

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**JUNE 13, 2019
3:00PM**

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

Senators Begich, Birch, Gray-Jackson, Kiehl, Wilson;
Representatives Drummond, Hannan, Hopkins, Knopp, LeBon,
Merrick, Spohnholz

AGENDA

COMMITTEE BUSINESS - EXECUTIVE SESSION
a. EDUCATION FUNDING LAWSUIT APPROVAL
b. SPECIAL SESSION PER DIEM APPROVAL

SPEAKER REGISTER

Megan Wallace, Director, Legal Services, Legislative Affairs
Agency

[3:00:44 PM](#)

I. CALL TO ORDER

CHAIR STEVENS called the Legislative Council meeting to order at 3:00pm in the Senate Finance Committee Room. Present at the call were: Senators Coghill, Costello, Giessel, Hoffman, Stedman, Stevens, von Imhof; Representatives Edgmon, Foster, Johnson, Kopp, Stutes, Thompson, Wilson.

14 members present.

II. COMMITTEE BUSINESS - EXECUTIVE SESSION

[3:01:47 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. The following individuals should please remain in the room: Jessica Geary; Megan Wallace; Emily Nauman; and any legislative staff working for Council members. We also welcome any Legislators who are not on Legislative Council to remain in the room.

CHAIR STEVENS asked if there was objection to the motion. Hearing none, Council will go into Executive Session. Please note, no action will be taken in Executive Session, which may take approximately thirty minutes.

[3:02:50 PM](#)

Council went into Executive Session.

[4:00:00 PM](#)

Council came out of Executive Session.

a. EDUCATION FUNDING LAWSUIT APPROVAL

[4:00:10 PM](#)

VICE-CHAIR STUTES moved that Legislative Council utilize the services provided by Legal Services to undertake litigation on behalf of Legislative Council regarding the forward funding of education for the 2020 fiscal year and that Legislative Council authorize the Chair to give direction to Legal Services regarding the litigation.

CHAIR STEVENS objected for purposes of discussion and asked Megan Wallace to give a brief explanation.

MEGAN WALLACE, Director, Legal Services, said if this motion were to pass, the Legislature, through passage of HB 287 appropriated the full funding for state aid, transportation, and thirty million dollars of one time funding for the 2020 fiscal year. As of now, the Administration has taken a position that that was not a valid appropriation, despite it being enacted into law, and that they intend to withhold disbursement of those funds to school districts. If in the event that the money is not disbursed by mid-July, as is required by statute, with passage of this motion, Legal Services will be prepared to undertake and file whatever pleadings are necessary to commence a lawsuit and seek relief from the court that those funds be disbursed to school districts as intended by the Legislature.

CHAIR STEVENS asked if there was discussion. Seeing none, he removed his objection and requested a roll call vote.

A roll call vote was taken.

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

NAYS: None

The motion passed 14-0.

b. SPECIAL SESSION PER DIEM APPROVAL

[4:02:58 PM](#)

VICE-CHAIR STUTES moved that Legislative Council authorize Special Session Per Diem payments, retroactive to May 16, 2019, for the days in which members were physically present in Juneau for the First Special Session of the Thirty-First Alaska State Legislature.

CHAIR STEVENS objected for purposes of discussion and asked Megan Wallace again to give a brief explanation.

MEGAN WALLACE, Director, Legal Services, said with respect to this motion, AS 24.10.130(b) provides that a member of the Legislature is not entitled to daily per diem after the 121st day of a legislative session, until the first day in which the Legislature passes a fully funded operating budget. While this

language prevents a member of the Legislature from receiving per diem in between the 121st day and the day in which the Legislature passes a fully funded operating budget, this language does not prevent this body from taking action to provide retroactive payments as the language states that per diem is not to be paid until after the budget is passed. So now that the budget is passed, with this motion, retroactive per diem, in my opinion, would be permissible.

CHAIR STEVENS asked if there was discussion.

REPRESENTATIVE WILSON said she cannot support this motion because she voted on this and knows what she believes was the intent of the legislation. She understands it may be somewhat ambiguous and people have expenses, but it was not ambiguous in her mind.

SENATOR STEDMAN said he will support this motion. He understands the issue of stopping per diem to encourage the conclusion of the operating budget after the regular session of 121 days. He also understands no per diem being paid until an operating budget is passed by both bodies and the conference committee report signed. His concern is this will turn into another political weapon or leverage within the building and would encourage members to not support an operating budget, force a special session, and then squeeze particular political opponents who may be financially strained while in Juneau.

The Senator continued that the Legislature now has some younger members with families, so there are people from all walks of life and different financial means available. He said he does not want to restrict membership of the Legislature to retired, financially set Alaskans—it should be available for all Alaskans. Legislators should be able to come to Juneau and have the ability to maintain a reasonable and average lifestyle.

He said he supports this retroactive clause. Those who do not want to claim it, for whatever reason, do not have to since it is optional. Members can just claim certain days, since when traveling back home to district, they must still maintain Juneau housing costs. He restated his support of this retroactive clause and leaves it to individual Legislators to submit claims or not. If constituents do not agree, they have an opportunity every two years to change every member of the House and every four years to change every member of the Senate.

CHAIR STEVENS asked if there was further discussion. Seeing none, he removed his objection and requested a roll call vote.

A roll call vote was taken.

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

NAYS: Johnson, Wilson

The motion passed 12-2.

CHAIR STEVENS asked members to return the confidential documents to Ms. Matheny.

III. ADJOURN

CHAIR STEVENS said if there is nothing further to come before the Council, we are adjourned.

[4:09:27 PM](#)