

SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature

THE ADVISOR

February 2004

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

Welcome: The committee wishes to welcome Ann Rabinowitz to the committee. Ms. Rabinowitz is from Juneau and works for the school district.

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

QUOTE OF THE MONTH: “Friendship is so central to identity that Aristotle believed the quality of friendship determines the quality of politics. The quality of a leader’s friendships implicates the quality of the leader’s style, character, and values.” J. Patrick Dobel, Public Integrity, Spring 2001

PUBLIC DECISIONS
and
ADVISORY OPINIONS

You should have received sometime during the first week of January a copy of the Public Decisions and Advisory Opinions issued by the Ethics Committee the past year. If you did not receive these publications, please give me a call at 269-0150.

Public Decisions are issued when the Committee investigates an ethics complaint. Complaints that are not investigated and therefore dismissed by the committee are confidential and not published.

Two Advisory Opinions were issued in 2003. **Advisory Opinion 03-01** concerns close economic associations involving the separate property of the spouse of a legislator.

Advisory Opinion 03-02 concerns loans by a legislator to a prospective legislative employee for travel to Juneau and initial living expenses pending the first paycheck. I will briefly summarize each opinion. If you have any questions concerning these opinions, please give me a call.

Advisory Opinion 03-01

The committee found that the definition of “close economic association” in AS 24.60.070(a) requires a more direct and active participation by a legislator or legislative employee in a financial matter than simply being married to a participant in a financial matter if the financial matter is owned separately by the non-legislative spouse.

Advisory Opinion 03-02

The committee found that AS 24.60.080 does not prohibit a legislator from giving a loan to any person, and a prospective legislative employee who is not yet subject to the ethics code may accept a loan of \$250 or more from a legislator for initial living costs involved in working for the legislature. The legislator and the (formerly prospective) legislative employee must report a loan of \$250 or more as a close economic association under AS 24.60.070 when the employee becomes subject to the ethics code. Disclosure must be made no later than March 15. A legislative employee is subject to the ethics code and may not accept a loan of \$250 or more from anyone, unless allowed under AS 24.60.080(c). A commercial loan may be accepted by a person subject to the ethics code. A current legislative employee would not be allowed to accept a loan of \$250 or more from an incumbent legislator for initial living costs involved in working for the legislature.

***** DISCLOSURE DEADLINES *****

The following disclosures are due within 30 days – **Tuesday, February 10** - if you established or began any association/participation on or after January 12, 2004. (OR) If the association/participation occurred during the last 30 days of the previous session or if during the interim, the disclosure is due by **Monday, March 15**.

- **Membership on a Board of Directors** - AS 24.60.030(f) – Are you an officer or board member of an organization that may have substantial interest in legislative matters?
- **Participation in Certain State Benefit and Loan Programs** - AS 24.60.050(c)(d) - Do you have an outstanding benefit or loan amount administered through the state? Disclosure depends on award criteria.
- **Representation Before a State Agency** - AS 24.60.100 - Are you on contract/agreement to represent a client before a State agency, board or commission?

- **Interests in State Contracts and Leases (including certain family members) - AS 24.60.040** – Do you or any immediate family members have a contract or lease through the State with an annual value of \$5000 or more?
- **Close Economic Associations - AS 24.60.070** – Is there a financial relationship between you and a person covered by the Legislative Ethics Code (i.e., legislators, legislative employees if one supervises the other, public officials who must file a Financial Disclosure with APOC, and registered lobbyists)?

The following disclosure is due annually by **Monday, March 15** which covers the previous calendar year.

- **Gifts Not Connected with Legislative Status - AS 24.60.080(c)(6)** – Have you received a gift(s) worth more than \$250 in a calendar year from the same person/entity other than an immediate family member?

The following disclosures are always due **within 30 days of receipt** of the gift.

- **Gift of Travel/Hospitality for Legislative Matters - AS 24.60.080(c)(4)** – Have you taken a trip for legislative matters which was paid with funds other than legislative funds?
- **Gift Received by Family Member Because of Legislative Connection – AS 24.60.080(i)** - Did an immediate family receive a gift worth \$250 or more because of your legislative connection?
- **Gift of Legal Services Related to Legislative Matters - AS 24.60.080(c)(8)** – Did you receive a gift of legal services worth \$250 or more?

Must be delivered to Legislative Council within 60 days.

- **Gift from Another Government – AS 24.60.080(f)** – Have you received a gift from another government or official from another government worth \$250 or more?

IMPORTANT: Fines are levied for late disclosures. The fine is \$2.00 per day up to a maximum of \$100. Committee policy has been to allow for one late disclosure before levying fines. A late disclosure is a “one time only” waiver.

The forms for all disclosures are located in the 2004 Standards of Conduct Handbook distributed at the beginning of session as well as available on the ethics website (www.legis.state.ak.us and then click on ethics).

Please give the Ethics Office a call if you have any questions about what to disclose or the date on which disclosures are due.

GIFTS

I have received numerous questions concerning gifts.

Gifts Received Because of Legislative Status: Keep in mind a legislator or legislative employee may receive a gift(s) from the same person/entity if less than \$250 aggregate in a calendar year. There is no reporting requirement. If a gift(s) exceed the \$250 limit, the gift must be returned. You may not pay the difference in the value of the gift over \$250. Note: The five types of gifts previously mentioned under “disclosures” do not apply to the above statement.

Gifts Received From Immediate Family Members: Gifts from immediate family members are not subject to disclosure and have no maximum dollar limit. Immediate family includes spouse or domestic partner, child, parent, sibling, grandparent, aunt or uncle, stepparent, step-sister/brother, step-grandparent, step-aunt or step-uncle.

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