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ETHICS

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# THE ADVISOR

MAY 2011

## DURING THE INTERIM:

### Legislators' Office Space in their Home District

The Legislative Ethics Act **does not permit** a legislator to use designated legislative office space in the legislator's home district during the interim for non legislative purposes. Items such as, personal files, personal file cabinets, and other non legislative items, etc., are not permitted.

*NOTE:* During a legislative session, **AS 24.60.030(a)(2)(D)** allows a legislator to use his/her personal legislative office (defined as

the primary space in the capital city reserved for use by a legislator) during the legislative session and the ten days immediately before and after, for non legislative purposes, if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment or you promptly reimburse the state for the cost. ■

## LEGISLATIVE INTERNSHIP PROGRAMS

Legislative internship programs, (other than those sponsored by the University of Alaska\*), must be approved by the Ethics office, pursuant to AS 24.60.080(h) and the committee's Rules of Procedure, Section 2(f), Internship Program Approval.

**Below is a list of LEGISLATIVE INTERNSHIPS that HAVE BEEN APPROVED:**

- First Alaskans Institute
- JobXperience Internship
- McCombs School of Business
- Mercer University
- DePaul University
- Tlingit/Haida Tribal Vocational Rehabilitation (TVR) Program
- IDEA (Individuals with Disabilities Education Act) Alaska Close Up Program
- MASST (Mature Alaskans Seeking Skills Training) Intern Program

\*A legislative internship program through the University of Alaska is established by the Legislative Council under AS 24.20.060(8).

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# Disclosures

## INTERIM DISCLOSURES

The requirement to file a disclosure applies to legislators, legislative staff, support staff, and other employees of the Legislative Branch.

The following “Gift” disclosures are always **due within 30 days of receipt of the gift**; starting on the first day the gift was received.

- **Gift of Travel/Hospitality for Legislative Matters**  
AS 24.60.080(c)(4)

*Q: Have you taken a trip for legislative matters that was paid for with other than legislative funds? (This includes trips paid for by other branches of state government, the federal government, NCSL, CSG, etc.)* If yes, then you would need to disclose the gift within 30 days starting from the first day of travel.

- **Gift Received by a Family Member Because of Legislative Connection**-AS 24.60.080(i)

*Q: Did an immediate family member receive a gift worth \$250 or more because of your legislative connection?* If yes, then you would need to disclose the gift. A good example would be when a family member accompanied you on a legislative trip and some or all of the costs of the trip were paid for with other than legislative funds.

- **Gift of Legal Services Related to Legislative Matters**  
AS 24.60.08(c)(8)

*Q: Did you receive a gift of legal services related to a legislative matter worth \$250 or more?* If yes, then you must file a disclosure. Call the Ethics office for further clarification.

- **Gifts Not Connected to Legislative Status**  
AS 24.60.080(c)(6)

*Q: Have you received a gift worth more than \$250 in a calendar year from the same person/entity other than an immediate family member?* If yes, then you must file a disclosure.

## MORE DISCLOSURES

The following disclosures are **due within 30 days of association**; starting on the first day the association began. **NOTE: Previous associations disclosed earlier this year do not need to be disclosed again during the interim.**

- **Members on a Board of Directors**-AS 24.60.030(f)

*Q: Have you recently been elected or appointed as an officer or board member of an organization?* If yes, then you must file a disclosure.

- **Participation in Certain State Benefit and Loan Programs**-AS 24.60.050(c)(d)

*Q: Have you recently participated in a benefit or loan program administered through the State?* If yes, call the Ethics office to determine if you need to disclose. You may or may not as it depends on award criteria.

- **Representation Before a State Agency**-AS 24.60.100

*Q: Are you on contract/agreement to represent a client before a state agency, board or commission?* If yes, then you must file a disclosure.

- **Interests in State Contracts and Leases (including certain family members)**-AS 24.60.040

*Have you or any immediate family members signed a contract or lease with the state with an annual value of \$5,000 or more?* If yes, call the Ethics office to determine if you must disclose participation.


- **Close Economic Associations**-AS 24.60.070

*Q: Do you have a financial relationship with 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.)* If yes, then you must file a disclosure. Examples: If you are business partners, or if you are a paid consultant on a legislator’s campaign. The dollar amount of the financial relationship, does NOT need to be disclosed; only the fact that a close economic association exists.

## FILING DISCLOSURES ONLINE

**F**iling disclosures online is more accurate and efficient than a handwritten submission because you don’t have to write in your phone number or address—it generates this information for you when you log on—and there are convenient drop down boxes to choose from. By clicking on the submit button, the form goes directly to the Ethics office while receiving a copy for yourself. Just go to the Ethics website at:

<http://ethics.legis.state.ak.us>

and click on disclosures. 

If you have any questions on disclosures or filing online, please call Linda Leigh at 269-8179. ■

# ETHICS TRAINING

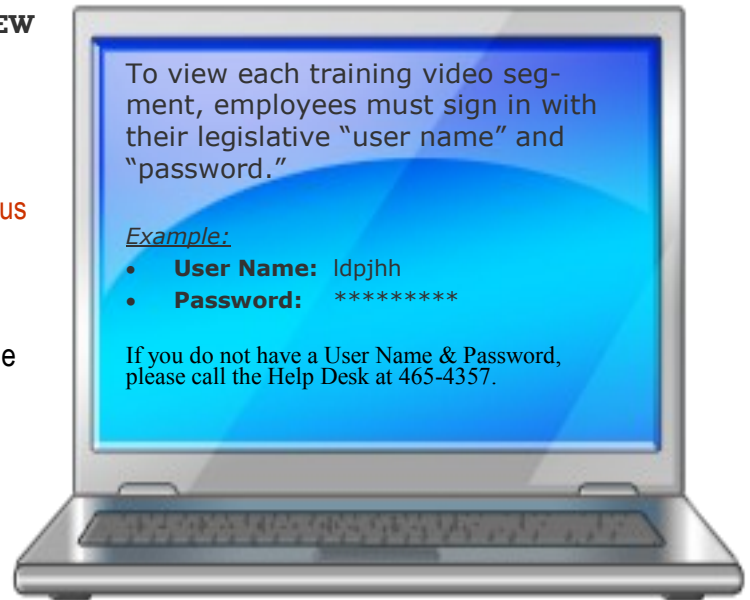
If you are a **NEW** staffer working for a legislator or **NEW** support staff, you are required to complete the online Ethics training within 30 days of your hire date.

## HERE'S HOW:

Go to the Ethics web page at: <http://ethics.legis.state.ak.us>

- ❖ Select "Ethics Training"
- ❖ Select the PowerPoint presentation designated for "Staff to Legislator" or "Support Staff and other employees" and print. Use it to follow along with while viewing the video.
- ❖ Select "On-line Ethics Training"
- ❖ Log in with your **user name** and **password**

For any questions regarding training, contact Linda Leigh at 269-8179.



## Constituent Services - Advisory Opinion 08-03

### INFORMATION AND GUIDANCE

Many offices will be addressing constituent concerns during the interim.

The following is a recap of **Advisory Opinion 08-03**; guidelines when performing constituent services.

Legislative offices are one of the viable and necessary avenues by which Alaskans can access state government to obtain or improve services for themselves.

Constituents often do not know about laws, rules or regulations governing a particular agency or it may be they just do not accept the relevant parameters.

The committee defined "performing constituent service" as:

- ❖ Assisting constituents in navigating government bureaucracy.
- ❖ Developing a communication line between a government agency and the constituent.

Legislative intent in performing constituent service is threefold:

- 1.) To move the constituent's concerns forward.
- 2.) To make sure everyone involved knows what they need to know.
- 3.) To urge the government agency to take timely action.

Continued on next page

## Constituent Services-Advisory Opinion 08-03

AS 24.60.030(a)(2) prohibits the use of public resources for the private benefit of either the legislator, legislative employee, or another person. There is a difference between performing constituent services as defined above and advocating for a constituent's "private" interest.

"Advocate" is defined to mean; a person who pleads another's cause, a person who speaks or writes in support of something, or to be in favor of. There is an appearance of impropriety in that the legislator is attempting to influence the outcome of an issue with a government agency to be in favor of the constituent.

Prohibited activities include,

- ❖ serving as a personal representative for a constituent falls within the realm of constituent advocacy and provides a private benefit to the constituent;
- ❖ negotiating a settlement with a state or other government agency for the constituent or pursuing an appeal with a government division;
- ❖ advocating a constituent's position with the use of legislative letterhead, a state resource.

Additionally, government resources should not be used for activities such as obtaining and/or picking up records from a facility, creating and typing reports or listings of items requested by a state agency, to name a few. This type of preparation is the responsibility of the constituent. State resources for these activities constitute a private benefit for the constituent. Using state resources would open the door to equal access to state resources for similar requests for all individuals. Keep in mind, a legislative aide is certainly not prohibited from providing this type of assistance to a constituent when a roadblock occurs, such as with a constituent who has a mental or physical disability.

The fact a constituent may receive a private benefit, such as a monetary award for a favorable solution to an issue, in and of itself, is not considered a private benefit under AS 24.60.030(a)(2).

*(AO 08-03 contains examples that will be helpful when working on constituent issues.)*

**IMPORTANT:** The amount of time spent on a constituent issue  
does not factor into private benefit.

