

*Amend*

Original sponsor: Begich

Offered: 5/21/70  
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE  
2 HOUSE CS FOR CS FOR SENATE BILL NO. 412  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to legislative and executive matters."  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.30.050 is amended to read:

9 Sec. 11.30.050. ACCEPTING BRIBE. A judicial or executive offi-  
10 cer, or a legislator, who corruptly accepts or receives a gift, gratuity,  
11 valuable consideration, or thing, or a promise of one of them, or a  
12 promise to do or cause to be done an act beneficial to him, with the  
13 understanding or agreement, express or implied, that the person  
14 [OFFICER] will give his vote, opinion, decision, or judgment in a  
15 particular manner in a matter, question, duty, cause, or proceeding  
16 which then is or may by law come or be brought before him, or with the  
17 understanding or agreement that the person [OFFICER] will in his  
18 official capacity act in a particular manner to produce or prevent a  
19 particular result, upon conviction, is punishable by imprisonment [IN  
20 THE PENITENTIARY] for not less than five years nor more than 15 years.

21 \* Sec. 2. AS 24 is amended by adding a new chapter to read:

22 CHAPTER 55. LEGISLATIVE CONDUCT.

23 Sec. 24.55.010. LEGISLATIVE RIGHTS AND DUTIES; PRESUMPTION OF  
24 GOOD FAITH. (a) In the American system of representative government,  
25 it is essential that each legislator exercise his influence and cast  
26 his vote according to the best interests of the public and his con-  
27 stituents.

28 (b) The legislature acknowledges that, in serving the public  
29 interest, it is a legislator's duty to vote upon all questions before

1 the house of which he is a member and to participate in the business  
2 of the house and its committees, and that in doing so he is presumed  
3 to act in good faith and in the public interest.

4 (c) The legislature also acknowledges that the exercise of legis-  
5 lative rights is subject to limitations when personal interest conflicts  
6 with the public interest.

7 Sec. 24.55.030. CONFLICT OF INTERESTS. (a) A legislator's  
8 personal interest conflicts with the public interest when it tends to  
9 impair his independence of judgment.

10 (b) A conflict of interest may be present in the following  
11 circumstances:

12 (1) having or acquiring an interest in an enterprise,  
13 direct or indirect, which enterprise or interest would be affected by  
14 proposed legislation in a manner other than the effect on the general  
15 public;

16 (2) close relationship to or close economic association with  
17 a person who has an interest in an enterprise, direct or indirect,  
18 which enterprise or interest would be affected by proposed legislation  
19 in a manner other than the effect on the general public;

20 (3) accepting a gift, loan, favor, service or economic  
21 opportunity of significant value from a person who would be affected  
22 by or who has an interest in an enterprise which would be affected by  
23 proposed legislation in a manner other than the effect on the general  
24 public;

25 (4) accepting compensation, gratuity, or reimbursement not  
26 authorized by law for services, advice or assistance relating to the  
27 legislative process;

28 (5) accepting compensation, gratuity, or reimbursement not  
29 authorized by law for voting upon any question or attempting to

1 influence legislation;

2 (6) accepting compensation, gratuity or reimbursement not  
3 authorized by law for representing or assisting another in respect to  
4 matter before the legislature or one of its committees or subcommittees.

5 Sec. 24.55.040. EFFECT OF CONFLICT. (a) In the event of any  
6 apparent conflict, the legislator affected shall file with the Committee  
7 on Rules of his house a signed statement describing the circumstances  
8 of the apparent conflict and the legislation to which it relates. The  
9 committee shall promptly advise the legislator as to his course of  
10 conduct, which advice may not include divestiture of an interest. In  
11 the event the committee fails to agree on a majority report, or if the  
12 legislator does not agree with the advice of the committee, the matter  
13 shall be submitted to the parent house for final decision.

14 (b) Failure to file a statement of apparent conflict, the filing  
15 of a statement false in any material respect, or refusal or failure to  
16 abide by a final decision shall be a matter of public record.

17 Sec. 24.55.050. EFFECT OF LEGISLATIVE ACTION. (a) Decision of  
18 the parent house on a question of conflict or undue influence is con-  
19 clusive for all purposes.

20 (b) Enactments of the legislature may not be voided in any  
21 judicial proceeding because of an alleged conflict which was not  
22 questioned in the parent house before final action.

23 Sec. 24.55.060. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS. Every  
24 legislator and every candidate for legislative office shall file with  
25 the clerk of the superior court in his judicial district, sworn,  
26 written lists of campaign contributions received by him or on his  
27 behalf, within 15 days after each primary and general election in which  
28 he was a candidate. In addition, no later than January 15 of each  
29 year, he shall file a supplemental list of additional contributions

1 received during the preceding calendar year. Each list shall list the  
2 contributors in alphabetical order, and shall state the address of the  
3 contributor and the amount of the contribution. No contributor whose  
4 total contributions do not exceed \$25 need be listed. These lists  
5 shall be open to public inspection.

6 Sec. 24.55.070. DISCLOSURE OF INTERESTS. (a) Within five days  
7 after the convening of every session of the legislature, a legislator  
8 shall file with the clerk or secretary of his parent house, a sworn,  
9 written statement listing

10 (1) all sources of income from which he or a close relative  
11 received more than \$2,000 during the previous calendar year;

12 (2) all leases, oil and gas leases, offers to lease,  
13 associations and corporations holding oil and gas leases, or offers to  
14 lease, in which a legislator has an interest other than corporations  
15 listed on major United States stock exchanges, corporations whose  
16 securities are traded in the over-the-counter market, and contracts or  
17 subcontracts of any kind with the state, political subdivision or  
18 federal government, held by him or a close relative;

19 (3) all stocks, warrants, debentures or bonds, having a  
20 value of more than \$2,000, owned by him or a close relative in any  
21 corporation;

22 (4) each liability or debt, secured or unsecured, exceeding  
23 \$2,000 in amount owed by him or a close relative;

24 (5) any corporations of which he or a close relative is an  
25 officer or director, and the names and addresses of any partners or  
26 joint venturers;

27 (6) if an attorney, all retainers and all clients from  
28 whom he received fees of more than \$2,000 during the previous calendar  
29 year;

1 (7) all real estate in Alaska in which the interest held by  
2 him or a close relative exceeds \$2,000 in value.

3 (b) Statements shall be open to public inspection.

4 (c) A legislator may not be paid the salary to which that  
5 office would entitle him until he complies with the filing requirements  
6 of sec. 60 of this chapter and (a) of this section.

7 Sec. 24.55.080. PENALTIES. (a) A legislator who files a false  
8 list under sec. 60 of this chapter or a false statement under sec. 70  
9 of this chapter, under circumstances where he knew or should have  
10 known of the falsity, shall be disciplined as his parent house pro-  
11 vides. Discipline may include censure, forfeiture of pay or removal  
12 from office.

13 (b) An offended house may hear and determine questions of viola-  
14 tion and impose punishment until adjournment of the next regular legis-  
15 lative session following the date of an offense. Execution of punish-  
16 ment does not terminate with adjournment sine die of the offended  
17 house.

18 Sec. 24.55.090. DEFINITIONS. In this chapter, unless the context  
19 requires otherwise,

20 (1) "close economic associate" and "close economic associa-  
21 tion" means the individual's employer, employees, partners and  
22 associates in business and professional activities, corporations of  
23 which he is a director, officer or agent, corporations in which he owns  
24 more than 10 per cent of the outstanding capital stock, enterprises  
25 which are his significant unsecured creditors, enterprises which are  
26 his significant suppliers or customers, enterprises of which he is a  
27 significant creditor, and trusts of which he is a beneficiary or is a  
28 trustee with a power of appointment or disposal; it does not include a  
29 bank or savings and loan association in which the interest is in the

1 form of an account, or an officership, directorship, or employment in  
2 a political, religious, charitable or educational entity from which he  
3 receives compensation of less than \$1,000 per year;

4 (2) "close relationship" and "close relative" mean the  
5 legislator's spouse and children living with him;

6 (3) "interest in proposed legislation" means a substantial  
7 economic interest, distinct from that of the general public, in a bill,  
8 resolution, nomination or other issue or proposal pending before the  
9 legislature or one of its committees, subcommittees or commissions.

10 \* Sec. 3. AS 24.05.120 is amended to read:

11 Sec. 24.05.120. RULES. At the beginning of the first regular  
12 session of each legislature, both houses shall adopt uniform rules of  
13 procedure for enacting bills into law, [AND] adopting resolutions and  
14 handling disciplinary matters under ch. 55 of this title. The rules  
15 in effect at the last regular session of the immediately preceding  
16 legislature serve as the temporary rules of the legislature until the  
17 adoption of permanent rules.

18 \* Sec. 4. AS 39.05 is amended by adding a new section to read:

19 Sec. 39.05.105. DISCLOSURE OF INTERESTS BY DEPARTMENT HEADS.

20 (a) Each person appointed as the head of a principal executive depart-  
21 ment of the state government shall, within 30 days of his appointment,  
22 and annually thereafter, file with the secretary of state a sworn,  
23 written report listing

24 (1) all sources of income from which he or a close relative  
25 received more than \$2,000 during the previous calendar year;

26 (2) all leases, oil and gas leases, offers to lease, and  
27 contracts or subcontracts of any kind with the state or federal  
28 government held by him or a close relative;

29 (3) all stocks, warrants, debentures or bonds, having a

1 value of more than \$2,000, owned by him or a close relative in any  
2 corporation;

3 (4) each liability or debt, secured or unsecured, exceeding  
4 \$2,000 in amount owed by him or a close relative;

5 (5) any corporations of which he or a close relative is an  
6 officer or director, and the names and addresses of any partners or  
7 joint venturers;

8 (6) if an attorney, all retainers and all clients from whom  
9 he received fees of more than \$2,000 during the previous calendar year;

10 (7) all real estate in Alaska in which the interest held by  
11 him or a close relative exceeds \$2,000 in value.

12 (b) Reports are public records and are open to public inspection  
13 as provided in AS09.25.110 and 09.25.120.

14 (c) No appointment of a department head may be confirmed by the  
15 legislature if the report required by (a) of this section has not been  
16 filed with the secretary of state.

17 (d) In this section "close relative" means the department head's  
18 spouse and children living with him.

19 \* Sec. 5. AS 44.19 is amended by adding a new section to read:

20 Sec. 44.19.015. DISCLOSURE OF ECONOMIC INTERESTS. (a) The  
21 governor and the secretary of state shall file with the clerk of the  
22 superior court in the state a sworn, written statement containing the  
23 information required by AS 24.55.070, no later than five days after  
24 the convening of the legislative session each year.

25 (b) Each candidate for the office of governor or secretary of  
26 state shall file with the clerk of the superior court in the state  
27 sworn, written lists of campaign contributions received by him or on  
28 his behalf, within 15 days after each primary and general election in  
29 which he was a candidate. In addition, no later than January 15 of

1 each year, each successful candidate shall file a supplemental list of  
2 additional contributions received during the preceding calendar year.

3 (c) Neither the governor nor the secretary of state may be paid  
4 the salary to which that office would entitle him until he complies  
5 with the filing requirements of (a) and (b) of this section.

6 \* Sec. 6. The incumbent department heads, the governor and the secretary  
7 of state shall file the reports required by secs. 4 or 5 of this Act no  
8 later than January 15, 1971. No individual who fails to do so may be paid  
9 the salary to which that office would entitle him until he complies with the  
10 requirements.