

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

THE ADVISOR

February 2008

Committee Members: Chair Herman G. Walker, Jr, Senator Gary Stevens, Senator Con Bunde, Representative Bob Roses, Representative Berta Gardner, Dennis “Skip” Cook, H. Conner Thomas, Ann Rabinowitz and Gary J. Turner.

Alternate Legislative Members: Senator Hollis French, Senator Gary Wilken, Representative Carl Gatto and Representative Lindsey Holmes.

Staff: Joyce Anderson, Administrator; and Donna Grenier, committee staff.

QUOTE OF THE MONTH: “Friendship is so central to identity that Aristotle believed the quality of friendship determines the quality of politics. The quality of a leader’s friendships implicates the quality of the leader’s style, character, and values.” J. Patrick Dobel, *Public Integrity*, Spring 2001

2008 ETHICS TRAINING Update

In-person ethics training sessions for the 2008 legislative session have been concluded. All 60 legislators attended training. Congratulations! However, approximately 20 staff did not attend a training session.

UPDATE ON TRAINING: The two Power Point presentations used for legislator training and legislative staff training are now available on the Ethics web site under the heading “Ethics Training.” Additionally, one of the legislative staff training sessions from early January was taped by KTOO. The three hour training video will be available on the Ethics web site sometime in March. You will be notified when it is available.

During the remainder of 2008, ethics training will be available via the video and accompanying Power Point presentation. An acknowledgement form must be completed and returned to the Ethics Office certifying review of the training materials. If you have not attended ethics

training, please contact the Ethics Office by sending an email to Donna_Grenier@legis.state.ak.us .

The 2008 Standards of Conduct Handbook is available through the LAA Personnel office. Each legislator and staff person should have a copy. All new employees will receive a copy of the Handbook when they receive the packet of new employee materials.

NOTE: The Alaska Bar Association has approved the legislative ethics training for continuing education credits for their ethics requirement. If you are a member of the Alaska Bar and have not notified the Ethics Office, please send an email to Donna_Grenier@legis.state.ak.us and a certificate of attendance will be issued. Certificates will be sent out the week of March 3rd.

Many questions were asked at the training sessions. This newsletter contains some of the most common questions asked.

COMPASSIONATE GIFT LEGISLATION PASSED

HB 317 passed both the House and Senate and was signed by the Governor on February 15, 2008 and became law on the same day.

AS 24.60.075 was changed to remove the \$250 gift limit for receipt of compassionate gifts. The change will allow for gifts of airline miles which could have a fair market value of over \$250 and other gifts exceeding \$250 such as medical expenses. The kidney itself was not in question as the federal government does not allow placing a value on organ donations.

Keep in mind, approval from the chair of Legislative Council and the Ethics Committee is needed prior to receipt of compassionate gifts. However, incidental gifts such as flowers, fruit baskets, etc. do not meet the definition of a “thing of value” as defined in AS 24.60.990 and therefore may be given at any time and do not need preapproval.

ADVISORY OPINIONS Update

The full text of advisory opinions can be accessed via the ethics web site or <http://www.legis.state.ak.us/ethics/>.

Advisory Opinion 07-04: Parameters and guidelines when responding to constituent service issues

The Ethics Committee decided at their January 16, 2008, committee meeting to revisit this opinion based on numerous comments from legislators and legislative staff at ethics training sessions. The date of the next meeting will be noticed in the ADVISOR newsletter. The committee welcomes comments and observations on this subject. Please submit written comments by March 20. You are always welcome to attend an ethics committee meeting and testify on advisory opinion requests.

Advisory Opinion 07-05: May a legislator pay a portion of the cell phone cost of the Blackberry thereby allowing the use of the Blackberry cell phone for campaign and partisan political activity?

The Ethics Committee at their January 16, 2008, meeting issued an opinion on the use of Blackberries. A Blackberry may be used for both legislative and personal use. AS 24.60.030 allows for personal use of state resources if the use does not interfere with the performance of public duties, the cost or value is nominal and if more than nominal, is promptly reimbursed.

However, there is a strict prohibition in the Legislative Ethics Act on the use of state resources for political fund raising and/or campaigning. This prohibition does not even allow for pro-rata reimbursement for campaigning and/or political fund raising use. Therefore, the Blackberry cannot be used for campaigning and/or political fund raising purposes and to do so would be in violation of AS 24.60.030.

PUBLIC DECISIONS ISSUED

Your office should have received a booklet with a listing of the public decisions issued on complaints for the year 2007. If your office did not receive one, please send an email to ethics_committee@legis.state.ak.us . The following decisions were issued in 2007.

DECISION H 07-02. The House Subcommittee found probable cause to believe that Rynniewa Moss violated the Legislative Ethics Act in that she

- went beyond constituent service and took on the role of personal advocate for a constituent; and also
- that state resources (time and use of legislative letterhead) were used for a nonlegislative purpose and for the private benefit of another in violation of AS 24.60.030(a)(2)(A)

DECISION H 07-03. The House Subcommittee found probable cause to believe that former Representative Tom Anderson violated the Legislative Ethics Act in that he

- received \$26,000 in payments in exchange for an agreement to take official action to further his own interest and the business of another company in violation of AS 24.60.030(a)(1), AS 24.60.030(e)(1) and AS 24.60.100.

DECISION H 07-05. The House Subcommittee found probable cause to believe that former Representative Pete Kott violated the Legislative Ethics Act in that he

- solicited and received money, other financial benefits and a promise of a job in exchange for repeatedly agreeing to perform and actually performing official acts as a member of the Alaska State Legislature for the benefit of Veco; and
- lobbied and supported versions of legislation favored not only by Veco but other oil producers that Veco solicited support from in violation of AS 24.60.030(a)(1), AS 24.60.030(e)(1) and AS 24.60.100.

DECISION H 07-07. The House Subcommittee found probable cause to believe that Representative Mike Kelly violated the Legislative Ethics Act in that he

- Used his legislative email address to solicit donations for a state-wide advisory vote question violated AS 24.60.030(a) (5) in that state resources were used for political fund raising and campaigning.

DECISION H 07-08. The House Subcommittee dismissed, for lack of probable cause, a complaint alleging former Representative Pete Kott

- used his legislative office fax machine to fax eight documents that were not of a legislative nature in violation of AS 24.60.030(a)(2)(A).
- Failed to file a “close economic association” disclosure form naming his girlfriend as his domestic partner in violation of AS 24.60.070.

Further, the committee declined to investigate the allegation that former Representative Pete Kott used his status as a legislator to obtain personal gain for his girlfriend in a court hearing.

DECISION H 07-09. The House Subcommittee found probable cause to believe that Representative John Harris violated the Legislative Ethics Act in that he

- used state resources (staff, equipment and legislative letterhead) to prepare and issue a press release focused solely on partisan political activity in violation of AS 24.60.030(a)(2).

FREQUENTLY ASKED QUESTIONS

May campaign buttons be worn while performing legislative duties?

Advisory Opinion 94-13. Campaign buttons that influence the election of a candidate may not be worn when conducting legislative duties. Campaign buttons may, however, be worn to and from the work place. Campaign buttons advocating for or in opposition to a ballot initiative are not prohibited since they do not influence the election of a candidate.

May a legislative mailing be sent to either Super Voters or individuals who voted in the Presidential Primary caucuses?

A legislative mailing may be sent to “super voters” as long as the content of the mailing is legislative related. A letter thanking caucus participants for voting and participating in the Presidential Primary caucus and encouraging future participation in the electoral process has a legislative purpose and may be sent with the use of state resources. However, the mailing may not be sent to individuals of only one political party as the mailing would be considered a political party mailing and/or for the purpose of campaigning. Keep in mind, the timing of a legislative mailing must also be considered. The above explanation assumes the legislative mailing will be sent well before the August primary election.

Does the ban on gifts from lobbyists refer to registered lobbyists only or does the ban also include gifts from representational lobbyists and volunteer lobbyists?

The ban on gifts from lobbyists is only from registered lobbyists. AS 24.45.041 does not require a volunteer lobbyist or a representational lobbyist to register. A volunteer lobbyist does not receive pay for lobbying or reimbursement for expenses. A representational lobbyist receives reimbursement for expenses in connection with lobbying but receives no compensation for perform lobbying activities. A representational lobbyist is covered under

regulations promulgated by the Alaska Public Offices Commission. If you are unsure if an individual is a registered lobbyist, just ask them. Also, a current list of registered lobbyists for 2008 is listed on the APOC web site at <http://www.state.ak.us/apoc/lobcov.htm> .

May personal and campaign activities be noted on the legislator’s calendar?

Yes. The ethics committee has determined legislative staff may include both personal and campaign related activities on a legislator’s calendar. It is important to know a legislator’s schedule when making legislative appointments. However, it is not permissible for legislative staff to arrange the particulars of a personal or campaign related appointment as they do not have a legislative purpose.

Are frequent flyer airline tickets and companion tickets considered a gift?

Yes. If a person covered under the Legislative Ethics Act receives a gift of a frequent flyer ticket or a companion ticket, the fair market value [definition noted in AS 24.60.080(j)] of the ticket must be determined. The fair market value becomes the value of the ticket. If the ticket is used for a “legislative purpose” and the value of the ticket is over \$250, the gift must be disclosed on a “Gift of Travel/Hospitality” disclosure within 30 days of receipt. If the ticket is “not related to legislative status” and the value of the ticket is over \$250, the gift must be disclosed on a Confidential Gift’ disclosure within 30 days of receipt.

May a legislative employee receive a gift of flowers or candy as a thank you for a job well done?

A legislative employee is permitted to receive a gift of flowers or candy or a similar item as a thank you gift for legislative work performed. However, a legislative employee is not permitted to receive, for instance, a gift of money or airline miles as a thank you gift. These items would fall in the category of a “thing of value” as defined in AS 24.60.990. A thing of value includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, of material worth, use, or service to the person to whom it is conferred. If you are unsure if the thank you gift is permissible, give the Ethics Office a call.

Hopefully these Q&A’s have been helpful. If you have questions you feel should be noticed in the ADVISOR newsletter, please forward them to the Ethic Office.

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