

# The Ethics Reporter

JUNE 2023

KENTUCKY LEGISLATIVE ETHICS COMMISSION  
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KLEC.KY.GOV

## Legislative Ethics Code applies at conferences

Did you know?



The next filing date for employers' and legislative agents' spending disclosures is **Friday, September 15, 2023**.

The easiest and quickest way to file is to visit the Commission's website <http://klec.ky.gov> and click "file forms online."



*How often do lobbyists and employers have to report spending?*

*Answer on page 4*

June brings warm weather, vacations, and the beginning of the conference season. Thus, we offer a timely reminder that Kentucky's Code of Legislative Ethics applies to legislators who attend summer, fall, and winter legislative conferences, in conjunction with their legislative service, and those employers of lobbyists and lobbyists who sponsor events in conjunction with those conferences.

Legislators interested in traveling to an out-of-state meeting or conference must obtain prior approval for that travel from the presiding officer of the chamber in which they serve.

Kentucky lobbyists and their employers are required to report the value of food, beverages, and other expenses contributed to events to which approved groups of Kentucky legislators are invited.

Lobbyists and employers are also required to report other expenses incurred in conjunction with the meetings, if the expenses are directly associated with the employer's or lobbyist's lobbying activities.

Lobbyists and employers are prohibited from buying food and beverages for individual legislators, and lobbyists and employers cannot furnish or pay for out-of-state lodging or transportation, or anything of value, such as

conference registration.

Legislative conferences for the upcoming year include:

- Southern Legislative Conference-July 8-12, Charleston, South Carolina;
- American Legislative Exchange Council-July 26-28, Orlando, Florida;
- National Conference of State Legislatures-August 14-16, Indianapolis, Indiana; and
- Council of State Governments-December 6-9, Raleigh, North Carolina.



## New and terminated lobbying employers

Several organizations recently registered to lobby legislators in Kentucky: **Agile Networks LLC**; **Blu Bee Canopy LLC**; **GreenGo Energy US, Inc.**; **Hart Co. Chamber of Commerce**; **Med Center Health**; **Metrc, LLC**; **Murray Industries**; **One Senior Care, Inc.**; and **Wawa, Inc.**

**Agile Networks LLC** designs, builds, and manages wireless infrastructure assets and data networks and is owned by **Cincinnati Bell, Inc & Its Subsidiaries dba Altafiber**. **Blu Bee Canopy LLC** is owned by parent company XYZ CBD Processing, which is a hemp-growing and processing company based in Franklin, KY.

**GreenGo Energy US, Inc.** is a Denmark-based company focused on solar, wind, and other renewable forms of energy. **Metrc, LLC** is a company that tracks cannabis "seed to sale" in states that have legalized medical marijuana. **Murray Industries LLC** is an energy company owned by G. Dale Murray, II.

No organizations terminated lobbying in the previous month.

*"It is a privilege to serve people, a privilege that must be earned, and once earned, there is an obligation to do something good with it."*

*-Barbara Jordan*

## Why lawmakers can't get their act together on time

GOVERNING MAGAZINE-by Alan Greenblatt –June 13, 2023

The New Mexico Legislature was running short of time. By March 13, with less than a week to go before the end of this year's legislative session, the House and Senate had only cleared 27 bills and resolutions and moved them to the governor's desk. By the end of the session on March 18, however, they had managed to clear 387.

That kind of mad rush is common for lawmakers. Whether it's Congress waiting until the last minute to raise the debt ceiling or legislators voting on the cusp of midnight the day before the state budget is due, lawmakers can't seem to help putting off most of their work until they're almost out of time. The final details of Louisiana's budget were only presented to most legislators just 20 minutes before the end of the session.

"It does take a long time to find agreement on certain bills," says Jack Whitver, the majority leader in the Iowa Senate. "If you're trying to find agreement between the House and the Senate and the governor, it takes time."

Putting things off until the last minute is part of human nature. It's not only a question of bad habits. Someone always benefits when legislation is put off until the end of the session. Deadlines produce leverage. Sometimes unpopular bills can be forced through, their passage expedited as part of a bigger, necessary package. More often, bills can be killed, their fate finally fixed because there simply isn't enough time.

That's important, because a lot of what legislators do—and certainly what a lot of lobbyists want — is not to pass legislation, but to block it. "The clock or the calendar is always a strategy that people can pursue to kill legislation," says Mark P. Jones, a political scientist at Rice University. "Even if you don't have the votes, one way to kill it is to hold it hostage."

### That End-of-Session Smell

Legislative sessions end not with a bang but with a scramble. Legislators are like college students pulling all-nighters just ahead of finals. "The legislature here at the end of session is boisterous and funny," Minnesota House Speaker Melissa Hortman told

me a couple of years ago. "The House floor has a slight odor of Chinese food and people who have been awake too long and stale coffee."

People aren't always thinking clearly and some lawmakers are visibly drunk.\* It's easy to wonder whether this is the best of all possible ways to make laws.

Last year, a commission spent months putting together recommendations to address the teacher shortage in Missouri. State Rep. Ed Lewis crafted a bill to put their ideas to work, raising salaries and providing support for teachers willing to work at underserved schools. His bill passed the state House almost unanimously but was killed in the Senate, based not on any real opposition but that chamber running out of time due to filibusters opposing unrelated bills regarding landfills and sport betting.

One reason his bill was put off until the end is that the Missouri House had a new rule this year, which allowed each committee to send only two bills to the floor ahead of the chamber's mid-session break. The idea was that any issues were better resolved in committee, but the practical effect was that a lot of bills either got delayed or rolled into bigger packages that then presented bigger targets.

Although some chambers impose formal limits, it's often the case that the House or Senate will only be willing to consider some limited number of bills from the other chamber. There's an old joke around state capitols that the other party is the opponent, but the other chamber is the enemy.

### Running Out the Clock

A lot of chambers set a series of deadlines. Bills have to be introduced by a certain date and then they have to pass the chamber by another date. Rather than regularize the flow of bills, however, that just creates a set of choke points that kill off a lot of bills. A lot of lobbyists earn a solid living by killing off legislation and preserving a status quo that's favorable to their clients.

"When you look at the systematic bias of pushing things to the last minute, you have to ask, who is it empowering?" says Alex Garlick, a political scientist at the University of Vermont. "It's whoever is delaying."

Delays can also help out legislative leaders, Garlick suggests. Controlling the calendar means that leaders can push off tough votes until the end. That not only puts pressure on rank-and-file members to cast votes in support, either because their party wants them to, or because some project or priority of their own is tucked into a larger bill, but it keeps them in the dark. Not knowing all the details regarding the bill's final form until hours before the vote prevents them from being able to organize much opposition.

It's not just procrastination, it's theater, says Adam Zelizer, a University of Chicago political scientist. The end date is almost always known, but leaders will often put off consideration of the budget or some other big bill because they know taking a tough vote will be made to seem easier due to deadline pressure.

"Voters don't particularly like it when lawmakers compromise their position with the other side," Zelizer says. "Dragging out negotiations and making it look like you had no choice but to compromise when faced with an intransigent opponent might be one strategy to confront this."

Better legislation might well be achievable through better time management. Rather than bluffing, chambers in part-time legislatures will sometimes simply rubberstamp bills that come from the other chamber because they don't have the time or expertise to counter. One 2009 study called *Who Blinks First?* found that professional legislatures are better equipped to face off against governors in budget negotiations because they have more time to be patient and hold off.

But as things stand, most legislatures are stuck running as many bills as they can through a time-sensitive process. Time limits mean some bills will get pushed through due to built-up pressure, but many more bills will have to wait until next year.

\* Kentucky's Ethics Code prohibits a legislator from being intoxicated while in the discharge of official duties if this renders them unable to perform said duties. KRS 6.731(7).-Editor

## Maui Ethics Board: You can't keep those \$400 Koa digging sticks

HAWAII—*Honolulu Civil Beat*—by Marina Starleaf Riker—June 16, 2023

County officials should give back the pricey koa digging sticks they received at a recent groundbreaking ceremony for a housing development in West Maui, the Maui Board of Ethics says.

To celebrate the late spring start of construction for Pulelehua, a development of roughly 1,000 homes in part subsidized by millions of county dollars, each official who posed for photographs was given a wooden digging stick to thrust into the ground and then take with them when the event wrapped up.

Maui County Council member Tamara Paltin said she was planning to report the digging stick on the financial disclosure form she fills out when she receives a gift of \$50 or more. To her surprise, she learned the o'ō — a routine ceremonial token for years in Hawaii — was made out of koa and worth an estimated \$400.

“Could this possibly be perceived like a reward, or a thank you?” Paltin said. “That’s the crux of the issue.” For Paltin, who served much of her time as a council member during the pandemic when in-person events were canceled, receiving the stick at the recent ceremony was a first. So she and another colleague, Nohe U'u-Hodgins, a first-time council member who also received her first o'ō at the groundbreaking, wrote to the Board of Ethics to

ask what they should do.

The board’s decision Wednesday could set a precedent for how Maui’s government officials handle o’o and other tributes that have long been doled out during groundbreakings across the Hawaiian Islands without question.

“The perception in the community is what ultimately we need to protect,” Gerri Lewis, the ethics board chair, told her colleagues.

The council members’ requests for the board to weigh the issue come as there is a sharp focus on tightening up ethics rules throughout the islands. In recent years, two former Hawaii legislators and two former Maui County officials pleaded guilty to accepting thousands of dollars in bribes in one of the largest public corruption scandals in Hawaii’s history.

Across the state, ethics watchdogs have since looked more closely at curbing so-called “gifts of aloha,” which typically include small items like cookies, malasadas, manapua or musubi. But throughout the islands, politicians, business leaders and developers have been posing with digging sticks for decades. Photographs show government leaders and executives smiling while holding them at groundbreaking ceremonies that range from one held for Maui’s Target to the Honolulu

rail project and a new legal assistance building at the University of Hawaii’s law school. Sometimes the sticks are kept as gifts, sometimes they’re just for the photo op.

At the state level, officials must disclose when they receive gifts of more than \$200, including those to close family members like children and spouses. In Maui County, elected officials must note any gifts over \$50. They also aren’t allowed to accept any gifts that might possibly be perceived as an attempt to influence them or a reward for a specific decision. Paltin said that although the ethics board’s decision technically only applies to her and her colleague’s specific experiences, she hopes that it will set a precedent while making it easier for county officials to politely decline what have long been standard ceremonial gifts.

Back when koa was more widely available, the o’o might have been less expensive, Paltin said. But giving them away during ceremonies is still so widespread that some executives are trying to figure out how to make them out of cheaper wood. “If they use some invasive wood and it’s less than \$50, then is it OK?” Paltin asked. “I’m not sure.”

In the weeks since the Pulelehua ceremony alone, she said she was given a second o’o for the groundbreaking of a new county well in West Maui. Although she doesn’t think it’s made of koa because it’s much lighter, she is returning that one, too.

“That’s why I wanted a formal opinion — to be very clear,” Paltin said.

## As Chicago’s city commissions start meeting in person again, future of online access in doubt

ILLINOIS—*WTTW Chicago*—by Heather Cherone—June 12, 2023

For the first time in more than three years, all city boards and commissions are once again meeting in person to handle the city’s business, putting an end to the virtual meetings that became a hallmark of the COVID-19 pandemic. But there are no rules ensuring those meetings will continue to be streamed online or allow members of the public to weigh in virtually, either by Zoom or by phone, putting at risk Chicagoans’ ability to keep tabs on their government with a simple click of a button.

“This would be a massive step backward in transparency and equity,” said David Greising, CEO of the Better Government Association. When Gov. J.B. Pritzker ended the public health emergency on May 11, boards and commissions across the state could no longer meet virtually, as rules that allowed

them to meet via Zoom or other teleconferencing platforms expired.

“The great revelation of the pandemic was that people actually cared what their governments were doing...There should be one standard for all city boards and commissions,” Griesing said.

State law does not require cities to livestream public meetings. However, the Chicago City Council requires all of its meetings, as well as meetings of its committees, to be livestreamed, as they have been since 2019. During the pandemic, the City Council amended those rules to allow public comment via Zoom or by phone during in-person City Council meetings. In May, the Council approved a new set of rules that allow alderpeople to participate remotely in the event they are ill, away on

official business or experiencing a family emergency.

The Landmarks Commission meeting was not livestreamed because it was scheduled to take place in a meeting room that is not equipped with AV equipment. Nothing on required public notices [for the Community Development Commission or Zoning Appeals Board] indicates they will be livestreamed. By contrast, the Chicago Board of Ethics voted unanimously to “continue to make our meetings available to our fellow Chicagoans both in person and through our streaming platform, even though it is not required legally... We are a public board, responsible to the residents of Chicago; public participation is a core ingredient of meaningful democratic government. Our public meetings are intended to provide information to all members of the public, and enable the public, in turn, to inform and educate us on matters of concern to them.”

MEMBERS OF THE  
LEGISLATIVE ETHICS  
COMMISSION

David Nicholas, Chair

Tanya Pullin, Vice Chair

Ernie Harris

Marie Rader

Katherine Gail Russell

Sal Santoro

Arnold Simpson

Anthony M. Wilhoit

NEXT MEETING OF THE  
COMMISSION

The Kentucky Legislative Ethics Commission's next regular meeting is scheduled for Tuesday, July 11, 2023 at 9:30 a.m. Capitol Annex, Room 171 in Frankfort, Kentucky.

To watch the meeting online, 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](http://klec.ky.gov), and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=nrqWW7sJDK4>

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](http://klec.ky.gov) and also on the LRC Capitol Connection page at <https://www.youtube.com/watch?v=I4FJvhrSoao>

## Financial Disclosures and Lobbying Spending

Kentucky legislators' required financial disclosures are available on the KLEC website at <https://klec.ky.gov/Reports/Pages/Legislators-and-Candidates.aspx> Legislators must file their financial disclosures by February 15th, for the previous calendar year. We are pleased to report that all legislators filed timely.

Candidates for the General Assembly are also required to file a financial disclosure, and these are also at the same link.

Lobbying spending disclosures may be found on KLEC's website at [klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx](http://klec.ky.gov/Reports/Pages/Employers-and-Legislative-Agents.aspx) along with a list of bills lobbied by each employer. A searchable database of all lobbyists and employers, and their spending, is available at [apps.klec.ky.gov/searchregister.asp](http://apps.klec.ky.gov/searchregister.asp)

To register as a lobbyist or employer, please email the 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

**Six times per year, on the 15th  
of January, February, March,  
April, May, and September.**