

CONFLICT  
OF  
INTEREST

# MEMORANDUM

State of Alaska  
ALASKA PUBLIC OFFICES COMMISSION

TO: All APOC Members

DATE: January 25, 1981

FILE NO:

[ 4 ]

TELEPHONE NO:

FROM: Vicki L. Rippie  
Assistant Director  
Alaska Public Offices Commission

SUBJECT: Proposed Amendments to  
AS 39.50

The attached bill draft incorporates the major concerns you've expressed over the past several months regarding the Conflict of Interest Law.

A brief sectional analysis follows:

Section 1: The proposed language would raise, from \$500 to \$1,000, the threshold on reporting assets (i.e., business ownerships, trusts or other fiduciary relations, State contracts, and mineral leases) and liabilities (loans and other indebtedness, excluding charge accounts).

Section 2: The proposed language of this section would: 1) raise the reportable source of income threshold from \$100 to \$1,000; 2) require disclosure of information only for the official, his or her spouse, and dependent children (i.e., eliminates all reference to "nondependent child" of his who is living with him); 3) restates that the liability threshold is increased from \$500 to \$1,000; and 4) clarifies that any natural resource lease held by the official's spouse must be reported. (This latter is housekeeping, but since the paragraph was being amended regarding "nondependent children," I thought I'd include this apparent oversight.)

Section 3: By including this definition of elective municipal office -- which parallels the language of municipal officer -- only those candidates who would be required to file an annual Statement if elected, would need to file by virtue of their candidacy. Thus, candidates for service area boards, charter commissions or other municipal offices would be exempt.

Section 4: Provides that the threshold and "nondependent child" changes would be effective on January 1, 1983.

Section 5: The exemption language for service area board candidates, etc., would be effective July 1, 1982; i.e., in time for the 1982 elections.

VLR/mab

attachment

BILL NO.  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE - SECOND SESSION  
A BILL

For an Act entitled: "An Act relating to the filing of conflict of interest statements by public officials and candidates."

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

\*Section 1. AS 39.50.030(a) is amended to read:

Sec. 39.50.030. CONTENTS OF STATEMENTS. (A) Each statement shall be an accurate representation of the financial affairs of the public official or candidate and shall contain the same information for each member of his family, as specified in (b) of this section, to the extent that it is ascertainable by the public official or candidate. An asset or liability under \$1,000 [\$500], household goods, and personal effects need not be identified.

\*Section 2. AS 39.50.030(b) is amended to read:

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

(1) the source of all income over \$1,000 [\$100], including capital gains, whether or not taxable, received by him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] during the preceding calendar year;

(2) the identity, by name and address, of each business in which he or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM] was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year;

(3) the identity and nature of each interest owned by him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] in any business during the preceding calendar year;

(4) the identity and nature of each interest in real property, including an option to buy, owned by him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] at any time during the preceding calendar year;

(5) the identity of each trust or other fiduciary relation in which he or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] held a beneficial interest during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;

(6) any loan or loan guarantee made to him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom he or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM] owed \$1,000 [\$500] or more;

[7] a list of all contracts and offers to contract with the state, or an instrumentality of the state, during the preceding calendar year, held, bid or offered by him, his spouse, dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM], his mother or father or

or a partnership or professional corporation of which he is a member, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest; and

(8) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar by him, his spouse, a dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM], his mother or father or a partnership or professional corporation of which he is a member, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest.

\*Section 3. AS 39.50.200 is amended by adding a new paragraph to read:

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

\*Section 4. Sections 1 and 2 of this Act take effect on January 1, 1983.

\*Section 5. Section 3 of this Act takes effect on July 1, 1982.

ALASKA PUBLIC OFFICES COMMISSION  
SUMMARY OF PROPOSED CHANGES IN AS 15.13, CAMPAIGN DISCLOSURE  
January 28, 1982

[Changes to be accomplished through CSSB 167 (Jud)]

- A.P.O.C.
- Increasing the maximum contribution limitation from \$1,000 to \$2,000;
  - raising the threshold at which a contributor's name must be reported to over \$250;
  - allowing expenditures of \$250 or less to be reported as a lump sum amount on each report;
  - exempting candidates for service area boards from campaign disclosure requirements;
  - allowing reports to be certified by deputy treasurers in order that they may be timely filed if the candidate or treasurer is unavailable on filing day;
  - allowing those who plan to accept no more than \$250 and to spend no more than \$250 to exempt themselves from any further reports by completing one certified statement of their intent to run a "zero" or limited campaign;
  - allowing contributions which exceed \$100 in cash to be accepted if receipted;
  - allowing candidates a "short form" of identification on political communications which reads "paid for by Joe Candidate;"
  - reversing the present prohibition on expenditures before filing;
  - deleting the requirement to report expenditures on 24 Hour Reports as well as changing them to "48 hour" reports;
  - delineating the specific violations of AS 15.13 which are subject to criminal penalties;
  - allowing a contribution to be returned within 72 hours;
  - deleting the requirement that suppliers of services file reports;
  - restoring the four year statute of limitations for AS 15.13.

# # # # # #

TO: Juneau Info FOR: (1) Rep. Metcalfe, Chm, (H) State Aff. PHONE:  
(2) Sen. Fischer, Chm, Sen. State Affairs  
(3) Dick Bradley (Div. of Legal Serv.) PHONE:

FROM: Theda Pittman  
APOC

ADDITIONAL INSTRUCTIONS:

DATE/TIME SENT: 2/8/82 5:00

PLEASE ACK. RECEIPT: XX

DISPOSAL OF ORIGINAL: XX THROW AWAY  
       HOLD FOR PICK UP

NUMBER OF PAGES: 4 (NOT COUNTING COVER SHEET)

BY: Carol

2/8/82 Draft

BILL NO.  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE - SECOND SESSION  
A BILL

For an Act entitled: "An Act relating to the filing of conflict of interest statements by public officials and candidates."

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

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

(a) A judicial officer, commissioner, chairman or member of a state commission or board specified in AS 39.50.200(9), person hired or appointed as head or deputy head of, or director of a division within, a department in the executive branch, person appointed as assistant to the governor, and a municipal officer, shall file a statement giving his income sources and business interests, under oath and on penalty of perjury, within 30 days after he takes office as a public official. An individual who files a declaration of candidacy or a nominating petition or who becomes a candidate by any other means for state elective office between January 1 and April 15 shall file the statement no later than April 15. A candidate [CANDIDATES] for state elective office who files after April 15 shall file the [SUCH A] statement at the time of filing a declaration of candidacy or within 30 days of the filing of a [ANY] nominating petition, or within 30 days of becoming a candidate by any other means. If an individual files or becomes a candidate for state elective office during a calendar year other than the year in which he seeks nomination or election, he shall file an updated statement on or before April 15 of each succeeding year he remains a candidate. Candidates for elective municipal office shall file the [SUCH A] statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. A public official

who has a current statement on file with the commission who files for state elective office is not required to file a statement at the time he becomes a candidate, but a municipal officer who files for state elective office shall file a copy of the statement which he has filed for municipal office with the commission. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that his previously accepted filing fee be returned and his name removed from the filing records. A statement shall also be filed by public officials no later than April 15 [OR 15 DAYS AFTER THE PERSON FILES HIS FEDERAL INCOME TAX RETURN] in each following year [WHICHEVER SHALL COME FIRST. PERSONS WHO, ON OR AFTER DECEMBER 11, 1974, WERE MEMBERS OF BOARDS OR COMMISSIONS NOT NAMED IN AS 39.50.200(9) ARE NOT REQUIRED TO FILE FINANCIAL STATEMENTS].

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

Sec. 39.50.030. CONTENTS OF STATEMENTS. (A) Each statement shall be an accurate representation of the financial affairs of the public official or candidate and shall contain the same information for each member of his family, as specified in (b) of this section, to the extent that it is ascertainable by the public official or candidate. An asset or liability of \$5,000 or less

*copy* [under \$500], household goods, and personal effects need not be identified. Assets and liabilities over \$5,000 shall be reported in categories as follows:

\$5,001 - \$10,000; \$10,001 - \$25,000; \$25,001 - \$50,000; or more than \$50,000.

\*Section 3. AS 39.50.030(b) is amended to read:

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

(1) the source of all income over \$5,000 [\$100], including capital gains, whether or not taxable, received by him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] during the preceding calendar year;

(2) the identity, by name and address, of each business in which he or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM] was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year;

(3) the identity and nature of each interest owned by him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] in any business during the preceding calendar year;

(4) the identity and nature of each interest in real property, including an option to buy, owned by him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] at any time during the preceding calendar year;

(5) the identity of each trust or other fiduciary relation in which he or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] held a beneficial interest during the preceding calendar year, a description and identification of the property contained in each trust or relation and the nature and extent of the beneficial interest in it;

(6) any loan or loan guarantee made to him or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM,] and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom he or his spouse or dependent child of his [OR NONDEPENDENT CHILD OF HIS WHO IS LIVING WITH HIM] owed over \$5,000 [\$500] or more;

(7) a list of all contracts and offers to contract with the state, or an instrumentality of the state, during the preceding calendar year, held, bid or offered by him, his spouse, dependent child of his or nondependent child of his who is living with him, his mother or father or or a partnership or professional corporation of which he is a member, or a

corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest; and

(8) a list of all mineral, timber, oil, or any other natural resource lease held, or lease offer made, during the preceding calendar by him, his spouse, a dependent child of his or nondependent child of his who is living with him, his mother or father or a partnership or professional corporation of which he is a member, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest.

\*Section 4. AS 39.50.200(6) is amended to read:

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

\*Section 5. AS 39.50.200 is amended by adding a new paragraph to read:

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

\*Section 6. Sections 1, <sup>and</sup> 2 of this Act take effect on January 1, 1983.

\*Section 7. Sections <sup>4 and 5</sup> of this Act takes effect on July 1, 1982.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 16, 1982

SUBJECT: Amendments to AS 39.50  
(Work Order No. 12-2516)

TO: Representative Ray H. Metcalfe  
Chairman, House State Affairs Committee

FROM: Richard A. Bradley  
Legislative Counsel 

The bill enclosed is responsive to your request.

The bill has essentially few departures from the draft provided to us by the Public Offices Commission except as to AS 39.50.030.

The commission recommended the reporting by "categories". The draft seemed inadequate to flesh out the details as to just what that meant. After discussion with the executive director, Theda Pittman, I prepared the enclosed repeal and reenactment of sec. 30.

The section has always been awkward. I hope that some of those awkward aspects have been eliminated; in any case the commission considered its draft a "preliminary concept" and my redraft is equally a preliminary concept.

Sec. 30(a) restates the request of the commission and is essentially the same as existing sec. 30(a).

Sec. 30(b) represents a restatement of the requirements formerly contained in AS 39.50.030(b)(1). Similarly, sec. 30(c) represents a restatement of the requirements formerly contained within AS 39.50.030(b)(3) - (8).

The repetitive language that was distributed from (b)(3) - (8) is contained in (d); subsec. (e) contained the list of the assets and liabilities on which reports are

Representative Ray H. Metcalfe  
Page 2  
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required under the chapter. I made no effort to prepare an "ideal" listing since I was merely cleaning up sec. 30(b) but I believe that all the reports required before are required here.

I made some changes that may be characterized as substantive. The commission asked that the references to the "nondependent child of his living with him" be deleted except as to paragraphs (b)(7) and (8). Since I saw no apparent policy reason for leaving the phrase in in those two places, I eliminated it uniformly. I also deleted the references in (b)(7) - (8) to the "mother and father".

If I may assist further, please advise.

RAB:ljb

Enclosure