

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

THE ADVISOR

January 2005

Committee Members: Acting Chair H. Conner Thomas, Representative Max Gruenberg, Representative Bruce Weyhrauch, Dennis “Skip” Cook, Ann Rabinowitz, Marianne Stillner and Herman G. Walker Jr. As of this date, two senate seats are vacant. The Senate must approve the appointments by a roll call vote of two-thirds of the full membership of the Senate.

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

QUOTE OF THE MONTH: “Ethics” is derived from the Greek term *ethos*, which refers to character and conduct.”

**2005 STANDARDS OF CONDUCT HANDBOOK
and Training Handout**

You should have received sometime during the first week of January a copy of the 2005 Standards of Conduct Handbook and the Training Handouts Booklet. Please throw out older versions as there have been legislative changes to the Ethics Code.

If you need a copy of either of these items, please contact the Personnel Office in the Terry Miller Bldg or the Ethics Office.

QUESTION AND ANSWER

Many questions have been asked about serving on a board and commission. The following Q/A’s recap these conversations.

May a legislative employee serve on a board of an organization that requires confirmation by the legislature?

No. AS 24.60.030(f) states a legislative employee may not serve in a position that requires confirmation by the legislature. If you are a legislative employee and serve on a board or

commission that meets this requirement, please give the Ethics Office a call immediately. Legislative employees must either resign from the board or terminate their legislative employment.

May a legislator serve on a board of an organization that requires confirmation by the legislature?

Yes. Nothing in the Ethics Code prohibits a legislator from serving on a board or commission that requires confirmation by the legislature.

If a legislator or legislator employee is a board member of a board or commission and the expenses related to attending board meetings or conducting board business are covered by the board but is not otherwise compensated for board services, is the reimbursement or payment by the board of the costs of transportation, lodging and meals considered a gift under AS 24.60.080, and if so, is it permitted and how would it be reported?

Based on Advisory Opinion 89-06, the board's payment of travel expenses and other costs of attending a board meeting such as lodging and meals would not be considered a gift. The legislator is acting in a personal, private capacity, and is not being paid for services or attendance at the board meeting. The transaction is intended to make the board member's attendance at a board meeting or performance of board business at no cost to the board member, other than the board member's donation of time and energy spent in attending the board function. Any payment or reimbursement of expenses is not intended as a gift to the board member, the recipient ends up with no net gain, but is able to participate in board duties without personal expense. It is possible that a board payment or reimbursement that is unreasonably large in relation to the expenses incurred might raise an ethical issue of a gift from the board to a legislator, but normally a legislator acting as a board member in the legislator's personal capacity would not be considered to be accepting a gift under AS 24.60.080 when accepting reimbursement or payment for the expenses of attending a board meeting or function.

Do I need to disclose my board membership on a board or commission?

AS 24.60.030(f) requires disclosure of board membership if the board or commission has or will most likely have an interest in legislation, the activities of the legislator or legislative employee. If you are unsure if disclosure is required, call the Ethics Office. Past advice has been that it is always better to disclose than to not disclose. Disclosure deadlines are outlined in this newsletter.

PUBLIC DECISIONS AND ADVISORY OPINIONS

You should have received sometime during the first week of January a copy of the Public Decisions and Advisory Opinions issued by the Ethics Committee this past year. If you did not receive these publications, please give me a call at 269-0150.

Public Decisions are issued when the Committee investigates an ethics complaint. Complaints that are not investigated and therefore dismissed by the committee are confidential and not published.

Advisory Opinions are written, binding interpretations of the legislative ethics code issued by the Select Committee on Legislative Ethics. The opinion is based on facts presented in the request. The opinion is about the conduct of the person requesting the opinion. A person subject to the ethics code may request a formal advisory opinion at any time. The committee must respond within 60 days unless the requester consents to an extension.

On January 7, 2005 the Ethics Committee issued Advisory Opinion 04-03. This opinion was not published in the 2004 booklet. The opinion addressed the question of “notice” of a bill that was not heard for ten and one-half months. Attached is a copy of the advisory opinion.

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

***** DISCLOSURE DEADLINES *****

REMINDER **SOME DISCLOSURES DUE FEBRUARY 8th**

The following disclosures are due within 30 days – **Tuesday, February 8** - if you established or began any association/participation on or after January 10, 2005.

(OR)

If the association/participation occurred during the last 30 days of the previous session or if during the interim, the disclosure is due by **Tuesday, March 15**.

- **Membership on a Board of Directors** - AS 24.60.030(f) – Are you an officer or board member of an organization that may have substantial interest in legislative matters?
- **Participation in Certain State Benefit and Loan Programs** - AS 24.60.050(c)(d) - Do you presently or did you during the interim have an outstanding benefit or loan amount administered through the state? Disclosure depends on award criteria. Call the ethics office to determine if you must disclose.
- **Representation Before a State Agency** - AS 24.60.100 - Are you on contract/agreement to represent a client before a State agency, board or commission?
- **Interests in State Contracts and Leases (including certain family members)** - AS 24.60.040 – Do you or any immediate family members have a contract or lease through the State with an annual value of \$5000 or more?
- **Close Economic Associations** - AS 24.60.070 – Is there a financial relationship between you and a person covered by the Legislative Ethics Code (i.e., legislators, legislative employees if one supervises the other, public officials who must file a Financial Disclosure with APOC, and registered lobbyists)? Examples: share housing expenses, business partners, or a paid consultant on a legislator’s campaign.

The following disclosure is due annually by **Monday, March 15** which covers the previous calendar year.

- **Gifts Not Connected with Legislative Status - AS 24.60.080(c)(6)** – Have you received a gift(s) worth more than \$250 in a calendar year from the same person/entity other than an immediate family member?

The following disclosures are always due **within 30 days of receipt** of the gift.

- **Gift of Travel/Hospitality for Legislative Matters - AS 24.60.080(c)(4)** – Have you taken a trip for legislative matters which was paid with funds other than legislative funds?
- **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?

Must be delivered to Legislative Council within 60 days.

- **Gift from Another Government – AS 24.60.080(f)** – Have you received a gift from another government or official from another government worth \$250 or more?

IMPORTANT: Fines are levied for late disclosures. The fine is \$2.00 per day up to a maximum of \$100. Committee policy has been to allow for one late disclosure before levying fines. A late disclosure is a “one time only” waiver.

The forms for all disclosures are located in the 2005 Standards of Conduct Handbook as well as the ethics website (www.legis.state.ak.us and then click on Ethics). Please give the Ethics Office a call if you have questions about what to disclose or when the disclosure is due.

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