

1 IN THE HOUSE

BY MR. FISHER

2 HOUSE BILL NO.127

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing standards of conduct  
7 for State officers and employees concerning  
8 possible conflict between private interests  
9 and official duties; providing penalties;  
10 and providing for an effective date."

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

12 Section 1. DECLARATION OF INTENT. A continuing problem of  
13 a free government is the maintenance among its public servants of  
14 moral and ethical standards which are worthy and warrant the con-  
15 fidence of the people. The people are entitled to expect from their  
16 public servants a set of standards above the morals of the market  
17 place. A public official of a free government is entrusted with  
18 the welfare, prosperity, security and safety of the people he serves.  
19 In return for this trust, the people are entitled to know that no  
20 substantial conflict between private interests and official duties  
21 exists in those who serve them.

22 Government is and should be representative of all the people  
23 who elect it, and some conflict of interest is inherent in any  
24 representative form of government. Some conflicts of material  
25 interest which are improper for public officials may be prohibited  
26 by legislation, and therefor the legislature finds that a code of  
27 ethics, with penal sanctions, is desirable to set forth for the  
28 guidance of state officers and employees the general standards of  
29 conduct reasonably to be expected of them.

1           Sec. 2. DEFINITIONS. As used in this Act: (1) "State  
2 Agency" shall mean any state department, or division, board, com-  
3 mission, or bureau of any state department.

4           (2) "Legislative employee" shall mean any officer or  
5 employee of the legislature but it shall not include members of  
6 the legislature.

7           Sec. 3. CONFLICTS OF INTEREST: RULE. No officer or employe  
8 of a state agency, member of the legislature or legislative  
9 employee shall have any interest, financial or otherwise, direct  
10 or indirect, or engage in any business or transaction or profession-  
11 al activity or incur any obligation of any nature, which is in  
12 substantial conflict with the proper discharge of his duties in  
13 the public interest.

14          Sec. 4. STANDARDS. (1) No officer or employee of a state  
15 agency, member of the legislature or legislative employee shall  
16 accept other employment which will impair his independence of  
17 judgment in the exercise of his official duties.

18          (2) No officer or employee of a state agency, member  
19 of the legislature or legislative employee shall accept employment  
20 or engage in any business or professional activity which will  
21 require him to disclose confidential information which he has  
22 gained by reason of his official position or authority.

23          (3) No officer or employee of a state agency, member  
24 of the legislature or legislative employee should use or attempt  
25 to use his official position to secure unwarranted privileges or  
26 exemptions for himself or others.

27          (4) No officer or employee of a state agency, member of  
28 the legislature or legislative employee shall engage in any trans-  
29 action as representative or agent of the state with any business

1 entity in which he has a direct or indirect financial interest  
2 that might reasonably tend to conflict with the proper discharge  
3 of his official duties.

4 (5) An officer or employee of a state agency, member  
5 of the legislature or legislative employee shall not, by his conduct,  
6 give reasonable basis for the impression that any person can im-  
7 properly influence him or unduly enjoy his favor in the performance  
8 of his official duties, or that he is affected by the kinship,  
9 rank, position or influence of any party or person.

10 (6) An officer or employee of a state agency shall  
11 abstain from making personal investments in enterprises which he  
12 has reason to believe may be directly involved in decisions to be  
13 made by him or which will otherwise create substantial conflict  
14 between his duty in the public interest and his private interest.

15 (7) An officer or employee of a state agency, member of  
16 the legislature or legislative employee shall endeavor to pursue  
17 a course of conduct which will not raise suspicion among the public  
18 that he is likely to be engaged in acts that are in violation of  
19 his trust.

20 (8) No officer or employee of a state agency, employed  
21 on a full-time basis, nor any firm or association of which such  
22 an officer or employee is a member, nor corporation, a substantial  
23 portion of the stock of which is owned or controlled directly or  
24 indirectly by such officer or employee, shall sell goods or serv-  
25 ices to any person, firm, corporation or association which is  
26 licensed or whose rates are fixed by the state agency in which such  
27 officer or employee serves or is employed.

28 (9) If any officer or employee of a state agency, member  
29 of the legislature or legislative employee shall have a financial

1 interest, direct or indirect, having a value of ten thousand  
2 dollars or more in any activity which is subject to the juris-  
3 diction of a regulatory agency of the state, he shall file with  
4 the secretary of state a written statement that he has such a  
5 financial interest in such activity, which statement shall be open  
6 to public inspection.

7       Sec. 5. PENALTIES. Any officer or employee of a state agency,  
8 member of the legislature or legislative employee who violates any  
9 of the provisions of this Act shall be guilty of a misdemeanor,  
10 and, upon conviction thereof, shall be punished by imprisonment  
11 not less than three months nor more than one year, or by fine not  
12 less than fifty nor more than five hundred dollars, or by dismissal  
13 from office or employment with or without either or any of such  
14 punishments.

15       Sec. 6. EFFECTIVE DATE. This Act shall take effect immedi-  
16 ately upon its passage and approval or upon its becoming law with-  
17 out such approval.