

Legislative Council  
January 28, 2002

### **1. ROLL CALL**

The Legislative Council Meeting was called to order at 12:10pm by Representative Green, Legislative Council Chair, in the Senate Finance Committee Room at the Alaska State Capitol.

The roll was taken. In attendance were Council members: Green, Kott, Murkowski, Ogan, Porter, Rokeberg (via teleconference), Berkowitz, Cowdery, Donley, Halford, P. Kelly, B. Stevens, Torgerson and Elton. Others present were: Kevin Clarkson (via teleconference) and Harry Davis (via teleconference). Staff present were: Chenoweth, Clothier, Collins, Cook, Decker, Fleek, Gullufsen, Ibesate, Price, Schofield, Varni and Warena.

### **2. APPROVAL OF JANUARY 3, 2002 MINUTES.**

Senator P. Kelly moved the minutes of the January 3, 2002 meeting be approved.

YEAS: Green, Kott, Murkowski, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: None

The minutes were approved unanimously.

### **3. REVISOR'S BILL.**

Jack Chenoweth, Assistant Revisor of Statutes, Legislative Affairs Agency, provided information on the introduction of the Revisor's Bill that is produced annually pursuant to statute to correct technical errors. Mr. Chenoweth recommended that the last page of the bill, page 9 lines 29-30, the reference toward the end of that line "sec. 2, ch. 91, SLA 2001, are repealed" be removed before the bill is introduced, it deals with the compensation commission for state

officials. That commission was to present a report January 15<sup>th</sup>, but the commission is still working on that report or doing something actively and its inclusion in the bill is probably premature and can be removed and taken up at a later time or taken up in the 2003 Revisor's Bill.

Representative Kott moved that Legislative Council move the Revisor's Bill from committee to House Rules for introduction.

YEAS: Green, Kott, Murkowski, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: None

Motion was approved unanimously.

Senator P. Kelly made a motion that Legislative Council move down the calendar to other business to accommodate guests attending via teleconference. Senator P. Kelly as well moved that Legislative Council approve a contract in the amount of \$180,000 to support the States litigated case in *Planned Parenthood of Alaska v. State*.

Discussion followed.

Senator P. Kelly moved to withdraw the motion.

Kevin Clarkson (via teleconference) and Harry Davis (via teleconference) presented information on the case under litigation, *Planned Parenthood of Alaska v. State*.

Discussion followed.

The item would be brought up at the next Legislative Council Meeting.

#### **4. DON MITCHELL CONTRACT AMENDMENT.**

Ted Popely, Majority Counsel gave a brief discussion of the existing contract and the contract amendment for the attorney Donald Mitchell. Mr. Popely stated that the contract will run through December of this year and will cost an additional \$50,000 to the original contract.

Discussion followed.

Senator Cowdery moved to approve the contract amendment of \$50,000.

YEAS: Green, Kott, Murkowski, Porter, Rokeberg, Cowdery, Halford, P. Kelly, B. Stevens and Torgerson

NAYS: Berkowitz and Elton

ABSENT: Ogan and Donley

Motion passed 10 to 2.

## **5. EXPANDING EXISTING GAS PIPELINE STUDY CONTRACT.**

Senator Torgerson gave a brief overview of the November Joint Committee on Natural Gas Pipeline meeting relating to the gas pipeline study. He stated that he found a firm from Fairbanks, for \$168,000 but the firm did not have the tax expertise that was needed. Senator Torgerson recommended that Legislative Council approve language that would authorize the Chairman of the Alaska Joint Committee on Natural Gas Pipeline to go out to bid and solicitation for legal/tax attorneys.

Senator Cowdery moved that Council expand the authority for Senator Torgerson, Chairman, of the Alaska Joint Committee on Natural Gas Pipeline to enter into more than one contact and for the solicitation, award and expenditure of funds in an amount not exceed \$300,000.

YEAS: Green, Kott, Murkowski, Porter, Rokeberg, Berkowitz, Cowdery, Halford, P. Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: Ogan and Donley

Motion was approved unanimously

## **6. HIRING FERC ATTORNEY.**

Senator Torgerson explained to Legislative Council that the Joint Pipeline Committee held a series of meetings throughout the Summer. The Committee asked a series of questions of producers, federal agencies, and particularly the Federal Energy Regulatory Commission (FERC), on open access questions, open session questions, or whether or not the State can mandate that or block it if we don't like the provisions or how do we guarantee access of the line by nonproducers and a series of other questions that basically need a FERC attorney to answer those questions. Senator Torgerson would like to request \$150,000 to hire a FERC attorney to answer the questions and to monitor Federal legislation and issue monthly reports.

Discussion followed.

Representative Green moved for a vote on the approval of \$150,000 for the hiring of a FERC attorney.

YEAS: Green, Kott, Murkowski, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: None

Motion was approved unanimously.

#### **7. LATE PER DIEM REQUEST – REPRESENTATIVE CHENAULT, REPRESENTATIVE STEVENS AND SENATOR OLSON.**

Pam Varni presented memorandums from Representative Chenault, Representative Gary Stevens and Senator Olson requesting interim per-diem. Ms. Varni informed Legislative Council that the requests exceed the 60 days deadline and needed to come before Legislative Council for approval. A motion was made to approve the late claims.

YEAS: Green, Kott, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, B. Stevens, Torgerson and Elton

NAYS: Murkowski

ABSENT: None

Motion Passed 12 to 1.

#### **8. 4<sup>TH</sup> AVENUE LEASE DISCUSSION.**

Representative Green, Chair, Legislative Council proposed a Subcommittee on Anchorage office space. Representative Green appointed the following to the Subcommittee: Representative Green, Representative Murkowski, Representative Berkowitz, Senator Elton, Senator Cowdery and Senator Donley to act as Chairman. At a later date, Senator Donley declined the appointment and Senator Ben Stevens replaced him, Representative Rokeberg replaced Representative Green, and Senator Cowdery was appointed Chair.

## 9. CAPITOL SECURITY MEASURES.

Representative Kott moved under AS 44.62.310(c)(1) Uniform Rule 22(b)(1) that Legislative Council consider the subject of the Capitol security measures in Executive Session, as the decision in the matter could have an adverse impact on public funds.

YEAS: Green, Kott, Murkowski, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: None

Representative Green requested that Pam Varni, Karla Schofield, Don Johnston, and Wayne Fleek also attend the Executive Session to give advice on this issue.

With no objection the motion was approved unanimously.

The Council came out of Executive Session at 1:15 p.m.

Representative Green appointed Representative Brian Porter, Brian Rairick, Wayne Fleek, Pam Varni, and Don Johnston to meet and report back to Legislative Council on security matters at the next meeting.

The meeting was adjourned at 1:24 p.m.