

Original sponsor: Rules Committee  
by request

Offered: 5/7/77  
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 400

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to conflict of interest."

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

8 \* Section 1. AS 39.50.020(a) is amended to read:

9 (a) A judicial officer, commissioner, chairman or member of a  
10 state commission or board specified in sec. 200(9) of this chapter,  
11 person hired or appointed as head or deputy head of, or director of a  
12 division within, a department in the executive branch, person appointed  
13 as assistant to the governor, and a municipal officer, shall file a  
14 statement of [GIVING] his financial [INCOME SOURCES] and business  
15 interests required under sec. 30 of this chapter, under oath and on  
16 penalty of perjury, within 30 days after he takes office as a public  
17 official. Candidates for state elective office shall file such a state-  
18 ment within 15 days after [AT THE TIME OF] filing a declaration of  
19 candidacy or within 15 [30] days of the filing of any nominating peti-  
20 tion, or within 15 [30] days of becoming a candidate by any other means,  
21 except that if the candidate has a current statement on file with the  
22 commission this requirement does not apply. Candidates for elective  
23 municipal office shall file such a statement within seven days after [AT  
24 THE TIME OF] filing a nominating petition, declaration of candidacy, or  
25 other required filing for the elective municipal office, except that if  
26 the candidate has a current statement on file with the municipality this  
27 requirement does not apply. Refusal or failure to file within the time  
28 prescribed shall require that the candidate's filing fees, if any, and  
29 filing for office be refused or that his previously accepted filing

1 fee be returned and his name removed from the filing records. A state-  
2 ment shall also be filed [BY PUBLIC OFFICIALS] no later than April 15  
3 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in  
4 each following year [, WHICHEVER SHALL COME FIRST. PERSONS WHO, ON OR  
5 AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED  
6 IN SEC. 200(9) OF THIS CHAPTER ARE NOT REQUIRED TO FILE FINANCIAL STATE-  
7 MENTS].

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

9 (a) Each statement shall be an accurate representation of the  
10 financial and business interests [AFFAIRS] of the public official or  
11 candidate and shall contain the same information for each member of his  
12 family, as specified in (b) of this section, to the extent that it is  
13 ascertainable by the public official or candidate. [AN ASSET OR LIA-  
14 BILITY UNDER \$500, HOUSEHOLD GOODS, AND PERSONAL EFFECTS NEED NOT BE  
15 IDENTIFIED.]

16 \* Sec. 3. As 39.50.030(b)(2) and (7) are amended to read:

17 (2) the identity, by name and address, of each business, and  
18 the nature of each interest owned in any business, in which he or his  
19 spouse or dependent child of his or nondependent child of his who is  
20 living with him was a stockholder, owner, officer, director, partner,  
21 proprietor, or employee during the preceding calendar year;

22 (7) a list of all contracts [AND OFFERS TO CONTRACT] with the  
23 state, or an instrumentality of the state, in the case of state public  
24 officials, and with the municipality in the case of municipal public  
25 officials, during the preceding calendar year [,] held [, BID OR OFFERED]  
26 by him, his spouse, dependent child of his or nondependent child of his  
27 who is living with him, his mother or father or a partnership or pro-  
28 fessional corporation of which he is a member, or a corporation in which  
29 he or his spouse or his children, or a combination of them, hold a

1 controlling interest; and

2 \* Sec. 4. AS 39.50.030(b) is amended by adding a new paragraph to read:

3 (9) assets over \$500 not otherwise described in this sub-  
4 section; household goods and personal effects need not be reported.

5 \* Sec. 5. AS 39.50.050(d) is amended to read:

6 (d) To facilitate the filing of reports under AS 24.45 [AS 24.25]  
7 (Regulation of Lobbying) and the information required to be provided  
8 under AS 24.45.051(4) and (5), the commission shall prepare a listing of  
9 names of all public officials and their official positions who are  
10 [PUBLISH COPIES OF THE REPORTS] required to file statements under this  
11 chapter not later than the convening of each regular session of the  
12 legislature. Copies of this listing and copies of any reports [PUBLI-  
13 CATION] shall be provided on request; however, the commission may make a  
14 charge for the copies [PUBLICATION] which may not exceed the actual cost  
15 of printing, postage and handling.

16 \* Sec. 6. AS 39.50.060(a) is repealed and re-enacted to read:

17 (a) A person required to file a statement of financial and busi-  
18 ness interests under this chapter

19 (1) who wilfully refuses to disclose required information  
20 when due is guilty of a misdemeanor;

21 (2) who wilfully fails to disclose required information when  
22 due is guilty of a misdemeanor; or

23 (3) who wilfully provides false or misleading information on  
24 the statement is guilty of a misdemeanor.

25 \* Sec. 7. AS 29.50.060 is amended by adding a new section to read:

26 (c) A person convicted under (a) of this section is punishable by  
27 a fine of not more than \$5,000, or by imprisonment for not more than one  
28 year, or by both.

29 \* Sec. 8. AS 39.50 is amended by adding a new section to read:

1           Sec. 39.50.085. FAILURE TO REPORT BY A MUNICIPAL OFFICER. (a) If  
2 an elected municipal officer refuses or fails to file the required  
3 statements when due, he shall not be paid his salary, per diem, or  
4 travel expenses after the due date until he complies with the require-  
5 ments of this chapter and is guilty of a misdemeanor and upon conviction  
6 is punishable by a fine of not less than \$100 nor more than \$1,000.

7           (b) A person hired or appointed as a municipal officer shall not  
8 receive salary, travel expenses, or per diem for any period after the  
9 initial 30 days after the completion of his appointment or after his  
10 entry into municipal employment if he has not complied with the require-  
11 ments of this chapter; if he has not complied with the requirements of  
12 this chapter by the 60th day he shall be removed from office and his  
13 position is vacant. If after installation as an appointed municipal  
14 officer he refuses or fails to file the required statement when due, he  
15 is guilty of a misdemeanor and upon conviction is punishable by a fine  
16 of not less than \$100 nor more than \$1,000.

17 \* Sec. 9. AS 39.50.200(1) is amended to read:

18           (1) "public official" means a judicial officer, a member of  
19 the legislature, the governor, the lieutenant governor, a person hired  
20 or appointed as the head or deputy head of, or director of a division  
21 within, a department in the executive branch, an assistant to the  
22 governor, the chairman, each [OR] member, and the full-time executive  
23 officer of a state commission or board, the ombudsman, the deputy  
24 ombudsman and their professional staff, and each appointed or elected  
25 municipal officer;

26 \* Sec. 10. AS 39.50.200(9) is amended by adding new subparagraphs to read:

27           (MM) Alaska Power Authority (AS 44.56.020);

28           (NN) Board of Fisheries (AS 16.05.221(a));

29           (OO) Board of Game (AS 16.05.221(b));

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(PP) Alaska Housing Finance Corporation (AS 18.56.030);  
(QQ) Guide Licensing Control Board (AS 08.54.010).

\* Sec. 11. AS 39.50.030(b)(3), 39.50.150 and 39.50.200(9)(E), (J), (EE)  
and (KK) are repealed.