

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**AUGUST 06, 2018
9:00 AM**

MEMBERS PRESENT

Representative David Guttenberg, Chair
Senator Bert Stedman, Vice Chair
Representative Matt Claman
Representative Bryce Edgmon
Representative Charisse Millett
Representative Dan Ortiz
Representative Louise Stutes
Representative Harriet Drummond, Majority Alternate
Representative David Eastman, Minority Alternate
Senator Pete Kelly
Senator Anna MacKinnon

MEMBERS ABSENT

Representative Sam Kito
Senator John Coghill
Senator Cathy Giessel
Senator Lyman Hoffman
Senator Peter Micciche
Senator Costello, Alternate

OTHER MEMBERS PRESENT

AGENDA

CALL TO ORDER
APPROVAL OF AGENDA
COMMITTEE BUSINESS
EXECUTIVE SESSION
ADJOURNMENT

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs Agency (LAA)
Megan Wallace, Legal Services, LAA
Doug Gardner, Legal Services, LAA
Elisha Martin, Colliers International
Tim Banaszak, Information Technology Manager, LAA
Tim Powers, Information and Teleconference Manager, LAA

9:07:07 AM

I. CALL TO ORDER

CHAIR GUTTENBERG called the Legislative Council meeting to order at 9:07a.m. in the Anchorage LIO Large Conference Room. Present at the call were Representatives Claman, Edgmon, Millet, Ortiz, Stutes, Representative Drummond (alternate); Eastman (alternate), and Guttenberg; Senators Kelly, MacKinnon, and Stedman. Absent were Representative Kito, Senators Coghill, Giessel, Hoffman, Micciche, and Costello (alternate).

II. APPROVAL OF REVISED AGENDA

9:09:31 AM

SENATOR MACKINNON moved that Legislative Council approve the agenda to include Executive Session.

The motion passed without objection.

III. COMMITTEE BUSINESS

a. Legal Director Hiring Subcommittee Recommendation

CHAIR GUTTENBERG stated he will explain the process, then get to the candidate. When Doug Gardner gave me his letter of resignation, I tried to mimic the Committee that did the same work ten years ago and I was on Legislative Council, but I was not on the hiring committee. They set up a hiring committee of majority and minority members from both parties, the Executive Director, and the Chair, and we put out notice internally and externally for a two-week period, which was a balance that most people wanted. We had two applicants and we advanced the name of one. That is where we are now.

If there are there any questions on the process, because some people question the process and how did it happen, and that is how we walk through it, and that is why we did what we did.

Ms. Wallace, would you like to come to the table?

CHAIR GUTTENBERG continued, before we have this conversation with Ms. Wallace, if it gets into a job interview, where it becomes a personnel issue, we will have to go into Executive Session, because that is the appropriate place to do that. Ms. Wallace, can you tell us why you want to do this job?

MEGAN WALLACE said good morning, for the record, my name is Megan Wallace with Legislative Legal Services. I applied for this job primarily because I love the work. I think it is a privilege to work so closely on matters that are important to Alaskans, and to the

State, and at Legal Services we have a very intimate relationship with the legislation that makes its way through the bodies. I was ready for some new opportunities and I am excited to lead a very talented team at Legal Services and continue to provide the quality of work that you have grown accustomed to.

SENATOR MACKINNON thank you Mr. Chairman. First, Megan, thank you for applying and thank you for your work on behalf of the people of Alaska and the Legislative body. Mr. Chairman, I would like to go on record in supporting Ms. Wallace. Representative Claman and I had the privilege of being Co-Chairs of a policy that was brought to Legislative Council last year and during that time we worked closely with Ms. Wallace on some fairly delicate issues, I am talking about the Sexual Harassment Policy. I was pleased that when issues arose that Ms. Wallace did not take party lines, but she took professionalism to an extreme in laying out detailed analysis for our consideration, and then left it to the policy makers. I believe she is a capable person, that she has integrity, and that she loves her job and the people she works with.

As we move forward in this discussion, I would like to ask her, should she receive our recommendation, what she believes may be solutions to solve some of the turnover problems that we have, some of the workload that our Legislative Legal has been enduring over the last few years with reduced resources available to them, and sometimes just not the applicants available to hire. The minute Mr. Gardner would get folks hired, because of the stress load of the legislative session, or other issues, that staff would move to other departments that were more family-friendly in nature than a legislative session might be.

For the general public, our team, especially our Legislative Legal team and the folks that support the legislative process, works hours into the night to make sure we are ready to go the next day to go back through some of these same issues. So if we come up with an issue or amendment at five o'clock and a committee is meeting at eight o'clock the next morning, at least in the past, our legislative team, as well as all that are supporting the Legislature, are there hours into the evening trying to meet our requests. These are challenges that the previous Executive Director as well as the Director of Legal Services had to face, and our legislative auditors are facing the same things.

Again, if we move it forward, Ms. Wallace has my endorsement. I know she is in it for the long haul and she wears those Xtratufs, just like many Alaskans, and makes it to the riverbanks to help the legislature keep on flowing. Thank you Mr. Chairman.

REPRESENTATIVE CLAMAN said he would like to echo much of what Senator MacKinnon has said. I have worked with Megan periodically on different legal matters, but the heaviest matter was working on the Sexual Harassment Policy. One of the features that I look for as a practicing attorney and getting advice from attorneys is the willingness to basically tell the client that they are wrong and that we need to follow the advice of our counsel. There were numerous times during the course of working on the Sexual Harassment Policy that not only did you say to us, "this is an area where you need to make the policy call because that is your role as legislators", but there were other times that you were very comfortable saying that we really should not go down that path because there are legal impediments and you were providing the advice that we needed to hear. That is perhaps the most important thing that a lawyer can tell their client, which is you really need to listen to the lawyer and not lose track of the law. For those reasons, I have great confidence in your application for this job. I think you will do a great job. I also know from seeing you, not officially in the office but walking from the office down to get your children from childcare, that you have really figured out how to get a good balance between work and family and not having work so overwhelming that you are not still finding time for your kids. In terms of having a family friendly environment, I also see you as somebody who understands how to maintain that balance between how hard you work, but also sometimes saying this is a time when I have to pick up my kids, or I've got employees that actually need this time and you legislator are going to have to wait. I appreciate that and also that degree of balance. I am very pleased that you applied, I am very pleased that you have been recommended, and you have my full support.

REPRESENTATIVE EASTMAN Thank you. Ms. Wallace, your predecessors wore many hats and one of those was officially, or unofficially, the parliamentarian. I am wondering how do you see yourself filling that role, or do you see having someone else fill that role?

MEGAN WALLACE replied through the Chair, Representative Eastman, that is a hat that the Director traditionally wears and I look forward to putting that hat on, so to speak. The Director has primarily handled those matters. As drafting attorneys we are familiar with the Uniform Rules, we often field questions from Committee Aides as we draft bills and they move through the process. I think one advantage that I possess is that I have watched nearly every floor session for the last five years, so I am familiar with the motions that are made, the issues that arise, the limited amount of time that is allowed to make decisions and provide advice. I am comfortable getting up to speed and being prepared in January when you go in. I have a little bit of homework to do, but it is not something that intimidates me and I think I will be prepared and ready to go in January.

REPRESENTATIVE EASTMAN responded thank you.

SENATOR MACKINNON Ms. Wallace, can you provide me some legal advice on the process we used for procuring the position? Are we within the parameters and operating efficiently in the two week notice process?

MEGAN WALLACE replied through the Chair, Senator MacKinnon, I have not been involved, obviously, in the process in terms of helping effectuate that, but there is nothing from the process that has gone forward that gives me any pause or concern that the process could be challenged.

SENATOR MACKINNON thank you.

CHAIR GUTTENBERG in follow up to that, I have taken the advice of the Agency and Skiff Lobaugh, our Human Resources Manager, was at the table at every turn just to make sure I was doing everything right.

SENATOR MACKINNON I've been through multiple hiring processes of executives to work for the legislature, and I just want to say that most of the applications that we receive for any particular position is based on a deadline, and so when you put whatever that deadline is—30 days, two weeks, or sixty or ninety days—most of the applicants that are truly interested in the position apply early and so I support the process that was used to determine this outcome.

CHAIR GUTTENBERG any questions online, or any comments?

REPRESENTATIVE STUTES commented that she would like to echo what both Senator MacKinnon and Representative Claman have said. The other thing that I noticed was our applicant has a very reassuring calmness about her. As we all know, sometimes we can get excited over issues as Legislators. It did not appear to me that she was remotely affected by that and maintained a calm, steady, directiveness in her advice to us. I truly appreciated that.

CHAIR GUTTENBERG thank you.

REPRESENTATIVE EDGMON Thank you Mr. Chairman. I was on the hiring committee and I also want to speak in favor of hiring Ms. Wallace. During our interview process, she did a really great job in explaining how the job would be as the Director of Legal Services. Megan broke it down into three categories: one was the management aspect of it all; the other was her background in bill drafting and technical expertise, which is pretty unique to someone who works at Legislative Legal; and the third element was the parliamentary aspect of it all. It was during our conversation that I came to better appreciate how much Legislative Legal does. I think in many respects we take for granted that the work product is always there. As well it

underscores how unique the job is of being the Director and how your skills are very appropriate for that position and that the qualities you bring allow you to step in and take the reins, and not have the sort of learning curve as there might be with somebody from the outside in, which Mr. Gardner readily admits is what happened when he came into the job. For that Mr. Chairman, being on the hiring committee, wanted to offer those comments.

CHAIR GUTTENBERG anything else from anyone online? Any members online, any comments?

REPRESENTATIVE EASTMAN asked, Mr. Chairman, just a question for those who were on the hiring panel. I am wondering, what information do we anticipate will be made available, either during or after the conclusion of this process? Were there any other applicants for example? Is there going to be information on number of applicants, or that type of information made available?

CHAIR GUTTENBERG replied I don't believe that is available, or that we could make that available, for the people that did not get it, or were disqualified, or we did not advance. I am not sure, but we will check with Skiff Lobaugh our Human Resources Manager and if it is appropriate, we will take that up.

REPRESENTATIVE EASTMAN thank you.

SENATOR MACKINNON said Mr. Chairman, I have already said that I am going to endorse Ms. Wallace, but Megan can you talk to me about the condition of Legal Services, how many vacancies currently exist there? Is that appropriate for now or should it be better said in front of a more informal process?

MEGAN WALLACE replied through the Chair, Senator MacKinnon, I can give a general overview in terms of where we are staffing wise. If you want to go into depth in terms of maybe some strategies in terms of filling those positions, it's probably better for an Executive Session type discussion, but I am happy to generally discuss where we are.

As many of you know, we lost a drafting attorney in the middle of session last session, so that position needs to be filled. More recently we had another attorney submit a letter of resignation, so we will have to fill our Revisor position.

Overall, the office is in good shape. We have some attorneys who are very talented in the office, several of which have been in the office for many years. Last session we had two new attorneys start and they did great work, this next session they will be on their feet running from the gates.

One of the tasks as the Director would be to do some successful recruiting before next session. I am an optimist at heart, so I am optimistic that we will get some good applicants. I think that as long as you do a good job vetting the applications that come through and you hire the most qualified people who have applied for those positions, that we will have some good luck.

Historically, the hiring at Legal Services has been successful. We tend to use an informal hiring committee process. There is more than one person involved in recruiting and we get the feedback of the different components of the office—from the Director, the Revisors, even Editors look at resumes—so that we have a collective assurance that we are comfortable moving forward with a candidate. We have a little bit of recruiting to do, but we have time to do some training and this is an opportunity for the office to move forward. There is an opportunity to find efficiencies and to make sure we are working smarter, not harder. I look forward to helping implement, not an overhaul, but some tweaks here and there, to make the process more efficient and allow the office to continue to do good work.

CHAIR GUTTENBERG asked anything else?

REPRESENTATIVE EDGMON said Mr. Chairman, just a quick comment, I think it bears repeating. I don't know if you said this at the outset, so I apologize if you did, but Legislative Council actually we are sort of acting in an advisory capacity here because the Legislative Affairs Director actually makes the selection, if I remember the statute correctly.

CHAIR GUTTENBERG said let me clarify this process. We appointed a hiring committee to do the interviews and the hiring process, to give a recommendation to Legislative Council, but the Executive Director is the hiring authority, Jessica Geary. When I asked why this is so, we got a history of if we hire a separate Executive Director, under his own authority, we are essentially creating another agency in the Legislative Affairs. And seeing as it has not been broken and there have not been complaints about it, there was nothing to fix, so we just continue doing it. Ms. Geary clearly wanted the advice of Legislative Council because the position is so close to us, it is so integrated into what we do. So we just will be making a recommendation to the Legislative Affairs Executive Director. Anything else?

9:28:37 AM

SENATOR MACKINNON moved that Legislative Council accept the recommendation of the hiring subcommittee for the Legal Services Director and authorize the Executive Director to promote Megan Wallace.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millet, Ortiz, Stutes, Drummond, Kelly, MacKinnon, Stedman, Guttenberg

NAYS: None

The motion was approved 10-0.

CHAIR GUTTENBERG said and with that Ms. Wallace, you have my condolences.

b. Anchorage Legislative Office Building

CHAIR GUTTENBERG noted the next item on the agenda and asked Ms. Geary to come up and speak to the business of the building.

Good morning, for the record, Jessica Geary, Executive Director for Legislative Affairs and Elisha Martin with Colliers International.

CHAIR GUTTENBERG said we have a budget item dealing with the demolition of the third floor and the design and it rolls into the other things that are ongoing, which is the sealing and painting of the building, the signage, and how we are going to allocate that. Let's start with the sealing, the paint, and the signage issue—what happened with that and where we are at now. Will you give us a more current history?

JESSICA GEARY replied of course. Mr. Chairman, at the June 26, 2018, meeting we approved the money to re-seal and paint the exterior of this building and once the contractor started looking into that, it became clear that it could not be done this season, it would have to be undertaken next year. The same goes with our exterior signage; we have some design work that is in process, but we are not in love with the proposal. So it was a good opportunity—we need the third floor to be demolished because right now Wells Fargo has vacated and we need the contractor to go through and take down everything, and we also need some design work done for the second and fourth floor should we continue on with the remodel. So that leaves us with some money that has been authorized, but cannot be used this season, so it seemed prudent to reallocate those funds to go toward the work that needs to be done and that can be done, which would require some additional funds, \$107,775. Elisha, did I cover everything?

CHAIR GUTTENBERG said my question to the Council is, as we go forward with this, the design and the demolition, do we want to just take the money and reallocate it – at some time in the future, we are going to have to reallocate it, or do we just want to fund what needs to be

done with demolition and the design work now, and then we will not have to come back later and fund those things. We can discuss what we are doing, how we are walking down the road, but I think that is part of the big issue—do we take the money we reallocated or just allocate the money that needs to be done and I am just repeating myself, but the money for the signage and the cleaning will just be in place. Those are the two options that I see.

Is there a discussion on which way to go? At first, I said, let's fund the smallest amount of money, because that seems to be the easiest always to get through, but we are just going to come back again next time, or at some point in the next year and reallocate it. But whatever is the wish of the Council. If it was my druthers, I would just allocate the money that needs to be done, then we don't have to vote on it again and the painting and signage is already in place.

Is there anybody online?

REPRESENTATIVE STUTES commented that I would like to see us just appropriate the additional funds that we need, as opposed to reallocating. I think that we are kind of opening up a can of worms if we... I think it would just be cleaner, let me just put it that way.

CHAIR GUTTENBERG asked we do not have to go back to the Legislature for additional funds, these have already been appropriated for the Agency?

JESSICA GEARY replied that is correct Mr. Chairman.

REPRESENTATIVE DRUMMOND thank you Mr. Chairman. I need a little clarity on the additional funds that will be required and if I understand it correctly, it is for the demolition of the third floor and start of design work for the other two floors?

CHAIR GUTTENBERG replied yes.

REPRESENTATIVE DRUMMOND asked the amount? I was not clear on the amount.

CHAIR GUTTENBERG replied Oh, I'm sorry. In this spreadsheet, we have current budget commitments and phase two. I hope everyone has it. If they don't have it, it is on BASIS. It is the total funds available, what we are seeing is that we need to do the whole thing—either \$557,700 or if we do the allocation, reallocate the money that is already spent, it is only \$108,000.

REPRESENTATIVE EDGMON Mr. Chairman, I think what you are presenting, and perhaps the Executive Director as well, is the benefit of doing

the additional \$108,000 worth of work now is saving time, effort, and having to come back to this project at a later time. Is that what I'm understanding?

CHAIR GUTTENBERG said it is the larger number that saves us not having to come back. So with the \$108,000, we are reallocating money that has already been used for the painting and the cleaning of the building and the signage, they are two different contracts I believe. With the \$108,000 we are taking that money back and putting it into the demolition and the design. With the larger number, we are just allocating what is needed to do the design and demolition. Did I get that straight? I think I did.

JESSICA GEARY responded, you did.

CHAIR GUTTENBERG said, so that money will need to be spent regardless. It is whether we take the heavy maintenance work and the signage and use that now, and then come back in November or December, January, or the next Legislature and vote to put it back in for the work next spring.

Are we under contract for the signage and the cleaning? We are not under contract yet, so that is not encumbered money either.

SENATOR MACKINNON thank you Mr. Chairman. Jessica, I have a couple questions. When we moved from downtown Anchorage to this building, we purchased knowing that this building needed renovations, but we had a fixed expense for the people of Alaska so they would understand and know how we were going to use those dollars to benefit the people. We landed on this building, at least I will just speak for my vote on this building, because it was not luxurious, but the meat and bones were here to provide a centralized point for Alaskans to gather to talk about important issues.

One of the other things that we talked about was using some of our square footage to generate revenue. We are doing that right now; we rent to Wells Fargo, a tenant of ours that helps create a positive revenue flow for the building. Have we considered, or are we utilizing, all of the floors? Because we did talk about possibly bringing in another renter to help us defer other costs.

So when we are looking at design and other things I just wonder—I am not moving forward, so for those who might be following us today, I have not offered my name for re-election, but I was intimate with the purchase of this building and why we were going a particular direction and wanting to make sure we received as much value for the people of Alaska. So when we are talking about spending money, I just want to put on the record, we are spending money, but we are getting money in return for what we are spending in building improvements

because we are generating revenue; whether it was a satellite (we have some kind of IT generation on the top of the building that is bringing in small amounts of money) and we have a renter that is paying us for their use of those facilities. Can you talk to me about that and are we looking at freeing up any other space? The other thing that we had talked about was relocating the Ombudsman's Office or another State service into this building, so that we could again decrease the Legislative expense for the people of Alaska.

JESSICA GEARY responded, great question. Through the Chair, Senator MacKinnon, the remodel plans include moving in the Ombudsman, in fact we are already in the process of moving them in. Also the Select Committee on Legislative Ethics and we would like to, at some point, entertain moving Legislative Audit in as well. That would save us tremendously on rent costs. So that is in the plans, yes.

SENATOR MACKINNON said Mr. Chairman, I support moving forward with the full amount of money.

CHAIR GUTTENBERG asked are there any other comments from anyone online? No comments, Senator MacKinnon.

[9:40:29 AM](#)

SENATOR MACKINNON moved that Legislative Council reauthorize the funds for Exterior building seal and paint and building signage and approve \$108,000 for the demolition of the third floor, design for the second and fourth floor, and permit fees.

[9:40:48 AM](#)

CHAIR GUTTENBERG called a brief at ease.

[9:41:53 AM](#)

CHAIR GUTTENBERG we are back from at ease, Senator MacKinnon.

SENATOR MACKINNON Mr. Chairman, I withdraw that motion and I would like to restate the motion. Mr. Chairman, I move that Legislative Council approve \$557,702 for the demolition of the third floor, design for the second and fourth floor of the Anchorage Legislative Office Building and permit fees.

A roll call vote was taken.

YEAS: Claman, Edgmon, Millet, Ortiz, Stutes, Drummond, Kelly, MacKinnon, Stedman, Guttenberg

NAYS: None

The motion was approved 10-0.

c. Chamber Voting Data System

CHAIR GUTTENBERG asked, Mr. Banaszak will you please come up and fill us in on this proposal?

Good morning and thank you Mr. Chairman and members of the Council. For the record, my name is Tim Banaszak and I am the Information Technology Manager for the Legislature. So this is one of those items that we appreciate the Council being willing to hear this morning. It has been a work in progress over the last couple years and has reached critical mass.

The request before you Mr. Chairman is for the Legislative electronic voting system. It has reached its end-of-life status and is failing.

[9:44:21 AM](#)

CHAIR GUTTENBERG said, excuse me Mr. Banaszak, may we have a brief at ease?

[9:48:42 AM](#)

CHAIR GUTTENBERG we are back from at ease. The discussion was concerning the nature of this proposal. We will continue this proposal and this dialogue and, if appropriate, we will save the motion required until after Executive Session.

TIM BANASZAK said, thank you Mr. Chairman. The existing system uses components that are over two decades old and have become unsupportable. The voting system of course is critical during Floor Sessions and required by Uniform Rule 34. As such, we are requesting authorization from Legislative Council to proceed with the required hardware and software replacement. The total project cost is \$912,700, we also wanted to build in a 10% contingency of \$91,270, included with this is an annual maintenance cost of \$17,300. As indicated below is a table that talks about the amortized cost over a ten-year period. We drew some conclusions around if we had to delay, as we did in the Twenty-ninth Legislature some of the floor votes, the cost associated with that, it only takes a day or two or three and we have offset the amortized cost of \$108,000.

CHAIR GUTTENBERG asked Mr. Banaszak, could you repeat that point?

TIM BANASZAK said, yes. The annual amortized cost of the voting system replacement or overhaul is \$108,000, which correlates to a day, two, or three of extended session cost that has to be incurred if we were unable to provide the votes on time.

CHAIR GUTTENBERG stated, so in the context of that, what you are saying is, if something happens to this existing board and we had to delay a floor session, we went into an extended session, that the difference goes away immediately.

TIM BANASZAK replied, correct. The existing voting system no longer functions reliably, it experiences outages despite vendor, technical, and support staff efforts. Currently, the voting system is operating on a platform that is no longer supported and one of the recommendations we have is to update the operating system and some of the software components that are included with that. Some of the upgrades that have been looked at were delayed for a number of reasons: one was the cost, certainly this is a chunk of change; there was also the three year Capitol project to deal with the seismic retrofit; and there were certainly special sessions. This is no small task overhauling the system and there were other priority technology infrastructure upgrades that were required as well.

Also included, you have a proposed project itemized cost so that you can look at some of the details of the costs and understand the different components that are in there. With this project we would anticipate remediating the critical issues going into this session to make sure that the system does stay up and does function. We want to have those remediated by October 15 for some of the items and November 1 for the rest of those, to make sure the system is up and running comfortably. The rest of the project would be concluded just after session, so if session were to finish on schedule, if we were done and able to start the work June 1, if we were to select that date, we could be done with a complete overhaul of the system by June 30. With that Mr. Chairman, I am happy to answer any questions.

CHAIR GUTTENBERG said, Mr. Banaszak you are a victim of your own abilities to keep that system piece mealed together; we did not have long at-eases and it was not obvious to us. I know people have slid into the room under the voting board and worked on it while we are doing business in the chambers.

SENATOR MACKINNON Thank you Mr. Chairman. I am looking at the memo that is dated August 1, 2018, and on page 2 it outlines the proposed project itemized costs and I am wondering with identical Senate Chamber and House Chamber descriptions, what the \$4,500 difference is between the Senate and the House? So there is \$242,500 listed for the Senate Chambers for two full-color, 1.9mm LED message boards etc. and then it is \$247,000 for the House. Can you tell me what the difference is?

TIM BANASZAK replied, certainly. Through the Chair, Senator MacKinnon, the voting displays in the Senate and in the House are slightly different sizes and unlike a traditional display that you might see when you buy the whole components when it is up on the wall and watch it, these are actually several parts, so each component of the display is made up of many different mini-displays in there. So we took the sizing of the Senate and the real estate we had to work

with, without doing any remodeling or changing to make sure that it fit. The Senate is also a little smaller body, so we did not have to have the screens quite a large. Given the number of members on the House side, in the House chambers the displays are built a little larger with more components in there, hence the difference in cost.

SENATOR MACKINNON Thank you Mr. Chairman. Thank you for that explanation that makes sense. Can you tell me when we are talking about a full color display, is that just because we have three colors or is there something new that will be there, are we going to be able to flash flags or fourth of July signs, or is this just a standard thing when we are using white, green, red, and yellow that that is called full color? Are we getting the Cadillac or the Volkswagen?

TIM BANASZAK replied, it is a very functional Volkswagen. But with that, we now have the ability if there was, for example, a State of the State, that could be displayed up on these displays now. If we did want to put the flag or the State seal up there, we can certainly do that with this system.

SENATOR MACKINNON said Mr. Chairman lastly, I live in the community of Eagle River and we have our own zip code, so we like to be called Eagle River. Anchorage has been going through a technology upgrade for multiple years, and when I served on the Assembly, we started down the PeopleSoft route which just cost millions of dollars and money going down a rat hole from many people's perspectives. The same thing seems to be happening with technology as they are trying to upgrade now, that money is just going out the window after a vendor gets ahold of a government entity. If we cannot conclude the project within the parameters of the estimates that we receive, how confident are you in the proposal that is before Legislative Council that these numbers are fixed and that we will get the outcome and completion of projects? Has this company been experienced on other upgrades that they actually work within the confines of an estimate that they provide the government agency?

TIM BANASZAK said, through the Chair, Senator MacKinnon, thank you for that question. The short answer is yes, we have a high degree of confidence that the project will be done on time, given that we have to work once session concludes and it will be done on budget. This company has a very good reputation; it currently hosts/provides the voting systems for over seventy-five chambers around the country, including the US Congress.

The company that we are using, we have spent quite a bit of time going over the proposals and looking at the timelines and they have demonstrated to us that if there are problems, they will make it right for us without the State having to incur additional costs. One of the things this proposal does is shifts the risk from the State to

the vendor; if there are parts or pieces they did not account for, they have to include that as part of this fixed cost.

We were trying to get the entire system done in time for this session, but given where we are now in August and then, if this does get approved, the company did not want to implement a brand new system that quickly to make sure we have the time to understand it. The conversations with them have been very deliberative, very thoughtful. The proposal has gone through quite a few iterations, it has gone through the IT Legislative Subcommittee where it received modifications, we had to go back to the vendor, so this has been vetted over and over again to the point that now we feel comfortable bringing it to Council for request and not have to be back here before this group.

SENATOR MACKINNON said thank you Mr. Chairman, I apologize, but I have a follow up on the maintenance issue. In your memo, you stated that some of the product support fails after a while. We bought the last system and then apparently were experiencing difficulties in maintaining the system, so the company that you are recommending and the Subcommittee supported, do they do follow up maintenance, is there an extended warranty period, how long is the system going to be supported, and have we seen that in the other states or other government entities that are doing this?

TIM BANASZAK said, through the Chair, Senator MacKinnon, yes, the system comes with a one-year warranty and any issues with that, they cover the cost. The maintenance cost of \$17,300 per year covers all the hardware, engineering time, and they have demonstrated to us, as we saw during the Twenty-ninth Legislature when they had to make trips back and forth up here and had to replace numerous components to the hardware, the system and they made good on it. As long as we have that maintenance contract in place, that does shift the risk to them. In other states, and folks we have talked to, and just our experience—this is our third iteration with this company—we do not see any reason to change products.

By maintaining the existing relationship, we receive a lot of credits and discounts on some of the existing hardware so it reduces the cost of the system. There is also a lot of what might be perceived as just the voting board, there are databases and applications behind it, there is a lot of programming that has been customized for the Alaska Legislature's use in the chambers and that programming can be reused.

CHAIR GUTTENBERG said so just two questions. This is not just the voting board, this is an integrated system into the BASIS system and to how things appear online to the public? But the slippage of the timeline, I am concerned about that. If this passes, you are going to

change major components in October and that will allow testing time. What happens if they are not ready in January?

TIM BANASZAK responded, they will be ready. That is part of how we sized this project. There were additional things we would really like to get done, but there is too much. We did not have a high enough confidence level to take on more work, so we only took on the most critical exposure components of the system and said we have to have those done, we do not have an option, so that is all we have taken on. With the October 15 and the November 1, that gives us some buffer time, so it will be completed by January. We have our own folks who reviewed that analysis, the company has given us an updated proposal which shows that milestone and deliverable, and we are confident about that date.

REPRESENTATIVE DRUMMOND thank you Mr. Chairman, just a follow up to that conversation, then my question about age. Mr. Banaszak, returning legislators will not see any difference in January. You are simply upgrading and beefing up the guts of the system so we do not have working issues during the next session?

TIM BANASZAK said, through the Chair, Representative Drummond, that is correct.

REPRESENTATIVE DRUMMOND asked in terms of the life span, how old was the previous system? In terms of how quickly technology changes these days? I know you have this system amortized over ten years, with a ten year maintenance contract. What if things change prior to that ten years? Or what is the expected lifespan of this system compared to the one we are replacing?

TIM BANASZAK said, through the Chair, Representative Drummond, the life span we picked is ten years, which seems to stretch the system about as far as you would want to go. That is kind of where we are today. The system is made up of many subcomponents, some of those components that the Legislature is using today dates back twenty years and even longer, so some of those things that may cause a failure for one member or another member, at least it is not the whole system infrastructure. Those are some of the components that the life has been extended on that. So I would say ten years.

The other important part with that is the maintenance agreement component, so that when there are updates to the system we do get those to extend the life of that. Now, if there was some major compromise of some type and we had to go in three, four, five, six years into there, those are somewhat unpredictable, but this has built in some depreciation costs, some investment costs to maintain the system at an acceptable level.

These issues we are seeing now began to develop in the Twenty-ninth Legislature and I can appreciate the comment earlier that it seems like it is all at once, but it has been timing and coordination. We began planning for this and we hope that in the future, if that occurs, there be some awareness to the Council.

REPRESENTATIVE DRUMMOND said, thank you.

REPRESENTATIVE EASTMAN said, thank you Mr. Chairman. Mr. Banaszak, I appreciate the presentation to the IT Subcommittee, it was very informative and gave me new insight into how much time this project is taking away from staff as far as just being able to maintain and keep it functional during session and special sessions. I was not aware until that meeting. My question is once this project is approved, and I cannot speak for my colleagues in the Senate, but when you hit the button, will you only have to hit it one time?

TIM BANASZAK said, through the Chair, Representative Eastman, not in this legislature, but after the June upgrade, then yes.

REPRESENTATIVE EASTMAN said, thank you, that would be great.

CHAIR GUTTENBERG asked are there comments from anyone online?

SENATOR MACKINNON said, Mr. Chairman, for the record that we establish, there is written justification before us for applying Section 040 of the voting system replacement under Section 040 of the Legislative procurement processes we would be determining that we were going forward in the sole source way. I am wondering if we want to put some of that determination on the record, at least as an explanation of why that is being recommended.

TIM BANASZAK responded certainly, Mr. Chairman, thank you for that question Senator MacKinnon. The procurement piece of this is always very important. This contract, or this procurement, would be considered as a sole source contract, which means there is only one vendor in the market who provides the International Roll Call or IRC voting system, the configuration, installation, and support of that. If the State were to go out and do a full RFP process, IRC would be the only qualified respondent, even after going through that exercise.

Some benefits to the State are that, we talked about some of these before, but we have a vendor who has already developed the hardware and software programming so that has helped reduce the overall cost of the system. We mentioned the seventy-five chambers where this is used already. One of the things that was important to the US Congress was that tax dollars spent on their system went to a US company exclusively and when they did the vendor analysis on that, IRC was

the only completely US based system. The other benefit to this approach is that we can be working in parallel with the current system and new system beside. Also the ability to completely retool, retrain the Presiding Officers, Chief Clerk, Senate Secretary, and technical staff who use the system on a daily basis, by using this vendor we do not incur that as well. The other thing that it does for us, is it provides a single vendor system—one throat to choke if you will. If there are any issues, we do not have to mitigate between multiple vendors that are out there. Then as Chair Guttenberg pointed out, it also interfaces to our daily journals and the Legislature's BASIS platform. So, that is some of the analysis and detail that went into this process.

SENATOR MACKINNON said, thank you.

CHAIR GUTTENBERG said if there are no more comments, we will leave this until later in the agenda. Thank you Mr. Banaszak. The next item on the agenda is the Unalaska LIO. Mr. Powers, you are on.

[10:10:58 AM](#)

d. Unalaska LIO and LIO Office Hours

TIM POWERS said, thank you Representative. For the record my name is Tim Powers, Manager of Information and Teleconference for the Legislative Affairs Agency. I am before you today to bring up two topics, which coincide timing wise on the Unalaska LIO and the LIO office hours.

I would like to start with the LIO office hours. Since the budget crisis began, the LIO has been subject to a string of budget hits. In FY16, we saw about a \$360,000 reduction which turned two LIOs from twelve month to six month positions. We lost funding for Information Assistants in Fairbanks and Mat-Su, they were cut from twelve to six months as well. In Juneau, we had our moderator fleet of eight moderators shrink to five four-month employees and the casual labor pool was also reduced. In FY17, we saw an almost \$360,000 reduction again. This is when the eleven year round LIOs were closed half-day Fridays, which at the time was compared to the Court System, but in practice it has not been practical. The Court System entirely closes down and Judges and every employee go home on Fridays. Having only one section within the Legislative Affairs Agency do that has created a bit of a disparity. No one can remember that we are closed, they will always request meetings on Friday afternoons or say, "Hey, I'll talk you after lunch about this." and we have to remind them over again that we are closed Friday afternoons and we will have to talk to you on Monday.

The combined FY16 and FY17 cut totaled \$656,700, which equates to 17.9% of our total budget over that time span. It has also had a

significant negative impact on employee morale and retention. Over the time period of the cuts until now, we have had fourteen vacancies, nine of those have been year round positions. The LIO Manager has turned over twice, we lost Information Officers in Barrow, Cordova, Glennallen, Kenai, Kotzebue, Sitka, Unalaska, Valdez, twice for Valdez Information Assistants, Administrative Assistants in Anchorage and Juneau, and an Information Assistant in Anchorage. To compare, the prior nine years to the cuts only saw eight vacancies. So we are already six vacancies higher in just a two year time period.

We come before you today to request restoring funding for the half day Fridays. We know we cannot just find money, unless we are in a position like we are now where we have a vacancy at the Unalaska LIO, which historically has been the least utilized LIO. The total cost of restoring LIOs to full day Friday funding is roughly \$107,000. The cost of operating the Unalaska LIO is \$106,000.

SENATOR KELLY may I break in for a moment, Mr. Chairman, I have to go offline.

CHAIR GUTTENBERG said, thank you Senator. Please continue Mr. Powers.

TIM POWERS continued that the cost to operate this one six-month LIO is virtually the same as restoring seventeen positions to full time status and bringing our section back on par with our counterparts in the Agency.

I believe Speaker Edgmon spoke with the Mayor of Unalaska to feel this idea out. We do not want to take services away from communities, so we are in the very early stages of looking into developing a "care package" and training that we can offer public libraries around the state for communities who do not have LIOs, so we can still provide them with information and there is an outlet for constituents to show up and get information. It would not be from a trained Information Officer, but we would have materials that we can send out to these locations so we are not completely cutting them off.

CHAIR GUTTENBERG asked, can you talk to us about the situation in Unalaska?

TIM POWERS replied, yes. Unalaska is the most recent LIO to open. In 2011, it opened its doors. It is funded as a six month position, so it operates yearly December through May. It is in our 60% geographic pay differential region, so it is one of the highest to employ someone at. It also has been one of the lowest used offices in the state. In 2016, this is just looking at teleconference participants as tracked by our digital witness registration system that, if you chair a committee you are familiar with the iPads logging all the

testifiers. In 2016, it had five people go to the LIO to testify, in 2017 two people all session, and in 2018 there were zero teleconference participants logged from that location.

SENATOR MACKINNON said, thank you Mr. Chairman. Have we done that analysis on all LIOs so we know the utilization for all? Are there others that have similar, and Unalaska just happens to be the lowest in that? The reason I ask is, when I was on the Assembly, Eagle River had the lowest number of riders on an annual basis in Anchorage so our bus service was continually cut. Except, our buses were totally full, it is just that it took an hour to round trip each time, so while people thought it was under utilized it was actually over utilized, but there were other factors involved, like time. Are there other LIOs that have low usage like Unalaska that are not at the table today?

TIM POWERS replied I have a chart that has been produced since the packets went out that I can distribute.

CHAIR GUTTENBERG asked a question along the same lines. You are talking about teleconference usage.

TIM POWERS said, correct.

CHAIR GUTTENBERG continued that every LIO has a different profile, personality, and relationship to the community. In Fairbanks, we have a lot of walk-ins. People come in, want to talk, either sit down with the LIO staff or get directed. Are you tracking that? How many people go into Unalaska just to talk with the staff there about issues? Is that utilized? Is there any way to understand what that is?

TIM POWERS said, yes, but can I explain the graph that I just handed out?

CHAIR GUTTENBERG replied, yes, go ahead.

TIM POWERS explained the graph that I just handed out has two trend lines on it. The blue line is the total number of testifiers that participated on average for a calendar year between 2013 and 2018. That does not equitably look at how large a community is, you can see Anchorage, Fairbanks and Mat-Su are the highest spikes there on the blue line. So if you divide that by the total population, you get the percentage of the population that is utilizing the LIO. It is tough to account for people who testify frequently, so if one person testifies in ten meetings, they do show up as ten contacts on this chart; it is not tied to an individual person being active or not, it is how many times they were active.

Looking at this chart, what you are looking for is where both the orange and the blue lines are low. So you have low traffic (again, this is just looking at testifiers) and low total numbers and when you factor in community size, there are two spots on there: the Kotzebue LIO and the Unalaska LIO that both show being underutilized. Kotzebue LIO has been plagued with turnover, has been hard to hire and keep someone there, and it is also one of the offices that has gone from a twelve to a six month position. It has turned over twice in the last six years and if we go back, my tenure goes back with LAA to 2005, I did have Skiff pull historical documents as to hiring and it has turned over six or seven times since the early 2000s.

SENATOR MACKINNON said, Mr. Chairman, thank you. Mr. Powers, thank you for all that you and your team do, both for the Legislature and the people of Alaska. I understand the burden of being in a position where you are laying off people. As a former Executive Director, I have had people's lives in my hands, jobs are important to everyone, and those families are extremely affected by what we do.

That being said, for the consideration of those on Legislative Council, my concern is... let me first say, I hope we can develop a care package that we can deploy to more than just Unalaska, but to communities that may not currently be represented or, like Kotzebue or others, that we may need to do something different there than hire full time employees to be able to staff some of these connections to the legislative process.

I am concerned that we are still in a budget deficit and that these are reoccurring expenses on the Operating Budget. While I think the closure is a good recommendation in this time that we are walking through with finances in Alaska, I have a hard time supporting adding full time. I understand the inequities and I understand the challenge as a director and that your team may face and I do value those, but I have a hard time supporting not just saving the \$100,000 and actually taking a bit broader look at how we look at the connection between the people and Alaskans because there are other communities that are similarly situated to Unalaska and we cannot afford, and we cannot not afford to have people connected to our government. I think that next year, as you move a budget process forward—those who may win election or reelection this November—I am concerned that you are going to go back into a legislative budget cycle and be looking for cuts. At least some people who are elected will be looking for cuts and if we restore the four hours on Friday afternoon, won't that be right back on the table when you go into the process next year in June. The Legislature will look to tighten its belt again. Oil is in a much better position at \$72-75 per barrel, so the State will be in a much better position, but we have people either continuing or coming into the process that maybe have different ideas on our

budgets. So I am concerned with adding something until we take a more holistic approach. Thank you Mr. Chairman.

TIM POWERS responded, Senator MacKinnon through the Chair, we did not stop at just closing the LIOs for half day Fridays, we found many other areas of efficiencies on top of that cut that we were handed. The fleet of iPads that you are familiar with that operate the digital witness system, we turned off the cellular data for a savings of \$10,000 per year. We upgraded to digital teleconference phone circuits which reduced our costs \$17,680 per year. We have enforced geographic calling/call blocking, so Juneau and Anchorage callers cannot call the 800 number. We were incurring \$1000-\$2000 in just people calling from the Capitol to call the long distance toll free number to call into teleconferences. By blocking Juneau phones from calling the 800 number, we have reduced that cost. We upgraded our circuit that we provide AKLTV streaming on. It lowered our cost slightly, but it also doubled our bandwidth by going to a newer technology for that. We have also taken on publishing the Pocket Directory, formerly it was printed in an Anchorage print shop where you have to set 13,000 copies and have no option for less through a contract process. We have cut that price by one third, previously it was printed for \$0.33 per copy and we design, maintain, and print it in the Legislature's Print Shop now for \$0.11 per copy. We also do not have to print the entire 13,000 and recycle 5,000 later. With the Directory of State Officials (DOSO), we have stripped off the color photo cover and went back to plain paper cover and that reduced cost from \$0.75 to \$0.50 per copy. We are exploring many other ways of reducing our costs.

SENATOR MACKINNON Mr. Powers, thank you for those excellent projects that you and your team have moved forward. Are you suggesting that the Legislature will see a lower budget request than last year based on those cost savings?

TIM POWERS referred to the Executive Director on this one.

JESSICA GEARY again for the record, Jessica Geary, Executive Director of Legislative Affairs. Through the Chair, Senator MacKinnon, this is something that has been on our mind because we have heard the complaints from the employees, the public, and Legislators who cannot schedule meetings. Tim and I met early on in the session and discussed if there was an appropriate time to bring this up, so what I told him was we needed to wait and see how FY18 closed out, because I did not want to be in the situation where we spent all of our money and have to come back to the table and ask for more. We are actually in a really good position, so I am hopeful that we will be able to reduce our budget request or at least perhaps reallocate it to another area that is lacking in funding. We are going to start budget

discussions early this year and take a more holistic approach to how we budget. I hope that answers your question.

SENATOR MACKINNON said, thank you Mr. Chairman. You are doing excellent work, you and your team are doing excellent work. All of the team that is supporting the Legislature is doing excellent work, but if we do not have the money I have a hard time supporting the request. It does not mean that I do not totally understand exactly where you are at and the struggles that you are facing and I appreciate bringing the conversation forward. Thank you Mr. Powers because I do believe that you are leading a dynamic team that is doing more with less and the general public is the one losing out, the legislature is inconvenienced if we cannot have our teleconference on Friday, but it is the general public who we want to keep connected. I just cannot support this not knowing where the legislature will be in requesting cuts again not to keep the status quo until we get a little bit further down the road. That does not mean I do not support you and your team or, if I am outvoted today, that there is going to be any hard feelings because there will not be. Thank you for your service.

CHAIR GUTTENBERG said it is inevitable for me that it is Friday afternoon, especially if I have to call the East Coast. Have you in your deliberations thought about Monday mornings? What is the most inconvenient time to not have the office open? I know there is not a time, or one less hour a day, or where do you put it. In Fairbanks with only one staff now, it is really a great inconvenience.

TIM POWERS said, Mr. Chairman, Tuesday afternoons during session.

SENATOR MACKINNON said, Mr. Chairman, how I interpreted your question, is there a better time than Friday afternoon that would create less problems for staff or the public. Could you move the closure to Monday afternoon? The reason why we talk about these things is we are trying to give staff a benefit too. The benefit is, you would come into late work on Monday if your team thought that would be less distracting to the general public and then still a benefit to them to have a longer weekend; that was a consideration at least of mine when that thought process went forward. But I understand inequity of pay in the sense that those hours are not available and it is creating a challenge to get a full time employee in there because it is sporadic work basically, so it takes a particular family and a particular person that is willing to accept those conditions.

TIM POWERS replied, if you were to split the week up, I do not have a breakdown of when our requests come in or when interim meetings are held, but we have the little chat box in the corner of the website and every day of the week at 8:30am the chats start coming in. Last

year we did about 2,000 and since the article highlighting our chat service came out in the NCSL magazine, we are trending online to hit that mark again this year. Any time you close the LIOs, you are closing that outlet for the public to call and get bill information. We are the face on the website that the public has been trained to call, who to call and who to get the information from. Any time of the week that we are closed will be an inconvenience for the public.

REPRESENTATIVE EASTMAN thank you Mr. Chairman, I want to go back to talk a moment about the retention issue. I was not able to see from your presentation note when in the last number of years, the retention issues sort of popped up. Do you anticipate that, under the current budgeting scheme, will continue? What are the impacts to retraining new personnel and trying to recruit more often than you were previously?

TIM POWERS responded, thank you Representative Eastman, through the Chair, we run bi-annual trainings so every other year we get all the Information Officers together. I took this position in June of last year, so we immediately started planning for the December training session knowing that we had several vacancies. We had three or four new Information Officers who came on the job and went straight to our training. We are not going to be afforded that possibility this year, it is the off year for our training. We just posted for Glennallen and Valdez, and depending on today, possibly Unalaska. They are going to have to be paired up with an existing staff member and trained remotely, there will not be any in-person/hands-on training.

For the retention, many of the long-term employees are the ones who are leaving and we are bringing in Tier Fours. We are losing our Tier One, Two, Three employees because when they took this cut, their salary went down almost 10% overnight. I believe the meeting was on a Wednesday or Thursday to close the LIOs, and Friday afternoons were effective the following day. Employees did not even know the topic was coming up at the meeting, saw the vote, then were told tomorrow you will leave at noon and take about a 10% pay cut. The problem with retention that we have had, especially for employees near the end of their career, is the high three or five for retirement. In effect, it is about a 6-7% annual pay cut, so for those employees in longevity at the end of their career it would take them two steps or four years working to get back to where they were to start over their high five or high three, so for keeping employees in the long term it is a big problem. For attrition of newly hired employees, so far we are pretty new in this, it is our second year of having half day Fridays. We are already rehiring for one position that was hired last year and we have another longtime employee leaving as well.

REPRESENTATIVE EASTMAN thank you.

REPRESENTATIVE EDGMON said, a couple points. Of all the LIOs around the state, which LIOs do not house legislative offices? Unalaska is one.

TIM POWERS replied, Unalaska is one. It is always fluid as legislators come and go. The Kotzebue office now houses Representative Lincoln and that formerly did not have a legislator in it, so that could attribute for a low volume. When there is no legislator in district, no office, the door is locked for six months. It is not like someone is still going into the office during that time period. Cordova, Delta Junction has an office but it is not always used, Glennallen, I am sorry, I don't have a list of those off hand. Petersburg. I am just going off our list of LIOs and who we know is in the area. Unalaska, Valdez sometimes has people stop through, and Wrangell is not staffed full time.

REPRESENTATIVE EDGMON said, Mr. Chairman, I do not bring that up to quibble with the decision, but I think that is a factor and it speaks to the widespread nature of Alaska and how we have so many communities out there that are just off on their own, if you will, and do not have that sort of impetus like maybe a Fairbanks LIO does or an Anchorage LIO where you have several legislative offices there, so you just normally get more traffic.

The other point I would bring up is a personal beef of mine, which is navigating websites. I do not care whether it is the Division of Elections or Alaska Public Offices Commission, but the Legislature's website has been improved over the years, with the BASIS system for example, but sometimes it is pretty hard to navigate. For someone off the street, you are in a jungle, the first thing you do is pick up the phone and call the LIO or if you have one that is nearby, you stop by and talk to the LIO officer or your legislative staffer. Have you Tim, looked at and really focused on that aspect too in the continual search for efficiencies?

TIM POWERS said, Representative, through the Chair, the entire legislative process is a jungle for anyone walking in off the street. The challenge with the website is it is very hard to pass on the information of how to navigate that process without actually talking to someone. There is no good tool to hand them that says, "read this and become an expert on the process." We have put a lot of work into our website..

REPRESENTATIVE EDGMON said, can I just jump in? Have you researched that? Have you talked to people off the street and asked what can we do to improve this? Because it is difficult, even for someone who has been in the jungle for a while.

TIM POWERS replied, so we are taking steps to make improvements to the website to tackle just that, some visual bill tracking progress bars, so when you pull up a bill page there will be icons that will show you every committee of referral and it will fill in with color as the bill progresses through and completes passage for the signature or some other end if the bill is not signed into law. We put a lot of work into the website about three years ago, did a complete redesign, and last year we were actually awarded NCSL's Online Democracy Award for the best legislative website. Mr. Banaszak and myself sat on the selection committee for this year's winner, so we selected Massachusetts. If you want to take a peak, that is where we are going to steal our visual bill tracker idea from. We are constantly looking at other states' designs and evaluating what worked for them and how we can make this better.

REPRESENTATIVE EDGMON continued, the other point I would make is getting the toll-free number. When I am out in Dillingham and there is a hearing, I have to call my staff to get the number. So I wonder if someone else wants to patch in from an off-net site, I think that should be an area of focus as well. I really appreciate the comment about the care giving package in Unalaska, with the internet out in the public library there. When I was out there in September of last year, I could hardly send a text, so I think the effort will be well intentioned, but until they get better broad net services there Mr. Chairman, that is just something to keep in mind too.

TIM POWERS said, through the Chair, publishing the off-net number. We have gone round and round about that. Historically, we used to only have forty-eight phone lines coming into the teleconference network, so it was a big deal, phone lines would fill up, people would get a busy signal. We would try to get people to listen online, at the time we did not have a streaming service, Gavel to Gavel was the only place to go to watch stuff. We have made many improvements throughout the years, now we have ninety phone lines for a lot less money—almost half the cost—and we can even surge higher than that, it just takes more money to license our teleconference server higher than that. Since we have been enforcing the call blocking, Juneau cannot call the 800 number and Anchorage cannot call the 800 number, but we have local numbers for them. A lot of times, people ask, "what is the number to call in?" It no longer is, "here is the number." It takes a little bit more work. We ask them where they are from, just to make sure they have the right number, so when they call it they are not going to get a message that says you cannot call this number from your area. At times, committee staff have requested that we do not publish the number because committee staff want to know who is going to call in, they want to be the one to give out the number, so we have had to defer to committee staff's requests to keep that number unpublished as well. By publishing the number, people call in from their home and audio quality is not always as great, they are calling

from a cell phone, they have kids crying in the background or dogs barking, we try to urge people to go to their LIO if they have one. If they do not, we are more than happy to hand out that number at their request. We do publish our office's 800 right on the front page of the website, so anyone with a question can call and talk to us and we can help them through the process. When constituents call in to get that number from us, we do not simply give them the number and say, "Thanks have a nice day." We will talk to them about what committee they want to call in for, if they are calling in for public testimony we will inform them how to provide that testimony, they are going to be put on hold in a queue and be able to hear everything that goes on, but will not be able to speak, as soon as the Chair calls on them, they will hear a computer voice say they are unmuted and will have to abide by the timeframe that the Chairs gives them to provide their testimony in. So it is not simply posting the number and saying, "for public testimony call here", there is a lot more to it and we like to interact with them and give them more information than just the call in number.

REPRESENTATIVE EDGMON said, just a final point, according to what was handed to me, there are twenty-two LIOs throughout the state and thirteen have legislative office housed in them.

CHAIR GUTTENBERG asked, is there anyone online with a comment or question?

SENATOR MACKINNON said, Mr. Chairman, the microphone, it can be a powerful thing, so I could just right now make a different motion than is written in front of me. So I would like to know is consideration from those who are here and online, Mr. Chairman, is it alright if I bifurcate the question into two motions or would you like me to read it as such?

CHAIR GUTTENBERG replied, no, I think there has been enough discussion that I will support your bifurcate. That is a great question.

SENATOR MACKINNON said, thank you Mr. Chairman, I just did not want to do that on my own, I do not think that is fair.

[10:43:03 AM](#)

SENATOR MACKINNON said Mr. Chairman, the first motion would be, I move that Legislative Council approve closing the Unalaska/Dutch Harbor LIO.

A roll call vote was taken.

YEAS: Claman, Edgmon, Ortiz, Stutes, Drummond, Eastman, MacKinnon, Guttenberg

NAYS: None

The motion was approved 8-0.

[10:44:59 AM](#)

SENATOR MACKINNON moved that Legislative Council restore 17 positions currently budgeted for 11.3 months to 12 months effective immediately.

A roll call vote was taken.

YEAS: Claman, Edgmon, Ortiz, Stutes, Drummond, Guttenberg

NAYS: Eastman, MacKinnon

6 yeas, 2 nays.

CHAIR GUTTENBERG stated the motion passes.

SENATOR MACKINNON asked, Mr. Chairman, is that a quorum?

CHAIR GUTTENBERG replied eight is a quorum. Ms. Wallace? Brief at ease.

[10:46:07 AM](#)

[10:47:51 AM](#)

CHAIR GUTTENBERG stated we are back online. Doug Gardner are you there?

DOUG GARDNER replied, yes, I am Representative Guttenberg. Good morning.

CHAIR GUTTENBERG said the question was did we have a quorum. It was 6-2. Does that pass or is there another qualification, for example does there have to be one member from both bodies or one member... I guess, that is the question, is there a balance between both bodies?

DOUG GARDNER replied, Representative Guttenberg, a 6-2 vote is not effective at Legislative Council. Legislative Council has to have eight votes to take action, so theoretically, eight members present with 8-0 carries a motion, but 6-2 does not and the motion has failed.

CHAIR GUTTENBERG said so we have to have eight positive votes to pass a motion?

DOUG GARDNER said correct. And you have to have eight people present obviously at a minimum, so if it is 6-2 at Legislative Council the motion fails.

CHAIR GUTTENBERG said okay. So the motion to close the Unalaska/Dutch Harbor LIO passes, but the motion to restore the positions fails. At this point we will move on to the next item on the agenda. Thank you Mr. Gardner.

IV. EXECUTIVE SESSION

10:49:31 AM

SENATOR MACKINNON moved that that Legislative Council go into Executive Session under Uniform Rule 22(b)(2)(3)(4), discussion of subjects and matters that may, by law, be required to be confidential. Any Legislator not on Council are welcome to stay. The following staff members are allowed to stay: Doug Gardner; Megan Wallace; Kevin Cuddy; Jessica Geary; Alliana Salanguit; Crystal Koeneman; and Juli Lucky.

The motion passed without objection.

CHAIR GUTTENBERG said everyone else, please excuse us.

10:50:19 AM

Legislative Council went into executive session.

10:50:26 AM

Legislative Council came out of executive session.

SENATOR MACKINNON moved that that Legislative Council authorize the Chair, working through the Legal Services Division and outside counsel, to negotiate a dismissal of the appeal filed by the 716 West 4th Avenue with the Alaska Supreme Court in exchange for Legislative Council agreeing not to pursue its judgment and award of attorney's fees awarded to Legislative Counsel as prevailing party by the superior court, and to include other terms and conditions consistent with such an agreement.

REPRESENTATIVE CLAMAN Thank you Mr. Chair, broadly I support this motion. It is not uncommon in cases in which there is an attorney's fee award and a potential appeal that there will be a compromise in which one party gives up their claim for getting attorney's fees in exchange for not having to go through the appeal. This appears to be a reasonable end to a long process.

A roll call vote was taken.

YEAS: Claman, Edgmon, Ortiz, Stutes, Drummond, Eastman, MacKinnon, Guttenberg

NAYS: None

8 yeas, 0 nays.

CHAIR GUTTENBERG stated we have another motion.

[10:52:47 AM](#)

SENATOR MACKINNON said, Mr. Chairman, in regards to the IT conversation earlier, I move that Legislative Council authorize the House and Senate Chambers voting system replacement cost of \$912,700 with a project contingency of \$91,270 and approve the Section 040 exemption of the legislative procurement procedures.

A roll call vote was taken.

YEAS: Claman, Edgmon, Ortiz, Stutes, Drummond, Eastman, MacKinnon, Guttenberg

NAYS: None

8 yeas, 0 nays.

CHAIR GUTTENBERG stated the motion passes.

V. ADJOURNMENT

CHAIR GUTTENBERG said, the interest of time, the upcoming agenda items we will send out to you. With that I conclude the meeting. Thank you ladies and gentlemen, Senators and Representatives, we are adjourned.

[10:54:17 AM](#)