



Alaska State Legislature
Legislative Council
Minutes

JANUARY 17, 2013

10:33 a.m.

MEMBERS PRESENT

Representative Mike Hawker, Chair
Senator Peter Micciche, Vice Chair
Representative Mike Chenault
Representative Max Gruenberg
Representative Craig Johnson
Representative Lance Pruitt
Representative Bill Stoltze
Representative Peggy Wilson
Senator John Coghill
Senator Dennis Egan
Senator Charlie Huggins
Senator Lesil McGuire
Senator Kevin Meyer
Senator Gary Stevens

MEMBERS ABSENT

There were no members absent

AGENDA

COMMITTEE ORGANIZATION
COMMITTEE POLICIES
APPROVAL OF MINUTES
SANCTIONING OF CHARITY EVENT
CONTRACT APPROVALS
OTHER COMMITTEE BUSINESS

SPEAKER REGISTER

PAM VARNI, Executive Director, Legislative Affairs Agency
DOUG GARDNER, Legal Services Director, Legislative Affairs Agency
DON JOHNSTON, Building Manager, Legislative Affairs Agency
KATHRYN KURTZ, Revisor of Statutes, Legislative Affairs Agency
TINA STRONG, Procurement Officer, Legislative Affairs Agency

[10:33:45 AM](#)

I. CHAIR PRO TEM MIKE HAWKER called the Legislative Council meeting to order at 10:33 a.m. Present at the call were Representatives Hawker, Chenault, Gruenberg, Johnson, Stoltze, and P. Wilson; Senators Micciche, Coghill, Egan, Huggins, McGuire, Meyer, and Stevens. Representative Pruitt joined the meeting immediately after the election of the Chair.

II. COMMITTEE ORGANIZATION

a. Election of the Chair

SPEAKER CHENAULT nominated Representative Mike Hawker as the Chairman of the Legislative Council for the 28th Alaska Legislature and asked for unanimous consent and that nominations be closed.

The motion passed with unanimous consent.

CHAIR HAWKER said he was truly honored for the opportunity to serve in this position and with the other Council members for the next two years.

b. Election of the Vice Chair

SENATE PRESIDENT HUGGINS nominated Senator Peter Micciche as the Vice Chair of the Legislative Council for the 28th Alaska Legislature and asked for unanimous consent and that nominations be closed.

The motion passed with unanimous consent.

PAM VARNI, Executive Director, Legislative Affairs Agency, introduced her staff in response to the Chair's request.

CHAIR HAWKER noted that members greatly appreciate and depend upon the Agency staff who may be underappreciated at times but who are instrumental in running the Legislature from behind the scenes.

REPRESENTATIVE JOHNSON added his compliments and thanked Ms. Varni, her managers and their staff.

CHAIR HAWKER introduced Juli Lucky, his aide and staff to Legislative Council.

VICE CHAIR MICCICHE echoed Representative Johnson's comments, saying that Ms. Varni and her staff were

incredibly helpful in ensuring new Legislators are capable of meeting the demands of their new positions. He also introduced his senior aide, Mr. Larry Semmens.

SENATOR LESIL MCGUIRE agreed with Vice Chair Micciche, thanking Ms. Varni, her managers and staff for their grace and dedication in working with her and her office in her transition as Rules Chair.

III. COMMITTEE POLICIES

a. Quorum And Voting Requirements

CHAIR HAWKER said that this committee has historically operated on a variance from its statutory minimum requirements. It is his intent that the committee continue to operate on the "eight member rule," which is a protocol that was established many years ago. While one-half of the Legislative Council constitutes a quorum to do business (i.e., seven members), motions need eight votes to pass; this ensures there is representation from both the House and the Senate on any vote that comes before Council. Telephonic attendance and voting is specifically authorized for this committee.

b. IT Subcommittee

CHAIR HAWKER said that the State of Alaska is absolutely in the top tier of legislatures across the country in its access and utilization of technology to communicate within itself and with the public. He said Alaska is a huge state in which to communicate and technology is critical. Legislative Council has always made technology a top priority by retaining the IT Subcommittee. Chair Hawker appointed Juli Lucky as chair of the IT Subcommittee and asked that any Legislator or legislative staff interested in serving on the IT Subcommittee to let his office know. He said a formal request notification will be sent out later, and he will make a formal announcement of who was appointed in the near future.

In response to a question from Rep. Gruenberg, Chair Hawker clarified that Legislators who did not serve on Legislative Council and their staff would be welcome to participate in the IT subcommittee.

c. Sanctioning Charity Events

CHAIR HAWKER noted that the sanctioning of charitable events is one of the routine ministerial requirements of

Legislative Council. Statute provides that legislators may be allowed to receive donations of tickets to attend a charity event, having been determined by the Legislature that attendance is good and appropriate; however, the events must be sanctioned by the Legislative Council. Following the policy of past Legislative Councils, for expediency purposes, when an event comes before Council, the Chair has the ability to and will sanction events that meet the qualifications of Alaska Statute 24.60.080, which states in part that the charity must be a qualified 501(c)(3) organization. The Chair will then bring any sanctioned event to Legislative Council at the next regularly scheduled meeting for ratification.

d. Alternate Members

CHAIR HAWKER said this issue has been a matter of convention and protocol for Legislative Council. As there are times when committee meetings are essential to conducting important business and it is sometimes difficult for enough regular members to attend, particularly in the interim, having alternate members can ensure there is a quorum. The policy of Legislative Council is that alternate members will serve at the direction of the Chair when it is determined there are not enough members present to make a quorum. When an alternate member is seated for the purposes of a quorum, the alternate will have all the rights and authorities to vote and conduct the business of the committee. In response to a request for clarification by Representative Stoltze, Chair Hawker confirmed that the alternate member serves for their designated body.

REPRESENTATIVE GRUENBERG said that on behalf of the House Minority members he wants to address the fact that the Minority does not have proportional representation on Legislative Council or on the Legislative Budget and Audit Committee, and that there is no provision for an alternate for the Minority member.

CHAIR HAWKER stated that this issue is not within the scope of Legislative Council's authority to change; it is a matter to take up with House leadership, and to change through the statutory process with the Legislature deciding the issue.

IV. APPROVAL OF DECEMBER 13, 2012 MINUTES

VICE CHAIR MICCICHE moved that the minutes from the Legislative Council meeting on December 13, 2012 be approved as presented.

REPRESENTATIVE STOLTZE objected to note that his comments were sanitized in these minutes and that he would like to generally see more complete minutes with less summarizing.

CHAIR HAWKER agreed. He felt there was enough information in the written record currently presented to point a concerned reader to the complete record, which is maintained in recorded form. He said he would like to see more detailed minutes and that, if there was no objection, he would direct his staff and the Legislative Affairs Agency to use the Legislative Budget and Audit minutes as a model for Council minutes of the 28th Legislature, making them more descriptive and complete. Representative Stoltze removed his objection and, with no further objection, the minutes were approved.

V. SANCTIONING OF CHARITY EVENTS

a. Thanksgiving in March

CHAIR HAWKER noted for members that this event has not been previously sanctioned. The organization is a verified 501(c)(3) and is a major charitable event for Juneau benefitting the Southeast Alaska Food Bank.

VICE CHAIR MICCICHE moved that Legislative Council sanction the following charity event in accordance with AS 24.60.080(a)(2)(b): Thanksgiving in March benefitting the Southeast Alaska Food Bank.

Thanksgiving in March was sanctioned with no objections.

REPRESENTATIVE P. WILSON said that Thanksgiving in March happens every year and asked if it was necessary to sanction it each time.

CHAIR HAWKER said that due to the statutory requirement Council needs to re-verify that the organization maintains its 501(c)(3) status and re-certify the event.

VI. CONTRACT APPROVALS
a. Cordova LIO Lease

CHAIR HAWKER asked Tina Strong to speak to this item.

TINA STRONG, Procurement Officer for Legislative Affairs Agency (LAA), said that, since 1989, the Cordova LIO has had free space through the Prince William Sound Community College in a building owned by the Cordova Electric Cooperative (CEC). Due to budget cuts, the College gave up their lease with CEC. The CEC rented the entire space to another entity, compelling the Cordova LIO to look for a new home. Following procurement procedures for a lease under 3,000 square feet and less than \$50,000 per year, it was determined that space in the Roemhildt Holdings, LLC, best meets the needs of the Cordova LIO; therefore, she recommends the Council approve a three year lease with five one-year renewals and the lease hold improvements costs to Roemhildt Holdings, LLC. In response to a question by Chair Hawker, she noted that the Agency has complied with the State's procurement rules and regulations in seeking this lease, and that LAA supported this request.

CHAIR HAWKER said the question for this committee is whether they want to continue to maintain an LIO in Cordova.

VICE CHAIR MICCICHE moved that Legislative Council authorize the chairman to approve a three-year lease term with five, one year renewal options with Roemhildt Holdings, LLC for a yearly cost of \$24,996 plus yearly CPI increases beginning in 2014 and a one-time payment of \$24,966 for leasehold improvement costs.

CHAIR HAWKER objected for discussion.

SENATOR STEVENS said that with re-districting, Cordova is now part of his district (Senate District R) as well as Representative Alan Austerman's (House District 35), and they agree that this proposal is a good idea. Twenty-three years of free rent was a wonderful opportunity, but things have changed. The Cordova Information Officer Michelle Hahn O'Leary has actually been looking for space for the last five years and he is pleased she found something that finally works for the LIO. He urged Council to support this motion.

CHAIR HAWKER removed his objection and the lease was approved with no objections.

b. Cutting Edge Snowplowing Contract Amendment

PAM VARNI noted that Don Johnston is the project director for the snowplowing contract and explained that LAA always starts out with a \$25,000 contract for snowplowing services. Some years the funds are not entirely expended. For instance, in FY10 the snowplowing expenditures were \$14,295. At this time, there is only \$1,100 left of the initial \$25,000 in this year's contract. While it not presently snowing, there could be additional sanding and snowplowing expenditures. Before Council today is a request for approval of a \$15,000 amendment, which would bring the total contract for Cutting Edge to \$40,000. Any funds not utilized would lapse back.

CHAIR HAWKER asked Ms. Varni to confirm that the State's procurement statutes were complied with for this contract and that the Agency supported the amendment request. Ms. Varni answered in the affirmative to both questions.

VICE CHAIR MICCICHE moved that Legislative Council authorize the chairman to approve a \$15,000 amendment to the Cutting Edge Development, Inc. snowplowing contract.

CHAIR HAWKER objected for discussion.

MS. VARNI, in response to Representative Gruenberg, confirmed that contract was for snowplowing services (plowing, sanding and snow removal) in Juneau for the Capitol Building, Telephone Hill and Terry Miller Building parking lots. Answering Senator McGuire's concern about the condition of the route the pages must take to make deliveries to the Terry Miller Building, Ms. Varni stated that the contract covers the parking lots only and not city streets; she advised Senator McGuire that LAA's Maintenance Section maintains the sidewalks and they will ensure the safety of those routes as well as the area around Seward Street entrance to the Capitol, which was of particular concern to Representative Gruenberg.

REPRESENTATIVE JOHNSON asked if it wouldn't be better to go out to bid for a \$40,000 contract in an effort to attract more interest from service providers and possibly lower the overall cost. He also asked if LAA issues an RFP for this service to ensure the Legislature is getting the best deal.

TINA STRONG confirmed that LAA did go out to bid for this contract. The current contract goes through April 30, 2013, with three one-year renewals remaining. In the bid, LAA requests pricing for each individual service and then awards the contract to the vendor with the lowest combined price for all services. The contract isn't based on an overall total; rather it is based on an hourly rate if and when the service is provided.

REPRESENTATIVE JOHNSON said that what he personally pays for snow removal is much cheaper than what is being charged in this contract; he thinks the overall cost seems expensive.

DON JOHNSTON, Building Manager for LAA, agreed with Ms. Strong and further clarified that the bid provides an hourly cost for snowplowing, an hourly cost for snow removal and an hourly cost for sanding. Historically, LAA has had a difficult time getting contractors to bid for our snow removal requirements. In response to Representative Johnson's question about how the contractor is paid when they do more than one service at a time, Mr. Johnston stated that the contractor has one driver and truck plow snow, another driver and loader that follows the plow to remove the snow and a third driver with the sanding truck when it is necessary, though occasionally, when there is not much snow there is one truck that plows and sands. In response to Representative Johnson, Mr. Johnston stated that he believes it is the best rate LAA can get.

TINA STRONG said that Cutting Edge was the only provider to submit an offer to the last RFP in response to a question by Chair Hawker.

REPRESENTATIVE JOHNSON reiterated his original point that we might attract more bidders by raising the ceiling on the RFP from \$25,000 to \$40,000.

CHAIR HAWKER advised members that as Chair of Legislative Council he is personally committed to finding ways to operate the Legislature more efficiently and effectively, particularly cost-effective, and is open to pursuing any venues, concerns and ideas to that end.

REPRESENTATIVE P. WILSON expressed her concern that raising the total amount of the contract will result in

the bidders increasing their hourly rate to meet the new, higher number.

SPEAKER CHENAULT said he thinks LAA has the right contract in place and if the contractor needs more money because there is more snow than that is the cost associated with doing business in this building.

REPRESENTATIVE STOLTZE said there would be a whole different business approach if we were in a place where there was more competitiveness, and more emphasis on the private sector, rather than in Juneau which is a government town. With the unsafe conditions previously mentioned, he is glad we are taking an aggressive approach to keep the routes safe for the public and for employees. He said we could take the Biblical approach of Juneau's a city that God put there and He'll take it away in His own time and we wouldn't have a Capitol approach that we'd be real comfortable with.

CHAIR HAWKER removed his objection as there was no further discussion, and the amendment was approved with no objections.

VII. OTHER COMMITTEE BUSINESS

a. Manual of Legislative Drafting 2013 Approval

KATHRYN KURTZ, Revisor of Statutes, stated that the Manual of Legislative Drafting is tremendously helpful for bill drafters and is also used by the Clerk's Office. It is prepared by her and the Enrolling Secretary this year. It is updated every Legislature so that the examples refer to the current Legislature (i.e., the 28th Legislature), to the current year rather than five years ago, which assures users that they have current information. Very few changes have been made to the substance of the Manual, the bulk of which were suggested by the Senate Secretary. Ms. Kurtz said they are good clarifications and are explained in her memo to the Chair, and she is happy to go into further detail if members wished.

CHAIR HAWKER noted this is another important ministerial matter for Legal Services in providing guidance for drafting statutes and anything else Legislators asked of Legal Services staff. He inquired if members would like further detail on the Drafting Manual as proposed.

REPRESENTATIVE GRUENBERG said he had never heard of this document during his time in private practice and it wasn't

until he became a Legislator that he was introduced to this document. He added that the Manual is absolutely important in deciding questions of statutory interpretation and that Bar members should be made aware of it, and that it should be available for purchase or for distribution to the Bar and Bench and maybe others.

VICE CHAIR MICCICHE moved that Legislative Council approve the Manual of Legislative Drafting 2013 publication for use by the 28th Legislature.

The Manual of Legislative Drafting 2013 was approved with no objections.

b. 2013 Revisor's Bill Approval

CHAIR HAWKER advised members that the Council is looking at the work draft version /N of the 2013 Revisor's Bill, and pointed out this is not a bill hearing. The Council is simply to authorize the introduction of the legislation into the committee process.

MS. KURTZ said that the Revisor's Bill is prepared annually to put forward her recommendations for correcting or removing deficiencies, conflicts and obsolete provisions in the Alaska Statutes; basically cleaning up the verbiage in the statutes, which is her job as the Revisor. She noted she has statutory authority to correct things like misspellings on her own; however, for larger issues where there is a conflict that requires, for instance, removing a word, she brings them forward in the form of this bill. She tends to be overly cautious and, when in doubt, brings proposed changes in the form of this bill so everyone can see them and the change isn't just done quietly. There is an exception to the Single Subject Rule for the Revisor's Bill so that's why it covers a number of topic areas. There have been a number of questions already about this and she is available to answer questions about specific sections.

CHAIR HAWKER re-emphasized that the bill itself will be before committees once introduced by the Rules Committee in both bodies, and will have an opportunity for full and complete hearings on its substance within the legislative process.

REPRESENTATIVE P. WILSON asked why the Alaska Legislature didn't follow the example of some other state legislatures and use continuous line numbers in legislation, instead of

restarting the line numbers on each page. She opined that this method is less confusing.

MS. KURTZ said that as a new state, we generally tried to base our processes on what other states were doing at the time we developed them. She didn't know the specific reasoning of choosing one way or the other, only that it's been done that way for a very long time and it's what the bill drafters are used to. In response to Representative P. Wilson, Ms. Kurtz will follow up if she learns more.

VICE CHAIR MICCICHE moved that Legislative Council approve the 2013 Revisor's bill version 28-LS0100\N and request the House Rules Committee to introduce it.

The motion passed with no objections.

c. Legislative Pin Order Approval

CHAIR HAWKER stated that legislative pins are extremely popular with constituents and legislators alike, special tokens of Alaska at conferences and for Alaskans travelling abroad. To ensure adequate supplies, an RFP was issued for three of the pins: the Alaska flag, the forget-me-not and the walrus. Between the four responding vendors, the results were such that there was no discernible difference in aesthetics and quality for the flag and the forget-me-not pin; the current vendor's quote was substantially less than the other three vendors, so that is an easy decision. With regard to the walrus pin, he remarked that when he first saw the current pin, he didn't even know what it was. He explained that one vendor did an outstanding job of reinterpreting the walrus pin and it is a pin that he would be proud to show off and says something unique and special about Alaska. The William Spear proposal of the much more artistically-successful walrus rendering at \$24,750 is twice the amount of the lowest bidder at \$12,225, the difference of which would be amortized over a five year period based on current consumption estimates. He asked the Council's support of his executive decision in choosing the lowest bid for the flag and forget-me-nots, and for choosing the higher priced bid for a substantive qualitative difference of the William Spear Design for the walrus.

CHAIR HAWKER asked for a combined motion.

VICE CHAIR MICCICHE moved that Legislative Council approve the award and expenditure of RFP 584 to Sierra Group, LLC in the amount of \$27,800 for 100,000 Alaska flag pins and 75,000 forget-me-not pins. He also moved that Legislative Council approve the award and expenditure of RFP 584 to William Spear Design in the amount of \$24,750 for the purchase of 75,000 walrus pins.

CHAIR HAWKER objected for purposes of discussion.

SENATOR MEYER noticed that Sierra Group, LLC did not get the 5% local bidder preference and inquired as to where they were located. He was concerned that there be a balance between the Alaska Legislature using an Alaskan vendor and getting the best price possible. He expressed additional concern that the pins came from China.

TINA STRONG stated that Sierra Group, LLC is located Turlock, California. She advised that the production location is requested in the RFP and that all four vendors use China to produce the pins, regardless of where the vendor is located. In response to Senator Meyer's question about whether there is a bear pin, Ms. Strong said that the previous Legislative Council Chair added two new pins to the current supply: the Malamute and the pin of the outline of the map of Alaska overlaid on an outline of the map of the United States. There is not currently a bear pin. Senator Meyer would like to see the creation of a grizzly bear pin.

CHAIR HAWKER reiterated that it was the substantive aesthetic difference that made the qualitative difference in his recommendation of the William Spear walrus design.

SENATOR STEVENS stated that a California legislator to whom he had presented the current walrus pin thought it was a beaver, so he supports the purchase of the Chair's choice. Representative P. Wilson added that the current walrus pin is the least favorite of her constituents so she also supports the William Spear design.

VICE CHAIR MICCICHE asked Ms. Strong if Alaska procurement standards allow going back to the vendor to negotiate a lower price. Ms. Strong affirmed that it was allowable to do so. Vice Chair Micciche was concerned that approving the purchase of the walrus pin in advance of going back to the vendor to negotiate a lower price would ensure a poor position from which to negotiate.

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CHAIR HAWKER, after a brief at ease to discuss how to deal with the combined motion, asked that Vice Chair Micciche withdraw the original motion so that it could be broken into two parts.

VICE CHAIR MICCICHE removed his original motion. He then moved that Legislative Council approve the award and expenditure of RFP 584 to Sierra Group, LLC in the amount of \$27,800 for 100,000 Alaska flag pins and 75,000 forget-me-not pins.

The motion was approved with no objections.

VICE CHAIR MICCICHE moved that Legislative Council approve the award and expenditure of RFP 584 to William Spear Design in the amount of \$24,750 for the purchase of 75,000 walrus pins.

REPRESENTATIVE JOHNSON objected to offer a friendly amendment that the motion read "up to \$24,750."

The amendment to the motion was approved with no objections.

REPRESENTATIVE JOHNSON removed his objection to the motion to approve the William Spear Design walrus pin.

REPRESENTATIVE STOLTZE objected to the motion.

VICE CHAIR MICCICHE said he recognized the value of the pins and asks that Procurement take some time to go back to the vendor and try to achieve a lower price, one closer to the lowest bid.

CHAIR HAWKER asked if the amendment satisfied the Vice Chair's concern. Vice Chair Micciche affirmed that it did so.

DOUG GARDNER, Legal Services Director, in response to Representative Gruenberg's concern about a potential violation of procurement procedures, said he would be happy to look at the RFP language and submit his opinion in a memo to Chair Hawker, which satisfied Representative Gruenberg.

CHAIR HAWKER asked Mr. Gardner to work with LAA to ensure that we are compliant with the procurement process and the

specific RFP language, and then to bring his findings back to the Chair. If the attempt to secure the best possible purchase price for these pins is viewed as problematic, the Chair will bring the matter back to the full Council at a future meeting. The Chair reserves the right to execute this RFP if it falls within the judgment of Legal Services that it is legal and acceptable.

REPRESENTATIVE STOLTZE said he wanted a policy where Legislators paid for the pins, especially now that there is more money in the office accounts. He doesn't think the public realizes the cost of these pins when they make large requests. If another office fulfills a big request, it reflects poorly on a legislator who is more conservative and mindful of the cost. If offices were required to pay for them, that might help.

CHAIR HAWKER noted there was a policy concerning the number of pins an office can request at any given time. In response to Representative Stoltze maintaining his objection to the amended motion, the Chair requested a roll call vote on the amended motion to approve the William Spear Design in an amount up to \$24,750 for the purchase of 75,000 walrus pins.

YEAS: CHENAULT, GRUENBERG, JOHNSON, PRUITT, P. WILSON, HUGGINS, COGHILL, EGAN, MEYER, MCGUIRE, STEVENS, MICCICHE, HAWKER

NAYS: STOLTZE

The amended motion passed 13-1.

CHAIR HAWKER thanked members for their time and outlined priorities that he would like to see addressed during his tenure as Chair of Legislative Council for the 28th Legislature:

Anchorage LIO Office Space - the current lease expires May 31, 2013, with one one-year renewal left. It is his intention that the Council reach a long term resolution.

Capitol Building Renovations and Repairs - both the inside and the outside of the historical Capitol Building need significant work. The process has already begun but further action needs to be addressed by the Council.

Social Media - the committee will bring a formal policy to resolve this issue.

Office Accounts - the committee will be re-visiting the conclusion reached under a prior Council; of the decisions

available to the members, the Council arrived at the clearest course of action with the information they had at the time, so this is not a criticism of the prior committee. The Chair simply believes there might be a stronger review of the situation and perhaps reconsideration might be made, given the concern expressed over that decision by Legislators as well as members of the public.

Capitol Building Security - this issue was added in response to Senator Stevens' concern.

Building Security in general - this issue was added in response to Representative Gruenberg's concern about the Anchorage LIO security guard recently catching a member of the public with a gun trying to access the upper floors.

There being no further business before the committee, the Legislative Council meeting was adjourned at 12:00 p.m.

[11:59:04 AM](#)