

SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature

THE ADVISOR
October 2003

Committee Members: Senator Ben Stevens, Senator Kim Elton, Representative Norman Rokeberg, Representative Mary Kapsner, Chair Dennis “Skip” Cook, H. Conner Thomas, Bonnie Mehner, Herman G. Walker Jr., and Marianne Stillner

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QUOTE OF THE MONTH: Effective leaders in both the private and public sectors tend to have four personality traits in common. First, an effective leader is a born optimist. Second, effective leaders are risk takers. Third, successful leaders are fiercely competitive people. Finally, leaders in both the public and private sectors are great persuaders. Of course, there are other important characteristics that contribute to successful leadership in any sector. It is the four traits of leaders mentioned above that seem to contribute to difficult ethical dilemmas. **Alice M. Rivlin, Greed, Ethics, and Public Policy, Public Integrity, Fall 2003**

DISCLOSURE REMINDER

Gift of Travel/Hospitality for Legislative Matters – AS 24.60.080(c)(4)

Please keep in mind disclosures for gifts of travel/hospitality for legislative purposes over \$250 aggregate in a calendar year from the same person/organization must be reported year round. Disclosures are due within 30 days of receipt of the gift and not when reimbursement is received. The committee strongly feels disclosures should be timely. It is prudent to submit an estimated dollar amount of the gift and be timely than to file a late disclosure. An amended disclosure may always be filed. Committee policy is to issue fines for late disclosures per AS 24.60.260(c). NOTE: You do not need to send the original disclosure if you are faxing a copy. Keep the original for your ethics file.

PROPOSED OPEN MEETING GUIDELINES

AS 24.60.037 Open meetings law. Legislators shall abide by open meetings principles. The committee shall develop guidelines for the application of principles of open meetings of governmental bodies to the legislature. The guidelines must permit closed caucuses and private, informal meetings or conversations between legislators in which political

strategy is discussed. In a proceeding under AS 24.60.170 in which a violation of this section is alleged, if the committee finds a person acted within the adopted guidelines, the committee shall dismiss the complaint as to that violation.

On August 28, 2003, the Select Committee on Legislative Ethics voted to submit Proposed Open Meetings Guidelines to the 2004 legislative session under statutory requirements set out in AS 24.60.037. The proposed guidelines are provided below:

**Open Meetings Guidelines for the Alaska State Legislature
as proposed by the
Select Committee on Legislative Ethics
August 28, 2003**

Sec. 1. General Rule. Meetings of a legislative body shall be open to the public.

Sec. 2. Meetings.

(a) For purposes of this guideline, a meeting occurs when a majority of the members of the legislative body is present and action is taken. A legislative body takes action when members of the body vote on or agree upon a course of action on a motion, bill, resolution, rule, or regulation.

(b) In this guideline, a legislative body

(1) includes

(A) the Senate;

(B) the House of Representatives;

(C) the Senate and the House of Representatives meeting in joint session;

(D) a committee of the legislature other than the Committee on Committees, including a standing committee, special committee, joint committee, conference or free conference committee, committee of the whole, or permanent interim committee;

(E) a delegation or caucus of legislators representing a geographic area or political subdivision;

(F) a legislative commission, task force, or other group; or

(G) a caucus of members of one or more of the bodies set out in (A) - (F) of this paragraph; but

(2) does not include a Committee on Committees.

Sec. 3. Executive sessions.

(a) A legislative body may call an executive session at which members of the public may be excluded.

(b) If permitted subjects are to be discussed at a meeting in executive session, the meeting must first be convened as a public meeting and the question of holding an executive session to discuss matters that are listed in (c) of this section shall be determined by a majority vote of the legislative body. The motion to convene in executive session must clearly and with specificity describe the subject of the

proposed executive session without defeating the purpose of addressing the subject in private. Subjects may not be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. Except as otherwise provided in this section, a legislative body may not make a decision in executive session.

- (c) An executive session may be held for discussion of a matter
- (1) the immediate knowledge of which would adversely affect the finances of a government unit;
 - (2) that tends to prejudice the reputation and character of a person;
 - (3) that is, by law, required to be confidential;
 - (4) involving consideration of government records that by law are not subject to public disclosure;
 - (5) that is confidential as a privileged communication between an attorney and client under rules adopted by the supreme court; a legislative body may, in executive session, decide on and give instructions to an attorney representing the legislative body or the state on issues arising out of or related to the representation.

Sec. 4. Closed meetings for political strategy. Legislators may meet in closed caucus or in a private, informal meeting to discuss political strategy but those meetings are exempt from the requirements adopted under sec. 5(b) of these Guidelines. This section does not permit a joint meeting of the House and Senate majority caucuses or of the House and Senate minority caucuses to be conducted in a closed session.

Sec. 5. Uniform Rules.

- (a) The legislature shall adopt Uniform Rules to implement this guideline.
- (b) The Uniform Rules of the Legislature shall provide for posting notices of meetings, recording proceedings, and making the recordings and votes available to the public. The Uniform Rules may set different notice requirements for meetings of
- (1) permanent interim committees of the legislature;
 - (2) standing, special, or joint committees held during
 - (A) a regular legislative session, including different notice requirements for meetings held in the first week of the session or after the date a conference committee has been chosen to consider the operating budget;
 - (B) a special legislative session; and
 - (C) the interim between legislative sessions.

Note: These are the same guidelines as proposed by the Committee on March 12, 2001.

**FALL IS HERE
AND LET'S HOPE WINTER IS SLOW IN COMING**

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