

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

JANUARY 31, 2019

8:30 AM

FULL COMMITTEE

[8:31:47 AM](#)

1. CALL THE MEETING TO ORDER

Chair Dennis "Skip" Cook called the meeting to order at 8:00 a.m.

At Chair Cook's direction, Jerry Anderson called roll.

Roll Call

Senator John Coghill

Senator Tom Begich

Senator Elvi Gray-Jackson (alternate for Senator Tom Begich)

Senator David Wilson (alternate for Senator John Coghill)

Dennis "Skip" Cook

Conner Thomas

Joyce Anderson

Deb Fancher

Lee Holmes

Others

Jerry Anderson

Jacqueline Yeagle

Dan Wayne

2. WELCOME NEW LEGISLATORS

Chair Cook welcomed Senator Tom Begich and alternates Senator Elvi Gray-Jackson and Senator David Wilson to the Ethics Committee.

3. APPROVAL OF AGENDA

Chair Cook entertained a motion to approve the agenda.

Minutes approved March 28, 2019

Conner Thomas moved to approve the agenda.

No objection. The agenda was approved.

4. APPROVAL OF MINUTES

Chair Cook entertained a motion to approve the draft minutes of the November 1, 2018 Full Committee meeting.

Lee Holmes moved to approve the draft November 1, 2018 Full Committee minutes.

No objection. The draft November 1, 2018 Full Committee minutes were approved.

Chair Cook entertained a motion to approve the draft minutes of the November 1, 2018 House Subcommittee meeting.

Conner Thomas moved to approve the draft November 1, 2018 House Subcommittee minutes.

No objection. The draft November 1, 2018 House Subcommittee minutes were approved.

Chair Cook entertained a motion to approve the draft minutes of the November 1, 2018 Senate Subcommittee meeting.

Lee Holmes moved to approve the draft November 1, 2018 Senate Subcommittee minutes.

No objection. The draft November 1, 2018 Senate Subcommittee minutes were approved.

5. PUBLIC COMMENT

No public comment.

6. ELECTION OF COMMITTEE CHAIRS FOR 2019-2020

Chair Cook invited nominations for chair of the Senate Subcommittee, explaining that the Senate Subcommittee chair would also be the chair of the Ethics Committee.

Minutes approved March 28, 2019

Conner Thomas moved that Joyce Anderson chair the Senate Subcommittee.

Chair Cook invited additional nominations.

There were no additional nominations. At Chair Cook's direction, Jerry Anderson conducted a roll call vote for Senate Subcommittee Chair.

Roll Call

Senator John Coghill	Y
Senator Tom Begich	Y
Dennis "Skip" Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y

The committee elected Joyce Anderson chair of the Senate Subcommittee by 7-0.

Chair Cook explained there would be no action on House Subcommittee chair because the House is not yet organized.

Chair Cook invited nominations for vice chair of the Senate Subcommittee.

Conner Thomas moved Deb Fancher for vice chair of the Senate Subcommittee.

At Chair Cook's direction, Jerry Anderson conducted a roll call vote for Senate Subcommittee Vice Chair.

Senator John Coghill	Y
Senator Tom Begich	Y
Dennis "Skip" Cook	Y
Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y

The committee elected Deb Fancher vice chair of the Senate Subcommittee by 7-0.

Minutes approved March 28, 2019

Chair Cook congratulated both Joyce Anderson and Deb Fancher and announced he would continue to chair the meeting and Joyce Anderson would chair the next.

7. ADVISORY OPINION 19-01

Chair Cook invited Dan Wayne to present an overview of Advisory Opinion 19-01.

With Chair Cook's agreement, Jerry Anderson explained that the requestors of the advisory opinion had waived confidentiality, which allows for the discussion and vote to be held in a public session rather than in an executive session.

Dan Wayne stated that he is a legislative counsel working in the Legislative Legal office, a nonpartisan legal office that advises legislators and the legislature. Legislative Legal also participates in drafting Ethics Committee advisory opinions. Wayne explained that he was the head drafter of Advisory Opinion 19-01, along with considerable help from colleagues.

Dan Wayne said there were a lot of parts and subparts to the advisory opinion request. Wayne noted that the advisory opinion does not have a conclusion due to what would have been the length of the draft opinion with the conclusion.

Dan Wayne explained that most of questions asked were about private meetings and committee meetings so he started with the thought that most committee meetings are public meetings.

Dan Wayne read the new language in AS 24.60.030(e)(3) on page 3 of the opinion.

(3) except as provided in (g) of this section or while participating in a public discussion or debate, take or withhold official action or exert official influence that could substantially benefit or harm the financial interest of a person...

Dan Wayne said that if you read the exception broadly, a committee meeting is public so it is a public discussion and there were no limitations, but the problem is that it could "swallow the rule" that was made specifically for

Minutes approved March 28, 2019

committee hearings. It did not make sense to interpret it that way and so, Wayne explained, he interpreted it a little differently in the draft.

Dan Wayne suggested he field questions from the committee rather than going through each part separately.

Chair Cook agreed and asked committee members for questions.

Senator Coghill asked for repetition of the section about committee meetings because he wanted to have the actual verbiage being discussed.

Dan Wayne reiterated that in HB 44 there are two new rules having to do with committees. One is AS 24.60.030(e)(3), of which Wayne re-read a part: ... except as provided in (g) of this section or while participating in a public discussion or debate...

AS 24.60.030(e)(3) also cross-references AS 24.60.030(g), which previously made no reference at all to committees. Legislators needed only to declare a conflict when voting on the floor. HB 44 amended that rule. Now a legislator "shall declare a conflict of interest before voting on a question before a committee of the legislature." The opinion says that nevertheless, even though there is no requirement to announce [a conflict of interest] at other times, we [the committee] recommend the legislator declare the conflict of interest even for the limited purpose of discussing the matter.

Dan Wayne suggested that the committee recommend that legislators declare the conflict because the [the purpose of the] Ethics Act is to inspire trust in government, and advocating in a committee hearing for a piece of legislation in which a legislator has a conflict of interest could be negatively perceived by the public.

The draft later refers to how the language in AS 24.60.030(g) affects the prohibition in AS 24.60.030(e)(3). AS 24.60.030(g) declares that legislators have to declare a conflict before voting; it does not say that legislators with a conflict can't vote. However, legislators could not sponsor or offer amendments to that legislation

Minutes approved March 28, 2019

Senator Coghill asked Dan Wayne for confirmation of his understanding that in committee legislators can argue legislation in which they have a conflict but not sponsor or offer amendments to the legislation. But on the floor, legislators have to declare and ask for excusal. Senator Coghill also asked if legislators would be able to offer amendments on the floor.

Dan Wayne responded that AS 24.60.030(g) says legislators shall declare a conflict and request to be excused from voting on a question before a house of the legislature. It does not say that a legislator cannot offer amendments.

Sen Coghill asked when it comes to exerting influence or action is a legislator permitted to advocate for a bill during a meeting with other committee members, other legislators and private people.

Dan Wayne replied that Advisory Opinion 18-05 says that if a meeting is open to the public in accordance with AS 24.60.037, the exception in AS 24.60.030(e)(3) applies, which allows legislators to participate in a public discussion or debate and discuss or advocate for a bill. A legislator may not participate in a meeting that does not meet the open meetings guidelines in AS 24.60.037.

Senator Coghill asked if he could go into another legislator's office and have a discussion about a bill on which he has declared a conflict.

Dan Wayne replied that the draft Advisory Opinion says: Like a caucus meeting, a private meeting between two or more members of a legislative committee is not public. Therefore, although the answer to your question may depend on the applicable facts in each instance, generally the answer is no; a legislator with a conflict under AS 24.60.030(e)(3) relating to a bill may not discuss or advocate for the bill during private meetings with other committee members.

Senator Coghill asked for confirmation that the prohibition applies to other committee members or other legislators. Senator Coghill that it could also be a barrier to private meetings with individuals involved in activities in which the legislator is also involved.

Dan Wayne affirmed Senator Coghill's understanding.

Minutes approved March 28, 2019

Conner Thomas asked Dan Wayne to synopsise the draft Advisory Opinion for attendees. Dan Wayne complied while also fielding questions from the committee.

After Dan Wayne read the first question, Joyce Anderson asked for confirmation of her understanding that a legislator is required to declare a conflict before voting but not necessarily before that point. Joyce Anderson added that in another paragraph, the draft Advisory Opinion recommends declaring earlier than that even though statute requires declaring a conflict before voting.

Dan Wayne confirmed Joyce Anderson's understanding of that point.

Dan Wayne read question two: During a public committee meeting, can a legislator (with a conflict) participate in discussion, debate the bill, advocate for the bill, and testify on the bill. Wayne then read from the answer: Yes, as explained in our response to question 1 above, AS 24.60.030(e)(3) allows a legislator to discuss, debate, advocate, or testify on a matter where the legislator has a conflict if part of "a public discussion,, or debate." Wayne added this was also addressed in Advisory Opinion 18-05.

Dan Wayne read question three: Can a legislator (with a conflict) discuss or advocate for the bill during private meetings with other committee members. Wayne said that because it is similar to a caucus meeting, which is private, the answer is no, and the answer is no in a private meeting between two or more legislators.

Senator Begich proposed a hypothetical scenario: What should legislators do when a topic arises in which they have a conflict? Leave the room?

Dan Wayne replied he did not think the rule would necessarily be interpreted that way.

Chair Cook suggested that in that situation at a minimum the legislator should declare the conflict.

Dan Wayne agreed that is probably a good place to start and whether the legislator leaves the room depends on the circumstances.

Minutes approved March 28, 2019

Senator Begich stated that each of the legislators is a content specialist in some area and he asked if legislators would be able to offer content specific information without advocating or opposing the legislation.

Dan Wayne said in a private meeting, the answer would be no.

Senator Begich asked for confirmation of his understanding that this prohibition disallows those legislators who are citizen legislators from discussing with private individuals items related to their job outside of the legislature that could come before the legislature or are already in legislation.

Dan Wayne replied that he was hearing two questions. The rule does not prohibit a legislator from discussing an item that *might* come before the legislature. It applies to items that are before the legislature.

Senator Begich further explored whether in their occupational capacity outside of session legislators can have private discussions about legislative matters.

Dan Wayne repeated his understanding that Senator Begich was referring to pending legislation where there is a conflict of interest. Dan Wayne read sections of AS 24.60.030(e)(3):

(e) A legislator may not directly, or by authorizing another to act on the legislator's behalf,
(3) except as provided in (g) of this section or while participating in a public discussion or debate, take or withhold official action or exert official influence...

Dan Wayne explained that a legislator would not necessarily be exerting official action or influence in the scenario described.

...that could substantially benefit or harm the financial interest of a person

(A) who is a member of the legislator's immediate family;

(B) by whom the legislator or a member of the legislator's immediate family is employed;

Minutes approved March 28, 2019

- (C) with whom the legislator is negotiating for employment;
- (D) from whom the legislator or a member of the legislator's immediate family has, in the immediately preceding 12-month period, received more than \$10,000 of income.

Dan Wayne suggested that Senator Begich was referring to (D) in his hypothetical question. Wayne said that if a legislator is in the room with someone from whom pay is received and that person asks about pending legislation where the legislator has a conflict of interest or the person asking would substantially benefit or be substantially harmed, legislators should make a decision about whether they should be having the conversation. If the legislator's actions are perceived as official, then it might be a problem but it is situation-specific.

Senator Coghill spoke about what a conflict of interest is and noted that he appreciates the narrow category about which Dan Wayne was speaking but AS 24.60.030(g) broadens the category again because now it refers to any financial interest in a: business, investment, real property, lease, or other enterprise if the interest is substantial. Senator Coghill added that AS 24.60.030(g) then defines "substantial interest" - greater than the effect on the general public - which is very broad and which becomes difficult for a legislator to narrow down.

Dan Wayne agreed that AS 24.60.030(g) is broader in one sense in that it refers to the effect "if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on the general public of the state. Wayne added that the phrase "the effect on the general public of the state" is a big change. It used to say, "substantial class of persons." Under the old rule, if a legislator was a dentist and there was dental legislation and all dentists would benefit in the same way, the legislator would have been okay because he or she was only a small part of the dental profession. Now, a legislator is just a small part of the general public and if there is dental legislation, a legislator needs to maintain a greater distance from the legislation.

Dan Wayne continued by saying the changes from "equity or ownership interest" to "financial interest" may not be a big change, depending on how it is interpreted. Financial

Minutes approved March 28, 2019

interest is now defined in AS 24.60.990 as "ownership of an interest or an involvement in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit."

Dan Wayne repeated that the rule only requires a legislator to declare a conflict and to ask to abstain from voting. Other than that, a legislator can still advocate, discuss, vote if required or allowed to by the body.

Chair Cook noted it seems the statute is broad in that it refers to the development, drafting, consideration, sponsorship, enactment, defeat, and so on as well as legislation that has already been introduced rather than coming into effect only after there is a bill.

Dan Wayne agreed with Chair Cook and explained that earlier he had been referring to hypothetical legislation. Wayne made a distinction between discussing hypothetical legislation and requesting a draft of a bill that would use legislative resources that would substantially benefit or harm someone. If a legislator looks at requesting a draft of a bill that would substantially benefit his or her family but believes it is good for the state, AS 24.60.030(g) might put a damper on that action.

Senator John Coghill addressed his concern that a bill can also cause economic harm to a legislator. Senator Coghill advised that "harm" needs to be quantified as well as "benefit". Both are broad terms. Senator John Coghill asked Dan Wayne if generally the statute would be looked at from the lens of financial benefit rather than financial harm. Dan Wayne read the section of statute that says, "take or withhold official action or exert official influence that could substantially benefit or harm the financial interest..." Dan Wayne noted that is one thing about AS 24.60.030(e)(3) that makes it difficult - every word or couple of words is another a filter that must be applied and key terms like "substantially benefit or harm" now have definitions.

Senator John Coghill asked if a piece of legislation is going to bankrupt him would he be prohibited from talking about it.

Minutes approved March 28, 2019

Chair Cook addressed Senator John Coghill's question by saying that the question posed is an issue included in the next draft advisory opinion.

Dan Wayne said he did not know if confidentiality had been waived with regard to that advisory opinion request.

Jerry Anderson replied that confidentiality had been waived but the opinion is not yet available.

Senator Coghill said that is another chilling effect that legislators will have to consider in this legislative session.

Dan Wayne asked if it would be okay to move on to question four. Chair Cook agreed.

Dan Wayne read: Can a legislator (with a conflict) discuss or advocate for a bill during private meetings with other legislators (that are not on the committee), including legislators in the other body? Wayne said that in the draft the answer is no. The exceptions for voting in committee or in public discussion or debate do not apply because it is private, not public. Wayne then read a section of the answer that says: Therefore, based on AO 18-05 and the facts you have provided, a legislator with a conflict under AS 24.60.030(e)(3) relating to a bill may not discuss or advocate for the bill during a private meeting with one or more legislators that are not on the committee, even if they are in the other house of the legislature.

Dan Wayne reminded the committee that when the committee answers advisory opinion questions, it is limited to answering questions based on the Ethics Act and based on the facts presented. In the AO 19-01 request, not a lot of facts were provided with each question. At the end of the draft it says: In determining whether future conduct like that described in the hypothetical facts 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. He added that the statement applies to all of the answers.

Dan Wayne moved on to question five: Can a legislator (with a conflict) discuss or advocate for the bill during private meetings with constituents, or, generally, other citizens? The answer is no because it is a private meeting about a

Minutes approved March 28, 2019

bill in which a legislator has a conflict under AS 24.60.030(e)(3).

Dan Wayne then moved on to question six: Can a legislator (with a conflict), during the public committee meeting (a) offer amendments to the bill? Wayne read from the draft advisory opinion: No. While the offer might occur during public discussion and debate, it is nevertheless official action or official influence prohibited by AS 24.60.030(e)(3). As noted above in our response to question 2, and in AS 18-05, a legislator's introduction or sponsorship of legislation is always discretionary because the Uniform Rules never require a legislator to introduce or sponsor legislation, and choosing to do so in spite of a conflict of interest would be contrary to goals of the Act set forth in AS 24.60.010.

Dan Wayne added that this a new rule and continued: Moreover, sponsoring an amendment or other legislation requires taking official action or exerting official influence beyond participating in discussion or debate or voting [which is allowed]. It requires the legislator to make at least one formal motion, and in most instances it requires the legislator to request assistance from staff to prepare the legislation.

Dan Wayne noted footnote number three, which cites previous committee decisions AO 11-05 and AO 07-01 advising that a legislator's introduction of a bill that could substantially benefit the legislator's employer, would be of special concern to the committee in connection with AS 24.60.030(e) if the bill were introduced at a time when the legislator is negotiating terms of employment with that employer, which was the rule.

Dan Wayne addressed question six, part b: What about voting on amendments offered by others? Wayne said yes, because voting is allowed.

Senator Tom Begich asked Dan Wayne to clarify if in public it would be allowed to question another legislator if the legislation under discussion would cause that legislator financial harm.

Dan Wayne advised that with respect to committee meetings, which were addressed in the question, the answer would be yes as far as the rules are concerned. And the legislator

Minutes approved March 28, 2019

can respond to the question because it is part of a public discussion or debate. But, Wayne cautioned, it depends on whether the person wants to ask that kind of question of a colleague.

Dan Wayne moved on to question 6, part c: Can a legislator vote on the motion to move the bill from committee? Dan Wayne said that the answer is yes as explained in part b, the vote on a motion to move a bill from committee is a vote "on a question before a committee of the legislature." Dan Wayne moved on to question six, part d: Can [a legislator] sign the committee report with a recommendation ("do pass," "do not pass," "amend")? Dan Wayne said that the answer is yes.

Dan Wayne addressed question six, part e: Can [a legislator] sign the committee report "no recommendation"? Dan Wayne said that the answer is yes because it is part of voting.

Dan Wayne moved to question seven: According to Uniform Rule 24, committee reports are necessary to move a bill from committee and must be signed by a majority of the members of the committees. When a member has a conflict, would the member have to abstain from signing the report or sign the report "no recommendation" in order to comply with the law? Dan Wayne said the answer is no and read from the draft advisory opinion: ...signing a committee report with or without a recommendation, is part of voting on a question before a committee of the legislature...

Dan Wayne addressed question eight: Would a legislator with a "large enough" immediate family, who received more than \$10,000 in the aggregate from the Permanent Fund Dividend Corporation in October 2018 be prohibited from (a) taking official action of a bill related to the Permanent Fund Dividend (PFD) or supplemental dividend payment? (b) discussing or advocating for a PFD bill during private meetings with other committee members? (c) Discussing or advocating for a PFD bill during private meetings with other legislators, including members of the other body? (d) Discussing or advocating for a PFD bill during private meetings with constituents, or, generally, other citizens? (e) Discussing or advocating for the management or asset allocation of the Permanent Fund investments?

Minutes approved March 28, 2019

Dan Wayne responded by reading the first sentence of the draft advisory opinion answer: Regardless of whether a member of the legislator's immediate family, or the entire family, receive permanent fund dividends with a cumulative value greater than \$10,000, the answer to each of the foregoing questions, ... is no. A legislator is not prohibited from doing those things under AS 24.60.030(e)(3).

Dan Wayne continued reading the answer: In order for a prohibition under AS 24.60.030(e)(3) to apply, the action or influence targeted by that provision must "substantially benefit or harm" the "financial interest" of a person under subparagraphs (A) - (D) [of AS 24.60.030(e)] ... including "a member" of the legislators immediate family. For purposes of AS 24.60.030, "substantially benefit or harm" means "the effect on the person's financial interest is greater than the effect on the financial interest of the general public of the state. A member of the general public of the state, including a legislator, may have an immediate family large enough to be eligible for and receive permanent fund dividends for one benefit year with a value, when added together, that exceeds \$10,000, regardless of legislative status. Therefore, the benefit to the legislator is no greater than the effect on the financial interest of the general public of the state.

Dan Wayne said that is a good example and maybe the only one where everyone is affected the same way and continued reading the last paragraph of the answer: Based on the facts you have provided, the legislators interest in the Permanent Fund, the Permanent Fund Dividend program, or a permanent fund dividend received by the legislator or a member of the legislator's immediate family, is not a financial interest as defined in the Act.

Jerry Anderson asked if the Permanent Fund Corporation is a person under the definition.

Dan Wayne responded that he did not know.

Jerry Anderson said, "Isn't the question answered under the definition of person under AS 01.10.60.

Dan Wayne responded that it may not be part of the legislation because the ethics committee does not interpret areas of law other than the Ethics Act.

Minutes approved March 28, 2019

Jerry Anderson said that in other advisory opinions terms from general statutory language has been used. Jerry Anderson suggested the answer to that question may help legislators when interpreting the statute.

Dan Wayne responded AS 24.60.030(e)(3) talks about matters that affect persons and whether or not the entity is a person is important in all of this but he does not think it's necessary to consider the definition of person in order to answer this question because it is answered resoundingly by the fact it affects everyone the same way. Senator John Coghill advised that there are public corporations that significantly benefit individuals and it may be better to not look too closely at that question.

Dan Wayne said that he always advises the committee not to get into other areas of the law if it's not necessary to do so.

Dan Wayne moved to question nine: If a bill authorizes a supplemental payment of a Permanent Fund Dividend in an amount that is a large percentage of the income of an immediate family member of legislator, would that constitute a "substantial benefit" to that family member? Wayne said the answer is no and added that the answer in the draft advisory opinion includes a reference to question eight in which it explains that everyone is treated the same under the PFD program.

Dan Wayne went on to read the question and answer to question nine, part a: If yes, would a legislator be prohibited from taking official action on that bill? Because the answer to question 9 is "no", the response to question (9)(a) is necessary.

Dan Wayne moved on to question nine, part b: What qualifies as a substantial benefit? Dan Wayne read the answer: That term is not defined in the Act. Dan Wayne added that the term "substantial benefit or harm" is defined.

Dan Wayne reviewed the conclusion. Wayne mentioned that he included the language relating to the Ethics Act foundational principles in AS 24.60.010, which was cited in the last advisory opinion and dealt with similar issues. That section advises legislators in situations where he or

Minutes approved March 28, 2019

she is uncertain whether to declare a conflict, public perception is relevant.

Joyce Anderson recommended a few language changes for consistency in the draft advisory opinion. Dan Wayne and the committee reviewed Joyce Anderson's recommended language changes and others that had been discussed earlier in the discussion.

Chair Cook asked if the committee were ready to act on the draft advisory opinion.

Conner Thomas moved to adopt draft Advisory Opinion 19-01 as amended during discussion.

Chair Cook asked for further discussion. No further discussion.

Chair Cook directed Jerry Anderson to read the summary and conduct a roll call vote.

Jerry Anderson read the summary: Formal Advisory Opinion AO 19-01 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. 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.

Jerry Anderson conducted a roll call vote whether to concur with draft Advisory Opinion 19-01 as amended.

Roll Call

Conner Thomas	Y
Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y
Senator John Coghill	Y
Senator Tom Begich	Y
Dennis "Skip" Cook	Y

The committee concurred with draft Advisory Opinion 19-01 by a vote of 7-0.

Minutes approved March 28, 2019

Following the roll call vote, the committee and Dan Wayne reviewed again the language changes agreed to during the discussion.

The committee recessed.

8. CHAIR/STAFF REPORT

9.

Chair Cook called the meeting back to order and directed Jerry Anderson to present the staff report.

Jerry Anderson began his report by thanking Chair Cook and Conner Thomas for each serving over 20 years as a member of the Select Committee on Legislative Ethics.

Jerry Anderson informed the committee he would be requesting the new chair approve a credit card for Jacqui Yeagle with a \$1,000 credit limit and to approve an increase in his credit limit to \$2,000.

Jerry Anderson brought to the committee's awareness that a number of legislative employees have accepted tickets to unsanctioned events. Legislative employees may accept tickets to unsanctioned events but the value of those tickets is limited to less than \$250 in a calendar year from an individual source. In the event a legislative employee accepts a ticket valued at \$250 or more, rather than initiating a complaint, the employee is asked to pay back the price of the ticket. Jerry Anderson added that those individual cases are not necessarily reflected in the management log. Jerry Anderson also added that he is emphasizing in training that employees be aware of the situation.

Jerry Anderson directed the committee to the management log in the packet. Jerry Anderson explained that the management log is a tool used to track informal advice provided and said routine requests are not included in the report. Jerry Anderson asked for and answered questions from the committee about the management log.

Senator Tom Begich identified himself as one of the recipients of informal advice included in the management log: May a legislator post a notice on social media for a candidate forum which has all candidates running for an office? Senator Begich explained that he had called and talked to Jerry Anderson and Jerry had advised that Senator

Minutes approved March 28, 2019

Begich not post the information on his state page. Senator Begich said that he had followed Jerry Anderson's advice but emphasized that part of his role as a senator is to inform constituents of events and he specifically asked about this event because every single candidate running for office was invited and it was not a partisan event.

Senator Begich asked for enlightenment from the committee regarding this particular instance. Committee members and discussion took place. After other committee members asked clarifying questions of Senator Begich, Lee Holmes responded that he would not look at a forum for all candidates as an ethical issue as long as Senator Begich had not been participating as a candidate.

Joyce Anderson said that she agreed with Lee Holmes.

Chair Cook suggested adding the word "nonpartisan" to the advertising might also be helpful.

Conner Thomas asked Jerry Anderson what his thoughts were with regard to the question.

Jerry Anderson explained he looked at the language in AS 24.60.030(a)(5) where it says: "for the purpose of political fund raising or campaigning," and concluded the forum could have been a potential violation of the Ethics Act.

Conner Thomas said that he could see why Jerry Anderson interpreted Senator Begich's question the way that he had because regardless of whether it was partisan or nonpartisan, it was campaigning and that is the focus of AS 24.60.030(a)(5).

Senator John Coghill added that just because a group is nonpartisan does not mean they are not an advocacy group. Senator Coghill also advised there is a difference between an invitation and an announcement. Senator Coghill suggested the nuances are important to distinguish.

Chair Cook asked the committee what action they wished to take on the matter.

Senator Begich said that he would submit a request for a formal advisory opinion.

Minutes approved March 28, 2019

Jerry Anderson referred to the letter from the Chief Justice Joel Bolger to Senate President Cathy Giessel and the House Speaker naming Conner Thomas to another term as member of the Ethics Committee. Confirmation by the legislature will commence when both bodies are organized. Jerry Anderson reported that an alternate public member is still needed and asked the members to refer anyone interested to the Chief Justice for consideration.

Lee Holmes asked how the committee stands in terms of restrictions in the number of members from each political party.

Jerry Anderson responded that at this time, a number of the members are registered nonpartisan and so a potential alternate member could come from either party.

Joyce Anderson added that in the past there had been an attempt to have members from geographically diverse areas of the state.

Jerry Anderson reviewed the yearly data provided in the packet, noting specifically that the number of board membership disclosures increased over time reflecting what he believes to be a result of the greater emphasis in ethics training about the broad definition of board membership. Jerry Anderson also reminded committee members that annual disclosures are due this year on February 14, 2019, and that date will be publicized in the newsletter to be issued the first week of February.

Jerry Anderson reviewed the sections from the COGEL report referring to the ethics committee activities in 2018. Anderson reported that information sharing is really the value of COGEL. For instance, in conversation with other COGEL attendees, he learned that some entities have searchable databases and he is working with IT to make the committee's informal advice searchable.

Conner Thomas said the plenary sessions are excellent, bringing in people from all over the country. Deb Fancher reported she attended a lot sessions about sexual harassment. Fancher noted that the term "sexual harassment" is an outdated term and instead the emphasis is on "creating a culture of respect". Fancher agreed with Conner Thomas that the plenary sessions were fantastic. Chair Cook also agreed it was a good conference. Chair Cook noted he

Minutes approved March 28, 2019

is fascinated by the nature of the issues in which other attendees are involved and the number of staff required to handle the issues. Chair Cook said next year's conference will be in Chicago.

Jerry Anderson stated that the only unpaid fine is that of former Representative Alan Dick's and he is making payments

Jerry Anderson referenced new publications, the 2018 Advisory Opinions, 2018 Public Decisions, and the Standards of Conduct Handbook. All publications are available to members and are being distributed as applicable to legislative offices and employees. Updated statutes are not included because they were not available at the time of publishing but will be distributed at a later time and will be online as well.

10. 2019 ETHICS TRAINING

Jerry Anderson updated the committee on 2019 ethics training activities. All legislators, legislative staff, legislative employees, and public members of the Ethics Committee are required to take training this year. Anderson reported that gifts and the gift exceptions rules are emphasized in training.

To date, 447 individuals have been trained over seven sessions. At least 31 individuals have not taken training yet. Additional trainings are planned.

The Human Rights Commission is presenting a one-and-a-half-hour training during refresher training, leaving only one hour and twenty minutes for regular topics in the refresher ethics training, a total of three hours. New employees attended two three-hour sessions for a total of six hours for both Human Rights Commission training and ethics training. A special training for new legislators was held in December.

Senator John Coghill added that new employees are anticipated after the House organizes. Jerry Anderson responded that the new employee training was recorded and it will be available as a training mechanism after live-trainings are complete.

Minutes approved March 28, 2019

Senator Tom Begich asked if individuals who have not attended training will be notified. Jerry Anderson responded that notification would be sent to noncompliant legislative employees and to the rules chair.

Joyce Anderson asked how many new legislators attended the December training. Jerry Anderson responded that 11 new legislators had attended and reported there were lots of good questions.

Jerry Anderson reported that gifts and gifts exceptions rules are emphasized in training. Joyce Anderson suggested a couple of changes to the gift rules handout to which Jerry Anderson agreed.

11. BUDGET

Jerry Anderson directed the committee to the budget documents, which include the FY19 budget summary and the FY20 budget request.

12. CONTRACT REPORT

Jerry Anderson directed the committee's attention to the contracts approved by the committee at the November 1, 2018 meeting for Brent Cole and Monique Rapuzzi. No money has been spent for Monique Rapuzzi. Some money has been spent for Brent Cole on the Representative Eastman matter (Complaint H 17-03). Jerry Anderson suggested amending the Brent Cole contract to \$5,000.

Chair Cook entertained a motion to increase the amount in the Brent Cole contract.

Deb Fancher moved to amend the contract.

Conner Thomas asked if \$5,000 would be enough. Jerry Anderson responded affirmatively.

At Chair Cook's direction, Jerry Anderson conducted a roll call vote.

Joyce Anderson	Y
Deb Fancher	Y
Lee Holmes	Y
Senator John Coghill	Y

Minutes approved March 28, 2019

Dennis "Skip" Cook	Y
Conner Thomas	Y
Senator Tom Begich	Y

The motion passed 7-0 authorizing an increase of the Brent Cole contract to \$5,000.

13. 2019 LEGISLATION UPDATE

Jerry Anderson reported he was unaware of any legislation the committee needed to review.

Senator John Coghill reported that discrete changes to HB 44 are being drafted.

Joyce Anderson asked Senator Coghill if the changes were related to the conflict of interest issues or other issues. Senator John Coghill reported the changes are related to AS 24.60.030(e) and AS 24.60.030(g).

Senator Tom Begich added they hope to keep it to only those sections.

14. OTHER BUSINESS

Chair Cook stated that the only other business is the date of the next meeting. Chair Cook reported he had asked Dan Wayne when draft Advisory Opinion 19-02 might be ready and Dan Wayne was uncertain. Chair Cook recommended waiting to schedule a meeting and asked Joyce Anderson her opinion. Joyce Anderson agreed.

15. ADJOURN

Chair Cook entertained a motion to adjourn.

Conner Thomas made a motion to adjourn.

No objections.

The meeting adjourned at 11:19 AM.

[11:19:49 AM](#)

Minutes approved March 28, 2019