

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL
JANUARY 18, 2021
1:00 P.M.**

MEMBERS PRESENT

Senator Gary Stevens, Chair
Representative Louise Stutes, Vice Chair
Senator Tom Begich
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

Senator Coghill

OTHER MEMBERS PRESENT

None

AGENDA

APPROVAL OF MINUTES
CONTRACT APPROVALS
COMMITTEE BUSINESS

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs Agency (LAA)
Rayme Vinson, Chief of Security, LAA
JC Kestel, Procurement Officer, LAA
Tim Banaszak, Information Technology Manager, LAA
John McKay, Esq., Attorney
Megan Wallace, Legal Services Director, LAA

1:00:26 PM

I. CALL TO ORDER

CHAIR STEVENS: I'll call the Legislative Council to order, and thank you all for being here. Today is January 18, 2021, and it is 1:00 p.m. And we've got quite a list of things to deal with today. We've got two people online, Senator Begich and Representative Foster. So thank you all for being here. We'll ask Representative Stutes for a motion on the agenda.

1:00:52 PM

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

CHAIR STEVENS: Thank you. Any discussion or concerns about that agenda?

SENATOR BEGICH: Mr. Chairman?

SENATE PRESIDENT: Mr. Chairman?

CHAIR STEVENS: Yes?

SENATE PRESIDENT GIESSEL: Excuse me, Mr. Chairman. Someone was trying to get your attention. I think it might have been Senator Begich.

CHAIR STEVENS: Senator Begich?

SENATOR BEGICH: I would like to add two items, if I could, to the Executive Session. I'd like to add an Item C related to just a brief report on the health screening, which I would like to do under Executive Session, and then an Item D about -- just a brief discussion about salaries and staffing, or staffing if not organized. Just brief discussions on both, Mr. Chairman.

CHAIR STEVENS: Okay. Thank you so much, Senator Begich. We'll add those to our Executive Session.

Any further objections or concerns about the agenda? All right. If not, could we have a roll call, please?

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Coghill? Senate President Giessel?

SENATOR GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Senator von Imhof? Speaker Edgmon?

SPEAKER EDMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: Here.
MS. GEARY: Representative Jennifer Johnston?
Representative Kopp? Representative Thompson?
REPRESENTATIVE THOMPSON: Yes.
MS. GEARY: Vice-Chair Stutes?
VICE-CHAIR STUTES: Yes.
MS. GEARY: Chair Stevens?
CHAIR STEVENS: Yes.
MS. GEARY: 10 members present.
CHAIR STEVENS: So that's the roll call with 10 members
present. And moving on to the agenda, you've given us a motion?
VICE-CHAIR STUTES: I have.
CHAIR STEVENS: And we have the motion in front of us to
move the -- approve the agenda as amended by Senator Begich with
two additional items for the Executive Session. So roll call,
please, on the agenda.
MS. GEARY: Senator Begich?
SENATOR BEGICH: 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: Senator von Imhof?
SENATOR VON IMHOF: Yes, and I'm here.
MS. GEARY: Speaker Edgmon?
SPEAKER EDGMON: Yes.
MS. GEARY: Representative Foster?
REPRESENTATIVE FOSTER: Yes.
MS. GEARY: Representative Johnson?
REPRESENTATIVE JOHNSON: Yes.
MS. GEARY: Representative Johnston?
REPRESENTATIVE JOHNSTON: Yes.
MS. GEARY: Representative Kopp? 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: Okay. Thank you, Jessica.

II. APPROVAL OF MINUTES

A. October 29, 2020

B. November 25, 2020

C. December 22, 2020

D. December 28, 2020

1:04:28 PM

CHAIR STEVENS: Moving on to the Approval of Minutes, Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chair. I move and ask unanimous consent that Legislative Council approve the minutes dated October 29, 2020, November 25, 2020, December 22, 2020, and December 28, 2020, as presented.

CHAIR STEVENS: All right. Are there any corrections or additions to those minutes as presented? Seeing and hearing none, the minutes are approved.

III. CONTRACT APPROVALS

A. CAPITOL COMPLEX FIRE ALARM SYSTEM

1:05:01 PM

CHAIR STEVENS: Moving on to Contract Approvals, the first item is the Capitol Complex Fire Alarm System.

Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chair.

I move that Legislative Council approve the award of the Capitol Complex Fire Alarm System upgrade to Johnson Controls for a total of \$261,429.16.

CHAIR STEVENS: Thank you, Representative Stutes.

I'd actually call on Rayme Vinson, our Chief of Security, to come up and talk to us about this issue. It's one we've heard about in the past, but I'm sure there's some updates that we need.

MR. VINSON: My name is Rayme Vinson. I'm the Chief of Security for the Legislative Affairs Agency. You all got the packet on this. I'll just cover some of the high points, and then if you have questions, I'll answer those as best I can.

What we seek to do with this is to combine the four-building complex here into one system. As far as the PA system, we currently have an old system just in the Capitol Building. It reaches the various floors, and there's some adjustment to it. But it is aged, and it does not reach the Thomas Stewart building, Terry Miller, or Legislative Finance.

The new system will allow us to send a message to all the -- every building in the complex, a single building, or a single floor so that you can put that out. Right now we have one control center, and that's down in Maintenance, if you want to be able to broadcast anything.

This current one will give us a system up in the Executive Director's Office where somebody up there could send

out messages. There will be one down Maintenance where it is now, and there will be one on the second floor of the Capitol Building, in there by the catwalk, and there will be another one in Thomas Stewart, second floor. And any of those will be able to broadcast.

One of the main reasons for that is so often, depending on what the emergency is, it is rapidly changing. So to phone down or to run down to the first floor to put out a message, it may be dated and not current to the situation.

As far as the fire system, there is a rudimentary one that is outdated in Senate Finance. The Terry Miller building has an older system that was put in in the '90s. A lot of the parts and stuff aren't available anymore. The Capitol Building and the Thomas Stewart have a newer system, but they don't communicate between each other. In other words, it will give out an alarm, but it really won't tell you what that is exactly, and it doesn't communicate to the occupants there's a fire in one section. It doesn't give them any instructions, where the newer one will have like prerecorded messages and tell you what's going on so you can make a good decision.

The current systems are not connected at all, and so if there's a fire somewhere, what happens now, for example, in the Terry Miller building, if there's an alarm there, it goes to an alarm company who calls Security or the Building Manager and advises them, and then we go up and check on it. So there's a delay there, and it's not a very adequate system.

This new one -- they'll all be together. It will automatically send texts to those people we put on there, which will probably be the Building Manager, his staff, and Security. All of those would be together. You'd be able to see immediately if it's a fire alarm or if it's a smoke detector that's dirty.

I think that is the high points of that. Are there any questions?

CHAIR STEVENS: Thank you, Chief Vinson. I appreciate your presentation.

Any comments anybody has, any concerns? It's something we know we need to do, so I appreciate your presentation to us. Thank you.

MR. VINSON: Thank you, Mr. Chairman.

CHAIR STEVENS: I'll remove my objection, then, and ask for a roll call, please, unless there's any discussion.

Okay. Jessica?

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?
SENATOR VON IMHOF: Yes.
MS. GEARY: Speaker Edgmon?
SPEAKER EDGMON: Yes.
MS. GEARY: Representative Foster?
REPRESENTATIVE FOSTER: Yes.
MS. GEARY: Representative Johnson?
REPRESENTATIVE JOHNSON: Yes.
MS. GEARY: Representative Johnston? Representative Kopp?
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, zero nays.
CHAIR STEVENS: Thank you. 11 to zero. The motion
passes.

B. KETCHIKAN LEASE RENEWAL

1:10:53 PM

CHAIR STEVENS: We'll move on to Ketchikan Lease Renewal.
Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chair.

I move that Legislative Council approve Renewal No. 5
of the lease for Ketchikan office space in the amount of
\$48,220.04.

CHAIR STEVENS: Thank you. I'll object for purposes of
discussion and ask JC Kestel to come up, the Procurement
Officer, and give us a brief explanation and also answer any
questions that may occur. Mr. Kestel?

MR. KESTEL: Thank you, Chair Stevens. For the record, my
name is JC Kestel, Procurement Officer for the Legislative
Affairs Agency.

Renewal No. 4 is expiring at the end of February, on
the 28th, 2021, and the Legislative Affairs Agency is seeking
Legislative Council's approval to proceed with the final renewal
option of the lease agreement for the Ketchikan office space,
Renewal No. 5, for the period of March 1, 2021, through February
28, 2022. This office space -- it exceeds \$35,000 in one fiscal
year. Therefore, Legislative Council's approval is required.

I'm happy to answer any questions that you or the
committee may have.

CHAIR STEVENS: Thank you, Mr. Kestel.

Any questions to Mr. Kestel at this time?

Thank you for that presentation. I'll remove my

objection and ask for a roll call.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

SPEAKER EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: Yes.

MS. GEARY: Representative Johnston? Representative Kopp?

REPRESENTATIVE KOPP: Yes. If you can hear me, yes.

CHAIR STEVENS: Thank you. Yes, we heard it.

REPRESENTATIVE KOPP: Thank you, Senator.

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: By a vote of 12 to zero, the motion passes on the Ketchikan Lease Renewal.

C. REMOTE VOTING SYSTEM APPROVAL

1:13:41 PM

CHAIR STEVENS: The next item of business is Remote Voting System. Representative Stutes, a motion, please.

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Yes? Is there a question out there?

SENATOR BEGICH: This is Senator Begich. Just really quickly, I had said yes on the fire alarm system but was on mute and then knocked out of the call. So I apologize for that.

MS. GEARY: I got him.

CHAIR STEVENS: Yes. We have you as a yes on that. Thank you, Senator Begich.

VICE-CHAIR STUTES: Thank you, Mr. Chair.

I move that Legislative Council authorize the emergency remote voting project cost of \$67,400 with a 10% contingency of \$6,740.

CHAIR STEVENS: Thank you, Representative Stutes.

I'll object for purposes of discussion and ask Tim Banaszak to come up, please, and discuss this with us. Of course, we've been trying to figure out for some time what happens if members cannot come on the floor and may possibly not even come into the building because of COVID. Tim, can you tell us what this system does?

MR. BANASZAK: Certainly, Mr. Chairman. I'm happy to do that and appreciate you setting up this agenda item a little bit.

For the record, my name is Tim Banaszak, and I'm the IT Manager for the Legislature. It's not lost on any of us with the COVID-19 situation all the different scenarios that we potentially could be faced with, lockdowns or otherwise.

So this option is just another tool that will be in the tool bag of the Legislature should we wind up in a situation where legislators can't meet in person because of some emergency--the current one, the pandemic; potentially a disaster recovery scenario; or in the continuity of government operations.

So I'll just -- you should have a packet in front of you there, and I'll just kind of touch on a few highlights here as well. The proposal that's in front of you would provide, as we mentioned, capacity for members to vote remotely, if that became necessary. If this project were approved, it would expand the existing voting system that we have today and the one that's prescribed in the Uniform Rule 34 regarding voting procedures, the use of electronic voting machines, and then the fact that an electronic voting machine -- it says "Shall be used whenever a roll call vote is required or ordered."

And then finally the voting system is -- it states that the voting system is under the control of the presiding officer, and it should be noted that it's operated by the Chief Clerk and Senate Secretary.

As you heard in the motion, the project cost is there of \$67,400, and then we have a project contingency in place. The project timeline for this would take us about 30 days to develop. This company has been working with legislatures -- or rather chambers across the country. I think there's 23 right now that they have implemented. This company provides 41 voting solutions across the 50 states, and then this particular 23 states, this has been implemented in some capacity to respond to the concerns around the pandemic.

It's also important to note, too, that a videoconferencing connection would be really, really important to make sure no matter who the members are or where they're located that there is some visual connection. You know, there's always the concern when you're voting remotely, and even around the table here as we've heard, mics were muted. Senator Begich

was trying to vote, and it was muted. Those are the kinds of things that can get very complicated as you spread out across the landscape, if it became needed.

And then regarding the procurement, we have kind of determined that it's in the best interest of the Legislature to contact directly with International Roll Call, because they're the ones that provide the software today for the system, the operational support, and IRC is actually the only vendor that's allowed to work on the system without jeopardizing the support and maintenance of our existing system. And then as we've talked about a little bit, it is a health/safety option should the Legislature be backed into a corner.

Just a couple of other comments that might be helpful as you consider this project and whether or not we should pursue it or not. If we approve it now, it would allow us to get started with the vendor and our technical teams to be able to get to work developing the system. These things don't happen overnight. It would probably take us about a month or so to get the software developed and ready to go.

And then if, for some reason, we ran into a problem in the Capitol Building, couldn't meet, had to meet, though, in some way, we could then work with the presiding officers and our staff to look for a break of some type to get the system deployed.

Ideally we'd certainly like to develop it now and then not implement something like this until the interim. Any time you change systems it can be a little tenuous. And then certainly within chambers we like the ability to test that out in the field, committee rooms and other places like that, but we also don't want to be caught flat-footed as a Legislature. If something comes up, we want to make sure we've got a few tools to offer the leadership.

We kind of talked about this a little bit before, but this would take a really concerted effort, working with leadership, the Chief Clerk, Senate Secretary, the Sergeants-at-Arms, the LIOs, our technical staff. And the idea is that this would augment our current processes that we have in place on the floor and the procedures, so there's a lot -- there's the legal components to that, and we want to make sure that -- really, what this does, again, is position the Legislature to be prepared for today's scenario, or if something were to happen in the future, a disaster scenario, or some, you know, major issue that were to hit the state.

There's quite a bit that would need to be -- without getting into the details of it here, just be aware, it's not just a light switch and we can all vote remotely. This is just a tool. It's just a piece of the puzzle, but I do want to make sure that the Legislature is positioned to be able to respond if

we need to.

And with that, Mr. Chairman, I'd be happy to attempt to answer any questions or concerns around the project.

CHAIR STEVENS: Thank you very much. It's good to hear that. We know that other states are facing the same problems we are, and, as you say, 23 states have a similar system.

Can you talk to us about the security of that system, Tim?

MR. BANASZAK: Certainly, Mr. Chairman.

So ideally with these systems we like to keep them completely 100 percent isolated. I don't think it's lost on any of us the concerns around voting systems across the country that have been raised, and then certainly there's the inference in voting systems within chambers as well.

The system is an isolated system today, and you cannot get to it from outside the network. This feature, if we were to add that on today, would be really important to make sure that isolation remains, and it would be very important for us to make sure that the identity of the legislator is confirmed. We can put in the technical controls that are necessary to provide reasonable security around the system, but it should be noted it is a level of additional risk to do something like this.

We certainly, again, would put the controls in place that we need to, and I wouldn't treat it lightly. But if we had to use it, I think we could put the reasonable precautions around the system.

The videoconferencing that we talked about, that's important. Are you really voting? Did you vote this way? Yes. Get that visual acknowledgment. Make sure the presiding officer could see that, make sure the Chief Clerk or the Senate Secretary -- it may even be beneficial to verify that that individual is confirming "Yes." What's the environment? Are they in an LIO? Are we isolated because we can't get to an LIO?

So a lot of thought has gone into this, and it is an additional level of risk that we can mitigate, but it's a point well taken, Mr. Chairman.

CHAIR STEVENS: Thank you very much, Tim.

Any questions?

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Senator Begich, please go ahead.

SENATOR BEGICH: Thank you, Mr. Chairman. Mr. Chairman, is there a specific trigger, or would this require us to identify a specific trigger for -- would this particular -- I'm not opposed to the funding request, but if we approve the funding request, would we then have to establish a policy as to what would trigger the use of the system, or is that under the referred to Uniform Rule? Is that at the discretion of the

presiding officer?

CHAIR STEVENS: Thank you. I'll give you my response and see if anybody disagrees with it.

This would be covered under the Uniform Rules. We will deal with changing those Uniform Rules. It would be then at the discretion of the presiding officer.

Is that reasonably correct, Jessica? Thank you.

All right. So --

SENATOR BEGICH: And so just to follow up, Mr. Chairman.

CHAIR STEVENS: Yes?

SENATOR BEGICH: So would we then have to -- that would have to be an action taken then by the new legislators in both bodies in establishing the amendment to the Uniform Rules; is that correct?

CHAIR STEVENS: Yes. Absolutely right.

SENATOR BEGICH: Okay. And do we have draft language for that yet?

CHAIR STEVENS: Say again?

SENATOR BEGICH: Do we have draft language for that yet?

CHAIR STEVENS: We are working on draft language, and I think we have it about ready.

SENATOR BEGICH: Okay. Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Begich.

One further question, I guess, to make sure I understand this, that you could vote remotely from your office in this building. You can vote remotely from your Legislative Information Office. If someone, though, is positive and can't come into either one of those buildings, can they vote remotely from home?

MR. BANASZAK: So as it stands today, you can only vote in the chambers from a technical capacity standpoint. It doesn't make any difference if you're in the Capitol somewhere else or in an LIO. That's not possible. If we were to be forced into that scenario, then we'd have to work out our floor procedures, joint resolutions, allowing people to be off-site, and it would be an oral roll call, essentially, that would be called out by the Chief Clerk or Senate Secretary.

We don't have the technical capability to have remote voting. If we were to implement this, we could do it in a couple of different phases. We could do the first phase that allows remote voting for this first scenario you talked about, where we could be at an LIO. We could be in the Capitol, but, say, quarantined or something like that. And that would be the first step.

If the Legislature leadership, presiding officers found that members -- a significant group of members became isolated, and we needed them to participate, we could then further allow that to happen.

Now, if the next leadership came in, and we were hit with a COVID scenario and said, "We have to allow members -- we're stuck. We can't -- we don't have the luxury of this first phase of LIOs and the Capitol Building. We need to go right to a remote option for somebody off-site," then that would be kind of that next phase of that request.

So to kind of summarize that today, you cannot vote remotely with any technical capability outside of the chambers. We would need to implement this to do it outside -- in individual rooms, LIOs, or from the remote location.

CHAIR STEVENS: Thank you, Tim. So it is possible, then, if we come to that point.

Yes, Senator Stedman?

SENATOR STEDMAN: Thank you, Mr. Chairman.

Just a little bit of clarity. If one of us tested positive -- I'll use myself as an example -- then I suppose I would not be traveling back home. I would be in Sitka -- excuse me -- in Juneau, and then this system, then, could be put in my apartment or wherever I'm living through my computer or what have you?

MR. BANASZAK: So we would, from a technical capacity -- we're not even speaking to the joint resolution issues and all this, so this is strictly from a technical standpoint.

The way it would work is you would have a videoconference connection so that the presiding officer could see you. You could see the chambers, and the chief -- in your case, the Senate Secretary could confirm if you were voting a certain way. So you would have a videoconference unit or connection of some type, and then would you have an iPad, a state-issued iPad or state-issued laptop, and you'd be presented, when the voting board -- when the vote was unlocked, ready for voting, you'd actually see the board, and you would press a button, yes, no, and then could you see how the other members voted.

So if you could just envision a video connection plus a laptop, then you would see that board. And I think in the handout, too, it might show a picture of that so you could get an idea of what that looks like.

CHAIR STEVENS: Okay. Senator Stedman, I recommend you not untie your boat until you vote. It might be hard to vote in the middle of the harbor out there, but thank you.

Any further questions of Tim? Madam President?

SENATOR GIESSEL: Thank you, Mr. Chairman.

So this would be to solve the question that the clerk and the Senate Secretary voiced, the concern they voiced, over the amount of time it takes to take a voice vote? I realize you can't answer that.

MR. BANASZAK: Yeah.

SENATOR GIESSEL: That is a statement of fact. The Clerk and the Secretary both said, "You know, when we have to do voice votes, individually calling them, especially in the House with 40 members, it takes time." And so this would solve that issue.

I would remind folks, however, that if this became needed next week -- as you point out, Tim, it's going to take a month to actually get this whole plan drafted up. But if it were to happen next week, and the organization was in place and the Uniform Rules were amended or altered in some way -- right now we have Teams, and that is an internal system. It is a visual system where the Senate Secretary, House clerk, presiding officers can actually verify the identity of the person voting, and it would require individual voice votes.

There's also, I understand from my healthcare colleagues, a HIPAA-compliant Zoom program as well, so there are other venues that are available should five or six legislators, let's just say, suddenly come up positive next week. The Legislature would not have to stop work and wait for a month and then however much longer it took to actually put all this in place.

So is that fairly accurate, Tim? Teams does provide that visual verification?

MR. BANASZAK: Through the Chair, Madam President, yes. Yeah. And one of the things we were able to do throughout the interim was to repair -- with some video equipment in chambers with some of the LIOs to provide the Teams video equipment so that we could do it on our internal government network.

And it certainly provided a level of visual access. So if something did happen, we could use that today, short of a system, having a voting system, so that the Legislature could continue to do business.

Like anything else, I think probably everybody in this room has had the opportunity to use Teams, virtual videoconferencing, Zoom, or whatever that is. And as you spoke, there is a government platform for Zoom as well, but it has to be slowed down. You have to -- everything has to be very prescribed, and you don't have a lot of -- you know, if you get on a call with 30, 40 people, it's very difficult with that back-and-forth.

But what you stated in the first few statements, that is correct. And then as far as readiness, if something were to happen -- we walked out of this room and had to conduct business, we could put together the visual aspect of that to the LIOs at least today from the chambers.

CHAIR STEVENS: Thank you. Senator Giessel, further comment?

SENATOR GIESSEL: No, thank you, Mr. Chairman.

REPRESENTATIVE EDGMON: Mr. Chairman?

CHAIR STEVENS: Yes, please, Representative Edgmon.

REPRESENTATIVE EDGMON: Thank you.

And to follow up on the Senate President's comments, what we're talking about here is a literal standpoint, which I think I just heard discussed, versus a practical standpoint. Is that a good distinction behind what you're putting forward?

Because clearly we have talked about this as presiding officers with Jessica back as early as April, and from a standpoint of what the technology can allow, no matter how cumbersome or how laborious it might be to get through, I think that's what I just heard. But I just want to hear from you that from a more practical standpoint, for remote voting or conducting the business of the Legislature, we need something a little faster, a little more sophisticated. And is that what I'm -- is that a proper distinction?

MR. BANASZAK: Yes. Through the Chair, Mr. Speaker, thank you for -- I want to make sure I understood what you meant by "literal" and "practical." So thanks for a little clarification on that so that I answer that accurately.

That is correct. Right now we would use our audio conferencing capability, videoconferencing, and it would be timely, like we see in a joint session when we get together.

And this is a tool that we'd all have to get used to. Legislators -- we have to provide, you know, training on how do you access this, and make sure there's connections to that. But it would be a tool that when the board was unlocked, individual legislators at different locations could vote, and we'd see what that vote is. We could confirm that.

So based on your description, through the Chair, Mr. Speaker, yes, it's a practical technical tool to augment or supplement the manual process we would have today that we're comfortable with. And shy state that, too, in fairness. We can make that work, but on a sustained level, it would be a challenge, to say the least.

CHAIR STEVENS: Mr. Speaker?

REPRESENTATIVE EDGMON: Yeah, and I think the obvious -- thank you, Mr. Chairman -- bears pointing out that if the Legislature were to meet on a remote basis, it's going to be a slow process, you know. And to use the word "cumbersome" -- back to the Teams application, even with the proposal that's in front of the council today, if we were to conduct business in a manner that involves any kind of controversial legislation or, you know, a deliberative process, I don't know what the expectation would be in terms of, you know, the amount of time more it's going to take, but it has to be several times over.

So I just kind of wanted to put that on the record,

given that, you know, I've heard maybe some sort of -- you know, sort of freely state, "Well, the Legislature should meet remotely because" blah, blah, blah, blah. Well, you have to factor in the fact that, like a budget document, if we had 40, 50 amendments, oh, my goodness. You know, that would be like getting on your hands and knees and crawling out to the airport here, you know, to catch the plane. It's going to take a lot of time, so just to put that in its proper sort of context.

CHAIR STEVENS: Thank you, Mr. Speaker.

Any further comments? Senator Giessel?

SENATOR GIESSEL: Thank you.

Tim, could you clarify? I just think it's worth clarifying. This, you describe -- the \$67,000 plus an additional \$6,000 project contingency --

MR. BANASZAK: Uh-huh.

SENATOR GIESSEL: -- would connect the chamber and LIOs. Does it connect to legislators who are sequestered in their offices? And does it connect to legislators who are quarantined or isolated in their individual living accommodations, and at what additional cost?

MR. BANASZAK: Through the Chair, Madam President, you used the word "connect," so I want to make sure that -- that's an important distinction. This is not a connection; this is an application, that if you have a connection you could access the voting system.

So if a legislator was, let's say, at home, quarantined or sick, this would be like logging into your bank or logging into an application. This is the ability to log in. You would need the computer. You need the Internet connection. You need the videoconferencing connection. And if you're on a slow connection, you're going to have difficulty with the video. "Did you say yes?" "I voted no." "We have to do a reconsideration." Those are all the variables in there.

So this provides the application, and then it's up to the Legislature, then, or the presiding officers to decide -- to your question, yes, this could be turned on at an LIO. We have the connection, and you could connect to this banking application for votes.

If it were to be expanded and the need was determined to have it off-site because members couldn't come in, then that would be a really important question that we'd have to address -- the hardware, the wireless connection. "Can I get to it?" "It's not reliable," which, to the Speaker's point, you know, it can get really squirrely. And through our testing we did here just with the LIOs, we realized how slow everything had to come down. And as far as debate and back and forth, I don't know what to say about that. It would be really painful.

And one of the things that we've learned as we've

reached out with our counterparts through the National Council of State Legislatures, too, as well, is it takes a lot of extra hands. You need technical people. Sergeants-at-arms need additional staff, the presiding officer, Senate Chief Clerk, Senate Secretary, to manage all this. You do have to have a team of folks to do that.

But to your point, it doesn't address connectivity.

CHAIR STEVENS: Yes, Senator Giessel?

SENATOR GIESSEL: So, really, with this pandemic, one of the scenarios that we have to be prepared for is legislators, individuals, becoming infected and needing to quarantine or isolate in their homes, in their living accommodations. So it sounds like you're saying that would take additional technical work. This solution doesn't reach that far. Is that what you're saying?

MR. BANASZAK: So maybe I would rephrase -- maybe I could rephrase this a little bit. The solution would certainly allow them to come in from home. Absolutely they can do that. But if you were at home and didn't have a wireless connection or connection to the Internet, you couldn't connect on, just like you couldn't log in to your bank.

This solution would allow you to come in remotely as long as you had -- you know, if, if you're out camping in the woods and you don't have an Internet connection, you're not going to be able to connect in. If you came to your house and had an Internet connection, you could log in with this and get to that. So I don't want to make it sound like it's more than it is, but you -- this doesn't address connectivity, per se. But from any of our state facilities, we do have the connectivity, and you could remotely vote.

And I have a very high-speed connection at home. If I held a Juneau seat, I could sit at home with my connection and connect to this, and it would work fine. If I was out deer hunting on the back side of Admiralty Island, no, I could not connect. And that's just simply the Internet connection.

CHAIR STEVENS: Senator Giessel?

SENATOR GIESSEL: You place a different definition on terms than I do, and yours is a technical definition, which I appreciate. So I'll make the question more basic.

So you're at home. You have your state-issued laptop. Can you use this voting thing right here, the \$67,000 plus \$6,000 more, to actually vote and have it show up on the board in the floor session?

MR. BANASZAK: Yes. Yes.

SENATOR GIESSEL: All right.

MR. BANASZAK: The simple answer to that is yes. The only caveat, if I could, if you were sitting at home and you did not have an Internet connection, I think, yeah, that would be the

only -- you wouldn't be able to connect, then. And that's the only subtle differential I want to make, but, yes. To answer that, yes.

SENATOR GIESSEL: Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Giessel. Good question.

So the issue of the House and the Senate meeting in joint session is a bit problematic in a pandemic with 60 of us being in the same room. We have no room that's big enough to hold 60 of us with any sort of distance between us. Would this work in that case? Would we be allowed to stay in our respective chambers and vote?

MR. BANASZAK: Mr. Chairman, so we went through that exercise. We tried that a few times. Again, I'll say the -- if I could use the Speaker's words, literal versus practical. Certainly the technology, it allows you -- you could be in another chamber and vote if we wanted to do that.

What we did run into, though, is that in a joint session where you've got the two presiding officers sitting there back and forth, it got really difficult trying to manage one body and another body as a joint body and asking questions and raising questions and that kind of thing.

But strictly the technical part of that, yes, this could facilitate members being spread in both locations, but beware. Just with our little bit of testing and trying to do some dry runs, it was not pretty. It was difficult. And, again, I would underscore, this would be something we would need to -- we would activate in the event of an emergency.

CHAIR STEVENS: Sure.

MR. BANASZAK: It's not how you would want to conduct business on a normal basis.

CHAIR STEVENS: Thank you, Tim.

We have several members online. Anyone have any questions on this issue?

SENATOR BEGICH: Mr. Chairman, just a statement if I may.

CHAIR STEVENS: Senator Begich, go ahead.

SENATOR BEGICH: Thank you, Mr. Chairman.

I would just reiterate that the only time -- and my support of this motion for the funding is predicated on the belief that I would only support the use of this technology in the extraordinary instances of something like this pandemic, but I don't want this to become a norm of any kind.

And so I just want to put that on the record, Mr. Chairman, that while I truly appreciate what we're doing here, I don't want this to become the norm for our operating procedures, and would only wish that whatever Uniform Rule change is time- limited and is quite strict.

Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you. Very good point, Senator Begich, and we will take that into account when we talk about our rules. Thank you very much.

Yes, Representative. Go ahead.

REPRESENTATIVE THOMPSON: Thank you, Mr. Chairman.

I just wanted to make sure I understand and see what would be the timeline to get this put together and make it operational because, you know, if something happened two weeks from now and everybody had to quarantine, what's the time frame for putting this into implementation?

MR. BANASZAK: Through the Chair, Representative Thompson, so it's going to take us about a month of development work to get this ready to go.

REPRESENTATIVE THOMPSON: And --

MR. BANASZAK: Go ahead.

REPRESENTATIVE THOMPSON: Just a follow-up. Thank you. How about installation? You said "development."

MR. BANASZAK: Right.

REPRESENTATIVE THOMPSON: I mean, there's two different words there.

MR. BANASZAK: Yes. And through the Chair, thank you for noting that.

We would get to work right now building this, and then we would need to install it into the live voting system. And we would certainly not do that without some type of a break to do that. I would be asking to push our teams really, really hard and everyone involved. If this became an emergency crisis situation, we would try to pull something together within a week or so. That would be really tough on everyone to do that.

Ideally we would like to deploy this in the interim, but with this pandemic and as we've already seen, we haven't always had the luxury of time. And so, you know, we were originally talking like a couple of weeks or so, but, again, if you're talking about an emergency scenario, we would do an all hands on deck to get the Legislature operating again as quickly as possible. And I think a week is extremely aggressive, but we're used to that.

REPRESENTATIVE THOMPSON: Thank you, Tim.

CHAIR STEVENS: Thank you, Tim.

Thank you, Representative Thompson, for your question. Any further comments?

REPRESENTATIVE KOPP: Mr. Chairman?

CHAIR STEVENS: Yes. Is this Senator Begich?

REPRESENTATIVE KOPP: This is Representative Kopp. Thank you.

CHAIR STEVENS: Oh, I'm sorry. Representative Kopp, please go ahead.

REPRESENTATIVE KOPP: Thank you, Mr. Chairman.

So I think the discussion kind of highlights the need in the short term for a low- technology solution, you know, whether it was COVID or any other emergency which, you know, required us to continue to do the people's business from off-site. And I think, you know, maybe that's where we need to look at something similar that Congress has done, where a single legislator can carry the proxy for 10 people. That would include the legislator themselves. So it basically cuts the count down in the building by 90 percent with that approach.

They're low technology, but, you know, that's something, along with what Senator Begich was saying, could be addressed possibly in a Uniform Rule. But it's something that could be done immediately and not be dependent upon technology build-out, but it would require, you know, almost like a technical session attendance, where you can give -- you know, agree to have -- who would be the proxy carriers, and that's exactly what Congress is doing at this point.

Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Representative Kopp. Good suggestions there. I've not heard of that, though I know that Congress uses that.

Any further comments or questions or thoughts?

Then I'll remove my objection and, Jessica, ask for a roll call.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: Yes.

MS. GEARY: 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: 12 yeas, zero nays.

CHAIR STEVENS: A vote of 12 to zero. We have passed the remote voting system approval.

V. COMMITTEE BUSINESS

A. AMENDMENTS TO THE CAPITOL SCREENING AND MASK POLICIES

1:48:12 PM

CHAIR STEVENS: Going on to Committee Business, starting with the Amendments to the Screening and Mask Policies, Representative Stutes for a motion?

VICE-CHAIR STUTES: Thank you, Mr. Chair.

I move that Legislative Council approve the Amendments to the Capitol Screening and Mask Policies.

CHAIR STEVENS: Thank you.

And I will object for purposes of discussion and ask Jessica Geary, our Executive Director, to go over those amendments from the Governor's office.

MS. GEARY: Thank you, Chair Stevens. For the record, Jessica Geary, Executive Director of Legislative Affairs Agency. When we passed these policies back in October, we neglected to include the Governor's staff and executive branch employees who have business in the building. So they simply asked that we make a couple amendments just to include executive branch employees and the chain of command going to the Governor's Chief of Staff. I would be happy to answer any questions.

CHAIR STEVENS: Okay. We have kept the Governor's staff involved in this every step of the way. They have been involved in some of our hearings and meetings, and they know what's going on and how it impacts the Governor's staff here. So any questions or comments or thoughts at this point?

VICE-CHAIR STUTES: I have a question.

CHAIR STEVENS: Yes, Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chair. I do have a question. I'm wondering, since we're talking about the screening and mask policies, if there's any kind of parameters that have been placed on the face shield as opposed to the mask. There's been some conversation, and some people are concerned about what kind of parameters, what constitutes a legitimate face shield.

CHAIR STEVENS: Thank you, Representative Stutes. We have talked about that. I know Jessica has dealt with that. Could you tell us where our policies now stand?

MS. GEARY: Through the Chair, Representative Stutes, within the COVID-19 mask policy, which was adopted October 29, it spells out what face coverings are acceptable. It says: Face coverings must be made from a cloth or other barrier material that prevents the discharge and release of respiratory droplets from a person's nose or mouth. Acceptable face

conversations are a clean medical or surgical mask, approved face shield, or a clean cloth mask made of tightly woven material of multiple layers.

I realize that it says "approved face shield." CDC goes as far as to describe what an approved face shield is, and it's one that has a layer of fabric underneath the shield which would catch any droplets. So that's my interpretation of acceptable face coverings.

VICE-CHAIR STUTES: Thank you.

CHAIR STEVENS: Thank you, Representative Stutes. Thank you, Jessica.

Any further comments on this issue before us, amendments to the screening and mask policies, which is bringing the Governor's office into the situation? Yes, Mr. Speaker?

REPRESENTATIVE EDGMON: Yes, Mr. Chairman. Thank you. Under the Safe Floor Session Policy --

CHAIR STEVENS: We're not right there yet. We'll be there in a minute.

REPRESENTATIVE EDGMON: Okay. So we're separating this out, then?

CHAIR STEVENS: Right.

REPRESENTATIVE EDGMON: Okay. Thank you.

CHAIR STEVENS: Further discussion on amendments to the screening and mask policies?

I'll remove my objection and ask for a roll call vote, please.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: Yes.

MS. GEARY: Representative Kopp? Representative Thompson?

REPRESENTATIVE KOPP: I said yes. Representative Kopp is yes. Thank you.

MS. GEARY: Thank you.

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. By a vote of 12 to zero we have passed the amendment on screening and mask policies.

Before we move on to the next one, which is Amendments to the Safe Floor Session Policy, it might be valuable for us to recognize that there's a difference between these two. I'm going to say what I think is right and ask Jessica to make sure I'm right.

This body, the Legislative Council, who ceases to exist in a few hours -- but we have established a policy, and those policies include that you have to wear a mask coming into the building, that you can't come into the building if you have COVID, all the policies we've dealt with. And those are policies of the Legislative Council.

Those policies don't change until a future Legislative Council changes them. So those policies, like many policies that Legislative Council has passed over the years, continue until changed. Then in addition we have policies that affect the floor. These are policies that are under the control of the President, Speaker, Presiding officer.

So can you make sure, Jessica, we all understand it? Is that reasonably correct?

MS. GEARY: That's accurate, yes.

B. AMENDMENT TO THE SAFE FLOOR SESSION POLICY

[1:53:49 PM](#)

CHAIR STEVENS: So now what we're doing is going into a Safe Floor Session Policy, which is only temporary and only continues until there are Presiding officers. In the past we've had a delay of that and potentially could have in the future, maybe even this year. So realize that these policies continue until there are Presiding officers -- until there's caucuses, ruling caucuses and Presiding officers. Is that correct, Jessica?

MS. GEARY: That's correct, Mr. Chair.

CHAIR STEVENS: Okay. I wanted to make sure everyone understood that, and let's go ahead to the next item, which is Amendments to the Safe Floor Session Policy.

REPRESENTATIVE EDGMON: Mr. Chairman?

CHAIR STEVENS: Yes, Mr. Speaker?

REPRESENTATIVE EDGMON: I feel like I've been trailing on this issue for some time now, a step or two behind everybody else. But I just want to make clear that the policies from Legislative Council from the 31st Legislature are carrying over

into the 32nd Legislature, until we get a new Legislative Council established. But the policies on the floor -- I mean, in front of us or what we're about to talk about, how does that fit into that picture? Because we have got Legislative Council carrying over from the 31st and the 32nd Legislature, and then we've got incoming Presiding officers. I'd like to hear some kind of distinction there.

CHAIR STEVENS: Okay. Jessica, maybe you could address that.

MS. GEARY: Certainly. So the reason that we had adopted the Safe Floor Session Policy is because, absent organization, there's no Presiding officers to make the rules for the floor. And so this particular policy was to carry over with some semblance of order for the floor staff and the Chief Clerk and Senate Secretary until the 32nd Legislature adopts a permanent presiding officer. So this has language in there that's in effect until otherwise, whereas the other policies are standing policies until amended or rescinded by a future Legislative Council.

REPRESENTATIVE EDGMON: Just a quick follow-up, Mr. Chairman.

CHAIR STEVENS: Yes.

REPRESENTATIVE EDGMON: So is this being clearly communicated to the Lieutenant Governor, who at this point is going to be the presiding officer for both chambers, or is the intention to communicate this to him so he knows what the rules are?

MS. GEARY: Through the Chair, Speaker Edgmon, we have shared this information, and the floor staff and Chief Clerk and Senate Secretary have been working closely with him.

REPRESENTATIVE EDGMON: Okay. Thank you.

CHAIR STEVENS: I know it's a little confusing, but hopefully everyone understands it. There are two policies, one that proceeds regardless of time until it is changed by Legislative Council. The other one, the other policy, the floor policy, will continue until there are Presiding officers.

Okay. Then let's move ahead, and can I have a motion, Representative Stutes, on the Safe Floor Session?

[1:57:03 PM](#)

VICE-CHAIR STUTES: Certainly, Mr. Chairman.

I move that Legislative Council approve the Amendments to the Safe Floor Session Policy.

CHAIR STEVENS: Thank you. And I will object for purposes of discussion. Jessica Geary, please.

MS. GEARY: Thank you, Mr. Chairman. Again for the record, Jessica Geary.

SENATOR BEGICH: Mr. Chairman, can Jessica speak into the mic, please?

MS. GEARY: Thank you. For the record, Jessica Geary.

This requested amendment was made by the press in wanting to have access to the floor sessions. We did talk at length about this. It was determined that press would not be able to be in the chambers or the galleries due to social distancing requirements and offering members the opportunity to participate from the galleries or wherever else they might want to within the chambers.

So strictly from a safety standpoint, that is why that language was written the way that it was, and floor sessions will be broadcast live throughout the Capitol.

We did get some concerns from members of the press, and Senator Stevens might be able to speak to those a little bit because he received most of those complaints, but we did have a compromise that Chair Stevens was comfortable with, which is what's before you. If I may, I'm going to let you take it from here.

CHAIR STEVENS: Well, certainly. This is a very important issue, the freedom of the press. We want to make sure -- and have allowed the press in the building. We want them in the building. We want the public to know what's going on. But our two chambers are relatively small, so we also wanted to limit the number of people in the chambers so others would feel safe.

And I should tell you, I'm looking forward to the end of this job. I have heard from members of our two bodies and from staff, some people who have very serious health conditions. They are in fear that they will come down with COVID and that they could die. So we have people that are very concerned about that. We also have people who don't believe in the mask anyway and have entered the building without wearing it themselves. I guess we're all over the place.

I did get a call -- so in talking about this issue to various members of the press, I indicated that I'm really concerned because I want to have open meetings and open access on the floor -- we're only talking about the floor now -- so that the press could know what's going on, and suggested, in talking with Mr. McKay, an attorney who represents the media -- we had a long discussion, a very fruitful discussion, and his belief was that we should leave things as they are, that we have the desks for the media on the floor and they should be allowed on the floor on those desks.

I explained that I was uncomfortable with that because of concerns I've heard from various members, and not only members of the Legislature but also staff members who have indicated that they may not even be able to continue in the job if they feel unsafe on the floor.

So I had quite a discussion with Mr. McKay about it. I came up with the -- one solution was suggested, and I'm not

sure if he fully agreed, but I thought that one solution would be to allow the media to choose one member of the press and allow that person to be on the floor in the gallery as far away as possible, that that person could change out occasionally whenever the media wanted. They would have to choose who that person is, and they could change out during the day.

Another suggestion I had is a recommendation to the presiding officers, whoever they may be and whenever they are selected, that they have an immediate press availability after session is over, going into maybe the Speaker's chambers or into the rooms across from the Senate, and have a press availability to explain to the media what had happened, to answer any questions, to bring in legislators who may have been involved on the floor and have things to say.

I realize that's not ideal. Freedom of the press is freedom of the press, but there's also the issue of the safety of our members and our staff, and it's difficult to weigh that.

So I had a long discussion, as I said, with Mr. McKay. He indicated he might be online. Is he here with us? Mr. McKay?

So we have, then, Mr. McKay, who is an attorney representing the media. And I'd be glad to give you no more than 15 minutes, if you can, Mr. McKay, identify yourself please. John McKay?

MR. MCKAY: Yes. Thank you very much, Senator Stevens. And I assume that you can hear me. If not, let me know.

CHAIR STEVENS: We hear you loudly. Go ahead.

MR. MCKAY: Thank you. Thanks for the invitation, and also thanks to the members of Legislative Council for hearing me today on behalf of the press corps that serves the people of Alaska.

I'm speaking specifically today on behalf of media and press organizations from across our state, including the Associated Press, Anchorage Daily News, Gray Television which broadcasts through KTUU and other affiliates around the state, Alaska Public Radio Network, Alaska Landmine, Alaska Press Club, other members of the press corps that are credentialed to cover the state Legislature.

And I agree with you, Senator. I very much appreciate the chance that we had to talk on the phone. I agree with you very much that it was a fruitful, cordial discussion.

I think the press has been recognized around the country throughout this pandemic as essential, and they regularly put their lives and safety on the line in what they do. But I can tell you they have no more interest than you do in taking reckless or unnecessary risks in coverage, and certainly are now and would intend to remain fully subject to the protocols that affect all the rest of you as far as

quarantining, masks, testing, and so on. That's just a given.

And, in fact, I can come back to this if you like, but your mask protocols only require, you know, a cloth covering. I think Beacon has available N95s. We'd be happy, if you want, to have the members of the press wear N95s that would provide an additional level of protection.

But the main thing is, I think, that when this exclusion was first announced and adopted, I have to say it was pretty much a surprise. I know there's a minute of discussion about it at the December 28 meeting, and you'd had a chance to tell some people before that what you were planning to do, but there wasn't much involvement. I have to say, because it was a surprise, I think there were a number of news organizations that talked about, you know, possibly bringing a legal challenge.

Frankly, we don't believe that's the most appropriate course of action, that there's nothing that we need a judge to tell any of us that we can't work out ourselves here in this, I think, in the atmosphere of mutual respect for the roles that we all play under the Constitution and serving the people of Alaska, and that we can work with you, and that we can and do assume goodwill on both sides, no appropriate motives.

Everything I've heard from every legislator or member of the press that I've talked to supports this, so we very much appreciate that and have no sense that anybody is trying to keep the press out. We just need to figure out what can we do to make it safe for everybody.

Specifically, I guess, we'd ask you two things. The first course is that you rescind, before it ever takes effect so there is no precedent like this -- but that you rescind the one sentence from the Safe Floor Policy excluding the press from the floor and galleries during House and Senate floor sessions. I know it's temporary, but, as you've noted, this could go on for a while and perhaps more this year than others; and so not only the precedent but also the fact that, as a practical matter, we're going to be in one of the most important sessions of our Legislature's history in a time when we just need to know that there's going to be a continuity and being able to cover it.

And also I hope that you'll recognize and I believe -- I don't know if you've gotten it or not, but just for ease of reference, I sent out a paragraph that slightly altered the suggestion that Senator Stevens, I believe, may have passed out, just so that you'd have something in front of you.

But if we could recognize that it's not the intent of the Legislature to impose any restrictions on the press that aren't clearly necessary to protect the safety of your members of staff, and that you'll work with us to minimize any restrictions that you do find necessary and to lift them as much and as soon as the conditions warrant.

I think there shouldn't be any real question that, at a minimum, this can be done, both as a matter of law, science, health, public policy, whatever you want to say. We understand that this proposal before you to allow one member of the press -- it did come out of that conversation that Senator Stevens and I had. I suggested that we could have a few. He suggested -- he immediately latched on to one. I don't blame him. And I said, "Let's just keep an open mind about this and discuss it further." And I think that's where we left it, and I think that's where we are now.

So I'd, you know, respectfully submit that we can safely go further, and I think we could have certainly a minimum of one but I'd say up to three. Of course we'd all like things to be normal. They're not normal. So we could safely avoid unnecessary restrictions but recognize that we're in the middle of a pandemic, that this is far from business as usual for anyone. There are going to be restrictions.

In normal times there are seats for eight members of the press in the back of each chamber at the two press tables, as you know. And, in addition, there's 50-plus credentialed members of the press corps that come and go from the gallery and shoot pictures from the sides and so on.

I think that, you know, having you do the people's business is the number-one priority of all of us, but we can do this in a way that doesn't unnecessarily add risk, danger. We'd like you to say that there would be one at all times and up to three, so long as, you know, the presence of these additional members can be done in a way that's consistent with CDC guidelines. It clearly can.

I recognize that you have some plans possibly for the press tables, and I think the simplest thing is just to say -- look, you've got four venues in each chamber. You've got the two press tables. You've got the two galleries. I think the simplest thing would be to say, "Let's use one gallery for the press, and all the rest of the space that's traditionally used by the press will be, for the time being and so long as we need to here, as long as that's necessary, off limits."

And that's something that can be implemented. I know that the Council won't be in existence, I guess, after tonight, but I think we could work through the sergeant-at-arms as a point of contact, as it's my understanding that's the appropriate place to deal with questions specifically of how the seating works, or whoever you designate, but it seems like I think you've done that already in your proposed language, and we would like to do that.

And another important point that Senator Stevens mentioned is I've spoken -- everyone I've spoken with on both sides -- and I don't mean to use that term in a way that seems

adversarial, but everyone I've spoken with agrees that it should be the press rather than the government who is deciding which specific members of the press corps will cover sessions and when. And I've spoken with the press organizations involved about this, and they're willing and prepared to resolve those kinds of issues among themselves so that, you know, it's not -- none of you and none of the sergeants-at-arms and none of your employees or staff will be involved at all in decisions of which particular reporter, you know, shows up and when.

There are other things that could be said, but I think that covers it. I think I've got some time left. If you have questions, I'd be more than happy to address them.

CHAIR STEVENS: Well, thank you very much, Mr. McKay. I appreciate the discussion that we were able to have and your position. I don't think anyone disagrees with the temporariness of this. Certainly, we would change any of this as soon as people feel safe.

And just so you understand as well, our goal is not only to protect our staff and the legislators but also the media in this building as well. So you don't want to put yourself in a harmful position either.

MR. MCKAY: Right.

CHAIR STEVENS: So thank you very much, Mr. McKay. I appreciate your comments, and I think we understand your position. You're asking for temporary. You're also asking for up to three members on the floor, I believe.

MR. MCKAY: Not on the floor, Senator Stevens, but in one of the galleries. And we have determined that that can clearly be done with maintaining CDC guidelines for social distancing and so on, so that can readily be done.

We can also do it in two galleries, you know, in the same way, but I thought you might feel more comfortable having the press in one and particularly, say in the House side, you'd have the Warren Taylor gallery, which has more seating, and that would provide more seating for legislators who may want to be there without being in the same gallery. I don't think -- it really doesn't matter in terms of policy which bodies are sitting there, but there are options.

And so it can be done. It can be done safely, but it would be in the gallery, not on the floor. We recognize that you want to use that press table for --

CHAIR STEVENS: Thank you, Mr. McKay. I appreciate your thoughts. I actually allowed Mr. McKay 15 minutes. He's only taken nine. So are there any questions anyone has around the table of Mr. McKay, the attorney representing the media?

Senator Stedman?

SENATOR STEDMAN: Thank you. I just want to be clear. What's the targeted use of the galleries now? Because we have

two tables, one on each side, and then we've got two galleries.

CHAIR STEVENS: Okay. Well, I may be able to answer part of that, Senator Stedman. First, the thought was that the tables are too close. Actually, you are sitting in the back of the room and only are a matter of three feet from those tables. The gallery is right behind you, a matter of also three feet and maybe a little farther if they're sitting in the corner.

The idea of keeping the tables and part of the gallery open was to give space for other legislators if they felt uncomfortable being on the floor. If they're seated next to someone who is not wearing a mask or not using a mask properly, they may want to move. And as you recall last session in the Senate, Senate President Giessel allowed folks to move because one member was not wearing a mask. And so the two of us that were seated on either side of that Senator went to other parts of the -- I went into the gallery. The other Senator went into the minister's desk. So the idea of keeping those spaces available as much as possible for legislators is where we're going. So, Senator Stedman, is that right? Okay.

Any other questions of Mr. McKay? Yes, Senator Giessel?

SENATOR GIESSEL: Well, actually not of Mr. McKay, but --

CHAIR STEVENS: Okay. Well, let's move on, then. I think we've had a chance to hear Mr. McKay's position. And please go ahead, Senator.

MR. MCKAY: Senator Stevens?

CHAIR STEVENS: Yes. If you'd wrap it up, please, Mr. McKay.

MR. MCKAY: Yes, sir. If I could just briefly respond to what Senator Stevens asked, I just -- or Senator Stedman. Just to be clear, we have checked very carefully, and there at least six feet between Senator Stedman's seat and the seats off to the side if somebody was using a seat in the press tables, which we would not be anyway. But also behind him there is clearly a wall of plexiglass. And I would also just -- in front of the gallery.

But I would also just ask that as you weigh these various policy options you have to make, you know, give priority to enforcing your mask mandate as opposed to disqualifying members of the press from coming in to accommodate somebody who wouldn't comply with that. So I appreciate the opportunity to say that.

CHAIR STEVENS: Again, thank you very much, Mr. McKay. I appreciated talking to you. I appreciate your position and your representation of the media.

MR. MCKAY: Yes, sir.

CHAIR STEVENS: Senator Giessel?

SENATOR GIESSEL: Yes, Mr. Chairman. I just wanted to ask

you for some clarifying information. So the council had discussed under the Safe Mask Policy what enforcement would look like. And we know that we can't prevent a legislator from carrying on their elected duties. And so correct me if I'm mistaken, but I believe our discussion was an individual who refuses to do the screening or wear the prescribed mask would be escorted to their office and could participate telephonically. That was one scenario.

Another scenario we talked about -- and correct me if I'm mistaken, but I recall that we described those individuals not wearing a mask, not complying with screening, to be placed in the gallery. We had talked about the need, therefore, for the plexiglass separating the gallery from the chamber floor to actually extend to the ceiling because the issue here -- the six feet pertains to the larger particles emitting from someone's mouth, but the much smaller particles travel far beyond six feet. And simply placing an unmasked person in the gallery puts those in the last rows of the seating on the floor -- Senator Stedman for example -- at rather high risk.

Did the plexiglass get installed all the way to the ceiling, separating the galleries?

CHAIR STEVENS: You have a very good memory, Senator, and I'll ask Jessica to expand on that, if you can.

MS. GEARY: Through the Chair, Senator Giessel, we did have that discussion. It did not, however, end up getting extended to the ceiling. The plexiglass in the gallery is just a little below the ceiling. We've had many different discussions with different staff in trying to figure out how to make the chambers as safe as possible, and that particular direction didn't make it to the maintenance staff just in the list of all the priorities for getting things ready for session.

So I think taking the approach of members must wear a mask on the floor I think was the approach people were most comfortable with.

CHAIR STEVENS: Yes. Representative Thompson?

REPRESENTATIVE THOMPSON: Thank you, Mr. Chair. I had a question about if the plexiglass went clear to the ceiling, how that would have an effect on the HVAC system for the air exchange.

CHAIR STEVENS: Ms. Geary, any response?

MS. GEARY: Thank you, Representative Thompson.

Through the Chair, that's another thing we took into consideration. We had a ventilation assessment done of the Capitol, and definitely restricting that area would make the galleries, in essence, have no ventilation. So that was a very -- and if I might add to that, we do have air purifiers which are set to be installed here in the next couple of days that kind of sit on the wall right above the top layer of the

plexiglass, so it will kind of extend over, which makes it impossible to heighten that plexiglass.

REPRESENTATIVE THOMPSON: Thank you.

CHAIR STEVENS: Thank you, Jessica. Thank you, Representative Thompson.

Senator Giessel?

SENATOR GIESSEL: So a follow-up to that, which direction does the airflow go from the HVAC system? Is it transmitting through -- exiting the room above the galleries, or is it coming in from the galleries? That makes a difference in terms of dissipation of contaminants.

MS. GEARY: That's an excellent question, Senator Giessel, and I, unfortunately, do not have the assessment in front of me right now. We did have a very qualified person go through and check that all of our ventilation was up to CDC standards. I don't have that report, but I'm happy to share it with any member who would be interested in seeing it.

SENATOR GIESSEL: Thank you for that. Mr. Chairman, this perhaps extends beyond the conversation of press sitting in the galleries, but raises higher, again, the question of: What about members of the Legislature who refuse to comply with the masking? Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Madam President.

Any further discussion?

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Yes?

SENATOR BEGICH: This is Senator Begich.

CHAIR STEVENS: Senator Begich, go ahead.

SENATOR BEGICH: After listening to Mr. McKay's comments and the debate so far, do we require a particular motion on the floor at this time? And, if so, I may have some language to at least start the discussion, language that can be modified.

CHAIR STEVENS: I was going to get to that in just a minute, but I'll explain that shortly.

Mr. Speaker, do you have a comment?

REPRESENTATIVE EDGMON: So, Mr. Chairman, we are talking about the Safe Floor Policy in general right now. Can I address a different component, or are we still talking about the press?

CHAIR STEVENS: Okay. Let's just talk about this one issue of the media, if we can, and then we'll finish that out and go on.

So in answer to what Senator Begich brought up, the policy in front of you is this, and I'll read it to you: One member of the press at a time will be permitted to sit in the gallery designated by the sergeant-at-arms. The press corps is responsible for determining which member is to be seated. It is strongly recommended that the presiding officers of the 32nd Legislature hold a press availability after each floor session

to allow for full media access as a measure to ensure a fully informed public process.

So that's the policy in front of us. It can be amended in any way. Personally, I believe we should say something about this only being temporary. I mean, we all assume it's only temporary, but maybe that should be an amendment to make sure that it is temporary.

As you've heard Mr. McKay, he's asked for up to three members of the media in the gallery. Again, that would be an amendment that we would discuss and pass or fail. And maybe there are other amendments to this media issue, but at this point would someone care to make a motion to ensure that this is a temporary measure?

SENATOR BEGICH: So moved, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Begich.

It's been moved, then, by Senator Begich that this be very clear it be temporary, and we'll ask Jessica to write that up in the proper way so that we all know that it is in fact temporary.

Further discussion on that amendment, on the amendment to make it temporary? Senator Stedman?

SENATOR STEDMAN: Yes. Just on the temporary, just for clarity, these policies are being set by Legislative Council. What authority does a presiding officer have in either body to modify these once there is an organization in either body underway?

CHAIR STEVENS: That's a very good question, Senator Stedman. The policy remains in effect during the first session of the 32nd Legislature until a permanent presiding officer is elected in both houses. So only in effect until a permanent presiding officer is elected, but I think it sort of behooves us to be as conservative as possible to make these recommendations to the presiding officers. They can change it at any time. It's up to them. But rather than asking them to ratchet things back to more conservative, I think that would be harder.

So I think whoever they are, they will know that this is the policy in effect until they become presiding officers. They can change it after that point.

Senator Hoffman?

SENATOR HOFFMAN: Thank you, Mr. Chairman. You said that the policy would be in effect until officers were elected in both bodies. Isn't it --

CHAIR STEVENS: Yes.

SENATOR HOFFMAN: -- in fact the case that in each body, each presiding officer can adopt their own? So both bodies don't have to be elected in order for this to be changed.

CHAIR STEVENS: Both bodies have to be elected before changes can occur.

SENATOR HOFFMAN: Each body -- if the Senate has a presiding officer and the House doesn't, the Senate can set their own policies.

CHAIR STEVENS: That is correct, then, that either body can set its own policy. That's right.

SENATOR HOFFMAN: But you had stated that both bodies had to be seated before anything went forward, so that is an important distinction.

CHAIR STEVENS: Right. Very important.
Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, our rules chairs set the policy for the press corps, and they collaborated and reached agreement on that. And that was actually required, that it was a uniform policy. I don't mean to counter here, but that, in fact, is the implementation.

CHAIR STEVENS: Well, I've got to say I was under the impression, too, that it had to be a uniform policy, but I'm hearing from Jessica that maybe that may not be the case.

Can you clarify that?

MS. GEARY: That's a great question, Senator Giessel. Through the Chair, I think if you took this policy and sort of divided it up, I think -- isn't it true that the presiding officers are in charge of some of these rules, and the rules chairs are in charge of some of the other rules, especially as it pertains to the press? Is that accurate?

REPRESENTATIVE EDGMON: Mr. Chairman?

CHAIR STEVENS: Yes, Mr. Speaker?

REPRESENTATIVE EDGMON: First off, great job to the Senate President for reading my upside-down scribbling here, but I agree. It is the purview, as I understand it, of the rules chairmen. It's the presiding officer who, you know, oversees the proceedings on the floor, but in terms of everything else, the decision-making is essentially the rules chairs' purview to do that. That's how I understand it. And I don't have the Uniform Rules here in front of me, but I think it's also stated there.

CHAIR STEVENS: So we had a motion, right, from Senator Begich to make this temporary? We haven't voted on that, have we?

SENATOR BEGICH: No, we have not.

CHAIR STEVENS: Any further discussion on the temporary measure? Let's take a moment to ask our attorney, legislative attorney, to come forward and maybe clarify some of these issues. Megan, if you're there, thank you. Megan will make everything always perfectly clear.

MS. WALLACE: Good afternoon. For the record, Megan Wallace, Legal Services Director. I thought I might just help clarify a couple of the questions about when the policy takes

effect, when it goes away, and the questions about the jurisdiction of the rules chairs on that joint policy.

So there's a couple sentences that are operative in the Safe Floor Session Policy. So the first sentence says: Until the election of a permanent presiding officer. So that means that each body, once they elect a permanent presiding officer, that presiding officer can change the rules for that body.

The policy as a whole, though, will remain in effect until both bodies select a permanent presiding officer because we may have a scenario where one body organizes before the other, and then this policy will then be able to stay in effect while the other body waits to organize.

As it relates to the joint rules of the rules chair, that also is going to require that both bodies be organized and select a rules chair, and that will allow this policy to stay in effect until organization in both bodies occurs.

CHAIR STEVENS: Thank you, Megan.

Any questions of Megan on that issue?

Thank you for knowing the rules so well, Megan.

Okay. We are dealing with an amendment to this policy which would make it temporary. Any further discussion on the temporariness?

Yes, Representative Thompson?

REPRESENTATIVE THOMPSON: Thank you, Mr. Chair. I'd like to have the amendment reread, please.

CHAIR STEVENS: Jessica, do you have that there?

Simply the amendment was that this issue be temporary according to -- until CDC tells us that we no longer need to have these rules?

MS. GEARY: It is the intent of Legislative Council that no restrictions be imposed on the press that are not necessary due to the pandemic, and that any restrictions will be lifted as soon as possible, consistent with CDC guidelines.

CHAIR STEVENS: Thank you.

Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, I have some discomfort with that wording.

And it was the portion, Jessica, where you said something about restrictions on the press. That phrase appeared in what -- or was verbalized in what you just read. These restrictions on the press will be temporary, or something like that?

CHAIR STEVENS: Maybe read that again, if you would, Jessica.

MS. GEARY: It is the intent of the Legislature that no restrictions be imposed on the press that are not necessary due to the pandemic, and that any restrictions will be lifted as

soon as possible, consistent with CDC guidelines.

SENATOR GIESSEL: Mr. Chairman?

CHAIR STEVENS: Senator Giessel?

SENATOR GIESSEL: So this is my discomfort here. There's been talk about the Constitution and the First Amendment, which is freedom of the press. Nothing in this policy can be construed as a violation of the First Amendment. What this policy is doing is limiting risk for employees of the Legislature. We are not curtailing or restricting or enforcing any kind of control over the press other than their presence in a room. The video will transmit all the meeting occurrences. There is no violation in these policies of the Open Meeting Act.

So the concept that a lawsuit could be filed against the Legislature as a First Amendment infringement simply doesn't apply here, so I would suggest that the phrasing say "No restriction on the press presence on the chamber floors or galleries that are not necessary" blah, blah, blah, but make it clear that this pertains to the presence of people in the gallery or on the floor, and it's for safe workplace rationale, not in any way violating the First Amendment.

CHAIR STEVENS: Thank you, Senator Giessel.

Of course, the wording that Jessica introduced is from their attorney, from the attorney representing the media, just so you know that.

SENATOR GIESSEL: I'm sure it is. Thank you.

CHAIR STEVENS: So I appreciate those comments, and would you like to make an amendment to the amendment at this time?

SENATOR GIESSEL: That would be my amendment to that amendment.

CHAIR STEVENS: Okay.

SENATOR GIESSEL: That it pertain to the physical presence on the floor or in the galleries that is not necessary, that it's going to be temporary. I don't have the -- it was a long sentence, and it was kind of worded in a double negative, so --

CHAIR STEVENS: Thank you, Senator Giessel.

Jessica, are you ready to -- and can our attorney help Jessica to get the right wording?

MS. GEARY: Well, it is the intent of the Legislature that no restrictions be placed on the physical presence of the press that are not necessary due to the pandemic, and that any restrictions will be lifted as soon as possible, consistent with CDC guidelines.

SENATOR GIESSEL: After the Word "presence" I would strongly advise that word -- the words to continue "in House or Senate chamber or galleries," because we're not curtailing their presence in the building. Their ability to approach a legislator and have a one-on-one conversation is not being limited. Senator Stevens has suggested a press availability

immediately after each floor, et cetera. So it's only in the galleries and floors during a floor session.

CHAIR STEVENS: And we are not limiting access to committee meetings at all.

SENATOR GIESSEL: Not in this policy.

CHAIR STEVENS: Okay. Jessica, can you state that?

MS. GEARY: It is the intent of the Legislature that no restrictions on the physical presence in the House or Senate chambers or galleries be imposed on the press that are not necessary due to the pandemic, and that any restrictions will be lifted as soon as possible, consistent with CDC guidelines.

SENATOR BEGICH: Sounds goods.

CHAIR STEVENS: Senator Giessel, is that pretty much your motion?

SENATOR GIESSEL: It is, and you made an interesting statement just now, Mr. Chairman, and that was there's no restriction on attendance in committee meetings. And so I assume that in committee meetings we'll probably have the chairs six feet apart, so there will be obviously an occupancy restriction, but I think that's an important thing to emphasize in this as well. Again, we are not infringing on their reporting ability.

CHAIR STEVENS: Exactly. Okay. Was there somebody else wishing to speak? Senator Giessel? Sorry. Senator Begich, did you -- were you commenting?

SENATOR BEGICH: I just thought it sounded like it met the condition. It met what Senator Giessel was intending.

CHAIR STEVENS: Okay. Without further discussion, then, we have an amendment to the amendment before us.

Jessica, can we have a roll call, please?

MS. GEARY: Senator Begich?

SENATOR BEGICH: Yes.

MS. GEARY: Senator Giessel?

SENATOR GIESSEL: Yes.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Yes.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: Senator Stedman? Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Johnson? Senator Stedman?

SENATOR STEDMAN: Yes.

MS. GEARY: 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: So 12 yeas, zero nays.
CHAIR STEVENS: There were no nays?
MS. GEARY: No nays.
CHAIR STEVENS: Okay. Thank you for that decision. 12 to zero. We have passed that amendment to the amendment.

So we have an amended amendment in front of us, and I think we've all heard what it does. It does address the temporariness of it. We've not addressed the issue that -- in our wording it says "one member of the press." It has been recommended that it be three members, up to three members in the gallery, and amendments are in order if anyone cares to make that amendment.

SENATOR BEGICH: Mr. Chairman, I think we have to vote on the current amendment as amended before us, which is the temporary amendment.

CHAIR STEVENS: I'm sorry. Yes, you're right. Let's back up a step and we have an amended amendment before us, the temporariness issue. Could we have a roll call, please, on the motion as amended?

MS. GEARY: Senator Begich?
SENATOR BEGICH: 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: Senator von Imhof?
SENATOR VON IMHOF: Yes.
MS. GEARY: Speaker Edgmon?
REPRESENTATIVE EDGMON: Yes.
MS. GEARY: Representative Foster?
REPRESENTATIVE FOSTER: Yes.
MS. GEARY: Representative Johnson? 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: By a vote of 12 to zero, we have added the temporary issue into this policy.

Any further amendments at this time?

SENATOR BEGICH: Mr. Chairman, I'll put it just on the table for discussion. I would move that the words "and up to three members" -- "up to three," and that number, between one and three, to be determined by the presiding officer and the sergeant-at-arms be an amendment to this policy. I would make that motion.

CHAIR STEVENS: It has been moved that we add up to three members of the media who could be in the gallery at any one time. Discussion on that motion?

SENATOR BEGICH: And that number to be determined by the presiding officer and the sergeant-at-arms.

CHAIR STEVENS: Right. Do you have that, Jessica? Okay.

Any further discussion on that? Senator Stedman?

SENATOR STEDMAN: Just a clarification. I'd like to know why the sergeant-at-arms would be added.

SENATOR BEGICH: Simply between the two, the presiding officer and the sergeant-at-arms, Mr. Chairman. It doesn't need to be there, but I assumed that the sergeant-at-arms would have a sense of the chamber as well. And so it could be simply the presiding officer. That would be fine.

CHAIR STEVENS: Fine. Any further discussion?

I wanted to speak in opposition to that amendment. You know, we are making every effort we can to involve the press, to have press availabilities, to allow them throughout the building. What we're dealing with is a very small room, and three members of the press in that gallery -- my belief is that's too much. I realize this is a difficult situation. I realize that we may be taken to court over the issue, and that could happen, but we're doing the very best we can to include the press without harming the health of several members of the Legislature, as I've indicated.

I've been contacted by numerous staff members as well as legislators who are very concerned about their health issues. Some of them have had childhood diseases. Others have serious asthma problems. Some of them are older and are concerned about that. So, you know, this is a decision that is not taken lightly, and on my part, particularly, I -- anyway, that's all I have to say. I'm opposed to this motion. I'll vote against it.

Any further discussion? Representative Thompson?

REPRESENTATIVE THOMPSON: Thank you, Mr. Chair.

The question about when will the ventilators be installed, questions like that, where we're going to add three people up there -- what's the time frame for getting those ventilators?

The other question that was asked is: Which

direction are they blowing? I'd like to feel a little more comfortable about those answers.

CHAIR STEVENS: Thank you, Representative Thompson. And remember that we are also reserving that area for legislators that may not feel comfortable on the floor. And, remember, this is probably, you know, the most extreme decision that we could make, and that it can be changed momentarily when there are presiding officers. But I think it gives the presiding officers an opportunity to see what could happen, and they could change their mind if they choose to.

Senator Hoffman, did you have a comment?

SENATOR HOFFMAN: Yes. I would agree with you, Mr. Chairman, that health has to be thought of first and foremost, not only of the legislators, but of the staff. The staff has already expressed grave concern. It is a question of life and death that we're talking about here, and in that regard the decision is temporary, and I would concur with you, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Hoffman.

Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, I also agree with what you stated. We are employers, and as employers, we have a responsibility to provide a safe workplace. At one of our December meetings -- I want to think it was the 28th, but it could have been the previous meeting -- our Legislative Counsel, Megan Wallace, outlined the requirements of employers to provide that safe workplace.

Again, Mr. Chairman, I think the suggestion that we could be sued over First Amendment rights of the press is a false premise. These are safe workplace procedures. We are not curtailing what the press writes. We are in full compliance with the Open Meetings Act, and I agree with your suggestion that we should hold to one member of the press.

Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Senator Giessel.

Further discussion?

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Yes, Senator Begich?

SENATOR BEGICH: Yeah. Based on this discussion, I'd like to withdraw the motion.

CHAIR STEVENS: Thank you. There is no objection. That motion has been withdrawn. We'll take a brief at ease.

[2:42:30 PM](#) brief at ease

[2:48:42 PM](#) returned from brief at ease

CHAIR STEVENS: Okay. If I could call this meeting back to order at 2:48, we'll try to get everyone around the table and make sure we have a quorum.

We have online Senator Begich, a member of this

committee, Representative Foster, Senator von Imhof. That's three, so we have a quorum.

And I've asked Jessica if she could try to read the entire policy, and we will vote on accepting or not accepting that policy. Jessica?

MS. GEARY: The final statement about the press, how it reads is: Floor sessions will be broadcast live throughout the Capitol. It is the intent of the Legislature that no restrictions on the physical presence of the press in the House or Senate chambers or galleries. One member of the press at a time will be permitted to sit in a gallery designated by the sergeant-at-arms. The press corps is responsible for determining which member is to be seated. It is strongly recommended that the presiding officers of the 32nd Legislature hold a press availability after each floor session to allow for full media access as a measure to ensure a fully informed public process.

CHAIR STEVENS: Thank you, Jessica. I appreciate everyone's working on this and coming up with a reasonable final statement. If there's no further discussion -- Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, Jessica, you had more to that amended statement than you just read. You said intent -- no restriction on the press that's not necessary during this temporary pandemic or something. The word "temporary" was in there before in what you had read, and I think that was Senator Begich's key part of his amendment.

MS. GEARY: I can try that one more time.

CHAIR STEVENS: Thank you, Senator Giessel. Let's try that one more time and make sure we have this right.

MS. GEARY: Yes. Thank you.

It is the intent of the Legislature that no restrictions on the physical presence of the press in the House or Senate chambers or galleries be imposed that are not necessary due to the pandemic, and that any restrictions will be lifted as soon as consistent with CDC guidelines -- as soon as possible, consistent with CDC guidelines. One member of the press at a time will be permitted to sit in a gallery designated by the sergeant-at-arms. The press corps is responsible for determining which member is to be seated. It is strongly recommended that the presiding officers of the 32nd Legislature hold a press availability after each floor session to allow for full media access as a measure to ensure a fully informed public process.

CHAIR STEVENS: Thank you, Jessica.

Any discomfort with that motion before you? Further discussion?

Roll call, please, Jessica.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?
SENATOR VON IMHOF: Yes.
MS. GEARY: Speaker Edgmon?
REPRESENTATIVE EDGMON: Yes.
MS. GEARY: Representative Foster?
REPRESENTATIVE FOSTER: Yes.
MS. GEARY: Representative Johnson?
REPRESENTATIVE JOHNSON: 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 very much. I realize that was a time-consuming but important discussion, and so by a vote of 12 to zero we have made those amendments to the Safe Floor Session Policy.

At this point I'd like to move into an Executive Session on discussing security and lawsuit updates.

Representative Stutes, if we could have a motion?

REPRESENTATIVE EDGMON: Mr. Chairman, before we go --
CHAIR STEVENS: Yes.

REPRESENTATIVE EDGMON: -- into Executive Session, have we finished this entire policy?

CHAIR STEVENS: It is my understanding that we have.

REPRESENTATIVE EDGMON: Because I had an additional item I wanted to bring, if I might.

CHAIR STEVENS: Certainly.

REPRESENTATIVE EDGMON: So under the Safe Floor Session Policy, there is a bullet that says: A member who stands to be recognized must sit before making remarks. And at least in the House it's customary for a member to raise their mic before they get recognized. It's the rare occasion when someone actually stands up with their mic. We've had that happen before, but, you know, 99 percent of the time a member raises their mic, then gets recognized, and then stands up.

So I just think that maybe that should be worded

maybe -- you know, I think on the Senate side that's the same custom as well. And so, you know, the policy, as I remember right -- I think it was Senator Stedman. It was your motion to -- you know, to not recognize -- to allow members to be standing up, but my recollection is that we didn't want members standing up; right? Period.

CHAIR STEVENS: Did not want members standing up?

REPRESENTATIVE EDGMON: We did not want them standing up, because if you can stand up above the plexiglass, you can emit those particles that Senator Giessel was talking about earlier. And if I'm mischaracterizing things, I stand to be corrected.

CHAIR STEVENS: I appreciate that comment. So you're discussing: A member who stands to be recognized must sit before making remarks. What we're doing is pretty much the opposite. We are seated. We raise our mic. We are recognized. Then we stand up.

REPRESENTATIVE EDGMON: Right. Right.

CHAIR STEVENS: So you're not objecting to remaining seated the whole time; you're objecting to this -- I think we can just eliminate that.

REPRESENTATIVE EDGMON: Right. That's -- yeah, that might be the best way to go about it. Then what you'd have in place is: Members must remain seated when giving floor remarks and testimony.

CHAIR STEVENS: I think that's correct. I'm not sure if we need to vote on that. I think -- is there an understanding around the table that we just eliminate that one sentence? Okay. I think we're done, then.

REPRESENTATIVE EDGMON: Okay.

CHAIR STEVENS: All right?

SENATOR GIESSEL: For clarity --

CHAIR STEVENS: Yes.

SENATOR GIESSEL: -- for a moment, you said we just eliminate the sentence?

CHAIR STEVENS: Yes, the sentence -- could you read that, Jessica?

MS. GEARY: A member who stands to be recognized must sit before making remarks.

SENATOR GIESSEL: So we're eliminating the whole sentence?

CHAIR STEVENS: That sentence, and then read the next sentence.

MS. GEARY: Members must remain seated when giving floor remarks and testimony.

CHAIR STEVENS: I think that sort of satisfies everyone's concerns.

SENATOR GIESSEL: Thank you.

CHAIR STEVENS: Okay. Thank you all.

MS. GEARY: We should vote.

CHAIR STEVENS: Okay. And Jessica is correct. We probably should vote on that. So would you make that motion, Mr. Speaker, to eliminate the sentence?

[2:55:51 PM](#)

REPRESENTATIVE EDGMON: Mr. Chairman, I would make a motion to eliminate Bullet No. 5, which reads: A member who stands to be recognized must sit before making remarks.

CHAIR STEVENS: Thank you. Any discussion, further discussion on that? Roll call on the motion to eliminate that sentence.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: 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. By a vote of 12 to zero, we have eliminated that sentence.

CHAIR STEVENS: We'll now go into our executive session. If we could have a motion, please, Representative Stutes?

[2:56:51 PM](#)

VICE-CHAIR STUTES: Thank you, 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 may remain in the room or online: Jessica Geary, Rayme Vinson, Megan Wallace, Emily Nauman, Hillary Martin, Skiff Lobaugh, Amanda Johnson, and any legislators not on Legislative Council and staff of Legislative Council members.

CHAIR STEVENS: Thank you very much, Representative Stutes. If there is no objection, we will stand at ease.

Council went into Executive Session at [2:57:31 PM](#)
Council came out of Executive Session at [4:44:15 PM](#)

CHAIR STEVENS: Okay. Thank you all. We are coming out of our Executive Session. I want to make sure we have a quorum. Senator Begich, Representative Foster, and Senator von Imhof are all online.

MS. GEARY: Do you want me to call the roll?

CHAIR STEVENS: Yeah, would you?

MS. GEARY: Okay. Senator Begich?

SENATOR BEGICH: Here. Do you hear me?

MS. GEARY: I can hear you.

SENATOR BEGICH: Can you hear me?

CHAIR STEVENS: Yes.

MS. GEARY: Yes, Senator.

CHAIR STEVENS: And entrance music for Senator Begich.

SENATOR BEGICH: No, that's not me. That's not me.

MS. GEARY: Senate President Giessel?

SENATOR GIESSEL: Here.

MS. GEARY: Senator Hoffman?

SENATOR HOFFMAN: Here.

MS. GEARY: Senator Stedman?

SENATOR STEDMAN: Here.

MS. GEARY: Senator von Imhof? Senator von Imhof?
Representative Foster?

REPRESENTATIVE FOSTER: Here.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: Here.

MS. GEARY: Representative Kopp? Representative Thompson?

REPRESENTATIVE THOMPSON: Here.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Here.

MS. GEARY: Senator von Imhof? Vice-Chair Stutes?

VICE-CHAIR STUTES: Yes.

MS. GEARY: Chair Stevens?

CHAIR STEVENS: Here.

MS. GEARY: 10 members present.

CHAIR STEVENS: So we have a quorum. We thank you all for that Executive Session. Is there any further business coming before this committee at this time?

SENATOR BEGICH: Mr. Chairman, I have two motions.

CHAIR STEVENS: Senator Begich, please go ahead.

SENATOR BEGICH: Okay. First, Mr. Chairman, I move all legislative staff currently authorized for employment through January 18, 2021, to have continued key-card access to the

Alaska Capitol complex until their chamber of employment is organized to do business, and that the Legislative Affairs Agency arrange retroactive pay to those staff commensurate with their range level on January 10, 2021, until such time as each chamber is organized and new range levels are determined.

And, Mr. Chairman, I have a second motion, but they're rather different, so this motion I'm moving at this time. And I have a written copy of both motions on the way to you.

CHAIR STEVENS: Okay. We have a written copy, and I'll make sure you get that. Thank you very much, Senator Begich.

So opening the discussion on Senator Begich's motion -- yes, Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, again, we were hearing this orally. The staff currently is paid through January 19. I thought I heard Senator Begich say 18. It's a minor thing, perhaps, but it is through the 19th.

SENATOR BEGICH: Mr. Chairman, if I may?

CHAIR STEVENS: Yes, Senator Begich.

SENATOR BEGICH: That is a typographical error on my part, so typing fast, getting things wrong. It should say the 19th, and the word "Agency" should be after the word "Affairs." You'll see a written copy. If my staffer has not provided that to you yet, there is a written copy, and I will make sure -- I'm happy to re-read the motion, if I may.

CHAIR STEVENS: So who has a copy of that? Could you bring it forward as soon as you're done with it?

Thank you, Senator Begich. Your staff is bringing that written motion to us.

SENATOR BEGICH: I apologize for not being in the room with you all. I'm in my office at this time.

CHAIR STEVENS: All right. Thank you.

Any discussion on that motion?

Would you read that again --

SENATOR BEGICH: I'd be happy to.

CHAIR STEVENS: -- so everyone knows what they're voting on?

4:48:32 PM

MS. GEARY: I move all legislative staff currently authorized for employment through January 19th, 2021, may have continued key-card access to the Alaska Capitol complex until their chamber of employment is organized to do business, and that the Legislative Affairs Agency arrange retroactive pay to those staff commensurate with their range level on January 10, 2021, until such time as each chamber is organized and new range levels are determined.

CHAIR STEVENS: Thank you. If there is no further discussion, can we have a roll call, please?

MS. GEARY: Senator Begich?
SENATOR BEGICH: 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: Senator von Imhof?
SENATOR VON IMHOF: Yes.
MS. GEARY: Speaker Edgmon?
REPRESENTATIVE EDGMON: Yes.
MS. GEARY: Representative Foster?
REPRESENTATIVE FOSTER: Yes.
MS. GEARY: Representative Johnson?
REPRESENTATIVE JOHNSON: Yes.
MS. GEARY: I'm sorry. Is that a yes or --
REPRESENTATIVE JOHNSON: That was a yes.
MS. GEARY: Okay. Thank you.

Representative Kopp? 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, zero nays.

CHAIR STEVENS: Thank you. By a vote of 11 to zero, we have passed that motion.

Thank you, Senator Begich. Do you have another motion to introduce, Senator Begich?

SENATOR BEGICH: I do, Mr. Chairman.

I move that the Legislative Council recommend that the caucuses of both bodies work toward drafting a sense of their chamber to authorize continued employment until the presiding officers and rules chairs are elected, at which point hiring authorizations will be determined.

CHAIR STEVENS: Thank you.

Discussion on that? Mr. Speaker?

REPRESENTATIVE EDGMON: Yes. Senator Begich, could you put in that word -- or in that motion somewhere "expeditiously" or some kind of essence, about moving quickly?

SENATOR BEGICH: "Immediately" after the word "toward."

REPRESENTATIVE EDGMON: Okay.

SENATOR BEGICH: So I could read it with the adjusted language. And so I've added some things to the language you have written in front of you. Let me read it slowly so that you can make the adjustments.

I move that the Legislative Council recommend that

the caucuses of both bodies work toward immediately drafting a sense of their chamber to authorize continued employment until the presiding officers and rules chairs are elected, at which point hiring authorizations will be determined.

CHAIR STEVENS: Thank you, Senator Begich.

Further discussion? Could we have a roll call on --

SENATOR VON IMHOF: This is Natasha. I have a question.

CHAIR STEVENS: Yes. Who is this?

SENATOR VON IMHOF: This is Senator Natasha von Imhof.

CHAIR STEVENS: Senator von Imhof, yes, please go ahead.

SENATOR VON IMHOF: Okay. So what's the caucus of the Senate, then? Which caucus -- I mean, who is supposed to meet in our chamber to pass what?

SENATOR BEGICH: Mr. Chairman, if I could address that question?

CHAIR STEVENS: Yes, Senator Begich.

SENATOR BEGICH: Officially what this would do, Senator von Imhof, is it would ask the Democratic caucus and the Republican caucuses to sign this fairly perfunctory letter, just as last -- two years ago, both House caucuses did the same thing.

At this point there's a Democratic caucus of seven members and a Republican caucus of 13. I know that there's some question about the structuring and all that, but there are two caucuses right now that effectively exist, and I would ask that each of those caucuses quickly agree on language and then push this letter forward. My caucus will certainly be recommending language nearly identical to the House language of two years ago.

CHAIR STEVENS: Does that answer your question, Senator von Imhof?

SENATOR VON IMHOF: Thank you, Senator Begich. I don't recall what the House passed a couple years ago. I think before I can actually comment, I have to read and see what the House did. I don't recall the Senate passing it, but I guess we had already organized, I think, as to your point, Senator Begich. But I'd have to go take a look at it.

CHAIR STEVENS: Okay. Thank you.

SENATOR BEGICH: And, again, if I may, Mr. Chairman.

CHAIR STEVENS: Yes, Senator Begich. Go ahead.

SENATOR BEGICH: Because we haven't formally organized, Senator von Imhof, we don't have any caucus other than the initial caucuses that we would currently operate under. So, for example, two years ago the Senate had fully organized with 13 Republicans and one Democrat, and so the caucus was constituted as that 14 members.

In this case, since we don't have a formal caucus structure, you know, any other formal leadership structure

defined, we would then, you know, default to a Republican/Democratic caucus.

The same in the House last cycle. They chose to have two caucuses -- and the Speaker could perhaps speak to this -- one of which did include Democrats, Independents, and Republicans at the time, and another which had constituted itself informally as Republicans.

So at this point, what we're really trying to work for here is consensus between the bodies so that everyone would sign the letter, which is what happened two years ago. 39 legislators had been seated and sworn in, and then those 39 signed a letter to ensure -- it wasn't about competing against caucuses; it was simply about protecting the paid employees of the body.

REPRESENTATIVE EDGMON: And, Mr. Chairman, one suggestion, if I may.

CHAIR STEVENS: Yes, Representative Edgmon?

REPRESENTATIVE EDGMON: Would be to substitute the word "membership" for "caucuses." And that way we'll just let the pieces fall together, let whoever needs to talk to whoever. We can figure it out.

SENATOR BEGICH: I think, since we haven't formally adopted the motion yet, I would say: I move that the Legislative Council recommend that the members of both bodies work toward immediately drafting a sense of their chamber to authorize continued employment until the presiding officers and rules chairs are elected, at which point hiring authorizations will be determined.

And then I'm happy to provide language that can be adjusted or changed by any member.

CHAIR STEVENS: I think that's fine. I think Representative Edgmon agrees with that.

Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, perhaps it would help Senator von Imhof and perhaps others who are listening to know that when the House did this two years ago, it wasn't a floor vote. I know some people have looked for the record of a floor vote. There was none because they hadn't organized. But the signatures on the letters were equated as votes to agree to this agreement to keep the staff going.

CHAIR STEVENS: Thank you, Senator Giessel. Further discussion on the motion made by Senator Begich? If there is nothing further to say, we'll ask for a roll call.

VICE-CHAIR STUTES: Could we have a brief at ease?

4:56:12 PM

CHAIR STEVENS: A brief at ease.

5:00:22 PM

CHAIR STEVENS: I'll call the Legislative Council back to

order. We have before us a motion.

Would you mind reading that, Jessica?

MS. GEARY: I move the members of both bodies work toward immediately drafting a sense of their chamber to authorize continued employment until their presiding officers and rules chairs are elected, at which point hiring authorizations will be determined.

CHAIR STEVENS: Thank you.

Any further discussion on that motion?

SENATOR BEGICH: Yes, a slight adjustment. It should say "I move that the Legislative Council recommend that."

CHAIR STEVENS: Okay. A word change --

SENATOR BEGICH: The words "That the Legislative Council recommend that." We can't tell them what to do. We can only recommend it.

CHAIR STEVENS: I suppose. Okay.

SENATOR BEGICH: That's how I worded the motion --

CHAIR STEVENS: Thank you.

SENATOR BEGICH: -- when I spoke it.

CHAIR STEVENS: Thank you.

SENATOR BEGICH: And I move that the Legislative Council recommend that, Mr. Chairman. That's all I'm saying.

CHAIR STEVENS: Thanks, Senator Begich. We'll make that change.

Any further discussion on this motion?

Roll call, please, on the motion.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson? Representative Kopp?
Representative Thompson?

REPRESENTATIVE THOMPSON: Yes.

MS. GEARY: Vice-Chair Stutes?

VICE-CHAIR STUTES: Yes.

MS. GEARY: Chair Stevens?

CHAIR STEVENS: Yes.

MS. GEARY: 10 yeas, zero nays.

CHAIR STEVENS: By a vote of 10 yeas we have passed that motion. Hang on. We've got maybe two more issues to deal with. There was a technical issue that we need to address. Senator Giessel?

[5:02:22 PM](#)

SENATOR GIESSEL: Mr. Chairman, I move that the committee rescind their action, the committee action, that instituted retroactive pay for staff.

CHAIR STEVENS: Thank you. We have a motion before us to rescind, and I'd call for -- unless there is discussion at this time. It's a simple, technical error that we found that our attorney has helped us work our way through. Senator Giessel will present a motion in a few minutes that will make those corrections.

So this motion we're passing on right now, or deciding on right now, that I'm asking you to vote on, is to rescind that earlier motion.

And we'll have a roll call, please.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: 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: 10 yeas, zero nays.

CHAIR STEVENS: Thank you. By a vote of 10 to zero, we have rescinded that prior motion. Senator Giessel?

[5:03:37 PM](#)

SENATOR GIESSEL: Mr. Chairman, I move that all legislative staff currently authorized for employment through January 19 of 2021 may continue to have key-card access and e-mail access to the State Capitol and the Internet system until their chamber of employment has organized to do business, and that it is the intent of Legislative Council that retroactive

pay be provided.

CHAIR STEVENS: Thank you. Any discussion on that motion?
Roll call, please.

SENATOR BEGICH: Mr. Chairman, I believe you need to be specific as to the timeline for the retroactive pay, don't you? Or am I incorrect about that?

SENATOR GIESSEL: Mr. Chairman?

CHAIR STEVENS: Senator Giessel?

SENATOR GIESSEL: I believe that the statement authorizing employment through the 19th, continue their key-card access until their chamber of employment is organized to do business is adequate. We could check with our counsel on that.

CHAIR STEVENS: Yes, please.

SENATOR BEGICH: Mr. Chairman, just so I'm clear on this, that would mean that employees would no longer be employed after tomorrow, close of business, because that's what the motion now states. They're currently authorized for employment through January 19th, 2021.

CHAIR STEVENS: Megan, can you clarify that?

MS. WALLACE: Yes. For the record, Megan Wallace, Legal Services Director. Legislative Council does not have the authority to authorize employment or retroactive employment of session staff, which is why there was a change to the language to identify that this committee has expressed the intent that legislative staff that have currently been authorized will receive retroactive pay at the same rate at which they are currently authorized, but that retroactive pay authorization will have to come from the rules committees once the bodies have organized. But that going on the record in terms of what the intent of this body is will likely be beneficial to those incoming rules chairs.

SENATOR BEGICH: Thank you. That answers my question, Mr. Chairman. I have no other comments or objections.

CHAIR STEVENS: Thank you, Senator Begich.

You have before you the motion. Any further discussion?

Roll call, then, on the motion.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?

SENATOR VON IMHOF: Yes.

MS. GEARY: Speaker Edgmon?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: 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: 10 yeas, zero nays.

CHAIR STEVENS: By a vote of 10 to zero, we have passed that motion.

Is there anything further to come before us? Senator Hoffman?

5:07:05 PM

SENATOR HOFFMAN: Thank you, Mr. Chairman. I move that the Legislative Council set fines for individuals that are in violation of the mask policy set by this body; that the fines be for the first offense \$250 per day, and for any additional violations be set at \$500 per day, and that they be automatically deducted; that each office will set their own mask policies; and that each committee will also set their own mask policies; that the assessment and the enforcement language be drafted by our legal counsel, Megan Wallace.

CHAIR STEVENS: Thank you, Senator Hoffman. Any discussion on that issue? Yes, Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chair. I just want to clarify that I understand that if you have a medical situation, you're exempt from wearing a mask. And I want to somewhere clarify that that medical information has gone through HR. I understand that the average Joe isn't going to be able to say, "What's your problem?" But it needs to be cleared through HR that there is, in fact, a medical situation preventing wearing a mask.

SENATOR HOFFMAN: Yes. And I did discuss that with the Chairman, and it is understood that Megan Wallace will address that as she address the assessment and the enforcement language.

VICE-CHAIR STUTES: Thank you, Mr. Chairman.

CHAIR STEVENS: Thank you, Representative Stutes.

Further discussion?

REPRESENTATIVE EDGMON: So a couple things. Might it be more appropriate to say "approved face covering," or do we want to say "face mask" period? I'll leave that maybe to the LAA staff to determine, because there's more than just wearing a face mask.

And the second thing is, I'm going to support the motion, regardless, but I'm just a little -- you know, the fact that we may have 15 different committees with 15 different ways

of doing it, it might make it easier just to have one blanket policy. And I agree with the office part, though, that we keep the office policy part intact, but that the committee process falls under the Legislature as a whole. I would maybe offer that as a friendly suggestion.

CHAIR STEVENS: Okay. The issue of face covering versus the mask.

SENATOR HOFFMAN: In my motion, I said "face mask policy," so we already have the policy and how that's described.

CHAIR STEVENS: And it's called the face mask policy; right?

VICE-CHAIR STUTES: It is.

CHAIR STEVENS: Okay. All right.

VICE-CHAIR STUTES: Mr. Chairman?

CHAIR STEVENS: Yes?

VICE-CHAIR STUTES: Just for clarification, you're correct. It's called the "COVID-19 Mask Policy," but there is the definition of "face coverings" in that policy, which fleshes out what that is.

CHAIR STEVENS: Thank you.

So further comments? Mr. Speaker, you're also concerned about the committees?

REPRESENTATIVE EDGMON: Yes, Mr. Chairman. Just for ease of administering and for, you know, general understanding. People go in the fisheries committee and maybe they don't need to wear a mask, but they go in the resources next door and they got to have a mask. You know, just an extreme --

SENATOR HOFFMAN: And my response to that is, you know, I don't think we are going to be able to get into that detail at this point, and as time goes on, that whole policy can get refined and maybe come up with a general policy for those committees, but at least they have some direction as to what they can discuss at each committee table.

CHAIR STEVENS: Thank you. Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chair. My only thought on this was those committee rooms are public rooms, and so it just would seem to me that it might be a little easier if there were a flat-out policy, particularly being that it's public, whether it be, you know, somebody from the administration coming in to testify or whatever, if we had a straight policy. Thank you.

CHAIR STEVENS: Thank you. Senator Stedman?

SENATOR STEDMAN: I think it will be pretty universal in the building, frankly, in a lot of the committees. I think the way the motion is delivered is fine. If it, you know, creates too much confusion, we can come back and tighten things up.

CHAIR STEVENS: Okay. Thank you.

SENATOR HOFFMAN: Well, Megan, can we say that the policy

will be set unless otherwise adopted by each committee? Then there's a universal policy, and then the committees, if they want to divert from that, they would have to justify it. So I would include that in the motion.

CHAIR STEVENS: That makes sense. Senator Giessel?

SENATOR GIESSEL: Mr. Chairman, I'm looking at the mask policy that we adopted on October 29th, and we reviewed today. And in the first paragraph, the second-to-the-last line in that paragraph, it states, "All individuals in the Capitol complex and all other legislative buildings must wear a mask or cloth face covering over their nose and mouth at all times during the COVID-19 pandemic."

So I think, Mr. Chairman, that creating now this situation that in committees that isn't going to be the policy creates some, for lack of another term, hypocrisy. It's already written differently, Mr. Chairman.

CHAIR STEVENS: Thank you. Representative Stutes?

VICE-CHAIR STUTES: Thank you, Mr. Chairman. I guess my only comment would be if we're going to do that, we might want to put "committee chair," because I can just see now half the committee saying, "I want to wear a mask," and the other half saying, "No, we're not going to wear a mask." So you might want to fine-tune your policy to say -- if we're going to put it in there, to say "will be determined by the committee chair."

CHAIR STEVENS: And Mr. Speaker, did you have a comment? Did I miss that?

REPRESENTATIVE EDGMON: No. I'm just enjoying the making of the sausage. That's all.

CHAIR STEVENS: Okay. Then we have a motion. I'm going to ask -- oh, I'm sorry. Representative Johnson?

REPRESENTATIVE JOHNSON: Is this the appropriate time to make an amendment?

CHAIR STEVENS: Certainly.

REPRESENTATIVE JOHNSON: Okay. I would like to -- I mean, recognizing that the pandemic is not going to go on forever, and perhaps we'll have opportunity in the future to have vaccines and so on, I would like to propose an amendment that would add a sunset date to be determined by the 32nd Legislature, or something to that effect.

CHAIR STEVENS: And can you say that again? A sunset date?

REPRESENTATIVE JOHNSON: A sunset date to be determined by the 32nd Legislature, 32nd Legislative Council. I don't know exactly what would be the appropriate --

CHAIR STEVENS: So just remember that --

REPRESENTATIVE JOHNSON: -- committee or authority to put there, but --

CHAIR STEVENS: -- any policy that we agree to is

effective now and will remain in effect until rescinded by Legislative Council, so I think that's already there. The next Legislative Council can rescind it or change it, put a sunset date on it if they choose.

REPRESENTATIVE JOHNSON: Okay.

CHAIR STEVENS: But I'm glad to --

REPRESENTATIVE JOHNSON: I will withdraw my amendment.

CHAIR STEVENS: Okay. Thank you. I think that will be accomplished. So if we could have the amendment read -- the motion read, and then any amendments we'll deal with.

VICE-CHAIR STUTES: Could we have a brief at ease?

CHAIR STEVENS: Okay. A brief at ease.

[5:15:27 PM](#) brief at ease

[5:19:50 PM](#) returned from brief at ease

CHAIR STEVENS: I'll call the Legislative Council back to order.

VICE-CHAIR STUTES: Yes.

CHAIR STEVENS: Yeah. Okay. This may be the last thing we're dealing with tonight. Senator Hoffman?

[5:20:10 PM](#)

SENATOR HOFFMAN: Thank you, Mr. Chairman.

I move that -- I withdraw the language relating to face masks for committees setting their own policies and have that bifurcated out, and that Megan Wallace work with the rules committee to come up with the assessment and enforcement language.

CHAIR STEVENS: So your motion is to withdraw the entire motion?

SENATOR HOFFMAN: No. To amend the motion, withdraw the section of the motion that addresses the face mask policy as it relates to committees so that the office policies will be set by the office policy, and the other ones that relate to the fines and the assessment and the enforcement language go forward.

CHAIR STEVENS: Is there any objection to withdrawing that portion?

Then could you make clear what the motion is that we're voting on, Senator?

SENATOR HOFFMAN: Thank you, Mr. Chairman.

The motion was: That the Legislative Council set face mask fines of \$250 for the first offense and \$500 for each additional offense per day, and that they be automatic deductions, and that our legal counsel work with the rules committee to come up with the language for the assessment and the enforcement.

CHAIR STEVENS: Thank you, Senator Hoffman.

Any further discussion on that motion?

If not, a roll call, please.

MS. GEARY: Senator Begich?

SENATOR BEGICH: 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: Senator von Imhof?
SENATOR VON IMHOF: Yes.
MS. GEARY: Speaker Edgmon?
REPRESENTATIVE EDGMON: Yes.
MS. GEARY: Representative Foster?
REPRESENTATIVE FOSTER: Yes.
MS. GEARY: Representative Johnson?
REPRESENTATIVE JOHNSON: No.
MS. GEARY: Representative Thompson?
REPRESENTATIVE THOMPSON: No.
MS. GEARY: Vice-Chair Stutes?
VICE-CHAIR STUTES: Yes.
MS. GEARY: Chair Stevens?
CHAIR STEVENS: Yes.
MS. GEARY: 9 yeas and 2 nays.

CHAIR STEVENS: So by a vote of 9 yeas, 2 nays, the motion has passed. Senator Hoffman?

[5:22:39 PM](#)

SENATOR HOFFMAN: Thank you, Mr. Chairman. I move that the Legislative Council give each committee the option to set their own face mask policies. If they don't, the existing policy will stand.

CHAIR STEVENS: Thank you. There is a motion to let each committee set its own policy. Is there discussion?

SENATOR HOFFMAN: May set.

CHAIR STEVENS: Pardon me?

SENATOR HOFFMAN: May set their own policy.

CHAIR STEVENS: May set their own policy. Any discussion on that motion? If not, if you are ready for the question, a roll call, please.

MS. GEARY: Senator Begich? Senator Begich?

SENATOR BEGICH: I think I'll be a no on this.

MS. GEARY: Senate President Giessel?

SENATOR GIESSEL: No.

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?

REPRESENTATIVE EDGMON: Yes.

MS. GEARY: Representative Foster?

REPRESENTATIVE FOSTER: Yes.

MS. GEARY: Representative Johnson?

REPRESENTATIVE JOHNSON: I'm sorry. Would you please restate the motion, please?

SENATOR HOFFMAN: The motion was that, basically, the face mask policy will be universal for each committee, but each committee may draft their own face mask policies.

CHAIR STEVENS: So let's go back and redo this vote. Any questions, further questions on what the motion actually states?

Senator Giessel, did you have a question?

SENATOR GIESSEL: Yes, Mr. Chairman. In light of this being adopted, how will any face covering policy be enforced on the floors of the House and Senate since it will be essentially voided for large portions of -- has the potential to be voided for large meetings of the body in other rooms? I don't know how the previous policy creating fines could be viewed as valid.

CHAIR STEVENS: Thank you. Senator Stedman?

SENATOR STEDMAN: I think the intent here is to allow standing committees an option, not the body as a whole or anything like that. So it's a standing -- an option for standing committees.

SENATOR BEGICH: Mr. Chairman?

CHAIR STEVENS: Senator Begich?

SENATOR BEGICH: This would potentially, though, allow a standing committee to set a policy that was less -- considerably -- could abolish or not have a masking policy at all, or it could otherwise be, you know, a wide-open door around a masking policy. Is there any interest from the sponsor to set a minimum standard, you know, that could -- you know, a minimum standard for some form of covering?

I mean, this will determine, for me, which committees I'd want to be on if I'm not chairing a committee but a member of a committee. I have no interest in attending a committee that might vote to compromise my health.

So this is of some concern to me, and my reasons for voting no are I want -- you know, I supported a masking policy that was consistent across the board, and at the very least that masking policy that's been established for the building ought to set a minimum standard for this. I mean, we have made a choice when it comes to the press. We've made a choice when it comes to the public, and so I'm deeply concerned that we're absolutely weakening a policy we've just established. That's why I'm opposed to this.

CHAIR STEVENS: Thank you, Senator Begich.

Further comments?

SENATOR HOFFMAN: Mr. Chairman, I am a strong advocate of

masks. To come up with minimum standards is difficult, I think, and I think you make some valid arguments, but I don't think that -- even though the motion is open-ended, I don't think that the committees would have a no-mask policy. If we can't come up with minimum standards, I would be more inclined to withdraw the motion.

CHAIR STEVENS: Thank you, Senator Hoffman. I have problems with this as well. You know, we have standards. We have an agreement that everyone wears a mask. To suddenly change it and say that, no, some committees don't have to, I would have concerns about that.

So, Senator Hoffman, is that --

SENATOR HOFFMAN: Then I will withdraw the motion.

CHAIR STEVENS: The motion has been withdrawn.

Any further discussion at this point?

If not, I thank you. This has been the Legislative Council meeting from hell.

CHAIR STEVENS: But I do want to seriously, very seriously, thank all of you who have served on this committee. You've been great to work with. You've been very supportive. We made our way through a lot of very serious issues. I want to thank everyone on the committee.

Certainly Representative Stutes, my Vice-Chair, has been just great to work with; Jessica and her staff; and, of course, Megan and her staff. You've all been just quite excellent. So thank you all for that.

And this meeting is adjourned.

5:28:55 PM