

Original sponsor: State Affairs Committee

Offered: 3/31/76
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 855

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the conflict-of-interest law; and
7 providing for an effective date."

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

9 * Section 1. AS 39.50.020 is amended to read:

10 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)

11 An appointed or hired public official [A JUDICIAL OFFICER, COMMISSIONER,
12 CHAIRMAN OR MEMBER OF A STATE COMMISSION OR BOARD SPECIFIED IN SEC.
13 200(9) OF THIS CHAPTER, PERSON HIRED OR APPOINTED AS HEAD OR DEPUTY HEAD
14 OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT IN THE EXECUTIVE
15 BRANCH, PERSON APPOINTED AS ASSISTANT TO THE GOVERNOR, AND A MUNICIPAL
16 OFFICER,] shall file a statement giving his income sources and business
17 interests, under oath and on penalty of perjury, within 30 days after he
18 takes office as a public official. Candidates for state elective office
19 shall file such a statement at the time of filing a declaration of
20 candidacy or within 30 days of the filing of any nominating petition, or
21 within 30 days of becoming a candidate by any other means. Candidates
22 for elective municipal office shall file such a statement at the time of
23 filing a nominating petition, declaration of candidacy, or other re-
24 quired filing for the elective municipal office. Former public offi-
25 cial who contract or offer to contract with the state within one year
26 after leaving office will file a statement at the time that they con-
27 tract or offer to contract with the state; former municipal officers
28 who contract or offer to contract with their municipality within one
29 year after leaving office will file a statement at the time that they

1 contract or offer to contract with their municipality. Refusal or
2 failure to file within the time prescribed shall require that the can-
3 didate's filing fees, if any, and filing for office be refused or that
4 his previously accepted filing fee be returned and his name removed from
5 the filing records. The lieutenant governor or other certifying author-
6 ity may not certify a person's nomination for office or his election to
7 office if the person does not comply with the requirements of this
8 subsection within the time specified. The nomination to office or
9 election to office shall be certified to the highest vote getter for
10 that nomination for that office or election to that office who complies
11 within the time limits specified and that person shall be declared
12 nominated or elected. A statement shall also be filed by public offi-
13 cials no later than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS
14 FEDERAL INCOME TAX RETURN] in each following year [, WHICHEVER SHALL
15 COME FIRST. PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF
16 BOARDS OR COMMISSIONS NOT NAMED IN SEC. 200(9) OF THIS CHAPTER ARE NOT
17 REQUIRED TO FILE FINANCIAL STATEMENTS].

18 (b) Public officials of the state and candidates for state elec-
19 tive office, [THE GOVERNOR, LIEUTENANT GOVERNOR, MEMBERS OF THE LEGIS-
20 LATURE, AND CANDIDATES FOR THESE OFFICES, JUDICIAL OFFICERS, EACH
21 COMMISSIONER, HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN,
22 A DEPARTMENT IN THE EXECUTIVE BRANCH, ASSISTANT TO THE GOVERNOR OR
23 CHAIRMAN OR MEMBER OF A COMMISSION OR BOARD] required to report under
24 this chapter, shall file the statement with the Alaska Public Offices
25 Commission. Municipal officers, and candidates for elective municipal
26 office, shall file with the municipal clerk or other municipal official
27 designated to receive their filing for office. All statements required
28 to be filed under this chapter are public records.

29 * Sec. 2. AS 39.50.070 is amended to read:

1 Sec. 39.50.070. FAILURE TO REPORT BY APPOINTED PUBLIC OFFICIALS
2 [DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS]. A person hired or
3 appointed as a public official of the state, other than a judicial
4 officer, may not [THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION
5 WITHIN, A DEPARTMENT IN THE EXECUTIVE BRANCH WHO REFUSES OR FAILS TO
6 FILE A REPORT OF FINANCIAL INTERESTS REQUIRED UNDER THIS CHAPTER WHEN
7 DUE MAY NOT HOLD OFFICE OR] have his name submitted to the legislature
8 for confirmation until he complies with the requirements of this chapter.
9 He may not receive salary, travel expenses, or per diem for any period
10 after the initial 30 days after the completion of his appointment or
11 after his entry into state employment if he has not complied with the
12 requirements of this chapter; if he has not complied with the require-
13 ments of this chapter by the 60th day he is removed from office and his
14 position is vacant. [HE MAY NOT BE CONFIRMED, HIRED, OR APPOINTED, AND
15 HE FORFEITS AND MAY NOT BE PAID ANY SALARY OR PER DIEM AND TRAVEL EX-
16 PENSES UNTIL HE COMPLIES.] If, after installation as an appointed
17 public official [THE HEAD OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION
18 WITHIN, A DEPARTMENT,] he refuses or fails to file the required state-
19 ment when due, he is guilty of a misdemeanor and upon conviction is
20 punishable by a fine of not less than \$100 nor more than \$1,000 [AND
21 SHALL BE REMOVED FROM OFFICE IF COMPLIANCE IS NOT MADE WITHIN 30 DAYS
22 AFTER THE DUE DATE OF THE REPORT].

23 * Sec. 3. AS 39.50 is amended by adding a new section to read:

24 Sec. 39.50.160. REPORTS BY OTHER OFFICERS AND EMPLOYEES. (a)
25 Officers and employees of the state who are authorized to purchase
26 goods or services for \$1,000 or more shall file a statement containing
27 the information required of public officials by sec. 30 of this chapter.

28 (b) Statements required under this section shall be filed with
29 and reviewed by the public official in the instrumentality of the state

1 who himself files a statement of business and financial interest and may
2 be reviewed by the public offices commission but are otherwise confiden-
3 tial notwithstanding secs. 20(b) and 50(c) of this chapter or any other
4 provision of law.

5 * Sec. 4. AS 39.50.200(1) and (8) are amended to read:

6 (1) "public official" means a judicial officer, a member of
7 the legislature, the governor, the lieutenant governor, a person hired
8 or appointed as the head or deputy head of, or director of a division
9 within, a department in the executive branch, an assistant to the gover-
10 nor, the chairman, each [OR] member, and full-time executive officer
11 of a state commission or board specified in (9) of this section, the
12 president of the University of Alaska, its vice-presidents, chancellors,
13 and provosts, directors of community colleges, the ombudsman, the deputy
14 ombudsman, and assistant ombudsman, the executive director and divi-
15 sional directors of the Legislative Affairs Agency and the Legislative
16 Budget and Audit Committee, the administrative director of courts, the
17 executive director of the judicial council, and each appointed or elec-
18 ted municipal officer;

19 (8) "source of income" means the entity for which service is
20 performed or which is otherwise the origin of payment; if the person
21 whose income is being reported is employed by another, his employer is
22 the source of his income; but if he is a proprietor [SELF-EMPLOYED BY
23 MEANS OF A SOLE PROPRIETORSHIP], a member of a partnership, or is a
24 shareholder in a professional corporation, or a corporation in which he
25 or his spouse or his children, or a combination of them, hold a control-
26 ling interest, the "source" is the client, patient, or customer of the
27 proprietorship, partnership or corporation, but if the entity which is
28 the origin of payment is not the same as the client, patient, or cus-
29 tomers for whom the service is performed, both are considered the source;

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* Sec. 5. AS 39.50.200(9) is amended by adding new subparagraphs to read:

(LL) Board of Fisheries (AS 16.05.221(a);

(MM) Board of Game (AS 16.05.221);

* Sec. 6. AS 39.50.060(b), 39.50.080, and 39.50.200(9)(J) are repealed.

* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-

070(c).

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