

Alaska State Legislature

Select Committee on Legislative Ethics

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Ethics Committee Meeting August 14, 2019 – 10:30 a.m. Anchorage LIO Denali Room

(Meeting will be teleconferenced
Anchorage Only: 563-9085
Juneau Only: 586-9085
Outside Anchorage or Juneau: 1-844-586-9085)

FULL COMMITTEE: Open Session (+) indicates background material in packet

1. CALL THE MEETING TO ORDER
2. APPROVAL OF AGENDA (+)
3. APPROVAL OF MINUTES (+)
 - a. March 28, 2019 Full Committee Meeting Minutes
 - b. March 28, 2019 House Subcommittee Meeting Minutes
4. PUBLIC COMMENT
5. ADVISORY OPINIONS (+)
6. APPROVAL OF AMENDED CONTRACT WITH OUTSIDE COUNSEL – FY 2019 (+)
7. REVIEW OF STATUTES AND RULES OF PROCEDURE (+)
8. CHAIR/STAFF REPORT (+)
9. 2019 LEGISLATION UPDATE (+)
10. OTHER BUSINESS
11. ADJOURN

**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
MARCH 28, 2019**

FULL COMMITTEE

10:32:34 AM

1. CALL THE MEETING TO ORDER

Joyce Anderson called the meeting to order, welcomed committee members and guests, and directed Jerry Anderson to conduct roll call.

Roll call

Senator John Coghill
Senator Tom Begich
Representative Sara Hannan
Representative DeLena Johnson
Skip Cook
Conner Thomas
Joyce Anderson
Deb Fancher
Lee Holmes

Quorum present.

Others

Alternate Member Senator Elvi Gray-Jackson
Alternate Member Senator David Wilson
Dan Wayne, Legislative Legal
Jacqui Yeagle, Administrative Assistant
Jerry Anderson, Administrator

2. WELCOME NEW HOUSE LEGISLATORS

Joyce Anderson welcomed new House members Representative DeLena Johnson and Representative Sara Hannan, alternate member for Representative Louise Stutes.

Senator John Coghill added that Representative Chris Tuck was also in the audience.

3. APPROVAL OF AGENDA

Senator Tom Begich moved to approve the agenda.

No objection.

The agenda was approved.

4. APPROVAL OF MINUTES

a. January 31, 2019 Full Committee Minutes

Skip Cook moved to approve the minutes.

10:37:03 AM

Dan Wayne offered two amendments:

- Page six: Replace the sentence, “Dan Wayne replied he did not think the rule would necessarily interpret it that way” with “Dan Wayne replied he did not think the rule would necessarily be interpreted that way.”
- Page eight: Replace the phrase, “If a legislator looks at a bill ...” with the phrase, “If a legislator looks at requesting a draft of a bill”

Joyce Anderson offered an amendment to page five: Replace the phrase, “advocate for a bill a during meeting...” with the phrase, “advocate for a bill during a meeting... .”

Joyce Anderson reviewed the amendments.

Joyce Anderson asked Skip Cook if he wanted to amend his motion. Skip Cook responded that as the maker of the motion, he had no objection to the amendments.

10:38:25 AM

Joyce Anderson asked if there were objections to approving the minutes as amended.

No objection.

5. PUBLIC COMMENT

No public comment.

6. ELECTION OF HOUSE COMMITTEE CHAIR AND VICE-CHAIR FOR 2019-2020

Joyce Anderson said that the chair and vice chair positions are limited to the public members of the committee.

Joyce Anderson explained that at the January 31, 2019 meeting, the committee elected a Senate Subcommittee chair and vice chair. Joyce Anderson was elected chair of the Senate Subcommittee, and by statute, chair of the Full Committee in 2019. Joyce Anderson added that Deb Fancher was elected Senate Subcommittee vice chair.

Joyce Anderson explained that at the January 31, 2019 meeting, the committee had not been able to elect a chair of the House Subcommittee.

Joyce Anderson opened nominations for chair of the House Subcommittee, adding that the person elected will serve as chair of the Full Committee next year. Skip Cook nominated Lee Holmes chair of the House Subcommittee and Conner Thomas vice chair of the House Subcommittee.

There were no other nominations.

Joyce Anderson directed Jerry Anderson to conduct a roll call vote.

Jerry Anderson conducted a roll call vote for Lee Holmes as chair of the House Subcommittee and Conner Thomas as vice chair of the House Subcommittee.

10:40:36 AM

Roll Call

Deb Fancher	Y
Lee Holmes	Y
Representative DeLena Johnson	Y
Representative Sara Hannan	Y
Skip Cook	Y
Conner Thomas	Y
Joyce Anderson	Y

By a vote of 7-0, Lee Holmes was elected chair of the House Subcommittee and Conner Thomas was elected vice chair of the House Subcommittee.

Joyce Anderson announced that Lee Holmes would chair the House Subcommittee at the House Subcommittee meeting scheduled for 1:00 p.m. that day. Joyce Anderson offered Lee Holmes her congratulations.

Joyce Anderson asked that the public members introduce themselves to the new legislators in attendance at the meeting.

Deb Fancher said that she is a retired educator, a chemistry teacher, who grew up in rural Alaska and has lived in Anchorage for the last 30 years.

Conner Thomas said that he has lived and worked as an attorney in Nome for the last 40 years. He has served on the Ethics Committee for 20 years.

Skip Cook said he was born and raised in Fairbanks. He practiced law for 43 years and is now retired. He has been on the Ethics Committee for 21 years.

Lee Holmes said he is a mechanical engineer based in Anchorage. He has lived in Alaska for 36 years, currently residing mostly in Fairbanks. He has been on the Ethics Committee for a couple of years. Lee Holmes added that the Ethics Committee has a vacancy for an alternate public member and commented that it would be great to have somebody from southeast Alaska on the committee.

Joyce Anderson was the former administrator of the Ethics Committee – from 2001 until 2015 – and therefore has substantial institutional knowledge. She has been on the committee for a couple of years; this is her first time as chair.

Joyce Anderson asked if any of the legislators wished to introduce themselves.

Representative Sara Hannan said that like Deb Fancher, she is a retired educator. She grew up in Anchorage and moved to Juneau where she spent 20 years in the classroom teaching social studies. She

said that she brings the mind of an educator to the legislature, where there is endless homework and opportunities to learn every day.

10:45:35 AM

7. ADVISORY OPINIONS

a. AO 19-02

Joyce Anderson introduced Advisory Opinion 19-02 and asked Dan Wayne to summarize the 18 answers contained within.

Dan Wayne summarized the questions addressed in the Advisory Opinion.

Senator Tom Begich left the meeting at 10:58 a.m.

11:06:10 AM

Skip Cook recommended changing the beginning of the sentence that answers question two on page eight from, “No. If the bill will ...” be amended to read, “No, not if the bill will ...” so that the answer begins with a full sentence.

11:07:10 AM

Joyce Anderson recommended for consistency that the answer to question three begin with the word “Yes.”

11:22:31 AM

Senator Tom Begich returned to the meeting.

11:31:13 AM

Senator John Coghill left the meeting.

11:44:24 AM

Skip Cook noted a singular/plural conflict in question 7b, “... which requires legislators who have a conflict of interest to declare it” and suggested changing it to “... which requires a legislator who has a conflict of interest to declare it.”

12:03:32 PM

Dan Wayne addressed question 17 and drew the committee’s attention to the example in the draft Advisory Opinion that refers to a commercial guide.

12:04:58 PM

There was discussion among the committee members and Dan Wayne about whether draft Advisory Opinion 19-02 conflicts with Advisory Opinion 19-01 or Advisory Opinion 18-05. Joyce Anderson directed Dan Wayne to review the advisory opinions and report his findings to the committee.

Extensive discussion about whether the legislator and commercial guide referenced in question 17 were the same person and whether or not the commercial guide was self-employed.

12:05:50 AM

Senator Tom Begich exited the meeting.

12:18:40 PM

Jerry Anderson informed the committee that Chad Hutchison, the person who drafted the questions, was in the audience and would likely be able to shed some light on the committee questions.

Joyce Anderson invited Chad Hutchison to speak to the committee about the questions in the Advisory Opinion request.

Senate Majority Counsel Chad Hutchison clarified that the legislator who brought forward the question was asking the specific questions because he himself is a self-employed commercial fisherman. The focus of the question was meant to be on the \$10,000 threshold rather than the occupation of a particular legislator.

Joyce Anderson stated that she had no issue with moving forward with the questions using “commercial guide” and asked Dan Wayne if he had an issue with it. Dan Wayne replied he did not if self-employment of the legislator was established.

Joyce Anderson recommended amending the question to say that the legislator is a self-employed guide. Dan Wayne agreed. Joyce Anderson recommended also adding to the beginning of the answer that the committee had received clarification during the committee meeting that the legislator is a self-employed commercial guide.

12:23:35PM

Dan Wayne referred to the committee’s attention to the earlier discussion about possible conflicts among draft Advisory Opinion 19-02, Advisory Opinion 19-01, and Advisory Opinion 18-05. Wayne stated that he did not think there was a conflict but if there is, the remedy would be to correct and re-issue those advisory opinions.

12:24:59 PM

Conner Thomas moved to adopt AO 19-02 as amended.

Joyce Anderson asked if there were further discussion. There was no further discussion.

Joyce Anderson directed Jerry Anderson to read the synopsis of Advisory Opinion 19-02 and to conduct a roll call vote.

Jerry Anderson read the synopsis:

Formal Advisory Opinion AO 19-02 advises whether specific actions including to take or withhold official action or exert official influence and declaring a conflict and voting are proper under AS 24.60.030(e) and (g) in specified situations and the definition of “substantial harm”

and whether a legislative committee or the office of a conflicted chair of a committee may sponsor legislation in a situation where the chair of the committee is conflicted and other specific details of situations where a conflict is present under AS 24.60.030(e).

Roll Call Vote [is] to concur or not concur with the draft opinion. A vote of yes will be a vote to concur with the draft opinion as amended in committee discussion. A vote of no will be to not concur with the draft opinion as amended in committee discussion.

Roll Call

Representative Sara Hannan	Y
Representative DeLena Johnson	Y
Skip Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y
Senator John Coghill	Absent from vote
Senator Tom Begich	Absent from vote

The Ethics Committee voted to concur with the Advisory Opinion 19-02 by a vote of 7-0.

Joyce Anderson reviewed the recommended amendments to Advisory Opinion 19-02.

b. AO 19-03

The Advisory Opinion was not available at the time of the meeting

12:28:24 PM

c. AO 19-04

Joyce Anderson said that confidentiality had been waived on Advisory Opinion 19-04 and directed Dan Wayne to begin addressing it. Dan Wayne acknowledged that a statement to that effect was not included in the draft and said that he would add it.

Dan Wayne read Advisory Opinion 19-04.

12:35:20 PM

Dan Wayne suggested adding a “(B)” after the third reference to AS 24.60.030(e)(3) in the first full paragraph on page five so that the sentence reads: “In this instance the legislator *does* have a conflict of interest under (e)(3)(B), and therefore organizing and promoting the meeting would be prohibited official action under (e)(3), and create a strong appearance of impropriety under AS 24.60.010.

Joyce Anderson agreed with Dan Wayne’s recommendation.

12:37:20

Skip Cook recommended changing the last sentence on page four to say: Although this might constitute a public meeting, the legislator's conduct leading up to the meeting would constitute the taking of official action prohibited by (e)(3).

Joyce Anderson reported that Lee Holmes had pointed out to her that the first line of page five says: the legislator would be taking official action to organize and promote a public discussion or debate. Changing page four would make it consistent with page five.

Joyce Anderson reviewed the recommended changes.

Dan Wayne added that he would also add a reference to waiving of confidentiality.

Joyce Anderson agreed there should be a reference at the beginning to waiving confidentiality.

Conner Thomas pointed out that in Advisory Opinion 19-02 the reference to waiving confidentiality was in a footnote.

Joyce Anderson agreed and said that adding a footnote would also be acceptable.

12:39:07

Representative Sara Hannan asked if all of the references to (e)(3) in the first full paragraph on page five would be changed to (e)(3)(B). After some discussion, it was decided to change only the third and fourth references.

Skip Cook recommended making it clearer to whom the “you” in the “Facts” on page one refers.

Dan Wayne suggested adding a phrase to the first sentence that identifies to whom the statement refers.

Joyce Anderson agreed.

Joyce Anderson recommended that the advisory opinion should say “Statement of Facts” to be consistent with Advisory Opinion 19-02.

Joyce Anderson again reviewed the recommended changes to the advisory opinion and entertained a motion to approve Advisory Opinion 19-04 as amended.

Deb Fancher moved to approve Advisory Opinion 19-04 as amended.

Joyce Anderson inquired whether there was further discussion. There was no further discussion.

Joyce Anderson directed Jerry Anderson to conduct a roll call vote.

Jerry Anderson read a synopsis of Advisory Opinion 19-04, then conducted a roll call vote.

Formal Advisory Opinion AO 19-04 advises whether specific actions including meeting in private in a legislator's office or in a conference room with a public notice is taking or withholding official action or exerting official influence under AS 24.60.030(e) when a legislator has a conflict of interest.

DRAFT

Roll Call Vote to concur or not concur with the draft opinion. A vote of yes will be a vote to concur with the draft opinion as amended in the committee discussion. A vote of no will be to not concur with the draft opinion as amended in committee discussion.

Roll Call

Lee Holmes	Y
Representative Sara Hannan	Y
Representative DeLena Johnson	Y
Skip Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Senator John Coghill	Absent from vote
Senator Tom Begich	Absent from vote

The Ethics Committee voted to concur with the draft Advisory Opinion AO 19-04 by a vote of 7-0.

12:45:00 PM

d. AO 19-05

Joyce Anderson instructed Dan Wayne to introduce draft Advisory Opinion 19-05.

Dan Wayne confirmed with Jerry Anderson that confidentiality had been waived. Upon confirmation, Dan Wayne began to read the draft advisory opinion.

12:51:30

Dan Wayne recommended citing Advisory Opinion 19-02 in the full paragraph on page four because it refers to the circumstances that constitute “official action.” Dan Wayne explained he had not included the citation in the draft because Advisory Opinion 19-02 had not yet been approved.

Joyce Anderson agreed to the suggestion and asked if Dan Wayne was referring to a footnote after the words, “would not apply.”

Dan Wayne responded to Joyce Anderson that was the correct paragraph and suggested putting the footnote after the words, “any kind of meeting.”

Joyce Anderson agreed.

Dan Wayne recommended adding the same footnote to the end of the sentence in the next paragraph that ends on page five and to include a reference to Advisory Opinion 19-02. He also recommended including a reference to Advisory Opinion 19-02 along with Advisory Opinion 18-05 and Advisory Opinion 19-01 in the first sentence of the “Sponsoring legislation” section.

Joyce Anderson agreed with both recommendations.

Dan Wayne recommended changing the last sentence of the third paragraph on page seven to say: If additional facts become known that indicate you or your spouse could substantially benefit from or be harmed by the passage or failure of HB 76 or a similar bill, a conflict of interest may arise.

Joyce Anderson asked for the committee's thoughts.

Lee Holmes said he thought it would be confusing to add conjecture to the response by referring to something that could happen in the future.

Joyce Anderson asked Lee Holmes if removing the last sentence entirely would meet his concern.

Lee Holmes responded that he thinks the entire paragraph could be deleted because the paragraph preceding it is the conclusion that answers the specific question.

Representative Sara Hannan agreed with Lee Holmes, noting that the proposal to add the words, "or failure," to the last sentence of the third paragraph on page seven was speculative and did not seem to answer the question asked in the advisory opinion request.

Conner Thomas pointed out that the statement of facts on the first page says, "The committee relies on facts that you have described in answering your questions" and said that language lays out the foundation of the answer.

Joyce Anderson said that based on discussion it sounds as if the committee wants to eliminate the entire last paragraph.

Skip Cook moved to approve the decision eliminating the last paragraph and other changes.

Joyce Anderson said there was a motion to approve Advisory Opinion 19-05 with recommended changes.

Joyce Anderson asked if there was further discussion.

Joyce Anderson directed Jerry Anderson to conduct a roll call vote.

Jerry Anderson read the summary of draft Advisory Opinion 19-05.

Formal Advisory Opinion AO 19-05 advises whether a legislator who is a residential appraiser and who has a spouse who is a mortgage originator may take or withhold official action or exert official influence under AS 24.60.030(e) and (g) on legislation replacing the state residential code specifically referencing HB 76.

Roll Call Vote to concur or not concur with the draft opinion. A vote of yes will be a vote to concur with the draft opinion. A vote of no will be to not concur with the draft opinion, both as amended in committee discussion.

Roll Call

Lee Holmes	Y
Representative Sara Hannan	Y
Representative DeLena Johnson	Y
Skip Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Senator John Coghill	Absent from vote

Senator Tom Begich

Absent from vote

1:08:50 PM

Joyce Anderson announced a short break.

1:20:50 PM

Joyce Anderson called the meeting back to order, directed the committee to item number eight on the agenda, and referred discussion of that item to Jerry Anderson.

8. CHAIR/STAFF REPORT

a. H 17-03 COMPLAINT UPDATE

Jerry Anderson summarized the complaint proceedings to date. Representative David Eastman contested Complaint Decision H 17-03 by filing an appeal with the Superior Court. The order dismissing the appeal was included in the packet. Jerry Anderson said that the Ethics Committee used outside counsel, Brent Cole, for purposes of the appeal. The Ethics Committee is seeking attorney fees and that motion is still pending.

Joyce Anderson explained that the reason this item is on the Full Committee agenda rather than the House Subcommittee agenda is that the Ethics Committee complaint process is confidential only until a decision is issued. After a decision, details related to the complaint become a public matter.

Jerry Anderson added that this complaint had gone through the complaint process, including a public hearing.

Representative Sarah Hannan asked clarifying questions regarding the routineness of the process of seeking attorney fees. Jerry Anderson confirmed Representative Hannan's understanding that the process for seeking attorney fees was routine.

Conner Thomas said that the time for an appeal had not yet expired. Jerry Anderson confirmed the accuracy of Conner Thomas's statement.

Conner Thomas said it was routine in litigation to ask for attorney fees.

Joyce Anderson stated that appealing an Ethics Committee decision is unusual, adding that during her tenure as administrator there had never been an appeal to the court system.

Representative Sarah Hannan asked how long the process of recovering attorney fees takes.

Conner Thomas said the court has up to six months to make a decision after all the documents are submitted. He added that it is usually much quicker than that.

Skip Cook asked whether Representative David Eastman was personally responsible for the attorney fees or if he would be able to use legislative funds. Cook added that the Ethics Committee can recommend penalties to the legislature but in this case, it is a court order, so it is a different situation.

Representative DeLena Johnson asked what the amount of attorney fees may be recovered.

Jerry Anderson answered the amount is expected to be less than one-third of the amount the Ethics Committee approved for the outside counsel.

Skip Cook commented that the Ethics Committee would not expect to see reimbursement for the public hearing and related costs.

Jerry Anderson said that Joyce Anderson had approved an increase from \$5,000 to \$8,000 for the outside counsel contract for a period beginning January 1, 2019. It is anticipated that would leave about \$2,000 to meet a need that may arise before the end of the fiscal year. The contract is being drafted now.

Joyce Anderson questioned if – even with chair approval – the increase in the contract needs to be brought up in a committee meeting.

Skip Cook said he thinks that is something that has been considered in the past by the committee. Joyce Anderson expressed her desire to do so.

Jerry Anderson pointed out that the contract was not on the agenda and the contract was not ready.

Joyce Anderson directed Jerry Anderson to add that item to the agenda under Other Business.

b. 2019 ETHICS TRAINING

Jerry Anderson said that all of the employees who needed to finish training – with the exception of new employees – have completed their training. New employees are required to view six hours and ten minutes of video training. Forty minutes of that training would not apply to non-legislative staff.

Joyce Anderson added that the Ethics Committee requires two types of training: ethics training and preventing sexual and other harassment training, which is why training requires over six hours.

1:32:57 PM

9. 2019 LEGISLATION UPDATE

Joyce Anderson directed the meeting to the legislation update.

Jerry Anderson said the Senate Judiciary Committee had passed the CS for SB 89, which Ethics Committee members had received in their packets. Jerry Anderson deferred to Senator John Coghill for more information.

Senator John Coghill said that SB 89 had been heard in the Rules Committee and in the Senate Judiciary Committee. He explained that the bill re-sets some of the provisions of HB 44 [from 2018]. The bill had been debated on the Senate floor where it passed by 15-4.

The bill will move to the House for consideration. Senator John Coghill said the bill had been noticed in the House Judiciary Committee, pending referral, and would probably be read across the House floor the next morning, where it would be considered right away.

Representative Sarah Hannan commented that prior to the governor's budget proposal, amending HB 44 was one of the top concerns so the House has an interest in expediting the bill.

Senator John Coghill said that he has been working on this issue steadily and that the ambiguities in the provisions make it difficult to understand and follow.

Joyce Anderson commented that the Ethics Committee does not pass legislation; the committee only enforces the legislation.

10. OTHER BUSINESS

a. CONTRACT FOR LEGAL SERVICES

Joyce Anderson deferred to Jerry Anderson about whether the committee should vote on the increase without having the contract.

Jerry Anderson said he thought it was fine to go ahead with a vote on the contract.

Joyce Anderson entertained a motion to increase the amount of the outside counsel contract.

Deb Fancher moved the question.

Joyce Anderson entertained discussion of the motion.

Representative DeLena Johnson asked if this action confirms the action of the chair.

Joyce Anderson answered yes and read the applicable section of the Rules of Procedure.

Skip Cook said there already exists a contract, the question is whether to increase the amount. He inquired if action could be taken if it was not noticed for the meeting; it was not in the agenda.

Joyce Anderson said it had been added to Other Business.

Representative DeLena Johnson voiced concern that it was not on the agenda and asked if counsel were available to answer the question.

Joyce Anderson answered that counsel does not attend the meetings.

Deb Fancher offered to withdraw the motion.

Joyce Anderson agreed.

Deb Fancher withdrew the motion.

Representative DeLena Johnson said she thought it was smart to follow procedure.

Joyce Anderson agreed.

Joyce Anderson said there is no date scheduled for a future meeting, leading to discussion about possible future meeting times.

Jerry Anderson said there is still one outstanding advisory opinion but that is the only other thing he knows of at this time to discuss in committee.

Joyce Anderson responded the advisory opinion issue addressed in the request is most pertinent during the legislative interim so she advised the advisory opinion could be held back. Jerry Anderson should check with Senator Begich, the requester of the opinion and member of the Ethics Committee, to determine if waiting to issue an answer to his request is OK with him.

Dan Wayne expressed appreciation for that sentiment.

Joyce Anderson said that by statute there is a timeframe under which the advisory opinion request is addressed.

Joyce Anderson said she does not anticipate another meeting until after session.

Joyce Anderson invited the new committee members to let Jerry Anderson know if they have agenda items for future meetings.

11. ADJOURN

Joyce Anderson adjourned the meeting.

1:53:00 PM

**ALASKA STATE LEGISLATURE
SELECT COMMITTEE ON LEGISLATIVE ETHICS
MARCH 28, 2019**

House Subcommittee Meeting

2:01:15 PM

1. CALL THE MEETING TO ORDER

Lee Holmes called the meeting to order and directed Jerry Anderson to conduct roll call.

Roll Call

Joyce Anderson
Deb Fancher
Lee Holmes
Conner Thomas
Dennis “Skip” Cook
Representative Sara Hannan (Alternate for Representative Louise Stutes)
Representative DeLena Johnson

Others present

Jacqui Yeagle, Administrative Assistant
Jerry Anderson, Administrator

2. APPROVAL OF THE AGENDA

Lee Holmes asked if there were changes or additions to the agenda.

No changes.

Joyce Anderson moved to approve the agenda.

Lee Holmes asked if there were objections to approving the agenda.

No objections.

The agenda was approved.

2:03:14 PM

3. PUBLIC COMMENT

No public comment.

4. Motion to go into EXECUTIVE SESSION to discuss matters which by law must remain confidential under AS 24.60.160, Uniform Rule 22(b) regarding executive sessions, and Rules of Procedure Section 5: Executive Sessions and discussion of matters, the immediate knowledge of would adversely affect the finances of a governmental unit, and discussion of subjects that tend to prejudice the reputation and character of a person.

Lee Holmes entertained a motion to go into executive session.

Deb Fancher made a motion to go into executive session.

No objections.

The committee moved into executive session.

2:03:25

5. EXECUTIVE SESSION

3:26:39 PM

Lee Holmes called the House Subcommittee meeting back to order.

6. PUBLIC SESSION

No public comment.

7. OTHER BUSINESS

No other business.

8. ADJOURN

Lee Holmes entertained a motion to adjourn the meeting of the House Subcommittee.

Skip Cook made a motion to adjourn.

Lee Holmes asked if there were objections to adjourning the meeting.

No objections.

Lee Holmes adjourned the House Subcommittee meeting.

3:27:17 PM

DRAFT ADVISORY OPINION 2019-03

Question Presented

Does the Legislative Ethics Act (the Act) permit a legislator to include, in the legislator's regularly scheduled legislative newsletter, information about a candidate forum?¹

You are a legislator and therefore covered by the Legislative Ethics Act (the Act). You have requested an advisory opinion concerning facts and circumstances that you have related.

Statement of Facts

In answering this question the committee relies on the facts you provided with your request. Those facts are as follows:

1. The forum is hosted by a non-partisan organization.
2. The legislator publishing the newsletter (A) is not a featured candidate at the candidate forum; (B) is not using the newsletter to advocate for a particular candidate, pack attendance² at the forum, or influence the outcome of the election in which the featured candidate is running; and (C) desires to include information about the forum in the newsletter in order to fulfill what the legislator perceives is an obligation to inform constituents of civics matters.

Discussion

The facts provided describe a legislator not using a newsletter to pack attendance at a forum. From this, we understand your question to be one relating to a future candidate forum. Therefore, it is likely that, at a minimum, the public would perceive the

¹ For purposes of this opinion, we understand "candidate forum" to mean an event at which one or more candidates for election to political office appear, make a presentation, and perhaps field questions, although not necessarily in a debate format.

² For purposes of this opinion, we understand "pack attendance" to mean an effort to encourage attendance at the event by certain persons — perhaps based on their real or perceived affiliations, beliefs, and behaviors — for a partisan political purpose and not merely to fill available seats.

information published in the legislative newsletter as informing constituents about an opportunity to attend a candidate forum. It is conceivable that the public could also perceive the forum or the presentation of information in the newsletter as partisan political activity, depending on how the information is presented and what additional information is provided.

AS 24.60.030(a) provides, in part, that a legislator or legislative employee may not

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to *partisan political activity*, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit

...

(J) *a legislator from sending any communication in the form of a newsletter to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate* or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee;

...

(Emphasis added). The Act does not define "partisan" or "non-partisan," or "partisan political activity," but we do not need to define those terms in order to answer the question posed. So long as the information published does not expressly advocate for the election or defeat of a candidate, and is not clearly only for the private benefit of a legislator or legislative employee, the exception in (a)(2)(J) would permit a legislator to include the information in a legislative newsletter to the legislator's constituents, even if

doing so amounts to partisan political activity, or the forum itself is a partisan political activity.³

However, other limitations in the Act may apply. Under AS 24.60.030(a)(5), a legislator or legislative employee may not use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning. Therefore, even if allowable under (a)(2)(J), publication of the information in the newsletter would be prohibited if the forum is a political fund raising or campaigning event. Also, legislators and legislative employees are barred, under AS 24.60.031, from soliciting contributions or promises or pledges to contribute to a political campaign during a 90 day period except in certain limited circumstances, on a day when a house of the legislature is in session.⁴ Finally, as we advised in AO 13-03 and AO 15-03, a legislator is permitted by AS 24.60.030(a)(2)(J), to use legislative assets and resources to send legislative newsletters, but only to constituents.

Conclusion

For the reasons stated above and our understanding of the facts provided, the committee finds that the Legislative Ethics Act (the Act) permits a legislator to include, in the legislator's regularly scheduled legislative newsletter to the legislator's constituents, information about a candidate forum, so long as

1. the information published (A) does not expressly advocate for the election or defeat of a candidate; and (B) is not clearly only for the private benefit of a legislator or legislative employee; and
2. the candidate forum or the information published about the forum in the newsletter do not constitute (A) political fund raising or campaigning barred by AS 24.60.030(a)(5); or

³ See paragraph 4 of our conclusion in AO 17-03.

⁴ See AO 07-06.

(B) a solicitation barred by AS 24.60.031.

Compliance with the Act is the individual responsibility of each person to whom it applies.⁵ In determining whether future conduct like that described in the facts provided violates the Act, the committee will consider the applicable facts in each instance. An appearance of ethical impropriety would be a factor the committee would consider.⁶

Adopted by the Select Committee on Legislative Ethics on **

Members present and concurring in this opinion were:

Members dissenting from this opinion were:

Members absent were:

LIST OF MEMBERS OF THE COMMITTEE

Joyce Anderson, Chair	yes	no	absent
Representative DeLena Johnson	yes	no	absent
Representative Sara Hannan	yes	no	absent
Senator John Coghill	yes	no	absent
Senator Tom Begich	yes	no	absent
Dennis "Skip" Cook, public member	yes	no	absent
H. Conner Thomas, public member	yes	no	absent
Lee Holmes, public member	yes	no	absent
Deborah Fancher, public member	yes	no	absent

⁵ AS 24.60.010(7).

⁶ AO 18-05.

DRAFT
Page 5

DCW.kwg
19-238.kwg

For Ethics Committee discussion August 14, 2019

Proposed language for advisory opinions AO19-01, -02, -04, and -05

Word of Caution:

SB 89 became law in 2019, which significantly changed conflict of interest statute AS 24.60.030. Based on these changes, the advice in this formal advisory opinion may no longer be applicable or appropriate. Caution is required in using this opinion for similar situations.

From: [Sante Lesh](#)
To: [Jerry Anderson](#); josie@woelbercole.com
Cc: [Jacqui Yeagle](#); [Joyce Anderson](#)
Subject: Woelber & Cole LLC Amendment #2
Date: Wednesday, July 10, 2019 10:24:28 AM
Attachments: [Woelber & Cole LLC Amendment #2 Executed.pdf](#)

Dear Jerry and Josie,

Please find attached the fully executed amendment #2. I will be paying the outstanding invoice by the end of this week.

Best regards,

Santé Lesh
Admin Operations Manager
Legislative Affairs Agency
465-4824

AMENDMENT NO. 2 OF PROFESSIONAL SERVICES CONTRACT BETWEEN
SELECT COMMITTEE ON LEGISLATIVE ETHICS

AND

WOELBER & COLE, LLC
821 N STREET, SUITE 208
ANCHORAGE, ALASKA 99501

TOTAL AMOUNT OF THIS AMENDMENT: \$2,000.00

TOTAL AMOUNT OF CONTRACT AS AMENDED: \$10,000.00
(including reimbursement for expenses)

The parties to this contract amendment, made and entered into the date the Legislative Affairs Agency Executive Director or her designee signs the contract amendment, are the Select Committee on Legislative Ethics, whose address is PO Box 90251, Anchorage, AK 99509-0251, hereinafter referred to as the "Committee," and Woelber & Cole, LLC, whose address is 821 N Street, Suite 208, Anchorage, AK 99501, hereinafter referred to as the "Attorney."

This document amends the January 21, 2019 legal services contract, as amended April 24, 2019, between the Committee and the Attorney.

IT IS THEREFORE MUTUALLY AGREED THAT:

1. PARAGRAPH (G) OF CLAUSE III – COMPENSATION AND METHOD OF PAYMENT IS AMENDED AS FOLLOWS:

- (G) Total payments under this contract, including reimbursement for expenses, may not exceed ten thousand and no/100 dollars (\$10,000.00).

2. CLAUSE XVI – AUTHORIZATION; CERTIFICATION

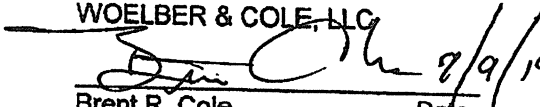
Execution of this contract amendment was authorized by the Chair of the Select Committee on Legislative Ethics on June 25, 2019.

Execution of this contract amendment by the Legislative Affairs Agency Executive Director or her designee hereby constitutes a certification that funds are available in an appropriation to pay for work performed under this contract through June 30, 2019.

IN WITNESS WHEREOF, the parties have executed this contract on the dates indicated below:

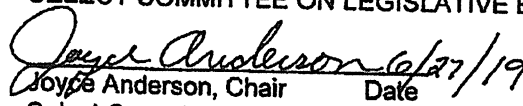
ATTORNEY:

WOELBER & COLE, LLC

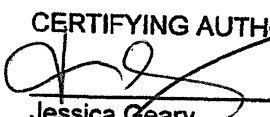

Brent R. Cole Date 7/9/19
Managing Member
Alaska Business License: 1063419

COMMITTEE:

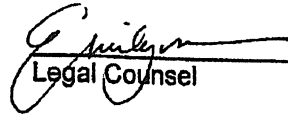
SELECT COMMITTEE ON LEGISLATIVE ETHICS


Joyce Anderson, Chair Date 6/27/19
Select Committee on Legislative Ethics
Procurement Officer

CERTIFYING AUTHORITY:


Jessica Geary Date 7.10.19
Executive Director
Legislative Affairs Agency

APPROVED AS TO FORM:


Legal Counsel Date 6/26/19

List of Committee Member Votes Approving Amended Contract

Name	Yes	No Response
Joyce Anderson	X	
Rep Louise Stutes	X	
Lee Holmes	X	
Conner Thomas	X	
Deb Fancher	X	
Rep DeLena Johnson	X	
Sen John Coghill	X	
Sen Tom Begich		X
Skip Cook		X

Sec. 24.60.150. Duties of the committee.

(a) The committee shall

(1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;

(2) publish annual summaries of decisions and advisory opinions with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential;

(3) publish legislative ethics materials, including an annually updated handbook on standards of ethical conduct and a bimonthly legislative newsletter, to help educate legislators, legislative employees, and public members of the committee on the subject of legislative ethics;

(4) within 10 days of the first day of each regular session of the legislature and at other times determined by the committee, administer two types of legislative ethics courses that teach means of compliance with this chapter and are designed to give an understanding of this chapter's purpose under [AS 24.60.010](#); one course, for returning legislators, legislative employees, or public members of the committee, must refresh knowledge and review compliance issues; a separate course shall be designed to give first-time legislators, legislative employees, or public members of the committee a fundamental understanding of this chapter and how to comply with it.

(b) The committee may

(1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;

(2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee.

Analysis of Committee Rules of Procedure by Joyce Anderson – November 2018

Review of the Committee's Rules of Procedure provide:

1. When the complaint process has progressed to a public hearing following a determination by the Committee of probable cause, a Waiver of Confidentiality has no bearing on the public hearing process. There are no provisions in Section 18 and Section 19 for this type of action as a public hearing is open to the public as well as documents produced at the hearing.
2. Committee members are not required to publicly vote on a complaint decision in the public hearing stage. There is no requirement in either Section 18 or Section 19 requiring this action.

An analysis of these conclusions is provided below along with suggestions for changes to the committee's Rules of Procedure for future clarification.

Section 14 COMPLAINTS (This section of our Rules of Procedure only addresses the complaint process prior to the Public Hearing stage.)

Subsection (d)(1) Waiver of Confidentiality by Subject of Complaint states:

"The subject of a complaint may waive confidentiality of proceedings at any point in the proceedings under AS 24.60170 or at the close of the proceedings. The subject may not waive the committee's duty of confidentiality."

Subsection (d)(2) Waiver of Confidentiality by Subject of Complaint further states:

"If confidentiality is waived prior to a decision by the committee, Under a waiver of confidentiality, deliberations of the committee will be conducted in a closed session with the statement of the motion and vote held in public session."

The language statement of the motion and vote does not stipulate an individual vote by each member must be taken in a public setting nor does this language stipulate what type of vote must be made public. In other words, a statement that "a majority of the members of the subcommittee present voted to find the subject of the complaint in violation of the allegations" would appear to be sufficient. Further backup of this analysis is found in Subsection (d)(3) explained below.

Subsection (d)(3) Waiver of Confidentiality by Subject of Complaint further states: “If confidentiality is waived after a decision by the committee, the committee will release copies of all the following documents, after ensuring release of documents will not infringe upon an individual’s constitutional right to privacy, including: (F) A statement of the motion and record of the vote taken to reach the final decision.”

In this instance, it appears the language indicates not only the motion is made public but the vote by each of the members on the subcommittee should be released as well.

Section 17 COMPLAINTS – DECISIONS (This section of our Rules of Procedure only addresses the complaint process prior to the Public Hearing stage.)

Subsection (g) WAIVER OF CONFIDENTIALITY is the only section addressing waiver of confidentiality and states:

“See Section 14(d), Complaints, concerning waiver of confidentiality.

Section 18 Complaints – HEARING PROCEDURES and Section 19 COMPLAINTS – DISCOVERY (These are the only two sections that address public hearings.)

Section 18, Subsection (h) POST-HEARING is the only section addressing deliberations and a written decision when there is a public hearing and states:

“After deliberations, the committee will issue a written decision either finding a violation(s) of AS 24.60, based on clear and convincing evidence, or dismiss the charge. If the committee finds that a violation occurred or the subject did not cooperate, it will make a written recommendation of sanctions to the appropriate body of the legislature.”

There is no language in Section 18 Complaints – Hearing Procedures or Section 18 Complaints – Discovery that indicates a public vote shall be taken when a public hearing is held. Section 18 states the committee will issue a written decision and no further direction is noted. No referenced is made to Section 14 Complaints which addresses the “probable cause” stage of a complaint and issuing decisions.

Further, there is no Waiver of Confidentiality necessary by the subject of the complaint when a public hearing is held due to the fact the process is public as well as the documents presented at the public hearing. Further backup of this analysis relies on the fact no mention of a wavier of confidentiality is noted in Section 18 or Section 19 of our Rules of Procedure.

Section 19 COMPLAINTS – DISCOVERY, Subsection (c) CONFIDENTIALITY

“The subject is required by law to keep confidential all materials discovered in this process, unless the subject who was formally charged under AS 24.60.170(h) provides written notification to the committee that he or she is not restricted under the provisions in AS 24.60.170(i) and attaches supporting evidence. The committee cannot make materials subject to public inspection unless produced at a public hearing.”

This section does contain confidentiality provisions. However, the language only applies when the public hearing is held due to a formal charge by the committee under AS 24.60.170(h) and (i) and when certain provisions are met to remove confidentiality relating to materials discovered during the discovery process.

Suggest the following recommendations to our Rules of Procedures to provide clarification and consistency.

1. Section 14 COMPLAINTS, Subsection (d)(2) WAIVER OF CONFIDENTIALITY

BY SUBJECT OF COMPLAINT: (2) Under a waiver of confidentiality, deliberations of the committee will be conducted in a closed session with the statement of the motion and [A STATEMENT INDICATING THE MAJORITY] vote [OF THE COMMITTEE] held in public session.”

Rationale: *The intent of the current language “statement of the motion and vote” is misleading and ambiguous. The recommended language clarifies current practice.*

2. Section 14 COMPLAINTS, Subsection (d)(3)(F) WAIVER OF

CONFIDENTIALITY BY SUBJECT OF COMPLAINT: (3) If confidentiality is waived after a decision by the committee, the committee will release copies of all the following documents, after ensuring release of documents will infringe upon an individual’s constitutional right to privacy, including:
(F) ~~A statement of the motion and record of the vote taken to reach the final decision.~~”

Delete Subsection (d)(3)(F). Rationale: If confidentiality is waived prior to a complaint decision or after a complaint decision, the end result should be consistent. The complaint decision, which has already been issued, states the motion – dismissal or finding of probable cause – and there was a majority vote of the committee.

3. Section 18 Complaints – Hearing Procedures, Subsection (h) Post Hearing:

After deliberations, the committee will [ISSUE IN A PUBLIC SESSSION A STATEMENT OF THE MOTION EITHER FINDING A VIOLATION(S) OF AS 24.60, BASED ON CLEAR AND CONVINCING EVIDENCE, OR DISMISS THE CHARGE. THE STATEMENT WILL INCLUDE AN AFFIRMATION INDICATING THE DECISION WAS MADE BY A MAJORITY VOTE OF THE COMMITTEE] ~~held in public session[.]~~ THE COMMITTEE WILL SUBSEQUENTLY issue a written [PUBLIC] decision ~~either finding a violation(s) of AS 24.60, based on clear and convincing evidence, or dismiss the charge.~~

Rationale: Language added and clarified to provide guidance to the Ethics Committee during the public hearing stage process regarding Post Hearing action. The action is consistent with action taken at the probable cause stage of the complaint process.

4. Section 18 Complaints – Hearing Procedures: Subsection (a) General: [NO WAIVER OF CONFIDENTIALITY BY THE SUBJECT OF THE COMPLAINT FOR THE PUBLIC HEARING PROCESS OR PROCEEDINGS AT ANY POINT DURING THE PUBLIC HEARING PROCESS IS REQUIRED. SEE SECTION 19 COMPLAINTS - DISCOVERY FOR THE PUBLIC HEARING, SUBSECTION (C) CONFIDENTIALITY, FOR DISCOVERY RESTRICTIONS.

Rationale: Adding a third paragraph to Subsection (a) General addresses the fact a waiver of confidentiality is not required during the public hearing process as the proceeding is public as well as the documents presented.

5. Section 19 COMPLAINTS – DISCOVERY

Complaints – Discovery [PROCESS FOR PUBLIC HEARING].

Rationale: Clarify that this section only applies to the public hearing process.

Sec. 24.60.170. Proceedings before the committee; limitations.

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within five years before the date that the complaint is filed with the committee. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstitute proceedings concerning a complaint that was closed because a former employee terminated legislative service if the former employee resumes legislative service, whether as an employee or a legislator, within five years after the alleged violation.

(b) A complaint may be initiated by any person. The complaint must be in writing and signed under oath by the person making the complaint and must contain a statement that the complainant has reason to believe that a violation of this chapter has occurred and describe any facts known to the complainant to support that belief. The committee shall upon request provide a form for a complaint to a person wishing to file a complaint. Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter. The committee shall respond to a complaint concerning the conduct of a candidate for election to state office received during the campaign period in accordance with (o) of this section. The committee shall treat a complaint concerning the conduct of a candidate for election to state office that is pending at the beginning of a campaign period in accordance with (p) of this section. The committee shall immediately provide a copy of the complaint to the person who is the subject of the complaint.

(c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the complainant to provide clarification or additional

information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.

(d) If the committee determines that some or all of the allegations of a complaint, if proven, would constitute a violation of this chapter, or if the committee has initiated a complaint, the committee shall investigate the complaint, on a confidential basis. Before beginning an investigation of a complaint, the committee shall adopt a resolution defining the scope of the investigation. A copy of this resolution shall be provided to the complainant and to the subject of the complaint. As part of its investigation, the committee shall afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

(e) If during the investigation under (d) of this section, the committee discovers facts that justify an expansion of the investigation and the possibility of additional charges beyond those contained in the complaint, the resolution described in (d) of this section shall be amended accordingly and a copy of the amended resolution shall be provided to the subject of the complaint.

(f) If the committee determines after investigation that there is not probable cause to believe that the subject of the complaint has violated this chapter, the committee shall dismiss the complaint. The committee may also dismiss portions of a complaint if it finds no probable cause to believe that the subject of the complaint has violated this chapter as alleged in those portions. The committee shall issue a decision explaining its dismissal. Committee deliberations and vote on the dismissal order and decision are not open to the public or to the subject of the complaint. A copy of the dismissal order and decision shall be sent to the complainant and to the subject of the complaint. Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and copying by the public.

(g) If the committee investigation determines that a probable violation of this chapter exists that may be corrected by action of the subject of the complaint and that does not warrant sanctions other than correction, the committee may issue an opinion recommending corrective action. This opinion shall be provided to the complainant and to the subject of the complaint, and is open to inspection by the public. Within 20 days after receiving the opinion, the subject of the complaint may request a confidential meeting with the committee at which meeting the committee shall explain the reasons for its recommendations. The committee may divulge confidential information to the subject of the complaint. The information remains confidential. The subject of the complaint may comply with the opinion or may

request a hearing before the committee under (j) of this section. After the hearing, the committee may amend or affirm the opinion. If the subject of the complaint agrees to comply with the opinion but later fails to complete the corrective action in a timely manner, the committee may formally charge the person as provided in (h) of this section or may refer the matter to the appropriate house of the legislature, in the case of a legislator, or, in the case of a legislative employee, to the employee's appointing authority. The appropriate house of the legislature or the appointing authority, as appropriate, may take action to enforce the corrective action or may decline to take action and refer the matter to the committee. In either case, the committee may formally charge the person under (h) of this section.

(h) If the subject of a complaint fails to comply with an opinion and the committee decides under (g) of this section to charge the person, or if the committee determines after investigation that there is probable cause to believe that the subject of the complaint has committed a violation of this chapter that may require sanctions instead of or in addition to corrective action, the committee shall formally charge the person. The charge shall be served on the person charged, in a manner consistent with the service of summons under the rules of civil procedure, and a copy of the charge shall be sent to the complainant. The person charged may file a responsive pleading to the committee admitting or denying some or all of the allegations of the charge.

(i) A person charged under (h) of this section may engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure. The committee may adopt procedures that

(1) impose reasonable restrictions on the time for this discovery and on the materials that may be discovered;

(2) permit a person who is the subject of a complaint to engage in discovery at an earlier stage of the proceedings;

(3) impose reasonable restrictions on the release of information that the subject of a complaint acquires from the committee in the course of discovery, or on information obtained by use of the committee's authority, in order to protect the privacy of persons not under investigation to whom the information pertains; however, the committee may not impose restrictions on the release of information by the subject of the complaint unless the complainant has agreed to be bound by similar restrictions and has not made public the information contained in the complaint, information about the complaint, or the fact of filing the complaint.

(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to

present the case against the person charged if that individual does not provide other legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the committee schedules a later hearing date. If the complainant prevents the hearing from starting before the 90-day deadline passes and a quorum of the committee determines by vote of a majority of committee members the delay is not supported by a compelling reason or will result in the person charged being deprived of a fair hearing, the committee may dismiss the complaint with prejudice or enter some other order the committee determines is appropriate. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.

(k) Following the hearing, the committee shall issue a decision stating whether or not the subject of the complaint violated this chapter, and explaining the reasons for the determination. The committee's decision may also indicate whether the subject cooperated with the committee in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the decision shall recommend what sanctions, if any, the committee believes are appropriate. If there has not been a hearing because the person charged admitted to the allegations of the charge, the committee shall issue a decision outlining the facts of the violation and containing a sanctions recommendation.

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, the person filing a complaint shall keep confidential the fact that the person has filed a complaint under this section as well as the contents of the complaint filed. The complaint and all documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of [AS 15.13](#), the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. All meetings of the committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may

permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, if the committee finds that a complainant has violated any confidentiality provision, the committee shall immediately dismiss the complaint. Dismissal of a complaint under this subsection does not affect the right of the committee or any person other than the complainant to initiate a complaint based on the same factual allegations.

(m) All documents issued by the committee after a determination of probable cause to believe that the subject of a complaint has violated this chapter, including an opinion recommending corrective action under (g) of this section and a formal charge under (h) of this section, are subject to public inspection. Hearings of the committee under (j) of this section are open to the public, and documents presented at a hearing, and motions filed in connection with the hearing, are subject to inspection by the public. Deliberations of the committee following a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and deliberations concerning appropriate sanctions are confidential.

(n) The committee shall dismiss a complaint against a person employed by the legislative branch of government if the person terminates legislative service. The committee may in its discretion dismiss a complaint against a former member of the legislature whether the complaint was filed before or after the former member departed from the legislature.

(o) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(p) When the committee has a complaint concerning the conduct of a candidate for state office pending before it at the beginning of a campaign period that has not

resulted in the issuance of formal charges under (h) of this section, the committee may proceed with its consideration of the complaint only to the extent that the committee's actions are confidential under this section. The committee may not, during a campaign period, issue a dismissal order or decision under (f) of this section, issue an opinion under (g) of this section, or formally charge a person under (h) of this section. If the committee has formally charged a person under (h) of this section and the charge is still pending when a campaign period begins, the committee shall suspend any public hearings on the matter until after the campaign period ends. The parties to the hearing may continue with discovery during the campaign period. If a hearing has been completed before the beginning of a campaign period but the committee has not yet issued its decision, the committee may not issue the decision until after the end of the campaign period. Notwithstanding the suspension of public proceedings provided for in this subsection, a candidate who is the subject of a complaint may notify the committee in writing that the candidate chooses to have the committee proceed with the complaint under this section.

(q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

(r) At any point in the proceedings when the subject of a complaint appears before the committee, the subject of a complaint may choose to be accompanied by legal counsel or another person who may also present arguments before the committee. The choice of counsel or another person is not subject to review and approval or disapproval by the committee. The choice by the subject of a complaint to be accompanied under this subsection does not constitute a waiver of any confidentiality provision in this chapter.

SECTION 12 EDUCATION

(a) HANDBOOK:

(1) The committee will publish a yearly Standards of Conduct Handbook for the purpose of providing a practical guide for those covered by the Ethics Code which includes a copy of the Legislative Ethics Act, other applicable laws, question and answer guidelines for each section of the Act, a recap of advisory opinions, disclosure forms and deadlines, the complaint process and a sample complaint form.

(2) The handbook will be distributed:

(A) at all Ethics training courses to all attendees

(B) at the beginning of each legislative session to legislator's offices in Juneau

(C) to LIO offices throughout the state; and

(D) be included in the 'new hire' packet distributed by the Legislative Personnel Office or other hiring agency within the legislature; the employee will be required to sign a form acknowledging receipt of the handbook and responsibility for complying with the Act.

(b) TRAINING: The committee administrator and/or committee members will participate in training legislators, public members of the committee and legislative staff by administering a legislative ethics course that teaches compliance with the Legislative Ethics Act and is designed to give an understanding of the Act under AS 24.60.010.

(1) The committee shall within 10 days of the first day of each regular session, and at other times determined by the committee, administer two types of legislative ethics courses as defined in AS 24.60.150(a)(4).

(A) Returning legislators, committee members, or legislative employees shall attend a refresher course which includes a review of compliance issues.

(B) First-time legislators, committee members, or legislative employees shall attend a course offering a fundamental understanding of the Act and how to comply with it.

(2) If a person takes office or begins employment after the 10th day of the first regular session, the person shall complete the course within 30 days after the person's first day of service. The committee may grant a person additional time to complete the course.

(A) The committee will provide a variety of methods to accomplish this requirement which may include a course administered by Ethics staff.

(3) If the course is not administered by Ethics staff, the person will be required to sign a form acknowledging review of a legislative ethics course provided by the committee. The form will be kept on file in the Ethics office.

(4) Legislative leadership or agency department heads, whichever is appropriate, will be notified of any person required to take training who has not completed the course within the 30 day statutory requirement.

(c) INFORMATION: The committee will provide the leadership of both legislative bodies a list of requirements and deadlines, for general announcement and distribution, to all legislators and their staff at the beginning of each legislative session.

(d) COMMUNICATION: Public decisions and advisory opinions rendered by the committee will be communicated to legislative members and legislative staff as soon as possible. Communication may be in the form of a newsletter, memo, or other informal presentation.

(e) NEWSLETTER: The committee will issue a bi-monthly newsletter which *highlights* applicable sections of the Ethics Code based on current events, contains upcoming reporting deadlines and provides other information of value to legislators and legislative employees. The committee may issue additional newsletters as needed.

INTERNSHIP – REQUEST FOR APPROVAL

Pursuant to AS 24.60.080(h), AS 24.20.060(8), AS 24.20.062(2), Advisory Opinion 94-03 and the Ethics Committee's Rules of Procedure, Section 2(f), Administrative Policies, Internship Program Approval.

Internship programs approved with the understanding that the following apply:

- Sponsoring agency and the legislative office to which the intern is assigned provides oversight to include training, supervision and evaluation
- Limited duration of the placement
- Program exists independent of the legislature
- Program would be available to any other legislative office
- Intern will complete ethics training

AGENCY SPONSORING INTERNSHIP should provide to the Legislative Office

- Purpose of the internship program
- Length of the program
- Evaluation provided upon completion; i.e., report, paper, or presentation that describes the experience, what the intern learned and/or recommendations for change

LEGISLATIVE OFFICE should provide to the Ethics Committee

- Background material from the agency sponsoring the internship program
- General Duties: Statement outlining the legislative duties of the intern
- Training: Type of training provided by the legislative office
- Supervision: Who would supervise the intern
- Evaluation: What measures will be used to evaluate the work of the intern

ACCREDITED POSTSECONDARY EDUCATIONAL INTERNSHIP PROGRAM ONLY

- Follow general guidelines in AS 24.20.062
 - Student must be in good standing
 - Student must have completed at least two years of study
 - May be entitled to receive academic credit but is not a requirement
 - May receive a stipend

ETHICS OFFICE

- Requests can be submitted by letter, email or fax.
- Administrator will review all documentation, request additional documentation if necessary and consult with the Chair prior to approving an internship program pursuant to the Ethics Committee Rules of Procedure, Section 2(f).
- A one-to-two day turn around for approval unless additional information is needed.
- Ethics Committee members will be notified immediately of all internships approved.
- Any committee member has the option to request a committee meeting to review the internship approval.

UNIVERSITY OF ALASKA INTERNSHIP PROGRAM ONLY

- Program provides for interns during a legislative session
- Established by Legislative Council under AS 24.20.060(8)
- Includes all University of Alaska campuses, and Alaska Pacific University
- For more information, visit www.uas.alaska.edu/internprogram/
- Interns are selected by a committee composed of members of the legislature appointed by Legislative Council and representatives of the University appointed by the University under the guidelines set out in AS 24.20.062(3)
- No approval by the Ethics Office is required

Alaska Legislative Ethics Office

Jerry D. Anderson, Administrator

P.O. Box 90251

Anchorage, AK 99509-0251

907-269-0150 / Fax 907-269-0152

Email address: ethics.committee@akleg.gov

REFERENCES:

AS 24.60.080(h)

A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept a gift of

- (1) volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services; or
- (2) the services of a legislative intern who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 2801 – 2945 (Workforce Investment Act of 1998).

AS 24.20.060(8)

To establish a legislative internship program on a cooperative basis with the University of Alaska that will provide for the assignment of interns to standing committees of each house of the legislature during regular sessions of the legislature.

AS 24.20.062(2)

A legislative internship program established by the legislative council under AS 24.20.060(8) shall provide that students enrolled and in good standing at any accredited postsecondary educational institution who have successfully completed at least two years of study are eligible to participate in the program.

Ethics Committee's Rules of Procedure, Section 2(f)

On June 26, 2009, the committee granted authority to the Administrator to approve educational and government agency internship programs under AS 24.60.080(h). The Administrator will review all documentation provided and consult with the Chair prior to approving the internship program. Committee members will be notified of all internship programs approved. Backup materials will be

available upon request. Educational and government agency internship programs will be evaluated based on the requirements set out in AS 24.20.062(2) and/or Advisory Opinion 94-03. Interns will be notified of the requirement to attend ethics training.

INTERNS – must comply with certain sections of the LEGISLATIVE ETHICS ACT, AS 24.60

AS 24.60.112. Applicability to legislative interns and volunteers.

A legislative intern or legislative volunteer shall be considered to be a legislative employee for purposes of compliance with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative intern or legislative volunteer has violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

AS 24.60.155. Legislative ethics course.

- (a) A person who is a legislator, legislative employee, public member of the committee, legislative intern, or legislative volunteer shall complete a legislative ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of each legislature or, if the person first takes office or begins service after the 10th day of that session, within 30 days after the person takes office or begins service. The committee may grant a person additional time to complete the course required by this section.
- (b) A legislative intern or legislative volunteer who serves fewer than 30 days in one legislature is not subject to the requirements under (a) of this section.

May 2017

The following internship programs have been approved by the Ethics Committee.
If you would like contact information, please call the Ethics office.

- First Alaskans Institute
- JobXperience Internship Program
- McCombs School of Business
- Mercer University, Walter F. George School of Law
- DePaul University, Graduate School of Business
- Tlingit and Haida Tribal Vocational Rehabilitation (TVR) Program
- IDEA (Individuals with Disabilities Education Act) Alaska Close Up Government Internship Program
- MASST (Mature Alaskans Seeking Skills Training) Intern Program
- The Alaska Universities Legislative Internship Program - administered by the Legislative Council of the Alaska State Legislature and representatives from the University of Anchorage (UAA), the University of Alaska Fairbanks (UAF), the University of Alaska Southeast (UAS), Alaska Pacific University (APU)
 - University of Alaska Political Science Department Course PS A495 Internship
 - University of Alaska - 49th State Fellows Program
 - University of Alaska – Masters of Social Work Program
 - University of Alaska Career Services (CSC)
 - University of Alaska PS A322 United States Foreign Policy
- Bob Jones University
- REACH, Inc.
- Creighton University's School of Law-The Werner Institute

STAFF REPORT
SELECT COMMITTEE ON LEGISLATIVE ETHICS

Jan 1, 2019 through Jul 31, 2019

Staff provides informal advice, under AS 24.60.158. Those requesting advice are told the advice, while given in good faith, is not binding on the committee unless the advice has been issued through the formal advisory opinion process. Requesters are told they may seek formal, binding advice by submitting a written request. The committee is asked to review the advice given and notify staff if any member has questions or disagrees with the advice. This report includes advice the committee may not have reviewed in the past; it does not represent all inquiries.

CAMPAIGN RELATED - AS 24.60.030 & AS 24.60.031

May a legislative employee work on material related to fundraising on nongovernment time for distribution after special session?

Yes. On nongovernment time.

May a legislative staffer work on fundraising material designed for distribution after the special session on non-government time ?

Yes. This activity is okay on non-government time under AS 24.60.031(a)(1) if not using of state resources.

May a legislator engage in fundraising activities including solicitations for a local or municipal race within 90 days during a special session?

No. The exception at AS 24.60.031(b)(1)(A) is only for an election in which the legislator is the candidate. The legislator is not a candidate in the local or municipal race within 90 days in this instance. The question involved fundraising activities for another candidate.

CLOSE ECONOMIC ASSOCIATION (CEA) - AS 24.60.070

What disclosure, if any, must be filed by a legislator sharing a house with another legislator.

If the transaction involves \$250 or more a close economic association (CEA) should be filed by both of the legislators. The hospitality in a residence gift exception under AS 24.60.080(c)(1)(a) is intended to be for a period of only a few days and is not applicable to the facts presented during the 30 day special session.

CONFLICT OF INTEREST - AS 24.60.030

May a legislator write a blurb or endorsement message for a book soon to be published? This involves no pay or compensation for the message that is to be used as part of the promotion for the book.

Yes. This message, not using state resources, does not violate any provision of the Legislative Ethics Act AS 24.60.

May a legislator enter into a "scope of work" with a non-profit related to pending legislation that a legislator is promoting?

No. The agreement suggested has an appearance of impropriety and the appearance of an individual legislator providing a private benefit to a person prohibited under AS 24.60.030(a)(2). There is no differentiation between a for profit and a non-profit company in the definition of "person" referenced in the statute.

Is a member of the Governor's staff subject to conflict of interest sections of the Legislative Ethics Act AS 24.60 when dealing with legislative staff?

No.

May a legislator purchase bumper stickers with a message related to a current budget issue from the office allowance account?

There is no prohibition on a message expenditure that is not providing a private benefit, a political campaigning message or partisan in nature under the Legislative Ethics Act AS 24.60. The question of whether an expenditure is permissible as an office allowance account is best addressed to Accounting where the general standard is "reasonably related to service in office."

May a legislator write a letter or sign onto a letter to the Attorney General urging the prosecution of an individual or individuals based on the request of a private party?

Yes. This is largely a matter of judgment and discretion with a legislator. The ethics committee has determined that it is a common practice to send letters which are not, in the strictest sense, official business in AO 07-02 and AO 84-04. This situation may have the appearance of providing a private benefit to the private party requesting such action and may be a reason for declining such a request. On the other hand all letters of reference and other forms recognized by the ethics committee as common practice have such an element to varying degrees. "Limited use" for personal purposes is also recognized as an exception where the use does not interfere with the performance of public duties and either the cost or value is nominal or the legislator or legislative employee reimburses the state for the cost of the use. AS 24.60.030(a)(2)(A).

As a legislative staffer may I accept an invitation to visit a business on government time for legislative information and research purposes where a union is attempting to organize?

Yes. You have explained that this visit would be on government time for legislative information and research purposes and not for political, partisan or fundraising purposes. This can also be part of constituent assistance allowed under ethics committee AO 08-03 if dealing with a constituent with bureaucracy issues or concerns with the state government process.

May I, as a legislative staffer, provide constituent assistance to a person who wishes to investigate the compliance of a marijuana license holder through the marijuana control board?

Yes. The providing of constituent assistance is a discretionary action by a legislative office. Under AO 08-03 the committee defines “performing constituent service” as assisting constituents in navigating state bureaucracy and developing a communication line between the state agency and the constituent. The legislative intent in performing constituent service is threefold; to move the constituent’s concerns forward, to make sure everyone involved knows what they need to know and to urge the government agency to take timely action. Constituents often do not know about laws, rules or regulations governing a particular agency or it may be they just do not accept the relevant parameters. The fact that state agency personnel are aware legislative offices are looking over their shoulders is positive. Occasionally, engaging in a constituent problem brings to light shortcomings in a law or regulation. A legislator may ask for a formal legislative review of the law or regulation or may introduce legislation to correct or clarify a statute. This type of action provides a benefit to the public in general. The staff is reminded of the restriction in AS 24.60.030(i) about influencing a decision maker in administrative hearings.

May I, as a legislator, write a letter of support for an organization with a grant application before an executive branch department?

Yes. The committee has recognized that letters of support or recommendation are part of the legislative normal activities even though the letter may not have a strictly legislative purpose. See AO 07-02 and earlier advisory opinions.

May an existing board member continuing serving on a board which requires legislative confirmation after subsequently becoming a legislative employee?

No. AS 24.60.030(f) states that a legislative employee may not serve in a position that requires confirmation by the legislature. It appears that no exception exists for a previous appointment to such a board and completing that term in such a situation. If that person becomes a legislative employee, then that person must resign from the board or commission.

May a legislator give a speech at a nonprofit fundraiser, even if a candidate for office, if not related to a campaign?

Yes. This is not restricted under AS 24.60.031(b) or any other section of the Legislative Ethics Act as non-political fundraising assuming the legislator is not making a solicitation for his own campaign or any other political campaign, political party, or to influence a state ballot proposition or question.

May a legislator post and comment on social media a position on a collective bargaining strike involving union workers?

Yes. A legislator weighing in on social media with a position on this issue does not violate the Legislative Ethics Act and specifically not under AS 24.60.030(i) which relates to attempting to influence the outcome of an administrative hearing.

May a legislator make public comments concerning a collective bargaining strike concerning union workers associated with the AMH system? May a legislator also comment to executive branch employees concerning this issue while meeting with these employees in the near future on unrelated issues.

Yes. A legislator may make public comments through a variety of media on a current issue in Alaska not involving fundraising or partisan or political campaigning using state resources under the Legislative Ethics Act. A legislator may also comment to executive branch employees concerning such an issue without violating AS 24.60.030(i) as this would not be attempting to influence the outcome of an administrative hearing. This advice is specifically limited to the statutes and related formal advisory opinions under the Legislative Ethics Act AS 24.60.

May I have a legislative staffer post a item to a campaign social media site?

No. The use of state resources for a campaign purpose is not allowed under AS 24.60.030(a)(5) outside the not interfering with public duties, limited use and reimbursement exception in subparagraph (A).

DISCLOSURES - GENERAL QUESTIONS - AS 24.60.105, AS 24.60.115, AS 24.60.260

As a legislative employee do I file a disclosure for membership on the managing group of a limited liability company which is family owned?

Yes. This managerial group fits the broad definition of a board under Advisory Opinion AO 13-02 from the ethics committee. The fact that the ownership is closely held or family owned does not eliminate the need for disclosure to the ethics office.

Does a legislator need to disclosure to the ethics office a board of directors membership for an appointment to a board of directors which has already been read into the Journal for the legislative body?

No. Public disclosure has already occurred.

May I as a legislative staffer use a gift of miles from a legislator to travel to and perform work at a LIO office during session? Do I need to file a disclosure?

Yes. This is not considered a personal gift under AS 24.60.080 for travel solely for work purposes. No disclosure required.

Do I, as a legislative staffer, have to disclose my membership in a LLC organization?

Yes. Disclosure is required if you are part of a governing board exercising managerial, supervisory, investigatory or advisory powers in the organization. See AO 13-02.

May an immediate family member of a legislator be employed in a special session?

No. Under AS 24.60.090 an immediate family member, which includes a domestic partner, may not be employed during the "interim between sessions." This term is defined as "the period beginning on the eighth day after the legislature adjourns from a regular session and ending eight days before the date the legislature shall convene under AS 24.05.090."

May I, as a legislative staffer, contract for work with a native corporation on non-government time? Is a disclosure required if I accept such a contract?

Yes. No disclosure is required under the Legislative Ethics Act AS 24.60. As a courtesy I suggest that you inform your legislator about your outside employment. As a reminder you have confidentiality requirements under AS 24.60.060 with respect to confidential information acquired in the course of official duties.

May a legislative employee obtain a business license for outside employment on nongovernment time and is a disclosure to the ethics office required?

Yes, with no disclosure required to the ethics office. A legislative employee may perform work on nongovernment time. As a matter of courtesy, but not as a requirement, notification of your intended plans to your legislator is recommended.

As a legislative staffer do I need to file a disclosure for self-employed work I am doing on nongovernment time at a hospitality organization?

No disclosure is required for work done on nongovernment hours. One exception is if you have a qualifying transaction of \$250 or more with a legislator, a legislative person with whom you have a supervisory relationship or a registered lobbyist. If this event you would file a close economic disclosure with the ethics office.

GIFTS - AS 24.60.075, AS 24.60.080

May a legislator use office equipment left by a former legislator?

Yes. This benefits the state and does not violate the gift rules of Legislative Ethics Act AS 24.60.080.

May a legislator accept a gift of food for immediate consumption valued at \$40, not from a lobbyist? This is at an event held in Juneau entitled "Alaska Travel Food Tour."

Yes. This gift, because it did not come from a lobbyist, is only subject to the general rule of accepting an aggregate gift total of less than \$250 in a calendar year from a person. This situation does not rely on one of the many exceptions to this general rule.

May a legislator accept an invitation to a meeting of an Alaskan Native Corporation? The purpose of the meeting is gather information about matters of legislative concern.

Yes. Any expenses paid for by the Corporation would be an exception to the general gift rule and subject to disclosure if \$250 or more under AS 24.60.080(c)(4).

Do I, as a LAA staffer, have to disclose a gift of travel to Juneau paid for by my former workmates as part of a retirement celebration where each contributed less than \$250?

No, unless the gift was part of a series of gifts from an individual person in a calendar year with a cumulative value of \$250 or more. Reference AS 24.60.080(a)(1).

May a legislative employee give a gift to a legislator by "hosting" a legislator in the legislative employee's residence during a special session without payment?

The length of time is a factor in this answer. The exception for hospitality in a person's residence under AS 24.60.080(c)(1)(A) is generally considered to be for a limited duration. A stay of 30 days for a special session probably exceeds the anticipated length of time allowed under this exception and an agreement for payment of reasonable fair market value is necessary. A close economic disclosure would be required if the amount is \$250 or more.

May a legislator accept a "scholarship" from a political PAC to attend a conference under AS 24.60.080(c)(4)?

No. This would be considered a gift but would not fall under the category "travel and hospitality for the purpose of obtaining information on matters of legislative concern" because this conference is political in nature and campaigning related. This would be a gift of \$250 or more which does not fit one of the exceptions under AS 24.60.080(c).

I am a legislator. I received a gift of a artisan item with a value of \$400 on a recent legislative related trip. May I keep it under the Legislative Ethics Act AS 24.60 and how do I disclose it? May I pay \$150 to the artisan and consider \$250 a gift?

No, you may not keep the gift. You also may not buy down the gift by paying \$150. Note that a \$250 gift would still be in violation as the rule is soliciting, accepting or receiving a gift(s) \$250 or more from a person in a calendar year is a violation unless it meets one of the exceptions under AS 24.60.080(c). The legislator has two options: 1) pay the artist \$400 or 2) return the gift.

May my legislator accept a gift of conference fees for a group which discusses policy issues but not political or partisan issues?

Yes. Disclosure would be required under AS 24.60.080(c)(4) if \$250 or more. This involves a gift of conference travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern. Conference fees are included in the travel and hospitality description in the statute.

May a legislator accept gifts worth \$50 and \$50, a total of \$100 from the local community as a "welcome to Wasilla" for the special session

Yes. A legislator may accept gifts of an aggregate amount under \$250 from a person in a calendar year under AS 24.60.080(a)(1).

May a legislator receive a "welcome to Wasilla" gift available to all legislators as part of a call for a special session in that city?

Yes. Under AS 24.60.080(c)(7) a legislator may accept such a welcome gift.

May a legislator accept a gift of hospitality at a residence of a legislative employee for the entire 30 special session under the AS 24.60.080(c)(1) exception with a fair market value of \$250 or more?

No. The exception to the general rule of accepting a gift valued at \$250 or more is limited to a few days of hospitality under AS 24.60.080(c)(1). This would require a payment for the fair market value of the lodging and the filing of a close economic association under AS 24.60.070.

LEGISLATIVE COMMUNICATIONS - AS 24.60.030

May a legislator use a Facebook promotion to try to get more interest in a legislative Facebook page to communicate with his constituents? Facebook has a advertising service that allows you to purchase a page promotion that specifically targets names provided on a list that encourages users to like/follow your page. We have a list of registered voters in our legislative district that we would target the page promotion to, but I was wondering if there is anything prohibiting our office from using our allowance account to purchase the promotion.

There is no restriction under the Legislative Ethics Act AS 24.60 or under the formal Advisory Opinions from the committee related to targeting constituents in your district. This is unlike various means discussed in AOs 18-01 (GPS points) and 15-03 (EDDM) and many others where inadvertent delivery of legislative communications to non constituents occurs. The decision on whether an expenditure is an appropriate use of the office allowance account is ultimately made by Accounting but the general rule is "generally related to service in office."

TRAINING - AS 24.60.150, AS 24.60.155

Was the 2019 Ethics Training approved by the Alaska Bar Association for CLE credit?

Yes. Three credits for returning legislators and legislative employees and six credits for new employees and legislators. Two credits were also approved for CPE credit.

As a agency staffer, has the ethics training in 2019 required under AS 24.60.155 approved for continuing legal education credit by the Alaska Bar Association?

Yes. This training was approved for CLE credit on 1/7/19. The CLE credit varies depending on whether you are a returning agency staffer or new agency staffer.

Jerry Anderson

From: Jerry Anderson
Sent: Tuesday, August 06, 2019 11:30 AM
To: joycejimalaska@gci.net
Cc: Jerry Anderson
Subject: Making Informal Advice under AS 24.60.158 and Rules of Procedure Section 9 SEARCHABLE proposal

The Administrator of the Select Committee on Legislative Ethics provides informal advice under AS 24.60.158:

Sec. 24.60.158. Advice by staff. The committee shall authorize and train its staff to give oral advice and provide a written informal nonbinding advice letter to persons seeking guidance as to the spirit or legal requirements of this chapter, provided that the advice is given with the express stipulations that (1) the opinions given are not necessarily those of the committee; (2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk; and (3) the advice is not binding upon the committee.

And

Rules of Procedure Section 9:

SECTION 9 INFORMAL ADVICE (a) CONFIDENTIALITY: Informal advice, other than a summary described in (b) below, is considered confidential unless waived, in writing, by the person requesting the informal advice or compelled by statute or subpoena to release. (b) REVIEW BY COMMITTEE: A brief summary of informal advice, whether given verbally or in writing, given by committee staff will be provided in the STAFF REPORT presented at committee meetings. The staff report does not represent all inquiries; i.e., inquiries of a routine nature or inquiries previously answered. The committee reviews the advice and notifies committee staff if any member has questions or disagrees with the advice. The request and advice presented in the STAFF REPORT is cleansed of identifying information. (c) DISCLAIMER: Those requesting informal advice are informed: (1) Pursuant to AS 24.60.158, informal advice, while given in good faith, is not binding on the committee unless the advice has been issued through the formal advisory opinion process pursuant to AS 24.60.160. (2) The informal advice only applies to the specific facts and activities as outlined in the communication. If the nature of the request or any facts has been misrepresented or omitted in the communication, the requester should contact committee staff immediately for amended advice. (3) Pursuant to AS 24.60.165, the committee may not bring a complaint against a person based upon information voluntarily given to the committee by the person in connection with a good faith request for advice under AS 24.60.158, and may not use that information against the person in a proceeding under AS 24.60.170. This section does not preclude the committee from acting on a complaint concerning the subject of a person's request for advice if the complaint is brought by another person, or if the complaint arises out of conduct taking place after the advice is requested, and does not preclude the committee from using information or evidence obtained from an independent source, even if that information or evidence was also submitted with a request for advice. (d) SEEKING INFORMAL ADVICE FOR SOMEONE ELSE: The Ethics Administrator does not provide informal advice when someone is requesting advice regarding the actions of another. (e) CLOSURE: All information related to the request shall be considered closed after the informal advice is received by the requester. STAFF REPORTS, which are public documents, shall be kept on file permanently.

A Staff Report is produced for Committee Meetings. At this point, the information in the database from which the Staff Reports are produced is NOT searchable. Recently, the Administrator, in order to efficiently review previous advice, worked with an IT legislative employee to produce a basic process to make all the previous informal advice searchable from the Staff Reports. The current database has entries consisting of approximately 500 pages. A very large novel size and growing. At the COGEL (Council of Government Ethics Laws) the Administrator discussed searchable databases with a number of participants. One of the states that has searchable informal advice is Ohio. Material related to this process is included in the August 14, 2019 meeting packet. The Committee has a public complaint decision H 08-02, which involved a legislator in part utilizing informal advice that was not applicable to the situation. This decision represents the risk of making the informal advice searchable to all legislators and legislative employees. It is also included in the meeting packet.

The Committee currently has a searchable formal advisory opinion feature on the intranet found at <http://www.legis.state.ak.us/search/ethics/>. The informal advice search function would work in a similar manner. The Committee also produces 30 pages of informal advice in the Standards of Conduct Handbook.

Our current Staff Report includes the following disclaimer language:

Staff provides informal advice, under AS 24.60.158. Those requesting advice are told the advice, while given in good faith, is not binding on the committee unless the advice has been issued through the formal advisory opinion process. Requesters are told they may seek formal, binding advice by submitting a written request. The committee is asked to review the advice given and notify staff if any member has questions or disagrees with the advice. This report includes advice the committee may not have reviewed in the past; it does not represent all inquiries.

The administrator proposes that searchable informal advice documents consisting of the previously-approved informal advice be made available on the intranet as a resource for legislators and legislative employees with an additional appropriate warning such as, "This informal advice is not a substitute for current informal advice from the Administrator of the Select Committee on Legislative Ethics and is not binding on the Committee. This informal advice only applies to the specific facts and activities as outlined in the communication. The advice is not applicable to a scenario under different or omitted facts.."

Thank you for your attention to this proposal.

Jerry D. Anderson

Administrator, Select Committee on Legislative Ethics

PO Box 90251

Anchorage, AK 99509

(907) 269-0150

Fax: (907) 269-0152

Advice

One of the core functions of the Ohio Ethics Commission is to “render advisory opinions with regard to questions concerning” the Ohio Ethics Law for the public officials and employees under its jurisdiction. The Commission also provides general guidance about the law through telephone calls and e-mail. This section handles those responsibilities.

Advisory Opinions

Anyone can call or e-mail the Ethics Commission with questions about the law or opinions of the Commission. Staff cannot provide advisory opinions over the telephone or in response to an e-mail but it can provide general information or guidance. Staff can also direct callers or e-mail requesters to relevant advisory opinions, information sheets, or other helpful resources.

If you would like to review an Overview of the Law, with information sheets and other useful tools, you can go to the Ethics Education ([./education/index.html](#)) Section of this Web site.



Opinion Types
([opiniontypes.html](#))



Immunity
([immunity.html](#))



Formal Opinions
([formal.html](#))



Informal Opinions
([informal.html](#))



Request Opinion
([request.html](#))

Frequently Asked Questions

Can a public official or employee hire her family members? (collapseOne)



Who are an official's or employee's "family members" whom the official or employee cannot hire? (collapseTwo)



Can a public official's family member serve the same public agency? (collapseThree)



Can a public official act on matters that affect property the official owns? (collapseFour)



Can a public official sell goods or services to the public agency he serves? (collapseFive)



What are the revolving door laws? (collapseSix)



Are there any limits on a public official or employee who is seeking a new job? (collapseSeven)



Informal Advisory Opinions

The Commission may issue advisory opinions related to ethics, conflicts of interest, financial disclosure, and any other topic over which it has jurisdiction. More information about the Commission's advisory process can be found on the Advice homepage (</advice/index.html>).

Informal Advisory Opinions are written to an individual person. These opinions are reviewed and voted on by the Commission at an open meeting.

Informal Advisory Opinions contain the facts presented to the Commission, a discussion of the facts, and the application of the law providing an answer to the question which was asked.

All advisory opinions provide the individual, and any person similarly situated, with both criminal and civil immunity as described in Section 102.08(B) of the Revised Code and Ohio Administrative Code 102-3-01(C).

Search The Informal Advisory Opinion Archive

All of the Commission's previously issued Informal Advisory Opinions are available here. In order to read these opinions, you will need a PDF viewer.

The archive is searchable by opinion number or keyword. For example, searching for **family** will return all Informal Advisory Opinions containing the word **family**.

Browse The Informal Advisory Opinion Archive

Informal Advisory Opinions are organized by year in the order in which they are written. The Informal Advisory Opinion number format is YEAR-INF (indicating that the opinion is Informal)-MONTH DAY (two digits each). For example:

- Informal Advisory Opinion No. 1988-INF-0225 is the only Informal Advisory Opinion that the Commission issued on February 25th, 1988.
- Informal Advisory Opinion No. 1988-INF-0407-2 is the second Informal Advisory Opinion that the Commission issued on April 7th, 1988.

[Informal Advisory Opinion Archive \(/advice/informalarchive.html\)](/advice/informalarchive.html)

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OHIO ETHICS COMMISSION

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David E. Freel, Executive Director

September 23, 2003

Informal Opinion 2003-INF-0923-1

George W. Davis
Member, Tribute to Richard D. Watkins Committee

Dear Mr. Davis:

On July 2, 2003, the Ohio Ethics Commission received your letter requesting an advisory opinion. In your letter, you ask whether the Ohio Ethics Law and related statutes will prohibit the Tribute to Richard D. Watkins Committee (Committee) from raising money to provide the retiring Mayor of the City of Canton (City) with a gift. You also ask whether money collected by the Committee can be given directly to the Mayor or if any extra funds can be donated to the Mayor's favorite charity in his name.

Brief Answer

As explained more fully below, the Committee is not prohibited from using the funds it raises to provide a substantial gift to the Mayor, and the Mayor is not prohibited from accepting such a gift, if:

- All contributions to the Committee are voluntary;
- The Committee ensures that no party interested in matters before, regulated by, or doing or seeking to do business with the City is solicited by or gives funds to the Committee, or solicits any funds on behalf of the Committee; and
- No city officials or employees solicit funds for the Committee.

As is also described in detail in this opinion, if the Mayor receives a gift valued at over seventy-five dollars, he is required to disclose, on his financial disclosure statement for 2003, the following parties, where appropriate, as the sources of the gift:

- The Committee; and
- Any person or entity that contributed more than seventy-five dollars toward the gift.

The Mayor is not required to disclose, as the source of a gift, any person who contributed seventy-five dollars or less in total to the Committee.

Facts

You state that the Mayor of the City of Canton, Richard D. Watkins, is retiring at the end of this year after serving 12 years as mayor. You also state that a group of friends and associates has formed the Committee to plan a dinner party to be held in the Mayor's honor. You state that an estimated 500 guests from the City of Canton and across the state will attend the dinner party. You state that it is expected that the Mayor will receive many tributes and written accolades at the party.

In addition, you state that the Committee desires to provide the Mayor with a gift that "would be valued at more than \$75." In a telephone conversation with Ethics Commission staff, you disclosed that the proposed gift could be worth several thousand dollars. You have explained that the Committee would like to raise funds to provide the gift to the Mayor, and that the source of some contributions may be individuals and businesses within the City of Canton that are subject to local regulations. Finally, you have stated that, while the Mayor knows that a dinner is being planned in his honor, he is unaware that the Committee is considering providing him with a gift. As I noted in a telephone conversation, the Commission has asked that the Committee inform the Mayor that it intends to provide him with a gift.

Soliciting, Accepting, and Using Position to Secure a Gift—R.C. 102.03(D), (E), and (F)

Your attention is directed to R.C. 102.03(D), (E), and (F), which read:

- (D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.
- (E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.
- (F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

Nothing in the process that you have proposed suggests that the Mayor is improperly authorizing or using his official authority or influence to secure funds for the Committee to pay for the tribute and gift, such that the restriction in R.C. 102.03(D) is implicated. Although the Committee should inform the Mayor that it intends to provide him with a substantial gift, the Committee must also ensure that the Mayor is not placed in such a position.

A "public official or employee" is defined for purposes of R.C. 102.03(E) and (F) to include any person who is elected or appointed to an office of a City. R.C. 102.01(B) and (C). Adv. Op. No. 91-008. Therefore, the prohibition imposed by R.C. 102.03(E) applies to the Mayor. The term "person" is defined to include any individual, corporation, partnership, or other similar entity. R.C. 1.59. Therefore, the prohibition imposed by R.C. 102.03(F) applies to the Committee and to the individuals and organizations that would be the source of the funds solicited by the Committee.

The term "anything of value" is defined for purposes of R.C. 102.03 in R.C. 1.03 to include money and every other thing of value. R.C. 1.03, 102.01(G). The Ethics Commission has held that money, gifts, and gratuities constitute things of value for purposes of R.C. 102.03. Adv. Ops. No. 86-003, 91-010, and 92-015. In the instant situation, the gift, and the funds that the Committee would collect to pay for it, are things of value for purposes of R.C. 102.03(E) and (F).

Source and Nature of a Thing of Value—R.C. 102.03(E) and (F)

The Ethics Commission has explained that a thing of value must be both from an improper source and of a substantial nature to be prohibited by R.C. 102.03(E) and (F). Adv. Ops. No. 90-001 and 92-015. In discussing the source of a thing of value, the Commission has stated that anything of value provided to a public official or employee from a party that is interested in matters before, regulated by, or doing or seeking to do business with the agency he serves will be of such a character as to manifest an improper influence on the official or employee. Adv. Ops. No. 84-010 and 86-011.

The Ethics Commission has explained that anything of value that is of a substantial nature will be of such a character as to manifest a substantial influence on the official or employee. Adv. Ops. No. 90-001, 92-014, and 92-015. See also Adv. Ops. No. 75-014 and 76-005 (the word "substantial" means "of or having substance, real, actual, true, not imaginary; of considerable worth or value; important.") Anything of value of that is of a nominal nature is generally not considered to be "substantial" for purposes of R.C. 102.03(E). See, e.g., Adv. Op. No. 2001-04.

Committee Soliciting Funds for a Substantial Gift—R.C. 102.03(F)

As set forth above, you state that the Committee desires to solicit and accept contributions in order to provide the retiring Mayor with a gift of substantial value.

At the outset, it must be clear that the persons who contribute to the gift do so willingly, without any use of authority by the Mayor or his office, or any of his subordinates on his behalf, to solicit contributions. Any person who is approached to contribute to the gift must be advised that there is no obligation and that the person is free to decline without suffering any consequence. See Adv. Op. No. 2002-01. R.C. 102.03(E) prohibits any City official or employee from soliciting funds, for the Committee, that will be used for a gift for the Mayor.

The Committee itself is not interested in matters before, regulated by, or doing or seeking to do business with the City. However, the Committee would be consolidating and redistributing funds that it has solicited and accepted. If the Committee solicits or accepts funds from businesses or individuals that are interested in matters before, regulated by, or doing or seeking to do business with the City, then the Committee would be circumventing R.C. 102.03(E) and (F) by indirectly giving to the Mayor things of value that he could not accept directly. City of Parma Heights v. Schroeder, 26 Ohio Op. 2d 119 (C.P. Cuyahoga County 1963) (a public official cannot do indirectly what he cannot lawfully do directly). Even though the Mayor will be retiring from his position at the end of the year, he will still be the elected head of the executive branch of the City during the time the funds are being solicited and at the time the gift will be provided to him.

Therefore, R.C. 102.03(F) prohibits any business or individual that is interested in matters before, regulated by, or doing or seeking to do business with the City from contributing funds to the Committee for the purpose of providing the Mayor with a gift. This would include owners, officers, and principals of companies that are interested in matters before, regulated by, or doing or seeking to do business with the City. It would also include any employee or other person connected with such companies, if that person were directly involved in matters between the company and the City.

R.C. 102.03(F) also prohibits any person who is interested in matters before, regulated by, or doing or seeking to do business with the City of Canton from soliciting other people to make contributions to the fund. For example, if a member of the Committee owns a company that is a vendor of the City, that Committee member is prohibited from making contributions to the Committee. The Committee member is also prohibited from soliciting contributions to the Committee from any person, including individuals who are subordinate to the Committee member.

R.C. 102.03(F) would not prohibit the Committee from soliciting or accepting contributions from parties who are not interested in matters before, regulated by, or doing or seeking to do business with the City, or from using contributions collected from unrelated parties to provide the Mayor with a gift.

Mayor Accepting a Substantial Gift—R.C. 102.03(E)

R.C. 102.03(E) would also prohibit the Mayor from accepting a gift purchased with contributions made by these related parties, even if he did not solicit the gift or contributions. In order to protect against any real or perceived conflict of interest, the Committee must be extremely diligent to ensure that no party that is interested in matters before, regulated by, or doing or seeking to do business with the City is solicited or provides funds to the Committee for the purpose of providing the Mayor with a gift. R.C. 102.03(E) would not prohibit the Mayor

from accepting a gift that is purchased for him by the Committee using contributions made by parties that do not have these kinds of relationships with the City.

Gift of Money

You also ask whether the money collected by the Committee can be given directly to the Mayor or if any extra funds can be donated to the Mayor's favorite charity in his name.

As stated above, R.C. 102.03(E) and (F) prohibits a public official from accepting a thing of value that is both from an improper source and of a substantial nature. As long as no party that is interested in matters before, regulated by, or doing or seeking to do business with the City of Canton is solicited or gives funds, the Committee is not prohibited from providing anything of value, regardless of its form, to the Mayor as a gift.¹ However, given that the purpose of the party is to honor the Mayor for his service to the community, and the Committee's desire not to embroil him in an ethics controversy, the Committee should consider that a substantial cash gift to the Mayor could have an improper appearance to the public and tarnish an otherwise well-intentioned event.

Disclosure of Gifts—R.C. 102.02(A)(7)

The Mayor is also subject to the financial disclosure requirements set forth in R.C. 102.02(A). R.C. 102.02(A) requires the Mayor to file a financial disclosure statement in 2004 reflecting financial information for 2003, including the source of gifts he received during the year.

R.C. 102.02(A)(7) requires that the Mayor disclose the source of each gift of over seventy-five dollars received by the person in the person's own name or by any other person for the person's use or benefit. The Mayor is not required to disclose the amount or nature of a gift, although providing that information may, at times, clarify the disclosure.

In this situation, the Mayor will be required to disclose any contributor to the Committee who provided a contribution in excess of seventy-five dollars toward the gift, because the contribution was received by the Committee for the Mayor's benefit. The Mayor will also be required to disclose the Committee as the source of a gift because the total value of the gift provided to the Mayor by the Committee will be over seventy-five dollars. Adv. Op. No. 2002-01. The Mayor is not, however, required to disclose individual contributors, who contribute seventy-five dollars or less to the Committee as sources of the gift.

¹ The supplemental compensation law, R.C. 2921.43(A), would prohibit the Committee from providing the Mayor with money, a gift, or any other thing of value if it were provided to him in return for: (1) performing a duty, act, or service required in his official capacity as a public servant; (2) the general performance of his public duties; or (3) as a supplement to his public compensation. If the Committee intends to provide the money or gift to the Mayor as compensation, please contact this office for further guidance.

Conclusion

As explained more fully above, the Committee is not prohibited from using the funds it raises to provide a substantial gift to the Mayor, and the Mayor is not prohibited from accepting such a gift, if:

- All contributions to the Committee are voluntary;
- The Committee ensures that no party interested in matters before, regulated by, or doing or seeking to do business with the City is solicited by or gives funds to the Committee, or solicits any funds on behalf of the Committee; and
- No city officials or employees solicit funds for the Committee.

As is also described in detail in this opinion, if the Mayor receives a gift valued at over seventy-five dollars, he is required to disclose, on his financial disclosure statement for 2003, the following parties, where appropriate, as the sources of the gift:

- The Committee; and
- Any person or entity that contributed more than seventy-five dollars toward the gift.

The Mayor is not required to disclose, as the source of a gift, any person who contributed seventy-five dollars or less in total to the Committee.

Finally, the conclusions of this opinion apply only if the funds are used for the purpose you have described in your request. The use of funds for any other purpose, including payments to the Mayor that are provided as compensation for his service as Mayor, may raise additional issues under the Ohio Ethics Law and related statutes. This opinion does not provide any immunity for the use of funds in any way other than the one you have set forth.

The Ohio Ethics Commission approved this informal advisory opinion at its meeting on September 10, 2003. The Commission commends you for requesting guidance before taking any actions that could be prohibited by the Ethics Law.

The opinion is based on the facts presented. It is limited to questions arising under Chapter 102. and Sections 2921.42 and 2921.43 of the Revised Code and does not purport to interpret other laws or rules. If you have any questions or desire additional information, please contact this Office again.

Sincerely,



Jennifer A. Hardin
Chief Advisory Attorney

Alaska State Legislature

Select Committee on Legislative Ethics

716 W. 4th, Suite 230
Anchorage AK
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99510 - 1468

HOUSE SUBCOMMITTEE COMPLAINT H 08-02

DISMISSAL ORDER

The House Subcommittee hereby dismisses the complaint filed against Representative Les Gara.

The House Subcommittee investigated allegations contained in complaint H 08-02 and determined that:

1. The House Subcommittee received a properly filed complaint against Representative Gara dated May 29, 2008.
2. The complaint alleged the following:
 - That Representative Gara, as campaign chairperson for the House Democratic Campaign Committee (HDCC), solicited campaign contributions via a letter sent March 25, 2008, for the HDCC during the regular legislative session in violation of AS 24.60.031, Restrictions on Fund Raising.

SCOPE OF INVESTIGATION:

The House Subcommittee met on the following dates: May 29, 2008 and January 7, 2009.

- On May 29, 2008 the subcommittee adopted a Scope of Investigation focusing on AS 24.60.031, Restrictions on Fund Raising.

AS 24.60.031(a)(1) A legislator ... may not on a day when either house of the legislature is in regular ... session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for the state legislature; ...

- On January 7, 2008 the subcommittee reviewed the investigative materials and heard from Representative Gara.

DISMISSAL

The House Subcommittee finds the actions of Representative Les Gara, set out in Complaint H 08-02, did not give rise to a violation of the Legislative Ethics Act and therefore dismisses the complaint.

The subcommittee determined there was no clear violation of AS 24.60.031(a)(1). The subcommittee concluded the relevant language of AS 24.60.031(a)(1) "for a campaign for the state legislature" is ambiguous. It was not clear to the subcommittee if this language prohibits solicitation of a contribution to a specific campaign for the state legislature or, more broadly, prohibits the solicitation of a contribution for a state campaign which will be identified in the future, after the legislative session.

The accepted practice has been to allow legislators to solicit campaign contributions during the legislative session for *Political Parties*, as long there was no solicitation for contributions for a specific state legislative campaign and as long as no contributions were made to a state legislative campaign during the legislative session. This interpretation, regarding solicitation of contributions for political parties, was confirmed in emails between the Ethics Office and Representative Gara in 2006. However, in this case, Representative Gara solicited contributions for the HDCC, a subgroup of the Alaska Democratic Party. The primary purpose of the HDCC is to receive campaign contributions of a general nature and to dedicate funds to particular state legislative candidates. These facts were not provided to the Ethics Office and as a result were not addressed by the Ethics Office in the correspondence with Representative Gara.

The subcommittee determined that in light of past practice and the advice Representative Gara received from the Ethics Office that it would not reconsider the interpretation of AS 24.60.031(a)(1) that allowed a solicitation of contributions for political parties as outlined above. As a result the subcommittee did not find a violation of AS 24.60.031(a)(1) based on the fact that Representative Gara solicited contributions during the legislative session for the HDCC, a subgroup of a political party.

In addition, the subcommittee notes that legislation passed during the 2008 legislative session now prohibits legislators from soliciting or accepting a contribution or a promise or pledge to make a contribution for a political party during a regular or special legislative session.


The subcommittee considered whether Representative Gara violated AS 24.60.031(a)(1) by soliciting contributions for specific campaigns. This was a very close question. The subcommittee was concerned that by the listing of some candidates for state office but not all the candidates it could be interpreted that the solicitation was for the specific named candidates. This clearly would have been a violation of AS 24.60.031(a)(1).

The subcommittee concluded that a close reading of the solicitation letter sent by Representative Les Gara, on behalf of the HDCC, would not support a determination that the solicitation was made for the named candidates. However, the letter did create an appearance of impropriety pursuant to AS 24.60.010(2),

“The legislature finds that a fair and open government requires that legislators and legislative employees conduct the public’s business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest.”

in that a less than thorough reading of the letter was very likely to leave the reader with the impression that the solicitation was being made for the specific named candidates.

Adopted this 7th day of January 2008
by a majority of the House Subcommittee


H. Conner Thomas., Co-Chair

Members Participating

H. Conner Thomas, Co-Chair
Dennis (Skip) Cook
Gary J. Turner
Representative Bob Roses
Representative Mary Nelson

Members Absent

Ann Rabinowitz
Herman G. Walker, Jr.

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Chicago, Illinois 60611
United States**Contact:** Christina Bauders
director@cogel.org
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ABOUT US

The Council on Governmental Ethics Laws (COGEL) is a professional organization for government agencies and other organizations working in ethics, elections, freedom of information, lobbying, and campaign finance.

BECOME A MEMBER

There are many benefits to a COGEL membership including a periodic newsletter, discussion forums on this website, a premiere annual conference, and the opportunity to network with colleagues in these fields.

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The Program Committee is working to develop the content for the conference. Information will be updated as it becomes available.



What you'll gain from attending our conference

There is so much to look forward to at this year's 41st Annual COGEL Conference

Join us for a fresh and dynamic program of 45+ educational breakout sessions focused on cutting-edge and emerging topics led by over 125 engaging experts. In addition, we promise a stellar and thought-provoking line-up of plenary speakers. These breakout and plenary sessions are sure to make your stay in the Windy City vibrant and stimulating! Conference favorites – including Breakfast Table Topics and the COGEL Dine-Arounds – are also part of the programming, providing attendees with valuable formal and informal networking opportunities.

The 2019 COGEL Conference offers something for everyone. Each day provides a variety of sessions and experiences for learning and connecting, so that you can return to your agencies and organizations inspired with new ideas.

COGEL Policies

Cancellation Policy—Cancellations received prior to November 15, 2019, will be charged a \$100.00 administrative fee. No refunds will be made for cancellations after November 15, 2019, or for "no shows".

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2019 Conference Schedule

SUNDAY, DECEMBER 15

10:00 AM - 5:00 PM

Conference Registration

1:30 PM - 3:00 PM

Concurrent Sessions

Sandbox Dilemma: Can Campaign Finance Disclosure Regulation and Social Media Play Well Together?

"Speak the Truth, but Leave Immediately After." The Art of Speaking on your Feet!

The Winter of our Discontent: Does Ethics Still Matter in the Current Climate?

Hey, Advice-Givers: It's Game Time!

3:15 PM - 3:45 PM

Kay Williams First Timers & Conference Preview

4:00 PM - 5:15 PM

Concurrent Sessions

Say What You Do: Bridging the Gap between Guidance and Enforcement

To Build a Better Bailot: Designing Ballots and Forms to Encourage Fewer Administrative Errors and Better Electoral Accessibility

The 'Chicago Way': History, Hope, and Reform

Innovation Showcase: Highlights in Technology Advances!

5:30 PM - 7:00 PM

Welcome Reception & Presentation of the 2019 Outstanding Service Award

7:00 PM

COGEL Dine-Arounds

MONDAY, DECEMBER 16

7:30 AM - 8:30 AM

Breakfast & Table Topics

8:45 AM - 10:15 AM

Conference Kick-Off & Opening Plenary Session

10:25 AM - 11:55 AM

Concurrent Sessions

Campaign Finance Update 1: The "Must Know" Litigation Developments

Ethics Update I: Advice, Legislation, Litigation, & Organizational Updates

The Wide World of FOI and Sports

Voting by Mail: Lessons from the Trenches

Against the Wind: How to Promote and Protect Good Law when Legislators like the Status Quo

12:00 PM - 1:30 PM
1:45 PM - 3:15 PM

Plenary Luncheon
Concurrent Sessions

#Woodsplitter: The Spending Scandal in British Columbia

Presentation of the 2019 COGEL Award

Living Among Us: An Update on the Foreign Agents
Registration Act

Kicking the Tires of a National Privacy Policy

User-Experience Design: Make the Public Experience the Best
Experience

3:30 PM - 4:45 PM

Concurrent Sessions
Babysitting? "Hush" Payments? Legal Expenses? The
Appropriate (and Inappropriate) Uses of Campaign Funds
The Mayor, the Brothel and the Watchdog: A Conversation
about the Decline in Local Journalism and what that Means
for Government, Corruption and Ethics
Lobbying Update I: Exploring Federal Laws in the U.S. &
Canada
Elections Update: Developments, Judicial Decisions and the
2020 Election

Social Media in Government: A Public Voice Workshop

6:30 PM

COGEL Dine-Arounds

TUESDAY, DECEMBER 17

7:30 AM - 8:45 AM

Breakfast & Table Topics

9:00 AM - 10:00 AM

Plenary Session

10:15 AM - 11:45 AM

Concurrent Sessions
Crypto-Currency and the Blockchain Explained

What to do when the rules don't apply to everyone

Lobbying Update II: Exploring State, Provincial, & Local
Lobbying Laws

Investigations of Public Officials: How Much Should the Public
Know?

Foreign Interest in Elections. What is happening? Why is it
happening? What can we do about it?

11:45 AM - 1:45 PM

COGEL Dine-Around

1:45 PM - 3:15 PM

Concurrent Sessions
Campaign Finance Update II: Exploring Legislative &
Regulatory Trends
The King of Frauds: An Author Conversation with Washington
Post Wire Services Editor Bob Mitchell, Author of Congress and
The King of Frauds
Freedom of Information (FOI) Legislation and Litigation
Update

The Tale of Whistleblowers

Just the Facts, Ma'am: Asking the Right Questions to Give
Good Advice

Plenary Session

3:30 PM - 5:00 PM

FILM "All The Queen's Horses"

Interview and Q&A with Dr. Kelly Richmond Pope

5:30 PM - 6:30 PM
6:45 PM

Annual "Mix and Mingle" Reception
COGEL Dine-Arounds

WEDNESDAY, DECEMBER 18

8:00 AM - 9:00 AM

Breakfast & Annual COGEL Business Meeting

9:15 AM - 10:30 AM

Concurrent Sessions

#MeToo- Now What? Addressing Sexual Harassment Issues through Government Ethics
One Day a Campaign Staffer; the Next a Lobbyist. Is It All "Too Cozy"?

Freedom of Information Roundtable

Addressing Cyber Security Deficiencies: Illinois Case Study

Moving Training from Good to Great

10:45 AM - 12:00 PM

Concurrent Sessions

Engaging Citizens to Follow the Money

Ethics Update II: Education, IT, & Financial Disclosure

Enforcement Update: Trends, Challenges and Charges in Enforcements and Investigations

Hand-in-Hand: The Science of Hiring and Retention

12:00 PM

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Big city culture isn't the only thing you'll find in the Windy City, though! If you pack your parkas and cozy gloves, you can also enjoy outdoor escapes and urban adventure, with the stunning city skyline as your backdrop. Stroll along the award-winning Riverwalk, zip to the top of a skyscraper for rooftop views, or spend the day at Navy Pier, one of the city's top attractions.

You only have to venture to the Millennium Park Campus to see city and nature side by side, and find the true spirit of Chicago – Instagram-worthy public art installations like Crown Fountain and Cloud Gate (aka The Bean); climbing walls, ice skating ribbons, and fantastical playground landscapes at Maggie Daley Park; performing arts on the stage of the Harris Theater; free exhibitions, tours, and live music at the Chicago Cultural Center; and the world-class Art Institute of Chicago beckoning with major art exhibitions throughout the year.

Whatever adventures you embark on while you are in Chicago, we can't wait to see you at the 2019 COGEL Conference!



Where you'll be

A trendy destination in a dynamic urban setting, Chicago Marriott Downtown Magnificent Mile serves as the host hotel for the 2019 COGEL Conference. Located in the heart of Chicago's famed Magnificent Mile, the conference site provides stunning views of the city, the Magnificent Mile, and Lake Michigan.

The Chicago Marriott Downtown is located at 540 North Michigan Avenue. The room rate is the prevailing government per diem rate (currently \$141.00 U.S. — Note: rate may change prior to Conference) through Friday, November 22, 2019 or until room block is full. Reserve your room by calling 1-877-303-0104 or visit [this website](#).

Once you have settled in, just outside the front door of the hotel, you can visit little-known shops, high-end boutiques and celebrated attractions, including Navy Pier, Soldier Field, United Center, Millennium Park and Wrigley Field. At the end of each session day, indulge in unmatched culinary delights at the dozens of restaurants within walking distance of the Marriott.

Early bird registration is here! For our COGEL members, early bird registration is only \$600 if you register right now! If you choose to wait, the price goes up to \$700. Now if you are not a member, early bird registration for COGEL's 2019 conference is \$1,300. If you choose to wait, the price goes up to \$1,400.

A visit to Chicago delivers steely skyscrapers, top chefs, and top-notch museums and theaters. In short, the Windy City will blow you away with its low-key cultured awesomeness. Grab a COGEL friend and go explore!

Processing electronically-filed disclosures: No editing or amending

1. Open disclosures folder in email inbox open a disclosure email.
2. Using Edge, go to: http://ethics.akleg.gov/disclosure_forms/search/index.php
3. Log in using your Outlook credentials.
4. Enter the name of the filer and click the arrow on the drop-down menu to select the type of disclosure.
5. Click the search button to open a list of that person's disclosures.
6. Double-click on the disclosure that matches the disclosure in the disclosures email inbox.
7. Note whether the disclosure is late. If so, also follow the late disclosure process.

If it is a CEA, check employee directory to determine if there seems to be a supervisory relationship between the filer and the person with whom the association exists.

- If not, notify the filer that no disclosure was required.
- If so, watch for a corresponding disclosure to come from the other person.
 - If the other person does not submit a disclosure in a timely manner, contact the person and remind them they are required to do so.

8. Precheck the disclosure for spelling, punctuation, proper dates, capitalization.

- Acronyms should be spelled out, e.g. NCSL should be National Conference of State Legislatures.
- Travel/Hospitality disclosures need to have enough description for the public to understand what information was provided to the attendee. "Attended Annual Summit" does not qualify as an appropriate description.
 - If editing is needed, make edits or call the filer for more info first and correct the disclosure.

9. Right-click to print as a pdf and save it the associated month folder.
10. Edit the electronic disclosure by highlighting the type of disclosure, the date of the activity, and the filing date. Insert the word "House," "Senate," or "Joint" as appropriate in the bottom right corner of the disclosure (24 pt arial bold gray).
11. Print a paper copy of the disclosure and file with other disclosures received.
12. Move email to the appropriate (based on whether it is late) 2019 disclosures archive folder.

Jacqui Yeagle

From: Apache <apache@wwwjnu06.localdomain>
Sent: Wednesday, June 26, 2019 11:51 AM
To: Sen. John Coghill; Ethics Disclosures
Subject: Ethics Disclosure: CLOSE ECONOMIC ASSOCIATION

Thank you, Your disclosure has been submitted!

Please print a copy for your records. Your disclosure form has been submitted to the Ethics Office. A copy has also been e-mailed to you.

received at: Wed Jun 2019 26 11:50:41 AKDT

Disclosure of a

CLOSE ECONOMIC ASSOCIATION

Name of Discloser: Sen. John Coghill

Address: State Capitol, Juneau, AK 99801

Phone Number: 465-3719

Employer: Senator John Coghill

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of association.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A Close Economic Association means a financial relationship between a person covered by the Legislative Ethics Act and some other person or entity, including relationships where the legislator or legislative employee serves as a consultant or advisor to, is a member or representative of or has a financial interest in any association, partnership, business or corporation. Those covered by the Ethics Act are required to disclose their close economic associations, in sufficient detail, with supervisors, legislators, public officials defined in AS 39.50, registered lobbyists and, if the discloser is a legislator, with legislative employees.

For legislative employees
disclosure form.

The first two pages demonstrate what I typically receive when a disclosure is received electronically.

Steps 1-4

**Disclosure of a close economic association,
in accordance with AS 24.60.070**

Person with whom association exists: Jim Puckett

Person's Status: Legislative Employee

If the person is a **Public Official**, what is their title and department?

Type of economic association: Share house

For Payment For, Joint Property Ownership, Joint Business Venture, and Other, please describe sufficiently enough that a reader of the disclosure can ascertain the nature of the association:

Date of the association: 5 / 27 / 2019

The above is a true and accurate representation of my economic association,
in accordance with AS 24.60.070.

Electronic Signature, Please type your name

Signature: Senator John Coghill **Date:** June 26, 2019

ETHICS DISCLOSURE FORMS

Name of Discloser: Sen. John Coghill

Address: State Capitol, Juneau, AK 99801

Phone Number: 465-3719

Employer: Senator John Coghill

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of association.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A Close Economic Association means a financial relationship between a person covered by the Legislative Ethics Act and some other person or entity, including relationships where the legislator or legislative employee serves as a consultant or advisor to, is a member or representative of or has a financial interest in any association, partnership, business or corporation. Those covered by the Ethics Code are required to disclose their close economic associations, in sufficient detail, with supervisors, legislators, public officials defined in AS 39.50, registered lobbyists and, if the discloser is a legislator, with legislative employees.

For legislative employees with a lobbyist spouse or domestic partner, additional requirements apply. See separate disclosure form.

Disclosure of a close economic association, in accordance with AS 24.60.070

Person with whom association exists: Jim Puckett

Person's Status: Legislative Employee

If the person is a Public Official, what is their title and department?

Description of economic association: Share house

For Rent To, Rent From, Payment For, and Other, please provide additional information:

Date of the association: 5 / 27 / 2019

The above is a true and accurate representation of my economic association,
in accordance with AS 24.60.070.

Electronic Signature, Please type your name

Signature: Senator John Coghill

Date: Wed Jun 2019 26 11:50:41 AKDT

I search the online database and download an electronic copy of the disclosure.

Steps 5-9

ETHICS DISCLOSURE FORMS

Name of Discloser: Sen. John Coghill

Address: State Capitol, Juneau, AK 99801

Phone Number: 465-3719

Employer: Senator John Coghill

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of association.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A Close Economic Association means a financial relationship between a person covered by the Legislative Ethics Act and some other person or entity, including relationships where the legislator or legislative employee serves as a consultant or advisor to, is a member or representative of or has a financial interest in any association, partnership, business or corporation. Those covered by the Ethics Code are required to disclose their close economic associations, in sufficient detail, with supervisors, legislators, public officials defined in AS 39.50, registered lobbyists and, if the discloser is a legislator, with legislative employees.

For legislative employees with a lobbyist spouse or domestic partner, additional requirements apply. See separate disclosure form.

Disclosure of a close economic association, in accordance with AS 24.60.070

Person with whom association exists: Jim Puckett

Person's Status: Legislative Employee

If the person is a Public Official, what is their title and department?

Description of economic association: Share house

For Rent To, Rent From, Payment For, and Other, please provide additional information:

Date of the association: 5 / 27 / 2019

The above is a true and accurate representation of my economic association,
in accordance with AS 24.60.070.

Electronic Signature, Please type your name

Signature: Senator John Coghill

Date: Wed Jun 2019 26 11:50:41 AKDT

I prepare the disclosure for publishing and save the disclosure both on paper and electronically.

When it is time for me to submit the disclosures, this is what I send.

Steps 10-11

Senate

Processing handwritten disclosures

Handwritten disclosures can be received by mail, FAX, email, or hand-delivered.

1. Note whether the disclosure is late. If so, also follow the late disclosure process.
2. Precheck for disclosure type.

If it is a CEA, check employee directory to determine if there seems to be a supervisory relationship between the filer and the person with whom the association exists.

- If not, notify the filer that no disclosure was required.
- If so, watch for a corresponding disclosure to come from the other person.
 - If the other person does not submit a disclosure in a timely manner, contact the person and remind them they are required to do so.

3. If the disclosure was not received by email, scan and email the handwritten copy and other submitted documents to yourself.
4. Insert the date and time the disclosure was received on the electronic disclosure.
5. Go to or make a "Handwritten" folder in the current month disclosure folder.
6. Save the electronic copy of the original document in the handwritten folder. Keep either the original paper copy or the electronic copy available for the next steps.
7. Open the intranet and click on "File an Ethics Disclosure."
8. Enter username "lethdis" and password "eDisc0!!".
9. Click on the type of disclosure submitted.
10. Complete the form using information as provided on the original disclosure.

- Include title (Sen or Rep) with first name
- Note that the disclosure will auto-fill Employer section with Ethics Committee. Delete and enter the correct employer information as provided.
- Sign the disclosure by entering the discloser's name followed by "by (your initials)." Use the filer's name only in the signature field. No titles.
- Spell out acronyms, e.g. NCSL should be National Conference of State Legislatures and correct spelling, punctuation, grammar, and capitalization as needed.
- Travel/Hospitality disclosures need to have enough description for the public to understand what information was provided to the attendee. "Attended Annual Summit" does not qualify as an appropriate description.
 - If additional information is needed, call or send the filer an email asking for the needed information and amend the disclosure if they respond.

11. Click "Proceed" and review form for correction information, spelling, etc.

If changes are needed be aware that *the filer information and signature will need to be re-entered.*

12. When the form is correct, click submit. The disclosure will appear in the disclosure inbox.

If the filer is associated with either the House or the Senate, follow the next steps.

- a. Go to the disclosures database (bookmarked in Edge).
- b. Enter username: ethics, password: eDisc0!!
- c. Click on ethics in left hand menu.
- d. Click "Employee."
- e. Click the double arrows in the center section that point to the right. This will take you to the last disclosure filed.
- f. **In the "Type" column, correct to "h" or "s". (It will autofill "j".) If this step is missed, the disclosure will not pull up correctly during the publication process.**
- g. **Click go.**

13. Go to: http://ethics.akleg.gov/disclosure_forms/search/index.php

14. Log in using your Outlook credentials.

15. Enter the name of the person and click the arrow on the drop-down menu to select the type of disclosure.

16. Click the Search button.

17. A list of disclosures for that person should pull up. Double click on the disclosure you wish to edit.

18. The identification number is listed in the URL of the page. The "h" number tells what type of disclosure (h1 through h13), and the last 4-digit number will pull up that specific disclosure in the database. Make note of these numbers; they will be needed when accessing the database.

19. Open a new tab on the intranet/internet.

20. **Using Edge**, go to bookmarked disclosures database at

<http://sop.legis.state.ak.us/root/index.php?db=ethics&token=54cd197f230e62fe59b96de684dc7229#PMAURL-0:index.php?db=&table=&server=1&target=&token=440ff751b7c4b72f94b28d7179f7c1f6>

21. Enter username: ethics (lethdis), password: eDisc0!!

22. Click on ethics in left hand menu.

23. Find h# listed in table and click on the associated search link. **Note: For h1, click the search on h1_org in list on the left side of the table.**
24. Find the appropriate line in which to enter the last four digits. **Note: For h1, enter the digits on the h1_id line.**
25. Click go at the bottom of the page.
26. Click edit.
27. Scroll to the bottom of the disclosure. Change the h_5 date to the date the on which the disclosure was received.
28. Change the h_5timestamp to reflect the date and time the disclosure was received.
29. Change the h5_time box to reflect the date and time the disclosure was received.
30. Click on go at the bottom of the page.
31. Open the disclosure search tab with the associated filer and click refresh OR go to the bookmarked disclosures database at http://ethics.akleg.gov/disclosure_forms/search/index.php.
 - a. Enter the name of the filer and click the arrow on the drop-down menu to select the type of disclosure.
 - b. Click the Search button to open a list of that person's disclosures.
 - c. Double-click on the disclosure that matches the disclosure in the disclosures email inbox.
32. Right-click to print the disclosure as a pdf and save it to the associated handwritten electronic file.
33. Create a new folder using the filer's last name.
34. Place both the original handwritten disclosure and the copy of the electronic disclosure into the associated folder.
35. Edit the pdf version by inserting a "DRAFT" stamp on the disclosure (24 pt arial bold red).
36. Send to the filer the electronic copy of the DRAFT and handwritten disclosure asking the filer to review it and let you know if there are any edits needed.
37. Open the draft copy of the disclosure.
38. Save a copy of the draft disclosure in the monthly disclosure folder.
 - a. Edit the draft by deleting the word "draft", highlighting the type of disclosure, the date of the activity, and the timestamp.
 - b. Insert the word "House," "Senate," or "Joint" as appropriate in the bottom right corner of the disclosure (24 pt arial bold gray).
39. Print copies as needed of the final disclosure and the original handwritten disclosure.

40. Staple the paper copies of both electronic versions and the hand-written version of the disclosure.
41. File with other disclosures received in the current month.
42. When sending the final disclosures to the House Clerk and Senate Secretary's offices, include the handwritten disclosure for their convenience in proofing.
43. Move emails to the appropriate 2019 disclosures archive folder.

Jacqui Yeagle

From: Rep. Grier Hopkins
Sent: Wednesday, June 19, 2019 3:52 PM
To: Jacqui Yeagle
Subject: Work conflict disclosure form for Rep. Hopkins
Attachments: 06192019113620-0001.pdf

Hello Jacqui,

Please find attached my disclosure for working with state boards and commissions in my non-legislative work capacity with NEA-Alaska.

If there is any further information you need, please don't hesitate to let me know.

Rep. Grier Hopkins

The first two pages demonstrate what I typically receive when a handwritten disclosure is submitted by email.

Steps 1-2

Disclosure of
REPRESENTATION FOR COMPENSATION
 THE EXISTENCE OF AN AGREEMENT TO REPRESENT
 A CLIENT BEFORE A STATE AGENCY, BOARD OR COMMISSION

NAME OF DISCLOSER: Grier Hopkins
 ADDRESS: 1528 Sunlight Drive
 PHONE NUMBER (Daytime): 207-347-2101
 EMPLOYER (if legislative employee) _____

Name of person represented: North Slope Borough Education Association
 Subject matter of representation: Labor/contract/negotiations with North Slope School District

Body before which representation occurred or is to occur: Alaska Labor Relations Board

Date of Representation: June 3rd 2019 - December 31, 2019

The above is a true and accurate representation of my representation,
 in accordance with AS 24.60.100

[Signature]
 Signature

6/5/2019
 Date

☐ Check box if this is your 90 day final report and there are no changes to the above information. AS 24.60.115 requires legislators, legislative employees and public members of the committee leaving service to disclose every matter or interest UNLESS previously disclosed OR the matter or interest is no longer subject to disclosure.

 Signature

 Date

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of representation occurring.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A legislator or legislative employee may not represent another person for pay before the legislative branch of state government. They may represent another person for pay before the executive or judicial branch. Paid representation before an agency, board or commission of the state must be disclosed. Contact the Ethics Committee if state or federal law requires omitting the name of a client for confidentiality purposes.

Note: AS 24.60.085 prohibits a legislator, directly or by authorizing another to act on their behalf, from accepting or agreeing to accept compensation for work associated with legislative, administrative or political action. Administrative and legislative action is defined in AS 24.45.071. Political action is defined in AS 24.60.990.

FAX: 269-0152

Mail: P.O. Box 90251, Anchorage, AK 99509

Pouch: Anchorage LIO

Disclosure of
REPRESENTATION FOR COMPENSATION
 THE EXISTENCE OF AN AGREEMENT TO REPRESENT
 A CLIENT BEFORE A STATE AGENCY, BOARD OR COMMISSION

NAME OF DISCLOSER: Grier Hopkins
 ADDRESS: 1528 Sunlight Drive Please Print
 PHONE NUMBER (Daytime): 907-347-2101
 EMPLOYER (if legislative employee) _____

Name of person represented: North Slope Borough Education Association
 Subject matter of representation: Labor/contract/negotiations with North Slope School District

Body before which representation occurred or is to occur: Alaska Labor Relations Board

Date of Representation: June 3rd 2019 - December 31, 2019

The above is a true and accurate representation of my representation,
 in accordance with AS 24.60.100

[Signature]
 Signature

6/5/2019
 Date

☐ Check box if this is your 90 day final report and there are no changes to the above information. AS 24.60.115 requires legislators, legislative employees and public members of the committee leaving service to disclose every matter or interest UNLESS previously disclosed OR the matter or interest is no longer subject to disclosure

 Signature

REPORTING DEADLINE

- Within 30 days of representation
- Annually within the first 30 days
- 90 days after final day of service

A legislator or legislative employee may not accept compensation for representation before an agency, board or committee if state or federal law requires disclosure.

Note: AS 24.60.085 prohibits a legislator from accepting or agreeing to accept compensation for representation before an agency, board or committee if state or federal law requires disclosure. Administrative and legislative acts are exempt. AS 24.60.990.

If the disclosure was mailed, faxed, or received in any way other than a .PDF attachment to an email, I scan it to make a usable electronic copy.

I mark the electronic copy with the date and time received and save it to the "Handwritten disclosure" folder in the monthly disclosure folder.

ETHICS DISCLOSURE FORMS

Name of Discloser: Rep Grier Hopkins

Address: State Capitol, Juneau, AK 99801

Phone Number: 907-347-2101

Employer:

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of representation occurring.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A legislator or legislative employee may not represent another person for pay before the legislative branch of state government. They may represent another person for pay before the executive or judicial branch. Paid representation before an agency, board or commission of the state must be disclosed. Contact the Ethics Committee if state or federal law requires omitting the name of a client for confidentiality purposes.

Note: AS 24.60.085 prohibits a legislator, directly or by authorizing another to act on their behalf, from accepting or agreeing to accept compensation for work associated with legislative, administrative or political action. Administrative and legislative action is defined in AS 24.45.071. Political action is defined in AS 24.60.990.

Name of person represented: North Slope Borough Education Assoc

Subject matter of representation: Labor/contract/negotiations with North Slope School District

Body before which representation occurred or is to occur: Alaska Labor Relations Board

Date of Representation: 6 / 3 / 2019

The above is a true and accurate representation of my representation,

In accordance with AS 24.60.100

Electronic Signature, Please type your name

Signature: Grier Hopkins by JY

Date: Wed Jun 2019 19 15:52:51 AKDT

I enter the handwritten information into the online database, download an electronic copy of the disclosure, and save it to the monthly disclosure folders.

Steps 7-12

DRAFT

ETHICS DISCLOSURE FORMS

Name of Discloser: Rep Grier Hopkins

Address: State Capitol, Juneau, AK 99801

Phone Number: 907-347-2101

Employer:

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of representation occurring.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A legislator or legislative employee may not represent another person for pay before the legislative branch of state government. They may represent another person for pay before the executive or judicial branch. Paid representation before an agency, board or commission of the state must be disclosed. Contact the Ethics Committee if state or federal law requires omitting the name of a client for confidentiality purposes.

Note: AS 24.60.085 prohibits a legislator, directly or by authorizing another to act on their behalf, from accepting or agreeing to accept compensation for work associated with legislative, administrative or political action. Administrative and legislative action is defined in AS 24.45.071. Political action is defined in AS 24.60.990.

Name of person represented: North Slope Borough Education Assoc

Subject matter of representation: Labor/contract/negotiations with North Slope School District

Body before which representation occurred or is to occur: Alaska Labor Relations Board

Date of Representation: 6 / 3 / 2019

The above is a true and accurate representation of my representation,

in accordance with AS 24.60.100

Electronic Signature, Please type your name

Signature: Grier Hopkins by JY

Date: Wed Jun 2019 19 15:52:51 AKDT

I mark the downloaded copy of the disclosure with the word DRAFT and save it to the handwritten folder in the monthly electronic disclosure file.

Steps 13-35

Jacqui Yeagle

From: Jacqui Yeagle
Sent: Thursday, June 27, 2019 10:56 AM
To: Rep. Grier Hopkins
Cc: Jerry Anderson
Subject: RE: Work conflict disclosure form for Rep. Hopkins
Attachments: Hopkins - draft.pdf

Good morning,

Attached is a draft of the disclosure. Please review and let me know if changes are needed.

Thank you.

Jacqui Yeagle

From: Rep. Grier Hopkins
Sent: Wednesday, June 19, 2019 3:52 PM
To: Jacqui Yeagle <Jacqui.Yeagle@akleg.gov>
Subject: Work conflict disclosure form for Rep. Hopkins

Hello Jacqui,

Please find attached my disclosure for working with state boards and commissions in my non-legislative work capacity with NEA-Alaska.

If there is any further information you need, please don't hesitate to let me know .

Rep. Grier Hopkins

I send a reply email to the sender along with a draft copy of the disclosure.

About 1/2 of the recipients reply to my follow up email.

Step 36

ETHICS DISCLOSURE FORMS

Name of Discloser: Rep Grier Hopkins

Address: State Capitol, Juneau, AK 99801

Phone Number: 907-347-2101

Employer:

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of representation occurring.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A legislator or legislative employee may not represent another person for pay before the legislative branch of state government. They may represent another person for pay before the executive or judicial branch. Paid representation before an agency, board or commission of the state must be disclosed. Contact the Ethics Committee if state or federal law requires omitting the name of a client for confidentiality purposes.

Note: AS 24.60.085 prohibits a legislator, directly or by authorizing another to act on their behalf, from accepting or agreeing to accept compensation for work associated with legislative, administrative or political action. Administrative and legislative action is defined in AS 24.45.071. Political action is defined in AS 24.60.990.

Name of person represented: North Slope Borough Education Assoc

Subject matter of representation: Labor/contract/negotiations with North Slope School District

Body before which representation occurred or is to occur: Alaska Labor Relations Board

Date of Representation: 6 / 3 / 2019

The above is a true and accurate representation of my representation,

in accordance with AS 24.60.100

Electronic Signature, Please type your name

Signature: Grier Hopkins by JY

Date: Wed Jun 2019 19 15:52:51 AKDT

House

I prepare the disclosure for publishing and save the disclosure both on paper and electronically.

When it is time to forward the disclosure for publishing, I match the final disclosure with the original time-stamped email along with any change requests.

Steps 37-44

FAX: 269-0152

Mail: P.O. Box 90251, Anchorage, AK 99509

Pouch: Anchorage LJO

Disclosure of
REPRESENTATION FOR COMPENSATION
 THE EXISTENCE OF AN AGREEMENT TO REPRESENT
 A CLIENT BEFORE A STATE AGENCY, BOARD OR COMMISSION

NAME OF DISCLOSER: Grier Hopkins
 ADDRESS: 1528 Sunlight Drive
 PHONE NUMBER (Daytime): 907-347-2101
 EMPLOYER (if legislative employee) _____

Name of person represented: North Slope Borough Education Association
 Subject matter of representation: Labor/contract negotiations with North Slope School District

Body before which representation occurred or is to occur: Alaska Labor Relations Board

Date of Representation: June 3rd 2019 - December 31, 2019

The above is a true and accurate representation of my representation,
 in accordance with AS 24.60.100

[Signature]
 Signature

6/5/2019
 Date

☐ Check box if this is your 90 day final report and there are no changes to the above information. AS 24.60.115 requires legislators, legislative employees and public members of the committee leaving service to disclose every matter or interest UNLESS previously disclosed OR the matter or interest is no longer subject to disclosure.

 Signature

 Date

REPORTING DEADLINES: AS 24.60.105 and AS 24.60.115

- Within 30 days of representation occurring.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A legislator or legislative employee may not represent another person for pay before the legislative branch of state government. They may represent another person for pay before the executive or judicial branch. Paid representation before an agency, board or commission of the state must be disclosed. Contact the Ethics Committee if state or federal law requires omitting the name of a client for confidentiality purposes.

Note: AS 24.60.085 prohibits a legislator, directly or by authorizing another to act on their behalf, from accepting or agreeing to accept compensation for work associated with legislative, administrative or political action. Administrative and legislative action is defined in AS 24.45.071. Political action is defined in AS 24.60.990.

Jacqui Yeagle

From: Rep. Grier Hopkins
Sent: Wednesday, June 19, 2019 3:52 PM
To: Jacqui Yeagle
Subject: Work conflict disclosure form for Rep. Hopkins
Attachments: 06192019113620-0001.pdf

Hello Jacqui,

Please find attached my disclosure for working with state boards and commissions in my non-legislative work capacity with NEA-Alaska.

If there is any further information you need, please don't hesitate to let me know.

Rep. Grier Hopkins

Jerry Anderson

To: Joyce Anderson
Cc: Jerry D Anderson
Subject: Ethics Training 2020 - Explanation of intended discussion for August 14, 2019 meeting

The Select Committee on Legislative Ethics is tasked with providing ethics training under AS 24.60.155. *"[A] legislative ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of each legislature or, if the person takes office or begins service after the 10th day of that session, within 30 days after the person takes office or begins service. The committee may provide additional time to complete the course required by this section."*

The Committee has also adopted Rules of Procedure Section 12 Education which provides:

SECTION 12 EDUCATION (a) HANDBOOK: (1) The committee will publish a yearly Standards of Conduct Handbook for the purpose of providing a practical guide for those covered by the Ethics Code which includes a copy of the Legislative Ethics Act, other applicable laws, question and answer guidelines for each section of the Act, a recap of advisory opinions, disclosure forms and deadlines, the complaint process and a sample complaint form. (2) The handbook will be distributed:

(A) at all Ethics training courses to all attendees

(B) at the beginning of each legislative session to legislator's offices in Juneau

(C) to LIO offices throughout the state; and

(D) be included in the 'new hire' packet distributed by the Legislative Personnel Office or other hiring agency within the legislature; the employee will be required to sign a form acknowledging receipt of the handbook and responsibility for complying with the Act.

(b) TRAINING: The committee administrator and/or committee members will participate in training legislators, public members of the committee and legislative staff by administering a legislative ethics course that teaches compliance with the Legislative Ethics Act and is designed to give an understanding of the Act under AS 24.60.010. (1) The committee shall within 10 days of the first day of each regular session, and at other times determined by the committee, administer two types of legislative ethics courses as defined in AS 24.60.150(a)(4). (A) Returning legislators, committee members, or legislative employees shall attend a refresher course which includes a review of compliance issues. (B) First-time legislators, committee members, or legislative employees shall attend a course offering a fundamental understanding of the Act and how to comply with it. (2) If a person takes office or begins employment after the 10th day of the first regular session, the person shall complete the course within 30 days after the person's first day of service. The committee may grant a person additional time to complete the course. (A) The committee will provide a variety of methods to accomplish this requirement which may include a course administered by Ethics staff. (3) If the course is not administered by Ethics staff, the person will be required to sign a form acknowledging review of a legislative ethics course provided by the committee. The form will be kept on file in the Ethics office. (4) Legislative leadership or agency department heads, whichever is appropriate, will be notified of any person required to take training who has not completed the course within the 30 day statutory requirement.

I am requesting that the committee review both the requirements for the annual Standards of Conduct Handbook under Rule of Procedure Section 12(a) and the content of the ethics training required under 12(b).

ISSUE: I propose a vastly scaled down physical printing of the Standards of Conduct Handbook. We have two full storage boxes full of these handbooks for 2019 that were unwanted by attendees. This appears to be an unnecessary expense since the handbook is online under the internal ethics link and available for updating at any time. In 2019, the new statutes related to HB 44 were not available prior to printing and training deadlines. This made the Handbook out

of date at the time of printing. PROPOSED SOLUTION: I suggest that distribution be limited to those persons and places under ROP 12(a)(2)(B), (C) and (D) above and only those employees specifically requesting a new physical copy.

ISSUE: I propose that we decrease the amount of time devoted to the Sexual Harassment and Other forms of Discrimination topics currently provided for training under ROP Section 12(b). Currently, we are using an online video version of training for new hires, which has 210 minutes on these topics. In addition, we have the traditional segments of 120 minutes for all legislative employees and an additional 40 minutes for only legislative staffers. This is a total of 6 hours and 10 minutes of ethics training under AS 24.60. 155(a) and ROP Section 12(b). The length of this training is a concern. As of August 2019, none of the presenters from the Alaska Humans Rights Commission doing the training depicted in the video are still employed with that organization. We will be making a new request for continued training from this organization under the new leadership. PROPOSED SOLUTION: It is appropriate at this time for the Committee to review the length of and content of training. This will provide guidance to the Administrator for Ethics Training in 2020 (new hires only) and the larger group training requirements in 2021 (consisting of all legislators and all legislative employees).

Thank-you for your attention to these issues.

Jerry D. Anderson

Administrator, Select Committee on Legislative Ethics
PO Box 90251
Anchorage, AK 99509
(907) 269-0150
Fax: (907) 269-0152

Email: jerry.anderson@akleg.gov

Web Site: <http://ethics.akleg.gov>

Confidentiality: This email and any attachments are intended for the addressee and may contain confidential information protected by law from improper or unauthorized disclosure, copying or distribution.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 2, 2018

SUBJECT: Inclusion of Sexual Harassment Training in Annual Mandatory
Legislative Ethics Training (Work Order No. 30-LS1223)

TO: Jerry Anderson, Legislative Ethics Administrator

FROM: Doug Gardner
Director

Question Presented

You asked whether the sexual harassment training that Human Resources Manager Skiff Lobaugh is arranging for the Alaska Human Rights Commission to present this January may be included in the mandatory annual ethics training provided to legislators and legislative employees under AS 24.60.150.

Brief Answer

The brief answer is yes.

Discussion

The Act, under AS 24.60.039(a), prohibits legislators and legislative employees from engaging in "acts of discrimination in violation of AS 18.80.220."¹ The Alaska Supreme Court has found that AS 18.80.220, the anti-discrimination provision cited in

¹ AS 18.80.220(a) provides, in part:

(a) Except as provided in (c) of this section, it is unlawful for

(1) an employer to . . . discriminate against a person in compensation or in a term, condition, or privilege of employment because of the person's race, religion, color, or national origin, or because of the person's age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood;

...

(4) an employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against a person because the person has opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the person has filed a complaint, testified, or assisted in a proceeding under this chapter;

...

AS 24.60.039, is the basis for sexual harassment complaints under state law in Alaska.

A section of Alaska's anti-discrimination statute makes it unlawful for an employer "to discriminate against a person in compensation or in a term, condition, or privilege of employment because of the person's . . . sex . . . when the reasonable demands of the position do not require distinction on the basis of . . . sex. . . ." AS 18.80.220(a)(1). In *French v. Jadon, Inc.*, 911 P.2d 20 (Alaska 1996), we held that this section prohibited sexual harassment.^[2]

The legislature is a workplace for legislative employees, and legislators are employers in that workplace. Absent adequate training, a legislator or legislative employee who does not understand AS 18.80.220 may be at greater risk of triggering a complaint alleging a violation of AS 24.60.039 by violating a provision of AS 18.80.220 applicable to workplaces.

Conclusion

For the reasons discussed above, training about workplace discrimination prohibited by AS 18.80.220, including workplace sexual harassment, is within the scope of the mandatory ethics course required under AS 24.60.155,³ and as a matter of risk management for the Alaska State Legislature, it is recommended that the training be included in the mandatory ethics training.

DDG:dls
18-002.dls

² *VECO, Inc. v. Rosebrock*, 970 P.2d 906, 910 (Alaska 1999)(italics added). In *VECO, Inc.*, the Alaska Supreme Court found that a male supervisor's behavior was severe and pervasive enough to alter a female employee's conditions of employment, thereby creating a hostile work environment, AS 18.80.220(a)(1) made it unlawful for an employer to discriminate against an individual regarding a condition of employment due to the person's sex when the reasonable demands of the position did not require distinction on the basis of sex, and continuing conduct of the supervisor, especially in the area of sexualized name calling, constituted a pattern of harassment that was pervasive. *See also, Norcon, Inc. v. Kotowski*, 971 P.2d 158 (Alaska 1999). In *Norcon, Inc.*, the Alaska Supreme Court found that a supervisor's conduct towards a female employee involved in the cleanup of the Exxon Valdez oil spill was sufficiently severe to create a hostile working environment, AS 18.80.220 prohibited discrimination on the basis of sex, and the employee had been subjected to unwelcome sexual advances, requests for sexual favors, and physical conduct of a sexual nature.

³ Please note that the Legislative Ethics Committee (committee) has advised that interpretation of law outside of the Act is not within its purview. *See*, for example, AO 08-01, AO 98-02, AO 11-05, AO 13-02, and AO 13-03. Therefore it is possible that the committee would have to rely on outside expertise in order to provide anti-discrimination training.

SECTION 12 EDUCATION

(a) HANDBOOK:

(1) The committee will publish a yearly Standards of Conduct Handbook for the purpose of providing a practical guide for those covered by the Ethics Code which includes a copy of the Legislative Ethics Act, other applicable laws, question and answer guidelines for each section of the Act, a recap of advisory opinions, disclosure forms and deadlines, the complaint process and a sample complaint form.

(2) The handbook will be distributed:

(A) at all Ethics training courses to all attendees

(B) at the beginning of each legislative session to legislator's offices in Juneau

(C) to LIO offices throughout the state; and

(D) be included in the 'new hire' packet distributed by the Legislative Personnel Office or other hiring agency within the legislature; the employee will be required to sign a form acknowledging receipt of the handbook and responsibility for complying with the Act.

(b) TRAINING: The committee administrator and/or committee members will participate in training legislators, public members of the committee and legislative staff by administering a legislative ethics course that teaches compliance with the Legislative Ethics Act and is designed to give an understanding of the Act under AS 24.60.010.

(1) The committee shall within 10 days of the first day of each regular session, and at other times determined by the committee, administer two types of legislative ethics courses as defined in AS 24.60.150(a)(4).

(A) Returning legislators, committee members, or legislative employees shall attend a refresher course which includes a review of compliance issues.

(B) First-time legislators, committee members, or legislative employees shall attend a course offering a fundamental understanding of the Act and how to comply with it.

(2) If a person takes office or begins employment after the 10th day of the first regular session, the person shall complete the course within 30 days after the person's first day of service. The committee may grant a person additional time to complete the course.

(A) The committee will provide a variety of methods to accomplish this requirement which may include a course administered by Ethics staff.

(3) If the course is not administered by Ethics staff, the person will be required to sign a form acknowledging review of a legislative ethics course provided by the committee. The form will be kept on file in the Ethics office.

(4) Legislative leadership or agency department heads, whichever is appropriate, will be notified of any person required to take training who has not completed the course within the 30 day statutory requirement.

(c) INFORMATION: The committee will provide the leadership of both legislative bodies a list of requirements and deadlines, for general announcement and distribution, to all legislators and their staff at the beginning of each legislative session.

(d) COMMUNICATION: Public decisions and advisory opinions rendered by the committee will be communicated to legislative members and legislative staff as soon as possible. Communication may be in the form of a newsletter, memo, or other informal presentation.

(e) NEWSLETTER: The committee will issue a bi-monthly newsletter which *highlights* applicable sections of the Ethics Code based on current events, contains upcoming reporting deadlines and provides other information of value to legislators and legislative employees. The committee may issue additional newsletters as needed.

Enrolled SB 89: Relating to the Legislative Ethics Act; and providing for an effective date.

00 Enrolled [SB 89](#)
01 Relating to the Legislative Ethics Act; and providing for an effective date.
02
03 * Section 1. [AS 24.60.010](#) is amended by adding a new paragraph to read:
04 (9) a fair and open government requires that constituents have
05 unencumbered access to legislators about issues important to the state under art. I,
06 secs. 5 and 6, Constitution of the State of Alaska, which protect the right of a legislator
07 and a constituent to meet and the right of a person to petition the government, and this
08 chapter is not intended to restrict those rights.
09 * Sec. 2. [AS 24.60.030](#)(e) is amended to read:
10 (e) A legislator may not directly, or by authorizing another to act on the
11 legislator's behalf,
12 (1) agree to, threaten to, or state or imply that the legislator will take or
13 withhold a legislative, administrative, or political action, including support for or
14 opposition to a bill, employment, nominations, and appointments, as a result of a
15 person's decision to provide or not provide a political contribution, donate or not
16 donate to a cause favored by the legislator, or provide or not provide a thing of value;
17 (2) state or imply that the legislator will perform or refrain from
18 performing a lawful constituent service as a result of a person's decision to provide or
19 not provide a political contribution, donate or not donate to a cause favored by the
20 legislator, or provide or not provide a thing of value; or
21 (3) unless required by the Uniform Rules of the Alaska State
22 Legislature [EXCEPT AS PROVIDED IN (g) OF THIS SECTION OR WHILE
23 PARTICIPATING IN A PUBLIC DISCUSSION OR DEBATE], take or withhold
24 legislative [OFFICIAL] action [OR EXERT OFFICIAL INFLUENCE] that is likely
25 to [COULD] substantially benefit or harm the financial interest of the legislator, the
26 legislator's spouse, or a person
27 [(A) WHO IS A MEMBER OF THE LEGISLATOR'S
28 IMMEDIATE FAMILY;
29 (B) BY WHOM THE LEGISLATOR OR A MEMBER OF
30 THE LEGISLATOR'S IMMEDIATE FAMILY IS EMPLOYED;
31 (C)] with whom the legislator or the legislator's spouse is
32 employed or is negotiating for employment [
33 (D) FROM WHOM THE LEGISLATOR OR A MEMBER OF
34 THE LEGISLATOR'S IMMEDIATE FAMILY HAS, IN THE
35 IMMEDIATELY PRECEDING 12-MONTH PERIOD, RECEIVED MORE
36 THAN \$10,000 OF INCOME].
37 * Sec. 3. [AS 24.60.030](#)(g) is amended to read:
38 (g) Unless otherwise required by the Uniform Rules of the Alaska State
39 Legislature, a legislator shall declare a conflict of interest before voting on a question
40 before a committee of the legislature, and shall request to be excused from voting on a
41 question before a house of the legislature [,] if the effect of the vote is likely to
42 substantially benefit or harm the financial interest of the legislator,
43 [LEGISLATOR OR A MEMBER OF] the legislator's spouse, or a person with
44 whom the legislator or the legislator's spouse is employed or is negotiating for
45 employment [IMMEDIATE FAMILY HAS A FINANCIAL INTEREST IN A
46 BUSINESS, INVESTMENT, REAL PROPERTY, LEASE, OR OTHER
47 ENTERPRISE IF THE INTEREST IS SUBSTANTIAL AND THE EFFECT ON
48 THAT INTEREST OF THE ACTION TO BE VOTED ON IS GREATER THAN
49 THE EFFECT ON THE GENERAL PUBLIC OF THE STATE. HOWEVER,
50 NOTWITHSTANDING (e)(3) OF THIS SECTION AND THE LIMITATIONS OF
51 THIS SUBSECTION, A LEGISLATOR MAY VOTE ON AN APPROPRIATION
52 BILL THAT MEETS THE REQUIREMENTS OF [AS 37.07.020](#)(a) OR 37.07.100].
53 * Sec. 4. [AS 24.60.030](#)(j)(2) is amended to read:
54 (2) "substantially benefit or harm" means the effect on the person's
55 financial interest is greater than the effect on the financial interest of a substantial
56 class of persons to which the person belongs as a member of a profession,
57 occupation, industry, or region [THE GENERAL PUBLIC OF THE STATE].
58 * Sec. 5. [AS 24.60.030](#)(j) is amended by adding a new paragraph to read:
59 (3) "financial interest" means a substantial equity or ownership interest
60 in a business, investment, real property, lease, or other enterprise.
61 * Sec. 6. [AS 24.60.990](#)(a)(6) is repealed.
62 * Sec. 7. This Act takes effect immediately under [AS 01.10.070](#)(c).

Enrolled HB 44: Relating to campaign expenditures and contributions; relating to the per diem of members of the legislature; relating to limiting gifts by lobbyists to legislators and legislative employees; requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest; and providing for an effective date.

00 Enrolled [HB 44](#)
01 Relating to campaign expenditures and contributions; relating to the per diem of members of
02 the legislature; relating to limiting gifts by lobbyists to legislators and legislative employees;
03 requiring a legislator to abstain from taking or withholding official action or exerting official
04 influence that could benefit or harm an immediate family member or certain employers;
05 requiring a legislator to request to be excused from voting in an instance where the legislator
06 may have a financial conflict of interest; and providing for an effective date.
07
08 * Section 1. [AS 15.13.068](#) is amended to read:
09 [Sec. 15.13.068](#). Expenditures and contributions by foreign-influenced
10 corporations and foreign nationals. (a) A foreign-influenced corporation or
11 foreign national may not, directly or indirectly, in connection with an election under
12 this chapter, make a contribution or expenditure or make an express or implied
01 promise to make a contribution or expenditure.
02 (b) The provisions of this section prohibit a foreign-influenced corporation
03 or foreign national from making a contribution or expenditure in connection with a
04 state election only to the extent
05 (1) [THAT] federal law prohibits the foreign-influenced corporation
06 or [A] foreign national from making a contribution or expenditure in connection with
07 a state election; and
08 (2) permitted by federal law.
09 (c) In this section,
10 (1) "corporation" means any corporation, company, limited
11 liability company, limited partnership, business trust, business association, or
12 other similar entity;
13 (2) "covered expenditure" means an independent expenditure,
14 electioneering expenditure, or express communication, but does not include a
15 media communication, membership communication, shareholder
16 communication, or expenditure as defined in [AS 15.13.400](#);
17 (3) "election" means any state or local election, including a special
18 or runoff election;
19 (4) "electioneering expenditure" means a purchase or transfer of,
20 or a promise or agreement to purchase or transfer, money or a thing of value to
21 enable or facilitate the broadcast or other distribution of a communication that
22 (A) clearly refers to a candidate for an election under (B) of
23 this paragraph;
24 (B) occurs in a 60-day period immediately preceding a
25 general, special, or runoff election or within the 30 days preceding a
26 primary or preference election, or a convention or caucus of a political
27 party legally permitted to nominate a candidate for an election under this
28 chapter; and
29 (C) may be received by 500 or more persons in the
30 jurisdiction the candidate seeks to represent;
31 (5) "foreign-influenced corporation" means a corporation for
01 which
02 (A) a foreign national or foreign owner holds, owns,
03 controls, or has direct or indirect beneficial ownership of equity or voting
04 shares in an amount equal to or greater than five percent of all corporate
05 voting shares outstanding or all corporate equity;
06 (B) two or more foreign nationals or foreign owners
07 combined hold, own, control, or have direct or indirect beneficial
08 ownership of equity or voting shares in an amount equal to or greater
09 than 20 percent of all corporate voting shares outstanding or all corporate
10 equity; or
11 (C) a foreign national or foreign owner participates directly
12 or indirectly in decisions relating to covered expenditures or
13 contributions;
14 (6) "foreign national" means
15 (A) [INCLUDES (1)] an individual who is not a United States

16 citizen or lawfully admitted for permanent residence under 8 U.S.C.
17 1101(a)(20);
18 (B) [(2)] a foreign government, every political subdivision of a
19 foreign government, every official, agent, or representative of a foreign
20 government, and every agency, corporation, or instrumentality of the foreign
21 government or of a political subdivision of a foreign government;
22 (C) [(3)] a person outside of the United States, unless it is
23 established that the person is an individual and a citizen of and domiciled in
24 the United States, or that the person is not an individual and is organized under
25 or created by the laws of the United States or of any state or other place subject
26 to the jurisdiction of the United States and has its principal place of business in
27 the United States; or

28 (D) [(4)] a partnership, association, corporation, organization,
29 or other combination of persons organized under the laws of or having its
30 principal place of business in a foreign country;

31 (7) "foreign owner" means a person for whom a foreign national
01 holds, owns, controls, or otherwise has directly or indirectly acquired beneficial
02 ownership of equity or voting shares in a corporation in an amount equal to or
03 greater than 50 percent of all corporate voting shares outstanding or all
04 corporate equity;

05 (8) "media communication" means a communication
06 (A) in a news story, commentary, or editorial distributed
07 through the facilities of a radio station, television station, cable television
08 system, or satellite system, newspaper, magazine, or other periodical
09 publication, unless the facilities are owned or controlled by a political
10 party, political committee, or candidate; or

11 (B) that constitutes a public debate or forum that includes
12 at least two opposing candidates for an office or one advocate and one
13 opponent of an issue, or that solely promotes such a debate or forum and
14 is made by or on behalf of the person sponsoring the debate or forum,
15 provided that the staging organization

16 (i) is a charitable organization that does not make
17 other covered expenditures and does not otherwise support or
18 oppose any political candidate, political party, ballot propositions
19 or questions, or initiative proposals or is a newspaper, radio
20 station, television station, cable television system, or satellite
21 system, newspaper, magazine, or other periodical publication, or
22 other recognized news medium; and

23 (ii) does not structure the debate to promote or
24 advance one candidate or issue position over another;

25 (9) "membership communication" means a direct and private
26 communication between a membership organization or union and one or more
27 members of the organization or union, if the membership organization or union
28 (A) has members with authority to administer the
29 membership organization or union;

30 (B) expressly states the qualifications and requirements for
31 membership in articles, bylaws, or other formal organizational
01 documents; and

02 (C) is not organized primarily for the purpose of making
03 covered expenditures or influencing elections, ballot propositions, ballot
04 questions, or ballot initiative proposals;

05 (10) "shareholder communication" means a direct and private
06 communication between a corporation and shareholders, executives, or
07 administrative personnel of the corporation.

08 * Sec. 2. [AS 15.13.068](#) is amended by adding new subsections to read:

09 (d) Notwithstanding (a) of this section, a foreign-influenced corporation may
10 make a contribution to a person who makes covered expenditures or contributions if
11 that person segregates contributions from foreign nationals and foreign-influenced
12 corporations into a separate bank account that may not be used, directly or indirectly,
13 to finance covered expenditures or contributions.

14 (e) In this section, when determining the percentage of a corporation's shares
15 outstanding or equity owned by two or more foreign nationals,

16 (1) ownership in a mutual or pension fund that holds securities is not a
17 form of ownership or control in such securities unless the foreign national or foreign
18 owner can exercise control or participate in the management of the fund;

19 (2) for privately held corporations, a corporation shall determine its
20 percentage of foreign ownership at the time it obligates funds to make covered
21 expenditures or contributions;

22 (3) a publicly held corporation shall determine whether it is a foreign-
23 influenced corporation based on its aggregate foreign ownership percentage at the
24 close of trading on the last business day of the calendar quarter preceding the date the
25 corporation makes or obligates funds to make a covered expenditure or contribution,
26 unless the corporation has actual knowledge of its foreign ownership percentage at the
27 time it makes or becomes obligated to make the covered expenditure or contribution;
28 for the purposes of this paragraph, the corporation shall rely on facts, including

information

(A) in the corporation's shareholder register;

(B) in possession of the United States Securities and Exchange Commission or another governmental agency that is available to the general public;

(C) known to the corporation as a result of litigation, financing transactions, or proxies voted at annual or other meetings; and

(D) known to the corporation from another source.

* Sec. 3. [AS 24.10.120](#)(a) is amended to read:

(a) Salaries, per diem, travel expenses, relocation expenses, and additional allowances for members of the legislature shall be paid as approved by the legislative fiscal officer. The legislative fiscal officer may not approve payment for a member's travel outside the United States unless the member first provides a report establishing that the travel has a legislative purpose. The legislative fiscal officer shall provide a form on which a report under this subsection must be submitted.

* Sec. 4. [AS 24.10.130](#)(b) is amended to read:

(b) Legislators and officers and employees of the legislative branch of government may be entitled to a per diem allowance; however, if a bill that fully funds an operating budget has not, within the first 121 consecutive days of a regular legislative session, including the day the legislature first convenes in that regular session, been passed by the legislature, a member of the legislature is not entitled to a daily per diem allowance for a day the legislature is in session after that 121-day period until the first day after a bill that fully funds an operating budget is passed by the legislature or the first day of the next regular legislative session, whichever occurs earlier. In this subsection, "passed by the legislature" has the meaning given in [AS 01.10.070](#).

* Sec. 5. [AS 24.10.130](#)(c) is amended to read:

(c) The Alaska Legislative Council shall adopt a policy in accordance with (b) of this section and [AS 39.23.540](#)(d) regarding reimbursement for moving expenses [APPLICABLE TO ALL LEGISLATORS] and payment of a [AN APPLICABLE] per diem allowance [POLICY]. The policy must set conditions for the reimbursement for moving expenses and payment of per diem and prescribe the amounts of reimbursement adapted to the special needs of the legislative branch as determined by the council.

* Sec. 6. [AS 24.45.121](#)(a) is amended to read:

(a) A lobbyist may not

(1) engage in any activity as a lobbyist before registering under [AS 24.45.041](#);

(2) do anything with the intent of placing a public official under personal obligation to the lobbyist or to the lobbyist's employer;

(3) intentionally deceive or attempt to deceive any public official with regard to any material fact pertinent to pending or proposed legislative or administrative action;

(4) cause or influence the introduction of a legislative measure solely for the purpose of thereafter being employed to secure its passage or its defeat;

(5) cause a communication to be sent to a public official in the name of any fictitious person or in the name of any real person, except with the consent of that person;

(6) accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action;

(7) serve as a member of a state board or commission, if the lobbyist's employer may receive direct economic benefit from a decision of that board or commission;

(8) serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect contributions for, or deliver contributions to, a candidate, or otherwise engage in the fund-raising activity of a legislative campaign or campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register, as a lobbyist under this chapter, during the calendar year; this paragraph does not apply to a representational lobbyist as defined in the regulations of the Alaska Public Offices Commission, and does not prohibit a lobbyist from making personal contributions to a candidate as authorized by [AS 15.13](#) or personally advocating on behalf of a candidate;

(9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person covered by [AS 24.60](#) a gift, other than food or a nonalcoholic beverage for immediate consumption under [AS 24.60.080](#)(a)(2)(A), or a compassionate gift under [AS 24.60.075](#); however, this paragraph does not prohibit a lobbyist from providing

(A) a gift to a legislator or legislative employee who is a member of the lobbyist's immediate family as defined in [AS 24.60.990](#)(a), if the gift is unconnected to the recipient's legislative status;

(B) tickets to a charity event described in [AS 24.60.080](#)(a)(2)(B); or

(C) a contribution to a charity event under [AS 24.60.080](#)(c)(10);

11 (10) make or offer a gift or a campaign contribution whose acceptance
 12 by the person to whom it is offered would violate [AS 24.60](#) or [AS 39.52](#).
 13 * Sec. 7. [AS 24.60.030](#)(e) is amended to read:
 14 (e) A legislator may not directly, or by authorizing another to act on the
 15 legislator's behalf,
 16 (1) agree to, threaten to, or state or imply that the legislator will take or
 17 withhold a legislative, administrative, or political action, including support for or
 18 opposition to a bill, employment, nominations, and appointments, as a result of a
 19 person's decision to provide or not provide a political contribution, donate or not
 20 donate to a cause favored by the legislator, or provide or not provide a thing of value;
 21 (2) state or imply that the legislator will perform or refrain from
 22 performing a lawful constituent service as a result of a person's decision to provide or
 23 not provide a political contribution, donate or not donate to a cause favored by the
 24 legislator, or provide or not provide a thing of value; or
 25 (3) except as provided in (g) of this section or while participating
 26 in a public discussion or debate [UNLESS REQUIRED BY THE UNIFORM
 27 RULES OF THE ALASKA STATE LEGISLATURE], take or withhold official
 28 action or exert official influence that could substantially benefit or harm the financial
 29 interest of a [ANOTHER] person
 30 (A) who is a member of the legislator's immediate family;
 31 (B) by [WITH] whom the legislator or a member of the
 01 legislator's immediate family is employed;
 02 (C) with whom the legislator is negotiating for employment;
 03 (D) from whom the legislator or a member of the
 04 legislator's immediate family has, in the immediately preceding 12-month
 05 period, received more than \$10,000 of income.
 06 * Sec. 8. [AS 24.60.030](#)(g) is amended to read:
 07 (g) Unless otherwise required by the Uniform Rules of the Alaska State
 08 Legislature, a legislator shall declare a conflict of interest before voting [MAY
 09 NOT VOTE] on a question before a committee of the legislature, and shall request
 10 to be excused from voting on a question before a house of the legislature, if the
 11 legislator or a member of the legislator's immediate family has a financial [AN
 12 EQUITY OR OWNERSHIP] interest in a business, investment, real property, lease, or
 13 other enterprise if the interest is substantial and the effect on that interest of the action
 14 to be voted on is greater than the effect on the general public of the state. However,
 15 notwithstanding (e)(3) of this section and the limitations of this subsection, a
 16 legislator may vote on an appropriation bill that meets the requirements of
 17 [AS 37.07.020](#)(a) or [37.07.100](#) [A SUBSTANTIAL CLASS OF PERSONS TO
 18 WHICH THE LEGISLATOR BELONGS AS A MEMBER OF A PROFESSION,
 19 OCCUPATION, INDUSTRY, OR REGION].
 20 * Sec. 9. [AS 24.60.030](#)(j) is amended to read:
 21 (j) In this section,
 22 (1) "administrative hearing" means a quasi-judicial hearing before an
 23 agency; "administrative hearing" does not include an informal conference or review
 24 held by an agency before a final decision is issued or a rate-making proceeding or
 25 other nonadjudicative public hearing;
 26 (2) "substantially benefit or harm" means the effect on the
 27 person's financial interest is greater than the effect on the financial interest of the
 28 general public of the state.
 29 * [Sec. 10. AS 24.60.080](#)(a) is amended to read:
 30 (a) Except as otherwise provided in this section, a legislator or legislative
 31 employee may not
 01 (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250
 02 or more, whether in the form of money, services, a loan, travel, entertainment,
 03 hospitality, promise, or other form, or gifts from the same person worth less than \$250
 04 that in a calendar year aggregate to \$250 or more in value;
 05 (2) solicit, accept, or receive a gift with any monetary value from a
 06 lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a
 07 lobbyist, except
 08 (A) food or nonalcoholic beverage for immediate consumption
 09 (i) with a value of \$15 or less; or
 10 (ii) provided as part of an event that is open to all
 11 legislators or legislative employees;
 12 (B) a contribution to a charity event, tickets to a charity event,
 13 and gifts to which the tickets may entitle the bearer; however, under this
 14 subparagraph a legislator or legislative employee may not solicit, accept, or
 15 receive from the same lobbyist, an immediate family member of the lobbyist,
 16 or a person acting on behalf of the lobbyist, tickets to a charity event, gifts to
 17 which the tickets may entitle the bearer, or both, that in a calendar year
 18 aggregate to \$250 or more in value; in this subparagraph, "charity event"
 19 means an event the proceeds of which go to a charitable organization with tax-
 20 free status under 26 U.S.C. 501(c)(3) and that the Alaska legislative council
 21 has approved in advance; the tickets may entitle the bearer to admission to the
 22 event, to entertainment, to food or beverages, or to other gifts or services in
 23 connection with the charity event;

24 (C) a gift that is unconnected with the recipient's legislative
25 status and is from a member of the legislator's or legislative employee's
26 immediate family;
27 (D) a gift delivered on the premises of a state facility and
28 accepted on behalf of a recognized nonpolitical charitable organization; or
29 (E) a compassionate gift under [AS 24.60.075](#).
30 * [Sec. 11. AS 24.60.990](#)(a) is amended by adding a new paragraph to read:
31 (17) "financial interest" means ownership of an interest or an
01 involvement in a business, including a property ownership, or a professional or private
02 relationship, that is a source of income, or from which, or as a result of which, a
03 person has received or expects to receive a financial benefit.
04 * [Sec. 12. AS 39.23.540](#)(d) is amended to read:
05 (d) The commission shall make available to the governor and presiding
06 officers of each house of the legislature a final report of its findings and
07 recommendations as to the rate and form of compensation, benefits, and allowances
08 for legislators, the governor, the lieutenant governor, and each principal executive
09 department head during the first 10 days of a legislative session. Subject to
10 [AS 24.10.130](#)(b) and (g) of this section, and unless a bill disapproving all the
11 recommendations for all officers listed in this section is enacted into law within 60
12 days after the recommendations are submitted to the governor and presiding officers
13 of each house of the legislature, a recommendation as to the compensation, benefits,
14 and allowances for
15 (1) a legislator has the force of law and becomes effective on the first
16 day of the next regular legislative session; and
17 (2) the governor, the lieutenant governor, and each principal executive
18 department head has the force of law and becomes effective on the first day of the
19 fiscal year following the fiscal year in which the recommendation is submitted.
20 * [Sec. 13. AS 24.45.051](#)(b) is repealed.
21 * [Sec. 14](#). The uncodified law of the State of Alaska is amended by adding a new section to
22 read:
23 REGULATIONS. The Alaska Public Offices Commission shall adopt regulations
24 necessary to implement secs. 1 and 2 of this Act. The regulations are subject to [AS 44.62](#)
25 (Administrative Procedure Act). Regulations adopted under this section may not take effect
26 before the effective date of the law being implemented by the regulation.
27 * [Sec. 15](#). The uncodified law of the State of Alaska is amended by adding a new section to
28 read:
29 SEVERABILITY. Under [AS 01.10.030](#), if any provision of this Act, or the application
30 of a provision of this Act to any person or circumstance, is held invalid, the remainder of this
31 Act and the application to other persons or circumstances are not affected.
01 * [Sec. 16](#). Section 14 of this Act takes effect immediately under [AS 01.10.070](#)(c).
02 * [Sec. 17](#). Except as provided in sec. 16 of this Act, this Act takes effect July 1, 2018.

