

HOUSE BILL NO. 109

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/25/07

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the requirement for candidates, groups, legislators, public officials,
2 and other persons to submit reports electronically to the Alaska Public Offices
3 Commission; relating to disclosures by legislators, public members of the Select
4 Committee on Legislative Ethics, legislative directors, public officials, and certain
5 candidates for public office concerning services performed for compensation and
6 concerning certain income, gifts, and other financial matters; requiring legislators,
7 public members of the Select Committee on Legislative Ethics, legislative directors,
8 public officials, and municipal officers to make certain financial disclosures when they
9 leave office; relating to insignificant ownership interest in a business and to gifts from
10 lobbyists for purposes of the Alaska Executive Branch Ethics Act; relating to certain
11 restrictions on employment after leaving state service for purposes of the Alaska
12 Executive Branch Ethics Act; and providing for an effective date."

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

2 * **Section 1.** AS 15.13.040(m) is amended to read:

3 (m) The commission **shall require** [MAY REQUEST] that the information
4 required under this chapter be submitted electronically but **may, when extraordinary**
5 **circumstances warrant an exception,** [SHALL] accept any information required
6 under this chapter that is typed in clear and legible black typeface or hand-printed in
7 dark ink on paper in a format approved by the commission or on forms provided by
8 the commission and that is filed with the commission.

9 * **Sec. 2.** AS 24.60.200 is amended to read:

10 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**
11 **committee, and legislative directors.** A legislator, a public member of the committee,
12 and a legislative director shall file a disclosure statement, under oath and on penalty of
13 perjury, with the Alaska Public Offices Commission giving the following information
14 about the income received by the discloser, the discloser's spouse or domestic partner,
15 the discloser's dependent children, and the discloser's nondependent children who are
16 living with the discloser:

17 (1) the information that a public official is required to report under
18 AS 39.50.030, other than information about gifts;

19 (2) as to income in excess of \$1,000 received as compensation for
20 personal services, the name and address of the source of the income, **the amount of**
21 **the income, the number of hours of services performed to earn that income,** and a
22 statement describing **in detail** the nature of the services performed; [IF THE SOURCE
23 OF INCOME IS KNOWN OR REASONABLY SHOULD BE KNOWN TO HAVE
24 A SUBSTANTIAL INTEREST IN LEGISLATIVE, ADMINISTRATIVE, OR
25 POLITICAL ACTION AND THE RECIPIENT OF THE INCOME IS A
26 LEGISLATOR OR A LEGISLATIVE DIRECTOR, THE AMOUNT OF INCOME
27 RECEIVED FROM THE SOURCE SHALL BE DISCLOSED;]

28 (3) as to each loan or loan guarantee over \$1,000 from a source with a
29 substantial interest in legislative, administrative, or political action, the name and
30 address of the person making the loan or guarantee, the amount of the loan, the terms
31 and conditions under which the loan or guarantee was given, the amount outstanding

1 at the time of filing, and whether or not a written loan agreement exists.

2 * **Sec. 3.** AS 24.60.210 is amended to read:

3 **Sec. 24.60.210. Deadlines for filing of disclosure statements.** (a) A person
4 required to file a disclosure statement under AS 24.60.200 shall file an annual report
5 with the Alaska Public Offices Commission, covering the previous calendar year,
6 containing the disclosures required by AS 24.60.200, on or before March 15 of each
7 year. **On or before the 90th day after ending service as a legislator or legislative**
8 **director, a former legislator or legislative director shall file with the Alaska**
9 **Public Offices Commission a report containing the disclosures required by**
10 **AS 24.60.200, covering any period of that service for which the legislator or**
11 **legislative director has not already filed a report.**

12 (b) Notwithstanding (a) of this section, a public member and a public member
13 nominee of the committee shall file an annual report with the Alaska Public Offices
14 Commission, covering the previous calendar year, containing the disclosures required
15 by AS 24.60.200, on or before the second Monday in January of each year. **On or**
16 **before the 90th day after ending service on the committee, a former public**
17 **member of the committee shall file with the Alaska Public Offices Commission a**
18 **report containing the disclosures required by AS 24.60.200, covering any period**
19 **of that service for which the public member has not already filed a report.**

20 * **Sec. 4.** AS 24.60.210 is amended by adding a new subsection to read:

21 (c) The Alaska Public Offices Commission shall require that the reports
22 required under this section be submitted electronically but may, when extraordinary
23 circumstances warrant an exception, accept any information required under this
24 section that is typed in clear and legible black typeface or hand-printed in dark ink on
25 paper in a format approved by the commission or on forms provided by the
26 commission and that is filed with the commission.

27 * **Sec. 5.** AS 39.50.020 is amended to read:

28 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
29 official other than the governor or the lieutenant governor shall file a statement giving
30 income sources and business interests, under oath and on penalty of perjury, within 30
31 days after taking office as a public official. Candidates for state elective office other

1 than a candidate who is subject to AS 24.60 shall file the statement with the director of
 2 elections at the time of filing a declaration of candidacy or a nominating petition or
 3 becoming a candidate by any other means. Candidates for elective municipal office
 4 shall file the statement at the time of filing a nominating petition, declaration of
 5 candidacy, or other required filing for the elective municipal office. Refusal or failure
 6 to file within the time prescribed shall require that the candidate's filing fees, if any,
 7 and filing for office be refused or that a previously accepted filing fee be returned and
 8 the candidate's name removed from the filing records. A statement shall also be filed
 9 by public officials no later than March 15 in each following year. **On or before the**
 10 **90th day after leaving office, a former public official shall file a statement**
 11 **covering any period during the official's service in that office for which the public**
 12 **official has not already filed a statement.** Persons who are members of boards or
 13 commissions not named in AS 39.50.200(b) are not required to file financial
 14 statements.

15 (b) A public official **or former public official** other than an elected or
 16 appointed municipal officer shall file the statement with the Alaska Public Offices
 17 Commission. Candidates for the office of governor and lieutenant governor and, if the
 18 candidate is not subject to AS 24.60, the legislature shall file the statement under
 19 AS 15.25.030 or 15.25.180. Municipal officers, **former municipal officers,** and
 20 candidates for elective municipal office, shall file with the municipal clerk or other
 21 municipal official designated to receive their filing for office. All statements required
 22 to be filed under this chapter are public records.

23 * **Sec. 6.** AS 39.50.030(b) is amended to read:

24 (b) Each statement filed by a public official or candidate under this chapter
 25 must include the following:

26 (1) **for** [THE SOURCE OF] all income over **\$1,000** [\$5,000] during
 27 the preceding calendar year, including taxable and nontaxable capital gains, **and each**
 28 **gift with a value exceeding \$250,** received by the person, the person's spouse or
 29 domestic partner, or the person's dependent child, [EXCEPT THAT A SOURCE OF
 30 INCOME THAT IS A GIFT MUST BE INCLUDED IF THE VALUE OF THE GIFT
 31 EXCEEDS \$250]

1 **(A) the source of the income or gift;**

2 **(B) the recipient of the income or gift;**

3 **(C) the amount of the income or value of the gift;**

4 **(D) the number of hours of services performed, if any, to**
 5 **earn the income or for which the gift was given; and**

6 **(E) a detailed description of the nature of the services**
 7 **performed;**

8 (2) the identity, by name and address, of each business in which the
 9 person, the person's spouse or domestic partner, or the person's dependent child has an
 10 interest or was a stockholder, owner, officer, director, partner, proprietor, or employee
 11 during the preceding calendar year, except that an interest of less than **\$1,000** [\$5,000]
 12 in the stock of a publicly traded corporation need not be included;

13 (3) the identity and nature of each interest in real property, including
 14 an option to buy, owned at any time during the preceding calendar year by the person,
 15 the person's spouse or domestic partner, or the person's dependent child;

16 (4) the identity of each trust or other fiduciary relation in which the
 17 person, the person's spouse or domestic partner, or the person's dependent child held a
 18 beneficial interest exceeding **\$1,000** [\$5,000] during the preceding calendar year, a
 19 description and identification of the property contained in each trust or relation, and
 20 the nature and extent of the beneficial interest in it;

21 (5) any loan or loan guarantee of more than **\$1,000** [\$5,000] made to
 22 the person, the person's spouse or domestic partner, or the person's dependent child,
 23 and the identity of the maker of the loan or loan guarantor and the identity of each
 24 creditor to whom the person, the person's spouse or domestic partner, or the person's
 25 dependent child owed more than **\$1,000** [\$5,000]; this paragraph requires disclosure of
 26 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
 27 indebtedness incurred, during the preceding calendar year, or if the amount still owing
 28 on the loan, loan guarantee, or indebtedness was more than **\$1,000** [\$5,000] at any
 29 time during the preceding calendar year;

30 (6) a list of all contracts and offers to contract with the state or an
 31 instrumentality of the state during the preceding calendar year held, bid, or offered by

1 the person, the person's spouse or domestic partner, or the person's dependent child, a
 2 partnership or professional corporation of which the person is a member, or a
 3 corporation in which the person or the person's spouse, domestic partner, or dependent
 4 children, or a combination of them, hold a controlling interest; and

5 (7) a list of all mineral, timber, oil, or any other natural resource lease
 6 held, or lease offer made, during the preceding calendar year by the person, the
 7 person's spouse or domestic partner, or the person's dependent child, a partnership or
 8 professional corporation of which the person is a member, or a corporation in which
 9 the person or the person's spouse or domestic partner or dependent children, or a
 10 combination of them, holds a controlling interest.

11 * **Sec. 7.** AS 39.50.050(a) is amended to read:

12 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 13 shall administer the provisions of this chapter. The commission shall prepare and keep
 14 available for distribution standardized forms on which the reports required by this
 15 chapter shall be filed. The commission shall print the forms provided under this
 16 section so that the front and back of each page have the same orientation when the
 17 page is rotated on the vertical axis of the page. The commission **shall require** [MAY
 18 REQUEST] that the information required under this chapter be submitted
 19 electronically but **may, when extraordinary circumstances warrant an exception,**
 20 [SHALL] accept any information required under this chapter that is typed in clear and
 21 legible black typeface or hand-printed in dark ink on paper in a format approved by
 22 the commission or on forms provided by the commission and that is filed with the
 23 commission.

24 * **Sec. 8.** AS 39.52.110 is amended by adding a new subsection to read:

25 (d) Stock or other ownership interest in a business is presumed to be
 26 insignificant if the value of the stock or other ownership interest is less than \$5,000.

27 * **Sec. 9.** AS 39.52.130(a) is amended to read:

28 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
 29 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
 30 employment, promise, or in any other form, that is a benefit to the officer's personal or
 31 financial interests, under circumstances in which it could reasonably be inferred that

1 the gift is intended to influence the performance of official duties, actions, or
 2 judgment. A gift from a person required to register as a lobbyist under
 3 AS 24.45.041 to a public officer or a public officer's immediate family member is
 4 presumed to be intended to influence the performance of official duties, actions,
 5 or judgment unless the giver is an immediate family member of the person
 6 receiving the gift.

7 * **Sec. 10.** AS 39.52.180(a) is amended to read:

8 (a) A public officer who leaves state service may not, for two years after
 9 leaving state service, represent, advise, or assist a person for compensation regarding a
 10 matter that was under consideration by the administrative unit served by that public
 11 officer, and in which the officer participated personally and substantially through the
 12 exercise of official action. For the purposes of this subsection, "matter" includes a
 13 case, proceeding, application, contract, or determination [, BUT DOES NOT
 14 INCLUDE THE PROPOSAL OR CONSIDERATION OF LEGISLATIVE BILLS,
 15 RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS, OR OTHER
 16 LEGISLATIVE MEASURES; OR THE PROPOSAL, CONSIDERATION, OR
 17 ADOPTION OF ADMINISTRATIVE REGULATIONS].

18 * **Sec. 11.** AS 39.52.180(d) is amended to read:

19 (d) A former governor, lieutenant governor, [OR] head or deputy head of a
 20 principal department in the executive branch, or employee of the Office of the
 21 Governor in a policy-making position may not engage in activity as a lobbyist under
 22 AS 24.45 for a period of one year after leaving service as the governor, lieutenant
 23 governor, [OR] department head or deputy head, or employee of the Office of the
 24 Governor in a policy-making position, as appropriate. This subsection does not
 25 prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a
 26 representational lobbyist as defined under regulations of the Alaska Public Offices
 27 Commission.

28 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 APPLICABILITY. Sections 10 and 11 of this Act apply to a person who leaves state
 31 service on or after the effective date of secs. 10 and 11 of this Act.

- 1 * **Sec. 13.** Sections 1, 4, and 7 of this Act take effect July 1, 2007.
- 2 * **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect immediately under
- 3 AS 01.10.070(c).