

The Ethics Reporter

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KENTUCKY LEGISLATIVE ETHICS COMMISSION
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KLEC.KY.GOV

Required ethics training for all General Assembly Members on January 4, 2023

Did you know?



The next filing date for employers' and legislative agents' spending disclosures is **Tuesday, January 17, 2023**.

The Legislative Ethics Code requires **all** legislators to receive 2 hours of current issues training on ethics each year. This is in addition to training they've received as new legislators.

The annual current issues training will be held on **January 4, 2023** from 9 to 11 a.m. for all legislators.

This year, the legislators will hear two distinguished speakers on the topic of public corruption. Hon. Andy Boone, Assistant United States Attorney in the Eastern District of Kentucky, and Hon. Kenneth Tay-



lor, former Assistant U.S. Attorney, will present to the legislators.

Commission staff will also train legislators on important provisions of the Kentucky Legislative Ethics Code.

Legislators are encouraged to bring any questions about the Code.

New and terminated lobbying employers for December



Can legislative agents & employers file their updated spending disclosures online?

Answer on page 4

Several newly registered lobbying employers are: **Angel's Envy; Brightview, LLC; City of Frankfort, KY; D2L, Ltd.; EmsanaRx; Kentuckians Against Illegal Gambling, Inc.; Savion, LLC; and UKG.**

Four employers recently terminated lobbying efforts in Kentucky: **Interactive Education Concepts, Inc.; KY Academy of Audiology; KY Chapter of the American College of Cardiology; and Simmons College of Kentucky.**

Financial disclosures for legislators and major management personnel due February 15, 2023

The Legislative Ethics Code requires that legislators, candidates and major management personnel of the Legislative Branch file financial disclosures with the Ethics Commission by **February 15, 2023**. The content of the disclosures is found in KRS 6.787. The filed disclosures are a matter of public record, and are posted on the Commission's website. Commission staff will send an email with the forms required to legislators and staff in January. Former legislators are also required to file their disclosures upon leaving office.

Ethics and Lobbying News from the U.S.

Panel approves changes to committee that looks into harassment claims against lawmakers

NEW MEXICO-*Santa Fe New Mexican*— by Robert Nott-December 13, 2022

A panel that oversees the inner workings of the Legislature on Monday approved policy changes designed to strengthen procedures that deal with the investigation of harassment claims against lawmakers.

Though efforts to push the proposal forward had failed on a tie vote in October, members of the Legislative Council voted 9-7 on Monday to approve it without changes or new material in the policy.

The policy adds a fifth and tie-breaking member to a pair of existing interim ethics committees charged with investigating harassment claims against legislators. The fifth member would not be a member of the Legislature but an outside attorney with a background in harassment issues.

Rep. Daymon Ely, who introduced the proposed changes to the existing anti-harassment policy in Monday's Legislative Council meeting, said the addition of the new member will break any "logjam" that comes out of a 2-2 vote.

The Legislative Council is a 16-member bipartisan body co-chaired by the speaker of the House and the Senate president pro tem. The council oversees and sets procedures and policies for the Legislature.

Some on the council were not happy Ely brought back the pro-

posal — which failed on a 7-7 vote in October — for a second try.

"We had a vote last time," said Sen. Greg Baca. "On that vote, this did not pass. So is that the ongoing practice — we present the exact same bill with no changes to the bill, essentially, until we get the results we want?"

Ely, who did not seek reelection and soon will leave the Legislature, told Baca members of the public asked him to reintroduce the policy changes for another vote and said his proposal is the only one to prevent gridlock in harassment complaints.

Calls for reform to the Legislature's harassment policies and its investigations of complaints have continued in the wake of accusations by lobbyist Marianna Anaya and others against Sen. Daniel Ivey-Soto.

Anaya said Ivey-Soto groped her and displayed inappropriate behavior. Ivey-Soto has denied any wrongdoing, and an investigation followed. Though its results have not been made public, several lawmakers have since intimated the interim ethics investigatory committee stalled on a 2-2 vote on whether to move forward with a hearing.

The confidential 2-2 vote came up during Monday's hearing, with some lawmakers saying it fell along partisan lines and others

insisting it did not.

Sen. Mark Moores, said the final vote had more to do with internal caucus conflict.

He and others said efforts to add a fifth and external member to the committees smacked of partisanship.

After the hearing, Ely said efforts to paint the new policy as partisan are "nonsense."

Ely said the passage of his proposal is "a start" toward initiating ethics reform and effective anti-harassment policies. He said the Legislature, when it convenes in January for a 60-day session, can do more to ensure investigations don't "get stuck" on tie votes in investigatory hearings.

"The status quo is not sustainable," he said after the hearing.

The investigation into Ivey-Soto appears to have come to a halt. Ivey-Soto told *The New Mexican* in September he had been told "further action on that complaint was postponed indefinitely. Senate President Pro Tem Mimi Stewart said that same month the ethics committee process had ended with no resolution.

A coalition of advocates from various organizations have put steady pressure on lawmakers to initiate measures to rid the Legislature of any inappropriate behavior toward lawmakers, lobbyists and members of the public.

“Whoever is careless with the truth in small matters cannot be trusted in important affairs”

-Albert Einstein



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Important note on campaign contributions!

Legislators and legislative candidates are prohibited from receiving campaign contributions from registered employers of legislative agents and permanent committees (PACs) during a regular session of the General Assembly. KRS 6.767. KRS 6.767's prohibition on employers and PAC contributions during a regular session of the General Assembly does **not** apply to legislative candidates in a special election, or, due to a 2022 change in the law, legislators seeking statewide office.

However, legislative agents (lobbyists) are prohibited from contributing to sitting legislators, including those who are running for other offices, and legislative candidates, **at any time.**

Ethics Commission's final order: Law does not require Legislature to meet in public

MISSISSIPPI— *Mississippi Today*-by Bobby Harrison —December 14, 2022

Members of the Mississippi Ethics Commission by a 5-3 vote Wednesday reiterated their belief that the state Legislature, which appropriates more than \$20 billion annually in state and federal funds, is not bound by the open meetings law.

In reaching the conclusion, the majority said the Ethics Commission, a state agency, could not rely on guidance from the Mississippi Constitution.

The constitution states in Section 58 “the doors of each house in session or in committee of the whole, shall be kept open.”

Five members of the Ethics Commission said they were required by law to rule only on issues related to the state’s open meetings law and the law, they claimed, does not include the Legislature as a public body.

Wednesday’s meeting was the third one this month where the commission grappled with the issue. The order adopted Wednesday saying the Legislature is not a public body as defined by the open meetings law was a final order.

The issue arose from a complaint filed by the Mississippi Free Press saying House Speaker Philip Gunn was violating the open meetings law when his Caucus, which includes 75 members of the 122-member House, meets routinely behind closed doors. The constitution mandates that a majority of either the House or Senate is a quorum or enough members to conduct business.

Mississippi Today has documented, based on multiple accounts, that the House Caucus often discusses policy issues and legislation during the closed-door meetings. When other public bodies have met behind closed doors to discuss policy issues, it has been deemed to be a violation of the open meetings law by the courts.

The Free Press and Mississippi Center of Justice said Wednesday it would appeal the Ethics Commission ruling.

“Although the (state) Constitution requires the Legislature to keep its doors open when in session, the Open Meetings Act is even more comprehensive and would require that other meetings of legislators, like the Caucus, be open to the public when they constitute a quorum and are discussing public business,” said Rob McDuff, a Center for Justice lawyer. “We are appealing because we believe the Ethics Commission got it wrong, but the Legislature could easily fix this by requiring itself to live up to the standards it requires of other public bodies.”

Commissioner Maxwell Luter of Tylertown offered a proposal that said while the commission does not have the authority to rule on constitutional issues, it could not ignore what the state constitution said. For that reason, he said, the commission should not rule and leave it to the courts to make a final decision.

Luter said the public perception of the Ethics Commission was at stake. He said it “is very important to know we (Ethics Commission members) make just decisions.”

Commissioner Ron Crowe of Brandon, the former executive director of the Ethics Commission, also opposed the finding that the Legislature is not a public body. He said the issue is “eerily” similar to an issue that arose with the state constitution’s conflict of interest provision. In the 1980s the commission interpreted the provision as prohibiting certain people, such as public school teachers, from serving in the Legislature.

Instead, of making that ruling, Crowe said the commission opted to allow the Legislature to address it. Ultimately, the courts sided with the Ethics Commission.

Commissioner Robert Waites of Brandon, a former House attorney in the 1980s, also opposed the finding that the Legislature is not a public

body under the open meetings law.

The five commissioners who passed the motion saying the Legislature is not a public body are long-time Chairman Ben Stone of Gulfport, Vice Chair Sean Milner of Clinton, Stephen Burrow of Pascagoula, Erin Lane of Ridgeland and Samuel Kelly of Madison. Most of the five said they believe the Legislature should be a public body, but that the open meetings law is ambiguous on whether it applied to the Legislature. And if the law is ambiguous, then they had no choice but to rule that the Legislature is not covered.

But Milner said, “I don’t believe it is ambiguous. I think the law is clear (that it does not apply to the Legislature) once we apply proper interpretation.”

The law says most legislative committees are bound by open meetings requirements, but does not specifically list the Legislature among those public bodies that are included. McDuff, the Center for Justice attorney, pointed out the law says the open meetings mandate also applies “to any other policy-making entity.” Since the Legislature is the state’s primary “policymaking entity,” the law, of course would apply to lawmakers, McDuff said.

But a majority of the commission said the phrase “policymaking entity” referred to various executive boards, not the Legislature.

Under the nation’s and state’s system of checks and balances, legislators, including the Mississippi Legislature, generally make laws or policy and the executive agencies carry out those policies and laws.

The Ethics Commissioner members are appointed by the governor, speaker, lieutenant governor, and chief justice of the Supreme Court.

MEMBERS OF THE
LEGISLATIVE ETHICS
COMMISSION

David Nicholas, Chair
Tanya Pullin, Vice Chair
Ernie Harris
Katherine Gail Russell
Arnold Simpson
Anthony M. Wilhoit

NEXT MEETING OF THE
COMMISSION

The Kentucky Legislative Ethics Commission's next regular meeting is scheduled at the Capitol Annex, Room 149, in Frankfort, Kentucky on Wednesday, January 4, 2023 at 11:00 a.m.

To watch the meeting, click on:
[KY LRC Meetings - YouTube](#)

Training/Overview of the Code

Our lobbyist training video, which gives an overview of the Code and walks through the registration and online filing process step by step, is available on klec.ky.gov, and also on the LRC Capitol Connection page at [Kentucky Legislative Ethics Training for Lobbyists, Jan. 17, 2020 - YouTube](#)

We also are happy to set up a training on request!

Our PowerPoint overview of the Legislative Ethics Code is available for reference on klec.ky.gov, and also on the LRC Capitol Connection page at [Legislative Ethics 2020 - YouTube](#)

Feel free to watch!

To register as a lobbyist or employer, please email the required scanned paperwork to Donnita Crittenden or Lori Smither or fax to (502) 573-2929. Blank forms may be found here:

<https://klec.ky.gov/Forms/Pages/Get-Blank-Forms.aspx>

Please contact us with any questions or concerns!

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Trivia Answer

Yes, KLEC has an online system for legislative agents and employers to file their updated spending reports electronically.