

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL
JANUARY 20, 2017
11:50 AM
-DRAFT-**

MEMBERS PRESENT

Representative Sam Kito, Chair
Senator Bert Stedman, Vice Chair
Representative Matt Claman
Representative Bryce Edgmon
Representative David Guttenberg
Representative Charisse Millett
Representative Dan Ortiz
Representative Louise Stutes
Representative Harriet Drummond, Majority Alternate
Representative David Eastman, Minority Alternate
Senator Pete Kelly
Senator Anna MacKinnon
Senator Kevin Meyer
Senator Peter Micciche
Senator Gary Stevens

MEMBERS ABSENT

Senator Lyman Hoffman
Senator Cathy Giessel, Alternate

OTHER MEMBERS PRESENT

Representative Dan Saddler

AGENDA

COMMITTEE ORGANIZATION
COMMITTEE POLICIES
OTHER COMMITTEE BUSINESS

SPEAKER REGISTER

Jerry Luckhaupt, Revisor of Statutes, Legal Services,
Legislative Affairs Agency
Lisa Kirsch, Assistant Revisor of Statutes, Legal Services,
Legislative Affairs Agency
Pam Varni, Executive Director, Legislative Affairs Agency

11:49:09 AM

CHAIR STEVENS opened the Legislative Council meeting by thanking many of the people who made the last two years so successful. He particularly thanked Pam Varni, Executive Director, who has done a tremendous job; Doug Gardner, Legal Services Director, who has been great to work with through many contractual issues; his Chief of Staff Katrina Matheny; and all the staff at the Legislative Affairs Agency.

- I. **CHAIR GARY STEVENS** called the Legislative Council meeting to order at 11:50 a.m. in Room 519 (House Finance) of the State Capitol. Present at the call were Representatives Claman, Edgmon, Guttenberg, Millett, Ortiz, Stutes, Drummond (alternate), Eastman (alternate), Kito; Senators Kelly, MacKinnon, Meyer, Micciche, Stevens, Stedman. Absent were Senators Hoffman and Giessel (alternate).

II. **COMMITTEE ORGANIZATION**

a. Election of the Chair

b. Election of the Vice Chair

a. Election of the Chair

11:51:01 AM

Speaker Edgmon nominated Representative Sam Kito as the Chair of Legislative Council, and asked for unanimous consent and that the nominations be closed.

There were no objections and with congratulations from the outgoing Chair, Representative Kito was passed the gavel.

CHAIR KITO noted the removal of the West Benson LIO item from the agenda and explained that there were still some issues that needed to be resolved regarding building renovations. He said they would be putting together a working group to discuss the issue as session progresses; right now we are still able to occupy and utilize the facility while we consider what renovations are necessary for the future. He then asked for a motion to elect the Vice Chair.

b. Election of the Vice Chair

11:52:43 AM

SENATOR GARY STEVENS nominated Senator Bert Stedman as the Vice Chair of Legislative Council, and asked for unanimous consent and that the nominations be closed.

There were no objections.

SENATOR PETE KELLY noted that with the removal of the West Benson LIO item, which was a significant action item, he would be leaving the meeting to attend to another commitment.

III. COMMITTEE POLICIES

a. Quorum on Voting Requirements

b. Alternate Members

c. Sanctioning Charitable Events

d. Subcommittee Assignments

a. Quorum on Voting Requirements

CHAIR KITO outlined the voting requirements for this committee. He said there needs to be eight members for a quorum and at least one member from both bodies. It requires eight members to approve a motion. The policy for any motion made without objection is that a roll call vote will not be required.

b. Alternate Members

Chair Kito noted that there are alternate members for this committee and they are welcome to participate and attend any of the Legislative Council meetings but will not be eligible to vote unless the appropriate body's number of members are not present.

There was no objection to maintaining the alternate member policy.

c. Sanctioning Charitable Events

Chair Kito said that per AS 24.60.080(a)(2)(B), Legislative Council sanctions charitable events that have a 501(c)(3) tax free status. This has been the policy since 2003. The committee grants the Chair the ability to sanction events so there are opportunities if an event is happening before the next Legislative Council meeting; the committee will then ratify the sanctioning at the next available meeting.

There was no objection to maintaining the charitable events policy.

d. Subcommittee Assignments

Chair Kito said he would like to establish subcommittees on various issues to ensure efficiently addressing legislative business and as much participation on those issues as possible. He proposed the following subcommittees, which is not an exclusive list: Information Technology, Security, Moving & Travel, Per Diem, and West Benson LIO Space

Utilization. He asked that members who are interested in serving on any of these subcommittees contact the Chair's office. The goal is to have at least one member from each body on each committee.

IV. OTHER COMMITTEE BUSINESS

a. *West Benson LIO (removed from agenda)*

b. Manual of Legislative Drafting 2017

c. 2017 Revisor's Bill

d. Sanctioning of a Charitable Event

b. Manual of Legislative Drafting 2017

JERRY LUCKHAUPT, Revisor of Statutes for the Alaska State Legislature, said that the Manual of Legislative Drafting is required under Rule 10 of the Alaska State Legislature; and the purpose is to provide for some uniformity and continuity and to reduce ambiguity in the statutes so that we don't end up with a situation where the courts are constantly interpreting what we say. If we say one thing in one place then we should be saying it the same way in another place. To that end, the new manual was presented to Council along with a memo identifying the changes. There were the normal clerical changes that occur going from the 29th Legislature to the 30th Legislature. He said one of the big changes was the addition of the section to provide a little more notice to both Legislators and staff of the things that Legal Services needs in order to effectively carry out their wishes, which is called "Consideration for Drafting of Bills." He said this manual allows Legal Services to ensure a Legislator's wishes are carried out consistently and effectively.

There was no discussion for this item.

12:01:00 PM

VICE CHAIR STEDMAN moved that Legislative Council adopt the 2017 Drafting Manual.

The motion passed without objection.

c. 2017 Revisor's Bill

LISA KIRSCH, Assistant Revisor, joined Mr. Luckhaupt at the testifier's table to speak to this item. She said the Revisor's Bill is designed to correct any deficiencies or conflicts, or get rid of obsolete provisions, which generally improved the substance and form of the Alaska statutes. She said this is done under Title 1, which gives the Revisors the ability to make certain types of changes. Generally, they avoid any substantive changes and stay

clearly within their statutory authority. Ms. Kirsch gave some examples of the types of changes made in this version of the Revisor's Bill, and each member had a sectional in their packet that provided the details.

SENATOR MACKINNON moved a conceptual amendment for discussion, specifically page 6, line 31 through page 7, line 1, to delete "deliver the report to the senate secretary and the chief clerk of the house of representatives and". She asked Mr. Luckhaupt and Ms. Kirsch to speak to this conceptual amendment.

MR. LUCKHAUPT said that they have been trying to insert language like that into the statutes to assist the chief clerk and the senate secretary in dealing with the numerous reports that the Legislature requires Executive Branch agencies submit to the Legislature. The clerk and the secretary have had problems over the years with some agencies calling their office to say the report is available, while other agencies send physical reports, others send electronic reports, and some inundate the clerk or the secretary with 60 copies. In 1995, the Legislature enacted a law that, in 127 places in statute, changed the requirements for reports. It removed requirements for each member to receive a physical report and added this language about how the agency completes the report and notifies the Legislature that the report is available. He said that language became problematic over the years and created an additional workload on the clerk and the secretary, who were often having to do some of the work the Executive Branch agencies should have been doing and organizing. He said in this case, it is probably best to remove this language from the Revisor's Bill and address this separately in another bill.

Mr. Luckhaupt said that Senator MacKinnon had asked Legal Services to prepare legislation that might create a common provision for reports to the Legislature; something that might be inserted in Title 24 that provides that when the Legislature requires an agency to submit a report to the Legislature that it be done in a certain way. It will either be submitted in electronic format to the senate secretary or chief clerk and notice shall be provided to the individual members of the Legislature by electronic means or whatever Senator MacKinnon desires. Then, in these individual sections where the Legislature orders an annual report, we can say that the agency shall submit the report as provided under 24.10.220. It will be a simpler process, everyone will know the way to do it, and it might finally

solve the problem of these reports or at least provide simplicity and certainty to the clerk and the secretary. He recommended the Revisor's Bill go forward without the clause that's part of that amendment.

SENATOR MACKINNON said she wanted Mr. Luckhaupt and his team to have an opportunity to talk about some of the challenges faced. The Legislature has been moving toward electronic submittal of reports so that we don't have some of the expenses. Being able to centralize or unify where reports are distributed would be helpful for the entire team. She said she would be happy to introduce a committee bill or personal legislation on behalf of all the members, and asked that members who support this amendment to also support and commit to trying to bring this forward without adding other things to the bill. She said Legislative Council's support would be helpful to shepherd along this move to electronic submittal and certainty on where reports will wind up.

The conceptual amendment was adopted without objection.

12:10:26 PM

VICE CHAIR STEDMAN moved that Legislative Council approve the 2017 Revisor's bill version 30-LS0010\J as amended and forward it to the House Rules Committee for introduction by request.

The amended motion was approved without objection.

d. Ratification of a Charitable Event - American Red Cross

12:11:35 PM

VICE CHAIR STEDMAN moved that Legislative Council ratify the Chair's sanctioning of the following charitable events per AS 24.60.080(a)(2)(B): 100 Years of Flirting With Disaster Celebration.

DISCUSSION FOLLOWED between Representative Guttenberg and Executive Director Pam Varni about the need for sanctioning a charitable event.

The motion was approved without objection.

There being no further business before the committee, Legislative Council adjourned at 12:13 p.m.

12:13:10 PM