

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

THE ADVISOR

August 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. .

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

QUOTE OF THE MONTH: “The purpose of ethics laws, first and foremost, lies in promoting both the reality and perceptions of integrity in government.”

*Mark Davies quoted in **Government Ethics and Law Enforcement: Toward Global Guidelines (2000).***

The following are some of the questions legislators and legislative employees have asked since the beginning of the year. We thought you would find them interesting and helpful.

Must a legislator whose son-in-law works for a firm with a contract with the state disclose the contract?

No. AS 24.60.040 stipulates only immediate family members are covered by this statute. Immediate family includes spouse, domestic partner, parents, children and siblings. Further, the immediate family member must be financially dependent on the legislator or share a substantial financial interest with the legislator to trigger the reporting requirement.

May a legislative employee receive a gift of money (\$50) from a constituent for performing a constituent service?

No. Informed the employee AS 24.60.030(a)(1) states only official compensation may be accepted for the performance of public duties. The gift of money has value and could be termed a “thing of value” as stated in AS 24.60.990(a)(2). Suggested the employee write a letter to the constituent mentioning the statutes along with a thank you note and return the money. Also, suggested keeping documentation if questions arise in the future. Note: Token gifts such as flowers, candy or a fruit basket are not considered a ‘thing of value.’

May legislative staff set up the POET (Public Office Expense Term) account and maintain the account; i.e., record expenses and file the report with APOC for the legislator?

Yes. There is a legislative purpose in setting up the POET account. The POET account is unused campaign funds which must be used only for expenses related to being a legislator. Contact APOC for questions on reporting requirements.

What are the ethical boundaries for a legislator and legislative employee working on a ballot initiative?

Advisory Opinions 97-02, 01-01 and 02-01 address this subject. In summary, the initiative process is a process undertaken by private citizens rather than institutions of government but it is an adjunct to the legislative process. Action taken to support or oppose an initiative petition is related to duties of the legislature. In carrying out action to support or oppose an initiative petition, a legislator may use state resources, including paid staff time, state facilities and equipment, and reimbursement for travel expenses. Legislators may attend public functions or direct staff to attend on their behalf to both gather and present information to the public concerning the initiative, including the legislator's recommendation to support or oppose its passage. Legislators may direct staff to research issues raised by the initiative, to prepare draft legislation for possible introduction in the Legislature, and to prepare communications concerning the initiative and the legislator's position on its adoption. While the information provided to the public at state expense may include copies of the text of the initiative and the name and address of groups and individuals supporting or opposing it, it is not appropriate to use state resources, including paid staff time, state-paid transportation, and state facilities and equipment, to circulate the official petitions for signature or to solicit contributions for the adoption or rejection of the initiative. There is a distinction between activities a legislator may appropriately engage in and activities appropriate for an employee to engage in on government time and that should take place in a legislative office or other state facilities. Specific questions should be directed to the ethics office. The ethics code places no restrictions on a legislator or a legislative employee in participating in the initiative process while acting in a private capacity.

Do I need to file a 'close economic association' if I am housesitting for a person who is retired?

No. The person who owns the house is not a legislator, legislative employee, registered lobbyist or a public official who is required to file a financial disclosure with APOC. Since none of the conditions apply, no CEA is required.

What actions should a legislative employee take when an unsolicited campaign contribution is received in the office mail?

Explained the check should be given to the legislator. The legislator, not staff, should take the contribution to the campaign office or home for processing. It is inappropriate for legislative staff to be doing campaign related activities while receiving a legislative salary. Campaign contributors should be provided with the legislator's campaign or home address.

May a legislator use pictures/photos from the legislative website 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.

Is a legislative employee prohibited from holding outside employment?

No. There is nothing in the ethics code prohibiting a legislative employee from having outside employment. However, the employee should inform the legislator of the outside employment. The legislator may have concerns about this type of arrangement. Further, the two job duties must be kept separate.

May a legislator list the akRepublicans.org or akDemocrats.org website on letterhead stationary?

Yes. The websites were created and are maintained using state resources. The sites are the official sites of the legislative majority and minority. They are websites to which members of the public look for information about the legislature and individual legislators.

May a legislative employee attend a campaign event on the lunch hour?

Yes, as long as the employee is not on legislative time but on his or her own time. The burden of proof would be on the employee to show a pre-approved work schedule.

REMEMBER: The actual text of Advisory Opinions may be accessed through the Legislature Intranet page or by accessing the website:
<http://www.legis.state.ak.us/ethics/>

NOTICE: The ethics committee will meet on Tuesday, September 27, 10:30 a.m., at the Anchorage LIO, Room 220, to discuss SB 187 Legislative Ethics, sponsored by Senator Seekins.

Ethics Committee Office
716 West 4th Avenue, Suite 230
Anchorage AK 99501
Mail: P.O. Box 101468, Anchorage AK 99510-1468
Phone: 269-0150 Fax: 269-0152
Pouch: Ethics/Anch LIO
www.legis.state.ak.us (click on Ethics)
<http://ethics.legis.state.ak.us>
Email: ethics_committee@legis.state.ak.us