

Alaska State Legislature

Select Committee on Legislative Ethics

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Ethics - Full Committee Meeting Wednesday, November 29, 2023, at 8:30 a.m. Anchorage LIO Denali Room/Telephonic

(Meeting will be teleconferenced
Anchorage Only: 907-563-9085
Juneau Only: 907-586-9085
Outside Anchorage or Juneau: 1-844-586-9085)

Open Session (+) indicates background material in packet.

1. CALL THE MEETING TO ORDER
2. APPROVAL OF AGENDA (+)
3. PUBLIC COMMENT
4. INTRODUCTION OF NEW ETHICS ADMINISTRATOR – Tamara Maddox
5. APPROVAL OF MINUTES
 - a. June 12, 2023, Senate Subcommittee Meeting (+)
 - b. September 29, 2023, Full Committee Meeting (+)
 - c. October 4, 2023, Full Committee Meeting (+)
6. CHAIR/STAFF REPORT
 - a. Management Log – Informal Advice Staff Report (+)
 - b. Public Member Terms Expiring
 - c. COGEL Conference Update
7. OTHER BUSINESS
8. ADJOURN

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
JUNE 12, 2023
11:00 AM

SENATE SUBCOMMITTEE MEETING

DRAFT

[11:03:32 AM](#)

1. CALL THE MEETING TO ORDER

Skip Cook called the meeting of the Senate Subcommittee to order at 11:02 AM. He asked Jerry Anderson to take roll.

Roll Call

Senator Löki Tobin (telephonic)
Jerry McBeath (telephonic)
Deb Fancher
Conner Thomas (telephonic)
Joyce Anderson
Skip Cook

Quorum present.

Skip Cook asked if there was anyone else in attendance telephonically. There was no response.

Skip Cook asked committee members and others who speak to identify themselves for the benefit of others.

Skip Cook said he expected the subcommittee meeting to last less than one hour, consisting only of a brief public comment opportunity followed by an executive session.

[11:04:45 AM](#)

2. APPROVAL OF AGENDA

Skip Cook entertained a motion to approve the agenda. Motion made by Deb Fancher. There were no objections.

[11:05:34 AM](#)

3. PUBLIC COMMENT

Skip Cook inquired whether there was public comment. There was no public comment.

[11:05:46 AM](#)

4. MOTION TO GO INTO EXECUTIVE SESSION into Executive Session

Hearing no public comment, Skip Cook 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 would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Joyce Anderson so moved. There were no objections.

[11:06:32 AM](#)

5. EXECUTIVE SESSION

[11:27:40 AM](#)

6. PUBLIC SESSION

Skip Cook announced the subcommittee was back in public session.

7. ADJOURN

Skip Cook entertained a motion to adjourn. Joyce Anderson so moved. There were no objections.

The meeting adjourned at 11:29 AM.

[11:29:53 AM](#)

ADJOURN:

ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
SEPTEMBER 29, 2023
9:00 AM

FULL COMMITTEE MEETING

DRAFT

[9:05:10 AM](#)

1. CALL THE MEETING TO ORDER

Chair Skip Cook called to order the meeting of the Select Committee on Legislative Ethics at 9:05 AM.

Joyce Anderson conducted roll call.

Roll call

Senator David Wilson (alt for Sen Gary Stevens)
Senator Löki Tobin
Representative Andy Josephson (alt for Rep Sara Hannan)
Conner Thomas
Jerry McBeath
Deb Fancher
Skip Cook
Representative DeLena Johnson (telephonic)

Quorum present.

Skip Cook reminded the committee to identify themselves before speaking for the benefit of listeners. He said the meeting was expected to last two to three hours, with an executive session.

[9:06 AM](#)

2. APPROVAL OF AGENDA (+)

Skip Cook announced there was a change in the agenda, moving item 10 to the executive session. He entertained a motion to approve item to the executive session.

Jerry McBeath so moved.

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Skip Cook entertained a motion to approve the approve full committee agenda as amended. Deb Fancher so moved. Hearing no objections, the motions passed.

[9:07 AM](#)

3. APPROVAL OF MINUTES

Skip Cook suggested, given the number of minutes needing approval, the committee approve all of the minutes as presented unless there was an objection.

Jerry McBeath moved to approve the minutes of October 13, 2022; January 19, 2023; March 9, 2023; June 12, 2023; July 12; and August 10, 2023.

Joyce Anderson recommended adding to the motion the Senate Subcommittee meeting minutes of January 19, 2023.

Skip Cook asked if there were objections to the motion to approve the minutes. Hearing none, the minutes were approved.

[9:08 AM](#)

4. PUBLIC COMMENT

Skip Cook entertained public comment. There was no public comment.

5. CHAIR/STAFF REPORT

a. Management Log - Informal Advice Staff Report (+)

Skip Cook directed Joyce Anderson to speak to the Informal Advice Staff Report.

Joyce Anderson addressed the staff report of July 10, 2023, through September 21, 2023. She told the committee she had a couple of minor changes to the report.

- Page 2: The first sentence of the answer to the question, "May a legislator post pictures taken on a legislative trip on his/her personal Facebook page for his/her family and friends to see?" should be, "The

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Ethics Act does not prohibit a legislator from posting pictures taken **on** a legislative trip on a personal Facebook page."

- Page 3: The last sentence in the answer to the question, "May a legislator promote a local block party in his/her district on legislative social media, via legislative email and in a legislative newsletter? May the legislator also post on a personal email and personal social media?" should be, "A legislator may also post the event on personal social media and email as long as there is no legislative **contact** information as well."
- Page 4: The second to the last sentence of the last question should be, "There is a bill directly related to the subject matter of the state department meeting which is before the committee the legislator chairs."

Joyce Anderson entertained questions.

Conner Thomas asked the identity of the "entity" referred to in the first question: "Received a question asking if an entity that provides collateral for some state loans falls under the State Benefit and Loan annual review of loans available to legislators and legislative staff."

Joyce Anderson responded there is an organization that provides collateral for some state loans.

Conner Thomas asked if it was a state entity.

Joyce Anderson responded that the entity is not a state entity. She suggested revising the answer to include the phrase, "non-state entity."

Jerry McBeath said he had a couple of questions. He asked if the campaign referred to in the question, "May a legislative office issue a daily news clip with nationwide and local articles addressing a variety of issues, including those of a campaign nature?" is the campaign of the legislator posting the news articles?

Joyce Anderson explained the legislative office in question compiles a list of news articles from national and local newspapers. The list is sent to a group of people who have requested the list. The inquiry received by the Ethics Office was about the appropriateness of including an article in the list that related to Donald Trump's

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campaign. Joyce Anderson reported that after conducting research into the question, she determined that the individual receiving the list has the option or not to read the article. The list of articles is informational only.

Jerry McBeath asked if there was any filter used to focus on or exclude a particular legislator's campaign.

Joyce Anderson agreed that was a good question, but she had not pursued it. She asked the committee if they had advice about the compilation of the list for her to share with the legislative office next year, a campaign year.

Senator Löki Tobin offered that receiving the list is voluntary. The list of news articles is compiled as a service to a caucus. Information also comes from third party systems, using AI, to produce the list. Selecting the articles that are included in the list may involve the ability to write code and other specialized knowledge.

Jerry McBeath asked, given the current political polarization, if it is possible for the legislator to use AI to exclude Trump campaign articles or comments.

Senator Löki Tobin explained that no legislator has input into what is included or not included in the production of the list. It is compiled by staff, possibly assisted by third party systems.

Joyce Anderson asked Jerry McBeath if he had another question.

9:16 AM

Jerry McBeath addressed question 3 on page 2: "May a legislator host a public event during the interim to promote a legislative bill and also invite a 501(c)(3) organization to raise awareness of the subject matter of the bill? Additionally, may the legislator ask for donations from the attendees to help pay for the 501(c)(3) organization's travel expenses?"

Jerry McBeath opined it was an important question about a legislator's behavior and activities regarding nonprofit organizations. He stated that the sentence in the answer, "However, since donations to a non-profit organization are tax deductible, suggested the legislator ask attendees if

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they wanted to contribute to the "cause" of the non-profit organization" raised flags for him. He asked for confirmation that nonprofits may engage in some political activity.

Joyce Anderson replied that she was not familiar enough with nonprofit organizations to answer that.

Senator David Wilson asserted that nonprofit organizations may take a position on ballot initiatives but not on candidates.

Jerry McBeath asked if nonprofit organizations are restricted [from political activity] to a percentage of their time.

Senator Löki Tobin said nonprofit organizations can participate in political activity up to 25% of their time.

Jerry McBeath indicated he understood that nonprofit organizations may participate in political activity, but the activity is limited. He explained that his particular concern was with nonprofit organizations with a national affiliation taking positions on controversial issues.

Joyce Anderson said the nonprofit in question was set up specifically to prevent child trafficking. The legislator wanted to know if they could ask if anyone wanted to contribute to their travel expenses. She told the legislator that was not a good idea and suggested perhaps the nonprofit could ask for donations to the cause or to the organization and the organization could decide how they wanted to use the funds.

Jerry McBeath said he appreciated Joyce Anderson's attention to the question, and he wondered if the committee was comfortable with the answer.

Joyce Anderson entertained further discussion about the answer.

9:22 AM

Skip Cook wondered if the answer applied generally, or if it was specific to this question.

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Joyce Anderson said she removes identifying information and that makes the advice apply generally. She asked for direction from the committee.

Jerry McBeath replied that he wouldn't answer yes to the first question, [May a legislator host a public event during the interim to promote a legislative bill and also invite a 501(c)(3) organization to raise awareness of the subject matter of the bill?] because doing so seems to align with particular interests, whatever that cause may be.

Joyce Anderson replied that [child trafficking] was the subject matter of the bill.

Conner Thomas stated he did not find the answer to the question objectionable because the presentation was about a particular bill. He agreed perhaps the answer could include more clarifying language.

Joyce Anderson referred to the question about a legislator using the Legislative Information Office for a meeting about a bill hosted by a state department. In her response, she said that she had no control over what the LIO allows but she saw no reason the legislator and an organization could not work together to address a particular bill.

Jerry McBeath asked if the same advice would apply regardless of the organization.

Deb Fancher said the advice should apply to any bill and a related organization.

Joyce Anderson asked the legislators to comment.

Representative Andy Josephson asked whether the hypothetical meeting was to be held in an LIO.

Joyce Anderson replied that it was not.

Representative Andy Josephson said the answer seemed straightforward and he had no issue with it, but he wondered about the distinction between a nonprofit's travel expenses and other general expenses. He suggested that question may need some clarification.

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Senator David Wilson stated that Representative Johnson was online.

Senator David Wilson said he agreed with Representative Andy Josephson that hosting the meeting was within the legislator's rights. The meeting was during the interim and no state resources were used. He indicated he might think differently depending on whether the request for travel expenses was intended for the legislator's expenses or compensation or if it was intended for the general purposes of the nonprofit organization.

Joyce Anderson replied she understood that the expenses under discussion were those of the organization.

Senator Löki Tobin said it is helpful to hear from organizations that may be impacted by legislation, and the answer seems to align with current practices.

9:29 AM

Skip Cook asked if current practice includes the legislator requesting donations for travel to get them there.

Senator Löki Tobin responded that she has not done so.

Skip Cook said it seems like the organization could ask for their own travel expenses rather than the legislator asking for them.

Senator Löki Tobin replied that it is very much in alignment with what nonprofit organizations do - ask for resources to support their endeavors.

Jerry McBeath agreed that legislators have first amendment rights, but first amendment rights have their limitations. In this context, words to the effect that says information of the broader public on an issue [indecipherable] puts it in a different frame than what the limits on legislators are.

Joyce Anderson suggested she add to the advice that the committee had discussed the question and agreed that the nonprofit, rather than the legislator, should have asked for resources to would support their endeavors.

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Jerry McBeath replied that he was agreeable to Joyce Anderson's suggestion.

Senator David Wilson raised concern that legislators are asked by nonprofit organizations to participate in telethons, and he does not want to set precedent that would prohibit those fundraising activities.

Joyce Anderson responded that the question specifically asked about soliciting travel expenses. In her opinion, that is different than requesting support for an organization.

Senator David Wilson thanked Joyce Anderson for the clarification.

Skip Cook added that he sees a difference because the legislator is organizing the event and asking.

Joyce Anderson said she would add to the advice that the answer specifically relates to asking for travel expenses.

Representative Andy Josephson asked that Joyce Anderson include in the answer the statute that prohibits the activity.

Joyce Anderson referred to AS 24.60.030(a)(2), which says "A legislator or legislative employee may not use public funds, facilities, equipment, services, or another government asset or resource for a non-legislative purpose, ... or another person...", which could be an organization. She added that she looked at the legislator as the government asset asking for funds for another person, the individuals from the organization attending the event rather than for the organization itself. She agreed to reference the statute in her advice.

Jerry McBeath referred to the second and third questions in the Gifts section on page 3 of the staff report: May a legislator be part of an auction where they are auctioning themselves for coffee, bike trip or pack raft trip? And: May a legislator accept help from a for-profit organization to pay for a legislative trip out of the country?

Jerry McBeath said that the answer to the first question was clear about a legislator not receiving a gift from a lobbyist or an immediate family member of a lobbyist. He

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conjectured that the lobbyist referred to in the answer is a registered lobbyist. His concern was about non lobbyist advocates, those who are not registered as lobbyists. He stated it would be ok for advocates not registered as a lobbyist to bid at the auction for time with the legislator.

Joyce Anderson said that the definition of a lobbyist is not under the Ethics Act. It is under APOC [Alaska Public Offices Commission] statutes and it includes other types of lobbyists [as well as registered lobbyists].

9:40

Joyce Anderson located the definition of a lobbyist [AS 24.45.171(11): "lobbyist" means a person who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislation or administrative action for more than 10 hours in any 30-day period in one calendar year; or represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession.

So, Joyce Anderson continued there are registered lobbyists who receive payments and there are lobbyists who represent themselves as engaging in the influencing of legislative or administrative action.

Jerry McBeath said that as a professor he frequently lobbied the State Legislature. He asserted he would not fit into either of the lobbyist categories because it was not his business. The definition of a lobbyist has changed over the years, there was one period when they were required to register when doing advocacy work.

Joyce Anderson offered to add to the section that APOC be contacted to determine exactly what is a lobbyist.

Jerry McBeath agreed that a reference to APOC would be appropriate.

Turning to the second question, which was not answered in the staff report, "May a legislator accept help from a for-profit organization to pay for a legislative trip out of

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the country?", Jerry McBeath submitted that the answer would be no.

Joyce Anderson said she didn't answer the question because she needed more information and the legislator decided not to go.

Jerry McBeath replied that may have been the correct action but again submitted that the message should be no.

Joyce Anderson explained she tries to get all the information she can before answering a question. Recently, someone used the word, "support," in a question and she asked what the questioner mean by support. She asked the committee for comments.

Senator David Wilson said that the legislature's trade associations, like NCSL or CSG, pay for educational conferences abroad. He thinks the answer would depend on the legislative purpose of the travel.

Joyce Anderson stated she would make the recommended changes to the informal advice and report back to the committee for review.

Conner Thomas said he had an additional question about the next question on page 3: What are the requirements if a legislative employee rents from a lobbyist? He asked if disclosure was required. If so, that should be included in the advice.

Joyce Anderson replied that she looked at the question from a gift perspective.

Deb Fancher stated she was almost certain disclosure is a requirement.

Joyce Anderson said she would include that information in the answer.

Representative Andy Josephson asked if informal advice has the weight of a [formal] advisory opinion.

Joyce Anderson replied that they did not.

Representative Andy Josephson asked if a person could use the informal advice defensively.

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Joyce Anderson said that informal advice comes from the ethics office. It is not binding on the committee, but it does carry weight.

Skip Cook added that bringing the informal advice to the committee at a committee meeting ensures committee review of the advice.

Jerry McBeath asked if it would be useful to have a list of informal advice by subject, like the list of formal advisory opinions.

Joyce Anderson responded there is a searchable database in the office in which all the pertinent details of the informal advice are retained for reference.

Skip Cook directed attention back to the auction question. He asked how the money raised is used. Can legislators auction themselves off as part of a campaign for office without violating any ethics laws? Or does the question refer to a nonprofit auction?

Joyce Anderson replied it was a nonprofit and she will add that to the advice.

Skip Cook also said to amend the question to reference that the nonprofit is auctioning off the legislator, not the legislator.

Joyce Anderson thanked the committee for their comments about the informal advice.

[9:51:35 AM](#)

b. Ethics Disclosures (+)

Joyce Anderson introduced a report of the disclosures submitted to the Ethics Office from January 1 through September 15, 2023. She explained that the disclosures are broken down by filer type and disclosure type. Filer type is determined by whether the filer is a Senate legislator or staff, a House legislator or staff, or other staff, such as Legislative Budget and Audit. There has been a total of:

- 171 board membership disclosures
- 12 state benefit and loan program disclosures

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- 7 state contracts, leases, or grants disclosures
- 40 close economic association disclosures
- 1 disclosure of a close economic association with a lobbyist
- 93 gifts of travel disclosures
- 5 disclosures of gifts of travel for family members
- 6 sanctioned charity event disclosures
- 1 disclosure of a gift of a sanctioned charity event for family member
- and 4 disclosures of gifts of legal services.

Comparing the total number of disclosures submitted so far this year and all of 2022, there are 154 senate disclosures in 2023, 150 total in 2022; there are 135 house disclosures in 2023, 182 total in 2022; and 51 joint disclosures in 2023, 62 total in 2022. Total number of disclosures submitted so far in 2023 is 340. There were 394 disclosures submitted in 2022.

Senator Löki Tobin commented that she remembered there was a dip in some of the board disclosures, notably board member disclosures, and that she is happy to see those numbers increasing, she enjoys when people participate in community service, and she is hopeful those numbers will continue to grow.

Joyce Anderson replied that disclosure reminders are often in the ethics committee newsletters, especially in the beginning of the year when annual disclosures need to be filed within 30 days.

Jerry McBeath surmised that committee members are not included in the numbers.

Joyce Anderson said they are included in the numbers.

Jerry McBeath said the report doesn't break the committee members out.

Joyce Anderson replied that the committee is under joint disclosures. There is no separate category just for committee members.

[9:55:40 AM](#)

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c. Internship Approval (+)

Joyce Anderson said that she and Skip Cook approved an internship program through the University of Alaska Anchorage for work during the interim. The intern was placed in Representative Andrew Gray's office. This is the first internship approved during interim since 2014. There was an internship program approved in 2021 during session.

Joyce Anderson said the University of Alaska in conjunction with the Legislative Council provides interns during the legislative session. Statute requires other internship programs during session be approved through the ethics office as do all internship programs during interim. Internships were popular during interim from 2009 - 2013 and then the interest slacked.

The ethics office is creating a new form for the sponsoring agency and a form for the legislative office to help facilitate the process. Currently, the legislative office sends an email to the ethics office with the required information. The forms will be posted on the website.

Deb Fancher asked why the committee approves internships.

Joyce Anderson said the reason is that internships can be considered a gift to the legislator because the intern is not being paid by the legislature.

Jerry McBeath noted that the Ted Stevens [Legislative] Internship Program interns get a stipend.

Joyce Anderson replied the [Ted Stevens Legislative Internship Program - administered by the University of Alaska in conjunction with the Legislative Council] is under a different statute and the ethics committee is not involved.

Jerry McBeath said that in his experience as an educator, internship programs are a wonderful experience. There are two classes of internships, the [Ted Stevens Legislative Internship Program] class and everything else.

Joyce Anderson replied that the internships approved through the ethics office are also allowed stipends. The

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stipend is paid by someone other than the legislature. That is what makes hiring an intern a gift to the legislator.

Jerry McBeath concluded there is no difference between internships with stipends and those without stipends.

Joyce Anderson replied there was not.

Jerry McBeath suggested there is also a travel issue.

Joyce Anderson agreed, saying if she remembers correctly, First Alaskans Institute pays for travel so their interns could be there for session. Regardless, it is considered a gift to a legislator.

Jerry McBeath inferred there was no restriction pertaining to time - during legislative session or during interim.

Joyce Anderson said it depends on what the university requires from the intern to earn credit.

Jerry McBeath said he was not sure all universities provide credit for work during interim.

Joyce Anderson explained that is one of the questions asked [in the application process]. Other information is also required from the university, such as the kind of report required from the intern upon completion of the internship program. Legislators are asked for other information including what hours the intern will work, the duties of the intern, and who will supervise the intern in the office.

Jerry McBeath asked if there were partisan restrictions.

Joyce Anderson replied yes, there are restrictions. For instance, a lobbyist cannot work as an intern and as a lobbyist at the same time. The intern cannot be from a political party; that would be a conflict of interest.

[10:04:15 AM](#)

6. STATE BENEFIT AND LOAN PROGRAM REVIEW (+)

Joyce Anderson addressed the required annual state benefit and loan program review. Each year, the ethics office is required to contact every state department that have state

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benefit or loan programs that are issued on a discretionary basis, there is no fixed criteria. Included in the packet is an example of the letter sent to the departments; a copy of the form the department is asked to use to report back to the ethics office; a copy of the draft Appendix C, which will be included in the 2024 Standards of Conduct handbook and posted on the website. Joyce Anderson was happy to report no changes to the 2024 list of programs.

Senator David Wilson noted there is no longer a Department of Health and Social Services; we have a Department of Health and a Department of Family and Community Services.

Joyce Anderson thanked Senator David Wilson for the correction.

10:06

7. REVIEW OF RULES OF PROCEDURE

a. Section 9 Informal Advice (+)

Joyce Anderson said the informal advice staff report contains the non-routine advice given under AS 24.60.158 by the ethics administrator and administrative assistant. The committee reviews the advice for accuracy. She recommended to the committee a few changes to the section of the Rules of Procedures that pertains to informal advice to provide consistency: 1) to officially call the report "Informal Advice Staff Report"; 2) that the report be "presented at every full committee meeting unless determined otherwise by the chair and administrator; and 3) direction that staff notifies/y the requester if advice given has changed or if the committee determines a formal binding advisory opinion is recommended. At any time, the requester may ask for a formal binding advisory opinion.

Skip Cook entertained further discussion or a motion to approve the changes.

Conner Thomas so moved. There were no objections and the motion passed.

10:09

b. Section 2(f) Administrative Policies (+)

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Joyce Anderson directed committee attention to the criteria for internship program approval. The sponsoring agency must provide the purpose, the length of the program, and a description of the evaluation upon completion, the training, supervision, and duties of the intern. In the future, the requirements will be listed on a form.

[Representative DeLena Johnson entered the meeting.]

Joyce Anderson said the proposed changes were reviewed by the Senate President and the House Speaker. The Rules Chair is responsible for [hiring] personnel during session and the Senate President and the House Speaker during the interim. The proposed changes include direction to the ethics office to notify the appropriate leadership when an internship program is approved and provide the completed applications; to make the application forms available on the ethics website; to inform interns of the training requirement along with information about other sections of statute that apply to interns; to send a copy of the completed application and a letter to the legislative office indicating the approval of the internship program with the direction to contact the appropriate leadership to proceed with the internship; and to include in the January newsletter, *The Advisor*, information outlining the non-University of Alaska internship approval process.

Jerry McBeath asked how many interns are there or have been in this legislative session.

Joyce Anderson replied that each had only one.

Skip Cook entertained discussion or a motion to approve the changes as recommended to the Rules of Procedure.

Jerry McBeath so moved. There were no objections. The motion carried.

10:15

8. ETHICS TRAINING UPDATE

Joyce Anderson reported the January training is for new staff only. The National Conference of State Legislatures (NCSL) provides harassment prevention training via video.

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Skip Cook noted in the past the training had been over an hour, so the ethics training portion was shortened. Joyce Anderson will send a link to the committee for viewing.

Joyce Anderson reported Mark Quiner from NCLS will in person conduct a one-hour training on civility. That leaves a little over one hour for ethics training.

Joyce Anderson reported Human Resources Manager Stacie Bentley was agreeable to increasing the number of hours of required training by one hour, a total of four hours. Training dates are Wednesday, January 10 through Friday, January 12. The committee will also probably meet on one of those days.

[10:20:01 AM](#)

9. COGEL (Council on Governmental Ethics Laws) ANNUAL CONFERENCE (+)

Joyce Anderson reported the COGEL conference is December 3-6. Last year Skip Cook and Conner Thomas attended. She asked if they had comments about the conference.

Skip Cook said that the conference is a well-established conference attended by representatives from cities, counties, and states. There is also representation from Canada and occasionally from Mexico and other countries. He reported the conference is well worth attending.

Conner Thomas mentioned there are breakout sessions throughout the day on a variety of topics and there are a number of sessions relevant to the work of this committee. There are opportunities to learn about how other ethics committees operate as well as some of the issues they encounter.

Representative DeLena Johnson said a lot of the conference is directed toward non-elected officials, there is always one session directed toward elected officials. She also recalled that conversations outside the planned sessions are also valuable.

Skip Cook noted that Alaska is rare in having both public and legislative members.

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Joyce Anderson asked who might be interested in attending. She said early registration, which ends October 27, costs \$600; the conference is \$700 if you register after that date.

Jerry McBeath, Deb Fancher, and Skip Cook indicated they were interested. Conner Thomas and Joyce Anderson said they would like to go but were willing to wait and see first how many others want to go.

Joyce Anderson asked members to let her know by October 20 if they want to attend the conference.

Deb Fancher reminded Joyce Anderson that last year there were hotel issues and recommended getting the hotel reservations made as soon as possible.

Senator Löki Tobin said the COGEL conference is at the same time as the NCSL forecast followed by CSG. After attending a Western Interstate Compact for Higher Education (WICHE) conference in which they delved deeply into the ethics of AI. She highly recommended attendees consider attending the AI session at the conference.

[10:27:02 AM](#)

10. Skip Cook stated that item had been moved into executive session. He entertained a motion to go into executive session.

Conner Thomas so moved. There were no objections. The committee moved into executive session.

11. 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.

[10:29:37 AM](#)

12. **EXECUTIVE SESSION**

[12:53:59 PM](#)

13. PUBLIC SESSION

Skip Cook reconvened public session. He entertained a motion to authorize the chair of the committee to make an offer to the candidate approved by the committee for the ethics administrator position. If the candidate accepts the offer, the chair may hire the candidate at 22F, conditioned upon a probationary period ending June 30, 2024, with a full review at four months from the date of hire.

Jerry McBeath so moved.

Skip Cook directed Joyce Anderson to conduct a roll call vote.

Roll Call

Senator David Wilson	Yes
Senator Löki Tobin	Yes
Representative DeLena Johnson	Yes
Representative Andy Josephson	Yes
Conner Thomas	Yes
Jerry McBeath	Yes
Skip Cook	Yes

Deb Fancher was absent.

The motion carried.

Skip Cook entertained a motion to extend Joyce Anderson's consultant contract to February 29, 2024.

Senator David Wilson so moved.

Skip Cook directed Joyce Anderson to conduct a roll call vote.

Roll Call	Yes
Conner Thomas	Yes
Jerry McBeath	Yes
Representative Andy Josephson	Yes
Senator Löki Tobin	Yes
Senator David Wilson	Yes
Representative DeLena Johnson	Yes

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Skip Cook

Yes

Deb Fancher was absent.

The motion carried.

[12:57:30 PM](#)

14. OTHER BUSINESS

Joyce Anderson reported the suit filed by former Senator Lora Reinbold was dismissed by the court and the committee attorney has asked for reimbursement of attorney fees of \$7,969, which is twenty percent of the total cost of \$1,539, which is what the committee would be awarded under ARCP 82(b)(2).

Conner Thomas asked the date of the dismissal.

Joyce Anderson replied that the dismissal was on July 17.

Skip Cook said the attorney was instructed to make the application for the fees.

Joyce Anderson said the paperwork was filed on August 25. She said she will keep the committee updated.

15. ADJOURN

Skip Cook entertained a motion to adjourn the meeting.

Senator Löki Tobin so moved.

The meeting was adjourned at 12:58 p.m.

[12:58:55 PM](#)

ADJOURN:

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ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
OCTOBER 4, 2023
1:30 PM

FULL COMMITTEE MEETING

DRAFT

1. CALL THE MEETING TO ORDER

Skip Cook called the meeting to order at 1:33 pm.

Skip Cook directed Joyce Anderson to conduct roll call.

Roll Call

Senator David Wilson - no

Senator Löki Tobin

Representative Andy Josephson

Representative DeLena Johnson (telephonic)

Conner Thomas (telephonic)

Jerry McBeath (telephonic)

Deb Fancher

Skip Cook(telephonic)

Quorum present.

Skip Cook asked if there was anyone [else] online for the meeting.

Joyce Anderson responded there was not.

Skip Cook reminded the committee to identify themselves when speaking for the benefit of individuals on teleconference and in the audience. He added he expected the meeting to last approximately one hour.

1:34 pm.

2. APPROVAL OF AGENDA (+)

Skip Cook entertained a motion to approve the agenda, with the addition of one item.

Joyce Anderson explained the additional item was minutes from the June 12, 2023, Senate Subcommittee meeting. She added there was no action taken during the meeting; it was

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opening the meeting, going into executive session, and coming out of the meeting with no action. The minutes are just standard language.

Skip Cook offered that if there was no objection, the committee could take care of the minutes at the outset and then approve the rest of the agenda. He entertained a motion to approve the minutes of the June 12, 2023, Senate Subcommittee meeting.

Deb Fancher so moved.

Skip Cook thanked Deb Fancher and entertained objections.

Jerry McBeath stated that he hadn't seen the minutes.

Skip Cook asked Joyce Anderson if the minutes had been circulated.

Joyce Anderson responded it had been just noticed that the minutes had not been approved and thought it appropriate to add to the agenda. She restated that the minutes including opening the meeting, approving the agenda, going into executive session, coming out of executive session, and a motion to adjourn. There was no action taken.

Skip Cook asked Deb Fancher if her motion still stood with the explanation provided by Joyce Anderson.

Deb Fancher replied yes.

Skip Cook asked again if there were any objections to approving the minutes after the explanation.

Jerry McBeath said while he appreciated Joyce Anderson's explanation, he was not in favor of approving the minutes until he saw them in print.

Skip Cook asked if there was any other discussion about the minutes. He offered the minutes could be circulated and put on the next agenda. He asked Joyce Anderson her thoughts about that.

Joyce Anderson responded that the minutes could be added to the next agenda.

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Skip Cook affirmed that the minutes would be on the next agenda.

1:38 pm

Skip Cook entertained a motion to approve the agenda as circulated.

Representative Andy Josephson so moved.

Skip Cook entertained objections. There were no objections. The agenda was approved.

3. PUBLIC COMMENT

Skip Cook asked if there was public comment. Hearing no public comment, he moved to the next item on the agenda.

4. ACTING ETHICS ADMINISTRATOR – Joyce M Anderson

Skip Cook asked Joyce Anderson to speak to the agenda item. Joyce Anderson said her leave of absence from serving on the Select Committee on Legislative Ethics was July 17, 2023, through October 31, 2023. It was approved on August 10, 2023. At the September 29, 2023, meeting, her contract term was extended to February 29, 2024. She explained that a motion was needed to extend her leave of absence from serving on the committee through February 29, 2024. The item was overlooked at the meeting on September 29.

Skip Cook entertained a motion to extend Joyce Anderson's leave of absence from the committee until February 29, 2024.

Jerry McBeath so moved.

Skip Cook entertained objections. Hearing none, he asked Joyce Anderson to conduct a roll call vote.

Roll call

Senator Löki Tobin
Representative Andy Josephson
Representative DeLena Johnson
Conner Thomas
Jerry McBeath
Deb Fancher
Skip Cook

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All yes. The motion was approved.

Skip Cook asked Joyce Anderson to speak about the second part of the agenda item, the contract amount.

Joyce Anderson explained the original contract amount, approved on August 10, 2023, was not to exceed \$25,000. Due to the extended contract time period, the contract amount needs amending. She reported that she and Skip Cook had agreed to an amount not to exceed \$50,000, though it is not anticipated to reach that amount.

Skip Cook explained that Joyce Anderson's pay was calculated on an hourly basis. He entertained a motion to increase the contract amount.

Jerry McBeath so moved.

Skip Cook entertained discussion.

Jerry McBeath asked how many hours \$50,000 would include.

Joyce Anderson responded that the hourly rate was approved at the meeting on August 10. She opined to the chair that she did not think the hourly rate needed to be approved again.

Skip Cook agreed and asked Joyce Anderson if she had any idea how many hours \$50,000 equates to.

Joyce Anderson responded that she did not. She offered to provide that information to the committee at a later time if that was what the committee wanted.

Skip Cook said he did not think the extended contract would more than double the original contract amount. He asked if there was further discussion. There was no further discussion. He directed Joyce Anderson to conduct a roll call vote.

Senator Löki Tobin joined the meeting in person in Anchorage.

Roll call

Representative Andy Josephson
Senator Löki Tobin

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Representative DeLena Johnson
Deb Fancher
Jerry McBeath
Conner Thomas
Skip Cook

All yes. The motion was approved.

1:44 p.m.

5. Skip Cook 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 would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.*

Conner Thomas so moved.

The committee moved into executive session.

6. EXECUTIVE SESSION

2:39 p.m.

7. PUBLIC SESSION

Skip Cook reconvened public session. No further action is needed.

8. OTHER BUSINESS

9. ADJOURN

Skip Cook entertained a motion to adjourn the meeting.

Jerry McBeath so moved.

Skip Cook entertained objections. There were none.

The meeting was adjourned.

2:40 p.m.

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

ADJOURN:

STAFF REPORT SELECT COMMITTEE ON LEGISLATIVE ETHICS

September 22, 2023 -- November 7, 2023

(Presented at the November 14, 2023, Full Committee Meeting)

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. The committee is asked to review the advice. This report includes advice the committee may have not reviewed in the past; it does not represent all inquiries.

BOARD MEMBERSHIP

Is a board disclosure required if a legislative employee serves as legal counsel to a board?

Yes, your role as legal counsel is a board position. AO 13-01 determined “board of an organization” includes someone who has power to manage, supervise, investigate, or advice an administrative and functional structure, such as a business, or a group of people united by a common purpose, such as an association or society.

CAMPAIGN RELATED

May a legislator perform campaign activities, i.e., fundraiser, political forum, fundraising, or a dinner for a political party, while in Juneau before the legislative session starts if the legislator traveled to Juneau with the use of state-funded relocation resources?

Yes. A legislator may attend and sponsor a fundraiser for a state election campaign before the legislative session begins and after the legislative session ends while in Juneau. AO 18-02 qualified state funded relocation travel is an exception to the prohibition in AS 24.60.030(a)(2) and AS 24.60.030(a)(5) which prohibits a legislator using state funds or other government assets or resources for political fundraising, campaigning, and other partisan political activity.

May a legislator solicit a campaign contribution while the legislature is in session or special session?

A legislator may not during the legislative session or a special session solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for state office. AS 24.60.031. However, if the special session is within 90 days of an election, a legislator may solicit or accept a contribution or a promise or pledge to make a contribution as long the activity does not take place in the municipality in which the special session is held.

Received a request for copies of all documents related to a complaint decision issued in 2023.

Informed the caller that no complaint decisions have been issued in 2023 to date. Referenced AS 24.60.170(c) which states, “When a complaint is received and the committee determines the allegations, if proven, would not give rise to a violation, the committee dismisses the complaint and notifies the complainant and the subject of the complaint of the dismissal. A proceeding

conducted, documents that are part of this proceeding, and a dismissal are confidential unless the subject of the complaint waives confidentiality.”

When do documents related to an ethics complaint stamped “confidential” become public?

Referred the caller to AS 24.60.170. All documents issued by the committee “after a determination of probable cause” under subsection (m) are subject to public inspection, an opinion recommending corrective action under subsection (g), a formal charge under subsection (h), and hearings under subsection (j) are also open to public inspection.

EMPLOYMENT

May a legislator request his/her employees to refrain from engaging in public political support of campaigns or initiatives? May a legislator require his/her employees to refrain from engaging in public political support of campaigns or initiatives as a condition of employment?

Informed the caller the questions were more in the area of personnel. Referred to the caller to LAA Personnel. Also, referenced AS 24.60.030 which prohibits legislators and legislative employees from using public funds, facilities, equipment, services, or another government asset or resource for a non-legislative purpose, for involvement in or support of or opposition to partisan political activity.

LAA Personnel has a section on their website which shows a poster of the State of Alaska whistleblower act.

Suggested the notice include AS 24.60.035 which covers whistleblowers under the Legislative Ethics Act. LAA Personnel will add this section to the website.

Are there any ethical restrictions for a legislative employee to hold a second job?

A legislative employee may hold a second job. The ethics act does not require any type of disclosure. There needs to be a clear separation between legislative duties and those related to the second job. The ethics office recommends the employee inform the legislator of the second job to prevent scheduling conflicts and possible work related conflicts. Additionally, the employee cannot use state resources when performing the duties of the second job pursuant to AS 24.60.030(a)(2).

May a legislator share his/her staff with another legislative office?

The legislator indicated his/her workload was low and the other legislative office workload was high, for at least the next two months. The caller had already checked with LAA Personnel and there was no personnel issue related to a legislative office sharing legislative staff with another office. The ethics statute does not address this subject matter. The legislator may want to check with interim hiring authority about this scenario.

May a legislator require a legislative employee to make coffee for a legislator or for the legislator’s office.

Under AS 24.60.030(a)(4), yes, it is permissible for a legislator to require a legislative employee to make coffee for the legislator’s office for general consumption by all staff and visitors. But it is not permissible for the legislator to require a legislative employee to make coffee exclusively for

the personal consumption of the legislator unless the service is performed in an infrequent situation.

GIFTS

May a legislator accept complimentary registration to a conference from a public official?

Yes, a complimentary pass may be accepted. Determined complimentary passes were given to a public official to distribute. No mention was made of the dollar amount of the pass. If the amount is \$250 or more, a gift of travel/hospitality disclosure is required within 60 days of the conference. The name of the donor would be the organization who distributed the passes to the public official.

An organization has offered to provide a short course on a specific subject to interested legislators and staff. The course is usually offered for a fee but the organization has offered to provide the training at no cost. Is this allowable, and if so, what disclosures would be required?

The cost of the training was significant. Even if the organization provided the training at no cost, ethics statutes would consider the waiver of a fee as a gift. Determined if the cost per person was \$250 or more, a gift disclosure would be required of each attendee. If the cost per person was less than \$250, no gift disclosure would be required. The total cost of the training per person would be determined by the number of attendees.

INTERN

Must a legislative intern always be associated with a college/university intern program or may a student take a break from attending school and serve as a legislative intern?

Legislative interns must be associated with college/university intern program.

OTHER

May a legislator include his/her title in an advertisement for an event?

In June 2000, informal advice was given as follows: "Past ethics committees have determined that a person's title is his or hers to use so long as the use does not imply proffering or denying state resources." Therefore, the use of senator/representative is a permitted use for the facts presented. Under the committee's Rules of Procedure Section 9 Informal Advice, the committee reviews informal advice and may ask questions, ask for clarification, request a formal binding advisory opinion or agree with the advice as presented. There were no questions at the January 17, 2001 committee meeting. The advice was accepted as presented.

Received a request asking for clarification as to why the Standards of Conduct Handbook was updated in April 2023.

Informed the caller, the Handbook was updated to include recently issued AO 23-01.

Received a call from another state asking about the set up and composition of the ethics committee.

Provided a historical narrative of the setup of the ethics committee and changes to the Legislative Ethics Act. The narrative was not up to date but would provide information about the setup of the committee.

STATE GRANTS

What disclosure requirements come into play if a legislative employee is on contract with an agency that receives State grants?

If the agency receives State grants and the contract is directly funded by the grant(s), the employee may be subject to disclosure of participation in a State grant. The disclosure is only required if the grant is \$5,000 or more, is not a standardized contract and is not generally available to the public at large, members of a profession, occupation, or group. The contract is on an hourly basis with no fixed cost or limit. The employee will keep track of payments received and call back if further information or clarification is needed.

STATE RESOURCES

May a legislator use the Legislative Library, Legislative Legal or the Legislative Research section for personal use?

No. The legislative library is open to the public to conduct research. Anyone can make a request. Legislative research is non-partisan and is a source of independent, objective information, research, and analysis for legislators, legislative staff, and other agencies under the legislative umbrella. Legislative legal provides non-partisan legal research/advice for legislators. Legislative research and legislative legal – all requests are confidential and must be related to a matter of legislative concern. AS 24.60.030(a)(2) states, “A legislator or legislative employee may not use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, ... or for the private benefit of the legislator, legislative employee, or another person;”

May a legislator send out a newsletter focusing on a specific state entitlement to a small group of his/her constituents?

The target number of constituents would be approximately 1,000 households. The small number of newsletters would be reflective of the amount of funds available in the legislator’s office allowance account. The target group could be an area with low engagement with government, low technology use or areas not connected to what is currently happening locally or within the state. There are no ethical prohibitions in targeting a certain group of households as stated above. The only exception would be targeting a certain political party group in the legislator’s district. This type of mailing would most likely be considered in the area of campaigning or political fund raising. See AS 24.60.030(a)(5).

May a legislator sponsor a high school sports team by paying for a banner at a tournament and purchasing space in the high school yearbook?

The ad in the yearbook would be to congratulate the graduating seniors. The banner would say, "Go Team. Senator/Representative supports XXXXX high school." There are no ethical restrictions regarding the activities described.

May a legislator use his/her legislative email address for a personal business transaction which would require multiple emails before concluded?

Informed the legislator a legislative email address may not be used for personal business transactions. The legislator indicated the area of state where the legislator resides does not have very good email access.

May a legislator ask his/her legislative staff to help prepare APOC reports?

Yes, the ethics committee determined the filing of APOC reports is required due to the status of being a legislator and state resources may be used as the activity is not for the private benefit of the legislator.

Multiple questions were received concerning social media accounts; i.e., a personal social media account and a legislative social media account.

Many of the questions were answered in the Legislative Council Social Media Policy adopted September 30, 2022. Do not use a personal social media account to post about legislative matters. Do not include links to legislative email accounts or legislative or caucus websites on personal social media accounts. A legislator's title, Senator/Representative, is his/hers to use as long as the use does not imply proffering or denying state resources. In other words, the title of Senator/Representative is permitted on a personal social media account. Personal social media accounts are not under the jurisdiction of AS 24.60.

May a legislator block a person from sending emails to a legislative email address?

The legislator was receiving multiple, lengthy, non-related emails from the same person throughout the day. Receiving these emails is a burden on staff which takes away time they could be working on legislative related duties. An email address is a private method of communication. Social media is a public method of communication and accordingly Legislative Council has adopted social media guidelines. There appears to be no ethical restrictions which would prevent a legislator from blocking this person's email address as there are other avenues of communication available.

May a legislator use a photo of him/her in a legislative setting on a personal website?

The July 2012 newsletter, *The Advisor*, states photos of a legislator taken using public funds, equipment, or a state resource may be used for a nonlegislative purpose. However, a legislator is prohibited from using state resources to take a picture of a legislator solely for a nonlegislative purpose. AS 24.60.030(a)(2)(H) and AS 24.60.030(a)(2)(G).

May a legislator include in their bio on a work-related website information about his/her role as a legislator and some of his/her legislative work?

Reviewed some of the information and specific language the legislator wanted to use in the bio video. There were no ethical concerns with the content suggested. However, if the legislator wanted to include in a legislative newsletter information about the legislator's outside employment, the legislator would be in violation of AS 24.60.030(a)(2), the use of public funds, equipment, services, or another government asset or resource for a nonlegislative purpose and for the private benefit of the legislator.