

**ALASKA STATE LEGISLATURE  
SENATE RULES STANDING COMMITTEE**

December 12, 2017

12:37 p.m.

**MEMBERS PRESENT**

Senator Kevin Meyer, Chair  
Senator Pete Kelly  
Senator Peter Micciche  
Senator Berta Gardner

**MEMBERS ABSENT**

Senator Anna MacKinnon

**OTHER LEGISLATORS PRESENT**

Representative Charisse Millett  
Representative DeLena Johnson  
Senator David Wilson  
Representative Bryce Edgmon

**COMMITTEE CALENDAR**

INVESTIGATORY REPORT DATED NOVEMBER 30, 2017

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to consider

**WITNESS REGISTER**

SKIFF LOBAUGH, Manager  
Human Resources  
Legislative Affairs Agency  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Commented on the redacted confidential Memo entitled "Investigatory Report for Incident June 15, 2017."

**ACTION NARRATIVE**

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**CHAIR KEVIN MEYER** called the Senate Rules Standing Committee meeting to order at 12:37 p.m. Present at the call to order were Senators Kelly, Micciche, Gardner, and Chair Meyer. He said Senator Wilson was also present.

Also present were Megan Wallace from the Division of Legislative Legal Services; Amory Lelake, staff to Representative Edgmon; and Jody Simpson and Gary Zepp, staff to Senator Wilson.

**Investigatory Report for Incident on June 15, 2017**

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CHAIR MEYER announced that the hearing would be on the Confidential Memorandum [dated November 30, 2017] "Investigatory Report for Incident on June 15, 2017" discussing whether the Investigatory Report for Incident on June 15, 2017, should be released to the public.

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At ease from 12:40 to 12:51 p.m.

[12:51:01 PM](#)

CHAIR MEYER called the meeting back to order at 12:51 p.m. and said that Senator Micciche would review the general topics of the report for the committee included in the accompanying memorandum, and then he would open the committee for questions.

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SENATOR MICCICHE said a Legislative Legal memorandum dated December 7, 2017, discussed whether the Rules Committee is the appropriate venue to address this issue and what the options are for releasing the November 30, 2017 report to the public: in full or redacted form, or just release the conclusions.

He explained that Uniform Rule 22 allows a committee to meet in executive session and talk about confidential subjects, but because the committee decided to address the redacted version, it did not have to meet in executive session. The committee process was also chosen for transparency. However, should there be any subject that crossed the line of confidentiality, the committee could always go into executive session to address it. The goal today was to deal with this issue without going into executive session.

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SENATOR MICCICHE explained that the Alaska State Legislature Sexual and Other Workplace Harassment Policy [that the legislature is currently operating under] specifically states that the matter should be referred to the appropriate legislative body, which the memorandum opines is the Rules Committee.

SENATOR KELLY noted that some names in the report were not redacted, but they were part of the public records as being involved in the investigation.

SENATOR MICCICHE reviewed the Investigatory Report for the Incident of June 15, 2017 with redacted identifiers: investigation introduction, materials list, evidence from interviews with video, findings, and the conclusions and recommendations as addressed by the legislative legal team. They are not required to release this report, but in the interest of transparency the Rules Committee would release both documents.

CHAIR MEYER agreed 100 percent. He wanted the whole report to be released, because the general public would know the process the human resources manager went through to reach the conclusions.

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SENATOR GARDNER said the first sentence in the Human Resource document [dated November 30, 2017] said Mr. Lobaugh was informed during a meeting about the common knowledge of an alleged incident and asked if that was from an individual or group of people.

SKIFF LOBAUGH, Manager, Human Resources, Legislative Affairs Agency, Alaska State Legislature, Juneau, Alaska, replied that he heard it from a couple of individuals.

SENATOR GARDNER said aside from that, his report answered all the questions she would have asked, and that she supported releasing the entire report. She agrees with the conclusions and doesn't believe that Senator Wilson intended harassment, but she understands the staffer's position, also, being inhibited from doing the job she is supposed to do by a senator against whom she had very little authority.

SENATOR MICCICHE said that Speaker Edgmon made comments about potential retaliatory actions, and those are being evaluated by the committee, legal team, and Human Resources.

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SENATOR KELLY said the legislature's employees are highly valued, and inappropriate conduct is not tolerated. Leadership made the decision to go to the Rules Committee for reasons of transparency. He recommended that Doug Gardner, Lead Attorney, Legislative Legal, and Skiff Lobaugh, Manager, Human Resources, come up with policies and guidelines, because current policy does not cover this unusual circumstance. He looked forward to that process.

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SENATOR GARDNER said Speaker Edgmon has denied ever using the phrase "hang and burn," and she wondered if anyone knew where that first came into the conversation.

SENATOR MICCICHE said he didn't want to deal with hearsay in the meeting. He said it was important that the public know the names were redacted to protect potential victims, and that issue would be evaluated on a case-by-case process. So, this action is not setting a precedent.

SENATOR KELLY moved to release the Investigatory Report for Incident June 15, 2017, dated November 30, 2017, with redacted names and identifiers, along with the attached legal memo. There were no objections and it was so ordered.

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CHAIR MEYER adjourned the Senate Rules Committee meeting at 1:03 p.m.