

H B

154

# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

REPLY TO:

810 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176

JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 485-4864

March 31, 1982

The Honorable Pat Rodey  
Chairman, Judiciary Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Rodey:

Shari Holmes, Chairman of the Alaska Public Offices Commission, and I have reviewed Dick Bradley's memorandum of March 18, 1982, concerning changes to AS 39.50, the Conflict of Interest Law, as proposed in SCS CSHB 154(SA). The numbered comments which follow correspond to the numbers in Mr. Bradley's memo.

(1) Deletion of the phrase "at the time the municipal officer becomes a candidate" -- the timelines under which an individual who becomes a candidate for State elective office must file the Conflict of Interest Statement are set out in lines 17 through 28 on page 1 of SCS CSHB 154(SA). The reference on page 2, line 7, is now necessary only to indicate that a Statement on file at a municipality does not satisfy the requirements that candidates for State elective office have a Statement on file with the Commission. To leave in the phrase underlined above would set a different time standard for those who were municipal officers becoming State elective candidates from that provided for those who were not municipal officers.

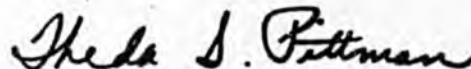
(2) Mr. Bradley is correct about the reference to "a spouse" on page 4, line 18. This can be fixed by making line 18 read as follows: "year by the public official or candidate, the spouse or [HIM, A] dependent"

(3) Mr. Bradley is also correct about the fact that AS 39.50.030(b)(9) as proposed on page 4, line 27, is incomplete. The initial suggestion out of Senate State Affairs which prompted the addition was that items such as limited entry fishing permits and liquor licenses ought to be required to be disclosed in light of their substantial value. A call to the Limited Entry Commission indicated that those permits are held only by individuals; however, liquor licenses are often held by partnerships or corporations. Language requiring that "any other asset or liability valued at over \$5,000 owned by the public official or candidate, the spouse or dependent child of the public official or candidate or a partnership or professional corporation of which the public official or candidate is a member, or a corporation in which the public official

or candidate or the spouse or the children of the public official or candidate, or a combination of them, hold a controlling interest." would appear to go substantially beyond what was intended in the original suggestion. If the Committee desires to pursue the more limited suggestion made in State Affairs, perhaps Mr. Bradley can assist with appropriate language.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



THEDA S. PITTMAN  
Executive Director

TSP/mab

cc: APOC Members  
Richard Bradley, Legislative Counsel

STATE OF ALASKA  
THE LEGISLATURE

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


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1982

SUBJECT: Financial disclosure  
(SCS CSHB 154 (SA))

TO: Senator Vic Fischer  
Chairman, Senate State  
Affairs Committee

FROM: Richard A. Bradley   
Legislative Counsel

The committee substitute for HB 154 requested has been delivered.

The bill was reviewed quickly and prepared for delivery at a time when we were not able to give the bill a better review; because of this situation, I believe that some comments on the bill that has been delivered to you are appropriate.

(1) I believe that the deletion of the phrase "at the time the municipal officer becomes a candidate" on page 2, line 7 of the bill introduces an element of uncertainty into the bill; as a general rule, if an individual is required to do something on the pain of sanction, the time at which the event must occur is significant and should be stated in the law.

(2) The phrase "a spouse" added to paragraph (8) on page 4, line 18 of the bill is unmodified unlike the similar phrase at, for example, page 4 line 8. As such, it is impossible to determine with certainty whose spouse is involved.

(3) Finally, AS 39.50.030(b)(9) is incomplete. Note that there is essentially no pattern to the requirements for disclosure in sec. 30(b); if there were, the pattern might be available to supply the omissions in (9). The assets of "mother and father" are required to be disclosed under sec. 30(8) but not otherwise. In some cases assets of

"nondependent child(ren) who is living with the public official or candidate" are required to be disclosed [e.g., sec. 30(7)]; more usually it-is not. In some cases the assets of a professional corporation in which the public official or candidate is associated are required to be disclosed; does "any other asset or liability" of a professional corporation involved need to be reported?

I regret that these questions were not called to your attention earlier.

RAB:ljb