

**SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature**

THE ADVISOR

April 2008 – SPECIAL EDITION

Committee Members: Chair Herman G. Walker, Jr, Senator Gary Stevens, Senator Con Bunde, Representative Bob Roses, Representative Berta Gardner, Dennis “Skip” Cook, H. Conner Thomas, Ann Rabinowitz and Gary J. Turner.

Alternate Legislative Members: Senator Hollis French, Senator Gary Wilken, Representative Carl Gatto and Representative Lindsey Holmes.

Staff: Joyce Anderson, Administrator; and Donna Grenier, committee staff.

ETHICS COMMITTEE MEETING SCHEDULED

The Ethics Committee is scheduled to meet on **Monday, May 12**, at 8:30 a.m. at the Anchorage LIO, Room 220. The meeting will be teleconferenced. (Teleconference information will be sent at a later date.)

On the agenda will be discussion of **Advisory Opinion 07-04, Constituent Services**. The item will be heard at 9 a.m. The committee will take oral testimony as well as written testimony. Please submit written testimony by Monday, May 5.

BACKGROUND INFORMATION

- At the January 16, 2008, Ethics Committee meeting, the committee decided to revisit Advisory Opinion 07-04 (which was issued on December 12, 2007) based on concerns from legislators and staff regarding the guideline of devoting 10 hours per constituent issue.
- The committee recognized at the January 16th meeting that the overall intent of the opinion was not to limit the amount of time spent on constituent service but to provide guidance on when constituent service becomes a private benefit to the constituent. The committee determined that examples explaining this distinction would be more

helpful than recommending a certain number of hours per constituent issue.

- The entire opinion is attached for your review. Below is the “conclusion” section of the opinion.

AO 07-04 Conclusion: It is an established legislative practice to use legislative aides, as part of regular duties, to advocate for a constituent's private interest. This creates a rebuttable presumption that an aide who does so is performing a service that has a legislative purpose. However, because providing assistance to a constituent also confers a private benefit on that constituent, the volume of public resources used, including staff time, is required to be limited. The volume of public resources that may be expended to provide constituent assistance depends upon the facts of the particular case. In order to provide some guidance on the issue of staff time, the committee finds that a legislative aide may devote up to 10 hours helping a constituent with a particular problem involving a governmental agency without violating the Legislative Ethics Act.

Prior to the December 12, 2007, Ethics Committee meeting, four legislative staff were interviewed to obtain background information on how constituent services are handled in legislative offices. Below is a recap of the interviews:

Legislative staff #1

- Examples of constituent inquiries
 - Student loans
 - PFD issues
 - Office of Children Services issues
 - Child support issues
- Working on constituent issues provides to either the legislative office or the constituent
 - Customer service
 - Knowledge of the process
 - Facilitates the process for the constituent
 - See if the process works
 - Let's the agency know you are looking over their shoulder
- Provide every Friday a report to the legislator

- 2-3 constituent inquiries per week on an average (via phone call, email, letter or fax)
- Spend about 2 hours a week on constituent issues

Legislative staff #2

- Examples of constituent inquiries
 - DMV issues
 - Office of Children Services
 - Child support
 - PFD
- Method of handling constituent inquiries
 - 90% are through a phone call or several calls
 - 10% are with a written letter
- Legislator is updated on constituent calls periodically
- Staff is a conduit for providing information to the constituent
- Approximately 5 calls per week on an average
- Maximum time spent on a constituent issue was 10 hours

Legislative staff #3

- Examples of constituent inquiries
 - Office of Children Services
 - Corrections
 - PFD
 - Social issues (example: dentist costs and Welfare payment)
- Method of handling constituent inquiries
 - 70% are through a phone call or several calls (rarely does one phone call address an issue)
 - 10 letters were sent this year regarding constituent concerns
- Constituent database updated with every constituent inquiry
- Maximum time spent on one issue was one week (this included ½ day reading a file at OCS office)
- Verbally notify legislator of constituent work performed – however not in real time
- Legislator likes to provide ‘full service’ to constituents but not to the extent of a social worker
 - Navigate the system
 - Explain requirements
- Approximately 3-5 inquiries per week on an average
- Working on constituent issues may lead to legislative changes

Legislative staff #4

- Examples of constituent inquiries
 - PFD
 - Child support
 - Pension
- 90% of legislation introduced is based on problems that came to light when dealing with constituent issues
- Legislator is updated when staff provides a routine update or at a weekly staff meeting (which occurs when time permits)
- Approximately 5-7 inquiries per week on an average
- Maximum time spent on a constituent issue was one day
- Main objective is to help constituent work through the process and provide resources
- Method of handling constituent inquiries
 - Majority of inquiries handled with a phone call or several calls
 - Letter sent for follow up purposes (after legislator approves)

General comments by all four staff:

- Number of constituent inquiries depends on the area the legislator represents and the time of the year
- Complexity of constituent concerns rests on many factors in addition to the area the legislator represents

YOUR INPUT NEEDED **AT MAY 12, 2008, ETHICS COMMITTEE MEETING**

The Ethics Committee values your input and encourages testimony from legislators and staff. The committee is interested in hearing how your office handles constituent inquiries.

Some sample questions you may want to consider when preparing written or oral testimony:

- Examples of routine constituent requests.
 - What actions are taken to resolve the issue?
- Examples of non-routine constituent requests.
 - What actions are taken to resolve the issue?

- When do you draw the line on helping a constituent? Explain.
- How often does helping a constituent result in filing paperwork for them?
- How many constituent calls do you, on average, receive in a week?
- Do you meet regularly with your legislator to provide updates on constituent concerns?
- Do you consult with your legislator prior to taking certain actions concerning a constituent issue?
- Has your legislator written a letter on behalf of a constituent to a state department?
- Have you had to consider the stipulations and restrictions in AS 24.60.030(i), Legislative Contact with a Hearing Officer or Administrative Decision Maker?
- Overall general comments on constituent issues and resolving them.

In order to have an estimate of the time needed for testimony, please call 269-0150 if you are considering testifying at the meeting.

FYI: The entire agenda for the May 12th meeting will be posted on the Ethics web site on Monday, May 5th.

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