

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

March 28, 2013

8:08 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Wes Keller, Vice Chair  
Representative Lynn Gattis  
Representative Shelley Hughes  
Representative Doug Isaacson  
Representative Charisse Millett  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

CS FOR SENATE JOINT RESOLUTION NO. 10

Relating to the presence and interests of the state and the nation in the Arctic; urging appointment of a representative of the state to the Arctic Council; relating to icebreakers; and relating to United States Coast Guard operations and facilities in the Arctic.

- MOVED HCS CSSJR 10(STA) OUT OF COMMITTEE

HOUSE CONCURRENT RESOLUTION NO. 3

Establishing the Joint Committee on Federal Overreach.

- MOVED CSHCR 3(STA) OUT OF COMMITTEE

HOUSE BILL NO. 59

"An Act relating to missing vulnerable adult prompt response and notification plans."

- MOVED CSHB 59(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SJR 10

SHORT TITLE: ARCTIC: POLICY, USCG, ARCTIC COUNCIL

SPONSOR(S): SENATOR(S) GIESSEL

02/27/13 (S) READ THE FIRST TIME - REFERRALS  
02/27/13 (S) RES  
03/04/13 (S) RES AT 3:30 PM BUTROVICH 205  
03/04/13 (S) Moved CSSJR 10(RES) Out of Committee  
03/04/13 (S) MINUTE(RES)  
03/06/13 (S) RES RPT CS 6DP 1NR SAME TITLE  
03/06/13 (S) DP: GIESSEL, MICCICHE, BISHOP, MCGUIRE,  
FAIRCLOUGH, DYSON  
03/06/13 (S) NR: FRENCH  
03/18/13 (S) TRANSMITTED TO (H)  
03/18/13 (S) VERSION: CSSJR 10(RES) AM  
03/20/13 (H) READ THE FIRST TIME - REFERRALS  
03/20/13 (H) STA  
03/28/13 (H) STA AT 8:00 AM CAPITOL 106

BILL: HCR 3

SHORT TITLE: JOINT COMMITTEE ON FEDERAL OVERREACH

SPONSOR(S): REPRESENTATIVE(S) MILLETT

02/06/13 (H) READ THE FIRST TIME - REFERRALS  
02/06/13 (H) STA, FIN  
03/05/13 (H) STA AT 8:00 AM CAPITOL 106  
03/05/13 (H) Heard & Held  
03/05/13 (H) MINUTE(STA)  
03/28/13 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 59

SHORT TITLE: MISSING VULNERABLE ADULT RESPONSE PLAN

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG

01/16/13 (H) PREFILE RELEASED 1/11/13  
01/16/13 (H) READ THE FIRST TIME - REFERRALS  
01/16/13 (H) MLV, STA  
02/28/13 (H) MLV AT 1:00 PM CAPITOL 120  
02/28/13 (H) Heard & Held  
02/28/13 (H) MINUTE(MLV)  
03/12/13 (H) MLV AT 1:00 PM CAPITOL 120  
03/12/13 (H) Moved CSHB 59(MLV) Out of Committee  
03/12/13 (H) MINUTE(MLV)  
03/13/13 (H) MLV RPT CS(MLV) 4DP 3NR  
03/13/13 (H) DP: GRUENBERG, SADDLER, FOSTER, LEDOUX  
03/13/13 (H) NR: HIGGINS, HUGHES, REINBOLD  
03/21/13 (H) STA AT 8:00 AM CAPITOL 106  
03/21/13 (H) Heard & Held  
03/21/13 (H) MINUTE(STA)  
03/28/13 (H) STA AT 8:00 AM CAPITOL 106

## WITNESS REGISTER

JOE BYRNES, Intern  
Senator Cathy Giessel  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented SJR 10 on behalf of Senator Giessel, sponsor.

SENATOR CATHY GIESSEL  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified as sponsor of SJR 10.

VASILIOS GIALOPSOS, Staff  
Representative Charisse Millett  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Reviewed the changes made in Version N of HCR 3 on behalf of Representative Millett, sponsor.

REPRESENTATIVE MAX GRUENBERG  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 59 as sponsor.

RODNEY DIAL, Lt. ;  
Deputy Commander, A Detachment  
Alaska State Troopers  
Division of Statewide Services  
Department of Public Safety (DPS)  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified and answered questions during the discussion of HB 59.

MIKE O'HARE, Deputy Director  
Division of Homeland Security/ Emergency Management  
Department of Military and Veterans' Affairs  
Joint Base Elmendorf-Richardson (JBER), Alaska

**POSITION STATEMENT:** Answered questions during the discussion of HB 59.

## ACTION NARRATIVE

[8:08:24 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:08 a.m. Representatives Gattis, Hughes, Isaacson, Keller, Kreiss-Tomkins, Millett, and Lynn were present at the call to order.

**SJR 10-ARCTIC: POLICY, USCG, ARCTIC COUNCIL**

8:09:11 AM

CHAIR LYNN announced that the first order of business was the CS FOR SENATE JOINT RESOLUTION NO. 10(RES) am, Relating to the presence and interests of the state and the nation in the Arctic; urging appointment of a representative of the state to the Arctic Council; relating to icebreakers; and relating to United States Coast Guard operations and facilities in the Arctic.

8:10:37 AM

REPRESENTATIVE MILLETT moved to adopt the proposed House committee substitute (HCS) for CSSJR 10, Version 28-LS0542/C, Nauman, 3/22/13, as a work draft.

REPRESENTATIVE MILLETT objected for the purpose of discussion.

8:11:10 AM

JOE BYRNES, Intern, Senator Cathy Giessel, Alaska State Legislature, presented SJR 10 on behalf of Senator Giessel, sponsor. He stated that SJR 10 would urge Congress and advises the U.S. to increase its interest in the Arctic Council by expanding the U.S. Coast Guard icebreaker fleet to maintain its growing Arctic responsibilities. The joint resolution would advise the U.S. to assert its political, strategic, environmental, and economic interests in the Arctic by pursuing America's vast diplomatic, military, and economic means. He said that interest in the Arctic has been renewed globally due to the diminishing levels of Polar Sea ice, which presents new opportunities to the world. Geologists believe that the Arctic holds the potential for large quantities of natural resources that could promote domestic energy security and Alaska's economy. The decline in amount of Polar Sea ice can enhance commercial interests with an opportunity to reduce international shipping times compared to conventional routes by navigating the Arctic Ocean. Though the rest of the world appears to recognize the potential of the Arctic, there has been relatively

inadequate resolve exhibited at the federal level in advancing Arctic interests.

[8:12:37 AM](#)

MR. BYRNES referred to a handout in the committee packet entitled, "Major Icebreakers of the World," which was published by the U.S. Coast Guard and reveals the number of icebreakers, which indicates how other countries have demonstrated Arctic interests. Icebreakers are essential to carrying out operations in the Arctic and projecting a nation's presence in northern waters. He pointed out that Russia has 17 state-operated icebreakers, Canada has 6, and the U.S. has 3, of which only 1 is currently in service. He said that U.S. interests are at stake in the Arctic, particularly of interest to Alaskans. International Arctic policy affects Alaska uniquely compared to other states.

MR. BYRNES said SJR 10 highlights Alaska's engagement with the Arctic Council, which since 1996 has emerged as a leading channel for the discussion of international Arctic affairs among the Arctic states. He relayed [the sponsor's] belief that Alaska's Arctic interests are fundamentally America's Arctic interests, and whatever avenue that is available to convey those interests should be pursued. The U.S. should seek to unlock the Arctic's potential by having the U.S. take a leadership role in guiding international Arctic policy. He stated that adopting the provisions of SJR 10 would be a good first step in advancing that goal.

[8:14:08 AM](#)

CHAIR LYNN asked whether this resolution has anything to do with the Law of the Sea Treaty.

MR. BYRNES answered that SJR 10 does not specifically promote or oppose the Law of the Sea Treaty.

[8:14:28 AM](#)

REPRESENTATIVE MILLETT asked why Argentina, Chile, and South Africa have ice breakers.

MR. BYRNES answered that those countries are near the Antarctic. In response to Representative Isaacson, he offered his understanding that the key on the handout indicates where icebreakers have operated.

CHAIR LYNN remarked that it is amazing how many icebreakers Russia has.

[8:16:30 AM](#)

REPRESENTATIVE HUGHES noted that Russia started building icebreakers in the '60s and the U.S. got a late start. She wondered if Alaska encouraged the U.S. with respect to icebreakers. She expressed curiosity about the history of icebreakers.

[8:16:58 AM](#)

MR. BRYNES offered his understanding that Alaska's delegation has been fighting for more icebreakers for a long time, but it has only been recently, due to global warming and Arctic ice melting, that the interest has shifted to the Arctic.

[8:17:29 AM](#)

SENATOR CATHY GIESSEL, Alaska State Legislature, Juneau, Alaska, as sponsor of SJR 10, interjected that Alaska was a new state in the '60s, and the country is just now realizing that it is an Arctic nation. She said, "We are attempting to raise the urgency of the need for icebreakers." She said as a result of diminishing Arctic ice, shipping lanes have opened up. She commented that the Bering Strait has become a popular conduit for significant shipping between Asia, the Arctic, and Russia; therefore, the U.S. needs additional icebreakers for national security.

[8:18:21 AM](#)

REPRESENTATIVE HUGHES asked for the cost of an icebreaker, whether any private companies build them, and if the state could consider building one.

MR. BRYNES answered that that the cost issue was raised in the Senate Resources Committee meeting on 3/4/13. According to a High Latitude Study provided to the Congress in July 2011, and reported in a Congressional Research Service report, the cost for one ship would be about \$856 million. The report also estimated that building six ships would cost \$4.7 billion. He noted that major ice breakers, the Nathaniel B. Palmer and the Aiviq, are privately owned.

SENATOR GIESSEL added that the Aiviq is owned by Royal Dutch Shell plc, was at one time harbored in Seward, but is being transported to Asia for additional retrofitting. She said that the Sikuliaq is an Arctic-equipped research vessel operated by the University of Alaska Fairbanks.

[8:20:44 AM](#)

MR. BRYNES, in response to the chair, said the icebreakers owned by the U.S. are operated by the U.S. Coast Guard, which reports to the U.S. Department of Homeland Security. In response to Representative Keller, said he does not know all the locations in which the Arctic Council has met, but knows it meets on a rotation schedule, which began in 1996, with Canada as chair, then rotated to the U.S. in 1998. He referred to page 3, [lines 18-20], which notes that "following the chairmanship of Canada beginning in May 2013, the United States will assume chairmanship of the Arctic council in May 2015".

REPRESENTATIVE KELLER expressed curiosity as to when Alaska would be chairing the Arctic Council.

[8:22:51 AM](#)

REPRESENTATIVE ISAACSON questioned the effectiveness of the resolution. He referred to language on page 2, [lines 11-14], which states that the U.S. Coast Guard "does not have a base on or adjacent to the Arctic Ocean, inhibiting the nation's ability to respond to situations", and then highlighted language on page 4, [lines 14-15], which "urges the United States to continue to assert its political, strategic, environmental, and economic interests in the Arctic". He asked for the likelihood of a base ever existing in Alaska. He recalled that former U.S. Coast Guard members have indicated that the Midwest U.S. has not yet recognized the U.S. as an Arctic nation; therefore, because of the prohibitive costs of an icebreaker, it may be a long time before one is built. He further asked for the likelihood of SRJ 10 gaining traction in Congress.

MR. BRYNES expressed the sponsor's hope that the proposed joint resolution would have a receptive audience in Congress. The Alaska Congressional Delegation has always been supportive of increasing the number of icebreakers in the U.S. Coast Guard fleet, as well as supporting the construction of Arctic posts. In 2012, Senator Begich co-sponsored an amendment to the U.S. Coast Guard Reauthorization Act, which would prolong the life of one of the four aging icebreakers. He offered his belief that

measures such as this one emphasize to the Lower 48 the reasons icebreakers are important to the U.S.

[8:25:34 AM](#)

SENATOR GIESSEL encouraged members to become active members in the Pacific NorthWest Economic Region (PNWER), which has a subcommittee called Arctic Caucus, which has been focused on these issues. She reported that PNWER comprises Alaska and the Northwest and Yukon Territories of Canada. She explained that the caucus provided the momentum for the Northern Waters Task Force and ultimately the Arctic Policy Commission that Alaska has formed. She agreed that the U.S. has federal financial issues; however, if the concern is never raised, it will never happen. She stated that with the Arctic Council's presence in the U.S., the state is partnering with Canada to emphasize the North American Arctic to potentially effectively leverage the Arctic presence. She characterized the involvement as being a "challenging uphill battle," which [Alaska and Canada] are fighting together.

REPRESENTATIVE ISAACSON noted the resolution calls for a member of the State of Alaska to serve on the Arctic Council. He asked whether SJR 10 is being "done in cooperation" or is "knocking on the door" to raise awareness.

SENATOR GIESSEL answered it is the latter. She reported that a northern Canadian First Nations woman from Nunavut chairs Canada's position on the Arctic Council, and she indicated that the proposed resolution asks that an Alaskan be considered to chair [the United States' position on the council]. She indicated that Lt. Governor Mead Treadwell is the governor's designee as official delegate from Alaska to speak on Arctic issues before the federal government.

[8:28:52 AM](#)

REPRESENTATIVE HUGHES recalled reading that during recent chairmanship of the Arctic Council by Norway, Finland, and Sweden, focus has been on environmental protection, and now that Canada will be chairing, followed by the U.S., the emphasis will be on North American issues. She said she was delighted that part of the emphasis will be on resource development and perhaps shipping. She expressed an interest in how the emphasis would change. She further asked whether Western States support the Arctic, in particular, for additional icebreakers - due to the impact it will have on the Arctic shipping route.

SENATOR GIESSEL explained that the Arctic Council has a very broad emphasis which includes environmental, shipping, and resource development. She related that the Alaska Arctic Policy Commission (AAPC) is actually divided into [policy teams], and she heads the team focused on [oil and gas development, resources, and mining]. Consequently, she has been reviewing other Arctic nations in the council, and she has found each of them to have a balanced perspective for each of the issues, including transportation, development, and environment. She turned to the Western states and pointed out that she is also a member of the Energy Producing States Coalition (EPSC), whose members are predominately Western states that produce energy. She said she has been trying to emphasize the Arctic importance to the coalition. She encouraged members to make their voices known to other states as they participate in meetings in the Lower 48 and other countries.

[8:31:22 AM](#)

REPRESENTATIVE MILLETT removed her objection to the motion to adopt the proposed House committee substitute (HCS) for CSSJR 10, Version 28-LS0542/C, Nauman, 3/22/13. There being no further objection, Version C was before the committee as a work draft.

[8:31:55 AM](#)

REPRESENTATIVE MILLETT moved to report HCS CSSJR 10, Version 28-LS0542/C, Nauman, 3/22/13, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE KELLER objected.

[8:32:12 AM](#)

A roll call vote was taken. Representatives Gattis, Hughes, Isaacson, Keller, Kreiss-Tomkins, Millett, and Lynn voted in favor of reported Version C for SJR 10 out of committee. Therefore, HCS CSSJR 10(STA) was reported out of the House State Affairs Standing Committee by a vote of 7-0.

[8:32:58 AM](#)

The committee took an at-ease from 8:32 a.m. to 8:36 a.m.

**HCR 3-JOINT COMMITTEE ON FEDERAL OVERREACH**

[8:36:02 AM](#)

CHAIR LYNN announced that the next order of business would be HOUSE CONCURRENT RESOLUTION NO. 3, Establishing the Joint Committee on Federal Overreach.

The committee took an at-ease from 8:36 a.m. to 8:38 a.m.

[8:38:27 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HCR 3, Version 28-LS0440\N, Gardner, 3/27/13 as a work draft. There being no objection, Version N was before the committee.

[8:38:37 AM](#)

REPRESENTATIVE MILLETT, as sponsor, introduced HCR 3, Version N. She explained that she amended the original resolution after discussions with the administration, organizations, and members. She characterized it as a clearinghouse so the legislature can decide which issues to focus on and can communicate in a streamlined fashion with all legislators when federal action is being taken on Alaska's land. She said the legislature can decide whether to encourage the attorney general to take legal action or start a letter writing campaign, which sometimes is effective.

[8:40:13 AM](#)

VASILIOS GIALOPSOS, Staff, Representative Charisse Millett, Alaska State Legislature, presented HCR 3 on behalf of Representative Millett, sponsor. He referred to a list of changes to HCR 3 incorporated into Version N, as per the handout in members' packets, which were:

A new "WHEREAS" clause at:

- a. Page 1, line 8;
- b. Page 2, line 13;
- c. Page 2, line 19;
- d. Page 2, line 25;
- e. Page 2, line 28;
- f. Page 2, line 31;
- g. Page 3, line 3;
- h. Page 3, line 5;

i. Page 3, line 12;

MR. GIALOPSOS said the language aligns with presentations made by the Department of Natural Resources (DNR) earlier in the legislative session with respect to federal overreach, relating not only to R.S. 2477s, but also to the state compact. He explained that these changes give the resolution more substantive language that pertains to access, rights-of-way, and easements that affect residents of this state at the local level and at the statewide level. He referred to concerns members raised earlier with respect to the deluge of information and how to vet exigent concerns and legitimate concerns. The sponsor, in conjunction with the governor's office, decided what is pressing about R.S. 2477, with respect to federal overreach, is that the sources of knowledge are dying out. He explained that in order to validate the claims, individuals must be able to verify they used specific trails for subsistence or commercial use predating statehood. However, the state does not have the biological advantage at this point so it must use technological advantages. Therefore to be able to form a cohesive clearinghouse at a time when state resources need to be consolidated is important from an internal component. Still, the second part of the "whereas" clause, is that it is a stated policy under the current administration that the Bureau of Land Management (BLM) will contest "every" R.S. 2477 application as an institutional policy. He clarified that this is not a judgment call on whether it is a valid position on the part of the administration, but is simply a statement of fact. He said whereas previous administrations had more of a collaborative working environment between states with R.S. 2477 applications and the BLM, "this particular" [administration] is taking a harder stance. Thus, he emphasized the importance of the need to "incorporate this into a body" that can take action now.

[8:44:14 AM](#)

MR. GIALOPSOS referred additional changes were to the "RESOLVED" clause. New clauses were added, as follows:

- a. Page 3, line 26;
- b. Page 3, line 31;
- c. Page 4, line 4;
- d. Page 4, line 11;
- e. Page 4, line 14;
- f. Page 4, line 19;

MR. GIALOPSOS said two factors were used. First, language was utilized from HB 83, which recognizes that the legislative and administrative branches of state government need to have ways to share information in a direct way that doesn't impede the process. He emphasized the importance to hear from all parties and receive all perspectives to help ensure that there are not any unintended consequences. This language was meant to ensure that a committee was not overreaching, but at same time using all the resources at its disposal and institutional capacity available to do so. Finally, the language addresses the need for a forum that the public can participate in, which was a concern raised by Representative Kreiss-Tomkins at the last hearing on the resource. He characterized this as being a means by which residents of, for example, Hoonah, Tok, or Kotzebue, can directly impact the process of how an R.S. 2477 right-of-way village access is determined. This could provide a good balance between the various stakeholders since they want their local input valued while maintaining the balance between the national and state level. Mr. Gialopsos relayed that after collaborating with the governor's office and the committee, the sponsor believes the changes have substantially improved HCR 3.

REPRESENTATIVE MILLETT said she has no ownership on this but would like it to be the best it can be.

[8:48:10 AM](#)

REPRESENTATIVE KELLER said he is very excited about the resolution. He stated the reason he would like to offer an amendment is to acknowledge the number of people who are working on this issue in the administration and the private sector, for example, the Alaska Outdoor Council, who is concerned about subsistence issues; or the Alaska Health Commission, which has been working on the effects of the Affordable Care Act (ACA). He turned to the "be it resolved" section, which asks the governor to put together a working group to act as a clearinghouse.

REPRESENTATIVE MILLETT said she supports Conceptual Amendment 1.

[8:50:46 AM](#)

CHAIR LYNN, after first determining no one else wished to testify, closed public testimony on HCR 3.

[8:51:17 AM](#)

REPRESENTATIVE KELLER moved to adopt Conceptual Amendment 1, labeled 28-LS0440\U.N, Keller, 03/18/2013, which read [original punctuation provided, with handwritten changes]:

Whereas, the legislature recognizes the numerous private sector Alaskans who are being forced to respond to federal overreach in the context of business, industry, subsistence, and recreation; and Whereas, the legislature recognizes the various public sector entities engaged in responding to federal overreach, including but not limited to; CACFA, PAAD, and the ANILCA team in DNR, litigators in the Department of Law, the Alaska Health Commission in HSS, and

Page 3, Line 10 insert

(1) request the Governor to use existing resources to form a working group to formulate recommendations for the makeup, role, name, and organizational location of a permanent State sovereignty preservation authority to increase the effectiveness of the numerous semi-independent efforts, to coordinate with the legislature, to enhance information exchange and collaborative responses to federal overreach. This working group should consist of leaders in the before-mentioned private and public sectors already engaged, two legislators appointed by the speaker of the House and the President of the Senate. This working group should be tasked with providing recommendations that can be implemented in the next gubernatorial budget proposal for consideration in the 2014 legislative session.

REPRESENTATIVE KELLER explained that the handwritten change to Conceptual Amendment 1 was in the label: "U.A" was crossed out and replaced with "U.N" to align the proposed amendment with Version N. He further noted that he had used acronyms within Conceptual Amendment 1, and said he expected the Legislative Legal and Research Services drafters to clean up the language.

REPRESENTATIVE ISAACSON objected for the purpose of discussion. He noted that Conceptual Amendment 1 proposes language to be inserted at page 3, line 10, of a previous version of HCR 3, and he asked where the language would be inserted in HCR 3.

REPRESENTATIVE KELLER answered that he was unsure of where the bill drafter would insert the language.

REPRESENTATIVE ISAACSON asked whether the intent is to have the governor form a working group to take the place of the proposed legislative Joint Committee on Access and Federal Overreach.

REPRESENTATIVE KELLER answered no. He said HCR 3 proposes the formation of a standing committee and also requests that the governor respond with an administrative clearinghouse. He clarified that the two entities would not be in competition.

REPRESENTATIVE ISAACSON surmised that the two legislators appointed to the working group proposed under Conceptual Amendment 1 would likely serve on the proposed Joint Committee on Access and Federal Overreach.

REPRESENTATIVE KELLER replied that is not a preconceived plan.

REPRESENTATIVE ISAACSON asked how the governor's working group and the joint committee would effectively communicate if there were no shared members.

REPRESENTATIVE KELLER explained that he didn't spell that out because he presumed the normal action between the legislature and the executive branch, wherein the legislature would make rules and the administration would create an office with regulations [related to those rules].

REPRESENTATIVE ISAACSON encouraged an amendment to Conceptual Amendment 1 to insist that the working group legislators also serve on the proposed Joint Committee on Access and Federal Overreach. He expressed concern that the legislature has no ability to predict the future. He cautioned against assuming effective communication would occur, because the past has shown that without direct communication, the legislature or the administration can sometimes "pencil whip procedures without true evaluation." He said he hopes the members on the proposed Joint Committee on Access and Federal Overreach would passionately serve as watchdogs, whereas someone on the executive side may act without any passion, depending on who may be serving as the governor at the time.

[8:56:53 AM](#)

REPRESENTATIVE KELLER remarked that he does not resist the proposed amendment to Conceptual Amendment 1. He said that as

chair of the Citizens Advisory Council of Federal Areas (CACFA), he has worked closely with the administration and know "they have passion." He said that his intent by including members of both houses was to ensure that the passion and engagement is present since he is interested in a collaborative effort. Notwithstanding that, he said he understood Representative Isaacson's intent.

REPRESENTATIVE MILLETT offered her belief that the legislature cannot tell the governor how to make up a committee, but could just ask that he/she do so. She suggested that the committee be as broad as possible. She further suggested the resolution's vague language would allow the governor the latitude to decide who would serve in this high-level working group; perhaps the governor would decide the members should be the Speaker of the House and the Senate President. She surmised that legislators are pretty passionate about federal overreach, but said she feels uncomfortable "spelling out" who the governor's selections would be.

[8:59:58 AM](#)

REPRESENTATIVE KELLER said it occurred to him that he did not spell out the purpose of the working group, which would be to get ahead of the budget cycle for next fall. He expressed his hope that this working group would make recommendations to the governor with respect to the administration's efforts, and that any legislation required would be put in place by 2014, which would make this a very short-lived, interim working group. He advised members that he has worked with the following people on HCR 3: Randy Ruaro, the deputy chief of staff for Governor Sean Parnell; the executive director of CACFA; and Ed Fogels of the Department of Natural Resources (DNR).

[9:01:39 AM](#)

REPRESENTATIVE ISAACSON said that he would no longer consider an Amendment to Conceptual Amendment 1. He said he understood how the components of the working group would work with respect to the next budget cycle.

[9:02:40 AM](#)

REPRESENTATIVE HUGHES said she liked the bill and Conceptual Amendment 1. She asked for clarification on CACFA and whether it would be appropriate for the working group to provide

recommendations to the proposed Joint Committee on Access and Federal Overreach.

REPRESENTATIVE KELLER said he had been thinking that the standing committee would not exist unless the proposed concurrent resolution passes. He remarked that the possibility certainly exists that the resolution may have an impact even if it doesn't pass, simply because it will raise the concepts. He stated his assumption, with respect to HCR 3, that the information would go through the normal budget process and the communications would be worked out.

REPRESENTATIVE HUGHES responded that other than for a fiscal matter, about which the two groups would communicate in the normal process, she was unsure how the entities would communicate.

REPRESENTATIVE KELLER, in response to Representative Hughes, again referred to the Citizens Advisory Commission on Federal Areas (CACFA). He explained that CACFA meets three or four times a year and tracks various federal issues and entities in the state. He mentioned that 60 percent of Alaska's land is federal land. Additionally, what CACFA does is work to ensure that Alaska's rights are adhered to, in part, by checking the federal register and monitor instances in which Alaska's rights of access are imposed upon. He said it happens regularly, sometimes blatantly. Furthermore, CACFA follows the attorney general's actions on federal legislation. Representative Keller opined that there is more to be done than can be performed by one group. He said the executive director estimated 14,000 pages of compendiums. He remarked that many personnel are acting in good faith, but they simply don't know how unique Alaska's rights are. For example, Alaska has hunting and fishing rights on federal land granted under Alaska National Interest Lands Conservation Act (ANILCA).

[9:10:13 AM](#)

REPRESENTATIVE HUGHES surmised that Alaska is more assertive than many other states. She asked whether Alaska is "ahead of the game" or if there is something else it could be doing.

REPRESENTATIVE KELLER answered that Utah ahead of Alaska, because it is doing wonderful things, especially in the area of R.S. 2477s. He said Alaska is strong, since many people are concerned, but it lacks the collective effort, which he explained is why he brought forth HCR 3.

[9:11:12 AM](#)

REPRESENTATIVE MILLETT pointed out that some of the organizations previously mentioned have been collaborating on not only what will help Alaska, but also what will help other states get what they need. She reported that the U.S. Senate "Western States Coalition" and the [U.S.] House Energy Action Team also assist, but said the resolution would provide an entity that can recognize those groups, which could give the legislature the power to get information. She envisioned the proposed joint committee would meet regularly to conduct overviews on many topics, including land use issues.

REPRESENTATIVE ISAACSON removed his objection to Conceptual Amendment 1.

[9:13:20 AM](#)

CHAIR LYNN, after first determining no one else wished to testify, closed public testimony on HCR 3.

CHAIR LYNN announced that Conceptual Amendment 1 was adopted.

[9:13:50 AM](#)

REPRESENTATIVE KELLER moved to report the proposed committee substitute (CS) for HCR 3, Version 29-LS0440\N, Gardner, 3/27/13, as amended, out of committee. There being no objection, CSHCR 3(STA) was reported out of the House State Affairs Standing Committee.

The committee took a brief at-ease.

**HB 59-MISSING VULNERABLE ADULT RESPONSE PLAN**

[9:14:10 AM](#)

CHAIR LYNN announced that the last order of business was HOUSE BILL NO. 59, "An Act relating to missing vulnerable adult prompt response and notification plans."

[Before the committee was the CSHB 59(MLV).]

[9:16:24 AM](#)

REPRESENTATIVE KELLER moved to adopt the proposed committee substitute (CS) for HB 59, Version 28-LS0260\Y, Strasbaugh, 3/21/13, as a work draft. There being no objection, Version Y was before the committee.

[9:16:51 AM](#)

REPRESENTATIVE MAX GRUENBERG, Alaska State Legislature, as sponsor of HB 59, referred to a memorandum dated March 26, 2013, that mentions the single change on page 2, lines 22-29, which reinserts original bill language regarding immunity. He explained there was a misunderstanding where he thought the administration wanted to delete the immunity language, so the House Special Committee on Military and Veterans' Affairs took it out. In response to a question, he identified Mike O'Hare as the Deputy Director of the Division of Homeland Security/Emergency Management, Department of Military and Veterans Affairs (DMVA), and said Mr. O'Hare is involved since the DMVA would set up this network.

[Public testimony, which was closed on 3/21/13, was reopened.]

[9:19:19 AM](#)

RODNEY DIAL, Lt.; Deputy Commander, A Detachment, Alaska State Troopers, Division of Statewide Services, Department of Public Safety (DPS), said the department is supportive of the changes and having immunity back into the bill.

[9:19:38 AM](#)

REPRESENTATIVE KELLER said he thought everyone would support the "Silver Alert System." He offered his belief that this would be the first time the legislature would create a search and rescue plan for a particular group of people. He asked whether the department has any concern about that the proposed legislation may generate other groups seeking specific search and rescue plans.

LIEUTENANT DIAL answered that the department envisions that [HB 59] would create a plan that would provide notifications to the media via an e-mail, phone, or facsimile ("fax") system and potentially use the regional dispatch centers to receive the information. He stated he does not believe the number of notifications that HB 59 would generate would impact the department in a significant manner. He concluded by stating

that the department really does not have any concerns with the proposed legislation.

[9:20:52 AM](#)

REPRESENTATIVE MILLETT asked Mr. O'Hare how many times "Silver Alerts" would have been activated in last five years if this bill had been passed.

[8:21:39 AM](#)

MIKE O'HARE, Deputy Director, Division of Homeland Security/Emergency Management, Department of Military and Veterans Affairs (DMVA), answered there are not many instances where this would be in play. He deferred to Lieutenant Dial for further comment.

LIEUTENANT DIAL guessed that it would probably be six or fewer "Silver Alerts" per year, in terms of the DPS; however, it would be hard for him to comment on municipalities. He said that many of these issues are resolved fairly quickly, so part of the discussion would consider the timeframe. For example, often times AST can patrol an area and within a few minutes resolve the matter by locating the missing person. He surmised about a dozen cases in total if municipalities were included.

[9:23:17 AM](#)

REPRESENTATIVE HUGHES asked whether the six instances previously mentioned were ones that would require statewide notification.

LIEUTENANT DIAL answered that DPS would envision that it would be local notification rather than statewide notification.

[9:23:51 AM](#)

REPRESENTATIVE ISAACSON referred to the provisions regarding indemnity. He asked for any instance in which AST would not consider it necessary to participate in a missing vulnerable adult prompt response and notification plan.

LIEUTENANT DIAL said that part of the discussion would require the department to be mindful of situations where someone is abusing the plan, such as a domestic situation where a person has left intentionally and the partner reports him/her missing. He said the department would have concerns regarding liability in such situations.

9:25:27 AM

CHAIR LYNN recalled one of the concerns voiced at last hearing was to determine what the definition of missing person is.

REPRESENTATIVE ISAACSON said he appreciates the latitude that would be given the department. He offered his belief that it is important that language is in the bill so the department does not get sued.

9:26:26 AM

REPRESENTATIVE GRUENBERG offered his belief that members may have been thinking that the [Alaska Tort Claims Act] in Title 9, which generally covers when you can sue the state for tort, would cover this. He agreed it would in certain cases, if it is a discretionary act; however, someone could argue it is not discretionary. He supported reinserting the immunity language, because he said people must act quickly and must have the discretion to do so.

9:27:35 AM

REPRESENTATIVE MILLETT referred to the definition of "vulnerable adult", [on page 3, lines 5-7, of Version Y], which read as follows [original punctuation provided]:

(d) In this section, "vulnerable adult" means a person 18 years of age or older who, because of physical or mental impairment, is unable to meet the person's own needs or to seek help without assistance.

REPRESENTATIVE MILLETT offered her understanding that "that would take out the boyfriend/girlfriend kind of situation, because if they are not ... physically or mentally impaired, then they wouldn't be considered under the Silver Alert [System]." She asked if that is correct.

REPRESENTATIVE GRUENBERG answered yes.

REPRESENTATIVE MILLETT posited that would remove concern about malicious calls.

REPRESENTATIVE GRUENBERG responded, "That's the intent."

REPRESENTATIVE MILLETT mentioned work done "earlier this year," and suggested, "So, we could put 'mentally' or 'intellectually disabled'."

REPRESENTATIVE GRUENBERG responded, "Of course; your bill."

[9:28:34 AM](#)

CHAIR LYNN reclosed public testimony on HB 59.

[9:28:41 AM](#)

REPRESENTATIVE MILLETT suggested changing the description of vulnerable adult to match the language now in statute on mental disability.

REPRESENTATIVE MILLETT moved to adopt Conceptual Amendment 1, on [page 3], line 6, to change "mental impairment" to "intellectually and developmentally disabled". There being no objection, Conceptual Amendment 1 was adopted.

[9:30:05 AM](#)

REPRESENTATIVE KELLER moved to report the proposed committee substitute (CS) for HB 59, Version 28-LS0260\Y, Strasbaugh, 3/21/13, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 59(STA) was reported out of the House State Affairs Standing Committee.

[9:30:33 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:30 a.m.