

H B

852

AMENDMENT

OFFERED IN THE HOUSE:

By: State Affairs

To: CS HOUSE BILL No. 852

SENATE BILL No. _____

PAGE: _____

LINE: _____

In work draft form please incorporate the attached changes.

A M E N D M E N T

OFFERED IN THE HOUSE:

By: State Affairs

To: amend

HOUSE BILL No. CSHB 852

SENATE BILL No. _____

PAGE: _____

LINE: _____

Page 2 lines 22 - 23:

delete [An asset or liability reasonably valued by the public official or candidate at \$5,000 or less and]

incorporate all changes on attached memo dated March 17 except the last one.

STATE OF ALASKA
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 2, 1982

SUBJECT: Public Offices Commission
(CSHB 852(SA))

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

FROM: Richard A. Bradley 
Legislative Counsel

Theda Pittman had given me a draft for a committee substitute for HB 852. I have prepared the bill essentially as requested.

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The amendment to AS 39.50.030(b) is essentially unchanged. A conforming amendment was made to sec. 30(b)(4) ["at any time" was deleted]. A stylistic amendment was made to sec. 30(b)(6) ["or more" was deleted].

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If I may assist further, please advise.

RAB:ljb

Enclosure

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Enclosure

APOC could lose power under Senate proposal

By The Associated Press

The strongest tool now wielded by the Alaska Public Offices Commission over candidates for elected offices would be wiped off the books under legislation approved by the Senate today.

Currently, the nomination or election of a candidate who violates a campaign law or whose campaign treasurer or deputy campaign treasurer violates a campaign law is void.

An amendment proposed by Sen. Ed Dankworth, R-Anchorage, and approved on a 10-7 ballot would repeal the provision.

Dankworth said it is unfair to deny candidates elected posts because one of their staff members made a mistake. Majority leader Pat Rodey, D-Anchorage, unsuccessfully argued that the section should be retained "to preserve the public confidence."

Rodey said Alaskans have voted in support of the statute which allows the APOC to oust elected candidates from office when campaign financing violations are discovered.

The amendment came during a vote on a bill which would make major changes to the state's campaign financing laws. The measure was approved 15-2, but notice of reconsideration was given which means the bill (CSSB167 Rules) may

come up again on Wednesday before going to the House.

In a letter distributed to lawmakers, APOC Director Theda Pittman wrote that the legislation, before amendments, sought to make the state's campaign disclosure law "more effective and more reasonable."

The bill would increase the maximum campaign contribution from \$1,000 to \$2,000.

Sen. Vic Fischer, D-Anchorage, was defeated by a 5-12 vote in his attempt to maintain the current ceiling on contributions. He said keeping the contribution level down lessens the chance that wealthy special-interest groups will control who is elected.

The legislation also would raise from \$100 to \$250 the threshold at which a contributor's name must be reported to the APOC. The provision applies to individuals and groups.

Ms. Pittman said some of the changes "are a natural consequence of inflation."

The APOC keeps track of campaign contributions. Each candidate is required to make a full report to the APOC listing the date and amount of all expenditures made by the candidate, and the total amount of all contributions including all funds contributed by the candidate.

Page 1, line 22:

April 15. An individual who becomes a candidate [CANDIDATES] for state elective office

Page 2, lines 5-7:

the time he becomes a candidate. A municipal officer who has a current statement on file with the municipality who files for state elective office shall file a copy of the statement with the commission.

Page 2, lines 22-23: Delete "An asset or liability reasonably valued by the public official or candidate at \$5,000 or less and"

Page 3, line 21:

(6) any loan or loan guarantee over \$5,000 made to him or his spouse or

Page 4, line 12, add:

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

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RAB:ljb

Enclosure

pg 2
on 2/2/82
Want to delete
subsec. 30(b)(1) - (6)
APOC

MEMORANDUM

State of Alaska

MAIL STOP:

TO: The Honorable Ray Metcalfe
Chairman, State Affairs
Alaska House of Representatives

DATE: February 28, 1982

FILE NO:

TELEPHONE NO: 276-4176

FROM: ^{TSP} Theda Pittman
APOC
610 C Street, Suite 211
Anchorage, AK 99501

SUBJECT: Draft of Committee Substitute
for HB 852

Thank you for your willingness to consider a committee substitute for HB 852. The enclosed is consistent with the testimony present on behalf of the Commission at the February 25th hearing. As you suggested, I am providing a copy to Dick Bradley.

cc: Bradley

Introduced: 2/16/82
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 852

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 the filing of conflict of interest
7 statements by public officials and candidates."

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 he takes office as a public official. An
17 individual who files a declaration of candidacy or a nominating petition
18 or who becomes a candidate by any other means for state elective office
19 between January 1 and April 15 shall file the statement no later than
20 April 15. A candidate [CANDIDATES] for state elective office who files
21 after April 15 shall file the [SUCH A] statement at the time of filing a
22 declaration of candidacy or within 30 days of the filing of a [ANY]
23 nominating petition, or within 30 days of becoming a candidate by any
24 other means. If an individual files or becomes a candidate for state
25 elective office during a calendar year other than the year in which the
26 election is held, he shall file an updated statement on or before
27 April 15 of each succeeding year in which he remains a candidate. Can-
28 didates for elective municipal office shall file the [SUCH A] statement
29 at the time of filing a nominating petition, declaration of candidacy,

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

16 * Sec. 2. AS 39.50.030 is repealed and reenacted to read:

17 Sec. 39.50.030. CONTENTS OF STATEMENTS. (a) Each statement shall
18 be an accurate representation of the financial affairs of the public
19 official or candidate and shall contain the information specified in
20 this section concerning each member of his family to the extent that it
21 is ascertainable by the public official or candidate. An asset or
22 liability reasonably valued by the public official or candidate at
23 \$5,000 or less and household goods and personal effects need not be
24 identified. ~~no asset or liability reasonably valued by the public~~
25 ~~official or candidate at an amount in excess of \$5,000 shall be reported~~
26 as follows:

27 (1) ~~category I:~~ assets or liabilities with a reasonable
28 value between \$5,001 and \$10,000;

29 (2) category II: assets or liabilities with a reasonable

1 value between \$10,001 and \$25,000;

2 (3) category III: assets or liabilities with a reasonable
3 value between \$25,001 and \$50,000;

4 (4) category IV: assets or liabilities with a reasonable
5 value in excess of \$50,000.

6 (b) Each statement filed by a public official or candidate under
7 this chapter shall include each source of income over \$5,000, including
8 capital gains, whether or not taxable, received by the public official
9 or candidate or the spouse or dependent child of the public official or
10 candidate during the preceding calendar year.

11 (c) Each statement filed by the public official or candidate under
12 this chapter shall include the name and address of each business in
13 which the public official or candidate or the spouse or dependent child
14 of the public official or candidate was a stockholder, owner, officer,
15 director, partner, proprietor, or employee during the preceding calendar
16 year.

17 (d) Each statement of a public official or candidate shall include
18 the category and the nature and description of an asset or liability
19 listed in (e) of this section that was owned during the preceding
20 calendar year by the public official or candidate or by the spouse or
21 dependent child of a public official or candidate and that is reasonably
22 valued by the public official or candidate at more than \$5,000.

23 (e) As used in this section, an asset or liability means

- 24 (1) an interest in a business;
25 (2) an interest in real property, including an option to buy;
26 (3) a trust or fiduciary relationship;
27 (4) a loan or a guarantee for a loan;
28 (5) a credit relationship;
29 (6) a contract and offer to contract with the state or an

1 instrumentality of the state and each mineral, timber, oil, or other
2 natural resource lease owned or lease offer made by

3 (A) a public official or candidate;

4 (B) the spouse or dependent child of the public official
5 or candidate;

6 (C) a partnership or professional corporation of which
7 the public official or candidate is a member;

8 (D) a corporation in which the public official or candi-
9 date or the spouse or dependent child or a combination of them held
10 a controlling interest during the preceding calendar year.

11 * Sec. 3. AS 39.50.200(a)(6) is amended to read:

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

18 * Sec. 4. AS 39.50.200(a) is amended by adding a new paragraph to read:

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

25 * Sec. 5. Sections 1,² and 3 of this Act take effect January 1, 1983.

26 * Sec. 6. Section / ~~2~~ 4 of this Act takes effect July 1, 1982. ←

*Section . 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 employe 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.



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

NOTIFICATION SHEET
BILL NO. HB 852

Pouch V
State Capitol
Juneau, Alaska 99811

NAME	ORGANIZATION	PHONE NO.
Theda Pitman ²⁻¹⁴	APAC ²⁻²⁴	4864 ³⁻⁷⁹
Dept of Admin	K. Ryals	2277
Lieutenant Gov	Jack Miller	586 6181 3852 4618
Attorney General	B. J. Peterson ^{will}	3600 ^{probably}
Votrec Hudap	HPOC	4864
Chairman APAC Commission Call Sheri Holmes when scheduling SB 167, HB 952		2436645

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Enclosure

2-22-

HB852

SB167

HB796 -

+

HB 853 -

SB167

Call Sherri Holmes when
reschedule SB167, HB852 & HB796
APOC [Sherri Holmes] 243.260.45
Chairman of Commission
want to hear