

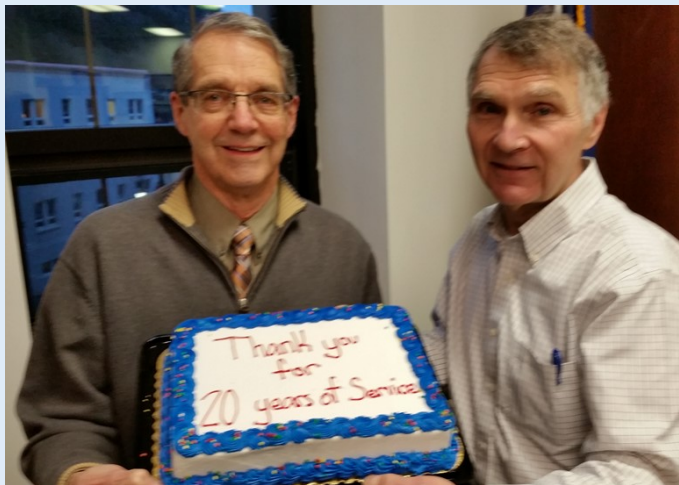
THE ADVISOR



SELECT COMMITTEE ON LEGISLATIVE ETHICS

FEBRUARY 2019

**Public
Members
Recognized
for Over 20
Years
Of Service**



The Ethics Committee celebrated the service of Public Members Skip Cook and Conner Thomas at the January 31, 2019 committee meeting. These members have each served over 20 years on the committee. Thank you, Skip and Conner, for contributing to the committee your time, talents, and historical knowledge.

Committee Members

Joyce Anderson, Chair
H Conner Thomas
Skip Cook
Deb Fancher
Lee Holmes
Sen John Coghill
Sen Tom Begich
Rep TBD
Rep TBD

Staff

Jerry D. Anderson, Administrator
269-0150

Jacqui Yeagle, Admin Assistant
269-8179

Public Member Conner Thomas Selected for a New Term

Conner Thomas was selected for a new term as a public member of the Select Committee on Legislative Ethics by Chief Justice Joel Bolger.

This appointment is subject to ratification by both legislative bodies under AS 24.60.130(b)(3).

Contact the Ethics Office at 907-269-0150 for more information.

In This Issue

- ♦ **Advisory Opinion 19-01**
- ♦ Annual Ethics Disclosures
- ♦ Contact the Ethics Office
- ♦ 2019 *Mandatory Ethics Training*
- ♦ *Ethics Committee Public Member Vacancies*

Ethics annual disclosure deadline is February 14!

Advisory Opinion 19-01

Approved January 31, 2019

The Select Committee on Legislative Ethics adopted Advisory Opinion 19-01 at the January 31 committee meeting. Following is excerpts from the advisory opinion. Please consult the full text for detailed answers.

Full text of the Advisory Opinion at <http://www.legis.state.ak.us/search/ethics/>.

Questions Presented

1. Should a legislator (with a conflict) declare a conflict on the record when the bill is brought up for discussion in the committee hearing?

Although AS 24.60.030(g) requires a legislator with a conflict of interest to declare the conflict "before voting on a question before a committee of the legislature," it does not require the legislator to declare the conflict at any other time during a committee hearing. "Nevertheless, [the committee] recommends that the legislator declare the conflict of interest – even for the limited purpose of discussing the matter. Depending on the facts, in some instances a failure to declare the conflict when discussing the matter may create an appearance of ethical impropriety"

2. During a public committee meeting, can a legislator (with a conflict) participate in discussion, debate the bill, advocate for the bill, and testify on the bill?

Yes.

3. Can a legislator (with a conflict) discuss or advocate for the bill during private meetings with other committee members?

Generally, the answer is no. If the meeting is open to the public in accordance with AS 24.60.037, the exception in AS 24.60.030(e) (3) applies, and the legislator may discuss and advocate for the bill.

4. Can a legislator (with a conflict) discuss or advocate for the bill during private meetings with other legislators (that are not on the committee), including legislators in the other body?

No.

5. Can a legislator (with a conflict) discuss or advocate for the bill during private meetings with constituents, or, generally, other citizens?

Although the answer to this question may depend on the applicable facts in each instance, generally the answer is no.

6. Can a legislator (with a conflict), during the public committee meeting:

- a. Offer amendments to the bill? No.
- b. Vote on amendments offered by others? Yes.
- c. Vote on the motion to move the bill from committee? Yes.
- d. Sign the committee report with a recommendation ("do pass," "do not pass," "amend")? Yes.
- e. Sign the committee report "no recommendation"? Yes.

7. According to Uniform Rule 24, committee reports are necessary to move a bill from committee and must be signed by a majority of the members of the committee. When a member has a conflict, would the member have to abstain from signing the report or sign the report "no recommendation" in order to comply with the law?

No.

Continued on page 3

Contact the Select Committee on Legislative Ethics

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Advisory Opinion 19-01

Continued from page 2

8. Would a legislator with a "large-enough" immediate family, who received more than \$10,000 in the aggregate from the Permanent Fund Dividend Corporation in October 2018, be prohibited from:

- a. **Taking official action on a bill related to the Permanent Fund Dividend (PFD) or supplemental dividend payment?** No.
- b. **Discussing or advocating for a PFD bill during private meetings with other committee members?** No. For purposes of AS 24.60.030, "substantially benefit or harm" means "the effect on the person's financial interest is greater than the effect on the financial interest of the general public of the state. "
- c. **Discussing or advocating for a PFD bill during private meetings with other legislators, including members of the other body?** No.
- d. **Discussing or advocating for a PFD bill during private meetings with constituents, or, generally, other citizens?** No.
- e. **Discussing or advocating for the management or asset allocation of the Permanent Fund investments?** No.

9. If a bill authorizes a supplemental payment of a Permanent Fund Dividend in an amount that is a large percentage of the income of an immediate family member of a legislator, would that constitute a "substantial benefit" to that family member?

- a. **If yes, would a legislator be prohibited from taking official action on that bill?** No. Regardless of whether a member of the legislator's immediate family, or the entire family, receive permanent fund dividends with a cumulative value greater than \$10,000, the answer to each of the forgoing questions, (8)(a) - (e), is no.
- b. **What qualifies as a "substantial benefit?"** For purposes of AS 24.60.030, "substantially benefit or harm" means "the effect on the person's financial interest is greater than the effect on the financial interest of the general public of the state. "

All legislators, legislative employees, and public members of the Ethics Committee are required to file annual disclosures for all associations within 30 days after the first day of session (February 14, 2019).

Terminating your employment? You must submit any outstanding disclosures no later than 90 days following your last day of employment.



File your disclosure online. It's easy!

Go to <http://intranet.akleg.gov/> and click on "File an Ethics Disclosure."

1. Enter your credentials (your computer log-in).
2. Click on the type of disclosure you want to file.
3. Complete the form using drop down menus when available.
 - Remember to provide complete information about the donor and a description of the topics discussed, forums attended, or other pertinent information.
4. Check your completed disclosure for accuracy.
5. Submit. So easy!



2019 Mandatory Ethics Training

Are you in compliance?

All legislators and legislative employees and staff are required to attend both Ethics Training and Sexual and Other Workplace Harassment Policy Training. If you have not attended a training, contact the Ethics Office at 907-269-0150 now to make training arrangements.

A final in-person training for returning/continuing employees and staff is scheduled for Thursday, February 7, at 9:00 a.m. in the Denali Room at the Anchorage LIO. If you are outside Anchorage and you wish to attend via streaming, make arrangements through your local legislative information office.

If you have questions, contact the Ethics Office at 907-269-0150 or 201-0125.

Ethics Committee Alternate Public Member Vacancy

The Select Committee on Legislative Ethics has an **alternate public member vacancy**. Public members are selected by the Chief Justice of the Alaska Supreme Court and ratified by two thirds of the full membership of the legislature. Public members serve a three-year term.

Apply to be a public member of the committee by sending a letter of interest along with a resume to Chief Justice Joel Bolger, Alaska Supreme Court, 303 K St., Anchorage, AK 99501 and include your political party affiliation as noted on your voter registration on file with the Alaska Division of Elections.

Learn more about the Select Committee on Legislative Ethics at <http://ethics.akleg.gov/>.



Thank you to all of the kind and generous staff in Juneau who supported the Ethics Office during the January training sessions. We could not have managed without you!

Also, thank you to all the attendees who brought to the trainings interesting questions and perspectives.