

CS FOR SENATE BILL NO. 19(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 2/14/07

Referred: Rules

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; relating to
3 restrictions on employment after leaving state service; prohibiting certain persons from
4 engaging in activity as lobbyists; and defining 'official action' under the Alaska
5 Executive Branch Ethics Act and related law."

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

7 * **Section 1.** AS 24.45.121 is amended by adding a new subsection to read:

8 (d) A former public official in the executive branch may not engage in
9 activities as a lobbyist to the extent prohibited under AS 39.52.180(d).

10 * **Sec. 2.** AS 39.52.110(b) is repealed and reenacted to read:

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

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

3 (2) if the public officer's

4 (A) personal or financial interest is of a type that is possessed
5 generally by the public or a large class of persons to which the public officer
6 belongs;

7 (B) personal interest is insignificant; or

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

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

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

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

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

21 (v) is an officer of the business;

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

24 (vii) has a contract or an option for a contract with the
25 business; or

26 (viii) is an employee of the business.

27 * **Sec. 3.** AS 39.52.180(a) is amended to read:

28 (a) A public officer who leaves state service may not, for two years after
29 leaving state service, represent, advise, or assist a person for compensation regarding a
30 matter that was under consideration by the administrative unit served by that public
31 officer, and in which the officer participated personally and substantially through the

1 exercise of official action. For the purposes of this subsection, "matter" includes a
 2 case, proceeding, application, contract, [OR] determination, [BUT DOES NOT
 3 INCLUDE THE] proposal or consideration of legislative bills, resolutions and
 4 constitutional amendments, or other legislative measures, [;] or [THE] proposal,
 5 consideration, or adoption of administrative regulations.

6 * **Sec. 4.** AS 39.52.180(d) is amended to read:

7 (d) **An individual who formerly held a position listed in this subsection** [A
 8 FORMER GOVERNOR, LIEUTENANT GOVERNOR, OR HEAD OF A
 9 PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH] may not engage in
 10 activity as a lobbyist under AS 24.45 for a period of one year after leaving **that**
 11 **position** [SERVICE AS THE GOVERNOR, LIEUTENANT GOVERNOR, OR
 12 DEPARTMENT HEAD, AS APPROPRIATE]. This subsection does not prohibit
 13 service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
 14 lobbyist as defined under regulations of the Alaska Public Offices Commission. **This**
 15 **subsection applies to the position of**

16 **(1) governor;**

17 **(2) lieutenant governor;**

18 **(3) head or deputy head of a principal department in the executive**
 19 **branch;**

20 **(4) director of a division or legislative liaison within a principal**
 21 **department in the executive branch;**

22 **(5) legislative liaison, administrative assistant, or other employee**
 23 **of the Office of the Governor or Office of the Lieutenant Governor in a policy-**
 24 **making position;**

25 **(6) member of a state board or commission that has the authority**
 26 **to adopt regulations, other than a board or commission named in AS 08.01.010;**

27 **(7) member of the governing board and executive officer of a state**
 28 **public corporation.**

29 * **Sec. 5.** AS 39.52.960(14) is amended to read:

30 (14) "official action" means **performance of any duties in the course**
 31 **and scope of a public officer's employment, including review, advice,**

1 **participation, assistance, or another kind of involvement regarding a matter,**
2 **such as** a recommendation, decision, approval, disapproval, vote, or other similar
3 action, including inaction, by a public officer;

4 * **Sec. 6.** AS 39.52.180(c) is repealed.

5 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 APPLICABILITY. Sections 3, 4, and 6 of this Act apply to a person who leaves state
8 service on or after the effective date of secs. 3 and 4 of this Act.