

**CS FOR HOUSE BILL NO. 194(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/25/06

Referred: Judiciary

Sponsor(s): REPRESENTATIVES GARA, Berkowitz, Gardner

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act prohibiting a public officer from taking official action regarding a matter in  
2 which the public officer has a significant financial interest; providing for imposition of  
3 costs against violators of, and defining 'official action' for purposes of, the chapter  
4 generally referred to as the Executive Branch Ethics Act."

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

6 \* **Section 1.** AS 39.52.110(b) is amended to read:

7 (b) Unethical conduct is prohibited, but there is no substantial impropriety if,  
8 as to a specific matter, a public officer has a

9 (1) [OFFICER'S] personal or financial interest in the matter and [IS  
10 INSIGNIFICANT, OR OF A TYPE THAT IS POSSESSED GENERALLY BY THE  
11 PUBLIC OR A LARGE CLASS OF PERSONS TO WHICH THE PUBLIC  
12 OFFICER BELONGS; OR (2)] action taken or influence exercised by the public  
13 officer would have insignificant or conjectural effect on the matter;

14 (2) personal interest in a matter that is insignificant or is possessed

1 by the public or by a large class of persons to which the public officer belongs; or

2 (3) financial interest in the matter

3 (A) that is an interest held by the public officer or an  
4 immediate family member of the public officer;

5 (B) that includes an involvement or ownership of an  
6 interest in a business, including a property ownership or a professional or  
7 private relationship, that is a source of income or from which, or as a  
8 result of which, a person has received or expects to receive a financial  
9 benefit; and

10 (C) the value of which is less than \$10,000.

11 \* **Sec. 2.** AS 39.52.440 is amended to read:

12 **Sec. 39.52.440. Civil penalties.** The personnel board may impose on a current  
13 or former public officer civil penalties not to exceed \$5,000 plus the state's cost of  
14 investigating the complaint for a violation of this chapter. Penalties and costs [A  
15 PENALTY] imposed under this section are [IS] in addition to and not instead of any  
16 other penalty that may be imposed according to law.

17 \* **Sec. 3.** AS 39.52.960(14) is amended to read:

18 (14) "official action" means performance of any duties in the course  
19 and scope of a public officer's employment, including review, advice,  
20 participation, assistance, or another kind of involvement regarding a matter,  
21 such as a recommendation, decision, approval, disapproval, vote, or other similar  
22 action, including inaction, by a public officer;