

CS FOR HOUSE BILL NO. 65(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/6/15

Referred: Rules

Sponsor(s): REPRESENTATIVE HAWKER

A BILL

FOR AN ACT ENTITLED

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

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

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

6 (m) Information required under this chapter shall be submitted to the
7 commission electronically, except that the following information may be submitted in
8 clear and legible black typeface or hand-printed in dark ink on paper in a format
9 approved by the commission or on forms provided by the commission:

10 (1) information submitted by

11 (A) a candidate for election to a borough or city office of
12 mayor, membership on a borough assembly, city council, or school board, or
13 any state office, who

14 (i) meets the requirements of (g)(1) - (3) of this section;

1 or

2 (ii) does not have reasonable access to the technology
 3 necessary to file electronically; in this sub-subparagraph, a candidate is
 4 considered not to have reasonable access to the technology necessary to
 5 file electronically if the candidate does not own a personal computer or
 6 does not have broadband Internet access at the candidate's residence; in
 7 this sub-subparagraph, "broadband Internet access" means high-speed
 8 Internet access that is always on and that is faster than traditional dial-
 9 up access; or

10 (B) a candidate for municipal office for a municipality with a
 11 population of less than 15,000 **according to the latest figures of the United**
 12 **States Bureau of the Census or other population data that the Department**
 13 **of Commerce, Community, and Economic Development determines is**
 14 **reliable**; in this subparagraph, "municipal office" means the office of an
 15 elected borough or city

16 (i) mayor; or

17 (ii) assembly, council, or school board member;

18 (2) any information if the commission determines that circumstances
 19 warrant an exception to the electronic submission requirement.

20 * **Sec. 2.** AS 24.60.210(a) is amended to read:

21 (a) A person required to file a disclosure statement under AS 24.60.200 shall
 22 file an annual report with the Alaska Public Offices Commission, covering the
 23 previous calendar year, containing the disclosures required by AS 24.60.200, on or
 24 before **May** [MARCH] 15 of each year, except that a person appointed as a legislator
 25 under AS 15.40, a public member of the committee, or a legislative director must file
 26 within 30 days after the person's appointment. In addition, a person subject to this
 27 subsection shall, within 90 days after leaving service as a legislator, legislative
 28 director, or public member of the committee, file a final report containing the
 29 disclosures required of the person by AS 24.60.200 for the period that begins on the
 30 last day of the last period for which the person filed a report required by that section
 31 and ends on the date of the person's last day of service.

1 * **Sec. 3.** AS 24.60.250(a) is amended to read:

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

7 (1) the commission shall notify the lieutenant governor;

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

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

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

14 * **Sec. 4.** AS 39.50.020(a) is amended to read:

15 (a) A public official other than the governor or the lieutenant governor shall
16 file a statement giving income sources and business interests, under oath and on
17 penalty of perjury, within 30 days after taking office as a public official. Candidates
18 for state elective office other than a candidate who is subject to AS 24.60 shall file the
19 statement with the director of elections at the time of filing a declaration of candidacy
20 or a nominating petition or becoming a candidate by any other means. Candidates for
21 elective municipal office shall file the statement at the time of filing a nominating
22 petition, declaration of candidacy, or other required filing for the elective municipal
23 office. Refusal or failure to file within the time prescribed shall require that the
24 candidate's filing fees, if any, and filing for office be refused or that a previously
25 accepted filing fee be returned and the candidate's name removed from the filing
26 records. A statement shall also be filed by public officials **not** [NO] later than **May**
27 [MARCH] 15 in each following year. On or before the 90th day after leaving office, a
28 former public official shall file a final statement covering any period during the
29 official's service in that office for which the public official has not already filed a
30 statement. Persons who are members of boards or commissions not named in
31 AS 39.50.200(b) are not required to file financial statements.

1 * **Sec. 5.** AS 39.50.035 is amended to read:

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

4 **(1) as may be allowed by an exemption under AS 39.50.145;**

5 **(2) as the commission may approve under (b) of this section; or**

6 **(3)** to the extent state courts determine that legally privileged
7 professional relationships preclude complete compliance.

8 * **Sec. 6.** AS 39.50.035 is amended by adding new subsections to read:

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

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

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

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

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

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

29 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
30 shall administer the provisions of this chapter. The commission shall prepare and keep
31 available for distribution standardized forms on which the reports required by this

chapter shall be filed. The commission shall print the forms provided under this section so that the front and back of each page have the same orientation when the page is rotated on the vertical axis of the page. The commission shall require that the information required under this chapter be submitted electronically but may, when circumstances warrant an exception, accept the [ANY] information on paper if the information [REQUIRED UNDER THIS CHAPTER THAT] is typed in clear and legible black typeface or hand-printed in dark ink [ON PAPER] in a format approved by the commission or on forms provided by the commission; however, regardless of the circumstances, a [AND THAT IS FILED WITH THE COMMISSION. A] municipal officer for a municipality with a population of less than 15,000 according to the latest figures of the United States Bureau of the Census or other population data that the Department of Commerce, Community, and Economic Development determines is reliable shall submit the information [REQUIRED UNDER THIS CHAPTER] either electronically or typed or hand-printed in the manner described in this subsection.

* **Sec. 8.** AS 39.50.145 is repealed and reenacted to read:

Sec. 39.50.145. Participation by municipalities; exemptions. (a) The municipal officers of a municipality with a population of less than 1,000 are exempt from the requirements of this chapter unless the municipality elects to subject its municipal officers to the requirements of this chapter. A municipality with a population of less than 1,000 that has elected to subject its municipal officers to the requirements of this chapter may change that election and exempt its municipal officers from the requirements.

(b) A municipality with a population of 1,000 or more may elect to exempt its municipal officers from the requirements of this chapter. A municipality with a population of 1,000 or more that has elected to exempt its municipal officers from the requirements of this chapter may change that election and subject its municipal officers to the requirements.

(c) The question of election to be subject to, or exempt from, the requirements of this chapter

(1) may be submitted to the voters by the city council or borough

1 assembly by ordinance or by initiative election; and

2 (2) shall be decided by a majority of the voters voting on the question
3 at a regular election, as defined in AS 29.71.800, or a special municipality-wide
4 election.

5 (d) If a municipality votes to terminate an exemption, the municipality's
6 municipal officers shall be subject to the requirements of this chapter beginning 30
7 days after the certification of the election.

8 (e) Population of a municipality under this section shall be determined based
9 on the latest figures of the United States Bureau of the Census or other population data
10 that the Department of Commerce, Community, and Economic Development
11 determines is reliable.