

ALASKA STATE LEGISLATURE
SENATE RULES COMMITTEE
April 10, 2002
10:38 a.m.

MEMBERS PRESENT

Senator Randy Phillips, Chair
Senator John Cowdery, Vice Chair
Senator Rick Halford
Senator Johnny Ellis

MEMBERS ABSENT

Senator Gene Therriault

COMMITTEE CALENDAR

SENATE BILL NO. 205

"An Act relating to control of nuisance wild animals; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 263

"An Act relating to the subsequent acquisition of title to, or an interest in, real property by a person to whom the property has purportedly been granted in fee or fee simple; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 269

"An Act naming bridge number 1121, across the Knik River, the Sergeant James Bondsteel Bridge of Honor; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 274

"An Act relating to issuance of a locum tenens permit for a physician or osteopath; and providing for an effective date."

APPROVED FOR CALENDARING

SENATE BILL NO. 324

"An Act providing that a utility or electric operating entity owned and operated by a political subdivision of the state competing directly with a telecommunications utility is not subject to the Alaska Public Utilities Regulatory Act."

APPROVED FOR CALENDARING

PREVIOUS COMMITTEE ACTION

SB 205 - See Resources minutes dated 3/15/02 and 3/25/02.

SB 263 - See Labor and Commerce minutes dated 2/12/02, and Judiciary minutes dated 3/4/02 and 3/27/02.

SB 269 - See Transportation minutes dated 2/26/02.

SB 274 - See Labor and Commerce minutes dated 2/12/02 and 2/28/02.

SB 324 - See Labor and Commerce minutes dated 3/5/02, Judiciary minutes dated 3/20/02 and 3/25/02.

SB 345 - See HESS minutes dated 3/15/02 and Finance minutes dated 3/27/02.

WITNESS REGISTER

Mr. Jon Tillinghast
Simpson, Tillinghast, Sorenson and Longenbaugh
One Sealaska Plaza
Juneau, AK 99801

POSITION STATEMENT: Answered questions about SB 263.

Ms. Carol Carroll
Department of Military &
Veterans Affairs
PO Box 5800
Ft Richardson, AK 99505-0800

POSITION STATEMENT: Answered questions about SB 269

ACTION NARRATIVE

TAPE 02-6, SIDE A

Number 001

CHAIRMAN RANDY PHILLIPS called the Senate Rules Committee meeting to order at 10:38 a.m. Senators Cowdery, Halford, Ellis and Phillips were present.

#SB 205

SENATOR COWDERY moved to calendar **SB 205-CONTROL OF NUISANCE WILD ANIMALS** at the Chairman's discretion.

SENATOR ELLIS suggested amending SB 205 to include nuisance

legislators. He then noted he has no objection to the motion.

CHAIRMAN PHILLIPS announced that with no objection, SB 205 would be calendared.

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#SB 263

CHAIRMAN PHILLIPS announced that the committee would have a substantive hearing on SB 263-AFTER ACQUIRED TITLE IN REAL PROPERTY.

MR. JON TILLINGHAST, representing Sealaska Corporation, explained the intent of SB 263 is to allow ANCSA regional corporations, as the owner of the subsurface, to work out acceptable use agreements with owners of surface rights. The Senate Judiciary Committee decided to restrict SB 263 to ANCSA property because that's where the initial problem arose. Sealaska supports that decision. He noted that a drafting problem arose in the Senate Judiciary substitute in that it can be read to say that the bill only applies if the surface owner is a Native corporation. That was not the intent: the intent is that it applies to ANCSA property no matter who owns the surface. The proposed Senate Rules Committee Substitute (CS) removes that ambiguity (page 2, lines 3-6) by defining ANCSA property as real property that at some point in the chain of title came from the federal government to a regional corporation. It will apply to property that has been reconveyed several times.

SENATOR ELLIS moved to adopt the Senate Rules CS as the working document of the committee. There being no objection, the motion carried.

SENATOR ELLIS moved CSSB 263(RLS) and its accompanying fiscal notes from committee for calendaring at the Chairman's discretion.

There being no objection, CHAIRMAN PHILLIPS noted the motion carried.

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#SB 269

The committee took up SB 269-NAMING BONDSTEEL BRIDGE OF HONOR.

SENATOR COWDERY asked if bridge 1121 is the Northbound bridge that crosses the Knik River.

CHAIRMAN PHILLIPS said he believes that is correct.

SENATOR COWDERY moved to calendar SB 269 with its accompanying fiscal note at the Chairman's discretion.

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

MS. CAROL CARROLL, Department of Military and Veterans Affairs, verified that bridge 1121 is the Northbound bridge.

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#SB 274

SENATOR HALFORD moved to calendar **SB 274-PHYSICIANS' LOCUM TENENS PERMITS** with its accompanying fiscal note.

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

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#SB 324

SENATOR COWDERY moved to calendar **SB 324-PUBLIC UTILITIES EXEMPT FROM REGULATION** with its accompanying fiscal note at the Chairman's discretion.

SENATOR ELLIS asked if the idea of SB 324 is to allow the Regulatory Commission of Alaska (RCA) to continue to protect consumers through the regulatory process if a private utility enters Ketchikan.

SENATOR ROBIN TAYLOR, sponsor of SB 324, said the bill will continue the status quo. He explained that most municipalities that own utilities are exempt from regulation because they elect the very people who regulate the utility therefore requiring municipal utilities to be regulated by the RCA has always seemed duplicative. He noted the issue is complex in the case of Ketchikan because the possible competition is a telecommunications system that will only take a piece of the market. However, because it will be subject to regulatory enforcement by RCS, all utilities in Ketchikan would be subject to RCA's regulatory blanket. Sadly, there is no regulation that RCA can do other than to grant a certificate to the new entrant to the field; the RCA is preempted under the Federal Communications Act. Yet, the mere fact that an entrant has come into the market sweeps all of the other utilities under RCA's purview.

SENATOR ELLIS said he agrees with the bill and supports the concept but noted it is ironic that the legislature must use its power to protect a community from predation by the private

sector, especially when the Majority argues that competition is good.

SENATOR TAYLOR indicated that the private company can still come in to the market but the regulatory aspects of the RCA will not be invested on the community.

SENATOR ELLIS said he will join with Senator Taylor to protect consumer interests in Ketchikan.

The Chairman noted that with no objection, SB 324 would be calendared.

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#SB 345

SENATOR COWDERY moved to calendar SB 345-SCHOOL SERVICES FOR DISABLED STUDENTS, by Senator Green, with its accompanying fiscal notes at the Chairman's discretion.

SENATOR ELLIS lamented it is hard to be "Green," (a quote from Kermit the Frog).

There being no objection, CHAIRMAN PHILLIPS announced the motion carried.

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There being no further business to come before the committee, CHAIRMAN PHILLIPS adjourned the meeting.