

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

THE ADVISOR

October 2005

Committee Members: Chair Herman G. Walker Jr., Senator Ben Stevens, Senator Hollis French, Representative Max Gruenberg, Representative Bruce Weyhrauch, H. Conner Thomas, Dennis “Skip” Cook, Marianne Stillner and Ann Rabinowitz. .

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QUOTE OF THE MONTH: “The individual legislator and those in authority in the legislator’s office have a special opportunity to be a positive role model for constituents, colleagues, and subordinate staff. As elected lawmakers and trustees of public authority, legislators have a special duty to lead by example.”

Reprinted from the Josephson Institute for the Advancement of Ethics, Summer 1988 newsletter.

IMPORTANT INFORMATION

As noted in the June **ADVISOR** a new section of the ethics code, AS 24.60.030(i) became effective on July 1, 2005. The section impacts legislative offices when dealing with hearing officers or the individual, board or commission who has authority to make a final decision in a case before that entity. In many cases the citizen will be represented by counsel. However, there are several areas in which traditionally this has not been the case. One is the Permanent Fund Dividend appeal process where the majority of citizens are unrepresented.

We have had a request for a formal binding advisory opinion asking for clarification of certain conditions set forth in AS 24.60.030(i) when legislative

offices intervene on behalf of a constituent. The committee will meet sometime in early November, date yet to be determined, to discuss this request. Notice of the meeting will be posted on BASIS and on the Ethics website a minimum of five days in advance. Meetings of the committee are teleconferenced. The approved advisory opinion will be distributed to all legislative offices via email.

AS 24.60.030(i) (Effective July 1, 2005) Except for supplying information requested by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a legislator or legislative employee may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer assigned to the hearing or the individual, board, or commission with authority to make the final decision in the case unless the

- 1. contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or*
- 2. fact and substance of the contact is promptly disclosed by the legislator or legislative employee to all parties to the hearing and the contact is made a part of the record.*

The following are some of the questions from legislators and legislative employees. We thought you would find the answers interesting and helpful.

May legislative staff record appointments of a nonlegislative nature on the legislator's appointment calendar?

Yes. The committee has previously determined keeping a legislator's calendar is an allowed task. This includes recording personal and campaign appointments. Legislators and legislative employees need to know when appointments may conflict with legislative appointments. However, legislative staff should only be recording data into the legislative calendar with information supplied by the legislator and should not be involved in setting up the particulars of the nonlegislative appointment. See Advisory Opinion 94-08.

Must legislative staff disclose gifts of travel and hospitality for a legislative purpose?

Yes. The gift statute applies to all who are covered by the ethics code which include legislative staff. Pursuant to AS 24.60.080(c)(4) a disclosure of a gift of travel and hospitality, when accepted for the purpose of obtaining information on matters of legislative concern, is required if the gift is over \$250. The disclosure is required within 30 days of the travel. If multiple gifts of travel/hospitality are received from the same person/entity, the threshold is when the aggregate amount of the gifts exceeds \$250. All gifts from this person/entity must be disclosed.

If a trip for a legislative matter was partially paid for with office allowance or legislative funds and partially paid with outside funds, what needs to be disclosed?

Because there is already an accounting with the use of office allowance funds and legislative funds, no ethics disclosure is needed for those funds. However, a disclosure is needed for the remainder of the trip if the gift of travel/hospitality paid for with outside funds exceeded \$250. If the gift is under \$250 but the aggregate amount from this source exceeds \$250, then all gifts of travel must be disclosed. Gifts of travel and hospitality from state agencies are included in the disclosure of outside funds. The disclosure is due within 30 days of the trip.

When completing disclosures for travel/hospitality please keep in mind:

1. **PLEASE PRINT CLEARLY OR TYPE YOUR DISCLOSURE INFORMATION. Remember, the Ethics Office and the Senate Secretary or House Clerk must be able to read the information on your disclosure form.**
2. **An original copy of the disclosure is not required. A fax copy is acceptable. Keep the original in your Ethics file for future reference if needed.**
3. **The purpose of the trip must include the location of the meeting/conference/etc.**
4. **The purpose of the trip needs to be more specific than ‘legislative information fact gathering.’ What was the topic of the fact-gathering meeting?**
5. **Also, if attending a conference please spell out the name of the organization. An acronym may be familiar to you but not to the public.**
6. **Under the ‘address’ section for the discloser, keep in mind if you list your home address, your home address will be printed in the Legislative Journal. It is appropriate to list your legislative office address.**
7. **Remember to include the address of the donor on the form.**
8. **Travel/hospitality disclosures are due within 30 days of receipt of the gift. The committee considers ‘receipt of the gift’ the day the conference/meeting begins and not the date you are reimbursed for expenses.**

The ethics office is always available to answer your questions.

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