

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**MAY 14, 2021
12:30 PM**

MEMBERS PRESENT

Representative Sara Hannan, Chair
Senator Lora Reinbold, Vice Chair
Senator Click Bishop
Senator Peter Micciche
Senator Mike Shower
Senator Bert Stedman
Senator Gary Stevens
Representative Louise Stutes
Representative Bryce Edgmon
Representative Chris Tuck
Representative Matt Claman
Representative Neal Foster
Representative Cathy Tilton

MEMBERS ABSENT

Senator Lyman Hoffman
Senator Shelley Hughes

OTHER MEMBERS PRESENT

Representatives Eastman, McCarty, Merrick, and Rasmussen

AGENDA

APPROVAL OF AGENDA
COMMITTEE BUSINESS
ADJOURN

SPEAKER REGISTER

Santé Lesh, Deputy Executive Director, Legislative Affairs
Agency (LAA)
Megan Wallace, Legal Services Director, LAA

[12:33:05 PM](#)

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 12:33pm in the House Finance Committee Room. Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Micciche, Reinbold, Shower, Stedman, Stevens.

Members absent were: Senators Hoffman, Hughes.

Thirteen members present.

II. APPROVAL OF AGENDA

[12:34:15 PM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that the Legislative Council approve the agenda as presented.

III. COMMITTEE BUSINESS

CHAIR HANNAN noted the single item of committee business, the adoption of a COVID-19 Mitigation Policy.

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VICE-CHAIR REINBOLD stated that she had never been happier to make a motion in her life and moved that the Legislative Council adopt the COVID-19 Mitigation Policy dated May 14, 2021.

CHAIR HANNAN objected for purposes of discussion and gave the floor to Senate President Micciche.

SENATE PRESIDENT MICCICHE thanked Chair Hannan and stated that this greater legislative family had weathered the pandemic well, in no small part to the policies put in place prior to the Thirty-Second Legislative Session. He stated the testing, screening, and masking policies were stricter than some businesses, but that they paid off and resulted in very few cases within the building. He cited the previous day's CDC guidance that fully vaccinated people need no longer wear a mask or physically distance in most settings. Given that the Capitol's vaccination rate had recently surpassed eighty percent, he stated that the Legislative Council's working group on COVID-19 mitigation policies met this morning and agreed that masking within

the building could become voluntary. He stated that within this community, many sacrifices had been made for the health and safety of friends and colleagues, however, the time had come for these efforts to be rewarded and to pass back to normalcy. He thanked everyone who was involved with these efforts and thought it could be called a success.

CHAIR HANNAN invited Santé Lesh, Deputy Executive Director of the Legislative Affairs Agency and Megan Wallace, the Legal Services Director, to give a walk-through of the updated policy document before members.

MS. LESH stated her name and title for the record. She spoke to the newness of the policy and that it would take the place of the previous operating policies for face coverings and masks.

Under Item I, Face Coverings/Masks, these would become optional in all legislative facilities. The working group mentioned above outlined the following exceptions: an individual legislator may require masks in their office(s), a Legislative Information Office may require masks to be worn during the delivery of in-person services, and other requests that are not covered by these exceptions may be considered by the Legislative Council Chair or designee. She stated that the thought behind the above concerns was that some communities may experience very high rates of COVID-19 spread, and how there may be an LIO within those communities that could not operate safely without mask requirements for in-person services. A disclaimer from the original mask policy remained in the update which stated that if a person declined to wear a mask because of a disability or a medical condition, this policy would not require them to produce documentation of their condition, however it would be asked (though not required) that legislators and legislative staff work through the confidential Americans with Disabilities Act accommodation process with Personnel if that was the case.

Item II, Screening, said that daily screening remained required to ensure that people are safe, were not bringing potential contagions into the Capitol, and were helped to catch it at the door if they were not feeling well.

Item III, Testing, was now only recommended under certain circumstances per CDC guidelines. If an individual, vaccinated or not, was experiencing symptoms of COVID-19, they should get tested (especially upon traveling). She mentioned Dr. Tom Hennessey specifically brought up the

issue of travel during the working group meeting as something that the Legislature may want to consider still testing for, as well as asking weekly cycle testing of unvaccinated individuals. She stated that all of these were recommendations, none were mandatory, and were made with the goal of keeping people who work for the Legislature as safe as possible.

Item IV, Positive Test/Close Contact, stated that the Legislature would follow CDC guidance for individuals with the above situations. Should someone come in and test positive or be listed as a close contact of someone who has, members wanted to have a guideline in place that could keep up with whatever the most recent CDC guidance was.

Finally, Item V, Updated Policy/Effect, stated that this policy supersedes all other policies that had been in effect up until now. She said that she and Ms. Wallace would be happy to answer questions members may have.

REPRESENTATIVE TILTON spoke to her gratitude for the updated policy, then asked if access points would remain the same in the Capitol or if there was any talk of opening other access points as the lobby entrance can get backed up at peak hours.

MS. LESH thanked Representative Tilton for her question and said that it could be discussed with Beacon but the issue with screening was that only so much space was available in the building to set up a screening station, resulting in the current stations in the lobby and on the second-floor catwalk entrance. She stated that some legislators and staff have requested and received accommodations as necessary for building entry, but she believed that other screening locations could certainly be worked out with Beacon and said that it could be possible to screen on the first floor and then re-enter the building from another location to cut down on traffic in the lobby.

VICE-CHAIR REINBOLD stated that she was thrilled about this change overall but was confused why members could not discuss it Wednesday but could on Friday. She said she was not in the work group, it was the two Presiding Officers and two Rules Chairs, so any work that they had done to change the policy she is grateful for, she just wished it would have been done a lot sooner. She said she was disappointed that the rules were arbitrarily applied; she was fined, but yet at skits there was an event-

CHAIR HANNAN said she did not want to rule the VICE-CHAIR out of order, but what members were speaking to was the policy and she needed her to constrain her comments to today's discussion about this policy within the building, not in other parts of the community.

VICE-CHAIR REINBOLD said that one of the fines was given to her in a State building and-

CHAIR HANNAN said that State buildings are not what the discussion was about; that it was the policy that members have before them. She asked the Vice Chair to constrain-

VICE-CHAIR REINBOLD stated that she believes it was the Thomas Stewart Building. She stated that in regard to the EUA, the COVID-19 vaccines were still under emergency use authorization, and also said that the PCR tests were under EUA as well. She had not seen, to the best of her knowledge, an approval to these without emergency use, so they could not legally be mandated. She said she was very happy to know that it was now in state law thanks to everybody who voted for the amendment, that under state law people could decline COVID-19 vaccines for their children or for other adults-

CHAIR HANNAN asked the Vice-Chair to constrain her comments, concerns, and history to the policy. This policy did not deal with citizens instate being recommended to vaccinate or not vaccinate; no vaccinations are required and said that she needed the Vice-Chair to constrain her comments.

VICE-CHAIR REINBOLD said she questioned cycle testing for unvaccinated individuals and that was why-

CHAIR HANNAN said only members of this building, so not the community.

VICE-CHAIR REINBOLD said that she guessed she was a member of the community.

CHAIR HANNAN went on and said it was only recommended, not required-

[12:43:46 PM](#)

A brief at-ease was called.

VICE-CHAIR REINBOLD said she was glad that weekly cycle testing was just a recommendation, but her point was that

she did not want anyone segregated based on vaccinated/unvaccinated status. She said she was very happy overall with the policy changes, and as members know, she did struggle with the earlier mask policies very, very much because she does not believe in medical intervention, but with that she was super happy that members are changing the policy and would definitely be supporting it.

SENATOR STEVENS thanked Ms. Lesh for making sense of the working group meeting recommendations and said this had been a great success thus far. Efforts by all in the Complex had protected everyone, even while it was a struggle for everyone involved. The Capitol had seen very few outbreaks and things could have, and likely would have, been much worse without these protective measures. He asked about the word, "Juneau" under Item III (Testing) and stated that committee meetings, business, sessions could all happen in places other than Juneau. He suggested striking "An individual returning to Juneau," and beginning with "after traveling."

MEGAN WALLACE acknowledged his suggestion and said she did not know at present what the testing availability was outside of Juneau. She was unsure if someone could be covered by Beacon OHSS through this contract to be tested somewhere other than Juneau. She said the intent was for legislators and staff who were traveling out of Juneau and returning to the Capitol for session to test upon return to town before coming back to the building to ensure they had not contracted anything during their travels.

SENATOR STEVENS thanked her for her answer but said it did not really answer his question. If members had committee meetings in Anchorage, which happens often in the interim, if members had a session in Wasilla, for heavens' sake, members would have to find a way to solve that to protect people. He said it remained a question for him.

CHAIR HANNAN reminded Senator Stevens that both of Governor Dunleavy's calls yesterday for special sessions were in Juneau.

SENATOR STEVENS spoke to committee meetings still being elsewhere.

CHAIR HANNAN said it would be up to the will of the committee to change that.

SPEAKER STUTES said she was unclear on one thing even though she attended the meeting this morning: testing. The policy said that individuals would still be screened at the door, but if somebody was at the door and they appeared to have a fever, would they be required to test before they were admitted to the Capitol? She noted that the policy said "recommended," it did not say that an individual would be required to test if they had symptoms.

MS. LESH said she believed the intent of the policy was that if someone was symptomatic upon screening at the Capitol, they would be asked to test prior to being allowed to enter the building, so members may want to add language that says that specifically so there is no confusion. However, testing overall has been recommended and not mandatory. Perhaps, depending on what the Legislative Council thought should happen, she could adjust the language to reflect that.

REPRESENTATIVE EDGMON thanked Speaker Stutes for her question and stated his support of the measure. He said for the record that this should not represent a victory lap as the pandemic is ongoing, and as he saw it, there are still one or two out of every ten in the Capitol who remained unvaccinated. Members of the House, possibly the Senate, as well as staff within the building have underlying health issues that put them at risk, and there are also people who medically cannot vaccinate due to health issues. He stated that he shared the exhilaration of the celebratory members but felt that there was still a long road ahead of this community, especially due to the unpredictable nature of viral variants and other aspects of this pandemic.

SENATOR SHOWER expressed his gratitude for the chance to look at and discuss this policy, and said he agreed with Representative Edgmon that remaining cautious is important, but also that members must remain flexible in the event of things taking a turn for the worse. He asked for clarification on a few things, and said he has a staff member who adheres to a religion and inquired about religious exemptions for masking. He said he promised his staff member he would discuss it with the Council.

MS. LESH asked if he means a religious exemption to decline wearing a mask, which Senator Shower confirmed was the case.

CHAIR HANNAN asked if he meant an exemption to masking in an LIO or in his own office.

SENATOR SHOWER said he was asking if a religious exemption could apply outside of the office, as there are already medical and disability exemptions available for individuals to decline wearing a mask in public spaces. He stated that his staff member was currently wearing a mask but under protest and hoped that policy could be changed to allow him exemption. Senator Shower said he did not want to make a big point of it, his employee said he would live with the masking if he had to, but that he said he would inquire, so that was what he was doing.

MS. LESH said that she believed the policy was written to give as much flexibility as possible to allow those who have underlying conditions and cannot be vaccinated some measure of protection. She believed that this case could be considered by the Chair or her designee.

SENATOR SHOWER thanked her for the answer and asked, regarding screening, what would be required, as screening could take up a lot of time. He said one of his staff member's wife worked in a hospital in Portland, where five thousand employees went through screening daily. He spoke briefly to his support of screening and that his other occupation required screening, and that he questioned anyone who would come to work while feeling ill. He asked what the screening would entail—would it be the same, would there be any way to speed up the process as it took many hours away from members the previous session.

MS. LESH said that the working group did not specifically address this, but since this new policy superseded all older policies and because social distancing was included in guidance by the CDC as being unnecessary for vaccinated individuals, she assumed that the six-foot social distancing may be determined no longer necessary at the discretion of the Council which could help with the time taken screening. Depending again on the Council's decisions, she said that as testing would be less necessary, it was possible that Beacon might be able to put more staff on screening, also lessening the time taken.

SENATOR SHOWER suggested the Council could consider studying larger hospitals and other workplaces that screen large numbers of people to learn what methods might speed up the Capitol's process. He asked if there was any discussion about allowing the public into the Capitol through a different entrance or perhaps in a different screening line as they are not employees or legislators.

MS. LESH stated that she was not sure she was the appropriate person to respond to this question, but she offers that the building's closure to the public was a decision made by leadership at the start of the pandemic and was not necessarily included in any Legislative Council policy. She recommended he inquire with leadership for an answer.

SENATOR SHOWER thanked her and said he would like to discuss the above with Legislative Council.

CHAIR HANNAN asked if anyone was seeking to amend or clarify the policy, based on the suggestion of modification to the screening process.

SPEAKER STUTES suggested that it might be pertinent if someone was at the screening station with a significantly high temperature that they be required to have a test taken before they were allowed entrance into the building.

12:58:10 PM

A brief at ease was called.

SPEAKER STUTES asked to amend her motion with the help of Ms. Wallace's legal guidance. Under "Screening," she asked to put "an individual experiencing any COVID-19 signs must test before entering the Capitol" and under "Testing," to remove Item I that said "an individual experiencing any COVID-19 symptoms".

CHAIR HANNAN said that she wanted to make sure that the folks who would print this up amend it or have it in a significant enough form that they could follow as members discuss. She then opened the floor to discussion by members.

REPRESENTATIVE CLAMAN asked that with respect to the amendment, if it was understood that individuals would follow existing protocol if they had symptoms. He clarified it was not a solely question of testing, because the current protocol directed symptomatic people to go home.

MS. LESH said she believed that because the proposed policy follows CDC guidance, fully vaccinated people would be asked to go home and cooperate with contact tracing, and unvaccinated people testing positive would be asked to quarantine in addition to the above mitigation techniques. She stated that in a sidebar with Ms. Wallace, they agreed

to leave contact tracing in under Item IV, and they believe it should remain in Item III in case people who want to test know that it is an option. Perhaps they have not come to the Capitol, they are at home and experiencing symptoms, so they have the option to call Beacon and have guidance and testing provided before they enter the Capitol.

SPEAKER STUTES asked to amend her motion to leave in Item I under Item III, "Testing."

SENATE PRESIDENT MICCICHE wondered why members did not add in "individuals exhibiting symptoms will not be allowed entry" under "Screening," which is what people should do, because he does not care if they have COVID or not, he just assumed people with a 101-degree fever that may or may not be vomiting would not come to work. He stated that this was just his opinion.

CHAIR HANNAN asked if there was any more discussion on the amendment. When asked if anyone objected to what she referred to as a "conceptual amendment" as members did not have it in writing, except for Speaker Stutes.

SENATE PRESIDENT MICCICHE asked her to please repeat the amendment.

SPEAKER STUTES read "an individual experiencing any COVID-19 signs must test before entering the Capitol."

CHAIR HANNAN clarified that the above amendment would be added under Item II, "Screening." She offered further discussion to the Council on the above amendment.

VICE-CHAIR REINBOLD asked what all the symptoms of COVID-19 were and said she did not know that members could require EUA tests. She said she understood and did not want people to enter the building if they have a high fever, but she believed it could get tricky as more was learned about COVID-19 symptoms. She stated that she believed it was a complicated conceptual amendment.

SENATOR SHOWER agreed with Senate President Micciche and thought the amendment should be simplified to "any individual experiencing COVID-19 symptoms will not be granted access to the building," because members did not want people here who are sick no matter what they are doing. He stated that this should have been a policy before COVID-19.

CHAIR HANNAN said she believed the requirement to test was to make sure that Beacon could do contact tracing. If someone went home because they had a fever but did not test, it would be unclear whether that fever was related to COVID-19, other transmittable diseases, or perhaps an infection.

SENATOR SHOWER stated again that he agreed with Senate President Micciche in the creation of a policy that individuals with symptoms should not be allowed entry to the building.

REPRESENTATIVE EDGMON said it was not a bad suggestion but was concerned it might put Beacon staff in a precarious situation, having to make that kind of a determination at the entry points to the Capitol.

MS. LESH said she believed Beacon already did that, by way of screening forms that ask individuals to report symptoms or a fever over 100.4 degrees. If someone reported either of these, or had their temperature taken by the screener's thermometers, they were not allowed entry into the building and were taken to get tested.

REPRESENTATIVE EDGMON said that his concern was that the Beacon staff at the two entrance points, who were not medical professionals, were making the determinations rather than the individuals self-reporting symptoms.

MS. LESH said she believed that the Beacon staff were indeed medical professionals, but that she would confirm and get back to Representative Edgmon. She said that while members could always put into policy that people should not come to work while sick, that because of the nature of seasonal work there might be individuals with fevers who would not self-report honestly after taking Tylenol to be able to come to work. She stated that the idea of testing was to help catch anyone who might think they just have allergies, but it turned out they had COVID-19. She said she believed the best way to deal with this issue was to really emphasize to staff and colleagues the importance of staying home if sick, and that if one would like to test to put their own mind at ease, that would be available to them.

CHAIR HANNAN offered further discussion on the amendment.

VICE-CHAIR REINBOLD said because of the growing range of symptoms, she supported using a 100.4-degree fever as a good, easy, test for this issue.

SENATE PRESIDENT MICCICHE stated that members of the Council were spending a lot of time on a non-issue, if members wanted to vote the amendment, then they should, and that this meeting could have been much shorter. He said if the amendment is important to the maker, he would like to take it to a vote, and either way, he did not think the amendment made much of a difference.

CHAIR HANNAN offered the floor to any more discussion, then called a vote to the amendment...

SPEAKER STUTES amended her amendment to read "if one tests at over 100 degrees, a COVID-19 test will be required."

MS. LESH said that if members left it to Beacon to make the decisions, that their staff would follow CDC guidelines and would be informed by the State Department of Health and Social Services.

SPEAKER STUTES rescinded her amendment to her amendment and reverted to the original amendment she arrived at with the help of Ms. Wallace.

CHAIR HANNAN called for a vote on the amendment which would be adding to Item II "Screening," that if one is experiencing symptoms they must get tested. She asked if there were any objections, or if members even needed a formal roll call.

VICE-CHAIR REINBOLD said she was going to, the only reason...

CHAIR HANNAN asked if Vice-Chair Reinbold was going to object.

VICE-CHAIR REINBOLD said yes, she was going to object.

CHAIR HANNAN said that it meant members would take a roll call vote.

VICE-CHAIR REINBOLD asked if she would be permitted to speak to her objection.

CHAIR HANNAN said that the Vice-Chair had already spoken to her objections repeatedly, then asked for a roll call vote on the amendment to the policy.

[1:10:17 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tuck; Senators Bishop, Micciche, Shower, Stedman, Stevens.

NAYS: Representative Tilton, Senator Reinbold

The motion passed 11-2.

CHAIR HANNAN noted the amendment to the policy passed and requested a roll call vote on the policy.

[1:11:28 PM](#)

A roll call vote was taken.

YEAS: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton, Tuck; Senators Bishop, Micciche, Reinbold, Shower, Stedman, Stevens.

NAYS: none

The motion passed 13-0.

CHAIR HANNAN said that with 13 yeas and 0 nays, members had a new COVID-19 mitigation policy.

REPRESENTATIVE TILTON asked to speak and said that earlier she only asked one question as she was trying to be observant to the time of others' but wanted to align herself with Senator Shower's comments regarding this being Alaska's Capitol that does not currently allow access to all Alaskans and stated the importance of Alaskans being able to enter their Capitol. She thanked Chair Hannan for allowing her comment.

IV. ADJOURN

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

[1:13:29 PM](#)