

Ethics Training 2025

SELECT COMMITTEE ON
LEGISLATIVE ETHICS

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ETHICS COMMITTEE ADMINISTRATOR

1st Regular Session
34th Legislature

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WHAT ARE ETHICS

- Ethics: A system of accepted beliefs that control behavior, especially such a system based on morals (Cambridge Dictionary)
 - ❖ Alaska Legislative Ethics are codified in AS 24.60
- AS 24.60.10 Legislative findings and purpose
 - ❖ Moral and Ethical Standards
 - ❖ Avoiding conflicts of interest
 - ❖ Part-time legislature implies external employment
 - ❖ Ethics Standard apply during and after the legislature (Article 1 Purpose and Applicability)

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WHY IS THERE AN ETHICS COMMITTEE

- AS 24.60.10(8)... to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter
- Ethic Committee addresses:
 - ❖ The requirements codified in AS 24.60
 - ❖ Complaints received alleging infractions of AS 24.60
 - ❖ Request for informal and formal advice pertaining to AS 24.60 compliance

The Ethic Committee is an impartial committee charged with receiving and assessing complaints alleging violations of statute. The committee and staff may offer informal recommendations and Advisory Opinions under AS 24.60; acting as umpires of rules in AS 24.60 rather than "ethics police." Facilitating compliance with AS 24.60 is the committee's goal!

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ORGANIZATION OF AS 24.60 THE ETHICS ACT

- Article 1 Purpose and Applicability
- Article 2 Standards of Conduct
- Article 3 Legislative Ethics Committee; Opinions; Complaints
- Article 4 Required Annual Disclosures (APOC)
- Article 5 Miscellaneous and General Provisions

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ARTICLE 2 STANDARDS OF CONDUCT

- Section 30. Prohibitions Related to Conflicts of Interest and Unethical Conduct.
- Section 31. Restrictions On Fund Raising.
- Section 33. Restrictions On Employee Candidacies.
- Section 35. Protection of Whistle Blowers.
- Section 37. Open Meetings Guidelines.
- Section 39. Discrimination Prohibited.
- Section 40. Contracts or Leases.
- Section 50. State Programs and Loans.
- Section 60. Confidential Information.

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ARTICLE 2 STANDARDS OF CONDUCT (CONT'D)

- Section 70. Disclosure of Close Economic Associations.
- Section 75. Compassionate Gift Exemption.
- Section 80. Gifts.
- Section 85. Restrictions On Earned Income and Honoraria.
- Section 90. Nepotism.
- Section 100. Representation.
- Section 105. Deadlines For Filing Disclosures.
- Section 115. Disclosure Required of a Legislator, Legislative Employee, or Public Member of the Committee After Final Day of Service

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AS 24.60.030 Prohibited conduct

- Covered employees may not:
- Accept external compensation for public duties
 - Use public resources for nonlegislative purposes
*****12 exceptions and they have exceptions*****
 - Seek, accept, use, or award funds other than allowed by law
 - Require a legislative employee to perform services of personal benefit to self or others
 - Use state funds or resources for political fundraising or campaigning ****5 exceptions****
 - Assist in campaigning on government time
 - Use state funds for political mass mailings in their district during campaign periods
 - Post distribute campaign literature in public areas of state government offices

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AS 24.60.030 Prohibited conduct (Cont'd)

- Covered employees may not:
- Withhold action, refrain from constituent service without compensation/donation
 - Legislative employees cannot serve in positions requiring legislative confirmation
 - Employees covered under the act must disclose board memberships (except legislative journaled appointments)
 - Conflicts of interest must be declared before voting on a matter that would benefit the legislator, spouse/employer
 - Work on campaign activities while on government pay
 - Covered employees may not attempt to influence administrative hearings unless representing another person for compensation (licensed professional requirements)

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Social Media

- Social Media is not directly addressed in the Ethics Act, but may raise issues related to:
 - ❖ Legislative employee maintaining campaign or personal page
 - ❖ Office phone # on campaign page may encumber resources
 - ❖ Posting official duties on a campaign page can trigger complaints
 - ❖ Blocking select commentors on official page can be taken as a 1st Amendment right violation
- Do not use a personal social media account to post about legislative matters.
- If you use a social media account for legislative matters, administrate it as an official legislative account.
- To avoid creating a public forum on an official account, do not open the account to comments or other interactions with the public.

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PRACTICAL APPLICATION

➤ **Can a legislator ask legislative employees to pick up dry cleaning for them?**

Yes and no. If the request is "infrequent and unusual" such as needing a clean shirt for a meeting it would be acceptable. It would not be acceptable on an ongoing basis.

➤ **Can a legislator list their official phone/email on their campaign web page?**

No. Campaign and official pages must be separate, and calls/emails to the official office would encumber staff time.

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PRACTICAL APPLICATION

➤ **Can a legislator or staff display a campaign sign in their legislative office during or after a campaign?**

Yes and no. The legislator may post in their private office, but the sign cannot be posted in public areas of "state offices" until after the campaign is over. (AS 24.60.030)

➤ **Can a legislator have employment beyond their elected position?**

Yes. A part-time legislature implies/expects outside income. Consider appearance of impropriety of specific jobs, compensation limitations, and potential disclosure requirements.

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PRACTICAL APPLICATION

➤ **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.

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AS 24.60.031 Restrictions on fund raising

Covered employees may not:

- Solicit or accept a campaign contribution on a day when either house is in session
- Accept money from a fund raising event on a day when either house is in session
- The prohibition includes:
 - ❖ Own campaign
 - ❖ Another candidate for municipal, state, or federal office
 - ❖ Funds to influence a state ballot proposition
 - ❖ For a political party

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PRACTICAL APPLICATION

- **Can legislators, or their staff, post fund-raising information on their social media when the legislature is in session?**

No. Posting information regarding fund-raising activities during session would violate 24.60.031. (To avoid appearances, disable/remove donate button on campaign web pages during session.)

- **Can legislative employees maintain/prepare campaign reports or web pages on state time?**

No. Government resources (employee time), 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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AS 24.60.070 Disclosure of close economic associations

- Covered employees must disclose CEA involving substantial financial matters with:
 - ❖ A supervisor who is not a legislator
 - ❖ Legislators
 - ❖ A public official (as defined in AS 39.50)
 - ❖ A registered lobbyist
 - ❖ Legislative employee if the person required to disclose is a legislator

Close economic association means a financial relationship with a person or entity as an advisor, representative of, or has financial interest in a business.

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PRACTICAL APPLICATION

➤ Are persons covered by the Ethics Act required to disclose membership on a HOA Board?

Yes. Membership on any Board of directors is required. What other required disclosures are required? (Refer to AO)

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AS 24.60.075 Compassionate gift exemption

Covered employees can solicit, receive and accept a compassionate gift if:

- Compassionate gift means a solicited or unsolicited gift to aid or comfort the recipient/family contending with catastrophe, tragedy or health related emergency.
- A written request has been approved, in a written decision, by the legislative council
- The compassionate gift must be disclosed to the Ethics Committee within 30 days of receipt
- The fair market value must reported

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AS 24.60.080 Gifts

- Covered employees may not:
 - ❖ Accept a gift worth \geq \$250 in single or aggregate from the same person in a calendar year
 - ❖ Solicit, accept or receive a gift from a lobbyist, immediate family of a lobbyist except:
 - Food/beverage for immediate consumption
 - Has a value of \leq \$15
 - Is part of an event open to all legislators and legislative employees
 - A contribution to a charity event in single or aggregate \geq \$250 and the legislative council has approved
 - A gift from covered employee's immediate family and is unrelated to legislative status
 - A gift delivered to a state facility on behalf of a recognized nonpolitical charitable organization
 - A compassionate gift

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AS 24.60.080 Gifts (Cont'd)

- Acceptable gifts:
 - ❖ Hospitality/ including incidental travel (nonlegislative) in state (**Note vacation home****)
 - ❖ Discounts available to public, **class of person*****, or on state business which benefits the state
 - ❖ Indigenous food shared as a cultural norm
 - ❖ Travel and hospitality for legislative concern
 - ❖ Gifts from immediate family (**definition******)
 - ❖ Gifts not connected to legislative status
 - ❖ Legislative sessions discounts available to all legislators/employees to legislators including welcome gifts (*********)
 - ❖ Gifts of legal services for legislative concern
 - ❖ Gifts of transportation within state via means owned by legislator/legislative employee
 - ❖ Contribution/ticket to a charity event (**< and > \$250**)

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AS 24.60.080 Gifts (Cont'd)

- Disclosures are required for gifts \geq \$250:
 - ❖ Travel/hospitality for matters of legislative concern
 - ❖ Ticket/ gift in connection to approved charity event
 - ❖ Legal services in a matter of legislative concern

**** Disclosures are maintained as a public record and included in the appropriate journal of the house or senate.**

****Gifts of \geq \$250 that are not connected to legislative status must be disclosed and are normally remain confidential.**

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AS 24.60.080 Gifts (Cont'd)

- Political contributions (AS 15.13.040) & bulk mail permits owned by a legislator's campaign are not gifts
- Gifts of property \geq \$250 may be received from another government on behalf of legislature but must be surrendered to legislative council within 60 days
- A legislator may solicit or accept a gift on behalf of a recognized nonpolitical charity
- Legislators and committees may accept volunteer or approved intern services for legislative purposes
- Gifts to immediate family members related to legislative status must be reported as above

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AS 24.60.085 Earned income/honoraria

- A covered employee may not:
 - ❖ Seek compensation for personal services at a greater than fair market value
 - ❖ Accept payment except incurred travel expenses for speeches (salary exempted for normal course of employment)
- Legislators may not accept compensation for work associated with legislative, administrative, or political action beyond State of Alaska salary

Covered employees may accept payment for speeches not connected to legislative status

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PRACTICAL APPLICATION

- **Can a legislator accept \$500 for speaking at a conference?**

The answer depends on what subject matter is addressed. If a legislative matter- no; if a professional topic-yes.

- **Are there requirements for a legislator working for a municipality?**

Yes. 24.60.070 requires disclosure of a Close Economic Association with a public official. AS 39.50.200 defines public official as "each appointed or elected municipal officer."

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Article 3 Ethics Committee

- 130. Select Committee On Legislative Ethics.
- 131. Alternate Members.
- 134. Prohibited Conduct By Public Members and Committee Employees and Contractors.
- 140. Authority of the Committee.
- 150. Duties of the Committee.
- 155. Legislative Ethics Course.
- 158. Informal Advice.
- 160. Advisory Opinions.
- 165. Use of Information Submitted With Request For Advice.
- 170. Proceedings Before the Committee; Limitations.
- 174. Recommendations... Violator is a Legislator.
- 176. Recommendations... Violator is a Legislative Employee.
- 178. Recommended Sanctions.

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AS 24.60.130 Legislative Ethics Committee

- The ethics committee:
 - ❖ Consists of nine members and two subcommittees
 - ❖ The house and senate subcommittee each have two elected officials (and alternates) from the house represented and five "shared" public members ***
 - ❖ The full committee consists of four elected and five "shared" public members
 - ❖ The public members are selected by the Chief Justice and ratified by 2/3 of the house and senate
 - ❖ No more than one former legislator, and no more than two public members from the same political party can serve concurrently
 - ❖ Public members serve a three-year term

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AS 24.60.130 Ethics Committee (Cont'd)

- Ethics Committee members are disqualified from participating in complaints against themselves or someone they supervise
- The Committee is subject to the Open Meetings Act (except for confidentiality) ***
- Members and employees of the committee access confidential information on a need-to-know basis
- Public members may not be a legislator, a legislative employee, an officer of a political party, a candidate for public office, or a registered lobbyist

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AS 24.60.158 and .160

- 24.60.158 Advice by staff- allow **informal advice** to inquiries regarding the Ethics Act with stipulations:
 - ❖ The opinions are not necessarily those of the committee
 - ❖ The advice is given in good faith **based on facts presented**
 - ❖ The person seeking the advice relies on it at their own risk
- 24.60.160 Advisory opinions- "covered employees", APOC or the Ethics Committee can request an Advisory Opinion. The Advisory Opinion is:
 - ❖ Binding on the committee unless material facts were omitted or misstated
 - ❖ Advisory Opinions are to be issued within 60 days
 - ❖ Advisory Opinion discussion and deliberations are confidential unless waived by the requestor
 - ❖ Advisory Opinions are public records but are redacted to protect the identity of the requestor
 - ❖ The committee's final vote on the Advisory Opinion is a public record

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AS 24.60.170 Proceedings before the committee

This section provides a detailed process for the committee to apply after receipt of complete and properly submitted complaint. The section specifies:

- The alleged violation must have occurred within five years of the complaint
- The committee may not consider complaints against all members of the legislature or all members of either house
- Investigation of complaints is confidential
- Complaints may be dismissed due to insufficient credible information or lack of jurisdiction (**remain confidential unless waived**)
- If probable cause exists, the complaint will be investigated
- The subject of a complaint will be notified of the complaint and afforded the opportunity to provide information germane to the complaint
- The committee will issue a decision if violation of the Ethics Act has occurred containing corrective actions as warranted

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AS 24.60.178 Sanctions

- The Ethics Committee can **recommend** sanctions for violation of the Ethics Act including:
 - ❖ A civil penalty ≤ \$5000 or twice the amount improperly gained
 - ❖ Divestiture of specific assets or associations
 - ❖ Additional disclosure (either public or confidential)
 - ❖ Suspension or termination of legislative employee
 - ❖ Restitution/reimbursement of improperly received benefits
 - ❖ Public or private written reprimand
 - ❖ Censure including removal from leadership or committee membership
 - ❖ Placement on probation
 - ❖ Expulsion from the legislature
 - ❖ Other appropriate measure
 - ❖ Payment of costs related to the investigation and adjudication can be requested

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Article 4 Required Annual Disclosures

- 200. Financial Disclosure By Legislators, Public Members of the Committee, and Legislative Directors.
- 210. Deadlines For Filing of Disclosure Statements.
- 220. Administration of AS 24.60.200
- 230. Statements as Public Records.
- 240. Civil Penalty For Late Filing.
- 250. Effect of Failure to File.
- 260. Prohibited Conduct Relating to Disclosures.

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AS 24.60.200, .210, .220, .230 & .240

- 24.60.200- Financial Disclosure- codifies the requirement for legislators, public member of the committee, and a legislative director to submit disclosures to APOC
- 24.60.210 Deadlines for filing 24.60.200 disclosures:
 - ❖ Annually (previous year) prior to March 15th
 - ❖ Within 30 day of appointment
 - ❖ Within 90 days after leaving service if not previously disclosed
- 24.60.220 Administration of 24.60.200-24.60.260- codifies APOC's requirement to implement/interpret these sections of the statute
- 24.60.230 Statements as public records- establishes that 24.60.200 disclosures are public records with specified exceptions
- 24.60.240 Civil penalty for late filing- codifies APOC can assess a \$10/day fee for late disclosures

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AS 24.60.250 & .260

- 24.60.250- Effect of failure to file- codifies the actions that APOC will take if an incumbent legislator fails to file per 24.60.200
 - ❖ Notification to the Lt Governor
 - ❖ Forfeiture of nomination/may not be seated
 - ❖ Lt Governor may not certify nomination or election
 - ❖ Notification of presiding officer of legislative body
 - ❖ Within 90 days after leaving service
- 24.60.255 Administrative complaints- establishes that complaints can be filed with APOC for noncompliance with 24.60.200-24.60.260
- 24.60.260 Prohibited conduct relating to disclosures; penalties:
 - ❖ Codifies the requirement not to file false/misleading statements
 - ❖ Establishes fines for late filing and resulting fines
 - ❖ Codifies that violations of 24.60.200-24.60.260 are addressed by the Ethics Committee under 24.60.170 as public records- establishes that 24.60.200 disclosures are public records with specified exceptions
 - ❖ Establishes fines that can be assessed for noncompliance

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Article 5 Miscellaneous and General Provisions

- 24.60.970 Actions by Attorney General- AG can bring actions independent from Committee action
- 24.60.980 Cooperation by state agencies- codifies that agencies (executive branch) will cooperate with the committee to the extent permitted by law
- **24.60.990 Definitions**

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AS 24.60.040, and .050

- 24.60.040 Contracts or leases
 - ❖ Covered employees/immediate family cannot have interest in contracts/lease ≤ \$5000 (unless let under AS 36.30 Procurement Code)
 - ❖ Family member with interest ≥ \$5000 require disclosure (AS 24.60.105)
 - ❖ Interests listed in 24.60.50 excepted (see below)
- 24.60.050 State Programs and loans
 - ❖ Covered employees are not required to disclose state benefits/loans under specific criteria:
 - Generally available to the public
 - Fixed/objective eligibility standards
 - Minimal discretion in determining eligibility
 - ❖ The Ethics Committee produces a list of state benefits/loans that require disclosure (AS 24.60.105)

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RESOURCES

- **Informal Advice available via:**
 - ❖ Email
 - ❖ Phone
 - ❖ Letter
 - ❖ Fax
- **Advisory opinion:**
 - ❖ Must be requested in writing
 - ❖ Formal/binding written determination prepared by the Committee
 - ❖ Can be requested by legislators, legislative employees, APOC, and elected legislators that have not been sworn in
- Ethics binders available in each legislator's office and at LIOs statewide
- The Ethics Committee web page: <https://ethics.akleg.gov/>

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RESOURCES

THE ETHICS COMMITTEE

Legislative Ethics and Publicity, Section 24.60.010 of the Legislative Ethics Act.

"High moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of this state."

"Fair and open government requires that legislators and legislative employees conduct the public business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or other appearances of conflicts of interest."

Ethics Committee: Has full legislative ethics committee

Committee Rules of Practice

Ethics Committee Meetings: Agenda and committee minutes

RS01-02: Amended Section 24.60, effective May 20, 2019

STATEMENT OF CONFLICT OF INTERESTS: Representative ethics disclosure form

ADVISORY OPINIONS: Who can request an Advisory Opinion and what information is needed

ADVISORY OPINIONS: Rules of Advisory Opinions listed by subject and year

ADVISORY OPINIONS (2002-2012): Searchable database of Advisory Opinions from 2002 to present

CHALLENGES: Information on challenges, reporting forms and a listing of all challenges to date

DISBURSED SALARY: Search published disbursements

The Advisor: This is a ready Ethics Advisor

Ethics Training: Requirements for Training, Power Point presentations, and on-line training videos

ETHICS TRAINING, INFORMATION AND EVENTS

Legislative Newsletters and Other Legislative Communications: General Information, Campaign-Related Information, Family, Districts/Constituents, Voter Registration Activities

LEGISLATIVE CAMPAIGN RELATED INFORMATION: Legislative Candidates, House Office Funding for Campaign-Related Expenses

FINANCIAL DISCLOSURE: Information on the committee process

CONFLICT OF INTEREST: Who can request an ethics advisory opinion

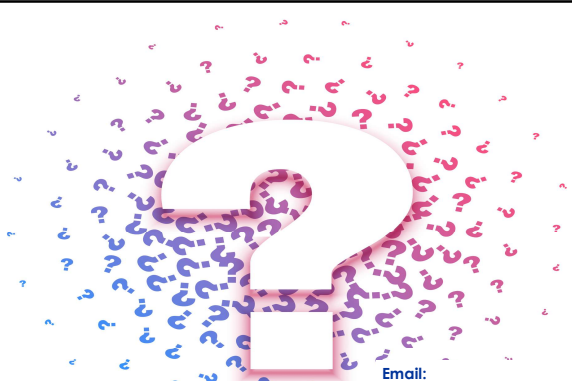
Related (2005-2006): Other Alaska state laws which relate to standards of conduct

FOCUS AND LISTS

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