

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
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1990S /

CHAPTER 60
ALASKA LEGISLATIVE ETHICS ACT OF 1990

ARTICLE 4. Legislative Ethics Education Program

Section

- 300. Ethics Education Program
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20.60.300. ETHICS EDUCATION PROGRAM

(a) *Statement of Intent.* The central function of an ethics code is to prevent, rather than punish, unethical conduct. Prevention depends almost entirely on an effective and comprehensive ethics education program. The purpose of this article is to assure that legislators and staff have the means and opportunity to learn and understand the rules and principles underlying the standards of conduct.

(b) *Components.* The LEC shall oversee and develop the following components of a comprehensive ethics education program:

- (1) publish an Ethics Education Manual.
- (2) establish an Education Advisory Committee.
- (3) design and implement a Legislative Orientation Training Course, a Current Issues and Applications Seminar, and a Lobbyist Training Course.

Guidelines and Commentary

(i) *Components of Ethics Education: Letter and Spirit of the Law.* In order for ethics rules to be sufficiently specific to provide meaningful guidance and enforceable standards, they must be detailed. If they are to reach the subtleties of the choices that must be made, they sometimes must be complex. In many cases, they dictate results that are not intuitively obvious. It is unrealistic to expect that, without any special effort, that most legislators and legislative employees will read, let alone understand them. Ethics education will serve to explain the rules and regulations that legislators and their staffs must follow. But effective education goes far beyond reading the rules or getting instruction on the filing of disclosure forms. If public servants are to live lives consistent with these standards, they must internalize and remain sensitive to the norms of expected behavior. They need to understand the difference between what is legal and what is ethical, and they must know what procedures can and should be followed if they are to adhere to the highest aspirations of the Act. The ethics education program prescribed should help individuals develop the ability to apply rules, standards, values and ethics codes to specific situations. Public officials are constantly faced not only with hard decisions as to right and wrong, but even harder choices requiring them to choose among conflicting goods or the lesser of evils. Ethics education courses help public servants sort through and deal with the enormously complex ethical issues they are bound to face and emphasize the vital importance of the notion that public office is a public trust.

20.60.301. ETHICS EDUCATION MANUAL.

(a) *Content.* The LEC shall prepare and publish a Legislative Ethics Manual ("Manual") which shall contain all ethics statutes, rules, regulations, and related information, including detailed explanations of technical and specific legal requirements as well as the underlying purposes and ethical principles which comprise the "spirit" of such requirements. The Manual shall include realistic examples with recommended actions, as well as questions and answers regarding common problems and situations.

(b) *Revisions.* The LEC shall issue a revised and updated version of the Manual no later than 30 days after the commencement of each two year session.

(c) *Distribution.* The Manual shall be distributed to all legislators, legislative employees, and registered lobbyists. The Manual shall also be available to all other members of the public.

Guidelines and Commentary

All that can be done should be done to educate public servants on their legal and ethical obligations. One of the overarching principles of this Act is that it must be strictly enforced and that ignorance of the rules or their meanings will not be an acceptable excuse. The LEC should thoroughly distribute this Manual at each time of issuance and develop procedures, in cooperation with the Personnel Office of the Legislative Affairs Agency, to assure that the Manual reaches all new legislators, legislative employees, and lobbyists.

20.60.302. EDUCATION ADVISORY COMMITTEE.

(a) *Composition.* The LEC Chairman shall appoint five members to the Education Advisory Committee which shall include at least two members of the LEC, a legislator, and a legislative employee. The Education Advisory Committee may also include an outside expert in the field of ethics.

(b) *Functions.* The Education Advisory Committee shall oversee the implementation of, and recommend the content for, the following ethics education programs:

- 1) Legislative Orientation Training Course,
- 2) Current Issues and Applications Seminar, and
- 3) Lobbyist Training Course.

20.60.303. LEGISLATIVE ORIENTATION TRAINING COURSE.

(a) *Initial Course.* Commencing in 1991, and for every year thereafter, the LEC shall conduct a Legislative Ethics Orientation Training Course ("Course") which shall be mandatory for all legislators and legislative employees.

(b) *Subsequent Courses.* In subsequent years, all new legislators and new legislative employees, who have not already attended the Course, shall attend the Course in January of each year unless otherwise decided by the LEC.

(c) *Content.* The Education Advisory Committee shall determine the specific content of the Course, and it shall cover the ethics laws, internal rules and policies, as well as the technical and specific legal requirements that legislators and legislative employees must follow. The Course shall also cover the underlying purposes and ethical principles of all ethics laws, internal rules and policies, and any other related regulations. The Course shall highlight the principles of public service ethics and the intent of ethics laws, including their application to practical situations.

(d) *Structure.* The LEC shall offer separate sessions of the Course for legislators and for legislative employees, and shall offer as many sessions as necessary to accommodate the number of people required to take the Course. Unless the LEC decides otherwise, the course should be at least six hours long and given in one or two sessions. To afford meaningful participation and direct involvement, the LEC shall limit the attendance of each session to approximately 50 people.

Guidelines and Commentary

An Orientation Training Course covering both the "letter" and "spirit" of all ethics laws should be a minimum of six hours. The material is both extensive and in depth, involving many laws and complex issues surrounding those laws. The LEC should remember that the public's trust and confidence in government is based on the highest ethical standards which can, in fact, be taught. Legislators should attend Orientation Courses and Workshops separately from legislative employees in order to allow the Courses to focus on issues which only affect one or the other group of people. Legislative employees have many different ethical issues to deal with from those of legislators and, as well, will benefit from the more confidential atmosphere achieved by the absence of their superiors. Limiting attendance to fifty people will afford every attendee ample opportunity to ask questions and fully participate in discussions, case studies, and other educational activities. Effective ethics education deals with complex issues of both a professional and personal nature, and therefore depends on the active participation of all attendees and should avoid the development of a passive learning environment.

20.60.304. CURRENT ISSUES AND APPLICATIONS SEMINAR.

(a) *Annual Seminar.* Commencing in 1991, and for every year thereafter, the LEC shall conduct a Current Issues and Applications Seminar ("Seminar") which shall be mandatory for all legislators and legislative employees who have previously completed the Legislative Ethics Orientation Training Course.

(b) *Content.* The specific content of the Seminar shall be determined by the Education Advisory Committee, and shall include an overview of all new substantive changes in the laws in the form of amendments, revisions, and new ethics advisory opinions. The Seminar shall include discussions on problem solving skills, practical ethical issues likely to confront a legislator or legislative employee, and the underlying principles of public service ethics.

(d) *Structure.* The LEC shall offer separate sessions of the Course for legislators and for legislative employees, and shall offer as many sessions as necessary to accommodate the number of people required to take the Seminar. Unless

the LEC decides otherwise, the course should be about three two hours long in order to accommodate specific problem-solving. The LEC shall limit the attendance of each session to approximately 50 people.

20.60.305 LOBBYIST TRAINING COURSE.

(a) *Mandatory Course.* Lobbyists shall complete a Lobbyist Training Course ("Training") conducted by the LEC, as a condition of registering as a lobbyists with the State of Alaska.

(b) *Content.* The specific content of the Training shall be determined by the Education Advisory Committee, and shall include a review of all ethics statutes, the rules and regulations relating to appropriate lobbyist conduct, and the principles of public service ethics.

(c) *Certification.* Certifying completion of the Training shall be a part of the lobbying registration process conducted by the Alaska Public Offices LEC.

(d) *Length.* Unless the LEC determines otherwise, the course should be about four hours in length.

(e) *Reinforcement and Updating.* Lobbyists shall repeat the Training at least once every three years, and the LEC shall update the Training accordingly.

(f) *Fees.* At the LEC's discretion, lobbyists may be charged reasonable fees to attend the Training.

Guidelines and Commentary

Lobbyists play an integral role in the political process and substantially influence public policy formation. Therefore, it is essential that lobbyists know and understand the specific legal requirements which regulate the lobbying profession. Furthermore, and more importantly, lobbyists share the ethical obligation to not act in ways which will impede the legislature's ability to perform its duties according to the highest standards of public service ethics. The LEC should cooperate, and coordinate, with the Alaska Public Offices LEC in order to most effectively implement and enforce lobbying regulations.

20.60.306. ADMINISTRATIVE PROVISIONS

(a) *General.* The LEC shall assure the continued implementation, improvement, and modification of the ethics education programs. The LEC shall develop procedures to assure the attendance of, and course completion by, all legislators, legislative employees, and lobbyists, including procedures to review requests for exemptions.

(b) *Records of Attendance.* The LEC shall assure the attendance of legislative employees who are not in, and cannot travel to, the State Capital by offering the programs by teleconference. When a teleconference connection is unavailable, the LEC shall distribute video tapes to the employees or arrange to have them travel to a site where a live or teleconference course is available.

(c) *Sanctions.* The LEC shall have the authority to impose sanctions, including suspension of pay and dismissal of legislative employees, recommendations for disciplinary action for legislators, and recommendations to deny or revoke lobbyist registrations, upon any legislator, legislative employee, or lobbyist who fails to complete the ethics education requirements within a reasonable amount of time, as determined by the LEC.

(d) *Lists.* The LEC shall supply the Senate President and House Speaker with the names of those legislators, legislative employees, and lobbyists who have not complied with the ethics education requirements.

(g) *Times and Places --* The LEC shall offer all of the education programs at appropriate times and locations and shall fairly publicize them.

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THE STATE OF LEGISLATIVE ETHICS IN THE STATE OF ALASKA

FINDINGS

RECOMMENDATIONS

STATISTICAL ANALYSIS

**OPINION SURVEY OF LEGISLATORS,
NONLEGISLATIVE PUBLIC OFFICIALS AND LOBBYISTS**

**A REPORT TO THE
Alaska State Senate**

APRIL 2, 1990

**Legislative Reference Library
P.O. Box Y
Juneau, Alaska 99811**

**Prepared by the
GOVERNMENT ETHICS CENTER
Joseph & Edna Josephson Institute for the Advancement of Ethics
a national nonprofit public benefit corporation
Headquarters: 310 Washington Street, Suite #104, Marina del Rey 90292**

Project Staff:

The project staff completed the fact finding, research, policy development, and drafting of both the Alaska Legislative Ethics Act of 1990 and an accompanying Report: "The State of Legislative Ethics in the State of Alaska."

Michael Josephson:

President and Executive Director, Josephson Institute for the Advancement of Ethics; former law professor; J.D. and B.A., U.C.L.A.

Andrea Margolis:

Program Director, Government Ethics Center, Josephson Institute for the Advancement of Ethics; Graduate, Coro Foundation Fellowship Program; B.A., U.C.S.B.

Howell Elberman:

Special Counsel to the Josephson Institute; former Congressional Aide; J.D., Loyola Law School; A.B., Occidental College.

Harriet McCullough:

Ethics Consultant based in Chicago; former Executive Director, Chicago Board of Ethics; former Staff Consultant to the Commission to Draft an Ethics Code for Los Angeles City Government; former Exec. Dir., Common Cause of Illinois; B.S., Iowa State Univ.

Rosa Maulini:

Director of Finance and Management Information Systems, Josephson Institute for the Advancement of Ethics; former Chief Financial Officer, Josephson/Kluwer Legal Educational Centers; B.S., U.C.I.

Advisory Council:

The Advisory Council Members, authorities and specialists in the field of ethics and government, offered expert advice and input during the drafting process and in the development of policy recommendations. The Josephson Institute offers its thanks and appreciation to the members of the committee:

Ben Atchley:

Senate Minority Leader, Tennessee, Delegate from the Legislative Leaders Foundation to the Advisory Council of the Government Ethics Center of the Josephson Institute.

Edwin O. Guthman:

Professor of Journalism, University of Southern California; Former editor, Philadelphia Inquirer; Former press secretary to Robert F. Kennedy; Member of the Board of Commissioners of the Government Ethics Center of the Josephson Institute.

Mark Haarer:

Assistant Director, California Common Cause.

Marilyn Hughes:

Executive Director, Oklahoma Council on Campaign Compliance and Ethical Standards.

John Larsen:

Executive Director, State of Illinois Board of Ethics.

Donald B. Robertson:

Attorney; Former Speaker Pro Tem, Maryland House of Delegates; Member of the Board of Commissioners of the Government Ethics Center of the Josephson Institute.

Charlene Simmons, Ph.D.:

Principal Consultant, California Assembly Select Committee on Ethics.

Bob Stern:

Co-Director, California Commission on Campaign Financing; Former General Counsel to the Fair Political Practices Commission, an agency which regulates lobbying, conflicts of interest, and campaign financing.

Chris Tyner:

Director of Publications, Josephson Institute.

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BACKGROUND

On February 20, 1990, the Josephson Institute was commissioned by the state Senate of Alaska to perform the following tasks:

- Review the present laws and rules of the Alaska Legislature.
- Draft legislation and prepare a report regarding matters of legislative ethics including but not necessarily limited to:
 - (a) Process and procedures for resolving ethics charges;
 - (b) Gifts, gratuities and honoraria;
 - (c) Conflicts of interest--including outside income, financial interests and disclosures;
 - (d) Post employment restrictions;
 - (e) Use of public facilities and staff;
 - (f) Conduct discrediting the Legislature
 - (g) Lobbying regulations;
 - (h) Use of campaign funds.
- The report shall recommend legislative changes required for a comprehensive, integrated, practical set of rules and procedures that will establish clear and reasonable standards of conduct for Alaska state legislators and staff.
- According to the contract: "An objective of the proposal is to put Alaska in a nationally recognized leadership role for standards and enforcement of ethical conduct, providing a model for all other states."

PREPARATION

In preparing this report, its Findings and Recommendations and the entire ethics package contained in the Alaska Legislative Ethics Act of 1990, the Josephson Institute through its GOVERNMENT ETHICS CENTER undertook to familiarize itself in detail with the people, laws and political culture of the state.

- We personally met with and interviewed almost one hundred men and women in the state (including virtually every legislator in both the House and the Senate, numerous current and former public officials, former journalists, lobbyists, legislative staff members, and various other members and former members of state boards, commissions, and committees).
- We conducted what we believe has been the most extensive written survey of Alaskan legislators, lobbyists and nonlegislative public officials ever taken.
- We reviewed the current statutes, proposed amendments, committee minutes, correspondence concerning ethics matters, ethics committee formal advisory opinions, reports on various aspects of Alaska law and procedures from APOC, reports from the Attorney General and a report of the National Conference of State Legislatures.

GOALS

- Integrate and expand on all existing and relevant Alaska statutes in order to establish comprehensive, clear and reasonable guidelines for Alaska's legislators, legislative staff members, and lobbyists who must function in a morally complex world where traditions and expediencies often conflict with ethical principles.
- Invoke Alaska's legislators and their employees to view the specific ethical obligations entailed in preserving public trust in a positive way, not as restraints based on cynicism or suspicion, but as guidelines which establish clear expectations and preclude conduct which undermines public respect.
- Offer the Alaska State Legislature an ethics law which is comprehensive, realistic, sensitive, and inspiring: one which can serve as a model for the nation.

FINDINGS AND RECOMMENDATIONS

THE LANDSCAPE

#1. REPUTATION AND STATURE. The reputation and image of the legislature is unacceptably low and it greatly needs an infusion of active, idealistic ethical leadership.

#2. NATIONAL PERSPECTIVE. As bad as things are, there is no evidence that the actual conduct of Alaska legislators warrants the amount of distrust demonstrated or that their behavior is materially worse than in other states. In large part, the present state of cynicism is a function of a pervasive national attitude driven by a seemingly endless stream of high level wrongdoing. *Still, the problem is very serious and must be addressed seriously since in the area of public trust, perception is reality.*

#3. NEED FOR BEHAVIORAL CHANGES. The public trust in Alaska has been substantially undermined by specific behaviors that, in the opinion, of a large majority of governmental insiders, raise serious ethical problems that need to be addressed by behavioral changes.

#4. NEED FOR MORE REGULATION RECOGNIZED. Legislators and others involved in state government overwhelmingly believe regulation of the type provided in the Legislative Ethics Act is needed to prevent actual conflicts of interest and appearances of impropriety.

#5. STRICT REGULATION WILL NOT SERIOUSLY AFFECT EXISTING LEGISLATORS. Very few legislators will be so adversely affected by any provision in the Legislative Ethics Act which bans or restricts outside income sources that it would materially affect their willingness to serve.

THE LEGISLATIVE ETHICS ACT

#6. NEED FOR DETAILED COMPREHENSIVE STATUTE. Regulating ethical issues involving conflicts of interest arising from outside income and close personal relationships is especially difficult in Alaska because some outside earnings to supplement legislative salaries is often essential and some questionably close personal relationships are inevitable. Rather than simple categorical prohibitions, fair and realistic restrictions must be carefully crafted to prohibit no more or less than is necessary to protect public trust. This means general rules must have specific exceptions and explicit guidelines, tending to make the regulations long and complex.

#7. NEED FOR UNIQUE FORMAT. A code establishing standards of ethical conduct designed to restore public trust must be based on commonly accepted ethical principles that drive public perceptions. These principles impose affirmative as well as negative duties and they do not lend themselves to traditional legalistic approaches which assume that if an act is not prohibited, it is proper; that if conduct is legal, it is ethical. Circumvention techniques of all sorts must be anticipated and discouraged by extensive guidelines and commentary expressing clearly the "spirit" of the law and elaborating on the underlying principles of various provisions are necessary and they must be made part of the law. We found legislators particularly apt to approach campaign limitations and disclosure requirements with a minimalist, almost gamesmanship approach. The Legislative Ethics Act directly addresses and disapproves of such an approach.

#8. NEED FOR MORE THAN LAWS. New laws alone will not make a difference. To restore public trust, behaviors and perceptions must change. A comprehensive ethics package, therefore, must include an extensive and continuous educational component and an interpretation and enforcement procedure that generate confidence that all legislators will be consistently held to the high standards established in the code.

#9. THE EDUCATIONAL COMPONENT IS VITAL. Those who are expected to comply with the Legislative Ethics Act should be given the opportunity and incentive to learn both the letter and spirit of the laws applicable to them. In addition, the importance of ethical behavior should be continually demonstrated by a pervasive emphasis on commitment to principle rather than merely compliance with law. In the context of a priority-driven legislature, ethics education should be both continuous and mandatory.

#10. NEED TO PIECEMEAL AMENDMENTS. The Legislative ethics Act seeks to fairly and objectively address all the major ethical issues in an integrated fashion. It is somewhat like a watch with endlessly interrelating parts. While there will be disagreements in policy, and it is inevitable that some legislators will find certain provisions personally undesirable, we strongly recommend that every effort at self-restraint be made so that the code remains essentially in tact. We think those who seek changes should have a very heavy burden of persuasion since piecemeal amendments can easily prevent the Act from accomplishing its purposes.

#11. NEED FOR AN INDEPENDENT ETHICS COMMISSION. We found that a major source of distrust was a lack of confidence in the existing process of adjudicating ethics complaints. A new process is needed which puts the investigatory and adjudicatory phase in the hands of a respected and independent panel free of partisanship and collegial conflicts of interest. We respectfully chose not to place active legislators on the panel because we concluded that they were not likely to have either the time or the image of nonpartisan objectivity that is required.

#12. NEED FOR FLEXIBILITY. A law as comprehensive as the Legislative Ethics Act is bound to cause some unanticipated results. It is essential, therefore, that the ethics commission is given sufficient authority to interpret and apply its provisions according to the law's spirit and purposes, and not mechanically or arbitrarily. To accomplish this, the Act grants broad authority to the Commission to grant exemptions, issue regulations and propose amendments.

#13. LEGISLATURE MUST RETAIN ACCOUNTABILITY. Principles of accountability justify the conclusion that the legislature have an important say in the composition of the ethics commission without being able to dominate it. The Legislative Ethics Act gives the legislature the right to decertify any Commissioner and requires a floor vote on recommended sanctions.

#14. ASSURED FUNDING. In order for the ethics commission to gain and maintain the public confidence it will require, there should be adequate assurance that individual legislators, or the body as a whole, will not use the power of the budget to undermine its ability to vigorously carry out its functions. We propose no special provision to guarantee adequate funding, choosing instead, to rely on the good faith of the legislature. If funding becomes a problem in the future, alternative means of assuring the Commission's independence will be required.

#15. INADEQUATE DISCLOSURE. Disclosure of potential conflicts of interest is an integral part of the present system of ethics regulation and an even more important part of the Legislative Ethics Act. Disclosure, however, is only useful if it includes sufficient detail to permit objective analysis of the nature of the interest disclosed and other facts which bear on its capacity to interfere with objective judgment. The law must also provide sufficient deterrence against inaccurate or misleading statements. We find that present laws both imposed as part of the APOC system and as imposed in present legislative Standards of Conduct are seriously inadequate. We have remedied the situation as it applies to some disclosures covered by the Legislative Ethics Act but we recommend other

provisions be amended to assure that the purposes of the requirements are accomplished.

#16. DIGNITY AND DECORUM. Legislators have an obligation to do all they can to maintain public respect and to treat others respectfully. We found instances of behavior which, while not an appropriate source of legislation, warrant concern. It is not necessary that legislators be stuffy or aloof but conduct which tends to undermine the dignity and decorum associated with high public office ought to be avoided.

OTHER IMPORTANT RECOMMENDATIONS

#17. EXPANSION OF ACT TO ALL PUBLIC EMPLOYEES. There is no reason why all public employees ought not to be held to the same high standards and benefit from the educational programs established in the Legislative Ethics Act. Since, however, it is urgent that the legislature address the issue of its own ethics this term, we recommend no changes now. We do, however, recommend that efforts begin now to modify the Act so that in the future it can be made to apply to all public employees under the auspices of an independent Office of Government Ethics, merging the offices of APOC and the Legislative Ethics Commission.

#18. NEED FOR ETHICAL EMPLOYEE RELATIONS. We found that employees of the legislature are not afforded normal protections incorporated in labor laws. We also encountered evidence that some legislative staff members are regularly asked by superiors to perform personal tasks which are inappropriate to their jobs -- walking a dog, doing laundry, running personal errands, caring for a child or pet in the office. The Legislative Ethics Act prohibits such requests but without institutionalized procedures to protect individual employees, it will be very difficult for some staff members to simultaneously meet the demands of their superiors and their obligations to the state. We recommend that the legislature establish a grievance procedure which provides reasonable guidance to supervisors and protections for legislative staff regarding all matters of fair employment practices.

#19. PARTISAN ALLOCATION OF FUNDS. We found that, regardless of the party, person or coalition in power, the tradition has been that the "ins" discriminate against the "outs" in the allocation of discretionary funds for legislative staff, equipment and travel allowances. Since each legislator represents a population of approximately the same size, misallocation unjustifiably work unfair disadvantage on citizens in some districts. We recommend that procedures be adopted to assure that legislative resources are equitably allocated based on needs of official government business, and no other consideration.

#20. INAPPROPRIATE USE OF COMMITTEE POWERS. We found a pervasive and urgent concern among legislators, lobbyists, and nonlegislative public officials that present customs allowing committee chairs to exercise undue control over the legislative process were unfair and anti-democratic. We recommend that policies and procedures be adopted to remedy this situation.

#21. STATE SHOULD PAY ITS OWN WAY. We found that one continuous source of pressure to accept outside gratuities concerned travel that was related to legislative business but which was not paid for by the legislature. The Legislative Ethics Act bars private parties from paying for such travel in most cases but permits other government entities or bona fide educational institutions to do so. We recommend that the legislature adopt policies to assure that all necessary and reasonable official travel be paid for by the state.

#22. THE PRESENT OFFICE ACCOUNT PROCEDURE SHOULD BE REPLACED. Presently, legislators are given a yearly sum of \$4,000 which they report as personal income but from which they are expected to pay most normal office expenses (other than staff employment). We found that there was consensus that the amount was inadequate and that individual legislators often had to supplement this allocation to cover activities and services which are legitimate public expenses. We recommend that this system be replaced with an official office allowance which shall not be paid to the legislator but will be used to pay for actual legitimate office expenses. The legislature should determine what amount is appropriate, but we suggest \$6,000.

#23. INCREASED SUBSTANTIVE COMMUNICATION WITH CONSTITUENTS. We find that legislators rarely communicate to their constituents in any detail about their votes and actions. To encourage such communication, we recommend that the office allowance be established at a rate that permits the distribution of up to two simple, inexpensive newsletters but only if at least one full page is devoted to a clear statement of the following: 1) a description of each bill introduced or sponsored by the legislator, with a brief narrative as to the legislators goal's and reasons; 2) a record of each vote made on significant substantive matters on the floor, and a description of all major committee activities and votes; 3) the names of campaign contributors over \$250, if any, since the last newsletter; 4) any other information that will help the constituent assess the effectiveness and understand the political positions of his or her representative.

#24. INCREASED TRAVEL ALLOWANCE DURING SESSIONS. We found that for many legislators the obligation to live in the capital city for the four-

month legislative session required them to separate from their families and personal business interests in a manner that causes substantial psychological and economic stress. Many felt a need to return to their districts at least twice during the session for personal or political reasons. While the long term per diem allowance may be adequate to cover these costs, most feel so financially pressed that they look for other ways of subsidizing the travel (such as accepting free travel from private companies or by concocting legislative business such as a hearing which might otherwise be unnecessary). We recommend that the legislature pay the transportation costs for up to two trips back to the legislator's district during the session.

#25. INCREASE LEGISLATIVE PAY. The job of state legislator is simply and clearly worth considerably more than what is being paid. Legislators work harder and longer than most people expect, the position is becoming both more important and more complex, the new ethics laws will make it harder to find proper ways of supplementing income so that the financial and personal sacrifices involved in legislative service will make it harder to attract quality leaders unless a substantial increase is provided. We recommend that in conjunction with enactment of the Legislative Ethics Act, the legislature raise its pay to \$40,000, the amount recommended by the State Officer's Compensation Commission, provided that interim per diem compensation payments are abolished.

#26. REPLACE THE INTERIM PER DIEM SYSTEM. Whether or not an overall salary increase is adopted, the compensation established ought to take into account the reasonable expectation that a legislator will be involved in legislative business during the interim between sessions. The present system which allows legislators to claim per diem payments for days worked in between sessions is cumbersome, unseemly and fraught with the potential for abuse. We recommend the procedure be abandoned and that a fixed sum be added to the compensation.

#27. UNHEALTHY PRESS RELATIONS. We found there is more than the usual amount of hostility and cynicism between the press and the legislature. Portions of the press have inappropriately tend to impute improper motives to legislators, making every negative assumption possible, never affording the benefit of doubt about ambiguous conduct. Likewise, we found legislators who invariably assume that journalists act in bad faith and are incompetent. Since these attitudes tend to focus undue attention and energy of legislators on how to deal with the media, rather than on the business of public policy-making, a constructive effort by both sides to understand each other's mission and treat each other with more respect is very much in order.

HIGHLIGHTS OF LEGISLATIVE ETHICS ACT

- Based on affirmative ethical principles: good faith, nonpartisanship, public trust, public interest, accountability, democratic leadership, respectability, independent judgment.
 - Establishes strict standards re: intervention on behalf of constituents.
 - Imposes penalties for bad faith delay or misleading disclosures.
 - Imposes post-service lobbying restrictions: everyone, 1 year with legislature; committee chairs and presiding officers, 1 year with agencies subject to legislator's oversight.
 - Bans fund raising during sessions, everywhere, for legislators and public officials.
 - Bans off-year fund raising: creates period from June 1-December 31 of year before election and June 1 through election for fund raising.
 - Bans post-election fund raising to retire campaign debts.
 - Bans conversion of campaign surplus to personal funds.
 - Limits carryover of excess funds to \$2,500 for house, \$5,000 for senate.
 - Strictly bans use of state property and staff for campaign purposes.
 - Imposes duty on subordinates to refuse to perform improper tasks.
 - Prevents exploitation of office for private gain, selling stature and prestige, requires compensation to be commensurate with services actually performed.
 - Creates legal defense fund procedure.
 - Limits coercive fund raising techniques.
 - Establishes rigorous new reporting requirements for financial and personal conflicts.
 - Bans lobbyists serving as campaign officers or fund raisers for legislative candidates.
 - Strictly limits forms of advising and consulting for compensation.
 - Bans representation before state in most instances.
 - Empowers Commission to order restrictions re: relationships with lobbyists.
 - Bans income relating to most legislative actions.
 - Imposes rigorous new requirements on income from persons who have a substantial interest in legislative, administrative or judicial actions (broadly but explicitly defined).
 - Sharply limits honoraria by source.
 - Bans all private-paid travel over \$100, even for legislative purposes but allows bona fide government and nonprofit educational institutions to pay.
 - Establishes new gift standards, including exemptions: no source can provide over \$100 in non-exempt gratuities during a year.
 - Bans memberships on most boards.
 - Imposes duty on both legislators and those that employ them to file sworn reports on precise nature and amount of duties and compensation; reports are presumptively public but a procedure is created to allow Commission to protect privacy in extraordinary cases.
 - Imposes reporting responsibilities on all legislative employees, including some consultants, who exercise professional discretion; eliminates salary range qualification.
 - Establishes procedures to protect privacy if disclosures reveal no significant conflict.
 - Establishes protection for whistle blowers.
 - Mandates proper, respectful and lawful treatment of colleagues and subordinates.
 - Eliminates "legislative stay," undue procedural advantage for lawyers.
 - Condemns use of committee chair powers to undermine representative democracy by burying bills or unfairly allocating public funds among majority and minority members.

DISCUSSION OF SELECT FINDINGS AND RECOMMENDATIONS

The Issue of Public Trust

THE REPUTATION AND IMAGE OF THE ALASKA LEGISLATURE IS UNACCEPTABLY LOW AND IT GREATLY NEEDS AN INFUSION OF ACTIVE, IDEALISTIC ETHICAL LEADERSHIP.

If there was any question before our study as to the image of the Alaska legislature, such questions have been firmly put to rest. Quite frankly, it is in very sad shape.

While we were unable to assess the opinions of on-the-street Alaskans, we did comprehensively survey governmental insiders -- legislators, public officials and lobbyists -- a group with a unique understanding of the legislative role, the realities of politics and the nature of the conflicts and pressures experienced by public servants. If the average citizen is as cynical or disenchanted as this insider group, and one would suspect they are, the state of public trust is in dismal disrepair.

Every group we surveyed agreed with three main points: 1) Public trust is very important to the effectiveness of government; 2) The overwhelming majority of those surveyed do not personally have a high regard for the integrity of their legislators, and they think the general public has even worse views; and 3) A major reason for the lack of trust is the result of "insensitivity to ethical standards by a significant minority of legislators."

Importance of Public Trust. There was no dispute that public trust is very important. A much smaller percentage of legislators thought it was "essential" than did public officials or lobbyists (Legislators: 12%; Lobbyists 26%; Public Officials: 49% --Appendix, p. 1) but when we combined those who thought public trust was essential with those who thought it was "very important," we find an indisputable consensus: government needs the support and confidence of its citizens (Legislators: 75%; Lobbyists 75%; Public Officials: 93% -- Appendix, p. 1).

Degree of Actual Trust. We tested attitudes about the actual degree of trust in several ways with each surveyed group. No matter the nuance, the result was vividly clear: the level of trust and confidence in the integrity of the legislature is disturbingly low. So low that positive aggressive actions are needed by the legislature to restore public trust.

Public officials and lobbyists were asked their personal opinion of the Alaska legislators and the body as a whole. Lobbyists had a much more favorable view than public officials, but still only 55% had a high opinion of the body as a whole (as against only 27% of the public officials -- Appendix, p. 2). If three quarters of the public officials fail to think well of their legislative colleagues it is doubtful that citizens in general have a higher view. And

even 45% of the lobbyists were cynical.

One cannot hide from the conclusion that things are not what they should be. Legislators showed that they too think there is a wide gap between what they need, trust, and what they have, cynicism — only 14% thought that most or almost all Alaskans have a sufficiently high degree of trust and confidence in the integrity of legislators (Appendix, p. 4). The figure jumped slightly to 25% (Appendix, p. 3) when they assessed the opinion of their own constituents but, by any standard, it is clear that legislators know that the vast majority of citizens do not have the respect the legislators themselves feel is so important.

Reason for Lack of Trust. Our personal interviews with legislators led us to believe that much of the responsibility for the crisis in confidence was going to be put at the door of the press. There was a noticeable, pervasive hostility about press coverage. The surveys, however, showed a more reflective assessment of the major reasons for public cynicism. While legislators were more likely to attribute the problem to "relentless and unfair media coverage" than any other group, still, only one in four did so (Legislators: 27%; Lobbyists 19%; Public Officials: 5% --Appendix, p. 5). Instead, all groups agreed that insensitivity to ethical standards by a "significant minority" of legislators was a major cause. Action taken on this report and the Legislative Ethics Act should go a long way to sensitize all legislators to their ethical obligations and the fact that a failure to do so is undermining the foundations of Alaskan government.

THE PUBLIC TRUST HAS BEEN SUBSTANTIALLY UNDERMINED BY SPECIFIC BEHAVIORS THAT, IN THE OPINION, OF A LARGE MAJORITY OF GOVERNMENTAL INSIDERS, RAISE SERIOUS ETHICAL PROBLEMS THAT NEED TO BE ADDRESSED BY BEHAVIORAL CHANGES.

We listed 20 types of presently lawful behavior, behavior that might properly be dealt with in an ethics code. We then asked legislators, public officials and lobbyists whether they thought the conduct listed raised serious conflicts of interest or appearances of impropriety. Since public trust is a fragile thing, made up more by perceptions and beliefs than facts and reality, if a substantial minority (10-20%) believe that conduct is improper, the conduct generally ought to be avoided, even if it is legally permissible.

Virtually every listed act was thought to raise serious problems by a substantial minority and, in many cases, a substantial majority of respondents. On the theory that we ought to address serious problems in the Legislative Ethics Act, we took special note of the high proportion of persons who believed that problems were serious (see Appendix, p. 18-23).

For example, 38% of the legislators and 73% of the public officials said that outside income sources raised serious actual problems (is it significant that only 27% of the lobbyists saw this as a problem?) --(Appendix, p. 18, responses E and F).

Legislators were also very concerned about "calculated evasions of the purpose and spirit of campaign laws" -- (Serious actual problem: Legislators: 42%; Lobbyists 29%; Pub-

lic Officials: a whopping 72% --Appendix. p. 22, responses E and F).

We were surprised at how many legislators thought that "improper use of administrative powers or customary authority of legislative leaders, including committee chairs, to hold up or alter legislation" was a serious problem -- 45% (this number, however was small compared to public officials, 75% and lobbyists, 61% who find this anti-democratic conduct a serious problem). This problem is addressed generally in the code but in this report we specifically recommend abandonment of committee practices which give undue power to individuals.

These surveys demonstrate unequivocally that a wide range of behaviors engaged in by legislators are perceived to be improper. Thus, to regain public trust, one has to either change perceptions, convincing persons that the conduct is consistent with high ethical standards, or change the conduct. This report concludes that it is the behavior that ought to be changed. The Legislative Ethics Act implements this conclusion.

The Nature of Required Regulations

LEGISLATORS AND OTHERS INVOLVED IN STATE GOVERNMENT OVERWHELMINGLY BELIEVE REGULATION OF THE TYPE PROVIDED IN THE LEGISLATIVE ETHICS ACT IS NEEDED TO PREVENT ACTUAL CONFLICTS OF INTEREST AND APPEARANCES OF IMPROPRIETY.

Recognizing something as a serious problem does not necessarily indicate a belief that the problem can or should be addressed in the form of further regulation. In fact, a substantial minority of those who described listed behaviors as "problems" also said that more regulation won't help. Yet, as to every single behavior asked about, a substantial minority of every surveyed group (at least 25%) thought that more regulation would help. A clear mandate, we think, for the Legislative Ethics Act. Legislators were especially emphatic about the need for more regulation with respect to:

1. 72% -- "use of gov't staff for campaign/fundraising activities" (#12, Appendix, p. 23);
2. 70% -- "use of gov't facilities for campaign/fundraising activities" (#11, Appendix, p. 23);
3. 62% -- "fundraising activities in Juneau during the session" (#18, Appendix, p. 25);
4. 61% -- "improper travel reimbursement claims" (#1, Appendix, p. 19);
5. 60% -- "calculated evasions of purpose/spirit of campaign laws" (#15, Appendix, p. 23);
6. 59% -- "handling of campaign fund surplus" (#5, Appendix, p. 19);
7. 57% -- "fundraising anywhere in the state during the session" (#19, Appendix, p. 25);
8. 57% -- "outside income sources raising improper conflicts" (#3, Appendix, p. 19);
9. 55% -- "free in-state travel and lodging" (#6, Appendix, p. 21),
10. 52% -- "improper use of admin. powers by leaders/committee chairs" (#9, Appendix, p. 21);

The public officials "top 10" list included several items that didn't make it on the legislator list, but regardless of the issue they expressed a substantially higher belief in the need for regulation:

1. 84% -- "outside income sources raising improper conflicts" (#3, Appendix, p. 19);
2. 82% -- "use of gov't staff for campaign/fundraising activities" (#12, Appendix, p. 23);
3. 81% -- "improper per diem claims" (#2, Appendix, p. 19)
4. 81% -- "handling of campaign fund surplus" (#5, Appendix, p. 19);
5. 79% -- "free out-of-state travel or use of recreational or lodging" (#7, Appendix, p. 21)
6. 78% -- "improper travel reimbursement claims" (#1, Appendix, p. 19);
7. 78% -- "use of gov't facilities for campaign/fundraising activities" (#11, Appendix, p. 23);
8. 78% -- "calculated evasions of purpose/spirit of campaign laws" (#15, Appendix, p. 23);
9. 75% -- "Inadequate or evasive disclosures of conflicts of interest" (#4, Appendix, p. 19)
10. 68% -- "free in-state travel and lodging" (#6, Appendix, p. 21),
11. 64% -- "post government service lobbying" (#14, Appendix, p. 23)

VERY FEW LEGISLATORS WILL BE SO ADVERSELY AFFECTED BY ANY PROVISION IN THE LEGISLATIVE ETHICS ACT WHICH BANS OR RESTRICTS OUTSIDE INCOME SOURCES THAT IT WOULD MATERIALLY AFFECT THEIR WILLINGNESS TO SERVE.

In considering restrictions on representation of persons or organizations in their dealings with state government, we had to consider the possibility that cutting off these income sources would drive good people out of the legislature and make it difficult to attract new people of quality. Our survey shows this is a theoretical but not a real threat.

The overwhelming majority (never less than 75% -- Appendix, p. 9, responses D and E) indicated a complete ban on outside representation of or consulting with government contractors and others interested in legislative action would work no hardship at all. On the other hand, both lobbyists and public officials preferred outright bans or strict limitations on all such forms of income (Appendix, p. 8, 10).

A substantial minority of legislators, however, (23% -- Appendix, p. 9, responses A and B) did say that their ability or willingness to stay would be jeopardized by a ban on consulting with persons doing business with state and local governments. The provisions in the Legislative Ethics Act dealing with such activities permit a continuation of such activities under regulated circumstances until January 1, 1992. This should provide sufficient time for the necessary adjustments.

The Issue of Compensation.

THE JOB OF STATE LEGISLATOR IS SIMPLY AND CLEARLY WORTH CONSIDERABLY MORE THAN WHAT IS BEING PAID. LEGISLATORS WORK HARDER AND LONGER THAN MOST PEOPLE EXPECT, THE POSITION IS BECOMING BOTH MORE IMPORTANT AND MORE COMPLEX, THE NEW ETHICS LAWS WILL MAKE IT HARDER TO FIND PROPER WAYS OF SUPPLEMENTING INCOME AND THE FINANCIAL AND PERSONAL SACRIFICES INVOLVED IN LEGISLATIVE SERVICE WILL MAKE IT HARDER TO ATTRACT QUALITY LEADERS UNLESS A SUBSTANTIAL INCREASE IS PROVIDED IN CONJUNCTION WITH PASSAGE OF THE LEGISLATIVE ETHICS ACT.

In the present atmosphere of rampant criticism of and apparent dissatisfaction with the legislature as a whole it is difficult, some may say, foolhardy to talk about a major raise. Nevertheless, we are convinced that simple fairness and sound public policy mandate a substantial increase in pay for state legislators -- not necessarily because their job performance, either individually or collectively justifies it, but because it is the right and fair thing to do.

Without question, the demands of the job and the time and energy required even for moderate performance justify compensation in the \$40,000 range as the State Officer's Compensation Commission Recommended in 1989.

Several myths and traditions have worked to make the issue of a legislative raise a touchy and unpopular one. First is the myth that the position only involves a 33% commitment of the legislator's income-generating time since the legislative session is only four months long. It is inconceivable to imagine a state legislator who can restrict public service time to the period of the Juneau legislative session. It is inconceivable to believe that constituents don't demand and deserve year-round, even if not full-time, attention from their representative.

A legislator's official pay is \$22,140 per year. In addition, the legislator receives \$9,680 (about \$2,500 per month) for living and home-travel expenses during the Juneau session and \$50-55 per day for days worked during the interim. Finally, they receive as personal income a \$4,000 stipend to be used for office expenses, newsletters and the like (an amount which does not cover actual costs for most legislators). When all is said and done, most legislators yield a real income, after expenses, in the low \$30,000 range. If legislators really only worked four months, that would amortize to \$90,000 per annum, a

pretty fair salary.

In fact, legislators put in considerably more time --40% said that they spend almost all their income-producing time (90-100%) on activities directly related to their position as a legislator (Appendix, p. 12). Only one in ten said they spend less than 50% of their time and just over two-thirds say they spend at least 75% of their time. This, by the way is much more time than governmental insiders think they deserve: only 25% of the public officials and 29% of the lobbyists said it was reasonable to expect legislators to spend at least 75% of their time on government work (Appendix, p. 13). Most people seem to think the pay justifies about half-time.

Even allowing for the real possibility of some exaggeration in self-reporting, objective observation reveals that substantially more than half time is required. And what is the legislator to do with the other half? If we cut off lucrative consulting arrangements with state contractors and the like, which we seek to do in the Legislative Ethics Act, the options for hit-and-miss availability employment are slim (a legislator is effectively always "on call.")

Our point? It is demonstrably inequitable to pay a person a net salary in the low 30's for such a difficult and responsible job.

What about the argument that they don't deserve it because they are not doing the job well? Doesn't all the ethics turmoil prove how unworthy they are for more money? Such arguments are really quite beside the point. The remedy for incompetent or corrupt officials is to throw them out, not to underpay them. We believe the job is worth more than is being paid, and if voters think that the person in the job is not up to it, they ought to fire him or her.

While we suspect that the general public is more hostile to the idea of a pay increase than public officials or lobbyists, it is important to note that two-thirds of the public officials thought that the Compensation Commission's recommendation was about right or too low (22% thought it was too low, Appendix, p. 14).

In summary, we find that Alaskans are short-changing themselves by being so penny-wise and pound foolish. The low pay creates subtle feelings of resentment and a sub-conscious "I have it coming" attitude that makes some hard-working legislators vulnerable to temptations to find ways of supporting a decent life-style while they serve. We think the state should pay more and demand more. The yearly cost of a raise would be a pittance, easily recoverable by a more committed and responsible body with more time to devote to spending a multi-billion dollar budget wisely.

WHETHER OR NOT A SALARY INCREASE IS GIVEN, THE COMPENSATION SYSTEM OUGHT TO BE SIMPLIFIED AS FOLLOWS:

1) REPLACE THE PER DIEM PAYMENT SYSTEM WITH A FAIR FIXED AMOUNT;

2) REPLACE THE SYSTEM OF PROVIDING AN OFFICE ALLOWANCE IN THE FORM OF A \$4,000 PER ANNUM PAYMENT WITH AN OFFICIAL OFFICE ALLOWANCE, WHICH SHALL NOT BE PAID TO THE LEGISLATOR BUT WILL BE USED TO PAY OR REIMBURSE ACTUAL LEGITIMATE OFFICE EXPENSES, INCLUDING UP TO TWO NEWSLETTERS PROVIDED THEY MEET SPECIFIED REQUIREMENT;

3) PROVIDE EACH LEGISLATOR WITH THE OPTION OF TWO ROUND TRIP TICKETS FROM THE CAPITAL CITY TO THEIR HOME DISTRICT TO BE USED DURING THE SESSION TO MEET FAMILY, CONSTITUENT OR BUSINESS DEMANDS.

The present system tends to mask actual compensation, blur the line between official office expenses and personal income and create unnecessary opportunities for confusion and abuse of per diem requests.

Office Allowance. Legislators ought to have a real and realistic office allowance that reflects common experience as to the needs of running a capital and, sometimes, a district office. The money is not, and should not be confused with compensation as it now is. Under the present system, there is a built-in conflict of interest between the personal finances of a legislator and the resources needed to serve constituents.

Our discussions indicated a uniform belief that the existing allowance is far short of the needs. Since different legislators will have different needs, they should be able to draw up to \$6,000 per year (or whatever other amount is prudent and appropriate) provided they demonstrate the expenses are bona fide.

Expanding the allowance has another purpose: to encourage meaningful communications with constituents that increase accountability. We propose that each legislator be permitted to send, at state expense up to two district-wide news letters provided that at least one full page is devoted to a clear statement of each of the following matters: 1) a description of each bill introduced or sponsored by the legislator with a brief narrative as to the legislator's goals and reasons; 2) each vote made on substantive matters on the floor and a description of all major committee activities; 3) the names of campaign con-

tributors of over \$250, if any, since the last newsletter; 4) any other information that will help the constituent assess the effectiveness and understand the political positions of his or her representative. It is realized that this will require some record keeping of activities not now common. We think this is a good thing.

METHODOLOGY

The most valuable resource in drafting an ethics code is the group of people who will be governed by the code, if enacted into law. As soon as was reasonably possible after being commissioned for this project, we developed surveys which were sent to Alaska state legislators, registered lobbyists, and to a random sampling of Alaska public officials as listed in the *Alaska Directory of State Officials*. We chose this group of people to survey in order to gain an understanding of the legislature from the perspective of those who have an intimate knowledge of state government and the day to day functioning of the legislature. We also know that the public tends to be more, rather than less cynical than those within the halls of government. Thus, our assessment of public trust and confidence in the legislature is likely a conservative one in terms of overall public sentiment. The results of the surveys are summarized in Appendix A.

The surveys were supplemented by on-site interviews of virtually every legislator, several legislative staff members, lobbyists, current and former journalists, staff members in the Executive Branch and the Alaska Public Offices Commissions, as well as other state agencies and commissions, and various others, all of whom have knowledge of, and a vested interest in, the affairs of state government in Alaska. Close to one hundred people were personally interviewed. While the project was commissioned by the Alaska State Senate, the code of ethics should effectively serve the legislature as a whole, and hence the Alaska citizenry. For this reason, interviews were conducted of not only members of the State Senate, but of the House of Representatives as well. Considering they had no formal role in this project, the House members were especially cooperative and helpful to our efforts to learn about the legislature as well as the issues which are unique to Alaska.

We made every effort to learn as much as possible about Alaska, and to write the Alaska Legislative Ethics Act of 1990 (ALEA) with a decided sensitivity to the unique cultural, geographic, economic, and political characteristics of the state. To complement this foundation, we looked to numerous national authorities on ethics, campaign financing, lobbying regulations, and government reform. The Alaska Legislative Ethics Act, therefore, also reflects the expertise, credibility, and experience behind the current national ethics reform movement.

DOCUMENTARY SOURCES

Much notable research and progress has been made in the field of ethics in the past several years. In addition to a substantial amount of original research, we relied heavily on four major documents in the writing of the Alaska Legislative Ethics Act of 1990. These documents offer enormous credibility, expertise, and authority, and are based on extensive research, thought, and discussion on specifically the issue areas being addressed by the Alaska Legislative Ethics Act of 1990.

(1) Preserving the Public Trust: The Principles of Public Service Ethics.

First and foremost, we chose to draw heavily from a publication of the Government Ethics Center of the Josephson Institute for the Advancement of Ethics. *Preserving the Public Trust: The Principles of Public Service Ethics*, published and released in March of 1990, offers a comprehensive and detailed examination of the moral foundations and underlying principles of public service ethics. The document covers five major areas of concern: (1) Public Office as a Public Trust, (2) Independent Objective Judgment, (3) Accountability, (4) Democratic Leadership, and (5) Respectability and Fitness for Public Office. It sets forth standards and guidelines which seek to describe the moral aspirations embodied in the notion of public service. They call on public servants to view their special ethical obligations in a positive way, not as oppressive or insulting regulations driven by cynicism, but as expressions of the nobler dimension of government and politics. The Government Ethics Center developed the ideas and standards in this policy paper with the extensive input from many of the greatest minds and most talented individuals from the field of government.

(2) Ethics and Excellence in Government; Final Report and Recommendations, and Proposed Ethics Law, of the Commission to Draft an Ethics Code for Los Angeles City Government.

During the spring of 1989, after months of investigations and much political embarrassment, the Mayor of the City of Los Angeles created and appointed a commission to draft an ethics code for the City of Los Angeles. After taking on an independent status, this commission of prominent civic, legal, academic, and religious leaders hired a full time staff, and together they went to work for over six months to produce the above named report and ethics law. Their findings and recommendations are a result of studying dozens of national, state and local laws, reading scores of reports and documents on

ethics, interviewing more than two hundred people from all over the country, and holding a dozen public hearings for city officials, ethics experts, and concerned citizens. The *Recommendations of the Commission to Draft and Ethics Code for Los Angeles City Government* is clearly one of the most comprehensive and forward looking sets of guidelines and standards on government ethics available.

(3) *Model Campaign Finance, Ethics, and Lobby Law.*

A product of the Council on Governmental Ethics Laws (COGEL), this report was, and continues to be, written and edited by individuals who together bring to the report close to one hundred years of experience in administering state agencies on ethics and campaign financing. COGEL, a not-for-profit organization, headquartered in Kentucky and founded over twelve years ago, presented an early draft of this report to its membership at an annual conference in 1988. The report has been positively shaped by this group of over 200 members of staffs, boards, commissions, and agencies which do work in the areas of ethics, campaign finance, and lobbying regulations. The COGEL report carries more expertise and authority than perhaps any other existing written document on ethics.

(4) *Conduct Becoming A Legislator.*

In January 1989, the California State Assembly created the Assembly Select Committee on Ethics and charged the Committee with the responsibility of undertaking a broad study, and developing a complete program on ethics for submission to and adoption by the Assembly. *Conduct Becoming A Legislator* contains the findings and recommendations of the Committee which were developed based on surveys of legislators, six internal hearings, seven public hearings, and extensive consultation with ethics experts. Considering the complexity of ethical issues in California government, this report serves as an important model of ethical standards directly developed by a very prominent legislative body.

Other Sources. In addition to the four publications described above, we relied on many other written sources, including all of Alaska's existing statutes, the legislature's *Standards of Conduct Handbook*, and several other documents nationally.

FORMAT OF STANDARDS OF CONDUCT

Statutory Form. We chose to write the statutes using an unusual format, including Guidelines, Commentary, Overarching Principles, and plain English, none of which are commonly found in statutes. While we tried to format the statutes as closely as possible to customary form for Alaska, so as to free the Senate from having to rewrite or reformat the bill, we intentionally included the above mentioned items in an attempt to address certain problems which are posed by almost all legislation in all places:

1. **Plain English.** Traditional legal language often further alienates the public from government and the political process. The ALEA, however, is fairly easy to read and understand, and therefore, perhaps it will be more accessible to Alaska citizens.

2. **Guidelines and Commentary.** Too often guidelines and commentary are included in a separate document apart from the actual bill and never referred to, and therefore disregarded in the implementation of the statutes. The Guidelines and Commentary included in the ALEA are an integral part of the proposed statutes and will make them easier for the legislature, the public, and state agencies to understand, implement, and enforce.

3. **Overarching Principles.** While ethics laws can accomplish a great deal in terms of clarifying acceptable forms of conduct and offering solutions to complex ethical conflicts, the Overarching Principles fill in the inevitable gaps and loopholes which an individual can find if he or she sees no value in abiding by the spirit and purposes of ethics laws. Ethical obligations require individuals to do more than is required and less than is allowed. Without this type of personal commitment, along with the desire to uphold the principles of public service ethics, ethics laws are inherently limited.

**The State of Legislative
Ethics in the State of Alaska**

**Summary Report
of
Questionnaires**

**Legislators
Non-Legislative Public Officials
Lobbyists**

Charts & Graphs

Josephson  Institute

GOVERNMENT ETHICS CENTER

April 2, 1990

APPENDIX A

In March, 1990, the GOVERNMENT ETHICS CENTER of the Josephson Institute surveyed Alaska "insiders' -- Legislators, Nonlegislative Public Officials and Lobbyists -- to determine the state of legislative ethics in the state. These are the results.

The following data is the result of a series of mailed anonymous questionnaires (attached at the end of this appendix) sent to all 60 Alaska legislators (41 responded or over 68 %); 375 randomly selected (except that geographical and departmental diversity was sought) persons listed in the February 1990, Directory of Public Officials (169 responded or 45 %); and 142 registered lobbyists (54 responded or 38 %).

Importance of Public Trust

Q. How important to the effectiveness of government do you think it is that those who serve government be held in high esteem by the public?

A. Essential.

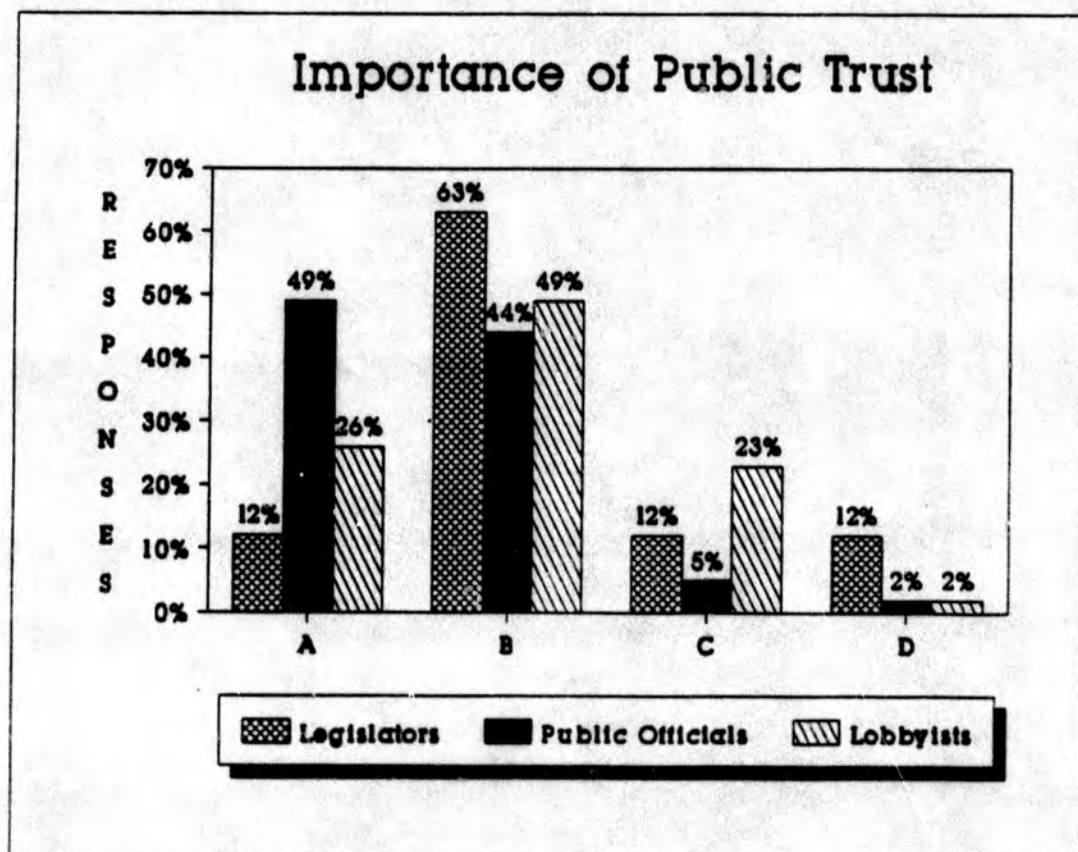
B. Very important, effectiveness is badly hampered by a lack of trust.

C. Somewhat important, but as a practical matter the effectiveness of government is not very much affected by a lack of trust.

D. Not very important. The public has always been cynical about politicians and government has always managed to function.

No Response

Legislators	Public Officials	Lobbyists
12 % (5)	49 % (81)	26 % (14)
63 % (25)	44 % (74)	49 % (26)
12 % (5)	5 % (8)	23 % (12)
12 % (5)	2 % (3)	2 % (1)
(1)	(3)	(1)



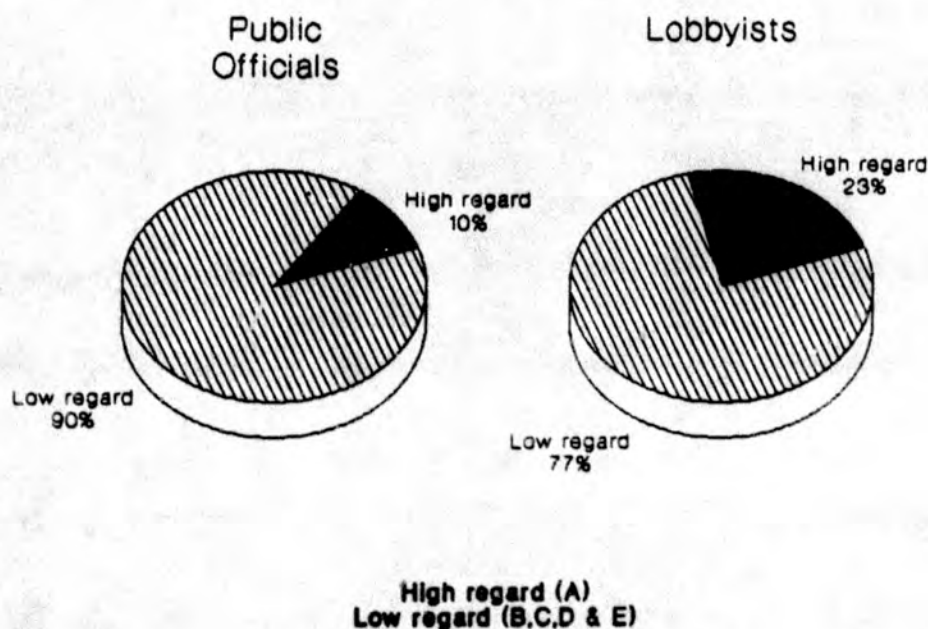
Public Trust - Personal Opinion

Recently, there has been a great deal of discussion about the public's trust and confidence in the integrity of the Alaska state legislature. Please circle the letter next to the statement that comes closest to your opinion as to each of the following issues:

Q. What is your personal opinion of the integrity of Alaska legislators and the body as a whole?

Public Official	Lobbyists	
10 % (17)	23 % (12)	A. I have a high regard for the integrity of almost all legislators and for the body as a whole.
17 % (27)	33 % (17)	B. I have a high regard for most legislators individually but not have a very high regard for the body as a whole.
45 % (74)	33 % (17)	C. Although I have a regard for many legislators, I do not have a very high regard for most of them or for the body as a whole.
23 % (38)	11 % (6)	D. I have a high regard for very few legislators and a low opinion of the body as a whole.
4 % (7)	0 % (0)	E. I have a very low regard for the integrity of almost all legislators and the body as a whole.

Trust & confidence in the Alaska state legislature

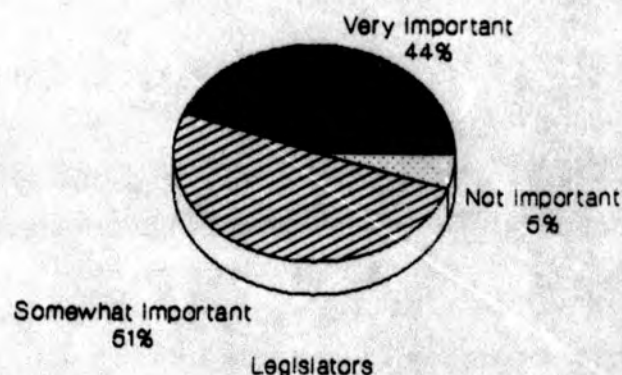


Public Trust - General Public & Constituents Opinion

Q. How important is it to you personally that the legislature as a whole is held in high esteem by the public?

Legislators	
44 % (18)	A. Very important because my own reputation and the satisfaction I get from office is directly affected by general public attitudes.
51 % (21)	B. Somewhat important but generally, my constituents and those who know me judge me as an individual regardless of what they think of other legislators.
5 % (2)	C. Not very important since my constituents and those who know me judge me as an individual.

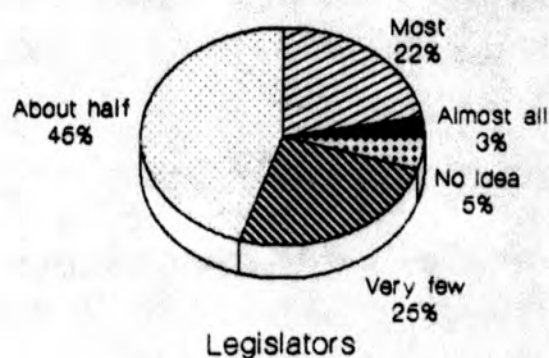
Importance to legislators that the legislature be held in high esteem.



Q. What proportion of your constituents have a sufficiently high degree of trust and confidence in the integrity of legislators?

Legislators	
3 % (1)	A. Almost all
22 % (9)	B. Most
45 % (18)	C. About half
25 % (10)	D. Very few
0 % (0)	E. Almost none
5 % (2)	F. I have no idea

Proportion of constituents who have confidence in their legislators.

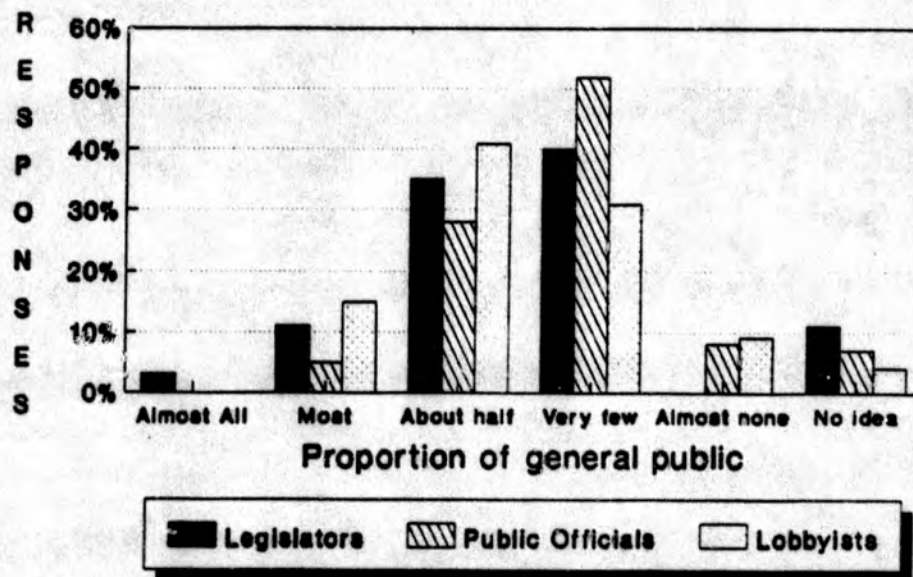


Public Trust - Public Opinion on Legislators

Q. In your opinion, what proportion of the general public (statewide) has a sufficiently high degree of trust and confidence in the integrity of legislators?

Legislators	Public Officials	Lobbyists	
3 % (1)	0 % (0)	0 % (0)	A. Almost All.
11 % (4)	5 % (9)	15 % (8)	B. Most.
35 % (13)	28 % (46)	41 % (22)	C. About half.
40 % (15)	52 % (86)	31 % (17)	D. Very few.
0 % (0)	8 % (13)	9 % (5)	E. Almost none.
11 % (4)	7 % (12)	4 % (2)	F. I have no idea.

Proportion of general public with high confidence in integrity of legislators

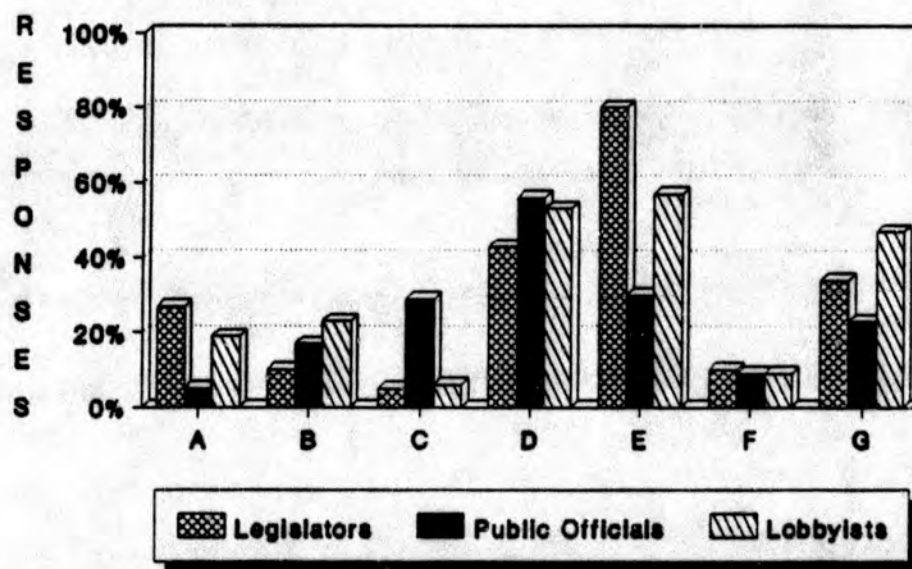


Public Trust

Q. To the extent that trust is not as high as you think it should be, which of the following is a MAJOR reason (you may circle more than one).

Legislators	Public Officials	Lobbyists	
27 % (11)	5 % (8)	19 % (10)	A. Relentless and unfair media coverage.
10 % (4)	17 % (28)	23 % (12)	B. Aggressive but basically fair media coverage.
5 % (2)	29 % (49)	6 % (3)	C. Insensitivity to ethical standards by a substantial majority of legislators.
43 % (17)	56 % (93)	53 % (28)	D. Insensitivity to ethical standards by a significant minority of legislators.
80 % (32)	30 % (50)	57 % (30)	E. Widely publicized misconduct of only a very few legislators.
10 % (4)	9 % (15)	9 % (10)	F. Unreasonable public expectations.
34 % (14)	23 % (38)	47 % (25)	G. The public's predisposition to believe the worst regardless of the facts.

Major reasons why public trust is not as high as it should be



Total greater than 100%--respondents allowed to circle more than one choice

Sources of Income and the Potential for Conflicts of Interest

Each of the following possible sources of income, raise a certain potential for conflicts of interest. Prohibiting them, however, may affect the willingness and ability of some legislators to stay in the legislature. Please indicate the extent to which you think the source ought to be restricted in view of the potential financial hardship and inability to serve such a prohibition may cause.

A = Such income should be banned even if some legislators have to withdraw or undergo serious financial hardship.

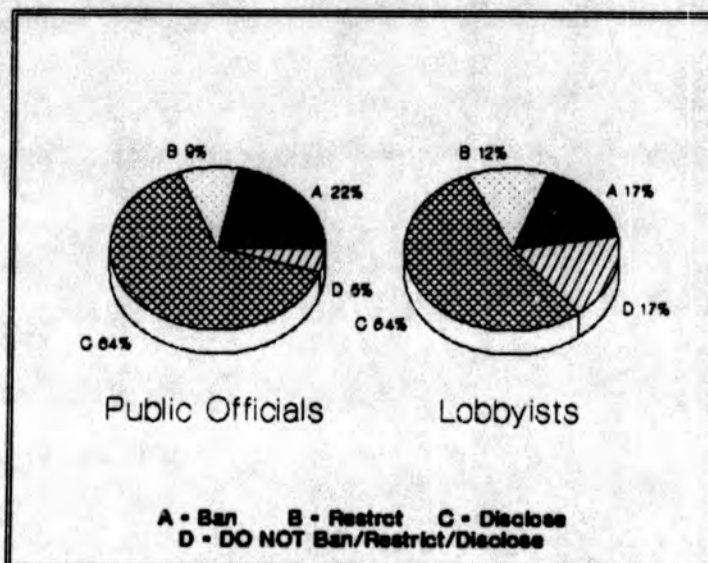
B = Such income should be banned or restricted as much as is reasonably possible without causing legislators to leave the legislature.

C = Such income should be subject to disclosure but not prohibition since the potential conflicts can be resolved so long as the legislator is held accountable to the public.

D = Such income should be neither banned nor subject to any additional disclosure since the potential conflicts of interest are not serious.

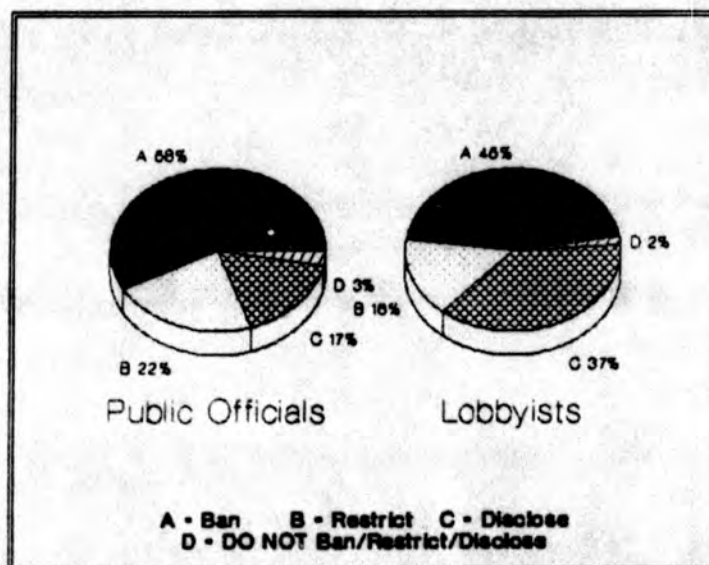
Q. Honoraria -- outside fees for speaking, appearing or writing.

	Public Officials	Lobbyists
A	22 % (36)	17 % (9)
B	9 % (15)	12 % (6)
C	64 % (105)	54 % (28)
D	5 % (8)	17 % (9)
N/R	(5)	(2)



Q. Fees or commissions relating to business or contracts with any entity of state or local government.

	Public Officials	Lobbyists
A	58 % (94)	45 % (23)
B	22 % (36)	16 % (8)
C	17 % (28)	37 % (19)
D	3 % (4)	2 % (1)
N/R	(7)	(3)



Income Sources

Legislators

As to each of the following possible sources of income, please indicate the extent to which a complete prohibition would, in the absence of a compensatory pay raise, place a financial hardship on you and affect your willingness to stay in the legislature.

- A** = Unacceptable, I could not stay.
- B** = Unreasonably difficult, I might not stay.
- C** = Very difficult, but I would stay.
- D** = Not significant, since other sources of income are adequate.
- E** = Not significant, since I receive little or nothing in this way.

Q. Honoraria -- outside fees for speaking, appearing or writing.

Legislators

A = 3 % ₍₁₎
B = 0 % ₍₀₎
C = 0 % ₍₀₎
D = 5 % ₍₂₎
E = 92 % ₍₃₇₎

Q. Fees or commissions relating to business or contracts with any entity of state or local government.

Legislators

A = 3 % ₍₁₎
B = 5 % ₍₂₎
C = 0 % ₍₀₎
D = 5 % ₍₂₎
E = 87 % ₍₃₅₎

Sources of Income and the Potential for Conflicts of Interest

Each of the following possible sources of income, raise a certain potential for conflicts of interest. Prohibiting them, however, may affect the willingness and ability of some legislators to stay in the legislature. Please indicate the extent to which you think the source ought to be restricted in view of the potential financial hardship and inability to serve such a prohibition may cause.

A = Such income should be banned even if some legislators have to withdraw or undergo serious financial hardship.

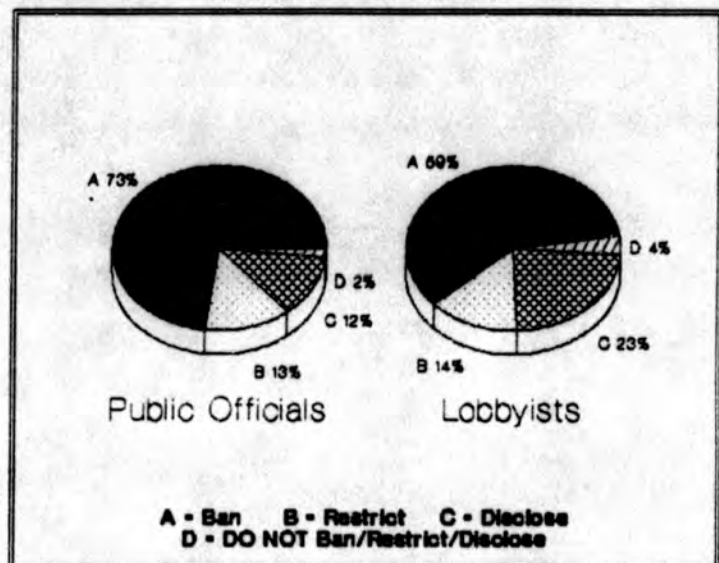
B = Such income should be banned or restricted as much as is reasonably possible without causing legislators to leave the legislature.

C = Such income should be subject to disclosure but not prohibition since the potential conflicts can be resolved so long as the legislator is held accountable to the public.

D = Such income should be neither banned nor subject to any additional disclosure since the potential conflicts of interest are not serious.

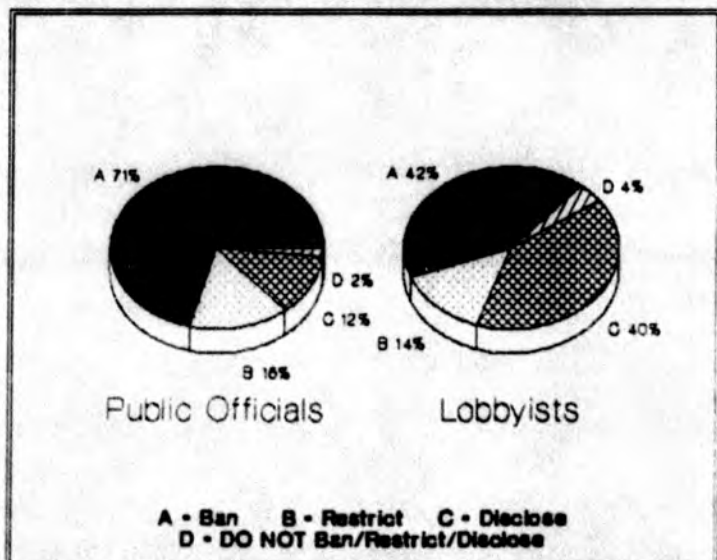
Q. Fees or other compensation relating to direct representation of persons or organizations in their dealings with any state OR local government entity.

	Public Officials	Lobbyists
A	73 % (119)	59 % (30)
B	13 % (21)	14 % (7)
C	12 % (19)	23 % (12)
D	2 % (4)	4 % (2)
N/R	(6)	(3)



Q. Fees of other compensation relating to consulting with persons or organizations with respect to their dealings with any state government entity.

	Public Officials	Lobbyists
A	71 % (115)	42 % (22)
B	15 % (25)	14 % (7)
C	12 % (19)	40 % (21)
D	2 % (3)	4 % (2)
N/R	(7)	(2)



Income Sources

Legislators

As to each of the following possible sources of income, please indicate the extent to which a complete prohibition would, in the absence of a compensatory pay raise, place a financial hardship on you and affect your willingness to stay in the legislature.

- A** = Unacceptable, I could not stay.
- B** = Unreasonably difficult, I might not stay.
- C** = Very difficult, but I would stay.
- D** = Not significant, since other sources of income are adequate.
- E** = Not significant, since I receive little or nothing in this way.

Q. Fees or other compensation relating to direct representation of persons or organizations in their dealings with any state OR local government entity.

Legislators

A = 5% (2)
B = 2% (1)
C = 5% (2)
D = 5% (2)
E = 83% (33)

Q. Fees or other compensation relating to advising or consulting with persons or organizations with respect to their dealings with any state government entity.

Legislators

A = 10% (4)
B = 13% (5)
C = 2% (1)
D = 5% (2)
E = 70% (28)

Sources of Income and the Potential for Conflicts of Interest

Each of the following possible sources of income, raise a certain potential for conflicts of interest. Prohibiting them, however, may affect the willingness and ability of some legislators to stay in the legislature. Please indicate the extent to which you think the source ought to be restricted in view of the potential financial hardship and inability to serve such a prohibition may cause.

A = Such income should be banned even if some legislators have to withdraw or undergo serious financial hardship.

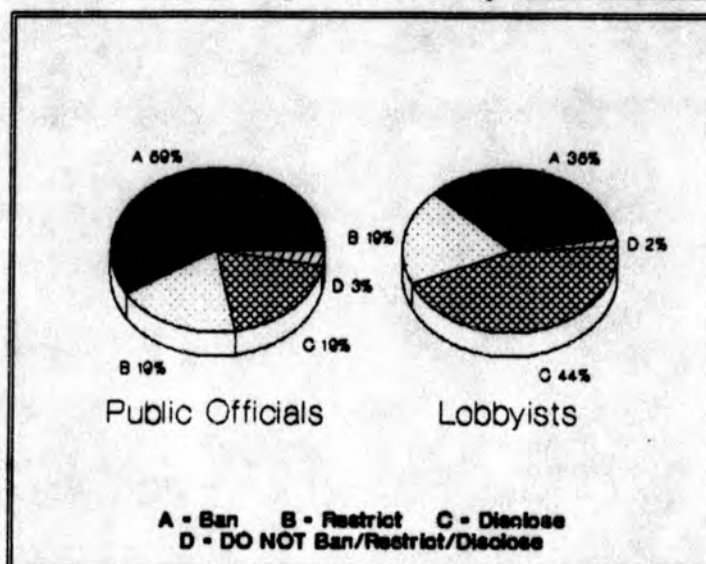
B = Such income should be banned or restricted as much as is reasonably possible without causing legislators to leave the legislature.

C = Such income should be subject to disclosure but not prohibition since the potential conflicts can be resolved so long as the legislator is held accountable to the public.

D = Such income should be neither banned nor subject to any additional disclosure since the potential conflicts of interest are not serious.

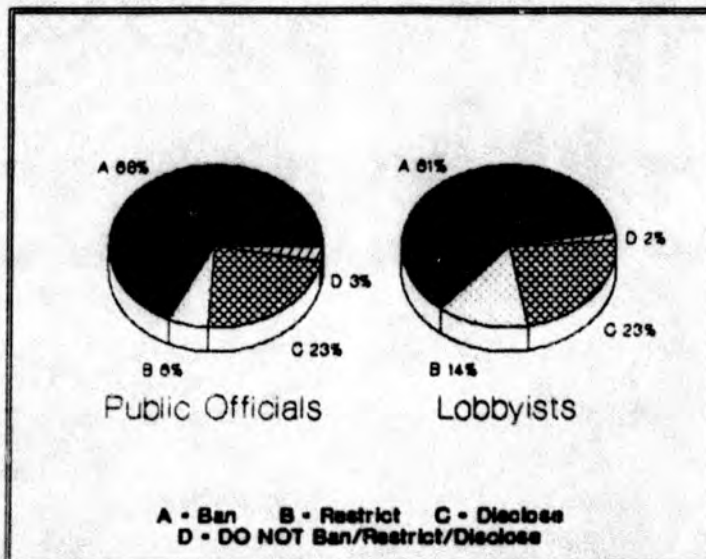
Q. Fees or other compensation relating to consulting with persons or organizations with respect to their dealings with any state OR local government.

	Public Officials	Lobbyists
A	59 % (96)	35 % (18)
B	19 % (31)	19 % (10)
C	19 % (31)	44 % (23)
D	3 % (4)	2 % (1)
N/R	(7)	(1)



Q. Lawful conversion of surplus campaign funds to personal income.

	Public Officials	Lobbyists
A	68 % (111)	62 % (32)
B	6 % (10)	13 % (7)
C	23 % (38)	23 % (12)
D	3 % (4)	2 % (1)
N/R	(6)	(2)



Income Sources

Legislators

As to each of the following possible sources of income, please indicate the extent to which a complete prohibition would, in the absence of a compensatory pay raise, place a financial hardship on you and affect your willingness to stay in the legislature.

- A** = Unacceptable, I could not stay.
- B** = Unreasonably difficult, I might not stay.
- C** = Very difficult, but I would stay.
- D** = Not significant, since other sources of income are adequate.
- E** = Not significant, since I receive little or nothing in this way.

Q. Fees or other compensation relating to advising or consulting with persons or organizations in their dealings with any state OR local government entity.

Legislators

A = 5 % (2)
B = 13 % (5)
C = 3 % (1)
D = 8 % (3)
E = 71 % (27)

Q. Lawful conversion of surplus campaign funds to personal income.

Legislators

A = 0 % (0)
B = 5 % (2)
C = 10 % (4)
D = 8 % (3)
E = 77 % (31)

Income-producing time and proportion of total income

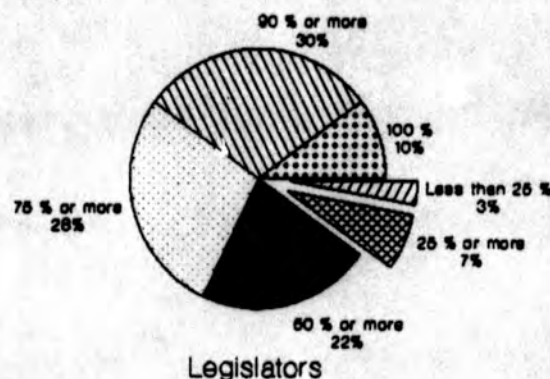
Please circle the letter next to the statement that comes closest to your opinion as to each of the following issues:

One source of real and apparent conflicts of interest is outside earned income necessitated by the part-time compensation of Alaska legislators. Since standards of conduct must address this issue, it is important to assess the potential impact of various solutions which would restrict income sources. Your candid answers to the following questions will provide important information that will help us frame reasonable and practical standards.

Q. On an annual basis, about what proportion of your income-producing time is spent on activities directly related to your position as a legislator?

Legislators	
10 % (4)	A. 100 %
30 % (12)	B. 90 % or more
28 % (11)	C. 75 % or more
22 % (9)	D. 50 % or more
7 % (3)	E. 25 % or more
3 % (1)	F. Less than 25 %

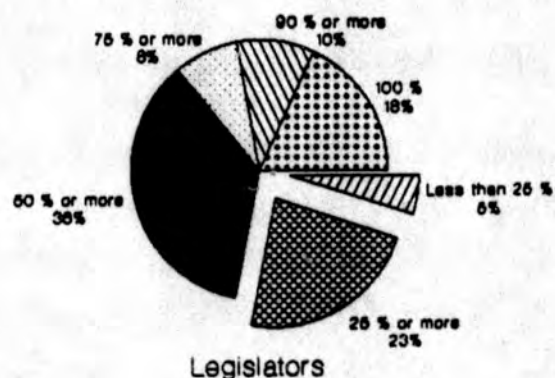
Proportion of income-producing time spent on activities as legislator



Q. On an annual basis, about what proportion of your personal (not including spouse income) total income from all sources is derived from your legislative salary and per diems?

Legislators	
18 % (7)	A. 100 %
10 % (4)	B. 90 % or more
8 % (3)	C. 75 % or more
36 % (14)	D. 50 % or more
23 % (9)	E. 25 % or more
5 % (2)	F. Less than 25 %

Proportion of personal income derived from legislative salary & per diems

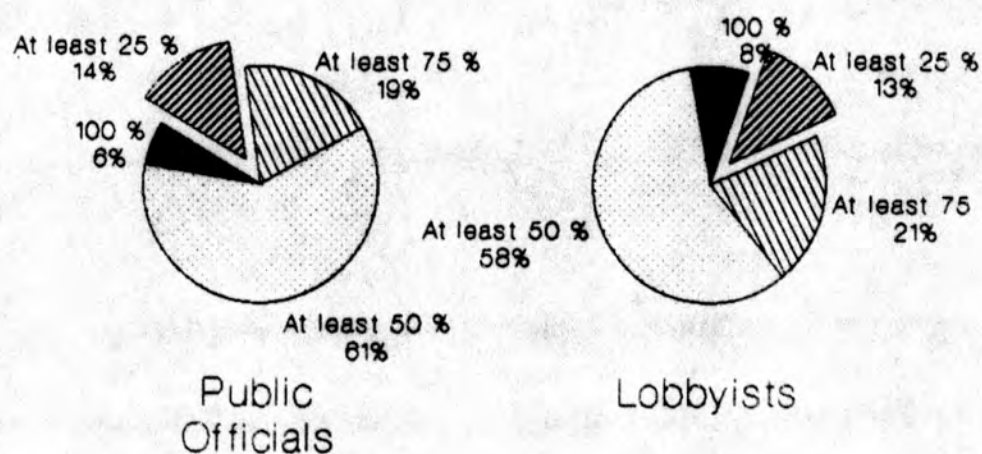


Time Expected of Legislators

Q. Given the 120 day legislative session and the fact that they are presently compensated at the rate of \$22,140 per annum and \$50-\$55 per day for working 4 hours or more when the legislature is not in session (plus \$9,680 for living expenses during the session), what proportion of income-producing time (on an annual basis) do you think it is reasonable to expect legislators to devote to legislative duties?

Public Official	Lobbyists	
6 % (10)	8 % (4)	A. 100 %
19 % (31)	21 % (11)	B. At least 75 %
61 % (98)	58 % (30)	C. At least 50 %
14 % (22)	13 % (7)	D. At least 25 %

Proportion of Income-producing time that is reasonable to expect of legislators

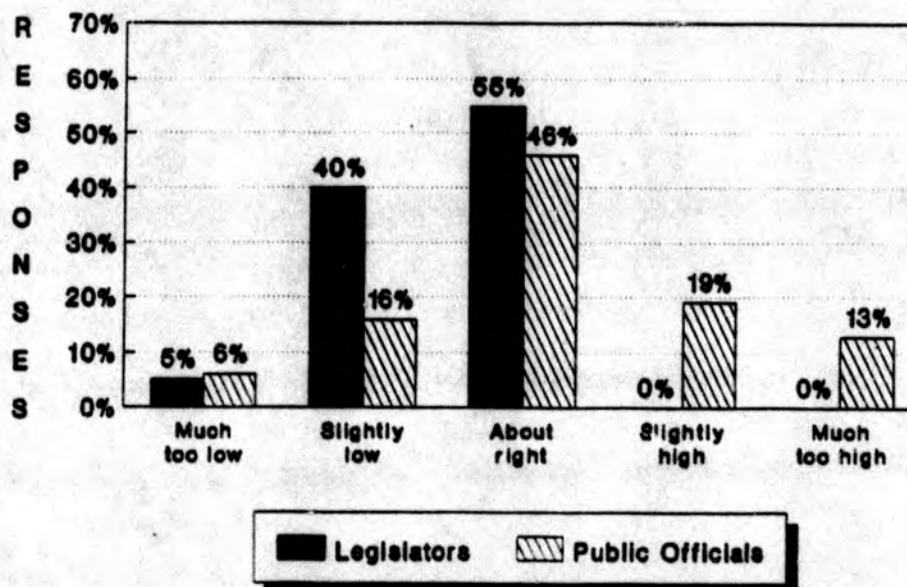


1989 Report of the State Officers' Compensation Commission Recommendation

Q. The 1989 Report of the State Officers' Compensation Commission recommended raising legislative salaries to \$40,000 along with adjustments in the per diem amounts and procedures, two round-trip constituent travel reimbursements during the legislative session and a different way of dealing with the office allowance to prevent it from becoming an income source. Regardless of your opinion as to the political issues involved, what is your opinion as to the substance of the recommendation?

Legislators	Public Officials	
5 % (2)	6 % (10)	A. Much too low.
40 % (16)	16 % (27)	B. Slightly low.
55 % (22)	46 % (75)	C. About right.
0 % (0)	19 % (32)	D. Slightly high.
0 % (0)	13 % (21)	E. Much too high

Opinion on substance of the 1989 State Commission's Recommendation



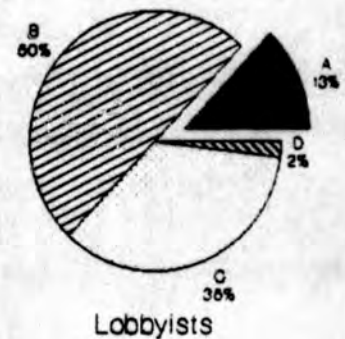
Fund Raising Practices Lobbyists

Please circle the letter next to the statement that comes closest to your opinion as to each of the following issues.

Q. Some people claim that legislators, directly or through aides, effectively coerce lobbyists to make campaign contributions (either personally or through their clients) by creating the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist in a way that could hamper lobbyists' ability to effectively advocate the interests of their clients. Which of the following statements comes closest to your view on the matter.

13 % (7)	A. This almost never happens; the contributions that most lobbyist give are fully voluntary and based on ideological support.
50 % (26)	B. This happens occasionally with a few members but by and large the contributions that most lobbyists give are fully voluntary and based on ideological support.
35 % (18)	C. This happens frequently with many members; about half the contributions that most lobbyists give are defensive -- to ward off negative reactions and the loss of access.
2 % (1)	D. This happens frequently with almost all members; most of the contributions that most lobbyists give are defensive -- to ward off negative reactions and the loss of access.

Does the refusal to make campaign contributions adversely affect lobbying?

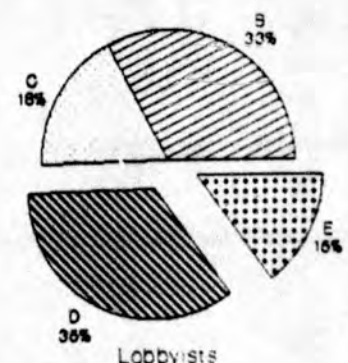


A=Almost never B=Occasionally
C=Freq/half contributions defensive
D=Freq/most contributions defensive

Q. Which of the following comes closest to your views as to the impact and legitimacy of fund raising practices between lobbyists and legislators?

0 % (0)	A. There is no significant pressure to provide campaign funds to legislators, hence, no impact.
33 % (15)	B. Present practices are a part of legitimate politics; there is nothing wrong with them since they do not adversely affect the process.
18 % (8)	C. Fund raising pressure is occasionally overdone but does not raise serious problems since lobbyist and special interest contributions very rarely influence the legislator's actions.
35 % (16)	D. Fund raising pressure is often overdone and it raises a serious problem since special interests which are able and willing to provide financial support have a significant advantage in telling their story and persuading legislators.
15 % (7)	E. Fund raising pressure raises serious problems not only because special interests which provide financial support have a significant advantage in telling their story and persuading legislators, but in addition, the financial support itself sometimes influences legislative actions.

Fundraising pressures--are they significant/serious?



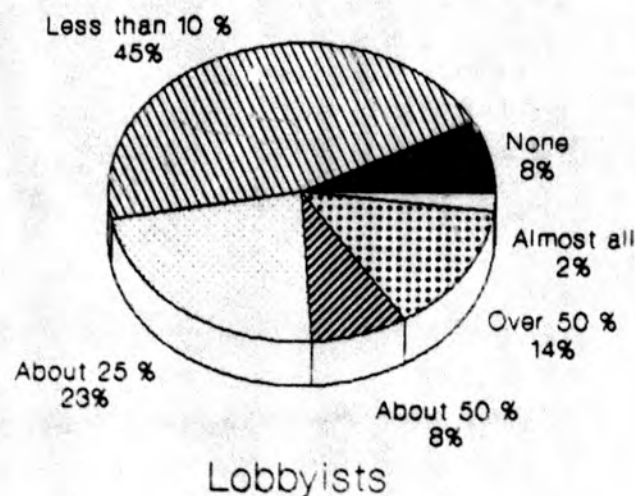
A=No significant pressure
B=Legitimate politics C=Occasionally
D & E=Serious

Financial benefit influence on legislators

Q. In your opinion, what proportion of the present legislature can be influenced to take or withhold some significant legislative action (e.g. intervention with a state agency, committee actions, drafting and amending legislation, voting) by campaign contributions or other financial benefits provided by lobbyists and their employers?

Lobbyists	
8 % (4)	A. None.
45 % (23)	B. No more than 10 %.
23 % (12)	C. About 25 %.
8 % (4)	D. About half.
14 % (7)	E. Over half.
2 % (1)	F. Almost all.

Are legislators influenced by campaign contributions or financial benefits?



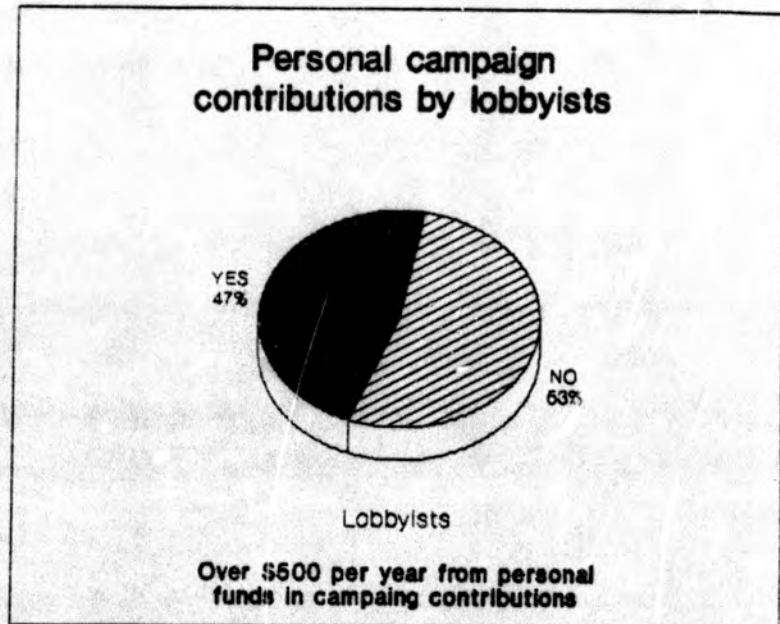
Campaign Contributions Lobbyists

Q. On average, I give over \$500 per year from my personal funds in campaign contributions.

47 % ₍₂₂₎ = YES

53 % ₍₂₅₎ = NO

(7) = No Response

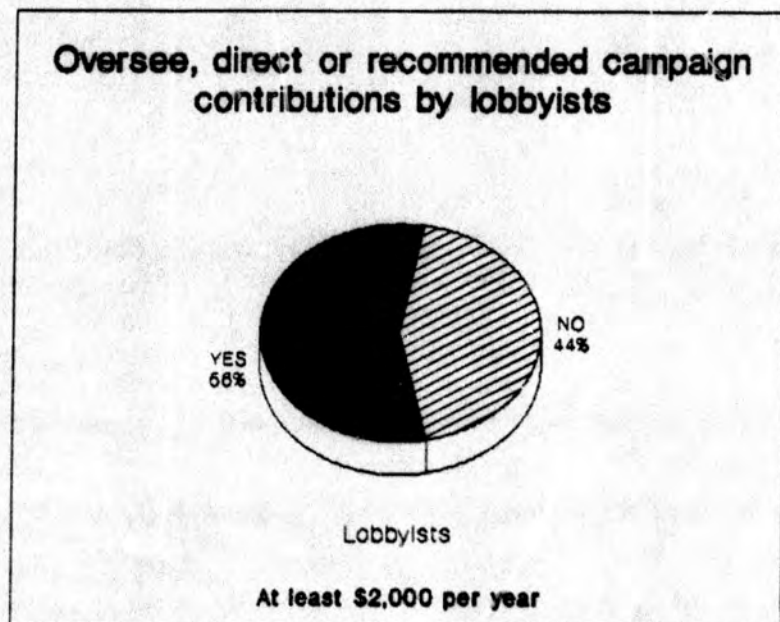


Q. On average, I oversee, direct or recommend the giving of at least \$2,000 per year in campaign contributions from clients.

56 % ₍₂₅₎ = YES

44 % ₍₂₀₎ = NO

(9) = No Response



Actual Conflicts and Appearances of Impropriety

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

A = Insignificant, more regulation unjustified.

B = Minor but more regulation may help.

C = Serious in terms of appearances but not actual affect, more regulation won't help.

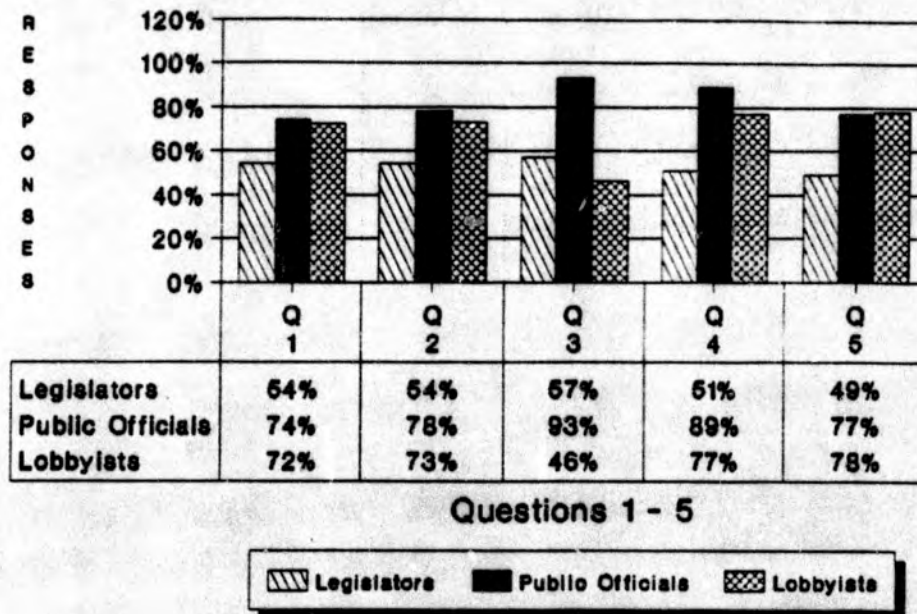
D = Serious in terms of appearances but not actual affect, more regulation will help.

E = Serious actual problem but more regulation won't help.

F = Serious actual problem, more regulation will help

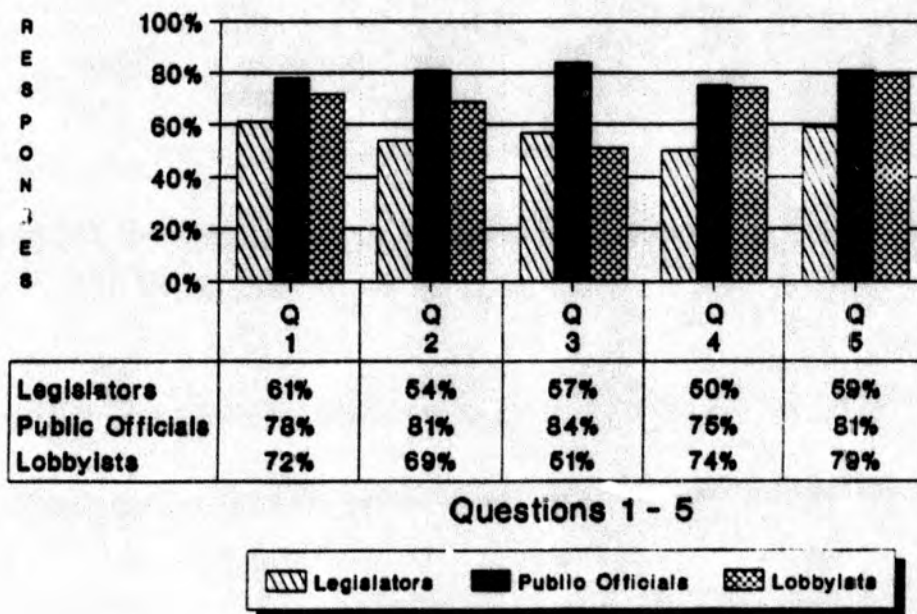
	A	B	C	D	E	F
1. Improper travel reimbursement claims.						
Legislators	22 % (9)	24 % (10)	12 % (5)	22 % (9)	5 % (2)	15 % (6)
Public Officials	4 % (6)	21 % (34)	8 % (13)	19 % (31)	9 % (15)	38 % (61)
Lobbyists	14 % (7)	14 % (7)	12 % (6)	25 % (13)	2 % (1)	33 % (17)
2. Improper per diem claims.						
Legislators	29 % (12)	17 % (7)	12 % (5)	20 % (8)	5 % (2)	17 % (7)
Public Officials	4 % (7)	19 % (30)	8 % (12)	21 % (34)	8 % (12)	41 % (65)
Lobbyists	16 % (8)	12 % (6)	10 % (5)	22 % (11)	6 % (3)	35 % (18)
3. Outside income sources raising improper conflicts of interest.						
Legislators	15 % (6)	22 % (9)	10 % (4)	15 % (6)	8 % (3)	30 % (12)
Public Officials	1 % (2)	6 % (9)	4 % (6)	16 % (25)	11 % (18)	62 % (97)
Lobbyists	28 % (14)	23 % (12)	16 % (8)	6 % (3)	2 % (1)	25 % (13)
4. Inadequate or evasive disclosures of financial conflicts of interest.						
Legislators	27 % (11)	22 % (9)	13 % (5)	15 % (6)	10 % (4)	13 % (5)
Public Officials	3 % (5)	8 % (12)	1 % (2)	10 % (16)	21 % (33)	57 % (90)
Lobbyists	8 % (4)	15 % (8)	6 % (3)	15 % (8)	12 % (6)	44 % (23)
5. Handling of campaign fund surplus.						
Legislators	26 % (10)	26 % (10)	13 % (5)	15 % (6)	3 % (1)	18 % (7)
Public Officials	7 % (11)	16 % (26)	8 % (12)	17 % (28)	4 % (6)	48 % (77)
Lobbyists	11 % (6)	11 % (6)	6 % (3)	29 % (15)	4 % (2)	39 % (20)

The Problem is Serious



Combined responses C,D,E,& F

Will regulation help ?



Combined responses B,D & F

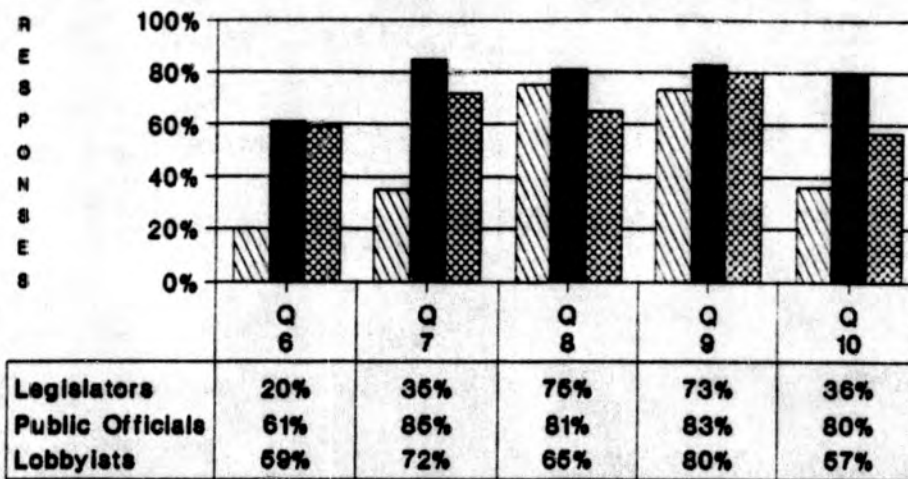
Actual Conflicts and Appearances of Impropriety

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

- A** = Insignificant, more regulation unjustified.
B = Minor but more regulation may help.
C = Serious in terms of appearances but not actual affect, more regulation won't help.
D = Serious in terms of appearances but not actual affect, more regulation will help.
E = Serious actual problem but more regulation won't help.
F = Serious actual problem, more regulation will help

	A	B	C	D	E	F
6. Free in-state travel and lodging.						
Legislators	32 % (13)	48 % (19)	13 % (5)	5 % (2)	0 % (0)	2 % (1)
Public Officials	9 % (15)	30 % (47)	16 % (25)	11 % (17)	7 % (11)	27 % (43)
Lobbyists	23 % (12)	19 % (10)	19 % (10)	17 % (9)	6 % (3)	17 % (9)
7. Free out-of-state travel or use of recreational or lodging facilities.						
Legislators	33 % (13)	33 % (13)	20 % (8)	10 % (4)	0 % (0)	5 % (2)
Public Officials	2 % (4)	13 % (20)	10 % (16)	18 % (28)	9 % (15)	48 % (75)
Lobbyists	13 % (7)	15 % (8)	19 % (10)	19 % (10)	6 % (3)	28 % (15)
8. Inappropriate private conduct of legislators that reflects discredit on the entire body.						
Legislators	15 % (6)	10 % (4)	17 % (7)	15 % (6)	24 % (10)	19 % (8)
Public Officials	16 % (25)	4 % (6)	15 % (24)	9 % (14)	33 % (52)	24 % (38)
Lobbyists	21 % (11)	7 % (4)	23 % (12)	15 % (8)	23 % (12)	11 % (6)
9. Improper use of administrative powers or customary authority of legislative leaders, including committee chairs, to hold up or alter legislation.						
Legislators	20 % (8)	7 % (3)	13 % (5)	15 % (6)	15 % (6)	30 % (12)
Public Officials	12 % (19)	5 % (8)	5 % (8)	2 % (3)	32 % (50)	44 % (70)
Lobbyists	17 % (9)	4 % (2)	17 % (9)	2 % (1)	21 % (11)	40 % (21)
10. Use of official title, prestige of legislative office, or implied official powers to obtain personal benefits.						
Legislators	40 % (15)	24 % (9)	13 % (5)	5 % (2)	5 % (2)	13 % (5)
Public Officials	9 % (15)	10 % (16)	13 % (21)	6 % (9)	20 % (31)	42 % (67)
Lobbyists	23 % (12)	20 % (10)	16 % (8)	8 % (4)	8 % (4)	25 % (13)

The Problem is Serious

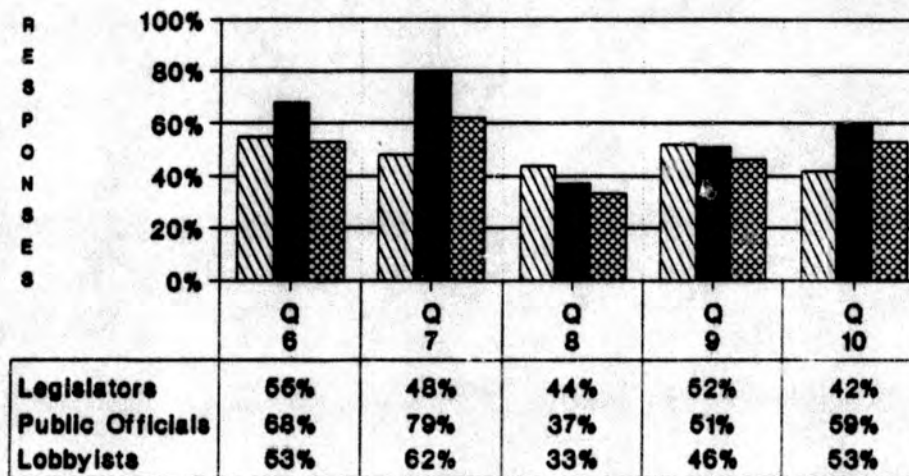


Questions 6 - 10

Legislators Public Officials Lobbyists

Combined Responses C,D,E, & F

Will regulation help?



Questions 6 - 10

Legislators Public Officials Lobbyists

Combined responses B, D, & F

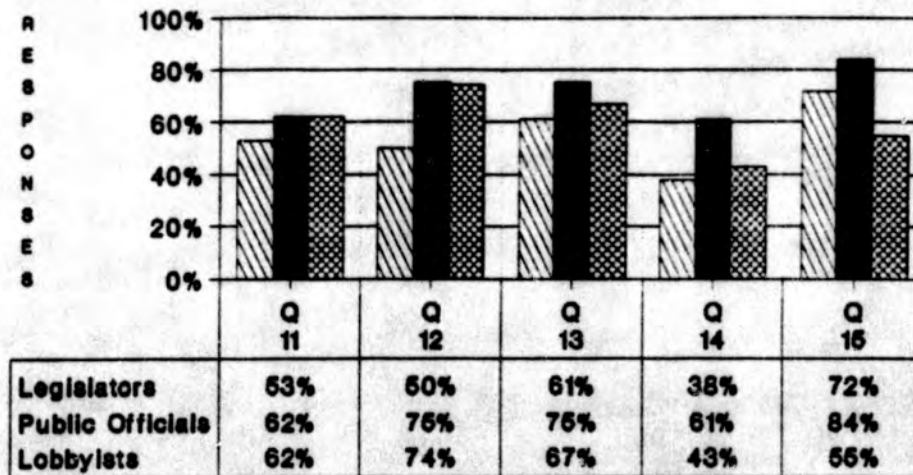
Actual Conflicts and Appearances of Impropriety

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

- A** = Insignificant, more regulation unjustified.
B = Minor but more regulation may help.
C = Serious in terms of appearances but not actual affect, more regulation won't help.
D = Serious in terms of appearances but not actual affect, more regulation will help.
E = Serious actual problem but more regulation won't help.
F = Serious actual problem, more regulation will help.

	A	B	C	D	E	F
11. Use of government facilities for campaign and/or fundraising activities.						
Legislators	17 % (7)	30 % (12)	13 % (5)	13 % (5)	0 % (0)	27 % (11)
Public Officials	13 % (21)	25 % (40)	5 % (8)	15 % (23)	4 % (6)	38 % (61)
Lobbyists	10 % (5)	29 % (15)	10 % (5)	13 % (7)	8 % (4)	31 % (16)
12. Use of government paid staff for campaign and/or fundraising activities.						
Legislators	15 % (6)	35 % (14)	8 % (3)	10 % (4)	5 % (2)	27 % (11)
Public Officials	6 % (10)	19 % (30)	4 % (6)	14 % (22)	8 % (13)	49 % (78)
Lobbyists	9 % (5)	17 % (9)	8 % (4)	21 % (11)	13 % (7)	32 % (17)
13. Fundraising events organized by lobbyists.						
Legislators	26 % (10)	13 % (5)	21 % (8)	11 % (4)	5 % (2)	24 % (9)
Public Officials	16 % (25)	9 % (14)	15 % (24)	8 % (13)	12 % (18)	40 % (62)
Lobbyists	25 % (13)	8 % (4)	31 % (16)	12 % (6)	4 % (2)	20 % (10)
14. Post government service lobbying by legislators or legislative staff.						
Legislators	50 % (20)	13 % (5)	10 % (4)	15 % (6)	0 % (0)	13 % (5)
Public Officials	24 % (38)	15 % (24)	5 % (8)	17 % (26)	7 % (10)	32 % (49)
Lobbyists	42 % (22)	15 % (8)	12 % (6)	12 % (6)	0 % (0)	19 % (10)
15. Calculated evasions of the purpose and spirit of campaign laws through legalistic techniques.						
Legislators	18 % (7)	10 % (4)	10 % (4)	20 % (8)	12 % (5)	30 % (12)
Public Officials	6 % (10)	10 % (16)	1 % (2)	11 % (17)	15 % (23)	57 % (90)
Lobbyists	15 % (8)	29 % (15)	13 % (7)	13 % (7)	8 % (4)	21 % (11)

The Problem is Serious

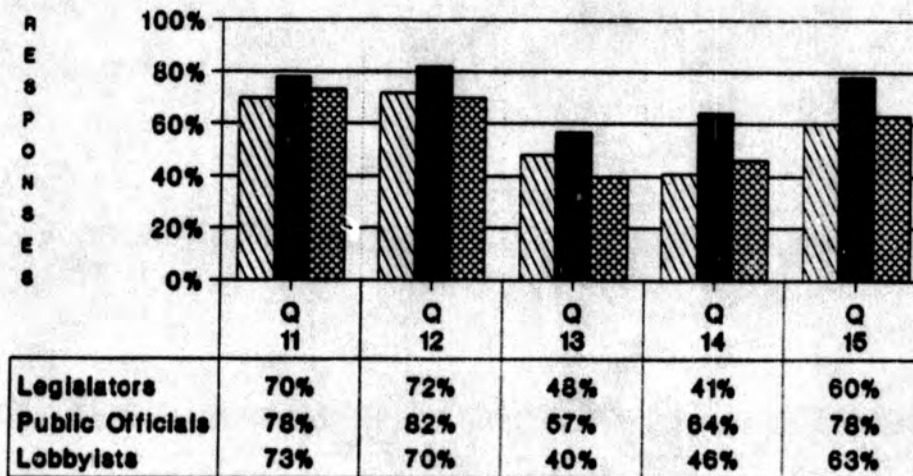


Questions 11 - 15

Legislators
 Public Officials
 Lobbyists

Combined responses C,D,E,& F

Will regulation help ?



Questions 11 - 15

Legislators
 Public Officials
 Lobbyists

Combined responses B,D & F

Actual Conflicts and Appearances of Impropriety

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

A = Insignificant, more regulation unjustified.

B = Minor but more regulation may help.

C = Serious in terms of appearances but not actual affect, more regulation won't help.

D = Serious in terms of appearances but not actual affect, more regulation will help.

E = Serious actual problem but more regulation won't help.

F = Serious actual problem, more regulation will help.

16. Legislators making it known that they expect campaign contributions or other support in return for access and good relations.

	A	B	C	D	E	F
Legislators	23 % (9)	23 % (9)	8 % (3)	18 % (7)	13 % (5)	15 % (6)
Public Officials	8 % (12)	10 % (16)	7 % (11)	8 % (12)	29 % (47)	39 % (63)
Lobbyists	25 % (13)	18 % (9)	18 % (9)	6 % (3)	18 % (9)	16 % (8)

17. Legislators pressuring lobbyists to support their favorite charitable cause or event under circumstances which create the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist.

Legislators	35 % (14)	15 % (6)	5 % (2)	15 % (6)	10 % (4)	20 % (8)
Public Officials	16 % (25)	9 % (14)	14 % (21)	10 % (16)	20 % (31)	31 % (49)
Lobbyists	47 % (24)	16 % (8)	16 % (8)	4 % (2)	8 % (4)	10 % (5)

18. Fundraising activities anywhere in Juneau during the legislative session.

Legislators	30 % (12)	10 % (4)	5 % (2)	15 % (6)	3 % (1)	37 % (15)
Public Officials	28 % (44)	12 % (18)	14 % (21)	7 % (11)	4 % (7)	35 % (55)
Lobbyists	38 % (20)	11 % (6)	17 % (9)	13 % (7)	4 % (2)	17 % (9)

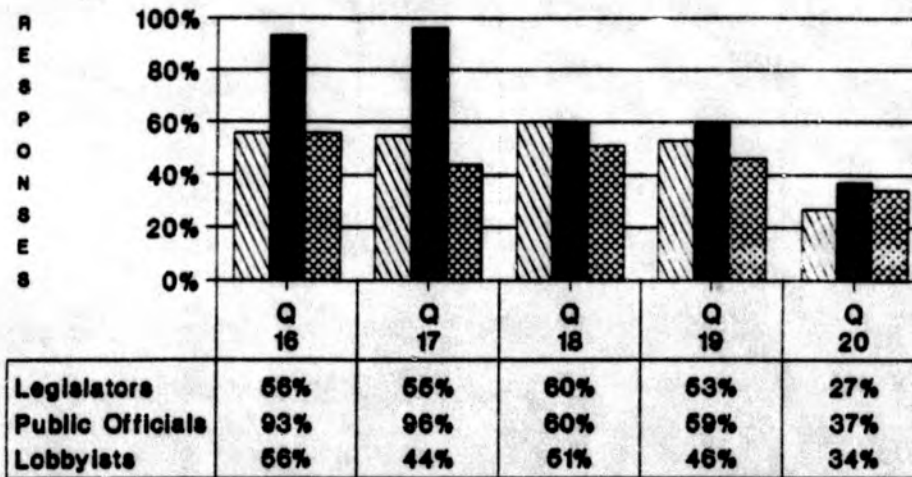
19. Fundraising activities anywhere in the state during the legislative session.

Legislators	35 % (14)	12 % (5)	8 % (3)	18 % (7)	0 % (0)	27 % (11)
Public Officials	30 % (47)	11 % (17)	14 % (22)	9 % (15)	5 % (8)	31 % (48)
Lobbyists	41 % (22)	13 % (7)	17 % (9)	8 % (4)	6 % (3)	15 % (8)

20. Fundraising activities immediately after elections to retire campaign debts.

Legislators	45 % (18)	13 % (5)	8 % (3)	17 % (7)	2 % (1)	15 % (6)
Public Officials	49 % (77)	8 % (12)	8 % (12)	9 % (14)	3 % (5)	23 % (37)
Lobbyists	45 % (24)	13 % (7)	19 % (10)	9 % (5)	2 % (1)	11 % (6)

The Problem is Serious

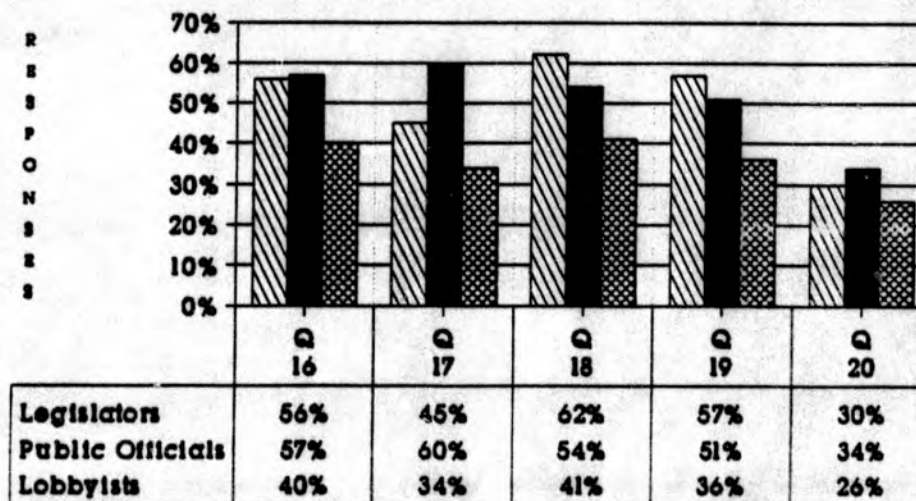


Questions 16 - 20

Legislators
 Public Officials
 Lobbyists

Combined responses C,D,E,& F

Will regulation help ?



Questions 16 - 20

Legislators
 Public Officials
 Lobbyists

Combined responses B,D & F

Alaska Ethics Commission

Q. Please rank each of the following proposals for a panel to enforce legislative ethical rules in terms of the relative level of trust you would have in the board described (assume each panel will go through a full training program orienting them on the law and their duties). [Use 1 for first choice, 2 for second, etc.]

APPENDIX A

The Josephson Institute

Report on the Alaska Legislative Ethics Act of 1990

A panel of six, consisting of three members of the body (Senate or House) of the person charged and three public members appointed by the Alaska Supreme court (existing structure).

A panel of seven, consisting of four public members appointed by the Supreme Court and three legislators from the body of the person charged.

A panel of five, consisting of three public members appointed by the Supreme Court and one legislator from each body appointed by the Senate President and Speaker and confirmed by a two-thirds vote of both bodies.

A panel of five public members all appointed by the Supreme Court.

A panel of five public members, one appointed by the Supreme Court, one appointed by the Governor, one jointly appointed by the President of the Senate and the Senate minority leader, one jointly appointed by the Speaker of the House and the House minority leader and the fifth appointed by the other four appointees.'

A panel of five citizen commissioners drawn from the voter registration rolls, screened by a process similar to that used for the selection of a jury, and confirmed by both Houses.

	Average	Choice Ranking		
		1 & 2	3 & 4	5 & 6
Public Official Lobbyist	4.45 3.85	12 % (17) 22 % (8)	33 % (48) 38 % (15)	55 % (79) 40 % (16)
Public Official Lobbyist	3.12 3.12	39 % (66) 37 % (15)	42 % (62) 49 % (20)	19 % (29) 14 % (6)
Public Official Lobbyist	2.44 2.02	55 % (82) 71 % (31)	35 % (52) 27 % (12)	10 % (15) 2 % (1)
Public Official Lobbyist	3.29 3.03	37 % (54) 51 % (20)	36 % (53) 23 % (9)	27 % (39) 26 % (10)
Public Official Lobbyist	3.37 3.55	37 % (53) 38 % (16)	31 % (45) 19 % (8)	32 % (47) 43 % (18)
Public Official Lobbyist	3.87 4.20	36 % (52) 20 % (7)	15 % (22) 26 % (9)	49 % (70) 54 % (19)

SURVEY OF OPINION ALASKA LEGISLATORS

Government Ethics Center of the Josephson Institute

Please circle the letter next to the statement that comes closest to your opinion as to each of the following issues.

PUBLIC TRUST

Recently, there has been a great deal of discussion about the public's trust and confidence in the integrity of the Alaska state legislature.

1. Regardless of the present state of public trust, how important to the effectiveness of government do you think it is that legislators be held in high esteem by the public?
 - a. Essential.
 - b. Very important, effectiveness is badly hampered by a lack of trust.
 - c. Somewhat important, as a practical matter the effectiveness of government is not very much affected by a lack of trust.
 - d. Not very important. The public has always been cynical about politicians and government has always managed to function.
2. How important is it to you personally that the legislature as a whole is held in high esteem by the public?
 - a. Very important because my own reputation and the satisfaction I get from office is directly affected by general public attitudes.
 - b. Somewhat important but generally, my constituents and those who know me judge me as an individual regardless of what they think of other legislators.
 - c. Not very important since my constituents and those who know me judge me as an individual.
3. In your opinion, what proportion of the general public (statewide) has a sufficiently high degree of trust and confidence in the integrity of legislators?
 - a. Almost all
 - b. Most
 - c. About half
 - d. Very few
 - e. Almost none
 - f. I have no idea
4. What proportion of your constituents have a sufficiently high degree of trust and confidence in the integrity of legislators?
 - a. Almost all
 - b. Most
 - c. About half
 - d. Very few
 - e. Almost none
 - f. I have no idea
5. To the extent that trust is not as high as you think it should be, which of the following is a MAJOR reason (you may circle more than one).
 - a. Relentless and unfair media coverage.
 - b. Aggressive but basically fair media coverage.

- c. Insensitivity to ethical standards by a substantial majority of legislators.
- d. Insensitivity to ethical standards by a significant minority of legislators.
- e. Widely publicized misconduct of only a very few legislators.
- f. Unreasonable public expectations.
- g. The public's predisposition to believe the worst regardless of the facts.

OUTSIDE INCOME

One source of real and apparent conflicts of interest is outside earned income necessitated by the part-time compensation of Alaska legislators. Since standards of conduct must address this issue, it is important to assess the potential impact of various solutions which would restrict income sources. Your candid answers to the following questions will provide important information that will us frame reasonable and practical standards.

6. On an annual basis, about what proportion of your income-producing time is spent on activities directly related to your position as a legislator?
 - a. 100%
 - b. 90% or more
 - c. 75% or more
 - d. 50% or more
 - e. 25% or more
 - f. Less than 25%
7. On an annual basis, about what proportion of your personal (not including spouse income) total income from all sources is derived from your legislative salary and per diems?
 - a. 100%
 - b. 90% or more
 - c. 75% or more
 - d. 50% or more
 - e. 25% or more
 - f. Less than 25%
8. The 1989 Report of the State Officers' Compensation Commission recommended raising legislative salaries to \$40,000 along with adjustments in the per diem amounts and procedures, two round-trip constituent travel reimbursements during the legislative session and a different way of dealing with the office allowance to prevent it from becoming an income source. Regardless of your opinion as to the political issues involved, what is your opinion as to the substance of the recommendation?
 - a. Much too low.
 - b. Slightly low.
 - c. About right.
 - d. Slightly high.
 - e. Much too high.

MORE---

As to each of the following possible sources of income, please indicate the extent to which a complete prohibition would, in the absence of a compensatory pay raise, place a financial hardship on you and affect your willingness to stay in the legislature.

- A = Unacceptable, I could not stay.
- B = Unreasonably difficult, I might not stay.
- C = Very difficult but I would stay.
- D = Not significant since other sources of income are adequate.
- E = Not significant since I receive little or nothing in this way.

- ____ 9. Honoraria -- outside fees for speaking, appearing or writing.
- ____ 10. Fees or commissions relating to business or contracts with any entity of state or local government.
- ____ 11. Fees or other compensation relating to direct representation of persons or organizations in their dealings with any state government entity.
- ____ 12. Fees or other compensation relating to direct representation of persons or organizations in their dealings with any state OR local government entity.
- ____ 13. Fees or other compensation relating to advising or consulting with persons or organizations with respect to their dealings with any state government entity.
- ____ 14. Fees or other compensation relating to advising or consulting with persons or organizations with respect to their dealings with any state OR local government entity.
- ____ 15. Lawful conversion of surplus campaign funds to personal income.

ACTUAL CONFLICTS AND APPEARANCES OF IMPROPRIETY

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

- A = Insignificant, more regulation unjustified.
- B = Minor but more regulation may help.
- C = Serious in terms of appearances but not actual affect, more regulation won't help.
- D = Serious in terms of appearances but not actual affect, more regulation will help.
- E = Serious actual problem but more regulation won't help.
- F = Serious actual problem, more regulation will help.

- ____ 16. Improper travel reimbursement claims.
- ____ 17. Improper per diem claims.
- ____ 18. Outside income sources raising improper conflicts of interest.
- ____ 19. Inadequate or evasive disclosures of financial conflicts of interest.
- ____ 22. Handling of campaign fund surplus.
- ____ 21. Free meals, beverages or entertainment.

- ____ 22. Free in-state travel and lodging.
- ____ 23. Free out-of-state travel or use of recreational or lodging facilities.
- ____ 24. Inappropriate private conduct of legislators that reflects discredit on the entire body.
- ____ 25. Improper use of administrative powers or customary authority of legislative leaders, including committee chairs, to hold up or alter legislation.
- ____ 26. Use of official title, prestige of legislative office, or implied official powers to obtain personal benefits.
- ____ 27. Use of government facilities for campaign and/or fundraising activities.
- ____ 28. Use of government paid staff for campaign and/or fundraising activities.
- ____ 29. Fund raising events sponsored or held by lobbyists.
- ____ 30. Post government service lobbying by legislators or legislative staff.
- ____ 31. Calculated evasions of the purpose and spirit of campaign contribution limits through legalistic techniques.
- ____ 32. Legislators soliciting or otherwise making it known that they want or expect personal gifts, favors, campaign contributions or other support in return for access and good relations.
- ____ 34. Legislators pressuring lobbyists to support their favorite charitable cause or event under circumstances which create the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist.
- ____ 35. Fundraising activities in Juneau during the legislative session.
- ____ 36. Fundraising activities anywhere in the state during the legislative session.
- ____ 37. Fundraising activities immediately after elections to retire campaign debts.

THANK YOU VERY MUCH FOR TAKING THE TIME TO PARTICIPATE IN THIS SURVEY.

IF THIS QUESTIONNAIRE STIMULATED ANY ADDITIONAL THOUGHTS YOU WOULD LIKE TO SHARE, PLEASE WRITE AS SOON AS POSSIBLE OR CALL US THROUGH SENATOR PAT POURCHOT'S OFFICE (HE WAS ASSIGNED PROJECT DIRECTOR) OR AT OUR LOS ANGELES OFFICE 213 306-1868.

SURVEY OF OPINION

ADMINISTRATIVE AND LEGISLATIVE ETHICS

Government Ethics Center of the Josephson Institute

RESIDENCE CITY: _____

Please circle the letter next to the statement that comes closest to your opinion as to each of the following issues.

PUBLIC TRUST

1. Regardless of the present state of public trust, how important to the effectiveness of government do you think it is that those who serve government be held in high esteem by the public?
 - a. Essential.
 - b. Very important, effectiveness is badly hampered by a lack of trust.
 - c. Somewhat important, but as a practical matter, the effectiveness of government is not very much affected by a lack of trust.
 - d. Not very important. The public has always been cynical about politicians and government has always managed to function.
 2. In your opinion, what proportion of the general public (statewide) has a sufficiently high degree of trust and confidence in the integrity of legislators?
 - a. Almost all
 - b. Most
 - c. About half
 - d. Very few
 - e. Almost none
 - f. I have no idea
 3. What is your personal opinion of the integrity of Alaska legislators and the body as a whole?
 - a. I have a high regard for the integrity of almost all legislators and for the body as a whole.
 - b. I have a high regard for most legislators individually but not a very high regard for the body as a whole.
 - c. Although I have a regard for many legislators, I do not have a very high regard for most of them or for the body as a whole.
 - d. I have a high regard for very few legislators and a low opinion of the body as a whole.
 - e. I have a very low regard for the integrity of almost all legislators and the body as a whole.
 4. To the extent that trust is not as high as you think it should be, which of the following is a MAJOR reason (you may circle more than one).
 - a. Relentless and unfair media coverage.
 - b. Aggressive but basically fair media coverage.
 - c. Insensitivity to ethical standards by a substantial majority of legislators.
 - d. Insensitivity to ethical standards by a significant minority of legislators.
 - e. Widely publicized misconduct of only a very few legislators.
 - f. Unreasonable public expectations.
 - g. The public's predisposition to believe the worst regardless of the facts.
 5. Given the 120 day legislative session and the fact that they are presently compensated at the rate of \$22,140 per annum and \$50-55 per day for working 4 hours or more when the legislature is not in session (plus \$9,680 for living expenses during the session), what proportion of income-producing time (on an annual basis) do you think it is reasonable to expect legislators to devote to legislative duties?
 - a. 100%
 - b. At least 75%
 - c. At least 50%
 - d. At least 25%
 6. The 1989 Report of the State Officers' Compensation Commission recommended raising legislative salaries to \$40,000 along with adjustments in the per diem amounts and procedures, two round-trip constituent travel reimbursements during the legislative session and a different way of dealing with the office allowance to prevent it from becoming an income source. Regardless of your opinion as to the political issues involved, what is your opinion as to the substance of the recommendation?
 - a. Much too low.
 - b. Slightly low.
 - c. About right.
 - d. Slightly high.
 - e. Much too high.
- Each of the following possible sources of income, raise a certain potential for conflicts of interest. Prohibiting them, however, may affect the willingness and ability of some legislators to stay in the legislature. Please indicate the extent to which you think the source ought to be restricted in view of the potential financial hardship and inability to serve such a prohibition may cause.*
- A = Such income should be banned even if some legislators have to withdraw or undergo serious financial hardship.
B = Such income should be banned or restricted as much as is reasonably possible without causing legislators to leave the legislature.
C = Such income should be subject to disclosure but not prohibition since the potential conflicts can be resolved so long as the legislator is held accountable to the public.
D = Such income should be neither banned nor subject to any additional disclosure since the potential conflicts of interest are not serious.
7. Honoraria -- outside fees for speaking, appearing or writing.
 8. Fees or commissions relating to business or contracts with any entity of state or local government.

____ 10. Fees or other compensation relating to *direct representation* of persons or organizations in their dealings with any *state OR local government entity*.

____ 11. Fees or other compensation relating to *consulting* with persons or organizations with respect to their dealings with any *state government entity*.

____ 12. Fees or other compensation relating to *consulting* with persons or organizations with respect to their dealings with any *state OR local government entity*.

____ 13. Lawful conversion of surplus campaign funds to personal income.

ACTUAL CONFLICTS AND APPEARANCES OF IMPROPRIETY

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

A = Insignificant, more regulation unjustified.

B = Minor but more regulation may help.

C = Serious in terms of appearances but not actual affect, more regulation won't help.

D = Serious in terms of appearances but not actual affect, more regulation will help.

E = Serious actual problem but more regulation won't help.

F = Serious actual problem, more regulation will help.

____ 16. Improper travel reimbursement claims.

____ 17. Improper per diem claims.

____ 18. Outside income sources raising improper conflicts of interest.

____ 19. Inadequate or evasive disclosures of financial conflicts of interest.

____ 20. Handling of campaign fund surplus.

____ 21. Free meals, beverages or entertainment.

____ 22. Free in-state travel and lodging.

____ 23. Free out-of-state travel or use of recreational or lodging facilities.

____ 24. Inappropriate private conduct of legislators that reflects discredit on the entire body.

____ 25. Improper use of administrative powers or customary authority of legislative leaders, including committee chairs, to hold up or alter legislation.

____ 26. Use of official title, prestige of legislative office, or implied official powers to obtain personal benefits.

____ 27. Use of government facilities for campaign and/or fundraising activities.

____ 28. Use of government paid staff for campaign and/or fundraising activities.

____ 29. Fund raising events sponsored or held by lobbyists.

____ 30. Post government service lobbying by legislators or legislative staff.

____ 31. Calculated evasions of the purpose and spirit of campaign contribution limits through legalistic techniques.

____ 32. Legislators making it known that they expect campaign contributions or other support in return for access and good relations.

____ 33. Legislators pressuring lobbyists to personally provide or otherwise arrange for campaign contributions under circumstances which create the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist.

____ 34. Legislators pressuring lobbyists to support their favorite charitable cause or event under circumstances which create the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist.

____ 35. Fundraising activities in Juneau during the legislative session.

____ 36. Fundraising activities anywhere in the state during the legislative session.

____ 37. Fundraising activities immediately after elections to retire campaign debts.

____ 38. Very close personal relationships between legislators and lobbyists.

39. Please rank each of the following proposals for a panel to enforce legislative ethical rules in terms of the relative level of trust you would have in the board described (assume each panel will go through a full training program orienting them on the law and their duties). [Use 1 for first choice, 2 for second, etc.]

____ A panel of six, consisting of three members of the body (Senate or House) of the person charged and three public members appointed by the Alaska Supreme Court (existing structure).

____ A panel of seven, consisting of four public members appointed by the Supreme Court and three legislators from the body of the person charged.

____ A panel of five, consisting of three public members appointed by the Supreme Court and one legislator from each body appointed by the Senate President and Speaker and confirmed by a two-thirds vote of both bodies.

____ A panel of five public members all appointed by the Supreme Court.

____ A panel of five public members, one appointed by the Supreme Court, one appointed by the Governor, one jointly appointed by the President of the Senate and the Senate minority leader, one jointly appointed by the Speaker of the House and the House minority leader and the fifth appointed by the other four appointees.

____ A panel of five citizen commissioners drawn from the voter registration rolls, screened by a process similar to that used for the selection of a jury, and confirmed by both Houses.

SURVEY OF OPINION

LOBBYIST PERSPECTIVE ON LEGISLATIVE ETHICS

Government Ethics Center of the Josephson Institute

TYPE: ☐ Salary ☐ Contract ☐ Volunteer ☐ Expenses only

MAJOR AREA: ☐ Industry/Business ☐ Gov't/Education ☐ Public interest ☐ Other _____

Please circle the letter next to the statement that comes closest to your opinion as to each of the following issues.

1. How important to the effectiveness of government do you think it is that those who serve government be held in high esteem by the public?
 - a. Essential.
 - b. Very important, effectiveness is badly hampered by a lack of trust.
 - c. Somewhat important, but as a practical matter the effectiveness of government is not very much affected by a lack of trust.
 - d. Not very important. The public has always been cynical about politicians and government has always managed to function.
2. In your opinion, what proportion of the general public (statewide) has a sufficiently high degree of trust and confidence in the integrity of legislators?
 - a. Almost all
 - b. Most
 - c. About half
 - d. Very few
 - e. Almost none
 - f. I have no idea
3. What is your personal opinion of the integrity of Alaska legislators and the body as a whole?
 - a. I have a high regard for the integrity of almost all legislators and for the body as a whole.
 - b. I have a high regard for most legislators individually but not for the body as a whole.
 - c. Although I have a high regard for many legislators, I do not for most of them or for the body as a whole.
 - d. I have a high regard for very few legislators and a low opinion of the body as a whole.
 - e. I have a very low regard for the integrity of almost all legislators and the body as a whole.
4. To the extent that trust is not as high as you think it should be, which of the following is a MAJOR reason (you may circle more than one).
 - a. Relentless and unfair media coverage.
 - b. Aggressive but basically fair media coverage.
 - c. Insensitivity to ethical standards by a substantial majority of legislators.
 - d. Insensitivity to ethical standards by a significant minority of legislators.
 - e. Widely publicized misconduct of only a very few legislators.
 - f. Unreasonable public expectations.
 - g. The public's predisposition to believe the worst regardless of the facts.
5. Given the 120 day legislative session and the fact that they are presently compensated at the rate of \$22,140 per annum (plus \$9,680 for living expenses during the session) and \$50-55 per day for working 4 hours or more when the legislature is not in session, what proportion of income-producing time (on an annual basis) do you think it is reasonable to expect legislators to devote to legislative duties?
 - a. 100%
 - b. At least 75%
 - c. At least 50%
 - d. At least 25%
6. Some people claim that legislators, directly or through aides, effectively coerce lobbyists to make campaign contributions (either personally or through their clients) by creating the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist in a way that could hamper lobbyists' ability to effectively advocate the interests of their clients. Which of the following statements comes closest to your views on the matter.
 - a. This almost never happens; the contributions that most lobbyists give are fully voluntary and based on ideological support.
 - b. This happens occasionally with a few members but by and large the contributions that most lobbyists give are fully voluntary and based on ideological support.
 - c. This happens frequently with many members; about half the contributions that most lobbyists give are defensive -- to ward off negative reactions and the loss of access.
 - d. This happens frequently with almost all members; most of the contributions that most lobbyists give are defensive -- to ward off negative reactions and the loss of access.
7. Which of the following comes closest to your views as to the impact and legitimacy of fund raising practices between lobbyists and legislators?
 - a. There is no significant pressure to provide campaign funds to legislators, hence, no impact.
 - b. Present practices are a part of legitimate politics; there is nothing wrong with them since they do not adversely affect the process.
 - c. Fund raising pressure is occasionally overdone but does not raise serious problems since lobbyist and special interest contributions very rarely influence the legislator's actions.
 - d. Fund raising pressure is often overdone and it raises a serious problem since special interests which are able and willing to provide financial support have a significant advantage in telling their story and persuading legislators. --More

e. Fund raising pressure raises serious problems not only because special interests which provide financial support have a significant advantage in telling their story and persuading legislators, but in addition, the financial support itself sometimes influences legislative actions.

8. In your opinion, what proportion of the present legislature can be influenced to take or withhold some significant legislative action (e.g., intervention with a state agency, committee actions, drafting and amending legislation, voting) by campaign contributions or other financial benefits provided by lobbyists and their employers?

- a. None.
- b. No more than 10%.
- c. About 25%.
- d. About half.
- e. Over half.
- f. Almost all.

Each of the following possible sources of income, raise a certain potential for conflicts of interest. Prohibiting them, however, may affect the willingness and ability of some legislators to stay in the legislature. Please indicate the extent to which you think the source ought to be restricted in view of the potential financial hardship and inability to serve such a prohibition may cause.

A = Such income should be banned even if some legislators have to withdraw or undergo serious financial hardship.

B = Such income should be banned or restricted as much as is reasonably possible without causing legislators to leave the legislature.

C = Such income should be subject to disclosure but not prohibition since the potential conflicts can be resolved so long as the legislator is held accountable to the public.

D = Such income should be neither banned nor subject to any additional disclosure since the potential conflicts of interest are not serious.

9. Fees or other compensation relating to *direct representation* of persons or organizations in their dealings with any *state government* entity.

10. Fees or other compensation relating to *direct representation* of others in dealings with any *state OR local government* entity.

11. Fees or other compensation relating to *consulting* with others with respect to their dealings with any *state government* entity.

12. Fees or other compensation relating to *consulting* with others with respect to their dealings with any *state OR local government* entity.

13. Lawful conversion of surplus campaign funds to personal income.

14. Fees or commissions relating to business or contracts with any entity of state or local government.

15. Honoraria for speaking, appearing, writing.

As to each possible source of real or apparent impropriety, indicate whether you think the problem is:

A = Insignificant, more regulation unjustified.

B = Minor but more regulation may help.

C = Serious in terms of appearances but not actual affect, more regulation won't help.

D = Serious in terms of appearances but not actual affect, more regulation will help.

E = Serious actual problem but more regulation won't help.

F = Serious actual problem, more regulation will help.

16. Improper travel reimbursement claims.

17. Improper per diem claims.

18. Outside income sources.

19. Inadequate or evasive disclosures of financial conflicts of interest.

20. Handling of campaign fund surplus.

21. Very close personal relationships (including marriage) between legislators and lobbyists.

22. Free in-state travel and lodging.

23. Free out-of-state travel or use of recreational or lodging facilities.

24. Inappropriate private conduct of legislators that reflects discredit on the entire body.

25. Improper use of administrative powers or customary authority of legislative leaders, including committee chairs, to hold up or alter legislation.

26. Use of official title, prestige of office, or implied official powers to obtain personal benefits.

27. Use of government facilities for campaign and/or fundraising activities.

28. Use of government paid staff for campaign and/or fundraising activities.

29. Fund raising events organized by lobbyists.

30. Post government service lobbying by legislators or legislative staff.

31. Calculated evasions of the purpose and spirit of campaign laws through legalistic techniques.

32. Legislators making it known that they expect campaign contributions or other support in return for access and good relations.

33. Legislators pressuring lobbyists to provide or otherwise arrange for campaign contributions.

34. Legislators pressuring lobbyists to support their favorite charitable cause or event under circumstances which create the impression that refusal to do so could adversely affect the relationship between the legislator and the lobbyist.

35. Fundraising activities in Juneau during the legislative session.

36. Fundraising activities anywhere in the state during the legislative session.

37. Fundraising activities immediately after elections to retire campaign debts.

38. Please rank each of the following proposals for a panel to enforce legislative ethical rules in terms of the relative level of trust you would have in the board described (assume each panel will go through a full training program orienting them on the law and their duties). [Use 1 for first choice, 2 for second, etc.]

_____ A panel of six, consisting of three members of the body (Senate or House) of the person charged and three public members appointed by the Alaska Supreme Court (existing structure).

_____ A panel of seven, consisting of four public members appointed by the Supreme Court and three legislators from the body of the person charged.

_____ A panel of five, consisting of three public members appointed by the Supreme Court and one legislator from each body appointed by the Senate President and Speaker and confirmed by a two-thirds vote of both bodies.

_____ A panel of five public members all appointed by the Supreme Court.

_____ A panel of five public members, one appointed by the Supreme Court, one appointed by the Governor, one jointly appointed by the President of the Senate and the Senate minority leader, one jointly appointed by the Speaker of the House and the House minority leader and the fifth appointed by the other four appointees.

_____ A panel of five citizen commissioners drawn from the voter registration rolls, screened by a process similar to that used for the selection of a jury, and confirmed by both Houses.

39. _____ On average, I give over \$500 per year from my personal funds in campaign contributions.

40. _____ On average, I oversee, direct or recommend the giving of at least \$2,000 per year in campaign contributions from clients.

41. COMMENTS AND SUGGESTIONS:

APPENDIX B

About The Josephson Institute

Josephson Institute for the Advancement of Ethics

BOARD OF GOVERNORS

The Board of Governors is the Institute's governing board. In 1990 the Board size will be expanded to approximately 20 members. Formal meetings are held tri-annually in April, August and November, alternating between the west and east coasts. Board members provide guidance and consultation, as well as oversight on programs and publications and actively assist in resource development. Members are expected to attend two of three board meetings annually.

About the Institute

Mission. The Joseph & Edna Josephson Institute for the Advancement of Ethics is a public benefit, nonprofit corporation founded by Michael Josephson in honor of his parents. Its mission is to improve the ethical quality of society by teaching and advocating principled reasoning and ethical decision making. The Institute is not a think tank, it is an activist organization which is concerned with conduct rather than theory.

Activities. The Institute became active in mid-1987. Since that time, it has become nationally recognized for its innovative programs and publications. The Institute and its Government Ethics Center has conducted over 200 programs and workshops for over 20,000 influential leaders including legislators and mayors; high ranking public executives and congressional staff; editors and reporters; senior corporate and nonprofit executives; judges and lawyers; and military and police command officers. In addition, it publishes a periodic newsletter, *Ethics in Action* and a widely acclaimed quarterly magazine, *Ethics: Easier Said Than Done*.

Funding. The Institute is a 501 (c) (3) tax-exempt organization funded by individual memberships and gifts, foundation and corporate grants, fees and contributions for services, and sales of printed materials and tapes. In mid-1989 the Institute exhausted the \$1 million gift provided by Michael Josephson, the organization's founder (he also serves as president and takes no salary or other remunerations), and is now dependent on other sources of funding.

John W. English, Vice President and Chief Investment Officer, The Ford Foundation; Trustee/ Director of seven major non-profit organizations and other associations; (former Assistant Treasurer Illinois Bell Telephone Co., former Director of Investment Management, AT&T New York City).

Edwin Epstein, LL.B, LL.D., Professor, Department of Business Administration; (former President, Academic Senate, University of California at Berkeley; former Director, Program for Business and Social Policy).

Frances Hesselbein, Former National Executive Director, Girl Scouts of the United States of America; Director, Mutual of America Life Insurance Co.; Director, Independent Sector; Executive Committees of four major non-profit organizations; Board of Trustees of two colleges and Board of Visitors of Peter F. Drucker Graduate Management Center graduate management.

Michael Josephson, J. D., President and founder, The Joseph & Edna Josephson Institute for the Advancement of Ethics; attorney and law professor; (former Chairman, Teaching Methods Section, Association of American Law Schools; former CEO and founder, Josephson Bar Review Centers and Center for Creative Educational Services).

Helen Kelley, Ph.D., (former Executive Director, The Josephson Institute for the Advancement of Ethics; former President, Immaculate Heart College; former Director, Older Americans Volunteer Programs, a project of the federal agency, ACTION).

Seth Rosner, LL.B., Attorney-at-law, in New York City; Member, American Bar Association Standing Committee on Ethics and Professional Responsibility; (former Chairman, General Practice Sections, New York State Bar Association and American Bar Association).

Richard Schubert, LL.B., (former President, The American Red Cross; former President and Vice Chairman, Bethlehem Steel; former Undersecretary, U.S. Department of Labor.)

Mark Siegler, M.D., Director, Center for Clinical Medical Ethics, University of Chicago; member, American College of Physicians Human Rights and Medical Practice Committee; Editorial Board, American Journal of Medicine.

John Singleton, Vice Chairman, Security Pacific Corporation; Chief Executive Officer, Security Pacific Automation Company Inc.; Chairman of Board, Industry Education Council of California; member several other prominent boards including National Board of Junior Achievement.

Norman Sprinthall, Ed.D., Professor, Department of Counselor Education, North Carolina State University; Editorial Boards, Journal of Adolescence, Journal of Moral Education and Fellow, American Psychological Association.

Ralph Walters, C.P.A., Director of Professional Conduct, California Society of CPAs; (former member, Financial Accounting Standards Board, Board of Governors and Director of Professional Standards, Touche Ross International).

Joseph & Edna Josephson Institute

THE GOVERNMENT ETHICS CENTER

The Government Ethics Center is a division of the Joseph & Edna Josephson Institute for the Advancement of Ethics, a nonprofit, nonpartisan, tax-exempt educational organization. The Center was established to assist those who work in government to build and maintain public trust by enhancing their ethical consciousness, proficiency and practical judgement. The Center's publications and ethics leadership training seminars focus on turning ethical theory into practical problem solving strategies to aid public servants make difficult decisions in the trenches.

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Former Congressman

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Journalist; former State Dept. Spokesman

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Edwin O. Guthman

Prof., Journalism, USC; former editor Philadelphia

Inquirer; Pulitzer Prize; former press secretary

to Robert F. Kennedy

Joan Hoff-Wilson

Prof., History, American Univ.; Executive Sec.,

Organization of American Historians

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former Governor of Minnesota

Donald Robertson

Attorney; former Speaker Pro Tem, Maryland

House of Delegates

Richard Schubert

Former President, American Red Cross;

former President, Bethlehem Steel

Paul C. Warnke

Attorney;

former Chief U. S. arms control negotiator

Affiliate Organizations and Advisory Council

United States Conference of Mayors

J. Thomas Cochran, Executive Director

National Association of Attorneys General

Christine Milliken, Executive Director

National Conference of State Legislatures

Carl Tubbesing, Director State & Federal Relations

American Society for Public Administration

Bayard Rustin, Professor, George Washington Univ.

International City Management Association

G. Curtis Branscome, City Manager, Decatur, Georgia

National Association of State Budget Officers

Gerald H. Miller, Executive Director

National Civic League

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National Conference of Christians and Jews

Harry Robinson, Senior Vice President

National League of Cities

Thomas McCloud, Director Membership Services

Public Affairs Council

Raymond Hoewing, Executive Director

State Legislative Leaders Foundation

Ben Atchley, Sen. Minority Leader, Tennessee

Senior Executives Association/Professional Development

League

Carol Bonosaro, President

THE JOSEPHSON INSTITUTE

Media and Program Overview

Feature stories, op/eds or comments about or by The Josephson Institute have been published in many of the nation's news media, including:

TELEVISION

- *Ted Koppel's Nightline*
- *Bill Moyer's World of Ideas*
- *CBS This Morning*
- *ABC Burning Issues*
- *Nightwatch with Charlie Rose*
- *CNN*
- *World Monitor News*

PRINT

- *Boston Globe*
- *Business Week*
- *Christian Science Monitor*
- *Cincinnati Post*
- *Detroit Free Press*
- *Houston Chronicle*
- *Los Angeles Times*
- *New York Times*
- *Philadelphia Inquirer*
- *San Francisco Chronicle*
- *Seattle Times*
- *The Wall Street Journal*
- *Time Magazine*
- *USA Today*
- *Washington Post*

The Institute has conducted programs for the following

Journalism

- Associated Press Managing Editors
- Associated Sports Editors
- American Association of Sunday and Feature Editors
- Knight Ridder Executive Development
- Knight Ridder Washington Bureau
- Los Angeles Times newsroom
- Nevada Press Association
- Orange County Register newsroom
- Philadelphia Inquirer newsroom
- Philadelphia Daily News newsroom
- Radio and Television News Directors Association
- San Jose Mercury News newsroom
- Seattle Times newsroom
- Society of Professional Journalists
- Organization of News Ombudsmen
- Times Mirror Corporate
- Wichita Eagle Beacon newsroom

Business

- Apple Computer--legal counsel
- Bank of America--senior executives
- California Business Roundtable
- California Society of Professional Accountants
- Chevron--public/government affairs
- Goodyear Tire & Rubber Co.--senior executives
- Pacific Bell--senior executives
- Pacific Telesis--executive management team
- Public Affairs Council
- Security Pacific Automation

Government

- Alaska Legislature--members and staff
- American Society for Public Administration
- Arizona Legislature
- Association of Government Accountants
- California Legislature--members and senior staff
- Los Alamos National Laboratory--scientists/administration
- Minnesota state executives (various departments)
- Missouri Legislature
- National Association of State Budget Officers
- National Association of Attorneys General
- National Conference of State Legislatures
- National League of Cities
- New Mexico Legislature
- State Legislative Leaders' Foundation
- U. S. Army--Pentagon generals (procurement)
- U. S. Air Force--officer training instructors
- U. S. Conference of Mayors
- U. S. Senate--senior staff
- U. S. House of Representatives--senior staff

Non-Profit

- Michigan Council on Foundations, Grantpersons
- Girl Scouts of USA
- National Assoc. of Hospital Development
- The National Committee on Planned Giving
- National Society of Fundraising Executives

Publications

Quarterly Magazine: *Ethics: Easier Said Than Done (ESTD)* is a compendium of articles, stories, excerpts and quotations covering the ethical dimensions of news items, social trends and the nation's professions. It is designed to provide a forum for serious discussion of the ethical issues that shape contemporary American culture. The magazine is "very strongly recommended. . ." by The Association of College and Research Libraries/American Library Association's newsletter, for ". . . its clarity and sensitivity to the complicated nature of real-life ethical decision making."

Newsletter: *Ethics in Action* is a bi-monthly newsletter featuring articles to assist the reader in determining ethical obligations and opportunities, items of interest regarding what others are doing in the field of ethics, and updates on Josephson Institute activities.