



ALASKA STATE LEGISLATURE LEGISLATIVE COUNCIL MINUTES

MARCH 22, 2010

[5:01:04 PM](#)

The Legislative Council meeting was called to order at 5:00 p.m. by Representative John Harris, Chairman, in the Senate Finance committee room and via teleconference.

1. ROLL CALL

The roll was taken. In attendance were Council members: Representatives Harris, Chenault, Dahlstrom, Gatto, Stoltze, P. Wilson, and Guttenberg; Senators Davis, Egan, Ellis, Olson, Stedman, and Stevens

Staff present: Varni, Bitney, Cook, Lesh, Schofield, and Strong

2. APPROVAL OF FEBRUARY 18, 2010 MINUTES

Senator Davis moved that Legislative Council approve the minutes of the February 18, 2010 Council meeting.

The motion passed without objection.

3. LATE PER DIEM REQUEST

Chairman Harris stated that the late per diem request was submitted by Senator Linda Menard. He asked if Senator Menard was present. Senator Menard was not present.

Representative Stoltze stated that at a previous Legislative Council meeting there was a late per diem request and that he asked on the record if this would be the last time the members would be dealing with this issue and he was given a resounding yes. Representative Stoltze went on to say that he was sorry that this late request was coming from so close to home.

Senator Davis moved that Legislative Council approve the late per diem requests for Senator Linda Menard.

Executive Director Pam Varni informed Representative Stoltze that members will always see late per diem requests because this is a travel request and Legislators have 60 days after completing their travel to submit their request for reimbursement. She said Legislative Council will always have late travel per diem requests when a Legislator exceeds that 60-day time frame. Ms. Varni said that the claim Representative Stoltze was referring to was the last *interim* per diem request. She confirmed that the *interim* per diem request at the previous meeting was the last one, as stated.

The motion passed with no objection.

4. COLOR COPIER APPROVAL

Chairman Harris stated that this request was to purchase a color copier for the Print Shop. He said the reason for this is because there have been a number of requests by Legislators and by folks making presentations before committees that bring a color diagram which doesn't look quite the same when it is copied in black and white.

Senator Davis moved that Legislative Council approve the purchase of a color copier from FY 10 Print Shop funds in an amount not to exceed \$68,528.

Senator Stedman noted to the other members that the discussion between he and Chairman Harris focused on the need for a color copier for committee work where there are fairly detailed presentations submitted in chart form and without the color differentiation on the charts, they are difficult to read. He said it is not the intent of the request to use the color copier for newsletters. In Senate Finance in particular he noted that the staff were going through four \$40 cartridges on one presentation when they were dealing with the oil and gas issue. Senator Stedman said there needs to be some control on the use of the color copier and to keep it focused so it is not an abused use because it is an expensive item.

Senator Stevens stated that there is the potential for increased revenue from the Executive Branch. He asked Ms. Varni if the Legislature charged the Executive Branch to use a copier like this.

Ms. Varni confirmed that during the interim the Print Shop does a lot of jobs for the Executive Branch and that they sometimes have to turn down orders that include a color cover or diagram(s). The acquisition of this copier would give the Print Shop the capability of taking more orders and thereby increasing revenue. She stated the revenue is approximately \$90,000 annually.

Discussion followed.

The motion passed with no objection.

Speaker Mike Chenault joined the meeting at this time.

5. LEGISLATIVE SPACE

Senator Davis moved that Legislative Council go into Executive Session per Uniform Rule 22(b)(1) and (3) discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit; and discussion of a matter that may, by law, be required to be confidential. She asked that the following staff remain in the room to answer questions: Pam Varni, Tam Cook, Don Johnston, and John Bitney.

The Council went into Executive Session. [5:13:18 PM](#)

The Council came out of Executive Session. [6:09:46 PM](#)

Senator Davis moved that the Chair of Legislative Council make an offer for the Chevron Building.

Senator Johnny Ellis objected for the purpose of a roll call.

YEAS: Harris, Chenault, Dahlstrom, Gatto, P. Wilson, Guttenberg, Davis, Egan, Stedman, and Stevens

NAYS: Stoltze, Ellis, and Olson

The motion passed 10-3.

6. PERSONNEL POLICIES

Chairman Harris asked Skiff Lobaugh, Human Resources Manager for the Legislative Affairs Agency, to testify on the retire-rehire policy of the Legislature. He informed members that there should be no names mentioned in this discussion, that it should be strictly about the policy and whether Legislative Council would like to address this policy. Chairman Harris asked Mr. Lobaugh to give members some history about this issue.

Skiff Lobaugh testified that the Personal Services Contract (PERS waiver) started back in the '60s and '70s when the Legislature had two groups of employees. One group was considered hourly employees and one group was the daily paid employees. These groups worked side by side doing the same type of work but one group received retirement benefits and one did not. That created disparate treatment as these two groups essentially did the same type of work. He stated that in the late 1970s there was a legislative fix that put into statute that all employees of the Legislature, even if temporary, would be able to receive PERS. The result was that, in the 1980s, any employee that worked for the Legislature, even for one hour, received PERS. This created problems for highly skilled individuals or hourly employees, for instance, those hired to move furniture at the beginning and/or end of session; they were required to pay 7.5% of their salary into PERS for one or two days of work. The Personal Services Contract (PERS waiver) was instituted for those workers, as well as others, to opt out of that requirement. Skiff cited additional examples of categories of employees who make use of the PERS waiver. There is no additional salary paid they just do not participate in PERS and are still paid off of the State salary schedule. The Legislature has been doing this for 15 or 16 years.

Skiff stated that, currently, 10% of all legislative employees have a PERS waiver (Personal Services Contract): 54 employees and five elected officials, 24 of which are full time employees. He noted that the Executive Branch has the ability to hire without PERS (short-term and long-term non-permanent employees, as well as temporary exempt employees) – they go as long as two years; the Judicial Branch also has the ability to hire employees who will not participate in PERS (law clerks can be exempt from PERS for up to two years). The Legislature does PERS waivers through the Personal Services Contract. Each branch of government has a procedure to allow employees to waive participation in PERS.

Discussion followed.

Senator Stedman said that he wants to put a finer point on this issue. He said the issue that needs resolution is long-time, full time, year-round employees who separate from service on Friday night, don't clean out their office or their desk and go back to work on Monday doing the same job from which they have technically retired and then draw their retirement and are back on the payroll without contributions to PERS. He said there are several policy issues; we need to treat all our employees the same and have a uniform implementation of the policy.

Chairman Harris asked Skiff if he had any issue with what Senator Stedman said in terms of how he describes this policy. He further asked Skiff that, if this policy was eliminated, did he know if that would create any disparity with any other employees that would not be affected by the Council's action.

Skiff replied yes. He affirmed that if the policy as proposed was passed to restrict PERS waivers for only LAA staff (3 staff), the following employees would be allowed to continue PERS waivers: three (3) House of Representatives staff, two (2) Legislative Audit staff, one (1) Legislative Finance staff, and 10 Senate staff; these are year-round, full time staff in these categories.

Senator Stedman stressed that he was looking at the full-time, year-round non-political employees who are hired under this policy as opposed to those employees who are political appointees, who work session only or not year round.

Discussion followed.

Chairman Harris asked Tam Cook, Director of Legal Services, if there were potential legal issues that might arise if Legislative Council were to pass a policy as previously outlined.

Tam Cook responded that she could imagine getting into legal issues depending on how the policy is structured.

Discussion followed.

Chairman Harris informed members that the Council would re-visit this issue at the next meeting.

7. OTHER BUSINESS

There was no other business

The meeting was adjourned at 6:50 p.m.

[6:50:50 PM](#)