

SELECT COMMITTEE
ON LEGISLATIVE
ETHICS

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THE ADVISOR

JUNE 2011

Welcome!

Welcome!

With the 2011 session now ended
the "interim" is in
full swing and the summer in
full bloom!



OUTREACH



In an effort to be more accessible to legislators and staff, the Ethics Office is offering to meet informally with individual legislators and staff on a one-on-one basis or in a group setting to talk about ethics issues and answer questions. The office met individually with legislative offices and in group settings in 2009. The meetings were very beneficial on both the

legislative side and for Ethics staff. The subjects discussed were varied but included constituent issues, legislative newsletters, and gifts. Many questions were answered.

Please call the Ethics Office at 269-0150 if you are interested in setting up a meeting. For some areas, the meeting would be via teleconference.

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Gift of Free Lodging

Question: If a legislator or legislative employee provides a few days of free lodging at the legislator's or employee's residence to another legislator or legislative employee, does the arrangement constitute a gift, or a close economic association, that is subject to disclosure to the Legislative Ethics Act?

Answer: **Advisory Opinion 08-04** states that a legislator or legislative employee who provides a few days of free lodging at the legislator's or employee's residence to another legislator or legislative employee:

- 1) *does not constitute a "close economic association" and therefore no disclosure is required under AS 24.60.070;*
- 2) *is considered a gift of hospitality that may be accepted at any time without violating AS 24.60.080 and is not subject to disclosure.*

The committee pointed out two areas of consideration:

- 1) *The lodging is not provided as a contribution to a political campaign.*
- 2) *A period of free lodging longer than a few days could be of concern to the committee. Please call 269-0150 for advice.*



LEGISLATIVE DOOR KNOCKING



Calls have been received asking about door knocking during the interim. Door knocking is a traditional way of meeting residents of a legislative district both for legislative and campaign purposes. Many legislators hand out their end-of-session legislative newsletter while door knocking.

Keep in mind, campaign activities cannot be performed at the same time; i.e., announcing that you are running for another term or handing out campaign literature, for example. ■

The one thing that doesn't
abide by majority rule is a
person's conscience.

—Harper Lee, Author, Writer

*An Ethics Committee meeting
has been scheduled for*

July 12th, 2011,

at 9:00 a.m.

Anchorage LIO

Room 220

*An agenda will be posted one
week prior to the meeting.*

Former Supreme Court Justice Potter Stewart once said, "There is a big difference between what we have a right to do and what is right to do." People of character often do less than the law allows and more than the law requires.



LEGISLATIVE INTERNSHIP PROGRAMS

Below is a list of LEGISLATIVE INTERNSHIPS that HAVE BEEN APPROVED:

- ❖ First Alaskans Institute
- ❖ JobXperience Internship
- ❖ McCombs School of Business
- ❖ Mercer University
- ❖ DePaul University
- ❖ Tlingit/Haida Tribal Vocational Rehabilitation (TVR) Program
- ❖ IDEA (Individuals with Disabilities Education Act) Alaska Close Up Program
- ❖ MASST (Mature Alaskans Seeking Skills Training) Intern Program



Legislative internship programs, (other than those sponsored by the University of Alaska*), must be approved by the Ethics office, pursuant to AS 24.60.080(h) and the committee's Rules of Procedure, Section 2(f), Internship Program Approval.

*A legislative internship program through the University of Alaska is established by the Legislative Council under AS 24.20.060(8).



Frequently Asked Questions

Gifts: Lobbyists **AS 24.60.080(a)(2)**

- ❖ **Question:** *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?*

Answer: 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 performing 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 is listed on the APOC website at: [http://
doa.alaska.gov/apoc/TrainingReports/
lobbyist.html](http://doa.alaska.gov/apoc/TrainingReports/lobbyist.html)

- ❖ **Question:** *May a legislator or legislative employee accept a gift of a fishing trip from a lobbyist?*

Answer: No. A gift of a fishing trip from a lobbyist is prohibited regardless of the value. Gifts of this nature from lobbyists are not allowed. However, a legislator or legislative employee is not prohibited from going fishing with a lobbyist, although the legislator must pay his/her own way; i.e. his/her share of the cost of gas, bait, etc. Food and beverage for immediate consumption are not considered gifts and may be accepted. Lobbyists should check with APOC to determine if reporting the costs of F&B is required.

- ❖ **Question:** *May a legislator or legislative employee accept a gift of a round of golf from the spouse (or domestic partner) of a lobbyist?*

Answer: No. A gift of a round of golf from a lobbyist's spouse is prohibited, regardless of the value. Legislators and legislative employees are not prohibited from golfing with a lobbyist or a

lobbyist's spouse as long as they pay their own golfing fees and any other costs associated with golfing. Food and beverage for immediate consumption is not considered a gift and may be accepted.

- ❖ **Question:** *May the spouse (or domestic partner) of a legislator or legislative employee accept a gift of a ticket to the Anchorage Performing Arts Center from a lobbyist?*

Answer: No. The spouse (or domestic partner) of a legislator or legislative employee is prohibited from accepting a gift of a ticket from a lobbyist to an event. The prohibition also extends to a parent, child or sibling if they reside with the legislator or legislative employee, are financially dependent, or if they share a substantial financial interest such as a house or car loan, for example.

- ❖ **Question:** *May a legislator or legislative employee accept an invitation to dinner at a local restaurant from a lobbyist?*

Answer: Yes. Food or beverage for immediate consumption are allowable gifts. If the cost of the food and

Continued

beverage exceeds \$15, the lobbyist must report the cost of the food and beverage to the Alaska Public Offices Commission. There is no reporting requirement for legislators or legislative employees.

Gifts: General AS 24.60.080

❖ **Question:** *May a legislative employee receive a gift of flowers or candy as a “thank you” for a job well done?*

Answer: A legislative employee is permitted to receive a gift of flowers or candy as a “thank you” gift for legislative work performed. It is also acceptable to receive other similar gifts as a thank you. However, a legislative employee is not permitted to receive a gift of “money” or airline miles as a thank you gift. These types of 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 work, use, or service to the person to whom it is conferred. If you are unsure whether the thank you gift is permitted or not, give the Ethics office a call.

❖ **Question:** *Are frequent flyer airline tickets and companion tickets considered a gift?*

Answer: 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 [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 as 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.

Miscellaneous

❖ **Question:** *May legislative staff set up the POET (Public Office Expense Term) account and maintain the account? (i.e. record expenses and file the report with APOC for the legislator.)*

Answer: Yes. There is a legislative purpose in setting up the POET account. The POET account is unused campaign

funds which must be used only for expenses that have a legislative purpose. Contact APOC at 276-4176 for questions on reporting requirements.

❖ **Question:** *May personal and campaign activities be noted on the legislator’s calendar?*

Answer: Yes. The Ethics Committee has determined legislative staff may record both personal and campaign related activities on a legislator’s calendar. 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. AO 94-08

Newsletters

❖ **Question:** *May a legislative mailing be sent to either Super Voters or seniors?*

Answer: A legislative mailing may be sent *only* to “super voters” or “seniors” as long as the content of the mailing is legislative related. A 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. ■

Disclosures:

Gift of Travel/Hospitality for Legislative Matters

AS 24.60.080(c)(4)

Reminder: If you have taken a trip for a legislative matter that was paid for with other than legislative funds, you must disclose the gift within 30 days **starting from the first day of travel.**

This includes travel paid for by: Alaska state departments, non-profit organizations, federal agencies, and private organizations/agencies, to name a few. Additionally, the waiver of a registration fee by the agency/organization is considered a gift and must be disclosed if \$250 or more in value.

Charity Events

AS 24.60.080(a)(2)(B)

Legislators and legislative employees may attend and/or participate in charity events with the following qualifications:

TICKET TO A CHARITY EVENT

The “ticket” may entitle the legislator or legislative employee to admission to the event.

Waiver of some type of entrance fee or a tournament fee is considered a gift under the Legislative Ethics Act. The value of a gift is determined by the fair market value of the gift. [AS 24.60.080(j)]

The ticket may also include entertainment, food or beverage, or other gifts or services involved in the charity event.

Tickets to a charity event may not exceed the \$250 gift limit per year from the same person.

GIFTS RECEIVED AT THE CHARITY EVENT

Gifts received at the event are calculated separately from the value of the gift to attend/participate in the event and are also limited to \$250 within a calendar year.

The receipt of a prize from a raffle or drawing at the event is exempt from the limitation. [Advisory Opinion 93-03]

Legislators and legislative employees may not receive a gift of an auction item purchased by a lobbyist at the event.



SANCTIONED CHARITY EVENTS

Charity events sponsored by a registered 501(c)(3) organization and pre-approved by the Alaska Legislative Council prior to the event are “sanctioned” charity events.

By **sanctioning a charitable event**, a legislator or legislative employee **may also** solicit, accept or receive a ticket to the event from a lobbyist, immediate family member of a lobbyist or a person acting on behalf of a lobbyist as long as the calendar year value of the gift(s) does not exceed \$250.

Example: A legislator accepts an admission ticket to a charity event from a lobbyist that has a value of \$50. The same legislator accepts four more tickets from the same lobbyist to different charitable events that each has a value of \$50. The total value of the five tickets is \$250.

The legislator is prohibited from receiving another ticket for a charity event from the same lobbyist within the calendar year since the gift limit of \$250 has been met.

CHARITY EVENT WITH EDUCATIONAL COMPONENT

There is one exception to the \$250 gift limit – when a charitable fundraising event also contains an educational component for the attendees. Examples: *seminar on conservation, state agency presentation on the merits of soil erosion, or speakers addressing an issue that is a matter of legislative concern.*

The gift limit of \$250 would not apply to the ticket to the event or gifts received at the event. [AS 24.60.080(c)(4)]

Please contact the Ethics Office for further information. Costs associated with an educational event must be disclosed by those covered by the Act.

Reminder: **Immediate family members are also covered under the gift statute restrictions and prohibitions.** [AS 24.60.080(i)]

Remaining 2011 Sanctioned Charity Events:

- ❖ 19th Annual Coal Classic Golf Tournament—June 15
- ❖ Outdoor Heritage Foundation’s Midnight Sun Charity Shoot & Banquet—July 22-23 (also an educational event)
- ❖ Kenai River Classic Events—July 7-9, August 9, and September 8-10 (also an educational event)