

Legislative Council
November 19, 2001

1. ROLL CALL

The Legislative Council meeting was called to order at 3:05 p.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 and Elton. Members absent were: Porter, Torgerson and Donley. Staff present were: Varni, Cook, Luckhaupt, Schofield, Finley, Ibesate and Collins.

2. IMMUNITY OF STAFF THAT IS AVAILABLE TO MEMBERS OF THE LEGISLATURE

Jerry Luckhaupt, Legislative Counsel, Division of Legal and Research Services, stated that recently Kevin Jardell was issued a subpoena by the attorneys representing the Alaska Redistricting Board in the consolidated reapportionment lawsuits in Anchorage Superior Court. The subpoena orders Mr. Jardell to appear and give testimony and produce documents concerning a period of time when Mr. Jardell was employed by the Alaska Legislature and was engaged in legislative duties. Mr. Luckhaupt stated that he questioned Mr. Jardell about his activities and determined that they appeared, in his opinion, to be protected by legislative immunity – immunity arising both from the Constitution of the State of Alaska and from the common law.

Mr. Luckhaupt addressed questions about the reach of legislative immunity.

Discussion ensued.

Senator Cowdery moved to direct Legislative Counsel to seek to quash or otherwise defend Mr. Jardell from the subpoena as far as the subpoena seeks to

require Mr. Jardell to provide testimony or produce evidence that is protected by legislative immunity.

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

NAYS: Berkowitz and Elton

ABSENT: Porter and Torgerson

The motion passed 8 to 2.

Discussion followed.

Senator Cowdery moved that Representative Green be appointed as contact person for Legislative Counsel regarding the litigation.

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

NAYS: Berkowitz and Elton

ABSENT: Porter and Torgerson

The motion passed 8 to 2.

The meeting was adjourned at 4:10 p.m.