

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL
DECEMBER 18, 2019
11:00 AM**

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 Jennifer Johnston
Representative Chuck Kopp

MEMBERS ABSENT

Representative Steve Thompson

OTHER MEMBERS PRESENT

Senators Begich, Bishop, Kiehl

AGENDA

APPROVAL OF MINUTES
RATIFICATION OF CHARITY EVENTS
COMMITTEE BUSINESS
CONTRACT APPROVALS

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency (LAA)
Wayne Jensen, Juneau Community Foundation
Bill Legere, President and General Manager, KTOO
Megan Wallace, Director of Legal Services, LAA
JC Kestel, Procurement Officer, LAA

[11:02:28 AM](#)

I. CALL TO ORDER

CHAIR STEVENS called the Legislative Council meeting to order at 11:00am in the Anchorage Legislative Information Office (LIO) Large Conference Room. Present at the call were: Senators Coghill, Costello, Giessel, Hoffman, Stedman, Stevens, von Imhof; Representatives Edgmon, Foster, Johnson, Johnston, Kopp, Stutes.

Representative Thompson was absent.

13 members present.

II. APPROVAL OF MINUTES

A. September 19, 2019

[11:04:30 AM](#)

VICE-CHAIR STUTES moved and asked unanimous consent that Legislative Council approve the minutes dated September 19, 2019, as presented.

CHAIR STEVENS asked if there were corrections or additions to those minutes. Seeing none, the minutes are approved.

III. RATIFICATION OF CHARITY EVENTS

A. Boys & Girls Club of the Kenai Peninsula 32nd Annual Auction & Gala

[11:04:56 AM](#)

VICE-CHAIR STUTES moved and asked unanimous consent that Legislative Council ratify the Chair's sanctioning of the following charitable event per AS 24.60.080 (a)(2)(B), the Boys & Girls Club of the Kenai Peninsula 32nd Annual Auction & Gala.

CHAIR STEVENS objected for purpose of discussion. He has sanctioned this event and verified that it is a 501(c)(3) organization. He asked if there was any discussion. Seeing none, he removed his objection and stated that the event has been ratified.

IV. COMMITTEE BUSINESS

A. Sale of ALOB Satellite Lot and KTOO Proposal

CHAIR STEVENS requested that Speaker Edgmon please make this motion as there has been a last-minute change.

11:05:50 AM

SPEAKER EDGMON moved that Legislative Council approve the listing of Lot 4A Fouts Subdivision, the sale of which will be executed by LAA through the DNR public auction, or similar, process with a starting bid of the appraised value of \$485,000. He further moved that Legislative Council approve using the sale proceeds for the KTOO Camera proposal, not to exceed, \$448,500, to be included in Legislative Council's FY21 capital budget request.

CHAIR STEVENS objected for purpose of discussion and asked Ms. Geary to provide a brief explanation.

JESSICA GEARY, Executive Director, Legislative Affairs Agency (LAA), explained that the lot sale was previously brought before this committee and it was agreed that LAA would determine the appraised value and offer it through a sale process that would go to the highest bidder.

The KTOO camera proposal to upgrade the Legislature's cameras in the Capitol and improve Gavel to Gavel access has been considered for several years. KTOO came to LAA with the attached proposal to share resources and update the Legislature's cameras, which need to be updated soon regardless. The Juneau Community Foundation offered to partially fund this project, so the State portion would be \$448,500—just lower than the appraised price of Lot 4A. We suggest including language in the FY21 capital budget request to utilize the proceeds from the lot sale to pay for the State's portion of the camera project. She said this process is certainly doable and is happy to answer any questions. Wayne Jensen with the Juneau Community Foundation and Bill Legere with KTOO are also on the line.

CHAIR STEVENS further explained that when this Anchorage building was purchased, it included an additional lot. Initially, it was understood that due to the size of this building, the City required the additional parking lot; in fact, there is no such requirement. The Legislature does not need that lot, so this is a two part opportunity—to sell the lot and fund the camera operation

in Juneau, since the existing equipment must be replaced within the next two to three years anyway. He asked Wayne Jensen to explain the Juneau Community Foundation's involvement.

WAYNE JENSEN, representing the Juneau Community Foundation said this is a project they have been developing with LAA over the last several years to collaborate between Gavel Alaska and akleg.tv to avoid duplication of effort and improve the quality and accessibility of Gavel Alaska throughout the state. This is an opportunity to take advantage of that collaboration between Gavel Alaska and akleg.tv, as well as between the Juneau Community Foundation and the Legislature to improve and continue upgrading Gavel Alaska. Much of this is replacing equipment that needs replacement anyway and is an opportunity to preserve Gavel Alaska and replace outdated equipment with newer technology and improve the product available throughout Alaska.

CHAIR STEVENS said he appreciated all that the Juneau Community Foundation has done over the years to help the Legislature with various issues. He asked if there were questions for Mr. Jensen.

REPRESENTATIVE JOHNSTON asked about the cost breakdown, specifically that the KTOO total is \$547,500, the LAA total is \$448,500, but for the core infrastructure there is a subtraction of almost \$300,000. She asked for an explanation.

MS. GEARY responded that the core infrastructure is what goes into the walls to control the cameras, the robotic cameras are the actual cameras, and the control station is what is physically located at KTOO. We wanted the Legislature's portion to only be equipment that we own within our building.

REPRESENTATIVE JOHNSTON followed up to confirm if the request was for \$448,500.

MS. GEARY replied yes, the State funded portion is \$448,500, which is split between \$56,500 for core infrastructure and \$392,000 for robotic cameras.

REPRESENTATIVE JOHNSTON said thank you, that explains it.

CHAIR STEVENS asked Mr. Legere to explain advantages and improvements. He said he understood there would no longer

be cameras with camera people between legislators and the public and asked if that was accurate.

BILL LEGERE, President and General Manager at KTOO, responded yes, those comments are correct. This would allow KTOO to eliminate the disruption of our staff moving cameras in and out of meeting rooms and on the House and Senate floor. We would have more flexibility without the logistical problem of moving between rooms, sometimes getting physically stuck in a room and unable to leave. There would also be better coverage with multiple cameras in each room. Currently when watching Gavel to Gavel, in House Finance the view is of the backs of half of committee members' heads and in the Chambers, there are people seated behind pillars who cannot be seen. By having multiple cameras in each room, we would have much better video coverage and increase the number of meetings we could cover logistically because we would not have the problem of moving between rooms.

CHAIR STEVENS asked if this would improve viewer participation so those watching will have a better opportunity to see what is happening.

MR. LEGERE replied, yes, exactly. It would be more similar to the experience of actually being in the room, which is important for viewers around the state. This new technology would allow us to incorporate PowerPoint presentations directly into the video, so the viewer can see it more clearly. Currently, PowerPoints are difficult to read since we simply point the camera at the screen. So overall, the experience of citizens watching Gavel to Gavel would improve greatly.

CHAIR STEVENS asked if this would result in the loss or just relocation of KTOO jobs.

MR. LEGERE replied that most staff would come to the KTOO building to control the equipment remotely, and they would likely keep one staff in the Capitol for events in rooms without cameras (i.e. Speakers Chambers, Governor's floor, etc.). One important benefit for KTOO is this would eliminate significant overtime with six staff working in the Capitol and a great deal of wait time surrounding meetings.

SENATOR COGHILL asked if the cameras currently in committee rooms will stay or be replaced, specifically

those owned by the Legislature that operate akleg.tv and face committee members and testifiers.

MS. GEARY replied that those cameras will be upgraded and akleg.tv and KTOO will share the same camera.

SPEAKER EDGMON noted that it seems viewership in his district is increasing and asked Mr. Legere if he had an estimate of viewership numbers.

MR. LEGERE replied that he does not have ratings for over the air television service since the Nielsen Company, which conducts ratings in Alaska, does not rate the channel that we are on, but he does have statistics for online viewers and that number has been growing substantially year after year. During Special Session this summer, there were so many viewers that bandwidth was momentarily exceeded. More and more people are accessing Gavel online and over the air.

SPEAKER EDGMON asked with the additional features associated with this request, will more hearings televised at once have an impact since there is just one feed to the public?

MR. LEGERE replied they will still have the single channel of television coverage but will be able to cover more events and get them onto that channel, either live or on a tape delay basis, without the problem of going room to room. He expects this would increase the number of meetings carried in a broadcast day and improve the online stream quality.

SPEAKER EDGMON noted that in Dillingham, sometimes the picture is grainy and numbers are hard to decipher, so this new technology potentially will help.

MR. LEGERE said yes, definitely, the cameras will be high definition which will dramatically improve what is seen online and on the television.

REPRESENTATIVE KOPP commented that it is good to see a community foundation driving this partnership making it possible for KTOO, through Gavel Alaska, to improve what they have been doing. This is a significant investment in the community and KTOO to provide a better statewide service, which they have been doing for decades. The Juneau Community Foundation contribution is \$547,500 and the State contribution is \$448,500. He asked with the

Legislature owning the camera system and network in the building, could another news entity (i.e. KTUU, KTVA, Fox, etc.) ask to pay a fee to use the State's network and infrastructure. This is something we should have a fair discussion on. It certainly improves floor space and helps to have fewer cameras physically in the room. I appreciate the decades of service of KTOO and Gavel Alaska, so this is nothing against them. They have earned this improvement by the fact that they are the only people who dedicated so much resource to this. It is not to slight them at all, I am just trying to think into the future.

CHAIR STEVENS asked Mr. Legere to address this issue and if he shared video content with other outside stations.

MR. LEGERE replied yes, absolutely, we make all of Gavel Alaska's content free to any broadcaster in Alaska, radio or television. In fact, Anchorage television stations often use our video when they do not have a reporter and camera crew in Juneau. Moreover, this system would allow, if the Anchorage stations wanted to get direct feeds from the meeting rooms, we could figure that piece out—those are called, "pool feeds" where there is only one camera in a room, but all the broadcasters share it. We could certainly make that available to our commercial broadcast partners. We work closely with the Anchorage television news stations to share resources, video, and help each other.

CHAIR STEVENS asked if there were further comments. Seeing none, he requested a roll call vote.

11:25:01 AM

A roll call vote was taken.

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

NAYS: None

The motion passed 13-0.

**B. Legislative Council Moving & Travel Policy Change -
Staff Session Lodging Stipend**

11:26:07 AM

VICE-CHAIR STUTES moved that Legislative Council adopt the proposed changes to the Legislative Council Moving & Travel Policy and establish a session housing stipend for eligible staff members, not to exceed thirty dollars per day.

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

JESSICA GEARY, Executive Director, Legislative Affairs Agency, explained that she was contacted by Senator Giessel's Office at the beginning of this last session because staff had begun filing their taxes for the previous year and were dismayed to learn they were no longer able to deduct their housing costs on their personal tax returns.

Since staff do not receive per diem for the time they are in Juneau, there was the appetite to come up with a way that staff could receive not necessarily a per diem or anything of that nature, but basically help them with their housing cost. We contacted our accounting firm, Elgee Rehfeld, and asked them to look into the taxable consequences for staff receiving a housing stipend.

We presented this issue at the August Legislative Council meeting and Senator von Imhof asked us to research how other states and branches of government address this. We contacted the National Conference of State Legislatures and was informed there is no other state like Alaska in this regard, so no way to truly compare. In other branches of government, staff receive a thirty dollars per day stipend for long term housing. We reviewed different options (daily versus monthly rates) and determined it was most efficient administratively to do a daily rate. My recommendation is thirty dollars per day, which is in line with what other State travelers receive. I am happy to answer any questions.

CHAIR STEVENS recognized Senator Giessel and offered her the opportunity to comment.

SENATE PRESIDENT GIESSEL said our staff are critical to the function of the Legislature and it is a significant cost for them to move to Juneau from their homes, as it is a challenge for us as well. For them to lose that tax deduction ability through the federal law change has a significant impact. I want to ensure we are attentive to this so we can retain the institutional knowledge that we

have, and some wonderful staff, and make it affordable for them to actually come and work for the Legislature. That was the motivation for this. Ms. Geary has taken the concept and vastly improved it, so I absolutely support her recommendation.

SENATOR HOFFMAN said he supports this concept, but has staff in Juneau and over the years sessions have been held in Anchorage. What happens to Juneau staff when a session, special or otherwise, is held in Anchorage? Under the language as I read it, they would not have the same privilege.

MS. GEARY responded that currently this problem only exists with regular sessions which are the ones only held in Juneau, for special sessions which we have held outside the Capital, staff do receive per diem if they travel outside of their home. It is not an issue for Juneau based staff who would travel to Anchorage as they would already be eligible to receive per diem.

SENATOR COGHILL asked is this in addition to staff's taxable income?

MS. GEARY replied, yes, that is my understanding.

SENATE PRESIDENT GIESSEL asked if Ms. Geary could speak to the Legislative Council Moving and Travel Policy before us, specifically page two of the policy, third paragraph, in red text it refers to, "Legislative staff members based in the Capital..." and goes on to discuss the stipend. Is this referring to staff who have relocated to the Capital during the regular session, or staff who live in the Capital?

MS. GEARY replied it is staff who relocate to the Capital, which is why it is based on whether they are eligible for staff relocation. I understand the need for clarification, but the way it is interpreted is staff who travel to the Capital during a regular legislative session are not entitled to a daily per diem allowance, and we just added that they may receive a lodging stipend.

SENATE PRESIDENT GIESSEL asked if the wording could be amended so it is blatantly clear. As Ms. Geary just articulated, "legislative staff members who travel...", I would add "who travel and relocate to the Capital during a regular legislative session are not entitled to...".

CHAIR STEVENS asked Ms. Geary if there was difficulty in changing that. Does that make it clearer in the interpretation?

MS. GEARY replied she did not see an issue with that, however, would like to ensure it does not affect any other policy language. I think it could be a technical and conforming change since we know the intent if this motion passes. Ms. Geary asked Megan Wallace if she agreed.

CHAIR STEVENS asked Megan Wallace to please come forward and clarify.

MEGAN WALLACE, Director of Legal Services, Legislative Affairs Agency, said it is her opinion that if we amended the motion before the Committee just slightly to give the Agency technical and conforming powers to edit the language in the travel policy to conform to the intent of this committee and the motion you adopt for the thirty dollars per day lodging stipend, my office can work with Ms. Geary to ensure the language is consistent throughout and also conforms with your intent.

CHAIR STEVENS asked Senator Giessel if she was comfortable with that.

SENATE PRESIDENT GIESSEL responded, yes, that sounds great.

CHAIR STEVENS asked Senator Giessel for a motion to amend.

SENATE PRESIDENT GIESSEL moved to amend the motion to read, "I move that Legislative Council adopt the proposed changes to the Legislative Council Moving & Travel Policy further the staff be empowered to make technical and conforming changes to provide clarity."

CHAIR STEVENS asked if there was objection to the amendment. Seeing none the motion has been amended. Are there further comments?

REPRESENTATIVE KOPP this certainly can viewed as a staff-friendly amendment to offset their costs, which I fully support on that basis alone, but as far as the Legislative institution, that \$900 per month is often the difference between getting a good employee to come with

you to Juneau to help offset housing, which is significant. I am very excited to support this because I think it is long overdue to help our employees. It will help us attract and retain a higher degree of employee who would come if they had housing support. I also think it sends a good message to the Juneau economic community as they will benefit from this too having more people be able to afford more and better housing. Hopefully, we will not see the rates go up, but this is a good thing for our Capital city and I hope they recognize that as such.

SENATOR COGHILL said the tax policy that is driving this, he has struggled with. Staff ranges and pay is pretty good, but he does understand the tax ramifications. The Legislature moved some years ago to include the travel policy in getting staff to and from the Capital, which was a significant move as well. We have worked hard at trying to ensure it is staff friendly for people coming and going. His concern is that this is getting to the place where it might be a little too high. Because of the tax issue, he said he will support this, but the moving in and out of Juneau is tough and could push the economy to increase rates, which is something to watch. Staff are paid fairly well and what value we get from them outside of session is very, very good, so this move is costly. He said he was willing to have staff bear the cost until this tax question came up, so that caused him some consternation. He continued that this is probably a reasonable compromise and will support it, but thinks we have accommodated staff pretty significantly today.

REPRESENTATIVE JOHNSTON said former Senator Chris Birch started talking about this when he was a Representative in the minority. While it pains her to increase anything, she does agree with this. She thought Senator Birch felt the issue was more exaggerated for minority staff members; even when he was in the majority, he felt it was important to all staff. She thinks this is important to lower level staff.

SENATOR HOFFMAN said to get an understanding of the fiscal note, if there were one, there are approximately 110 staff times thirty days per month, times thirty dollars, which would be approximately \$100,000 per month. He asked if this was correct.

MS. GEARY replied that her estimated figures were 120 staff who relocate, the maximum seen to date, in 121 days

of session, at thirty dollars per day would total \$435,600, and cost per staff would be \$3,630.

REPRESENTATIVE STUTES respectfully asked to be excused from the meeting and if she had an opportunity to vote on this issue, would vote yes.

CHAIR STEVENS asked if there were further comments. Seeing none, he requested a roll call vote.

[11:42:52 AM](#)

A roll call vote was taken.

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

NAYS: None

The motion passed 12-0.

[11:43:46 AM](#)

CHAIR STEVENS called a brief at ease.

[11:44:13 AM](#)

CHAIR STEVENS returned from at ease.

V. CONTRACT APPROVALS

A. Terry Miller Building Windows & Siding Change Order #5

[11:44:19 AM](#)

SPEAKER EDGMON moved that Legislative Council approve Change Order #5 with F&W Construction Company, Inc. in the amount not to exceed \$46,855.29 for the addition of self-leveling grout and wood grounds to the sills at the Terry Miller Legislative Office Building.

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

JESSICA GEARY, Executive Director, Legislative Affairs Agency, explained that while she certainly did not want to bring another Change Order before this committee, this is a result of the recently approved hazardous material work. Once the hazardous materials were removed from the window openings, the condition of the old concrete was

pocketed and not suitable to attach a window to, as the photos in your packet indicate.

This Change Order is to approve extra hours and materials for the contractor to add wood grounds and self-leveling grout in all sills in order to attach the windows. The Change Order amount is currently \$46,855.29, different than what was provided in your packet. Our Construction Administrator with Jensen Yorba Wall, Dan Fabrello, who is on the line, and I met with the contractor to review their hours and reduced them significantly which brought the cost from \$78,000 initially requested to \$46,000. There is also a \$1,900 credit for conduit work that was not required. I am happy to answer any questions.

CHAIR STEVENS asked if there were any questions. He noted that no one likes Change Orders, but once you are into a project of this sort, things are going to happen. Seeing no comments, he removed his objection and requested a roll call vote.

[11:46:57 AM](#)

A roll call vote was taken.

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

NAYS: None

The motion passed 12-0.

B. Barrow Office Space Sublease Renewal

[11:47:52 AM](#)

SPEAKER EDGMON moved that that Legislative Council approve renewal No. 1 of the sublease for Barrow Office Space in the amount of \$35,423.88.

CHAIR STEVENS asked JC Kestel to please explain this item.

JC KESTEL, Procurement Officer, Legislative Affairs Agency, said the original sublease agreement between LAA and Arctic Slope Telephone Association Cooperative, Inc. for office space in Barrow, or Utquiavik, was for a three-year term that began January 1, 2017, and terminates December 31, 2019. There are three sublease

renewal options available under the original sublease agreement, each for a one-year period. We have not exercised any of the renewal options yet.

The original sublease term expires on December 31, 2019. The Legislative Affairs Agency would like approval to proceed with Renewal No. 1 for the period January 1, 2020, through December 31, 2020. If Legislative Council approves Renewal No. 1, this will leave two more renewals of the sublease available. This sublease exceeds \$35,000 in one fiscal year; therefore, Legislative Council's approval is required.

CHAIR STEVENS asked if there were any questions. Seeing none, he removed his objection and requested a roll call vote.

11:49:39 AM

A roll call vote was taken.

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

NAYS: None

The motion passed 12-0.

C. Lexis Nexis Contract Renewal

11:50:27 AM

SPEAKER EDGMON moved that Legislative Council approve the two-year renewal of the contract with Lexis Nexis for the publication of our statutes for extension of the contract to December 31, 2022.

CHAIR STEVENS objected for purposes of discussion and asked Megan Wallace to please explain this item.

MEGAN WALLACE, Director of Legal Services, Legislative Affairs Agency, said she was here today on behalf of the Revisor of Statutes, Jean Mischel, whose memo in your packet explains the status of contracts with Lexis Nexis (Mathew Bender).

As most of you know, Lexis Nexis publishes the Alaska Statutes and has for a number of years. When they converted to a new software there were some issues in the

publication of our statutes in 2017 and 2018. Since then, Ms. Mischel and her Assistant Revisors, Hilary Martin and Katherine Kurtz, have done an excellent job working with the publisher, so we are back on track and hope to have our statutes produced in a more timely and efficient manner.

Given the relationship and familiarity with Lexis Nexis and our statutes and publication process, we strongly recommend the Council's support of continuing with Lexis Nexis as our publisher.

One issue to make you aware of, there is currently a case pending before the United States Supreme Court where the State of Georgia had their copyright of their annotations in their statute nullified by the eleventh circuit court. An organization called Public Resource Organization, Inc. has sought to make the annotations compiled by the publisher public information not subject to the copyright.

This is an issue for many states. While states publish their statutes in different manners, several states are like Alaska and use Lexis Nexis or Westlaw (another large statute publisher). The outcome of this case and the ability of states to copyright, not the laws that Legislatures make, but the annotations that the publishers produce, may have an impact on our contract moving forward.

Our revisors, other states, and our publisher are all watching this issue closely and hopeful that the Supreme Court will reverse the eleventh circuit decision. The State has signed on an amicus brief in support of states maintaining their copyright of the annotation that the publishers produce, for example the Alaska Legislature holds the copyright for our annotations that are published by Lexis Nexis. We await the outcome of that decision.

CHAIR STEVENS asked if there were any questions. Seeing none, he removed his objection and requested a roll call vote.

[11:54:16 AM](#)

A roll call vote was taken.

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

NAYS: None

The motion passed 12-0.

VI. ADJOURN

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

[11:54:54 AM](#)