

LEGISLATIVE COUNCIL  
March 1, 2002

**1. ROLL CALL**

The Legislative Council meeting was called to order at 12:18 p.m. by Representative Joe Green, Legislative Council Chair, in the Senate Finance Committee Room at the Alaska State Capitol.

The roll was taken. In attendance were Council members Green, Kott, Murkowski, Ogan (via teleconference), Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, Kelly, B. Stevens, Torgerson and Elton. Staff present were: Varni, Clothier, Cook, Collins, Gullufsen, Ibesate, Johnston, Price and Schofield.

**2. APPROVAL OF January 28, 2002 MINUTES**

Representative Green moved the minutes of the January 28, 2002 meeting be approved.

Senator Elton made a motion for a correction on page 3, section 5, first paragraph, first line, after "November" delete "Legislative Council" and insert "Joint Committee on Natural Gas Pipeline". Representative Green moved to approve the minutes of January 28, 2002 with the correction.

YEAS: Green, Kott, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: Murkowski

The motion was approved unanimously.

**3. HOGAN & HARTSON CONTRACT AMENDMENT**

Senator Torgerson, Chairman of the Joint Committee on Natural Gas Pipeline, stated there was an increase in the amount per month that would be paid for monitoring federal legislation in the current contract. Senator Torgerson stated that originally he had asked for monthly reports, but instead wanted weekly reports, which increases the amount to

\$1,960 from \$1,410. Senator Torgerson further stated that Hogan & Hartson would physically pick up amendments from the U.S. Capitol.

Senator Torgerson made a motion to authorize the increase and authorizing Senator Torgerson to make amendments to the Hogan & Hartson Contract as necessary on behalf of Legislative Council except that any amendments increasing the contract amount will be brought before Legislative Council for approval.

Discussion followed.

Representative Green moved for a vote to approve the amendment presented by Senator Torgerson.

YEAS: Green, Kott, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Donley, Halford, Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: Murkowski

Motion was approved unanimously.

#### **4. KEVIN CLARKSON CONTRACT APPROVAL**

Senator Kelly moved that Legislative Council approve a contract with Mr. Kevin Clarkson to assist the Legislature in the case, *Planned Parenthood of Alaska v. State*, which is currently before the Court. The contract would be for \$300,000.

Discussion followed.

Senator Elton made a motion that the contract be approved contingent upon a report from Mr. Clarkson as to whether there is a conflict of interest. Mr. Clarkson will obtain a waiver or letter from the Bar Council stating that a conflict of interest does not exist and/or a waiver exempting Mr. Clarkson.

Representative Green made a motion for a vote to change the amendment that was offered by Senator Kelly making it conditional upon whether or not Legislative Council receives a letter from Mr. Clarkson suggesting that there is no conflict of interest and/or a waiver from the Bar Council exempting Mr. Clarkson.

YEAS: Berkowitz and Elton

NAYS: Green, Kott, Ogan, Porter, Rokeberg, Cowdery, Donley, Halford, Kelly, B. Stevens and Torgerson

ABSENT: Murkowski

Motion failed 11 to 2.

Discussion followed.

Representative Green moved for a vote to enter into a contract with Mr. Clarkson for the solicitation, award and expenditure of funds in an amount of \$300,000.

YEAS: Green, Kott, Ogan, Porter, Rokeberg, Cowdery, Halford, Kelly, B. Stevens and Torgerson

NAYS: Berkowitz and Elton

ABSENT: Donley and Murkowski

Motion passed 10 to 2.

Public testimony was heard from Valerie Therrien and Hugh Fleischer regarding the Kevin Clarkson contract.

## **5. FY 2001 LEGISLATIVE AUDIT REPORT**

Pam Varni, Executive Director, Legislative Affairs Agency, presented the FY 2001 Legislature Audit Report, a management letter to members of Legislative Council and members of the Legislative Audit and Budget committees, and financial statements. Ms. Varni affirmed a clean audit with no audit exceptions and asked that Legislative Council approve the one-year renewal with KPMG for the Legislature's FY 2002 Audit.

Senator Cowdery moved that Legislative Council approve the 1-year renewal for the FY 2002 Audit.

YEAS: Green, Kott, Murkowski, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Halford, Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: Donley

Motion was approved unanimously.

## **6. TELECOMMUNICATION PARTNERING PLAN/MEMORANDUM OF AGREEMENT BETWEEN LEGISLATURE & DEPARTMENT OF ADMINISTRATION**

Larry Walsh, Director, ITG and Jeff Tyson, Vice-President, ACS briefed Legislative Council on the agreement the State of Alaska has reached with the ACS statewide enterprise Telecommunication Partner Agreement.

Discussion followed.

Senator Cowdery moved that Legislative Council approve the participation of the Legislature in the Telecommunications Service Agreement because it is in the best interest of the Legislature.

YEAS: Green, Kott, Murkowski, Ogan, Porter, Rokeberg, Berkowitz, Cowdery, Halford, Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: Donley

Motion was approved unanimously.

## **7. FY 2003 LEGISLATIVE AFFAIRS AGENCY BUDGET**

Pam Varni, Executive Director, Legislative Affairs Agency presented the FY 2003 Legislative Affairs Agency Budget, and stated that the request for FY 2003 is showing a 1.2% decrease and that amount is about a \$489,900 decrease from our FY 2002 authorized budget. One of the larger components in our budget request is that we are budgeting like the Executive Branch for the 3% cost-of-living adjustment and health insurance increase.

Discussion followed.

Senator Cowdery moved that Legislative Council submit the FY 2003 Legislative Affairs Agency budget request to the House & Senate Finance Committees for their review.

YEAS: Green, Kott, Murkowski, Porter, Rokeberg, Berkowitz, Cowdery, Halford, Kelly, B. Stevens, Torgerson and Elton

NAYS: None

ABSENT: Donley and Ogan

Motion was approved unanimously.

## **8. FY 2003 OFFICE OF THE OMBUDSMAN BUDGET**

Maria Moya, Acting Ombudsman, submitted the proposed office of the Ombudsman budget for FY 2003. Ms. Moya stated the proposed FY 2003 budget request is for maintenance level funding and is requesting funding in all categories at the FY 2002 levels and includes an increment for anticipated changes in personal services. These changes include the cost of covering an increase in health insurance and funding the 3%

salary cost-of-living adjustment. The health insurance rate increase is expected to be \$5,000 and the COLA \$14,000.

Representative Porter moved to accept the Ombudsman budget.

With no objection the motion was approved unanimously. Representative Ogan was no longer participating via teleconference so a roll call vote was not necessary.

## **9. ANCHORAGE OFFICE SPACE SUBCOMMITTEE REPORT & RECOMMENDED ACTION BY COUNCIL**

Senator Cowdery briefed Legislative Council on the Subcommittee meetings. Senator Cowdery asked Ms. Varni to comment. Ms. Varni informed the Committee that the Agency was instructed to prepare an RFP. The Agency worked with the Subcommittee on the House and Senate office configurations, and will be getting a draft RFP to the Subcommittee members. At this time, the Subcommittee is asking Legislative Council to approve the solicitation of office space for Anchorage.

Discussion followed.

Senator Cowdery moved that Legislative Council approve the solicitation of office space for Anchorage.

With no objection the motion was approved unanimously.

## **10. SECURITY RECOMMENDATIONS**

Representative Porter made a motion under AS 44.62.310(c)(1) and Uniform Rules 22(b)(1) that the Legislative Council consider the subject of the Capitol security measures in Executive Session, as the decision in the matter could have an adverse impact on public funds. Representative Porter also requested that Pam Varni, Karla Schofield, Don Johnston and Wayne Fleek also attend the Executive Session to give advice on the issue.

The Council came out of Executive Session at 1:45pm.

Representative Porter made a motion for the approval of the solicitation, award and expenditure of Legislative Affairs Agency funds for security improvements to the Capitol and Terry Miller Legislative Office Building recommended in Executive Session.

With no objection the motion was approved unanimously.

The meeting was adjourned at 1:47pm.