

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**FEBRUARY 25, 2019
5:02 PM**

MEMBERS PRESENT

Senator Gary Stevens, Chair
Representative Louise Stutes, Vice Chair
Senator John Coghill
Senator Mia Costello
Senator Cathy Giessel
Senator Lyman Hoffman
Senator Bert Stedman
Senator Natasha von Imhof
Representative Bryce Edgmon
Representative Neal Foster
Representative DeLena Johnson
Representative Chuck Kopp
Representative Steve Thompson
Representative Tammie Wilson

MEMBERS ABSENT

OTHER MEMBERS PRESENT

AGENDA

COMMITTEE ORGANIZATION
COMMITTEE POLICIES
APPROVAL OF MINUTES
RATIFICATION OF CHARITY EVENTS
COMMITTEE BUSINESS
CONTRACT APPROVALS

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs Agency
Megan Wallace, Director, Legal Services, LAA
Jean Mischel, Revisor of Statutes, Legal Services, LAA
Tina Strong, Procurement Officer, Supply, LAA
Wayne Jensen, President, Jensen Yorba Wall, Inc.

[5:04:25 PM](#)

I. Call to Order

SENATE PRESIDENT GIESSEL called the Legislative Council meeting to order at 5:02pm in the Senate Finance Committee Room. Present at the call were: Representatives Edgmon, Foster, Kopp, Wilson, Thompson, Johnson; Senators Giessel, Stedman, von Imhof, Coghill, Hoffman, Stutes, Stevens.

13 members present.

Senator Costello joined at 5:10pm.

II. Committee Organization

SENATE PRESIDENT GIESSEL stated this is the first meeting of the Legislative Council for the first session of the Thirty-First legislature and the committee must nominate and elect a Chair and Vice Chair.

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

SENATE PRESIDENT GIESSEL said seeing no objection, the motion carries. She handed the gavel to Senator Stevens.

CHAIR STEVENS thanked Madam President and everyone for being in attendance. He continued that it has been a long time coming this session, but there are now seven members of the House and seven members of the Senate. For the election of the Vice Chair, he called on Speaker Edgmon.

SPEAKER EDGMON nominated and elected Representative Louise Stutes as Vice Chair of Legislative Council and asked for unanimous consent and that the nominations be closed.

CHAIR STEVENS said without objection, Representative Stutes is the Vice Chair. He thanked and welcomed her.

III. Committee Policies

a. Quorum and Voting Requirements

CHAIR STEVENS said it is a long-time policy of the Council to have the requirement of eight members for a quorum and eight members to approve a motion. Because there are seven members of the House and seven members of the Senate, it ensures at least one member of the other body approves a motion or satisfies a quorum to do the Council's business. Unless there is objection, he proposed maintaining the existing policy. Hearing no objection, that policy is approved.

b. Sanctioning Charity Events

CHAIR STEVENS explained per AS 24.60.080 (a)(2)(B), Legislative Council sanctions charitable events that have 501 (c)(3) tax free status. The policy in place since 2003 is that the Committee granted the Chair the ability to sanction these charitable events and at the next Council meeting, the Committee would ratify the Chair's action. Unless there is objection, he proposed maintaining the existing policy. Hearing no objection, that policy is approved.

c. Subcommittees

CHAIR STEVENS said three subcommittees will be formed this session: the Security Subcommittee; the Office Allowance/Per Diem Subcommittee; and the Information Technology Subcommittee chaired by legislative staff, Doug Letch. Chair Stevens asked members to contact him or his committee aide, Katrina Matheny, if they would like to serve on one of those subcommittees or recommend their staff for the IT subcommittee.

IV. Approval of Minutes

[5:09:11 PM](#)

VICE CHAIR STUTES moved and asked unanimous consent that Legislative Council approve the minutes dated December 17, 2018 as presented.

CHAIR STEVENS objected for purposes of discussion. Hearing no objection, the minutes are approved.

V. Ratification of Charity Events

[5:09:41 PM](#)

VICE CHAIR STUTES moved and asked unanimous consent that Legislative Council ratify the Chair's sanctioning of the following charitable events per AS 24.60.080 (a)(2)(B):

- a. Girl Scouts of Alaska Annual Auction
- b. Juneau Animal Rescue 6th Annual Silent Auction
- c. Juneau Dance Theatre 4th Annual "Juneau's Got Talent"
- d. Lawmakers Round-Up 5K Event
- e. 34th Annual Sham Jam
- f. Kenai River Junior Classic, Kenai River Classic & Kenai River Women's Classic
- g. American Red Cross of Alaska "Service through the Ages"
- h. 27th Annual Coal Classic Golf Tournament

CHAIR STEVENS objected for purposes of discussion. He continued that he sanctioned these events and confirmed they are 501 (c)(3) organizations. Chair Stevens asked if there is any discussion or objection? Hearing no objection, those events are ratified.

VI. Committee Business

- a. 2019 Manual of Legislative Drafting

[5:10:55 PM](#)

VICE CHAIR STUTES moved that Legislative Council approve the 2019 Manual of Legislative Drafting.

CHAIR STEVENS objected for purposes of discussion and requested Megan Wallace and Jean Mischel to please come to the table for the next two items.

MEGAN WALLACE, Legal Services Director, introduced herself and Jean Mischel, Revisor of Statutes. Ms. Wallace said one of her first official duties as Legal Services Director was having the privilege to promote Jean Mischel into the Revisor of Statutes position which became vacant upon the retirement of Jerry

Luckhaupt, former Revisor. Ms. Mischel is a critical part of the Legal Services team. The Revisor has an imperative role in the peer review process in which legislation and opinions are drafted and is responsible for the publication of the Alaska Statutes which affects the institution and those around the state and country who use those Statutes. With that introduction, she asked Ms. Mischel to present the Drafting Manual.

JEAN MISCHEL, Revisor of Statutes with Legislative Legal, thanked the Council for considering this item. She said she worked with Legal's Editor and Special Assistant to prepare this new Manual of Legislative Drafting for this Thirty-First Legislature. Members should have a cover letter that outlines the minor changes.

Ms. Mischel explained that Legal removed references to the regulation review committee repealed last session. We added emphasis to the neutrality and confidentiality that we take very seriously. Legal updated dates and references to the previous legislative session. We added case law and a reference to the Mallott v. Stand for Salmon case in the context of severability of provisions in an initiative. Most significant to legislative procedures, Legal amended the enrollment process for bills that have been vetoed or partially vetoed. This was requested by the Senate Secretary and the House Chief Clerk to clarify the process, so it is consistent with what actually happens. She said she is pleased to answer any questions.

CHAIR STEVENS asked if there were any questions or discussion. There is a motion on the table. Chair Stevens had objected for purposes of discussion and now removed that objection. There was no further discussion.

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Kopp, Wilson, Thompson, Johnson; Senators Giessel, Stedman, von Imhof, Coghill, Hoffman, Stutes, Stevens.

NAYS: None

The motion passed 13-0.

b. 2019 Revisor's Bill

[5:15:32 PM](#)

VICE CHAIR STUTES moved that Legislative Council approve the 2019 Revisor's bill version 31-LS0095/U and request the Senate Rules Committee to introduce it.

CHAIR STEVENS objected for purposes of discussion and asked if there were any questions or discussion.

MS. MISCHEL explained that she provided a sectional summary with the Revisor's Bill because it has been two years since the last bill and there are several provisions. Under AS 01.05.036 this is a statutory duty of the Revisor to prepare for Council's consideration and hopefully introduction by the Rules Committees.

Legal clarified and made changes consistent with the Drafting Manual, which is primarily the function of this bill. Legal reviews every title on a six-year rotating basis for drafting errors, obsolete provisions, and attempts to clarify language. Legal has a letter from the Department of Law that supports this version of the Revisor's Bill. Ms. Mischel said she is pleased to answer any questions.

CHAIR STEVENS asked if there were any questions or discussion. He stated there is a motion before us and removed his objection.

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Kopp, Wilson, Thompson, Johnson; Senators Giessel, Stedman, von Imhof, Coghill, Hoffman, Stutes, Stevens.

NAYS: None

The motion passed 13-0.

c. FY18 Legislature Audit

CHAIR STEVENS noted this is not an action item and asked Jessica Geary, Executive Director to present this item and answer any questions.

JESSICA GEARY, Executive Director, Legislative Affairs Agency, stated that by statute the Legislature has an annual independent audit conducted of our financials. In your packet is a copy of the FY18 audit, which was clean with no exceptions. Ms. Geary said she is pleased to answer any questions.

CHAIR STEVENS asked if there were any questions or discussion. Hearing none, we will move to the next item.

d. FY20 Legislature Budget

[5:19:07 PM](#)

VICE CHAIR STUTES moved that Legislative Council per AS 24.20.130 approve the FY20 Legislative Council Proposed Budget and transmit it to the House and Senate Finance Committees for their review and action.

CHAIR STEVENS objected for purposes of discussion and asked Ms. Geary to explain the budget.

JESSICA GEARY, Executive Director, Legislative Affairs Agency, noted before you is a copy of the FY20 budget request as well as the FY20 budget request narrative, which explains each appropriation and allocation and what it contains.

There are no increments in the request, however there are structural changes and transfers in and out of allocations to improve efficiency and align structure with the appropriate authority and/or function.

The FY20 request reduces the number of RDUs, a group of allocations combined to achieve a specific goal, from five to two. We have the Legislative Council RDU, which includes the administrative functions of the Legislature and special committees and offices such as Ethics, Ombudsman, and Office of Victims' Rights. We also have the Legislative Operating Budget RDU which includes those functions directly related to the

operations of the Legislature, such as Session Expenses, House and Senate Operating Budget and Legislator Salaries and Allowances. Legislator Salaries and Allowances used to be contained within the Legislative Council budget, so one of the structural changes that was proposed in working with David Teal and simplifying our structure was to move that within the Legislative Operating Budget. We also moved House and Senate Per Diem, which was in two separate RDUs with two allocations per RDU, back into Salaries and Allowances where it always was prior to last year.

In Administrative Services, we moved Information and Teleconference allocation back into Administrative Services where it previously was. We transferred \$20,000 from State Facilities Rent for State Equipment Fleet costs into Administrative Services because it has nothing to do with State Facilities Rent. We transferred out \$286,000 to the Legislative Operating budget for membership dues. The Ombudsman realized a savings in moving into the Anchorage Legislative Office Building of \$42,000, but that amount needed to be transferred from State Facilities Rent into the Office of the Ombudsman to cover the cost of their new case management system. State Facilities Rent has a surplus of \$58,000 realized from savings of renegotiated lease space. That could potentially be on the table for a decrement for the Finance Committees.

In Session Expenses, we moved the Special Session Contingency allocation back into the Session Expenses allocation. In the Legislative Operating budget, we broke out House and Senate Operating into reportable sub-allocations and the transfer of \$262,300 from membership dues mentioned previously. Ms. Geary said she is pleased to answer any questions.

CHAIR STEVENS asked if there were any questions on the FY20 Budget.

SENATOR HOFFMAN asked if the Legislative Information Offices (LIOs) had been addressed?

MS. GEARY replied through the Chair, Senator Hoffman, the LIOs were moved into Administrative Services back from their own separate RDU.

CHAIR STEVENS asked if there were other questions. He stated there is a motion before us and removed his objection.

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Kopp, Wilson, Thompson, Johnson; Senators Giessel, Stedman, von Imhof, Costello, Coghill, Hoffman, Stutes, Stevens.

NAYS: None

The motion passed 14-0.

VII. Contract Approvals

a. Ketchikan LIO Lease Extension

[5:24:27 PM](#)

VICE CHAIR STUTES moved that Legislative Council approve Renewal No. 3 of Lease for Ketchikan Office Space in an amount of \$47,926.00.

CHAIR STEVENS asked Tina Strong, the Legislature's Procurement Officer to come forward to present the next two items and answer any questions.

TINA STRONG, Procurement Officer, Legislative Affairs Agency, noted the original lease agreement between the Legislative Affairs Agency and Ketchikan Gateway Borough for office space in Ketchikan, Alaska, was for a five-year term that began March 1, 2012, and terminated February 28, 2017. There were five additional renewals of lease available under the lease agreement: each for a one-year period. We have exercised two of the renewal options.

Renewal No. 2 of lease expires on February 28, 2019. We would like approval to proceed with Renewal No. 3 for the period March 1, 2019, through February 29, 2020.

If Legislative Council approves Renewal No. 3, this will leave two more renewals of lease available before we must issue a bid or do a lease extension.

This lease exceeds \$35,000 in one fiscal year threshold; therefore, Legislative Council approval is required. Ms. Strong said she is pleased to answer any questions.

CHAIR STEVENS asked if there are any objections? Senator Stedman?

SENATOR STEDMAN said the Ketchikan office space has worked very well for the public. Several years ago, the LIO and elected officials consolidated into the same office in a building with the Borough and some regional corporations. This move has been well received. The office moved from an area that was highly congested during the visitor season to a quieter area of the community, which has served the public very well. He recommends the Council extend for a year.

CHAIR STEVENS asked if there was further discussion or comments. He stated there is a motion before us and asked for a roll call vote.

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Kopp, Wilson, Thompson, Johnson; Senators Giessel, Stedman, von Imhof, Costello, Coghill, Hoffman, Stutes, Stevens.

NAYS: None

The motion passed 14-0.

b. RFP 635 - Capitol Column Restoration

[5:27:35 PM](#)

VICE CHAIR STUTES moved and asked unanimous consent that Legislative Council go into Executive Session under Uniform Rule 22(B)(1), discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit and 22(B)(3), discussion of a matter that may, by law, be required to be confidential. I ask that the following individuals remain in the room: Jessica Geary; Tina Strong; JC Kestel; John Cayce; any legislative staff

working for Council members; and that Wayne Jensen remain online. We also welcome any Legislators who are not on Legislative Council to remain in the room.

[5:28:33 PM](#)

Council went into Executive Session.

[6:07:28 PM](#)

Council came out of Executive Session.

[6:07:38 PM](#)

VICE CHAIR STUTES moved that Legislative Council approve the award of RFP 635 to Dawson Construction, LLC for Capitol Column Restoration for a total contract amount of \$676,075.

CHAIR STEVENS objected for purposes of discussion and asked Ms. Geary to please explain this item.

JESSICA GEARY, Executive Director, Legislative Affairs Agency, explained that although we are awarding the RFP in full to Dawson Construction, we do have a forty percent match from the Juneau Community Foundation who will pay \$270,000 of this price. So, \$406,000 of existing capital funds will be spent from legislative money.

CHAIR STEVENS asked have those funds already been put aside for that purpose?

MS. GEARY replied that the \$406,000 has already been put aside in the capital budget for this purpose. There will be no new money appropriated.

CHAIR STEVENS asked if there was any discussion.

SENATE PRESIDENT GIESSEL said it is appropriate to put on the record for this project that Council has asked what other outstanding work remains on this building and were told none. This is a lump sum project and was originally to be done during the seismic work, but the project ran out of funds. It is more than what was estimated at the time of the seismic work due to the company having to remobilize, reconstruct scaffolding, etc. She continued to wonder about conflict of interest but noted that is neither here nor there at this point. She wanted to ensure some of these points

and costs that Council has been exploring goes on the record.

CHAIR STEVENS briefly responded that Council has spoken with Wayne Jensen, the architect, who indicated he has no conflict of interest and is not at all involved with Dawson Construction.

REPRESENTATIVE WILSON said Council did verify that this is not a cosmetic issue, but a structural issue and if nothing is done it will likely get worse, more expensive, and possibly dangerous depending on how much it erodes. It is an expensive project, but once cracks begin they usually only get worse.

CHAIR STEVENS said we have made it clear that the Juneau Community Foundation will be involved with \$270,000 and the remainder will come from existing capital funds. Any further discussion? He stated there is a motion before us, removed his objection, and asked for a roll call vote.

A roll call vote was taken.

YEAS: Representatives Edgmon, Foster, Kopp, Wilson, Thompson, Johnson; Senators Giessel, Stedman, von Imhof, Costello, Coghill, Stutes, Stevens.

NAYS: None

The motion passed 13-0.

VIII. Adjourn

CHAIR STEVENS noted if there is nothing further to come before the Committee at this time, we are adjourned.

[6:12:00 PM](#)