

**ALASKA STATE LEGISLATURE  
HOUSE RULES STANDING COMMITTEE**

February 9, 2015

5:00 p.m.

**MEMBERS PRESENT**

Representative Craig Johnson, Chair  
Representative Mike Chenault  
Representative Mike Hawker  
Representative Lora Reinbold  
Representative Jonathan Kreiss-Tomkins  
Representative Chris Tuck

**MEMBERS ABSENT**

Representative Kurt Olson, Vice Chair

**COMMITTEE CALENDAR**

HOUSE CONCURRENT RESOLUTION NO. 3

Urging the governor and the attorney general to pursue all legal and legislative options to open the coastal plain of the Arctic National Wildlife Refuge and areas of the Chukchi and Beaufort Seas to oil and gas exploration, development, and production.

- MOVED CSHCR 3(RLS) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HCR 3

SHORT TITLE: ENDORSING ANWR LEASING

SPONSOR(s): RULES

02/02/15	(H)	READ THE FIRST TIME - REFERRALS
02/02/15	(H)	RLS
02/09/15	(H)	RLS AT 5:00 PM CAPITOL 120

**WITNESS REGISTER**

TOM WRIGHT, Staff  
Representative Chenault  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HCR 3.

MICHAEL SCHECHTER, Assistant Attorney General

Natural Resources Section  
Civil Division (Anchorage)  
Department of Law (DOL)  
Anchorage, Alaska

**POSITION STATEMENT:** Provided remarks regarding Amendment 1 and answered questions.

#### **ACTION NARRATIVE**

[5:00:16 PM](#)

**CHAIR CRAIG JOHNSON** called the House Rules Standing Committee meeting to order at 5:00 p.m. Representatives Chenault, Hawker, Reinbold, Tuck, and Johnson were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

#### **HCR 3-ENDORSING ANWR LEASING**

[5:00:26 PM](#)

CHAIR JOHNSON announced that the only order of business would be HOUSE CONCURRENT RESOLUTION NO. 3, Urging the governor and the attorney general to pursue all legal and legislative options to open the coastal plain of the Arctic National Wildlife Refuge and areas of the Chukchi and Beaufort Seas to oil and gas exploration, development, and production.

[5:00:33 PM](#)

TOM WRIGHT, Staff, Representative Chenault, Alaska State Legislature, explained that HCR 3 is being offered because the governor and the attorney general must act generally in response to the Obama Administration's attempt to stifle traditional oil and gas development in Alaska. The aforementioned, he emphasized, would cripple future energy development in the state. This resolution is in specific response to actions taken by the president and the administration on January 25th and 27th of this year.

[5:01:43 PM](#)

REPRESENTATIVE CHENAULT moved to adopt Amendment 1, labeled 29-LS0452\W.1, Nauman, 2/6/15, which read:

Page 3, lines 2 - 3:

Delete "reserved the right to permit further oil and gas exploration, development, and production"  
Insert "authorized non-drilling exploratory activity"

CHAIR JOHNSON objected for discussion purposes.

5:02:09 PM

MICHAEL SCHECHTER, Assistant Attorney General, Natural Resources Section, Civil Division (Anchorage), Department of Law (DOL), related that Amendment 1 was requested in order to maintain a unified understanding of how the state views both the Alaska National Interest Lands Conservation Act (ANILCA) and the current Arctic National Wildlife Refuge (ANWR) issues. The goal is also to ensure that the arguments made in the ANWR, Section 1002 area lawsuit seeking that the U.S. Fish and Wildlife Service be required to review the state's exploration plan for non-drilling exploratory activity in the ANWR, Section 1002 area aren't undermined.

5:03:22 PM

CHAIR JOHNSON withdrew his objection. There being no further objection, Amendment 1 was adopted.

5:03:45 PM

CHAIR JOHNSON, upon determining no one would like to testify, closed public testimony.

5:04:04 PM

REPRESENTATIVE TUCK directed attention to page 5, line 9, of HCR 3 and asked if "unlawfully blocking" is appropriate language.

MR. SCHECHTER answered that he doesn't have an issue with the existing language in HCR 3. If the federal administration is doing things contrary to federal law or an agreement between the state and federal government, those things would be unlawful. The last resolve is, as a whole, directing the attorney general and the governor to take appropriate action for things that are unlawful. Although there may be issues that are arising now, he said he didn't want to be too specific because the Record of Decision on the ANWR Comprehensive Conservation Plan hasn't yet been adopted. He pointed out that some issues may be of

political and legislative determination between the state and federal government as opposed to litigation and trying to stop unlawful actions. Mr. Schechter said that the governor and the attorneys general would be used to stop unlawful actions.

[5:06:24 PM](#)

REPRESENTATIVE TUCK remarked that it's unknown whether it's unlawful or not, and thus he suggested the need for a change in case it ends up being lawful.

[5:06:47 PM](#)

REPRESENTATIVE TUCK moved to adopt Amendment 2, as follows:

Page 5, line 9, following "unlawfully";  
Insert "and unfairly"

CHAIR JOHNSON opined that fairness is in the eye of the beholder, and therefore he said he wasn't certain of that language.

MR. SCHECHTER offered that the first resolve addresses what is or is not fair. The first resolve gets to the notion that the governor and the legislature should work with the state's congressional delegation regarding a legislation solution for those things being sought to be accomplished. If an amendment is truly desired, he suggested inserting "or unfairly" on page 5, line 9, following "unfairly". With the aforementioned language, the vagueness of the term "unfairly" doesn't take away from the "unlawfully" charge.

[5:08:31 PM](#)

REPRESENTATIVE TUCK withdrew Amendment 2.

[5:08:38 PM](#)

REPRESENTATIVE TUCK moved to adopt Amendment 3, as follows:

Page 5, line 9, following "unlawfully";  
Insert "or unfairly"

CHAIR JOHNSON objected.

CHAIR JOHNSON, upon determining there was no discussion, withdrew his objection to Amendment 3.

[5:09:12 PM](#)

REPRESENTATIVE HAWKER objected to Amendment 3. Representative Hawker pointed out that even with the conjunction change from "and" to "or", one can't be sure whether the language will be interpreted as inclusive or exclusive. Furthermore, he inquired as to how one would prove a standard of "unfairly." He highlighted that the [resolution] attempts to maintain specificity and consistency with the language that has been used in previous legislative pursuits. Representative Hawker said he didn't harbor any disrespect for trying to temper the resolution, but he didn't want to get in the way of attorneys. Representative Hawker maintained his objection.

REPRESENTATIVE TUCK clarified that he isn't trying to temper the tone of the resolution but rather maintain some strength to the resolution in case it's deemed lawful. Representative Tuck maintained his motion to adopt Amendment 3.

[5:11:34 PM](#)

REPRESENTATIVE REINBOLD inquired as to what Amendment 3 would do and whether Mr. Schechter would recommend its adoption or not.

[5:11:43 PM](#)

MR. SCHECHTER reiterated that Representative Tuck's concerns are addressed in the first resolve. If something is determined to be unlawful, it may not be the greatest direction to the governor and the attorney general to pursue that fully.

[5:12:33 PM](#)

REPRESENTATIVE TUCK withdrew Amendment 3.

[5:13:03 PM](#)

REPRESENTATIVE CHENAULT moved to report HCR 3, as amended, out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, CSHCR 3(RLS) was reported from the House Rules Standing Committee.

[5:13:25 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 5:13 p.m.