

LEGISLATIVE COUNCIL

January 26, 2006

1. ROLL CALL

The Legislative Council meeting was called to order at 5:15 p.m. by Representative Kott, Chairman, Legislative Council, in the Senate Finance Committee Room and via teleconference.

The roll was taken. In attendance were Council members: Representatives Kott, Coghill, Harris, Weyhrauch, Berkowitz, and Senators Cowdery, Ben Stevens, Therriault, Wagoner, Wilken, and Davis. Members absent: Representatives Gatto, Rokeberg, and Senator Gary Stevens. Staff present: Varni, Ohmer, Clothier, Collins, Cook, Ibesate, Popely, Price, and Schofield.

2. APPROVAL OF JANUARY 18, 2006 MINUTES

Senator Therriault moved Legislative Council approve the minutes of the January 18, 2005, Council meeting.

The motion passed unanimously.

3. THOMPSON WEST PUBLISHING PRESENTATION

Chairman Kott stated that in a previous meeting, Legislative Council voted to extend the Matthew Bender LexisNexis contract for publication of the Alaska Statutes for an additional two years through 2008. Some of the Legislative Council members had questions over the process. Chairman Kott asked Mr. Kubes, Director of Government Relations for Thompson West, for assistance in answering these questions.

Mr. Kubes stated Thompson West was the oldest and most prominent legal publisher in North America today. Thompson West is the publisher of court opinions, issued by state Supreme and Appellate Courts in all 50 states, and is the publisher of statutes similar to the Alaska Statutes in 41 jurisdictions. Mr. Kubes further stated Thompson West would like to have the opportunity to bid on the contract to publish the Alaska Statutes.

Speaker Harris asked Ms. Varni for a little history on how the Legislative Council got to this point.

Ms. Varni, Executive Director, stated that Legislative Council's current contract for publishing the Alaska Statutes is with Matthew Bender LexisNexis. The contract, which contains renewal options, was awarded as a result of a Request for Proposals. Ms. Varni further stated Ms. Finley, Revisor of Statutes, was the contract Project Director. After last session, Ms. Finley sent a rather lengthy memorandum to all Council members advising them the contract would be up for renewal at the end of the 2006. At the June 29, 2005 meeting, Legislative Council took up the matter and decided to exercise their first renewal option extending the contract.

Ms. Varni added that Legislative Council currently has a \$50,000 contract with Matthew Bender and a contractual relationship with West for approximately \$122,000. The contract with West is for a three-year period and locks the Legislative Affairs Agency into library subscription rates. Under this contract, West provides 20 passwords for legislators, legal attorneys, and researchers. Matthew Bender LexisNexis also provides passwords for research purposes. This gives the Alaska Legislature both research options.

Speaker Harris asked what the downside was of going out for Request for Proposals.

Ms. Finley, Revisor of Statutes, stated that the last time the Agency issued a Request for Proposals for the publication of the Alaska Statutes, a large committee was formed and it took about four or five months to complete the project. The members of the committee represented a cross section of users from all branches of government and the private sector. Ms. Finley stated that the reason she brought the matter to Legislative Council in June was that she wanted to address the issue so work could begin on a Request for Proposals before the beginning of the Session if the Legislature decided not to renew.

A discussion followed regarding the content of Requests for Proposals for the Alaska Statute publication, cancellation requirements, and renewal options under the current contract.

Representative McGuire, Chairman of the House Judiciary Committee, stated she liked the Westlaw key number system for research purposes. She urged the Council to allow a competitive process to go forward.

Discussion followed regarding issuing a Request for Proposals for the publication of the Alaska Statutes.

Senator Therriault moved that Ms. Finley put together a Request for Proposals for printing of the statutes after the end of this calendar year, and requested this action move forward so Legislative Council may exercise their six-month termination clause.

President Ben Stevens moved for discussion of the motion and requested Council go back to a previous methodology in developing the Request for Proposals. This would allow an in-house meeting to discuss the components of the Request for Proposals instead of forming an unwieldy committee.

The motion passed unanimously.

Senator Therriault requested Legislative Council be kept updated on the scoring criterion, and on details of the Request for Proposals as it is being put together.

4. REVISOR'S BILL

Ms. Finley, Revisor of Statutes, Legislative Affairs Agency, provided information on the introduction of the Revisor's Bill, which is produced annually pursuant to statute to correct technical errors.

Senator Therriault moved that Legislative Council submit the 2006 Revisor's Bill to the House and Senate Rules Committees for introduction.

The motion passed unanimously.

Senator Therriault requested Item #8 be moved up the Agenda due to time constraints related to Senator Dyson's schedule to allow him to testify regarding the Clarkson contract. It was so ordered.

8. APPROVAL OF BRENA, BELL AND CLARKSON CONTRACT

Senator Dyson stated that back in the mid 1990's the University of Alaska faced a lawsuit that challenged their refusal to give family benefits to anyone except a married family. In the Alaska Supreme Court decision, the Judge said, "the Legislature provided neither the specific statutory language nor the Legislative intent necessary to guide the process." In 1996, the Legislature came back and passed HB 226 and this is the wording in AS 25.05.013(b) "a same-sex relationship may not be recognized by the state as being entitled to the benefits of marriage," and this has been the state law since 1996. In the fall of 2005, in response to a lawsuit the Alaska Superior Court said that there was no discrimination involved because benefits were not given to unmarried heterosexual couples so there was no discrimination in not giving it to unmarried same-sex couples. That was appealed to the Alaska Supreme Court in November. The Court ruled in favor of the plaintiffs, and now as a result, has said that it is mandatory that all state and government subsidiaries recognize

same-sex couples as a family for the purpose of benefits. In 1998, recognizing this constitutional challenge would come up the question was put before the voters of the state and 69 percent voted to change the definition of marriage. Now the Alaska Supreme Court decision has overruled what the Legislature did in the 1996 statute, and in Senator Dyson's opinion, the intent of what the people thought they were passing with the Defense of Marriage Act in 1998. Senator Dyson further stated the choice before us is should we defend the actions of the Legislature in 1996 and the people in 1998. It is in that regard that legislation will be introduced in a Senate Judiciary Bill. Senator Dyson further added that he and Senator Seekins needed technical and legal assistance for this constitutional issue, which is being put forward. The contract that is being presented is to employ Kevin Clarkson who has defended the Legislature in the past on these constitutional issues.

Discussion followed regarding the Brena, Bell and Clarkson contract.

Senator Therriault moved that Legislative Council approve a contract not to exceed \$50,000 for the Law Firm of Brena, Bell and Clarkson for legal services.

Representative Berkowitz objected.

Discussion followed regarding the proposed Brena, Bell and Clarkson contract.

Testimony from James Law, private citizen; Michael MacLeod-Ball, American Civil Liberties Union of Alaska; and Marsha Buck, PFLAG (Parents Families Friends of Gays and Lesbians) was heard.

Representative Berkowitz maintained his objection.

YEAS: Kott, Coghill, Harris, Cowdery, Ben Stevens, Therriault, Wagoner, and Wilken

NAYS: Berkowitz and Davis

Motion passed 8 to 2.

The meeting adjourned at 6:50 p.m.