

ITEM 9: Disclosure Waiver under AS 24.60.105(d)

This section of the Legislative Ethics Act was added with the passage of SB 89 in 2012 and became effective on August 22, 2012. The provision requires a person subject to the Act to request a waiver if making a disclosure would violate:

- State law
- Federal law
- United States Constitution
- State of Alaska Constitution
- Rule adopted formally by a trade or profession that state or federal law required the person to follow

The person shall provide to the Ethics Committee justification in writing. The committee may review the written justification to determine whether it is sufficient.

AS 24.60.105 (d) A person may submit a written request to refrain from making a disclosure that is required by this chapter if making the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. The committee shall approve or deny the request, or require further justification from the person making the request. At the request of the committee or a person authorized to act on behalf of the committee, a person who seeks to refrain from making a disclosure under this subsection shall provide the committee with justification in writing, and the committee may review the written justification to determine whether it is sufficient.

In the best interest of both the person subject to the Act and the committee, a form would be the most convenient method of requesting the waiver because it would contain all the information required by the Ethics Committee to make a determination a waiver is permitted.

MATERIALS IN THE PACKET

- Draft Waiver Disclosure form prepared by the Ethics Office.
- Legal opinion from Dan Wayne, LAA Legal Counsel, dated November 5, 2012.
 - Note: Page 4, second sentence states: "Even though AS 24.60.060 would prohibit legislators or legislative employees from making unauthorized disclosure of confidential information acquired this way, it may not apply to public members of the committee." Mr. Wayne added a footnote here and referenced statutory language in AS 24.60.060(a). However, with the passage of SB 89 in 2012, effective August 22, 2012, public members of the committee are now covered by the confidentiality provisions of AS 24.60.060(a).
- Unofficial summary of excerpted Legislative Committee testimony on this subject.
- AO 09-02, Close Economic Association, Medical Service.

- August 2012 THE ADVISOR newsletter article on AS 24.60.105(d).
- Close Economic Association disclosure form.
- AS 24.60.070 Close Economic Association.
- Confidential Gift Not Related To Legislative Status disclosure form.
- AS 24.60.080(c)(6) Gifts not related to legislative status disclosure

Statutory language for the “confidential gift disclosure” and a “close economic association” disclosure are included in the packet for reference. They may provide guidance in developing the criteria for the Waiver Request disclosure form.

DISCUSSION BY COMMITTEE MEMBERS

1. What information should be supplied on the disclosure form?
2. Who is required to file a request to refrain from making a disclosure?
 - a. The person providing the service.
 - b. The person receiving the service is covered by the Act.

CONFIDENTIAL
REQUEST TO REFRAIN FROM MAKING A DISCLOSURE

NAME OF DISCLOSER: _____
Please Print
WORK ADDRESS: _____
PHONE NUMBER (Daytime) _____
EMPLOYER (if legislative employee) _____

in accordance with AS 24.60.105(d)

Person's Status with whom association exists: (public official, legislator, lobbyist, legislative employee under certain conditions) _____

Reason for request, please be specific:

Violation of: State Law _____
Federal Law _____
United States Constitution _____
State of Alaska Constitution _____
Rule adopted by a trade or profession that state or federal law requires the person to follow _____

Date of association: One-time association _____
On-going association : from _____ to _____
License #: _____
License Type: _____
License Expiration Date: _____
Nature of Services: _____

The above is a true and accurate representation of my request to refrain from making a disclosure in accordance with AS 24.60.105(d).

The work performed and/or the compensation received does not create an ethical conflict of interest with the person's work for the legislature.

Signature

Date

REPORTING DEADLINES: See AS 24.60.105 and AS 24.60.115
Within 30 days of association and annually within the first 30 days of a regular session

EXPLANATION

A person may submit a written request to refrain from making a disclosure if making the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. The committee shall approve or deny the request, or require further justification from the person making the request before determining whether it is sufficient.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

November 5, 2012

SUBJECT: Requests for waivers of ethics disclosures
(Work Order No. 28-LS0119)

TO: Joyce Anderson, Administrator
Select Committee on Legislative Ethics

FROM: Dan Wayne
Legislative Counsel 

You have asked for advice about how to administer AS 24.60.105(d), a new provision that allows the Select Committee on Legislative Ethics to grant, in some instances, requests for waivers of the Act's disclosure requirements. You have indicated that the committee is developing a form on which persons can request the waivers. As you have described it, the form would solicit basic information about the requestor plus additional information that is specific to the request. You are concerned that, when providing the additional information on the form, requestors may either provide some of the same information for which they are seeking a waiver, or they may withhold so much information that the committee is unable to properly evaluate the request.

The new language, sec. 10, ch. 45, SLA 2012 (HCS CSSB 89(JUD)), amends AS 24.60.105 by adding a new subsection that reads:

(d) A person may submit a written request to refrain from making a disclosure that is required by this chapter if making the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. The committee shall approve or deny the request, or require further justification from the person making the request. At the request of the committee or a person authorized to act on behalf of the committee, a person who seeks to refrain from making a disclosure under this subsection shall provide the committee with justification in writing, and the committee may review the written justification to determine whether it is sufficient.

It is up to the committee to interpret the meaning of this language. A plain reading indicates that in a limited circumstance -- when making a disclosure would violate state or federal law or, in some cases, a formal rule of a trade or profession -- a person may

seek a waiver of a Legislative Ethics Act disclosure requirement by submitting a written request to the committee. The second sentence indicates that the committee may approve the request, deny it, or, before approving or denying it, require further information justifying the request. The last sentence requires that further information requested by the committee shall be provided in writing, and, once provided, the committee may review it for sufficiency.

Based on some of the recorded legislative history concerning AS 24.60.105(d), it appears that the legislature intended to create an exception that would allow persons who are subject to the Legislative Ethics Act to comply with the Act's disclosure requirements and at the same time avoid violating state or federal laws that require certain information to be kept confidential. For example, in a March 19, 2012 hearing of the House Judiciary Committee on CSSB 89(JUD), that committee heard testimony from Rynnieva Moss, a legislative aide to Senator John Coghill, the bill's prime sponsor, regarding proposed AS 24.60.105(d).¹ Ms. Moss said:

Section 10 recognizes that there are certain statutes, and both the state and federal constitutions, that restrict disclosure, and that under current law we haven't given people an option of keeping the confidentiality for clients and not being required to disclose that information. This (bill section) basically says that if the committee requires you to disclose something that is (supposed) to be held confidential under state or federal law or the state constitution or the U.S. constitution, that you make a request that (the committee) waive the requirement so that you aren't breaking the law.

Earlier, at a January 18, 2012 hearing of the Senate Judiciary Committee, Senator Coghill summarized an amendment to the bill adopted the Senate State Affairs Committee to then-proposed AS 24.60.105(d). Sen. Coghill said:

One of the questions we've had is, if someone is giving a service to someone in the legislature and for some reason there is a barrier to that, either by professional or some legal reason . . . I think the language (of proposed AS 24.60.105(d) was) actually broadened in the State Affairs Committee to include a rule adopted formally by a trade or profession and required, by state or federal law, for the person to follow. I guess one of the incidents came to the ethics committee that somebody was actually giving some health care to somebody and there was money changing hands and it wasn't ethically reported, and under that case the health care was confidential patient information. So, that was one case, and with

¹ For this memo I reviewed legislative committee records and prepared a partial transcript (copy attached) from audio-recordings of testimony related to the language of proposed AS 24.60.105(d) in SB 89. The transcription is approximate and unofficial. In a few places I have added words parenthetically or inserted punctuation, to help illustrate meaning I think the witnesses intended to convey.

lawyers I understand that there is sometimes a privilege of a client that can be confidential in certain circumstances. However, it (the bill as previously amended by the Senate State Affairs Committee) has the requirement that somebody explain. You'll see here, it says: "at the request of the committee or a person authorized by the committee a person who seeks to refrain from making a disclosure under this section shall provide the committee with justification." So, I think it holds an accountability both ways.

From the legislative history and the plain language of AS 24.60.105(d), it seems that the legislature intended to create a robust exception to protect persons from having to break one law in order to comply with another. It would be unreasonable to interpret AS 24.60.105(d) to require applicants for disclosure waivers to reveal the very information they seek a waiver for, if the confidentiality of that information is indeed legally required. However, it is also clear from the language and its history that the legislature intended to ensure that the new exception is not exploited. Note, for example, the phrase "or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow." It is reasonable to interpret the last clause of the phrase as a significant limitation on when a professional or trade rule can be invoked as a legal prohibition against disclosure.

AS 24.60.105(d) leaves it up to the committee to grant or deny requests for disclosure waivers, on a case-by-case basis. The provision's option to ask for additional information from applicants allows the committee the discretion to probe beyond the information provided on the request form. Keep in mind that when it does so the committee can limit what it asks for. For example, if a person has based a request on the simple fact that they are a lawyer, and hasn't provided any other detail about relationships with clients, type of work, etc., the committee could ask the person to affirm that the work performed or the compensation received does not create an ethical conflict of interest with the person's work for the legislature. Alternatively, the committee might ask a more specific question, like whether the person represents clients who stand to gain substantially from adoption or failure of particular legislation.

There may be many benefits to limiting the scope of requests for additional information in this context, but three come immediately to mind. First, it may make it easier for the committee to avoid being an arbiter or interpreter of state and federal confidentiality laws, which may exceed the scope of the committee's authority and duties set forth in AS 24.60.130 - 24.60.178. One of the committee's chief duties, under AS 24.60.140, is to issue advisory opinions under AS 24.60.160. According to AS 24.60.160(a), advisory opinions are limited to "whether the facts and circumstances of a particular case constitute a violation of ethical standards." In AO 11-05, footnote 2, the committee limited the scope of its opinion to within "the applicability of the Legislative Ethics Act," and said that "issuing advisory opinions beyond that scope exceeds the authority given the committee under AS 24.60.140 and 24.60.160." Second, limiting the scope of a request for additional information from a person requesting a disclosure waiver may

enable that person to satisfy the committee's concerns without exceeding the boundaries of legally required confidentiality. Even though AS 24.60.060 would prohibit legislators or legislative employees from making unauthorized disclosure of confidential information acquired this way, it may not apply to public members of the committee.² Third, where the committee has crafted follow-up questions to an applicant with a goal of making it possible for the applicant to provide information for a disclosure waiver, the reasonableness of the applicant's response may be helpful to the committee in determining whether or not the underlying request is legitimate.

You have asked whether the entire Select Committee on Legislative Ethics need weigh in on requests for waivers under AS 24.60.105(d). The committee can delegate administration of the subsection to you, but at some point in each case you may wish to consult with the committee or put the request directly before them. It may be helpful to establish general policy and procedure ahead of time in this regard.

You have asked if, in cases where two persons subject to the Act have a mutual close economic association, each should disclose it. The answer is yes, each is individually responsible for making required disclosures.

Please let me know if you have additional concerns, or if you want this office to review the request form you are putting together.

DCW:ljw
12-469.ljw

Attachment

² AS 24.60.060(a) reads:

(a) A legislator or legislative employee 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. A person who violates this section is subject to a proceeding under AS 24.60.170 and may be subject to prosecution under AS 11.56.860 or another law.

UNOFFICIAL SUMMARY OF EXCERPTED COMMITTEE TESTIMONY ON SEC. 10, CH. 45 SLA 2012, (SEC. 10 OF HCS CSSB 89(JUD)). PREPARED BY DAN WAYNE, LEGISLATIVE COUNSEL, FROM AUDIO-RECORDINGS AVAILABLE ONLINE, ON "BASIS."

March 31, 2011, Senate State Affairs, 09:13 AM

Michele Sydeman, aide to committee co-chair Senator Bill Wielechowski, explained that a draft CS before the committee (version T) would make 4 substantive changes from version E of the bill, and that one of the changes would allow a person -- one who is subject to a Legislative Ethics Act disclosure requirement -- ask the ethics committee to waive disclosure of information that, if disclosed, would violate a confidentiality rule of the legislator or legislative employee's outside employment. She summarized the language, including new language proposing to include professional and trade rules that require confidentiality, as follows:

M. Sydeman: This provision allows a legislator or legislative employee to request to refrain from making a disclosure if making that disclosure would violate a rule adopted formally by his or her trade or profession, if state or federal law requires the person to follow the rules of his or her profession. So an example might be, if a lawyer, who is governed by rules of the bar association . . . it might say that under various circumstances it would cause harm to the lawyer's client to reveal the name of the client, then it's the lawyer's responsibility not to do so. And my understanding is that in order to be a practicing lawyer in Alaska you have to abide by the rules of the profession. *So . . . page 10, lines 15 - 18, version T, and I'll read that new language to you.* It says that 'a person may submit a written request to refrain from disclosure that is required by this chapter if making the disclosure would violate state or federal law, including the united states constitution and the constitution of the state of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow.' *So that's the new language, just the (part that says) 'or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow.'*"

(Emphasis added).

...

Sen. Giessel: "Michele, on page 10, section 8, you were talking about the disclosure by a professional. On line 18, it goes on, it says the committee shall approve or deny the request. Who is the committee?"

M. Sydeman: "Senator Giessel through the chair, my understanding is that it is the Legislative Ethics Committee."

Sen. Giessel: "OK. Thank you. Not APOC."

...

Sen. Coghill comments on the changes from the E version proposed the T version of the bill draft. Regarding section 8 of the CS he says: "In section 8, regarding the disclosures, I thought that the law had intended that, but having it explicit is good . . . so I think that's good."

April 15, 2011 Senate Judiciary, 1:50:20 PM

Rynneiva Moss, on the subject of SB 89, says: "section 8: this section allows for certain persons to be allowed to request a waiver from disclosing clients or making any disclosures that would violate state or federal law, the state or U.S. constitution, and, in State Affairs the language was added, on page 10, line 17 -18, 'or a rule adopted formally, by a trade or profession, that state or federal law requires the person to follow.' So it allows certain occupations not to have to disclose their sources of income from clients."

Sen. French: "Is this an ethics disclosure, or an APOC disclosure, or both?"

R. Moss: "This is an ethics disclosure."

Sen. French: "APOC we deal with separately. Thank you."

Sen. Coghill: "Mr. Chairman, it comes from, also, a close economic association that you have to file, and under HIPAA there are some restrictions on confidentiality. So, I think there was some concern that if someone was working on somebody here (in the legislature), in a health situation, how that might be reported."

January 18, 2012, Senate Judiciary, 01:56:18 PM

Sen. Coghill summarizes Sec. 8 of bill version T, as follows: "Section number 8 is under exceptions to disclose by written request. One of the questions we've had is, if someone is giving a service to someone in the legislature and for some reason there is a barrier to that, either by professional or some legal reason. I think the language actually broadened in the State Affairs Committee to include a rule adopted formally by a trade or profession and required, by state or federal law, for the person to follow. I guess one of the incidents came to the ethics committee that somebody was actually giving some health care to somebody and there was money changing hands and it wasn't ethically reported, and under that case the health care was confidential patient information. So, that was one case, and I think with lawyers I understand that there is sometimes a privilege of a client that can be confidential in certain circumstances. However, it has the requirement that somebody explain it. So, you'll see here, 'at the request of the committee or a person authorized by the committee a person who seeks to refrain from making a disclosure under this section shall provide the committee with justification' why. So, I think it holds an accountability both ways."

March 6, 2012, House State Affairs, 08:13 AM

Rynneiva Moss summarizes section 8 of SB89(JUD) for the HSTA committee, and the committee adopts the language of that section as part of HCS CSSB89(STA), which is moved out of committee on this date.

R. Moss: "Section 8 establishes an exception for financial disclosures. You would have to write to the committee and make a request to refrain from disclosure. But, anything that would violate a state or federal law or the constitutions would be allowed to be kept confidential."

Rep. Wilson: "In this part where it talks about financial disclosure, can you go over what that exactly means? The part with the financial disclosure?"

R. Moss: "Section 8 just says that if you have an occupation . . . Let's use a doctor as an example, where there are HIPAA laws that prevent disclosure. If you fall under that classification you just have to request from the committee that you can refrain from disclosing the name if you would be violating a statute or the constitution."

House Judiciary, 3/19/2012, 02:20:30 PM

Rynniva Moss summarizes bill sections of CSSB89(JUD) for the House Judiciary Committee, summarizing bill section 10 (the language amending AS 24.60.105 by adding subsection (d), and exception to disclosure requirements for information that is confidential by law).

R. Moss: "Section 10 (formerly bill sec. 8) recognizes that there are certain statutes, and both the state and federal constitutions, that restrict disclosure, and that under current law we haven't given people an option of keeping the confidentiality for clients and not being required to disclose that information. This (bill section) basically says that if the committee requires you to disclose something that is (supposed) to be held confidential under state or federal law or the state constitution or the U.S. constitution, that you make a request that (the committee) waive the requirement so that you aren't breaking the law."

Alaska State Legislature

Select Committee on Legislative Ethics

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May 28, 2009

ADVISORY OPINION 2009-02

SUBJECT: Close Economic Association – Medical Services

RE: Close Economic Association

You are a legislative employee and therefore covered by the legislative ethics code. You have requested an advisory opinion concerning facts and circumstances that you have related. Unless stated otherwise, the committee relies on facts that you have described in answering your questions.¹

Statement of Facts

You are also a licensed medical professional who sometimes provides outpatient medical services to legislative colleagues, including legislators and legislative employees, although you do not provide medical services to your supervisor or at your supervisor's direction. In some instances you provide medical services to a person on a one-time basis; in other instances you provide medical services in a series of appointments. In all instances you are paid at or close to the market value for the type of service you provide and you assess fees according to standards and practices commonly used in your profession. You are paid directly by your clients, although they may be eligible for reimbursement through a medical insurance benefit in some instances. You are subject to federal and state law, including the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), which require you to keep certain information relating to your services confidential.²

Discussion

You have asked if you are required to disclose the names of your clients, or other information about them, under AS 24.60.070, a section of the Legislative Ethics Act that requires disclosure of close economic associations. The section reads:

¹ On the committee's behalf, legislative counsel contacted you by phone on February 18, 2009 and you provided factual information in that conversation that is supplemental to the written facts you provided on February 11, 2009.

² Although you have also asked that the committee advise you on the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), interpretation of that law exceeds the authority of this committee under AS 24.60.140 and 24.60.160. You are responsible for determining what HIPAA requires of you in this matter.

Sec. 24.60.070. Disclosure of close economic associations.

(a) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with

(1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; this paragraph does not apply to a public member of the committee;

(2) legislators;

(3) a public official as that term is defined in AS 39.50;

(4) a registered lobbyist; or

(5) a legislative employee if the person required to make the disclosure is a legislator.

(b) A legislator or legislative employee required to make a disclosure under this section shall make a disclosure by the date set under AS 24.60.105 of the legislator's or legislative employee's close economic associations then in existence. A disclosure under this section must be sufficiently detailed that a reader of the disclosure can ascertain the nature of the association.

(c) When making a disclosure under (a) of this section concerning a relationship with a lobbyist to whom the legislative employee is married or who is the legislative employee's domestic partner, the legislative employee shall also disclose the name and address of each employer of the lobbyist and the total monetary value received by the lobbyist from the lobbyist's employer. The legislative employee shall report changes in the employer of the spouse or domestic partner within 48 hours after the change. In this subsection, "employer of the lobbyist" means the person from whom the lobbyist received amounts or things of value for engaging in lobbying on behalf of the person.

(d) In this section, "close economic association" means a financial relationship that exists between a person covered by this chapter and some other person or entity, including but not limited to relationships where the person covered by this chapter serves as a consultant or advisor to, is a member or representative of, or has a financial interest in, any association, partnership, business, or corporation.

Your relationship with your clients is financial, as defined by subsection (d), since you are paid by your clients to provide a professional service. However, this does not necessarily mean that relationship involves a "substantial financial matter," something that subsection (a) requires of an economic relationship in order for it to be a close economic association and require disclosure under the Legislative Ethics Act, and we do not need to resolve that question in order to respond to your request.

In AO 88-01 we considered whether certain information about a lawyer-legislator's private clients, including their names, is exempt from the disclosure requirements of the Legislative Ethics Act. We said:

The statutory language is straightforward and on its face allows no exceptions. However, it is axiomatic that a state law may not be enforced to conflict with the state or federal constitution and, in some areas, federal legislation has preempted the state's regulatory power. Therefore the committee determines to read into the statute a limited exception. To the extent that disclosure would conflict with an established constitutional right or with a federal prohibition against disclosure which preempts state law, a legislator should disclose the existence of a client but not the client's name, and also disclose the subject of the representation and the body before which the matter is held.

For the same reasons we adopted the foregoing exception in 1988, today we read into the Legislative Ethics Act another exception to the Act's disclosure requirements: a person who is subject to the disclosure requirements of the Legislative Ethics Act may withhold disclosure of information they would otherwise be required by the Act to disclose, to the extent that disclosure would conflict with an established constitutional right or with the requirements of a federal law.

The federal Health Insurance Portability and Accountability Act (HIPAA) requires that providers of health care services maintain strict confidentiality of patient records. The Legislative Ethics Act does not require that you disclose information that HIPAA requires you to withhold; however, the exception we have adopted in this opinion does not excuse compliance with the Act's disclosure requirements altogether. You are still required to comply with the disclosure requirements to the extent that your compliance does not conflict with HIPAA.

Conclusion

Based on the foregoing facts and for the reasons discussed above, the committee finds that AS 24.60.070 does not require you to disclose information that is required by law to be kept confidential, including information protected by confidentiality requirements of HIPAA. To the extent you are able to partially comply with the disclosure requirements of AS 24.60.070 without violating HIPAA requirements you should make a partial disclosure. You are responsible for determining what HIPAA requires of you in this regard, and for citing the specific HIPAA provisions that are relevant in your disclosure report to the committee.

Adopted by the Select Committee on Legislative Ethics on May 28, 2009.

Members present and concurring in this opinion were:

Senator Joe Thomas
Senator Tom Wagoner
Representative Berta Gardner
Representative John Coghill
H. Conner Thomas
Dennis "Skip" Cook
Ann Rabinowitz
Herman G. Walker, Jr.
Gary J. Turner, Chair

DCW:plm
09-105.plm

GIFT OF TRAVEL/HOSPITALITY DISCLOSURES — NOW DUE WITHIN 60 DAYS INSTEAD OF 30 DAYS - AS 24.60.080(d)



Many legislative offices have called indicating costs associated with a gift of travel and/or hospitality is not always available within 30 days from the beginning date of the trip. The reporting timeframe was changed to reflect these concerns. The following gift disclosures are now due within 60 days from the beginning date of the trip.

NOTE: Only legislative trips started August 22 or after meet the 60 day disclosure timeframe. All trips taken prior to August 22 must be disclosed within 30 days.

Click on each subject below for a printed version of the required form.

[Gift of Travel and/or Hospitality](#)

(Primarily for Matters of Legislative Concern)

[Gift of Travel and/or Hospitality - Family Member](#)

(Because of Legislative Connection)

[Gift Related to Sanctioned Charity Event](#)

[Gift Related to Sanctioned Charity Event - Family Member](#)

(Because of Legislative Connection)

HOW TO REQUEST TO REFRAIN FROM MAKING AN ETHICS DISCLOSURE — AS 24.60.105(d)

A person covered by the Act may make a written request to refrain from making a disclosure if the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow.

The person shall provide the committee with justification in writing.

The committee shall approve or deny the request, or require fur-

ther justification. See Advisory Opinions 94-07, Violent Crimes Compensation Board, and 09-02, HIPAA.

EXAMPLE: A legislator or legislative employee provides medical services to a person and is paid directly by the client, although they may be eligible for reimbursement through a medical insurance benefit in some instances. Because of the financial relationship, a "close economic association" disclosure may be required under AS 24.60.

070. However, under federal and state law, including the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), the legislator or legislative employee is required to keep certain information relating to the services confidential. The legislator or legislative employee may submit a written request to the committee outlining the reason to refrain from disclosing the association.

[ADVISORY OPINION SEARCH](#)

ETHICS COMMITTEE— AS 24.60.131

One alternate *public* member shall be appointed to serve on the committee beginning in 2013. The alternate public member shall be selected by the Chief Justice of the Alaska Supreme Court and is subject to confirmation as required for appointment of the five regular public members.

The one alternate public member will be available to serve when a public member has a conflict due to scheduling or is disqualified under AS 24.60.130 (h).

An alternate member shall serve for the duration of that proceeding unless unable to participate

or disqualified under AS 24.60.130(h).

Note: Beginning in 1999, each of the four legislative members has had an alternate legislative member appointed.

Disclosure of a
CLOSE ECONOMIC ASSOCIATION
 in accordance with AS 24.60.070

NAME OF DISCLOSER: _____
 (Please Print)

ADDRESS: _____

PHONE NUMBER (Daytime) _____

EMPLOYER (if legislative employee) _____

Person with whom association exists: _____

Person's status: _____
 (Public official, legislator, registered lobbyist, legislative employee)

Type of economic association: (check one): 1. _____ Rent to 2. _____ Rent from 3. _____ Share Housing

4. _____ Payment for: _____
 (Please describe)

5. _____ Joint property ownership: _____
 (Please describe)

6. _____ Joint business venture: _____
 (Please describe)

7. _____ Other: _____
 (Please describe)

NOTE: If you checked 4, 5, 6 or 7, please describe sufficiently enough so that a reader of the disclosure can ascertain the nature of the association.

Date of economic association: _____

The above is a true and accurate representation of my close economic association,
 in accordance with AS 24.60.070

 Signature

 Date

☐ **Check box ONLY if this is your 90 day final report and there are no changes to the above information.** AS 24.60.115 requires legislators, legislative employees and public members of the committee leaving service to disclose every matter or interest **UNLESS** previously disclosed OR the matter or interest is no longer subject to disclosure.

 Signature

 Date

REPORTING DEADLINES: See AS 24.60.105 and AS 24.60.115

- Within 30 days of association.
- Annually within the first 30 days of a regular session.
- 90 days after final day of service.

EXPLANATION

A Close Economic Association means a financial relationship between a person covered by the Ethics Act and some other person or entity, including relationships where the legislator or legislative employee serves as a consultant or advisor to, is a member or representative of or has a financial interest in any association, partnership, business or corporation. Those covered by the Ethics Act are required to disclose their close economic associations, in sufficient detail, with supervisors, legislators, public officials defined in AS 39.50, registered lobbyists and, if the discloser is a legislator, with legislative employees.

For legislative employees with a lobbyist spouse or domestic partner, additional requirements apply. See separate disclosure form.

Sec. 24.60.070. Disclosure of close economic associations.

(a) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with

- (1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; this paragraph does not apply to a public member of the committee;
- (2) legislators;
- (3) a public official as that term is defined in AS 39.50;
- (4) a registered lobbyist; or
- (5) a legislative employee if the person required to make the disclosure is a legislator.

(b) A legislator or legislative employee required to make a disclosure under this section shall make a disclosure by the date set under AS 24.60.105 of the legislator's or legislative employee's close economic associations then in existence. A disclosure under this section must be sufficiently detailed that a reader of the disclosure can ascertain the nature of the association.

(c) When making a disclosure under (a) of this section concerning a relationship with a lobbyist to whom the legislative employee is married or who is the legislative employee's domestic partner, the legislative employee shall also disclose the name and address of each employer of the lobbyist and the total monetary value received by the lobbyist from the lobbyist's employer. The legislative employee shall report changes in the employer of the spouse or domestic partner within 48 hours after the change. In this subsection, "employer of the lobbyist" means the person from whom the lobbyist received amounts or things of value for engaging in lobbying on behalf of the person.

FAX: 269-0152

Mail: P.O. Box 101468, Anch. AK 99510

Pouch: Anchorage

CONFIDENTIAL

Disclosure of receipt of GIFT NOT RELATED TO LEGISLATIVE STATUS

NAME OF DISCLOSER: _____

Please Print

ADDRESS: _____

PHONE NUMBER (Daytime): _____

EMPLOYER: (if legislative employee) _____

**Disclosure of receipt of a gift not related to legislative status,
in accordance with AS 24.60.080(c)(6)**

Name of donor: _____

Occupation of donor: _____

Address of donor: _____

Description of gift(s) with a value of \$250 or more: _____

Reason gift(s) unrelated to recipient's legislative status: _____

Date gift(s) received: _____

**The above is a true and accurate representation of the gift received,
in accordance with AS 24.60.080(c)(6)**

Signature

Date

REPORTING DEADLINE: AS 24.60.080(d)

Within 30 days of receipt of the gift.

EXPLANATION

A legislator or legislative employee may not solicit or accept any gift worth \$250 or more, or gifts from the same person which total \$250 or more in a calendar year. An **exception** to that rule is **gifts not related with recipient's legislative status**. A person who accepts a gift of \$250 or more under the "not related status" exception must confidentially disclose receipt of the gift.

Sec. AS 24.60.080 Gifts

(c) Notwithstanding (a)(1) of this section, it is not a violation of this section for a person who is a legislator or legislative employee to accept

(6) gifts that are not connected with the recipient's legislative status;

(d) . . . A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall, within 30 days after receiving the gift, disclose to the committee the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.