

Response to Governor's Office Wasilla Middle School Proposal Considerations and Questions

Legal and Historical Record

- AS 24.05.100(b) was first enacted in ch. 100, SLA 1982. As part of the 1982 HB 185 House Judiciary Bill File, there was a news clipping noting that, in 1980, some legislators asked governor Hammond to consider calling them into special session in Anchorage. Attorney General Condon told the governor, however, that the special session should happen in Juneau, because there was going to be a legal question as to whether the legislature could convene outside of Juneau. The article also notes that the laws enacted during the territorial days specified that any legislative session must be in the capital.
- Ms. Wallace read through the legislative history of AS 24.05.100(b), and it is her opinion that the legislature never contemplated that the governor would select both the location *and the venue* in the proclamation for a special session called by the governor. Accordingly, ultimately, it should be left for the legislature to decide the appropriate venue to hold legislative sessions in the location selected by the governor. The legislature may consider venues suggested by the governor, but the legislature should be responsible for procuring the space and designating use of the space therein.
- The legislature has a remedy if it does not agree with the location designated by the governor – the legislature can adjourn from the special session without taking action. The legislature must consider vetoes within 5 days of the next special session.
- The inattention to the historical record is one of the greatest deficiencies throughout the proposal. An accurate historical record is fundamental to any meeting of the legislature. There must be adequate recording, transmission and a clear historical record for any session to be considered successful (see AS 24.05.135), especially when considering monumentally important decisions. If no record of proceedings captures the deliberations, this causes immense problems contemporaneously and for posterity. Contemporaneously, if audio/video of sessions are not available, this will require additional onsite staff who would otherwise be able to follow proceedings on either Gavel to Gavel or the legislature's AlaskaLegislature.tv The provision of "up to 10 cordless microphones" does not allay this concern as these mics are notably unreliable, require frequent battery replacement and deliver poor sound quality. The historical record and the people of Alaska deserve better than the spotty recordings of the 2015 Anchorage special session.

Security

- Security is essential during working (legislator/staff safety) and non-working hours (records/equipment theft).
- Uniform Rules 11 and 12 govern access to and use of legislative chambers and offices. The space contemplated in the proposal for a Senate chamber states the room has "some exterior doors that are secured" and "multiple entrances." The security of a legislative chamber protects not only members and staff but the sensitive, confidential information

they possess; any space would need all doors secured either by physically being locked (which could pose emergency exit issues) or having personnel stationed to secure them. Also relevant to any discussion of security is the question of how many people (teachers, administrators, maintenance) currently have access to the proposed space.

- The middle school camera system is a major concern. As proposed, the governor's office has access to all cameras for the entire building. This is not appropriate. The governor should not have access to security cameras over legislative space. Who will respond to public info requests for camera footage? Will the governor's office respond to inquiries for leg office area footage? Will they adopt the Legislative Council records policy? In addition, would the school own/have access to the footage? They also are not bound by the legislature's records policy.
- Sgts-at-Arms will be less able to assist with security concerns as chambers with multiple access points will require constant supervision. How many additional staff will be required for Sgts-at-Arms to fulfill duty to "maintain order on the floor of the chamber and in the galleries and adjoining hallway..." as required by Uniform Rule 3(c)?
- Additional security concerns have been identified by the House and Senate Sgt-at-Arms and legislative security.
- How to secure members with their backs to guests in bleachers?
- Will current security protocols be implemented offsite?
- How to communicate to citizens the Legislature's authority to secure legislative space?
- Where to stage space for coat/bag check required for guests in the "gallery". Will the legislature be able to enforce current policies regarding use of legislative space by guests?
- Would this require contracting additional private security?
- Would Wasilla Police Dept or Alaska State Troopers be able to respond/assist?
- Would governor's security staff coordinate with legislative security - who would ultimately control space?
- Would this require installation/use of magnetometers/other "hard" resources?
- Will site-specific emergency and/or active shooter plans be developed? Would training and/or drills be provided?

Floor sessions

- The spaces suggested for House and Senate Chambers is inadequate for reasons of recording, access, and security (mentioned above).
- No active sound system exists in the space proposed for the Senate and the configuration of a gymnasium with no acoustical treatments will not allow people to hear each other during sessions and will not allow for reasonable transmission/recording.
- The existing sound system in the gym proposed for the House is not adequate for a floor session due to output and control requirements and the co-location of the controls with the Sgts-at-Arms or LIO moderator to ensure that off-record audio is not recorded or streamed. The lack of acoustical treatments is also a factor in this location.
- There are not enough wireless microphones even with Media Services bringing additional portable mics. Also, are these recording mics?

- Is there a hardline phone in the gym to make calls to Legal, etc. during floor sessions?
- The audio system does not have sufficient controls to ensure audio privacy safeguards when not on the record, i.e., “Sergeant at Arms” sound switch.
- Media Services requires centralized equipment for video broadcast distribution: technical specifications require camera, video and sound equipment be within 300 feet of the centralized broadcast location. This is not available at the proposed site and would have to be purchased or rented.
- Chief Clerk/Senate Secretary need reliable audio of proceedings to input action into BASU in real time.
- Is there designated press space as controlled by Uniform Rule 11(d)?
- Who will provide bookcases with statutes/admin code/court rules that members are accustomed to have as reference during floor sessions?
- Are the “galleries” ADA/otherwise accessible?
- How to control noise of guests climbing, sitting in bleachers?

Committee Meetings

- Classrooms have been proposed as possible committee rooms; however, with "no sound system in rooms", no provision has been made to comply with Uniform Rule 23 which requires each standing, special and joint committee "to record its meetings electronically...prepare minutes of each meeting". If committee staff cannot record and transcribe minutes remotely, they will need to be physically present in the special session (a deviation from past procedure). The record of committee proceedings is equally crucial to the overall historical record of legislative decision making.
- With no sound system and no teleconference option, there is no way for testifiers to call into the committee meeting.
- LAA does not have extra teleconference, broadcast, recording and testimony equipment to provision multiple committee rooms and both chambers. As with floor sessions, the audio system cannot ensure audio safeguards when not on the record (“Red Light System”).
- In order to stream committee meetings for AlaskaLegislature.tv, LAA would need to purchase and install upgraded streaming servers. The alternative would be no access to those not physically present.
- There is no indication if there is furniture available appropriate to a committee meeting. Desks and other classroom furniture are not appropriate for legislative business.
- Will committees have access to statutes or other necessary materials?

Office Space

- There has been no provision made for the workspace required by the Chief Clerk and Senate Secretary to prepare and proof their constitutionally required journals (art. II, sec. 12: "Each shall keep a journal of its proceedings."). Space for clerks and secretaries should be co-located to facilitate transmission of documents between the bodies as well as to allow for the sharing of staff and equipment that is necessitated by an offsite session. The

space should be located near the chamber location for the same reasons and to allow legislators access to Chief Clerk/Senate Secretary staff for needs/requests.

- There is insufficient office space for each legislator to have their own secure, confidential office. This may disrupt confidentiality with Legal Services and constituents and interfere with the confidentiality of legislative records/immunity.
- In the absence of sufficient space, legislators may seek to use the Anchorage LIO, which will present logistical issues for attending floor sessions and/or committee meetings.
- Is there a place where caucuses can meet securely?
- Do spaces for Legal and Chief Clerk/Senate Secretary have locking file cabinets?
- Are chairs/desks/furniture adult-sized?

Information Technology

- Network/data/phone port needs per classroom for high density office environments are insufficient.
- Voice/data and broadcast networks must be separate networks, as video and broadcast traffic will saturate a network.
- Committee rooms and gyms do not have teleconferencing capability for recording, broadcast and testimony.
- There is not enough available equipment to provision off-site, temporary legislative offices.
- Secure network connections are required to transfer documents remotely from Legal Services to Chief Clerk and Senate Secretary and to access confidential databases if working on-site. Is the school district willing to remove their networking equipment from their equipment racks and telecom closets?
- What is capability/location of "large copiers"? Who will operate/troubleshoot/maintain?
- Even if the available copiers are adequate, high speed large capacity printers would need to be purchased or rented, as would additional copiers.

Accessibility

- The Capitol is equipped such that hearing devices automatically connect to floor sessions and committee meetings when needed; there does not appear to be ADA audio accessibility in proposed space.
- The proposal did not address that there will be no Gavel-to-Gavel presence; therefore, Alaskans in rural and remote locations would have no access to legislative proceedings. Even if LAA purchased upgraded streaming equipment, there are many communities with unreliable internet connections and they too would be unable to access the special session proceedings.

Cellular Service

- Cellular service is marginal at “two bars” for reliable voice and data and streaming demands that a special session requires.
- Callers might have to compete for cellular services for legislators, staff, press, and data streams during peak usage. The Capitol just went through an upgrade to address numerous cellular access issues.
- Is there service for Verizon customers?

Staffing

- Another incidental effect of offsite special sessions is that the staff who are present pick up additional duties and responsibilities generally covered by other support staff in the Capitol. The lack of committee staff, copier operators, supply personnel and others adversely affect the speed and productivity of a session. Will additional staff be onsite so Chief Clerk and Senate Secretary can focus on core functions?
- How many committee staff will travel to record/transcribe?
- How many copier operators?
- How many legislative security staff will be present? Will this leave the Capitol with no security presence?
- Who will contract custodial staff who can flexibly accommodate legislative schedule?

Lodging

- Chief Clerk and Senate Secretary staff, as well as Legal, IT, and Supply staff must be co-located nearby the special session venue.
- If additional staff are needed to support the session, it may not be possible to house everyone within a reasonable distance of the venue.
- It may be unreasonable to expect legislators and staff to do a 2-hour round trip commute for committee meetings and/or floor sessions, thus additional housing would be needed than was assumed in the proposal.

Miscellaneous

- Adequate signage for the public and members/staff to locate people/committee rooms/chamber space in any facility.
- Is there a facility to make/serve coffee/tea as expected by members?
- Do we need to ensure there are gender neutral restrooms?
- Mat-Su school calendar indicates a "workday" for teachers August 14 and shows school beginning August 15. Depending on when the session is called, this may not allow adequate time for breakdown/cleanup.
- Some staff have legitimate, medically necessary food restrictions - will these be accommodated by proposed caterer?

- Who will select/hire/oversee proposed caterer?
- Are there facilities onsite to prepare/reheat food for staff?

Governor's Space

- A surprising facet of this proposal is the provision of space for the governor and his security team as well as facilities for commissioners. We do not recall the governor attending offsite special session in years past. In fact, it is an extremely rare occurrence for any governor to appear in the gallery of either the House or Senate during legislative proceedings. The fact that the needs of the administration have been addressed before some necessary requirements for a fully functional legislative session underscores the reason why the legislature, as an independent branch of government, controls its own process.
- The governor has proposed taking over the entire administrative area of the school, including space for his Cabinet. As stated above, the legislature shall be responsible for procuring and designating space. If the legislature wants to assign the governor space, it may do so at its discretion.
- Administrative areas are likely to have confidential school records. These would need to be secured.
- Again, it is problematic for the governor to have access to the legislature's security footage.