

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**FEBRUARY 21, 2023
5:30 PM**

MEMBERS PRESENT

Senator Elvi Gray-Jackson, Chair
Representative Kevin McCabe, Vice Chair
Senator Click Bishop
Senator Matt Claman
Senator Jesse Kiehl
Senator Donny Olson
Senator Gary Stevens
Representative Bryce Edgmon
Representative Sara Hannan
Representative Craig Johnson
Representative Dan Saddler
Representative Cathy Tilton

MEMBERS ABSENT

Senator Lyman Hoffman
Senator Bert Stedman (alternate)
Representative George Rauscher

OTHER MEMBERS PRESENT

AGENDA

COMMITTEE ORGANIZATION
COMMITTEE POLICIES
APPROVAL OF MINUTES
COMMITTEE BUSINESS

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency (LAA)
Emily Nauman, Director, Legal Services, LAA
Kathryn Kurtz, Assistant Revisor of Statutes, Legal
Services, LAA
Mindy Kissner, Finance Manager, LAA

I. CALL TO ORDER

5:32:40 PM

SENATE PRESIDENT STEVENS called the Legislative Council meeting to order at 5:32 PM. Present at the call were: Senators Bishop, Claman, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Hannan, Johnson, McCabe, Saddler, Tilton.

Twelve members present.

II. COMMITTEE ORGANIZATION

5:33:45 PM

SENATE PRESIDENT STEVENS nominated and elected Senator Elvi Gray-Jackson as the Chair of Legislative Council and asked unanimous consent and that nominations be closed.

Without objection, Senator Gray-Jackson was elected Chair of Legislative Council.

5:34:38 PM

SPEAKER TILTON nominated and elected Representative Kevin McCabe as the Vice-Chair of Legislative Council and asked unanimous consent and that nominations be closed.

Without objection, Representative McCabe was elected Vice-Chair of Legislative Council.

III. COMMITTEE POLICIES

A. Quorum and Voting Requirements

CHAIR GRAY-JACKSON said it is a long-time Council policy to require a minimum of eight members for a quorum, and eight members to approve a motion. With a fourteen-member joint committee, this policy ensures at least one member of the other body approves a motion or satisfies a quorum to do Council's business. Unless there is an objection, she would like to maintain this tradition.

The policy was maintained without objection.

B. Alternate Members

CHAIR GRAY-JACKSON stated in 2011 Council adopted the practice of appointing alternate members, similar to other committees such as Legislative Budget and Audit and Ethics. For 2023-

2024, the alternate member for the Senate is Senator Bert Stedman and there is no alternate member in the House.

CHAIR GRAY-JACKSON continued that she would like to establish the policy that alternate members are welcome to sit at the table at any Legislative Council meeting. Regarding voting, an alternate may only vote in the absence of an appointed Council member of their respective body. In other words, the Senate alternate may only vote if a Senate member is not present; a Senate alternate may not vote if there is an absence in the House membership of the Council.

The policy was approved without objection.

CHAIR GRAY-JACKSON thanked her staff, Legislative Affairs Agency staff, and the members of Council. She pledged to treat everyone, from committee members to staff and presenters with respect, and anticipated that all members would do the same. She pledged to provide plenty of notice for upcoming meetings; materials as early as possible; and to do her best to discuss agenda items with each member prior to the meeting. She asked members who may have questions or concerns about any materials to ask in advance of the meeting, so staff have a chance to prepare a response or additional information. She reminded members that LAA staff serve the committee and asked that members be courteous and respectful in their questions and comments when staff present data. The Chair closed by saying that she looks forward to working with Vice Chair McCabe, getting to know her colleagues in the House, and working with each member on this very important committee.

C. Sanctioning Charitable Events

CHAIR GRAY-JACKSON stated as per AS 24.60.080(a)(2)(B) Legislative Council sanctions charitable events that have 501(c)(3) tax exempt status. The policy in place since 2003 grants the Chair the ability to sanction these charitable events and the Committee would ratify the Chair's action at the next Council meeting.

The policy was maintained without objection.

D. Subcommittees

CHAIR GRAY-JACKSON stated she would like to continue the work of the subcommittees on Information Technology, Security, and Assembly Building issues. If members, or staff representing them, would like to serve on any of these subcommittees,

please contact her office. There was no discussion of this item.

JESSICA GEARY thanked the Chair for the opportunity to introduce her hard-working, non-partisan management team who support the important work of the Legislature. She stated the many and various functions LAA provides then introduced LAA's leaders: Megan Wallace, Chief Counsel and Parliamentarian; Mike Warendt, Anchorage Operations Manager; Rayme Vinson, Chief of Security; Tim Banaszak, Chief Information Officer; Tim Powers, Manager of Information and Teleconferencing and LIOs; JC Kestel, Procurement Officer and Supply Manager; Mindy Kissner, Finance Manager; John Wright, Print Shop and Documents Manager; Serge Lesh, Facilities Manager; Skiff Lobaugh, Human Resources Manager; Chuck Burnham, Research Manager; Emily Nauman, Legal Services Director; Santé Lesh, Deputy Executive Director; and Molly Kiesel, Special Assistant and Recording Secretary for Council. Together this team has a combined total of 200 years of legislative service and institutional knowledge. She said she is proud to lead this effective group of professionals and appreciated the privilege of recognizing them here today.

IV. APPROVAL OF MINUTES

[5:42:34 PM](#)

VICE-CHAIR MCCABE moved that Legislative Council approve the minutes of the December 19, 2022, meeting as presented.

The minutes were approved without objection.

V. COMMITTEE BUSINESS

A. 2023 Manual of Legislative Drafting

[5:43:39 PM](#)

VICE-CHAIR MCCABE moved that Legislative Council approve the 2023 Legislative Drafting Manual.

CHAIR GRAY-JACKSON objected for the purpose of discussion and requested Emily Nauman, Legal Services Director, and Hilary Martin, Revisor of Statutes, to speak to this item.

EMILY NAUMAN, Director of Legal Services (LAA), said the Manual of Legislative Drafting is adopted each legislature as required under Uniform Rule 10, which states in part that the Manual "be followed by all officers and employees of the legislature in preparation, processing, and disposition of all legislative documents and records." Essentially, the Drafting

Manual operates as the rules for the Legal Services division. Most 2023 updates are simple and update references from the 32nd Legislature to the 33rd Legislature. The few technical and substantive changes were outlined in the January 19, 2023, memo provided to Council.

There was no discussion of this item and Chair Gray-Jackson removed her objection.

[5:45:24 PM](#)

A roll call vote was taken.

YEAS: Senators Bishop, Claman, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Hannan, Johnson, McCabe, Saddler, Tilton

NAYS: None

The motion passed 12-0.

B. Office of Victims' Rights Compensation

[5:46:06 PM](#)

VICE-CHAIR MCCABE moved that Legislative Council approve bill version 33-LS0441\A and request the Senate Rules Committee to introduce it.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked Ms. Geary to speak to this item.

MS. GEARY said as was discussed at the August 18, 2022, Legislative Council meeting, the four Office of Victims' Rights (OVR) attorneys were inadvertently omitted from the attorney pay raise bill, HB 226. The budgetary component has been corrected; however, legislation must be approved to amend the statute to add OVR's attorneys to the attorney salary schedule.

There was no discussion of this item and Chair Gray-Jackson removed her objection.

[5:47:19 PM](#)

A roll call vote was taken.

YEAS: Senators Bishop, Claman, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Hannan, Johnson, McCabe, Saddler, Tilton

NAYS: None

The motion passed 12-0.

C. 2023 Revisor's Bill

[5:48:04 PM](#)

VICE-CHAIR MCCABE moved that Legislative Council approve the 2023 Revisor's Bill version 33-LS0303\B and request the Senate Rules Committee to introduce it.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked Kathryn Kurtz, Assistant Revisor of Statutes, and Emily Nauman, Legal Services Director, to speak to this item.

KATHRYN KURTZ, Assistant Revisor of Statutes, said the purpose of the Revisor's Bill which is anticipated in statute, is to improve the statutes by correcting or removing deficiencies, conflicts, and obsolete provisions. Legal Services reviews the statutes on a regular basis for that type of problem and receives feedback from users, including the Department of Law when they notice issues; the Revisor's Bill isn't intended to fix every issue. The bill is deliberately policy neutral and intended to simply clean up existing statutes. At the Agency's request, the Department of Law reviewed the draft bill, found no legal issues and support the proposed amendments in the bill. She said the changes are explained in the Sectional Summary.

There was no discussion of this item and Chair Gray-Jackson removed her objection.

[5:49:53 PM](#)

A roll call vote was taken.

YEAS: Senators Bishop, Claman, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Hannan, Johnson, McCabe Saddler, Tilton

NAYS: None

The motion passed 12-0.

D. FY22 Legislature Audit

CHAIR GRAY-JACKSON noted for members that this was not an action item and asked Mindy Kissner, Finance Manager, to speak to this item.

MINDY KISSNER, Finance Manager with the Legislative Affairs Agency, stated that before members was the FY22 Audit conducted by external auditors Elgee Rehfeld. By statute the legislature undergoes an independent audit of its internal controls and financial statements. The outcome of the FY22 Audit was a clean audit with no exceptions.

There was no discussion of this item.

E. FY24 Legislative Council Budget

[5:51:40 PM](#)

VICE-CHAIR MCCABE moved that the Legislative Council per AS 24.20.130 approve the FY24 Legislative Council Proposed Budget and transmit it to the House and Senate Finance Committees for their review and action.

CHAIR GRAY-JACKSON objected for the purpose of discussion. After the discussion, if the motion is approved, the Legislative Council budget will be advanced to the respective legislative budget subcommittees. Representatives Tilton and Johnson serve on the House subcommittee, and Senators Hoffman, Olson, and Stevens serve on the Senate subcommittee. The House Finance Subcommittee is scheduled to consider the Legislature's budget on February 24, 2023. She asked Ms. Geary to speak to this item.

EXECUTIVE DIRECTOR GEARY said the FY24 proposed budget and sectional narrative, which details each appropriation and allocation in the budget. In preparing this budget request, she met with Presiding Officers, Rules Chairs, House and Senate Finance Co-Chair staff, and the Legislative Council Chair. This committee is responsible for authorizing the transmittal of this budget request to the Finance Committees for action. By voting yes, members agree to pass the budget to Finance for any additional work or changes they may make.

She said rather than going page by page, she would highlight the significant items in this request and encouraged members to ask questions at any time during her presentation. Generally, overtime hours worked by non-partisan staff were still fairly high but moving in the right direction and recruitment and retention remain challenging, mainly for seasonal and lower range positions. For calendar year 2022, which had no special sessions, LAA staff worked a combined total of more than 8,000 hours of overtime.

Ms. Geary paused in her testimony to clarify for members that staff are not eligible for overtime pay and she is using the

term "overtime" to refer to hours worked over the salaried time of 37.5 hours per week; this work is recognized with hour-for-hour compensatory time, which has no cash value. She continued that the overtime worked in 2022 was the equivalent of just over four full-time positions. Several employees exceeded the annual limit of 150 hours of compensatory time before the end of the year, meaning the extra hours required to complete their work were essentially donated. This is a reduction of about 20% from 2021 which had four special sessions.

The administrative services portion of the legislature's budget had significant cuts in FY16 and has been flat funded since. Efficiency and attrition have supported workload increases and existing services without impacting the budget despite the current rate of inflation. This allocation now has an eight percent vacancy rate in personal services and maintaining current operations will require more resources. Specifically, two additional full-time positions are included in this budget request: a contracting officer in the supply section and an information assistant for the Mat-Su legislative information office for a total increment of \$200,000; as well as an increment of \$450,000 to reduce the vacancy rate to a more sustainable three percent.

As was discussed in the previous agenda item, as a companion to the required legislation, the Office of Victims' Rights allocation includes an increment of \$107,000 to fund placing the OVR attorneys permanently on the attorney salary schedule.

Ms. Geary continued with the Legislative Security Services allocation, saying that Legislative Council approved a contract for security services at the Anchorage Legislative Office Building and an increment of \$100,000 to fund it, which is in this request. In the Session Expenses allocation there is an increment of \$117,000 to fund an increase in the staff lodging stipend as approved by Legislative Council in January and requested receipt authority of \$35,000 for royalties received from Lexis Nexis for publication of Alaska Statutes.

Finally, the Session Expenses allocation has been chronically underfunded the past several budget cycles and has had to borrow from the interim budget, otherwise known as the Legislative Operating Budget. To ensure a fully funded Session Expenses allocation, including enough funding for a thirty-day special session, an increment or permanent transfer from the interim budget in the amount of \$581,000 is recommended.

There was no discussion of this item and Chair Gray-Jackson removed her objection.

[5:56:35 PM](#)

A roll call vote was taken.

YEAS: Senators Bishop, Claman, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Hannan, Johnson, McCabe Saddler, Tilton

NAYS: None

The motion passed 12-0.

VI. ADJOURN

SENATOR STEVENS complimented Chair Gray-Jackson on a flawless meeting with unanimity on every issue and said it may be the last time she sees that [laughter].

SENATOR BISHOP said he echoed Senator Stevens's comment to new Vice-Chair McCabe and to Chair Gray-Jackson as well.

With no further business before the committee, the meeting was adjourned at 5:58 PM.

[5:58:09 PM](#)