

ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL
JANUARY 27, 2015
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Approved February 10, 2015

MEMBERS PRESENT

Senator Gary Stevens, Chair
Representative Bob Herron, Vice Chair
Senator John Coghill
Senator Lyman Hoffman
Senator Charlie Huggins
Senator Anna MacKinnon
Senator Kevin Meyer
Senator Peter Micciche
Representative Mike Chenault
Representative Mike Hawker
Representative Craig Johnson
Representative Sam Kito
Representative Mark Neuman
Representative Lora Reinbold
Representative Steve Thompson, Alternate

MEMBERS ABSENT

Senator Lesil McGuire, Alternate

AGENDA

COMMITTEE ORGANIZATION
COMMITTEE POLICIES
APPROVAL OF MINUTES
OTHER COMMITTEE BUSINESS

SPEAKER REGISTER

Jerry Luckhaupt, Revisor of Statutes, Legal Services,
Legislative Affairs Agency
Lisa Kirsch, Assistant Revisor of Statutes, Legal Services,
Legislative Affairs Agency
Pam Varni, Executive Director, Legislative Affairs Agency

[5:01:00 PM](#)

- I. **CHAIR MIKE HAWKER** called the Legislative Council meeting of the 29th Alaska State Legislature to order at 5:00 p.m. in Room 532 (Senate Finance) of the State Capitol. Present at the call were Senators Meyer, Hoffman, Huggins, MacKinnon, Micciche and Stevens, and Representatives Chenault, Hawker, Johnson, Kito, Reinbold, Herron and alternate member Thompson. Representative Neuman joined the meeting right after the roll call. Senator Coghill joined the meeting during the testimony on the Manual of Legislative Drafting (Item V-a.).

Absent was alternate member Senator McGuire.

II. **COMMITTEE ORGANIZATION**

a. Election of the Chair

b. Election of the Vice Chair

a. Election of the Chair

CHAIR HAWKER said this was the organizational meeting of the committee and the formal passing of the gavel from the House in the 28th Legislature to the Senate in the 29th Legislature.

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SENATE PRESIDENT MEYER nominated Senator Gary Stevens as the Chair of Legislative Council and asked for unanimous consent and that the nominations be closed.

The motion passed with unanimous consent.

REPRESENTATIVE HAWKER said that Senator Stevens was now nominated and that a motion to elect Senator Stevens as Chair was in order.

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SENATE PRESIDENT MEYER moved that Legislative Council elect Senator Gary Stevens as the Chair of Legislative Council and asked for unanimous consent.

The motion passed with unanimous consent.

CHAIR STEVENS stated that members had been asked by Governor Walker to attend a reception at the Governor's House this evening after this meeting had been scheduled. He said there were some things that needed to be done, but that they could be done quickly so members could attend the

reception. He thanked members for the nomination and election.

b. Election of the Vice Chair

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SPEAKER CHENAULT nominated Representative Bob Herron as the Vice Chair of Legislative Council and asked for unanimous consent and that the nominations be closed.

The motion passed with unanimous consent.

CHAIR STEVENS asked for a motion to elect the Vice Chair in keeping with the motion for the election of the Chair.

SPEAKER CHENAULT moved to elect Representative Bob Herron as the Vice Chair of Legislative Council and asked for unanimous consent and that the nominations be closed.

The motion passed with unanimous consent.

III. COMMITTEE POLICIES

a. Quorum and Voting Requirements

b. Alternate Members

c. Sanctioning Charitable Events

d. Subcommittees

- Information Technology
- Security
- Office Allowance

a. Quorum and Voting Requirements

CHAIR STEVENS said he wanted to discuss policies for Legislative Council. The first one regarded what constitutes a quorum and voting requirements. It takes eight members to have a quorum and eight members to approve a motion; because there are seven members of the House and seven members of the Senate on Legislative Council, that requirement ensured at least one member of each body will have voted on an issue. This is the existing policy and he asked that if there was no objection, Council would continue with that policy.

There was no objection to maintaining the existing policy on quorum and voting requirements for Legislative Council.

b. Alternate Members

Chair Stevens said he was asking members to approve a change to a policy regarding alternate members. In 2011, the House and the Senate started appointing alternate members to the Council. For 2015 and 2016, the alternate members are Senator Lesil McGuire and Representative Steve Thompson. He said he would like to establish the policy that alternate members are welcome to sit at the table as members, to comment, to speak, to debate any issue; when it comes to voting, only seven members of the House and seven members of the Senate can vote. So, if a member is absent from their respective body, the alternate member of that body will be asked to vote. If all seven members are present, the alternate will not be asked to vote. He noted that this is a change and asked that if there was no objection, he would like to establish that as a policy for Legislative Council.

There was no objection to the proposed policy establishing the conditions for voting as an alternate member.

c. Sanctioning Charitable Events

Chair Stevens said the third policy issue dealt with charitable events. Per AS 24.60.080(a)(2)(B), Legislative Council sanctions charitable events that have 501(c)(3) tax free status. The policy in place since 2003 is that the Committee granted the Chair the ability to sanction these charitable events and at the next Council meeting the Committee would ratify the Chair's action. Unless there is objection, he would like to maintain the existing policy.

There was no objection to maintaining the existing policy for sanctioning charitable events.

d. Subcommittees

- **Information Technology**
- **Security**
- **Office Allowance**

CHAIR STEVENS announced he will be forming three subcommittees and anyone interested should contact his office. The first is the Information Technology subcommittee, which has been primarily made up of legislative staff in the past; so if a member has staff interested in serving, please contact him or Katrina Matheny of his office. The second committee is a Security subcommittee to continue to look at the security needs of

the Capitol, the conditions of the building and report to Council at a later date. The third is an Office Allowance subcommittee; as members know, a poll was conducted and it was decided that the Legislature would have a fully accountable office account plan. He said the subcommittee would be tasked to make specific recommendations or provide information relating to the inventory and disposal of items purchased, such as tangible items like an office chair or a picture, and what to do with those items once a Legislator leaves office. He said he wanted very clear recommendations from the subcommittee on how to proceed under a fully accountable plan so everyone knows the rules and there are no questions about it.

IV. APPROVAL OF MINUTES

a. November 12, 2014

b. December 17, 2014

CHAIR STEVENS asked if there were any proposed changes to or any discussion about the minutes of November 12, 2014 and December 17, 2014.

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VICE CHAIR HERRON moved that Legislative Council approve the minutes of the November 12, 2014 and December 17, 2014 meetings as presented.

The motion passed with no objections.

SENATOR MACKINNON noted for the record that she wasn't at the meetings for the minutes that were just approved for November 12 and December 17, 2014.

V. OTHER COMMITTEE BUSINESS

a. 2015 Manual of Legislative Drafting

b. 2015 Revisor's Bill

c. FY 14 Legislature Audit

CHAIR STEVENS said he thought Council could deal with these three issues expeditiously and asked that Jerry Luckhaupt as well as Lisa Kirsch come forward to speak to the first two items.

a. 2015 Manual of Legislative Drafting

JERRY LUCKHAUPT, Revisor of Statutes for Legal Services Division in the Legislative Affairs Agency, put himself on the record and noted that Lisa Kirsch, Assistant Revisor of Statutes, was sitting next to him.

Mr. Luckhaupt said that each Legislature adopts its own drafting manual. The manual this year is pretty similar to the 2011 and 2013 manuals. His memo, which all members have, outlines the changes that have been made. Besides the normal clerical changes made every year with regard to changing the 28th Legislature to the 29th Legislature as well as changing the years, there are seven changes that could be considered substantive; two of them are recent cases from the Alaska Supreme Court which are helpful to people when they are reviewing the Legislative Drafting Manual and considering issues like retroactivity or single subject. The others are issues related to practice; one in particular was recommended by Pam Finley who was the Revisor of Statutes in 2012, dealing with line item vetoes. The Legislature has done that probably three or four different ways over the years; there was one process followed in the 1980s and, in 2009, the way the Clerk handled those line item vetoes changed and it was not reflected anywhere - that change was made on page 122. All the changes in the bill have been reviewed by the Attorney General's Office and they have no objections. Any other changes have been referred to the Chief Clerk and the Senate Secretary for their review; several of the changes were suggested by the Chief Clerk and Senate Secretary to reflect current practice and those are outlined in the memo.

SPEAKER CHENAULT asked if the Drafting Manual could be changed at any time by actions of Legislative Council.

MR. LUCKHAUPT responded that, in theory, Legislative Council could if this Legislature decided they wanted to change the Drafting Manual next year. Traditionally, the Uniform Rules provide that each Legislature will adopt its own drafting manual and that has happened at the beginning of the first session. There's nothing to stop the Legislature from making a change during the legislative session.

SENATOR MACKINNON said that on the Legal Services draft document dated January 21, 2015, it states on page 42, under Appropriations, that there has been a change to the appropriations for capital projects and that language has been re-worked. Since she is new to the committee, she noted that it was a capital budget language change and wanted to know if it had been discussed by Legislative Council.

MR. LUCKHAUPT responded that it was a recent change the Legislature made last year and so to avoid any problems, the Manual needed to be updated to reflect that change. In the past, the general rule was that capital budget appropriations never lapsed. Last year, the Legislature changed the Appropriations statute to provide that if "substantial, ongoing work" has not begun within five years, then the appropriation would lapse. The new language is merely reflecting the statutory change the Legislature made last year.

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VICE CHAIR HERRON moved that Legislative Council approve the 2015 Legislative Drafting Manual.

A roll call vote was taken.

YEAS: Meyer, Coghill, Hoffman, Huggins, MacKinnon, Micciche, Chenault, Hawker, Johnson, Kito, Neuman, Reinbold, Herron, Stevens

NAYS: None

The motion passed 14-0.

b. 2015 Revisor's Bill

Lisa Kirsch, Assistant Revisor of Statutes, said that the Revisor's Bill is primarily designed to correct errors found in statute. The changes aren't meant to change the meaning or substance of the law but would be to make a provision more readable or to reorganize sections that need to be placed in another part of the statutes. This year there are many changes that are similar to past changes; for example, there are several instances of the phrase "but not limited to" that have been deleted as the statutory provision in Title I allows the word "including," which is presumed to include the phrase "but not limited to."

Ms. Kirsch said that, in general, there were also some citations of federal law that were erroneous, either the numbers had been inverted or a change in federal law had changed the numbering of a particular provision, so those are corrected. There were some court rules where the citation form was slightly amended; punctuation errors; and various and sundry things that are controlled by the Drafting Manual that needed to be changed to reflect the correct form. Specific information is available in the

Revisor's Bill and accompanying analysis, a copy of which each member should have.

SENATOR COGHILL asked for the record about the reason for the effective date of a particular section, which is unusual to this bill.

MS. KIRSCH said that what Senator Coghill was referring to was the effective date that turns up in Section 62 at the very tail end of the bill and is a special effective date for Section 35. Section 35 is a long listing in Title 44 that lists approximately 44 state boards and commissions; the final entry is paragraph 45 which shows up in page 22 of the draft bill and had a delayed effective date of July 1, 2015. The changes that were made within the list made the list consistent by removing several instances of "the" in front of a particular board or commission; Ms. Kirsch said she made the effective date of those small changes the same as the effective date of the paragraph so it didn't have to be changed twice.

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VICE CHAIR HERRON moved that Legislative Council approve the 2015 Revisor's bill version 29-LS0330\W and request the Senate Rules Committee to introduce it.

A roll call vote was taken.

YEAS: Meyer, Coghill, Hoffman, Huggins, MacKinnon, Micciche, Chenault, Hawker, Johnson, Kito, Neuman, Reinbold, Herron, Stevens

NAYS: None

The motion passed 14-0.

c. FY 14 LEGISLATURE AUDIT

CHAIR STEVENS noted that this item did not require a vote and was simply a report for the Fiscal Year 14 Legislative Audit.

PAM VARNI, Executive Director of the Legislative Affairs Agency, stated that LAA goes out to bid for an independent auditor. The last time the Agency went out to bid was in 2014 and Elgee, Rehfeld, Mertz, LLC was selected as the auditor. They conducted an audit for the entire Legislative Branch, both the operating and the capital funds, and it is a clean audit with no audit exceptions.

There were no questions and no further action needed on this item.

CHAIR STEVENS gave considerable thanks to Representative Hawker; he said he has been tremendous to work with in the transition, particularly with the new Anchorage building as they move to assign offices and move into the new space. He said he really appreciated Representative Hawker keeping him involved for the last several months. As much as he appreciated Representative Hawker, he said he appreciated even more Juli Lucky of his staff who had just been tremendous to work with and who will continue to help with the transition in the Anchorage office.

There being no further business before the committee, the Legislative Council meeting was adjourned at 5:22 p.m.

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