

CS FOR SENATE BILL NO. 19(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/2/07

Referred: Finance

Sponsor(s): SENATORS FRENCH, ELTON, MCGUIRE, WIELECHOWSKI, THOMAS AND HUGGINS, Ellis, Stevens, Green, Kookesh, Davis, Olson, Hoffman, Cowdery, Stedman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a public officer's taking official action regarding, or influencing, a**
2 **matter in which the public officer has a personal or financial interest; prohibiting**
3 **certain persons from engaging in activity as lobbyists; and defining 'official action'**
4 **under the Alaska Executive Branch Ethics Act and related law."**

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

6 *** Section 1.** AS 39.52.110(b) is repealed and reenacted to read:

7 (b) Notwithstanding (a) of this section, a public officer's action or influence
8 with respect to the officer's personal or financial interest in a specific matter is not a
9 violation of public trust or a violation of this chapter

10 (1) if the public officer's action or influence in the matter would have
11 only an insignificant or conjectural effect on the matter; or

12 (2) if the public officer's
13 (A) personal or financial interest is of a type that is possessed
14 generally by the public or a large class of persons to which the public officer

1 belongs;

2 (B) personal interest is insignificant; or

3 (C) financial interest is solely in regard to a business and
4 neither the public officer nor a member of the public officer's immediate
5 family

6 (i) owns a controlling interest in the business and the
7 controlling interest has a fair market value of \$5,000 or more;

8 (ii) owns stock or options to buy stock that, when
9 combined, equal more than one percent of the stock in the business or
10 have a total fair market value of more than \$5,000;

11 (iii) owns or has an option to buy an equity interest in
12 the business the fair market value of which is more than \$5,000 or one
13 percent of the total fair market value of the business, whichever is less;

14 (iv) is a member of the board of directors or another
15 governing body of the business;

16 (v) is an officer of the business;

17 (vi) provides or has an option to provide personal or
18 professional services to the business;

19 (vii) has a contract or an option for a contract with the
20 business; or

21 (viii) is an employee of the business.

22 * **Sec. 2.** AS 39.52.180(d) is amended to read:

23 (d) A former governor, lieutenant governor, [OR] head **or deputy head** of a
24 principal department in the executive branch, **director of a division within a**
25 **principal department in the executive branch, employee of the Office of the**
26 **Governor in a policy-making position, or chair of a state board or commission**
27 **that has the authority to adopt regulations, other than a board or commission**
28 **named in AS 08.01.010**, may not engage in activity as a lobbyist under AS 24.45 for a
29 period of one year after leaving service as the governor, lieutenant governor, [OR]
30 department head **or deputy head, division director, chair of a state board or**
31 **commission, or employee of the Office of the Governor in a policy-making**

1 **position**, as appropriate. This subsection does not prohibit service as a volunteer
2 lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined
3 under regulations of the Alaska Public Offices Commission.

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

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

10 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. Section 2 of this Act applies to a person who leaves state service
13 on or after the effective date of sec. 2 of this Act.