

Minutes approved on August 16, 2017

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

AUGUST 18, 2016

8:30 AM

8:36:24 AM

Committee Members Present:

Senator Gary Stevens
Senator Dennis Egan (Teleconference)
Representative Chris Tuck
Representative Liz Vazquez
Conner Thomas
Skip Cook
Gary Turner

Others Present:

Representative Geran Tarr (Teleconference)
Jerry Anderson, Administrator
Janice Stewart, Staff
Dan Wayne, LAA Legal (Teleconference)

1. CALL THE MEETING TO ORDER:

The meeting was called to order by Chair Conner Thomas at 8:36 a.m.

2. WELCOME NEW PUBLIC MEMBERS

Jerry Anderson noted that the Chief Justice makes public member appointments to the Committee. No appointments have been made as of today. The ethics office continues to be in contact with the Chief Justice's administrative assistant.

3. APPROVAL OF AGENDA:

A motion to approve the agenda was made by Senator Stevens. No objection. Agenda approved.

4. APPROVAL OF MINUTES:

a. January 25, 2016 Full Committee

Motion to approve by Senator Stevens. No objection. Minutes approved.

b. January 26, 2016 House Subcommittee

Motion to approve by Member Turner. No objections. Minutes approved.

5. **PUBLIC COMMENT:** No public comment.

6. **ELECTION OF NEW OFFICERS**

Chair Thomas noted that this item was in response to a procedural issue that needed to be corrected. The election of officers held at the January meeting was confused by the resignation of several committee members in late 2015. The correct procedure consists of electing officers for the house and senate subcommittees first. In even years, the chair for the house subcommittee also serves as the full committee chair. The proposed officers are as follows:

House Subcommittee Chair: Conner Thomas
House Vice-Chair: Dennis "Skip" Cook
Senate Subcommittee Chair: Dennis "Skip" Cook
Senate Vice-Chair: Gary Turner
Full Committee Chair: Conner Thomas (for 2016)

Member Turner asked what would happen in January of 2017.

Administrator Jerry Anderson confirmed that a new election of officers would take place. At that time the Senate subcommittee chair would become the new full committee chair.

Chair Thomas asked for comments. Hearing none he asked for any objections to adopting the proposed plan as described above. Seeing no objections the officers were successfully elected.

7. **CHAIR/STAFF REPORT**

a. Informal Advice Staff Report

Administrator Jerry Anderson explained that the Informal advice report consisted of 14 pages dated January - March of 2016.

Senator Stevens commented on the following question and ensuing response on page 4: ***Q: You have asked as a legislative employee whether you are able to attend a political event during your personal time but in the greater time period when you have previously accepted a gift of travel and/or hospitality from a person under AS 24.60.080(c)(4). R: There is no restriction under the Legislative Ethics Act AS 24.60 concerning this political***

activity. This is different from travel using state funds when political activity is restricted.

Senator Stevens noted a conflict between the legislative and executive branches. When executive branch employees are off duty they are allowed to attend political activities, but legislators are precluded from doing so. It seemed unfair, particularly for those that live outside of urban areas. If legislators travel on state business they may not attend fundraiser to held in the evening. If legislators have completed their state business they should be allowed to attend such events.

Jerry Anderson asked if Senator Stevens wished this issue to be brought as a future item for discussion, as a potential change in statute. Senator Stevens confirmed that was his intent.

Member Gary Turner noted that this issue has come up a number of times. He suggested that the legislature take it up since it is in statute and the committee cannot make changes to the statute.

There were no more questions or comments regarding the informal advice report.

a. Update of public members: Addressed in Item 2.

b. Ethics training

To date, ninety-six employees have completed 2016 ethics training. The Ethics office continues to utilize the online training video produced by Joyce Anderson, although there are plans for updating it in the future.

c. 2017 Ethics training

All legislators and legislative staff are required to receive ethics training in 2017. Ethics office staff are working to update current information and make the training more engaging and interactive. Some segments will be shortened for those who have had the training in previous years.

Chair Conner Thomas commended the staff for attempting to make the training more interesting and interactive.

d. Disclosures

i. Representative Tarr Letter

Representative Tarr addressed the committee by teleconference and thanked them for allowing her to speak. She stated her intent to file disclosures in a timely matter. However, she was confused by the language regarding the filing deadline. The confusion occurred due to combining several trips. One of the organizations paid for her return trip, so it did not occur to her that the beginning date of trip was the date from which the 60-day filing deadline commenced. She requested that the late disclosures be noted on the record as inadvertent and suggested it might be helpful for the committee to add language on how to file when combining trips.

Chair Thomas confirmed that her comments were on the record. He then asked if there were any questions from the committee for Representative Tarr. There were no questions from the committee members. Chair Thomas then asked Administrator Jerry Anderson whether clarifying language was a possibility.

Jerry Anderson responded that the handbook language clearly states that the 60-day filing deadline commences on the beginning date in which the travel occurs. He then noted that two of the late disclosures received from Representative Tarr had been recorded as only one late disclosure since the trips had been combined. The ethics office had sent two late disclosure letters to her, one for an earlier trip and the additional letter regarding the combined trips.

(Representative Vazquez joined the meeting at 9:11 a.m.)

Chair Thomas said he understood her request to be that the disclosure instructions be made clearer as to the start date when there are two or more trips combined.

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Representative Tarr again noted that since one organization was paying for the return travel, and in order to be honest about the gift, she wanted to reflect when it was being paid and didn't want to make it look like the trip was for a personal benefit. Representative Tarr noted she preferred to be overly-cautious when reporting.

Chair Thomas stated that Jerry Anderson would look at her comments and make a determination about clarifying the language.

Senator Stevens noted that no real harm was done. It was not easy being a citizen legislator, completing all the required reports in a timely fashion.

Representative Vazquez commented that this was a de Minimis violation and agreed with Senator Stevens that it is difficult to keep on top of all the deadlines.

Representative Tarr requested that someone follow up with her on the issue at hand.

Jerry Anderson asked for clarification from Representative Tarr. Was she asking the committee to waive the fines?

Representative Tarr clarified that yes, she was requesting that the fines be waived.

Chair Thomas state that he didn't understand that was her goal, and the letter she wrote to the committee did not clarify that point.

Representative Tarr noted that this issue was very important to her and that she wanted to do things in a timely fashion.

Senator Stevens made a motion to waive the two fines.

Chair Thomas asked for objections and noted that a vote to waive fees was not on the agenda.

Representative Tuck commented that Representative Tarr's intention was to file on time, but there was confusion regarding when to file.

A roll call vote was taken.

Senator Gary Stevens:	Y
Senator Dennis Egan:	Y
Representative Chris Tuck	Y
Representative Liz Vazquez	Y
Member Gary Turner	N
Member Skip Cook	N
Member Conner Thomas	N

The motion to waive the fines passed 4 to 3.

ii. Current Disclosure Status

Jerry Anderson pointed out that there have been fewer travel/hospitality and close economic association (CEA) disclosures, most likely due to this being a campaign year, and clarifying the \$250 requirement for filing a CEA. Membership on a board of an Organization (BOD) disclosures continue to increase based on clarification of the definition of a board.

Ethics office staff are sending disclosures to the Chief Clerk and Senate Secretary on a monthly basis. Publishing dates are chosen by their offices.

j. Fine payments

Outstanding fine payments continue to be received on a regular basis.

k. Campaign Year Oversight Activities

The ethics office staff have issued five newsletters with campaign information about the use of websites, fundraising, timelines and deadlines, and legislative communications. Several Action Alerts have also been sent out to clarify information and provide deadline reminders.

l. Ethics Website

Ethics office staff are making an effort to streamline and update materials, including the addition of a link

for filing disclosures on the intranet homepage. Any suggestions that would make it simpler and more efficient for legislators and staff are appreciated. Staff are also developing new disclosure reports and easier access to what has been filed.

Senator Stevens noted his appreciation for efforts to make the disclosure process easier and more streamlined.

8. BUDGET UPDATE

a. FY16 Year-End Report

Expenditures were below budget and the Ethics office returned \$40,000.

b. FY17 Budget

\$248,900. Do not foresee any problems that would cause the office to go over budget.

Member Turner commented that he was glad to see only a 3.5% cut in the budget for FY17.

9. 2015/2016 LEGISLATION UPDATE

SB24 was signed into legislation. It will make disclosure and ethics training requirements less arduous for legislative contractors. An amendment unrelated to the Ethics Act was added to the legislation along with a severability clause applicable to that section.

Other ethics-related bills submitted to the 29th Legislature did not pass.

10. Motion to go into EXECUTIVE SESSION to discuss matters which by law must remain confidential.

So moved by Member Cook. No objection. Steps were taken to enter EXECUTIVE SESSION at 9:33 a.m.

11. PUBLIC SESSION

The committee returned to public session at 10:28 a.m.

(Representative Kito joined the meeting at 10:28 a.m.)

Chair Thomas announced that the committee completed discussion on AO 15-01 Statewide Database and Statewide Communications.

A motion to approve the advisory opinion was made by Member Turner and a roll call vote was taken. The draft

advisory opinion AO 15-01 was approved by a unanimous vote.

Chair Thomas asked for a motion to return to executive session. An "at ease" was called by Chair Thomas.

Upon returning, Chair Thomas stated it was possible to continue without an executive session and invited Member Turner to speak.

Member Turner commented that in light of the vote on AO 15-01, the committee would not have to go back into executive session. He referred to an additional advisory opinion under discussion by the committee that could be sent to Dan Wayne at LAA Legal for redrafting, and moved to refer it to him for that redraft.

Chair Thomas asked for objections to proceeding. Hearing none, he stated that the committee would not move back into executive session.

11. OTHER BUSINESS

Jerry Anderson announced the time and location for the 2016 COGEL conference. Information was distributed to the committee members.

Jerry Anderson proposed that the confidential post office box used by the committee that is currently physically located on Ingra Street be moved to the Spenard post office located on Northern Lights Blvd. near Minnesota Ave. With the anticipated LIO location change the Spenard post office would be closer and access would be more convenient.

Representative Tuck asked how much mail was received and if it was generally understood that confidential materials could be sent to that PO Box. A note on the website would help inform the public. Did the committee receive unsolicited materials at the PO Box?

Anderson replied that although there is not a large volume of materials received at that location, it was important for confidential materials, since the LIO boxes are not secured. The ethics office does receive unsolicited material from time to time.

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Senator Stevens asked for clarification on the confidentiality of complaints. When are legislators notified that a complaint has been filed and does it remain confidential?

Jerry Anderson replied that the ethics office has a Heads-Up policy that goes into effect if someone informally communicates a perceived violation of the Ethics Act. The legislator will be notified, but the person filing a complaint or asking questions about a legislator's behavior remains confidential. A formal complaint may or may not be filed. The process remains confidential unless a confidentiality waiver is signed.

Dan Wayne of LAA Legal referred the committee to AS 24.60.165 information voluntarily given, or informal advice given in good faith.

12. ADJOURN

Representative Tuck moved to adjourn. No objection.
Meeting was adjourned at 10:53 a.m.

[10:52:58 AM](#)