

SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature

THE ADVISOR

July 2004

Committee Members: Chair H. Conner Thomas, Senator Kim Elton, Senator Ben Stevens, Representative Mary Kapsner, Representative Norman Rokeberg, Dennis “Skip” Cook, Ann Rabinowitz, Marianne Stillner and Herman G. Walker Jr.

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

QUOTE OF THE MONTH: “Ethical issues facing government have a lot in common with the ethical issues facing corporate executives. In the public sector, the stakes are not primarily financial reward. They are votes, public approval, and retention of power. But some of the temptations are the same – to fudge the numbers, shade the truth, and downplay the potential risks of a course of action.” Alice M. Rivlin, “Greed, Ethics and Public Policy,” [Public Integrity](#), Fall 2003

ETHICS ADVISORY OPINIONS

ON-LINE

AND

SEARCHABLE

www.legis.state.ak.us/ethics

Advisory opinions are now on-line and searchable by word or phrase.

The Ethics Office is excited to offer this service to legislators and legislative staff. We have been working on this project since late last year. The committee would like to thank Gani Ruthellen in data processing, Janet Seitz in Representative Rokeberg’s office, and Barbara Craver and Lynn Barnes from LAA legal for all their help in bringing this project to fruition. Eventually, the service will be added to the Ethics website and available to the public.

This database will allow legislators and staff to search for opinions covering such topics as “campaign contributions” or “gifts” or “conflict of interest” issues to name a few. All opinions from 1984 to the present are listed on the database. **CHECK IT OUT!**

KEEP IN MIND: The discussion and/or findings of some advisory opinions may not be applicable due to a change in statutory language since the opinion was issued. Please contact the Ethics Office at 269-0150 for further clarification if you are unsure if the opinion applies to current statutory language.

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. In the case of the omission of material facts that would have affected the outcome of the opinion, the opinion would not be considered “binding.” A person subject to the ethics code may request a formal advisory opinion at any time. The committee must respond within 90 days unless the requester consents to an extension.

Advisory opinions are referenced by ethics staff and committee members when issuing informal advice and researching advisory opinion requests.

CAMPAIGN RELATED ISSUES

- Remember, campaign related activities must not be performed on legislative time.
- Refer campaign phone calls to the legislator’s campaign office or home.
- Give campaign contributions received at the legislative office to the legislator for appropriate action.
- Legislators – do not put your legislative office phone number, address, fax number, or email address on any campaign related materials. Do not put any campaign related contact information on your legislative newsletters.

REMINDER **DISCLOSURES DUE DURING THE INTERIM**

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 member 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 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 2004 Standards of Conduct Handbook distributed at the beginning of session as well as on the ethics website (<http://ethics.legis.state.ak.us>).

Please give the Ethics Office a call if you have any questions about what to disclose.

SPECIAL SESSION DISCLOSURES:

Remember, if you shared housing or had some other type of financial relationship with either another legislator or legislative employee or someone who is required to file a financial disclosure with APOC you must file a Close Economic Association disclosure. The disclosure is due by March 15 of the following year. However, it would be in your best interest to file the disclosure now since it is fresh in your mind. Please call the office at 269-0150 if you have any questions.

<p style="text-align: center;">2004 LEGISLATIVE CHANGES TO THE ETHICS CODE</p>

CSHB 563, an act relating to legislative ethics, sponsored by the House Rules Committee, became law on June 30, 2004 without the governor’s signature. The following is a synopsis of the bill.

Section 1 of the bill created “open meetings guidelines” for the legislature. Instead of trying to recap the intent of the language in this section of the bill, the entire language is listed.

Sec. 24.60.037 Open meetings guidelines. (a) A meeting of a legislative body is open to the public in accordance with the open meetings guidelines established in this section. A legislator may not participate in a meeting held in violation of these open meetings guidelines.

(b) For purposes of the legislative open meetings guidelines, a meeting occurs when a majority of the members of a legislative body is present and action, including voting, is taken or could be taken or is a primary purpose of the meeting is the discussion of legislation or state policy. The Uniform Rules of the Alaska State Legislature control the procedure for conducting open and executive sessions of a legislative body.

(c) Legislators may meeting a closed caucus or in a private, informal meeting to discuss and deliberate on political strategy. Those meetings are exempt from the legislative open meetings guidelines. For purposes of this subsection, “political strategy” includes organization of the houses, assignment of committee membership, scheduling of bills, vehicles for adoptions, house-senate relations, other procedural matters, caucus operations, meetings between majority and minority caucus leaders, meetings between majority and minority caucus leaders of both houses, meetings with the governor, deliberations with regard to political strategy, and discussions of issues in the context of political strategy.

(d) Notwithstanding AS 24.60.130(h) and (n), if a complaint alleges a violation of this section by a group of legislators that includes a legislative member of the committee and that member’s alternate, the member and alternate member are disqualified from serving on the committee with regard to the complaint. If the disqualified members are part of the majority caucus, the presiding officer of the house in which the disqualified members serve shall appoint another member of that house to serve on the committee with regard to the complaint. Otherwise, the minority caucus leader shall appoint the member. If a complaint alleges a violation that includes all legislative members of the majority caucus of one house, the presiding officer of that house shall appoint from the other house a member to serve with regard to the complaint. Otherwise, the minority caucus leader shall appoint from the other house the member.

(e) In cases where there are conflicts between these guidelines and the uniform rules adopted by the Alaska State Legislature, the uniform rules prevail.

(f) The legislative open meetings guidelines are the guidelines that shall be used by the committee when considering complaints filed regarding open meetings.

(g) In the legislative open meetings guidelines,

(1) “caucus” means a group of legislators who share a political philosophy, or have a common goal, and who organize as a group;

(2) “legislative body”

(A) includes

(i) the senate;

(ii) the house of representatives;

(iii) the senate and the house of representatives meeting in joint session;

(iv) a committee of the legislature, other than the Committee on Committees, but including a standing committee, special committee, joint committee, conference or free conference committee, committee of the whole, and permanent interim committee;

(v) a legislative commission, task force, or other group established by statute or resolution; or

- (vi) a caucus of members of one or more of the bodies set out in (i)-(v) of this subparagraph;
- (B) does not include
 - (i) any committee or group of legislators considering only matters involving the organization of a committee or a house of the legislature, including selection of legislative officers;
 - (ii) any committee or group of legislators and the governor or staff of the Office of the Governor;
 - (iii) legislative leadership meetings;
 - (iv) officers of a caucus;
- (3) “meeting” does not include
 - (A) a gathering of members of a legislative body for primarily ministerial or social purposes; or
 - (B) forums where members of a legislative body have been invited to address a group on legislative issues or concern.

Section 2 addresses the public hearing stage of an ethics complaint. The ethics committee may appoint an individual to present the case against the person charged. This individual may not provide or have provided legal advice to the ethics committee previously. Additionally, the hearing shall be scheduled less than 90 days after the person charged is notified of the charge unless the person agrees to a later hearing date.

Section 3 addresses confidentiality of an ethics complaint. The person filing a complaint shall keep confidential the fact that he/she filed a complaint as well as the contents of the complaint. If the committee finds that any confidentiality provision of the complaint has been violated, the committee shall immediately dismiss the complaint unless the subject of the complaint previously waived the confidentiality provisions. This action does not affect the right of the committee or any other person to initiate a complaint based on the same factual allegations.

Section 4 allows the subject of a complaint choice of counsel or another person when appearing before the ethics committee.

HAVE A GREAT SUMMER!!!

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