



LAWS OF ALASKA

1975

Source

HCS CSSB 62 am H

Chapter No.

25

AN ACT

Relating to conflicts of interests; and providing for an effective date.

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

* Section 1. AS 39.50.020 is amended to read:

Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A judicial officer, commissioner, chairman or member of a state commission or board specified in sec. 200(9) of this chapter, 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. Candidates for state elective office shall file such a statement at the time of filing a declaration of candidacy or within 30 days of the filing of any nominating petition, or within 30 days of becoming a candidate by any other means. Candidates for elective municipal office shall file such a statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. 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 sec. 200(9) of this chapter are not required to file financial statements.

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* Sec. 2. AS 39.50.020(b) is repealed and re-enacted to read:

(b) The governor, lieutenant governor, members of the legislature, and candidates for these offices, judicial officers, each commissioner, head or deputy head of, or director of a division within, a department in the executive branch, assistant to the governor or chairman or member of a commission or board required to report under this chapter, shall file the statement with the Alaska Public Offices Commission. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

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

(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 \$500, household goods, and personal effects need not be identified.

* Sec. 4. 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 \$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 \$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 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 year by him, 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.

* Sec. 5. AS 39.50 is amended by adding a new section to read:

Sec. 39.50.035. EXEMPTIONS. No person subject to this chapter is exempt from any of its provisions except to the extent state courts determine that legally privileged professional relationships preclude complete compliance.

* Sec. 6. AS 39.50.040(a) is amended to read:

(a) A public official may transfer all or a portion of his assets to a blind trust for the duration of his service in public office. The original assets placed in the blind trust shall be listed by the official in the statement required to be filed under this chapter. The instrument creating the blind trust must be included with the statement.

* Sec. 7. AS 39.50.050(a) is amended to read:

(a) The Alaska Public Offices Commission created under AS 15.13.020(a) shall administer the provisions of this chapter. The commission shall prepare and keep available for distribution, standardized forms on which the reports required by this chapter shall be filed.

* Sec. 8. AS 39.50.050(b) is amended to read:

(b) The commission shall promulgate regulations to implement and interpret the provisions of this chapter; regulations or interpretation shall be within the intents and purposes of this chapter and are subject to judicial review in accordance with the provisions of the Administrative Procedure Act (AS 44.62).

* Sec. 9. AS 39.50.060 is amended to read:

Sec. 39.50.060. PENALTY FOR WILFUL VIOLATION OF DISCLOSURE REQUIREMENTS. (a) A person required to file a report of financial or business interests under this chapter who refuses or knowingly fails to disclose required information within the time required in this chapter, or who provides false or misleading information, knowing it to be false or misleading, is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for a period of not more than six months, or by both.

(b) Any person failing to or refusing to comply with the requirements of this chapter, in addition to the penalties prescribed, shall forfeit his nomination to office and shall not be seated or installed in office if he has not complied. Nominated, hired, or appointed officials, commissioners, chairmen or members of commissions or boards specified in sec. 200(9) of this chapter shall not be confirmed by the legislature if compliance has not been made. In the case of elected officials, the lieutenant governor, or other certifying authority, shall not certify a person's nomination for office or his election to office if compliance was not made within the time required. The nomination to office or election to office shall be certified to the highest vote getter for that nomination for that office or election to that office who has complied within the times required and who shall be declared nominated or elected.

* Sec. 10. AS 39.50.070 is amended to read:

Sec. 39.50.070. FAILURE TO REPORT BY DEPARTMENT, DIVISION, OR DEPUTY DEPARTMENT HEADS. A person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch who refuses or fails to file a report of financial interests required under this chapter when due may not hold office or have his name submitted to the legislature for confirmation until he complies. He may not be confirmed, hired, or appointed, and he forfeits and may not be paid any salary or per diem and travel expenses until he complies. If, after installation as the head or deputy head of, or director of a division within, a department, he refuses or fails to file the required statement when due, he is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and shall be removed from office if compliance is not made within 30 days after the due date of the report.

* Sec. 11. AS 39.50.080 is amended to read:

Sec. 39.50.080. FAILURE TO REPORT BY A COMMISSION OR BOARD CHAIRMAN OR MEMBER. A person hired or appointed as a commissioner, chairman or member of a state commission or board specified in sec. 200(9) of this chapter who fails to file a report of financial interests required under this chapter when due shall not hold office or have his name submitted to the legislature until he complies. He may not be confirmed, and he forfeits and shall not be paid any salary or per diem or travel expenses until he complies. If, after being seated as commissioner, chairman or member of such a commission or board he refuses or fails to file

the required statement when due, he is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and shall be removed from office if compliance is not made within 30 days after the due date.

* Sec. 12. AS 39.50.090 is amended to read:

Sec. 39.50.090. PROHIBITED ACTS. (a) No public official may use his official position or office for the primary purpose of obtaining financial gain for himself, or his spouse, child, mother, or father, or business with which he is associated or owns stock.

(b) No person may offer or pay to a public official, and no public official may solicit or receive money for legislative advice or assistance, or for advice or assistance given in the course of the public official's employment or relating to his employment. However, this prohibition does not apply to a chairman or member of a state commission or board if the subject matter of the legislative advice or assistance is not related directly to the function of the commission or board; this exception from the general prohibition does not apply to one whose service on the commission or board constitutes him a full-time state employee under AS 39.

(c) No public official may represent a client before a state agency for a fee. However, this prohibition does not apply to a chairman or member of a state commission or board except with regard to representation before his own commission or board; this exception from the general prohibition does not apply to one whose service on the commission or board constitutes him a full-time state employee under AS 39.

(d) Violation of this section is a misdemeanor, punishable upon conviction by a fine of not less than \$500, nor more than \$2,000, by imprisonment up to one year, or by both.

(e) In this section, "public official" includes, in addition to the persons specified in sec. 200(1) of this chapter, chairmen and members of all commissions and boards created by statute or administrative action as agencies of the state.

* Sec. 13. AS 39.50.110 is amended to read:

Sec. 39.50.110. REPORT OF FINANCIAL INTERESTS OF JUDICIAL OFFICERS. Each judicial officer as defined in sec. 200(2) of this chapter shall file reports of financial and business interests required by this chapter. A judicial officer who refuses or fails to file a report when it is due forfeits and may not be paid his salary, per diem, and travel expenses after the due date, until he complies, and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000. He may not be appointed by the governor or other authority until he complies. Upon failure or refusal to comply within 30 days of the due date, he forfeits his office and shall be removed from office.

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- * Sec. 14. AS 39.50.120 is amended to read:

Sec. 39.50.120. REPORT OF FINANCIAL INTERESTS OF LEGISLATORS. Each legislator shall file the reports of financial or business interests required by this chapter. A legislator who refuses or fails to file the report when due forfeits and shall not be paid his salary and per diem and travel expenses after the due date until he complies and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000.

- * Sec. 15. AS 39.50.130 is amended to read:

Sec. 39.50.130. REPORT OF FINANCIAL INTERESTS OF GOVERNOR AND LIEUTENANT GOVERNOR. The governor and lieutenant governor shall each file a report of financial interests required by this chapter. If the governor or lieutenant governor fails to file the report when due, he forfeits and may not be paid his salary and per diem and travel expenses after the due date and until he complies, and is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$100 nor more than \$1,000.

- * Sec. 16. AS 39.50 is amended by adding a new section to read:

Sec. 39.50.145. PARTICIPATION BY MUNICIPALITIES. A municipality may exempt its municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a general election vote to exempt its municipal officers from the requirements of this chapter. The question of exemption from the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative ordinance.

- * Sec. 17. AS 39.50.150 is amended to read:

Sec. 39.50.150. INITIAL FILING DATE FOR PUBLIC OFFICIALS. (a) Every person who is a public official or a public official-elect on December 11, 1974 shall file the statements required by this chapter before April 15, 1975. However, a public official who resigned his office or whose term of office expired on or after December 11, 1974 but before April 15, 1975, need not file a financial statement.

(b) Municipal officers shall file the statements required by this chapter before November 15, 1975. However, a municipal officer who resigns his office or whose term of office expires before November 15, 1975 need not file a financial statement.

- * Sec. 18. AS 39.50.200(1) is amended to read:

(1) "public official" means a judicial officer, a member of the legislature, the governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or director of a division within, a department in the executive branch, an assistant to the governor, chairman or member of a state commission or board, and each appointed or elected municipal officer;

* Sec. 19. AS 39.50.200 is amended by adding new paragraphs to read:

(3) "child" includes a biological child, an adoptive child, and a stepchild;

(4) "commission" means the Alaska Public Offices Commission created under AS 15.13.020(a);

(5) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska and the Alaska State Housing Authority;

(6) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, 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;

(7) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(8) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, his employer is the source of his income; but if he is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership or corporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

(9) "state commission or board" means the

(A) Agricultural Loan Advisory Board
(created administratively to assist in administration of AS 03.10);

(B) Alaska State Council on the Arts
(AS 44.19.900);

(C) Alcoholic Beverage Control Board
(AS 04.05.060);

(D) State Assessment Review Board (AS 43.-
56.040);

(E) Capital Selection Committee (Initiative
#1, 1974);

(F) Board of Education (AS 14.07.075);

(G) Educational Broadcasting Commission
(AS 14.58.020);

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- (H) Alaska Public Offices Commission
(AS 15.13);
- (I) Employment Security Advisory Council
(AS 23.20.025);
- (J) Board of Fish and Game (AS 16.05.220);
- (K) Alaska Commercial Fisheries Entry
Commission (AS 16.40.010);
- (L) Fishermen's Fund Advisory and Appeals
Council (AS 23.35.010);
- (M) Alaska State Housing Authority (AS 18.-
55.020);
- (N) State Commission for Human Rights
(AS 18.80.010);
- (O) State Investment Advisory Committee
(AS 37.10.020);
- (P) Alaska Judicial Council (art. IV,
sec. 8, Alaska Constitution);
- (Q) Commission on Judicial Qualifications
(art. IV, sec. 10, Alaska Constitution);
- (R) Governor's Commission on the Adminis-
tration of Justice (AS 44.19.746);
- (S) State Section of Joint Federal-State
Land Use Planning Commission (AS 41.40);
- (T) Local Boundary Commission (AS 44.19.-
250);
- (U) Occupational Safety and Health Review
Board (AS 18.60.057);
- (V) State Board of Parole (AS 33.15.010);
- (W) State Personnel Board (AS 39.25.060);
- (X) Alaska Pipeline Commission (AS 42.06);
- (Y) Public Employees Retirement Board
(AS 39.35.030);
- (Z) Alaska Public Utilities Commission
(AS 42.05.010);
- (AA) University of Alaska Board of Regents
(AS 14.40.120);
- (BB) Alaska Royalty Oil and Gas Development
Advisory Board (AS 38.06);
- (CC) Small Business Development Corporation
of Alaska (AS 44.60.020);

(DD) Alaska State Development Corporation
(AS 44.59.010);

(EE) Board of Directors, State-Operated
Schools (AS 14.08.060);

(FF) Alaska Teachers' Retirement Board
(AS 14.25.035);

(GG) Alaska Transportation Commission
(AS 42.07.010);

(HH) Workmen's Compensation Board (AS 32.30.-
005);

(II) Alaska Commission on Postsecondary
Education (AS 14.40.901);

(10) "assistant to the governor" includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed.

* Sec. 20. AS 11.30.040 is amended to read:

Sec. 11.30.040. BRIBERY. A person who corruptly gives, offers, or promises to give a gift, gratuity, valuable consideration or other thing, or corruptly promises to do or causes to be done an act beneficial to a peace officer, judicial officer, executive officer or public official, with intent to influence the vote, opinion, decision, judgment, or official conduct of the officer or official in a matter, question, duty, cause, or proceeding which is or by law may come or be brought before him, or with intent to influence the person to act in his official capacity in a particular manner to produce or prevent a particular result, upon conviction, is punishable by imprisonment for not less than two years nor more than 10 years.

* Sec. 21. AS 11.30.050 is amended to read:

Sec. 11.30.050. ACCEPTING BRIBE. A peace officer, judicial officer, executive officer or public official who corruptly accepts or receives a gift, gratuity, valuable consideration, or thing, or a promise of one of them, or a promise to do or cause to be done an act beneficial to him, with the understanding or agreement, express or implied, that the officer or official will give his vote, opinion, decision, or judgment in a particular manner in a matter, question, duty, cause, or proceeding which then is or may by law come or be brought before him, or with the understanding or agreement that the person will in his official capacity act in a particular manner to produce or prevent a particular result, upon conviction, is punishable by imprisonment for not less than five years nor more than 15 years.

* Sec. 22. AS 11.30 is amended by adding a new section to read:

Sec. 11.30.075. PUBLIC OFFICIAL DEFINED. For the purposes of secs. 40 and 50 of this chapter, the definitions contained in AS 39.50.200(1), as supplemented by AS 39.50.-090(e), shall be controlling.

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* Sec. 23. AS 15.13.020(a) is amended to read:

(a) There is created in the office of the lieutenant governor the Alaska Public Offices Commission.

* Sec. 24. AS 15.13.030(10) is amended to read:

(10) adopt regulations necessary to implement and clarify the provisions of AS 39.50 and this chapter, subject to the provisions of the Administrative Procedure Act (AS 44.62).

* Sec. 25. AS 44.62.330(a)(39) is amended to read:

(39) Alaska Public Offices Commission.

* Sec. 26. AS 39.50.030(c), 39.50.040(b)(6) and 39.50.140 are repealed.

* Sec. 27. Statements filed with the lieutenant governor, administrator of courts or the Alaska Legislative Council under AS 39.50.020(b) before the effective date of this Act shall be transferred to the Alaska Public Offices Commission for filing under AS 39.50.050, as amended by this Act.

* Sec. 28. This Act takes effect immediately in accordance with AS 01.10.070(c).