

HOUSE BILL NO. 170

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CRONK

Introduced: 4/24/23

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the misuse of an official position."**

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

3 *** Section 1.** AS 39.52.120(b) is amended to read:

4 (b) A public officer may not

5 (1) seek other employment or contracts through the use or attempted
6 use of official position;

7 (2) accept, receive, or solicit compensation for the performance of
8 official duties or responsibilities from a person other than the state;

9 (3) use state time, property, equipment, or other facilities to benefit
10 personal or financial interests;

11 (4) take or withhold official action in order to affect a matter in which
12 the public officer has a personal or financial interest;

13 (5) attempt to benefit a personal or financial interest through coercion
14 of a subordinate or require another public officer to perform services for the private
15 benefit of the public officer at any time; [OR]

1 (6) use or authorize the use of state funds, facilities, equipment,
 2 services, or another government asset or resource for partisan political purposes; this
 3 paragraph does not prohibit use of the governor's residence for meetings to discuss
 4 political strategy and does not prohibit use of state aircraft or the communications
 5 equipment in the governor's residence so long as there is no charge to the state for the
 6 use; in this paragraph, "for partisan political purposes"

7 (A) means having the intent to differentially benefit or harm a

8 (i) candidate or potential candidate for elective office;

9 or

10 (ii) political party or group;

11 (B) but does not include having the intent to benefit the public
 12 interest at large through the normal performance of official duties; **or**

13 **(7) take or withhold official action against a private person on a**
 14 **matter if the action is not based primarily on a justifiable public purpose; in this**
 15 **paragraph, "justifiable public purpose" means a purpose related to the best**
 16 **interests of the state and does not include consideration of a person's**

17 **(A) kinship or relationship with a public officer;**

18 **(B) financial association with a public officer;**

19 **(C) potential for conferring a future benefit on a public**
 20 **officer;**

21 **(D) public policy opinions, including whether those**
 22 **opinions conflict with the public officer's public policy opinions; or**

23 **(E) political affiliation.**