

Minutes approved 9/29/2023

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

OCTOBER 13, 2022

9:00 AM

Full Committee Meeting

[9:03:43 AM](#)

1. CALL THE MEETING TO ORDER

Conner Thomas called to order the meeting of the Select Committee on Legislative Ethics at 9:03 a.m. He welcomed the guests and thanked the committee members for their appearance.

Conner Thomas directed Jerry Anderson to take roll.

Roll call

Senator David Wilson

Senator Elvi Gray-Jackson, alternate for Senator Begich

Skip Cook

Conner Thomas

Joyce Anderson

Lee Holmes

Representative Chris Tuck, alternate for Rep Sara Hannan, arrived after roll call.

Quorum present to conduct business.

Conner Thomas asked if there was anyone online. There was no response heard in the room. [Alternate Public Member Jerry McBeath announced by telephone that he was in attendance but due to audio difficulties, he could not be heard in the room.]

Conner Thomas recognized the other people in the room:

Jerry Anderson

Jacqui Yeagle

Noah Klein

Conner Thomas asked committee members and guests to identify themselves each time they spoke for the benefit of

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others. He added that he expected the meeting to last approximately 2½ hours.

[9:04:36 AM](#)

2. APPROVAL OF AGENDA

Conner Thomas directed attention to the agenda and entertained a motion for approval. Motion made by Skip Cook. Conner Thomas entertained objections. There were no objections. The agenda was approved.

3. APPROVAL OF MINUTES (+)

a. December 17, 2021 - Full Committee

Conner Thomas entertained a motion to approve the minutes of the December 17, 2021, Full Committee meeting. Lee Holmes so moved.

Conner Thomas entertained comments or revisions. There were no comments or revisions. The December 17, 2021, Full Committee minutes were approved.

b. December 17, 2021 - Senate Subcommittee

Conner Thomas entertained a motion to approve the minutes of the December 17, 2021, Senate Subcommittee meeting. Joyce Anderson so moved.

Conner Thomas entertained comments or revisions. There were no comments or revisions. The December 17, 2021, Senate Subcommittee minutes were approved.

c. March 24, 2022 - Senate Subcommittee

Conner Thomas entertained a motion to approve the minutes of the March 24, 2022, Senate Subcommittee meeting. Lee Holmes so moved.

Conner Thomas entertained comments or revisions. There were no comments or revisions. The March 24, 2022, Senate Subcommittee minutes were approved.

[Conner Thomas called an at-ease, during which it was learned that both Public Member Jerry McBeath and Representative DeLena Johnson were listening to the proceedings by phone.]

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d. June 28, 2022 - House Subcommittee

Conner Thomas entertained a motion to approve the minutes of the June 28, 2022, House Subcommittee meeting. Skip Cook so moved.

Conner Thomas directed the committee's attention to a sentence in a paragraph on page 3 beginning with "Mario Bird.. ." He recommended adding to the second sentence the word "the" to the phrase "at request by his client."

Joyce Anderson recommended changing the wording of a sentence on page 1, from "Conner Thomas asked if there were anyone else online" to "Conner Thomas asked if there was anyone else online."

Conner Thomas asked if there were other suggested edits or if there were any objections to the two recommended edits.

There was no further discussion. The June 28, 2022, House Subcommittee meeting minutes were approved.

4. PUBLIC COMMENT

Conner Thomas opened public comment. He stated that he did not hear or see anyone but acknowledged that given the technical difficulties, if there was anyone who wanted to give public comment at the time those difficulties were resolved, he would revisit public comment.

5. STATE BENEFIT AND LOAN PROGRAM REVIEW

Conner Thomas expressed his appreciation to the Department of Natural Resources staff in attendance. He explained that the Ethics Committee maintains a list of state benefit and loan programs that require disclosure of participation by legislators, legislative employees, and public members of the committee. Every year, the Ethics Office contacts each of the state departments to inquire whether changes to the list are needed. The Department of Natural Resources, Division of Mining, Land, and Water requested [in 2021] that 20 of their programs be removed from the list. The acting division director, Christy Colles and a few of the staff were in attendance at the meeting to review the proposed removals with the committee. He said the committee would go through the list one by one with the department to determine whether or not to remove the programs as requested or to keep them on the list.

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Conner Thomas asked Christy Colles if she had anything to say before starting the review.

Christy Colles responded that the division had done a deeper dive on the programs that had been requested to be removed last year. They determined that some of the programs should remain on the list. She asked the chair if he had a preference for how to go about presenting the programs.

Conner Thomas responded that the easiest way to address the deletion requests was to address them in the order in which they were located in the meeting packet.

Conner Thomas introduced the first program on the list: Additional Non-competitive Land Leases - Negotiated. He asked if that program should remain on the list or if it should be removed.

Christy Colles replied that it should remain on the list.

Conner Thomas moved to the next program on the list: Water Authorizations.

Christy Colles replied that Water Authorizations should be removed.

Conner Thomas asked why it qualified for removal.

Christy Colles asked Tom Barrett to speak to the details of the program.

Tom Barrett said that he is chief of water resources. He said this program deals with water rights. Alaska follows the "appropriation doctrine," which means if you are the first to ask for a quantity of water and you can demonstrate certain criteria, the department issues you a water right. Statute and regulations fairly well define the process. After consideration, it was determined that there is not room for much subjectivity in the process. If a person or entity applies for a permit to use a significant quantity of water, they engage with DNR to get a water use authorization, or permit. The program uses a checklist to determine whether the proposed water use meets the criteria. If you beneficially use a large quantity of water and you don't adversely affect someone else, you get your

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water. After a specified period, usually five years, you report the amount of water used and then the program issues you a permit to use that quantity of water for that use in perpetuity. The process is not subject to influence and that is why the division thinks it should be removed from the list.

There is a parallel program, Temporary Water Use Authorizations. Those authorizations are not considered an appropriation (where it is given in perpetuity), the authorizations are for temporary uses, such as industrial or construction use. Those do have some subjectivity in that the Water Section can revoke that authorization. Again though, it is a very regulatory and statutorily driven process, not subject to abuse where one party can force the section's hand to issue an authorization.

Tom Barrett said he was happy to answer questions.

Conner Thomas asked if any committee members had questions.

Joyce Anderson asked how many people request these types of permits.

Tom Barrett replied that the section issues about 300 temporary water use authorizations per year. The authorizations are for temporary use up to five years. They receive between 200-300 new permit applications a year for water rights.

Conner Thomas asked if there were other questions. He then added to Tom Barrett that what the committee has to decide is whether a program meets the requirements that the benefit program or loan is generally available to members of the public; it is subject to fixed, objective eligibility standards; and it requires minimal discretion in determining qualification.

Tom Barrett indicated that he understood.

Conner Thomas entertained a motion to remove Water Authorizations from the list of programs requiring disclosure.

Lee Holmes so moved.

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Conner Thomas entertained objections. Hearing none, he declared that Water Authorizations be removed from the list.

Conner Thomas introduced the next program on the list: Agricultural Land Lottery Sale Program.

Christy Colles responded that the Agricultural Land Lottery Sale Program should be removed from the list. She called on Rachel Longacre to explain how the program works.

Rachel Longacre said she is the section chief for the Land Sales Section. The Agricultural Land Lottery Program is conducted via a sealed bid process and statute does not allow the section to see the bidders until the bids are opened and a winner is deemed viable based on the statute. There is no discretion in the process.

Senator David Wilson asked Rachel Longacre to describe what happens in case of a tie bid, because the section would then know who the two potential winners would be.

Rachel Longacre responded that if two bidders bid the same amount of money on the same parcel and both had bid the minimum amount required, there is an internal blind process in which a winner is decided - essentially, a flip of a coin

Senator David Wilson thanked Rachel Longacre for answering the question.

Conner Thomas asked if there were other questions. No response.

Skip Cook moved to remove the program from the list.

Conner Thomas asked if there were objections. There were no objections and Conner Thomas stated that with unanimous consent, the Agricultural Lottery Program was to be removed from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Approving Easement Vacations in the Unorganized Borough and Certain Other Areas.

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Christy Colles said that they would like to keep that program on the list.

Conner Thomas moved to the next program on the list: Coal Prospecting Permit.

Christy Colles said that they would like to remove that program from the list. She called Steve Buckley to speak.

Steve Buckley introduced himself as the mining section chief at DNR.

Conner Thomas asked Steve Buckley to explain how the program works and how it meets the criteria for removal.

Steve Buckley responded that coal prospecting permits are covered under federal law. Eligibility is based on qualifying to hold a mineral right in Alaska: must be 18 years old or older, must be a citizen, or be an LLC or a trust licensed in the state. There is no discretion involved in choosing who can hold mineral rights in the state of Alaska.

Conner Thomas asked if there were questions about the program. There were no questions.

Lee Holmes moved to remove the program from the list.

Conner Thomas asked if there were objections. No objections. There was unanimous consent to remove the Coal Prospecting Permit from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Coal Surface Mining Reclamation Program.

Christy Colles said that Steve Buckley would respond again.

Steve Buckley said regulations require a Corps of Engineers permit for wetlands fill for reclamation related to mining. There is no discretion; it is a regulatory program.

Conner Thomas asked if there were questions.

Joyce Anderson asked for clarification that if someone applies for either of the last two programs and they meet the qualifications, they are granted [indecipherable].

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Steve Buckley indicated that was the case.

Conner Thomas entertained other questions. There were no other questions.

Lee Holmes moved to remove the program from the list.

Conner Thomas asked if there were objections. There were no objections. By unanimous consent, the committee removed the Coal Surface Mining Reclamation Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to a discussion of the removal of the Coal Surface Mining Reclamation Program.

Steve Buckley said the program is a regulatory requirement for a permit for a wetlands fill from the Corps of Engineers or for reclamation related to mining. No discretion is required.

Conner Thomas entertained questions.

Joyce Anderson asked for confirmation that when someone applies to either of the last two permits and they meet the qualifications, they are granted.

Steve Buckley indicated affirmatively.

Conner Thomas entertained further questions. There were no further questions.

Lee Holmes moved to remove the Coal Surface Mining Reclamation Program from the disclosure requirements.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Coal Surface Mining Reclamation Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program: Exchange of State Land.

Christy Colles said the department wanted to keep that program on the list.

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Conner Thomas moved to the next program: Exploration Incentive Credits.

Christy Colles said the department wanted that program removed and directed the committee's attention back to Steve Buckley.

Steve Buckley said that through the Exploration Incentive Credits, the state allows companies or individuals to develop a credit for the amount of exploration work that they have done on a project and then later write that off against the production of a mine. The only qualification is that you are qualified to hold mineral rights in the state of Alaska. There is no discretion involved.

Conner Thomas entertained questions.

Senator David Wilson asked if minimal thresholds are met, the credits are automatic.

Steve Buckley replied that you need to apply and identify the expenditures to make sure they are appropriate. You also need to have done the exploration work prior to mining so the credits need to be approved before you go into production.

Senator David Wilson asked if the program only applied to mining. Steve Buckley replied affirmatively.

Joyce Anderson asked Steve Buckley to explain what "credit" means.

Steve Buckley replied that the credits would be applied to the Department of Revenue against a future royalty or tax.

Lee Holmes asked which department determines the viability of the credit, the Department of Natural Resources or the Department of Revenue.

Steve Buckley replied that the determination of whether an activity is a valid activity is made primarily by the Division of Mining, Land, and Water. The division then forwards it to the Department of Revenue.

Joyce Anderson asked if anyone had ever appealed the decision of the division.

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Steve Buckley replied that the program is not used often as there are only five operating mines in the state, most of which started in the late 80s, early 90s. There have been no appeals to date.

Joyce Anderson inquired about the process if there was an appeal.

Steve Buckley replied that the decision would be appealable to the commission.

Senator David Wilson asked the average range of the monetary credits and if they would be transferable to a new or re-opened mine.

Steve Buckley said that is addressed in statute. It lays out the process to determine whether the credits can be used again in the event that a mine closes and then re-opens. He said he did not have an exact answer to the question about the credit amount but he believes it to be less than 50% of the production royalty.

Senator David Wilson asked if the credit amount is public information.

Steve Buckley replied the amount was public information.

Lee Holmes moved to remove the Exploration Incentive Credits Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Exploration Incentive Credits Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to review of the Homesite Entry Program.

Christy Colles said the division wanted to remove the program from the disclosure requirement and asked Rachel Longacre to answer questions.

Rachel Longacre said the Homesite Entry Program was still viable but it was not currently being used because there are programs that better meet the need. The program is run by blind lottery.

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Conner Thomas entertained questions.

Skip Cook moved to remove the program from the list.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Homesite Entry Program from the list of state benefit and loan programs requiring disclosure.

Christy Colles offered that the Homesite and Homestead Entry Programs are conducted the same from a programmatic standpoint, both are active in statute, neither are used currently because both are replaced by a more viable program.

Conner Thomas asked what is the difference between the two programs.

Christy Colles said the difference is the amount of property. The process after the lottery ticket is awarded is provided in statute so it does not have discretion in determining to whom the award goes.

Conner Thomas entertained questions about the Homestead Entry Program.

Lee Holmes moved to remove the Homestead Entry Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Homestead Entry Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Land Use Permit.

Christy Colles said the division wanted to keep that program on the list.

[The audio problems were resolved and both Jerry McBeath and Representative DeLena Johnson were heard in the room stating that they were listening to the proceedings.]

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Conner Thomas moved to the next program on the list, the Mineral Discovery Bonus Program.

Christy Colles re-called Steve Buckley.

Steve Buckley said the Mineral Discovery Bonus Program is a credit to encourage people to produce minerals. The only qualification is being allowed to hold mineral rights in Alaska. The program is still on the books, but it is not funded and it is not used.

Skip Cook moved to remove the Mineral Discovery Bonus Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Mineral Discovery Bonus Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas read the next program on the list: Material Sale - Negotiated.

Christy Colles said they wanted to keep that program on the list.

Conner Thomas moved to the Mining Reclamation Plan Approval Program.

Steve Buckley said the program requires miners to produce a reclamation plan annually. It is similar to an Army Corps of Engineers Clean Water Act. It is not discretionary; it is a requirement. It is based on being allowed to hold mineral rights in Alaska.

Conner Thomas entertained questions about the program.

Lee Holmes asked whether the approval was federal or state.

Steve Buckley replied that it was a state reclamation plan approval, not a permit.

Lee Holmes asked if there have ever been plans that were not approved and if so, were there appeals.

Steve Buckley replied that it was an iterative process with the mining community. The mining reclamation process is

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straight forward. For a period of years after mining, the site is monitored and if the land is useful, the bonds are released.

Lee Holmes asked if the approval has to do with the physical work or is it just the plan.

Steve Buckley replied that the reclamation plan outlines the physical work.

Lee Holmes said approval of the actual work would be discretionary.

Christy Colles explained that whether or not the plan is met is a different process.

Lee Holmes confirmed he understood that meeting the reclamation plan is separate from the reclamation plan approval.

Christy Colles confirmed Lee Holmes's understanding.

Lee Holmes moved for removal of the Mining Reclamation Plan Approval Program of the list of programs requiring disclosure.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Mining Reclamation Plan Approval Program from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the Offshore Prospecting Permit.

Steve Buckley said the permits are for offshore state lands available for mineral leasing. The only requirement is being able to hold mineral rights in the state of Alaska.

Conner Thomas entertained questions about the program.

Senator David Wilson asked if the permit would apply to {indecipherable}.

Christy Colles replied that it would not. That is a separate program.

Conner Thomas entertained further questions about the program.

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Lee Holmes moved to remove the Offshore Prospecting Permit from the list.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Offshore Prospecting Permit from the list of state benefit and loan programs requiring disclosure.

Conner Thomas moved to the next program on the list: Preference Right Land Sales, citing AS 38.05.

Christy Colles said the division would like to keep that program on the list.

The next program on the list was Right-of-Way or Easement.

Christy Colles said they would like to keep that program on the list.

Conner Thomas moved to the next program on the list, the Substantial Compliance Determination (re: Mining Locations).

Christy Colles directed the committee's attention back to Steve Buckley.

Steve Buckley said the Substantial Compliance [Determination] determines whether a miner has substantially complied with regulations. There is some discretion in the decision making about whether or not a miner did substantially comply or make an effort to comply with statutory requirements.

Conner Thomas asked for an explanation of the phrase "re: Mining Locations" means.

Steve Buckley responded that the word location refers to staking your claim, the location of your claim.

Conner Thomas asked what would be substantial compliance.

Steve Buckley responded that an example would be if a person makes a mistake when filing their paperwork.

Joyce Anderson asked if some fixed criteria are used in the process.

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Steve Buckley replied that was correct.

Conner Thomas entertained further comments or questions.

Lee Holmes moved to remove Substantial Compliance Determination from the list.

Conner Thomas entertained objections. There were no objections. By unanimous consent, the committee removed the Substantial Compliance Determination from the requirement of disclosure under the benefit and loan program.

Conner Thomas moved to Trapping Cabin Permits.

Christy Colles said they would like to keep that program on the list.

Conner Thomas moved to the last program on the list: Upland, Tideland, or Grazing Lease - Negotiated.

Christy Colles said they would like to keep that program on the list.

Conner Thomas thanked Christy Colles and her team for their time and assistance in helping the committee through the review process.

6. MOTION TO GO INTO EXECUTIVE SESSION into Executive Session

Conner Thomas entertained a motion to move to 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 David Wilson interjected with a recommendation to revisit item four on the agenda, Public Comment, in case there was anyone online who wished to comment now that they could be heard in the room.

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Conner Thomas thanked Senator David Wilson for the recommendation and asked if there was anyone from the public online who wished to speak to the committee.

Hearing no public comment, Skip Cook moved to go into executive session.

Conner Thomas entertained objections. There were no objections.

7. EXECUTIVE SESSION

[9:54:04 AM](#)

8. PUBLIC SESSION

Conner Thomas opened public session with a brief summary of Advisory Opinion AO 22-01, in which legislators and legislative employees may participate in a constitutional convention process. The advisory opinion sets out limits on actions in which a legislator or legislative employee may engage.

Conner Thomas entertained a motion to approve Advisory Opinion AO 22-01 with the revisions that were discussed in executive session.

Lee Holmes so moved.

Conner Thomas directed Jerry Anderson to conduct a roll call vote.

Roll call vote

Senator David Wilson
Senator Elvi Gray-Jackson
Representative Chris Tuck
Representative DeLena Johnson
Skip Cook
Conner Thomas
Joyce Anderson
Lee Holmes
Jerry McBeath

The vote was 9-0 in favor of adopting as amended Advisory Opinion AO 22-01.

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Conner Thomas thanked Noah Klein for his work on the advisory opinion. Conner Thomas asked if Noah Klein had an idea when the committee could expect to see a final version.

Noah Klein responded that he couldn't guarantee a date but anticipated it could be within a week.

[11:13:00 AM](#)

9. RULES OF PROCEDURE

Conner Thomas directed Jerry Anderson to introduce a discussion on the Section 19 of the committee Rules of Procedure.

Jerry Anderson explained this item is a carryover from an earlier revision of the Rules of Procedure. This section required additional work, which was conducted by Members Joyce Anderson, Conner Thomas, and Skip Cook.

Conner Thomas noted that the document referred to notes printed in red but he was unable to see those notes.

Lee Holmes offered to read the notes of recommendation from the electronic version.

- In section (b) (1) adding at the beginning the words, "Discovery from the committee pursuant to AS 24.60.170 (h) and (g)."
- In section (2) (A) adding to the end of the sentence the words, "Complaint process pursuant to AS 24.60.170 (h) and (g)."

Conner Thomas thanked Lee Holmes for his assistance.

Conner Thomas explained that the purpose of the change in Section (b) (1) is to delineate between the role of the committee in discovery requests that are directed to or come from a third party.

Conner Thomas went on to explain that the change in Section (2) (A) describes the process for discovery from the committee after the committee formally charges a subject. There were no significant changes.

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Conner Thomas added that another change [Section (b)(2)] is related to the authority of the committee in discovery at an earlier stage of the complaint process. Again, there were no significant changes.

Conner Thomas added that for clarity purposes, the language of section (3) was consolidated with some of the deleted language from the next page.

Conner Thomas stated he did not have any problems with the proposed changes and entertained questions from the committee. He asked Joyce Anderson if she had anything to add. She responded that she did not.

Hearing no discussion, Conner Thomas entertained a motion to approve the changes to the Rules of Procedure.

Senator David Wilson so moved.

Conner Thomas directed Jerry Anderson to conduct a roll call vote.

Roll call vote

Representative Chris Tuck
Representative DeLena Johnson
Conner Thomas
Joyce Anderson
Lee Holmes
Jerry McBeath
Senator David Wilson
Senator Elvi Gray-Jackson

Jerry Anderson noted that Skip Cook was temporarily unavailable.

The vote was 8-0 in favor of adopting the changes to Section 19 of the Rules of Procedure.

Conner Thomas asked Joyce Anderson to speak to her request to consider changes proposed for Section 17 of the Rules of Procedure.

Joyce Anderson said the topic of Section 17(2) is about public decisions and orders. She proposed adding to the end of that section: The subcommittee chair shall be notified of the decision prior to other notifications. Joyce Anderson added that she thinks it important that the

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committee chair is notified first in case the chair is called upon to speak to the decision. She entertained questions.

Hearing no questions, Joyce Anderson moved to add the additional sentence to the end of Section 17(b)(2).

Conner Thomas entertained further discussion. There was no further discussion. Conner Thomas directed Jerry Anderson to conduct a roll call vote.

Roll call vote

Conner Thomas
Joyce Anderson
Lee Holmes
Jerry McBeath
Senator David Wilson
Senator Elvi Gray-Jackson
Representative Chris Tuck
Representative DeLena Johnson

Jerry Anderson noted that Skip Cook was temporarily unavailable.

The vote was 8-0 in favor of adopting the change to Section 17 of the Rules of Procedure.

[11:25:12 AM](#)

10. CONTRACTS

a. Outside Counsel

Conner Thomas asked Jerry Anderson to speak about contracts needing approval.

Jerry Anderson said there were two contracts that required approval. The first, for outside legal counsel with Brent Cole, was originally for \$5,000, at an hourly rate of \$225/hour. He asked for formal ratification and approval of the contract, which had been previously approved by email by committee members as well as approval of an additional \$5,000 for the contract for increased workload.

Lee Holmes moved for approval of the Brent Cole contract, amended to \$10,000, to cover the additional time and expense incurred in addressing the lawsuit by Senator Reinbold.

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Conner Thomas entertained discussion of the motion. There was no discussion. Conner Thomas directed Jerry Anderson to conduct a roll call vote.

Roll Call vote

Joyce Anderson
Lee Holmes
Jerry McBeath
Senator David Wilson
Senator Elvi Gray-Jackson
Representative Chris Tuck
Representative DeLena Johnson
Conner Thomas

Jerry Anderson noted that Skip Cook was temporarily unavailable.

With a vote of 8-0, the contract with amended amount was approved.

b. Investigator

Conner Thomas stated the next contract was for the investigator and he asked Jerry Anderson to speak to that contract.

Jerry Anderson said the committee has a contract with Investigator Monique Rapuzzi for \$7,500 at an hourly rate of \$115/hour, which had been previously approved by email by committee members. He asked for formal ratification and approval of the contract, with an additional \$5,000, totaling \$12,500.

Conner Thomas entertained questions.

Senator David Wilson said the committee should put on record why the additional amount was needed.

Jerry Anderson said that there are two House complaints, in which the subjects had waived confidentiality. Investigation of the complaints was taking additional time due to lack of cooperation and the original amount approved would be exhausted before the investigation would be complete. The additional funds are intended for use in completing the scope of investigation.

Senator David Wilson said that he hopes they take seriously their oaths of office and get back to the committee in a timely manner.

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Lee Holmes asked for clarification that the representatives under discussion are Representative David Eastman and Representative Christopher Kurka.

Representative Chris Tuck noted that there were no inefficiencies on the part of the Ethics Committee or the investigator. It is the result of lack of cooperation with the investigator, which unfortunately means using more state resources including the potential need for subpoenas.

Senator David Wilson moved to approve the \$12,500 investigator contract.

Conner Thomas entertained additional discussion. Seeing none, he directed Jerry Anderson to conduct a roll call vote.

Roll Call vote

Lee Holmes
Jerry McBeath
Senator David Wilson
Senator Elvi Gray-Jackson
Representative Chris Tuck
Representative DeLena Johnson Y
Skip Cook
Conner Thomas
Joyce Anderson

The motion was approved 9-0.

[11:31:37 AM](#)

11. CHAIR/STAFF REPORT (+)

a. 2022 COGEL meeting

Conner Thomas asked Jerry Anderson to speak about the COGEL conference.

Jerry Anderson reported that there was interest from five members to attend the conference in Montreal. Jerry Anderson said that further discussion was intended about the number of people attending, given the budget, and the amount of money for additional expenditures that were just approved.

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Joyce Anderson said that although she originally stated that she was interested in attending the COGEL conference, she more recently had reconsidered and would not attend.

Jerry Anderson reported that the remaining four people interested were Public Members Deb Fancher, Skip Cook, Conner Thomas, and Administrator Jerry Anderson.

Skip Cook offered that if money were a problem, he would bow out of the conference.

Jerry Anderson offered further discussion about the conference at a later time. He said early registration offers savings of \$100 per person and that he was ready to start the registration process.

Senator Elvi Gray-Jackson asked what was the COGEL conference.

Jerry Anderson responded that it was an annual conference for COGEL members in Canada and the U.S. The conference focuses on government ethics matters

Senator Elvi Gray-Jackson said that she thinks it is important for members of the committee to attend continuing education and was pleased there were four potential attendees.

Jerry McBeath said he had not heard about the COGEL conference but would like to learn more because he might be interested in attending.

Conner Thomas directed Jerry Anderson to provide the information to Jerry McBeath.

Joyce Anderson offered that COGEL is an acronym for Council on Governmental Ethics Laws.

Conner Thomas entertained other comments about COGEL.

Jerry Anderson asked if he could speak to one additional piece of information.

Conner Thomas agreed that he could.

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Jerry Anderson brought to the committee's attention to the Legislative Council Social Media Policy in light of the social media policy decision the committee had made.

Joyce Anderson commented that one of the findings in the decision had been a recommendation that Legislative Council update its social media policy.

Representative Chris Tuck noted the policy is advisory; it is not enforceable. The social media policy is based on guidelines from national organizations such as the National Council on State Legislatures. The update was needed to insulate the legislature from the social media behavior of individual legislators.

a. 2023 Ethics training

Joyce Anderson noted there was another item listed on the agenda under the Chair/staff report. She asked if the Jerry Anderson was going to address that.

Conner Thomas apologized for missing that item.

Jerry Anderson reported that two staff from the National Council on State Legislatures will come to Alaska and do portions of the training related to Sexual Harassment and Other Forms of Discrimination and to Civility and Ethics. The trainers' schedules were very limited so Jerry Anderson suggested the committee look at two dates for their own training: December 15 for a new legislator training in Anchorage, and one training in Juneau during the first week of session in January, hopefully in conjunction with a committee meeting.

Senator David Wilson asked if the training in December would be available for streaming.

Jerry Anderson replied that the December training is an in-person training.

Senator Elvi Gray-Jackson confirmed she correctly heard the date of the December training.

Jerry Anderson replied that the training was intended for new legislators only.

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Senator Elvi Gray-Jackson asked about staff attendance at the training.

Jerry Anderson responded that staff training was in January.

Senator David Wilson confirmed that current legislators would get training in January.

Conner Thomas entertained other training discussion.

Lee Holmes asked if committee members would be able to stream the January training.

Jerry Anderson replied that the hope was that the committee training would be in conjunction with an in person committee meeting but that yes, streaming the training, while not optimal, would be an option.

Jerry Anderson added that the January date has not yet been approved by leadership.

Conner Thomas entertained other discussion or other business.

12. OTHER BUSINESS

There was no other business.

13. ADJOURN

Lee Holmes moved to adjourn the meeting.

There were no objections. Conner Thomas adjourned the meeting.

[11:41:30 AM](#)

ADJOURN: