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Wayne
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CS FOR HOUSE BILL NO. 65()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE HAWKER

A BILL

FOR AN ACT ENTITLED

"An Act relating to the disclosure of financial information by persons who are subject to the Legislative Ethics Act and by certain public officers, public employees, and candidates for public office."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 24.60.210(a) is amended to read:

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before May [MARCH] 15 of each year, except that a person appointed as a legislator under AS 15.40, a public member of the committee, or a legislative director must file within 30 days after the person's appointment. In addition, a person subject to this subsection shall, within 90 days after leaving service as a legislator, legislative director, or public member of the committee, file a final report containing the disclosures required of the person by AS 24.60.200 for the period that begins on the

last day of the last period for which the person filed a report required by that section and ends on the date of the person's last day of service.

* **Sec. 2.** AS 24.60.250(a) is amended to read:

(a) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a candidate for the legislature who is an incumbent legislator has failed to file a report under AS 24.60.200 by **a deadline established in AS 24.60.210** [MARCH 15], the commission shall notify the candidate that the report is late. If the candidate fails to file the report within 30 days after it is due,

(1) the commission shall notify the lieutenant governor;

(2) the candidate shall forfeit nomination to office and may not be seated in office;

(3) the lieutenant governor may not certify the person's nomination for office or election to office; and

(4) nomination to the office shall be certified as provided in AS 39.50.060(b).

* **Sec. 3.** AS 39.50.020(a) is amended to read:

(a) A public official other than the governor or the lieutenant governor shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file the statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition or becoming a candidate by any other means. Candidates for elective municipal office shall file the statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing fee be returned and the candidate's name removed from the filing records. A statement shall also be filed by public officials **not** [NO] later than **May** [MARCH] 15 in each following year. On or before the 90th day after leaving office, a former public official shall file a final statement covering any period during the official's service in that office for which the public official has not already filed a

statement. Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.

* **Sec. 4.** AS 39.50.035 is amended to read:

Sec. 39.50.035. Exemptions. A person subject to this chapter is not exempt from any of its provisions except

(1) as the commission may approve under (b) of this section; or

(2) to the extent state courts determine that legally privileged professional relationships preclude complete compliance.

* **Sec. 5.** AS 39.50.035 is amended by adding new subsections to read:

(b) A person may submit a written request for relief from a disclosure requirement of this chapter if the disclosure would

(1) violate state or federal law, including the Constitution of the United States or the Constitution of the State of Alaska;

(2) violate a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow; or

(3) reveal proprietary information treated by the person as confidential for business purposes, and the disclosure would be reasonably likely to materially diminish the commercial value of the information to the person or adversely affect the competitive position of the person.

(c) The commission shall approve or deny a request made under (b) of this section or may require further justification from the person making the request. At the request of the commission or a person authorized to act on behalf of the commission, a person who seeks relief from making a disclosure under this section shall provide the commission with justification in writing, and the commission shall review the written justification to determine whether it is sufficient. Before approving or denying a request made under (b)(3) of this section, the commission shall consider whether the state's interest in the disclosure is outweighed by the harm the disclosure would be reasonably likely to cause to the person seeking relief from the disclosure requirement.