

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 28, 2012

9:00 a.m.

MEMBERS PRESENT

Senator Bill Wielechowski, Chair
Senator Joe Paskvan, Vice Chair
Senator Albert Kookesh
Senator Kevin Meyer
Senator Cathy Giessel

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Bob Herron

COMMITTEE CALENDAR

CONFIRMATION HEARINGS

Alaska Human Rights Commission

JoAnn Holmes
Mark S. Fish
Christa Bruce
Joyce Skaflestad

- CONFIRMATIONS ADVANCED

SENATE JOINT RESOLUTION NO. 15

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 CSSJR 15 (STA) OUT OF COMMITTEE

SENATE JOINT RESOLUTION NO. 17

Welcoming the Arctic Council Task Force for Arctic Marine Oil Pollution Preparedness and Response to the state for its March 2012 meeting and urging the task force to use its time in the state to inform and inspire the work of the task force.

- MOVED SJR 17 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SJR 15

SHORT TITLE: COAST GUARD ICEBREAKERS & ARCTIC BASE

SPONSOR(s): SENATOR(s) OLSON

02/03/12 (S) READ THE FIRST TIME - REFERRALS
02/03/12 (S) STA
02/28/12 (S) STA AT 9:00 AM BUTROVICH 205

BILL: SJR 17

SHORT TITLE: ARCTIC COUNCIL TASK FORCE

SPONSOR(s): SENATOR(s) MCGUIRE

02/06/12 (S) READ THE FIRST TIME - REFERRALS
02/06/12 (S) STA
02/28/12 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

DAVID SCOTT, Staff
Senator Donny Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SJR 15 on behalf of the sponsor.

CAPTAIN ED PAGE, Executive Director
Marine Exchange of Alaska and
U.S. Coast Guard, Retired
Juneau, Alaska

POSITION STATEMENT: Spoke in support of SJR 15.

JEFFREY GARRETT, Retired
U.S. Coast Guard
Seattle, Washington

POSITION STATEMENT: Testified in support of SJR 15.

SHYAN ELY, Staff
Senator Lesil McGuire
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the resolution on behalf of the sponsor.

MIKE PAWLOWSKI, Staff
Senator Lesil McGuire

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions pertaining to SJR 17.

CHRISTA BRUCE, Appointee
Alaska State Commission for Human Rights
Ketchikan, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Human Rights Commission.

MARK S. FISH, Appointee
Alaska State Commission for Human Rights
Big Lake, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Human Rights Commission.

JOANN HOLMES, Appointee
Alaska State Commission for Human Rights
Kodiak, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Human Rights Commission.

JOYCE SKAFLESTAD, Appointee
Alaska State Commission for Human Rights
Hoonah, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska Human Rights Commission.

ACTION NARRATIVE

[9:00:44 AM](#)

CHAIR BILL WIELECHOWSKI called the Senate State Affairs Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Giessel, Kookesh, Paskvan, Meyer, and Chair Wielechowski.

SJR 15-COAST GUARD ICEBREAKERS & ARCTIC BASE

[9:01:57 AM](#)

CHAIR WIELECHOWSKI announced that the first order of business would be SJR 15, a resolution which urges 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.

SENATOR PASKVAN moved to adopt the CS for SJR 15, labeled 27-LS1302\B, as the working document.

CHAIR WIELECHOWSKI objected for discussion purposes.

DAVID SCOTT, staff, Senator Donny Olson, introduced SJR 15 on behalf of the sponsor. He said the resolution accomplishes two things. It asks the United States government to fulfill its Coast Guard mission in the Arctic and forward base the U.S. Coast Guard in the Arctic, and to fund icebreakers and other ice capable vessels. The Northern Waters Task Force was the impetus for this legislation.

MR. SCOTT related that there are many maritime operation stories set in the Arctic. A recent one is the Nome oil delivery. There is pending offshore development and production in the Arctic. The Arctic and maritime industry will play a big part in Alaska's future.

MR. SCOTT highlighted four changes in version B. The first change on page 4, line 20, changes who the resolution is sent to. The second change is on page 1, line 6, in the second whereas clause, the words "on equal footing" were deleted. The third change is on page 2, line 4, after "tourism", the words "other activities" were added. Finally, on page 4, in lines 25 and 27, one of the "resolve clauses" was changed.

[9:06:05 AM](#)

CHAIR WIELECHOWSKI commented that the resolution is important and much needed.

CAPTAIN ED PAGE, Executive Director, Marine Exchange of Alaska (MEA), and U.S. Coast Guard (Retired), spoke in support of SJR 15. He related that the MEA is a non-profit established in 2001 and supported by the legislature, the Coast Guard and the maritime industry as a vessel tracking system. He shared his 30-year history in the Coast Guard and 10 years in the maritime industry. He noted changes in Coast Guard dealings in the Arctic over the last 10 years. Due to the use of a vessel tracking system, activity in the Arctic can now be followed. He listed the various types of vessels now seen in Arctic waters. The Arctic is now open to shipping and so there is a greater need for the Coast Guard to monitor those waters.

[9:09:35 AM](#)

CAPTAIN PAGE described icebreakers located in the Great Lakes and around New York. He emphasized that it is time for extended Coast Guard presence in Alaska and in the Arctic.

9:11:06 AM

SENATOR PASKVAN referred to Russian and Chinese activity in Arctic and asked if it was related to the loss of the Arctic ice cap.

CAPTAIN PAGE replied that the fact that they can operate in the Arctic is because it is more accessible and there is a great demand for the resources there.

SENATOR PASKVAN questioned the boundary limitations in shipping lanes in the Arctic.

CAPTAIN PAGE talked about three zones: territorial seas, contiguous zones, and exclusive economic zones (EEZ). The United States has authority over shipping activity out 200 miles and beyond. The key is to having a presence there.

SENATOR PASKVAN asked how far it was from Barrow to the North Pole.

CAPTAIN PAGE said it was several hundred miles. He added that the ice is changing, it is becoming more accessible, and it is a different world up there now.

SENATOR PASKVAN said he thought last year was the first year that both eastern and western shipping routes were simultaneously opened.

CAPTAIN PAGE called it fascinating that one of the access points to the Arctic is in Alaska's back yard.

9:15:26 AM

SENATOR GIESSEL requested information about search and rescue collaboration between Canadian and U.S. Coast Guards.

CAPTAIN PAGE reported that both countries work together for search and rescue operations and for oil pollution exercises. Kodiak is the closest location to the Arctic with a U.S. Coast Guard station. Canada has a greater presence in the Arctic than the U.S. does, as does Russia.

SENATOR MEYER asked for a recommendation where the new Arctic base should be.

CAPTAIN PAGE said he had not formed an opinion. He said he thought there could be two bases, one for aircraft and one for ships.

[9:18:15 AM](#)

JEFFREY GARRETT, retired, U.S. Coast Guard, Seattle, Washington, spoke of his past experience with the polar icebreaker fleet in Alaska. Past polar operations were limited to defense support and science programs. The transformational changes in the Arctic now affect the Coast Guard's statutory responsibilities. He opined that the most critical and effective need now is for polar icebreakers. He detailed the reasons behind his belief and reported on the history of lack of icebreakers. He referred to the icebreaker Healey's successful mission to Nome. He noted that the President's 2013 budget contains funds for icebreaker acquisition. He spoke in favor of restoring the Polar Star and the Polar Sea to full operating capability. He testified in support of SJR 15 and suggested moving forward quickly.

CHAIR WIELECHOWSKI requested a motion to move SJR 15 from committee.

SENATOR PASKVAN moved to report the CS for SJR 15, version B, from committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSSJR 15(STA) was reported from the Senate State Affairs Standing Committee.

SJR 17-ARCTIC COUNCIL TASK FORCE

CHAIR WIELECHOWSKI announced that the committee would take up SJR 17, which would welcome the Arctic Council Task Force for Arctic Marine Oil Pollution Preparedness and Response to the state for its March 2012 meeting.

[9:22:29 AM](#)

SHYAN ELY, staff, Senator Lesil McGuire, presented the resolution on behalf of the sponsor. She restated the purpose of SJR 17. She read from the following sponsor statement:

The Arctic Council was established in 1996 as a high-level intergovernmental forum to provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic Indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic. The Arctic Council consists of eight Arctic Nations: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the United

States, as well as six international organizations representing Arctic indigenous peoples.

On May 12 of 2011, the Arctic Council signed the Nuuk declaration which established an agreement on cooperation in aeronautical and maritime search and rescue in the arctic. In the Nuuk declaration, the Ministers of the Arctic Council member states decided to "establish a Task Force, reporting to the senior Arctic Officials, to develop an international instrument on Arctic marine oil pollution preparedness and response, and called for the Emergency Prevention, Preparedness and Response (EPPR) and other relevant working groups to develop recommendations and/or best practices in the prevention of marine oil pollution.

The purpose of Senate Joint Resolution (SJR) 17 is to welcome the Arctic Council Task Force for Arctic Marine Pollution Preparedness and Response to Alaska. The task force will be in Alaska in March of 2012 to exchange information and experiences regarding marine pollution preparedness and response. The task force is currently developing a framework for international cooperation between the eight arctic states to combat oil spill pollution.

As the only arctic state in the nation, Alaska has an important role to play in protecting the arctic. As host for the March task force meeting, it is important that the state welcome the international delegates to Alaska and highlight the issues that are important to Alaskans.

CHAIR WIELECHOWSKI asked how many task force members would be coming.

MIKE PAWLOWSKI, staff, Senator Lesil McGuire, replied that a representative from each member nation would be attending, as well as support staff.

SENATOR MEYER asked if version M was before the committee.

CHAIR WIELECHOWSKI said yes.

SENATOR MEYER asked if any Arctic countries would not be participating.

MR. PAWLOWSKI explained that all eight Arctic Council members would be participating.

[9:26:42 AM](#)

SENATOR PASKVAN questioned the term "response instrument".

MR. PAWLOWSKI referred Senator Paskvan to the Aleutian Islands Risk Assessment Project as an example of the beginning of what a response instrument would be. He defined the term as an all-encompassing strategy for response. He explained that page 16 of the Aleutian Islands Risk Assessment talks about the current vessel traffic in the Aleutians. Over 2,000 vessels are transiting in the Aleutians in innocent passage every year. The instrument is a technical term at the international level under the International Maritime Organization that governs those issues. In SJR 17, on page 2, line 20, there is talk about engaging local authorities in contingency planning, and on lines 15 and 16, having adequate oil spill contingency plans and response capacity. The issue is that under international maritime law, Alaska does not have jurisdiction over vessels in innocent passage. Ultimate goal of the resolution is to get the Arctic Council to push for a voluntary framework of engagement at the international level.

SENATOR MEYER asked for the date of the meeting.

MS. ELY said it was on March 20, 2012.

[9:29:11 AM](#)

SENATOR PASKVAN moved to report SJR 17, version M, from committee with individual recommendations and attached zero fiscal note. There being no objection, SJR 17 was moved from the Senate State Affairs Standing Committee.

At-ease from 9:29 am to 9:31 am.

Confirmation Hearing
Alaska State Commission for Human Rights Commission

[9:31:25 AM](#)

CHAIR WIELECHOWSKI announced the confirmation hearings for the governor's nominees to the Alaska State Commission for Human Rights. The Commission was created in 1963 to eliminate and prevent discrimination in employment, credit, and financing practices; places of public accommodation; practices by the state or its political subdivisions; and in the sale, lease, or rental of real property. Under state law, it is illegal to

discriminate on the basis of race, religion, color, national origin, age, sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, or practices of the state or its political subdivisions. In 2010, over 2,000 Alaskans contacted the commission, however, 20 percent more Alaskans filed complaints of discrimination in 2010 than the prior year. There are four nominees.

CHAIR WIELECHOWSKI introduced the first nominee, Christa Bruce, who this past August was appointed to serve as a commissioner for the Alaska State Commission for Human Rights.

CHRISTA BRUCE, appointee, Alaska State Commission for Human Rights (ASCHR), Ketchikan, Alaska, shared her background and qualifications as a nominee for ASCHR. She said she values what it means to be a citizen and the obligation to serve. She related that she wants to be involved in a process that ensures that people are treated fairly under the laws. She said ASCHR has integrity and it would be an honor to serve on it.

CHAIR WIELECHOWSKI noted that the committee has a copy of Ms. Bruce's resume. He wondered why she was interested in a position on the Board of Regents and the Humanities Forum. He requested that Ms. Bruce explain her interest in serving on ASCHR.

MS. BRUCE stated that she was interested in the Board of Regents and in the Humanities Forum. She said she was not a lawyer, but cared about constitutional law and was no stranger to the commission's goals.

CHAIR WIELECHOWSKI noted an impressive employment, training and experience record. He asked if she is currently on ASCHR.

MS. BRUCE said she was not officially on the commission, but has attended and participated in meetings.

CHAIR WIELECHOWSKI asked Ms. Bruce to comment on challenges facing Alaska regarding reducing discrimination.

MS. BRUCE shared that she was impressed with ASCHR's immediacy in responding to needs of Alaskans. She said "the more communication the better."

[9:37:49 AM](#)

SENATOR GIESSEL said she sat in on Legislative Budget and Audit's (LB&A) review of the commission. One of the findings was that the cases were taking a long time to resolve. She asked for

Ms. Bruce's opinion on the work load and the time needed to review cases.

MS. BRUCE stated that there has been a considerable improvement in shortening the time spent on cases. She spoke of factors involved in dealing with a large work load.

CHAIR WIELECHOWSKI thanked Ms. Bruce.

CHAIR WIELECHOWSKI introduced Mark Fish, who has served on the Commission since October of 2007.

[9:40:11 AM](#)

MARK S. FISH, appointee, Alaska State Commission for Human Rights, Big Lake, Alaska, stated his interest in serving another term on the ASCHR. He said it was a privilege and duty to serve. He referred to his record of decisions and references from the staff and the governor, which support the fact that he would again be a valuable asset to the commission.

CHAIR WIELECHOWSKI asked if the commission is living up to the standard of its mission statement to "eliminate and prevent discrimination".

MR. FISH thought the commission was doing a good job; however, one area could be improved in that the commissioners are spread throughout the state. A more efficient way of communicating could be worked on.

SENATOR PASKVAN asked what Mr. Fish thought of the goals of the commission and Mr. Fish's role in accomplishing them.

MR. FISH said the commission's goal was to ensure the rights of the individual. He offered that the commission accomplishes this by citizens applying good judgment and the law to individual cases.

SENATOR WIELECHOWSKI asked if Mr. Fish had any suggestions to allow the commission to be more efficient.

MR. FISH thought the commissioners could be more effective in coordinating their work and establish timelines to review cases.

[9:45:57 AM](#)

CHAIR WIELECHOWSKI asked if Mr. Fish had any ideas for future legislation to help the commission accomplish its mission.

MR. FISH suggested that additional support of extra investigators to deal with growing caseloads would be helpful.

CHAIR WIELECHOWSKI said the number of complaints has increased 20 percent. He asked for Mr. Fish's opinion on that increase.

MR. FISH said the increases are due to loss of economic opportunities because of discrimination and lack of work. The commission has to take a close look at that. Also, people are more aware of their rights, which is a double-edged sword. The aging workforce may bode for more age discrimination.

[9:49:47 AM](#)

SENATOR MEYER thanked Mr. Fish for serving on the commission and for his military service. He asked how many times the commission meets.

MR. FISH said quarterly with an occasional extra meeting.

SENATOR MEYER asked if the meetings lasted a day or two.

MR. FISH said quarterly meetings are one-and-a-half to two days long.

SENATOR MEYER asked if the commission has considered meeting more frequently.

MR. FISH explained that the quarterly meetings are not for making case decisions, but are more for administrative purposes. He related that meetings to decide the outcome of cases are scheduled at other times. The way it works is that three commissioners are assigned to a case, receive the paperwork, and announce their availability to meet, and make the decision.

CHAIR WIELECHOWSKI thanked Mr. Fish for his public service.

CHAIR WIELECHOWSKI introduced the next nominee, JoAnn Holmes, who was appointed to the commission in June.

[9:52:19 AM](#)

JOANN HOLMES, appointee, Alaska State Commission for Human Rights, Kodiak, Alaska, spoke of her service on various commissions. She said she had originally applied to the Parole Board, but said she was excited to be nominated for ASCHR. She shared her volunteer and work experience, her work in rural areas, and a strong background with grant writing. She said it might be time to discuss the LB&A audit and set goals.

MS. HOLMES stated that ASCHR's case load is incredibly large and there are other tasks such as outreach which are difficult to do with a small staff. She suggested a larger staff would be helpful. A discussion of outreach strategies and goal setting would be productive. She said she was disappointed with the number of employers who discriminated against employees, especially related to age discrimination.

CHAIR WIELECHOWSKI asked if the commission is doing enough to prevent or educate communities about discrimination.

MS. HOLMES suggested strategies for improving communication with employers regarding discrimination.

CHAIR WIELECHOWSKI thanked Ms. Holmes for her past work on commissions.

CHAIR WIELECHOWSKI introduced Joyce Skaflestad, the final applicant.

10:00:37 AM

JOYCE SKAFLESTAD, appointee, Alaska State Commission for Human Rights, Hoonah, Alaska, shared her work resume, which included being a state magistrate and deputy training judge. She shared her philosophy on detailed application to the law, with an emphasis on rights and responsibilities, which she said she would apply to the difficult decisions the commission is tasked with. She stated her life purpose is to serve others.

CHAIR WIELECHOWSKI requested Ms. Skaflestad to address challenges she perceives of the commission.

MS. SKAFLESTAD related that she had reviewed a number of hearings and noticed a lack of discrimination training for employers. She suggested that training was an area of outreach that could be improved. She referred to a Human Rights Commission web site that deals with discrimination and that was making people aware of their rights. She predicted an increase in filings as people become more aware of their rights.

CHAIR WIELECHOWSKI thanked Ms. Skaflestad for her public service and willingness to be a nominee.

CHAIR WIELECHOWSKI requested a motion to forward the names of the nominees. He noted that such a motion does not reflect the

intent of individual members to vote for or against any particular nominee.

SENATOR PASKVAN moved to forward the names of all four nominees to a joint session of the legislature for consideration. There being no objection, the motion carried.

10:06:29 AM

There being no further business to come before the committee, Chair Wielechowski adjourned the Senate State Affairs Standing Committee at 10:06 a.m.