

Alaska State Legislature

Select Committee on Legislative Ethics

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MINUTES from December 4, 2006 FULL COMMITTEE MEETING Anchorage LIO, 2nd Floor Library

1. Call the Meeting to Order: The meeting was called to order at 9:03 a.m. by Chair H. Conner Thomas (teleconference). Members present: Senator Hollis French (9:05 a.m.), Herman Walker Jr. (9:10 a.m.), and Ann Rabinowitz. Gary J. Turner, Rep Bruce Weyhrauch, Skip Cook and Senator Seekins (teleconference). Member absent: Rep Les Gara. Staff present: Joyce Anderson and Daniel Wayne, LAA Legal (teleconference). Representative Gruenberg, the requester of the opinion, was also on teleconference.

2. Approval of Agenda: Senator French made a motion to approve the agenda. Hearing no objection, the agenda was approved.

3. Approval of Minutes: Senator French made a motion to approve the minutes from October 20, 2006. Hearing no objection, the minutes were approved.

4. Public Comment: No public comment when this item was addressed. Theresa Obermeyer spoke to the committee after the discussion of Item 5.

5. Advisory Opinion 06-03 Must disclosures under AS 24.60.105, AS 24.60.080(d) and AS 25.60l.210, which have a reporting requirement of March 15, 2007, be filed by all legislators who held office in 2006 or only those legislators who are in office on March 15, 2007?

Representative Weyhrauch moved to adopt draft opinion 06-03. Dan Wayne, LAA Legal, gave an overview of the draft opinion. He stated any matter or interest that arises during the time a legislator is in office is reportable and nothing in the ethics code exempts former legislators from filing requirements even if the reporting date is after the legislator leaves office.

Representative Weyhrauch pointed out it was important for legislators to report all matters that occurred during the time a legislator was in office. Member Cook clarified the March 15 disclosure date does not mean legislators report matters up to that date but only matters that occurred during the time the legislator was in office. For legislators leaving office in 2007 that date would be January 16, 2007.

Senator Seekins asked what specific reports are required. Staff stated the following reports would be due: participation in a state benefit and loan program, representation before a state agency, interest in a state contract/lease, close economic association, gift not related to legislative status and a financial disclosure statement which is required only by legislators. These reports would cover the period April 10 (which is 30 days prior to the end of the 2006 regular session) through December 31, 2006.

Senator Seekins asked if the opinion would be applied retrospectively or prospectively. Mr. Wayne replied the opinion is written to be applied prospectively. Senator Seekins also asked how long the practice has been that legislators do not file reports after they leave office. Staff responded the records in the office indicate since the code was implemented in 1993. Representative Weyhrauch and Senator French both agreed the opinion should be applied prospectively.

Representative Weyhrauch asked for clarification if two financial disclosure reports were required after a legislator leaves office. One report would be due on or before March 15, 2007 for 2006 matters and then again on or before March 15, 2008 for matters from January 1 through January 16, 2007. Mr. Wayne suggested the opinion include language stating an addendum is allowed for the period January 1, 2007 through January 16, 2007 stating there are no changes to the information for the year 2006. The financial disclosure report would have to be filed after January 16, 2007 and not prior to that date to allow for the reporting period to be completed but both must be filed at the same time. Brooke Miles, APOC director, agreed with the option. Representative Gruenberg suggested legislation be drafted that would make it clear the last financial report by outgoing legislators would cover the period of the last full year in office and include up to the last day in office. For example: entire year 2006 and up to and including January 16, 2007.

Representative Weyhrauch also pointed out the opinion also covers the reporting of all ethics disclosures which have a variety of reporting dates. For ethics disclosures, all reports cover the entire interim which would include the time period up to January 16, 2007. He suggested a footnote be made that the filer is not precluded from filing these reports prior to the reporting date. Chair Thomas stated this fact could also be included in the 'statement of facts' at the beginning of the opinion. Member Cook suggested legislation be drafted to make uniform all the ethics disclosure dates.

Chair Thomas asked the committee if they were comfortable adopting the opinion today with Mr. Wayne drafting additional language as discussed and approving the changes via email/phone. Committee members agreed. Roll call vote taken: All members present approved the opinion.

6. Adjourn – Senator French made a motion to adjourn at 9:40 a.m.