

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

THE ADVISOR

December 2006

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

Staff: Joyce Anderson

QUOTE OF THE MONTH: “**Public trust is influenced by behaviors that display integrity, openness, loyalty, competency, and consistency in administration.**”

Mary Ann Feldheim and Xiaohu Wang, “Ethics in Public Trust,” Public Integrity, Winter 2003-04

COMMITTEE ISSUES ADVISORY OPINION 06-03

“Are legislators who leave office on January 16, 2007 required to file ethics disclosures with a reporting deadline of March 15, 2007 and a reporting deadline of March 15, 2008?”

“Are legislative employees who leave employment prior to an ethics reporting deadline bound by the same requirement?”

The ethics committee stated in Advisory Opinion 06-03, issued on December 5, 2006, the following: “...the duty to disclose arises the moment the matter to be disclosed occurs, not on the final date a statute requires a report on the matter to be filed. The committee finds that an appearance of conflict of interest is too easily created when disclosure is not required ... and actual conflicts become too easy to conceal. Therefore, ... the committee finds that, as to any disclosable

matter that arises during the time a legislator is in office, the former legislator is still required to disclose under AS 24.60 as if the legislator were still in office; but, as to any matter that arises after a legislator leaves office, the former legislator is not required by AS 24.60 to make a disclosure.”

(Note: The opinion also applies to all employees hired under the Legislative Branch of Government except the following; print shop, maintenance, messenger, security, supply, tour guide, positions Range 15 and below in legal/research.)

In other words, legislators and legislative employees are not exempt from disclosure requirements the moment they become “former.” Leaving office or employment does not amount to an amnesty from ethics disclosure requirements – if it did then there would be a period in every legislator’s and legislative employee’s career where the legislator or legislative employee could disregard much of the ethics code, safe in the knowledge that once making it past the last day of office or employment, they would be safe from ethics-based scrutiny.

THE ETHICS OFFICE HAS IMPLEMENTED THE FOLLOWING NOTIFICATION PROCEDURES.

Legislators: The Ethics Office will send a letter in December to all legislators leaving office informing them what ethics disclosures may be required. The Legislative Financial Disclosure requirement will be administered by the Alaska Public Offices Commission.

Example of Reporting Deadlines: A legislator leaving office on January 16, 2007 is subject to the March 15, 2007, ethics disclosure deadline for any previously unreportable matter or interest that began or was in existence between April 10, 2006 (which is the 30th day before the regular session ended in 2006) and December 31, 2006. The legislator is also subject to the March 15, 2008 disclosure deadline for any matter or interest that began or was in existence between January 1, 2007 and January 16, 2007. These reports can be filed at any time between January 16, 2007 and March 15, 2008 and may be filed as an addendum to the report due on March 15, 2007.

Legislative Employees: Legislative employees leaving employment will receive an informational letter along with their last paycheck. Employees on ‘lay-off’ status will also receive a letter with their last paycheck.

Example of Reporting Deadlines: An employee who was hired in January 2006 and leaves employment or goes on lay-off status on October 1, 2006 is subject to the March 15, 2007 ethics disclosure deadline for any previously unreportable matter or interest that began or was in existence between April 10, 2006 (which is the 30th day before the regular session ended in 2006) and October 1, 2006. These reports can be filed at any time between October 1, 2006 and March 15, 2007.

File disclosure reports as soon as possible after leaving office or employment.

If you are a legislator leaving office or a staff person leaving employment or going on lay-off status, please review the list of disclosures below to determine if you are required to file an updated or new ethics disclosure report:

- Became a member on a board or commission - AS 25.60.030(f)
- Obtained a state contract or lease - AS 24.60.040
- Participated in a state program or obtained a state loan - AS 24.60.050
- Formed a close economic association (financial relationship) with an individual who must file a Financial Disclosure with the Alaska Public Offices Commission - AS 24.60.070
- Represented a client for pay before a state agency, board or commission - AS 24.60.100
- Received a gift not connected to legislative status that is \$250 or more in value - AS 24.60.080(c)(8)
- Received a gift of travel/hospitality for legislative matters that is \$250 or more in value - AS 24.60.080(c)(4)
- Family member received a gift because of legislative connection that is \$250 or more in value - AS 24.60.080(i)
- Received a gift of legal services related to a legislative matter that is \$250 or more in value - AS 24.60.0870(c)(8)
- Public officials only - Legislative Financial Disclosure required - AS 24.60.200

A copy of Advisory Opinion 06-03 is attached for your reference and is also available at <http://www.legis.state.ak.us/ethics/>. Ethics disclosures forms are available on the ethics website at <http://ethics.legis.state.ak.us>. The 'legislative financial disclosure' form is available from APOC at 276-4176.

MARK YOUR CALENDARS
ETHICS WORKSHOPS

Thursday, January 18, 2007 **Legislator Workshop**
Conducted by Michael Josephson, Josephson Institute of Ethics
9 a.m. to Noon and continued from 1:30 p.m. to 4:30 p.m.

Friday, January 19, 2007 **Staff Workshop**
Conducted by Peggy Kerns, Director of the Center for Ethics, NCSL
9 a.m. to 11 a.m. with a repeat of the session from 1 p.m. to 3 p.m.

The workshops are being held in the Terry Miller Building, Gym.
More information will be provided in the January ADVISOR
newsletter.

**IF YOU QUESTION AN ACTIVITY YOU ARE ABOUT TO PERFORM,
CALL THE ETHICS OFFICE FOR CLARIFICATION**

**Remember, when it comes to ethics,
what you don't know can hurt you!**

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HAVE A HAPPY HOLIDAY

