

Approved October 30, 2017

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

AUGUST 16, 2017
8:30 AM

8:30:51 AM

Committee Members Present:

Senator John Coghill (Teleconference)
Senator Dennis Egan (Teleconference)
Representative David Eastman
Representative Chris Tuck
Dennis "Skip" Cook
Conner Thomas
Joyce Anderson
Deb Fancher
Lee Holmes

Others Present:

Dan Wayne LAA Legal (Teleconference)
Jerry Anderson, Administrator
Janice Stewart, Administrative Assistant

1. CALL THE MEETING TO ORDER:

The meeting was called to order by Chair Conner Thomas at 8:35am. Nine members were present, therefore the committee had a quorum to conduct business. Chair Thomas asked that members identify themselves when speaking for the benefit those listening.

2. WELCOME NEW LEGISLATORS:

Chair Thomas welcomed new legislator Representative David Eastman to the committee.

3. WELCOME NEW PUBLIC MEMBERS:

Chair Thomas welcomed new public members Joyce Anderson, Deb Fancher and Lee Holmes to the committee.

4. APPROVAL OF AGENDA

A motion to approve the agenda was made by Member Lee Holmes. No objection. Minutes approved.

5. APPROVAL OF MINUTES:

a. August 18, 2016 Full Committee Minutes

Motion to approve by Skip Cook. No Objection. Minutes approved.

b. August 18, 2016 House Subcommittee Minutes

Motion to approve by Skip Cook. No objection. Minutes approved.

c. August 18, 2016 Senate Subcommittee Minutes

Motion to approve by Skip Cook. No objection. Minutes approved.

6. PUBLIC COMMENT: No public comment.

7. ELECTION OF COMMITTEE CHAIRS FOR 2017-2018:

Chair Thomas noted that normally this item would be dealt with at the beginning of the year but due to public member vacancies elections had been delayed. Committee chairs and vice-chairs must be public members. Historically, members have determined who was willing to serve in the various roles as committee chairs. The public members had discussed the possibilities, and Thomas proposed the following slate:

House Chair:	Skip Cook
House Vice-Chair:	Joyce Anderson
Senate Chair:	Conner Thomas
Senate Vice-Chair:	Lee Holmes

A motion to approve the full slate was made by Lee Holmes. There was no objection. The motion carried.

Chair Thomas noted that the Senate Chair also chairs the full committee in odd years, and the House Chair will chair the full committee in even years. Conner Thomas will remain chair of the full committee for 2017, and Skip Cook will chair the full committee in 2018.

8. CHAIR AND STAFF REPORT:

a. Comments from Administrator

No comments.

b. Informal Advice Staff Report

Jerry Anderson, Administrator, gave a brief explanation of informal advice given at the end of 2016, noting that advice is confidential and no names or identifying

information is contained in the staff report. It is a record of informal advice given over a period of time. The committee is provided the information and opportunity to comment, ask questions, and correct errors. He asked for comments.

Member Joyce Anderson had a comment on page 15, the question referencing walking a district or going door-to-door: "A staffer who volunteers on non-government time to walk in the district and distribute the same newsletter is also not restricted from this activity." She wished to clarify that legislative staffers are allowed to do so on government time if there is a legislative related purpose. They may volunteer, but a staffer is allowed to perform this activity on government time since it is related to legislative purpose and not for campaign purposes.

Jerry Anderson thanked Joyce for her comments. He clarified that legislative staffers cannot go door to door for campaign purposes while on government time, or mix campaign and legislative business, but they are allowed to distribute newsletters if campaigning is not a part of the activity.

Representative Eastman asked about question 2 on page one regarding primary elections. Independents don't have a primary election and were not referenced in the answer. Were they not referenced because it would not apply to those candidates even though they were running for election that year?

Administrator Jerry Anderson replied that that would be a different question than what was asked and might require more extensive analysis. The question of when is a person a candidate and are they in that campaign period is different where it is an independent because they are not on the ballot.

Joyce Anderson commented that it was determined by the committee at an earlier date that even though you are not a candidate in the primary, you are still a candidate, so all rules apply.

Conner Thomas noted that for new members understanding, the informal advice is generated by people calling and asking Jerry Anderson questions. The main purpose that

this committee serves is to provide advice to people. The committee wants them to ask questions before the problems arise. They are encouraged to call, and the Administrator provides an answer which is documented.

Informal advice given by staff is set up by AS 24.60.158. There is specific statutory authority as well as in the Rules of Procedures about what informal advice may or may not be given. For example, the Administrator cannot give informal advice on the action of another. Specific rules have been developed through the committee in regard to the informal advice.

Chair Thomas asked if any word had been received regarding an alternate public member. Jerry Anderson replied that notice of a vacancy had been sent to the Chief Justice, but no appointment had been made at this time.

c. Ethics Training

Jerry Anderson explained that ethics training is mandatory in odd years for all legislative employees. In 2016, 203 legislative employees were trained. To date, (2017) 560 legislative employees have been trained, 26 of them online. Thirteen sessions were held in January and early February.

The committee's Rules of Procedure allow staff to provide additional trainings. The ethics office has been approached by the House and Senate Rules chairs to provide training in October focusing on campaigning and elections since odd-year training does not provide an in-depth look at campaign rules and restrictions on legislators and their staff. The Administrator is also planning to offer regular ethics training in January for new employees, as well as training about campaigning and elections for legislators and legislative employees who might be interested. Jerry Anderson asked if there were comments regarding specific, campaign related training both in October and January.

Skip Cook commented that it was great idea and very timely.

Representative Eastman wondered if it would be the same campaign/elections training offered in October. Any specific dates?

Jerry Anderson replied that it would be the same training in October and January and would focus solely on campaign and election issues such as use of state office computers and timeframe for sending out newsletters. Specific dates are yet to be determined.

Joyce Anderson agreed it was a great idea. She asked if the training might include campaign chairs since they are working closely with the legislators and often call the ethics office for rules and advice.

Jerry Anderson expressed a concern that providing training for campaign chairs goes outside scope of the Legislative Ethics Act. However, they are a relevant group.

Skip Cook asked if the training would be provided Statewide.

Jerry Anderson replied that the intention is to provide it telephonically as well as face-to-face, so remote employees can participate. Joyce Anderson asked if it would be available to anyone who wanted to participate, or limited to legislative employees. Jerry Anderson replied that it would most likely be restricted to legislative employees, but if campaign chairs wanted to call in they could be listed as approved callers. The call-in list would be controlled similar to that of an executive session. The ethics office is authorized to provide training as needed.

d. Ethics Disclosures

Jerry Anderson summarized the 2016 disclosure numbers provided in the packet. There was a total of 456 disclosures. He also reviewed historical comparisons for 2013 - 2106. Variations in numbers often depend on whether it is an election or non-election year. Numbers were also provided for the annual disclosures ending in mid-February, and all disclosures through June 30, 2017.

A complete listing of all disclosures for 2017 is posted on the ethics website. A new format has been developed whereby submissions for each type of disclosure are listed alphabetically by last name. Staff continue to work towards the development of a searchable report whereby a particular name queried would generate a list

of all disclosures for that name from all appropriate categories, instead of having to search by type of disclosure.

Conner Thomas noted that there were fewer Travel/Hospitality disclosures in 2016. Jerry Anderson replied that the decline was most likely in response to the fiscal situation and it being an election year.

Joyce Anderson had a question regarding Close Economic Association (CEA) disclosures for those leaving office. Both parties must file an annual disclosure if it is a new association or ongoing until the beginning of session. She noted that two outgoing legislators had not disclosed and wondered if they had been contacted. Jerry Anderson replied that they had been contacted.

e. COGEL Conference Report

Jerry Anderson explained that COGEL stands for the Conference of Government Ethics Laws.

Conner Thomas commented that the COGEL conference was held in New Orleans in December of 2016. It was a very informative and well-organized conference. Jerry Anderson directed committee members' attention to the materials provided in their packets which included the blue book which provided information on nationwide ethics issues and how individual states are handling those issues. The newsletter provided a compilation of state activities and comparison nationwide issues in addition to other COGEL activities.

Information for the 2017 conference, to be held in Toronto, Canada, was provided to committee members. Chair Thomas urged new members to attend.

f. Statutory Publications

Members were provided with copies of the 2016 publications containing advisory opinions and complaint decisions.

A discussion ensued regarding how many copies should be printed. It was agreed that each legislative office and the library should receive hard copies rather than continuing with a large-scale distribution. The information is also available online, and most users appear to access the online version.

Chair Thomas asked about Standards of Conduct Handbooks. Jerry Anderson responded that a revision in the statute required a new version. Distribution was delayed due to problems with the Lexis/Nexis official publication of the Alaska Statutes. Distribution did not occur during ethics training but immediately thereafter. Each Legislative office received a hardcopy, as well as the library. Additional copies were left at the personnel office to be handed out to new employees and others who wished to have a hard copy. Jerry Anderson asked if the ethics office should continue this limited distribution or return to a full distribution. The full handbook is also online.

The general consensus was that limited distribution was sufficient and saved money.

g. Legislative Update

Copies of bills currently pending that relate to the Legislative Ethics Act were included in the committee packets. The administrator had no comments regarding the legislation. The information was included so members were aware of pending legislation.

Joyce Anderson asked what changes were made to the statute in 2016. Jerry Anderson replied that SB 24 changed the Ethics training requirements for legislative contractors and consultants. They no longer receive ethics training. Other restrictions and requirements remain the same.

Joyce Anderson pointed out for new members that the committee has a role in recommending new legislation. It can be a complicated process, but is sometimes necessary.

h. Contract Renewals

Jerry Anderson requested approval for two independent contracts: one for outside counsel Brent Cole and one for independent investigator Monique Rapuzzi. Typically, an outside counsel is used to work on issues that cannot be done from within the ethics committee or LAA Legal due to conflicts. The previous contract for Attorney Brent Cole was in the amount of \$10,000.00, and Independent Investigator Monique Rapuzzi was in the amount of \$5,000.00.

Chair Thomas commented that Mr. Cole had been outside counsel for a number of years and had been an asset to the committee. The total amount of the contract was rarely used. He also stated that Investigator Monique Rapuzzi was very thorough and provided clear, well-written reports to the committee. Thomas was in favor of renewing contracts with both Cole and Rapuzzi. The contracts, if approved, would allow Cole and Rapuzzi to represent the Full Committee, House Subcommittee, and Senate Subcommittee.

Jerry Anderson added that he had contacted both parties and they had expressed an interest in continuing to work with the committee.

Representative Eastman asked how often their services had been used in the past two years. Jerry Anderson responded that in FY17 there had been no need for their services, but there were budget expenditures in FY16.

Chair Thomas asked for a motion to approve the contract for Brent Cole.

Member Skip Cook moved to approve the contract. A roll call vote was taken.

Senator Coghill	yes
Senator Egan	yes
Rep. Eastman	yes
Rep. Chris Tuck	yes
Skip Cook	yes
Conner Thomas	yes
Joyce Anderson	yes
Deb Fancher	yes
Lee Holmes	yes

The vote was unanimous. The contract for outside counsel Brent Cole will be renewed for \$10,000.00.

Chair Thomas asked for a motion to approve the contract for independent investigator Monique Rapuzzi in the amount of \$5,000.

Rep. Eastman moved to approve the contract. A roll call vote was taken.

Skip Cook	yes
Conner Thomas	yes
Joyce Anderson	yes
Deb Fancher	yes
Lee Holmes	yes
Senator Coghill	yes
Senator Egan	yes
Rep. Eastman	yes
Rep. Tuck	yes

The vote was unanimous. The contract for Independent Investigator Monique Rapuzzi will be renewed for \$5,000.00.

i. Budget Report FY17

Administrator Jerry Anderson presented the FY17 budget report. \$44,000 was not spent due to less travel, and no outside contracts. Overall the committee has been fiscally responsible with their budget.

\$253,500 has been allocated for FY 2018, slightly above the \$251,000 for FY 2017. Jerry Anderson anticipates a slight rise in spending in FY 2018.

Representative Eastman asked how often the committee held meetings and why they are were so infrequent. Chair Thomas responded that the committee's practice has been to meet when business must be taken care of. Some meetings require face-to-face and scheduling must be worked out with the nine members. Historically the committee has met about 3 times per year. It is rare for the committee to meet only once in a year.

Chair Thomas asked what the personal services line-item included. Jerry Anderson answered that it included himself, Administrative Assistant Janice Stewart, and an independent contractor if necessary. It did not include contracts for outside counsel or an independent investigator. A normal meeting schedule would have used more travel money.

9. STATE BENEFIT AND LOAN PROGRAM

Jerry Anderson pointed out the sample letter sent to departments used to gather information regarding the State Benefit & Loan program. Appendix C in the handbook shows all of the programs that require a disclosure with the ethics office. Each department has a program and

letters are sent to each agency to determine any changes, additions, or deletions that year. In 2016 the Department of Military and Veteran's Affairs (DMVA) deleted their Alaska Aerospace Corporation's scholarship program. A vote is needed to remove the program from Appendix C.

Joyce Anderson requested an explanation as to why these programs are on the list. Jerry Anderson responded that these programs are listed and require disclosure in order to make public any influence staffers or legislators might have by participating in the process of receiving benefits from these programs. The programs listed have discretionary qualifications rather than fixed objective qualifications.

Representative Tuck asked if municipal right-away permits had to be disclosed. Did the rules apply to municipalities? Jerry Anderson replied that the program rules applied to state programs only.

Chair Thomas stated that normally when something is going to be removed it would be thoroughly discussed but since the DMVA scholarship program is no longer in existence, it does not require further analysis.

Representative Tuck moved that the scholarship program be removed. No objection. Motion carried.

10. MOTION TO GO INTO EXECUTIVE SESSION under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions.

Joyce Anderson suggested that the statute explaining why we must go into Executive Session - AS 24.60.160 - be listed on the Agenda.

11. EXECUTIVE SESSION: *Note: The Committee determined that Jerry Anderson and Janice Stewart were essential personnel for the executive session under Rules of Procedure Section 5(b)(1) and (2).*

12. PUBLIC SESSION

13. OTHER BUSINESS

Advisory Opinion 15-03, Sending Legislative Newsletters by Email When Geographic Location is Unknown, was discussed during executive session. A roll-call vote

whether to concur or not concur is required to be taken in public session. Administrator Jerry Anderson called the roll.

Deborah Fancher	Yes
Lee Holmes	Yes
Senator Coghill	Yes
Senator Egan	Yes
Rep. Eastman	Yes
Rep. Tuck	Yes
Skip Cook	Yes
Conner Thomas	Yes
Joyce Anderson	Yes

All members concur.

Advisory Opinion 17-01, Gift of Space for Legislative Office in Mall during the Interim, was discussed during executive session. A roll-call vote whether to concur to not concur is required to be taken in public session. Administrator Jerry Anderson called the roll:

Lee Holmes	Yes
Senator Coghill	Yes
Senator Egan	Yes
Rep. Eastman	No
Rep. Tuck	Yes
Skip Cook	Yes
Conner Thomas	Yes
Joyce Anderson	Yes
Deborah Fancher	Yes

A majority of members concurred with the amended advisory opinion.

It was discussed and agreed upon that the next committee meeting will take place in Anchorage on October 30, 2017, subject to a special session taking place. Items not taken up due to time constraints will be addressed at the next meeting.

14. ADJOURN

A motion to adjourn the meeting was made by Lee Holmes. No objection. Meeting was adjourned at 12:39 p.m.

[12:39:47 PM](#)