

SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature

THE ADVISOR

April 2006

Committee Members: Chair H. Conner Thomas, Senator Ben Stevens, Senator Hollis French, Representative Max Gruenberg, Representative Bruce Weyhrauch, and Ann Rabinowitz.

As of this date, three public member seats are vacant. Confirmation hearings in the Senate and House Judiciary committees were held in February for Dennis “Skip” Cook, Herman Walker Jr. and Lindsey Holmes. The next step is ratification by two thirds of the full membership of the House and Senate.

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

QUOTE OF THE MONTH: “To inspire public trust and integrity we cannot rely alone on formal laws, codes and institutional reforms – that is, institutional integrity... We need also to reinvoke personal integrity, trust, and other ethical values.” Rosamund Margaret Thomas, “Public Trust, Integrity, and Privatization,” Public Integrity, Summer 2001.

DISCLOSURES

REMEMBER: The following disclosures are **always due** within 30 days of receipt of the gift. *The requirement to file a disclosure applies to both legislators and legislative employees.*

- **Gift of Travel/Hospitality for Legislative Matters** - AS 24.60.080(c)(4) – Have you taken a trip for legislative matters which was *paid for with funds other than legislative funds*? This includes trips paid for by other branches of state government, the NCSL, CSG and other private organizations to name a few.
- **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 related to legislative matters worth \$250 or more?
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CAMPAIGN RELATED QUESTIONS

CONSTITUENT NEWSLETTERS DURING A CAMPAIGN PERIOD

What restrictions does the Ethics Code place on the printing and distribution of a constituent newsletter during a campaign period?

Campaign Period: A campaign period for purposes of constituent newsletters begins 90 days prior to the primary election and ends with the general election.

2006 Campaign Period: May 25 through general Election Day, November 7.

Prohibited: A district-wide mailing of a constituent newsletter, by a legislator who is a candidate, is prohibited if State Funds are used for any purchase related to printing or distributing the newsletter when the mailing occurs during a campaign period pursuant to AS 24.60.030(c). State Funds include, but are not limited to, finance funds or leadership funds. Further, the LAA print shop policy states newsletters from a legislator who is candidate for election will NOT be printed during a campaign period. This service results in the use of state funds which is prohibited under AS 24.60.030(c) as the print shop does not charge a legislative office for printing newsletters.

Allowed: A legislator's personal office allowance account may be used for legislative business mailings at any time. The Public Office Expense Term (POET) account may be used for legislative business mailings under the condition the mailing contains only information on legislative matters and does not contain information on campaigning or political party activities. If you have questions about the POET account, contact APOC at 276-4176.

May a legislator use pictures from the legislative web site for campaign purposes?

Yes. Legislation in 2001, specifically AS 24.60.030(a)(2)(H), allows a legislator to use photographs taken using state resources for personal or campaign related purposes.

May a legislative employee wear a campaign button and discuss campaign related issues on a break or lunch?

Advisory Opinion 94-13 states a campaign button may be worn to and from the work place but may not be worn in a legislative office or while on legislative business outside of the office. Campaign related issues may be discussed on a break or lunch. Caution should be taken when discussing this topic in the legislative office, as there can be an appearance of impropriety.

‘LEGISLATIVE PURPOSE’ TEST

There is a general prohibition against using legislative resources for non-legislative purposes: AS 24.60.030(a) A legislator or legislative employee may not . . . (2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of either the legislator, legislative employee, or another person.

However there is an exemption for de minimis use: AS 24.60.030(a)(2)(A) does not prohibit limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use.

The litmus test to determine if an activity is permitted under the legislative ethics code is twofold. First of all ask yourself this question: **“What is the legislative purpose?”** If the activity has a legislative purpose, the activity is allowed under the legislative ethics code. Secondly, if the activity does not have a legislative purpose, ask yourself if the activity is performed on a limited or infrequent basis. If the nonlegislative activity meets these criteria, and the cost is nominal or you reimburse the state for the cost, then the activity is allowed. Since there is no definition of ‘legislative purpose’ in the ethics statute, some examples are listed below. If you have specific questions, please call the Ethics Office.

1. **Does the activity relate to legislation that has been introduced or is being proposed?**

If you answered Yes, then the activity has a legislative purpose.

2. **Does the activity assist legislators in performing their duty as a legislator?**

If you answered Yes, then the activity has a legislative purpose and may be performed on government time.

NOTE: The ethics committee interprets ‘government time’ to mean time for which the employee is being compensated by the State for work performed based on a schedule set by a supervisor. Legislative employees have a wide variety of work schedules. The specific hours in ‘government time’ may vary according to the work schedules set by supervisors for each employee.

3. **Does the activity relate to campaigning?**

If you answered Yes, the activity does not have a legislative purpose and should not be performed on government time.

4. **Does the content of a legislative newsletter provide legislative information, contact information, or general information on matters that have both a local and state component?**

If you answered Yes, the newsletter has a ‘legislative purpose.’

5. **Does the content of a legislative newsletter include information that is ‘re-elect me’ in nature?**

If you answered Yes, the activity is campaign related and does not have a legislative purpose. All ‘re-elect me’ information must be taken out of the newsletter.

6. May a legislator or legislative employee require another legislative employee to do personal tasks for them?

Generally No. Performing personal tasks does not have a legislative purpose. A legislator or legislative employee may not even allow another legislative employee to voluntarily perform personal tasks for them on government time. An exception to this general rule is allowed in infrequent and unusual situations where the legislative employee's personal services are necessary to permit a legislator or another legislative employee to perform legislative duties.

7. May a legislator or legislative employee ask or allow staff to pick up a clean shirt at the dry cleaners if the legislator or employee just spilled ink on the shirt being worn and must soon attend a meeting for legislative purposes?

Yes, this activity falls within the infrequent and unusual situation rule and also could be termed as having a legislative purpose.

8. May a legislator or legislative employee send/receive a personal fax of several pages using the office fax machine?

Yes, this activity is allowed even though sending/receiving a personal fax does not have a legislative purpose. The activity falls within the infrequent and unusual situation rule and the cost is nominal.

LEGISLATION UPDATE

HB 410 Revisor's Bill

Sponsor: House Rules Committee by request of the Legislative Council

Introduced: 02/24/06

Signed into law: 04/03/06

Added Section 24.60.995. Chapter 60, titled Standards of Conduct, may also be cited as the Legislative Ethics Act.

HB 489 APOC/Legislative Ethics Exemption: Charities

Sponsor: House Finance Committee

Introduced: 03/15/06

Signed into law: 04/03/06

Added language to AS 24.45, the lobbying law, and AS 24.60, the legislative ethics law which allows legislators and legislative staff to solicit and accept contributions from a lobbyist during session or at any other time on behalf of a charity for a charity event. The solicitation and acceptance may occur in a state facility. The charitable gift may be donations of money or other items. Charity event is defined in AS 24.60.080(c)(10) as 'an event the proceeds of which go to a charitable organization'.

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