

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**DECEMBER 16, 2021
1:01 PM**

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Neal Foster
Senator Click Bishop
Senator Lyman Hoffman

OTHER MEMBERS PRESENT

Senator David Wilson

AGENDA

CALL TO ORDER
APPROVAL OF AGENDA
APPROVAL OF MINUTES
COMMITTEE BUSINESS
ADJOURN

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency (LAA)
Tim Powers, Manager, Information and Teleconference, LAA
JC Kestel, Procurement Officer, LAA
Megan Wallace, Director, Legal Services, LAA
Rayme Vinson, Chief of Security, LAA

[1:05:06 PM](#)

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 1:04pm on December 16, 2021, in the House Finance Room 519.

Present at the call were: Representatives Claman, Edgmon, Hannan, Stutes, Tilton, Tuck; Senators Micciche, Hughes (alternate), Shower, Stedman, and Stevens.

Members absent were: Representative Foster; Senators Bishop, Hoffman, Reinbold.

Senator Reinbold joined at 2:06pm.

Eleven members present.

II. APPROVAL OF AGENDA

[1:07:06 PM](#)

SENATE PRESIDENT MICCICHE moved and asked unanimous consent that Legislative Council approve the agenda as presented.

REPRESENTATIVE TILTON dissented to the motion to approve the agenda. She moved that agenda items pertaining to the COVID-19 contracts with Beacon be tabled pending a discussion on the Legislature's COVID-19 mitigation policies.

CHAIR HANNAN asked if she would rephrase her motion to, "I move to amend the agenda to delete Item IV(d) dealing with the Beacon contract."

REPRESENTATIVE TILTON agreed to the above.

CHAIR HANNAN asked if there was further discussion.

SENATOR HUGHES asked for confirmation that she had been marked present at the roll call, which she received. She then stated she agreed with Representative Tilton's proposal.

SENATOR STEVENS asked for some explanation as to why Representative Tilton sought to remove the agenda item.

REPRESENTATIVE TILTON said that several members of this committee had asked that members look at the mitigation

policies and adjusting based on current COVID-19 trends; she cited Anchorage's Assembly removing the city's mask mandate as one reason the Legislature would do well to consider before adding to a policy that could be unnecessary.

SENATOR STEVENS said that now was not the time to be making things worse; Alaskans were not "out of the woods" yet in this continued pandemic with novel variants of the virus still emerging. He said that putting off this contract could lead to Beacon or other companies being unavailable due to short notice and praised Beacon's excellent work the previous session. He said he is against removing this item from the agenda.

REPRESENTATIVE CLAMAN said he concurred with Senator Stevens, citing news reports of the omicron variant coming on much more rapidly than previous variants. He thought it was appropriate to take up the item on the agenda rather than wait.

SENATOR SHOWER said that every indication showed that the omicron variant was less lethal and said he studied this virus every day and suggested that some members of this committee paid attention as well. He said this is why he emailed the entire Council including staff requesting this conversation. He said Representative Tilton's request was reasonable because the contract involved spending money before looking at the latest science and to make a wise decision based on the trends. He said he understood the fear of each new variant, but that as time went on, these variants became less lethal, putting the trends in a positive direction. He suggested calling another meeting to discuss and said it was his opinion that the Council was backwards in discussing a contract before discussion of current trends.

SENATE PRESIDENT MICCICHE said he saw Senator Shower's request for discussion of policy and thought it was reasonable. He stated that Session would begin in a month, these trends were like the ones occurring when the Council eliminated the mask policy earlier, and it was worth having a discussion to be able to make wise decisions regarding a future contract. He said he would commit to another meeting to have those discussion should it please the Chair.

SENATOR STEDMAN said he was not sure the logistics acting today on this item versus potential future meetings where the current policy would be modified. He said he saw

nothing wrong with having the discussion today. He continued that he saw no reason to strike this item from the agenda outright, but certainly supported tabling it upon discussion today should members agree more conversation was necessary.

REPRESENTATIVE TUCK said he did not want the Council members to get ahead of themselves and suggested adding talking about the existing policy for the upcoming session to the agenda.

SENATE PRESIDENT MICCICHE said he did not mind having a discussion; rather than moving to fight about every issue members might have, he would agree to approve the agenda. He sympathized with the idea of making a policy this soon being, "jumping the gun", but again said he did not mind discussing it, saying members might as well have the fight in one place.

CHAIR HANNAN confirmed no further members desired to speak on the matter and said that in the upcoming vote on the amendment a "yea" vote would be in support of deleting Item IV and a "nay" vote would keep it on the agenda.

[1:17:29 PM](#)

A roll call vote was taken.

YEAS: Representative Tilton; Senators Hughes, Shower.

NAYS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Stedman, Stevens.

The motion failed with 3 yeas and 8 nays.

CHAIR HANNAN asked if there were any further motions to amend the agenda or if members were ready for a roll call vote to approve the agenda. Hearing and seeing no further objections, she requested a roll call vote.

[1:19:22 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Stedman, Stevens.

NAYS: Representative Tilton; Senators Hughes, Shower.

The agenda was approved with 8 yeas and 3 nays.

III. APPROVAL OF MINUTES

- A. June 16, 2021, Meeting**
- B. June 25, 2021, Meeting**
- C. August 16, 2021, Meeting**
- D. September 23, 2021, Meeting**

[1:22:57 PM](#)

SENATE PRESIDENT MICCICHE moved and asked unanimous consent that the Legislative Council approve the minutes dated June 16, June 25, August 16, and September 23, all of 2021, as presented.

CHAIR HANNAN, hearing no discussion or objection, approved the minutes.

IV. COMMITTEE BUSINESS

A. Teleconference and Media Services Policy

[1:23:58 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council adopt the Teleconference and Video Streaming Policy dated December 16, 2021.

CHAIR HANNAN introduced Jessica Geary and Tim Powers to speak on the above policy.

TIM POWERS, Manager of Information and Teleconference, with the Legislative Affairs Agency stated that the existing policy that guides his section was written thirty-five years prior in 1986 and has not been amended since. He said a lot had changed regarding teleconferencing in those years; initially an individual cart was wheeled between committee rooms when teleconferencing was requested, resources were scarce, and only one meeting could be teleconferenced at any given time in the Capitol. The public could not call in from their home phone lines as they can today, he said, because the State was on a party line system throughout Alaska, and attendance was mandatory from an office within the teleconference network. Streaming video was not even an idea at this time as the Internet was not a household or a handheld utility, he said.

Prior to 2010, the Legislative Information Office (LIO) did not staff or teleconference any finance budget subcommittee meetings, Lunch & Learns, or other non-official proceedings. This was the year that Media Services was created and LAA began streaming video for all meetings. He said that his department was asked to cover all finance

subcommittee meetings as well as a variety of other events that were not official hearings. Since this time, requests for coverage of events that are not official proceedings have increased, and recently had even spilled into the interim rather than just during session. As technology has advanced and become more a part of the legislative process, the LIO had provided more services without an increase in budget. During session, he said, his department was staffed for the busy and long daily schedules as needed but there were not resources or staff for session-level activity during the interim. He said he was looking for sideboards to be added to the policy to help his team most effectively deliver their services year-round.

Mr. Powers said that the primary differences in the proposed policy focused on limiting demands of staff outside of session. The current policy contained a priority order, which did not provide guidance for when meetings should occur, so he was requesting the policy be updated to limit non-official proceedings to business hours during interim. The second significant change, he said, addressed when meetings would be available for streaming on AKL.TV. BASIS contained information on official legislative proceedings, facts of what has occurred, and what is officially scheduled to happen. After he conferred with the Chief Clerk and Senate Secretary, they reached a consensus that a revision to the policy was needed to maintain that only official business and information is found on the official website. He thanked Council members for their consideration and said he would be happy to answer any questions.

CHAIR HANNAN, upon hearing no questions or concerns from members, asked Ms. Geary if she had anything to add.

JESSICA GEARY, Executive Director of the Legislative Affairs Agency, said that she had nothing to add at this time and that Mr. Powers had done a great job summarizing.

CHAIR HANNAN asked if this policy had been brought up before the IT Committee.

MR. POWERS said it had not.

CHAIR HANNAN asked if elements of this policy intersected with capabilities of the Capitol's IT infrastructure.

MR. POWERS said this policy update had more to do with limitations of staff during interim; the small core staff

-DRAFT-

of year-round employees grew by nine people for session, so it would take a lot for his interim staff to host meetings after business hours.

SENATOR SHOWER asked if perhaps this policy should indeed be brought before the IT Committee before moving forward.

CHAIR HANNAN said that Mr. Powers answer, when she asked the question earlier, led her to believe bringing this policy before the IT Committee was irrelevant because this related to the staffing side of things.

SENATOR SHOWER asked if the IT Committee might have input on that and said he was not trying to put a wrinkle into discussion, but that the Chair's question had given him pause.

JESSICA GEARY said that the Teleconference and Streaming Policy was more of an LIO item than an IT item, so it had not been brought before the IT Subcommittee because it had less to do with IT than most of the other items that were brought before that subcommittee.

CHAIR HANNAN, seeing no further comments, requested a roll call vote.

[1:30:16 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tilton, Tuck; Senators Micciche, Hughes, Shower, Stedman, Stevens.

NAYS: None.

The motion passed with 11 yeas and 0 nays.

B. Anchorage Legislative Office Building Security Services Contract

[1:31:20 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council approve an extension of the current contract for Anchorage security services with Phoenix Protective Corporation through June 30, 2022, with a not to exceed contract value of \$75,000.

CHAIR HANNAN introduced JC Kestel to speak on matter.

JC KESTEL, Procurement Officer, LAA, said that the current contract for security services at the Anchorage Legislative Office Building (ALOB) would expire on February 28, 2022, and the Security Subcommittee was currently reviewing security protocols in all legislative facilities. He said it was unlikely recommendations will be adopted before this contract expired. LAA, he said, was seeking Legislative Council's approval to extend the current contract through June 30, 2022, allowing enough time for a thorough review and incorporation of any adopted changes. The contract extension required the funding to be increased by approximately \$40,000 and not to exceed \$75,000 for FY22. He said he would be happy to answer any questions.

SENATOR SHOWER asked what caused the increase of \$40,000 and listed a few possible answers he entertained.

MR. KESTEL said the increase was due to the extension in time for the period of legislative session. He explained that this was a length increase rather than a rate increase, so there was no "extra" cost to the Legislature than the previous contract.

CHAIR HANNAN confirmed that this was an extension to the end of Fiscal Year 22, June 30. Seeing no further questions, she requested a roll call vote.

[1:34:37 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tilton, Tuck; Senators Micciche, Hughes, Shower, Stedman, Stevens.

NAYS: None.

The motion passed with 11 yeas and 0 nays.

C. Amendment to Legislative Procurement Procedures

[1:35:56 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council adopt Amendment 1 to the Alaska Legislative Procurement Procedures.

[1:36:08 PM](#)

SENATE PRESIDENT MICCICHE then moved that Legislative Council adopt Amendment 2 to the Alaska Legislative Procurement Procedures.

CHAIR HANNAN asked Mr. Kestel to summarize the above amendments.

MR. KESTEL said that LAA wanted to propose these two amendments to the Alaska Legislative Procurement Procedures. The first, he said, reduced the administrative burden for routine expenditures and the second allowed the Legislature to benefit from cooperative purchasing agreements. Amendment 1, he said, increased the application of the procedures limit from \$35,000 to \$50,000 in section 020(a)(2), titled "Applications". Many routine expenditures, he said, had increased or were steadily increasing in cost, and are close to or exceeded the current application limits. Approval of this amendment would allow for greater efficiency in allocating resources or customary procurements by reducing required staff time and related Legislative Council authorizations. He then paused for questions.

SENATOR STEVENS clarified that this would not allow LAA staff to make decisions for procurements up to \$50,000 but would allow the chairperson of the Legislative Council to make those decisions without needing approval through the committee.

MR. KESTEL confirmed that he was correct.

SENATOR STEVENS said he appreciated increasing to \$50,000; he felt it was needed and that the Chair had the responsibility for making that decision.

SENATOR SHOWER asked for some examples to help him understand how much money the updated policy would be compared to the current policy.

CHAIR HANNAN said she believed Senator Shower was asking questions about Amendment 2; the one currently being discussed, she said, would allow the Legislative Council Chair to approve contracts or expenditures up to \$50,000.

SENATOR SHOWER said she was incorrect and spoke at length about what he was trying to ask.

CHAIR HANNAN said she believed he was trying to ask how many contracts were approved by the Chair in a year between \$35,000 and \$50,000.

SENATOR SHOWER confirmed she was correct.

MR. KESTEL said he did not have that number before him today but could report back to the committee.

CHAIR HANNAN asked how long the cap of \$35,000 had been in place.

MR. KESTEL said the cap was placed in November of 2013.

SENATOR STEVENS said that when he was Chair of Legislative Council there were a few times he went beyond the former cap of \$25,000 and at the point, the Council changed it to \$35,000 because it would have required emergency meetings. He said it was a standard, easy, thing, and that members could trust the Chair to make sure it was a legitimate issue. He said it was an easier way to do business and going from \$35,000 to \$50,000 made sense and allowed the Council to be more effective.

SENATOR SHOWER said his concerns were not because he did not have trust in the Chair, he just wanted to know before voting yes on an amendment that would allow authorization to spend a significant amount of money; a one-third increase in purchasing power. He said he was seeking more data before voting, for the record.

SENATE PRESIDENT MICCICHE asked how many times she had run into instances of needing approval for spending between \$35,000 and \$50,000 since she had chaired Legislative Council.

CHAIR HANNAN responded that she had not tracked these instances; that every instance of an item above \$35,000 had thus far just gone straight to Legislative Council. She said she could think of one incident where the procurement was beyond her threshold, and she had to call a Legislative Council meeting because the contract was running out.

SENATE PRESIDENT MICCICHE asked if there had only been one instance in ten months.

CHAIR HANNAN responded that as anything over \$35,000 would go straight to Legislative Council for approval, she had not tracked instances between \$35,000 and \$50,000.

REPRESENTATIVE TUCK asked if this would also apply to Legislative Budget & Audit authority.

MR. KESTEL said that he believed that was correct—it would be across the board for the Legislature.

REPRESENTATIVE TUCK thanked him and said that he could only think of one time when he was Legislative Budget & Audit Chair that he went between those figures and brought it to the committee; Council members in this case did not approve it and it had to do with the Dittman Poll. He said he could understand why these checks and balances were in place and if the committee did not want to proceed, the Chair should not be able to pursue it further.

SENATOR HUGHES asked how many times Chair Hannan had items that had to go to the full Council that were between \$35,000 and \$50,000 since she had been Chair of this committee.

CHAIR HANNAN repeated that she had not tracked this, and said that for instance, on today's agenda, the security contract that had just been approved might have been one that could have applied except the upper limit of \$70,000 exceeded the Chair's proposed authority. However, had it been \$45,000 and the limit of policy been \$50,000, she could have approved that extension without bringing it to the full Council. She said that the reason she had not tracked these instances was because LAA had kept that line clearly with her as Chair and had not presented her with anything for single approval that was even a dollar over \$35,000.

MR. KESTEL said that there were several LIO leases that LAA brings before Council every year that are between that range; with raising CPI increases coming due to inflation, Council would see more and more of these leases hit that threshold, causing more Legislative Council meetings in the future, especially in the coming year. He said he could not put an exact number on the leases of this nature he had brought before Council this year but estimated at least half a dozen in just the leases, as well as other basic service agreements for routine operations.

SENATOR HUGHES said she wanted to understand the history of the item Representative Tuck brought up where there was something over \$35,000 that did not reach approval by the Council. Who brought forward the request for the Dittman Poll, under what circumstances might the Council not agree with something like that. She said she just wanted to understand.

CHAIR HANNAN explained that Representative Tuck was speaking about Legislative Budget & Audit, and in her tenure as Chair of Legislative Council she had not had either opportunity or guidance to initiate something like this; what had been brought before her were generally service contracts, alarms, fire extinguisher inspections, Xerox, security contract, she said, which was about as glamorous of contracts she had seen. When larger contracts, such as LIO or district offices, had come across her desk, some had been much larger; it tended to be the rollover contracts for the smaller LIOs that had been under \$50,000. Extensions of contracts of larger LIOs with greater numbers of district offices would have to come before the Council due to their cost of over \$50,000. She said the only contract under this amount that she initiated was in Tok- she was able to execute this contract without the Council because the entire contract was under \$35,000.

REPRESENTATIVE CLAMAN asked how many contracts the Chair could recall under \$35,000 that she had approved during her tenure using the current policy.

CHAIR HANNAN said she believed about a dozen.

REPRESENTATIVE CLAMAN asked for a rough idea of what those dozen procurements she had approved pertained to.

MR. KESTEL said that as the Chair had mentioned, those items under \$35K had been smaller LIO leases, a few with district office space, routine service agreements for the ALOB and a couple in Juneau, in his recollection.

REPRESENTATIVE TILTON asked whether this policy would apply to Chairs of other committees, or just the Legislative Council Chair.

CHAIR HANNAN clarified the question for Ms. Geary and Mr. Kestel and asked to whom section 020(a) of Procurement Procedures applied to.

MR. KESTEL said that the application of 020 would apply to any committee that has budgetary funds in the Legislature or subdivision. He said that in the procurement procedures there was a section that called out for contract award on page 10 of the Legislative Procurement Procedures on the intranet which talked about some of the committees within the House & Senate and said that section 150, subsection B, involved contracts, amendments to contracts, and how they are authorized. He said these committees were likely the

ones that would be authorizing various contracts if pursued under this application. Once the application was applied to give the Chair the power of approval up to \$50,000 and asked the Chair to please repeat the second half of Representative Tilton's question.

CHAIR HANNAN asked which committees would have the budgets and this authority extension.

MR. KESTEL deferred to Ms. Geary on this question.

MS. GEARY said that any committee that has a budget, such as the Finance Co-Chairs, the Budget & Audit committee, Legislative Council, Presiding Officers, including Rules Chairs, who oversaw the Legislative Operating Budget and the Session Expenses Budget.

REPRESENTATIVE TILTON asked for transparency, has there been thought given to allowing the committee Chair to sign on contracts up to that amount, but then it comes over to the Council as ratification as is done with sanctioning an event.

MR KESTEL said that it had not yet been brought up or explored.

SENATOR STEDMAN said in follow up to Representative Tilton's question, it seemed to him like the busy-work is directed to Legislative Council, and the other committees such as Finance and LB&A, which he had been involved with many times over the years, less so with Rules and Presiding Officer's budgets. He said he was not sure that the Council needed to give the Chair that much authority. He said the Chair might want to discuss parsing out Legislative Council to avoid the busy work and have a different amount than the other committees. He said in the past there had been rogue Chairs who led joint committees and caused difficulties; he didn't believe the Chair of the Finance Committee needed \$50,000 authorization, and that the current authorization was significant. If it were up to him, he said, the authorization would be even less than that. He saw no reason why these Chairs would not bring issues to the committee for discussion and action of significance, including items involving significant spending. He believed this policy proposal was too far-reaching; it could be beneficial for just Legislative Council to avoid the busy-work of LIOs and such but did not support it for the rest of the mentioned committees.

SENATOR SHOWER agreed with Senator Stedman and asked what the inflation rate had increased to from 2013 that had driven a one-third increase in cost authorization.

MS. GEARY said the inflation would have amounted to an increase to approximately \$42,000; LAA chose \$50,000 as a round number after looking into some of the existing service contracts.

1:58:19 PM

SENATOR HUGHES also agreed with Senator Stedman and moved that Legislative Council amend the above motion by inserting the words "for the Legislative Council Committee" at the end of the first sentence.

1:58:52 PM

CHAIR HANNAN called a brief at-ease.

2:00:35 PM

Council returned from at-ease.

CHAIR HANNAN said that Legislative Legal Services had some concerns about drafting this policy amendment here at the table and recommended taking the motion as a conceptual amendment that Legal could then draft it in a way that bifurcates Legislative Council's specific actions discussed today in those procedures, but that policy right now does not address Legislative Council as a standalone entity. She asked Senator Hughes if she would prefer to do the above, or to table the motion and return to it next meeting.

SENATOR HUGHES said she was happy to follow the Chair's preference as she had mistakenly voiced her amendment to the wrong part of the original motion.

CHAIR HANNAN said she would prefer Senator Hughes offer a conceptual amendment, and then ask Megan Wallace to summarize her understanding back, to ensure that she had captured the concept that Legislative Council was proposing.

2:02:33 PM

SENATOR HUGHES moved that Legislative Council adjust the first amendment so it just applied to Legislative Council Committee and that this be a conceptual amendment that would be worked on.

MEGAN WALLACE, Director of Legal Services, stated that she understood Senator Hughes conceptual amendment would amend

the Procurement Procedures to not apply to contracts that do not exceed \$50,000 for Legislative Council contracts; other entities that are subject to the Procurement Procedures would remain at the existing \$35,000 limit. She asked the Senator if she had captured her intent correctly.

SENATOR HUGHES said yes.

CHAIR HANNAN asked if she was correct in thinking a roll call vote was required even though it was a conceptual amendment.

REPRESENTATIVE TUCK wanted to ensure he understood the conceptual amendment: there would remain a \$35,000 limit for an extension of a contract or sole sourcing a contract, as he knew LB&A had that authority under this provision. If the amendment passed, that would raise it to \$50,000, but only for Legislative Council.

CHAIR HANNAN confirmed that yes, this was the case, and noted that Ms. Wallace was nodding her head in the affirmative. She then requested a roll call vote.

[2:04:59 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tilton, Tuck; Senators, Micciche, Hughes, Shower, Stedman, Stevens.

NAYS: None.

The conceptual amendment was adopted with 11 yeas and 0 nays.

REPRESENTATIVE TUCK asked to make another conceptual amendment that the other committees upper limits be increased to \$40,000.

SENATOR STEDMAN said he did not believe that increase was needed; if one looked at the purchasing power of \$35,000 is actually equal to about \$42,000, there had actually been a decline over time, and in a few years, the other groups may come back and have requests for modifications. He believed members should stick to the number on the table today, saying it was more than healthy for the Finance Committee as they had two Chairs, and therefore double the amount. He could not speak for the Presiding Officers, Rules Chairs,

or members online, saying that Senator Stevens had held both roles, so he would be better informed.

CHAIR HANNAN noted for the record that Vice-Chair Reinbold had joined on-line at 2:06pm and asked if there was any further discussion on the motion at hand.

REPRESENTATIVE TUCK spoke to his motion, saying it was just to keep up with inflation and keep things balanced with projected inflation downturns and upticks.

SENATOR STEVENS said that he felt okay about the current proposals; before 2013 it was \$25,000 that was moved up to the current \$35,000, making it \$40,000 would be fine and the upper limit could be adjusted as necessary. This Procurement Policy only came into play a limited number of times, he said, and was not controversial. He said he was sure that the Chairs of committees would want to bring any controversial procurements to their committee members in any case.

CHAIR HANNAN, seeing no further comments, requested a roll call vote.

[2:09:32 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Stevens.

NAYS: Representative Tilton; Senators Hughes, Reinbold, Shower, Stedman.

The motion passed with 7 yeas and 5 nays.

CHAIR HANNAN asked if members were ready to vote on the main motion to adopt the new Procurement Policy.

[2:10:58 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Hughes, Stedman, Stevens.

NAYS: Representative Tilton; Senators Reinbold, Shower.

The policy was adopted with 9 yeas and 3 nays.

CHAIR HANNAN asked Mr. Kestel if he would please speak to Motion 2 of this item, made earlier by Senate President Micciche.

MR. KESTEL said Amendment 2 created a new section in the procedures: Section 037, Cooperative Purchasing Authorized which allowed the Legislature to participate and create co-op purchasing agreements. By approving this amendment, he said, the legislature would be allowed to use existing contracts for goods and services procured for cooperative purchasing by publicly funded entities at the municipal, state, federal, and/or local level. States participating in cooperative purchasing agreements work together to determine the scope, conduct solicitations, and produce contracts of greater benefit than what any one state might realize. This amendment also, he said, included an update to section 040, Exemptions, to group applicable procurement exemptions for easier reference. He offered to take any questions and provide additional details upon request.

[2:13:05 PM](#)

CHAIR HANNAN called an at-ease.

[2:14:17 PM](#)

CHAIR HANNAN came back on the record and said she realized she had made an error. She said Representative Tuck's conceptual motion to amend had passed with 7 yeas, but Council needed 8 yeas for it to have passed. So if the committee agreed, she proposed members take that vote again because it also invalidated the vote on the amended main policy motion. She asked if members understood the situation.

REPRESENTATIVE TUCK asked the Chair to explain whether this was a majority of the full committee or if this had a more than a fifty percent plus one threshold.

CHAIR HANNAN asked Ms. Wallace for her expertise and said that in a 14-member committee, 8 votes were necessary to affirm passage.

MS. WALLACE said that the Chair was correct, and it was a long-standing Legislative Council policy that all substantive motions have an eight person vote threshold for adoption of any motion.

SENATOR STEDMAN asked if a formal motion was necessary to rescind the erroneous motion or if members could simply take it up again.

MS. WALLACE said that if members were going to re-vote, a motion should be made to rescind the committee's action in failing to adopt Amendment Number 2 to Contract Amendment 1.

[2:16:26 PM](#)

SENATE PRESIDENT MICCICHE moved to rescind the Council's action on the final vote of Amendment Number 1 first.

[2:16:41 PM](#)

CHAIR HANNAN called an at-ease.

[2:17:03 PM](#)

Council returned from the at-ease.

CHAIR HANNAN asked that the Senate President please restate his motion.

[2:17:10 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council rescind action on adoption of Amendment Number 1.

CHAIR HANNAN asked if a vote was required to confirm the above motion.

[2:17:30 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council rescind action on the vote on Amendment Number 2 to Amendment Number 1.

CHAIR HANNAN stated that the Council had rescinded the action which brought members back to the conceptual amendment from Representative Tuck to raise the threshold limit from \$35,000 to \$40,000.

SENATOR HUGHES said she wanted to note that when an at-ease was called, online members could not hear the conversation in the room and asked if things could be changed to allow this.

CHAIR HANNAN said that she was seeing "No's" from people with knowledge in the room, but she said she would give the opportunity to the experts in the room who spoke during the at-eases to come on the record and explain what had been discussed during them. She asked if members needed any further update in regard to recension of the main motion's final passing and the second amendment to it, or if members were ready to vote.

REPRESENTATIVE TUCK said he thought technically all that was necessary was announcing the proper passage/non-passage of the amendment, but if people wanted to vote on it again, he would be happy to vote on it again.

CHAIR HANNAN said Senator Stedman voiced desire to vote, so she would ask members to vote again. A roll call vote was requested.

[2:19:36 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Stedman, Stevens.

NAYS: Representative Tilton; Senators Hughes, Reinbold, Shower.

The motion was adopted with 8 yeas and 4 nays.

[2:20:39 PM](#)

A roll call vote was taken on the main motion that has two conceptual amendments.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Hughes, Stedman, Stevens.

NAYS: Representative Tilton; Senators Reinbold, Shower.

The motion was adopted with 9 yeas and 3 nays.

CHAIR HANNAN asked if Mr. Kestel would please again summarize Amendment 2 to the Procurement Policy.

MR. KESTEL said Amendment 2 created a new section of procedures: Section 037, Cooperative Purchasing Authorized which allowed the Legislature to participate and create co-op purchasing agreements. By approving this amendment, he said, the legislature would be allowed to use existing contracts for goods and services procured for cooperative purchasing by publicly funded entities at the municipal, state, and/or federal level. States participating in cooperative purchasing agreements work together to determine the scope, conduct solicitations, and produce contracts of greater benefit than what any one state might realize. This amendment also, he said, included an update to section 040, Exemptions, to group applicable exemptions to the procedures for easier reference in one section. He

offered to take any questions and provide additional details upon request.

REPRESENTATIVE TUCK asked Mr. Kestel to rephrase this into layman's terms using a scenario of what the problem was and demonstrate how this was a solution, as he was having trouble following. He also asked if these agreements were only between the Legislature and other government entities, such as a contract between two such entities, or if it was some sort of deal where, for example, the Municipality of Anchorage has procurement with a certain organization or vendor and then the Legislative Procurement could use that same vendor utilizing the Municipal process.

MR. KESTEL said the Representative's example was correct. This amendment, he said, did not have the Legislature contracting directly with other government entities, it just allowed for the joining or using of that service or goods contract so if it was procured as a cooperative purchasing agreement to the Legislature's benefit, to avoid lengthy solicitations or costly procurements. So, for instance, snow plowing in Anchorage: if the Department of Transportation (DOT) has a contract that would be more beneficial for the Agency to use for the ALOB, he would be able to pursue using that contract directly with the vendor because it was likely set up as cooperative purchasing for all State offices. He said the Executive Branch did use cooperative purchasing throughout its procurements similar to Alaska Statute 36.30.780, which allowed the Executive Branch as well as other State agencies that are not subject to their own procurement procedures to utilize cooperative purchasing. He then asked Representative Tuck to repeat the second half of his questions.

REPRESENTATIVE TUCK said he believed his questions had been answered and repeated back his understanding of Mr. Kestel's explanations: cooperative purchasing agreements allow the Legislature to work with another government entity to be able to utilize their procurement method in securing one of their vendors to work for us. He repeated Mr. Kestel's example of DOT having a contract with a vendor for snow removal that the Legislature could use at the ALOB without going through a bidding process or the normal procurement process.

MR. KESTEL said he was correct.

REPRESENTATIVE TUCK asked, in that scenario, would the Legislature be using the same price as DOT or would there be a way to possibly get a better price out of the vendor?

MR. KESTEL said that the price of contracts such as this could be negotiated lower, but chances were that it would end up in the Agency using the existing contracted price.

REPRESENTATIVE TUCK asked who was asking for this policy change.

MR. KESTEL said he believed it was a request of the Agency to benefit the Legislature as a whole for routine purchases and operating service agreements.

REPRESENTATIVE TUCK asked if there were two or three specific examples that Mr. Kestel could share.

MR. KESTEL said one recent example conducted through the National Association of State Procurement Officers (NASPO), which is one of the largest co-op purchasing agreements, was the fire alarm system for the Capitol. That, he said, was a co-op purchasing agreement signed onto by the State of Alaska at a national level which provided deeper discounts than anything the State could have realized on its own. Another example, he said, was the fact that several of the State's contracts originally published in the Contract Awards Manual for reference, had migrated over to NASPO contracts in the past decade. One of the benefits of this, he said, was freeing up procurement staff, writing himself out of a job so to speak, but allowed staff to complete more complicated procurements rather than routine purchases for office supplies and tires for vehicles and other routine operating expenses. He said a third example was in recent years the General Services Administration (GSA), the contracting administration with the federal government, had opened up some of its GSA contracts for State and federal contracts to use which would allow the Legislature to participate in those.

SENATOR HUGHES asked about the possibility of achieving a lower price such as in Representative Tuck's DOT snow removal vendor example, is there anything in this that would prevent us working before the other agency would procure the services and by adding the job that we have, we might receive a better rate.

MR. KESTEL said no, there is nothing that would prevent us from doing it before hand and actually it would be quite beneficial; this would allow the Legislature to do that.

REPRESENTATIVE TILTON asked about liability in case of failure with such contracts she imagined there would be provisions that would uphold the liability to a minimum on the part of the State; for example, a failure of the other party not completing the contract.

MR. KESTEL said that yes, this Cooperative Purchasing Authorized would allow the Legislature to use or form a contract with another entity and would also allow the Agency to have a separate contract with the same terms. He said that Legislative Legal would help draft the contract with the Agency's conditions and terms; there could be some provisions relating to delivery of goods and how the procurement was originally written that could be at odds with LAA's original clauses, but the Agency could add its own indemnification subject to appropriation, standard clauses that would appear in its normal contracts and release liability and insurance requirements.

SENATOR SHOWER asked for clarification about the approval process--would it be the exact same as what the Legislature used now, or would approval authorities change, etc.

MR. KESTEL said that the approval process would not change. The cooperative purchasing would still be subject to the new thresholds that had been amended and would go through the same committee process as any other agreements applicable to the Procurement Procedures.

SENATOR SHOWER said just for clarity: it would be the same process, same approval authorities, nothing in the language would change how members were currently doing business except that this language as written would allow the Legislature to enter into these contracts with other entities as described.

MR. KESTEL said Senator Shower was correct.

SENATE PRESIDENT MICCICHE said on page 2, section E, there could be the possibility of the Legislature being in a collective purchasing agreement with another state or the federal government.

MR. KESTEL acknowledged the Senator's question and said he was quickly reading the section to be able to respond.

SENATE PRESIDENT MICCICHE asked to clarify and said he had used collective purchasing agreements in the private sector and believed they worked, that it was a smart way to do business, especially with the approval level. He said another state or the federal government might have a very different procedure and if it was not something that the Legislature may take advantage of, he was not sure it was necessary.

MR. KESTEL said he would have to think more about this as an example, but that this amendment was drafted to mirror some of the Executive Branch's cooperative purchasing agreements so that section E might not be an item that would be used by the Legislature but would give them the option of adding it. Without further research on how the Agency might benefit from that section, he said it was the best answer he could give at this time.

REPRESENTATIVE TUCK said his concern was that as someone who supported Alaskan jobs by hiring Alaskans, contracting with Alaskans, etc., he hated to see the Legislature start procuring things at a national level that would not give opportunities to locals. He understood that cost may be a driving factor but expressed concern about the ramifications.

MR. KESTEL asked to follow up on both Senate President Micciche and Representative Tuck's comments. First Senate President Micciche's questions regarding Item E—the example we would use Item E for is GSA contacts. In response to Representative Tuck's questions, for example, the NASPO organization is comprised of both national and local vendors. For instance, the Johnson Controls fire alarm project ongoing at the Capitol is a national agreement but administered by a local contractor. Mr. Kestel offered a few other examples of Alaska businesses who may benefit.

REPRESENTATIVE TUCK noted that some of the examples given are national chains that may not have offices here.

SENATOR REINBOLD apologized for being late. She agrees with Representative Tuck regarding local hire and is a huge believer in state sovereignty issues and legislative supremacy. She is concerned that this may be caught up with illegitimate federal mandates. She said she is uncomfortable because the mask mandate has caused tremendous uproar in our economy and with workers and is leaning toward a no vote.

SENATOR HUGHES as far as the concerns that have been expressed, the Legislature would have a choice whether to enter these agreements; the Legislature could decide if it would jeopardize local hire. She asked for clarification on that.

MR. KESTEL responded that is correct, these agreements would still come before the committee.

SENATOR STEVENS said this is something that is common in business. When the Legislature purchased the Wells Fargo building in Anchorage, it made use of this in both modeling and property management. It is not unusual for Legislative Council to take advantage of those opportunities.

CHAIR HANNAN said seeing no further comment, she requested a roll call vote on motion number 2 on Alaska Legislative Procurement Procedures.

[2:44:37 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tilton; Senators Micciche, Hughes, Shower, Stedman, Stevens.

NAYS: Representative Tuck; Senator Reinbold.

The motion was adopted with 10 yeas and 2 nays.

D. BEACON OHSS COVID-19 Services Contract

[2:45:44 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council reinstate the Beacon OHSS contract that expired on June 30, 2021; extend it through June 30, 2022; authorize an increase to the contract in the amount of one million dollars using existing Legislative Capital funds; and retain the remaining \$618,427.88 previously authorized under the original contract.

CHAIR HANNAN asked Ms. Geary to please speak to this item and noted that Ms. Amanda Johnson from BEACON is online to answer questions if needed.

MS. GEARY, Executive Director of the Legislative Affairs Agency, said she was asked to look into options for putting a testing program in place for the upcoming legislative

session and reached out to Ms. Johnson with BEACON to determine their interest since they had the contract that just expired at the end of June. She was receptive, is familiar with our environment, and did an excellent job last session. We discussed that pre-travel testing is important, especially for those traveling through Canada, so having testing services available in Anchorage, Fairbanks, and Kenai would be very helpful. Offering booster shots and vaccinations to those who want them was another service we requested. One item we did not request this time was symptom screening at the Capitol front entrance. This would just be testing services and some vaccination services upon request. She said she is happy to answer questions and Ms. Johnson is online as well.

SENATE PRESIDENT MICCICHE asked if the \$618,427.88 remaining on the original contract is not available for testing at this time.

MS. GEARY responded that amount is not available because the contract expired, so the Legislature would need to renew the contract to be able to utilize those funds.

SENATOR REINBOLD asked if there is no mandatory testing, as that policy was modified at the last meeting.

MS. GEARY said testing is required, but on an honor system. That is the policy that was passed at the last Legislative Council meeting and is the current Mitigation Policy.

SENATOR REINBOLD said she is not supportive of spending money on this. With the vast majority of people either have had COVID or have been vaccinated and this is a two-year old virus. She is skeptical. Omicron is, allegedly, for vaccinated people more mild. She said she leans strongly against this and believes people need to make their own health care decisions at their own health care providers and is aware there may be differing opinions in this group.

REPRESENTATIVE TUCK said the Legislature is self-screening and he believes the Legislature and legislative staff probably are more vaccinated than the general public. His concern is about the public. He did not think there would be limitations on them coming into the building and said we have done a really good job over the last year of reducing exposure and it does not make sense testing ourselves and not the public. He said he thinks testing may mitigate the spread more than anything and that masks are not as effective as testing. He said that if the Legislature is

going to regularly test, then why have a mask mandate—if someone has symptoms, then wear a mask, but we will no longer be testing for those symptoms at the front door. He continued that none of this lines up with a good, solid policy to protect ourselves in the building and that BEACON services should allow the public to test before entry for better protection in the Capitol. He said that he thought this is partly why people are hesitant about passing this new contract, because members have to figure out this policy for the next ninety to one-hundred-twenty day session before we know the costs.

2:53:04 PM

REPRESENTATIVE TILTON said she will again reference what she said earlier in the meeting regarding tabling this action, as the previous vote did not table it. This has nothing to do with Beacon or the way they provided services, but she said she feels very strongly that there should be a discussion of Legislative Council of what the COVID policy will look like before encumbering funds. She moved that Council postpone action until that conversation regarding the COVID policy happens.

SENATOR REINBOLD seconded the motion.

CHAIR HANNAN noted that a second is not required and asked Representative Tilton if she was moving to table the motion on the contract.

REPRESENTATIVE TILTON responded table or postpone. She said when this was discussed earlier that is a term that was used by another member, but yes, she would like to table the action to another time.

CHAIR HANNAN said she could not recollect if the motion to table is debatable.

SENATOR STEVENS said it is not debatable.

CHAIR HANNAN confirmed it is not debatable and requested a roll call vote on the motion to table action on the Beacon contract.

2:54:55 PM

A roll call vote was taken.

YEAS: Representative Tilton; Senators Micciche, Hughes, Shower, Reinbold.

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

The motion has failed with 5 yeas and 7 nays.

SENATOR STEDMAN said he would still like a little clarity on the contract. There is a lot of interest on the Senate side who want to move on a little bit and have flexibility and protection from people coming in the building, so if we decide to change our mask policy in a month what effect will that have on the contract and what flexibility do we have built into this contract. Also, he asked for clarity on the ability of the public to access this group with a fee, etc. In follow up to an earlier question from another member about the public, he said he is more concerned about the public entering than employees since most have been vaccinated or had COVID and are protected. The concern is to try to avoid the mask and still be protected from the public. He asked how we deal with this contract if we modify the policy in a month.

MS. GEARY asked Amanda Johnson with BEACON to comment on whether the existing contract would allow for testing of the public. She said she believed it would, it would just be a matter of how to pay for it since BEACON's estimate did not include testing the public.

MS. JOHNSON with BEACON responded that Ms. Geary is correct that the current contract's estimate does not include the public, however the scope of services is generally defined as testing—we do not define it as a specific population in the current contract—it is up to the discretion of the Legislature. Therefore, we could extend to support public testing, whether that be sponsored by the Legislature or a combination of the individual paying and a portion covered, or fully covered by the individual and that would include point of sale collection options as well as with insurance billing if necessary for public access.

SENATOR STEVENS said that makes sense and both Representative Tuck and Senator Stedman have identified an important issue—it is the public we are more concerned about. He said the public could either pay BEACON to have the test or bring a recent test with them, is that correct.

MS. GEARY responded that could be true we would just need to figure who would be verifying that status. Right now we can work out a process with BEACON if the public went over and got tested, they could get some sort of card or

sticker, etc. She said she was just unsure at this point how we would verify tests from other entities.

CHAIR HANNAN said the current policy does not provide for screening people at the Capitol entrance.

SENATOR STEVENS said he thought we need some expert advice from perhaps the State's Medical Doctor. Things he has read lately would indicate masking, if everyone is tested and vaccinated, may not be as important as once thought. Along with Senator Stedman's comments, that the Finance Committee would be interested in not having masking if testing were more available, it would be good to have some expert advice to help us through this. He nor anyone on this call is a doctor, so he would appreciate having more knowledge.

CHAIR HANNAN said to remind everyone, the contract with BEACON is to reflect our testing protocols reflected in our policy. The masking policy is our policy and BEACON is not engaged in that.

MS. GEARY affirmed that is correct; the masking policy is separate and is not part of the BEACON contract at all. She said she thought she heard Senator Stevens say he would appreciate someone with a medical background coming before Council, at some other point, before the policy is addressed, separate from this contract.

SENATOR STEVENS replied yes, absolutely, thank you.

SENATOR SHOWER he asked, again, since Council is discussing spending money on a contract and there are many questions on what the policy is, he said it is reasonable to hold off on making the decision on the BEACON contract for several million dollars, especially not knowing if the Legislature is going to test visitors which could further increase cost. He said perhaps Council should get that additional medical advice and have this policy discussion before making the decision because it may be re-done anyway. He said it feels like putting the cart before the horse; these questions are generated by the fact that Council is discussing the contract before knowing how to handle it. He did not want to put a motion forward yet until everyone on Council feels like they have asked their questions and had the debate, but he thought Council should consider holding off on decisions on this contract until these questions are answered.

SENATOR STEDMAN expressed a similar concern in that we may modify the policy soon and asked if there was flexibility in the proposed contract to change it to modify that agreement should we change the policy.

MS. GEARY responded that the contract is very flexible; whatever policy is passed we would provide to BEACON and they would ensure testing is following the prescribed schedule in policy. BEACON gets direction from us and will provide whatever services asked.

SENATOR STEDMAN said apparently there is a lot of flexibility with this contract. Is there flexibility on the monetary side of the contract and would the contract enable us then to make sure that we do not enter a contract today that is much more expensive than what is needed in a few months. There are two sides to the flexibility - one is of the entity itself, and then the bill they send to the State.

MS. GEARY said the amount she put forward is based on conducting four-hundred tests per week with a certain number of staff coming down. We can modify that level- BEACON can provide less service, we may need to add money to the contract if more service is requested, but they will only bill for services they provide. It is hard to know exactly how many tests they will conduct, how many people will get sick, and if contact tracing or quarantine services are required that is an added expense. She asked if Ms. Johnson had anything to add.

MS. JOHNSON just confirmed that BEACON will only bill for services rendered and will scale according to the scope of work requested, similar to the last session as during the phase of policy changes.

SENATOR REINBOLD said if there is a medical person who speaks to Council, she asked for a broader perspective than just Dr. Zink. If Council chose to bring back Dr. Zink, she wants to ensure she has clinical data and can back up her statements because she finds her information to be extremely controversial and often lacks a lot of clinical data. She said it is critical that Council make informed decisions based on clinical data that has been peer reviewed and is high quality. Dr. Zink also has to be able to tolerate opposing views that are very well founded as well. So that is issue number one. Issue number two is if the Legislature will screen for COVID are we screening for tuberculosis, if people are drunk, other colds and flus, we

could go on and on. She said she did not want to block the public based on a whole long series of different testing. She said tuberculosis is far more contagious and dangerous. She asked what is the entire purpose of this. She did not want the Capitol to become a medical clinic. She believed the constitution provides everyone access to the Capitol. She said she does not think we are in a state of emergency and believes that needs to be validated. The emergency use product, such as a PCR test, is illegal to mandate. She said she is happy that the Legislature has gotten away from mandating them but is going down a slippery slope with the public and what if they are only there for a day or so. People can take precautions for themselves. She said she supported if people wanted to vaccinate then vaccinate, if people want to mask, then mask, but those who choose not to should have that choice as well and that includes testing. She said again she will be a passionate no vote on this BEACON contract.

3:10:03 PM

SENATE PRESIDENT MICCICHE said he is seeking compromise because he understands there is hesitance about adding dollars to the contract without discussion. He said Council is putting the cart before the horse. He wants the Capitol to be open but finds it ironic that many legislators fly back and forth from Juneau sitting eight inches away from someone who is not tested and we are talking about possibly having a testing requirement for the public. He said discussion is needed prior to understanding what the policy will be for the 2022 session, everyone agrees to that. With numbers falling now, we do not know what the new Omicron will look like in Alaska, but we have been able to adjust as the risk profile in accordance with COVID numbers. He said he was going to propose an amendment and moved that Legislative Council reinstate the BEACON OHSS contract that expired on June 30, 2021, and extend it to February 15, 2022, with the remaining \$618,427.88 previously authorized under the original contract. He offered to speak to that upon request.

CHAIR HANNAN asked Senate President Micciche to please speak to his motion.

SENATE PRESIDENT MICCICHE said this gives Council time to get together, talk about what the policy is going to look like, and adjust accordingly. When Council gets back together and decides on a policy, we can adjust the contract dollars as necessary, but this gives us the \$618,427.88 to deal with anything that comes along in the

meantime, without adding a million dollars to the contract. He said this applies a little pressure to have a discussion about the policy going forward prior to session, but it could get some who are concerned about there not being any contract at all in place some comfort that there will be adequate dollars prior to getting back together on a decision on the policy.

SENATOR STEDMAN asked if Council extends this as proposed and does not take up this amendment, then in February decides to abandon masks, testing, and return to things pre-COVID, what is the financial exposure to the State.

MS. GEARY asked the Senator to please repeat the question.

SENATOR STEDMAN said if Council extends this contract as presented, and has deliberations, then in February decides to return to pre-COVID style access to the building... this contract is in place until June. He asked what the financial exposure is, if any, to the State when the Legislature would no longer need the company from say February on.

MS. GEARY thanked Senator Stedman for the clarification and said she understood the question. The contract is drafted through June 30 but could end prior to that date at the Legislature's discretion with agreement from BEACON. She asked Ms. Johnson to please comment on the Legislature's ability to end the contract early and what that might look like.

MS. JOHNSON with BEACON said if they mobilize under the current policy and set up services within the scope and the decision is made to reverse on those policies and return to prior operations, pre-mitigation strategies, BEACON would only be billing for the services in which we rendered and the mobilization/demobilization so there would be a quick turn around on it, but we will not enforce any additional costs beyond the services we rendered and period in which we rendered it.

SENATOR STEDMAN asked for confirmation that there is no financial exposure other than the remobilization cost of sending the folks back to Anchorage or wherever.

MS. JOHNSON said that is correct.

SENATOR STEDMAN said the Legislature does not have much at risk and can deal with this internal policy how it wants in the building at any time between now and June.

MS. JOHNSON said that is correct from BEACON's perspective.

MR. KESTEL added as a follow up that he spent significant time writing and drafting this contract with Legislative Legal. There are a couple clauses that allow us to terminate the contract with or without cause and it specifies, as Ms. Johnson said, that the contractor can only bill us for services rendered at that point. The other ability to cancel is the subject to appropriation language, but I do not think that is a question at this point.

CHAIR HANNAN said there is a motion to amend from Senate President Micciche which is to change the date that this contract would be through which would be February 15, 2022 instead of June 30, 2021, and to only authorize the previously authorized amount of \$618,427.88.

SENATOR REINBOLD asked if this has to go out for bid.

CHAIR HANNAN responded no.

SENATOR REINBOLD asked why.

CHAIR HANNAN asked Mr. Kestel or Legislative Legal to please respond.

MR. KESTEL said that in the original contract there is a clause that specifies if the contract can be extended, amended, or for whatever length of process we use beyond the original contract period. So that is where this amendment would come into play for the extension process.

REPRESENTATIVE TILTON asked the continuation of the contract with BEACON based on the amount of the dollars that are left available is what would make this contract not have to go out to bid. If we were to increase the contract and add dollars outside of what the original contract was, we would still not have to go out to bid to amend the contract because there was an option in the contract to change the terms.

MR. KESTEL responded that at some point it would have to go out to bid and that is when either there are no more extensions available or no more provisions that would allow for that contract to be extended further. He said, to his

knowledge, the Legislature does not have any procedures that limit the increase of contracts but asked Legislative Legal to please comment on that if they are online.

CHAIR HANNAN noted they are not currently online.

REPRESENTATIVE TILTON followed up that at some point she would like to know where that line is crossed of where it must go out to bid. If Mr. Kestel could provide that information later, that would be appreciated.

MR. KESTEL responded yes, he would provide that information to Council.

CHAIR HANNAN said seeing no further comments, she restated Senate President Micciche's motion and requested a roll call vote.

3:20:35 PM

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tilton, Tuck; Senators Micciche, Hughes, Reinbold, Stedman, Stevens.

NAYS: None.

The main motion has been amended with 11 yeas and 0 nays.

CHAIR HANNAN said the main motion has been amended, but final passage is still required on the main motion. She requested a roll call vote.

SENATE PRESIDENT MICCICHE said on the main motion, he would support it because of the compromise and he appreciates that, but he strongly requested that within the next couple of weeks there be a discussion on the policy that would determine what this future contract would look like as well.

CHAIR HANNAN clarified that the Senate President meant after the first of the year.

SENATE PRESIDENT MICCICHE confirmed he meant that discussion should take place prior to convening the next session.

CHAIR HANNAN confirmed prior to convening the next regular session regarding the policy, not the contract.

SENATE PRESIDENT MICCICHE said yes.

SENATOR STEVENS said he hoped at that point Council would bring in expert advice and assumed there was a lot of trust in what Dr. Zink, the State's Chief Medical Officer, has said and perhaps the State Epidemiologist. He would appreciate it if the Chair would arrange for Council to hear from knowledgeable people about what kind of a policy members can come up with.

CHAIR HANNAN said yes, her staff will work on that asap.

SENATOR REINBOLD said she does not respect a lot of the advice from Dr. Zink and from others, including the epidemiologist. She said she would absolutely like to see a more global uh, this is a hugely controversial issue and they have not provided enough clinical research data that is peer reviewed and backed. She asked for opposing views to be present as well.

SENATOR HUGHES said she wanted to bring to everyone's attention on this committee, and the public, that her concern is Council is considering spending a fair amount of money for one building in Alaska, when other public office buildings, school buildings, city government, and businesses do not have this level [of protection]. She said these are public dollars and she does not feel like she is extra special that she needs additional protections that other Alaskans do not enjoy. Council is talking about spending quite a bit of money for this kind of protection. She said she understood some people are very concerned about their health and appreciated that but does not think it is right to spend public dollars to a greater degree than what can be afforded in other entities across the state.

CHAIR HANNAN said seeing no further comments, she requested a roll call vote on the main motion which has been amended.

[3:26:10 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Stedman, Stevens.

NAYS: Representative Tilton; Senators Hughes, Reinbold.

The motion passed with 8 yeas and 3 nays.

REPRESENTATIVE CLAMAN noted this meeting was originally scheduled from 1:00-3:00pm and he had another meeting that he has already postponed, but now must sign off this meeting.

SENATOR REINBOLD AND SENATOR HUGHES both said they too had other commitments and needed to sign off.

CHAIR HANNAN said with members leaving Council may lose quorum to pass the next item, session per diem.

3:27:58 PM

CHAIR HANNAN called a brief at ease.

3:28:40 PM

CHAIR HANNAN called the meeting back to order and said discussion will continue on the agenda items.

E. Transfer of Funds for 2022 Session Per Diem

3:29:19 PM

SENATE PRESIDENT MICCICHE moved that Legislative Council approve the transfer of one million, nine hundred and ninety-five thousand dollars (\$1,995,000) from existing legislative capital funds to the legislative operating budget salaries and allowances allocation for the purpose of paying FY22 legislator session per diem.

He further moved that legislative council support the restoration of the governor's FY22 veto in a supplemental appropriation; once approved the transfer will be reversed.

CHAIR HANNAN asked if there was discussion.

REPRESENTATIVE TILTON said there is already in the supplemental budget, as Senate President Micciche pointed out, a line item that would restore those dollars for the per diem and so at this point she feels that there is no urgency to transferring those dollars within the budget. In her opinion Council should not be making that transfer at this point but deal with this situation through the budgeting process.

SENATOR STEDMAN said his understanding is the governor's fast track supplemental has the funds in it. But the Legislature do not know when we will take action on the fast track supplemental, fast track just means an early effective date. That may not get through the Legislature for several months and it is not uncommon for us to wrap up

the supplementals in the final budget. We may have several budgets; we have not even convened to have those discussions. The per diem issue needs to be addressed immediately because the session starts on January 18 and we have to conduct our business. We are quite a way out from having a piece of legislation sitting on the governor's desk to sign to fix this.

Senator Stedman also noted that this was an unprecedented move by a sitting governor to intercede in the Legislature's budget. We normally accept the governor's budget as presented, not his entire budget, but the governor's office, regardless of the governor's political positions or relationship with the Legislature or the bodies of either political party in control of the Legislature—it is just not done. We need to take action now and moot transfer these funds, then work through the normal budget process and as the motion is written when that budget issue is signed by the governor, the per diem issue, then we can reverse it in the accounting on our side. We need to take action on this or it will create a lot of problems, especially for elected officials, who have families and come to Juneau. He looked forward to discussion but urged members to support this as it is in the best interest of the entire Legislature and will help run a smoother budgetary process going forward.

SENATE PRESIDENT MICCICHE said he views this as an insurance policy. He supports that the governor is adding per diem funding back into his supplemental budget, but he does not want this to turn into a rich man's game. He said he has several members who are on the margins for the cost of being in Juneau that if per diem was delayed, these are both majority and minority members, because we did not have adequate funds it would impact them and their families very dramatically. He said he would support it and looked forward to passing that part of the supplemental appropriation and reversing the transfer, but he said he does have to look out for our members who are on the margin. All Alaskans should be able to serve in the Legislature no matter what their financial situation is and he worries about those members which is why he will support this.

SPEAKER STUTES said she agreed with both Senators. She said she had several members tell her that it would be financially difficult to come to Juneau without knowing the status of per diem. She said she is in full support of this.

REPRESENTATIVE EDGMON said he supports the previous comments and views this as a contingency measure, having seen supplemental budgets get caught up and not reach the governor's desk until later in the session. If this vote fails then the supplemental bill process gets slowed and continues through the end of session, he will not be one to call for it to be fast tracked just for per diem and is prepared to go the entire session, if necessary, without per diem.

CHAIR HANNAN said seeing no further comments, she requested a roll call vote on the motion of transfer of funds for 2022 session per diem.

[3:37:41 PM](#)

A roll call vote was taken.

YEAS: Representatives Edgmon, Hannan, Stutes, Tuck; Senators Micciche, Stedman, Stevens.

NAYS: Representative Tilton.

The motion has not passed with 7 yeas and 1 nay, as 8 votes are needed to pass.

F. Adoption of Identification Badge Policy

[3:38:44 PM](#)

SENATE PRESIDENT MICCICHE moved that Legislative Council adopt the Identification Badge Policy dated December 16, 2021, with the effective date of January 12, 2022.

CHAIR HANNAN explained this item came out of the Security Subcommittee earlier this week and asked Ms. Geary and Chief of Security Rayme Vinson to please speak to the policy and answer questions.

MS. GEARY, Executive Director of Legislative Affairs, said as Chair Hannan mentioned this policy came out of the Security Subcommittee which Rayme Vinson, Chief of Security, Chairs. She will ask him to walk the Council through the high points and why we think this is an important measure for Capitol security.

RAYME VINSON, Chief of Security for the Legislature, said this badge policy basically follows some existing guidelines that require ID badges for contractors, lobbyists, members of the press, that a badge must be worn

and visible when in the building. Chief Vinson said he could review some things that have happened in the past, but basically this identifies legislators and staff. There are numerous people in the Capitol and this would help identify everyone and ensure access is appropriately granted to certain areas. We have asked that this be included with the card reader badges so employees have just one item, not two. Also, if the card reader badge is lost, it is easily identifiable.

MS. GEARY noted one thing on this policy that is a change from how we currently do business is right now lobbyists are not required to register to be in the building or wear an identification badge and this would require that they register, have their photo taken by Media Services, and wear an ID badge - similar to the media. She added this policy does not require legislators and staff to wear and display ID, they can already obtain a Legislative ID if requested, this would simply allow for them to get one printed on a key card and utilize it that way.

[3:42:19 PM](#)

CHAIR HANNAN took a brief at ease.

[3:43:47 PM](#)

Council returned from the at ease.

CHAIR HANNAN said Council will continue with the presentation and explanation of the badge policy and take up member questions. She noted a few requests from members to recess until tomorrow. She said when Council adjourns today, the next meeting will be after January 1, 2022, but prior to session convening. There are fewer members available tomorrow, so we will continue discussion today. She asked if members have questions about the badge policy.

REPRESENTATIVE TUCK asked if this was to provide everyone in the building with a badge, using different colors, etc. to indicate who they are.

MS. GEARY said they would be different colors based on category. Members of the press, lobbyists, legislative employees, interns, and legislators would have photos on their ID, contractors and visitors would not. She asked if that answered the Representative's question.

REPRESENTATIVE TUCK said yes, but asked for what purpose.

MS. GEARY this ID badge policy is to allow Security to quickly identify who might be in the building who is not a legislator or staff.

CHIEF VINSON said this would not only be used by Security, but by others in the building to identify people. It also would be effective should we have a viable threat and we put on additional Security or even the Police Department, we will already have an ID system in place so people can identify themselves as being allowed in the building or who they are in the building. This is something we have sought for a while, and this would implement it. At any time, Council could adopt a policy where those need to be displayed based on future perceived threats.

MS. GEARY noted one other thing this policy does is require that new staff, within ten days of hire, have their photo taken with Media Services for display on the intranet, another helpful tool for Security to identify who belongs in the building and who does not.

REPRESENTATIVE TUCK asked for an example of when someone does not belong in the building, whether a public member, a legislator, staff, etc.

MS. GEARY said that was a poor choice of words and will let Chief Vinson elaborate on what he would be looking for.

REPRESENTATIVE TUCK asked for clarification as to what problem is trying to be solved or an example of an actual situation. He said he wants action to have a purpose and does not like locking down the Capitol or adding a burden to the public.

CHIEF VINSON said this does not require any photos for the public so it should not be any burden on them. Actual situations include when people have taken access badges and used them to enter the Capitol and the ALOB which has happened several times in his tenure.

CHAIR HANNAN interrupted and summarized Chief Vinson's comments.

CHIEF VINSON said that is correct.

REPRESENTATIVE TUCK said in solving the new hires who do not get a photo taken, that should be a policy. He did not understand the necessity of everyone having badges.

MS. GEARY said one advantage to having the public and visitors register upon entry is really if something happens, a threat, a fire, etc. - it would help Security identify who is in the building.

REPRESENTATIVE TUCK said he understand the concept, but did not see that it was a significant concern.

SENATOR STEDMAN asked if this policy would require lobbyists to have their photos taken and posted online.

MS. GEARY said yes, their photos would be required to be taken by Media Services and their photo and name displayed on our intranet.

SENATOR STEDMAN said he thought this is long overdue. This discussion has happened over the years with some pushback, a different issue from what Representative Tuck mentioned. He said it is a disadvantage to elected officials to not know who lobbyists are if they do not identify themselves.

REPRESENTATIVE TUCK said he agreed that it would be nice to have at least the lobbyists on the intranet. He noted that the press is on the intranet and all staff should be on the intranet. It is important to identify lobbyists and press, but he is not yet convinced about the public. He asked to hear other comments before possibly suggesting an amendment.

CHAIR HANNAN said a few members from the Subcommittee are no longer on this call, so she intended to not vote on this item today but carry this item to the next meeting to allow everyone an opportunity to explore it further, consider it, and have questions answered before moving forward. She asked if there were other questions about the ID badge policy.

V. ADJOURN

[3:58:22 PM](#)

CHAIR HANNAN said seeing no further questions, the meeting is adjourned.