

APPENDIX D

Topical Index of Advisory Opinions 1993 - 2015

This index lists advisory opinions by subject. An advisory opinion is only binding on the Ethics Committee for the specific case which was the subject of the opinion. When an opinion concerns two sections of the Legislative Ethics Act, it is listed under both.

The Ethics Committee publishes annual summaries of advisory opinions with deletions to prevent disclosure of the identity of the opinion requesters. Paper copies of advisory opinions are available from the Ethics Committee and the Legislative Library. Advisory opinions can be accessed via the Internet at: <http://www.akleg.gov/search/ethics>

A complete list of advisory opinions is available by "Subject Matter" and by "Year". Both can be accessed at: <http://ethics.akleg.gov/>

The Alaska Legislative Ethics Act has been amended 11 times since its creation in 1984. The amendments took effect in 1986, 1988, 1993, 1999 (with a few section changes effective 1998), 2002, 2003, 2004, 2006, 2007, 2008, and 2012. *The 1993, 1999, and 2007 amendments were very extensive and made many of the previous advisory opinions obsolete.*

Board Membership

13-02: Parameters for defining “board of an organization”, “board membership”, and “organization”.

Charitable Organizations/Fundraising and Private Benefit

94-06: Sale of various items and solicitations for donations on behalf of charitable organizations.

96-03: Discounts from businesses.

96-04: Legislative employees engaging in fundraising activities for the purpose of hosting an NCSL meeting.

11-04: Participating in charity events; tickets to and gifts received at the event.

12-02: Parameters for use of state resources for soliciting charitable contributions.

13-04: May a legislative office assist a charitable organization, associated with a State agency and housed in the State agency, with the logistics of securing charitable items (i.e., lap top computers) and other activities connected to readying the items for use.

Close Economic Associations

93-02: Concerning whether a real estate agent representing a seller has a close economic association with a buyer.

94-01: Whether a house-sitting arrangement and loan of a car is a gift or a close economic association.

94-14: Whether the sale of lodging and charter fishing by a legislator to a lobbyist creates a close economic association.

95-03: A portion of this opinion addresses whether the joint ownership of exercise equipment constitutes a close economic association.

03-01: Whether a close economic association exists if a legislator's spouse rents apartments owned by the spouse to a legislator during session.

08-04: Whether a close economic association exists when a legislator or legislative employee provides a few days of free lodging at their residence to another legislator or legislative employee.

09-02: Whether a close economic association disclosure by a licensed medical professional violates the 1996 HIPPA confidentiality requirements.

09-05: Parameters determining when the formation of a close economic association begins in relation to contractual services.

14-01: Whether a close economic association exists when a legislative employee and legislator share a cell phone plan.

Definition of Legislative Employee

Finding: 6/7/96 Are legislative employees who select lay-off status subject to the Ethics Act during the period of lay-off?

99-01: Do those who provide contractual services to the Legislature fall within the definition of legislative employee?

99-03: Are volunteer members of a legislative advisory council covered by the Ethics Act?

Disclosures

06-03: Disclosure requirements apply for each day a legislator is in office and each day a legislative employee is employed by the legislative branch.

Ethics Committee

94-10: May a public member of the Ethics Committee run for a non-partisan office or participate in a non-partisan campaign?

96-06: Does the Ethics Act apply to all employees in a professional limited liability company which contracts with the committee?

Fundraising/Campaigning

94-04: May a legislator who is a candidate for statewide elective office engage in fundraising activities for that office during the legislative session?

94-05: Acceptance of campaign contributions during a legislative session.

94-13: Wearing campaign buttons while performing legislative duties.

96-01: Political contributions from the proceeds of bingo games. (Affected by the 1996 campaign finance reforms)

96-04: Legislative employees engaging in fundraising activities for the purpose of hosting an NCSL meeting.

Finding: 3/22/96 Legislators who are candidates for federal office accepting campaign contributions.

97-02: Restrictions on legislator and legislative employees concerning ballot initiative activities.

01-01: May a legislator use public resources for fundraising relating to a local boundary change effort for or against a proposed change?

04-01: Constituent information gathered by a candidate used by the legislator after being elected; constituent information gathered by a legislator used by that legislator as a candidate.

07-05: Use of legislative Blackberry for political fundraising or campaigning.

07-06: May a legislator or legislative employee host or co-host a legislative candidate fundraiser during session or endorse a legislative candidate if the endorsement is connected to a campaign fundraiser?

07-07: May a legislator use the legislative phone number on campaign material and handout legislative business cards while campaigning?

10-01: State paid travel and collateral campaign activities while on the trip. (*Opinion rescinded June 14, 2010. Refer to August 19, 2088 letter to APOC for guidance.*)

12-03: Pre-election pledges accompanied by an endorsement or a quid pro quo exchange for a campaign contribution.

12-04: Use of a legislative address or electronic link to an Internet website created and maintained with legislative resources on a political election communication.

Gifts

93-03: Receipt of a prize in a raffle.

93-04: Whether a person subject to the Legislative Ethics Act may allow another person to pay the legislative person's golfing greens fees or the entry fees and other expenses of participation in a golf tournament.

- 93-05: Does a gift of meal, hotel accommodations and mementos constitute a gift of hospitality at a social event under AS 24.60.080(c)(2)?
- 93-06: Whether a person covered by the Ethics Act may accept, from an organization sponsoring a convention, an offer to attend the convention without paying the registration fee.
- 93-08: Acceptance of gifts under AS 24.60.080(c)(6) from an individual, including a lobbyist, with a significant interest in legislative matters.
- 93-09: Acceptance of overnight lodging and travel when invited to speak before a group.
- 94-01: Whether a house-sitting arrangement and loan of a car is a gift or a close economic association.
- 94-03: Participation by a legislative office in the Job Training Partnership Act program.
- 94-09: Whether a person covered by the Ethics Act may receive continuing education credits for conferences at which attendance was paid for by the legislature or another entity.
- 95-01: Whether a plaque or picture provided to a legislator for giving a speech may be accepted.
- 96-03: Discounts from businesses.
- 96-05: Accepting state payment for the costs of a trip on which s/he conducted some state business.
- 97-01: May a legislator-elect accept a gift of value exceeding \$100?
- 99-02: Staying in another person's home while on per diem.
- 00-01: Gift, during session, from a family member who is a lobbyist.
- 02-02: May a lobbyist, during session, give a ticket to a legislator or employee for a social event where food and beverage are provided?
- 02-02: May a lobbyist, during session, set up arrangements to obtain a ticket for a social event that is later paid for by the legislator or employee?
- 03-02: Whether loans by a legislator to a legislative employee or prospective legislative employee for travel to Juneau and initial living expenses constitute an allowed gift.
- 07-03: May a legislator or legislative employee accept from a lobbyist a gift from a family member for hospitality or travel?
- 09-04: Receipt of continuing education credits.
- 11-04: Participation in charity events; tickets to and gifts received at the event.

Honoraria

95-01: Whether a plaque or picture provided to a legislator for giving a speech may be accepted.

Government Time

94-08: Restrictions on activities of legislative employees on government time.

94-13: Wearing campaign buttons while performing legislative duties.

96-03: May legislative employees engage in fundraising activities for the expenses of hosting an NCSL meeting?

97-02: Restrictions on legislator and legislative employees concerning ballot initiative activities.

07-04: Parameters and guidelines when responding to constituent service issues.
(*Advisory Opinion 08-03 supersedes and is contrary to 07-04*)

08-03: Parameters and guidelines when responding to constituent service issues.

Lay-off Status

Finding: 6/7/96 Are legislative employees who select lay-off status subject to the Ethics Act during the period of lay-off?

Legislative, Administrative or Political Action

94-02: May a legislator write a letter of recommendation at the request of a lobbyist seeking a legislative lobbying contract with a political subdivision?

04-02: Financial interest in legislation and conflict of interest issues at both the committee level and on the floor.

05-01: Legislative contacts with administrative decisions makers; i.e., hearing officer, individual, or board or commission.

07-01: May a legislator sponsor a bill and/or take or withhold official action on certain legislation when the legislation could indirectly confer a substantial financial benefit to the company who provides the majority of income received by the legislator?

08-01: Does a private sector job in a natural resources industry present a conflict of interest and prevent voting on legislation or taking other action where the interests of the industry or employer are concerned?

08-02: Does negotiating for employment and carrying out job duties with a growth company focusing on development present a conflict of interest?

11-01: May a legislator lobby other legislators for funds to build a state building when the legislator is on the board of directors of a corporation who could receive substantial benefits from the proposal?

11-05: Does employment with a private sector company pose a conflict of interest if the job duties include communicating with the legislators constituents, voting on matters the company supports or opposes and testifying before the U. S. Congress?

12-03: Pre-election pledges accompanied by an endorsement or a quid pro quo exchange for a campaign contribution.

13-01: Does a private sector job in the liquefied natural gas industry and/or ownership of stock in the company present a conflict of interest that would prevent voting on legislation or taking other action where the interests of the industry or employer are concerned?

13-01: Does being self-employed as a commercial fisherman, including owning and operating a commercial fishing vessel, present a conflict of interest that would prevent voting on legislation or taking other action where the interests of the industry or employer are concerned?

13-01: Does being self-employed as the owner of residential housing for rent present a conflict of interest that would prevent voting on legislation or taking other action where the interests of the industry or employer are concerned?

Lobbyist Related

93-08: Acceptance of gifts under AS 24.60.080(c)(6) from an individual, including a lobbyist, with a significant interest in legislative matters.

94-02: May a legislator write a letter of recommendation at the request of a lobbyist seeking a legislative lobbying contract with a political subdivision?

94-14: Whether the sale of lodging and charter fishing by a legislator to a lobbyist creates a close economic association.

99-02: Accepting a gift of hospitality from a lobbyist during session.

00-01: Gift, during session, from a family member who is a lobbyist.

02-02: May a legislator or legislative employee accept, during session, a ticket from a lobbyist for a social event where food and beverage are provided?

02-02: May a legislator or legislative employee, during session, buy a ticket for a social event from a lobbyist when the lobbyist or someone acting on the lobbyist's behalf has set up arrangements to obtain the ticket?

07-03: May a legislator or legislative employee accept from a lobbyist a gift from a family member for hospitality or travel?

Nepotism

96-02: Are legislative interns subject to the nepotism law?

Open Meetings

04-03: Bill reintroduced under “bills previously heard or scheduled” in second year of legislative session.

Participation in State Contracts and Leases

93-01: Participation in state contract by immediate family member of legislative employee.

93-07: Does receipt of a contract funded by a state grant program constitute participating in a state contract?

95-02: Participation in a state subcontract by an immediate family member of a public member of the Ethics Committee.

11-01: May a legislator act on behalf of a private organization in lease negotiations with the State?

Participation in State Benefits and Loans

94-07: Must participation in the Violent Crimes Compensation Commission Programs be published in the journals?

Private Benefit

95-03: Concerning the joint purchase of exercise equipment and the establishment of an exercise room in the capitol.

94-09: Whether a person covered by the Ethics Act may receive continuing education credits for conferences at which attendance was paid for by the legislature or another entity.

09-04: Receipt of continuing education credits.

Use of State Resources and Private Benefit:

97-02: To what extent may legislator and legislative employees become involved in ballot initiative activities?

98-01: What restrictions exist on a legislator’s participating as an individual plaintiff in litigation brought by Legislative Council?

98-02: To what extent may legislators and legislative employees become involved in constitutional amendment activities?

98-03: May the leadership of the Legislature use state funds to print or distribute a mailing describing the accomplishments of the Legislature with the period beginning 90 days before the primary election and ending with the general election?

99-04: Use of e-mail on state provided Internet access and computer equipment for communicating with constituents.

99-04: Link legislator’s website to majority or minority website.

- 01-01: Use of public resources to further the discussion relating to a local boundary change and to advocate for a position or proposed change.
- 02-01: Initiative petition available for signature in legislator's office.
- 04-01: Constituent information gathered by a candidate used by the legislator after being elected; constituent information gathered by a legislator used by that legislator as a candidate.
- 06-01: "De minimis" use of the Capitol mailroom by legislative staff for personal mail.
- 07-02: Limits on the use of legislative letterhead.
- 07-04: Use of state resources by legislative aides working for constituents.
(Advisory Opinion 08-03 supersedes and is contrary to 07-04)
- 07-05: Use of legislative Blackberry for political fundraising or campaigning.
- 09-03: Personal use exemption applies to use of a public facility operated by the Legislature.
- 10-01: State paid travel and collateral campaign activities while on the trip.
(Opinion rescinded June 14, 2010. Refer to August 19, 2008 letter to APOC for guidance.)
- 11-02: Parameters for thanking non-profits and for-profit entities in a legislative communication.
- 11-03: Parameters for listing the names of health care providers that specialize in serving patients insured by Medicare.
- 12-02: Parameters for use of state resources for soliciting charitable contributions.
- 12-04: Use of a legislative address or electronic link to an Internet website created and maintained with legislative resources on a political election communication.
- 13-03: Parameters for using the U. S. Postal Service Every Door Direct Mail (EDDM) services for delivery of legislators' newsletters.
- 15-02: Lunch and Learn Sessions in legislative facilities.