

SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature

THE ADVISOR

June 2008 (2nd 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.

Note: Joyce Anderson will be out of the office Monday, June 30 through Friday, July 11. Voice mail and email messages will be checked on a daily basis. Calls and emails may not be returned until the next day.

We know you are very busy with the special session on AGIA, but this newsletter contains important information.

- Statutory changes to AS 24.60.031, campaign fund raising, effective Saturday, June 21st.
- On-line ethics training for legislative employees who did not attend one of the in-person training classes held earlier this year. Training must be completed by Friday, July 25th.

HB 305, Campaign fund raising during a Regular or Special Session

HB 305 was signed into law on Friday, June 20.

The following provisions and prohibitions of AS 24.60.031 became effective Saturday, June 21st.

PLEASE READ THIS ENTIRE SECTION CAREFULLY. If you have questions, give the Ethics Office a call.

LEGISLATIVE EMPLOYEES

- **prohibited** from soliciting or accepting a contribution or a promise or pledge to make a contribution for **state or municipal office** on a day when either house of the legislature is in regular or special session
 - **may** solicit or accept a contribution, promise, or pledge for a **campaign for state or municipal office** that occurs during the **90 days** immediately preceding the election for that office **except** in the **capital city** or in the **municipality in which the legislature is convened** in special session
- **prohibited** from accepting money from an **event** held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to **raise money on behalf of the legislative employee for political purposes**;
 - **may** accept money from an **event** held in a place other than the capital or in a municipality in which the legislature is convened in special session during the **90 days** immediately preceding an election for **state or municipal public office in which the legislative employee is a candidate**

LEGISLATORS

- **prohibited** from **soliciting or accepting a contribution or a promise or pledge to make a contribution** on a day when either house of the legislature is in regular or special session
 - For **legislator's own campaign for state or municipal public office**
 - **may** solicit or accept a contribution, promise, or pledge that occurs during the **90 days** immediately preceding the election for that office **except** in the **capital city** or in the **municipality in which the legislature is convened** in special session.
 - For **another candidate** in an election for **municipal, state, or federal office**
 - To **influence a state ballot proposition or question**
 - For a **political party**
- **prohibited** from **expending money** in a campaign for state or municipal office that was raised when either house of the legislature was in a legislative session by or on behalf of a legislator under a declaration of candidacy or a general letter of intent to become a candidate for public office.
 - **may** accept money from an **event** held in a place other than the capital or in a municipality in which the legislature is convened in special session during the **90 days** immediately preceding an **election for state or municipal public office** in which the **legislator is a candidate**
- **prohibited** from accepting money from an **event** held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to **raise money on behalf of the legislator's campaign for state or municipal public office**

- **may** accept money from an **event** held in a place other than the capital or in a municipality in which the legislature is convened in special session during the **90 days** immediately preceding an election for state or municipal public office in which the **legislator is a candidate**

Please note: The special session is convened in Juneau with informational meetings held throughout the state. Therefore at this point in time, the prohibition on campaign fund raising applies only to the capital city and not in the municipalities where the informational meetings are being held.

PLEASE CALL IF YOU NEED CLARIFICATION.

Two other ethics related bills were also signed into law:

HB 368, Legislative Ethics

HB 281, Complaints, Legislative Ethics, Candidates, and Lobbyists.

They do not become effective immediately and will be noticed in future newsletters.

NOW AVAILABLE

2008 ON-LINE ETHICS TRAINING

(added to the Ethics Web site on June 25, 2008)

An on-line ethics course is now available on the Ethics web site: <http://ethics.legis.state.ak.us> under the section titled: Ethics Training.

The on-line training course is designed for legislative employees (includes all employees under the legislative umbrella) who were unable to attend the in-person ethics training classes offered by the Select Committee on Legislative Ethics earlier this year during the regular legislative session. (Note: No additional in-person training classes are scheduled for 2008.)

The Ethics Office has received an updated list of legislative employees from LAA Personnel to determine who has not attended one of the in-person sessions. If you fall within this category, you will be receiving an email from the Ethics Office.

Under AS 24.60.155 the course must be completed within 30 days of being hired by the legislature. However, since the on-line course only became available on June 25th, employees required to complete ethics training for 2008 have until Friday, July 25th.

The on-line training course is comprised of a 2 ½ hour training video and a PowerPoint presentation. There are three PowerPoint presentations listed on the web site: one tailored for legislators, one for staff to legislators and one for support staff to legislators and other employees under the legislative umbrella.

The video follows the “Legislator Staff Training” PowerPoint presentation. The video and PowerPoint presentation are set up to give legislative employees a fundamental understanding of the Legislative Ethics Act and how to comply with it.

Anyone completing the ethics course on-line must fill out a Certificate of Completion form within five days, which is available on the web site. The form can be either mailed or faxed to the Ethics Office.

<p style="text-align: center;">CLOSE ECONOMIC ASSOCIATIONS DURING SPECIAL SESSION – AS 24.60.070</p>

The ethics office has had quite a few inquiries concerning the filing of a “close economic association” (CEA) disclosure in regard to housing for the AGIA meetings held throughout the state. The following Q&As should be helpful in determining whether a CEA disclosure is required.

All CEAs are due within 30 days of the association. Disclosure is required if the association is with:

- a supervisor
- a legislator
- a public official defined in AS 39.50 (all elected officials and other individuals who must file a financial disclosure with APOC)
- a registered lobbyist
- a legislative employee when the person disclosing is a legislator

If a legislator or legislative employee shares housing expenses with a person in one of the categories listed above, is a CEA disclosure required?

Yes.

If a legislator or legislative employee stays with a friend at their residence during the special session, is a CEA disclosure required?

If the friend does not fall within any of the categories above, no CEA disclosure is required. Under the gift statute, AS 24.60.080, staying at the residence of friend (as defined in this question) with incidental transportation is not considered a gift.

May a legislator or legislative employee stay at the residence of a registered lobbyist?

Yes, with the following qualification. Since a gift of hospitality (i.e., staying at a residence) may not be accepted from a lobbyist, the legislator or legislative employee must pay to stay at the residence. To determine a cost for staying at a lobbyist's residence, consider: the cost of a night's lodging or week's lodging if the stay is short term or the cost per month to rent space similar in size and amenities if the stay is long term. CEA disclosure required.

May a legislator or legislative employee rent an apartment, house, condo, etc. with a lobbyist?

Yes, with the following qualification: a legislator or legislative employee must pay their fare share of the rental cost for the unit and any other costs associated with the rental. CEA disclosure required.

ADVISORY OPINIONS ISSUED

Advisory Opinion 08-01 Conflict of Interest – Employment

Does a legislator have a conflict of interest working in Industry A for 25 years and for Employer B in that industry for six years in regard to legislation in area of industry A's focus?

The committee found that the legislator's private sector employment and retirement benefit plans do not present a conflict of interest under the Legislative Ethics Act, and therefore, do not prevent the legislator from voting on legislation or taking legislative action, even where the interests of industry A or employer B are concerned.

Advisory Opinion 08-02 Conflict of Interest – Employment

Does a legislator considering employment with Corporation X, a growth company focused on gold exploration and development, have a conflict of interest?

The committee found the Legislative Ethics Act does not prohibit the legislator from accepting the job or from carrying out the job duties as described in the request. The committee noted the opinion was general in nature. From time to time, the legislator may determine that the Act limits or prohibits certain conduct related to the job or that certain disclosures are required. The committee stated if in the future the legislator has a specific factual situation concerning job duties that may pose a conflict of interest to request an informal opinion from committee staff or request a formal binding advisory opinion from the committee.

The full text of all Advisory Opinions is available at <http://ethics.legis.state.ak.us> .

PUBLIC DECISION ISSUED

The following complaint decision was issued.

DECISION H 08-01. The House Subcommittee found the actions of Representative Gabrielle LeDoux did not give rise to a violation of the Legislative Ethics Act due to the fact state funds were not used and legislative staff time was de minimis. The complaint alleged that:

- Representative LeDoux used public funds or another government asset or resource for a nonlegislative purpose or for the private benefit of a former staff member who accompanied Representative LeDoux on a three-day Legislative Fly-In to the City of Unalaska in August 2007.

The full text of all complaint decisions is available by contacting the Ethics Office. Our goal is to have all decisions available on the Ethics web site by September 1st.

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