

SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature

THE ADVISOR
August 2003

Committee Members: Senator Ben Stevens, Senator Kim Elton, Representative Norman Rokeberg, Representative Mary Kapsner, Chair Dennis "Skip" Cook, H. Conner Thomas, Bonnie Mehner, Herman G. Walker Jr., and Marianne Stillner

Staff: Joyce Anderson, Administrator **Office Hours:** Monday through Thursday

QUOTE OF THE MONTH: **The fundamental principle of ethical government is mutual respect. The principles of democracy can be grouped into formal equality, social equality, and integrity.** Eleanor D. Glor and Ian Greene, "The Government of Canada's Approach to Ethics, Public Integrity, Winter 2002-03.

QUESTION AND ANSWER SECTION

All inquiries are strictly confidential. A short synopsis of the question and informal advice given is presented to the full Ethics Committee for review. The Q&A is cleansed of all identifying information. Here are some of the questions asked.

Do I need to file a "close economic association" disclosure if I helped on a legislator's campaign as a paid campaign worker while I was employed by the legislator?

Yes, AS 24.60.070 states a legislative employee and a legislator must disclose the formation or maintenance of a CEA involving a substantial financial matter.

May a legislator receive a gift for giving a speech?

The ethics committee issued Advisory Opinion 95-01 which directly explains what type of honoraria can be accepted and what type is not acceptable. The opinion is available from the ethics office. In summary, a gift for giving a speech is acceptable if the gift is more of a personal nature; i.e., a plaque with the legislator's name on it, a souvenir or a small thank-you gift. The value of the gift must not exceed \$250. The gift would appear to not have much commercial value but would have personal value as a legislator. The committee believes that for a legislator to refuse the gift could offend a member of the group which has offered it.

May a legislator use the title Senator/Representative for non-legislative purposes?

Past ethics committees have expressed a general sense that a legislator's title is his/hers to use as long as the use does not imply proffering or denying state resources. However, the use of a legislator's position (i.e., chair of such and such committee) has not been discussed.

May the spouse of a legislator accept free travel when the gift is received because of his/her legislative connection?

Yes, AS 24.60.080(k) states a family member may accept the gift. If the gift exceeds \$250, the legislator must complete a disclosure within 30 days of receipt of the gift by the family member. Keep in mind the 30 day period begins when the gift is received and not when the ticket is redeemed.

Would it be beneficial for a legislator to keep a "gift" log?

Advised that a gift log would assure that the legislator did not receive gifts from the same person/entity that exceeded \$250 in a calendar year. If a complaint were to be filed, the log would be excellent back up documentation.

May a legislator give out pens with his/her name on them in a political party booth at a fair if the pens were printed using legislative funds?

No. If the pens were printed with legislative funds, they cannot be given out in a campaign setting per AS 24.60.030. The legislator, however, may print his/her own pens without the use of state resources using the name of Senator/Representative and give them out at a political party booth.

What are the ethical boundaries for a legislator and legislative employee working on a ballot initiative?

Advisory Opinions 97-02, 01-01 and 02-01 address this subject. In summary, the initiative process is a process undertaken by private citizens rather than institutions of government but it is an adjunct to the legislative process. Action taken to support or oppose an initiative petition is related to duties of the legislature. In carrying out action to support or oppose an initiative petition, a legislator may use state resources, including paid staff time, state facilities and equipment, and reimbursement for travel expenses. Legislators may attend public functions or direct staff to attend on their behalf to both gather and present information to the public concerning the initiative, including the legislator's recommendation to support or oppose its passage. Legislators may direct staff to research issues raised by the initiative, to prepare draft legislation for possible introduction in the Legislature, and to prepare communications concerning the initiative and the legislator's position on its adoption. While the information provided to the public at state expense may include copies of the text of the initiative and the name and address of groups and individuals supporting or opposing it, it is not appropriate to use state resources, including paid staff time, state-paid transportation, and state facilities and equipment, to circulate the official petitions for signature or to solicit contributions for the adoption or rejection of the initiative. There is a distinction between activities that a legislator may appropriately engage in and activities that are appropriate for an employee to engage in on government time and that should take place in a legislative office or other state facilities. Specific questions should be directed to the ethics office. The ethics code

places no restrictions on a legislator or a legislative employee in participating in the initiative process while acting in a private capacity.

FYI: Please check your fax machine to make sure the ID (phone number) and time are listed correctly. If you transported your fax machine from Juneau you may still have the Juneau phone number listed. (I recently received several faxes with a Juneau phone number from offices that are now located at their interim address.) The Telephone Consumer Protection Act of 1991 requires the following information on each fax sent: date, time, individual sending the message and phone number. Thanks.

WHAT GREAT SUMMER WEATHER WE ARE HAVING!!!

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