

Alaska State Legislature

Select Committee on Legislative Ethics

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MINUTES from June 2, 2008 FULL COMMITTEE MEETING Anchorage LIO, Room 220

1. Call the Meeting to Order: The meeting was called to order at 9:03 a.m. by Co-Chair Dennis (Skip) Cook. Members present: Senator Gary Stevens, Representative Bob Roses, Representative Berta Gardner, H. Conner Thomas, Gary J. Turner and Ann Rabinowitz. Members absent: Senator Con Bunde, Herman G. Walker, Jr., chair Staff present: Joyce Anderson and Dan Wayne, LAA legal.

2. Approval of Agenda: Representative Roses made a motion to approve the agenda as amended. Item 6, Other Business, add: a.) Pay Increments Longevity Policy, and b.) Response to communications sent to Ethics Committee. Hearing no objection, agenda approved.

3. Approval of Minutes: Representative Roses made a motion to approve the Full Committee minutes from May 12, 2008. Hearing no objection, minutes approved. Representative Gardner made a motion to approve the House Subcommittee minutes from May 12, 2008. Hearing no objection, minutes approved. Member Rabinowitz made a motion to approve the Senate Subcommittee minutes from May 12, 2008. Hearing no objection, minutes approved. Representative Roses made a motion to approve the House Subcommittee minutes from May 28, 2008. Hearing no objection, minutes approved.

4. Public Comment: None.

5. ADVISORY OPINION 08-02: Requested by Representative Mary Nelson who is considering employment with a corporation that is a growth company focused on gold exploration and development. She would be employed as a company liaison with communities in the geographic area of a gold mine proposed by the corporation. Her duties would center on public relations and communications, job training, recruitment and community development. The duties would not require work on state legislation, consulting on legislative matters or obtaining state or federal permits for the corporation.

Dan Wayne, LAA Legal, gave a brief over view of the opinion. He pointed out the Legislative Ethics Act does not prohibit outside employment but may prohibit certain conduct or require disclosure of certain information in the course of performing job duties.

He suggested adding language to the last sentence of the Conclusion to read: If in the future you have a specific factual situation concerning your job duties that you feel may pose a conflict of interest, please request an informal opinion from committee staff or an advisory opinion from the committee.

Representative Gardner moved draft Advisory Opinion 08-02 for discussion purposes.

Member Turner stated there is a perception or an appearance that Representative Nelson is lobbying the public since a segment of her job is public relations. Representative Roses didn't see any of her job duties as a problem unless she was directly involved in permitting, taxes and lobbying the legislature. Senator Stevens said this request is similar to the issues discussed in the advisory opinion just issued by the committee, Advisory Opinion 08-01. We have a citizen legislature which is expected and permitted to earn outside income. Member Rabinowitz mentioned the job duties are spelled out in Representative Nelson's letter and there are no activities that create an appearance of impropriety. Representative Gardner asked for clarification from Representative Nelson if her job duties will involve mining initiative issues. Representative Nelson stated she will be hiring two other team members and will be working with charitable donations. She was hired more for her expertise in the Yukon-Kuskokwim region. Co-chair Cook sees her job as more community development versus community relations.

Representative Roses made a motion to approve the draft opinion as amended. Roll call vote taken: Senator Stevens, Representative Roses, Representative Gardner, Members Thomas, Rabinowitz and Cook – YES. Member Turner abstained from voting as there was not enough information available. Opinion approved as amended.

6. OTHER BUSINESS

a. Pay Increment Longevity Policy: Ms. Pam Varni, Executive Director LAA, sent the Committee a memo dated May 24, 2008, asking the Committee to consider approving the pay increment longevity policy adopted by the legislature in House Bill 417. Approval by the committee would ensure employees of the Committee become eligible for the longevity increment and have the ability to receive the longevity increase when it becomes due.

Representative Gardner made a motion to adopt the Pay Increments Policy for employees of the Select Committee on Legislative Ethics in accordance with AS 39.27.011(j), thereby making AS 39.27.011(h) and (i) apply to Select Committee on Legislative Ethics employees. Roll call vote taken: All members present voted YES.

b. Response to communications sent to the Ethics Committee: Co-chair Cook asked what was the policy on responding to communications (email or letter) received from the public concerning public documents issued by the committee, i.e., advisory opinions and public complaint decisions. Ms. Anderson stated all communications are responded to via email or letter with input from the chair if needed.

7. ADJOURN: Representative Roses made a motion to adjourn at 9:36 a.m. Hearing no objection, motion carried.