

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**MARCH 17, 2021
4:49 PM**

MEMBERS PRESENT

Representative Sara Hannan, Chair
Senator Lora Reinbold, Vice Chair
Representative Louise Stutes
Representative Bryce Edgmon
Representative Chris Tuck
Representative Matt Claman
Representative Neal Foster
Representative Cathy Tilton
Senator Click Bishop
Senator Peter Micciche
Senator Mike Shower
Senator Bert Stedman
Senator Gary Stevens
Senator Lyman Hoffman
Senator Shelley Hughes (alternate)

MEMBERS ABSENT

OTHER MEMBERS PRESENT

Senators Myers, Wilson; Representatives Claman, Cronk,
Eastman, Foster, McCabe, Rauscher, Schrage, Tuck, Vance.

AGENDA

APPROVAL OF AGENDA
COMMITTEE POLICIES
APPROVAL OF MINUTES
COMMITTEE BUSINESS
CONTRACT APPROVALS

SPEAKER REGISTER

JESSICA GEARY, EXECUTIVE DIRECTOR, LEGISLATIVE AFFAIRS
AGENCY (LAA)
TIM BANASZAK, IT MANAGER, LAA
MEGAN WALLACE, LEGAL SERVICES DIRECTOR, LAA
HILARY MARTIN, REVISOR, LEGAL SERVICES, LAA
AMANDA JOHNSON, VICE PRESIDENT, MEDICAL AND TRAINING
SERVICES, BEACON OCCUPATIONAL HEALTH AND SAFETY SERVICES

5:04:31 PM

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 5:04pm in the House Finance Room 519. Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Micciche, Hoffman, Shower, Stedman, Stevens, Reinbold.

14 members present.

II. APPROVAL OF AGENDA

5:06:20 PM

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council approve the agenda as presented.

The minutes were approved without objection.

III. COMMITTEE POLICIES - IT SUBCOMMITTEE

CHAIR HANNAN announced that Legislative Council would be establishing an Information Technology subcommittee, chaired by Tim Banaszak, IT Manager for the Legislative Affairs Agency. This committee would be comprised of members or their designated staff, and members would need to confirm with the Chair's Chief of Staff, Tim Clark, interest in membership by Wednesday, March 24.

REPRESENTATIVE TILTON asked for clarification on what outcomes were predicted regarding the IT Subcommittee.

CHAIR HANNAN asked TIM BANASZAK to respond.

TIM BANASZAK stated the outcomes of the IT Subcommittee would include advising the council on IT related projects and operations affecting the legislature, as well as vetting technology proposals to prepare information before presentation to the full Legislative Council.

Seeing no further questions, CHAIR HANNAN continued the meeting.

IV. APPROVAL OF MINUTES

5:08:57 PM

VICE-CHAIR REINBOLD prefaced her motion for approval of the previous meeting's minutes by saying that she had let CHAIR HANNAN know ahead of time that there likely would be an objection. VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council approve the minutes dated January 18, 2021, as presented.

CHAIR HANNAN asked if there was an objection, and VICE-CHAIR REINBOLD said she would object.

CHAIR HANNAN invited VICE-CHAIR REINBOLD to speak to her objection, and the VICE-CHAIR detailed her confusion on page 57 of the January 18 minutes regarding amendments to the mask policy.

CHAIR HANNAN called a brief at-ease.

CHAIR HANNAN called the meeting back to order.

VICE-CHAIR REINBOLD requests clarification on earlier policy concerns citing "confusion in the workplace."

CHAIR HANNAN stated that she will rule the VICE-CHAIR out of order, then called an at-ease.

Meeting is called back to order and VICE-CHAIR REINBOLD again asks for clarification, says she understands now that the current task at hand is approval of minutes, but asks for clarification of masking and screening policies and would like to make that an urgent order of business, citing again page 57 of the previous meeting's minutes.

CHAIR HANNAN reminds VICE-CHAIR REINBOLD that the current issue is approval of the minutes, not whether anyone agrees or disagrees with the policy the VICE-CHAIR is citing.

REPRESENTATIVE TILTON agrees with VICE-CHAIR REINBOLD that there are issues with the masking and screening policies. She says while she takes no issue with the minutes at this time, she respectfully requests mask policy discussion be added to the agenda.

CHAIR HANNAN reminds the Council that there is a motion on the floor and asks if anyone would like to speak to that motion.

-DRAFT-

SENATE PRESIDENT MICCICHE asks for clarification as to whether or not there is a motion on the floor.

CHAIR HANNAN responds that yes, there is a motion on the floor to approve the minutes.

SENATOR STEDMAN offers that if there is an objection to the minutes, he would like to know where in the minutes a transcriber made an error. If not, he suggests the Council adopt the minutes as presented and if there is an issue with the accuracy of the minutes, to note it for correcting and move on with the meeting.

CHAIR HANNAN again asks if anyone would like to speak to the adoption of the minutes.

VICE-CHAIR REINBOLD states that she does not want the hands of a previous Legislature to bind this Council's hand, and then removes her objection to adoption of the minutes.

SENATOR STEVENS requested to speak to the policy in question.

CHAIR HANNAN suggests that first the Council approves the minutes, and then she will recognize his concerns afterwards. She asks if there are any further objections to the approval of the January 18, 2021, minutes. Seeing none, the minutes are approved. She notes that Senator Hughes is present online as an alternate. She returns to Senator Stevens.

SENATOR STEVENS states that the Legislative Council approves policies every session, every year. Those policies continue until they are changed, so in answer to Senator Reinbold's questions, the remedy to her concerns is to change the policy if that is what this Legislative Council wants to do, not to deal with the minutes.

VICE-CHAIR REINBOLD thanks SENATOR STEVENS for his comments and voices respect for him. She begins stating her concern for forced mask-usage for this Legislative Session and is ruled out of order by CHAIR HANNAN.

SENATOR STEDMAN comments that the Council should stick to the Agenda.

VICE-CHAIR REINBOLD requests to speak again.

-DRAFT-

CHAIR HANNAN approves, with the condition that the Senator understands she will be ruled out of order if the Senator's comments do not relate to the Agenda.

VICE-CHAIR REINBOLD speaks to liability issues that she thinks are important to discuss.

CHAIR HANNAN rules VICE-CHAIR-REINBOLD out of order.

V. COMMITTEE BUSINESS

A. 2021 MANUAL OF LEGISLATIVE DRAFTING

[5:16:35 PM](#)

VICE-CHAIR REINBOLD moves that the Legislative Council approve the 2021 Manual of Legislative Drafting.

CHAIR HANNAN objects for purposes of discussion and asks MEGAN WALLACE and HILARY MARTIN to come to the table, present the manual, and take questions. She asks MS. WALLACE if MS. MARTIN is present online, and MS. WALLACE confirms that she should be, unless other work is taking precedence.

CHAIR HANNAN asks MS. WALLACE to identify herself for the record and to present the above manual before taking any questions, then confirms that MS. MARTIN is online.

MEGAN WALLACE, Legal Services Director for the LAA, said members should have in their packet a memo dated February 18, 2021, from MS. MARTIN which outlines the changes that were made in the 2021 version of the Manual of Legislative Drafting. She continues that Uniform Rule 10 provides that Legislative Council shall adopt a drafting manual prepared by the enrolling secretary, Lora Brown, Legal Editor, and the revisor of statutes, Hilary Martin. Every two years, these two go through the drafting manual and make updates and revisions as appropriate. The changes made from the 2019 version to the 2021 version are noted in the packet. The 2019 Manual is beige in color, and if the 2021 version is approved, the Print Shop will issue a new Manual with a blue cover. Legal confers with the Chief Clerk's and Senate Secretary's Offices to make changes from legislature to legislature. She said this year's changes are relatively minor and insignificant, but she and MS. MARTIN are available to take questions as necessary.

-DRAFT-

CHAIR HANNAN offers MS. MARTIN a chance to speak on the above.

MS. MARTIN identifies herself for the record and confirms she is happy to address any questions regarding changes to the Drafting Manual.

CHAIR HANNAN invites members to ask questions regarding the Drafting Manual.

Seeing no questions or objections, CHAIR HANNAN requests a roll call vote.

[5:20:20 PM](#)

YEAS: REPRESENTATIVES CLAMAN, EDGMON, FOSTER, HANNAN
STUTES, TILTON, TUCK; SENATORS BISHOP, MICCICHE,
HOFFMAN, REINBOLD, SHOWER, STEDMAN, STEVENS

NAYS: none.

The motion passed 14-0.

CHAIR HANNAN confirms the approval of the 2021 Legislative Drafting Manual as written and invites members to look for their blue copy soon.

B. FY20 LEGISLATURE AUDIT

[5:21:21 PM](#)

CHAIR HANNAN invites JESSICA GEARY, Executive Director of the Legislative Affairs Agency (LAA), to speak on the Legislature's Audit.

JESSICA GEARY said members should have a copy of the Legislative Audit in their packets. She states that by statute, every year the Legislature has an independent audit. The current auditors are Elgee Rehfeld and for FY20 they have issued a clean audit with no exceptions. Copies of the management letter and a schedule of appropriations, expenditures and encumbrances are provided to both the Budget and Audit Committee and Legislative Council. She said she is happy to answer any questions.

CHAIR HANNAN asks if any members online or in person have questions about the audit.

There being no questions, CHAIR HANNAN thanked MS. GEARY for presenting a clean audit and moves forward on the agenda.

C. FY22 LEGISLATIVE COUNCIL BUDGET REQUEST

[5:23:02 PM](#)

VICE-CHAIR REINBOLD moves that the Legislative Council per AS 24.20.130 approve the FY22 Legislative Council Proposed Budget and transmit it to the House and the Senate Finance Committees for their review and action.

REPRESENTATIVE TILTON objects for purposes of discussion.

CHAIR HANNAN asks if she would like to speak to her objection or if she would prefer to hear MS. GEARY present the budget.

REPRESENTATIVE TILTON says that Council members have not had an opportunity to discuss the budget, and wonders if the Council is approving the budget itself or the transmittal to the Finance Committees.

CHAIR HANNAN asks MS. GEARY to please respond.

MS. GEARY clarifies that the Council would be approving the transmittal to the Finance Committees.

REPRESENTATIVE TILTON offers her thanks.

CHAIR HANNAN repeats that the budget, once approved in this Council, would go through the Legislative Finance Committees for review.

VICE-CHAIR REINBOLD requests to speak on a point of clarification.

CHAIR HANNAN grants the VICE-CHAIR'S request.

VICE-CHAIR REINBOLD says the motion that was given to her in her script uses the words "approve and transmit" and suggests striking the words "approve and" to show that the Council is not technically approving the budget.

[5:24:47 PM](#)

CHAIR HANNAN calls for an at-ease.

[5:25:24 PM](#)

Council returns from at-ease.

VICE-CHAIR REINBOLD suggests going through the budget and asks if there is anything related to the Beacon contract in the budget.

MS. GEARY responded no.

VICE-CHAIR REINBOLD asks MS. GEARY to go through the budget in more detail for anyone who may not have a packet in front of them.

MS. GEARY responds that is her intention. She states that before members is the Legislative Council FY22 Proposed Budget and Sectional Narrative that explains each appropriation and allocation in the budget. In preparing this budget, she works with the Presiding Officers, the Rules Chair, and the Legislative Council Chair. She also met with the Finance Co-Chairs or their staff.

There are two appropriations in the Legislative Council request; a Legislative Council appropriation, which includes the administrative functions of the Legislature, as well as special committees and offices such as Ethics, Ombudsman, and Office of Victims' Rights. There's also the Legislative Operating appropriation, which includes those functions directly connected to the operations of the Legislature such as session expenses, House and Senate operating, and legislator salaries and allowances. In addition to the actual Legislative Council budget request, there is a narrative that explains each and every allocation. She will not read this section aloud, but will happily answer questions once she concludes her comments.

Ms. Geary continued that as members may know, the budget before Council is not the Legislature's full budget request—there is a third appropriation for the Legislative Budget and Audit Committee which contains allocations for the Division of Legislative Audit, the Legislative Finance Division, and the House and Senate Finance Committees, as well as the Legislative Budget and Audit Committees. This portion of the Legislature's budget does not come before Legislative Council and is transmitted directly to the Finance Committees.

The total request for the Legislature is included in the overview tab at the front of the budget book, on page 4, and is where members can see the entire Legislature budget. There are no increments in the FY22 request, and in each appropriation FY21 Management Plan equals FY22 Governor's

figures, which equals FY22 Legislative Requests. One item of note, state facilities rent has an estimated surplus of \$42,000 realized from savings of renegotiated and consolidated lease space; however, there have been some requests for district office space in both Tok and Utqiaġvik, that if approved, would use most if not all of that surplus. She is happy to answer any questions from members.

SENATOR STEDMAN expresses concern that the budget may be prepared for a 90-day session, which the Legislature rarely contains itself to, and wonders if perhaps the Finance Committees should consider budgeting for a 120-day session.

VICE-CHAIR REINBOLD asked if the Beacon contract is not under Legislative Council, where does it fall.

MS. GEARY says that this is the Legislative Operating Budget, so the Beacon contract is a separate contract outside of the Legislature's regular operating funds and will be funded by federal funds. Currently it is being held in a capital appropriation and will be refunded when the Legislature receives its CARES Act funding.

VICE-CHAIR REINBOLD asked so it is through the Capital Budget on Legislative Council.

MS. GEARY responds no, it is not in a budget. Existing capital funds are used to pay for the Beacon contract which will be submitted for reimbursement through federal CARES Act money.

VICE-CHAIR REINBOLD asks whether it is from last year's capital budget, this year's capital budget, or some other fund as she doesn't recall discussing this Beacon contract in the budget process.

MS. GEARY explains it was not through a specific budget item in the budget process, but came from existing unspent capital funds from a prior fiscal year, so it was not new money that was used.

VICE-CHAIR REINBOLD asks when this process happened, and under what purview did it happen.

MS. GEARY says that the Council will be moving on to the Beacon contract next on the agenda, so perhaps that will be a good time to discuss the initial contract and the amendment that we have before the Council today.

SENATOR BISHOP asks MS. GEARY for additional information about the excess funds that may go toward the Tok LIO, specifically what a year's worth of rent would be for that property.

MS. GEARY responds that LAA is still in the process of approving that property, but the preliminary estimate is just under \$10,000 and has not yet been acted upon.

SENATOR BISHOP thanks MS. GEARY and explains that property and LIO will be significant to his district.

CHAIR HANNAN clarifies that the LIO already exists, but that the Legislature is adding a district office for a member.

MS. GEARY confirms that CHAIR HANNAN is correct, the LIO is not up for discussion, but there is not enough space in the LIO for a legislator's office.

SENATOR SHOWER asks if there is any COVID funding that has been inserted into the budget that the Legislature has used, as tracking CARES funding has been problematic, and asks if there have been any investigations as to reduced cost of facilities that have been shut down over the course of the pandemic.

MS. GEARY answers the first question saying that aside from the money that has been approved for the Beacon contract, the Legislature has not received any federal CARES Act money and has not submitted for reimbursements, and that LAA has not done an analysis on his second question, because as he mentioned, the rental costs on the lease are the same regardless of the spaces being open or not. She says if he would like an analysis done, she would be happy to pursue that for him.

SENATOR SHOWER asks MS. GEARY if she can indeed follow up to see if there were any utility savings even as the fixed costs of the lease were met. He says it may be a small savings, but every penny counts and could be worth looking into.

VICE-CHAIR REINBOLD, for clarity, restates the motion with the amendment she requested earlier, and moves that the Legislative Council per AS 24.20.130 transmit the FY22 Legislative proposed budget to the House and Finance committees for the review and action.

CHAIR HANNAN asks that VICE-CHAIR REINBOLD amend the motion to include the word Senate.

VICE-CHAIR REINBOLD agrees, and repeats "House and Senate."

CHAIR HANNAN thanks her and asks if there are any objections to the motion.

SENATOR STEDMAN asks VICE-CHAIR REINBOLD to repeat the motion.

VICE-CHAIR REINBOLD moves the Legislative Council per AS 24.20.130 transmit the FY22 Legislative Council proposed budget to the House and Senate Finance Committees for their review and action.

[5:36:16 PM](#)

CHAIR HANNAN says it is not the same motion and calls for an at-ease.

[5:37:07 PM](#)

Legislative Council returns from at east.

MS. GEARY explains that the wording of this motion does not matter, but since the motion has already been read one way, the next step is to vote to amend the motion if you want to use the new motion. Whether the word approve or transmit is used is not relevant since the statute simply requires that Legislative Council submit a budget to the Finance Committees.

[5:38:02 PM](#)

VICE-CHAIR REINBOLD moves that the word "approve" is removed from the motion and continues to explain her reasoning.

CHAIR HANNAN asks her to stop, make the motion, then she can speak to her reasoning for the motion.

VICE-CHAIR REINBOLD moves that the word "approve" is removed from the motion regarding the budget transmittal from Legislative Council to the House & Senate Finance Committees.

SPEAKER STUTES objects to the motion, stating that the original wording is fine the way it is and that she wants to move on from this agenda item.

-DRAFT-

SENATOR STEDMAN agrees with SPEAKER STUTES citing past practice is that the budget is always approved and forwarded on to the Finance Committees for review and believes that this Council should continue in that vein.

REPRESENTATIVE EDGMON agrees and says that he has been on Legislative Council for a few years and that the wording is in some respects a formality.

VICE-CHAIR REINBOLD withdraws her motion saying she has not been on this Council since 2015 and she was seeking more clarity and proper wording for the record.

5:39:37 PM

CHAIR HANNAN requests a roll call vote on the motion to approve and transmit to the House and Senate Finance Committees the FY22 Budget.

YEAS: REPRESENTATIVES CLAMAN, EDGMON, FOSTER, HANNAN
STUTES, TILTON, TUCK; SENATORS BISHOP, MICCICHE,
HOFFMAN REINBOLD, SHOWER, STEDMAN, STEVENS

NAYS: None

The motion passed 14-0.

SENATOR SHOWER asks, as a new Legislative Council member, what is the procedure for asking clarifying questions during Legislative Council meetings and how this process differs from other committees and subcommittees on which he has been a member.

CHAIR HANNAN asks SENATOR STEVENS to speak on the usual process for this action item before it goes to the Finance Co-Chairs, based on his experience on procedure as a previous Legislative Council Chair.

SENATOR STEVENS says that usual process is as it has been stated, that members are indicating to the Finance Committees that the Legislative Council has looked at this budget and have approved it and are transmitting it to them to do as they will.

SENATOR SHOWER asks again to clarify, may he ask for a product so he could look at something continuing, is that acceptable? For example, were my LIO questions during the budget discussion ok, or should that happen somewhere else.

SENATOR STEVENS confirms to SENATOR SHOWER that he is absolutely welcome to bring up any issue he wants and have it discussed at this table.

SENATOR STEDMAN offers that yes, one can bring up budget discussions, and modifying motions, and that holding membership on this committee requires them to act as representatives for all legislators. He continues that these are not secret documents, and it is just fine to question the budget.

SENATE PRESIDENT MICCICHE states that he has been involved in various lively discussions around the Legislative Council table and it is perfectly acceptable to question and seek discussion and has been part of much longer conversations surrounding the budget in the past. He states that a member makes the motion, members ask anything they want to ask, and vote whether to move it forward. If a member finds themselves not in support, that is okay, but everything is available to be appropriately questioned in this committee, always.

SENATOR SHOWER said thank you and that he just wanted to confirm that asking for a product is an appropriate question and not handled differently than in other committees.

VI. CONTRACT APPROVALS

A. AMENDMENT TO BEACON OHSS CONTRACT FOR COVID-19 RELATED SAFETY SERVICES

[5:43:38 PM](#)

CHAIR HANNAN moves to the Beacon OHSS contract, an increase of available funds, and to address vaccination services. She calls on SENATOR MICCICHE to read the first motion.

[5:44:04 PM](#)

SENATE PRESIDENT MICCICHE calls for a brief at-ease.

[5:44:21 PM](#)

CHAIR HANNAN calls the meeting back to order.

SENATE PRESIDENT MICCICHE moves that Legislative Council approve an amendment to the Beacon OHSS contract to extend the termination date to June 30, 2021, and to increase the original amount of the contract by 1.5 million dollars,

with the intent that federal receipts cover the cost of the contract to the greatest extent possible.

VICE-CHAIR REINBOLD objects.

CHAIR HANNAN invites her to speak to her objection.

VICE-CHAIR REINBOLD states that she believes that as employers, if legislators are indeed employers rather than elected officials, but that there are people in the room who are employees and employers. She is concerned that Legislative Council and leaders will be liable if they set policies for the Capitol that violate constitutional rights, forced masks, facial recognition, PCRs and vaccines that are under emergency use and therefore cannot be mandated, she is concerned that people are being "voluntold" that they must wear masks, and adhere to policies regarding quarantine and isolation. She states that before she can approve any of this, that the Legislative Council must hold a thorough discussion regarding those policies.

CHAIR HANNAN explains that what is before members today is an expansion of the contract, not the policies. She states she is more than willing to have MS. WALLACE, attorney and Legislative Legal Director, come to the table to address liability questions, otherwise AMANDA JOHNSON, from Beacon, is here to address the contract itself.

AMANDA JOHNSON with Beacon OHSS states that as noted in the overview letter in the packet that the scope of the initial contract has changed, as well as the mitigation plans based on some recent outbreaks. The testing strategies have changed, and Beacon needs to increase the level of staffing as well as the amount of testing. These are the reasons for the changes in intent and in budgetary dollars. Beacon has put forth a forecast as it relates to the term of this session as well as any extensions of the session, accounting for the 1.5 million increase.

CHAIR HANNAN invites members to ask MS. JOHNSON any questions they have and invites MS. GEARY to add anything she sees fit.

REPRESENTATIVE TILTON asks under whose authority changes were made to the contract, whether they went through Legislative Council or some other route.

MS. GEARY responded that when the Legislature reached out for the RFP for the services Beacon would provide, it had a

different testing strategy in mind. The Legislature recognized it was not made up of medical experts, which is why members sought to hire such professionals and it was recommended that for a congregate setting such as the Capitol, cycle testing was the most effective way to control COVID-19 outbreaks and that testing makes up a very large portion of the budget. Based on the forecast mentioned earlier, there have been over 6,000 tests conducted. To answer the question of the authority given in the contract, she states that the Legislature left it to the health experts in consultation with the CDC and with Public Health. Things were left somewhat flexible to allow for the best outbreak control within the Capitol.

SENATOR SHOWER states that he understands the policy is not what is currently up for discussion, but that he has a problem with it feeling like it is putting the cart before the horse, in that a budget extension approval on policies he has not yet had a chance to offer input, or discuss, or question, or modify and that this makes it a budget issue. To him, it seems like this is approving a budget for a bill that members have not passed yet, making it harder for him to want to approve this budget extension without having had any input into the process of what the Legislature is paying for. That is a hard road for him as a legislator and is backwards from what he usually does, he says, "we pass bills, and then we appropriate for them."

MS. GEARY comments that the policies are written such that as soon as CDC and Public Health guidelines loosen up, then the Capitol's policies are flexible and will follow suit. She again states that the Legislature is taking their advice from health experts and not other sources. As soon as CDC and Public Health guidelines relax their standards, we can adjust legislative policy immediately at the direction of this committee

SENATOR SHOWER says he understands, but that is the Legislature's decision whether they would like to follow CDC guidance or not. He asks for the chance to have a discussion and a debate within Legislative Council to come to agreement, stating that this contract was written under a previous Legislative Council, and this Council has not yet approved it.

SENATE PRESIDENT MICCICHE clarifies that previous Legislative Councils have made many policies that stand until they are changed. He says that this Legislative Council, whether or not they approve this extension, will

continue to have the power to change policy surrounding it going forward and asks for confirmation from MS. GEARY.

MS. GEARY confirms that the SENATE PRESIDENT is correct.

SENATOR STEVENS agrees and states that Legislative Councils create policies, and those policies remain until changed by another Legislative Council, so the policies made last year continue until changed. Should this Legislative Council choose to, they can change them any time. He hopes that members are cautious about that, stating that Council has been very successful at controlling COVID-19 in this building through all the things done with Beacon. He offers his great appreciation to MS. GEARY for her efforts in getting the Legislature to the right place and speculates who knows how many people could have contracted COVID-19 had those policies not been in place. He offers that one can disagree with policy all one wants, but that policy remains in effect until this Council changes it.

VICE-CHAIR REINBOLD states that she sent to the "unofficial" Senate President, on January 12, 2021, her numerous concerns with the policy and that she trusted him to help get them changed. She is uncomfortable funding a budget within which members have not been able to review policies. Out of protection for this Legislative Council, she needs to get it on record that there is a form of liability that exists between employers and their employees, called vicarious liability, in which one party has responsibility for a third party, and if that third party commits an unlawful action, the employer may be held liable. For example, masks and regarding violating constitutional rights...

[5:55:42 PM](#)

CHAIR HANNAN rules VICE-CHAIR REINBOLD out of order, as these are not elements of the contract before members.

Discussion continues.

VICE-CHAIR REINBOLD asks for a chance to clarify, saying she will take the mask issue off.

CHAIR HANNAN says no, that VICE-CHAIR REINBOLD is speaking to liability, and if the Legislature's legal authority and lawyer, would like to speak to members about liabilities, that would be appropriate. She states that what members are speaking to at present is the contract that Beacon has. She

does not believe it has a liability issue for Council members to discuss.

VICE-CHAIR REINBOLD again asks to clarify and speaks about isolating and quarantining people.

[5:56:31 PM](#)

CHAIR HANNAN rules VICE-CHAIR REINBOLD out of order again. Council takes a brief at ease.

At 5:57:06, Council returns from the at ease and CHAIR HANNAN recognizes REPRESENTATIVE CATHY TILTON.

REPRESENTATIVE CATHY TILTON states that in regards to the contract, she agreed with Senator Shower that there was a request made to the Chair's office, dated March 12, 2021, asking when Council could have the discussion on the mitigation policies to determine whether the contract was of the right amount and she had not seen a response as of yet.

5:57:46 CHAIR HANNAN calls a brief at ease.

[5:58:13 PM](#)

Council returns from brief at ease.

SENATOR SHOWER thanks CHAIR HANNAN and states that he understands SENATOR STEVENS but is asking for the chance to have a meeting and discussion before extending the budget for Beacon OHSS. He understands that Legislative Council policy stays until it is changed, but says that he is asking for a chance to do that and have a meeting with the Council prior to approval of the motion in discussion. He thanks CHAIR HANNAN again for allowing him to make this clarification.

VICE-CHAIR REINBOLD states that budget drives policy, and that the Council has not reviewed the policy and she does believe there are liability issues with facial recognition and...

[5:59:28 PM](#)

CHAIR HANNAN rules VICE-CHAIR REINBOLD out of order.

Council takes a brief at ease.

[5:59:40 PM](#)

Council returns from brief at ease.

SENATE PRESIDENT MICCICHE requests that CHAIR HANNAN have a future Legislative Council meeting to discuss the concerns raised. There are bills due beyond what has been appropriated. He is comfortable moving forward and approving this motion, but requests that the Council gathers as a group either as a smaller task force or as a full Legislative Council to discuss the contract and a transition plan forward that everyone can understand. He thinks it is fair to plan for that and it will prevent this meeting from going all night. He thinks some folks have different levels of acceptance for the current situation and that discussion should take place. He requests, for the record, stating it would be fruitful for everyone in this group to participate in that exercise.

CHAIR HANNAN agrees to ask her staff to begin polling the next day for members availability for the next Legislative Council meeting where members will have that opportunity.

SENATOR STEDMAN states he thinks members need to stick to the agenda, clearly there needs to be an increase to the appropriation and he supports that. He says that Council members can change the policy any time and the money is not expensed, if there is a majority of Council members who want to convene at another meeting to have a policy discussion it can happen any time in the next couple weeks, but tonight there is business in front of members, it is dinnertime, and he thinks members need to keep the meeting on track. Those who do not support the appropriation request can vote no, and those who do can vote yes, it is that simple.

CHAIR HANNAN asks SENATE PRESIDENT MICCICHE to restate the motion, and he moves that Legislative Council approves an amendment to the Beacon OHSS contract to extend the termination date to June 30, 2021, and to increase the original amount of the contract by 1.5 million dollars with the intent that federal receipts cover the cost of the contract to the greatest extent possible.

CHAIR HANNAN says that is the motion before members and requested a roll call vote.

YEAS: REPRESENTATIVES CLAMAN, EDGMON, FOSTER, HANNAN, STUTES, TUCK; SENATORS BISHOP, MICCICHE, HOFFMAN, STEDMAN, STEVENS

NAYS: REPRESENTATIVE TILTON; SENATORS SHOWER, REINBOLD

The motion passed 11-3.

[6:03:24 PM](#)

CHAIR HANNAN asks SENATE PRESIDENT MICCICHE to read the second motion involving the Beacon OHSS contract.

SENATE PRESIDENT MICCICHE moves that Legislative Council approve an amendment to the Beacon OHSS contract to add to the list of services provided under contract the administration of the COVID-19 vaccine to all those eligible as determined by the Executive Director in consultation with the Council Chair and Legislative Leadership, and that this amendment be made retroactive to January 15, 2021.

SENATOR REINBOLD objects.

CHAIR HANNAN invites her to speak to her objection.

SENATOR REINBOLD states that under Emergency Use Authorization that members talk about this through Health and Social Services which was passed unanimously on the Senate floor, that the vaccine cannot be mandated and will require informed consent. She wants to ensure that as a contractor, Beacon is fully aware of the above and will comply.

MS. JOHNSON says that yes, Beacon has followed the informed consent and it is identical to the State of Alaska's consent form, it has all of the same protocols and provides the same documentation, and the vaccinations were not mandated in any way, shape, or form, they were offered by invitation to anyone who wished to participate.

VICE-CHAIR REINBOLD asks if there is any anticipation of mandating these vaccines in any way.

MS. JOHNSON confirms not from Beacon's perspective, as that would be beyond their objectives.

VICE CHAIR REINBOLD asks whether Beacon is aware through the Emergency Authorization that Beacon cannot mandate vaccinations.

MS. JOHNSON confirms again that Beacon would not be mandating any vaccinations.

VICE-CHAIR REINBOLD asks if MS. JOHNSON knows whether the PCR test falls under the Emergency Use Authorization.

MS. JOHNSON confirms that the PCR lab-based test as well as the Abbott IDNow test have been federally approved under Emergency Use Authorization since the beginning of the pandemic.

SENATE PRESIDENT MICCICHE makes a point of order.

CHAIR HANNAN we are speaking to the vaccines on the record as part of the contract.

SENATOR STEVENS asks how many vaccinations Beacon has distributed to-date, and states he thinks its remarkable what the organization has done and has heard the numbers before but as they change every day, is hoping for an update. So many people in the Capitol who have received their vaccines from employees to members of the Legislature, and it could have saved people untold hardship and illness.

MS. JOHNSON states that since the efforts started a few weeks before this meeting, Beacon has administered 240 first doses and coordinated for four individuals to receive second doses through a transfer from Bartlett Hospital. She thanks SEARHC and Bartlett for their local support as well as direct assistance to Beacon's efforts at the Capitol.

SENATOR SHOWER asks if authority mentioned in the motion (Executive Director, Legislative Council Chair, and Legislative Leadership) that determines the policy carried out by Beacon will have the ability to force vaccinations. In other words, he asks if voting for this motion will provide the authority to a body or a person to require legislators or staff to take a vaccine if they wish not to.

MS. GEARY says that authority is specifically related to who is eligible for the vaccine within the building and includes members of the media should they choose. If this motion passes, it will in no way allow anyone to mandate the vaccine for anyone.

CHAIR HANNAN states that the wording of the motion simply extends eligible recipients for the vaccine to include members of the media who work in the building and members of the Executive Branch who work in the Capitol.

SENATOR SHOWER thanks CHAIR HANNAN and says that while the first read-through of the motion had him feeling concern about mandatory vaccines, his question has been answered.

SPEAKER STUTES asks if Beacon will be able to facilitate the second vaccine dose to the 240 recipients of the first dose.

MS. JOHNSON states that Beacon will be able to administer all second doses to anyone who they provided first doses to.

REPRESENTATIVE EDGMON asks on behalf of former Legislative Council member, Representative Drummond, if there is any record of total number of Capitol campus workers who have been vaccinated, and if so, who is keeping the running tally.

MS. GEARY states that she is keeping a running tally of those who volunteer that information to her. It is not required for any individual to submit their information, but doing so would be a useful tool and she is planning on doing outreach to hopefully help track the number of vaccinations within the building.

REPRESENTATIVE EDGMON asks for confirmation that this effort by MS. GEARY would track both Beacon-administered vaccinations as well as vaccinations administered by other entities.

MS. GEARY says that is correct, and she is keeping a comprehensive list, as the more information she has, the closer the Legislature may be to loosening up policies.

SENATOR HOFFMAN asks what number the Legislature would have to achieve to reach herd immunity within the Capitol.

MS. GEARY states that Dr. Zink presented in a Zoom meeting this morning and that question was asked. Dr. Zink stated that, "we don't know at this time," due to various variants changing the COVID-19 landscape daily. She recommends participating in the next COVID-19 Zoom chat next Wednesday and asking that question, as Dr. Zink stated that new information is coming out daily from the CDC on this topic.

SENATOR HOFFMAN states that he believes herd immunity is something the Capitol campus should seek to achieve for the safety of workers and their family members. There are many young staffers who go home to their families and friends and achieving herd immunity would mean giving greater protection not only to people in the building, but their communities as well.

REPRESENTATIVE TILTON references questions she emailed to MS. JOHNSON earlier regarding whether Beacon's employees within the contract will be following the same guidelines as the rest of those in the building and acknowledges that she received answers. She then asks if she could please explain the certifications for vaccine administrators.

MS. JOHNSON states that in alignment with Alaska State law about who can administer vaccines, Beacon staff is certified through an online course and they also have a medical certification under the authority of the Medical Director.

SENATOR BISHOP thanks MS. GEARY, Legislative Council, and Beacon for the professionalism of their employees, saying they are A-number-one in his book. He thanks their staff for being here and keeping employees of the Capitol safe every day.

SENATOR SHOWER asks about Beacon staff having access to the vaccine and speculates about the possibility of a COVID-19 spreading event due to their location within the building creating a funnel effect through which all members must pass, and asks if MS. JOHNSON can speak to their general vaccination status.

CHAIR HANNAN checks with MS. JOHNSON to see if she would be concerned about making a HIPAA violation to speak to this on the record.

MS. JOHNSON states that as she is not going to speak to any specific individual's status, she is comfortable answering. She states that Beacon is in compliance with the policies that Legislative Council has passed. Beacon employees within the Capitol follow those and ensure they are leading by example, all wear medical-grade masks, and have been fit-tested appropriately for those masks, and that all individuals providing COVID-19 mitigation through Beacon within the Capitol were eligible for the first round of vaccine distribution as they were considered front-line healthcare workers.

SENATOR SHOWER offers his appreciation for her answer.

VICE-CHAIR REINBOLD says she wants to make it clear that she is for the freedom for individuals to direct their own healthcare and if people want the vaccine, to let them get the vaccine. However, her oath is to the Constitution and she wants to ensure she upholds constitutional rights

surrounding privacy violations. HIPAA is very important to her and she looks forward to having an opportunity to talk about liability. She states that her question involves the Division of Administration who came before the Judiciary Committee, which she chairs, and stated that liability lies with the individual who injects the vaccine into another. She asks if Beacon is aware of that liability.

MS. JOHNSON responds yes, Beacon is aware.

VICE-CHAIR REINBOLD asks, God forbid, anyone has negative complications due to vaccination, do you know where the liability...

CHAIR HANNAN ruled SENATOR REINBOLD out of order.

[6:17:47 PM](#)

Council takes a brief at ease.

[6:18:16 PM](#)

Council returns from brief at ease.

Recording returns in progress as MS. JOHNSON states that as a medical provider, Beacon holds liability and has medical directorship in place and would not proceed with any services that were not appropriately covered.

VICE-CHAIR REINBOLD asks if anyone is injured, where can they turn.

MS. JOHNSON explains that Beacon has standing orders in place for providing any medical services as well as partnerships with local medical health units, as well as telemedicine support. Everyone who receives the vaccine is advised if they have any questions to reach out to Beacon through a medical line available 24/7.

SENATOR STEDMAN states that he believes it is time to wrap this meeting up, citing that it is late and time for dinner, and he would like to move forward.

CHAIR HANNAN states that the question has been called and asks SENATE PRESIDENT MICCICHE to repeat the motion.

[6:19:13 PM](#)

SENATE PRESIDENT MICCICHE moves that Legislative Council approve an amendment to the Beacon OHSS contract to add to the list of services provided under contract the administration of a COVID-19 vaccine to all those eligible

-DRAFT-

as determined by the Executive Director in consultation with the Legislative Council Chair and Legislative Leadership and that this amendment be made retroactively to January 25, 2021.

CHAIR HANNAN requests a roll call vote.

YEAS: REPRESENTATIVES CLAMAN, EDGMON, FOSTER, HANNAN, STUTES, TILTON, TUCK; SENATORS BISHOP, MICCICHE, HOFFMAN, SHOWER, STEDMAN, STEVENS

NAYS: SENATOR REINBOLD

The motion passed 13-1.

VII. ADJOURN

CHAIR HANNAN reminds members that she will be polling for their availability for the next meeting.

There being no further business, Legislative Council was adjourned.

[6:20:36 PM](#)