

Alaska State Legislature

Select Committee on Legislative Ethics

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Full Committee Meeting

FRIDAY, MAY 30, 2025 – 9:00 AM
Denali Room, Anchorage LIO

(Meeting will be teleconferenced

Anchorage Only: 563-9085

Juneau Only: 586-9085

Outside Anchorage or Juneau: 1-844-586-9085)

FULL COMMITTEE: Open Session (+) indicates background material in packet.

1. CALL THE MEETING TO ORDER
 - a. Roll Call
 - b. Introduction of New Public Members
2. APPROVAL OF AGENDA (+)
3. APPROVAL OF MINUTES (+) – Introduction/discussion of format change
 - a. Full Committee, April 4, 2024
 - b. House Subcommittee April 4, 2024
 - c. Full Committee, June 10, 2024
 - d. House Subcommittee, June 10, 2024
 - e. Full Committee, August 15, 2024
 - f. Full Committee, January 31, 2025
 - g. House Subcommittee, January 31, 2025
 - h. Senate Subcommittee, January 31, 2025
4. PUBLIC COMMENT
5. CHAIR/STAFF REPORT (+)
 - a. Staff Informal Advice Review
 - b. Ethics Act Legislation Status Update
 - c. Travel

- i. Ethics Committee Travel Policy
 - ii. Per Diem (Meals and incidentals) for Public Members
 - d. Disclosure Review
 - e. Draft Revised Board of Directors Disclosure Form
 - f. Training Report (challenges/differences for 2027)
 - g. Acceptability of using State Funds for Graduation Certificates (Online Schools- Out of Legislative District)
 - h. Archiving Policy dated February 13, 2025
 - i. 2026 COGEL Conference Update
 - j. Status of Reinbold Alaska Supreme Court Case
 - k. Outside Attorney Contract
- 6. Motion to go into **EXECUTIVE SESSION** *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*
- 7. EXECUTIVE SESSION
- 8. BUDGET (+)
 - a. FY 2024-2025 Budget Review
 - b. FY 2025-2026 Budget Update
- 9. OTHER BUSINESS
- 10. ADJOURN

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
APRIL 4, 2024, 9:00 AM

FULL COMMITTEE MEETING MINUTES

DRAFT

9:09:05 AM

1. CALL THE MEETING TO ORDER:

Chair Deb Fancher called to order the meeting of the Select Committee on Legislative Ethics at 9:09 AM. She announced a change to the agenda: the committee would go into executive session before starting the public session of the meeting.

Chair Fancher directed Tamara Maddox to conduct roll call.

Roll Call

Senator Löki Tobin
Senator David Wilson
Representative Sara Hannan
Representative Mike Prax
Jerry McBeath
Deb Fancher
Joyce Anderson
Skip Cook
Conner Thomas - telephonic

There was a quorum.

Others

Tamara Maddox
Jacqui Yeagle

2. UPDATE ON COMMITTEE MEMBER NOMINEES/WELCOME MEMBERS

Chair Fancher provided a brief update on the public member appointment process. She said she had hoped the committee would be welcoming recently appointed members, but the process is still underway. Public members are appointed by the Chief Justice, and on January 17, 2024, the Chief Justice reappointed Skip Cook and Joyce Anderson, and Rachel Kelly as an alternate. The Senate approved all three of those nominees on January 26, 2024. On January 24, 2024,

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the house moved the nominees to the Judiciary Committee, and on March 8, 2024, the Judiciary Committee moved the nominees forward for a vote on the floor. On behalf of the committee, she thanked all three for their willingness to serve.

[9:11:22 AM](#)

3. APPROVAL OF AGENDA

Chair Fancher asked for a motion to approve moving the executive session up to the next agenda item in order to better meet the time constraints on members.

Chair Fancher entertained discussion or objections.

Representative Sara Hannan moved to approve the agenda as modified.

There was no discussion or objections.

Motion to go into EXECUTIVE SESSION

Representative Sara Hannan moved to go into executive session to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Chair Fancher entertained objections. There was no discussion or objections.

[9:13:22 AM](#)

EXECUTIVE SESSION

[10:07:22 AM](#)

PUBLIC SESSION

Chair Fancher called the meeting of the Select Committee on Legislative Ethics back to order at 10:08 AM.

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Chair Fancher directed Tamara Maddox to conduct roll call.

Roll Call

Senator David Wilson
Representative Sara Hannan
Representative Mike Prax
Senator Löki Tobin
Deb Fancher
Skip Cook
Jerry McBeath
Joyce Anderson
Conner Thomas - telephonic

There was a quorum.

Others

Tamara Maddox
Jacqui Yeagle

Chair Fancher reminded committee members about political activity limitations under AS 24.60.134(a)(2) [for public members of the committee.] [Public] members may not participate in a political campaign for a candidate for election to federal, state, or local office, or for the passage or defeat of a ballot measure of any type. [Public] members may not participate in a campaign, attend campaign fundraising events, or make financial contributions to any candidate for the legislature, incumbent legislature, legislative employee, who is a candidate for another public office, or a person running for another office against an incumbent legislator or legislative employee or a fundraising event held on behalf of a political party or attend a political party fundraising event. [Public] members may not participate in any lobbying activities.

Jerry McBeath asked the chair to use the words, "public members" instead of "committee members."

Chair Fancher noted this reminder pertains to the committee public members and the alternate member, not to the legislative members.

[10:10:22 AM](#)

4. APPROVAL OF MINUTES

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Chair Fancher entertained a motion to approve the November 29, 2023, House Subcommittee meeting minutes.

Representative Sara Hannan so moved.

Joyce Anderson offered corrections.

- Page 4, first paragraph, last sentence, should say, "repeated that we have not confirmed or denied or provided any information about individuals who have not waived confidentiality."
- Page 7, under timestamp 9:59, [second sentence] needs to say, "wants to be anonymous."
- Page 13, the last sentence before timestamp 10:26, should read, "she finds it unethical and corrupt and she asks the committee."
- Page 16, third paragraph, should read, "Joe Miller thinks the legislator likes the remoteness because it allows them to not have the public eye on them."
- Page 23, in the paragraph that starts with Representative David Eastman, second sentence, should say, "is there to review community groups."
- Page 10, capitalize the letters in RINO

Chair Fancher noted on page 8, the first sentence should say, "... if this means it will make it harder..."

Jerry McBeath added on page 16, middle of the third paragraph, should read, "When a person who comes to Juneau to have impact on the public process; that may cause..."

Representative Sara Hannan moved to approve, with amendments, the minutes of the November 29, 2023, House Subcommittee meeting.

Chair Fancher entertained discussion or objections. There was no discussion or objections. The minutes of the November 29, 2023, House Subcommittee meeting were approved with amendments.

[10:20:22 AM](#)

5. PUBLIC COMMENT

Chair Fancher opened the meeting to public comment. There was no public comment.

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6. CHAIR/STAFF REPORT

a. Revised Staff report - February 16, 2024

Chair Fancher directed Tamara Maddox to address the staff reports.

Tamara Maddox said the first item was a revision of the staff report from the meeting on February 16, 2024. Member Joyce Anderson made corrections and they were sent to committee members via e-mail for review. She asked for committee approval of the staff report.

Joyce Anderson stated she had received comments from Jerry McBeath that she wanted to share with the committee. She directed attention to informal advice #4. The question is: May the legislator gift frequent flyer miles to an expert that would be traveling to provide testimony on a bill...? Jerry McBeath wondered what if the individual was flying from Japan to Alaska. Ms. Anderson suggested limiting it to travel from Anchorage to Juneau.

Representative Sara Hannan suggested stylistically and to be broader in application, the question be limited to: A legislator is the sponsor of a bill. May the legislator gift frequent flyer miles to an expert that would be traveling to Juneau to provide testimony on the bill?

Chair Fancher entertained further discussion of informal advice #4. There was none. She asked Jerry McBeath to speak to his other comments.

Jerry McBeath pointed out a footnote indicated in the first paragraph on page two of the advice. However, there is no associated footnote.

Jerry McBeath directed attention to the sentence at the end of informal advice #4: The legislator should be notified of the change in advice. He asked what was the change in the advice that needed to be addressed.

Joyce Anderson replied at the top of the page, it says: If the legislator votes on the matter, he/she is again encouraged to disclose that he provided a gift of travel to the expert. See AS 24.60.030(g). She recommended removing that sentence from the advice because AS 24.60.030(g) only requires a legislator to disclose if they have a

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substantial financial interest, which the inquirer did not. She also wanted to add to the advice the sentence: Further, it was determined the legislator did not have a substantial financial interest in the bill he was sponsoring per the requirements of AS 24.60.030(g). That is why follow up with the legislator is necessary.

Senator Löki Tobin addressed informal advice #1, asking for clarification that the gift limit to a legislative employee from a legislator is \$249.99. She remarked that language throughout the advice was inconsistent.

Tamara Maddox noted both a legislator and legislative employee are under the jurisdiction of the Ethics Act. She also noted the question was whether a legislator could gift a legislative employee hospitality with a value of \$250 or more.

Jerry McBeath said he was trying to imagine how a busy legislator or staffer can figure out the right thing to do. He mused that the committee might ask legislators to address problems in the Ethics Act.

Representative Sara Hannan suggesting taking comments sequentially. Chair Fancher agreed, directed the committee to the first question, and asked if there were other comments. There were no other comments on the first question.

Chair Fancher moved to the second question. Representative Sara Hannan recommended broadening the question to include all committees, not only joint committees.

Chair Fancher suggested saying, "A legislator called to ask if a public member on a legislative committee could accept an invitation to comment on a bill."

Representative Sara Hannan noted there were only two joint committees with public members.

Joyce Anderson replied while she understood Representative Sara Hannan's concern, it's important to respond to a specific question with a specific answer.

Representative Sara Hannan assented and asked if the advice in the answer applied to the public members of the Ethics Committee.

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Joyce Anderson replied that the Ethics Committee is not a joint committee. In statute, it is a permanent interim committee of the legislature.

Chair Fancher replied to Representative Sara Hannan that she would not want the look of impropriety [by testifying]. She thinks for the integrity of the committee, it is imperative to stay completely neutral.

Chair Fancher moved to page three.

Jerry McBeath noted the first sentence of the first full paragraph should be: The above recap of informal advice does not address the question posed

Chair Fancher asked for other comments on informal advice #4. There were none.

[10:37:22 AM](#)

b. Staff Report - Informal Advice

Chair Fancher asked Tamara Maddox to address the discrimination section in agenda item 6b.

Tamara Maddox introduced the staff report for February 2 through March 15, 2024, of this year by explaining the first few pages go into more detail than usual because they deal with issues that were not raised previously. The first issue is that of discrimination. She requested committee comments on the discrimination advice.

Representative Sara Hannan asked Tamara Maddox to clarify the question was whether discrimination is a violation of the Ethics Act.

Tamara Maddox replied it was. There is a section of the Ethics Act that discusses discrimination, so it would be a violation of the Ethics Act if there were discrimination.

Representative Sara Hannan replied that is not what the answer says.

Jerry McBeath wondered whether the answer needed to be in the staff report at all.

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Tamara Maddox responded the topic was sensitive and it was not a typical request for informal advice. Including it in the staff report was a joint decision between the chair and her.

Senator Löki Tobin noted the answer referenced a number of categories of discrimination, including gender expression, which to her knowledge is no longer a protected class within the Alaska Human Rights Commission.

Joyce Anderson noted informal advice generally includes whether the inquirer was a legislator, a legislative employee, or someone else.

Tamara Maddox replied because of the nature of the call, the inquirer should remain confidential.

Skip Cook said the answer could include the category into which the inquirer falls and still be confidential.

Chair Fancher asked Representative Sara Hannan if she had further comment.

Representative Sara Hannan wondered why the answer could not be shortened to the first paragraph. Under the Ethics Act, a legislator [or legislative employee] may not engage in discriminatory behavior.

Chair Fancher agreed and asked the committee to comment.

Representative Sara Hannan said she didn't believe the staff report should include reference to the state commission on human rights because that is not within the purview of the committee.

Chair Fancher entertained further comment. There was none.

Tamara Maddox addressed the question about legislative citations. Legislative citations honor someone or an activity or service that has been accomplished. The question was whether or not the legislative citations can be posted on social media. However, the way the citations were to be posted on social media could have been seen as promoting a business. The recommendation was to post the actual legislative citation itself, the official record, rather than give a shout-out to a particular business.

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Joyce Anderson asked again in which category the inquirer falls.

Tamara Maddox replied to Joyce Anderson that the third paragraph references a legislator.

Joyce Anderson recommended that information be included in the question.

Representative Sara Hannan said the first part of the answer makes sense to her, but the reference to AO 11-03 is confusing. A legislative citation might say we are honoring Bob Smith's repair shop for fifty years of business in good service as a Yamaha dealer in North Pole. That is not an endorsement. The inclusion of the information about endorsing a business is distracting from the answer: Yes, citations are public documents and you may post them.

Tamara Maddox said the citation was not originally posted on social media, originally it was a shout out to the business with a mention of the legislative citation. AO 11-03 said it was acceptable to include material published by a government department in a legislative newsletter. That was the closest analogous situation she had at her disposal, and that is why she recommended posting the actual legislative citation.

Senator Löki Tobin noted that not all social media platforms have unlimited character limits and would not allow posting a citation. A social media platform may only allow for posting a link, so she thinks there is nuance missing in the answer.

Joyce Anderson said the answers in the staff report are meant to be brief. She agreed with Representative Sara Hannan that perhaps the answer could only reference AO 11-03 and AO 18-04 and not go into detail. Include the first sentence, reference the two advisory opinions, and include the recommendation.

Senator David Wilson asked if there was a gift or exchange value for the post. Legislators post about community things and how to help families in need. For example, he posts about the Thanksgiving blessing. He does not get a financial benefit nor has he been endorsed by any of the entities. The question for the committee is whether there was financial value in doing so, and if there was a

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violation of the Ethics Act.

Chair Fancher thanked Senator David Wilson for his comments. She moved to a discussion of social media accounts, noting that she supposed most of the committee had read the recent Supreme Court decision about social media accounts.

Representative Sara Hannan asked if the advice was in response to an inquiry about a change in the social media policy.

Chair Fancher responded there was a complaint against a former member of the legislature regarding use of an official Facebook page. It is still in court, which is why the advice has been anticipated.

Tamara Maddox said while the legislature's social media policy doesn't fall under the ethics committee, Legislative Legal is watching the court case and will update the policy if changes are needed.

Representative Sara Hannan said that is why the Supreme Court narrative in the answer was confusing. Legislative Legal has not changed its policy. The fact the legislature's social media policy has not changed should be forefront.

Senator Löki Tobin emphasized the importance of understanding that the Supreme Court decision was based on a state employee and a school board, not elected officials. She noted that Supreme Court decisions are often narrowly interpreted, which could create confusion, especially since there has been no change to the current social media policy, which is a policy, not a law or regulation. She stresses the need to provide accurate information to legislators so they don't mistakenly think they are violating a state statute or regulation.

Joyce Anderson asked if the narrative was intended to be strictly informational or in response to a question. If it was a response, the question should be included.

Tamara Maddox replied the question asked was whether the social media policy had changed. She reported she explained on page four that Legislative Legal was reviewing the court ruling and will update the social media policy if

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necessary.

Joyce Anderson recommended adding a question introducing the narrative would make it clearer.

Jerry McBeath said the narrative was overly long and not directly relevant to the work of the Ethics Committee. For the sake of legislators and their aides, he indicated he would prefer informal advice consist of a question, an answer, and a reference for the answer.

Representative Sara Hannan said Legislative Council gives guidance but they do not set policy. It behooves the council to take the advice of their lawyers, clients do not always do that.

Representative Mike Prax said unlike Senator Löki Tobin, he is not a social media user because he would need a team of about fifteen lawyers to figure out what he can say on Facebook. He recommends also a simple question and answer.

Deb Fancher directed Tamara Maddox to address the informal advice regarding the Assembly Apartment Building.

Tamara Maddox explained the informal advice answers were long, but because they were in response to new questions, she wanted to make sure the committee had the full background analysis that went into the decisions so they have the opportunity to make corrections.

Tamara Maddox addressed the Assembly Apartment Building. The question came from Legislative Affairs. They asked whether it was okay for individuals who do not rent an apartment to charge their EVs with the EV station at the building free of charge. The recommendation was they impose a charge for those who are not renting from the apartment building because those who are renting are paying for the EV chargers through their rent. In addition, they should develop a policy and post it.

Senator Löki Tobin said she is worried that the answer might be overstepping the committee's purview. The advice to impose a fee is not the purview of legislative ethics. The committee is not here to establish fees or recommend fees. The committee is to simply interpret the Ethics Act.

Representative Mike Prax asked if the issue is allowing a

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nonresident to use the chargers could be considered a gift.

Chair Fancher replied yes, because it is something that has value.

Representative Mike Prax indicated focus should be on the gift aspect of the question.

Tamara Maddox said the question posed by Legislative Affairs was whether nonresidents could use the chargers free of charge. At least three people using the chargers fell into the nonresident category. It was a government benefit. The recommendation to make it equitable was to impose a fee.

Representative Sara Hannan suggested limiting the answer to a recommendation that Legislative Affairs have an established policy and include a fee [in that policy]. She was informed by email that Legislative Affairs would charge \$25 a month to use the chargers. Everyone knows that no one is getting the use of the chargers for free. There is no need to go into the gift discussion in the advice.

Chair Fancher directed the discussion to page eight of the advice.

Tamara Maddox explained the next section is a typical report of informal advice. She solicited committee comments.

Skip Cook offered corrections:

- He noted the word "by" in the first sentence needs to be stricken.
- He recommended the last sentence in the first answer under the campaign related section needed the word, "that" added to the phrase, "... the committee provided, that AS 24.60.031
- He suggested adding to the first paragraph on page nine the word, "may" - "Whether a legislator and the legislator's business partner/legislative employee may enter into a contract

Joyce Anderson asked Tamara Maddox to add the category of person asking the question in the second question under conflict of interest on page nine. Also, the answer refers to the use of government resources for nonlegislative purpose; however, the question does not say whether the

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intended use of the photograph was for a legislative or nonlegislative purpose. That information should also be included in the question.

Tamara Maddox replied the question says the intended use of the photograph was to assist with accurate reporting of news related to the legislature. She asked if that is a legislative matter.

Representative Sara Hannan replied it was because it was a picture of a legislator at work.

Skip Cook suggested amending the advice to clarify that the legislator would be using a photograph of him or herself.

Joyce Anderson asked to go back to the third question on page eight. She recommended using the full statute citation, AS 24.60.030(a)(2)(A), rather than referring to the section of statute in abbreviated or general terms.

Chair Fancher moved the discussion to page ten of the report of informal advice.

Joyce Anderson recommended adding the words, "in committee" to the sentence that begins with, "It is recommended that, pursuant to AS 24.60.030(g), the legislator should declare a conflict of interest before voting on the bill in committee, ..." and add the words, "on the house floor," to the end of the sentence, "... and request to be excused from voting on the house floor."

[11:09:43 AM](#)

Jerry McBeath was puzzled by the first sentence in the second to last paragraph on page eleven, "On the other hand, advocating for the constituent's private interest is defined as pleading the cause of the constituent." He said, legislators plead the interest of their constituents every day.

Representative Sara Hannan said she understands the distinction is a legislator can advocate by making sure a constituent understands the process and for a fair process, but not for a specific outcome. She reads the question to be exclusively about constituent case work.

Skip Cook shared background information that led to the

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decision in AO 08-03, [the related advisory opinion mentioned in an earlier paragraph]. The question arose when someone was actually representing a constituent in a workers compensation matter. Representing a constituent as a client goes beyond informing the constituent about the process.

Referring to the last paragraph on page eleven, Joyce Anderson stated she did not think it was the committee's purview to instruct [staff or legislators] to contact an appropriate authority if safety is an issue.

Tamara Maddox explained harassment prompted the question. There is other informal advice that recommends contacting appropriate authorities in issues related to harassment and safety.

Senator Löki Tobin replied that not every community in Alaska has a police department. The committee should make sure its advice addresses the state holistically.

Skip Cook asked what was the question. If the question was what to do if a constituent becomes hostile, that is a different question [than presented in the informal advice].

Tamara Maddox said there were two parts to the question. One was a general question about constituent services - what is allowed and what is not. The other, that became evident later, was about a constituent becoming hostile because the legislator would not go beyond the limits of constituent services as outlined in AO 08-03. She had shared with the inquirer that the Ethics Act does not address how to handle hostile constituents but acknowledged earlier informal advice had included the recommendation to contact authorities.

About page twelve, Joyce Anderson wondered if referencing an advisory opinion from 1988 was appropriate given statute changes over the years. She asked Tamara Maddox what the advisory opinion said.

Tamara Maddox replied in AO 88-02 the committee determined service in the legislature is not designed for professional politicians, but for Alaskans with careers outside the legislative arena.

Joyce Anderson noted at the top of page twelve it says,

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"lobbyists fall within this exception since the wedding will take place in the interim." She said she did not know of any exceptions for gifts from lobbyists in the interim. The only exception would be from an immediate family member. From where did Tamara Maddox get that information?

Tamara Maddox said she would go back and look at her research for the answer to Joyce Anderson's question.

Senator David Wilson said he believed there was an exception for lobbyists for bereavement for the death of an immediate family member.

Joyce Anderson replied that the statute Senator David Wilson referred to was AS 24.60.075, and it referred to a compassionate gift.

Chair Fancher asked Tamara Maddox to check on that question, and entertained other comments on page twelve.

Senator Löki Tobin asked if informal advice could be operationalized to conform to a particular style. For instance, capitalization of "Ethics Act," and the use of full statute citations.

Representative Sara Hannan commented the last question on page twelve asks if it is ok to distribute a legislative newsletter, birthday card, or postcard 60 days before an election. A birthday card is always an individual mailing and always allowed, a post card may be to an individual or it may be part of a mass mailing. She thinks whether the mailing is to an individual or is a mass mailing is the critical distinction.

Representative Sara Hannan noted the answer to the second question on page thirteen did not reference the 60-day prohibition before an election for political mass mailings, and thought that it should.

Joyce Anderson pointed out line three at the top of page thirteen, " ... that activity must be conducted on personal non-government time," She suggested adding caution against the use of state resources as well.

Joyce Anderson noted the last question on page thirteen did not reference who made the inquiry. Further, she thinks the activity mentioned is outside the boundaries of the Ethics

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Act.

Representative Sara Hannan wondered why the last answer on page fourteen cautioned the inquirer, a legislative employee, to provide advice about navigating the legislative process on their own time and with no government resources.

Tamara Maddox explained the inquirer would have been providing the advice while working for another organization.

Senator Löki Tobin commented legislative employees can do whatever they want on their own time.

Joyce Anderson mentioned when changes are made to a staff report, the changes are then submitted to the committee for a final review.

[11:28:43 AM](#)

Chair Deb Fancher called an at ease.

[11:37:43 AM](#)

7. BUDGET

Chair Fancher directed Tamara Maddox to update the committee on the budget.

Tamara Maddox stated the report shows available balances for outside counsel, the investigator, and for Joyce Anderson's contract. The only action item is to retroactively approve Joyce Anderson's contract amount to \$60,000 to cover the actual expenses.

Chair Fancher noted the contract dates for the outside counsel and investigator seemed incorrect. She asked Tamara Maddox to speak to that concern.

Tamara Maddox said she would research the question, but was not able to do so at the moment due to internet issues. However, she noted the balances were accurate.

Chair Fancher confirmed with Joyce Anderson that her contract began on July 17, 2023.

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Representative Sara Hannan said she had vague memory from the February meeting that Joyce Anderson's contract was going to exceed the contracted amount, and thought it was approved at that time. She asked Joyce Anderson to comment.

Joyce Anderson reported she was paid as an employee rather than as a contractor. She wanted to put on the record she was actually paid \$54,052.04. She received employer paid benefits of \$4,035.79.

Jerry McBeath pointed out that benefits are still part of an employee's salary.

Joyce Anderson replied the additional money was paid into her Supplemental Benefits System account. If she had been on contract, the full amount would have been about \$54,000, but because she had been an employee, the total amount was more [\$58,387.83].

Jerry McBeath said he remembered hearing at an earlier meeting that Legislative Affairs would come up with small amounts of money over budget.

Joyce Anderson replied that was not the case.

Chair Fancher said she believed the discussion to which Jerry McBeath was referring was about exceeding the initial budgeted amounts in general, not specifically to Joyce Anderson's contract. To Joyce Anderson's point, Chair Fancher said while she understood the distinction between being a contractor and being an employee, the money still goes to the employee, and employees are still taxed on those benefits.

Tamara Maddox said that at the meeting to which Representative Sara Hannan referred in her question, it was discussed that Joyce Anderson's contract amount would exceed the \$50,000 but at that time, it was unknown by how much. She repeated the action needed was to increase the budget to a total of \$60,000 to cover all the known expenses, as recommended by Accounting.

Representative Sara Hannan asked for confirmation that Accounting and Legislative Affairs recommended the total contract amount be increased to \$60,000. With that understanding, she moved to amend and authorize the expenses for hiring Joyce Anderson for the period July 17,

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2023, to February 21, 2024, to a total of \$60,000.

Chair Fancher entertained other discussion. There was no other discussion.

Chair Fancher entertained objections. There were no objections. The motion was approved.

11:45:07 AM

8. ADVISORY OPINIONS (+)

a. AO 24-01

Chair Fancher directed the committee's attention to discussion about Advisory Opinion 24-01. She reminded the committee that at the full committee meeting on February 16, 2024, the committee voted to adopt a legal memo as an advisory opinion. This opinion answers whether a legislator may vote on a bill that would benefit the legislator specifically by voting on a defined contribution retirement plan. The committee's opinion is this activity is not prohibited, and it is not a conflict of interest for a legislator to vote because even though the legislator may benefit from the legislation, the legislation provides no greater benefit to the legislator than to a substantial class of persons such as other state employees or teachers. She entertained a motion to approve AO 24-01.

Joyce Anderson so moved, then noted the draft advisory opinion was not requested by the committee. It was requested by a legislator, who did not waive confidentiality. The draft advisory opinion needs revising to reflect who actually requested it.

Representative Sara Hannan asked if it should read, " ... the select committee on legislative ethics was requested to give an advisory opinion ..."

Joyce Anderson responded her understanding is that when a legislator asks for an advisory opinion, the committee is not mentioned until the end. She suggested asking Noah Klein to comment.

Representative Sara Hannan said she assumed there is some standard phrasing.

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Noah Klein of Legislative Legal Services said he did not have the exact language in front of him but the committee does have standard language and they will use the standard language so that it is consistent with any other opinion requested by a legislator.

Chair Fancher thanked Noah Klein for his answer and for being in attendance at the meeting.

Jerry McBeath had a question about the wording in the first full paragraph on page three. It says, "We conclude that state employees constitute a substantial class of persons under the definition of substantially benefit, and that legislators are not foreclosed from voting on a measure benefiting the entire class despite the legislator's status of state employees." He wondered how "substantially benefit" is defined.

Chair Fancher said she assumed it was from statute and asked Noah Klein to comment.

Noah Klein replied that the term "substantially benefit" was defined in statute and the definition was also in the second paragraph on page two of the draft advisory opinion.

Representative Sara Hannan asked who drafted the advisory opinion.

Noah Klein said formal advisory opinions are drafted by Legislative Legal.

Chair Fancher entertained other comments or discussion. She noted the draft advisory opinion needed to clarify the opinion was requested by a legislator.

Jerry McBeath noted a correction needed to the list of committee member names on page four.

Noah Klein replied that the final advisory opinion will reflect the actual vote outcome.

Chair Fancher noted there was a motion with a minor change and entertained other discussion.

Tamara Maddox reported the advisory opinion required a roll call vote.

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Chair Fancher directed Tamara Maddox to conduct a roll call vote.

Roll Call Vote

Chair Deb Fancher
Representative Sara Hannan
Senator David Wilson
Senator Löki Tobin
Representative Mike Prax
Skip Cook
Jerry McBeath
Conner Thomas
Joyce Anderson

Members voted unanimously to approve AO 24-01.

[11:51:07 AM](#)

b. AO 24-02 Confidentiality Waived by Representative David Eastman

Chair Fancher introduced draft Advisory Opinion 24-02. The AO was requested and confidentiality was waived by Representative David Eastman on February 16, 2024. The questions presented were about campaign donations and gifts, legal counsel, contingency fees, legal counsel through contractual arrangements and legal counsel through a law firm for pro bono legal services. She reported an advisory opinion is discussed in an open meeting when confidentiality is waived. She introduced Andrew Dunmire, of Legislative Legal, to provide a brief synopsis of the draft advisory opinion.

Andrew Dunmire said there were four questions presented in the advisory opinion request. The first question is whether it is permissible for a legislator to give a campaign donation or gift or to accept a campaign donation or gift from a member of the Select Committee on Legislative Ethics or an individual employed by that committee. The Ethics Act applies to legislators and to public members of the committee and employees. AS 24.60.080(a)(1) prohibits gifts worth \$250 or more. The conclusion reached is that a member of the committee may receive or give a gift up to that amount. Turning to campaign donations, a public member of the committee or an employee of the committee, or a person under contract with the committee may not make a financial

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contribution to either a candidate for the legislature, an incumbent legislator, or legislative employee who is a candidate for another public office or a person running for another office against an incumbent legislator under AS 24.60.134(a)(2), but legislative members of this committee are not prohibited from giving or accepting campaign contributions.

Jerry McBeath asked if that means a legislative member of the committee, such as Representative Prax, may give to campaigns and may accept but he, as a public member, may not give and may not accept. There is a clear division between members of this overall committee in terms of this particular statute.

Andrew Dunmire replied that Jerry McBeath was correct. Turning to the second question: whether it is permissible for a legislator to retain legal counsel through a contractual arrangement where the law firm is compensated based on fundraising rather than being paid directly by the client, he said he thinks this is analogous to an issue that was addressed by this committee in AO 23-02, in which the committee determined that paying for legal services through a lawfare fund was not permissible under the Ethics Act because it would not meet the "in-kind" definition adopted when interpreting the statute.

Representative Mike Prax noted he could not imagine a situation where a law firm would agree to an arrangement in which the law firm would raise funds that benefit the client and be willing to accept the amount they raised as compensation. And that is not permissible.

Andrew Dunmire said question three asked whether it's permissible for legislators to retain counsel through contingency fees. There is nothing in the Legislative Ethics Act that prohibits contingency fee agreements between an attorney and a client. The issue is that the types of cases that generally result in contingency fees are what normally people would think of as torts, an auto accident or medical malpractice. It seems unusual that there would be a matter of legislative concern that would result in a contingency fee. If an attorney entered into a written contingency fee contract with a client and gave them some kind of benefit or represented them in a contingent matter in a way that they would not do for somebody who wasn't a legislator, that could be a gift.

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Chair Fancher entertained questions.

Jerry McBeath asked who determines what is a matter of legislative concern. He imagined from the perspective of the legislator, anything she or he does is a matter of legislative concern. They always act in terms of the broader interest.

Andrew Dunmire gave Jerry McBeath an example of a situation that would not be a matter of legislative concern: if a legislator were in a car accident and the legislator wanted to sue the person responsible.

Jerry McBeath asked what if a legislator is being attacked for their opinions. He is concerned the draft advisory opinion may not be clear-cut enough to be useful to the committee in decision making.

Senator David Wilson said he thought the examples of personal matters were good ones. If there is a question, it would be deliberated by the committee and they would make that determination.

Jerry McBeath asked for confirmation that the answer depends on whether or not a complaint is filed.

Chair Fancher said the answer in the draft advisory opinion is based on the fact that Representative David Eastman is a legislator and the answer was directed to him.

Andrew Dunmire addressed the fourth question: whether it is permissible for a legislator to retain legal counsel through a law firm that exclusively provides pro bono legal services. That would not be a violation of the Legislative Ethics Act because free or reduced-price legal services are an in-kind contribution. In that case, the legislator is not receiving the benefit of somebody else paying for his lawyer.

Jerry McBeath asked what if the pro bono law firm exists explicitly for the purpose of supporting a particular political agenda, for instance, free speech or election reform. Would that change the answer to the question?

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Chair Fancher said if the pro bono firm is willing to represent anyone, then it is ok. She asked Andrew Dunmire if he would confirm her understanding.

Andrew Dunmire confirmed Chair Fancher's understanding. He said the interest of the pro bono law firm is not necessarily relevant, whether it is a first amendment law firm or some other advocacy type of organization. AS 24.60.080(c)(8) allows in-kind gifts of legal services in matters of legislative concern.

Chair Fancher asked Skip Cook and Conner Thomas if they had comments. Conner Thomas said the draft advisory opinion was clear and he had no problem with it. Skip Cook agreed and said it is up to the individual to choose who he wants to represent him. It is not within the committee's purview to sort that out.

Joyce Anderson recommended adding to the conclusion to the first question a citation to the statute referenced, AS 24.60.134(a)(2), because people often only read the conclusion.

Joyce Anderson also wondered if it would be appropriate to add at the end of answer two a statement that the gift is not in-kind, and therefore, would not qualify for the exception under AS 24.60 080(c)(8).

Joyce Anderson also recommended adding to answer four that pro bono legal services are an in-kind gift and they qualify for the exception under AS 24.60 080(c)(8), again, with reference to the statute.

Representative Sara Hannan asked Andrew Dunmire to add Joyce Anderson's suggested language to the answer to question two, not replace it, because she thinks the answer to question two is clear.

Jerry McBeath said he still had concerns about the answer to question four. He suggested adding language that makes clear [it is ok to use the services of] a pro bono law firm that any legislator might be able to use.

Representative Sara Hannan said she thinks Jerry McBeath's suggestion distracts from the answer because a pro bono law firm working from one perspective may not take cases on another perspective. The Disability Law Center, for

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instance, does pro bono work on disabilities. If a person wants to discriminate against people with disabilities, the Disability Law Center may not take the case. She thinks it depends on the issue and the matter of legislative concern.

Senator David Wilson asked Jerry McBeath if he wanted to make sure that any member with a similar issue would have access to the pro bono services.

Jerry McBeath gave an example of his concern. Would a legislator be able to retain a particular law firm in a legislative matter, and it would not be considered a gift.

Chair Fancher said if the law firm did pro bono work and is willing to provide pro bono services to any legislator with a similar request. That is how she reads the answer.

Representative Sara Hannan said she reads it to mean the entirety of a law firm's work is pro bono in all circumstances versus an individual case being taken pro bono - a firm that does exclusively pro bono work on an issue, or for anyone, they always do, they don't charge anyone ever.

Chair Fancher asked what if the law firm was a one-man shop.

Representative Sara Hannan asked if the law firm always does pro bono work.

Joyce Anderson noted the fourth question uses the word, "exclusively," in the provision of their pro bono work.

Jerry McBeath replied he would need a list of law firms that provide exclusively pro bono work to understand and vote on the question.

Conner Thomas said he thought it was critical to add the word, "exclusive[ly]" to the answer to question four when referring to the pro bono law firm.

Chair Fancher asked what language Conner Thomas might use in that case.

Conner Thomas replied, "[a] legislator may retain pro bono services through a law firm that provides exclusively pro bono services."

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Chair Fancher asked Andrew Dunmire his thoughts about Conner Thomas's suggestion.

Andrew Dunmire said he thought it was okay, but unnecessary. The issue under the Legislative Ethics Act is the relationship between the legislator and the attorney in the specific matter in which that person is represented. The exception in AS 24.60.080(c)(8) is that a gift of legal services in a matter of legislative concern can exceed the \$250 limit. If an attorney who represents clients for pay chooses to represent one legislator for free it would still be pro bono. He doesn't think that would be any different than if a legislator was represented by a firm whose entire business is doing pro bono work.

Tamara Maddox asked would it make a difference if an attorney who provides services for a fee set up a separate business [that does pro bono services.]

Andrew Dunmire responded it would not. In a matter of legislative concern, any attorney can provide pro bono legal services to a legislator regardless of whether they work at a for-profit law firm or an exclusively non-profit law firm.

Representative Sara Hannan said Andrew Dunmire's answer had redirected her thinking. It is not relevant whether a pro bono law firm or a for-profit law firm provides representation. It hinges on the matter of legislative concern.

Conner Thomas stated the question asked is: Is it permissible for a legislator to retain legal counsel through a law firm that exclusively provides pro bono legal services? He wondered why that should not be the question answered as opposed to broadening the answer.

Representative Mike Prax said he has a friend who is an attorney. His friend asked the representative to sponsor a bill. The representative expects his friend to do the work to perfect the bill. That is clearly legislative work, and would not violate the Ethics Act. On the other hand, if his attorney friend were to represent him in an APOC violation, it would be pro bono, and it would be considered an in-kind gift that needed reporting. Is that a valid distinction?

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Representative Sara Hannan said APOC is not a legislative concern. That is campaign. That would be the distinction.

Senator David Wilson said Representative Mike Prax's example would depend on the APOC violation. Did the violation occur during campaign season or were you late filing a disclosure because your staff forgot to hit the send button? Then it is legislative concern because your staff is allowed to help you with some of your APOC filings. It would not be ok for the attorney to represent you pro bono because you spilled hot coffee in your lap at McDonald's. APOC and other quasi-legislative business allowed is a gray area.

Chair Fancher entertained a motion to adopt AO 24-02.

Representative Sara Hannan so moved.

Chair Fancher directed Tamara Maddox to conduct a roll call vote.

Roll Call Vote

Representative Sara Hannan	Yes
Senator David Wilson	Yes
Representative Mike Prax	Yes
Chair Deb Fancher	Yes
Skip Cook	Yes
Conner Thomas	Yes
Jerry McBeath	No
Joyce Anderson	Yes

Senator Löki Tobin was absent.

Tamara Maddox announced the majority of committee members voted to adopt AO 24-02.

Chair Fancher said Legislative Legal would make the edits requested and a final draft will be sent to committee members for review.

Joyce Anderson recommended a time limit to review the draft.

9. OTHER BUSINESS

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10. ADJOURN

Chair Fancher entertained a motion to adjourn the meeting.

Jerry McBeath so moved. The meeting adjourned at 12:23.

[12:23:07 PM](#)

ADJOURN:

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS**

APRIL 4, 2024

1:30 PM

HOUSE SUBCOMMITTEE MEETING

DRAFT

[1:31:26 PM](#)

1. CALL THE MEETING TO ORDER

Chair Deb Fancher called the meeting of the House Subcommittee of the Select Committee on Legislative Ethics to order at 1:31 PM. She directed Tamara Maddox to conduct roll call.

Roll Call

Representative Sara Hannan
Representative Mike Prax
Member Joyce Anderson
Member Jerry McBeath
Member Conner Thomas
Member Skip Cook

There was a quorum.

Others

Tamara Maddox
Jacqui Yeagle

2. APPROVAL OF THE AGENDA

Chair Fancher entertained a motion to approve the agenda. Representative Sara Hannan so moved. There were no objections and the agenda was approved.

[1:32:46 PM](#)

3. PUBLIC COMMENT

Chair Fancher entertained public comment.

Patrick Martin of Wasilla, representing Alaska Right to Life, responded to the committee's dismissal order in

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Complaints H 22-01 Former Representative Christopher Kurka and H 22-02 Former Representative David Eastman, which were dismissed due to lack of probable cause. He reported the complainant, Representative McCabe, was not in the Capitol on the dates mentioned in the complaints so the representative had no firsthand knowledge of what transpired that day. He spoke to the excessive length of time - 18 months - it took to resolve the complaints when the committee could have viewed the security camera footage from the days he was in the Capitol. He argued the representatives suffered thousands of dollars in legal fees with no way to recoup the money. He maintained the outcome of the complaints seem to be a complete corruption of the Ethics Act, and would like the Ethics Committee to change its policies, procedures, and how it conducts business.

Chair Fancher responded the committee did not have access to the security camera video, and she acknowledged 18 months is a long time to resolve a complaint, explained it was due to unusual circumstances, and apologized.

Stephanie Taylor, of Anchorage, expressed frustration and concern about the reappointment of Joyce Anderson and Skip Cook to the Ethics Committee. She believes they should remove themselves and allow other members of the public to take their places. She opined that multiple consecutive terms undermine the purpose and objectivity of a publicly appointed membership. The committee is tasked with adjudicating reported ethics violations, which often come about through inappropriate political favors, relationships, and corruption. Ms. Anderson and Mr. Cook's sustained presence on the committee creates the perception that they serve as a special class of officials who maintain significant influence on the body as a whole and enjoy special political privileges and relationships with government officials by their tenured status - clearly demonstrated by the fact that Ms. Anderson took a leave of absence from her public membership to take the paid staff position for the committee only to return to her seat as a public member. She asked why this public seat was reserved for Ms. Anderson and not filled by a new member from the public.

Ms. Taylor reported that recent unethical actions taken by Ms. Anderson and Mr. Cook were also concerning. Public committee members are asked to abstain from engaging in

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partisan activity, yet they both admitted to signing the recall petition against the duly elected Republican Governor. Their participation in this effort can reasonably be understood as being partisan.

Ms. Taylor thinks the public membership role should have term limits. This would enhance confidence that no single public member holds greater influence over others or enjoys special privileges and sway over ethics investigations merely due to their long-term presence on the committee. She fails to see how senior members of this committee who push the envelope regarding their own personal ethics can objectively adjudicate the ethics violations brought before the committee. The attitude that suggests that their presence on this committee is vital, is an insult. Not just to the public, but to the members who serve alongside them as well. They have served Alaska well, but it is past time for them to take their leave. Ms. Anderson and Mr. Cook's continued presence on the Select Committee on Legislative Ethics will damage its credibility and integrity. Thank you.

Jerry McBeath responded to Ms. Taylor that her allegations that the actions of the committee were corrupt do not seem to be focused on anything in particular. For instance, the recall petition that the two members signed was not in response to small private interest but to a groundswell of support for the recall across the state about events happening prior to Covid-19.

Mr. McBeath went on to say that Joyce Anderson's temporary and brief leave of absence was due to unusual circumstances. The arrangement was approved through proper channels. It was not done in secret. Opportunities for the public to comment were available. Nothing illegal or inappropriate transpired. He added he appreciated Ms. Taylor's taking a position on the topic in public and suggested her opinions may be based on a different reading of the facts than what he actually observed.

Chair Fancher replied to Ms. Taylor's comments by saying the committee welcomes new members when people volunteer to be on the committee. She mentioned she thinks the scrutiny to which the committee members are subjected is a deterrent.

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Aldena Woody spoke in support of Representative David Eastman. She believes it is wrong to weaponize the Ethics Committee and use the [committee member] position to attempt to silence those with whom we disagree.

Skip Cook replied he agrees with Ms. Woody. He explained the committee does not [usually] bring forth the complaints. A complaint comes to the committee, they vet the complaint, and trying to be a completely unbiased entity, resolve the complaint.

Laura Temple called in support of Representative David Eastman. She thinks that 18 months [to resolve a complaint] is ridiculous, and in spite of unusual circumstances, it should have been dealt with more quickly. She also would like to see new people on the committee; however, she understands it is difficult to get people involved. She thinks it would help if the public had more information about the committee. She likes the idea of term limits.

Skip Cook thanked Ms. Temple. He explained there is a plan in place to go to community councils and talk about the work of the committee. But, he said candidly, it's pretty tough to have people sign on when you get abused and can't respond.

Jerry McBeath addressed Ms. Temple, saying to the best of his knowledge no one from the Wasilla area has volunteered to be a public member of the committee when there were vacancies. He added appointments to the committee are made by the Supreme Court [Justice], who accepts nominations or self-nominations from throughout Alaska.

Steve Miley, from Nelchina, thanked the previous callers for their astute observations. He is not a lawyer but he knows socialist hacks are tying up the courts with lawfare. They long-in-advance craft laws through politics that militate against public servants that are patriots or conservatives. This is not a socialist country. People are entitled to a speedy trial. Skip Cook and Joyce Anderson shouldn't be there. He thinks conservatives and patriots need to find good lawyers and start using RICO laws and other such laws to prosecute, tie up the time, of the courts, and the finances of liberal representatives.

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Gregory Van Thiel, from Wasilla, said he believes the Legislative Ethics Committee is a lopsided committee that has members who currently are, or have been in the past Democrats, which makes them very liberal. He knows there are different degrees of Democrat, just like there are different degrees of Republican, which in his opinion is itself unethical. Two committee members should recuse themselves and they should be replaced with two conservative members who are as emphatically interested in voicing their conservative opinions as the two remaining are emphatically liberal. Also, it's one thing to censor a legislator for conduct legitimately violating ethical standards, but it should stop there. He thinks the committee has no right or power to determine how an individual can defend themselves or finance their defense. He thinks if changes aren't made in the Legislative Ethics Committee, it will continue to be, in his estimation, a sham, which is actually kind of an oxymoron [because] it's not ethical in itself.

Jerry McBeath asked Mr. Van Thiel if he had knowledge of the complaint process. The committee doesn't [generally] make complaints. Essentially anyone can make a complaint about a legislator claiming that her or his actions violated the Ethics Act. The committee receives the complaints, and ascertains whether there is sufficient information to proceed or not. The committee doesn't instantly respond to complaints. There's a process. It sometimes takes quite a long time to establish whether there are sufficient facts for the committee to move forward or not. He thinks many of the comments reflect perhaps a lack of understanding of the committee's charge.

Joyce Anderson explained the committee may initiate complaints, but the majority of complaints are initiated by individuals.

Jacob Magoon, from Wasilla, spoke to what he said is a frivolous attack on Representative David Eastman and raising money outside of campaign season. Representative Eastman was raising money for a legal defense for defending against a disenfranchisement attempt against the residents of [House] District 27.

Andy Cizek, from Soldotna, commented on decisions in two earlier complaints, against Democratic party legislators,

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in which the committee decided in their favor. But now, when it comes to conservatives, the committee is "nailing them to the cross." The committee is not allowing the legislators to raise funds from conservatives to pay their bills. He wants to know why conservatives are being persecuted more than Democrats. He reported he has sent numerous letters to officials about SB 140 and Senator Hoffman getting millions of dollars through the Bethel Native Corporation, of which he is the president and his family fill most of the other positions. Is there not an ethics problem here? We need to deal with things that are actual ethics concerns and not "little, tiny things." Representative David Eastman has been picked on way more than anyone else. Maybe the committee needs to initiate a complaint against the person that is bringing up all these so called ethics charges. He would appreciate it if the committee would quit spending tax dollars on frivolous stuff.

Skip Cook responded the committee doesn't consider whether a subject is a Republican or a Democrat. He explained the outcome of the charge against Senator Olson resulted in a change of policy. He added that Mr. Cizek is welcome and encouraged to file a complaint as a citizen.

James Squyres, of Deltana, said there is a dark cloud over the House Ethics [Sub]committee, that is giving the members the appearance of impropriety. He has watched meetings, and a lot of the time, the committee is in executive session. It looks like the committee is some kind of secret tribunal, holding secret deliberations in executive sessions - even when the subject has signed a release of confidentiality. If there is some little bug in statute that doesn't allow you to go public about a situation when they have signed a release, legislators could pass a bill to try and sort that out. The accused needs to be able to face his accuser in public.

Mr. Squyres reflected back on the caller who talked about long baseless investigations. He is familiar with that situation because his wife was staff to Representative Eastman. There isn't the confidentiality the committee thinks exists; the word leaks out anyway. He thinks the committee should be ashamed of themselves for allowing something like that baseless allegation to go on for so long. What the committee is doing, whether on purpose or

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not, is promoting a lawfare where the legislator cannot recover their legal costs. His hat is off to the attorney that called in and said he's representing Representative Eastman because it might be a long time before he gets paid. He thinks the committee needs to take some steps to clean up their act and provide some relief to this situation.

Former Representative Christopher Kurka commented that a majority of Alaskans did not sign the recall Dunleavy petition. The numbers don't add up. He expressed his opinion that the Ethics committee is pursuing a schizophrenic position in that the committee is equating raising funds for legal expenses during session with raising campaign funds during session. But they're not and yet Representative Eastman is restricted by the ethics rules from receiving anything more than \$250 in the course of a year from any individual as a contribution toward legal expenses. He added that while he understands the majority of complaints are not initiated by the committee, the committee decides when to pursue an investigation. It is a crime to file a frivolous ethics complaint, and it behooves the committee to ascertain if the complaint is frivolous and whether it should proceed. It seems the committee is pursuing investigations far beyond the rational point of deciding that it's frivolous.

Chair Fancher reported she had been made aware the committee members were not to respond to comments made by the public during public comment, instructed members to follow that guidance, and apologized for the committee having done so.

Chair Fancher closed public comment.

[2:06:36 PM](#)

4. COMMENT BY SUBJECT OF COMPLAINTS

Chair Fancher announced the committee was considering Complaint H 23-02. Representative David Eastman is the subject and he has waived confidentiality. The complaint alleges that Representative Eastman violated AS 24.60.031 because he allegedly used his campaign website to raise funds purportedly for legal fees. Under Section 24.60.170(d) of the Ethics Act, if it is determined that

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some or all of the allegations of a complaint if proven would violate the act, the committee shall investigate the complaint on a confidential basis. Again, confidentiality has been waived. Also, under Section 24.60.170(d), the committee shall afford Representative Eastman the opportunity to explain the conduct alleged. He has the right to representation.

Chair Fancher invited Representative David Eastman and his attorney, Tom Hoffer, to comment.

[2:07:54 PM](#)

Mr. Hoffer asked whether Complaint H 23-02 is the same complaint as the committee heard in February.

Chair Fancher replied it was the same complaint.

Representative Sara Hannan asserted she believed Mr. Hoffer was asking why the committee was meeting again on this complaint. She recollected the reason for the meeting is the committee did not have all the information at the previous meeting and that Representative David Eastman had not responded to the investigation.

Mr. Hoffer asked why Representative David Eastman had not been provided with the new information before he was asked to address it.

Chair Fancher replied it was because Representative David Eastman had responded to the questions presented.

Mr. Hoffer asked if that was the only new information.

Chair Fancher replied yes.

Mr. Hoffer asked if it was limited to the complaint and the interview with the representative.

Chair Fancher replied it was.

Mr. Hoffer noted that while the committee may not have been supposed to respond to public comments, he thought it was actually helpful. An example is the committee expressing

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appreciation for people speaking publicly. He asked if the complainant would be testifying today in public.

Chair Fancher replied not to her knowledge. Mr. Hoffer reported that Representative David Eastman had asked that the complainant testify in public and noted he understood the committee feels they may not have the ability to do so. Given that, Mr. Hoffer asked if the committee would make public, and part of this meeting's record, the portion of the executive session in which he and Representative David Eastman had participated in February.

Chair Fancher replied she did not believe the committee may make executive session public. The complainant had not waived confidentiality. She asked Tamara Maddox to respond.

Tamara Maddox said committee deliberations on complaints are confidential.

Representative Sara Hannan added that by statute [the identity of] the complainant must remain confidential.

Mr. Hoffer said Representative David Eastman believes deliberations may be confidential but not the testimony from the complainant. The testimony should be public.

Mr. Hoffer went on to say that AS 24.60.170(b) allows for the committee to ask the complainant to testify at any stage of the proceeding. That has been requested and it has not been done publicly. It is a constitutional right. Representative David Eastman has waived confidentiality. AS 24.60.170(1) says that proceedings relating to complaints are confidential. However, later in that same paragraph it says the confidentiality provisions of this subsection may be waived by subject of the complaint. That language is important because it comes after the discussion of what is and what is not confidential. It also says the confidentiality provisions of this subsection may be waived by the subject of the complaint. That is what has happened here, yet the proceedings are not being conducted outside of closed sessions. Some are public, some are not. Representative Eastman believes that is a deprivation of his rights under Alaska law.

Chair Fancher noted his concern and encouraged a change in the statute.

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Mr. Hoffer said the idea of doing things in "the sunlight" in government is not a novel concept. It goes back to at least 1788. The liberties of a people never were nor ever will be secure when the transactions of the rulers may be concealed from them. [Supreme Court Justice Louis] Brandeis said sunlight is said to be the best of disinfectants... Even JFK commented on the word secrecy, calling it repugnant to a free and open society. Here the protections that are afforded for confidentiality are designed for Representative Eastman and there's really not much to change. It's the manner in which they're being applied. That's where the disagreement comes from.

Chair Fancher replied that would probably not change today.

Mr. Hoffer said he recognized it would not change today but it is important to have it on the record. AS 24.60.170 proscribes a step-by-step procedure for addressing complaints. He maintained the committee deviated from that procedure by investigating additional allegations that were not part of the original complaint. The [original] complaint is limited in time and scope. When a complaint is submitted, a staff recommendation can be made based on information evidence contained in the complaint as supplemented by the complainant, and by the subject of the complaint if requested by a staff member. Essentially, staff can invite information from either the complainant or Representative Eastman in this case, as to the complaint.

[2:16:30 PM](#)

Mr. Hoffer said AS 24.60.170(d) outlines the next step. If the committee determines that some or all the allegations of the complaint, if proven, would constitute a violation of this chapter, or the committee has initiated a complaint, and in this case, the complaint was not initiated by this committee, the committee shall investigate the complaint before beginning investigation of a complaint and adopt a resolution defining the scope of the investigation. The adopted resolution needs to be tied to the complaint. The scope [of investigation in these proceedings] added in a related statute, which was never part of the complaint, without filing its own complaint. The only complaint before the committee to be addressed

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today is a violation of AS 24.60.031, and yet the notice provided is broader than that. That is the crux of the issue here.

Tamara Maddox noted Mr. Hoffer was referring to the complaint alleging Representative David Eastman was raising funds purportedly for legal funds. The original complaint alleged violation of statute between January and May of 2023. The committee added additional information to that complaint. Attorney Hoffer is aware that under Section 24.60.170(c), the committee may ask the complainant to provide clarification or additional information before it makes a decision under the subsection and may request information concerning the matter from the subject of the complaint as well. Neither the complainant nor the subject is required to provide that additional information. However, in this case, the committee already had the additional information because Representative Eastman filed the disclosures. Those disclosures illustrate the exact same nature and behavior that are described in the complaint from the complainant that he's raising funds or receiving cash donations for a legal fund or a legal defense. That was a conversation Representative Eastman had with the former administrator as well, that those disclosures were disclosing funds above the \$250 or more limit, which clearly showed that they were not in-kind contributions covered under the statute. The section provides and allows the committee to add that activity to the complaint. That information was provided to Representative Eastman and his attorney, Mr. Hoffer.

Mr. Hoffer said he agrees with what the statute says. What it does not say is that the committee can add new allegations. That requires a complaint, and like anyone else in Alaska, the committee can initiate a complaint. But the complaint that should be before the committee is the complaint filed, which does not contain any of the things to which Ms. Maddox referenced. That was additional information that was not requested. It was gathered by the committee, or its investigators, or its staff, and piggybacked into an existing complaint. That is a violation of procedural protections afforded by AS 24.60.170. That is the disagreement. Everything should tie back to the complaint. That is the law in Alaska the committee is bound to follow. The violation of AS 24.60.080(c) is not in the

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complaint. It is in a related statute and the scope of investigation, which is not a complaint.

Mr. Hoffer offered that he thought the committee was trying to do the right thing, which is not always easy or convenient. The committee adding allegations to a complaint has a chilling effect. Unfortunately, it can lead to political witch hunts. There needs to be some gatekeeping, and that gatekeeping exists in AS 24.60.170. Representative Eastman has to deal with this now as opposed to doing the work that he was elected by large margins to do because one person filed a complaint. As a threshold issue, was Representative Eastman even a candidate during this time? No. You cannot have this sort of violation if you are not a candidate. That should have led to an outright dismissal based on the complaint as it was filed. But it was expanded through what they contend is an improper expansion. Ultimately, the general public loses confidence in the process.

Mr. Hoffer added the unfortunate part is that it leads people to wonder if this is politically motivated. The committee members [say they] don't know the affiliation of the people that are investigating. It may not be published on a form, but I think people know who people are generally in Alaska. Especially if they are involved in the way that someone volunteering in this process would be generally aware. Without the adherence to the statutes, without strict adherence to procedures, with it being conducted somewhat semi-private, some public, some private, despite the waiver of confidentiality, which protects Representative Eastman, the fact is that he was not a candidate at this time, so how could there be a violation of AS 24.60.031? And the fact that's gone on for months and months and months. Is this another situation that's going to be resolved or be adjudicated on the eve of an election, which happened before with Representative Eastman? That's a concern. I think people should be concerned. The committee should wonder about why it is taking so long. Why didn't the investigator follow up with Representative Eastman promptly after he asked her to? Why did she drop off and not respond to his correspondence until it was rescheduled after the last meeting? These questions need to be answered and for Representative Eastman to properly respond, the information needs to be provided. And there's more. For example, the scope of investigation that authorized the

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investigator to presumably use public funds or seek reimbursement to make a contribution to Representative Eastman. Trying to entrap him? Those are questions that are troubling, and we would ask the committee to answer those questions before Representative Eastman has to respond to allegations of which he is not fully advised.

2:30:30 PM

Chair Fancher asked the Mr. Hoffer if he was still on the phone.

Mr. Hoffer responded he was waiting for the committee to respond to his questions.

Chair Fancher asked Mr. Hoffer if he was finished. The committee wanted to hear from Representative David Eastman.

Mr. Hoffer replied he was finished and repeated that before Representative David Eastman speaks, the representative wants to know of what he is accused.

Chair Fancher asked what it was that Mr. Hoffer and Representative David Eastman wanted the committee to do.

Mr. Hoffer replied they wanted the committee to adhere to Alaska statutes. Practically, to let the representative see the evidence so he knows what he is facing.

Chair Fancher asked Mr. Hoffer if Representative Eastman did not know what H 23-02 says.

Mr. Hoffer replied that Representative Eastman knows what the complaint says but that is not what he was advised the meeting would address.

Chair Fancher said as far as she was concerned, the complaint was what the committee was addressing in the meeting.

Mr. Hoffer stated what he heard in Chair Fancher's response is that the committee was not going to provide the requested information.

Chair Fancher said the only thing the committee had other than the complaint are interview notes.

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Mr. Hoffer expressed that the committee should limit the complaint to AS 24.60.031. But, he said, Ms. Maddox indicated the complaint includes additional allegations, which were not part of the complaint. That's the information desired.

Tamara Maddox responded that after the complaint was filed, Representative Eastman and his attorney received the scope of investigation issued on June 12, 2023. The scope of investigation includes allegations under Section 24.60.031 Restrictions on Fundraising. The scope of investigation also includes AS 24.60.080 Gifts. The additional information comes directly from Representative Eastman because he filed three disclosures, copies of which he has been provided. There is no additional information to the information he was provided in June of 2023.

Mr. Hoffer supposed the committee was in agreement with him that that the complaint does not include anything about AS 24.60.080. It first came to light in the scope of investigation, which by statute is to define an investigation. And the allegation of a violation of AS 24.60.080 does not exist in the complaint that was filed.

Joyce Anderson commented that the complaint says Representative Eastman began to use his campaign website to raise funds for his purported, and that's in parentheses, legal fees. Alaska statute 24.60.080[(c)(8)], deals with legal fees. There are many times when someone files a complaint that the individual is not familiar with the statutes and does not know all the statutes that need to be referenced. When the Ethics Committee prepared the scope of investigation, they included AS 24.60.080 because it deals with legal fees. Again, complainants are not familiar with all the applicable statutes, and it is bound upon the Ethics Committee to identify other parts of statute that may apply.

Tamara Maddox added the dates alleged in the complaint are from January 17, 2023, through the time that the complaint was filed, which was in May. The disclosures were filed specifically within that timeframe. The activity not only matches the complaint itself, the disclosures also fall well within the dates of the complaint. It is a reasonable addition.

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Mr. Hoffer replied he appreciated that clarification. The words of the complaint itself are, "There is clear evidence that this is campaign fundraising," and that is what the complaint is about. The committee could have filed its own complaint but they chose not otherwise. Instead, they added allegations on its own accord, which may be something the committee does as a practice, but perhaps it is part of the problem. It becomes weaponized when [a person] can make allegations, then the committee adds on its own what it thinks better fits.

Chair Fancher thanked Mr. Hoffer for calling. She thanked Representative David Eastman for his patience and asked him if he had anything to say.

Representative Eastman indicated issues with the timeframe - January 17 through May 5, 2023. He asserted that none of the donations he received [to his legal defense fund] were made during the timeframe contained in the complaint. He questioned why the additional allegations were included in the original complaint rather than start a new complaint. The additional allegations cited an entirely different statute and the allegations are unclear, which means he and his attorney must infer what specifically is the allegation. He reported he, his family, and his staff, including former staff, have had to deal with multiple complaints in the last year, requiring multiple interviews.

[2:39:30 PM](#)

Representative Eastman reported that based on his personal experience with the investigator's inaccurate reporting and timeliness issues, he filed a formal complaint about the investigator. He was informed that there was only one investigator.

Representative David Eastman contacted the committee as soon as he received the complaint and said there seemed to be misunderstanding. He was accused of raising money for a political campaign. That seemed to be easily answered as he was not a candidate and he had no political campaign. It surprised him that the complaint continued regardless. Other questions that the committee had, which existed before the complaint was even filed, were piggybacked and smuggled into this complaint. If the committee had

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questions they wanted answered, there are ways to go about it. He reported he had interacted with and talked at quite some length with Mr. Anderson about all manner of topics both before and after he served on the committee.

Representative David Eastman continued that it is not appropriate [for the committee] to wait until someone files a complaint so the committee can then file its complaint under the name of someone else from the public when the person in the public has no idea that the committee had any concerns or questions, was not privy to the discussions or the legal arguments involved. It's taking advantage of whoever files a complaint when the committee does that sort of thing, and it takes advantage of him as well. He encourages the committee in this investigation and all future investigations to look carefully at a complaint and to try to address the concern and not substitute separate unrelated concerns that took place in an entirely different time period and that involved an entirely different section of law with very different allegations.

Representative David Eastman added the public were told repeatedly the committee doesn't file complaints. But that is literally what is happening today. The committee is filing its own complaint, but they're doing it under the name of someone else. The committee added its own allegations the last time he was before the committee - when he himself was on the committee. When a complaint is filed, there is a process that results in some kind of decision. Either it moves forward and there is a hearing, or it does not and it is dismissed. Yet since 2017, he has had at least one allegation, generated by the committee, which has never been resolved. Never been to a hearing and never been dismissed. The committee does not seem terribly concerned about that. But as someone who potentially has to expend legal funds to address that, to pay an attorney to help fight is of great concern and he wishes that it was of greater concern to members of the committee. He acknowledged some members are new to the committee and probably would not be aware of that. He thanked the committee.

Representative Mike Prax said he had a couple of questions for Representative David Eastman.

Chair Fancher indicated consent.

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Representative Mike Prax asked Representative David Eastman for more information about the complaint from 2017 about which he had mentioned.

Representative David Eastman replied in that case, the committee, later in the process, added allegations. Each of those allegations deserves and according to statute needs to be resolved.

Representative Mike Prax asked Representative Eastman if he had the complaint number.

Representative Eastman responded yes, in his office.

Representative Mike Prax asked if there was a copy of the current complaint.

Tamara Maddox replied the complaint was in tab 13 of the committee binder.

Representative Mike Prax asked Representative Eastman if he had seen the complaint.

Representative Eastman replied he had and he had responded to it.

Representative Mike Prax noted there were several websites mentioned in it. He asked if davideastman.org was Representative David Eastman's campaign website.

Representative David Eastman replied he did not have campaign website at that time. He said the website mentioned is a personal one. He uses all of his websites when he is campaigning to get the word out about various things.

Representative Mike Prax clarified that the website is sometimes a campaign website and sometimes it is not.

Representative David Eastman replied yes, if he was a candidate, he would use it and his other websites for campaigning purposes.

Representative Mike Prax asked Representative Eastman about davidlegal.org, which is paid for by Freedom-Loving

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Alaskans for David Eastman-davideastman.org. He asked what was the distinction between the two websites.

Representative Eastman replied if a candidate has a site that will be used for communications relating to politics, the Alaska Public Office Commission requires paid by words, whether or not money is involved.

Representative Mike Prax asked who owned davidlegal.org.

Representative Eastman replied that he did.

Representative Mike Prax asked if Freedom-Loving Alaskans for David Eastman is Representative Eastman's campaign committee.

Representative Eastman replied yes, when he was a candidate.

[2:51:02 PM](#)

5. MOTION TO GO INTO EXECUTIVE SESSION

Chair Fancher again entertained a motion to go into executive session to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Jerry McBeath so moved.

Representative David Eastman objected.

Chair Fancher said she did not think Representative David Eastman could object to the committee going into executive session.

Representative David Eastman said he wanted to renew the objection from the previous meeting. He asserted the rules of procedure state that members must be present for meetings such as the current meeting. He cited the Rules of Procedure in Section 6, on page 6, under complaints, the

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use of teleconference or telephonic equipment is only permitted for the initial review of the complaint, which this is not, and discussion of the scope of investigation, which this also is not, unless the subject of the complaint in written form waives the in-person participation requirement by committee members in advance of the meeting, which he certainly has not done in this case. He asked that the rules be followed. [He was referring to Conner Thomas's participation in the meeting via teleconference.]

With a motion by Jerry McBeath on the floor, Chair Fancher entertained objections to moving to executive session. Hearing none, the committee moved to executive session.

6. EXECUTIVE SESSION

4:10 PM

Chair Fancher called back to order the meeting of the House Subcommittee at 4:10 PM. She directed Tamara Maddox to conduct roll call.

Roll Call

Chair Deb Fancher
Representative Sara Hannan
Representative Mike Prax
Joyce Anderson
Jerry McBeath
Skip Cook

Conner Thomas was absent.

There was a quorum.

7. PUBLIC SESSION

Chair Fancher reiterated the subcommittee had gone into executive session to discuss Complaint H 23-02. By a majority of the House subcommittee members, the committee dismissed Complaint H 23-02. She said the information regarding the dismissal will be issued no later than Tuesday, April 9, 2024.

8. OTHER BUSINESS

There was no other business.

9. ADJOURN

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Chair Fancher entertained a motion to adjourn.

Jerry McBeath so moved.

Hearing no discussion or objection, Chair Fancher adjourned the meeting at 4:11 PM.

[4:11:30 PM](#)

ADJOURN

DRAFT

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS**

JUNE 10, 2024

9:00 AM

FULL COMMITTEE MEETING MINUTES

DRAFT

9:08 AM

A. CALL THE MEETING TO ORDER

Chair Deb Fancher called the June 10, 2024, Legislative Ethics Full Committee meeting to order at 9:08 AM. She directed Jacqueline Yeagle to conduct roll call.

Roll Call

Skip Cook
Conner Thomas
Jerry McBeath
Joyce Anderson
Deb Fancher
Senator David Wilson
Senator Löki Tobin
Representative DeLena Johnson

There was a quorum.

Others

Jacqueline Yeagle

B. UPDATE ON PUBLIC COMMITTEE MEMBER CONFIRMATIONS

Chair Deb Fancher noted that public members are appointed for a three year term by the Chief Justice of Alaska [Peter J. Maassen]. On January 19, 2024, the Chief Justice reappointed H. Conner Thomas and Joyce Anderson. He appointed a new alternate member, Rachel Kelly. On January 26, 2024, the senate approved all three nominees.

Chair Deb Fancher continued, on January 24, 2024, the house moved the nominees to the House Judiciary Committee, and on March 8, 2024, the House Judiciary Committee moved the nominees forward for a vote on the floor. On April 29,

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2024, Joyce Anderson and Skip Cook's appointments were ratified for three year terms. Rachel Kelly's appointment was not ratified by the house.

Joyce Anderson asked whether the Chief Justice had been informed that the alternate member appointee had not been ratified.

Jacqueline Yeagle replied that she would look into it.

9:10 AM

C. APPROVAL OF THE AGENDA (+)

Chair Deb Fancher entertained a motion to approve the agenda.

Jerry McBeath said before he could vote in favor of the agenda, he would like that the contract discussion could be moved to the executive session because it concerns matters that may affect the reputation of the person considered.

Chair Deb Fancher replied that Brent Cole had been invited to present information to the committee and answer questions at 10:00 AM. She noted that changing the agenda as Jerry McBeath suggested would be difficult.

Joyce Anderson reported that discussions about the committee's outside counsel and investigator contracts have always been conducted in public session. She asked Jerry McBeath to be more specific about what he thought needed to be discussed in executive session since the discussion would be about invoices and FY 25.

Jerry McBeath responded that the motion to go into executive session says, "the immediate knowledge of would adversely affect the finances of a governmental unit and discussion of subjects that tend to prejudice the reputation and character of a person." If he were to ask questions about the competence of a person engaged in a contract with the committee, that would be interpreted by anyone as affecting that person's reputation and thus should not be considered [in] public session.

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Representative DeLena Johnson said she would agree with Jerry McBeath about some of the things that have happened in the past with what has been worked on and expectations moving forward. But the actual contract discussion amount could be done outside of executive session.

Skip Cook said that the committee discussed qualifications in executive session and conducted a vote on the contracts in public session.

Joyce Anderson agreed with Skip Cook. Action taken regarding money or contracts has to be done in a public session. She did not see a problem with moving the contracts discussion into executive session, then approve a contract extension or not in public session. She added that Brent Cole's reason for attending the meeting was to update the committee regarding item F [Complaint S 21-01].

Chair Deb Fancher asked if there were any objections to moving the contract discussion into executive session.

Senator David Wilson asked Jerry McBeath if he wanted Brent Cole to be included in the discussion in executive session or not.

Jerry McBeath said his questions were primarily about the investigator and also about Brent Cole's recent bills, which will influence future spending on the contract.

Chair Deb Fancher asked if Jerry McBeath was agreeable to allowing Brent Cole to participate in that part of executive session so he could address those questions.

Jerry McBeath said he was agreeable.

Representative DeLena Johnson made a motion to move discussion of item G Contracts to item J Executive Session, then take up the contracts after executive session.

[9:18 AM](#)

Chair Deb Fancher entertained other discussion. There was no other discussion. She entertained objections to Representative DeLena Johnson's motion. Hearing none, the agenda was approved as modified.

D. PUBLIC COMMENT

Chair Deb Fancher opened public comment. There was no public comment.

9:20 AM

E. CHAIR/STAFF REPORT

1. Staff reports

Chair Deb Fancher directed Jacqueline Yeagle to address the revised staff report of April 4, 2024.

Jacqueline Yeagle referred to tab 1, the revised staff report of April 4, 2024, and she asked for committee comments.

Joyce Anderson noted that one of the questions was duplicated in the report.

Jerry McBeath commented that if he were a busy legislator he would appreciate a simple yes or no answer to the questions. He cited the first question as an example.

Representative DeLena Johnson responded that the first question falls outside the scope of the Ethics Act and therefore the committee and staff do not have the authority to provide a yes-or-no response.

Jerry McBeath asked Representative DeLena Johnson if she was satisfied with the current wording. If so, he said he would withdraw his objection.

Representative DeLena Johnson replied that the answer could be clearer. She suggested that it would be beneficial to develop a standard response for questions that fall outside the committee's purview.

Chair Deb Fancher solicited comment on page 2, then page 3.

Jerry McBeath referred to the first answer on page 3. He asked if the answer could be more specific when referencing "the appropriate authority."

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Chair Deb Fancher replied that a reason for the non-specificity is that the appropriate authority is different depending on where you are. If you are in a small village, the appropriate authority may be the village safety officer, while in Anchorage it may be Anchorage Police Department.

Senator Löki Tobin agreed and said that she thinks using the term "appropriate authority" allows for that flexibility.

Joyce Anderson also agreed. Additionally, she noted that she did not think it was within the committee's purview to recommend who should be contacted.

Jerry McBeath asked Joyce Anderson if there was a record that shows the extent of the problem and where incidents tended to occur. If not, he said the current language was acceptable.

Joyce Anderson said she was not aware of such record.

Skip Cook suggested using the term "appropriate protective authority."

Jerry McBeath expressed satisfaction with Skip Cook's suggestion.

Chair Deb Fancher prompted Jerry McBeath to address his next issue with page 3.

Jerry McBeath raised concern about the first question under "Contracts/Leases." Specifically, he questioned whether a legislator who co-owns a strategy and consulting firm can advise the governor, as that might blur the lines between the legislative and executive branches.

Senator Löki Tobin responded that the executive branch has its own ethics laws, and it is up to them to determine what is permissible for the governor and others in that branch.

Joyce Anderson noted that the staff report addressed the question that was actually submitted, and the scenario

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raised by Jerry McBeath was not part of that original inquiry.

9:33 AM

[Representative Sara Hannan joined the meeting telephonically.]

Representative Sara Hannan raised concerns about the first question under the "Legislative Communication" section of the report. Specifically, she was worried that the response might mislead legislators – especially new ones—into thinking that sending political mass mailings during the 60-day campaign blackout period is permissible depending on the funding source, which would contradict Alaska Public Offices Commission (APOC) rules.

Chair Deb Fancher asked how Representative Sara Hannan would change the advice.

Representative Sara Hannan recommended that the advice clearly state that legislators should not use any state resources to send political mass mailings starting 60 days before an election.

Joyce Anderson replied that the Ethics Act stipulates a 60-day blackout period using state funds, but exempts the office allowance account and permits using other funds such as a POET account or personal funds.

Representative Sara Hannan countered that the advice is unclear. Most legislators rely primarily on their office allowance accounts.

Representative DeLena Johnson asked whether sending birthday cards during the campaign period is allowed.

Joyce Anderson replied that sending a birthday card is not a political mass mailing.

Chair Deb Fancher suggested that the root of Representative Hannan's concern lies in a discrepancy between what the Ethics Act allows and what APOC rules prohibit. She asked if Representative Hannan would support further research into the issue.

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Representative Sara Hannan agreed and encouraged additional review. She emphasized that it is confusing to advise legislators not to use state resources for mass mailings and then list alternative funds that can be used especially when time is limited and decisions must be made quickly.

Senator David Wilson said the advice was clear. It is up to the legislator to read the advice and follow it. If they do, that is on them. He concluded simply, "Just don't do it."

Representative Sara Hannan recalled that over the past several years she has consistently heard that APOC prohibits the distribution of political mass mailings during the 60-day period regardless of the funding source. She noted that the current advice appears to allow it.

Senator David Wilson said he believed that the use of the office allowance account is also prohibited.

Joyce Anderson read from AS 24.60.130, "Unless approved by the committee, during a campaign period for an election in which the legislator or legislative employee is a candidate, a legislator or legislative employee may not use or permit another to use state funds, other than funds to which the legislator is entitled under AS 24.10.110, ..."

So, Joyce Anderson said, there is an exception in statute allowing those funds to be used. She read the rest of that section of statute, "...to print or distribute a political mass mailing to individuals eligible to vote for the candidate.

Senator David Wilson noted office funds may be used for office communications, but their use for political party messaging is prohibited.

Joyce Anderson agreed with Senator David Wilson, noting that content is what determines whether a communication crosses into campaigning. She cited a past complaint about a legislator discussing plans for the upcoming session in a newsletter, which was deemed campaign related.

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Representative Sara Hannan restated she thought the answer given will create problems. Most people do not read past complaint decisions. The answer contributes to a gray area of interpretation, and she predicts if a complaint is filed against someone for sending a newsletter using, for instance, a POET account, they will point back to the Ethics Committee advice. If that happens, they should not be punished, they were following committee guidance.

Skip Cook recommended redrafting the advice, perhaps with Representative Sara Hannan taking the lead, and presenting it to the committee at the next meeting.

Representative DeLena Johnson commented that the question must have been asked numerous times in the past.

Chair Deb Fancher supported Skip Cook's suggestion to revise the advice, noting that with campaign season approaching, it is important to clarify the issue. She also recommended removing any mention of birthday cards from the guidance.

Jerry McBeath referred to a highlighted section on page 5 that asked, "Should legislators have to give permission to use their photographs for [a legislative] purpose?" He questioned how enforcement would work if a legislative employee took a photo without permission.

Representative DeLena Johnson responded that legislators are public figures and do not have control over whether their photo is taken in public. She asked whether images captured by the legislative press team could be used in campaign materials.

Senator David Wilson agreed with Representative DeLena Johnson that legislators cannot dictate whether in a public setting a photo is taken. He answered Representative DeLena Johnson's question, that yes, a photo may be used for personal purposes.

Chair Deb Fancher asked Joyce Anderson to comment on the corrected advice on page 6.

Joyce Anderson explained that the question — whether a legislator may solicit wedding gifts through a gift

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registry and receive cash gifts from in-laws – was not discussed at the April 4, 2024, meeting. She clarified that under AS 24.60.080(c)(6), gifts unrelated to a legislator's status are allowed. Therefore, both registry gifts and cash from in-laws are permitted.

Joyce Anderson added that lobbyists may give a wedding gift to a legislator if the lobbyist is a member of the legislator's immediate family, as defined in AS 24.60.080(c)(5). A legislator who accepts a gift under AS 24.60.080(c)(6) must disclose the gift to the Ethics Committee within 30 days, including the donor's name, occupation, and a description of the gift. The committee maintains these disclosures as confidential records unless a complaint under AS 24.60.170 is received.

Jerry McBeath asked if there were a lot of questions about gift registries.

Joyce Anderson replied it was not a unique question.

2. Revised complaint form

Chair Deb Fancher directed the committee to the revised complaint form.

Jacqueline Yeagle said the first document under tab 2 is the form currently in use. None of the content changed, only [formatting]. Based on concerns at the last meeting, language from AS 24.60.170(b), which states that the complainant may be called to testify, has been added under a new "Complainant Acknowledgement" section on the back of the form. This section also highlights AS 11.56.805, which defines the offense of knowingly or intentionally filing a false complaint.

10:00 AM

Chair Deb Fancher reiterated that the draft had only been reformatted. No new content was added.

Representative Sara Hannan expressed concern that the form still did not clarify an important issue: if the subject of a complaint waives confidentiality, the complainant's

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identity may also be disclosed. She thinks complainants should be made clearly aware of this possibility.

Chair Deb Fancher remarked that Representative Sara Hannan's concern was noted, and that it would be addressed in future legislation changes.

Representative Sara Hannan replied that she did not think statute change was required, just more of a statement of interpretation of statute.

Chair Deb Fancher responded that the issue lies in how the law is currently interpreted and that the statute should be clarified first.

Conner Thomas agreed with Representative Sara Hannan's concerns. Complainants think their names are confidential and complainants have been upset about their identity being released. He emphasized that the form should explicitly inform complainants of this possibility.

Representative DeLena Johnson agreed that complainants need to know whether their names will be held in confidence when filing a complaint. She reminded the committee that it had previously agreed to form a subcommittee to review the relevant statutes.

Chair Deb Fancher said she thought it best to put the complaint form approval on hold.

3. Administrator position update

Chair Deb Fancher asked Joyce Anderson to provide a quick update on the administrator hiring process.

[Brent Cole joined the meeting.]

10:08 AM

Joyce Anderson asked Jacqueline Yeagle report where the job opening had been advertised.

Jacqueline Yeagle said that the position was posted through several outlets: COGEL, NCSL, the Alaska Bar Association, the University of Alaska Job Board (thanks to Jerry

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McBeath), Workplace Alaska via the state personnel system, and MaxRecruit, a service of the *Anchorage Daily News*. Through MaxRecruit, the posting was also distributed to LinkedIn, Indeed, Glassdoor, Next, Jobs to Careers, ZipRecruiter, CareerBuilder, and the *Anchorage Daily News* Job Board.

Joyce Anderson reported that the application filing deadline was Friday, May 31, 2024. She conducted a stage one review of the applicants. Stage one criteria required:

- A minimum of three years of experience in an administrative role with a legislature, committee, or nonprofit organization
- Three references
- Three writing samples

There were 25 applicants for the position.

- Seven applicants did not meet the minimum qualifications and were disqualified.
- Four applicants met some, but not all, of the minimum requirements.
- Fourteen applicants met most qualifications and should be reviewed further by the hiring subcommittee.
- Six applicants were from out of state; of those, three did not meet qualifications.

Joyce Anderson reported that only four applicants met all of the requirements. Most applicants did not provide writing samples. Some did not provide the references. Only those lacking the required three years of experience were eliminated from consideration.

Joyce Anderson reported that a couple of applicants did not meet the minimum qualification of a bachelor's degree. However, they had very impressive backgrounds, more than the three year minimum required, and they provided references. She wondered if members of the committee were open to considering them further, and if so, whether that decision should be made by the full committee or the hiring subcommittee.

Senator David Wilson asked if any of the out of state applicants were among the top four candidates and was offered the job, would the committee pay moving expenses.

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Joyce Anderson replied that based on past experience, no, but that is a decision the committee would need to make. Two of the top four candidates were from out of state, one from Washington and one from Idaho.

Chair Deb Fancher urged discussion of whether the bachelor's degree requirement should be waived.

Jerry McBeath said he was open to waiving the degree requirement. However, he raised a fairness concern: doing so now would disadvantage qualified individuals who did not apply because they believed they did not meet the stated requirement. He acknowledged that experience can sometimes be considered the equivalent of a college degree. A number of students have graduated from the university system without having met all of the formal course requirements because they had equivalent experience that made up for lacking the credits. He added that he would want to review the candidates personally before deciding whether to make an exception.

The Chair agreed, emphasizing that a bachelor's degree was clearly listed as a requirement, just like specific work experience or recommendation letters would be. Changing that now could be unfair.

Representative DeLena Johnson suggested the hiring subcommittee could make that decision, perhaps depending on whether the candidate pool needed to be enlarged.

Chair Deb Fancher commented that a hiring subcommittee still needed to be formed. She proposed that Jacqueline Yeagle, as interim administrator, be among the subcommittee members and she asked for additional volunteers.

Representative DeLena Johnson indicated she was willing to serve on the hiring subcommittee.

Representative Sara Hannan agreed with Jerry McBeath that waiving the bachelor's degree requirement mid-process is unfair to individuals who may have chosen not to apply based on the stated qualifications. She added that if the subcommittee later finds that no strong candidate exists, the committee could consider reopening the position and

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revising the requirements. However, changing the rules after reviewing applications is not appropriate.

10:18 AM

Representative DeLena Johnson repeated her suggestion that the hiring subcommittee make the decision whether to consider applicants who do not have a college degree.

Representative Sara Hannan agreed with Representative DeLena Johnson.

Chair Deb Fancher asked Representative Sara Hannan if she was willing to be on the hiring subcommittee.

Representative Sara Hannan said she was willing, though her travel schedule might limit her availability.

Chair Deb Fancher asked if anyone else was willing.

Jerry McBeath replied he would, though he has travel plans to work around.

Chair Deb Fancher confirmed with Joyce Anderson that she planned to be on the subcommittee, which Ms. Anderson affirmed.

Senator Löki Tobin also indicated a willingness to serve on the subcommittee.

Chair Deb Fancher encouraged the subcommittee to meet quickly to get an administrator hired soon. She recommended Jacqueline Yeagle and LAA Executive Director Jessica Geary train the new administrator.

Chair Deb Fancher called for a brief at ease while the meeting platform, Microsoft Teams, was set up.

10:28 AM

Chair Fancher called the meeting back to order, and introduced Brent Cole, the committee's outside counsel.

F. UPDATE BY BRENT COLE ON COMPLAINT S 21-01 FORMER SENATOR LORA REINBOLD

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Chair Deb Fancher welcomed outside counsel Brent Cole to the meeting. She reported Brent Cole has been outside counsel to the committee since 2001 and he would provide an update on the status of Complaint S 21-01 against former Senator Reinbold.

Brent Cole reported that in his 23 years as outside counsel, the last two have been the most litigious. The complaint against former Senator Reinbold has been ongoing for two years. The complaint involved a finding by the committee of probable cause that she violated the Ethics Act, though she later corrected the violation. She objected to the process, particularly that she was not allowed to pursue discovery to understand why the complaint was initially filed. Although the Committee followed the procedures laid out in statute, former Senator Lora Reinbold disagreed with the process and filed her complaint in 2022.

Brent Cole reported he prepared a Motion to Dismiss, based on the premise that this is really a legislative matter, not a judicial matter. He advised the former senator to address her concerns to the legislature, noting that judicial involvement would infringe on legislative authority. On July 17, 2023, the superior court agreed with this position and dismissed the case.

Former Senator Lora Reinbold filed an amended complaint. The judge dismissed it. She followed that with a motion for reconsideration. In response, Brent Cole argued that even a second amended complaint would not change the outcome. On May 3, 2024, the court issued a 24-page ruling denying her request to file a second amended complaint.

At the committee staff's direction, Brent Cole filed a motion for attorney fees under Standard Rule 82, which awards about 30% of actual legal fees. The court granted the motion and ordered the former senator to pay approximately \$1,539. Brent Cole contacted her and offered to waive the fee if she agreed not to appeal the decision to the supreme court – a common practice in civil cases. She rejected the offer.

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Almost immediately, she filed another motion to reconsider, which was denied. In his view, Brent Cole believes she has exhausted her legal remedies at the superior court level. While individuals can file repeated motions, eventually the court stops them.

Brent Cole added that she now appears to be preparing to file an appeal with the Alaska Supreme Court. As a self-represented litigant, or "pro per," she has the right to do so, as long as she represents herself, not an organization. He commented that pro per litigants can sometimes be more challenging to work with because they don't always follow established procedures. In her most recent email, she requested an apology from him – though he is unclear about the reason. He has not responded, anticipating that the committee would discuss how to proceed.

Chair Deb Fancher thanked Brent Cole for his presentation.

Representative DeLena Johnson asked for confirmation from Brent Cole that the committee need not take any action at that time.

Brent Cole confirmed that no immediate action was required. He said former Senator Lora Reinbold had about 30 days to file an appeal. The committee could request that he reach out to Ms. Reinbold and ask for clarification of her request in the recent e-mail. Or they could direct him to reduce it to a judgment, execute on her bank account, and have the money put in the court registry.

[10:41 AM](#)

Jerry McBeath asked whether the committee should budget for continued legal action

Brent Cole responded that while anyone can file a complaint for a couple of hundred dollars, former Senator Reinbold is now two years removed from the legislature. Under civil rules, when someone files a lawsuit, they are required to include all claims related to that matter. To his knowledge, the only action taken against her by the Senate Legislative Ethics Committee was the one currently at issue. Therefore, while she could potentially file another complaint, it would likely be limited to the committee's

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previous action. In his opinion, any new complaint would be quickly dismissed with minimal effort on his part, as it would be based on the same issues already addressed. The primary concern now, according to Brent Cole, is whether she will file an appeal with the Alaska Supreme Court, which could have budgetary implications. He noted that much of the legal work has already been done, and if an appeal occurs, it will likely involve repeating the same arguments from the motion to dismiss.

Skip Cook noted that Brent Cole had reported former Senator Lora Reinbold's last email was difficult to interpret. He said the committee did not have a copy of it, and he asked if the email was lengthy.

Brent Cole responded he could provide the email to which he referred to the committee.

Joyce Anderson commented that the email was personal in nature, and if it had been included in the committee's packet, it would become public.

Skip Cook asked if the former senator had requested anything specific.

Chair Deb Fancher responded that there was an apology and an account of unfair treatment, but there was no ask.

Conner Thomas mentioned that the former senator had asked about mediation. He asked outside counsel to explain what mediation would involve and whether it was likely to succeed or be costly.

Brent Cole explained that there is an established process for considering mediation before proceeding with an appeal. Mediation requires both sides to be willing to compromise. If one side is not willing to compromise, mediation is unlikely to be effective. He expressed reluctance to outright reject mediation, but he noted that the committee had followed the statute, and it is unclear what could be compromised at this stage. Therefore, he was not optimistic about the success of mediation.

Representative DeLena Johnson asked if the email requested mediation without specifying a desired outcome.

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Brent Cole confirmed that the email did not indicate what former Senator Reinbold hoped to achieve, noting this is not unusual. Sometimes, people seek mediation to express grievances or to obtain something other than financial compensation, and resolution may still be possible.

Representative DeLena Johnson wondered what the committee while waiting for the former senator's next move, given that the committee had followed the statute in resolving the complaint.

Brent Cole replied that he did not know what more the committee can do at this time. Once a party's position becomes clear or the case becomes moot, further action is unnecessary. He emphasized that even if discovery were granted, it would not change the outcome. While mediation comes at a cost, and the committee must consider the best use of resources.

Chair Deb Fancher asked if the supreme court is required to hear an appeal.

Brent Cole replied that this is not a discretionary appeal. She has a right to appeal it. The supreme court will hear it.

Chair Deb Fancher entertained other questions for Brent Cole. There were no other questions.

Chair Deb Fancher thanked Brent Cole and called for a brief at ease.

[10:56 AM](#)

J. Motion to go into EXECUTIVE SESSION

Chair Fancher called the meeting back to order. She stated that in an effort to maximize Brent Cole's time with the committee, she would entertain a motion to go into executive session.

Senator Löki Tobin so moved. There were no objections.

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Chair Deb Fancher said there was a motion to go into executive session to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

The committee moved into executive session.

K. EXECUTIVE SESSION

[12:43 PM](#)

L. PUBLIC SESSION

Chair Deb Fancher reopened public session and conducted roll call.

Roll Call

Skip Cook
Jerry McBeath
Conner Thomas
Representative Sara Hannan
Senator David Wilson
Representative DeLena Johnson
Joyce Anderson
Deb Fancher

[12:44 PM](#)

G. CONTRACTS

Deb Fancher entertained motions to approve the contracts.

Joyce Anderson moved to increase Brent Cole's FY 24 contract from \$15,000 to \$17,000 to cover additional expenses. Deb Fancher entertained discussion or objections. There was no discussion, there were no objections. The motion passed.

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Joyce Anderson moved to approve Brent Cole's FY 25 contract to \$20,000 at his current rate of \$225 per hour. Deb Fancher entertained discussion. There was no discussion. Deb Fancher entertained objections. There were no objections. The motion passed.

Representative DeLena Johnson moved to delay Monique Rapuzzi's FY 25 contract until the next regular meeting. Deb Fancher entertained discussion. There was no discussion. Deb Fancher entertained objections. There were no objections. The motion passed.

Representative DeLena Johnson moved to increase the FY 25 contract for investigative services to \$15,000. Deb Fancher entertained discussion. There was no discussion. Deb Fancher entertained objections. There were no objections. The motion passed.

Deb Fancher stated Jacqueline Yeagle has temporarily been serving as interim administrator. Joyce Anderson moved to increase Jacqueline Yeagle's salary from Range 15 Step E to Range 22 Step A until October 1, 2024, retroactive to April 22, 2024.

Deb Fancher entertained discussion. Representative DeLena Johnson noted there should also be an increase to Jacqueline Yeagle's number of work hours. Joyce Anderson amended her motion to include increasing Jacqueline Yeagle's hours from 30 hours per week to 37.5 hours per week. Deb Fancher entertained discussion. There was no discussion. The motion passed.

12:50 PM

I. ADVISORY OPINIONS

AO 24-03 - Confidentiality Waived by Public
Member Conner Thomas

Chair Deb Fancher directed the committee to consider the first advisory opinion, for which confidentiality was waived by member Conner Thomas, who was not allowed to participate in the discussion. Noah Klein from Legislative Legal was available to address the advisory opinion. She asked Mr. Klein to address it.

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Noah Klein said he was the drafting attorney for the advisory opinion. The committee can accept the opinion or amend the form or substance of a draft opinion. The first is Advisory Opinion 24-03, which asks seven questions. He stated he would read the questions and give a brief answer.

1. Are public members of the committee restricted from signing a ballot measure petition? No.
2. Are public members restricted from signing a petition to recall an Alaskan governor? No.
3. Are public members restricted from making a campaign contribution to a candidate for governor of the State of Alaska? It depends.
4. Are public members restricted from making a campaign contribution to a candidate for federal office? Again, it depends on who is running in any of those races for federal office.
5. Are public members restricted from making a donation in support of or in opposition to a ballot measure? No.
6. Are public members restricted from making a contribution to a political party if that contribution is not made at a political party fundraiser? No.
7. Are public members restricted from being a named plaintiff in litigation against the state that asserts a violation of a personal right, including litigation that asserts the state must allow voters to cure a mail ballot that is deemed defective in a state election? No.

Noah Klein emphasized the restrictions on which the advisory opinion focuses are in addition to other provisions in AS 24.60 (the Ethics Act). However, AS 24.60.134 applies only to employees of the committee, public members of the committee, and contractors to the committee and that the advisory opinion focuses exclusively on the public members of the committee.

Noah Klein said that AS 24.60.134(a)(1), (2), and (3) are specifically relevant to this advisory opinion because they address special restrictions on public member activities including political management of campaigns for candidates for office, special restrictions when a candidate in a race is an incumbent legislator or a legislative employee or if a candidate is running against an incumbent legislator or a

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legislative employee, and participating in political party fundraising events.

Noah Klein referred back to the first question in the advisory opinion request, which asks if public members of the committee are restricted from signing a ballot measure petition. He said AS 24.60.134(a)(1) prohibits public members from participating in political management or in a political campaign for passage or defeat of a ballot measure. He noted that the Ethics Act does not expressly define "participate," so the advisory opinion relies on common dictionary definitions. Definitions of "participate" include to possess some of the attributes of a person, thing, or quality or to take part or have a part or share in something. The opinion concludes that the signatory is not part of the campaign by nature of signing the petition only. But the opinion also cautions that additional action to support a ballot measure may rise to the level of participating in that campaign.

Moving to the second, and similar question, Noah Klein said a public member is not prohibited from signing a ballot measure petition. There's no provision in AS 24.60.134(a) that expressly addresses ballot questions, but he thinks the analog is closest to a ballot measure petition. The opinion concludes that a member is not restricted from signing a petition, but should be cautious about taking any additional actions in support of or against a recall.

The third question asks if public members are restricted from making a campaign contribution to a candidate for governor. The prohibition in AS 24.60.134(a)(1) limits participation in campaigns, but it does not expressly limit financial contributions. However, AS 24.60.134(a)(2) expressly states that making a financial contribution is prohibited in certain situations. As long as it is not one of those situations, the Ethics Act does not prohibit a public member from financially contributing to a gubernatorial candidate.

The fourth question asks if public members are restricted from making a campaign contribution to a candidate for federal office, including house representative, senator, and president. It depends whether the candidate or someone running for that office is an incumbent legislator or

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legislative employee. In that case, there would be a prohibition on making a financial contribution. However, he emphasized, a financial contribution is not participation in the campaign.

The fifth question asks whether public members are restricted from making a donation in support of or in opposition to a ballot measure. AS 24.60.134(a)(1) does not prohibit making financial contributions. The advisory opinion concludes that the act of making a financial contribution to support passage or defeat of a ballot measure is not participating in the ballot measure campaign and it is not restricted.

The sixth question asks if public members are restricted from making a contribution to a political party if the donation is not made at a political party fundraiser. AS 24.60.134(a)(3) expressly prohibits activities at a fundraising event on behalf of political party. Thus, a public member may make a financial contribution to a political party if the contribution is made at a time and place other than a party fundraising event.

Finally, the seventh question was: Are public members restricted from being a named plaintiff in litigation against the state that asserts a violation of a personal right, including litigation that asserts the state must allow voters to cure a mail ballot that was deemed defective in a state election? AS 24.60.134(a)(1) includes a prohibition on a public member participating in political management or a political campaign, but the Ethics Act does not prohibit a public member from participating in a lawsuit to support a member's personal right that is unrelated to a specific campaign. The lawsuit described in the question is related to an election, but nothing indicates that the lawsuit is part of a campaign.

Noah Klein asked if the committee had questions about draft Advisory Opinion 24-03.

Joyce Anderson said she thought AO 24-03 should reference AO 98-01, which addresses joining as a plaintiff in a lawsuit with pro bono representation and whether that representation would be considered a gift under AS

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24.60.080(c)(6) and thus possibly require disclosure. She asked Noah Klein to comment.

Noah Klein replied that the question asked was whether public members can participate in a lawsuit as a named plaintiff in litigation. It did not address accepting a gift of legal services in the participation. But he would add it if that was the wish of the committee.

Joyce Anderson stated she still thought AO 98-01 had applicability in this advisory opinion. She asked other committee members to comment.

Jerry McBeath responded that he had no objection to Joyce Anderson's suggestion but that it was not high on the list of relevance.

Skip Cook said Joyce Anderson's suggestion went beyond the scope of the question. He was unsure about whether the question needed changing.

Chair Deb Fancher asked Joyce Anderson if she would accept a motion to approve as written.

Joyce Anderson said she would accept such a motion. She addressed another concern with the answer to question seven: changing the reference to AS 24.60.031(a)(1) by removing the (1) and leaving it at "participating in certain activities." The question, she said, does not have anything to do with political management or a political campaign and it is not relevant.

Noah Klein agreed to make the changes suggested by Joyce Anderson.

Jerry McBeath had concerns that the advisory opinion only serves the interests of public members, rather than serving anybody in a comparable position now or in the future. The question is whether signing a petition is participation. He said it comes down to what political campaign participation involves. Political campaign participation in his opinion includes voting and signing a petition.

Noah Klein replied to Jerry McBeath that the word "participates" is not defined in the Ethics Act. The

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advisory opinion as currently written concludes that signing a petition is akin to voting and neither action is full on participation in a campaign. The committee could conclude that the act of signing a petition is participating in a campaign, and if they do, it would be prohibited under the Ethics Act. The draft concludes differently, but ultimately the conclusion is up to the committee.

Jerry McBeath replied that Noah Klein's response did not assuage his sense of unease about the question. He reported that he had signed the petition to recall the governor and he voted in the election. But in his life he has been more politically active. He does not think the advisory opinion explains the significant difference between signing a petition and [other political involvement]. He wondered if the advisory opinion was defensible.

Given that the advisory opinion was generating discussion, Joyce Anderson proposed delaying further action on both until the next meeting.

Jerry McBeath agreed with Joyce Anderson's suggestion.

Joyce Anderson moved to table the two advisory opinions until the next meeting.

Representative Sara Hannan noted the advisory opinions only apply to the public members of the committee. She wondered if any of the public members needed this guidance during the current election cycle.

Chair Deb Fancher entertained other discussion. Hearing none, AO 24-03 and AO 24-04 were table for discussion until the next meeting. She thanked Noah Klein for his work on the advisory opinions.

Joyce Anderson moved to adjourn the meeting.

Chair Deb Fancher entertained objection or discussion of the motion. There was none. The meeting was adjourned.

[1:18 PM](#)

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ADJOURN

DRAFT

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
HOUSE SUBCOMMITTEE**

JUNE 10, 2024

11:00 AM

DRAFT

1:29:10 PM

1. CALL THE MEETING TO ORDER

Chair Deb Fancher called to order the meeting of the Select Committee on Legislative Ethics House Subcommittee at 1:29 PM.

ROLL CALL

Jacqueline Yeagle conducted roll call.

Present:

Member Skip Cook
Member Conner Thomas
Member Jerry McBeath
Member Joyce Anderson
Member Deb Fancher
Representative Sara Hannan
Representative DeLena Johnson

There was a quorum.

Others present:

Jacqueline Yeagle

2. APPROVAL OF THE AGENDA

Chair Fancher asked for a motion to approve the agenda. Skip Cook so moved. Hearing no objection, the agenda was approved.

3. PUBLIC COMMENT

Chair Fancher entertained public comment.

There was no public comment.

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4. Motion to go into EXECUTIVE SESSION

Chair Fancher entertained a motion to go into EXECUTIVE SESSION to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Member McBeath moved to go into executive session. There were no objections.

The subcommittee moved to executive session.

1:31:30 PM

5. EXECUTIVE SESSION

2:09:30 PM

6. PUBLIC SESSION

ROLL CALL

Jacqueline Yeagle conducted roll call.

Present:

Member Skip Cook
Member Conner Thomas
Member Jerry McBeath
Member Joyce Anderson
Member Deb Fancher
Representative Sara Hannan
Representative DeLena Johnson

There was a quorum.

Others present:

Jacqueline Yeagle

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Chair Fancher announced the subcommittee decision to move forward to the investigation stage in Complaint H 24-01. Next meeting date will be announced.

7. OTHER BUSINESS

Chair Fancher entertained other business. There was no other business. Chair Fancher entertained a motion to adjourn the meeting.

Skip Cook moved to adjourn the meeting.

8. ADJOURN

Hearing no objections, Chair Fancher adjourned the meeting at 2:11 PM.

2:11:00 PM

ADJOURN

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ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
AUGUST 15, 2024, 9:00 AM

FULL COMMITTEE MEETING MINUTES

DRAFT

[9:04:16 AM](#)

1. CALL THE MEETING TO ORDER

Chair Deb Fancher called the Full Committee meeting to order on August 15, 2024, at 9:04 AM.

Chair Fancher directed a roll call.

Roll Call

Senator David Wilson
Senator Löki Tobin
Representative DeLena Johnson
Representative Sara Hannan
Skip Cook
Conner Thomas
Joyce Anderson
Deb Fancher
Jerry McBeath

There was a quorum.

2. APPROVAL OF THE AGENDA

Chair Fancher entertained approval of the meeting agenda.

Joyce Anderson so moved.

Hearing no objections, the agenda was approved.

[9:05:16 AM](#)

3. APPROVAL OF MINUTES

a. Full Committee Meeting of January 9, 2024

Chair Fancher entertained approval of the minutes from the January 9, 2024, Full Committee meeting.

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Representative Sara Hannan so moved.

Joyce Anderson offered corrections.

- Page 20, third paragraph, second line, replace the word "contract" with "contractor."
- Page 22, fourth paragraph, first sentence, replace the word "think" with "thinks."
- Page 22, add the meeting adjournment time at the end of the minutes.
- Page 16, ninth paragraph, first sentence, rephrase, "Chair Cook entertained objections" to "Chair Cook asked if there were any objections."

Jerry McBeath suggested likewise rephrasing the first sentence in the last paragraph on page 22 to read, "Skip Cook asked if there were objections."

Representative Sara Hannan restated the motion to approve the minutes with corrections.

Chair Fancher asked if there were any objections. There were none. The committee approved the January 9, 2024, Full Committee meeting minutes.

b. Discussion: Minutes Update

Chair Fancher directed Jacqueline Yeagle to update the committee about the status of meeting minutes.

Jacqueline Yeagle reported that there were six meetings for which she has not had time to prepare minutes. For the January 9, 2024, minutes, the Ethics Office used a transcription service to produce a word-for-word capture of the meeting. She then summarized the word-for-word transcription, which took about 10 hours. She reported that the office would use the transcription service to help catch up on the meeting minutes as quickly as possible.

Representative Sara Hannan asked if it was always the case that transcribing meeting minutes takes a lot of time.

Jacqueline Yeagle replied yes, every 10 minutes of meeting time takes about one hour to transcribe and summarize. As long as she does not get behind on the minutes, it is okay. The problem arises when she gets behind.

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Representative Sara Hannan said the legislature has records staff who summarize meetings. That is their only task. She wonders if the legislature should have a records office staff position that prepares the committee meeting minutes. Preparing minutes requires blocks of time, which she understands has not been possible in the last year, and she did not foresee the possibility in the near future.

Jacqueline Yeagle replied that is why it is planned to use the transcription service to get the word for word while catching up, but she expects that at some point, she will have time to get to the minutes in a timelier manner. However, Representative Sara Hannan's idea might well be something to consider if needed in the future.

Jerry McBeath asked what is the official record of the meeting, the recording or the transcription.

Jacqueline Yeagle replied that her understanding is that the recording is the official record.

Jerry McBeath said he often finds discrepancies in the transcript about what he or someone else said. As long as the recording is the official record, attention needs to be focus on the egregious errors in the transcription.

Chair Fancher said the transcription service does not cost an outrageous amount of money. While the transcribed minutes still require summarization, she thinks it would cost a lot more to hire a person.

Senator Löki Tobin said an advantage to centralized minutes is that all committee minutes have a similar format. She thinks it would be interesting to learn from a historical perspective why the Ethics Office administrative assistant is tasked with the preparation of minutes.

Senator David Wilson said he thinks there might be value in using records staff to have continuity across all the committees.

Representative DeLena Johnson said the new administrator may want to explore this question and come back to the committee with a recommendation.

[9:19:16 AM](#)

4. PUBLIC COMMENT

Chair Fancher opened the meeting to public comment.

Ivan Hodes addressed the committee telephonically. Last year, he filed a confidential complaint alleging violation of the Ethics Act by Representative David Eastman. As required, he provided his name, his phone number, and his email and physical addresses. Committee staff assured him this information was confidential. During public hearings, Representative David Eastman demanded that he, the accuser, publicly identify himself. In closed session, he was asked if he was willing to waive his confidentiality, and he said no. Despite this, Representative David Eastman showed his confidential complaint, with his personal information, to his supporters, one of whom posted it publicly on social media.

As a result, Ivan Hodes continued, he had received a private message from Pete Peterson saying, "What's wrong Jew? Did those kike complaints not work out for you? Too bad it takes an ethical person to complain about ethics, lying Jew."

Ivan Hodes reported the Ethics Committee had declined to investigate Representative David Eastman for breaching Mr. Hodes's confidentiality because Representative Eastman waived his own confidentiality rights and that action entitled Representative Eastman to share or publish any information, including Ivan Hodes's personal information.

Ivan Hodes had two requests for the committee. A public apology for misleading him as to the extent of his confidentiality rights in the process. In addition, he wants to know how the committee intends in the future to make it known to complainants that their personal information may be released by the legislator against whom they are filing a complaint and that could result in the kind of harassment by supporters to which he was subjected.

Chair Fancher replied that the committee heard Ivan Hodes's concerns, and will be discussing the situation during executive session. Chair Fancher closed public comment.

[9:22:16 AM](#)

5. CHAIR/STAFF REPORTS

a. Staff report of Informal advice

Chair Fancher directed Jacqueline Yeagle to introduce the staff report.

Jacqueline Yeagle introduced the staff report of April 19, 2024, to July 31, 2024. She suggested the committee review the report page by page and offer comments.

Conner Thomas addressed the first question of the report: A legislative employee wanted confirmation that it was ok to host a town hall Zoom meeting during campaign season. He asked why it was necessary to include the last sentence of the answer, "As it would be difficult to avoid such statements, advised further consideration about whether to host the town halls, and reminded the employee that while there is a moratorium on complaints beginning 45 days before the primary, a complaint could still be filed after the general election."

Jacqueline Yeagle replied she did not recall the specific circumstances but that this question was common and it had been asked several times. Likely, she found the sentence to be part of earlier informal advice, and included it in an attempt to be proactive.

Conner Thomas said he did not see the need for the sentence.

Jerry McBeath said he had asked this question. He was unaware of the moratorium that begins 45 days before a primary. If he was not aware of it, he would assume that others also would not be aware of it. Jerry McBeath said Jacqueline Yeagle had pointed out to him the statute that addresses the moratorium. He understands a person could file a complaint after the general election, but the conundrum is that the complaint would be filed after the election had transpired.

Representative Sara Hannan replied that complaints will always be filed after the fact. A complaint cannot be filed to prevent an action. If the employee received this guidance, it needs to be reflected in the published staff report.

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Representative DeLena Johnson thought the elaboration, while not necessary, was helpful, especially to new legislators.

Conner Thomas addressed the last question on page 3, "A legislative employee asked about sending thank you and congratulatory notes during campaign season." He did not understand why notes of condolence are fine, but notes of congratulations were tricky.

Jacqueline Yeagle replied that there is a difference between sending congratulations on having a new baby and congratulations for raising the most money for my campaign. What matters is the content.

Joyce Anderson elaborated on the question. The legislative office was sending congratulatory notes to individuals who had written letters to the editor. Letters to the editor from a constituent could thank a legislator for what they have done or ask a legislator to continue working on a particular issue in the next legislative session. The legislator would want to be careful how they respond to avoid the communication appearing to be a campaign statement.

Conner Thomas said he thought the answer was too general and it needed more explanation so a reader would know what they could and could not do.

Joyce Anderson suggested that the question and answer be revised and sent to the committee for review.

Conner Thomas remarked he thought it was important to differentiate how notes of congratulations are different from other types of notes so readers might have a better sense of what they can and they cannot do.

Chair Fancher said she agreed with Conner Thomas that the answer was not clear.

Representative DeLena Johnson said she never considered a letter of congratulations for being on the dean's list a campaign tool.

Chair Fancher replied that she did not think sending a letter of congratulations for being on the dean's list would be a violation of the Ethics Act, but if you are

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saying thank you for calling into a radio station with a statement of support, that may be a violation.

Representative Sara Hannan said thank you letters are not letters of congratulations. Every campaign has a standard thank you letter for support. A standard response she gives for many emails is, "Thank you for taking the time to engage in our democratic process and share your opinion in the recent letter to the editor that you wrote." That response does not indicate whether the representative agreed or not with the letter. That she is individually reaching out probably indicates either her support of the opinion or that the letter gave her something to think about. It is good practice to acknowledge citizen engagement. However, the bright line would be if in her response she said she would use the information when she is re-elected. There is a difference between writing the response so that it focuses on the other person and writing the response so that it focuses on her.

Jerry McBeath has worked on campaigns and he has found people to "plant" letters to the editor in support of his preferred candidate.

Representative DeLena Johnson said there is a difference between using state funds and personal funds. She had been told she may not send thank you notes for campaign donation support during the session using her own money, so she does not send thank you notes during the session.

Chair Fancher said she thought Representative DeLena Johnson's question was valid, but it did not seem to be the question asked.

Senator David Wilson said the main issue to him is that it is a legislative employee and not a legislator asking the question because legislators wear dual hats. Legislators can send thank you letters for support without using state resources, so having staff do it on staff time would be an issue. There are a lot of nuances to this question. It depends on the circumstances and how the question was asked. He said the advice to send drafts to the Ethics Office for review is good.

Jerry McBeath addressed the first question on page 4, "A legislative employee asked if a legislator is allowed to host a community picnic or similar event in the 60-

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day period before the primary election." The answer is yes, with the understanding that there should be no partisan or campaign activity involved. He advised emphasizing caution to avoid perceived violations by your opponent by making the first word of the response, "Watch out."

Jerry McBeath addressed the third question on page 5, "A legislative employee asked if a legislator is allowed to purchase food as part of a citation presentation." It was determined that the legislator would use personal funds, but the question is nuanced. Whether it is allowed depends on whether the citation presentation is during campaign season.

Joyce Anderson said the presentation was outside campaign season. The legislator wanted to use personal funds and ask later for reimbursement through their office allowance account. LAA Accounting is responsible for approving those funds. When questions about an allowance account are asked, the Ethics Office refers those questions to LAA Accounting.

Senator Löki Tobin said in addition to the office allowance account, offices may also have POET accounts, another source of funds to offset purchasing resources or materials for community events. A legislator who wants to use POET accounts should check the intended use of those funds with whomever handles the POET account to ensure compliance with APOC rules.

Joyce Anderson said the question specifically refers to the office allowance account but acknowledged the POET account might also be used.

[9:44:16 AM](#)

Representative Sara Hannan expressed concern with the phrasing, "use personal funds to purchase the food and later ask for reimbursement." That is standard practice. Legislators do not have credit cards for office allowance accounts, so unless purchase with direct billing is set up, e.g., a rental car or an Alaska Airlines plane ticket, all purchases are paid for with personal funds and reimbursement is sought later. Staff commonly use personal money because they are the ones stopping at the grocery store to pick up flowers or groceries. Neither the Ethics Committee nor Legislative Affairs decides how the office

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allowance account is used. It is up to the legislator to decide how to use those funds.

Conner Thomas commented on the fifth question on page 6. He acknowledged it was a similar concern as he had with a previous answer about sending notes in campaign season.

Chair Fancher noted the answer to that question needs to be amended.

9:46:16 AM

Referencing the first question under the Conflict of Interest section, Skip Cook noted the contradictory nature between the first sentence of the answer and the rest of the answer. The first sentence says, under AS 24.20.110, a political mass mailing is allowed using an office allowance account. But the rest of the answer cautions against newsletter content that could be perceived as campaigning. He wondered if the word "political" should be deleted.

Joyce Anderson said AS 24.60.030(c), which prohibits the use of state funds to print or distribute a political mass mailing during the campaign period, also specifically calls out that AS 24.10.110 allows for use of the office allowance account for political mass mailings during the campaign period. She did not know why the statute used that wording, but offered that she would support deleting the word "political" if that is what Skip Cook wanted.

Representative Sara Hannan said she did not think the law intended to allow the use of the office allowance account to pay for sending a political mass mailing during the campaign period. That would imply that the office allowance account is not a state resource, yet it is a state resource. She advises other legislators not to use those funds or POET account funds to send newsletters during the campaign period, even though the committee has over the years advised otherwise. She thinks the statute is misleading and needs updating.

Skip Cook said there seems to be a conflict in the statute. He thinks statutory clarification is needed.

Representative Sara Hannan noted on page 15 of the Standards of Conduct Handbook, it says, "a legislator's

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office allowance account may be used for legislative business mailings ... at any time."

Chair Fancher said she thought the word "political" should be removed for now to make the advice cleaner. She asked other committee members for comment.

Joyce Anderson recommended using the word "business" in place of the word "political" in the answer.

Jerry McBeath said he thought it should be left as is while the statute is being updated.

Representative DeLena Johnson asked for numbering on future staff reports. She continued, saying that everything they do is political, so she is fine with leaving it as is for now.

Joyce Anderson advised adding to the end of the sentence in question, "pursuant to AS 24.60.030(c)."

Chair Fancher asked Skip Cook his thoughts about adding the phrase Joyce Anderson suggested to the answer.

Skip Cook replied he was fine either way, but the question needs to be addressed in statute.

Jerry McBeath referenced the last sentence in the third paragraph, "Stressed the importance of minimizing and eventually eliminating content that remotely sounds like campaigning as it gets closer to the primary election." That is a sliding scale, and wondered if about using sliding scales as guidance documents. It is not a definitive answer.

Jacqueline Yeagle said it was an answer that was used for several years but she had not yet found where that advice originated. She agreed that it is advice that needs to be clearer.

Jerry McBeath indicated he was satisfied that the problem was acknowledged and that it requires further study.

Joyce Anderson said her research suggests the advice goes back to at least 2008.

10:02:06 AM

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b. Administrator position update

Chair Fancher said the committee had the day before conducted two face to face interviews with candidates. She asked Joyce Anderson to provide an update on the progress in hiring a new administrator..

Joyce Anderson said she was the coordinator of the hiring subcommittee. Other subcommittee members were Representative DeLena Johnson, Senator Löki Tobin, Jerry McBeath, and Representative Sara Hannan. Other Ethics Committee members participated occasionally. The subcommittee met on June 10, June 19, June 28, July 15, and the day before, August 14.

Joyce Anderson said the committee updated the job announcement, and it was posted on May 17, 2024. The application closing date was May 31, 2024. The job announcement was posted on the Ethics Committee website, COGEL, NCSL, Alaska Bar Association, Workplace Alaska, and the UA job board, thanks to Jerry McBeath. The subcommittee worked with a person at the Anchorage Daily News, who also posted it on the ADN website, LinkedIn, Indeed, Glassdoor, and ZipRecruiter. An email was distributed to all legislative email addresses, asking that the vacancy announcement be distributed in legislative newsletters. She said that the subcommittee did a good job getting the vacancy announcement posted. There were 25 applicants, out of which five provided all of the required information. Nine applicants did not meet the minimum qualifications.

There were five stages to the selection process. Applicants were eliminated at each of the stages. The first stage was determining whether the applicant met the minimum qualifications. In the second stage, the committee checked whether the applicant had the required knowledge, skills, and abilities. The third stage was a reference check. The fourth stage was a telephone interview with applicants who passed the first three stages. The fifth stage, which had been conducted the day before this meeting, was in-person interviews with the remaining candidates. She believes the subcommittee had done due diligence during the process. Two applicants were chosen for in-person interviews. The committee will address the matter in executive session. She offered to answer questions about the hiring process. There were no questions.

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Chair Fancher thanked Joyce Anderson and the subcommittee for their work on the labor-intensive hiring process. She indicated a decision would be made during executive session.

10:07:56 AM

6. ADVISORY OPINIONS

Chair Fancher said the committee needed to review and approve two advisory opinions, AO 24-03 and AO 24-04. Per AS 24.60.130(h), Conner Thomas, who requested the advisory opinions, was not allowed to participate in the discussion.

a. Draft AO 24-03 Confidentiality Waived by Public Member Conner Thomas

Chair Fancher reminded the committee that discussion about the advisory opinions commenced at the meeting on June 10, 2024. She introduced Noah Klein from Legislative Legal Services, participating telephonically, and asked that he speak to the advisory opinions.

Noah Klein recounted that the committee had tabled drafts AO 24-03 and AO 24-04 at the June 10, 2024, meeting. In AO 24-03, the committee wanted to change the answer to the question, deleting the (1) from the statute citation and replacing the words "political management" and "political campaign" to "certain activities."

Noah Klein reported that AO 24-03 addresses seven questions about specific restrictions pursuant to AS 24.60.134(a) on public members of the committee, including whether they can sign a ballot measure petition or a recall petition; make campaign contributions to a candidate for governor, candidates for federal offices, or to a political party if the contributions is not made at a political party fund raiser; make donations in support or opposition of a ballot measure; and whether they can be a named plaintiff in asserting a violation of a personal right, in this case the right to cure a mailed ballot.

Noah Klein noted public member restrictions are outlined in AS 24.60.134, and he continued with the conclusion to each of the questions.

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1. A public member is not prohibited from signing a ballot measure petition.
2. A public member is not prohibited from signing a recall petition.
3. A public member is not prohibited from making a campaign contribution to a candidate for governor if the candidate is not an incumbent legislator or legislative employee and no other candidate in the race is an incumbent legislator or legislative employee.
4. A public member is not prohibited from making a campaign contribution to a candidate for federal office if the candidate is not an incumbent legislator or legislative employee and no other candidate in the race is an incumbent legislator or legislative employee.
5. A public member is not prohibited from making a campaign contribution for or against a ballot measure.
6. A public member is not prohibited from making a campaign contribution to a political party as long as the contribution is not made at a political party fundraiser.
7. A public member is not prohibited from participating in a lawsuit that is not part of a campaign to assert a private right.

Chair Fancher entertained questions about draft advisory opinion AO 24-03.

Jerry McBeath stated he had requested to table the decision on this advisory opinion at the last meeting because he had additional questions. He thanked Conner Thomas for requesting the advisory opinion and Noah Klein for providing more detail in the draft about what public members of the committee are allowed to do. He expressed for the record his ongoing concern that the answers do not state clearly enough the fine line between constitutional rights and the language of the statute regarding the signing of petitions including recall petitions, referendums, and similar activities. He emphasized, however, that public members have to avoid involvement in campaigns related to the organization and funding of these activities.

Representative Sara Hannan explained she believes the draft addresses the distinction between activities related to the legislative branch versus those involving executive and

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federal races. As she understands it, public member restrictions apply to engaging in legislative activities. For example, a public member cannot sign a recall petition against a legislator or a ballot measure related to the legislative branch. However, they could sign a recall petition against a member of the executive branch, and she assumes the judicial branch as well. She expressed appreciation for the draft advisory opinion's conclusions, noting that the answers were written in affirmative language. The questions arose from allegations that public members were involved in prohibited political activities. Public members are restricted from participating in political activities related to legislators due to the committee's exclusive jurisdiction over those matters.

Chair Fancher entertained more discussion. There was none.

Representative DeLena Johnson said while she planned to vote to approve AO 24-03, she does so with the recommendation often associated with legislative advice - to proceed with caution.

Chair Fancher recalled when she began her service with the committee, former administrator Jerry Anderson had explained that public members had sway over legislators and they should not campaign for someone over whom they have that sway. As Representative Sara Hannan noted, the advisory opinion was requested because there was concern that public members were engaged in prohibited activities. She agreed with Representative DeLena Johnson that public members need to proceed with caution.

Noah Klein said the restriction in AS 24.60.134(a) (1) prohibits participating in a campaign. The opinion distinguishes between an expression of support - a financial contribution (outside of the context of the legislature) or signing a petition - and a public member participating in a political campaign, regardless of whether or not it is for the legislature. The distinction is between signing a petition and circulating the petition or hosting petition signing events. Likewise, there is a difference between displaying a sign for a candidate or donating money to a candidate and holding an event for a candidate, which indicates a different level of support.

Jerry McBeath recalled that a member of the legislature had excoriated the public members for their political

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activities. He said he was politically active in local politics and made campaign contributions prior to serving on the committee.

Chair Fancher entertained a motion to approve AO 24-03 as written and amended. Skip Cook so moved.

Roll Call Vote

Jerry McBeath
Deb Fancher
Joyce Anderson
Skip Cook
Representative Sara Hannan
Representative DeLena Johnson
Senator Löki Tobin
Senator David Wilson

Conner Thomas abstained from voting.

With eight yes votes, the committee adopted AO 24-03.

Chair Fancher introduced a discussion of draft AO 24-04. She asked Noah Klein to address the draft advisory opinion.

Noah Klein said the opinion is about public member financial disclosure requirements. He indicated there were two versions of the advisory opinion, a June 10 version and an August 15 version. In the latter version, some of the content is different, but the conclusions remain the same.

Noah Klein reviewed the questions asked and the answers given.

1. Does the requirement to file a financial disclosure apply to a person nominated as a public member of the committee before the nominee is confirmed by the legislature? The answer is yes.
2. Does the requirement to file a financial disclosure apply to a person nominated as an alternate public member of the committee before the nominee is confirmed by the legislature? The answer is yes.
3. When must the nominees file their financial disclosures? A public member nominee must file a financial disclosure within 30 days after appointment.

Noah Klein said the revisions clarified four terms used in the opinion. The Chief Justice "selects" a public member, and the Chief Justice "appoints" that individual by

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transmitting their selection to the legislature for ratification. From the time a person is appointed as a public member until the legislature "ratifies" or declines to ratify the appointment, the person is a public member "nominee."

Joyce Anderson asked if the legislative bodies had to wait until the nominee files a financial disclosure to ratify the appointment.

Noah Klein replied that he did not think the bodies would need to wait for the financial disclosure, that it would be up to each body to make that decision.

Joyce Anderson said she appreciated the clarification of terms in the revision.

Jerry McBeath asked Joyce Anderson her thoughts about whether the 30-day deadline after appointment to file a financial disclosure was adequate.

Joyce Anderson replied that 30 days was sufficient. She expressed her opinion that it would benefit the legislative process if a nominee submitted the disclosure earlier within the 30-day timeframe.

Skip Cook moved to adopt draft AO 24-04.

Chair Fancher directed Jacqueline Yeagle to conduct a roll call vote.

Roll Call Vote

Jerry McBeath
Deb Fancher
Joyce Anderson
Skip Cook
Representative Sara Hannan
Representative DeLena Johnson
Senator Löki Tobin
Senator David Wilson

Conner Thomas abstained from voting.

With a vote of 8-0, the committee adopted AO 24-04.

7. ETHICS LEGISLATION DISCUSSION

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a. Future Ethics legislation

Senator David Wilson moved to establish a subcommittee to review and revise ethics statutes, with the goal of clarifying key topics, including waiving confidentiality, retaliation [concerns], [raising] legal funds, and issues related to campaigns, gifts, and financial disclosures. He expressed his hope that the new administrator would take that task on prior to the start of next session.

Chair Fancher thanked Senator David Wilson for his willingness to bring the motion and she asked which committee members had an interest in being part of the subcommittee.

Representative Sara Hannan volunteered. She noted she had interest especially in the area of confidentiality, because past practice has not been consistent.

Other members who volunteered included Deb Fancher, Joyce Anderson, Representative DeLena Johnson, Conner Thomas, and Senator Löki Tobin.

Senator David Wilson thanked Joyce Anderson for her work to date on this issue.

Chair Fancher referred back to Senator David Wilson's motion to establish a subcommittee to review and revise ethics statutes.

Chair Fancher asked if there were objections to Senator David Wilson's motion. There were no objections.

[10:46:24 AM](#)

8. Motion to go into EXECUTIVE SESSION

Chair Fancher entertained a motion to go into EXECUTIVE SESSION *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

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Jerry McBeath so moved.

Chair Fancher entertained objections. There were no objections. The committee moved into executive session.

9. EXECUTIVE SESSION

2:16:30 PM

10. PUBLIC SESSION

Chair Fancher entertained a motion to return to public session.

Jerry McBeath so moved. There were no objections.

Chair Fancher called back to order the August 15, 2024, Full Committee meeting at 2:16 PM.

Chair Fancher asked Joyce Anderson to speak about the new administrator hiring process.

Joyce Anderson said the committee had decided to offer the position to a particular individual.

Chair Fancher stated the committee is dismissing Complaint J 24-03. She advised committee members the dismissal would be circulated for review.

Joyce Anderson added that because the complaint was dismissed at the preliminary examination stage, the complaint would remain confidential.

11. OTHER BUSINESS

Chair Fancher entertained other business.

Joyce Anderson proposed a discussion of the revised complaint form.

Chair Fancher said the Ethics Office had attempted to make the form clearer to the user. She directed the committee to the revised form in their packets, and entertained discussion.

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Senator David Wilson asked that language be inserted into the complaint form that the complainant must keep the complaint confidential throughout the proceedings, even if the subject of the complaint has waived confidentiality.

Representative Sara Hannan noted the current form has information about the complaint moratorium during the campaign period, and wanted to be sure that information was also included in the revised version.

Chair Fancher and Joyce Anderson replied that the information about which Representative Sara Hannan was concerned was on the first page of the revised version. Chair Fancher entertained a motion to approve the form.

Senator David Wilson moved to approve the revised form with his suggested language changes.

Representative Sara Hannan wanted to clarify the language changes to which Senator David Wilson referred in his motion was the language changes requested in this meeting.

Senator David Wilson amended his motion to approval of the form with language as he had discussed in the meeting regarding complainant confidentiality.

Representative DeLena Johnson said she had been under the misconception there was confidentiality all around. The current complaint form does not indicate that and she hopes the revised version is clearer.

Skip Cook asked for a reiteration of the motion made by Senator David Wilson.

Jacqueline Yeagle read the first paragraph: The person filing a complaint shall keep confidential both the fact that a complaint has been filed and the contents of the complaint. If the committee finds that a complainant violated any confidentiality provision under AS 24.60.170, the committee shall immediately dismiss the complaint.

Joyce Anderson replied she thought Senator David Wilson had suggested different language: The person filing the complaint shall keep confidential both the fact that a complaint had been filed and the contents of the complaint during the entire complaint process regardless of whether confidentiality is waived by the subject of the complaint.

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Skip Cook said the issue was with the complaint subject, not with the complainant.

Joyce Anderson said Senator David Wilson pointed out that statute states that the complainant shall not release anything regarding the complaint or it shall be dismissed. Statute requires the complainant keep the information in the complaint confidential even if the subject of the complaint waives confidentiality.

Chair Fancher asked to hear again the paragraph under discussion.

Jacqueline Yeagle read the statement again: The person filing a complaint shall keep confidential during the [entire] complaint process, regardless of whether the subject waives confidentiality. If the committee finds that a complainant violated any confidentiality provision under AS 24.60.170, the committee shall immediately dismiss the complaint.

Chair Fancher asked Senator David Wilson if that language captured his recommendation.

Senator David Wilson said the language proposed met his concerns.

Chair Fancher asked if everyone else was okay with the language in that paragraph. No one indicated an issue with it.

Chair Fancher directed a roll call vote on the motion.

Roll Call Vote

Jerry McBeath
Deb Fancher
Joyce Anderson
Conner Thomas
Skip Cook
Representative Sara Hannan
Representative DeLena Johnson
Senator Löki Tobin
Senator David Wilson

The motion passed 9-0.

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Chair Fancher said per Representative Sara Hannan's concern, the revised version would be available after the campaign period.

Jerry McBeath asked whether a date had been set for the next meeting.

Chair Fancher responded no future meeting date was set, but it would be after the election, and hopefully a new administrator would be in place.

Chair Fancher entertained a motion to adjourn.

Jerry McBeath so moved.

The meeting adjourned at 2:30 PM.

[2:30:26 PM](#)

ADJOURN:

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ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
JANUARY 31, 2025
8:30 AM

FULL COMMITTEE MEETING

DRAFT

[8:33:02 AM](#)

1. CALL THE MEETING TO ORDER

Chair Conner Thomas called to order the full committee meeting at 8:33 AM.

Chair Thomas directed Administrator Kevin Reeve to conduct roll call.

Roll Call

Senator Robert Yundt
Representative Kevin McCabe
Representative Alyse Galvin
Public Member Skip Cook
Public Member Joyce Anderson
Public Member Connor Thomas
Senator Matt Claman (Alternate for Senator Gary Stevens)

Chair Thomas remarked that there were new legislative members in attendance and asked that each of the committee members introduce themselves for the record.

[8:39:14 AM](#)

2. APPROVAL OF AGENDA

Chair Thomas entertained approval of the agenda. Skip Cook so moved. There were no objections. The agenda was approved.

[8:39:25 AM](#)

3. APPROVAL OF MINUTES

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a. House Subcommittee February 16, 2024

Chair Thomas entertained approval of the minutes.

Skip Cook so moved.

There were no objections. The minutes were approved.

b. House Subcommittee November 12, 2024

Chair Thomas entertained approval of the minutes.

Skip Cook so moved.

There were no objections. The minutes were approved.

[8:41:40 AM](#)

4. PUBLIC COMMENT

Chair Thomas opened the meeting to public comment. There was no public comment, but Chair Thomas recognized and introduced Dan Wayne, Legislative Legal Attorney for the Ethics Committee.

[8:42:44 AM](#)

5. ELECTION OF COMMITTEE CHAIRS FOR 2025-2026

a. Article 3 Ethics Committee Election Procedure

Chair Thomas opened the election of committee chairs for 34th Legislature, 2025-2026. To help orient the new committee members about the selection of chair and vice chair for the Full Committee, and the Senate and House subcommittees, he read AS 24.60.130(d):

The members of each subcommittee shall elect a chair and a vice-chair, who serve a term of two years. Neither a chair nor a vice-chair may be a member of the legislature. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of

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the regular session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years. ...

Skip Cook nominated Joyce Anderson as senate subcommittee chair. The senate subcommittee unanimously elected Joyce Anderson as chair.

Joyce Anderson nominated Skip Cook as senate subcommittee vice chair. The senate subcommittee unanimously elected Skip Cook as vice chair.

Skip Cook nominated Conner Thomas as house subcommittee chair. The house subcommittee unanimously elected Conner Thomas as chair.

Joyce Anderson nominated Deb Fancher as house subcommittee vice chair. The house subcommittee unanimously elected Deb Fancher as vice chair.

[8:47:50 AM](#)

Pursuant to AS 24.60.130(d), Joyce Anderson, chair of the senate subcommittee, assumed the position of full committee chair.

Chair Joyce Anderson reported that the committee only had four public members due to the loss of Jerry McBeath. There is currently no alternate public member on the committee. Three public members, along with two legislative members are required for a quorum of the full committee. There was a quorum to conduct business.

[8:49:05 AM](#)

6. CHAIR/STAFF REPORT (+)

a. Public Member Committee Appointment Update

Administrator Kevin Reeve informed the committee that Chief Justice Susan Carney had appointed three public members (two members and one alternate). The public members nominees are pending ratification in both the Senate and the House, with anticipated votes the week of February 3, 2025.

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Representative Galvin asked how members were recruited and what assistance legislators provide.

Chair Anderson replied that the Ethics Office publishes a vacancy notice with application information in the ethics newsletter and on the ethics website. The office also asks legislators to help publicize the vacancy.

Administrator Kevin Reeve added that two of the nominees under consideration were identified through legislator referrals.

[8:54:34 AM](#)

b. Management Log Review

Chair Anderson reported the purpose of the management log review is to make sure the committee agrees with the advice given by staff. The management log does not cover every question asked, only those of a unique nature. The inquirer's name is kept confidential.

Chair Anderson offered minor edits to the draft management log.

Senator Claman noted that pro bono legal services are not associated with a value. He asked if there was an advisory opinion that addresses whether the value of pro bono legal services that a legislator receives must be less than \$250.

Chair Anderson said the value of legal services is the fair market value. She said there was an advisory opinion that addresses a legal defense fund and she asked Administrator Kevin Reeve to forward that opinion to Senator Claman.

[9:09:05 AM](#)

c. Publications

Administrator Kevin Reeve said that statute requires annual production of three publications, all of which are included in the committee member handbook:

1. A 2025 Standards of Conduct Handbook, a copy of which is also distributed to all legislator's offices

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2. A copy of the 2024 advisory opinions adopted by the committee
3. A copy of the 2024 public complaint decisions

In addition, the committee member handbooks contain a copy of the Committee Rules of Procedure.

[9:12:12 AM](#)

7. Motion to go into EXECUTIVE SESSION

Chair Anderson entertained a *motion to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

Representative Alyse Galvin so moved. There was no discussion or objection.

Senator Matt Claman moved to allow Kevin Reeve to participate in executive session.

The committee approved the administrator's attendance and moved to executive session.

[9:13:40 AM](#)

8. EXECUTIVE SESSION

[9:59:46 AM](#)

Chair Anderson entertained a motion to go back into public session.

Senator Matt Claman so moved. There were no objections.

[10:00:03 AM](#)

Chair Anderson reported the order of the next two items on the agenda would be reversed.

[10:00:15 AM](#)

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9. BUDGET

Chair Anderson reported the overall budget looks good.

Administrator Kevin Reeve added that expenses for committee outside counsel, Brent Cole, were higher than expected, but there was a surplus in salaries due to the vacancy in the administrator position.

Conner Thomas alerted the committee that there will be additional outside counsel costs. He explained there was an ongoing matter that outside counsel will be arguing before the Alaska Supreme Court on February 8, [2025].

Chair Anderson related that in executive session, the committee had discussed hiring an additional staff member.

Senator Claman moved that Administrator Kevin Reeve explore and to bring the results back to the committee the possibility of adding a part-time employee to the budget.

Representative Galvin requested a report of the scope of the work to be done by the additional staff member, and a FY 25-26 budget report that includes the costs for the additional help, and a proposal for next steps.

Skip Cook asked to include meeting minutes catch up to the scope of work.

Senator Claman amended his motion, and it was adopted by unanimous roll call vote.

Chair Joyce Anderson stated the Ethics Office would report back to the committee the scope of work, the current 24-25 budget, and the projected 25-26 budget.

[10:08:14 AM](#)

10. 2025 ETHICS TRAINING REPORT

Administrator Kevin Reeve reported that ethics training was offered in person this year to close some perceived gaps in knowledge. To date, over 300 individuals have completed training, including 49 of the legislators. Trainings are

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scheduled for February 3 for legislators and February 6 for legislative employees.

Representative Galvin and Chair Anderson expressed appreciation for the training and work involved.

[10:10:44 AM](#)

11. OTHER BUSINESS

There was no other business.

12. ADJOURN

Skip Cook moved to adjourn the meeting.

The meeting was adjourned at 10:10 AM.

[10:10:58 AM](#)

ADJOURN

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
HOUSE SUBCOMMITTEE**

JANUARY 31, 2025

3:30 PM

DRAFT

[3:31:43 PM](#)

A. CALL THE MEETING TO ORDER

Chair Conner Thomas called to order the meeting of the Select Committee on Legislative Ethics House Subcommittee at 3:31 PM.

ROLL CALL

[3:31:54 PM](#)

Kevin Reeve conducted roll call.

Present:

Representative Galvin
Representative Bynum
Public Member Skip Cook
Public Member Joyce Anderson
Chair Conner Thomas

There was a quorum.

Others present:

Kevin Reeve

[3:32:18 PM](#)

B. APPROVAL OF THE AGENDA

Chair Thomas asked for a motion to approve the agenda. Skip Cook so moved. Hearing no objection, the agenda was approved.

[3:32:30 PM](#)

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C. PUBLIC COMMENT

Chair Thomas entertained public comment.

There was no public comment.

[3:32:51 PM](#)

D. Motion to go into EXECUTIVE SESSION

Chair Thomas entertained a motion to go into EXECUTIVE SESSION *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

[3:33:25 PM](#)

Representative Bynum moved to go into executive session.

The subcommittee moved to executive session.

[3:33:45 PM](#)

E. EXECUTIVE SESSION

[4:19:34 PM](#)

F. PUBLIC SESSION

Chair Thomas entertained a motion to return to public session. Skip Cook so moved. There were no objections.

There was no business to discuss.

[4:19:41 PM](#)

G. OTHER BUSINESS

Draft minutes are not the official record of committee proceedings and are for informational purposes only (ROP Sec 7(d)).

There was no other business to discuss.

[4:20:00 PM](#)

Chair Thomas entertained a motion to adjourn.

Skip Cook moved to adjourn.

A. ADJOURN

Hearing no objections, Chair Thomas adjourned the meeting at 4:20 PM.

ADJOURN

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**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
SENATE SUBCOMMITTEE**

JANUARY 31, 2025

12:00 PM

DRAFT

[12:01:12 PM](#)

A. CALL THE MEETING TO ORDER

Chair Joyce Anderson called to order the meeting of the Select Committee on Legislative Ethics Senate Subcommittee at 12:01 PM.

ROLL CALL

Kevin Reeve conducted roll call.

Present:

Senator Stevens
Senator Yundt
Chair Joyce Anderson
Public Member Skip Cook
Public Member Conner Thomas

Others present:

Kevin Reeve

There was a quorum.

[12:01:41 PM](#)

B. APPROVAL OF THE AGENDA

Chair Anderson asked for a motion to approve the agenda. Conner Thomas so moved. Hearing no objection, the agenda was approved.

C. PUBLIC COMMENT

[12:01:54 PM](#)

Draft minutes are not the official record of committee proceedings and are for informational purposes only (ROP Sec 7(d)).

No public comment.

D. Motion to go into EXECUTIVE SESSION

Chair Anderson entertained a motion to go into EXECUTIVE SESSION *to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of which would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

Senator Yundt so moved.

The subcommittee moved to executive session.

[12:02:03 PM](#)

E. EXECUTIVE SESSION

[12:45:45 PM](#)

F. PUBLIC SESSION

Chair Anderson entertained a motion to return to public session.

Conner Thomas so moved. There were no objections.

There was no business to discuss.

G. OTHER BUSINESS

There was no other business to discuss.

[12:45:59 PM](#)

Chair Anderson entertained a motion to adjourn.

Skip Cook moved to adjourn the meeting.

Draft minutes are not the official record of committee proceedings and are for informational purposes only (ROP Sec 7(d)).

[12:46:14 PM](#)

H. ADJOURN

Chair Anderson adjourned the meeting at 12:46 PM.

ADJOURN

DRAFT

SELECT COMMITTEE ON LEGISLATIVE ETHICS STAFF REPORT

January 23, 2025, through May 15, 2025

Staff provides informal advice, under AS 24.60.158. Those requesting advice are told the advice, while given in good faith, is not binding on the committee unless the advice has been issued through the formal advisory opinion process. Requesters are told they may seek formal, binding advice by submitting a written request. The committee is asked to review the advice given and notify staff if any committee member has questions or disagrees with the advice. This report includes advice the committee may not have reviewed in the past; it does not represent all the inquires.

Administrative Hearings AS 24.60.030(i)

Benefit and Loans AS 24.60.050(c)

Boards and Commissions AS 24.60.030(f)

Campaign Related AS 24.60.030 and .031

Close Economic Association AS 24.60.070

1. **A legislative employee is married to a public official and has not been filing close economic association disclosures. The legislative employee realized they should have been filing CEA disclosures and asked how to determine the start date of the association.**

Recommended using the day the spouse filed for office because that is the day on which the spouse was subject to APOC filings. AS 39.50.020. The staffer's spouse then became a public official which required continued APOC filings and yearly ethics disclosures. The disclosure was filed late, the first for the legislative employee, so a late letter was sent but no fine was assessed.

Conflict of Interest AS 24.60.030

2. **A legislative employee asked if legislators were allowed to use state computers to file required APOC reports and to use state computers to access campaign materials for the reports.**

Yes, legislators or their designee (outside of government time) are allowed to file APOC reports using state computers per the minutes of the June 14, 2012, committee meeting. The third edition of the June 2012 Advisor stated: "NOTE: The filing of a required [APOC] report simply means the data input necessary to file the candidate campaign report electronically and does

not include the initial legwork necessary to prepare the information for the report.” Advised the legislative employee that gathering the campaign materials necessary for the APOC report was not a permitted activity.

- 3. A legislative employee asked if it would create an issue if they contacted their legislator regarding an issue that was not related to their duties (an Emergency Medical Service concern).**

After clarifying that the employee would be using the same contact methods available to all constituents that it would not be an issue. During further discussion, it was recommended that contact with the legislator should not be via the employee’s state email, or via the legislator’s private cell which the employee has access to. Stated that legislative employment does not abridge the employee’s access to constituent services.

- 4. A legislator’s staff member asked whether it is acceptable to include voter registrations in graduation cards that are being sent to constituents.**

Informed the requestor that, based on previous informal guidance, that the inclusion of a voter registration in graduation card is acceptable. However, the graduation cards should be limited to constituents, and must not contain political or campaign messages.

- 5. A legislator asked if legislators are allowed to use their office and state laptops to file APOC reports.**

Informed that in previous informal advice, “The committee determined at the June 14, 2012 meeting that electronic filing of a campaign report does not constitute campaigning, political fund-raising or involvement or support of partisan political activity prohibited by AS 24.60.030(a)(2) and (a)(5). Correspondingly, a legislator can use their state computers to file APOC disclosures.

- 6. A legislator asked if the legislator could complete APOC campaign reports during business hours and whether staff could help to complete the reports.”**

Informed that in previous informal advice, the committee stated “You as a staffer may work on a state computer on nongovernment time to complete APOC campaign reports if you have been designated as a “legislator designee” to file such reports by the legislator. The restriction of completing the report on nongovernment time does not apply to a legislator.

- 7. A legislator’s staff asked whether it would be acceptable to work part-time as a prosecutor for a municipality when session ends.**

Informed that working for a municipality is acceptable, but that 24.60.070 requires a disclosure of close economic association with a public official as defined in 39.50.200(a)(9)(I).

- 8. A legislator asked if it was acceptable to send graduation certificates to six online/ correspondence schools which are out of the legislator’s district but are attended by their constituents. The legislator wanted to support all of the graduates not just the legislator’s constituents.**

Informed that AO 15-01 and 17-02 have addressed the use of state funds for communications beyond legislative districts (although they address electronic communication), and limit acceptability of that practice to fact-specific communication. Further, that the fact-specific communication is strictly informational. (AO 15-01, Conclusion, paragraph 1.) This limitation is further clarified in the Conclusion of AO 17-02. Informal advice has been offered (although not specific to correspondence schools) that cautions against sending graduation certificates to schools when the preponderance of graduates is from outside of the legislator's district. The advice cautions that "it may not be a wise to provide certificates to the entire graduating class as the committee may view this action as outside of a legislative communication to constituents in a legislator's district." In the absence of an AO addressing the matter, sending graduation certificates to all the six correspondence school's graduates is not recommended as the committee may view this action as outside of legislative communications to constituents.

Constituent Services AS 24.60.030(e) AO 05-01 and AO 08-03

Contracts/Leases AS 24.60.040

9. **A legislative employee asked if they need to disclose a contract they have with an entity at the University of Alaska Fairbanks? It is a "cost-reimbursement contract" billed at an hourly rate, not to exceed \$20,000 in a year. The employee has a Purchase Order signed by a procurement officer at the university.**

The employee stated their intent was to file the disclosure. Informed that filing the disclosure would be appropriate and the prudent course of action.

10. **A legislative employee asked if they were required to file a disclosure for a grant received by their spouse.**

No disclosure required as the grant was not a state grant. Only state grants are subject to the reporting requirements. The reporting requirements for state grants cover both the legislative employee and an immediate family member.

11. **A legislative employee asked whether a disclosure was needed for a free-lance "cost-reimbursement contract" billed at an hourly rate, not to exceed \$20,000, with University of Alaska. While UA would issue the checks, the funding itself would be from a local nonprofit.** Yes, informed the legislative employee that a contract with the University of Alaska is considered a state contract. Advised the legislative employee to file a state contract disclosure.

Disclosures AS 24.60.105, .115, and .260

12. **A legislative employee asked if they needed to file a disclosure for their spouse's service on a board of directors.**

No disclosure required. AS 24.60.030(f) requires only a legislator or legislative employee who serves on a board of an organization, including a governmental entity, to disclose the board membership to the committee.

- 13. The spouse of a legislative employee operates a non-profit organization that has funders. The legislative employee wanted to know if a disclosure was required. The state is not a funder. All of the funders are other (out of state) nonprofits or for-profit businesses.**

No disclosure required because only state funded grants in specific circumstances are subject to disclosure.

- 14. A legislator asked if a 24.60.100 representation disclosure was required as his consulting firm is assisting a carbon capture company that is new to Alaska.**

After discussion with the legislator, the legislator confirmed that his company will not be representing the company; the consultation provided focuses on the nuances of working in Alaska. Informed the legislator that a disclosure under 24.60.100 would not be required under the situation described.

Gifts AS 24.60.075 and .080

- 15. A legislative employee reported the legislative office had received two gifts with a total value of \$180 from two separate entities. The employee asked for confirmation that only gifts to the office with a value of \$250 or more need disclosure. The legislative employee also asked if gifts with a value of less than \$250 *required* tracking on a gift log.**

Referred inquirer to AS 24.60.080 for gift rules. Replied that gifts from a single individual/entity, allowed under AS 24.60.080 with a value of less than \$250 do not need disclosure. Under the requirements of AS 24.60.080, multiple gifts from a single individual/entity that in aggregate have a value of \$250 or more in a single year need disclosure. The gift log is a tool to keep track of gifts that aggregate to \$250 or more in a single year, but it is not required. Advised the legislative employee to follow up with the Ethics Office if specific circumstances require discussion.

- 16. A legislative employee submitted a gift of travel disclosure. The donor was a legislator. The primary purpose of the gift and the travel was to attend a constituent event in district. The legislator used their own money to pay for the travel because the staffer would also attend a political event away from Juneau. The legislative employee paid the cost of attending the event.**

Considered whether a legislative employee would need to file gift of travel disclosure in this situation. The donor was the staffer's boss. The travel was primarily for a constituent event; the staffer did not travel *for* the political event; they took advantage of the opportunity the travel afforded. Determined that while unusual, a gift of travel disclosure was appropriate in case it resulted in a question of impropriety in the use of state funds (of which there was none).

Fund Raising

- 17. A legislative employee asked if it is acceptable to conduct fund raising for the National Association of Legislative Information Technology (NALIT) conference in Juneau of 2025. The conference is scheduled for September of 2025.**

Informed the employee that the fundraising is permitted as long as it is consistent with the prohibition listed in 24.60.031; not conducted during regular or special session. Referred the employee to AO 09-03 for further information.

Government

Interns/Volunteers AS 24.60.080(h) and .112

Legal Fees Gift AS 24.60.080(c)(8)

Legislative Communications AS 24.60.030

Lobbyist Related (all calls referred to APOC for consideration, if needed)

Miscellaneous

- 18. A legislative employee asked if the Ethics Act prohibits soliciting bids for comparison of plans for a service for their office, one of which was a company that could also potentially bid on a state contract.**

Replied the Ethics Act does not address a legislative office soliciting bids for a service. Recommended checking with LAA Supply for applicable guidelines to follow.

- 19. A legislator asked about restrictions on working after leaving the legislature.**

Replied the Ethics Act applies to members of the legislature, legislative employees, and to public members of the Ethics Committee, not to former legislators. However, under AS 24.45.121(c) a former legislator may not be a registered lobbyist for one year after leaving the legislature (volunteer or representational lobbying is ok under AS 24.45.161(a)(1)).

- 20. A legislative employee asked if there were restrictions on working temporarily in a state administrative job while also serving in a legislative capacity.**

Advised the legislative employee the ethics act does not prohibit working outside the legislature and encouraged the legislative employee to keep confidential anything they learn on their legislative job and conduct only legislative work while on legislative time. If there is a need to perform work for the other job during the time they are scheduled to work for the legislature, a leave slip must be filed. Also advised that they may not use legislative resources to conduct their outside work.

21. A legislator asked general questions about outside employment during and after session with an organization that does not receive state funding.

Replied a legislator may be compensated for outside work performed during legislative session and during the interim. Highlighted a few circumstances that may require action depending on the type of work the legislator would be doing.

- The Ethics Act requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest (AS 24.60.010(2)).
- AS 24.60.030(g) requires declaring a conflict of interest before voting on a question before a committee of the legislature.
- Confidential information learned in the legislator job must remain confidential (AS 24.60.060(a)).
- Generally, the use of government resources may not be used in performing outside work (AS 24.60.030(a)(2)(A)) and (D).
- A legislator may not seek or accept compensation that is significantly greater than the value of services rendered. AS 24.60.085(a)(1)
- A legislator may not require a legislative employee to perform services for private benefit of the legislator (AO 24.60. 030(a)(4)).
- A legislator may not lobby the legislature or use any leverage on behalf of the outside job (AS 24.60.030(e)(1) and (3)).
- Close economic association disclosure may be required if the legislator is working for certain persons. AS 24.60.070
- A disclosure may be required if the legislator works under a state funded contract. AS 24.60.040
- A legislator may not accept outside compensation for work associated with legislative action, administrative action, or political action. AS 24.60.085(c)

Recommended the legislator get back in touch with the actual specifics of the outside employment to further define if a conflict of interest exists regarding a specific situation or if there is a need to file a disclosure(s).

22. A legislator asked if they could use their “accountable office account” to support a High School fundraiser. The legislator could place their name or message on a t-shirt for exposure of their position and support the school.

Informed that the Ethics Act does not specifically address or prohibit such activity; however, the legislator would have to vet whether this is an acceptable use of the “accountable office account” with LAA finance.

23. A legislator asked if the Legislative Ethics Act would address Executive Branch appointments to multiple boards or commissions, and whether multiple appointments should be addressed when reviewing the appointee for confirmation.

Informed the legislator the Legislative Ethics Act does not speak to Executive Branch appointments to boards and commissions. Referred the legislator to the Executive Ethics Act for further consideration of the appointee holding multiple board/commission seats.

24. A legislator asked about the acceptability of an ad-hoc internship for a high school student, and any ethics rules that might apply.

Provided Internship – General Information sheet (from the Ethics Committee page) to outline the process required for approval of an internship. Indicated that a pathway forward to approving the “ad-hoc” internship was not found, but that they could submit an application to the Ethics Office for consideration. The legislator withdrew the request.

25. The Senate Rules Committee asked if it was acceptable for Glenfarne to present at a Lunch & Learn; the question was subsequently changed to asking if it would be acceptable for AGDC to be the presenter for the L&L. The requestor informed that AO 15-02 was submitted to all members at the start of session.

Informed that the Ethics Act is moot on Lunch and Learns, and AO 15-02 is the only document identified addressing Lunch and Learns. Correspondingly, the decision falls to the Rules Chair to determine whether or not the Lunch and Learn is consistent with established protocols.

26. A legislative staff asked if their legislator could have a mug on the floor of the house with the US Presidents and the US Vice Presidents last names? The requestor clarified that it was a President Trump and Vice President Vance cup.

Informed the requestor that 24.60.030(d) speaks to the prohibition of *campaign materials* in “a facility ordinarily used to conduct state government business ... whether or not the election has been concluded.” AS 24.60.030(d) specifically states, “However, a legislator may post, in the legislator’s private office, communications related to an election that has been concluded.” .030(d) terms for *campaign materials* are as follows: campaign literature, placards, posters, fund-raising notices, or other communications intended to influence the election of a candidate. There could be multiple interpretations of having the mug on the floor of the house 1) showing support for the current administration, 2) displaying *campaign materials*, i.e. the mug, from the 2024 election. Suggested that in the absence of direct statutory language regarding the matter, the legislator is encouraged to do a cost-benefit analysis. Is the legislator willing to accept potential “appearance of impropriety” complaints that may follow? There have been recent examples of media reporting on cups with “inappropriate messaging” on the floor of the legislature.

27. A legislator asked if it was acceptable for a film crew to film the legislator walking in the Capital as part of documentary on Ranked Choice Voting.

After consideration of 24.60.030(a)(2), recommended against filming in the capital as it may give the appearance of using public facilities for a nonlegislative purpose. That potential may result in ethics complaints.

28. A journalist asked what the procedure is when an ethics complaint is filed against a legislator who is a member of the Select Legislative Ethics Committee? How much is she/he able to participate in considering the complaint?

Informed that members of the Ethics Committee cannot participate in any proceedings before the committee that involves the member or employees that they supervise. Provided 24.60.130 as the reference/source of the statement.

Open Meetings AS 24.60.037

Press Inquiries

Training AS 24.60.150 and .155

Travel/Hospitality AS 24.60.080(c)(4)

29. A legislative employee asked if it was acceptable to accept a gift of lodging to attend a conference for a legislative purpose. (Clarified that the hospitality is not being provided by a lobbyist.)

Informed that it is acceptable for a legislator or legislative employee to stay at someone's residence to attend a conference addressing legislative concerns. Informed that if the fair market value of the hospitality equals or exceeds \$250 (for a single stay or in aggregated stays within a year), then a disclosure is required.

30. An LAA employee asked, "If I went to a national conference for State Officers and the State of Alaska Executive Branch covered my hotel room expenses with co-op funds that they received from the co-op's staff travel funds that are distributed to each State for staff training, would a disclosure be required?"

Informed that AO 89-04 specifically addresses the question and that a disclosure is required. *You attended the conference "for the purpose of obtaining information on matters of legislative concern," so that your acceptance of DOE's "gift" was proper under AS 24.60.080(c)(4). The Committee concludes that you must disclose the gift.*

MAY 30, 2025 Full Committee Meeting

Agenda Item 5.b.

Ethics Legislation

AS 24.60.150 Duties of the committee.

(b)(1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

Chair Joyce Anderson and Vice-Chair Conner Thomas worked with Sen Tobin's office, through Louie Flora, and Dan Wayne, LAA Legal, to draft ethics legislation. The bill has had many rewrites. A summary of the legislation has also been drafted and reviewed by LAA Legal. See attached draft legislation and summary.

The draft has been reviewed by Sen Claman. Either his office or the Senate Judiciary Committee plan to introduce the legislation at the beginning of the 2026 legislative session.

DISCUSSION: In past years, the Ethics Committee has endorsed the legislation and testified at committee hearings. Suggest the committee endorse the legislation and testify as needed.

RECOMMEND: Set up a subcommittee to review the draft legislation, add items as needed and report back to the Full Committee.

34-LS0505\G
Wayne
4/25/25

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Legislative Ethics Act; relating to legislative subpoenas; relating**
2 **to the jurisdiction of the office of the ombudsman; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 24.25.010(e) is amended to read:

5 (e) This section does not apply to the legislative council, [OR TO] the
6 Legislative Budget and Audit Committee, or the Select Committee on Legislative
7 Ethics.

8 *** Sec. 2.** AS 24.55.330(2) is amended to read:

9 (2) "agency" includes a department, office, institution, corporation,
10 authority, organization, commission, committee, council, or board of a municipality or
11 in the executive, legislative, or judicial branches of the state government, and a
12 department, office, institution, corporation, authority, organization, commission,
13 committee, council, or board of a municipality or of the state government independent
14 of the executive, legislative, and judicial branches; it also includes an officer,

1 employee, or member of an "agency" acting or purporting to act in the exercise of
2 official duties, but does not include the governor, the lieutenant governor, a member of
3 the legislature, the victims' advocate, the staff of the office of victims' rights, **a public**
4 **member of the Select Committee on Legislative Ethics, an employee of the Select**
5 **Committee on Legislative Ethics**, a justice of the supreme court, a judge of the court
6 of appeals, a superior court judge, a district court judge, a magistrate, a member of a
7 city council or borough assembly, an elected city or borough mayor, or a member of
8 an elected school board;

9 * **Sec. 3.** AS 24.60.030(a) is amended to read:

10 (a) A legislator or legislative employee may not

11 (1) solicit, agree to accept, or accept a benefit other than official
12 compensation for the performance of public duties; this paragraph may not be
13 construed to prohibit

14 (A) lawful solicitation for and acceptance of campaign
15 contributions;

16 (B) solicitation or acceptance of contributions for a charity
17 event, as defined in AS 24.60.080(a)(2)(B);

18 (C) the acceptance of a gift under AS 24.60.075 or 24.60.080;
19 or

20 (D) a legislator from accepting reasonable, ordinary, and
21 customary travel and hospitality primarily for the purpose of solemnizing a
22 marriage under AS 25.05.261(a)(4);

23 (2) use public funds, facilities, equipment, services, or another
24 government asset or resource for a nonlegislative purpose, for involvement in or
25 support of or opposition to partisan political activity, or for the private benefit of the
26 legislator, legislative employee, or another person; this paragraph does not prohibit

27 (A) limited use of state property and resources for personal
28 purposes if the use does not interfere with the performance of public duties and
29 either the cost or value related to the use is nominal or the legislator or
30 legislative employee reimburses the state for the cost of the use;

31 (B) the use of mailing lists, computer data, or other information

1 lawfully obtained from a government agency and available to the general
2 public for nonlegislative purposes;

3 (C) the legislative council, notwithstanding AS 24.05.190, from
4 designating a public facility for use by legislators and legislative employees for
5 health or fitness purposes; when the council designates a facility to be used by
6 legislators and legislative employees for health or fitness purposes, it shall
7 adopt guidelines governing access to and use of the facility; the guidelines may
8 establish times in which use of the facility is limited to specific groups;

9 (D) a legislator from using the legislator's private office in the
10 capital city during a legislative session, and for the 10 days immediately before
11 and the 10 days immediately after a legislative session, for nonlegislative
12 purposes if the use does not interfere with the performance of public duties and
13 if there is no cost to the state for the use of the space and equipment, other than
14 utility costs and minimal wear and tear, or the legislator promptly reimburses
15 the state for the cost; an office is considered a legislator's private office under
16 this subparagraph if it is the primary space in the capital city reserved for use
17 by the legislator, whether or not it is shared with others;

18 (E) a legislator from use of legislative employees to prepare
19 and send out seasonal greeting cards;

20 (F) a legislator from using state resources to transport
21 computers or other office equipment owned by the legislator but primarily used
22 for a state function;

23 (G) use by a legislator of photographs of that legislator;

24 (H) reasonable use of the Internet by a legislator or a legislative
25 employee except if the use is for election campaign purposes;

26 (I) a legislator or legislative employee from soliciting,
27 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
28 organization in a state facility;

29 (J) a legislator from sending any communication in the form of
30 a newsletter to the legislator's constituents, except a communication expressly
31 advocating the election or defeat of a candidate or a newsletter or material in a

1 newsletter that is clearly only for the private benefit of a legislator or a
2 legislative employee; [OR]

3 (K) full participation in a charity event approved in advance by
4 the Alaska Legislative Council; or

5 (L) a legislator from using the title "Senator" or
6 "Representative," as appropriate, as long as the use does not create an
7 appearance that the legislator may take or withhold action in exchange for
8 a private benefit for the legislator or another person;

9 (3) knowingly seek, accept, use, allocate, grant, or award public funds
10 for a purpose other than that approved by law, or make a false statement in connection
11 with a claim, request, or application for compensation, reimbursement, or travel
12 allowances from public funds;

13 (4) require a legislative employee to perform services for the private
14 benefit of the legislator or employee at any time, or allow a legislative employee to
15 perform services for the private benefit of a legislator or employee on government
16 time; it is not a violation of this paragraph if the services were performed in an
17 unusual or infrequent situation and the person's services were reasonably necessary to
18 permit the legislator or legislative employee to perform official duties;

19 (5) use or authorize the use of state funds, facilities, equipment,
20 services, or another government asset or resource for the purpose of political fund
21 raising or campaigning; this paragraph does not prohibit

22 (A) limited use of state property and resources for personal
23 purposes if the use does not interfere with the performance of public duties and
24 either the cost or value related to the use is nominal or the legislator or
25 legislative employee reimburses the state for the cost of the use;

26 (B) the use of mailing lists, computer data, or other information
27 lawfully obtained from a government agency and available to the general
28 public for nonlegislative purposes;

29 (C) storing or maintaining, consistent with (b) of this section,
30 election campaign records in a legislator's office;

31 (D) a legislator from using the legislator's private office in the

capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others; or

(E) use by a legislator of photographs of that legislator.

* **Sec. 4.** AS 24.60.030(c) is amended to read:

(c) Unless approved by the committee, during a campaign period for an election in which a [THE] legislator or legislative employee is a candidate, the [A] legislator or legislative employee may not use or permit another to use state funds [, OTHER THAN FUNDS TO WHICH THE LEGISLATOR IS ENTITLED UNDER AS 24.10.110,] to print or distribute a political mass mailing to individuals eligible to vote for the candidate. **Nothing in this subsection prohibits a communication that is necessary to respond to an emergency, natural disaster, or other exigent circumstance that creates an imminent need for information to be communicated.**

In this subsection,

(1) a "campaign period" is the period that

(A) begins 60 days before the date of an election to the board of an electric or telephone cooperative organized under AS 10.25, a municipal election, or a primary election, or that begins on the date of the governor's proclamation calling a special election; and

(B) ends the day after the cooperative election, municipal election, or general or special election;

(2) a mass mailing is considered to be political if it is from or about a legislator, legislative employee, or another person who is a candidate for election or reelection to the legislature or another federal, state, or municipal office or to the board of an electric or telephone cooperative.

* **Sec. 5.** AS 24.60.035 is amended to read:

1 **Sec. 24.60.035. Protection of whistle blowers. (a)** A legislator or legislative
2 employee may not, directly or indirectly, subject a person **to reprisal, harassment, or**
3 **discrimination for reporting** [WHO REPORTS] to the committee or another
4 government entity conduct the person reasonably believes is a violation of this chapter
5 or another state law [, TO REPRISAL, HARASSMENT, OR DISCRIMINATION].

6 **(b)** A legislative employee who is discharged, disciplined, involuntarily
7 transferred, or otherwise penalized by a legislator or another legislative employee in
8 violation of this **section** [SUBSECTION] may

9 (1) bring a complaint before the committee; and

10 (2) bring a separate civil action in the courts seeking damages,
11 payment of back wages, reinstatement, or other relief.

12 * **Sec. 6.** AS 24.60.060 is amended by adding new subsections to read:

13 (c) If, in the course of an investigation or probable cause determination under
14 AS 24.60.170, the committee finds evidence of probable criminal activity, the
15 committee shall transmit a statement and factual findings limited to that activity to the
16 appropriate law enforcement agency.

17 (d) If a complainant under AS 24.60.170 violates a confidentiality provision
18 under that section, the committee may immediately dismiss the complaint. After the
19 dismissal, the committee or a person other than the complainant may file a complaint
20 based wholly or partly on facts alleged in the dismissed complaint.

21 * **Sec. 7.** AS 24.60.080(d) is amended to read:

22 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
23 section that has a value of \$250 or more or a ticket to a charity event or gift in
24 connection with a charity event under (c)(10) of this section that has a value of \$250
25 or more shall disclose to the committee, within 60 days after receipt of the gift, the
26 name and occupation of the donor and the approximate value of the gift **and, for a gift**
27 **under (c)(4) of this section, a copy of the agenda or other documentation**
28 **sufficient to show that the gift was primarily for the purpose of obtaining**
29 **information on a matter of legislative concern.** A legislator or legislative employee
30 who accepts a gift under (c)(8) of this section that the recipient expects will have a
31 value of \$250 or more in the calendar year shall disclose to the committee, within 30

1 days after receipt of the gift, the name and occupation of the donor, a general
2 description of the matter of legislative concern with respect to which the gift is made,
3 and the approximate value of the gift. The committee shall maintain a public record of
4 the disclosures it receives relating to gifts under (c)(4), (c)(8), (c)(10), and (i) of this
5 section and shall forward the disclosures to the appropriate house for inclusion in the
6 journal. The committee shall forward to the Alaska Public Offices Commission copies
7 of the disclosures concerning gifts under (c)(4), (c)(8), (c)(10), and (i) of this section
8 that it receives from legislators and legislative directors. A legislator or legislative
9 employee who accepts a gift under (c)(6) of this section that has a value of \$250 or
10 more shall, within 30 days after receiving the gift, disclose to the committee the name
11 and occupation of the donor and a description of the gift. The committee shall
12 maintain disclosures relating to gifts under (c)(6) of this section as confidential records
13 and may only use, or permit a committee employee or contractor to use, a disclosure
14 under (c)(6) of this section in the investigation of a possible violation of this section or
15 in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section
16 becomes part of the record of a proceeding under AS 24.60.170, the confidentiality
17 provisions of that section apply to the disclosure.

18 * **Sec. 8.** AS 24.60.130(c) is amended to read:

19 (c) Not [NO] more than one public member may be a former legislator and
20 not [NO] more than two public members of the committee may be members of the
21 same political party. In this subsection, "public member" does not include an
22 alternate public member.

23 * **Sec. 9.** AS 24.60.150(b) is amended to read:

24 (b) The committee may

25 (1) recommend legislation to the legislature the committee considers
26 desirable or necessary to promote and maintain high standards of ethical conduct in
27 government;

28 (2) in a matter before the committee, subpoena witnesses, administer
29 oaths, [AND] take testimony [RELATING TO MATTERS BEFORE THE
30 COMMITTEE], and, when authorized by the chair of the committee, subpoena
31 [MAY REQUIRE] the production [FOR EXAMINATION] of [ANY] books or papers

1 for examination [RELATING TO ANY MATTER UNDER INVESTIGATION
2 BEFORE THE COMMITTEE].

3 * **Sec. 10.** AS 24.60.170(b) is amended to read:

4 (b) A complaint may be initiated by any person. The complaint must be in
5 writing and signed under oath by the complainant, state [PERSON MAKING THE
6 COMPLAINT AND MUST CONTAIN A STATEMENT] that the complainant has
7 reason to believe [THAT] a violation of this chapter has occurred and describe the
8 [ANY] facts supporting [KNOWN TO THE COMPLAINANT TO SUPPORT] that
9 belief. The committee shall make a form available for filing a complaint [UPON
10 REQUEST PROVIDE A FORM FOR A COMPLAINT TO A PERSON WISHING
11 TO FILE A COMPLAINT]. Upon receiving a complaint, the committee shall advise
12 the complainant that the committee or the subject of the complaint may ask the
13 complainant to testify at any stage of a [THE] proceeding under this section [AS TO
14 THE COMPLAINANT'S BELIEF THAT THE SUBJECT OF THE COMPLAINT
15 HAS VIOLATED THIS CHAPTER]. The committee shall respond to a complaint
16 concerning the conduct of a candidate for election to state office received during the
17 campaign period in accordance with AS 24.60.171(a) [(o) OF THIS SECTION]. The
18 committee shall treat a complaint concerning the conduct of a candidate for election to
19 state office that is pending at the beginning of a campaign period in accordance with
20 AS 24.60.171(b). Within 10 days after receiving a complaint, the [(p) OF THIS
21 SECTION. THE] committee shall [IMMEDIATELY] provide a copy [OF THE
22 COMPLAINT] to the [PERSON WHO IS THE] subject of the complaint. In this
23 section, "campaign period" has the meaning given in AS 24.60.170(e).

24 * **Sec. 11.** AS 24.60.170(c) is amended to read:

25 (c) When the committee receives a complaint under (a) of this section,
26 committee [IT MAY ASSIGN THE COMPLAINT TO A STAFF PERSON. THE]
27 staff [PERSON] shall conduct a preliminary examination of the complaint and advise
28 the committee whether the allegations of the complaint, if true, constitute a violation
29 of this chapter and whether there is credible information to indicate [THAT] a further
30 investigation and a proceeding under this subsection is warranted. The advice
31 [STAFF RECOMMENDATION] shall be based on [THE] information and evidence

1 that are part of [CONTAINED IN] the complaint or received from [AS
2 SUPPLEMENTED BY] the complainant or [AND BY] the subject of the complaint
3 after a request [COMPLAINT, IF REQUESTED TO DO SO] by committee [THE]
4 staff [MEMBER]. The committee shall consider the advice [RECOMMENDATION
5 OF THE STAFF MEMBER, IF ANY,] and [SHALL] determine whether the
6 allegations of the complaint, if true, constitute a violation of this chapter. If the
7 committee determines that the allegations, if true, do [PROVEN, WOULD] not
8 constitute a violation of this chapter [GIVE RISE TO A VIOLATION], that the
9 complaint is frivolous on its face, that there is insufficient credible information
10 available or discoverable [THAT CAN BE UNCOVERED] to support
11 [WARRANT] further investigation by the committee, or that the committee's lack of
12 jurisdiction is apparent on the face of the complaint, the committee shall dismiss the
13 complaint and [SHALL] notify the complainant and the subject of the complaint of the
14 dismissal. The committee may ask the complainant or the subject of the complaint to
15 provide clarification or additional information before it makes a determination
16 [DECISION] under this subsection. The [AND MAY REQUEST INFORMATION
17 CONCERNING THE MATTER FROM THE SUBJECT OF THE COMPLAINT.
18 NEITHER THE] complainant and [NOR] the subject of the [A] complaint are not
19 [IS] obligated to provide the clarification or additional information. A proceeding
20 conducted under this subsection, documents that are part of a proceeding, and a
21 dismissal under this subsection are confidential as provided in (l) of this section
22 [UNLESS THE SUBJECT OF THE COMPLAINT WAIVES CONFIDENTIALITY
23 AS PROVIDED IN THAT SUBSECTION].

24 * **Sec. 12.** AS 24.60.170(d) is amended to read:

25 (d) If the committee determines that some or all of the allegations of a
26 complaint, if true, [PROVEN, WOULD] constitute a violation of this chapter, or if the
27 committee has initiated a complaint, the committee shall investigate the complaint [,
28 ON A CONFIDENTIAL BASIS]. Before investigating [BEGINNING AN
29 INVESTIGATION OF] a complaint, the committee shall adopt a resolution defining
30 the scope of the investigation. A copy of the [THIS] resolution shall be provided to
31 the complainant and to the subject of the complaint. As part of the [ITS] investigation,

1 the committee shall give [AFFORD] the subject of the complaint an opportunity to
2 explain the conduct alleged to constitute [BE] a violation of this chapter. The
3 investigation is subject to confidentiality requirements under (l) of this section.

4 * Sec. 13. AS 24.60.170(e) is amended to read:

5 (e) If, during the investigation under (d) of this section, the committee
6 discovers facts that justify expanding [AN EXPANSION OF] the investigation and
7 possibly adding new [THE POSSIBILITY OF ADDITIONAL] charges to
8 [BEYOND THOSE CONTAINED IN] the complaint, the committee shall amend the
9 resolution adopted under [DESCRIBED IN] (d) of this section [SHALL BE
10 AMENDED ACCORDINGLY] and provide a copy of the amended resolution
11 [SHALL BE PROVIDED] to the subject of the complaint.

12 * Sec. 14. AS 24.60.170(f) is amended to read:

13 (f) If the committee determines after investigation that there is not probable
14 cause to believe [THAT] the subject of the complaint has violated this chapter, the
15 committee shall dismiss the complaint. The committee may also dismiss portions of a
16 complaint if it finds no probable cause to believe that the subject of the complaint has
17 violated this chapter as alleged in those portions. The committee shall issue an order
18 [A DECISION] explaining its dismissal. A committee deliberation or vote
19 concerning probable cause or an [COMMITTEE DELIBERATIONS AND VOTE
20 ON THE DISMISSAL] order to dismiss is [AND DECISION ARE] not open to the
21 public, the complainant, or [TO] the subject of the complaint. The committee shall
22 provide a [A] copy of the [DISMISSAL] order to dismiss [AND DECISION SHALL
23 BE SENT] to the complainant and to the subject of the complaint. Notwithstanding (l)
24 of this section, the [A DISMISSAL] order to dismiss [AND DECISION] is open to
25 inspection and copying by the public after the order is adopted.

26 * Sec. 15. AS 24.60.170(g) is amended to read:

27 (g) If the committee [INVESTIGATION] determines that a probable violation
28 of this chapter exists that may be corrected by action of the subject of the complaint
29 and [THAT] does not warrant sanctions other than correction, the committee may
30 issue a written recommendation that the subject of the complaint take [AN
31 OPINION RECOMMENDING] corrective action within 20 days. The

1 recommendation [. THIS OPINION] shall be provided to the complainant and to the
2 subject of the complaint [,] and is open to inspection by the public. Whether the
3 recommended corrective action is taken or not, the subject of the complaint may,
4 within [WITHIN] 20 days after receiving the recommendation, [OPINION, THE
5 SUBJECT OF THE COMPLAINT MAY] request a confidential meeting with the
6 committee. The [AT WHICH MEETING THE] committee shall meet with the
7 complainant within 10 days after receiving a request for a meeting or as soon as
8 practicable, whichever is later, and explain the reasons for the recommendation
9 [ITS RECOMMENDATIONS]. The committee may divulge confidential information
10 to the subject of the complaint. The information remains subject to the
11 confidentiality requirements of (f) of this section [CONFIDENTIAL. THE
12 SUBJECT OF THE COMPLAINT MAY COMPLY WITH THE OPINION OR MAY
13 REQUEST A HEARING BEFORE THE COMMITTEE UNDER (j) OF THIS
14 SECTION. AFTER THE HEARING, THE COMMITTEE MAY AMEND OR
15 AFFIRM THE OPINION]. If the subject of the complaint [AGREES TO COMPLY
16 WITH THE OPINION BUT LATER] fails to complete the recommended corrective
17 action within 10 days after the confidential meeting [IN A TIMELY MANNER],
18 the committee may formally charge the subject of the complaint [PERSON] as
19 provided in (h) of this section or [MAY] refer the matter to the appropriate house of
20 the legislature, in the case of a legislator, or, in the case of a legislative employee,
21 refer the matter to the employee's appointing authority. The appropriate house of the
22 legislature or the appointing authority, as appropriate, may act [TAKE ACTION] to
23 enforce the committee's recommendation [CORRECTIVE ACTION] or may decline
24 to take action and refer the matter back to the committee. In either instance [CASE],
25 the committee may formally charge the subject of the complaint [PERSON] under
26 (h) of this section.

27 * **Sec. 16.** AS 24.60.170(h) is amended to read:

28 (h) If the subject of a complaint fails to comply with a recommendation
29 received under (g) of this section [AN OPINION] and the committee decides under
30 (g) of this section to charge the person, or, if the committee determines after
31 investigation under (d) of this section that there is probable cause to believe [THAT]

1 the subject of the complaint has committed a violation of this chapter that may require
2 sanctions instead of or in addition to corrective action, the committee shall formally
3 charge the person as soon as practicable. The charge shall be served on the person
4 charged, in a manner consistent with the service of summons under the rules of civil
5 procedure, and a copy of the charge shall be sent to the complainant. The person
6 charged may file a responsive pleading to the committee admitting or denying some or
7 all of the allegations of the charge.

8 * **Sec. 17.** AS 24.60.170(i) is amended to read:

9 (i) A person charged under (h) of this section may engage in discovery in a
10 manner consistent with the Alaska Rules of Civil Procedure. The committee may
11 adopt procedures that

12 (1) impose reasonable restrictions on the time for [THIS] discovery
13 and [ON] the materials that may be discovered;

14 (2) allow [PERMIT A PERSON WHO IS] the subject of a complaint
15 to engage in discovery as soon as a complaint is filed [AT AN EARLIER STAGE
16 OF THE PROCEEDINGS];

17 (3) impose reasonable restrictions, in addition to restrictions
18 imposed under (l) of this section, on the release of information acquired [THAT
19 THE SUBJECT OF A COMPLAINT ACQUIRES] from the committee in the course
20 of discovery, or acquired [ON INFORMATION OBTAINED] by use of the
21 committee's authority, in order to protect the privacy of persons not under
22 investigation [TO WHOM THE INFORMATION PERTAINS]; however, the
23 committee may not impose restrictions under this subsection on the release of
24 information by the subject of the complaint unless the complainant agrees [HAS
25 AGREED] to be bound by similar restrictions and does [HAS] not make [MADE]
26 public [THE] information [CONTAINED] in the complaint or [, INFORMATION]
27 about the complaint, including [OR] the fact [OF FILING] the complaint was filed.

28 * **Sec. 18.** AS 24.60.170(j) is amended to read:

29 (j) If the committee has issued a formal charge under (h) of this section [,] and
30 [IF] the person charged has not admitted the allegations of the charge, the committee
31 shall schedule a hearing on the charge. The committee may appoint a person who

1 does not advise the committee, except in the course of presenting cases under this
2 section, [AN INDIVIDUAL] to present the case against the subject of the complaint
3 [PERSON CHARGED IF THAT INDIVIDUAL DOES NOT PROVIDE OTHER
4 LEGAL ADVICE TO THE COMMITTEE EXCEPT IN THE COURSE OF
5 PRESENTING CASES UNDER THIS SUBSECTION]. The committee shall
6 schedule a hearing [SHALL BE SCHEDULED FOR A] date that is more than 20 and
7 fewer [LESS] than 90 days after service of the charge on the subject of the complaint
8 [PERSON CHARGED], unless the committee schedules a later hearing date. If the
9 complainant prevents the hearing from starting until after the date scheduled by the
10 committee [BEFORE THE 90-DAY DEADLINE PASSES] and a quorum of the
11 committee determines by vote of a majority of committee members the delay is not
12 supported by a compelling reason or will result in the person charged being deprived
13 of a fair hearing, the committee may order [DISMISS] the complaint dismissed with
14 prejudice or enter some other order the committee determines is appropriate. At the
15 hearing, the subject of the complaint [PERSON CHARGED] shall have the right to
16 appear personally before the committee, [TO] subpoena witnesses and require the
17 production of books or papers relating to the proceedings, [TO] be represented by
18 counsel, and [TO] cross-examine witnesses. A witness shall testify under oath. The
19 hearing is not subject to [COMMITTEE IS NOT BOUND BY] the rules of evidence,
20 but the committee's findings must be based upon clear and convincing evidence. The
21 committee shall record [TESTIMONY TAKEN AT] the hearing [SHALL BE
22 RECORDED,] and maintain evidence [SHALL BE MAINTAINED].

23 * **Sec. 19.** AS 24.60.170(k) is amended to read:

24 (k) Following the hearing, the committee shall issue a decision stating whether
25 or not the subject of the complaint violated this chapter, and explaining the reasons for
26 that [THE] determination. The committee [COMMITTEE'S DECISION] may also
27 indicate in the decision whether the subject of the complaint cooperated with the
28 committee in [ITS] proceedings under this section. If the committee finds that the
29 subject of the complaint violated this chapter or did not cooperate with
30 proceedings under this section, the committee shall recommend in the decision [A
31 VIOLATION, OR LACK OF COOPERATION BY THE SUBJECT, THE

1 DECISION SHALL RECOMMEND WHAT] sanctions, if any, the committee
2 believes are appropriate. If the committee does not hold a hearing under (j) of this
3 section [THERE HAS NOT BEEN A HEARING] because the subject of the
4 complaint [PERSON CHARGED] admitted [TO] the allegations of the charge, the
5 committee shall issue a decision outlining the facts of the violation and
6 recommending sanctions, if any, the committee believes are appropriate
7 [CONTAINING A SANCTIONS RECOMMENDATION].

8 * **Sec. 20.** AS 24.60.170(l) is repealed and reenacted to read:

9 (l) A complaint filed under this section is confidential. The complainant shall
10 keep confidential the filing of the complaint and the information that is in the
11 complaint. Except as otherwise provided in this section or as necessary for the
12 committee to administer the requirements of this section, documents produced or
13 disclosed as a result of a committee investigation under this section are confidential
14 and not subject to inspection by the public. The confidentiality provisions of this
15 subsection, other than those limiting disclosure of information that may be used to
16 identify a witness other than the subject of the complaint, may be waived by the
17 subject of the complaint. If the subject of a complaint waives confidentiality of the
18 complaint under this subsection, the complaint may not be made public unless
19 information sufficient to disclose the identity of other persons identified in the
20 complaint is redacted. A person may not disclose names or other information that may
21 be used to identify a witness without the consent of the witness. A person who is a
22 witness may consent to disclosure of their own name or identifying information. In
23 this subsection, "witness" means the complainant, the subject of the complaint, or
24 another person who may give testimony in the matter.

25 * **Sec. 21.** AS 24.60.170(m) is amended to read:

26 (m) All documents issued by the committee after a determination of probable
27 cause to believe that the subject of a complaint has violated this chapter, including a
28 recommendation [AN OPINION RECOMMENDING CORRECTIVE ACTION]
29 under (g) of this section and a formal charge under (h) of this section, are subject to
30 public inspection. Hearings of the committee under (j) of this section are open to the
31 public, and documents presented at a hearing, and motions filed in connection with the

1 hearing, are subject to inspection by the public. A deliberation or vote
2 [DELIBERATIONS] of the committee following a hearing, a deliberation or vote
3 [DELIBERATIONS] on a motion [MOTIONS] filed by a person charged [THE
4 SUBJECT OF A CHARGE] under (h) of this section, and a deliberation or vote
5 [DELIBERATIONS] concerning an appropriate sanction [SANCTIONS] are
6 confidential.

7 * **Sec. 22.** AS 24.60.170(r) is amended to read:

8 (r) At any point in a proceeding under this section [THE PROCEEDINGS
9 WHEN THE SUBJECT OF A COMPLAINT APPEARS BEFORE THE
10 COMMITTEE,] the subject of the [A] complaint may choose to be represented
11 [ACCOMPANIED] by a legal counsel or other [ANOTHER] person who may
12 [ALSO] present arguments before the committee. The choice of representation
13 [COUNSEL OR ANOTHER PERSON] is not subject to review and approval or
14 disapproval by the committee. The [CHOICE BY THE] subject of a complaint does
15 not waive confidentiality by choosing to be represented [TO BE ACCOMPANIED
16 UNDER THIS SUBSECTION DOES NOT CONSTITUTE A WAIVER OF ANY
17 CONFIDENTIALITY PROVISION IN THIS CHAPTER].

18 * **Sec. 23.** AS 24.60 is amended by adding new sections to read:

19 **Sec. 24.60.171. Committee proceedings and campaign periods.** (a) If the
20 committee receives a complaint concerning the conduct of a candidate for state office
21 during a campaign period, the committee shall immediately notify the candidate of the
22 complaint, the suspension of the committee's jurisdiction during the campaign period,
23 and the candidate's right to waive the suspension of jurisdiction under this subsection.
24 The candidate may, within 11 days after the committee mails or otherwise sends
25 notice of the complaint to the candidate, notify the committee that the candidate
26 waives suspension of the committee's jurisdiction and chooses to have the committee
27 proceed with the complaint under this section. If the candidate does not act within that
28 time or if the candidate notifies the committee that the candidate is not waiving
29 suspension of the committee's jurisdiction, the committee shall return the complaint to
30 the complainant with notice of the suspension of jurisdiction under this subsection and
31 notice of the complainant's right to file the complaint after the campaign period ends.

(b) When a complaint concerning the conduct of a candidate for state office is pending before the committee at the beginning of a campaign period and the committee has not issued formal charges under AS 24.60.170(h), the committee may consider the complaint but shall treat the complaint as confidential under AS 24.60.170. The committee may not, during a campaign period, issue a dismissal order or decision under AS 24.60.170(f), issue a recommendation under AS 24.60.170(g), or formally charge a person under AS 24.60.170(h).

(c) If the committee has formally charged a person under AS 24.60.170(h) and the charge is still pending when a campaign period begins, the committee shall, unless the person charged requests otherwise, suspend public hearing of the charge until after the campaign period ends. However, the parties to the hearing may engage in discovery under AS 24.60.170(i) during the campaign period.

(d) If a hearing under AS 24.60.170(j) has been completed before the beginning of a campaign period but the committee has not yet issued a decision under AS 24.60.170(k), the committee may not issue the decision until after the campaign period ends.

(e) In this section, "campaign period" means a period that begins on the later of 45 days before a primary election in which a legislator or legislative employee is a candidate for state office or on the day a legislator or legislative employee files as a candidate for state office, and ends at the end of the day on the earlier of the day

(1) that the results of the primary election are certified and made public, if the candidate does not advance to the general or special election;

(2) of the general or special election at which the legislator or legislative employee is a candidate; or

(3) the candidate withdraws from the election.

Sec. 24.60.172. Committee proceedings closed pending probable cause determination. When a complaint alleging a violation of this chapter has been filed, a meeting of the committee to discuss the complaint is closed to the public and legislators who are not members or alternate members of the committee, until after the committee has determined whether there is probable cause to believe the subject of the complaint has violated this chapter. The committee may permit the subject of the

1 complaint to attend a meeting other than a meeting where the committee deliberates or
2 votes whether probable cause exists. The committee shall disclose the names of
3 members present at a meeting where the committee deliberates or votes on a motion
4 before the committee, and whether the outcome of the motion was determined by a
5 majority. The number of votes cast for or against a motion and the individual votes
6 cast by committee members are confidential.

7 * **Sec. 24.** AS 24.60 is amended by adding a new section to read:

8 **Sec. 24.60.975. Referral to Alaska Public Offices Commission.** If the
9 committee finds evidence of a probable violation of AS 15.13 by a person who is
10 subject to the Legislative Ethics Act, the committee shall transmit a statement to that
11 effect and factual findings limited to the probable violation to the Alaska Public
12 Offices Commission.

13 * **Sec. 25.** AS 24.60.990(a) is amended by adding a new paragraph to read:

14 (17) "public member" means a member or alternate member of the
15 committee who is not a member of the legislature.

16 * **Sec. 26.** AS 24.60.170(o), 24.60.170(p), and 24.60.170(q) are repealed.

17 * **Sec. 27.** This Act takes effect immediately under AS 01.10.070(c).

MAY 30, 2025 Full Committee Meeting

Agenda item 5.C

Ethics Travel Policy

A number of issues involving travel authorizations for the Ethics Committee have been raised in the recent past. Researching and addressing those issues have identified that there is no established travel policy for either elected or public committee members. The committee does not fall under established travel guidance.

In the absence of established travel and reimbursement policies, the staff must rely on past practices and memory to determine eligibility of travel expenses.

A travel policy is required to identify acceptable travel authorizations and reimbursements. In the recent past, there have been multiple occasions that raised concerns about staff approval for submitted Travel Authorizations.

RECOMMEND: Set up a subcommittee to work on drafting a travel policy and report back to the Full Committee. LAA, the Executive Branch, and other agencies' have travel policies which may be helpful to review in drafting an Ethics Committee travel policy.

PUBLIC MEMBER PER DIEM INFORMATION: *Ethics staff was recently informed that the travel per diem reimbursement for public members has been determined based on an incorrect formula per statute requirements. See attached emails from Jessica Geary, LAA Executive Director.*

RECOMMEND: *Legislative change to correct the inconsistency between travel per diem reimbursement for legislative members of the committee and public members of the committee. (Suggest this change could be added to the Legislative Ethics legislation previously outlined in this packet – Item 5.b.)*

From: [Jessica Geary](#)
To: [Kevin Reeve](#)
Subject: Ethics Public Members
Date: Monday, April 7, 2025 10:02:47 AM

Hi Kevin,

I'm writing to advise of an unfortunate discovery regarding the per diem rate for public members of the Ethics Committee while in travel status.

In researching per diem for a potential legislative task force that included public members, I noticed that AS 24.60.130(f) states that public members of the Ethics Committee will be paid per diem per AS 39.20.180, which is currently \$60 per day for meals and incidentals as set by the Commissioner of the Department of Administration.

Historically, Ethics Committee public members have received the federal per diem rate, which is what legislative members and staff receive per Legislative Council policy (the federal per diem rate is substantially higher than the state per diem rate). I have been unable to determine when this practice started, but it is not supported by statute and cannot continue now that I am aware of the discrepancy.

Therefore, effective today and per statute, public members will receive the state per diem rate when traveling for meetings. The legislative members, you, and Jacqui will receive the federal per diem rate per legislative policy for members and employees of the Legislature.

I'm sorry to be the bearer of such unfortunate news and wanted to start with you to find out if you'd like to share with your Chair and the other public members or if you'd prefer it come from me.

Jessica

Jessica Geary
Executive Director
Legislative Affairs Agency
Phone 907-465-6622

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 13, 2025

SUBJECT: Per diem for public members (Work Order No. 34-LS0761)

TO: Jessica Geary
Executive Director, Legislative Affairs Agency

FROM: Megan A. Wallace
Chief Counsel



You asked about the appropriate amount of per diem that should be allotted to public members who serve on a legislative committee or task force. As you noted, the amount of per diem authorized for public members of a legislative committee or task force depends on language used in the legislation authorizing the payment of per diem.

When the legislature establishes a committee or task force, the enabling legislation often prescribes whether per diem is authorized for public members of the committee or task force. It is common for language establishing a committee or task force to refer to payment of per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

AS 39.20.180 provides:

Except as otherwise provided by law, the provisions in this section relating to per diem and transportation govern exclusively with respect to a member of a state board, commission, committee, judicial council, or other similar body of persons of the state organized or established under the authority of law, but excluding any other state employee other than a legislator, who is otherwise entitled by law to receive from the state payments for expenses of transportation, and for reimbursement or for per diem in lieu of reimbursement for other expenses incident to duties as such member:

(1) for transportation, the member is entitled either to the use of state transportation requests, or to be reimbursed for expenses of transportation to the same extent, in the same manner, and under the same conditions as provided for state officials and employees by the provisions of AS 39.20.110 - 39.20.170;

(2) for reimbursement for other expenses, **the member is entitled to a per diem allowance prescribed by the commissioner of administration under the regulatory authority set out in AS 39.20.160**

for each day or portion of a day spent in actual meeting or on authorized official business incident to duties as a member.¹

With respect to the public members of the Select Committee on Legislative Ethics, per diem is authorized under AS 24.60.130(f), which provides:

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. **Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.²**

Thus, I agree that public members of the Select Committee on Legislative Ethics should be allotted per diem in accordance with AS 39.20.180,³ as opposed to the Legislative Council Travel and Per Diem Policy.

Conversely, as you noted, with respect to the public members of the Joint Armed Services Committee, per diem is authorized under AS 24.20.660, which provides:

Members of the Joint Armed Services Committee are entitled to reimbursement for travel expenses. **Members of the committee shall receive per diem allowances in accordance with the policy adopted by the legislative council under AS 24.10.130(c).⁴**

Therefore, the public members of the Joint Armed Services Committee should be allotted per diem in accordance with the Legislative Council Travel and Per Diem Policy under AS 24.10.130(c).

¹ Emphasis added.

² Emphasis added.

³ State of Alaska per diem rates are available at <https://doa.alaska.gov/dof/travel/resource/rates.pdf>.

⁴ Emphasis added.

Jessica Geary
March 13, 2025
Page 3

If the legislature wants public members of legislative committees or task forces to receive per diem under the Legislative Council Travel and Per Diem Policy, the enabling legislation should refer to payment of per diem under AS 24.10.130(c), not AS 39.20.180.⁵

Let me know if you have any questions.

MAW:mjt
25-119.mjt

⁵ If this becomes an issue for public members of the Select Committee on Legislative Ethics, the Committee might recommend a statutory change to AS 24.60.130(f.).

The Alaska State Legislature

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34th Legislature(2025-2026)

Alaska Statutes 2024

[AS 24.10.120](#)

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establishing that the travel has a legislative purpose. The legislative fiscal officer shall provide a form on which a report under this subsection must be submitted.

(b) The legislative fiscal officer shall file a travel and compensation report with the legislature's fiscal office by January 31 of each year. The report must contain detailed information for the previous calendar year of the salaries, per diem, travel expenses, relocation expenses, and any additional allowances for each legislator and each legislative director.

Sec. 24.10.130. Moving expenses and per diem allowance.

(a) A member of the legislature may be entitled to reimbursement for the expenses of moving between the member's place of residence and the capital city for the purpose of attending a regular session of the legislature.

(b) Legislators and officers and employees of the legislative branch of government may be entitled to a per diem allowance; however, if a bill that fully funds an operating budget has not, within the first 121 consecutive days of a regular legislative session, including the day the legislature first convenes in that regular session, been passed by the legislature, a member of the legislature is not entitled to a daily per diem allowance for a day the legislature is in session after that 121-day period until the first day after a bill that fully funds an operating budget is passed by the legislature or the first day of the next regular legislative session, whichever occurs earlier. In this subsection, "passed by the legislature" has the meaning given in [AS 01.10.070](#).

(c) The Alaska Legislative Council shall adopt a policy in accordance with (b) of this section and [AS 39.23.540](#)(d) regarding reimbursement for moving expenses and payment of a per diem allowance. The policy must set conditions for the reimbursement for moving expenses and payment of per diem and prescribe the amounts of reimbursement adapted to the special needs of the legislative branch as determined by the council.

Disclosures Filed 2024

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
Membership on a Board of Directors				
Legislator	25	13	0	38
Legislative Staff	42	28	48	118
Total	67	41	48	156
State Benefit & Loan Programs				
Legislator	0	0	0	0
Legislative Staff	1	4	2	7
Total	1	4	2	7
Representation for Compensation				
Legislator	1	0	0	1
Legislative Staff	0	0	0	0
Total	1	0	0	1
State Contracts, Leases & Grants > \$5,000				
Legislator	1	0	0	1
Legislative Staff	0	0	2	2
Total	1	0	2	3
Close Economic Association				
Legislator	3	5	0	8
Legislative Staff	9	6	5	20
Total	12	11	5	28
Close Economic Association - Lobbyist				
Legislator	0	0	0	0
Legislative Staff	1	0	0	1
Total	1	0	0	1
Gifts of Travel and/or Hospitality				
Legislator	48	71	0	119
Legislative Staff	9	12	4	25
Total	57	83	4	144
Gifts of Travel and/or Hospitality - Family Member				
Legislator	4	0	0	4
Legislative Staff	0	0	0	0
Total	4	0	0	4

Disclosures Filed 2024

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
Sanctioned Charity Event				
Legislator	3	10	0	13
Legislative Staff	0	0	0	0
Total	3	10	0	13
Sanctioned Charity Event - Family				
Legislator	4	0	0	4
Legislative Staff	0	0	0	0
Total	4	0	0	4
Legal Services				
Legislator	0	0	0	0
Legislative Staff	0	0	0	0
Total	0	0	0	0
Total number of disclosure filed by legislators	89	99	0	188
Total number of disclosure filed by legislative staff	62	50	61	173
2024 GRAND TOTALS	151	149	61	361

Disclosures Filed Through April 30, 2025

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
Membership on a Board of Directors				
Legislator	17	26	0	43
Legislative Staff	40	46	45	131
Total	57	72	45	174
State Benefit & Loan Programs				
Legislator	0	0	0	0
Legislative Staff	1	5	2	8
Total	1	5	2	8
Representation for Compensation				
Legislator	0	0	0	0
Legislative Staff	0	0	0	0
Total	0	0	0	0
State Contracts, Leases & Grants > \$5,000				
Legislator	1	0	0	1
Legislative Staff	1	0	2	3
Total	2	0	2	4
Close Economic Association				
Legislator	6	4	0	10
Legislative Staff	9	5	3	17
Total	15	9	3	27
Close Economic Association - Lobbyist				
Legislator	0	0	0	0
Legislative Staff	3	0	0	3
Total	3	0	0	3
Gifts of Travel and/or Hospitality				
Legislator	11	8	0	19
Legislative Staff	1	0	1	2
Total	12	8	1	21
Gifts of Travel and/or Hospitality - Family Member				
Legislator	1	0	0	1
Legislative Staff	0	0	0	0
Total	1	0	0	1

Disclosures Filed Through April 30, 2025

TYPE OF DISCLOSURE	SENATE	HOUSE	JOINT	TOTALS
Sanctioned Charity Event				
Legislator	0	0	0	0
Legislative Staff	0	0	0	0
Total	0	0	0	0
Sanctioned Charity Event - Family				
Legislator	0	0	0	0
Legislative Staff	0	0	0	0
Total	0	0	0	0
Legal Services				
Legislator	0	0	0	0
Legislative Staff	0	0	0	0
Total	0	0	0	0
Total number of disclosure filed by legislators	36	38	0	74
Total number of disclosure filed by legislative staff	55	56	53	164
2025 GRAND TOTALS	91	94	53	238

Disclosures Filed 1/1/2022 through 4/30/2025

TYPE OF DISCLOSURE	2022	2023	2024	Through 4/30/ 2025
Membership on a Board of Directors				
Legislator	55	54	38	43
Legislative Staff	143	128	118	131
Total	198	182	156	174
State Benefit & Loan Programs				
Legislator	0	0	0	0
Legislative Staff	13	12	7	8
Total	13	12	7	8
Representation for Compensation				
Legislator	0	0	1	0
Legislative Staff	0	0	0	0
Total	0	0	1	0
State Contracts, Leases & Grants > \$5,000				
Legislator	9	5	1	1
Legislative Staff	7	2	2	3
Total	16	7	3	4
Close Economic Association				
Legislator	32	13	8	10
Legislative Staff	42	31	20	17
Total	74	44	28	27
Close Economic Association - Lobbyist				
Legislator	0	0	0	0
Legislative Staff	5	1	1	3
Total	5	1	1	3
Gifts of Travel and/or Hospitality				
Legislator	50	153	119	19
Legislative Staff	23	24	25	2
Total	73	177	144	21
Gifts of Travel and/or Hospitality - Family Member				
Legislator	1	7	4	1
Legislative Staff	1	1	0	0
Total	2	8	4	1

Disclosures Filed 1/1/2022 through 4/30/2025

TYPE OF DISCLOSURE	2022	2023	2024	Through 4/30 /2025
Legal Services				
Legislator	0	3	0	0
Legislative Staff	0	0	0	0
Total	0	3	0	0
Sanctioned Charity Event				
Legislator	12	15	13	0
Legislative Staff	1	0	0	0
Total	13	15	13	0
Sanctioned Charity Event - Family Member				
Legislator	0	1	4	0
Legislative Staff	0	0	0	0
Total	0	1	4	0
Total number of disclosure filed by legislators	159	252	187	74
Total number of disclosure filed by legislative staff	235	332	173	164
GRAND TOTALS	394	583	360	238

Submit disclosure to ethics.committee@akleg.gov or
Select Committee on Legislative Ethics at PO Box 90251 Anchorage AK 99509

Membership on a Board of Directors

NOTE: [Advisory Opinion 13-02](#) defines broadly the terms, "organization," "board of an organization," and "board membership." See [AO 13-02](#) for more information.

AS 24.60.030. Prohibited conduct and conflicts of interest.

(f) ... A legislator or legislative employee who serves on a board of an organization, including a governmental entity, shall disclose the board membership to the committee.... This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.

AS 24.60.105 Reporting deadlines

- Within 30 days of the date the legislator or legislative employee first becomes subject to provisions in the Ethics Act or within 30 days after commencement of the matter.
- Annually within 30 days after the first day of the regular legislative session.

NAME _____			
WORK PHONE NUMBER _____		EMPLOYER (if legislative employee) _____	
Is this the first time you filed a disclosure for this association? YES <input type="checkbox"/> NO <input type="checkbox"/>		Most recent date on which you began legislative service _____	
Name of Organization	Address (Mailing or street, City, State, Zip)	Beginning Date	End Date or Current
1.			
2.			
3.			
4.			

The above is a true and accurate representation of my membership on boards of directors, in accordance with AS 24.60.030(f).

Signature _____

Date _____

☐ Check this box if you are a former legislator, former legislative employee, or former legislative staff member and you are filing this disclosure as required by AS 24.60.115 AFTER separating from legislative service?

Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or public member of the committee after final day of service.

A person serving as a legislator, legislative employee, or public member of the committee shall, not later than 90 days after the person's final day of service as a legislator, legislative employee, or public member, file a final disclosure of every matter or interest, except for a matter or interest subject to disclosure under AS 24.60.200, that was subject to disclosure under this chapter while the person was serving, unless the person previously disclosed the matter or interest and, for that reason, the matter or interest is no longer subject to disclosure. Nothing in this section excuses the filing of a disclosure or report as may be required by another section of this chapter.

Revised March 2025

Membership on a Board of Directors

See Advisory Opinion 13-02 defines broadly the terms, "organization," "board of an organization," and "board membership."
See AO 13-02 for more information.

AS 24.60.030. Prohibited conduct and conflicts of interest.

(f) ... A legislator or legislative employee who serves on a board of an organization, including a governmental entity, shall disclose the board membership to the committee.... This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.

AS 24.60.105 Reporting deadlines

- Within 30 days of the date the legislator or legislative employee first becomes subject to provisions in the Ethics Act or within 30 days after commencement of the matter.
- Annually within 30 days after the first day of the regular legislative session.

NAME OF DISCLOSER _____ **Most recent date you began legislative service**

WORK PHONE NUMBER _____ EMPLOYER (if legislative employee) _____

Name of Organization	Address (Mailing or street, City, State, Zip)	Beginning Date	End Date or Current
1.			
2.			
3.			
4.			
5.			

The above is a true and accurate representation of my membership on boards of directors, in accordance with AS 24.60.030(f).

Signature

Date

☐ **Check this box if you are a former legislator, former legislative employee, or former legislative staff member and you are filing this disclosure as required by AS 24.60.115 AFTER separating from legislative service?**

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Revised March 2025

May 30, 2025 Full Committee Meeting

Agenda item 5.f

Training Report

AS 24.60.150 Duties of the committee.

- (a) (4) *within 10 days of the first day of each regular session of the legislature and at other times determined by the committee, administer two types of legislative ethics courses that teach means of compliance with this chapter and are designed to give an understanding of this chapter's purpose under AS 24.60.010; one course, for returning legislators, legislative employee, or public member of the committee, must refresh knowledge and review compliance issues; a separate course shall be designed to give first-time legislators, legislative employees, or public member of the committee a fundamental understanding of this chapter and how to comply with it.*

AS 24.60.155 Legislative ethics course.

- (a) *A person who is a legislator, legislative employee, public member of the committee, legislative intern, or legislative volunteer shall complete a legislative ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of each legislature or, if the person first takes office or begins service after the 10th day of that session, within 30 days after the person takes office or begins service. The committee may grant a person additional time to complete the course required by this section.*

DISCUSSION: This agenda item is intended to provide an update on the status of Ethics training for covered employees and legislators, to identify challenges encountered in 2025, and to identify suggested changes to the methodology for delivering training in 2027.

2025 In-Person Ethics Training

Representatives trained:	40
Senators trained:	20
Covered employees	<u>447</u>
Total	509

2025 Video training 12

***Ethics video training used for "new hires" onboarded after the "training cycle."*

2026 Ethics Training

- New employees only. Anticipate eighty employees based on previous years.
- New legislators only (if needed).

MAY 30, 2025 Full Committee Meeting

Agenda item 5.g

State funds for Graduation Certificates

As it is graduation season, staff has received multiple requests about the acceptability of using state funds to send Graduation Certificates. There is a volume of informal advice (mostly older) informing that the practice is acceptable with the caveat that consideration must be given to whether the graduates live in the legislator's district. It was suggested in past guidance that an Advisory Opinion (AO) should be requested; there has been no request to date.

This year the issue of sending certificates to online school graduates was raised as noted in the Staff Report. The requestor indicated a desire to send certificates to the graduates of six online schools with as many as 400 graduates in each of the schools.

RECOMMEND: With the new desire to acknowledge graduates from online school and the inability to distinguish whether or not they are constituents, it would be appropriate for the committee to provide an AO to address this issue. The AO should consider:

1. The legislative purpose behind sending Graduation Certificates
2. Traditional school district that extends beyond the legislator's district
3. Online schools and the inability to differentiate "constituent" within the legislator's district
4. Acceptable content of a Graduation Certificate (see the attached examples of proposed correspondence that have been received)
5. Acceptable funding for the production and transmittal of the certificates (Accountable Allowance Account quick reference)

Certificate of Recognition

THE FOLLOWING AWARD IS GIVEN TO

Name

The 34th Legislature congratulates you for successfully completing the
prescribed course of study and fulfilling the requirements for graduation from

Raven Homeschool

/s/

Legislator's name



Committees:



Session:
*Alaska State
Capitol,
Juneau, AK*

Interim:

@akleg.gov

House District #

May 14, 2025

High School

P.O. Box

Street

City, AK 99XXX

Dear _____,

On behalf of the State of Alaska, and as your representative in the State Legislature, I congratulate you on your graduation! This marks the end of one major stage of your life, as well as the beginning of an exciting new one. You are on a path full of opportunities to grow, learn, and build your future.

This moment is worth celebrating—an achievement that reflects years of hard work, dedication, and perseverance. I join with your family, friends, teachers, and community in honoring this milestone in your life. The road ahead will be filled with exciting possibilities and unexpected challenges, but I have every confidence in your ability to meet both with resilience and strength.

As you move forward, I encourage you to stay connected to your roots and the people who have supported you along the way. Your community is proud of you, and we are here to cheer you on as you pursue your goals. Do not be afraid to ask for help, to lean on others, or to take chances—you do not need to have everything figured out right away. Whatever path you choose, bring your whole self to it—your ideas, your values, and your voice. The world needs your perspective, energy, and leadership.

Lastly, I hope you will give thought to your civic duties. On the most basic level, I urge you to stay informed on the issues you believe to be important and to vote accordingly. I can tell you with certainty that every vote matters and that those who vote are the ones that determine what kind of world we live in. Your generation has every right to weigh in on the important issues we face today, and I encourage you to do so.

Once again, congratulations on your graduation! I am proud of all that you have achieved and excited for everything that lies ahead.

Sincerely,

Representative _____
Alaska State Legislature
District ##

ACCOUNTABLE ALLOWANCE ACCOUNT QUIC REFERENCE

This reference is to use with the Accountable Allowance Account Guidelines- click on below links to open the appropriate page of the Guidelines.

*****Forms must be filled out and turned in to the Accounting Office along with invoices or receipts & substantiation rules must be followed*****

Allowable:

- Travel/Transportation Costs for Legislative Business-Legislators or Staff to Legislators (p.7)
 - District Constituent Meetings during Session
 - In or out of State interim travel
- Business Meals & Entertainment – see pages 3 & 5
 - Only if the sole purpose of the meal/entertainment is to conduct Legislative Business
 - Follow substantiation rules in Guidelines – see pages 2 & 3
- Office Snacks & Refreshments (p.6) (must be available to office visitors and not just for personal consumption)
 - Candy/Nuts
 - Soda/Juice
 - Coffee/Tea/Water
- Business Gifts - \$150/person per year – must be for a tangible item – must be connected to legislative conduct (p.6)
 - Gift Baskets
 - Gifts of Recognition of Service
- Advertising (p.4)
 - Newsletters
 - Getting your name and/or contact info in front of the public
 - High School Graduation Certificates
 - Posting constituent meeting information
- Stationery (p.4) (business cards, letterhead, envelopes)
- Office Supplies (p.5)
- Postage (p.4) – Juneau Mailroom or USPS (use of EDDM see AO 13-03 - call Ethics Administrator)
- Polling (p.4) – non-political only
- Subscriptions (p.6) related to business or legislative topics
- Books (p.5) related to office topics
- Copying (p.5)
- Accountable Property Fees (p.5)
- State Flags & Seals & items from our Capitol gift shop (p.5)
- Equipment & Office Furnishings – Will be tagged & inventoried (p.6)
 - Cameras, Scanners, Mouse, Keyboard
 - Art Work, Chairs, Side Tables
- Membership Dues (p.7) – civic, professional or public service organizations only
- Cellular Phone or iPad data plan bills (p.7) (phone bills will become public documents) – cannot claim if already receiving an Employee-Owned Electronic Device Allowance

From Committee Rules of Procedure

SECTION 7 COMMITTEE MATERIALS/CORRESPONDENCE

(c) CLOSURE:

- (1) See Sec. 10(j) for closure of advisory opinion files.
- (2) A complaint file is considered closed upon completion of proceedings under AS 14.60.170. All originals and copies of confidential information, including those of legal counsel and investigators, are to be returned to the committee office, logged in and scheduled for destruction.
 - (A) Copies may be destroyed at any time.
 - (B) Destruction of the originals of closed confidential materials under this section will be scheduled for 5 years and 6 months from the date of final committee action.
- (3) See Sec 9(e) for closure of informal advice files.
- (4) Legal opinion documents shall be kept on file permanently.
- (5) Meeting agenda, minutes and tape recordings shall be kept on file permanently.
- (6) See Sec 11(f) for closure of disclosure records.

SECTION 9 INFORMAL ADVICE

(e) CLOSURE: All information related to the request shall be considered closed after the informal advice is received by the requester. STAFF REPORTS, which are public documents, shall be kept on file permanently.

SECTION 10 ADVISORY OPINIONS

(j) CLOSURE: All information concerning the request, with the exception of the publishable advisory opinion, shall be designated "closed" upon adoption of a formal advisory opinion and scheduled for destruction 5 years and 6 months thereafter. LAA Legal Services will destroy their copies of any confidential documents related to the opinion in accordance with their destruction policies.

SECTION 11 DISCLOSURES

(c) RECORD: The committee will maintain a public record and log of those disclosures that are not confidential by law and a confidential record and log of those which fall under AS 24.60.080(c)(6). Committee staff will mark the date of disclosure on all disclosure reports received. The date of disclosure is considered the date the form is faxed, sent via email through the on-line filing system, sent as a PDF attachment to an email, postmarked for mailing, pouched, or hand delivered.

(f) CLOSURE: The public disclosure files may be destroyed 5 years and 6 months after the end of the legislature in which they were filed and published. The disclosures under AS 24.60.080(c)(6) are not considered closed until 5 years and 6 months from date of receipt by the committee, at which time they will be destroyed.

Legislative Council Committee Records Archiving Policy

Adopted 2/12/2025

PURPOSE

The purpose of this policy is to standardize the practice of archiving committee records. Proper record retention and archiving are crucial for ensuring transparency, accountability, and the preservation of the legislative and historical records that may impact future decision-making within the institution and elsewhere.

Public input is essential to the legislative process and constituents and legislators must be guaranteed that public comments and testimony submitted to committees (whether submitted in-person, via teleconference, or in writing) are properly archived, regardless of viewpoint.

POLICY

In accordance with Uniform Rule 23(f) and the Legislative Council Records Policy, Section I, Subsection 2, it is the policy of Legislative Council that all public comments and testimony submitted to a committee, including testimony submitted through an electronic portal or electronic mailing address, be included in both the physical and electronic legislative record for each applicable piece of legislation. Deadlines for submission of public comment and testimony may be set, but all comments and testimony, regardless of viewpoint, shall be archived.

All public comments and testimony timely received in writing by a committee must be posted in the electronic record on BASIS, be made available to committee members and the Records secretary and be included in the physical committee file. The physical bill folders shall be returned to the chief administrative officer of the body (chief clerk/senate secretary) at the end of a legislature and the physical committee files shall be sent to the legislative reference library to be processed and archived in accordance with the Uniform Rules.

This policy does not apply to public comments or testimony that include obscene, vulgar, or threatening material.

RECOMMENDATIONS

Each standing and special committee of the legislature should establish an electronic portal or electronic mailing address for receiving public comments and testimony. It is recommended that each committee assign a designated person responsible for including all public comments and testimony in the physical and electronic legislative record for each applicable piece of legislation in accordance with this policy.



We're excited to **officially open registration** for the **47th Annual COGEL Conference**, happening **December 7-10, 2025 in Atlanta, Georgia!**

The 47th Annual COGEL Conference is designed to help you deepen your knowledge, expand your professional network, and collaborate with the leaders who are shaping the future of governmental transparency.

REGISTER NOW

WHAT'S NEW THIS YEAR?

Tiered Registration Pricing

For more than a decade, COGEL leadership has worked hard to keep conference costs steady, with our last price adjustment occurring prior to 2012. However, due to rising costs for conference food and beverage, AV, hotel staff, and other services, we've had to make the difficult decision to increase registration fees. This change ensures we can continue providing the high-quality programming, expert speakers, and valuable networking opportunities you've come to expect from the COGEL Conference.

To help attendees plan accordingly, we're introducing tiered pricing based on registration date:

CONFERENCE PRICING

Register now before prices increase!

MEMBER

\$600

EXTRA EARLY BIRD! MEMBER-ONLY
NOW - AUGUST 1

\$700

EARLY BIRD
AUGUST 2 - OCTOBER 31

\$800

REGULAR
NOVEMBER 1 - DECEMBER 1

NON-MEMBER

\$1400

EARLY BIRD
NOW - OCTOBER 31

\$1500

REGULAR
NOVEMBER 1 - DECEMBER 1

New Hotel Booking Process

We've updated our hotel booking process to ensure that only confirmed attendees can access our exclusive discounted room rates. Once you register for the conference, you'll receive a confirmation email that includes a unique link to book your hotel room at the special conference rate.

From: [Brent Cole](#)
To: [Ethics Committee](#)
Cc: [AK Cole Law Staff 01](#)
Subject: RE: 2022 legal services contract
Date: Wednesday, May 14, 2025 2:38:18 AM

Kevin:

Received your message. I'm actually out of town and traveling and won't be back until later next week. To answer your question, I do not have any updates at this time. All the briefing is done and oral argument has already been completed. We are simply waiting on the Supreme Court to issue an opinion. I am told this can take any where from 6 months to 24 months.

Sorry I can't be more helpful

Call or write with any questions.

Be well and stay safe.

Brent R. Cole



Our address is:
821 N Street, Suite 203
Anchorage, Alaska 99501
www.akcoletlaw.com

Our Telephone Number: (907) 277-8001
Our Fax Number: (907) 277-8002

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Law Office of Brent R. Cole

PROFESSIONAL SERVICES CONTRACT BETWEEN

SELECT COMMITTEE ON LEGISLATIVE ETHICS

AND

LAW OFFICE OF BRENT R. COLE, P.C.

TOTAL CONTRACT AMOUNT: \$20,000.00
(including reimbursement for expenses)

The parties to this Contract, made and entered into the date the Legislative Affairs Agency Executive Director or her designee signs the Contract, are the Select Committee on Legislative Ethics, whose address is PO Box 90251, Anchorage, Alaska, 99509-0251, hereinafter referred to as the "Committee," and Law Office of Brent R. Cole, P.C., whose address is 821 N Street, Suite 208, Anchorage, Alaska, 99501, hereinafter referred to as the "Attorney."

THE PURPOSE OF THIS CONTRACT IS TO PROVIDE legal services to the Select Committee on Legislative Ethics.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF SCOPE OF WORK

The Attorney shall provide legal services to the Committee as provided in this Contract. The Committee anticipates requesting the Attorney to provide the following specific services:

- (A) legal advice, including, but not limited to, advice and opinions related to ethics complaints;
- (B) testimony before the Committee; and
- (C) responses to informal requests for interpretation of the Legislative Ethics Act.

The Attorney shall provide the Committee with other legal services as requested by the Committee. The Attorney, including, but not limited to, Attorney's officers, agents, employees, and contractors shall maintain strict confidentiality of all records, files, work product, complaints, actions, advice, and materials related to the Committee or to the work performed under this Contract unless and until directed otherwise by the Committee Chair ("Chair").

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

- (A) The work under this Contract shall begin July 1, 2024, and will terminate June 30, 2025.
- (B) Upon delivery of written notice to the Attorney, this Contract may, without liability to the Committee, be terminated by the Chair with or without cause. To terminate, the Chair shall provide notice by e-mail or delivery of a hard copy to the Attorney, whichever method is selected in the sole discretion of the Committee. If this Contract is so terminated and the termination is not based on a breach by the Attorney, the Committee shall compensate the Attorney for services provided under the terms of this Contract up to the date the termination notice is delivered, provided the Attorney provides the

Committee with a statement in writing containing a description of the services provided prior to Contract termination, detailed time records for the services provided prior to Contract termination that includes the items required for time records by Clause XIII (Records; Audit), and a copy of all documents, reports, material, and other items required to be delivered to the Committee by Clause XIV (Ownership and Reuse of Documents) of this Contract.

CLAUSE III – COMPENSATION AND METHOD OF PAYMENT

- (A) The Attorney shall perform the work specified by this Contract at the rate of \$225.00 per hour.
- (B) Payment shall be based on billings provided by the Attorney that include the items required for time records by Clause XIII (Records; Audit). The description of services shall be prepared to protect the confidentiality and the identity of the individual and the subject matter.
- (C) The Chair must approve a billing before it may be paid.
- (D) If a payment is not made within 90 days after the Committee has received a billing that satisfies the requirements for billing under this Contract, the Committee shall pay interest on the unpaid balance of the billing at the rate of 1.5 percent per month from, and including, the 91st day through the date payment is made. A payment is considered made on the date it is mailed or personally delivered to the Attorney.
- (E) The Committee shall reimburse the Attorney for reasonable expenses that are incurred by the Attorney in the performance of this Contract and that are approved for reimbursement by the Chair.
- (F) With regard to travel expenses, if the Chair requires the Attorney to travel outside of the Attorney's home base of Anchorage, the Attorney will be reimbursed for reasonable travel expenses that are supported by receipts and that are approved by the Chair.
- (G) Total payments under this Contract, including reimbursement for expenses, may not exceed twenty thousand and no/100 dollars (\$20,000.00).

CLAUSE IV - EXPENSES AND DUPLICATION

- (A) Except as may be otherwise provided by Clause III (Compensation and Method of Payment), the office space, equipment, supplies, clerical support, and other expenses that are necessary for the Attorney to carry out the Attorney's obligations under this Contract shall be supplied and paid for by the Attorney at no cost to the Committee.
- (B) Duplicates of any material or other item produced under this Contract may be produced by the Committee; the office space, equipment, supplies, clerical support, and other expenses required for the duplication shall be supplied by the Committee.

CLAUSE V – ASSIGNMENT OR TRANSFER

Assignment or transfer of the Contract is subject to the approval of the Chair.

CLAUSE VI – WORKERS' COMPENSATION

During the life of this Contract, the Attorney shall, in accordance with AS 23.30.045(d), provide and maintain workers' compensation insurance. The Attorney shall require any subcontractor to provide and maintain workers' compensation insurance for the subcontractor's employees. The Attorney shall provide the Committee, upon request, with written proof of the coverage required by this clause.

CLAUSE VII – FEDERAL AND STATE LAWS

In addition to the other requirements of this Contract, the Attorney must comply with all applicable Federal and State labor, wage/hour, safety, and other laws which have a bearing on the Contract, and must have all licenses and permits required by the Federal government, State, and municipality for performance of the work covered by this Contract, including, but not limited to, a valid Alaska business license and any necessary applicable professional licenses. The Attorney must pay all fees associated with the licenses and permits required for performance of the Contract. The Attorney shall pay all Federal, State, and local taxes incurred by the Attorney in the performance of the Contract. The Attorney's certification that taxes have been paid may be verified before final payment by the Committee.

CLAUSE VIII – HUMAN TRAFFICKING

By the Attorney's signature on this Contract, the Attorney certifies that the Attorney is not headquartered in a country recognized as Tier 3 in the most recent United States Department of State's Trafficking in Persons Report.

In addition, if the Attorney conducts business in, but is not headquartered in, a country recognized as Tier 3 in the most recent United States Department of State's Trafficking in the Persons Report, a certified copy of the Attorney's policy against human trafficking must be submitted to the Committee.

The most recent United States Department of State's Trafficking in Persons Report can be found at the following website: <https://www.state.gov/reports/2023-trafficking-in-persons-report/>.

If the Attorney is or becomes headquartered in a Tier 3 county, or fails to comply with this clause ("Human Trafficking"), the Committee may terminate the Contract under Clause II (B) as a breach of the Contract.

CLAUSE IX – VENUE

In the event that the parties to the Contract find it necessary to litigate the terms of the Contract, venue shall be State of Alaska, First Judicial District, at Juneau, and the Contract shall be interpreted according to the laws of Alaska.

CLAUSE X – BINDING ON SUCCESSORS

Subject to Clause V (Assignment or Transfer) of this Contract, this Contract and all the covenants, provisions, and conditions contained in the Contract shall inure to the benefit of and be binding upon the successors and assigns of the Attorney and the Committee.

CLAUSE XI – INDEMNIFICATION

The Attorney shall indemnify, save harmless, and defend the Committee, and the Committee's officers, agents, and employees from liability for any claim arising from Attorney's negligence or intentional misconduct in the performance of Attorney's obligations under this Contract, including, but not limited to, any damages, costs, and attorney fees arising from the claim.

CLAUSE XII – ETHICAL CONSIDERATIONS

- (A) Certain provisions of the Legislative Ethics Act (AS 24.60) apply to legislative consultants, legislative independent contractors, and their employees. It is the responsibility of the Attorney to review AS 24.60 and determine whether Attorney is in compliance with AS 24.60.
- (B) Only the lawyers who are personally involved in representing the Committee on behalf of the Attorney and any staff of the Attorney who are assisting such lawyers shall have access to the records and documents related to the subject matter of this Contract. The Attorney shall ensure that no one else in the firm has access to the records and documents by retaining the records and documents in a locked file cabinet conspicuously marked as confidential materials relating to this Contract. Similar precautions shall be taken for digital files, including, but not limited to, emails.

CLAUSE XIII – RECORDS; AUDIT

In addition to any other records required by this Contract, the Attorney shall accurately maintain detailed time records that state the date of the work, break down the time in quarters of an hour, describe in detail the work done during the quarter of an hour, and identify which individual did the work. The Attorney shall also keep any other records that are required by the Chair. The records required by this Contract are subject to inspection by the Committee or the Chair at all reasonable times.

CLAUSE XIV – OWNERSHIP AND REUSE OF DOCUMENTS

All documents, reports, material, and other items generated as a consequence of work done under this Contract are the property of the Committee. To the extent the Attorney has any interest in the copyright for these items under the copyright laws of the United States, the Attorney transfers by this Contract any and all interest the Attorney has in the copyright for these items to the Committee, and the Committee will be the owner of the copyright for these items. Upon completion of the work or termination of this Contract, the items shall be delivered to the Chair.

CLAUSE XV – CHAIR AND LEAD LAWYER

- (A) The Chair is the primary contact through which the Committee assigns and directs the work of the Attorney. The Chair has the authority, upon which the Attorney may rely without further inquiry, to act on behalf of the Committee in assigning and directing the work of the Attorney.
- (B) Brent Cole, the lead lawyer on this matter, shall have the primary relationship with the Chair and the Committee. Unless otherwise agreed to or directed by the Chair, Brent Cole shall be the lawyer who communicates directly with the Chair and Committee.

CLAUSE XVI – AUTHORIZATION; CERTIFICATION

Execution of this Contract by the Chair was authorized by a majority of the members of the Committee at a meeting on June 10, 2024.

Execution of this Contract by the Legislative Affairs Agency Executive Director or her designee hereby constitutes a certification that funds are available in an appropriation to pay for work performed under this Contract through June 30, 2025.

CLAUSE XVII - MODIFICATION AND PREVIOUS AGREEMENTS

This Contract contains all terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind either of the parties to this Contract. This Contract may not be modified unless in writing and signed by the parties to this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract on the dates indicated below:

ATTORNEY:

COMMITTEE:

LAW OFFICE OF BRENT R. COLE, P.C.

SELECT COMMITTEE ON LEGISLATIVE ETHICS

Brent R. Cole Date
Alaska Business License: 982019

Deborah Fancher, Chair Date
Procurement Officer

CERTIFYING AUTHORITY:

APPROVED AS TO FORM:

Jessica Geary Date
Executive Director
Legislative Affairs Agency

7/9/24

Legal Counsel Date

May 30, 2025 Full Committee Meeting

Agenda item 8.a

FY 2025 Budget status

Summary thru May 15 and pay period ending April 27

Object Type Code	Object Type Name	Expend Current Budget	Budgetary Expenditures	Available Expenditure Budget	Administrator's comments
1000	Personal Services	280,300.00	187,040.74	93,259.26	Surplus resulting from Administrator vacancy.
2000	Travel	25,000.00	22,003.86	2,996.14	Travel for May meeting will leave \$500-1000 remaining. If another meeting is required prior to the end of the FY, funds will be moved into the travel funds.
3000	Services	30,800.00	26,197.35	4,602.65	\$4250.23 obligated for outside counsel. \$8852.88 actually available. Minor additional expenses remain (mailing, office supplies, etc.).
4000	Commodities	1,800.00	2,176.00	-376.00	Intentionally overspent for durable supplies.
	Sum:	337,900.00	237,417.95	100,482.05	

May 30, 2025 Full Committee Meeting

Agenda item 8.b

FY 2026 Budget Projection

Pending budget approval

Object Type Code	Object Type Name	Expend Current Budget	Budgetary Expenditures	Available Expenditure Budget	Administrator's comments
1000	Personal Services				
2000	Travel				
3000	Services				
4000	Commodities				
	Sum:				