

Legislative Council
November 1, 2001

1. ROLL CALL

The Legislative Council meeting was called to order at 9:12 a.m. by Representative Green, Legislative Council Chair, in the Anchorage 2nd Floor Conference Room & via teleconference.

The roll was taken. In attendance were Council members Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Halford, P. Kelly, Torgerson and Elton. Members absent were Porter and Donley. Staff present were: Varni, Finley, Ibesate, Price, Collins, Schofield and Ellis.

2. APPROVAL OF September 5, 2001 MINUTES

Senator Cowdery made a motion for a minor correction on page 1, section 3(A), third line down, to change “cities” to “entities” because some of those plaintiff’s are not representing cities, they’re representing themselves. Representative Green moved to approve the minutes of September 5, 2001 with the correction.

YEAS: Green, Kott, Murkowski, Ogan, Berkowitz, Cowdery, Halford, P. Kelly and Elton

NAYS: None

ABSENT: Porter, Rokeberg, Donley and Torgerson

The minutes were approved unanimously.

3. PRINT SHOP PAPER PURCHASE

Pam Varni, Executive Director of the Legislative Affairs Agency, explained that \$90,500 is in our FY 02 Administrative Services Budget for Print Shop paper. By approval of this motion the Print Shop at different times during the fiscal year will be able to go out to bid and purchase Print Shop paper for printing of bills and for use by all our various copying machines throughout the Capitol.

Discussion followed.

Senator Cowdery moved that Legislative Council approve the solicitation, expenditure and award of Print Shop paper in the amount of \$90,500 from Legislative Affairs Agency FY 02 funds.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Halford, P. Kelly and Elton

NAYS: None

ABSENT: Porter, Donley and Torgerson

The motion was approved unanimously.

4. COUNCIL OF STATE GOVERNMENTS (CSG) ANNUAL MEETING UPDATE

Pam Varni, presented reports with regards to CSG fundraising and expenditures. One report as of September 11, 2001 and the other as of October 30, 2001. Ms. Varni informed Legislative Council that the CSG Meeting was cancelled on September 14, 2001 due to the events of September 11, 2001. In working with the Egan Convention Center, CSG staff, and the three major hotels dates for rebooking for the CSG Conference are looking like September 29 – October 2, 2004. We tried to look at dates in 2002 and 2003 but there was not space available plus the fact that Virginia was already set for having their meeting in December of 2002 and Pennsylvania in 2003, so we will not be bumping any states. We have refunded our cash contributions with the exception of a small amount from sponsors who said we could keep it for the expenses to date. The CSG Executive Committee will decide on the 2004 location at their December meeting.

Representative Rokeberg made a motion that a letter be sent from Legislative Council, the House Speaker and Senate President to CSG giving them our support and an invitation for a CSG Annual Meeting in 2004.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Halford, P. Kelly and Elton

NAYS: None

ABSENT: Porter, Donley and Torgerson

The motion was approved unanimously.

5. CAPITOL SECURITY MEASURES

Pam Varni presented a memorandum regarding Capitol security measures. Ms. Varni outlined our current session security, current interim security and made recommendations

for immediate session security measures. Ms. Varni recommended the Council hire a security expert to do a site security survey of the Capitol and Terry Miller Legislative Office Building. Approximate cost would be \$5,000 for the Capitol, and \$2,000 for the Terry Miller Building plus expenses to come to Juneau from Anchorage. Bob Kean, Security Director with Doyon Universal Services in Anchorage, provided the estimate.

Pam Varni requested guidelines as to how much and what kind of security the Legislature would like in the Capitol and Terry Miller Legislative Office Building.

Discussion followed.

Representative Elton made a motion that we accept item #2 from Ms. Varni's memorandum under Recommended Immediate Session Security Measures with a recommendation that a cap of \$8,000 be placed on spending.

Representative Ogan amended the motion to also include item #1.

Representative Halford recommended that we only go with Senator Elton's motion.

Representative Berkowitz recommended that we go with Senator Elton's motion.

Representative Ogan withdrew his amendment.

Representative Rokeberg moved that we adopt an amendment to the motion on the floor that under Recommended Immediate Session Security Measures, item #4 be adopted in Ms. Varni's memorandum.

YEAS: Ogan and Rokeberg

NAYS: Green, Kott, Murkowski, Berkowitz, Cowdery, Halford, Kelly, Torgerson and Elton

ABSENT: Porter and Donley

The amendment failed 9 to 2.

Discussion Followed.

Representative Green moved to vote on Senator Elton's motion.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Halford, Kelly, Torgerson and Elton

NAYS: None

ABSENT: Porter and Donley

The motion was approved unanimously.

6. KTOO WIRING APPROVAL IN CAPITOL

Bill Legere requested permission to make modifications to our facilities in the Capitol. KTOO would upgrade our wiring in the Capitol, which in turn would make it easier for KTOO to do the audio/video streaming of Legislative meetings on the Internet. There is no cost to the Legislature KTOO would be doing this.

Discussion followed.

Senator Cowdery moved to authorize the KTOO wiring in the Capitol.

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

NAYS: None

ABSENT: Porter and Donley

The motion was approved unanimously.

7. LATE PER DIEM REQUEST – REPRESENTATIVE KOHRING

Pam Varni presented a memorandum from Vic Kohring requesting interim per-diem for May and June. Ms. Varni informed Legislative Council that the request exceeds the 60 days and needed to come before Legislative Council for approval. The request was in the amount is \$1,105.00.

Discussion followed.

Senator Donley moved Representative Kohring's per-diem be approved.

YEAS: Kott, Donley, Ogan, Berkowitz, Cowdery, Halford, Torgerson, Elton

NAYS: Green, Murkowski, Rokeberg, and P. Kelly

ABSENT: Porter

Motion passed 8 to 4.

8. KETCHIKAN LIO LEASE RENEWAL

Ms. Varni presented a second year renewal of our lease with 50 FS, LLC in Ketchikan. The second renewal option is December 1, 2001 to November 30, 2002.

Senator Cowdery moved to approve the second renewal option between 50 FS, LLC and the Agency with the yearly total of \$37,181.16.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Donley, Halford, Torgerson, and Elton

NAYS: None

ABSENT: Porter and P. Kelly

The motion was unanimously approved.

9. LEGISLATIVE VEHICLE POLICY

Ms. Varni presented a draft Legislative Vehicle Policy and Procedures to be reviewed and adopted by the Legislative Council. Attached are two forms that would be used by Legislators and Legislative employees or Agency staff and Sgt.-At-Arms staff signing that they have read the Legislative Vehicle Policy and Procedures before they drive a legislative vehicle.

Representative Murkowski recommended changes to the header not only stating the Executive Director but the Rules Chairs and Presiding Officers.

Senator Cowdery had some concerns about the use of the vans or equipment that there should be something in writing from the Legislator not the staff so that there is no question who is responsible.

Representative Murkowski requested that the following changes be made under section D. (d), Custodian Responsibilities, "that it is forbidden for the driver to use a cell phone."

Representative Ogan on page 3, under E. (c). Storage of Legislative Vehicles. Needs to address parking in front of a public place that is in question so that the public won't question the use of the vans.

Senator Halford requested that only licensed drivers be allowed to drive the vehicles.

Representative Kott requested pagers or cell phones be used as a means of communicating with drivers. Jan Price, Supply Officer stated that pagers are issued to drivers.

Senator Cowdery requested that (Hands free) speakerphones be permanent fixtures in the vehicles.

Senator Torgerson moved that the changes requested by Representative Murkowski and Senator Cowdery be approved.

Senator Donley questioned the writing of the changes. Pam Varni stated that under D. (d) after "forbidden" adding "by the driver", and adding on page 1 not only the Executive Director but the Rules Chairs and Presiding Officers and change on page 2, section D. d. under Custodian Responsibilities. So that it is reworded so that its not so much the responsibility of the Custodian but the individual actually driving the vehicles.

Senator Donley moved an amendment be added to the motion to specifically delete the provision on use of cell phone under section D (d). Custodian Responsibilities.

Rep. Green made a motion to vote on the motion as amended.

YEAS: Kott, Ogan, Berkowitz, Cowdery, Donley, Halford, P. Kelly, Torgerson and Elton.

NAYS: Green and Murkowski

ABSENT: Porter and Rokeberg

The motion passed 9 to 2.

Representative Murkowski requested a change on the form where individuals sign. The form should be signed-off by the Legislator as well as the employee. A signature line should be added on the form for the Legislator to sign-off on.

Representative Berkowitz requested an amendment that a "zero tolerance" for drinking of alcohol by the driver of the vehicle be added.

Representative Green requested that an amendment be added to include "zero tolerance" and no drinking of alcohol or consumption of substances that could impair driving ability within 8 hours before driving vehicles.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, Torgerson and Elton

NAYS: None

ABSENT: Porter

Motion as amended passed unanimously.

Representative Green requested a vote to adopt the Policy and Procedures for Legislative Vehicles as amended.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Donley, Halford, P. Kelly, Torgerson and Elton

NAYS: None

ABSENT: Porter

Motion was approved unanimously.

10. REDISTRICTING INTERVENTION UPDATE

Representative Green gave a brief update on the status of the Redistricting Intervention. Representative Green requested that Legislative Council authorize up to \$250,000 for the amicus brief in the redistricting suit and consult with expert witnesses.

Discussion followed.

Senator Donley moved to authorize the Council to make it clear that the motion from the prior meeting also included the following suggestion from the Judge that it would be appropriate for the Legislature to do an amicus brief and that in preparing that amicus brief it would be appropriate for the Legislative Council or whoever is representing the Legislature to consult with expert witnesses. Senator Donley stated The expert witness is appropriate every though they would not be testifying at the hearings because the questions raised here deals with the constitutional requirements of how house districts are constructed and those involve expert testimony as far as the social economic links. It is perfectly appropriate for Council preparing the amicus brief to consult with experts regarding those social economic considerations because that's going to be a big factor where the court is going to be looking.

Discussion followed.

Representative Murkowski moved that Legislative Council file with the court, as amicus curiae in the proceedings.

Representative Green requested a modification so that we don't get into that definition issue, that it also include the right to discuss strategy or whatever attorneys do in this case with expert witnesses since that's the turn the whole concept seems to be taking a battle of expert witnesses or whatever our attorney needs to learn from those expert witnesses.

Discussion followed.

Representative Berkowitz made an amendment the attorney be instructed not to share or consult with other plaintiffs.

YEAS: Berkowitz and Elton

NAYS: Green, Kott, Murkowski, Ogan, Rokeberg, Cowdery, Donley, Halford, P. Kelly and Torgerson

ABSENT: Porter

Motion failed 2 to 9.

Representative Green moved Legislative Council gives authorization for attorneys to file an amicus brief in the redistricting suit and participate in expert witnesses not to exceed \$250,000.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Cowdery, Donley, Halford, P. Kelly, and Torgerson

NAYS: Berkowitz and Elton

ABSENT: Porter

Motion passed 9 to 2.

11. KATIE JOHN LITIGATION UPDATE

Mr. Popely briefed Legislative Council on the appeal of the Katie John case and submitted copies of court papers for review.

Discussion followed.

12. COMPUTER & TECHNOLOGY UPDATE

Representative Kott updated Legislative Council on the status of the new PDA's (Personal Digital Assistant). Representative Kott describes the contents of the PDA

packages. He described a security problem with the PDA's, noting that Microsoft came out with a fix and it is currently being looked at by DP and it should be corrected by the 1st of the January. He also noted that there would be training offered on the use of the new system. All new machines will be ready by the 1st of the year. He congratulated DP for a great job done.

13. GAS PIPELINE UPDATE

Senator Torgerson gave a brief update to Legislative Council on the Gas Pipeline. Senator Murkowski is introducing new legislation on the Gas Pipeline. Senator Torgerson stated that he has contacted Senator Murkowski's Office and they will be sending a copy of the new legislation. Senator Torgerson stated he would like to hire an economist and have him/her on board by December. Senator Torgerson also stated that Legislative Counsel, Jack Chenoweth is currently reviewing and highlighting special interests for us.

Discussion followed.

Rep. Ogan moved that Legislative Council solicit, award and expend funds for a Economist Petroleum consultant under specification to be developed by the Chairman of the Joint Committee on the Natural Gas Pipeline in an amount not to exceed \$300,000.

YEAS: Green, Kott, Murkowski, Ogan, Rokeberg, Berkowitz, Cowdery, Torgerson and Elton

NAYS: None

ABSENT: Porter, Donley, Halford and P. Kelly

Motion passed unanimously.

14. FIRST AID POLICY

Pam Varni informed Legislative Council of the Agency's current first aid policy. Currently our Chief of Security, armed/unarmed security guards and our previous supply officer were trained with the AED (Automated External Defibrillator) machine. We are now looking at having that same training provided again and having the current Supply Officer for the Agency receive training with the AED machine. Pages will receive CPR training.

15. ALASKA 20/20 CONFERENCE

Jane Angvik, Program Manager for the Alaska 20/20 Forum introduced herself and would like to invite the members of the Legislature to attend the Conference on the Future of Alaska. The conference is November 27 – 28, 2001 in Anchorage at the Captain Cook Hotel. Ms. Angvik gave a brief description of the Alaska 20/20 Forum. Ms. Angvik also stated that Representative Porter has given authorization for

Representatives to attend the conference by paying for the registration and transportation fees. Representative Green asked Ms. Angvik to speak with Senator Halford about paying for the cost of Senators wishing to attend the conference. Representative Green stated that he would help in anyway possible.

The meeting was adjourned at 12:35pm.