



# Alaska State Legislature Legislative Council Minutes

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**MAY 20, 2011**

[10:29:07 AM](#)

The Legislative Council meeting was called to order at 10:30 a.m. by Senator Linda Menard, Chair, in the Fairbanks LIO.

There was a brief at-ease in an attempt to gather a quorum. The meeting started at 10:38 a.m., after a quorum was achieved.

## **1. ROLL CALL**

Chair Menard called the roll. In attendance were Council members: Senators Davis, Egan, Stevens (via teleconference), Menard, and alternate member Senator Joe Thomas; Representatives Chenault (via teleconference), Johnson (via teleconference), Holmes (via teleconference), Stoltze (via teleconference), P. Wilson (via teleconference), and alternate member Representative Bill Thomas (via teleconference). Absent members: Senators Hoffman, Olson, and Stedman; and Representatives Austerman and Herron.

Staff present: Varni, Tilton

## **2. APPROVAL OF AGENDA**

Senator Egan moved that Legislative Council approve the agenda as presented.

The motion passed with no objections.

## **3. APPROVAL OF MARCH 17 AND APRIL 11, 2011 MINUTES**

Senator Egan moved that Legislative Council approve the following minutes: March 17, 2011 and April 11, 2011.

The motion passed with no objections.

## **4. SANCTIONING OF CHARITABLE EVENTS**

Senator Egan moved that Legislative Council ratify the Chair's sanctioning of the following charitable events per AS 24.60.080(a)(2)(B):

- Midnight Sun Charity Shoot and Banquet
- 19th Annual Coal Classic Golf Tournament
- 2011 Copper River Nouveau
- Alaska's Healing Hearts

The motion passed with no objections.

## **5. TRAVEL AND MOVING POLICY - RISK MANAGEMENT**

Chair Menard noted that here at request of the Council is Scott Jordan from Division of Risk Management, Department of Administration, to speak on this policy.

Scott Jordan, Division of Risk Management Director, testified that he did not plan a presentation, but would try to address the concerns of the new policy. He said from an insurance standpoint, employees are covered by the State for the act of traveling, any time they are in approved travel status. For instance, for someone driving a car from Anchorage to Haines on their way to Juneau, that would mean excess insurance for that trip; not covered is physical damage to the car, nor would the car be covered once it reaches the final destination, which in this case would be Juneau. This holds true for both aircraft and vessels although, he noted, with vessels there is no written policy, so they would likely treat it similarly to how they treat an automobile.

Senator Egan asked Mr. Jordan, as an example, what would happen to Senator Stedman when he brings his boat to Juneau rather than flying.

Mr. Jordan stated that, if it is approved travel, the State would be excess insurance for the trip from Sitka to Juneau. If Senator Stedman had some sort of incident along the way and his personal insurance limits were exceeded, the State would step in as excess insurance. The State would not cover damage to the vessel but if there are liability issues such as he hit another vessel or if there was personal injury on a third party side, the State would cover that.

Discussion followed.

[10:45:20 AM](#)

Speaker Chenault noted that he was on line.

Representative Peggy Wilson noted that she was on line.

Representative Craig Johnson noted that he was on line.

Representative Johnson asked if there was additional cost to administer the extra coverage by implementing this airplane and boat policy.

Mr. Jordan replied there would be no additional cost on the part of Risk Management unless there was an incident and then it would show up through experience and claims. He reiterated that the State does not have a formal policy for vessels but there is a policy for automobile and aircraft. The aircraft policy is a little bit different from the auto in that if an aircraft owner does not have any liability insurance, they can purchase a coupon for \$30 from Risk Management, which gives them up to \$1M in liability coverage.

Discussion followed.

Senate President Stevens asked if there has ever been a reported incident where the excess liability insurance was needed for a Legislator or legislative staff.

Mr. Jordan replied not to his knowledge, no.

Discussion followed.

Representative Johnson asked about a passenger on a plane or a boat that was not a State employee, would the State be liable for that.

Mr. Jordan said that for a passenger in a vehicle/aircraft/vessel owned by the State, employee there is possibility that liability would exist. That is why there is a policy that passengers are not allowed on official State travel, whether it is a vessel, aircraft, or vehicle.

Representative Johnson gave an example of a State employee driving a boat and they have a passenger on it because it is never wise to make that trip alone, and asked for confirmation that the State would be liable for that passenger as well as any damage, spill cleanup, or anything else, if it were to happen to that boat.

Mr. Jordan responded that the possibility exists, yes. He said that is why the State does not allow a passenger in a charter situation or a private mode of transportation. The reason for this is that the passenger(s) would not be covered under Worker's Compensation therefore they can file a claim against the State if they are injured.

Discussion followed.

Chair Menard inquired about spouses accompanying a Legislator or staff on approved travel.

Mr. Jordan said that it is normally not the State's policy to cover spouses; however Legislative Affairs does allow family travel to and from Juneau each year, so the State would cover those family members for approved travel.

Discussion followed.

Representative Stoltze stated that it doesn't appear there's any cost because we're self-insured, but said he thinks that maybe Representative Johnson was referring to the exposure of the State's deep pocket. He asked if there was any way to speculate that or if Mr. Jordan had any comments on the inventiveness of the legal profession of finding their way to that deep pocket.

Mr. Jordan stated there is always exposure each time you have a different incident or risk, but those risks are minimized by the fact that we provide Worker's Compensation to the employee. He said the passenger issue is a risk that he would not want to take on, but again, there have not been a lot of situations of people using the State of Alaska as an excess insurance carrier so he would say the risk is minimal.

Chair Menard asked if there were any further questions. She asked if every committee member felt confident that they had their questions answered.

Representative Stoltze said he felt confident that we discussed the issue, yes.

## **6. DISCOVERY PRESCHOOL LLC RENEWAL AND REPORT**

Chair Menard stated that the Discovery Preschool is not compensated for childcare services from the Agency. Space is provided at no charge as does the Federal Building for their childcare contractors. The funds required to run the center are derived from fees charged to the parents as well as grants and subsidies. Both Senator Lesil McGuire and Representative Cathy Muñoz serve on the Legislative Council Childcare Subcommittee. She said there are still various childcare capacity issues in Juneau. Enrollment is approximately 30% Legislator and legislative employee use, 5% private use, and 65% State and City employee use. The director, Blue Schibler, has won a national award and received a certificate of recognition from Governor Parnell for *National Child Care Teacher of the Year*. It goes without saying that it is a great service to the legislative employees and they benefit greatly from having their children close and it is an excellent program.

Chair Menard asked for a motion.

Senator Egan moved that Legislative Council approve the first one-year renewal with Discovery Preschool LLC to provide child care services in the Thomas Stewart Building.

The motion passed with no objections.

## **7. IT SUBCOMMITTEE REPORT**

- 2011 Hardware Refresh Approval
- Mobile Device Policy Approval
- Legislature Three Year Technology Plan Update Approval
- Microsoft Office Upgrades & Email Storage Upgrade Approvals

Chair Menard noted that Joan Klapperich, Chair of the Information Technology Subcommittee, as well as Curt Clothier, the I.S. Manager, are both here today to give a committee report and answer questions.

Joan Klapperich, IT Subcommittee Chair and Legislative Aide to Senator Menard, testified that the IT Subcommittee met numerous times to discuss the equipment needs of the Legislature, drafted recommendations for a Mobile Device Policy, helped develop a Three Year Technology Plan Update, and discussed the ongoing concerns for email storage upgrade and a Microsoft Office 2010 update.

Ms. Klapperich said the first item under the IT Subcommittee report is the 2011 Hardware Refresh. This regards the equipment needed to replace aging printers and computers, as well as provide legislative offices better equipment to perform their duties. Based on the Three Year Plan and polling of each legislative office, there is listed a summary of 2011 equipment requests that can be found in each member's packet in a memo from Curtis Clothier, I.S. Manager, dated April 22.

Ms. Klapperich said the next item is the Mobile Device Policy. With the increased popularity and usage of iPhones, Blackberries, and iPads, it is in the best interest of the Legislature and the State of Alaska to have a policy that addresses the use of mobile devices that access State data and that outline steps to mitigate the damage that a lost or stolen mobile device would have on the organization.

Ms. Klapperich said the approval of the Three Year Technology Plan is the next item. Each member has a 27-page document in the packet and is the work of the Legislative Council IT Subcommittee. It is intended to provide Legislators and staff with background information regarding the technology currently in place with the Legislature as well as outlining future opportunities for technological improvements.

Lastly, Ms. Klapperich said, is the subcommittee's recommendation to upgrade all legislative computers to the current version of Microsoft Office 2010 and to upgrade email storage capacity. Increasing the size of e-mail storage will help legislative offices with large attachments, presentations and spreadsheets contained in e-mail message without going over the current storage limit.

Ms. Klapperich concluded her testimony and said she was happy to take questions.

Representative Wilson said she had a question for Curtis Clothier. She said that, as he knows, she has a personal Apple computer that she brings back and forth with her to session. She said that she spoke with Apple about the concern of security with her using an Apple computer. She said she was told that the FBI and the CIA use Apple computers and was real glad to hear that. She wants to know if something is going to be arranged so she can use her Apple computer in the Capitol.

Curtis Clothier, Information Services Manager for Legislative Council, responded that his section will continue to support Legislators' personal equipment including her own. He said that his section does not have a lot of experience supporting the Apple platform since the Legislature is standardized on the Microsoft equipment. He said at this point, there are no plans to not continue to support her as much as they can.

Discussion followed.

Chair Menard asked for the motions.

- **2011 Hardware Refresh Approval**

Senator Egan moved that Legislative Council approve the 2011 Hardware Refresh purchase from existing capital funds not to exceed \$178,000.

The motion passed with no objections.

- **Mobile Device Policy Approval**

Senator Egan moved that Legislative Council approve the Mobile Device Policy.

The motion passed with no objections.

- **Legislature Three Year Technology Plan Update Approval**

Senator Egan moved that Legislative Council approve the Legislature's Three Year Technology Plan for 2011 – 2013.

The motion passed with no objections.

- **Microsoft Office Upgrades & Email Storage Upgrade Approvals**

Senator Egan moved that Legislative Council approve an upgrade to Office 2010 and Exchange 2010 software at no additional costs and approve the solicitation, award and expenditure not to exceed \$90,000 for a larger storage system to increase email storage for the Legislature.

The motion passed with no objections.

## **8. ITB 536 - THOMAS STEWART BUILDING DOOR CLOSURES APPROVAL**

Chair Menard asked Pam Varni, Executive Director of Legislative Affairs Agency, to speak to this issue.

Ms. Varni testified that there were three proposals resulting from the ITB and the low bidder was Alaska Commercial Contractors for \$42,780. She said that right now there are no door closures in the Thomas Stewart Building and this will allow people to keep their doors open and not prop them open so we meet code and she asked that the Council approve this ITB.

Chair Menard asked for a motion.

Senator Egan moved that Legislative Council approve the solicitation, award and expenditure for ITB 536, Thomas Stewart Building Door Closure Modifications to Alaska Commercial Contractors, Inc. with a total price of \$42,780.

The motion passed with no objections.

## **9. OFFICE ALLOWANCE OPTION OUT DISCUSSION**

Chair Menard noted for members that this is a discussion regarding the proposal to allow Legislators to opt out of the recent office allowance increase. She said each member should have in their packet the new language for the allowance policy. This language has been presented by Representative Bill Stoltze. Representative Stoltze presented information at the previous meeting a copy of which has been forwarded to all Council members.

Representative Stoltze said he appreciated this item coming up for some official action. He said that he was a little bit surprised by the way the office allowance account increase came up. He said it didn't come up through the State Officers Compensation Commission, and it was a combination of state statute and Legislative Council policy. He said he subsequently contacted Legal Services Director Doug Gardner and Mr. Gardner's legal opinion was that he didn't see any reason why this wasn't Legislative Council policy. He said clearly by the last action of the Council, the majority of the members decided this was an appropriate policy for the Council so we should also have the ability to set the parameters. He said he thought doubling the office allowance all at once was too much at one time, that it should have gone through the policy that the legislative salary went through. He stated that it was his desire, following the guidance of the Legal Services Director, to request the adoption of an opt-out policy which is before members and which he previously moved and will move again if requested to do so.

Chair Menard asked Representative Stoltze if what he was hoping to gain by this would be accomplished by bringing this new policy forward.

Representative Stoltze said he would like to make a formal motion to adopt a policy that, for the purposes of this increase, members have the ability to opt out.

Chair Menard asked Ms. Varni to address the Council regarding this issue.

Ms. Varni stated that she didn't really have anything to add. She said Representative Stoltze had stated it: Legislative Council set the policy and the State Officers Compensation Commission wants Legislative Council to decide what the office allowance is and Legislative Council sets policy. She said she follows policy and if it's the policy of Legislative Council to let the members decide whatever their allowance is, that's what the Agency will go by.

Chair Menard said her understanding was that what's before members is the ability to opt out of the entire increase; they were not being offered the ability to set the amount of their allowance account.

Ms. Varni said it depends on the language of the motion.

Representative Stoltze said the specific motion was to allow a Legislator to decline the increase that was provided through the Legislative Council actions on February 24, 2011. A Senator would be able to decline the increase of \$10,000 and a Representative would be able to decline the increase of \$8,000.

Discussion followed.

Chair Menard asked Representative Stoltze to read the motion.

Representative Stoltze said the language in the policy and this is written: A Legislator may decline the increase to the Annual Legislative Office Allowance authorized by the Legislative Council on February 24, 2011.

Discussion followed.

Senator Thomas offered an amendment to add language to the motion that stated such option may be exercised on an annual basis. With this amendment, the motion would read: A Legislator may decline the increase to the Annual Legislative Office Allowance authorized by the Legislative Council on February 24, 2011, such option may be exercised on an annual basis.

Discussion followed.

Chair Menard called the roll regarding the amendment offered by Senator Thomas.

YEAS: W. Thomas, P. Wilson, Stoltze, Johnson, J. Thomas, Stevens, Egan, Davis, and Menard

NAYS: Holmes

The amendment passed 9-1.

Chair Menard called the roll for the amended motion.

YEAS: W. Thomas, P. Wilson, Stoltze, Johnson, Holmes, J. Thomas, Stevens, Egan, Davis, and Menard

NAYS: None

The amended motion passed 10-0.

## **10. OTHER BUSINESS**

Chair Menard notified members that she had formed a subcommittee to address the issue of Anchorage office space. The following members are on the subcommittee: Senators Menard, Davis, and Olson; Representatives Johnson, Herron and Holmes. She said her idea was to streamline the process and allow the subcommittee to make informed recommendations to the entire Council. She said the subcommittee will work diligently in the coming months to review proposals that have been submitted with the idea being to get the best value for the State while getting office space that works for the Legislature's mission to serve the public. The subcommittee will be working on a timeline in the near future and spending ample time studying this issue over the summer.

Senate President Stevens said that he would like to see the Council revisit the issue of personal services contracts for retired legislative employees. He said that at one point there was a draft policy and would appreciate it if the Chair would look into that. He said there should be a very clear policy and doesn't think there is one right now.

Chair Menard said that was a very good suggestion and will add it to the agenda for the next Legislative Council meeting.

Senate President Stevens said if it's ready for the next meeting, that would be fine, but if there could at least be some report on the draft policy that was before the Council at one time, he would appreciate it.

Chair Menard agreed.

The meeting was adjourned at 11:30 a.m.

[11:30:46 AM](#)