

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE BERKOWITZ

TO: HCS CSSB 56(FIN)

1 Page 1, line 6, following "INTENT":

2 Insert "FOR SECTIONS 1 and 3 - 35"

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4 Page 2, following line 3:

5 Insert new bill sections to read:

6 "\* **Sec. 2.** AS 11.56.850(a) is amended to read:

7 (a) A public servant commits the crime of official misconduct if, with intent to  
8 obtain a benefit or to injure or deprive another person of a benefit, the public servant

9 (1) performs an act relating to the public servant's office but  
10 constituting an unauthorized exercise of the public servant's official functions,  
11 knowing that that act is unauthorized; [OR]

12 (2) knowingly refrains from performing a duty **that** [WHICH] is  
13 imposed upon the public servant by law or is clearly inherent in the nature of the  
14 public servant's office; or

15 (3) knowingly takes or withholds official action, as "official  
16 action" is defined in AS 39.52.960, in order to affect the interests of a sole  
17 proprietorship, partnership, firm, corporation, trust or other entity through  
18 which business for profit or not for profit is conducted in which the public  
19 servant or the public servant's spouse is

20 (A) an officer, director, trustee, partner, employee, or holds  
21 a position of management; or

22 (B) a holder of stock exceeding \$5,000 in fair market value  
23 or exceeding one percent of the outstanding stock."

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Renumber the following bill sections accordingly.

Page 24, line 8:

Delete "Sections 2, 5, 26, and 29 - 31"

Insert "Sections 3, 6, 27, and 30 - 32"

Page 24, line 9:

Delete "Sections 3, 4, 6 - 25, 27, and 28"

Insert "Sections 2, 4, 5, 7 - 26, 28, and 29"

Page 24, line 11:

Delete "secs. 8 - 21"

Insert "secs. 9 - 22"