

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**JUNE 16, 2021
2:20 PM**

MEMBERS PRESENT

Representative Sara Hannan, Chair
Senator Lora Reinbold, Vice Chair
Representative Bryce Edgmon
Representative Kevin McCabe
Representative Louise Stutes
Representative Cathy Tilton
Representative Chris Tuck
Senator Click Bishop
Senator Bert Stedman
Senator Gary Stevens

MEMBERS ABSENT

Representative Matt Claman
Senator Lyman Hoffman
Senator Shelley Hughes (alternate)
Senator Peter Micciche
Senator Mike Shower

OTHER MEMBERS PRESENT

Representative Ben Carpenter
Representative Mike Cronk
Representative Harriet Drummond
Representative David Eastman
Representative Christopher Kurka
Representative Kevin McCabe
Representative Geran Tarr
Representative Sarah Vance

AGENDA

CALL TO ORDER
APPROVAL OF AGENDA
RATIFICATION OF CHARITY EVENTS
COMMITTEE BUSINESS
COMMITTEE BUSINESS - EXECUTIVE SESSION
LEASE EXTENSION
ADJOURN

SPEAKER REGISTER

JESSICA GEARY, Executive Director, Legislative Affairs Agency
(LAA)
JC KESTEL, Procurement Officer, LAA

[2:23:58 PM](#)

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 2:24PM in the House Finance Committee Room. Present at the call were: Representatives Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Reinbold, Stedman, Stevens.

Members absent: Representative Claman; Senators Hoffman, Hughes, Micciche, and Shower.

Ten members present.

II. APPROVAL OF AGENDA

[2:24:55 PM](#)

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

CHAIR HANNAN, seeing no objections and no changes, moved on to the next action item.

III. RATIFICATION OF SANCTIONED CHARITABLE EVENTS

A. KENAI RIVER JUNIOR CLASSIC—AUGUST 11, 2021

B. TED STEVENS KENAI RIVER CLASSIC—AUGUST 18, 19, & 20, 2021

C. KENAI RIVER WOMEN'S CLASSIC—SEPTEMBER 9, 10, & 11, 2021

[2:25:13 PM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that Legislative Council ratify the Chair's sanctioning of the following charitable events per AS 24.60.080 (a)(2)(B):a) Kenai River Junior Classic—August 11, 2021; b) Ted Stevens Kenai River Classic—August 18, 19, & 20, 2021; and c) Kenai River Women's Classic—September 9, 10, & 11, 2021.

CHAIR HANNAN objected for purposes of discussion and said she wanted to make sure members knew that the events that she had previously sanctioned she had also verified their 501(c)(3) status. She asked if there was any discussion or objection to the motion.

SENATOR STEDMAN asked what the cost of entry fees for elected officials would be for these three events.

CHAIR HANNAN said she did not recall.

VICE-CHAIR REINBOLD said she had attended them in the past and that legislators must submit a finding of exactly how much they spent and put it on their disclosure form. She said it all depends on what a legislator receives; if they receive the basket, if they go fishing one day, two days, if they have a guest with them, it varies, she thought hers was around \$400 but could not recall exactly. She said she believed she spent a half-day fishing.

SENATOR STEDMAN said that for future meetings it would be nice to see the dollar amount that would be typical, even if it was entertainment, a play, whatever it is, so that members have an idea what kind of value is being offered to elected officials at the Committee.

CHAIR HANNAN agreed that she would do that next year, assuming she retained her position as Chair of Legislative Council. She said she knew that this was an event that has been sanctioned for a number of years and was not sure if its prices changed from year to year, but she would make sure and include those next year.

SENATOR BISHOP said that in the future it would be interesting to see how much the dispersion is for these nonprofits, such as the Boy Scouts, the Girl Scouts, etc. He said he was interested to see a breakdown of how that money gets allocated to each group.

CHAIR HANNAN clarified for her understanding and for staff direction and said that currently sanctioning of charitable events does not require a follow-up report from that 501(c)(3) to report back regarding their spending. She stated that Council sanctions on the front end rather than in a report after the fact. She asked Ms. Geary to please confirm.

JESSICA GEARY, Executive Director, Legislative Affairs Agency, stated that Chair Hannan was correct; there was no reporting back to the Agency on events that Legislative Council has sanctioned or ratified. She said it was a separate transaction outside of the Legislature.

VICE-CHAIR REINBOLD said that if Legislative Council asked for the breakdown of the Kenai River Classic events, they would have to do it for all events, including Skits, which is an event that she always struggles with. She said she knew it was not sanctioned this year, but if it is for one, then members must do it for all events.

CHAIR HANNAN asked if there was any more discussion. Upon hearing none, she removed her objection and said that the above events had been ratified for 2021.

IV. COMMITTEE BUSINESS

A. AMENDED COVID-19 POLICY—PUBLIC ACCESS TO LEGISLATIVE FACILITIES

[2:29:45 PM](#)

VICE-CHAIR REINBOLD said that she had questions and concerns regarding this motion, but then moved that Legislative Council adopt the COVID-19 Mitigation Policy dated May 14, 2021, amended June 15, 2021.

CHAIR HANNAN objected for the purpose of discussion.

VICE-CHAIR REINBOLD said that she thought policy was moving in a good direction in that individuals were not being forced to wear face coverings which was great. She said that there was a policy adopted on May 14 and the amendment was made June 15, 2021. Under 1, Section 2, where it said unvaccinated individuals were strongly encouraged to wear a mask in any public setting, so, that was pretty much someone's life, if a person declined to wear a face covering because of a medical condition or disability, this policy did not require proof in the form of medical documentation— that was where this policy used to end. Now it reads: legislators and legislative employees must work to the confidential ADA accommodations process with Personnel. She said she wanted to make sure she was not misinterpreting this in any way. She said she was concerned that it could be interpreted that if a person—a member of the public, a legislator, or anybody who is unvaccinated that chooses to not wear a face covering, that this may have some requirements to have to go through an ADA process. She then asked for clarification from the Chair.

CHAIR HANNAN asked Ms. Geary to address the Vice-Chair's concerns.

MS. GEARY said that section is supposed to go with 1 "an individual legislative office or agency may require masks be worn during the delivery of in-person services" and because they would not be asking for vaccination status, there is that statement strongly encouraging masks to unvaccinated individuals. If there were a situation where somebody wanted to mask in their office, and they had someone come in who refused to wear a mask, that is what this is referencing;

that one would not have to show medical documentation. Legislative employees should go through the ADA process, the public need not. That would be an individual decision for that office.

VICE-CHAIR REINBOLD clarified that the public would not have to go through this process, there would be no segregation of the public within the Capitol over vaccination status, and that this would only apply if one was going into someone's office who is requiring a face covering.

MS. GEARY said that the Vice-Chair was correct.

CHAIR HANNAN noted that the script was not updated to reflect today's date and asked the Vice-Chair to please re-read the motion with today's date.

2:33:29 PM

VICE-CHAIR REINBOLD moved that Legislative Council adopt the COVID-19 Mitigation Policy dated May 14, 2021, amended June 16, 2021, with recommendations, suggestions, and advice that members heard today.

REPRESENTATIVE TILTON asked who would be making decisions for the individual LIOs located in each community.

MS. GEARY said the discretion for the LIOs was currently a multi-pronged approach, so whatever was passed in this Committee today would also apply to the LIOs. However, if there were an outbreak or a building closure, those individual LIO officers do have some latitude for making those decisions. The intent was that they would be fully open to the public as before, but there could be a situation where a particular LIO would have to be handled slightly differently. That decision would be made in consultation with herself and the Chair.

REPRESENTATIVE TILTON confirmed that the policy overall falls back to the policy here and the individual LIOs on a case-by-case basis and very rarely should there be some different situation that would require consultation by Ms. Geary and... she then asked to be reminded of who the other consultant for changes would be.

MS. GEARY stated that it would be the Chair of Legislative Council.

REPRESENTATIVE TILTON asked if there would be a notification sent out to the individuals who resided in that LIO.

-DRAFT-

MS. GEARY said that the intent would be that the LIO Officer would post signage or send an email regarding the closure.

REPRESENTATIVE TILTON said she wanted to make sure, though it might be obvious, that this policy regarding Legislative facilities opening up to the public included the Capitol as well.

CHAIR HANNAN confirmed this was true.

REPRESENTATIVE TILTON thanked her and said she wanted to have that on the record as this discussion centered on LIOs.

SENATOR REINBOLD said that looking at the whole policy, she wanted to get on the record that she believed there had been 70- or 80,000 people who had COVID-19 who said the vaccination does not have any additional benefit. She said she did not want to violate any Civil Rights, any HIPAA laws, she did not want any part of the mask policy reversed and did not want anybody segregated like what she described was happening in the stores such as Costco and Fred Meyer, even at...

CHAIR HANNAN asked the Vice-Chair to please keep her comments to the policy at hand.

VICE-CHAIR REINBOLD said that she wanted to make sure that did not happen and she wanted to have on the record that because of so many people who have had COVID, even, they believe, before the test was available, in addition to doctor's diagnosis, in addition to the T-cell test, which she said she was getting the next week and described as a T-Cell immunity test that has been approved by the CDC as well as antigen tests that a lot of people with natural immunity to COVID and there is no sense in them taking that, so she wanted to make sure that that is also, comprehensive natural immunity, is a very important, good, long-lasting. She continued that Cleveland Clinic and also the Washington University have put out some very good information in regard to that.

CHAIR HANNAN asked if there were any further questions about the policy.

SENATOR BISHOP asked the shelf-life of this policy.

CHAIR HANNAN said she believed that once Legislative Council instituted this policy it is the policy until members amended the policy.

MS. GEARY confirmed that the Chair was correct.

SENATOR STEVENS agreed with the Chair that some policies used by members today go back years and remain in effect until they are changed.

VICE-CHAIR REINBOLD said she forgot to speak to Item IV, and said that regarding close contacts, that sometimes one might not know if they were in close contact or not. When it says that the Legislature would follow CDC guidelines, obviously it changes a lot, and that she had concerns that the Legislature would not be able to keep up with the ever-changing guidance and would simply do their best. She said that, for the record, it may not be perfect, but that people would try to follow the guidance, but suggested amending "will" to "may" or "try" or something to allow for space in case it became an issue later.

REPRESENTATIVE TILTON spoke to her concern about the challenges and complications in following CDC guidelines by people with different opinions about what CDC guidelines were. She wondered how members could take care of that going forward and was concerned that the word "will" leaves no leeway for interpretation.

MS. GEARY said one of the big differences is that during session the Legislature had a contractor that was responsible for ensuring up-to-date CDC guidance was being followed. After this special session, there is no longer a contractor so it will be personal responsibility for the individual to work through public health and whatever means they choose to. She believed it would be good practice for the Legislature to follow CDC guidance, but there was nothing in this policy as far as follow-up or consequences. She asked Representative Tilton if that answered her question.

REPRESENTATIVE TILTON said that it helped.

SENATOR STEVENS said he believed members knew this day was coming, it had been a long time protecting this building and protecting Legislators and staff. He thanked Ms. Geary and her staff for doing a tremendous job limiting the exposure of COVID-19 within the Capitol Complex. He said everyone should be very, very proud of this work, including reaching about 80% vaccination rates. He asked what the impact of public access to the Capitol would be to the Legislature's contract with Beacon. He also asked Ms. Geary to help him understand that there will no longer be any Beacon staff within the Capitol.

MS. GEARY said that the Legislature's contract with Beacon would end June 30, but they had been asked to stay for the week after the special session adjourned so that members and staff traveling back through Canada could get their pre-travel testing, but that services would be very limited, such as one Beacon employee strictly doing testing. She said he brought up a good point, but she thought this committee would need to make any decisions about extending the contract to include testing for the public.

SENATOR STEVENS thanked Ms. Geary.

REPRESENTATIVE TILTON asked Ms. Geary since the contract will end and there is another special session planned, there would not be Beacon employees at the Capitol during that time unless Legislative Council enacted a change.

MS. GEARY confirmed that Representative Tilton was correct; there will no longer be a contract with Beacon. If this committee wanted to contract with Beacon again that would be up to this committee. LAA would likely recommend doing an RFP or something similar, however that is not currently up for discussion.

REPRESENTATIVE TILTON thanked Ms. Geary for her work and said this is a day she had been looking forward to and had been hoping for some time to return access of the Capitol to the Alaskan public.

CHAIR HANNAN noted that while it is not in the policy, the key fobs that staff and legislators have had been shut down so they only work at two entrances. She said that when this policy is amended, it was her understanding that the key fobs would once again work for entrance and egress from the building.

MS. GEARY confirmed that she would gladly let Maintenance know that they could reactive everyone's key cards and would send out a notice to the building occupants so they would know they are no longer restricted.

[2:44:43 PM](#)

VICE-CHAIR REINBOLD moved to amend the policy to include after the word "will" the word "strive" under IV in the Covid-19 Mitigation Policy.

CHAIR HANNAN asked if members were clear on the amendment and asked if there were any objections.

SENATOR STEVENS objected.

VICE-CHAIR REINBOLD said that committing to guidance was an absolute commitment, saying the Legislature was submitting to the federal government CDC guidance did not make sense to her. She thought the Legislative body needed to set their own policies, because the CDC guidance has been all over the map on many, many different things and they have taken complete U-turns on many, many things. She suggested that the Legislature could say they would not, or they would, but she thought striving was a positive word that moved the policy in the right direction but would not hold the Legislature beholden to the CDC which has been wrong over and over again.

SENATOR STEVENS said he heard what Vice-Chair Reinbold was saying, but the CDC has been the gold standard of all of this, and he would hesitate to change that in any way. He thought the way the policy was written was just fine, and members want to keep protecting this building as has been done in the past and make sure there are no outbreaks here. He was against that amendment.

REPRESENTATIVE TILTON said she was in favor of the amendment. She was looking to have the Capitol open, but believed that saying the Legislature would follow CDC guidelines but then saying that there is no personal responsibility that we are basing this on means that the word "strive" would be a better fit. She said the question earlier of how close contact tracing and testing was handled by a contractor became controversial and could become again if the Legislature had locked themselves in to the word "will."

REPRESENTATIVE TUCK said that this was for people who had tested positive, and he would think that someone who had tested positive would want to do everything in their power to protect others and protect themselves and it was really easy to look up and see what the latest guidelines are. There is personal responsibility in that; to say that the Legislature would strive to follow means that you can intentionally fall short but still prove that you strove to follow guidance. He said he would prefer to keep it as it is, and at this time he would not be supporting the amendment.

VICE-CHAIR REINBOLD said she could give an example of her sister, who was a stay-at-home mom, did not-

CHAIR HANNAN asked her to keep her comments to the motion to amend.

VICE-CHAIR REINBOLD said that this was pertinent. They were telling her what she could and could not do in her own home. She said she was a homeschool mom who found it very invasive, the contact tracing, and that was a violation of her freedoms and she basically asked them to step back. This, she said, she did not want to be told by the CDC, who some are calling the Cult of Public Health, to be telling people what to do in their individual homes, so she thought it was a positive compromise to strive to follow them but to be told that that the Legislature was beholden to the CDC, she thought was just wrong.

CHAIR HANNAN called for a vote on the motion to amend Item IV of the Covid-19 Mitigation Policy, adding "strive" after "will".

[2:48:57 PM](#)

A roll call vote was taken.

YEAS: Representative Tilton, Senator Reinbold

NAYS: Representatives Edgmon Foster, Hannan, Stutes, Tuck; Senators Bishop, Stedman, Stevens.

The amendment failed 2-8.

CHAIR HANNAN removed her objection from the initial Covid-19 Mitigation Policy, said that members had had an opportunity to discuss, and it was time to vote.

[2:50:05 PM](#)

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Reinbold, Stedman, Stevens.

NAYS: none.

The motion passed 10-0.

V. COMMITTEE BUSINESS - EXECUTIVE SESSION
A. SPECIAL SESSION PER DIEM

[2:50:57 PM](#)

VICE-CHAIR REINBOLD moved that the Legislative Council go into Executive Session under Uniform Rule 22(b)(3), discussion of a matter that may, by law, be required to be confidential. The following individuals may remain in the

room or on-line: Jessica Geary, Santé Lesh, Megan Wallace, Emily Nauman, any Legislators not on Legislative Council, and any staff of Legislative Council members.

[2:51:23 PM](#)

Council went into Executive Session.

[3:19:47 PM](#)

Council came out of Executive Session.

SPEAKER STUTES moved Legislative Council authorize Special Session per diem payments retroactive to May 20, 2021, for the First Special Session of the Thirty-Second Alaska State Legislature.

VICE-CHAIR REINBOLD objected.

CHAIR HANNAN said she would allow members to speak to the motion.

VICE-CHAIR REINBOLD said she would like to make a friendly amendment to the motion by adding "physically present in Juneau" after the word "members."

SENATOR STEDMAN objected.

CHAIR-HANNAN offered discussion to the amendment.

SENATOR STEDMAN said that when members are called into Special Session, all of their districts were different in geographical size, how many mayors, how many school boards, so on and so forth. He said some of them were vast and spread out such as Representatives Foster's and Edgmon's districts, with massive geographical districts; if they wanted to go back to the district from a Special Session to be in one of their district communities, he did not think it was fair to exclude them and make it a requirement for them to be in Juneau. He said during a Special Session, some members, depending on committee assignment and roles they play, are busy every day. He said a good portion of members were not busy and would go home or to their district for meetings, but must come back on a moment's notice for meetings in Juneau which did not allow these members to seek employment during Special Sessions and was highly restrictive.

Also, he wanted to encourage a broad age spectrum of society to come to Juneau and do their civic duty which would include men and women with families and children; and spoke to the difficulty of finding a home or rental in Juneau, let alone

the difficulty in guessing when Session might end and find lodging in advance for the right amount of time. He thought it was far too restrictive to require that kind of verbiage, to be in Juneau. Also, he added, when one files for per diem, all records were public and the media always went in and checked travel records, per diem records, and they knew the ones who were in the building, who was present, who worked, who was in and out working, and so on and so forth. It would be noticed by one's constituents and the news media if one was a loafer and was collecting per diem, it would not be secret. It would be up to an individual elected official and their constituents to form a relationship that ensured continued support for that elected official. He said he believed it was too restricted, the amendment should not be adopted, he did not think it was in the interest of a broad spectrum of elected officials in Juneau, in particular members with families and members with large geographic districts.

SPEAKER STUTES said she would echo the good Senator's comments and again would like to bring to light the fact that when members went home to their local communities it did not mean they were not carrying out their Legislative business. As an example, she said the Anchorage LIO was very active with committee meetings when members, particularly from the Anchorage area, have access to that LIO and that Judiciary had several meetings during this Special Session out of Anchorage, so she thought it unfair to "punish them," so to speak, when they were indeed carrying out State business outside of Juneau.

SENATOR STEVENS said that COVID-19 had really taught the country some lessons, that many people were forced to work outside their offices, work at home, and while he did not want that to happen in the Legislature too much, occasionally legislators have had meetings in which members had been out of the building, either at their Juneau lodging or their District homes, but participated online. It seemed to him that members had a good honor system, it had worked well in the past, where they had put down the per diem they thought they deserved, and it was reviewed by staff and the public. He thought leaving out the "in Juneau" would be a job well done for members.

VICE-CHAIR REINBOLD said she thought the public was very disappointed because of the budget and the reduction of PFD, she thought the Legislature was on very thin ice with the ethics law. The Legislature, she said, was not on the road system so travel is very expensive. She understood that

especially during tourist season the cost was prohibitive, but she also believed the intent for per diem is why members were in Juneau for the most part, so she remained in support of her amendment but was open to further discussion at a future date.

CHAIR HANNAN saw no further discussion and asked for a vote on the above amendment.

[3:26:42 PM](#)

A roll call vote was taken.

YEAS: Senator Reinbold.

NAYS: Representatives Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Stedman, Stevens.

The amendment failed 1-9.

CHAIR HANNAN called for a vote on the main motion.

[3:27:30 PM](#)

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Stedman, Stevens.

NAYS: Senator Reinbold.

The motion passed 9-1.

VI. LEASE EXTENSION

A. FAIRBANKS LIO

[3:28:18 PM](#)

VICE-CHAIR REINBOLD moved that the Legislative Council approve Renewal No. 1 of the lease for the Fairbanks office space in the amount of \$206,312.16.

CHAIR HANNAN objected for purposes of discussion and asked Mr. JC Kestel, LAA Procurement Officer, to come forward to speak to the Fairbanks lease extension.

JC KESTEL, Procurement Officer, Legislative Affairs Agency, said the current lease agreement between AlaskaUSA Federal Credit Union and the Legislative Affairs Agency for office space in Fairbanks will terminate July 31, 2021. He said there were five lease renewal options available under the lease

agreement, each for a one-year period. He said the Agency was seeking Legislative Council's approval to proceed with Renewal No. 1 for the lease for the period of August 1, 2021, through July 31, 2022. If Legislative Council approved Renewal No. 1 of the lease, he said it would leave four one-year renewal options remaining and the renewal period would exceed \$35,000 in one fiscal year, therefore Legislative Council's approval would be required. Attached to the memorandum, he said, was additional lease information and he would be happy to answer any questions that members had. He noted one small mistake he had made on the lease information sheet: at the top in the occupants section, it listed that there was staff for Representative Tuck at this LIO, however, that staff member was now a staff member for Representative Kriess-Tomkins.

SENATOR STEVENS said when he was Chair Hannan's predecessor, this council dealt a lot with this Fairbanks issue and that office space and members went back and forth several times about the others in Fairbanks who wanted to have offices in North Pole, so at one point the North Pole offices were going to be let go, and then at another point it was going to be kept. He then asked Mr. Kestel to bring the Council up to date on what other offices were being occupied in Fairbanks for staff.

MR. KESTEL said the North Pole office was still occupied, and he believed it was in the process of being moved out of by Representative Prax's office and staff, and they would be relocating into the Fairbanks LIO. He said that after the election, there was a vacancy in the Fairbanks LIO caused by the Representative from District 6 requesting office space within his district in Tok. That left an empty office in Fairbanks, allowing for savings to relocate Representative Prax into the Fairbanks LIO, and as of June 30, he projected that they would be fully moved out of the North Pole office.

SENATOR STEVENS thanked Mr. Kestel.

VICE-CHAIR REINBOLD wanted to hear from the Fairbanks members.

SENATOR BISHOP said that he hated moving and noted there was a savings of \$897 in this one year lease from the prior year's lease with the CPI adjustment going the other way. He asked if a two-year option was considered since the number is going south.

MR. KESTEL said that LAA had not looked at the two-year option because of the way the leases are structured; it would require an amendment with the landlord and for them to agree to a two-year renewal period and that attempt was not made.

SENATOR BISHOP spoke about the Representative from Tok and how he wished he was still in the Fairbanks LIO and that it seemed closer for him and to different parts of his district.

CHAIR HANNAN made a joke about hunting and the member from Tok and members laughed. She then said that Senator Stedman was next to speak.

SENATOR STEDMAN said that if he heard correctly, Representative Kreiss-Tomkins was going to have a staff member in Fairbanks. He then made a joke followed by more laughter.

CHAIR HANNAN made a joke then asked if there was more discussion, and upon hearing none, removed her objection from the motion and requested a vote.

[3:34:15 PM](#)

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senator Bishop, Reinbold, Stedman, Stevens.

NAYS: none

The motion passed 10-0.

VII. ADJOURN

CHAIR HANNAN said there was nothing further on the agenda and adjourned.

[3:34:54 PM](#)