

**ALASKA STATE LEGISLATURE  
HOUSE RULES STANDING COMMITTEE**

March 9, 2001

1:20 p.m.

**MEMBERS PRESENT**

Representative Pete Kott, Chair  
Representative Brian Porter  
Representative Vic Kohring  
Representative Ethan Berkowitz  
Representative Reggie Joule

**MEMBERS ABSENT**

Representative Carl Morgan  
Representative Lesil McGuire

**COMMITTEE CALENDAR**

HOUSE BILL NO. 127

"An Act relating to emergency equipment to be carried on aircraft."

- MOVED CSHB 127(RLS) OUT OF COMMITTEE

CS FOR SENATE BILL NO. 84(FIN)

"An Act exempting certain joint action agencies from regulation by the state or municipalities; relating to the relationship between certain joint action agencies and the public utilities that form the joint action agencies; relating to powers and immunities of certain joint action agencies; requiring filing of certain joint action agency agreements; relating to the financial affairs of certain joint action agencies; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of certain joint action agencies; and defining 'agency agreement' and 'parties to the agency agreement' as used with reference to certain joint action agencies."

- MOVED CSSB 84(FIN) OUT OF COMMITTEE

**PREVIOUS ACTION**

BILL: HB 127

SHORT TITLE:AIRCRAFT EMERGENCY EQUIPMENT  
SPONSOR(S): REPRESENTATIVE(S)HARRIS

Jrn-Date	Jrn-Page		Action
02/14/01	0317	(H)	READ THE FIRST TIME - REFERRALS
02/14/01	0317	(H)	TRA
02/22/01		(H)	TRA AT 1:00 PM CAPITOL 17
02/22/01		(H)	Moved CSHB 127(TRA) Out of Committee
02/22/01		(H)	MINUTE(TRA)
02/23/01	0423	(H)	COSPONSOR(S): MORGAN
02/26/01	0434	(H)	TRA RPT CS(TRA) 6DP
02/26/01	0435	(H)	DP: KAPSNER, OGAN, SCALZI, WILSON,
02/26/01	0435	(H)	KOOKESH, MASEK
02/26/01	0435	(H)	FN1: ZERO(DOT)
02/26/01	0435	(H)	REFERRED TO RULES
03/09/01		(H)	RLS AT 1:15 PM BUTROVICH 205

BILL: SB 84

SHORT TITLE:PUBLIC UTILITY JOINT ACTION AGENCIES  
SPONSOR(S): SENATOR(S) TAYLOR

Jrn-Date	Jrn-Page		Action
02/12/01	0343	(S)	READ THE FIRST TIME - REFERRALS
02/12/01	0343	(S)	JUD, FIN
02/15/01	0391	(S)	COSPONSOR(S): LINCOLN
02/21/01		(S)	JUD AT 1:30 PM BELTZ 211
02/21/01		(S)	Moved CS(JUD) Out of Committee
			MINUTE(JUD)
02/22/01	0468	(S)	JUD RPT CS 3DP 1NR NEW TITLE
02/22/01	0468	(S)	DP: TAYLOR, THERRIAULT, COWDERY;
02/22/01	0468	(S)	NR: ELLIS
02/22/01	0468	(S)	FN1, FN2, FN3: ZERO(CED)
02/23/01		(S)	FIN AT 9:00 AM SENATE FINANCE 532
			MINUTE(FIN)
02/26/01		(S)	FIN AT 9:00 AM SENATE FINANCE 532
02/26/01		(S)	Moved CSSB 84(FIN) Out of Committee
			MINUTE(FIN)
02/26/01	0500	(S)	FIN RPT CS FORTHCOMING 5DP

			4NR
02/26/01	0501	(S)	NR: KELLY, DONLEY, GREEN, WILKEN;
02/26/01	0501	(S)	DP: AUSTERMAN, HOFFMAN, OLSON, WARD,
02/26/01	0501	(S)	LEMAN
02/26/01	0501	(S)	FN1, FN2, FN3: ZERO(CED)
02/27/01	0519	(S)	FIN CS RECEIVED NEW TITLE
02/28/01		(S)	RLS AT 10:30 AM FAHRENKAMP 203
02/28/01	0535	(S)	RULES TO CALENDAR 2/28/01
02/28/01	0540	(S)	READ THE SECOND TIME
02/28/01	0540	(S)	FIN CS ADOPTED UNAN CONSENT
02/28/01	0540	(S)	ADVANCED TO THIRD READING UNAN CONSENT
02/28/01	0540	(S)	READ THE THIRD TIME CSSB 84(FIN)
02/28/01	0541	(S)	PASSED Y18 N- E1 A1
02/28/01	0543	(S)	TRANSMITTED TO (H)
02/28/01	0543	(S)	VERSION: CSSB 84(FIN)
03/09/01		(H)	READ THE FIRST TIME - REFERRALS
03/09/01		(H)	RLS
03/09/01		(H)	REFERRED TO RULES
03/09/01		(H)	RLS AT 1:15 PM BUTROVICH 205

**WITNESS REGISTER**

JOHN MANLY, Staff  
to Representative Harris  
Alaska State Legislature  
Capitol Building, Room 513  
Juneau, Alaska 99801

POSITION STATEMENT: Testified on behalf of Representative  
Harris, the sponsor of HB 127.

SENATOR ROBIN TAYLOR  
Alaska State Legislature  
Capitol Building, Room 30  
Juneau, Alaska 99801

POSITION STATEMENT: Testified as the sponsor of SB 84.

REPRESENTATIVE PEGGY WILSON  
Alaska State Legislature  
Capitol Building, Room 409  
Juneau, Alaska 99801

POSITION STATEMENT: Testified in support of SB 84 as the sponsor of HB 119, the companion bill.

**ACTION NARRATIVE**

TAPE 01-2, SIDE A  
Number 0001

CHAIR PETE KOTT called the House Rules Standing Committee meeting to order at 1:20 p.m. Members present at the call to order were Representatives Kott, Porter, Kohring, Berkowitz, and Joule.

HB 127-AIRCRAFT EMERGENCY EQUIPMENT

CHAIR KOTT announced that the first order of business would be HOUSE BILL NO. 127, "An Act relating to emergency equipment to be carried on aircraft." [Before the committee was CSHB 127(TRA); however, committee packets contained a proposed committee substitute (CS), Version F.]

JOHN MANLY, Staff to Representative Harris, Alaska State Legislature, testified on behalf of Representative Harris, the sponsor of HB 127. Mr. Manly explained that the bill seeks to address the requirement for a private pilot to carry a firearm as part of the emergency equipment. This requirement has been in place since 1949. However, Canada recently changed its law such that it prohibits pistols; it is a cumbersome process to try to get a firearm into Canada. Therefore, it is an awkward situation in which it is illegal to take off in Alaska without a firearm but it is illegal to land in Canada with a firearm. This legislation would provide an exemption for those taking off and flying to Canada under a Federal Aviation Administration (FAA) flight plan that has been activated.

MR. MANLY specified that this committee is being asked to slightly broaden the title to include the language, "aviation and". Therefore, the title would read as follows: "An Act relating to aviation and emergency equipment to be carried on aircraft." This is to allow the Senate to [revamp some of the old statute in Title 2 beyond just the emergency equipment language].

CHAIR KOTT noted that committee members have been provided with the proposed CS, Version F, that includes the aforementioned change to the title.

Number 0237

REPRESENTATIVE BERKOWITZ inquired as to why the House does not fix the problems in Title 2.

MR. MANLY informed the committee that Senator Halford is working on a major rewrite of Title 2 and thus "we thought we'd accommodate him."

REPRESENTATIVE BERKOWITZ referred to subparagraph (G) that has changed the requirement from two small boxes of matches to fire starter. He noted that there is no requirement for a signal mirror, which he thought of as standard survival equipment.

MR. MANLY indicated that requiring a signal mirror would probably "make sense." With regard to the language change in subparagraph (G), he explained that Representative Ogan had thought that [reference to] more modern fire starter equipment of all sorts would be more appropriate. He informed the committee that several other archaic portions of this [statute] were considered. For example, Representative Harris thought the small gill net requirement should be replaced with a requirement for "fishing tackle" because one can't even find a small gill net.

REPRESENTATIVE BERKOWITZ remarked that he could recommend what to carry based on his experience. However, he surmised that there are experts in survival of emergency situations and thus he hoped that the statute would reflect their expertise rather "our" camping experiences. Representative Berkowitz said, "I just hope that if we do decide to send this over, with an open title, to the other side that ... those concerns are accommodated."

MR. MANLY reiterated that Senator Halford is doing a major rewrite of Title 2. Therefore, he suspected that this section [that HB 127 addresses] will receive some attention as well.

CHAIR KOTT noted his belief that Senator Olson is working with Senator Halford on the Title 2 rewrite.

MR. MANLY interjected that Senator Olson had contemplated introducing a companion bill to HB 127.

Number 0437

CHAIR KOTT asked if any consideration had been given to including [a requirement to] carry a compass.

MR. MANLY said that didn't come up in any of the committee meetings. He explained that the main concern was to accommodate this problem with Canada.

Number 0480

REPRESENTATIVE PORTER moved to adopt CSHB 127, Version F, as the working document before the committee. There being no objection, Version F was before the committee.

Number 0498

REPRESENTATIVE PORTER moved to report CSHB 127 out of committee with individual recommendations [and the accompanying zero fiscal note]. There being no objection, CSHB 127(RLS) was reported from the House Rules Standing Committee.

SB 84 - PUBLIC UTILITY JOINT ACTION AGENCIES

[Contains discussion of HB 119, the companion bill.]

CHAIR KOTT announced the final item of business, CS FOR SENATE BILL NO. 84(FIN), "An Act exempting certain joint action agencies from regulation by the state or municipalities; relating to the relationship between certain joint action agencies and the public utilities that form the joint action agencies; relating to powers and immunities of certain joint action agencies; requiring filing of certain joint action agency agreements; relating to the financial affairs of certain joint action agencies; declaring certain joint action agencies to be political subdivisions for certain purposes; relating to liability and indemnification of officers, employees, and agents of certain joint action agencies; and defining 'agency agreement' and 'parties to the agency agreement' as used with reference to certain joint action agencies."

CHAIR KOTT invited Senator Taylor and Representative Wilson to the witness table. He noted that the companion bill [HB 119, sponsored by Representative Wilson] was heard in two House committees [the House Labor and Commerce Standing Committee and the House Judiciary Standing Committee].

Number 0584

SENATOR ROBIN TAYLOR, Alaska State Legislature, sponsor of SB 84, thanked the committee for hearing the bill expeditiously. He reminded members that the previous year, legislation provided for the future endowment of the power cost equalization (PCE) program. It also provided for the transfer of assets from the State of Alaska to what is now called a joint action agency (JAA), to operate the Four Dam Pool assets; the hope was that sometime in the future - after the debt to the state for purchase of those assets was paid off - those assets would be transferred to the communities receiving the electrical generation. It isn't known how that transition may occur, or when.

SENATOR TAYLOR explained that because of the hurried passage of that legislation, not all details were addressed. During the interim, the "power management committee," AIDEA [Alaska Industrial Development and Export Authority], the governor's office, and the affected communities began working diligently on how to transfer these assets. Many questions arose, including whether rights-of-way were needed for power lines, who owns the land under those, and what the liability would be of individual council members and communities. Some of those questions had not been resolved when the legislation passed.

SENATOR TAYLOR noted that although he and Representative Wilson had worked with the people involved, neither authored the legislation; he considers the attorney general's office, AIDEA, the affected communities, and their attorneys, who brought the legislation [to the sponsors], to be as much the authors as anyone.

Number 0802

SENATOR TAYLOR explained the reason for expediting the bill. Agreements have to be signed by [representatives of] the communities, after their attorneys look at [the agreements]. Before that, however, the property transactions and liability aspects must be addressed. "Until they sign, the money doesn't flow that endows PCE," he told members. "And PCE's going to impact your budget pretty significantly this year." He indicated everyone is in agreement about the version that passed the Senate, and emphasized the need to get this done soon.

Number 0873

REPRESENTATIVE PEGGY WILSON, Alaska State Legislature, sponsor of companion bill HB 119, stated that all sides are happy about it now, and everything is in place, including legal issues.

REPRESENTATIVE BERKOWITZ asked whether the changes made in the House version are incorporated into the Senate version.

REPRESENTATIVE WILSON answered affirmatively.

REPRESENTATIVE BERKOWITZ asked whether they are identical documents but with different titles.

SENATOR TAYLOR replied, "The one that came out of [the House Judiciary Standing Committee] on your side." He commented that this has been a 15-year struggle, then said, "We're going to pay \$70-plus million dollars to get these assets conveyed to communities. I think it's a good deal for the communities. I think it's a good deal for the state."

Number 0936

REPRESENTATIVE KOHRING remarked that he has struggled with the concept of setting up an endowment for PCE, and has never been totally convinced that it needs to be subsidized. However, this at least takes it out of the "general fund picture." He thanked the sponsors for their efforts, and said he hopes it works well for communities.

SENATOR TAYLOR explained that in the long run, if [the state] doesn't endow PCE and give some incentives, which this will provide, it will still be subsidizing and endowing 25 or 30 years from now. He concluded:

I really believe this is the greatest opportunity we have, as a state, to develop the interties that we need. We've got federal funding now available, for \$420 million in interties in Southeast alone. Some of those will go to communities like Craig, Kake, and ... Angoon, that are some of the biggest users of PCE power right now. The minute we get an intertie to them, they're no longer on that system, and they're at a much reduced rate.

And the same thing needs to happen up North, every place we can either extend an intertie or get a gas well going or a coal-fired generator going - those are the things that we need to do. But without this

money, I don't think that would occur. ... I think in the long run it really works to the benefit of all of us.

Number 1016

REPRESENTATIVE KOHRING made a motion to move CSSB 84(FIN) from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 84(FIN) was moved from the House Rules Standing Committee.

**ADJOURNMENT**

Number 1042

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 1:40 p.m.