

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**JUNE 14, 2024
2:00 PM**

MEMBERS PRESENT

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

MEMBERS ABSENT

Senator Matt Claman
Senator Lyman Hoffman
Senator Bert Stedman (alternate)
Representative Sara Hannan

OTHER MEMBERS PRESENT

Senator David Wilson

AGENDA

APPROVAL OF AGENDA
APPROVAL OF MINUTES
CONTRACT APPROVALS
EXECUTIVE SESSION
COMMITTEE BUSINESS

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency (LAA)
Shay Wilson, Chief Information Officer, LAA
Kate Burkhart, Ombudsman
JC Kestel, Procurement Officer, LAA
Tim Powers, Chief Technology and Outreach Officer, LAA
John Wright, Manager, Print Shop, LAA

I. CALL TO ORDER

[2:05:35 PM](#)

CHAIR GRAY-JACKSON called the Legislative Council meeting to order in the Anchorage Legislative Information Office Denali Room. Present at the call were: Senators Bishop, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Johnson, McCabe, Tilton.

Nine members present.

Representative Saddler joined the meeting at 2:08pm, and Representative Rauscher joined at 2:17pm.

II. APPROVAL OF AGENDA

[2:07:21 PM](#)

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

The motion passed without objection.

III. APPROVAL OF MINUTES

[2:07:36 PM](#)

VICE CHAIR MCCABE moved that Legislative Council approve the minutes for the April 30, 2024, Legislative Council meeting as presented.

The motion passed without objection.

IV. CONTRACT APPROVAL

a. State Microsoft Agreement

[2:07:58 PM](#)

VICE CHAIR MCCABE moved that Legislative Council approve the expenditure of \$303,000 for the first of five annual installments to Software House International (SHI) that licenses the Legislature to use Microsoft's software.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked Shay Wilson, Chief Information Officer, to speak to this item.

SHAY WILSON, Chief Information Officer, Legislative Affairs Agency (LAA), stated before Council members was a memo regarding the Microsoft Enterprise Software Agreement. In 2021, Legislative Council authorized LAA to enter a three-year

contract with Microsoft with annual renewals. That contract ends at the end of this month.

This software includes a wide range of applications used daily by legislative employees including computer operating systems; applications like Outlook, Word, Excel, PowerPoint; collaboration software Teams; and storage. The licenses also include software that runs the legislature's servers including BASIS, file system storage, and the databases required to store and track the bill process.

This contract was negotiated in conjunction with the executive and judicial branches and used software reseller SHI to secure the lowest pricing on this software licensing. The legislative branch also targeted a five-year enterprise agreement to secure even further discounts.

The total price for year one of the enterprise agreement is \$303,000 to be paid from Division of Technology and Information Fiscal Year 2025 operating funds.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

[2:10:33 PM](#)

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

NAYS: None

The motion passed 9-0.

b. Ombudsman Legal Services

[2:11:14 PM](#)

VICE CHAIR MCCABE moved that Legislative Council authorize the expenditure of an amount not to exceed \$80,000 – to be paid from existing funds in the Ombudsman operating budget – for legal services provided by Holland and Hart LLP to the Alaska State Ombudsman in the Thomas Meadows petition matter.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked Kate Burkhart, Alaska State Ombudsman, to speak to this item.

KATE BURKHART, Alaska State Ombudsman, stated that earlier in the year a complainant was dissatisfied with the investigation of a complaint they made to the Ombudsman and sought to appeal to the Alaska Superior Court. Initially the matter was

dismissed, but he refiled in March and that matter is still pending. The Ombudsman has retained Holland and Hart to represent their office in this matter. At the time we submitted the memo to Legislative Council we had expended \$36,000 in attorney fees; since then they have been invoiced and approved payment for an additional \$5,764. The judge has not ruled on the matter. Ombudsman Burkhart does not know if they will need to appear in court for a hearing or if the judge will decide on the pleadings. She said they anticipate the complainant will appeal whatever the outcome, so they are seeking approval to pay for attorney fees through the completion of this matter. At her request, Holland and Hart estimated that, given the briefing that has already been done, it should come in under \$80,000, but there is no guarantee.

REPRESENTATIVE SADDLER asked what is at issue with this lawsuit.

MS. BURKHART responded that the petitioner, Thomas Meadows, made a complaint to the Ombudsman which was investigated. He did not agree with the findings so he attempted to file an administrative appeal to the Superior Court like one would with the executive branch. The Alaska Ombudsman specifically prevents judicial review of Ombudsman actions as part of the separation of powers. Mr. Meadows' first attempt was dismissed, so he filed an Ombudsman grievance which was considered by someone other than herself. He was unhappy with that outcome, so Mr. Meadows refiled the appeal again; it's considered a new matter, which is why it has a new case number, and it is still pending before the judge.

Ms. Burkhart noted that while Mr. Meadows believes the findings are inaccurate or unsupported by the evidence, the key legal issue is whether the Ombudsman's findings in an investigation are subject to judicial review. Our statute makes it clear they are not.

REPRESENTATIVE SADDLER asked what the original issue was.

MS. BURKHART responded that if the Committee would like to have a substantive discussion related to this matter, she would ask that be done in Executive Session due to statutory requirements related to confidentiality and that this is pending litigation.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

[2:15:36 PM](#)

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

NAYS: None

The motion passed 10-0.

c. Fairbanks LIO Lease Extension Renewal

2:16:13 PM

VICE CHAIR MCCABE moved that Legislative Council approve Renewal No. 4 of the lease for the Fairbanks office space in the amount of \$217,536.24.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked JC Kestel, Procurement Officer, LAA to speak to this item.

JC KESTEL, Procurement Officer, LAA, stated that the Agency leases office space from Global Federal Credit Union in Fairbanks for the Interior Delegation and the Fairbanks LIO. That lease is currently in Renewal No. 3, which expires July 31, 2024. He said the Agency is seeking to exercise Renewal No. 4 for the period August 1, 2024, through July 31, 2025. This lease renewal exceeds \$50,000 in one fiscal year, therefore Legislative Council approval is required.

SENATOR STEVENS stated that at one time, the legislature had a separate North Pole office and asked if all the Fairbanks area legislators are now in the Fairbanks LIO.

MR. KESTEL confirmed that was correct with the exception of one Interior member from Tok who maintains an office in his district. He added, in response to a question by Vice Chair McCabe, that there are nine legislative offices, two visiting legislator offices, and two conference rooms.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

2:19:11 PM

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

NAYS: None

The motion passed 11-0.

d. Mat-Su LIO Lease Extension Renewal

[2:19:51 PM](#)

VICE CHAIR MCCABE moved that Legislative Council approve Renewal No. 3 of the lease for Mat-Su office space in the amount of \$191,820.72.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked, JC Kestel, Procurement Officer, to speak to this item.

MR. KESTEL, Procurement Officer, LAA, stated that the Agency leases office space from 600 Railroad Ave., LLC, for the Mat-Su Delegation and LIO in Wasilla. Renewal No. 2 is expiring July 31, 2024, and Renewal No. 3 would be for the period August 1, 2024, through July 31, 2025. This lease renewal exceeds \$50,000 in one fiscal year; therefore, Legislative Council approval is required.

VICE CHAIR MCCABE, as a member of the Mat-Su Delegation, shared with members that a school was moving out of the facility that houses the LIO and legislative offices and asked if the lessor had advised who would be moving into that vacated space.

MR. KESTEL said he has twice asked that question, but the lessor's property manager has not provided a thorough answer as there seems to be some uncertainty as to when the school is leaving.

VICE CHAIR MCCABE shared that legislative parking at the Mat-Su office has been a concern and suggested that, once a new tenant has been identified, the property manager communicate a plan that will accommodate all tenants.

MR. KESTEL said that this lease currently includes ten parking spaces, and that it may be possible to negotiate additional parking spaces. He speculated that additional buildings recently added to the property may also be contributing to that problem.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

[2:23:24 PM](#)

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

NAYS: None

The motion passed 11-0.

V. EXECUTIVE SESSION

- a. RFP 668 - Alaska State Capitol Audio and Video Equipment Installation**
- b. RFP 671 - Alaska State Capitol Audio and Video Equipment Programming**

CHAIR GRAY-JACKSON said Council would go into Executive Session to consider a notice of intent to award two RFPs: (1) the Alaska State Capital Audio and Video Equipment Installation and (2) the Alaska State Capitol Audio and Video Equipment Programming.

[2:24:21 PM](#)

VICE CHAIR MCCABE moved and asked unanimous consent that Legislative Council go into Executive Session under Uniform Rule 22(B)(1), discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit and 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 during Executive Session: Jessica Geary, Megan Wallace, Susie Lemons, Tim Powers, JC Kestel, and Ernest Daigle; Proposal Evaluation Committee (PEC) members Shay Wilson, Danae Burns, Amanda Krafft, Matt Simpson, Micaela Bradner; K2 Audio Engineer Ben Gleason; any legislators not on Legislative Council; and any staff of Legislative Council members.

A roll call vote was taken.

[2:25:15 PM](#)

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

NAYS: None

The motion passed 11-0.

[2:26:13 PM](#)

Council went into Executive Session.

[2:48:53 PM](#)

Council came out of Executive Session.

A roll call vote was taken to establish a quorum.

Present at the call were Senators Bishop, Gray-Jackson, Kiehl, Olson, Stevens; Representatives Edgmon, Johnson, McCabe, Rauscher, Saddler, Tilton.

Eleven members present.

2:49:37 PM

VICE CHAIR MCCABE moved that Legislative Council approve the award of both RFP 668 and RFP 671, to Sound Decisions, LLC, with a not-to-exceed contract value of \$1,295,800 to be paid using existing capital funds.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked, Tim Powers, Chief Technology and Outreach Officer, to speak to this item.

TIM POWERS, Chief Technology and Outreach Officer, LAA, said there are two RFPs for consideration: RFP 668 and 671 audio video (AV) equipment installation and the equipment programming. He said in December of 2022 the Legislative Council approved a contract with K2 Audio LLC, an AV consulting firm, to assess and design a replacement plan for the Capitol's audio and video systems. This independent review resulted in the two RFPs presented for consideration today. K2 Audio Engineer Ben Gleason is available on the phone to answer any technical questions. He said the rationale for this upgrade is that the current audio system in the chambers and committee rooms are nearing the end of their lifespan and are experiencing quality decline. Both Sergeants-at-Arms can confirm the need for replacement. Existing limitations with the technology level of the existing audio systems prevent full integration of projection systems, presentation computers, LIO audio systems, and they hinder video conference capabilities through Microsoft Teams. He noted the temporary solutions implemented during the pandemic to support the inclusion of video participation resulted in a significant amount of staff time to maintain and has been unreliable. He said without this investment, the Division of Technology and Information cannot replace the failing equipment before a critical breakdown occurs which would negatively impact the legislature's productivity and accessibility to the public.

Cost information for this project includes RFP 668 Audio and Video Equipment Installation at \$1,095,946.46, plus a five percent contingency, and the value of RFP 671 at \$144,515.08, brings the total combined request of \$1,295,800.

2:52:11 PM

Council took a brief at-ease.

2:53:36 PM

Council returned from brief at-ease.

2:53:39 PM

VICE CHAIR MCCABE, at the request of the Chair, restated the motion and moved that Legislative Council approve the award of both RFP 668 for \$1,150,800 and RFP 671 for \$145,000 to Sound Decisions, LLC, with a not-to-exceed contract value totaling \$1,295,800 to be paid using existing capital funds.

CHAIR GRAY-JACKSON again objected for the purpose of discussion.

VICE CHAIR MCCABE said he has experienced some of the problems resulting from the current audio system, including having to change rooms mid-committee meeting or canceling a meeting because the audio wasn't working. He asked Mr. Powers to briefly explain for the public why the legislature needs to spend this amount of money.

MR. POWERS explained that audio systems are crucial to the legislature since the Capital is physically far from many constituents; the legislature has attempted to "shrink Alaska" digitally by using technology. The audio systems and teleconferencing are primarily how Alaskans participate in committee meetings. When the audio system does not work and invited testifiers are unable to participate, it is disruptive to the process. These disruptions and resulting delays are a frequent occurrence and very problematic. When committees are discussing matters of importance, technical issues should not be a factor.

SENATOR BISHOP stated that Representative McCabe raised a good question. He continued that another factor for consideration is the dollar amount for the whole legislature to be shut down. The legislature has 121 days to conduct business and having to cancel meetings can put essential pieces of legislation in peril.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

2:56:58 PM

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

NAYS: None

The motion passed 11-0.

VI. COMMITTEE BUSINESS

a. Print Shop Copier Purchase

2:57:57 PM

VICE CHAIR MCCABE moved that Legislative Council authorize the purchase of a new Print Shop copier in the amount of \$90,511.75 from Boynton Office Systems using existing capital funds.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked John Wright, Print Shop Manager, to speak to this item.

JOHN WRIGHT, Manager, Print Shop, LAA, stated that the Agency would like to replace one of the Print Shop's aging, main production copiers. The current machine is seven years old and has over 10.5 million prints on it. He said older machines typically require more frequent service and experience longer down times.

Mr. Wright noted that service on the existing Xerox machine has also been an issue. When the Agency purchased it seven years ago, local Xerox service technicians were available; however, beginning about two years ago, Xerox has been unable to retain a local technician. Currently, service is provided by out-of-state technicians resulting in wait times of up to a month. The proposed replacement machine is a Canon V900; Canon has local technicians through Boynton Office Supplies who provide a one-day response time.

REPRESENTATIVE SADDLER asked about the quality of the Canon copier to ensure the legislature is not losing reliability in service of cost.

MR. WRIGHT responded that while the Print Shop has not yet had a Canon, he has worked with Canons in previous jobs and has a high regard for their products. He said a Canon representative demonstrated the machine would be very similar to the Xerox capabilities; in fact, it proved equal in speed and quality. He said his philosophy is the machine is only as good as the service provided; service has been lacking from Xerox which is why he is now considering the Canon.

Mr. Wright, in response to a follow-up question by Representative Saddler, confirmed that the Canon service (described as a per-click fee which covers any required maintenance and parts, as well as toner) and ink cost will be similar to the Xerox machine.

MR. KESTEL added that the Agency has procured Canon copiers for use in several other offices. He said that Canon machines are reliable and the vendor offers great service.

VICE CHAIR MCCABE asked if 10.1 million copies is half-life or better than half-life for a copier.

MR. WRIGHT said that 10.5 million is common for a copier machine life span. Machines will still operate at ten to twelve million prints but require much more frequent service.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

[3:04:26 PM](#)

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

NAYS: None

The motion passed 11-0.

b. Capitol Carpet Replacement

[3:05:08 PM](#)

VICE CHAIR MCCABE moved that Legislative Council authorize the purchase of new carpet for the Capitol in an amount not to exceed \$70,000 from the vendor offering the lowest cost, using existing capital funds.

CHAIR GRAY-JACKSON objected for the purpose of discussion and asked Jessica Geary, Executive Director, to speak to this item.

JESSICA GEARY, Executive Director, LAA, said she was speaking on behalf of Serge Lesh, Facilities Manager, who is on a much-needed vacation. She stated that the carpet in the Capitol, specifically on floors one, four, and five, was getting worn and threadbare in several areas. She said the fourth floor was last replaced in 2006 and floors one and five in 2007. LAA has patched and repaired over the years floors one and five; floor four is the orange floor that was supposed to be red, so many may be happy see it replaced with blue that matches the other floors. Currently on floors one and five there is Axminster Crownpoint Border carpet – a photo is included in your packet; under this proposal, all three floors would have the same carpet. Initially, the Agency considered just replacing the fifth floor, however there is a substantial discount when ordering in larger quantity, and when ordering directly from the carpet

manufacturer Brinton, there is an even larger discount. We received an initial quote of \$65,000 for four rolls of carpet body and three rolls of carpet border. While procurement is ongoing, it appears this will be the lowest cost; and pledged that LAA will ensure the carpet is purchased at the lowest cost possible.

REPRESENTATIVE SADDLER asked if the carpet was manufactured in the United States.

MR. KESTEL confirmed the carpet was made in the United States in both New Jersey and Las Vegas.

SENATOR KIEHL asked if the not-to-exceed amount of \$70,000 included installation.

MS. GEARY said installation would be an additional cost; current quotes to install these three floors would be under \$50,000 which is the amount required to take before Council.

VICE CHAIR MCCABE stated that his office is on the first floor, and he has tripped over carpet tears countless times. He continued that the Capitol receives many visitors and the current carpet condition presents a safety hazard. The duct tape over worn areas is not always effective, nor perhaps appropriate for the Capitol as representative of the State of Alaska.

MS. GEARY, in response to questions from Speaker Tilton, confirmed the funding for the carpet would come from existing capital funds and that there were sufficient existing capital funds to cover all the projects approved today by Legislative Council.

There was no further discussion. Chair Gray-Jackson removed her objection and asked for a roll call vote.

[3:10:30 PM](#)

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

NAYS: None

The motion passed 11-0.

[3:11:12 PM](#)

Council took a brief at-ease.

[3:11:59 PM](#)

Council returned from brief at-ease.

c. Late Travel Reimbursement Request

[3:12:32 PM](#)

CHAIR GRAY-JACKSON stated that according to Legislative Council's Travel and Per Diem Policy, a legislator or legislative employee must request travel per diem or reimbursement for actual expenses by submitting a claim to LAA within sixty days after returning from the trip. She said Representative Prax traveled on November 29, 2023, and submitted a Travel Reimbursement Claim Form on May 20, 2024; according to policy, due to the late request, Legislative Council approval is required to reimburse.

VICE CHAIR MCCABE moved that Legislative Council approve the late travel reimbursement request submitted by Representative Prax.

CHAIR GRAY-JACKSON objected for the purpose of discussion. Ms. Geary is available to answer questions about the travel reimbursement policy.

REPRESENTATIVE JOHNSON asked about staff reimbursement and if they have the same sixty-day requirement.

MS. GEARY stated that is typically only applied to legislators.

REPRESENTATIVE JOHNSON shared that he had a staff member who was one day late submitting a staff lodging reimbursement claim and lost \$900 worth of housing reimbursement; this person was not given an option to come before Legislative Council to have it approved. He said that to be fair, if someone is late, they're late and if we are going to deny staff, we should also deny legislators as well.

MS. GEARY said the [Travel and Per Diem] policy applies to legislators and staff, and the reason she used the term "typically" in her earlier response is that staff travel may be paid from several different funding sources, not all of which are governed by the Travel and Per Diem Policy. Travel out of the Allowance Account or travel related to the Lodging Stipend or Relocation, have different rules applied, so without knowing the specific facts in this case, she said she couldn't really comment as this is the first she had heard about it. However, staff who travel under the Travel and Per Diem policy who turned in their travel late would have the same ability to appeal to this committee as a legislator.

REPRESENTATIVE JOHNSON said he believed it was housing as opposed to travel and wanted to understand the difference in policy.

MS. GEARY said she would be happy to discuss this further offline as the Staff Lodging Stipend falls under the Moving and Travel Policy, which is a different policy with different rules.

There was no further discussion. Chair Gray-Jackson removed her objection, asked for a roll call vote, and recommended a yes vote.

[3:15:42 PM](#)

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

NAYS: None

The motion passed 11-0.

VII. ADJOURNMENT

CHAIR GRAY-JACKSON, after confirming there were no additional comments by members, advised that she did not expect to have a Legislative Council meeting in July. The remaining interim meetings would likely be August 13 or 14; late September; and during the week of December 9 through 13. These are all deadline-driven dates for contracts, leases, and RFPs. The Chair thanked members, LAA staff, and her staff for their contributions.

[3:17:34 PM](#)

With no further business before the committee, the meeting was adjourned at 3:17 pm.