

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 shall file with the clerk of the superior court in his
25 judicial district, sworn, written lists of campaign contributions
26 received by him or on his behalf, during the primary and general
27 election within 45 days after each 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 through
15 corporations listed on major United States stock exchanges, or 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 cumulative value of more than \$2,000, owned by him or a close relative
21 in any 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 cumulative fees of more than \$2,000 during the
29 previous calendar 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 or a member of a regulatory board or
22 commission shall, within 30 days of his appointment, and annually
23 thereafter, file with the secretary of state a sworn, written report
24 listing

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

27 (2) all leases, oil and gas leases, offers to lease, in
28 which he or a close relative has an interest other than through
29 corporations listed on major United States stock exchanges, or whose

1 securities are traded in the over-the-counter market, and contracts or
2 subcontracts of any kind with the state or federal government held by
3 him or a close relative;

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

7 (4) each liability or debt, secured or unsecured, exceeding
8 \$2,000 in amount owed by him or a close relative;

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

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

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

17 (b) Reports are public records and are open to public inspection
18 as provided in AS 09.25.110 and 09.25.120.

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

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

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

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

1 (b) Each candidate for the office of governor or secretary of
2 state shall file with the clerk of the superior court in the state
3 sworn, written lists of campaign contributions received by him or on
4 his behalf, within 15 days after each primary and general election in
5 which he was a candidate. In addition, no later than January 15 of
6 each year, each successful candidate shall file a supplemental list of
7 additional contributions received during the preceding calendar year.

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

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