

CS FOR SENATE BILL NO. 64(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/16/07

Referred: State Affairs, Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to bribery, receiving a bribe, and receiving unlawful gratuities;
2 relating to the requirement for candidates, groups, legislators, public officials, and other
3 persons to submit reports electronically to the Alaska Public Offices Commission;
4 relating to the use of state government assets and resources when there is no charge to
5 the state for their use, and to the use of state aircraft for partisan political purposes;
6 relating to disclosures by public officials and certain candidates for public office
7 concerning services performed for compensation and concerning certain income, gifts,
8 and other financial matters; relating to gifts received by a public officer or a public
9 officer's immediate family; expanding the number of boards and commissions whose
10 members and chairs are required to disclose certain financial information to the Alaska
11 Public Offices Commission; and providing for an effective date."

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

1 * **Section 1.** AS 11.56.130 is amended to read:

2 **Sec. 11.56.130. Definition.** In AS 11.56.100 - 11.56.130, "benefit" has the
3 meaning ascribed to it in AS 11.81.900 but does not include

4 (1) political campaign contributions reported in accordance with
5 AS 15.13 **unless the contribution is made or received in exchange for an**
6 **agreement to alter an elected official's or candidate's vote or position on a state**
7 **administrative matter or a legislative or municipal matter;**

8 (2) concurrence in official action in the cause of legitimate
9 compromise between public servants; or

10 (3) support, including a vote, solicited by a public servant or offered by
11 any person in an election.

12 * **Sec. 2.** AS 15.13.040(m) is repealed and reenacted to read:

13 (m) Information required under this chapter shall be submitted to the
14 commission electronically. However, the following information may be submitted in
15 clear and legible black typeface or hand-printed in dark ink on paper in a format
16 approved by the commission or on forms provided by the commission:

17 (1) information submitted by a candidate for municipal office; in this
18 paragraph, "municipal office" means the office of an elected borough or city

19 (A) mayor;

20 (B) planning commissioner;

21 (C) utility board member; or

22 (D) assembly, council, or school board member;

23 (2) any information if the commission determines that circumstances
24 warrant an exception to the electronic submission requirement;

25 (3) information submitted before May 1, 2009, by a candidate for the
26 legislature.

27 * **Sec. 3.** AS 24.60.210 is amended by adding a new subsection to read:

28 (c) The Alaska Public Offices Commission shall require that the reports
29 required under this section be submitted electronically but may, when circumstances
30 warrant an exception, accept any information required under this section that is typed
31 in clear and legible black typeface or hand-printed in dark ink on paper in a format

1 approved by the commission or on forms provided by the commission and that is filed
2 with the commission.

3 * **Sec. 4.** AS 39.50.030(b) is amended to read:

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

6 (1) **for** [THE SOURCE OF] all income over **\$1,000** [\$5,000] during
7 the preceding calendar year, including taxable and nontaxable capital gains, **and each**
8 **gift with a value exceeding \$250,** received by the person, the person's spouse or
9 domestic partner, or the person's dependent child,

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

11 **(B) the receipt of the income or gift;**

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

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

15 **(E) a detailed description of the nature of the services**
16 **performed** [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT
17 MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250];

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

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

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

31 (5) any loan or loan guarantee of more than **\$1,000** [\$5,000] made to

1 the person, the person's spouse or domestic partner, or the person's dependent child,
 2 and the identity of the maker of the loan or loan guarantor and the identity of each
 3 creditor to whom the person, the person's spouse or domestic partner, or the person's
 4 dependent child owed more than \$1,000 [\$5,000]; this paragraph requires disclosure of
 5 a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the
 6 indebtedness incurred, during the preceding calendar year, or if the amount still owing
 7 on the loan, loan guarantee, or indebtedness was more than \$1,000 [\$5,000] at any
 8 time during the preceding calendar year;

9 (6) a list of all contracts and offers to contract with the state or an
 10 instrumentality of the state during the preceding calendar year held, bid, or offered by
 11 the person, the person's spouse or domestic partner, or the person's dependent child, a
 12 partnership or professional corporation of which the person is a member, or a
 13 corporation in which the person or the person's spouse, domestic partner, or dependent
 14 child [CHILDREN], or a combination of them, hold a controlling interest; and

15 (7) a list of all mineral, timber, oil, or any other natural resource lease
 16 held, or lease offer made, during the preceding calendar year by the person, the
 17 person's spouse or domestic partner, or the person's dependent child, a partnership or
 18 professional corporation of which the person is a member, or a corporation in which
 19 the person or the person's spouse, [OR] domestic partner, or dependent child
 20 [CHILDREN], or a combination of them, holds a controlling interest.

21 * **Sec. 5.** AS 39.50.050(a) is amended to read:

22 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 23 shall administer the provisions of this chapter. The commission shall prepare and keep
 24 available for distribution standardized forms on which the reports required by this
 25 chapter shall be filed. The commission shall print the forms provided under this
 26 section so that the front and back of each page have the same orientation when the
 27 page is rotated on the vertical axis of the page. The commission shall require [MAY
 28 REQUEST] that the information required under this chapter, unless it is information
 29 required of a municipal officer, be submitted electronically but may, when
 30 circumstances warrant an exception, [SHALL] accept any information required
 31 under this chapter that is typed in clear and legible black typeface or hand-printed in

1 dark ink on paper in a format approved by the commission or on forms provided by
 2 the commission and that is filed with the commission. **A municipal officer shall**
 3 **submit information required under this chapter either electronically or typed or**
 4 **handprinted in the manner described in this subsection.**

5 * **Sec. 6.** AS 39.50.200(b) is amended by adding new paragraphs to read:

6 (59) Alaska Industrial Development and Export Authority (AS 44.88);

7 (60) the board of directors of the Knik Arm Bridge and Toll Authority
 8 (AS 19.75.031 and 19.75.041);

9 (61) Alaska labor relations agency (AS 23.05.360 - 23.05.390);

10 (62) the Board of Trustees of the Alaska Mental Health Trust
 11 Authority (AS 47.30.016);

12 (63) the board of directors of the Alaska Railroad Corporation
 13 (AS 42.40.020 - 42.40.060).

14 * **Sec. 7.** AS 39.52.120(b) is amended to read:

15 (b) A public officer may not

16 (1) seek other employment or contracts through the use or attempted
 17 use of official position;

18 (2) accept, receive, or solicit compensation for the performance of
 19 official duties or responsibilities from a person other than the state;

20 (3) use state time, property, equipment, or other facilities to benefit
 21 personal or financial interests;

22 (4) take or withhold official action in order to affect a matter in which
 23 the public officer has a personal or financial interest;

24 (5) attempt to benefit a personal or financial interest through coercion
 25 of a subordinate or require another public officer to perform services for the private
 26 benefit of the public officer at any time; or

27 (6) use or authorize the use of state funds, facilities, equipment,
 28 services, or another government asset or resource for partisan political purposes; this
 29 paragraph does not prohibit use of the governor's residence for meetings to discuss
 30 political strategy and does not prohibit use of **state aircraft or** the communications
 31 equipment in the governor's residence so long as there is no [SPECIAL] charge to the

1 state for the use; in this paragraph, "for partisan political purposes"

2 (A) means having the intent to differentially benefit or harm a

3 (i) candidate or potential candidate for elective office;

4 or

5 (ii) political party or group;

6 (B) but does not include having the intent to benefit the public

7 interest at large through the normal performance of official duties.

8 * **Sec. 8.** AS 39.52.120 is amended by adding a new subsection to read:

9 (f) Use of state aircraft for partisan political purposes is permitted under (b) of
10 this section only when the use is collateral or incidental to the normal performance of
11 official duties and does not exceed 10 percent of the total of the use of the aircraft for
12 official purposes and partisan political purposes, combined, on a single trip. A public
13 officer who authorizes or makes any partisan political use of a state aircraft under (b)
14 of this section shall disclose the authorization and use under AS 39.52.210 or
15 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state
16 for the proportionate share of the actual cost of the use.

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

18 (a) A public officer may not solicit, accept, or receive, directly or indirectly, a
19 gift, whether in the form of money, service, loan, travel, entertainment, hospitality,
20 employment, promise, or in any other form, that is a benefit to the officer's personal or
21 financial interests, under circumstances in which it could reasonably be inferred that
22 the gift is intended to influence the performance of official duties, actions, or
23 judgment. **A gift from a person required to register as a lobbyist under**
24 **AS 24.45.041 to a public officer or a public officer's immediate family member is**
25 **presumed to be intended to influence the performance of official duties, actions,**
26 **or judgment unless the giver is an immediate family member of the person**
27 **receiving the gift.**

28 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 APPLICABILITY. Section 1 of this Act applies to offenses occurring on or after the
31 effective date of section 1 of this Act.

- 1 * **Sec. 11.** Section 3 of this Act takes effect July 1, 2008.
- 2 * **Sec. 12.** Section 5 of this Act takes effect July 1, 2007.
- 3 * **Sec. 13.** Except as provided in secs. 11 and 12 of this Act, this Act takes effect
- 4 immediately under AS 01.10.070(c).