

Ethics Training 2024

SELECT COMMITTEE ON LEGISLATIVE ETHICS

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ETHICS ADMINISTRATOR

2nd Regular Session
33rd Legislature

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The Purpose of the Ethics Act AS 24.60

- The purpose of the Ethics Act is to enforce, “High moral and ethical standards among public servants in the legislative branch.....” AS 24.60.010(1).
- Also, “a fair and open government requires that legislators and legislative employees conduct the public’s business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest; AS 24.60.010(2).

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The Purpose of the Ethics Act AS 24.60 (continued)...

- Transforms moral obligations into binding rules
- Provides a process for imposing sanctions on those who do not follow the Act.

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Purpose of the Select committee on Legislative Ethics AS 24.60.130.

The purpose of the Select Committee on Legislative Ethics is to administer and interpret the Ethics Act (AS 24.60).

The Ethics Committee is composed of nine members:

2 senators

2 representatives

5 public members

Each legislator has an alternate member who serves when there is a conflict or when the regular member is unable to serve.

There is also one alternate public member who serves in the event a public member is unable to serve.

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The role of the Select Committee on Legislative Ethics



- Interpret and administer the Ethics Act
- Helping people understand and comply with the Alaska Legislative Ethics Act
- Issuing formal advisory opinions
- Considering complaints alleging violations of the Act
- Maintaining public files of disclosure statements

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Sec. 24.60.020. Applicability; ...

The Ethics Act applies to:
“member[s] of the legislature
legislative employee[s]
public members of the committee...”
See AS 24.60.020(a).

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Sec. 24.60.030. Prohibited conduct and conflicts of interest.

- (a) A legislator or legislative employee may not (1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties;
- (b) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person...

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Sec. 24.60.030. Prohibited conduct and conflicts of interest.

May a legislator accept a gift of \$500 for speaking at a conference?

The answer is no. If the legislator is speaking at the conference on a matter of legislative concern in his/her official capacity, the legislator may not accept a benefit other than official compensation for the performance of public duties.

May a legislator ask staff to prepare his/her campaign monthly report while on government time?

No. Legislative staff are considered a government resource. And government resources, equipment, facilities and public funds may not be used for the private benefit of the legislator or for partisan political activity.

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Conflicts of Interest

AS 24.60.030

The Limited Use Exception

Sec. 24.60.030(a)(2)(A)

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

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Conflicts of Interest

AS 24.60.030

May a legislator or legislative employee use the legislative office copy machine to run off a report for an organization he/she is a member of?

No.

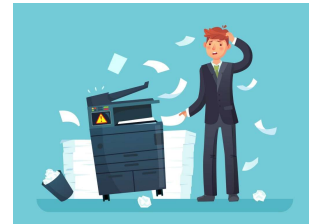


Image from JD Young Technologies – Should I Fix My Copier or Replace It.

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Conflicts of Interest

AS 24.60.030

Exception – Use of the Internet

Sec. 24.60.030(a)(2)(H)

(H) reasonable use of the Internet by a legislator or a legislative employee except if the use is for election campaign purposes;

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Conflicts of Interest

AS 24.60.030

You May Not

AS 24.60.030(a)(4)

(4) require a legislative employee to perform services for the private benefit of the legislator or employee at any time, or allow a legislative employee to perform services for the private benefit of a legislator or employee on government time; it is not a violation of this paragraph if the services were performed in an unusual or infrequent situation and the person's services were reasonably necessary to permit the legislator or legislative employee to perform official duties;

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Conflicts of Interest Examples AS 24.60.030

May a legislator or legislative employee allow staff to arrange for personal vacation travel while on government time?

NO!

May a legislator or legislative employee require staff, at any time, to seek clients for the legislator's private business?

NO!

May a legislator or legislative employee ask or allow staff to pick up a clean shirt at the dry cleaners if the legislator or employee just spilled coffee on the shirt being worn and must soon attend a legislative meeting?

Yes, this falls within the infrequent and unusual situation rule.

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Conflicts of Interest

AS 24.60.030

Examples

Legislative Employees May Not Provide Personal Services on Government Time

- Provide childcare
- Make vacation travel arrangements
- Respond to non-legislative correspondence
- Buy gifts for family members
- Promote private business
- Pick up dry cleaning
- Address personal or campaign-related seasonal greeting cards
- Make first class airline reservations (based on accounting rules)

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Conflicts of Interest

AS 24.60.030

Restriction on Political Activities

(b) A legislative employee **may not on government time** assist in political party or candidate activities, campaigning, or fund raising. A legislator may not require an employee to perform an act in violation of this subsection.

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Conflicts of Interest

AS 24.60.030

Restriction on Political Activities Example

May a legislator, while on a two-day legislative business trip paid for with state funds, conduct a campaign fundraiser during the evening of the first day?

No, a legislator may not use a state resource, i.e., state funds, for a campaign-related activity.

What if a campaign-related call comes into the legislative office?

The caller should be politely referred to the telephone number of the campaign headquarters, the home of the legislator, or the campaign email address.

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Sec. 24.60.031. Restrictions on fund raising.

(a) A legislative employee may not (1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for state or municipal office; ...

(b) A legislator may not (1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution (A) for the legislator's own campaign for state or municipal public office, ... (B) for another candidate in an election for municipal, state, or federal office; (C) to influence a state ballot proposition or question; or (D) for a political party;

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Sec. 24.60.031. Restrictions on fund raising.

- a) A legislator or legislative employee may not request or accept a contribution, or a promise to make a contribution, for any state or municipal office while the legislature is in regular or special session.

NOTE: Remove "contribute" language from all campaign websites.

- b) This rule also prohibits legislators from raising funds for a candidate in an election for federal office, to influence a state ballot proposition or question, or for a political party.

Note: Contact APOC to discuss additional restrictions within the Campaign Disclosure Law, AS 15.13.

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Sec. 24.60.033. Restrictions on employee candidacies.

A legislative employee may not file a letter of intent to become a candidate or file a declaration of candidacy for the legislature.

Note: A legislative employee may be a candidate in a municipal election.

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Sec. 24.60.035. Protection of whistle blowers.

WHISTLE BLOWER PROTECTIONS

A legislator or legislative employee may not punish or harass a person who reports to the proper authorities a violation of state law. This includes reporting a violation of the Ethics Act to the Ethics Committee.

What if a legislator or legislative employee refuses to provide a constituent service because that person filed an ethics complaint against the legislator or the employee? Would that violate this section?

The legislator or employee could be in violation of the Ethics Act.

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Sec. 24.60.039. Discrimination prohibited

A legislator or legislative employee may not engage in acts of job discrimination in violation of the state and federal human rights laws. See AS 24.60.039(a).

“...violation of this section, [may result in] the committee [referring] the complainant to the State Commission for Human Rights...” AS 24.60.039(B).

Note: AS 18.80.220 has broad language, which includes sexual harassment as a form of discrimination.

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DISCLOSURE REQUIRED FOR SERVICE ON PUBLIC AND PRIVATE BOARDS

Legislators and legislative employees must disclose to the Ethics Committee their membership on the board of directors of organizations whether the position is a paid position or voluntary. AS 24.60.030(f).

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Membership on Boards AS 24.60.030(f)

Membership on a Board of Directors

- Officer or board member of any organization
 - Disclosure due within 30 days of association and annually within 30 days of the beginning of the legislative session
 - Reimbursement of expenses or receipt of a stipend for attending board meetings are not considered gifts and do not require disclosure when serving on the board in a personal capacity
- Legislator or legislative employee may not serve on a governor-appointed board that requires legislative confirmation.

NOTE: There is one exception to AS 24.60.030(f): appointments to a board because of legislative status does not require disclosure because it is published in the Legislative Journal.

Article II, Section 5, of the State Constitution and AS 24.60.030(f)

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Are you a board member?

As a board member, do you exercise any of these powers?

- Managerial
- Supervisory
- Investigatory
- Advisory

You must file a disclosure

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Board Membership Examples Requiring Disclosure

Board Type Examples

- Juneau Rotary Club – a nonprofit
- Southeast Alaska Gay and Lesbian Alliance – social group
- Alaska Democratic Party Central Committee – political
- Juneau SDA Church Board –religious organization
- KUAC Friends Group – advisory group
- Uniquely Accessorized, LLC – a for profit LLC
- Center for Narrative and Lyrical Arts – arts and cultural organization
- Juneau Community Council – quasi governmental

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Disclosures Required from Legislators and Legislative Employees

List of Disclosures

- Membership on a Board of Directors
- State Benefit and Loan Programs
- Representation for Compensation
- State Contracts, Leases, and Grants, over \$5000
- Close Economic Association
- Close Economic Association - LOBBYIST
- Gift of Travel and/or Hospitality
- Gift of Travel and/or Hospitality Primarily for Matters of Legislative Concern - Family Member
- Gift of Legal Services
- Gift for Compassionate Reasons
- Sanctioned Charity Event Sanctioned Charity Event - Family Member

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Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors.

A legislator, a public member of the committee, and a legislative director shall file a Legislative Financial Disclosure (LFD) statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission ...

Note: This is administered by APOC even though the provisions are under the Legislative Ethics Act.

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Sec. 24.60.040. Contracts or leases.

Legislators, legislative employees, and their immediate family members may not have a financial interest in a state contract, lease, or grant unless it meets one or more of the following standards:

Let under the State Procurement Code, AS 36.30

Let under procedures similar to those set out in the State Procurement Code by such agencies as the University of Alaska and Alaska Railroad

Worth \$5,000 or less annually

Standardized contract or lease developed under publicly established guidelines and generally available to the public at large or members of a profession, occupation, or group.

A legislator or legislative employee who participates in a state contract, lease, or grant that has an annual value of \$5,000 or more shall disclose participation to the Ethics Committee. Family member participation must be disclosed.

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Sec. 24.60.050. State programs and loans.

(a) A legislator or legislative employee may, without disclosure to the committee, participate in a state benefit program or receive a loan from the state if the program or loan is generally available to members of the public, is subject to fixed, objective eligibility standards, and requires minimal discretion in determining qualification.

(b) The committee shall review state benefit programs and state loans and annually publish a list of programs and loans, designating which ones do not meet the standards of (a) of this section.

Note: The list of state programs and loans is published in Appendix C of the Standards of Conduct Handbook.

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Sec. 24.60.060. Confidential information.

(a) A legislator, legislative employee, or public member of the committee may not knowingly make an unauthorized disclosure of information that is made confidential by law and that the person acquired in the course of official duties.

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Sec. 24.60.060. Confidential information Example

May a legislator or legislative employee disclose confidential information obtained in a confidential Legislative Council meeting?

No, unless granted permission to do so by the Legislative Council chair.

May a legislator or a legislative employee discuss the information gathered in an executive session of a legislative standing committee on pending state lawsuits with a person not present in the session?

No, unless granted permission to do so by the legislative standing committee chair.

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Sec. 24.60.070. Disclosure of close economic associations

Legislators and legislative employees must disclose close economic associations with certain individuals involving substantial financial matters.

A close economic association means a financial relationship, such as sharing an interest in a business, owning real estate together, or sharing housing in Juneau. The disclosure must be sufficiently detailed so that a reader of the disclosure can ascertain the nature of the association.

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DISCLOSURE OF CLOSE ECONOMIC ASSOCIATIONS

A disclosure is required for a close economic association with the following:

- Supervisor
- Legislator
- Public official as defined under AS 39.50
- Registered lobbyist
- Legislative employee when the person disclosing is a legislator.

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Close Economic Association Examples

You may need to file a close economic association disclosure if you ...

- Rent to or from
- Share a cell phone plan with
- Receive compensation for work on nongovernment time with
- Share an apartment with
- Provide services for pay to
- Sell to or buy an item from
- Rent a car to or from
- Establish a work partnership with

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Sec. 24.60.075. Compassionate gift exemption

A legislator or legislative employee may solicit, receive, or accept a compassionate gift subject to the limitations set out in AS 24.60.075(b) through (e).

A **compassionate gift** is a solicited or unsolicited gift intended to aid or comfort a person covered by the Ethics Act or member of the person's immediate family in contending with a catastrophe, a tragedy, or health-related emergency.

A written request to solicit, receive, or accept compassionate gift(s) must be pre-approved in writing by the chair of the Legislative Council and the Ethics Committee Chair or Vice Chair.

Note: AO 19-06 details some of the issues in compassionate gift situations.

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Sec. 24.60.080. Gifts

A legislator or legislative employee may not solicit, accept, or receive (whether directly or indirectly) any gift worth \$250 or more, or a series of gifts from the same person or entity that total \$250 or more in a calendar year. Gifts may be in the form of money, services, loans, travel, entertainment, hospitality, promise, or other form.

Note: "Remember the Two Gift Rules!" handout.

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AS 24.60.080(a)(2) Gifts Exceptions –Lobbyists

Food and beverage: food or non-alcoholic beverage for immediate consumption with a value of \$15 or less; food or non-alcoholic beverage provided as part of an event open to all legislators and legislative employees

Charity event: tickets to a pre-approved charity event, which requires pre-approval from the Alaska Legislative Council; value of the ticket(s) may not be worth \$250 or more in the aggregate from the same lobbyist in a calendar year.

Contributions to a charity event: a contribution (either monetary or an item) to a charity event at any time.

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AS 24.60.080(a)(2) Gifts Exceptions - Lobbyists

Immediate family member lobbyist: gift(s), not connected with the recipient's legislative status, from a member of the legislator's or legislative employee's immediate family.

Immediate family refers to: the spouse or domestic partner of the person; or a parent, child, including a stepchild and an adopted child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person.

Compassionate gift: permitted under AS 24.60.075.

Contributions to a charity organization: a gift delivered on the premises of a state facility on behalf of a recognized nonpolitical charitable organization

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Gifts of Travel or Hospitality for a legislative purpose on a matter of legislative concern AS 24.60.080(c)(4).

When filing travel and/or hospitality disclosures, provide adequate information so the public will understand:

Avoid the use of acronyms, such as NCSL. Provide complete information about the donor.

Include a description of the topics discussed, forums attended, or other pertinent agenda items.

Attach a copy of the event agenda.

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Gifts of Travel or Hospitality for a legislative purpose on a matter of legislative concern AS 24.60.080(c)(4) (continued)...

•Provide a narrative that addresses how the information obtained is a matter of legislative concern:

•Example: *The Hunt Institute Early Childhood Leadership Summit*: "Topics included early childhood initiatives, supporting the needs of infants and toddlers, and recruiting and retaining a workforce."

NOTE: DISCLOSURES ARE REQUIRED WITHIN 60 DAYS OF THE TRAVEL OR HOSPITALITY

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Gifts of Travel or Hospitality Disclosures

Example

AS 24.60.080(c)(4)

May a legislator accept a gift travel, lodging and meals from NCSL to attend the NCSL conference in Atlanta, Georgia, on the subject of education?

Yes, if the value of the gifts are \$250 or more, a Gift of Travel/Hospitality disclosure is required within 60 days of the beginning date of the trip. An agenda must accompany the disclosure.

May a legislative employee accept a gift of a registration fee to attend the Anchorage Economic Development Corporation annual conference?

Yes. The value of the conference fee is less than the \$250 gift disclosure requirement, therefore no disclosure is required.

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Sec. 24.60.085. Restrictions on earned income and honoraria

(a) A legislator or legislative employee may not (1) seek or accept compensation for personal services that is significantly greater than the value of the services rendered...

The purpose of this statute is to prohibit unjustifiably large payments, not to prohibit acceptance of compensation at regular or less than regular rates.

Note: This applies to any employment outside of your legislative employment.

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AS 24.60.085 Example

May a legislator or legislative employee who is also a geologist accept payment for a speech on minerals found in the Copper River Basin?

Yes, as long as the speech is not connected to legislative status.

May a legislator or legislative employee make a speech to a community organization and then accept a plaque or similar memento as a thank you gift from the organization?

Yes, as long as the gift has a value of less than \$250 and does not have a resale value.

May a legislator or a legislative employee accept payment for a speech about the legislature's handling of health care issues?

No; however, if actual and necessary expenses are incurred as part of the speaking engagement (i.e., lodging, travel, meals) and these expenses are paid by or reimbursed by the organization, a gift of travel/hospitality disclosure is required within 60 days.

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Sec. 24.60.090. Nepotism

An individual who is related to a legislator or legislative employee may not hold certain paid jobs in the legislative branch:

- During the legislative session in the house in which the legislator is a member
- By an agency of the legislature established under AS 24.20,
- In either house during the interim between sessions
- By the Ethics Committee.

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Sec. 24.60.090. Nepotism

"An individual who is related to or relative" means (for this nepotism section) the spouse or domestic partner* of the person; a parent, child, including a stepchild and an adopted child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person.

Interim between sessions – 8 days after legislature adjourns from regular session and 8 days before session convenes

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Nepotism Examples

- May the daughter of a senator work during session for a member of the House?
- May siblings of a legislative employee work in the same legislative office if one does not supervise the other?

Yes!

Yes!



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Image from Stock.adobe.com

ENGAGE WITH THE ETHICS OFFICE

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Office of the Select Committee on Legislative Ethics

Administrative responsibilities

- Issue informal advice*
- Answer questions about the Ethics Act
- Provide administrative support to the Ethics Committee
- Review and process all required disclosures
- May investigate complaints
- Deliver mandatory ethics training
- Publish advisory opinions and public decisions
- Prepare and produce a yearly Standards of Conduct Handbook
- Monitor and recommend Ethics legislation to Committee

*Tamara S. Maddox, Ethics Administrator
Jacqui Yeagle, Staff*

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Sec. 24.60.155. Legislative ethics course.

(a) A person who is a legislator, legislative employee, public member of the committee, legislative intern, or legislative volunteer shall complete a legislative ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of each legislature or, if the person first takes office or begins service after the 10th day of that session, within 30 days after the person takes office or begins service. The committee may grant a person additional time to complete the course required by this section.

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Sec. 24.60.158. Advice by staff

The committee shall authorize and train its staff to give oral advice and provide a written informal nonbinding advice letter to persons seeking guidance as to the spirit or legal requirements of this chapter, provided that the advice is given with the express stipulations that (1) the opinions given are not necessarily those of the committee; (2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk; and (3) the advice is not binding upon the committee.

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Informal Advice

AS 24.60.158

Who may request informal advice?

- Legislators
- Legislative employee
- Members of the public

How do you request informal advice?

- Email
- Phone
- Letter
- Fax

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Sec. 24.60.160. Advisory opinions.

(a) On the request of the committee, the Alaska Public Offices Commission, a person to whom this chapter applies, or a person who has been newly elected to the legislature, the committee shall issue an advisory opinion within 60 days as to whether the facts and circumstances of a particular case constitute a violation of ethical standards ...

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion ...

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Formal Advisory Opinion

AS 24.60.160 to 165

Who may request a formal advisory opinion?

- Legislator
- Legislative employee
- Legislative employee on lay-off status
- Person elected to the legislature but not sworn in

Note: Searchable Advisory Opinion database can be found at <http://www.legis.state.ak.us/ethics/>

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Sec. 24.60.165. Use of information submitted with request for advice.

The committee may not bring a complaint against a person based upon information voluntarily given to the committee by the person in connection with a good faith request for advice under AS 24.60.158 or 24.60.160, and may not use that information against the person in a proceeding under AS 24.60.170 [A complaint under Ethics Act] ...

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Sec. 24.60.170. Proceedings before the committee; limitations.

[Complaints filed with the committee]

Anyone who believes the Legislative Ethics Act has been violated may file a complaint with the Ethics Committee. A complaint must be in writing and notarized. Complaints may be dropped off at the Ethics office or be sent to the committee chair at the Ethics Committee office.

Complaint forms are available on the Ethics website.

If the complaint form is not used, the submitted complaint must contain a statement that the complainant has "*a reason to believe that a violation of the Ethics Act has occurred*" and describe any facts known to the complainant to support that belief.

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Sec. 24.60.170. Proceedings before the committee; limitations (continued)

It is a Class A misdemeanor under AS 11.56.805 to knowingly or intentionally file a false complaint with the Ethics Committee.

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Sec. 24.60.170. Proceedings before the committee; limitations (continued)

- Complaints **received during a campaign period** against a candidate who is subject to the Ethics Act, will be returned without action, unless the subject of the complaint waives this right within 11 days.
- Campaign period: begins 45 days before the primary election in which one is a candidate or the day one files for office, whichever is later, and ends the day of the general or special election, the day after primary results are certified for a candidate who loses in the primary, or the day a candidate withdraws. Complaints may be re-filed at the end of the campaign period.
- By law, the Committee will not go beyond the point of confidentiality, unless the subject waives confidentiality.
- By law, the Committee will consider a complaint filed within five years after the date of the alleged ethics violation for current or former legislators.

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Heads Up Call Policy AS 24.60.170

If the Committee receives a possible complaint from an individual who is not inclined to file a formal complaint but wants "something done," staff may contact the subject of the allegation without revealing who the "complaint" came from or whether in fact a complaint has been actually filed. Staff will speak with the subject about the matter. Depending upon what is revealed, staff may recommend corrective action to the subject of the inquiry. This procedure is known as the "Heads Up" policy.

Staff never advocates for the filing of a complaint.

And this action typically ends with no complaint being filed.

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Thank you for your participation today.

QUESTIONS?

Contact me
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