

**ALASKA STATE LEGISLATURE  
LEGISLATIVE COUNCIL**

**DECEMBER 22, 2020  
1:00 PM**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Senator Natasha von Imhof

**OTHER MEMBERS PRESENT**

Senator Elvi Gray-Jackson  
Senator Jesse Kiehl  
Senator David Wilson  
Representative Sara Hannan  
Representative Geran Tarr

**AGENDA**

APPROVAL OF AGENDA  
COMMITTEE BUSINESS  
EXECUTIVE SESSION

**SPEAKER REGISTER**

Jessica Geary, Executive Director, Legislative Affairs Agency (LAA)

1:00:18 PM

## **I. CALL TO ORDER**

CHAIR STEVENS: I will call this meeting of the Legislative Council to order. It is December 22, 2020, 1:01 in the afternoon.

Jessica, would you call the roll?

MS. GEARY: Senator Begich?

SENATOR BEGICH: Here.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: I'm here.

MS. GEARY: Senate President Giessel?

SENATOR GIESSEL: Here.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Here.

MS. GEARY: Senator Stedman?

Senator von Imhof?

Speaker Edgmon?

REPRESENTATIVE 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: Senator Stedman, did you join us?

SENATOR STEDMAN: Yes.

MS. GEARY: Okay.

SENATOR STEDMAN: Stedman is here.

MS. GEARY: Senator von Imhof?

Representative Kopp?

12 members present.

CHAIR STEVENS: Well, we have a quorum. We can continue business.

\*Representative Kopp joined at 1:05pm.

## **II. APPROVAL OF AGENDA**

CHAIR STEVENS: Representative Stutes, would you present us with a motion?

1:03:05 PM

VICE-CHAIR STUTES: I would be happy to do that, Mr. Chair.

I move and ask unanimous consent that Legislative Council approve the agenda as presented.

SENATOR BEGICH: I object, Mr. Chairman. This is Senator Begich. May I speak to my objection?

CHAIR STEVENS: Yes. Go ahead, Senator Begich. I can't hear you.

SENATOR BEGICH: I said I object. May I speak to my objection? Can you hear me?

CHAIR STEVENS: Yes, I do hear you.

SENATOR BEGICH: All right. My objection is I would like us to have an additional business item, which is a discussion of the Governor's boards and commissions appointments.

CHAIR STEVENS: Thank you. Actually, I was going to announce that we are adding an executive session at the end of the agenda, and we'll be discussing the Governor's appointments. Thank you for that, Senator Begich.

Any other objections or changes to the agenda? Then the agenda is approved with that addition of an executive session.

I did want to point out that I believe you've seen Katrina was sending out the letter from the City and Borough of Juneau. They were prepared to do a presentation, but we've got sort of a full schedule, so I've asked them to wait, and we'll have an opportunity for them to speak to any and all legislators to discuss this; but it's very good to hear what Juneau has done. It's good to see that they are the lowest in terms of any new cases at this point, and they're making every attempt to help us organize and with testing and that sort of thing. So I hope have a chance to read that letter.

REPRESENTATIVE KOPP: Thank you. Senator Stevens, can you hear me? This is Chuck Kopp. I just wanted to let you know I'm on.

CHAIR STEVENS: Representative Kopp, thank you. Thanks for being here with us.

I think the only person absent right now is Senator von Imhof.

### **III. COMMITTEE BUSINESS**

#### **A. ADOPTION OF A SESSION PLANNING WORKING GROUP DOCUMENT**

CHAIR STEVENS: So let's move ahead with our committee business, and I'd ask Representative Stutes for a motion.

1:05:24 PM

VICE-CHAIR STUTES: Certainly, Mr. Chair.

I move that Legislative Council approve the Session Planning Working Group Document.

CHAIR STEVENS: Thank you. I will object for purposes of discussion.

You should have that document in front of you. It should have been sent to you. I do want to thank the subcommittee that has been meeting. They just met a few hours ago, actually, to finalize this plan. I appreciate all of their efforts and work, and you should have that in front of you. It's a document that is horizontal. The page is titled -- the subject is First Day of Session, just to remind you that Legislative Council has the power to take appropriate action. That's what we're doing here.

So, Jessica, would you explain that first page?

MS. GEARY: Absolutely.

Good afternoon, Mr. Chairman, members of the Council. For the record, Jessica Geary, executive director, Legislative Affairs Agency.

As you mentioned, the working group came up with a few recommendations. The first one, First Day of Session, it was decided that the oath of office could be administered to members individually on a staggered schedule which allows for social distancing as well as camera close-ups, that whatever schedule would be coordinated with the Lieutenant Governor's office and immediate family members would be allowed to watch from another location.

CHAIR STEVENS: Thank you. And if you go on, then, to the Floor Session Location.

MS. GEARY: Yes. For Floor Session Location, it was the recommendation that both bodies should meet in their respective chambers, but they should consider staggering House and Senate floor session times to minimize close contact in the second floor hall.

CHAIR STEVENS: Thank you, Jessica.

So those first two items are issues that are appropriate for Legislative Council to take action on for pre-convening. Any discussion or comments on that first page?

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Senator Begich?

SENATOR BEGICH: Thank you, Mr. Chairman. Just a brief comment. I want to reiterate that I had had concerns presented to me about the House chambers being so tightly packed that the potential of creating a health situation is one that should be considered. And I would just note for this record and for the incoming House Speaker, whomever that might be, that they should consider those concerns and comments in their deliberations as well. Thank you.

CHAIR STEVENS: Thank you, Senator Begich. Absolutely.

It will be up to the presiding officers to figure out specific actions. You know, we did consider moving folks to the gym, but the problem with that is that there's no voting screen, and there would only be one microphone. And we could wind up with a much longer meeting, people being in that room much longer than they might be on the floor.

So this is, I think, the compromise that the committee came up with. Again, I think it's probably the best we could do at the time, but certainly I hear what you have to say, Senator Begich. Thank you for those comments.

Any further comments on page 1?

Let's move along, then, to page 2. Now, again, these are items that we can only make a recommendation to the 32nd Legislature. It's not in our purview, but Legislative Council wanted to make sure that they had all the options that we knew of in front of them so they would not have to reinvent the wheel. They could start out with recommendations. They could accept them, reject them, or come up with their own document.

So, again, Jessica, would you go through that page 2? And page 2 begins with Remote Voting, Floor Sessions.

MS. GEARY: Of course this issue will be decided by the floor vote of the 32nd Legislature, but the decision of this working group will allow staff to prepare for and continue to test a remote voting system under certain desired circumstances.

So by agreement of the presiding officers of both houses, the presiding officer may authorize members to attend a session by video conference when a quorum is needed to conduct the body's business. That's similar to SCR16, which passed the Senate last year. A member participating by videoconference must be physically present at a Legislative Information Office or their legislative office unless otherwise approved by the presiding officer.

There was some discussion about sick members should be excused from the call, as is consistent with current practice. A couple other considerations -- sick people are not allowed in legislative facilities. The ability to debate may not be possible, depending on choices made about location of a remote voter. There may be no IT support available, and the scope -- Megan Wallace is preparing a draft resolution to highlight on some of these, but the scope must be extremely narrow, and the circumstances must be spelled out to describe a specific location, whether or not a state-issued device must be used, and the circumstances in which a member would be able to participate remotely.

So I know that's a lot of information, and I'm sure there's some discussion to be had about this topic.

CHAIR STEVENS: Thank you, Jessica.

I want to thank Jessica and her staff for working on this document and for the quick turnaround after our committee

meeting, our subcommittee meeting, and having this prepared in front of you so you know exactly what the subcommittee has been talking about. We want to have an opportunity now -- does anybody have any questions or comments on this particular page, Remote Voting, Floor Sessions?

Okay. Thank you. We'll have an opportunity at the end if anything comes up you want to talk about.

Let's move on to page 3, which is Remote Voting, Committee Meetings. Jessica?

MS. GEARY: Yes. So committee meetings, as you know, are less formal than a floor session and could allow for fewer restrictions. Again, decisions need to be made, what triggers, and there's some technical aspects that need to be worked out, some IT development of an electronic committee report and signature.

The working group discussed allowing for remote committee voting under any circumstance, and that all committee reports will be signed electronically, regardless of whether the committee is meeting in person or remotely, to allow for a uniform process.

As a side note, an LIO can only host one meeting at a time.

CHAIR STEVENS: Thank you, Jessica.

And, again, Megan is preparing a concurrent resolution for both the House and the Senate to consider.

Any questions or thoughts on this page 3, Remote Voting, Committee Meetings?

Okay. We'll move on to page 4, which is Session Limits, Timing Length, Subject Matter, et cetera. Again, this needs a concurrent resolution by the House and the Senate.

Jessica, any thoughts on page 4?

MS. GEARY: So the working group made the determination that they would not set a limit on or a deadline for personal bills, that the resolution would not set a time limit on debate, and that any amendment deadlines should be considered in conjunction with a remote voting option, whatever is decided.

It's strongly recommended that the incoming Legislature limits time on the floor and in committee to the greatest extent possible, using COVID-19 Safe Session Ideas as a guide. That Safe Session Ideas document listed out some -- the invocation, the Pledge of Allegiance, doing that from your individual office, limiting the daily order of business. And so that would require some changes to Uniform Rule 17, so that could be part of the resolution Megan is drafting.

CHAIR STEVENS: Okay. Thank you, Jessica.

So that resolution is being prepared now. Any comments or discussion on page 4?

Okay. Let's move on, then, to page 5, which is Access to the Capitol.

Jessica?

MS. GEARY: Thank you.

The 32nd Legislature will be responsible for making any changes to capitol access once session begins. The rule in place at the beginning of session will stay in place until amended or revoked.

As a reminder, in March of 2020, the Legislature delegated to the Legislative Council chair or vice-chair, in consultation with leadership, the authority to make all decisions regarding access to the capitol in response to the COVID-19 pandemic. At that point, access to the capitol was closed off to the public and only certain individuals are able to be in the capitol. The decision was to stick with that current practice until the next Legislature convenes and changes that.

CHAIR STEVENS: Okay. Very good. Thank you, Jessica.

And so that will be the rule until organization and the next session begins and the 32nd either amends or revokes it. Any question on page 5?

Let's move on, finally, to page 6, which is the Policy Enforcement of Members.

Jessica?

MS. GEARY: So, of course, this is a very political issue. And, really, it's how to accomplish policing members and their following the Legislative Council COVID-19 established policies and guidelines.

Basically, to minimize distractions during session and provide necessary guidance to nonpartisan staff, consequences need to be determined, if any, for members who fail to follow the pandemic-related policies. It's recommended that incoming presiding officers consider ways to enforce compliance with policies.

CHAIR STEVENS: Thank you, Jessica.

This has always been difficult throughout our history to police members, and an issue like this -- I know that particularly, like the issue of wearing a mask or not, there are members who have not worn the mask in the Legislature. We'll see what they do. That's their right, I suppose. And then it's up to the presiding officers to try to deal with that, however they wish.

Any further discussion on page 6?

Okay. Well, let's go back, then. I think we've covered all those pages, Jessica, all the recommendations. Again, I appreciate the subcommittee's work. We have spent a lot of time on this, and earlier this morning, a couple hours on it and had a lot of discussion, a lot of questions.

So at this point, does anyone have any comments or thoughts about this working group document? Then I will remove my objection and ask Jessica to take a roll call.

MS. GEARY: Senator Begich?  
SENATOR BEGICH: Yes.  
MS. GEARY: Senator Coghill?  
SENATOR COGHILL: Yes.  
MS. GEARY: Senate President Giessel?  
SENATOR GIESSEL: Yes.  
MS. GEARY: Senator Hoffman?  
SENATOR HOFFMAN: Yes.  
MS. GEARY: Senator Stedman?  
SENATOR STEDMAN: Yes.  
MS. GEARY: Speaker Edgmon?  
REPRESENTATIVE EDGMON: Yes.  
MS. GEARY: Representative Foster?  
REPRESENTATIVE FOSTER: Yes.  
MS. GEARY: Representative DeLena Johnson?  
Representative Jennifer 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: Representative Johnson?

12 yeas, zero nays.

CHAIR STEVENS: The vote was 12 to zero, and the motion passes. I thank you all very much for your hard work on that issue.

#### **B. AMENDMENT TO THE LEGISLATIVE COUNCIL MOVING AND TRAVEL POLICY**

CHAIR STEVENS: Let's move on to Committee Business B, and that's the Amendment to the Legislative Council Moving and Travel Policy and the concern that many had about maybe changing that at our last meeting.

Representative Stutes, could I have a motion?

1:20:15 PM

VICE-CHAIR STUTES: Yes, Mr. Chair.

I move that Legislative Council amend the days eligible for per diem upon arrival at the capitol for the first session of the 32nd Legislature from 10 days to 15 days for legislators, his or her spouse, and dependents at the same rate in which they are paid travel per diem in accordance with Legislative Council Moving and Travel Policy.

CHAIR STEVENS: Thank you, Representative Stutes.

And I'll object for purposes of discussion.

Jessica, could you give us the background on this?

MS. GEARY: Absolutely. Again, for the record, Jessica Geary, executive director.

When we've been discussing testing protocol with the contractor and trying to figure out the adequate length of time in which members should get tested and quarantine and all of those different logistics, we had discussed adding five days onto the amount of allowed pre-session days just to allow members and staff more time to arrive in Juneau and not have to worry about whether they have given themselves enough time before they can access the capitol.

So it's a simple motion, really, and this amendment would expire after this first session.

CHAIR STEVENS: Thank you, Jessica.

So that's a good point to realize, is it's just for this first session only. Any comments or questions that anyone has at this point?

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

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

SENATOR GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative DeLena 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: 12 yeas, zero nays.

CHAIR STEVENS: I'm glad we have this done. I know many

folks want to get there early and be quarantined and be ready to begin our session.

**C. EXECUTIVE SESSION - DISCUSSION ON THE GOVERNOR'S APPOINTEES**

CHAIR STEVENS: Let's move on to Item C, Committee Business, Discussion on the Governor's Appointees. We'll now be going into an executive session to discuss the Governor's appointees.

Representative Stutes, could we have a motion on executive session?

1:23:35 PM

VICE-CHAIR STUTES: Certainly, Mr. Chair.

I move that Legislative Council go into executive session under Uniform Rule 22(b)(3), discussion of a matter that may, by law, be required to be confidential. The following individuals can remain online: Jessica Geary, Megan Wallace, Emily Nauman, any legislators not on Legislative Council; and the only staff to remain online would be Katrina Matheny, staff to Legislative Council Chair.

CHAIR STEVENS: Thank you for that motion.

And would you do the roll call, please, on that, Jessica?

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

SENATOR GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: 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: 12 yeas, zero nays.

CHAIR STEVENS: Thank you. This passes by 12 to nothing. I'll remind you that this is a very confidential issue, and anyone who is not listed in Representative Stutes' motion should now sign off.

Jessica, if you would give me the high sign when we're ready to proceed, we'll start that discussion. So we'll wait for that to get into executive session, Jessica.

MS. GEARY: All right. Absolutely. I'll give you the green light.

1:25:12 PM

Council went into Executive Session at 12:25pm.

2:20:50 PM

Council came out of Executive Session at 2:20pm.

CHAIR STEVENS: We're back into our regular Legislative Council meeting, and I'd recognize Senator Coghill.

2:21:16 PM

SENATOR COGHILL: Thank you, Mr. Chairman.

I move that under the power conferred under Alaska Statute 24.20.060(4)(F), the Legislative Council utilizes services provided by legal services to undertake litigation on the behalf of the Legislature regarding the Governor's appointees and alleged continuation of their appointments, and that Legislative Council authorize the Chair to give direction to the legal services regarding this litigation.

CHAIR STEVENS: I will then object for purposes of discussion. Is there any discussion at this time on Senator Coghill's motion?

Very well, then. Let's go ahead to a roll call vote if you would, please, Jessica.

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill?

SENATOR COGHILL: Yes.

MS. GEARY: Senate President Giessel?

SENATOR GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: No.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative DeLena 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, one nay.

CHAIR STEVENS: That passed, and we've done our agenda and more. Thank you all so much for being with us throughout all this discussion.

Is there anything else anyone would like to bring up before we conclude?

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Yes, please go ahead. Is that Senator Begich?

SENATOR BEGICH: Yes, sir. I just wanted to thank you, Mr. Chairman, for dealing with all of these complicated issues, and to thank the Legislative Affairs Agency and their staff and, really, all the folks who pitched in to help us resolve these issues.

It's been a tremendously difficult time, and I just can't commend you enough for guiding us through this process and for the great support we've had from the House and Senate employees, as well as from you and from all the staff here. So thank you for that.

CHAIR STEVENS: Thank you, Senator Begich. The staff has done a tremendous job on all of this, working through all of these ideas we've proposed, all of us individually and collectively. And they have just managed to keep us on top of everything.

Anything further to come before us?

#### **IV. ADJOURN**

CHAIR STEVENS: Thank you all for being here, and our meeting is adjourned at 2:24 pm.

2:24:29 PM