTATIVE HERRON suggested that the committee not support Amendment 5, because the findings of the Northern Waters Task Force specifically outline governance, oil and gas exploration and development, marine transportation, planning and infrastructure investment, and fisheries.

[9:49:41 AM](#)

A roll call vote was taken. Representatives Johansen and Keller voted in favor of Amendment 5. Representatives Petersen, P. Wilson, Seaton, Gruenberg, and Lynn voted against it. Therefore, Amendment 5 failed by a vote of 2-5.

[9:50:18 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 6, as follows:

Page 2, line 16:

Delete "oil and gas and other potentially hazardous"

REPRESENTATIVE JOHANSEN, in response to the chair, clarified that under Amendment 6, the "**WHEREAS**" clause [on page 2, lines 15-17], would read as follows:

WHEREAS, as Northern sea routes open and foreign shippers set their sights on Asian markets, international shipping of cargo through the Bering Strait is rapidly increasing; and

REPRESENTATIVE JOHANSEN argued that any ship going through the Bering Strait has oil, gas, or other potentially hazardous cargo on board, and he said he does not think it is appropriate to be "pointing out a particular section of shippers."

[9:51:53 AM](#)

REPRESENTATIVE GRUENBERG objected for the purpose of discussion.

[9:52:04 AM](#)

REPRESENTATIVE HERRON said he understands the intent of the amendment. However, he said this "**WHEREAS**" would share with the federal government the specific concern expressed by the U.S. Coast Guard and others regarding the Northern Sea route - the Russian side of the Arctic - and shippers that go through the eastern side of the strategic strait or chokepoint. He said, "We're not calling out ourselves on any oil and gas or hazardous cargo on ships that are going through on our side of the strait."

[9:53:22 AM](#)

REPRESENTATIVE SEATON said he thinks this "**WHEREAS**" clause specifically addresses hazards that are different from those contained in the other "**WHEREAS**" clauses, such as the language on [page 2], line 21, which addresses "marine safety, ports, waterways, and coastal security". He said for those reasons he opposes Amendment 6.

[9:54:19 AM](#)

REPRESENTATIVE JOHANSEN offered his understanding that there are two choke points: one between Big Diomedes and Little Diomedes and Alaska, and the other between the two islands and Russia. He asked if the U.S. has any control over "what happens ... on the ... Russian side of the chokepoint." He further asked how the countries involved make decisions.

[9:55:36 AM](#)

REPRESENTATIVE HERRON indicated that [the language of the "**WHEREAS**" clause on page 2, lines 15-17] is "calling on the potential" for an unfortunate incident wherein oil and gas and any other hazardous cargo comes across international boundaries into U.S. territory, at which point the U.S. would "have to deal with it whether we like it or not."

REPRESENTATIVE JOHANSEN asked if there is a definite boundary line drawn in that area, or if there is still "a triangle that we're arguing over in that area."

REPRESENTATIVE HERRON answered that he is confident that the line within the chokepoint is defined. He said there is a triangle farther south in the Bering Sea. In response to a follow-up question, he said the Northern Sea route in the Polar Region is on the Russian side and follows along the Russian Border over to Europe. In response to the chair, he said he does not know the specific routes on the Russian side, but clarified that the Northern Sea route is considered the Russian route.

[9:57:56 AM](#)

REPRESENTATIVE HERRON, in response to Representative Johansen, opined that the "**WHEREAS**" clause recognizes that "on that side of the strategic strait there is international [of] shipping oil and gas and other cargoes, and it's just increasing." He expressed his hope that "that will assist the federal government in its wisdom to realize that maybe icebreakers are necessary for us on this side of the strait."

[9:58:58 AM](#)

REPRESENTATIVE KELLER stated support for Amendment 6. He said he thinks the "**WHEREAS**" clause could be better written.

[9:59:29 AM](#)

A roll call vote was taken. Representatives Johansen and Keller voted in favor of Amendment 6. Representatives Gruenberg, Petersen, P. Wilson, Seaton, and Lynn voted against it. Therefore, Amendment 6 failed by a vote of 2-5.

[10:00:08 AM](#)

REPRESENTATIVE JOHANSEN moved to adopt Amendment 7, as follows:

Page 3, lines 19-21:
Delete all language

[10:00:29 AM](#)

REPRESENTATIVE KELLER and REPRESENTATIVE GRUENBERG objected.

REPRESENTATIVE JOHANSEN said he has nothing against Nome or what the [Russian] fuel tanker did [escorted by the U.S. Coast Guard's icebreaker], although he offered his understanding that necessity for such action was because someone forgot to get the community's fuel order in on time. He explained that he does not want to set the precedent that it is okay that "we're going to run around with an icebreaker and plow a hole to whatever community needs to get oil at the time." He opined that the state needs to solve the bigger problem - "the energy issue" - first. For example, he said if a road is built to Nome, then an icebreaker would not have to provide fuel to that community. He mentioned the Power Cost Equalization (PCE) Program and said, "In a perfect world, PCE goes away."

[10:03:08 AM](#)

REPRESENTATIVE KELLER removed his objection.

REPRESENTATIVE P. WILSON said it is important to include this "**WHEREAS**" clause, because people's lives are affected when fuel cannot be delivered.

[10:04:31 AM](#)

A roll call vote was taken. Representatives Keller and Johansen voted in favor of Amendment 7. Representatives Gruenberg, Petersen, P. Wilson, Seaton, and Lynn voted against it. Therefore, Amendment 7 failed by a vote of 2-5.

[10:04:54 AM](#)

REPRESENTATIVE KELLER moved to report CSHJR 34(MLV), as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE JOHANSEN objected. He said he believes "this" is a valid effort. However, he expressed concern that if passed, every word in [CSHJR 34(MLV), as amended,] would be sent to the federal government as representing the position of the Alaska State Legislature. He asked committee members to think about that, and said chances are they would have another chance to vote on the previously considered amendments on the House floor.

REPRESENTATIVE JOHANSEN removed his objection to the motion to report CSHJR 34(MLV), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no further objection, CSHJR 34(STA) was reported out of the House State Affairs Standing Committee.

[10:07:20 AM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 10:07 a.m.