

Offered: 4/13/82
Referred: Rules

Original sponsor: Rules Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 154 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to financial disclosure; and providing
7 for an effective date."

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

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

10 (a) A judicial officer, commissioner, chairman or member of a
11 state commission or board specified in AS 39.50.200(b), person hired or
12 appointed as head or deputy head of, or director of a division within, a
13 department in the executive branch, person appointed as assistant to the
14 governor, and a municipal officer, shall file a statement giving [HIS]
15 income sources and business interests, under oath and on penalty of
16 perjury, within 30 days after taking [HE TAKES] office as a public
17 official. An individual who files a declaration of candidacy or a nom-
18 inating petition or who becomes a candidate by any other means for state
19 elective office between January 1 and April 15 shall file the statement
20 no later than April 15. An individual who becomes a candidate [CANDI-
21 DATES] for state elective office after April 15 shall file the [SUCH A]
22 statement at the time of filing a declaration of candidacy or within 30
23 days of the filing of a [ANY] nominating petition, or within 30 days of
24 becoming a candidate by any other means. If an individual files or
25 becomes a candidate for state elective office during a calendar year
26 other than the year in which the election is held, the individual shall
27 file an updated statement on or before April 15 of each succeeding year
28 that the individual remains a candidate. Candidates for elective municipi-
29 pal office shall file the [SUCH A] statement at the time of filing a

1 nominating petition, declaration of candidacy, or other required filing
2 for the elective municipal office. A public official who has a current
3 statement on file with the commission who files for state elective office
4 is not required to file a statement at the time the public official
5 becomes a candidate. A municipal officer who has a current statement
6 on file with the municipality who files for state elective office shall
7 file a copy of the statement with the commission. Refusal or failure to
8 file within the time prescribed shall require that the candidate's
9 filing fees, if any, and filing for office be refused or that the candi-
10 date's [HIS] previously accepted filing fee be returned and the [HIS]
11 name of the candidate be removed from the filing records. A statement
12 shall also be filed by public officials no later than April 15 [OR 15
13 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each
14 following year [, WHICHEVER SHALL COME FIRST]. Persons who are [, ON OR
15 AFTER DECEMBER 11, 1974, WERE] members of boards or commissions not
16 named in AS 39.50.200(b) are not required to file financial statements.

17 * Sec. 2. AS 39.50.030(a) is repealed and reenacted to read:

18 (a) Each statement shall be an accurate representation of the
19 financial affairs of the public official or candidate and shall contain
20 the information specified in this section concerning each member of the
21 family of the public official or candidate to the extent that the in-
22 formation is ascertainable by the public official or candidate. House-
23 hold goods and personal effects need not be identified.

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

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

27 (1) the source of all income over \$5,000 [\$100], including
28 capital gains, whether or not taxable, received by the public official
29 or candidate [HIM] or by the [HIS] spouse or dependent child of the

1 public official or candidate [HIS OR NONDEPENDENT CHILD OF HIS WHO IS
2 LIVING WITH HIM,] during the preceding calendar year;

3 (2) the identity, by name and address, of each business in
4 which the public official or candidate [HE] or the [HIS] spouse or
5 dependent child of the public official or candidate [HIS OR NONDEPENDENT
6 CHILD OF HIS WHO IS LIVING WITH HIM] was a stockholder, owner, officer,
7 director, partner, proprietor, or employee during the preceding calendar
8 year;

9 (3) the identity and nature of each interest owned by the
10 public official or candidate [HIM] or the [HIS] spouse or dependent
11 child of the public official or candidate [HIS OR NONDEPENDENT CHILD OF
12 HIS WHO IS LIVING WITH HIM,] in any business during the preceding calen-
13 dar year;

14 (4) the identity and nature of each interest in real property,
15 including an option to buy, owned by the public official or candidate
16 [HIM] or by the [HIS] spouse or dependent child of the public official
17 or candidate [HIS OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,
18 AT ANY TIME] during the preceding calendar year;

19 (5) the identity of each trust or other fiduciary relation in
20 which the public official or candidate [HE] or the [HIS] spouse or
21 dependent child of the public official or candidate [HIS OR NONDEPENDENT
22 CHILD OF HIS WHO IS LIVING WITH HIM,] held a beneficial interest during
23 the preceding calendar year, a description and identification of the
24 property contained in each trust or relation, and the nature and extent
25 of the beneficial interest in it;

26 (6) any loan or loan guarantee over \$5,000 made to the public
27 official or candidate [HIM] or the [HIS] spouse or dependent child of the
28 public official or candidate [HIS OR NONDEPENDENT CHILD OF HIS WHO IS
29 LIVING WITH HIM,] and the identity of the maker of the loan or loan

1 guarantor and the identity of each creditor to whom the public official
2 or candidate [HE] or the [HIS] spouse or dependent child of the public
3 official or candidate [HIS OR NONDEPENDENT CHILD OF HIS WHO IS LIVING
4 WITH HIM] owed over \$5,000 [\$500 OR MORE];

5 (7) a list of all contracts and offers to contract with the
6 state, or an instrumentality of the state, during the preceding calendar
7 year, held, bid or offered by the public official or candidate, the
8 [HIM, HIS] spouse or [,] dependent child of the public official or can-
9 didate [HIS] or the nondependent child [OF HIS] who is living with
10 the public official or candidate, the [HIM, HIS] mother or father of the
11 public official or candidate, or a partnership or professional corpora-
12 tion of which the public official or candidate [HE] is a member, or a
13 corporation in which the public official or candidate [HE] or the [HIS]
14 spouse or [HIS] children of the public official or candidate, or a
15 combination of them, hold a controlling interest; and

16 (8) a list of all mineral, timber, oil, or any other natural
17 resource lease held, or lease offer made, during the preceding calendar
18 year by the public official or candidate, the spouse or [HIM, A] depen-
19 dent child of the public official or candidate [HIS] or the nondependent
20 child living with the public official or candidate, the [OF HIS WHO IS
21 LIVING WITH HIM, HIS] mother or father of the public official or candi-
22 date, or a partnership or professional corporation of which the public
23 official or candidate [HE] is a member, or a corporation in which the
24 public official or candidate [HE] or the [HIS] spouse or the [HIS]
25 children of the public official or candidate, or a combination of them,
26 hold a controlling interest;

27 (9) any other asset or liability valued at over \$5,000.

28 * Sec. 4. AS 39.50.030 is amended by adding new subsections to read:

29 (d) A public official, a candidate for state elective office, or a

1 candidate for elective municipal office who is licensed under AS 08.20,
2 AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71, AS 08.72, AS 08.80,
3 AS 08.84, or AS 08.86 is not required to report the name of a person who
4 is a patient, client, or customer of the public official or candidate or
5 a patient, client, or customer of an entity that is a source of income
6 to the public official or candidate.

7 (e) A gift from a spouse, child, mother or father, brother or
8 sister, grandparent, or grandchild does not need to be reported under
9 this section.

10 * Sec. 5. AS 39.50.200(a)(6) is amended to read:

11 (6) "municipal officer" includes a borough or city mayor,
12 borough assemblyman, city councilman, school board member, elected
13 utility board member, city or borough manager, charter commission member,
14 members of a city or borough planning or zoning commission within a home
15 rule or general law city or borough, including but not limited to a
16 unified municipality under AS 29.68;

17 * Sec. 6. AS 39.50.200(a) is amended by adding a new paragraph to read:

18 (10) "elective municipal office" means the office of borough
19 or city mayor, borough assemblyman, city councilman, school board
20 member, elected utility board member, city or borough manager, charter
21 commission member, city or borough planning or zoning commission member
22 within a home rule or general law city or borough, including but not
23 limited to a unified municipality under AS 29.68.

24 * Sec. 7. AS 39.50.030(d) added by sec. 4 of this Act is retroactive to
25 January 1, 1982.

26 * Sec. 8. Sections 1 - 3 of this Act take effect January 1, 1983.

27 * Sec. 9. Sections 5 - 6 of this Act take effect July 1, 1982.

28 * Sec. 10. Sections 4 and 7 of this Act take effect immediately in accor
29 dance with AS 01.10.070(c).