

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL
NOVEMBER 25, 2020
11:00 AM**

MEMBERS PARTICIPATING BY TELECONFERENCE:

Senator Gary Stevens, Chair
Representative Louise Stutes, Vice-Chair
Senator Tom Begich
Senator John Coghill
Senator Cathy Giessel
Senator Lyman Hoffman
Senator Bert Stedman
Senator Natasha von Imhof
Representative Bryce Edgmon
Representative Neal Foster
Representative DeLena Johnson
Representative Jennifer Johnston
Representative Chuck Kopp
Representative Steve Thompson

MEMBERS ABSENT:

OTHER MEMBERS PRESENT:

Senator Elvi Gray-Jackson
Senator Jesse Kiehl
Representative Harriet Drummond

SPEAKER REGISTER:

Jessica Geary, Executive Director, Legislative Affairs Agency (LAA)
Megan Wallace, Legal Services Director, LAA
JC Kestel, Procurement Officer, LAA

11:00:15 AM

I. CALL TO ORDER

CHAIR STEVENS: Good morning, everyone. Welcome to the Legislative Council meeting. Today is November 25, 2020; it is exactly 11:00 a.m.

Thank you all for being here. I do apologize. I planned for this to be a one-issue meeting, but things get out of hand. We've got four items we need to deal with. I appreciate all of you making time here on the day before Thanksgiving to attend our meeting.

So, Jessica Geary, are you online?

MS. GEARY: Chair Stevens, I am online. It looks like we might be waiting for a few more members to join. It sounds like they are getting patched in right now.

CHAIR STEVENS: Okay. I don't have any record of that, so just let me know what's going on.

MS. GEARY: Okay. I will let you know once we have eight members.

CHAIR STEVENS: Thanks, Jessica.

MS. GEARY: All right. Chair Stevens, we have members online.

CHAIR STEVENS: Okay. If we have enough, then let's go ahead and get started. Thank you all for spending this time with us the day before Thanksgiving. I apologize. We have a much longer agenda than I had originally thought with one item. Now -- as things happen, of course, we have four items to deal with.

Jessica Geary, if you can call the roll, please.

MS. GEARY: Senator Begich?

SENATOR BEGICH: Here. I'm here.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: I'm here.

MS. GEARY: Senate President Giessel?

PRESIDENT GIESSEL: Here.

MS. GEARY: Senator Hoffman?

Senator Stedman?

SENATOR STEDMAN: Here.

MS. GEARY: Senator von Imhof?

Speaker Edgmon?

SPEAKER EDGMON: Here.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Here.

MS. GEARY: Representative DeLena Johnson?

REPRESENTATIVE JOHNSON: Here.

MS. GEARY: Representative Jennifer Johnston?

REPRESENTATIVE JOHNSTON: Here.

MS. GEARY: Representative Kopp?

Representative Thompson?
REPRESENTATIVE THOMPSON: Here.
MS. GEARY: Vice-Chair Stutes?
VICE-CHAIR STUTES: Here.
MS. GEARY: Chair Stevens?
CHAIR STEVENS: Here.

MS. GEARY: We have 11 members present.
CHAIR STEVENS: 11 members present. Fine. Thank you so much. So we have enough to conduct our meeting. Again, I apologize for all these issues, but I think we can move through them fairly reasonably.

*Representative Kopp joined at 11:07am, Senator Hoffman joined at 11:08am, Senator von Imhof joined at 11:18am.

II. APPROVAL OF AGENDA

SENATOR STEVENS: I'll call on Representative Stutes for a motion on our agenda.

11:04:06 AM

VICE-CHAIR STUTES: Certainly, Mr. Chair. I move and ask unanimous consent that the Legislative Council approve the agenda as presented.

CHAIR STEVENS: Thank you.

Any objections or additions to that agenda?

SENATOR BEGICH: Mr. Chairman.

CHAIR STEVENS: Yes, Senator Begich.

SENATOR BEGICH: Yes, I was hoping that we might have a discussion of establishing some certainty for -- a topic area to establish some certainty for what legislators and staff can do to plan for coming to Juneau in January. I don't know how quite to word that, but I think we should have a discussion of that toward the end of this meeting, if that's at all possible, perhaps setting up a special group of us to discuss some certainty. People are having trouble making travel plans, having trouble deciding whether staff should or shouldn't go, finding lodging, that kind of thing. So we need to have something definitive in place.

CHAIR STEVENS: You know, Senator Begich, we have a discussion coming up on the Code of Conduct. We'll be covering some of those issues. Why don't we expand that code of conduct discussion to include the issues you brought up so people know what to expect when they get to Juneau in January. Is that okay?

SENATOR BEGICH: Yes, that would be fine. I withdraw my objection.

CHAIR STEVENS: Great. Thank you, Senator Begich.
Any further additions to these and/or concerns?
With no objection, the agenda is approved as presented.

The first item of business, we're going to deal with is the Code of Conduct, and then we'll go into the Mat-Su lease and then finally, under an executive session, we're going to deal with the RFP 642 and also an update from Representative Josephson.

III. COMMITTEE BUSINESS

A. ADOPTION OF PANDEMIC CODE OF CONDUCT POLICY

Let's begin with the Code of Conduct. And if we could have a motion from Representative Stutes.

11:05:42 AM

VICE-CHAIR STUTES: Certainly. I move that Legislative Council approve the Pandemic Code of Conduct Policy.

CHAIR STEVENS: Thank you. I will object for purposes of discussion. We discussed this issue at our last meeting and there was not a real consensus on it and some concerns about specific issues, like approval of travel. So we've been working on this and made some changes, and I think hopefully it will be something that we can support.

I'll ask Jessica to discuss this Code of Conduct. She's been working harder on it than any of us. Jessica.

MS. GEARY: Thank you, Chair Stevens. Good morning, everyone. For the record, Jessica Geary, executive director, Legislative Affairs Agency.

At the Leg Council meeting we discussed this policy, and, as Chair Stevens said, weren't quite ready to take action on it. I did work with the Chair to make a few changes to this, and I was just going to go through those changes briefly and then answer any questions any of you have.

In the very first section there was a statement that this policy was mandatory and without exceptions. And so we crossed that out because, as we all know, there are always exceptions. So to write a policy that, right off the bat, doesn't allow for that probably doesn't make the most sense.

Then we added in a statement -- where it says "arrive in Juneau with a negative COVID-19 test," we changed that to "an approved molecular COVID-19 test."

Then there was a statement in there about isolating when you get to Juneau pending results. I'm not

sure "isolating" was the proper term. It's been changed to the word "quarantine," which is, I think, the most appropriate.

I think that's it as far as the changes go. I don't know if you want me to go into it again in more detail -- I know we already discussed this -- or if you just want to open it up for questions. I'm happy to go either way.

CHAIR STEVENS: Yes, thanks, Jessica. I think let's open it up for questions. Could you explain that molecular test? That is a test that is not in every community, I don't think. But we do have it in Juneau; is that right?

MS. GEARY: That's correct, we do have it available in Juneau, and that is the standard course for testing. That's the approved Health and Social Services test, and it is the most accurate of the tests. I'm not an expert, but I do know that some of the other tests, the antigen testing and the antibody testing are not recognized as being super accurate, and they're not recommended.

CHAIR STEVENS: A question was raised earlier. Representative Foster brought up the issue of how does it work if you're testing before you get to Juneau, does the Legislature pay for that? Have you thought about that at all, Jessica?

MS. GEARY: Sure. I think we'll get into that a little bit when we have the discussion later during executive session.

But part of the idea is that the Legislature would pay for whatever testing it's considering required. So that would be testing prior to arrival in Juneau and then whatever testing protocols are developed for the actual period of session. So the idea is that the Legislature, if requiring that, would also pay for it.

CHAIR STEVENS: Thanks, Jessica. I appreciate that comment about when we deal with the RFP under executive session we'll be going into some of these details as well.

Further questions or comments that anybody may have?

Yes, Representative Stutes.

VICE-CHAIR STUTES: Yes. Thank you, Mr. Chair. I see on that particular item "with the approved molecular COVID-19 test or test upon arrival and quarantine pending results." What's the timeline for the molecular COVID test to get the results?

MS. GEARY: Through the Chair, Representative Stutes, it kind of depends. Each community has a different wait time. Some of the communities are sending to a testing lab and getting results back in 24 hours. Again, during our RFP

discussion, we are discussing rapid tests or 48-hour maximum turnaround time.

VICE-CHAIR STUTES: Okay. Thank you.

PRESIDENT GIESSEL: Mr. Chairman.

CHAIR STEVENS: Yes, please, go ahead.

PRESIDENT GIESSEL: Thank you. So, first of all, to Representative Foster's questions about will the Legislature pay for a test procured prior to arrival in Juneau, the State of Alaska is providing COVID testing free of charge to Alaskans. Whether that will still be in place in January, I can't speak to that, but right now it is being provided free of charge.

Jessica kind of answered the question already about the molecular tests and the time frame. The Abbott rapid test takes approximately 15 minutes for results, but there are multiple molecular tests which are less expensive than that and take a bit longer. The molecular testing is the best practices, most reliable way of testing for active disease.

Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, President Giessel. Maybe we should go to Representative Foster. I was trying to interpret his question.

But, Representative Foster, does that answer your concerns?

REPRESENTATIVE FOSTER: Thank you, Mr. Chairman. Yes, I think it mostly does. But one other question on that would be that in Anchorage, my understanding was that you could get the free tests to Alaskans upon arrival at the Anchorage Airport. Does that mean that you can also -- when you're departing Anchorage to Juneau, you can also get that test down there in the baggage area? I know that's where they're doing it.

CHAIR STEVENS: Senator Giessel, you're our expert on this. Do you have any comments on that, testing in Anchorage? Representative Foster, coming from Nome traveling through Anchorage to Juneau, can he get tested there in Anchorage?

PRESIDENT GIESSEL: Mr. Chairman, right now the State of Alaska is encouraging Alaskans to get a COVID test whether they have symptoms or not, and the State of Alaska is paying for those tests. I can't speak for certain. That is the messaging here in Anchorage. I don't know that that is the case in Nome, but I know that Nome right now is having an outbreak, and I suspect the same policy would apply there. Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Giessel.

So I think that answers your question,

Representative Foster.

REPRESENTATIVE FOSTER: Yes. Thank you.

CHAIR STEVENS: Thanks very much.

REPRESENTATIVE JOHNSON: Mr. Chair, may I ask a question? This is Rep Johnson.

CHAIR STEVENS: Yes. I'm sorry. It's sort of hard to get everyone in the cue here, but sorry if I skipped you earlier, Representative Johnson. Go ahead.

REPRESENTATIVE JOHNSON: Thank you. Maybe we're going to have more of a discussion on the travel portions, but when we talk about having pretty robust testing before we arrive in Juneau, is the state going to pay for a test if someone goes home? If someone is going to go home for a weekend, well, you can hardly follow that same quarantine as when you arrived. When we talk about trips out of the capital, are talking about just the first trip in, which makes sense what we're doing, but then getting into the second round is whether, people coming and going, I guess I'd like to have a little more of a discussion on that.

CHAIR STEVENS: Well, that's a very good point. We did deal with the travel, and you'll see in the Code of Conduct it's recommended that folks avoid all non-essential trips out of the capital city. We certainly can't stop that, and people are going to be going home. I'm hoping that the next Legislature, however it's organized, will attempt to have as brief a session as we can, whether it's 60 days or 90 days or 75 days or whatever it might be. It would be nice to have it as short as possible so people may not be traveling home every weekend, though, we know some folks will. I'd assume that if you travel home for the weekend, for example, if you come back to Juneau, you'd have to be tested again.

Is that your understanding, Jessica?

MS. GEARY: Chair Stevens, that's correct, that's my understanding.

CHAIR STEVENS: Okay.

REPRESENTATIVE JOHNSON: So the testing would be paid for by the Legislature or individuals, and then the individual would provide that to someone to verify, and then they would have to quarantine until they got their results, I assume? If it's a rapid test, it wouldn't matter so much, but --

CHAIR STEVENS: Jessica, and I believe once we get to the discussion of the RFP, the plan is that the company who gets that contract will test legislators and staff and media in the Capitol Building; is that right?

MS. GEARY: Chair Stevens, that's correct.

CHAIR STEVENS: So, Representative Johnson, that might all be taken care and paid for through the legislative

process.

REPRESENTATIVE JOHNSON: Okay. Thank you.

SENATOR BEGICH: Mr. Chairman, this is Senator Begich.

CHAIR STEVENS: Senator Begich.

SENATOR BEGICH: Would this be the time for me to, more articulately, put my suggestion on the table?

CHAIR STEVENS: Yes, please. Go ahead.

SENATOR BEGICH: What I'm recommending is that we establish a structure for the planning on convening with a recommended session protocol, which would include, one, the timing and number of staff on-site; two, the recommended calendar of activities, whether present or remote; and, three, suggested actions for each office. Again, knowing that we can't bind a future Legislature, what we could do is at least provide substantive guidance to that Legislature.

CHAIR STEVENS: Thanks, Senator Begich. You're absolutely right.

Just so everyone is aware, we cease to exist when the new Legislature is formed and when the Leg Council is appointed. So all we can do -- I think it's a good point to try to make these recommendations. We can't tell them what they're going to do in the next Legislature, but if these plans are in place, it would be very easy for next Legislature just to assume ours or change them in any way they want or eliminate them entirely. But I think you're right, we need to do the best job we can to make sure the guidance is there. They can choose to follow it or not.

SENATOR BEGICH: I don't know if I should put that in the form of a motion that we set up a special work group just to establish this and present it for adoption. But those three components would be the components I'd want to see in something, which would be, again, the number and timing of any staff on-site; the recommended calendar of activities, whether remote or in person; and then suggested actions at offices, each office should take.

CHAIR STEVENS: I think that's a very valid recommendation, and we can establish a work group. We don't necessarily need a motion. But if that is the consensus, we will do that to try to figure out -- I know the valid questions are how many folks are going to be in the building? We have heard that the peak in the United States will be January 15, which, unfortunately, is just about the time we are beginning.

If Alaska follows that or is a little behind that, we may want to have more strict requirements, maybe fewer staff in the building. The only people that really have to be there are -- I think are the secretarial office and the House and the Senate, as well as legislators. So we might

require admitting -- depending on what the situation is, we might require everyone else to be working at a distance. So that's perfectly all right with me if there's no objection to that.

Senator Begich, we'll do that. We'll put together a work group, along with Jessica, to try to figure out what ramifications there are and how the timing will work.

SENATOR BEGICH: Sounds good to me. Thank you.

CHAIR STEVENS: Thank you, Senator Begich.

Any other comments or questions on this Pandemic Code of Conduct? Again, we have no idea how bad or good things may be when we get to Juneau, but this is a good policy for us to have. As you know, if you look at the last thing, the enforcement, it applies to legislative staff at the discretion of a supervisor or appointing authority. Enforcement as applied to legislators will be left to the members.

PRESIDENT GIESSEL: Mr. Chairman.

CHAIR STEVENS: Yes, Senator Giessel. Please, go ahead.

PRESIDENT GIESSEL: Thank you. On the Code of Conduct, I wanted to comment on Section 4, Effective date. I have two comments about this section. It says, "This policy is effective immediately and may be updated or rescinded by Leg Council Chair without need of additional Leg Council action in accordance" -- so my first concern is embodying the updating or rescission of this policy to one person, that being the Chair of Leg Council, I am just expressing concern about that. I feel that it would be more prudent to have the entire council's wisdom in that decision.

The second piece on that effective date goes on in the second half of the sentence. It says, "In accordance with guidelines of Leg Council, CBJ, State of Alaska, and CDC."

We are hiring a professional contracting company to come in, who are also best practices experts, and I would recommend adding their guidance in here also. That is actually part of our contract with them, their consultation and guidance on these type of policies. So these are just two comments I would make about Section 4, Effective date. Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Giessel. I have no problem about that at all. I don't know how it wound up in the Chair's responsibility solely. I'd be perfectly comfortable to make that change to have it updated or rescinded by the Legislative Council and then adding our contractor in at the end of that sentence.

Is that acceptable to you, Senator Giessel?

PRESIDENT GIESSEL: Yes. Thank you, Mr. Chairman.

CHAIR STEVENS: Any objection to us making that friendly amendment to No. 4, Item 4, the Effective date? Any objection to that or further comments on that issue?

Jessica, do you have any response to that? Does that cause any difficulty for you?

MS. GEARY: Chair Stevens, I wouldn't say "difficulty." The reason there is the statement in there about "in accordance with guidance from" is so that if there were some sweeping change that came down from the CDC or otherwise, that it wouldn't require us to have another Legislative Council meeting to make that change. But aside from that, I take no issue with it. It just could lengthen the time a little bit for letting up on some of these restrictions if we're at a time where we're able to do that.

CHAIR STEVENS: Yes, I understand your concerns. We can meet pretty quickly, though, I think, Leg Council, if necessary. Thanks for those comments.

So any further objection to that friendly amendment? Okay. Then we have made that change, and I think that's adequate to do that.

Any other comments on the Code of Conduct Policy? Any other comments or objections to the Code of Conduct Policy?

SPEAKER EDGMON: Senator Stevens, this is Representative Edgmon.

CHAIR STEVENS: Speaker Edgmon, yes, please, go ahead.

SPEAKER EDGMON: I apologize. I missed some of it. Hopefully you can hear me okay.

CHAIR STEVENS: Yes, we hear you fine, Mr. Speaker. Go ahead.

SPEAKER EDGMON: I missed some of the discussion. Perhaps it was covered a moment ago. But going back to the very top of the document, where it reads, "The Legislative Council Pandemic Code of Conduct Policy applies to legislators and legislative staff," the part of the discussion I think I might have missed is the applicability to anybody else in the Capitol. Can somebody get me straight on that?

CHAIR STEVENS: Yes, good question.

I'll go back to Jessica. If you have any thoughts on it, Jessica.

MS. GEARY: Through the Chair, Speaker Edgmon, the idea is that it applies to everyone within the building, but because this is a sort of code of conduct, we can't really require others to follow this code of conduct. We technically could insert in the media and members of the Executive Branch or anyone doing business within the Capitol, but I'm not sure our policy would cover them. That was my

only reason why I didn't add that in.

We did make the other policies that were passed at the last meeting, the Screening Policy and the Mask Policy; those do apply to the media. So I am open to changing that if that's the will of the committee. It would be easy enough to add in.

SPEAKER EDGMON: Through the Chair, I might recommend that might be a change that we consider. Even if it's worded such that everybody else in the Capitol is recommended to follow these guidelines or however that might be phrased, but I think it would be useful, and I would recommend that.

CHAIR STEVENS: Okay. Thank you. Thank you, Mr. Speaker. I think that's something we can readily do, to make sure that it does cover everyone.

I have spoken with the governor's chief of staff, and they are quite supportive of what we're doing here and will comply with the recommendations that we come up with.

So, Jessica, can you give me some wording that we can add in on that first sentence?

MS. GEARY: Absolutely. I am trying to draft it right now.

CHAIR STEVENS: This is unusual, I know, online like this. Take your time, and let's try to do this correctly and make sure everyone is comfortable with it. Perhaps something like, "The recommendation that everyone entering the building complies with our code of conduct," can we say that?

VICE-CHAIR STUTES: "Everyone within the confines of the Capitol."

CHAIR STEVENS: "Everyone entering the Capitol Building will adhere to our Pandemic Code of Conduct."

SPEAKER EDGMON: I like that.

MS. GEARY: Yes, I like that too. I think that works.

SPEAKER EDGMON: Yes, that sounds good to me.

CHAIR STEVENS: Great. Would you make that change then, Jessica?

MS. GEARY: Yes, sir.

CHAIR STEVENS: Any further comments on this Pandemic Code of Conduct? I appreciate everyone's willingness to work on this. It's important to have this behind us. Again, it will only be in place until we cease to exist, and but hopefully it will be there as a recommendation to the future Legislature.

MS. GEARY: We have Megan Wallace on the line, and perhaps she might have a comment on this subject.

CHAIR STEVENS: Okay. That's a good idea. Thank you so much, Jessica.

Megan Wallace, any thoughts that you care to share with us?

MS. WALLACE: Mr. Chairman. For the record, Megan Wallace, legal services director. I apologize. I was trying to speak up. I think my line was muted.

But I just wanted to make a comment that I would encourage the incoming rules chair to potentially make the obedience of the Pandemic Code of Conduct Policy part of their credentialing process when they work incoming media for the next legislative session. That's another way to enforce this policy as to folks that are not employed by the Legislature.

CHAIR STEVENS: Okay. And, Megan, would that be something you think we should include in this Code of Conduct then?

MS. WALLACE: Mr. Chairman, I don't think there's any harm in adopting the language that you just suggested, but in terms of enforcement, that's just another layer that I would recommend to ensure compliance with credentialed media.

CHAIR STEVENS: Okay. Can you give us some wording and where that would be? Under Enforcement, under 5, I assume?

MS. WALLACE: Mr. Chairman, I don't think it needs to be in the policy. It would just be something to make sure that maybe our current rules chair share with their successors to the extent that we have different rules chairs once the next Legislature becomes organized, and that would be as part of that process.

CHAIR STEVENS: Yes, that makes sense. And I'm sure the presiding officers, whoever they may be, and the rules chairs, whoever they may be, hopefully will go back and pick up on this Code of Conduct and make sure that everyone complies with it. Thank you, Megan.

SENATOR COGHILL: Mr. Chairman, this is Senator Coghill.

CHAIR STEVENS: Senator Coghill, please, go ahead.

SENATOR COGHILL: A good suggestion, and we are preparing a transition document from this rules chair to the incoming. We'll make sure that this Code of Conduct gets included in the suggestions that they do for credentialing.

CHAIR STEVENS: Thank you, Senator Coghill. That makes a lot of sense.

Okay. Any other comments that anyone has on this Code of Conduct?

Then I will remove my objection and ask Jessica to do a roll call, please.

MS. GEARY: Chair Stevens, should we have Vice-Chair Stutes reread the motion to add the language as amended since we made a couple amendments to this?

CHAIR STEVENS: Good point, yes.

Would you make that change, Representative Stutes?

VICE-CHAIR STUTES: I would be happy to do so, Mr. Chairman. I move the Legislative Council approve the

Pandemic Code of Conduct Policy, including the new language which has been added to this document.

CHAIR STEVENS: Thank you. And again, then I remove my objection.

Thank you for that comment, Jessica, and would you do a roll call, please?

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

PRESIDENT GIESSEL: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Speaker Edgmon?

SPEAKER EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative DeLena Johnson?

REPRESENTATIVE JOHNSON: Yes.

MS. GEARY: Representative Johnston?

REPRESENTATIVE JOHNSTON: Yes.

MS. GEARY: Representative Thompson?

REPRESENTATIVE THOMPSON: Yes.

MS. GEARY: Vice-Chair Stutes?

VICE-CHAIR STUTES: Yes.

MS. GEARY: Chair Stevens?

CHAIR STEVENS: Yes.

MS. GEARY: 11 yeas, 0 nays.

SENATOR HOFFMAN: This is Senator Hoffman. I'll vote twice as yes.

MS. GEARY: Oh, I apologize, Senator Hoffman.

REPRESENTATIVE KOPP: And Representative Kopp votes yes as well.

SENATOR VON IMHOF: I vote yes, please. Thank you.

MS. GEARY: Okay. 14 yeas, 0 nays.

CHAIR STEVENS: Thank you all, and thanks for those of you who are now with us.

B. MAT-SU LIO LEASE SUBORDINATION AGREEMENT

SENATOR STEVENS: Let's move on to the second issue on our agenda, and that's the Mat-Su LIO lease subordination agreement.

Representative Stutes, for a motion, please.

[11:08:30 AM](#)

VICE-CHAIR STUTES: Certainly. I move that Legislative

Council approve assignment of the lease for Mat-Su office space from Wasilla Station, LLC to 600 East Railroad Avenue, LLC, and further move that Legislative Council approve the subordination agreement between 600 East Railroad Avenue, LLC, Northrim Bank, and the Legislative Affairs Agency for the duration of the lease.

CHAIR STEVENS: Thank you, Representative Stutes.

I'll object for purposes of discussion and call on JC Kestel, our procurement officer, to give us an explanation and try to answer any questions that we may have. We also have Emily Nauman with us for any legal questions. She's online as well I believe right now.

So, JC Kestel, if you could help us understand this Mat-Su lease.

MR. KESTEL: Thank you, Chair Stevens. My name is JC Kestel. I'm the procurement officer for the Legislative Affairs Agency, for the record.

The Legislature's Mat-Su office space, located in Wasilla, has been purchased by 600 East Railroad Avenue, LLC, owned by Dr. Tony Nimeh. The office space is currently occupied by the Mat-Su legislative delegation and the Mat-Su Legislative Information Office.

Our procurement procedures require that a legislative lease assignment with a subordination agreement be considered and approved by a majority of the members of Legislative Council. LAA requests Legislative Council's approval to proceed with the lease assignment and consent with the subordination agreement for the existing Mat-Su lease agreement from Wasilla Station, LLC to 600 East Railroad Avenue for the duration of the lease.

Once approved, all obligations under the lease agreement would be transferred to 600 East Railroad Avenue, LLC. The subordination agreement would exist between 600 Railroad Avenue, LLC, Northrim Bank, and the Legislative Affairs Agency.

If the lease assignment and consent is not approved by the council, a new RFP will have to be issued for Mat-Su office space.

I have included a copy of the draft subordination agreement for members to review, and I'm available to answer any questions about the lease assignment and consent.

CHAIR STEVENS: Thank you, JC, I appreciate that. I know it's a complicated issue changing ownerships of that building. I've not heard any objections to that building, to that contract, to that lease that we have.

Anyone from Mat-Su who are in those offices? I believe they are Senators Hughes, Wilson, Shower; Representatives Neuman, Tilton, Sullivan-Leonard, Johnson,

Eastman, Rauscher; and also the Mat-Su LIO.

Do any of you have any comments on that contract and how it's working right now? Apparently, there's no objection at all. So, yes, go ahead.

REPRESENTATIVE JOHNSON: I should have looked a little closer at that, but I don't have any objections. My understanding was that the Mat-Su Central School was going to purchase the building, but I'm not sure if that's what happened. I'm a little bit behind on this one, but so far everything else has been okay.

CHAIR STEVENS: Okay. Thank you very much, Representative Johnson.

JC, can you help us understand that the purchase was actually Dr. Tony Nimeh in that area who purchased it?

MR. KESTEL: Chair Stevens, yes, that is correct. When I first took over as procurement officer for the Legislative Affairs Agency, if I'm not mistaken, there was some news that the Wasilla or Mat-Su School District was trying to purchase that building, but was unable to obtain it.

CHAIR STEVENS: Okay. Well, good. Well, thank you, JC.

Any other questions or comments on the Mat-Su office space?

And no legal issues? Emily Nauman, are you with us?

MS. NAUMAN: Senator Stevens, yes, I'm here.

CHAIR STEVENS: Thank you, Emily. Do you have any comments on this? Any concerns about the lease changes?

MS. NAUMAN: No.

CHAIR STEVENS: Okay. Great. Well, thank you so much. Well, then if there's no further comments, I'll remove my objection.

Jessica, would you do a roll call, please.

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

PRESIDENT GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

SPEAKER EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative DeLena Johnson?
REPRESENTATIVE JOHNSON: Yes.
MS. GEARY: Representative Johnston?
REPRESENTATIVE JOHNSTON: Yes.
MS. GEARY: Representative Kopp?
REPRESENTATIVE KOPP: Yes.
MS. GEARY: Representative Thompson?
REPRESENTATIVE THOMPSON: Yes.
MS. GEARY: Vice-Chair Stutes?
VICE-CHAIR STUTES: Yes.
MS. GEARY: Chair Stevens?
CHAIR STEVENS: Yes.

MS. GEARY: 14 yeas, 0 nays.
CHAIR STEVENS: Thank you all very much. That motion passes 14 to 0.

IV. CONTRACT APPROVALS/UPDATE - EXECUTIVE SESSION

A. RFP 642 - ALASKA STATE CAPITOL COVID-19-RELATED SERVICES

SENATOR STEVENS: The next issue is our executive session. I know it's a little difficult when we're all online like this, but we're going to discuss the RFP 642 and also receive an update by Representative Josephson on the Department of Law spending on the Janus lawsuit.

Representative Stutes, could we have a motion for Executive Session.

11:12:04 AM

VICE-CHAIR STUTES: Certainly Mr. Chair. I move that Legislative Council go into executive session under Uniform Rule 22(b)(1) and (3), discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit and discussion of a matter that may, by law, be required to be confidential.

The following individuals can remain online: Jessica Geary, JC Kestel, Megan Wallace, Emily Nauman, and any legislators not on Leg Council and any staff of Leg Council members.

CHAIR STEVENS: Thank you for that motion, Representative Stutes. A little complicated here now. We'll go ahead and arrange this executive session, and when we hear from Jessica that we are ready, we'll continue with the agenda then. If you'd all hang on for a few seconds. Council went into Executive Session at 11:12am.

12:45:30 PM

Council came out of Executive Session at 12:45pm.

A roll call vote was requested.

MS. GEARY: Senator Begich?
SENATOR BEGICH: Here.
MS. GEARY: Senator Coghill?
SENATOR COGHILL: Here.
MS. GEARY: Senate President Giessel?
PRESIDENT GIESSEL: Here.
MS. GEARY: Senator Hoffman?
Senator Stedman?
SENATOR STEDMAN: Here.
MS. GEARY: Senator von Imhof?
Speaker Edgmon?
SPEAKER EDGMON: Here.
MS. GEARY: Representative Foster?
Representative DeLena Johnson?
Representative Johnston?
REPRESENTATIVE JOHNSTON: Here.
MS. GEARY: Representative Kopp?
REPRESENTATIVE KOPP: Here.
MS. GEARY: Representative Thompson?
REPRESENTATIVE THOMPSON: Here.
MS. GEARY: Vice-Chair Stutes?
VICE-CHAIR STUTES: Here.
MS. GEARY: Chair Stevens?
CHAIR STEVENS: Here.
MS. GEARY: Senator Hoffman?
SENATOR HOFFMAN: Here.
MS. GEARY: Senator von Imhof?
Representative Foster?
Representative Johnson?
We have 11 members present.

CHAIR STEVENS: Great. Thank you very much, Jessica.
So we're going to deal now, back in session, with
the RFP but also with the motion on the Janus issue. So we
have a quorum ready to go back.

Representative Stutes, if we could have a motion
on the RFP.

12:47:07 PM

VICE-CHAIR STUTES: Certainly, Mr. Chair. I move that
Legislative Council approve the contract award of RFP 642 to
Beacon Occupational Health and Safety Services for a total
not to exceed \$1.5 million.

CHAIR STEVENS: Thank you. And I'll object for purposes of the discussion and ask JC to give us an explanation for the record.

MR. KESTEL: Thank you, Chair Stevens. For the record, my name is JC Kestel, procurement officer for the Legislative Affairs Agency and the procurement manager for RFP 642.

At the request of legislative leadership, the Legislative Affairs Agency issued a Request for Proposal 642 on October 30, 2020, to solicit proposals for contractors to provide COVID-19-related safety services at the Capitol.

RFP 642 closed November 9, 2020, and two proposals were received: from Capstone Clinics and from Beacon Occupational Health and Safety Services.

The agency has estimated the expenses for the contract resulting from RFP 642 may total \$1.5 million for the upcoming legislative session. The PEC had recommended the award of the contract to Beacon Occupational Health and Safety Services, that they were considered most advantageous to the agency.

The agency is requesting Legislative Council to approve the contract for RFP 642 to Beacon Occupational Health and Safety Services for a total to not exceed \$1.5 million.

Thank you, Chair Stevens.

CHAIR STEVENS: Thank you, JC, I appreciate that. Again, I want to thank those who are on that Proposal Evaluation Committee for all the work they put into it.

We have before you a motion to award this RFP. Is there any discussion at this time?

Very well. Then I will remove my objection and ask Jessica for a roll call please.

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

PRESIDENT GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Senator von Imhof?

Speaker Edgmon?

SPEAKER EDGMON: Yes.

MS. GEARY: Representative Foster?

Representative Johnson?

Representative Johnston?

REPRESENTATIVE JOHNSTON: Yes.

MS. GEARY: Representative Kopp?
REPRESENTATIVE KOPP: Yes.
MS. GEARY: Representative Thompson?
REPRESENTATIVE THOMPSON: Yes.
MS. GEARY: Vice-Chair Stutes?
VICE-CHAIR STUTES: Yes.
MS. GEARY: Chair Stevens?
CHAIR STEVENS: Yes.

MS. GEARY: 11 yeas, 0 nays.
CHAIR STEVENS: Thank you. The motion passes by 11 votes.

B. DEPT. OF LAW SPENDING ON CONTRACT RE: JANUS - REPRESENTATIVE JOSEPHSON

SENATOR STEVENS: We will move on to the next issue that we have discussed.

Representative Stutes.

[12:50:19 PM](#)

VICE-CHAIR STUTES: Thank you, Mr. Chair. I move that Leg Council write a letter to the governor in regard to state spending related to the Janice lawsuit.

CHAIR STEVENS: Thank you.

And I will object for purposes of discussion and open this up to any discussion. Any comments anyone care to make at this time?

Megan Wallace, would you have some thoughts on that letter?

MS. WALLACE: Yes, Mr. Chairman. For the record, Megan Wallace, legal services director.

As agreed by the council, I will work to draft a letter to be sent to the governor on these issues, that hopefully we can get some resolution on, to the council's satisfaction.

SENATOR BEGICH: Mr. Chairman.

CHAIR STEVENS: Yes, go ahead, Senator Begich.

SENATOR BEGICH: Yes, I would like to just make it a point for the public record that it is critical for us to continue to work to ensure that there are three co-equal branches of government in this state and that each of those branches respects the will and authority of the others, and that this action, this letter, provides us the opportunity to reinforce the incredibly important appropriation role of the Legislature in a way that is non-prescriptive, but is certainly descriptive of our power.

And with that, I just wanted to be sure that that was on record that it is important that all three branches be

treated equally and that this letter is our effort to ensure that our branch continues to be treated as a co-equal branch of government.

CHAIR STEVENS: Thank you, Senator Begich.

Representative Josephson, I certainly appreciate you bringing this issue to the Legislative Council and for your work on this in the past. Do you have any comments or thoughts you'd care to share with us at this time?

REPRESENTATIVE JOSEPHSON: Well, yes, just that I'm very proud to be a legislator today and very grateful and proud of your membership.

CHAIR STEVENS: Thank you, Representative Josephson.

Any further comments anyone cares to make at this point?

(Indiscernible - simultaneous speech.)

CHAIR STEVENS: I'm sorry, a couple of voices. I didn't hear them. Try again. Senator Coghill?

SENATOR COGHILL: Yes, Senator Coghill.

CHAIR STEVENS: Please go ahead.

SENATOR COGHILL: I appreciate the motion, but it highlights just the Janus issue instead of the authority issue. Should we make the motion with regard to legislative appropriation authority?

CHAIR STEVENS: I think we will do that. That was the intention certainly, so I think we can add to that and include that as well.

SENATOR COGHILL: Thank you.

REPRESENTATIVE THOMPSON: This is Representative Thompson.

CHAIR STEVENS: Representative Thompson, please, go ahead.

REPRESENTATIVE THOMPSON: I just wanted to ask the question, once the draft is put together, are we going to have it sent to us so we can take a look at it before it's mailed to the governor?

CHAIR STEVENS: Yes, that's a very good idea. We will do that.

REPRESENTATIVE THOMPSON: Thank you.

CHAIR STEVENS: So before we send it out, we'll send a draft of the letter to members of the Legislative Council.

Any further comments?

Then I will remove my objection and ask Jessica to take a roll call.

MS. GEARY: Thank you, Chair Stevens. Was the motion going to be amended?

CHAIR STEVENS: Yes, just read the question exactly that was asked just by Representative Stutes right now. So maybe are you ready for an amendment?

VICE-CHAIR STUTES: I am ready.

CHAIR STEVENS: Okay. I'd ask for an amendment, Representative Stutes.

VICE-CHAIR STUTES: So I would say I move Legislative Council write a letter to the governor in regards to state spending related to the Janus lawsuit and their authority to do so.

Is that what you wanted, Senator Coghill, and their authority --

SENATOR COGHILL: Yes, I think that's --

VICE-CHAIR STUTES: -- and spending those funds?

CHAIR STEVENS: Okay. Thank you, Senator Coghill. That will work.

VICE-CHAIR STUTES: Okay.

CHAIR STEVENS: That sounds good. So we have an amendment before us. So let's vote on that before we go to the main motion.

Could we have roll call, please, on the amendment?

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

PRESIDENT GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

Senator von Imhof?

SPEAKER EDGMON: Yes.

MS. GEARY: Representative Foster?

Representative Johnson?

Representative Johnston?

Representative Kopp?

REPRESENTATIVE KOPP: Yes.

MS. GEARY: Representative Thompson?

REPRESENTATIVE THOMPSON: Yes.

MS. GEARY: Vice-Chair Stutes?

VICE-CHAIR STUTES: Yes.

MS. GEARY: Chair Stevens?

CHAIR STEVENS: Yes.

MS. GEARY: That was 9 yeas, 0 nays.

CHAIR STEVENS: The motion passes with 9 yeas; that's the amendment to the motion.

So we have before us the amended motion. Maybe you could read that again, Representative Stutes, just so everyone knows what they're voting on.

VICE-CHAIR STUTES: Certainly, Mr. Chair. I move Leg

Council write a letter to the governor in regard to state spending related to the Janus case and their authority to be doing so.

CHAIR STEVENS: Okay. So that's the motion as amended. Any discussion on that? Then how about a roll call vote, Jessica, on that motion.

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

PRESIDENT GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Senator von Imhof?

Speaker Edgmon?

SPEAKER EDGMON: Yes.

MS. GEARY: Representative Foster?

Representative Johnson?

Representative Johnston?

REPRESENTATIVE JOHNSTON: Yes. And I'm yes on the other one. I got disconnected.

MS. GEARY: Okay. Thank you for that.

Representative Kopp?

REPRESENTATIVE KOPP: Yes.

MS. GEARY: Representative Thompson?

REPRESENTATIVE THOMPSON: Yes.

MS. GEARY: Vice-Chair Stutes?

VICE-CHAIR STUTES: Yes.

MS. GEARY: Chair Stevens?

CHAIR STEVENS: Yes.

MS. GEARY: So that's 11 yeas, 0 nays.

CHAIR STEVENS: Thank you. By 11 yeas. And then, in addition, the amendment had 10 yeas, I believe.

MS. GEARY: Yes, that's correct.

V. ADJOURN

CHAIR STEVENS: Okay. Well, thanks so much everyone, on the day before Thanksgiving, being with us, much bigger agenda than I had hoped for. And I wish you all have a wonderful Thanksgiving dinner, and we are adjourned. Thank you. Meeting adjourned at 12:58pm.

12:58:28 PM