

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**OCTOBER 05, 2021
11:00 AM**

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Lyman Hoffman
Senator Shelley Hughes (alternate)

OTHER MEMBERS PRESENT

Representative Steve Thompson

AGENDA

CALL TO ORDER
APPROVAL OF AGENDA
RATIFICATION OF CHARITABLE EVENT
COMMITTEE BUSINESS
OTHER COMMITTEE BUSINESS
ADJOURN

SPEAKER REGISTER

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

[11:03:48 AM](#)

I. CALL TO ORDER

CHAIR HANNAN called the Legislative Council meeting to order at 11:03 AM in the House Finance Committee Room. Present at the call were: Representatives Claman, Edgmon, Foster, Hannan, Stutes, Tilton; Senators Bishop, Reinbold, Stedman, Stevens.

Representative Tuck joined at 11:05am; Senate President Micciche joined at 11:13am; and Senator Shower joined at 11:25am.

Members absent were: Senators Hoffman and Hughes.

Thirteen members present.

II. APPROVAL OF AGENDA

[11:05:17 AM](#)

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

CHAIR HANNAN, noting no objection, said the agenda was approved.

III. RATIFICATION OF CHARITABLE EVENT

[11:05:38 AM](#)

VICE-CHAIR REINBOLD moved and asked unanimous consent that the Legislative Council ratify the Chair's sanctioning of the following charitable event per AS 24.60.080(a)(2)(B): Junior Achievement of Alaska's Business Hall of Fame Event - Thursday, January 20, 2022, Dena'ina Center, Anchorage.

CHAIR HANNAN objected for the purposes of discussion and said she had already sanctioned this event after verifying that it was a 501(c)(3) organization. She asked if there were any questions or discussion surrounding that before ratification. After noting neither of the above, she removed her objection, and stated that the event was now ratified.

IV. COMMITTEE BUSINESS

[11:06:50 AM](#)

VICE-CHAIR REINBOLD moved that Legislative Council adopt the COVID-19 Mitigation Policy as amended.

CHAIR HANNAN noted that members had copies of the current policy and that there were a couple options before the Council. She gave the floor to the Legislative Affairs Agency's Executive Director, Jessica Geary, to walk members through proposed changes to COVID-19 policy and respond to questions.

JESSICA GEARY stated her name and title for the record. She described the proposed changes to clarify the masking section of the policy, noting the current policy said N95 masks were not allowable. The intent, she said, was to disallow masks with exhalation valves, but the new policy would allow the use of N95 masks. She said the substantive changes were under Section III, Cycle Testing and Screening. Ms. Geary said the two options before members were considered to offer flexibility to members during the fourth special session and all the unknowns that would come with it. She explained that she reached out to Beacon, the Legislature's previous COVID mitigation contractor, and learned they had a contract with the State of Alaska that covered all State facilities. We explored this option and while simple, it offered fewer services—it would be essentially staff time and testing (no screening, etc.). The other option would be to create a separate contract, hire screeners, and create clearance cards all of which could use some funds left from Beacon's January contract with the Legislature. She said she was aware this might be confusing and would be glad to take questions before continuing.

SENATOR STEVENS thanked Ms. Geary for the options and asked from a purely fiscal point of view which cost less.

MS. GEARY said the first option would not cost the Legislature any additional funds.

REPRESENTATIVE TILTON stated that the current policy focused on personal responsibility which she preferred over required testing, etc. She said she wanted to bring to members' attention that when the masking policy was created during the last meeting, there was discussion about following the lead of the city in which the meeting was being held (Juneau) in both the Capitol as well as in LIOs around the state. She thought that other cities' mask policies should be honored by the Legislative Information Offices within them. She then asked what, "individuals must test at least every four days" meant.

MS. GEARY said that "individuals" in the policy referred to those who were required to participate in cycle testing, so was a continuation of the previous policy.

REPRESENTATIVE TILTON confirmed that "individuals" then referred to legislators and legislative staff, and expressed she was concerned about members of the public being asked to test, etc.

MS. GEARY said that it would be up to Legislative Council to draft any policy extending testing to members of the public, but as this policy was written, it was only currently required that visitors to the Capitol self-screen for symptoms and not enter if they had COVID-19 symptoms.

REPRESENTATIVE TILTON said that Option 2 limited Capitol access to just screening stations and asked if Option 1 would not limit access.

MS. GEARY said that was correct; that Option 1 could be viewed as more of an "honor system" policy.

VICE-CHAIR REINBOLD said that first, under Item 4, it said that legislators and legislative staff must isolate as directed by health authorities. She wanted to know who the health authorities were and what was being directed with the word "isolate."

MS. GEARY said that language did not change from previous policy and said what it meant was if one tested positive they would be directed to quarantine as directed by public health.

VICE-CHAIR REINBOLD said she was concerned that, "health authorities" was too broad of language.

MS. GEARY said the intent was the health authorities with the State or Municipality, whoever was conducting contact tracing for that area. Contact tracing was not part of the contract being considered today, unlike last session where contractors were providing contact tracing and quarantine services.

VICE-CHAIR REINBOLD said so this is basically on the honor system?

MS. GEARY responded yes, in a sense, but it was her understanding that if someone tested positive, public

health would contact them and let them know that they are to be quarantining for whatever that time period is.

VICE-CHAIR REINBOLD asked if the PCR tests were still under Emergency Use Authorization or if they had been FDA approved.

MS. GEARY said she did not have that information.

VICE-CHAIR REINBOLD said that it was her understanding they were currently still under Emergency Use Authorization and therefore could not be mandated and said she would vote no because she believed it to be both illegal and unconstitutional. She said she was concerned that she could not know who the provider would be and what would be required. She said for the record that if there was any news about a contract with Beacon, she had not yet seen it and would like to know everything there was to know about that contract and expressed concerns about legislators being leaders and representing their constituents but being forced to do things against their will and against the constitution. She described this as the most unconstitutional thing she had ever seen.

CHAIR HANNAN clarified for the record that Representative Tuck joined the Council at 11:05am and Senator Micciche joined at 11:13am.

REPRESENTATIVE CLAMAN asked scheduling questions about Option 1, and detailed specific travel days to explain.

MS. GEARY said that with travel, this would be a concern for many legislators. She said the current advice is that when one traveled, they would test afterward. She continued that this policy said one PCR test would be available and following tests would be antigen rapid tests with results available in thirty minutes.

REPRESENTATIVE CLAMAN asked if these tests were related to Capitol access, rather than LIOs and other Legislative facilities.

MS. GEARY confirmed that was correct; this was specific to the Capitol Complex.

REPRESENTATIVE CLAMAN clarified that he would only need to test upon returning to the Capitol.

MS. GEARY confirmed that was correct.

REPRESENTATIVE CLAMAN reconfirmed that this policy only applied to Capitol Complex and not to LIOs around the state.

MS. GEARY confirmed he was correct and said that there was not testing resources through the Legislature in those facilities, but if this Council wanted to make testing available in those communities, she could check into that.

REPRESENTATIVE CLAMAN asked where in Juneau the testing would be held.

MS. GEARY said it would be in the Assembly Building.

REPRESENTATIVE TUCK detailed a resolution that had passed the House and was being considered by the Senate that would allow committee meetings to be held in the Anchorage LIO with public participation. He asked if that passed, would there be any concern about testing in Anchorage, or were members only worried about COVID-19 spread in Juneau.

MS. GEARY said it was her understanding that there was COVID-19 concern statewide, but that this policy only contemplated the Capitol Complex, but if it was the intent of the Legislature to have meetings in Anchorage, then this committee could ask her to investigate testing options for the Anchorage LIO.

REPRESENTATIVE TUCK expressed that the Legislature was not at present taking into consideration any meetings outside of Juneau.

CHAIR HANNAN said it was at her direction that Ms. Geary was asked to investigate the possibilities of expanding the Legislature's mitigation policy in the wake of a fourth special session in the Capitol Complex. She said she did not ask her to investigate trying to institute COVID-19 mitigation policies stronger than masking and self-screening at any other LIOs or locations across the state. The impetus was a gathering of sixty Legislators coming together from a variety of points around Alaska concentrated together, so that is where the two options originated as to what to do for this complex during this special session, but it would retain self-screening, face-covering, and masking in all locations.

CHAIR HANNAN noted Senator Shower's arrival to the meeting at 11:25am.

VICE-CHAIR REINBOLD said she wanted to make sure she understood clearly that under cycle testing and screening, both options required test participation of legislators and staff to access the Capitol, but not of the public. She asked if that was true.

CHAIR HANNAN confirmed that she was correct.

VICE-CHAIR REINBOLD said that that legislators and staff would not be allowed to access the Capitol if they did not take a non-FDA approved test, meaning the policy would block them from performing their fiduciary responsibility. She said this policy made CDC guidance mandatory for isolation and contact tracing even though federal law stated EUA could not be mandated, state law said EUA was opt-in, and the constitution required legislators and staff to be in the Capitol. She stated again that this was the most unconstitutional thing she had ever seen and that she would vote an absolute and passionate no.

SENATE PRESIDENT MICCICHE acknowledged his lateness and confirmed he had the correct paperwork in front of him and then asked for more information about the types of approved masks.

MS. GEARY said that updates included adding under approved face shields "with a droplet barrier," and under masking, approved clear masks, gaiters made of tightly woven material of multiple layers. She said that scarves were added to the list of unacceptable face coverings and N95 masks were removed from that list.

SENATE PRESIDENT MICCICHE stated his question was how those updates interacted with Options 1 and 2, or if that was a separate document and may not be what was being discussed.

MS. GEARY said that in both Options, the masking policy was identical. The only substantial changes, she said, were in Section 3 under Cycle Testing & Screening, as well as a Risk Level Notification requirement which stated that her office would notify legislators and staff of whatever protocols were going on at that particular facility. These, she said, were the only differences, and then said Option 1 was more of an "honor system" and Option 2 had some requirements for verification of negative COVID-19 test.

SENATE PRESIDENT MICCICHE asked if Option 1 included individuals who had regular business in the Capitol or not.

MS. GEARY confirmed that those individuals were not included.

SENATE PRESIDENT MICCICHE spoke about the compliance and scheduling issues when cycle testing was every day and asked if it was possible to do once-weekly testing like members and staff had done at one point, citing the ease of that method.

CHAIR HANNAN said she was not sure she was able to answer that question and informed him of Representative Claman's scheduling/travel question from earlier. She said that Option 1, being an honor system, could allow for such a scenario as weekly testing, but that she believed there was a reason within the definition of cycle testing that led to the policy being written as it was currently. She asked Ms. Geary if she would confirm.

MS. GEARY said that she was correct, and to have a robust testing program there had to be repetition of tests, and the best way to catch positive cases is to test every four days. That is more feasible if everyone was in Juneau, which is common during regular session, but less likely for special session.

SENATE PRESIDENT MICCICHE thanked them both and apologized for being late and having to be filled in.

CHAIR HANNAN said it was no problem and let him know members had not yet had a motion on one option over the other but were currently discussing both options.

SENATOR STEVENS asked if the existing contract between the State and Beacon would extend into next regular session.

MS. GEARY said that work was being done to extend that contract, and that the current policy did not have an expiration so it would be up to this committee to change or end it.

SENATOR STEVENS asked the Chair if she recommended either of the two options.

CHAIR HANNAN said that her understanding was the policy exists until members amend it again, but that members were not trying to anticipate all the needs that they would have for regular session come January. She said she was of two minds and seeking guidance from the committee. Option 1, she said, served the Legislature in a low-traffic

environment due to its low fiscal cost, but was reliant on members to follow policy, participating in cycle testing without verification. She said that if sixty members and their staff were concentrated for ten days, some from high-transmission communities, Option 2 would be the most health-protective, but at substantial cost. The traffic flow of the building for special session could guide this decision; she thought it may be low traffic, but other members have more accurate estimates.

SENATOR STEVENS said he thought it was important to hear her thoughts as she had spent more time on this issue than others, and that he believed it made sense to continue with Option 1 through special session and then reevaluate for regular session. He thanked the Chair for her thoughts and said he believed he supported Option 1.

VICE-CHAIR REINBOLD said that she let her leadership know she could not make this motion and now that Senate President Micciche was here, she was going to withdraw her motion of this policy based on the illegality and the constitution.

SENATOR BISHOP requested that the Vice-Chair repeat herself.

VICE-CHAIR REINBOLD said that she notified Senate President Micciche that she could not make this motion. Because he was not here at the beginning of the meeting, she went ahead and made the motion, however she was now withdrawing it due to her belief that it is illegal on a federal and state level as well as unconstitutional. If the Chair would like someone else to make this motion, the Vice-Chair asked that she do so.

[11:39:29 AM](#)

SPEAKER STUTES moved that the Legislative Council adopt the COVID-19 mitigation policy Option 1.

VICE-CHAIR REINBOLD and REPRESENTATIVE TILTON objected.

REPRESENTATIVE TILTON said she had spoken with Ms. Geary about the policy and objected for two reasons: she believed the masking policy within LIOs should follow that community's guidance and that she was a firm believer in personal responsibility already outlined in the present COVID-19 policy.

VICE-CHAIR REINBOLD said she had made it very clear that she believed this PCR test could not be mandated and therefore this policy violated federal law. She said Alaska was an opt-in, not opt-out state and she had her own providers in Juneau, Anchorage, and Eagle River, and she wanted to have them taking care of her, not the policy. In her mind it was not justified to challenge her constitutional obligation to vote in the Capitol and she did not want her staff or herself to be barred based on what she believed was an illegitimate, illegal, unconstitutional action, so she would be a no vote.

SENATOR SHOWER apologized for being late to the meeting and said that the day before, he requested the latest COVID-19 data from a health official in Alaska who told him the Delta variant was beginning to taper off and with much of the Legislature vaccinated, he believed no policy was necessary and certainly supported the lowest cost option if one must be imposed. He said that this official had said there were only five patients in Juneau's hospital due to COVID-19 complications, that Anchorage hospitals were performing elective surgeries, and that he did not believe the data suggesting the healthcare system was stressed. He said masking and self-testing were enough for the present COVID-19 forecast in his view, and that he did not support taking a step backward. The Senator said he did not think the policy was necessary but would defer to the council.

CHAIR HANNAN asked the Senator, since he had requested his comments to be put on the record, to share formally, in writing, the guidance and numbers data he received as well as the name of the health official he cited with Ms. Geary and the Chair.

SENATOR SHOWER said he would.

CHAIR HANNAN said that since Senator Shower mentioned the community of Juneau's vaccination rates, she wanted to make it clear that this policy was not for the community, but only to legislators and staff. It was her viewpoint that although the community data would be relevant if the committee was applying it to everyone who entered the Capitol, that was not the case so the fact that legislators were coming from sixty different locations, each of those locations would have to be considered in the data to estimate the risk factors for individuals entering the building.

SENATOR SHOWER said he was not necessarily trying to sway the discussion but was trying to point it out so there was a broader base of information for members to consider and would send the data he had received to her and Ms. Geary.

REPRESENTATIVE TUCK asked if anyone had been keeping track of visitor numbers to the Capitol since opening the building to the public.

MS. GEARY said that we do not track every visitor who enters the Capitol. There was a tour guide program during the summer months that tracked visitor numbers on guided tours, but there are no numbers on how many people visited on their own.

REPRESENTATIVE TUCK asked if there were any testing requirements for these people to visit the Capitol.

MS. GEARY said there was no requirement aside from individuals being made to mask and asked to keep six feet from anyone working in the building.

REPRESENTATIVE TUCK said that if members were going to be testing and limiting public access to those being tested, he believed reevaluation of masking requirements was due. He didn't want to close the Capitol to the public, however, if that must happen and just legislators and staff were able to access the building, masking policies must be reevaluated. He said he had both options in writing before him but was not sure which was which and asked to have the current option being considered identified for him.

MS. GEARY said that the committee was discussing Option 1, that there was no prohibition of visitors to the Capitol because the initial State contract did not extend to all visitors to the Capitol complex as it only covered legislators and staff. She said visitors were expected to self-screen. The reason Option 2 includes individuals outside of legislators and staff is because this option contemplates the Legislature having a separate contract directly with Beacon.

REPRESENTATIVE TUCK asked again to have help identifying which piece of paper was which option, as neither of them were labeled as such. He read the differences between the two.

CHAIR HANNAN let him know that the first one he read was Option 1.

REPRESENTATIVE TUCK thanked her and said he thought it was a bit premature to consider a policy as members did not yet know how often they would be in the Capitol during special session.

REPRESENTATIVE TILTON said she believed there was some misunderstanding about Option 1; the wording made it seem like members of the public would be asked to test and recommended rephrasing the paragraph for clarity.

CHAIR HANNAN asked if the Representative would like to make a motion to amend the phrasing of the policy.

11:52:19 AM

REPRESENTATIVE TILTON proposed that under item three, "Cycle Testing & Screening," that at the end of the first paragraph, the word "Those" be inserted before "individuals."

CHAIR HANNAN asked if there were any objections.

SENATE PRESIDENT MICCICHE said he did not understand and asked if Representative Tilton would repeat herself.

CHAIR HANNAN offered to repeat it and said at the end of the first sentence under bullet point three, add "those" and add the following paragraph to read "those individuals must be tested every four days...".

SENATOR SHOWER asked for clarification.

CHAIR HANNAN said she was trying to clarify that the people who would be testing would be legislators and staff, the lead noun of the first sentence.

SENATOR SHOWER asked, just to be clear, if that would affect the status of the Capitol being open to the public.

CHAIR HANNAN said it would not affect the public and that it was Representative Tilton's intent that this policy of cycle testing would only apply to legislators and legislative staff.

REPRESENTATIVE TUCK clarified to make sure that the public would just have to self-screen, not test.

CHAIR HANNAN said he was correct.

[11:54:19 AM](#)

REPRESENTATIVE TUCK said he did not understand why they impose such rules for themselves when they wouldn't hold people walking in off the street to the same restriction, and repeated that this policy enactment seemed premature. He said he would like to make a motion to table this policy until Friday, October 8, 2021.

CHAIR HANNAN said she currently had a motion to amend and wanted to resolve that before taking up the motion to table.

SENATOR STEVENS said that a motion to table took precedence, has no discussion, and members need to vote on that motion.

CHAIR HANNAN noted that there is a motion to table the mitigation policy until Friday, October 8, 2021, and requested a roll call vote.

[11:55:54 AM](#)

A roll call vote was taken.

YEAS: Representatives Tilton, Tuck; Senators Micciche, Shower, Reinbold.

NAYS: Representatives Claman, Edgmon, Foster, Hannan, Stutes; Senators Bishop, Stedman, Stevens.

With 5 yeas and 8 nays, the motion failed.

CHAIR HANNAN asked again if there was any objection to Representative Tilton's earlier motion to amend. Upon noting no objections, the policy was amended.

She said, that brings us back to the main motion of the policy of Option 1 before us. As Chair, she appreciated the fortitude of committee members to go back and forth on scheduling, and because of that she asserted that this was not premature and having a policy that could be acted on and planned around was beneficial to all members' staff, support staff, and legislators themselves. By adopting Option 1, she said, if the Council chose to, they would be continuing to use an existing State contract and if on Friday, policy needed to be amended, members would benefit from the flexibility with no additional cost. If, she said, special session ended up lasting 30 days, members could decide to increase mitigations as necessary. At this point, she said, Option 1 gave the Council the most options with

the smallest cost and allowed them to proceed with tighter or looser mitigation efforts as needed. She recommended a yes vote on the motion to adopt Option 1.

REPRESENTATIVE EDGMON said that Representative Tuck's comments had merit and perhaps he could have supported the motion to table, but on the other hand (inaudible) he felt that at this stage, it was better to have more protections than fewer. With that in mind, he said he would be supporting Option 1 and would like to keep a close eye going forward if mitigation efforts could be decreased.

REPRESENTATIVE TUCK said he would also vote to support Option 1, but did not understand, unless it was a cost issue, why the Legislature would not test the general public accessing the Capitol if members' efforts were intended to reduce the spread of COVID-19. He said it seemed irrational to him to not test all sectors of people entering the Capitol. He said he would almost rather test the public and have legislators test only upon travel or initial re-entry to the Capitol. He said it seemed irrational to him, but as far as a step towards protection, he supported Option 1.

CHAIR HANNAN said that one of the things contemplated regarding his concerns was that on-site, rapid testing was required if the Legislature was going to grant access only upon proof of a negative test. The contract in Option 1 did not allow for rapid tests, she said, which would not work for a casual visitor. She said Option 1 was not the tightest mitigation plan members could create to prevent the transmission of the COVID-19 Delta variant, but it was a step in the right direction and contemplated the movement of people who were regularly coming in and out of the building.

REPRESENTATIVE TUCK said he did not like to cut out the public and that it seemed like the State was paying a high cost to test legislators and staff to not mitigate very effectively by not testing the public. He said that was his point, but that he would still support the proposal.

SENATE PRESIDENT MICCICHE said he would prefer the proposal be written as "advised to" rather than "must;" he said he could not have supported Option 2 but could support Option 1 as that largely left choices up to the individual even though it included the word "must". He said the people who would test, would test, and the people who were not going to would not, so this eliminated the need to force

compliance on something that people either believe in or they do not. He said he would support Option 1 and it would be up to the individual to be in compliance or not. He appreciated the two options and that other face covering options had been added to give some flexibility to some who were uncomfortable with certain kinds of face masks.

SENATOR STEVENS said he thought members needed to recognize the remarkably good job done over the course of the pandemic, under Chair Hannan's leadership, with Ms. Geary's support, in protecting legislators and staff. He said he was glad to hear some folks thought things were getting better; he hoped they were right but did not know that it was true. He said six hundred thousand deaths in the United States were becoming likely to approach a million, and that Alaska's rates were the worst in the entire nation. He said that members job here was to take care of their people for the next three months, and that adjustment of the mitigation plan was always an option in the future. He appreciated Representative Tuck's comments about the public coming to the Capitol and said he would be supporting Option 1.

[12:05:16 PM](#)

A roll call vote was taken.

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

NAYS: Representative Tilton; Senators Shower, Reinbold.

The motion was adopted 10-3.

V. OTHER COMMITTEE BUSINESS

CHAIR HANNAN introduced the last piece of committee business, a late travel reimbursement request from Representative DeLena Johnson dated March of 2021.

[12:06:43 PM](#)

VICE-CHAIR REINBOLD moved that the Legislative Council approve Representative Johnson's late travel reimbursement request for which took place from March 26 to March 28 of 2021.

CHAIR HANNAN objected for the purposes of discussion and said that Representative Johnson was present if anyone had questions for her and that Ms. Geary was prepared to answer questions about the late travel policy if there were any.

SPEAKER STUTES said she was happy to support it, saying that Representative Johnson had experienced a tough year with family deaths, and she could see how this could very easily have slipped by. She said she was in full support of a late reimbursement to Representative Johnson.

REPRESENTATIVE TILTON said she had had a discussion with Representative Johnson the day before and would be supporting this motion. She then detailed the variety of reasons, none of which at the fault of the Representative, that this travel reimbursement was submitted late.

CHAIR HANNAN recommended that members vote yes and said that at sixty-one days Accounting asks that Legislative Council approve travel. She then removed her objection and requested a roll call vote.

[12:09:49 PM](#)

A roll call vote was taken.

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

NAYS: None.

The motion passed 12-0.

SENATOR STEDMAN commented that the Legislature had been very timely and there had been very few late travel reimbursement requests. He said this was the first one the Council had received in a while, and it was good that members kept a tight ship; he appreciated it.

VI. ADJOURN

[12:11:27 PM](#)

CHAIR HANNAN, seeing nothing further on the agenda and no further comments, adjourned.