

Introduced: 1/27/75
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HCS
3 SENATE BILL NO. 62 am H

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 NINTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to conflicts of interests of public
8 officials; and providing for an effective date."

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

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

11 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS.

12 (a) The governor, the lieutenant governor, each legislator, each
13 judicial officer, each commissioner, chairman or member of a state
14 commission or board specified in sec. 200(7) of this chapter, and
15 each person hired or appointed as head of a department in the executive
16 branch shall file a statement giving his income sources and business
17 interests, under oath and on penalty of perjury, within ten [30] days
18 after [BEFORE THE TIME] he takes office as: [IS HIRED, APPOINTED,
19 CERTIFIED, CONFIRMED, OR APPROVED AND BECOMES] a public official [AND
20 ASSUMES HIS DUTIES]. Each candidate [OR INCUMBENT] for [OR IN] state
21 elective office shall file such a statement at the time of filing a
22 declaration of candidacy or within 20 days of the filing of any nominating
23 petition, or within 20 days of becoming a candidate by any other means.
24 Refusal or failure to file within the time prescribed shall require that
25 the lieutenant governor either refuse to accept the candidate's filing
26 fee and [OR] his filing for office, or [TO] return an already accepted
27 [THE] filing fee and remove the name of the candidate from the filing
28 records. A statement shall also be filed no later than April 15 or 15
29 days after the person files his federal income tax return in each
following year, whichever shall come first, by all persons named in

1 this subsection. Persons who, on or after December 11, 1974, were
2 members of boards or commissions not named in sec. 200(7) of this
3 chapter are not required to file financial statements.

4 (b) Candidates for the legislature, [ELECTIVE OFFICE,] each
5 legislator, each commissioner, chairman or member of a commission or
6 board required to report, and each head of a department in the execu-
7 tive branch shall file with the lieutenant governor. Judicial officers
8 shall file with the administrator of courts. The governor and lieutenant
9 governor and candidates for those two offices shall file with the
10 Alaska Legislative Council. All such statements are public record.

11 * Sec. 2. AS 39.50.030(a) is amended to read:

12 (a) Each statement shall be an accurate representation of the
13 financial affairs of the public official or candidate and shall contain
14 the same information for each member of his [HOUSEHOLD OR] family, as
15 specified in (b) of this section, to the extent that it is ascer-
16 tainable by the public official or candidate. An asset or liability
17 under \$500, household goods, and personal effects need not be identified.

18 * Sec. 3. AS 39.50.030(b) is amended to read:

19 (b) Each statement filed by a public official or candidate under
20 this chapter shall include:

21 (1) the source of all income over \$500 [\$100], including
22 capital gains, whether or not taxable, received by him or his spouse
23 or his children who are living with him, [A MEMBER OF HIS HOUSEHOLD]
24 during the preceding 12 months; however, if the candidate or public
25 official rendered personal services as a licensed practitioner in the
26 field of medicine, nursing, psychiatry or psychology, he need only
27 disclose the total amount of income received for performing these
28 services, unless the income was received from a corporate or institu-
29 tional client, for which the identity must also be disclosed;

1 (2) the identity, by name and address, of each business in
2 which he or his spouse or a child of his who is living with him [A
3 MEMBER OF HIS HOUSEHOLD] was a stockholder, owner, officer, director,
4 partner, proprietor, or employee during the preceding 12 months;

5 (3) the identity and nature of each interest owned by him
6 or his spouse or a child of his who is living with him, [A MEMBER OF
7 HIS HOUSEHOLD] in any business during the preceding 12 months;

8 (4) the identity and nature of each interest in real property,
9 including an option to buy, owned by him or his spouse or a child of his
10 who is living with him [A MEMBER OF HIS HOUSEHOLD] at any time during
11 the preceding 12 months;

12 (5) the identity of each trust or other fiduciary relation
13 in which he or his spouse or a child of his who is living with him [A
14 MEMBER OF HIS HOUSEHOLD] held a beneficial interest during the pre-
15 ceding 12 months, a description and identification of the property
16 contained in each trust or relation, and the nature and extent of the
17 beneficial interest in it;

18 (6) any loan or loan guarantee made to him or his spouse or
19 a child of his who is living with him [A MEMBER OF HIS HOUSEHOLD] and
20 the identity of the maker of the loan or loan guarantor and the identity
21 of each creditor to whom he or his spouse or a child of his living
22 with him [THE PERSON OR A MEMBER OF HIS HOUSEHOLD] owned \$500 or more;

23 (7) a list of all contracts and offers to contract with the
24 state, or an instrumentality of the state, during the preceding 12
25 months, held, bid or offered by him, his spouse, a child of his, or
26 his mother or father [THE PERSON OR MEMBER OF HIS FAMILY, OR HOUSEHOLD];
27 and

28 (8) a list of all mineral, timber, oil, or any other natural
29 resource lease held, or lease offer made, during the preceding 12

1 months, [HELD] by him, his spouse, a child of his, or his mother or
2 father [OR A MEMBER OF HIS HOUSEHOLD OR FAMILY DURING THE PRECEDING 12
3 MONTHS].

4 * Sec. 4. AS 39.50.040(a) is amended to read:

5 (a) A public official may transfer all or a portion of his
6 assets to a blind trust for the duration of his service in public
7 office. The original [THOSE] assets placed in the [WHICH ARE IN A]
8 blind trust shall be listed in the statement required to be filed
9 under this chapter. The instrument creating the blind trust must be
10 included with the statement.

11 * Sec. 5. AS 39.50.060(a) is amended to read:

12 (a) A person required to file a report of financial or business
13 interests under this chapter who refuses or knowingly fails to disclose
14 required information within the time required in this chapter, or who
15 provides false or misleading information, knowing it to be false or
16 misleading, is guilty of a misdemeanor and upon conviction is punish-
17 able by a fine not less than \$500 nor more than \$5,000, or by imprison-
18 ment for up to one year, or by both.

19 * Sec. 6. AS 39.50.080 is amended to read:

20 Sec. 39.50.080. FAILURE TO REPORT BY A COMMISSION OR BOARD
21 CHAIRMAN OR MEMBER. A person hired or appointed as a commissioner,
22 chairman or member of a state commission or board specified in sec.
23 200(7) of this chapter who fails to file a report of financial interests
24 required under this chapter when due shall not [BE HIRED OR APPOINTED
25 OR] hold office or have his name submitted to the legislature until he
26 complies. He may not be confirmed, and he forfeits and shall not be
27 paid any salary or per diem or travel expenses until he complies. If,
28 after being seated as commissioner, chairman or member of such a
29 commission or board he refuses or fails to file the required statement

1 when due, he is guilty of a misdemeanor and upon conviction is punish-
2 able by a fine of not less than \$500 nor more than \$5,000 and shall be
3 removed from office if compliance is not made within 30 days after the
4 due date.

5 * Sec. 7. AS 39.50.090(a) is amended read:

6 (a) No public official may use his official position or office
7 for the sole or primary purpose of obtaining [TO OBTAIN] financial
8 gain for himself, or his spouse, child, mother, or father, [A MEMBER
9 OF HIS FAMILY] or business with which he is associated or owns stock.

10 * Sec. 8. AS 39.50.090(c) is amended to read:

11 (c) No public official may represent a client before a state
12 [REGULATORY] agency for a fee. However, this prohibition does not
13 apply to a chairman or member of a state commission or board whose
14 membership is based on a statutory requirement that his profession or
15 occupation be represented on that commission or board; but he may not
16 represent a client before the commission or board of which he is
17 chairman or a member.

18 * Sec. 9. AS 39.50.090 is amended by adding a new subsection to read:

19 (e) In this section, "public official" includes, in addition to
20 the persons specified in sec. 200 of this chapter, chairmen and members
21 of all commissions and boards created by statute or administrative
22 action as agencies of the State of Alaska.

23 * Sec. 10. AS 39.50.150 is amended to read:

24 Sec. 39.50.150. INITIAL FILING DATE FOR INCUMBENT PUBLIC OFFICIALS
25 Every person who is a public official, as defined in this chapter,
26 or a public official-elect on the effective date of this chapter
27 shall file the required statements required by the chapter within 90
28 [60] days of the effective date of this chapter. However, a public
29 official who resigned his office or whose term of office expired on or

1 after December 11, 1974, the effective date of this chapter, but
2 before the due date of the first reports of incumbents and incumbents-
3 elect, need not file a financial statement.

4 * Sec. 11. AS 39.50.200(1) is amended to read:

5 (1) "public official" means a judicial officer, a member of
6 the legislature, the governor, the lieutenant governor, a person hired
7 or appointed as the head of a department in the executive branch, or a
8 person hired or appointed as chairman or member of a state commission
9 or board [BOARD, OR COMMISSIONER OR MEMBER ON THE ALASKA TRANSPORTATION
10 COMMISSION, THE ALASKA PUBLIC UTILITY COMMISSION, OR THE ALASKA
11 PIPELINE COMMISSION, OR ANY OTHER STATE COMMISSION OR BOARD TO WHICH
12 THE STATE APPOINTS THE MEMBERS, OR A PERSON WHO BECOMES A CANDIDATE
13 FOR STATE ELECTIVE OFFICE];

14 * Sec. 12. AS 39.50.200 is amended by adding new paragraphs to read:

15 (3) "child" includes a biological child, an adoptive child,
16 and a step-child;

17 (4) "instrumentality of the state" means any state department
18 or agency, whether in the legislative, judicial, or executive branch,
19 including such entities as the University of Alaska and the Alaska
20 State Housing Authority;

21 (5) "mother or father" includes a biological parent, an
22 adoptive parent, and a step-parent;

23 (6) "source of income" means the entity for which service is
24 performed or which is otherwise the origin of payment; if the person
25 whose income is being reported is employed by another, his employer is
26 the source of his income; but if he is self-employed by means of a
27 sole proprietorship, partnership, professional corporation, or a
28 corporation in which he or his spouse or his children, or a combination
29 of them, hold a controlling interest and which has no more than ten

1 shareholders of which he or one of these specified family members is
2 one, the "source" is the client or customer of the proprietorship,
3 partnership or corporation;

4 (7) "state commission or board" means the

- 5 (A) Agricultural Loan Advisory Board (created ad-
6 ministratively to assist in administration of AS 03.10);
7 (B) Alaska State Council on the Arts (AS 44.19.900);
8 (C) Alcoholic Beverage Control Board (AS 04.05.060);
9 (D) State Assessment Review Board (AS 43.56.040);
10 (E) Capital Selection Committee (Initiative #1, 1974);
11 (F) Board of Education (AS 14.07.075);
12 (G) Educational Broadcasting Commission (AS 14.58.020);
13 (H) Alaska Election Campaign Commission (AS 15.13);
14 (I) Employment Security Advisory Council (AS 23.20.025);
15 (J) Board of Fish and Game (AS 16.05.220);
16 (K) Alaska Commercial Fisheries Entry Commission (AS
17 16.40.010);
18 (L) Fishermen's Fund Advisory and Appeals Council (AS
19 23.35.010);
20 (M) Alaska State Housing Authority (AS 18.55.020);
21 (N) State Commission for Human Rights (AS 18.80.010);
22 (O) State Investment Advisory Committee (AS 37.10.020);
23 (P) Alaska Judicial Council (Art. IV, Sec. 8, Alaska
24 Constitution);
25 (Q) Commission on Judicial Qualifications (Art. IV,
26 Sec. 10, Alaska Constitution);
27 (R) Governor's Commission on the Administration of
28 Justice (AS 44.19.746);
29 (S) King Crab Marketing and Control Board (AS 18.90.-

1 040);

2 (T) State Section of Joint Federal-State Land Use
3 Planning Commission (AS 41.40);

4 (U) Local Boundary Commission (AS 44.19.250);

5 (V) Occupational Safety and Health Review Board (AS
6 18.60.057);

7 (W) State Board of Parole (AS 33.15.010);

8 (X) State Personnel Board (AS 39.25.060);

9 (Y) Alaska Pipeline Commission (AS 42.06);

10 (Z) Public Employees Retirement Board (AS 39.35.030);

11 (AA) Alaska Public Utilities Commission (AS 42.05.010);

12 (BB) University of Alaska Board of Regents (AS 14.40.-
13 120);

14 (CC) Alaska Royalty Oil and Gas Development Advisory
15 Board (AS 38.06);

16 (DD) Small Business Development Corporation of Alaska
17 (AS 44.60.020);

18 (EE) Alaska State Development Corporation (AS 44.59.-
19 010);

20 (FF) Board of Directors, State-Operated Schools (AS
21 14.08.060);

22 (GG) Alaska Teachers' Retirement Board (AS 14.25.-
23 035);

24 (HH) Alaska Transportation Commission (AS 42.07.010);

25 (II) Workmen's Compensation Board (AS 32.30.005).

26 * Sec. 13. This Act takes effect immediately in accordance with AS 01.-
27 10.070(c).