

Alaska State Legislature

Select Committee on Legislative Ethics

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MINUTES from November 20, 2012 FULL COMMITTEE MEETING Anchorage LIO, Conference Room 220

DRAFT

1. **CALL THE MEETING TO ORDER:** Chair Herman Walker, Jr., called the meeting to order at 9:15 a.m. Members present: Senator John Coghill, Representative Chris Tuck, Representative Craig Johnson, H. Conner Thomas, Gary Turner, Antoinette "Toni" Mallott. Members present via teleconference: Dennis "Skip" Cook. Also present via teleconference: Dan Wayne, LAA Legal; Staff present: Joyce Anderson, Administrator. Members absent: Senator Gary Stevens
2. **APPROVAL OF AGENDA:** Motion made by Rep Johnson to approve the agenda as written. No objection. Motion passes.
3. **APPROVAL OF MINUTES:**
 - a. **June 14, 2012 Full Committee Meeting** - Member Cook motioned to approve the minutes. No objection. Motion passes.
 - b. **June 28, 2012 Full Committee Meeting** - Member Turner motioned to approve the minutes. No objection. Motion passes.
 - c. **August 8, 2012 Full Committee Meeting** - Rep Johnson motioned to approve the minutes. No objection. Motion passes.
4. **PUBLIC COMMENT:** None.
5. **CHAIR/STAFF REPORT:**
 - a. **Informal Advice Staff Report** - Ms. Anderson provided a recap of reports in today's packet, which consists of the month of October, 2012, informal advice, and log totals for the year of 2011 and 2012. Ms. Anderson stated that the increase in calls in 2012 is because 2012 is a campaign year.

Campaign years tend to generate more calls. There were 576 phone calls in 2011, which does not include routine questions, and 672 phone calls through October, 2012. The 18% increase is due to campaigning and redistricting. Ms. Anderson proceeded to point out the areas in the reports which reflect the increases in call volume. Ms. Anderson stated that the Management Activity Log program used to generate these reports has been very useful and helpful. It allows her to research previous advice on a subject when another call is received on the same subject.

Member Mallott commented on the inquiry on page 14, and asked who stopped in the Ethics Office asking Ms. Anderson to forward an eight page document to each legislator on the use of power toothbrushes. Ms. Anderson stated that this person felt that the role of the Ethics Office was to ensure legislators were following through on their responsibility for passing legislation on health issues. He offered to provide a demonstration on toothbrushes before the Ethics Committee; however, Ms. Anderson explained to him that it was not the committee's role.

Member Turner asked Ms. Anderson if the number of calls in 2012 was a historic high number. Ms. Anderson stated the call volume for 2012 was the highest volume of calls since she has been on board, which was in 2001, and reiterated that the reason she believed it was due to redistricting in a campaign year. Ms. Anderson stated that she also believed the increase may have resulted in more legislators asking questions in order to avoid performing an activity which may be considered unethical.

- b. Committee Member Appointments Update - Ms. Anderson referred members to the Vacancy Sheet in today's packet. She pointed out that Member Thomas has reconsidered his membership on the committee and submitted his name for consideration of another term. Ms. Anderson has notified Chief Justice Dana Fabe of this update. Ms. Anderson stated that the Chief Justice will also be appointing an alternate to the Ethics Committee.

Ms. Anderson stated that yesterday, the Senate Majority reported that Senator Cathy Giessel is slated to be appointed to the Ethics Committee, and Representative Charisse Millett by the House Majority, as well as Representative Kurt Olson, as an alternate. The House Minority announced Representative-elect Andy Josephson as the regular member and Geran Tarr as the alternate member. Ms. Anderson noted that Representative-elect Tarr has worked for the Legislature in the past as a staffer for Sen Ellis. Ms. Anderson has not received any updates from the Senate Minority Leader. Ms. Anderson contacted Speaker Chenault and Senate President Huggins to ask if the legislative members could be confirmed on the first day of session since an Ethics Committee meeting has been

scheduled for the second day of session; the Speaker and Senate President agreed.

Chief Justice Dana Fabe will not submit her public member appointments to the Speaker and Senate President until the second day of session. This process allows for the current members to continue to serving until a new member has been confirmed. Ms. Anderson explained the appointment and confirmation process.

Representative Tuck asked Ms. Anderson if the required two thirds vote was per body or combined. Ms. Anderson stated that it was two thirds vote per body.

- c. Council On Governmental Ethics Laws (COGEL) Conference - Ms. Anderson stated that as of today, she was the only one planning to attend the conference in Columbus, OH, December 2-5, 2012. She also stated that there are five people from APOC who are planning to attend—Jerry Anderson, the assistant director; Commissioner Kathleen King; John Ptacin, the assistant general attorney assigned to APOC; Thomas Lukin, a new associate attorney for APOC; and Joan Mize, program coordinator in Juneau. Ms. Anderson noted that it was at a COGEL conference where she learned of the management program used for the call log reports.
- d. 2013 Ethics Training Update – Ms. Anderson stated that eight training classes have been scheduled for legislators, new and returning, legislative staff, legislative departments, and members of the Ethics Committee. Ethics training is mandatory the first year of the two year session. Ethics Committee members are asked to attend the training for legislators which is scheduled on the day of and the day before the Ethics Committee meeting which is set for Wednesday, January 16, 2013. A makeup class at the end of January in Anchorage will be scheduled for those who will not be going to Juneau for Legislative Session or who were unable to attend previous sessions held in Juneau. It is possible another class will be held in Juneau if one is warranted.

Ms. Anderson stated that due to changes to the Act, the training video will be updated. LAA Media Services will be able produce the video in-house. The video will be produced at no cost to the committee. The video will be made after all of the training sessions are completed; possibly in February.

- e. Next Committee Meeting - Wednesday, January 16, 2013 – Chair Walker announced the next committee meeting date and noted that members are asked to attend the legislator's ethics training classes on January 15 & 16, and that they should arrive on the evening of Monday, January 14. Ms. Anderson stated that Linda Leigh will make hotel reservations for the public members. She also stated that public members may also contact

Ms. Leigh for air reservations. There will be a Full Committee meeting, a House Subcommittee meeting, and a Senate Subcommittee meeting on January 16, starting at 2pm.

6. BUDGET:

- a. FY13 Budget Update – Ms. Anderson referred members to the budget totals as of November 1, 2012. She indicated that at this time there are sufficient funds for the remainder of FY13.
- b. FY14 Suggested Budget – Ms. Anderson reported that she worked with Executive Director Pam Varni on the FY14 budget. An error was detected by Senator Coghill's staff and Ms. Anderson referred members to the handout showing a revised page. The original FY14 budget sheet for travel reflected \$18,000, but it should have been \$25,000.

Member Turner motioned to approve the Budget. A roll call vote was taken: YEAS: Sen Coghill, Rep Johnson, Rep Tuck, Skip Cook, Toni Mallott, Connor Thomas, Gary Turner, Chair Walker. Motion passes. Ms. Anderson stated she will notify Ms. Varni of the committee's approval. Ms. Varni will then notify Legislative Council.

7. MARSTON & COLE Legal Counsel Contract - FY13

Chair Walker asked the committee to approve the legal counsel contract with Mr. Brent Cole for FY13. He also stated that he was aware of the fact that Sen Stevens had expressed concerns about the contract; however, he is not present today to voice his concerns.

Member Thomas motioned to approve the FY13 legal counsel contract with Brent Cole for an amount not to exceed \$10,000. Roll call vote was taken: YEAS: Sen Coghill, Rep Johnson, Rep Tuck, Skip Cook, Toni Mallott, Connor Thomas, Gary Turner, Chair Walker. Motion passes.

Ms. Anderson announced that Mr. Cole's office has a new name. It is now named Brent R. Cole. Erin Marston was appointed to the Anchorage Superior Court and has left the firm. Ms. Anderson stated that an amendment noting the name change is being prepared. The amendment will require signatures.

8. OTHER BUSINESS: None.

9. ADJOURN: Representative Johnson motioned to adjourn the meeting at 9:42 a.m. Motion approved.