

Introduced: 2/14/84
Referred: State Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 501

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act establishing standards of conduct for public
7 employees in the executive branch; imposing addition-
8 al reporting requirements on lobbyists under AS 24.45
9 and public officials under AS 39.50 and making addi-
10 tional persons subject to disclosure requirements
11 under AS 39.50; relating to the powers of the Alaska
12 Public Offices Commission and disclosures of con-
13 flicts of interest to the commission; and providing
14 for an effective date."

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

16 * Section 1. AS 15.13.030 is amended by adding a new paragraph to read:

17 (1) administer the provisions of, adopt regulations under,
18 and carry out the duties set out in AS 39.52.010 -- 39.52.900 regard-
19 ing standards of conduct for and financial interests of public employ-
20 ees.

21 * Sec. 2. AS 24.45.051 is amended by adding a new paragraph to read:

22 (7) the amount and identity of every ownership or benefi-
23 cial interest held with a public official, as defined in AS 39.52.900,
24 in any business enterprise.

25 * Sec. 3. AS 39.50.020 is amended to read:

26 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a)
27 A public official other than an elected public official [JUDICIAL
28 OFFICER, COMMISSIONER, CHAIRMAN OR MEMBER OF A STATE COMMISSION OR
29 BOARD SPECIFIED IN AS 39.50.200(b), PERSON HIRED OR APPOINTED AS HEAD

1 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT IN
2 THE EXECUTIVE BRANCH, PERSON APPOINTED AS ASSISTANT TO THE GOVERNOR,
3 AND A MUNICIPAL OFFICER,] shall file a statement giving his income
4 sources and business interests, under oath and on penalty of perjury,
5 within 30 days after he takes office as a public official. Candidates
6 for state elective office shall file such a statement at the time of
7 filing a declaration of candidacy or within 30 days after [OF THE]
8 filing a [OF ANY] nominating petition or within 30 days after [OF]
9 becoming a candidate by any other means. Candidates for elective
10 municipal office shall file such a statement at the time of filing a
11 nominating petition, declaration of candidacy, or other required
12 filing for the elective municipal office. Refusal or failure to file
13 within the time prescribed requires [SHALL REQUIRE] that the candi-
14 date's filing fees, if any, and filing for office be refused or that
15 the [HIS] previously accepted filing fee be returned and the candi-
16 date's [HIS] name removed from the filing records. A statement must
17 [SHALL] also be filed by public officials no later than April 15 or 15
18 days after the person files his federal income tax return in each
19 following year, whichever comes [SHALL COME] first. Persons who, on
20 or after December 11, 1974, were members of boards or commissions not
21 named in AS 39.50.200(b) are not required to file financial state-
22 ments.

23 (b) The governor, lieutenant governor, members of the legisla-
24 ture, and candidates for these offices, and other public officials
25 except municipal officers [JUDICIAL OFFICERS, EACH COMMISSIONER, HEAD
26 OR DEPUTY HEAD OF, OR DIRECTOR OF A DIVISION WITHIN, A DEPARTMENT IN
27 THE EXECUTIVE BRANCH, ASSISTANT TO THE GOVERNOR OR CHAIRMAN OR MEMBER
28 OF A COMMISSION OR BOARD REQUIRED TO REPORT UNDER THIS CHAPTER,] shall
29 file the statement with the Alaska Public Offices Commission.

1 Municipal officers, and candidates for elective municipal office,
2 shall file with the municipal clerk or other municipal official des-
3 ignated to receive their filing for office. All statements required
4 to be filed under this chapter are public records.

5 * Sec. 4. AS 39.50.030(b) is amended by adding a new paragraph to read:

6 (9) for each interest identified or listed under (1) -- (8)
7 of this subsection, the name of any other person jointly owning or
8 holding the same interest, if that person is a lobbyist registered
9 under AS 24.45.041 or was registered as a lobbyist under AS 24.45.041
10 in the preceding calendar year.

11 * Sec. 5. AS 39.50.070 is amended to read:

12 Sec. 39.50.070. FAILURE TO REPORT BY DEPARTMENT, DIVISION, OR
13 DEPUTY DEPARTMENT HEADS. A person hired or appointed as the head or
14 deputy or assistant head of, or director or deputy director of a
15 division within, or to an equivalent position within, a department in
16 the executive branch who refuses or fails to file a report of finan-
17 cial interests required under this chapter when due may not hold
18 office or have his name submitted to the legislature for confirmation
19 until he complies. The person [HE] may not be confirmed, hired, or
20 appointed, and [HE] forfeits and may not be paid any salary or per
21 diem and travel expenses until he or she complies. If, after instal-
22 lation in office, the person [AS THE HEAD OR DEPUTY HEAD OF, OR DIREC-
23 TOR OF A DIVISION WITHIN, A DEPARTMENT, HE] refuses or fails to file
24 the required statement when due, he or she is guilty of a misdemeanor
25 and upon conviction is punishable by a fine of not less than \$100 nor
26 more than \$1,000 and shall be removed from office if compliance is not
27 made within 30 days after the due date of the report.

28 * Sec. 6. AS 39.50.200(1) is amended to read:

29 (1) "public official" means a judicial officer, a member of

1 the legislature, the governor, the lieutenant governor, a person hired
2 or appointed as the head or deputy or assistant head of, or director
3 or deputy director of a division within, or to an equivalent position
4 within, a department in the executive branch, an assistant to the
5 governor, chairman or member of a state commission or board, and each
6 appointed or elected municipal officer;

7 * Sec. 7. AS 39 is amended by adding a new chapter to read:

8 CHAPTER 52. STANDARDS OF CONDUCT.

9 Sec. 39.52.010. LEGISLATIVE FINDINGS AND PURPOSE. (a) The
10 legislature finds that it is essential in the conduct of public busi-
11 ness that public employees hold the respect and confidence of the
12 people. Public employees must avoid conduct that violates the trust
13 the people have placed in them or that creates a reasonable belief
14 that the public trust is being violated. To ensure and preserve
15 public confidence, all persons serving in government should be subject
16 to specific standards to guide their conduct, and certain public
17 officials, because of their level of responsibility, should be re-
18 quired to disclose financial interests that might affect their con-
19 duct.

20 (b) To strengthen faith and confidence that the governmental
21 process reflects the will of the people, and that each public employee
22 considers and makes decisions affecting the public in accordance with
23 the best interests of the public, AS 39.52 is enacted.

24 Sec. 39.52.020. CONFLICTS OF INTERESTS. (a) Conflicts of
25 interests are prohibited as provided in this chapter.

26 (b) The following factors must be considered in a determination
27 of a conflict of interests made under AS 39.52.110 -- 39.52.130:

28 (1) whether the public employee's interest in the matter is
29 relatively insignificant;

1 (2) whether the effect that the public employee's action or
2 influence would have on the matter is insignificant or conjectural;

3 (3) whether the public employee's authority is relatively
4 far removed from any official action that could reasonably affect the
5 matter in which the public employee has a financial interest; or

6 (4) whether the public employee's interest is of a type
7 that is possessed generally by the public or a large class of persons
8 to which the public employee belongs.

9 (c) An employee cannot avoid a conflict of interests by delegat-
10 ing official responsibility to a subordinate.

11 Sec. 39.52.030. FINANCIAL INTERESTS. (a) It is a conflict of
12 interests for a public employee to take or withhold official action so
13 as to affect a matter in which the public employee has a financial
14 interest.

15 (b) A public official shall, in accordance with AS 39.52.110,
16 disclose a matter in which the official has a financial interest that
17 might be affected by official action taken or withheld by that offi-
18 cial.

19 (c) Nothing in this section prohibits an agency from adopting
20 policies that place additional limitations on the extent to which
21 employees in that agency may acquire financial interests in businesses
22 or undertakings which may be involved in official action taken or
23 withheld by that agency's employees.

24 Sec. 39.52.040. STATE CONTRACTS. (a) It is a conflict of
25 interests for a public employee to seek to acquire, be a party to, or
26 possess a financial interest in, a state contract, other than a con-
27 tract competitively bid under AS 37.05.230(1), (2), or (3), if the
28 employee may take or withhold official action so as to affect the
29 award or the execution of the contract.

1 (b) A public official shall disclose an interest in a state
2 contract, including an effort to obtain a contract, in accordance with
3 AS 39.52.110.

4 (c) In determining whether a conflict of interests exists under
5 this section, the following factors must be considered, in addition to
6 those set out in AS 39.52.020(b):

7 (1) whether the contract is competitively bid or whether
8 there is adequate justification for awarding a sole-source contract;
9 and

10 (2) whether existing administrative procedures for granting
11 contracts are sufficient to avoid undue influence.

12 (d) Records relating to a state contract in which a public
13 employee has a financial interest are public records and may not be
14 made confidential.

15 (e) Nothing in this section prohibits an agency from adopting
16 policies that place additional limitations on the extent to which an
17 employee of that agency may have a financial interest in a state
18 contract.

19 (f) The exception provided in (a) of this section for contracts
20 that are competitively bid does not apply to a public employee who (1)
21 is an employee of the administrative unit that supervises the award of
22 the contract or (2) is an employee of the agency for which the con-
23 tract is let.

24 Sec. 39.52.050. STATE LOANS. (a) It is a conflict of interests
25 for a public employee to apply for, receive or have a financial inter-
26 est in a state loan if the employee may take or withhold official
27 action so as to affect the granting or the administration of the loan.

28 (b) A public official shall disclose an interest in a state
29 loan, including an application or a proposed application for a loan,

1 in accordance with AS 39.52.110.

2 (c) In determining whether a conflict of interests exists under
3 this section, the following factors must be considered, in addition to
4 those set out in AS 39.52.020(b):

5 (1) whether the loan program is generally available to
6 members of the public;

7 (2) whether the loan is subject to fixed eligibility stan-
8 dards; and

9 (3) whether minimal discretion is exercised in determining
10 qualification for the loan or whether existing administrative proce-
11 dures for granting and reviewing the loan are otherwise sufficient to
12 avoid undue influence.

13 (d) Records relating to a state loan in which a public employee
14 has a financial interest are public records and may not be made confi-
15 dential, unless the loan is one that meets the criteria set out in
16 (c)(1) -- (3) of this section.

17 (e) Nothing in this section prohibits an agency from adopting
18 policies that place additional limitations on the extent to which an
19 employee of that agency may have a financial interest in a state loan.

20 Sec. 39.52.060. ASSOCIATIONS WITH SUPERVISORS. (a) It is a
21 conflict of interests for a public employee to form or maintain a
22 close economic association with a person under his supervision if the
23 association involves a financial interest that, because of its poten-
24 tial for loss or gain, may influence the relationship between the
25 supervisor and the employee. In this subsection, "relationship" in-
26 cludes preparing or reviewing performance evaluations, and granting or
27 approving pay raises or promotions.

28 (b) A public official shall disclose an association described in
29 (a) of this section in accordance with AS 39.52.110.

1 Sec. 39.52.070. GIFTS. (a) A public employee may not solicit
2 or receive, as a gift or for less than fair market value, property,
3 goods, services, or any other benefit, from a person or group that
4 contracts with, is regulated by, or may benefit from an action or
5 inaction by the agency that the public employee serves.

6 (b) This section does not prohibit receipt of a benefit if it is
7 limited to

8 (1) meals or lodging provided by a person at his residence
9 within the state, or food and beverages consumed in a place of public
10 accommodation;

11 (2) discounts or prizes that are generally available to the
12 public or a large class of persons to which the public employee be-
13 longs;

14 (3) gifts presented by the employing agency in recognition
15 of meritorious service to the state upon termination of state employ-
16 ment; or

17 (4) a value of less than \$100, or \$250 in the aggregate,
18 from any one person or group in a 12-month period, if receipt does not
19 constitute a crime under AS 11.56.110 or 11.56.120.

20 (c) Nothing in this section prohibits an agency from adopting
21 policies that limit the extent to which employees in that agency may
22 accept a benefit described in (b) of this section, or which require
23 employees in that agency to turn over a benefit to the agency.

24 Sec. 39.52.080. CONFIDENTIAL INFORMATION. A public employee may
25 not knowingly disclose or use for the employee's own benefit or that
26 of another person information that by law is not available to the
27 public and that the employee acquired in the course of his or her
28 official duties.

29 Sec. 39.52.090. REPRESENTATION BY PUBLIC EMPLOYEES. A public

1 employee may not advise or assist a person or group in a case, con-
2 tract, transaction, or other matter pending before an agency that the
3 employee serves if

4 (1) the advice or assistance is for compensation, unless
5 compensation is required by statute, regulation, or court rule; or

6 (2) the advice or assistance is without compensation and it
7 is rendered for the financial interest of the public employee.

8 Sec. 39.52.100. REPRESENTATION BY FORMER PUBLIC EMPLOYEES. (a)
9 A former public employee, within 12 months after leaving office, may
10 not assist a person or business or act in a representative capacity
11 for a fee or other consideration in connection with a particular
12 matter in which a state agency is a party or has a direct interest,
13 and in which the former public employee took official action as a
14 public employee.

15 (b) This section does not prohibit an agency from contracting
16 with a former employee to act on a matter on behalf of the agency.

17 (c) An agency may waive application of this section to a former
18 employee of that agency if the head of the agency determines that
19 assistance or representation by the former employee is not adverse to
20 the interests of the agency.

21 Sec. 39.52.110. ACTION TO DETERMINE A CONFLICT OF INTERESTS.

22 (a) A public official in the executive branch who has a financial
23 interest described in AS 39.52.030 -- 39.52.060 shall (1) refrain from
24 taking any official action relating to the interest until a determina-
25 tion is made under this section, and (2) immediately disclose the
26 interest in writing to the appropriate supervisor.

27 (b) The supervisor to whom an interest is disclosed under (a) of
28 this section shall determine under the applicable provisions of this
29 chapter whether a conflict of interests exists. If the supervisor

1 determines that a conflict of interests exists, the supervisor shall
2 reassign duties so that the public official is not required to take
3 official action relating to the conflict of interests. If it is not
4 appropriate to reassign duties, the supervisor shall direct the public
5 official to divest himself or herself of the financial interest that
6 caused the conflict. If neither reassignment nor divestiture is
7 appropriate or if the official refuses to divest, the supervisor shall
8 refer the disclosure to the commission and notify the public official
9 of the referral. The commission shall review the supervisor's deter-
10 mination in accordance with AS 39.52.130(e).

11 (c) In addition to interests disclosed by public officials, the
12 appropriate supervisor shall make a determination under this section
13 on the financial interest of a public employee voluntarily disclosed
14 to the supervisor by that employee. Nothing in this section prevents
15 the appropriate supervisor from making a determination that a conflict
16 of interests exists if a disclosure of financial interest is made to
17 the supervisor by a person other than the public employee who has the
18 interest.

19 (d) In this section, the "appropriate supervisor" is (1) the
20 head of each department in the executive branch, for employees within
21 the department; (2) the president of the University of Alaska, for
22 university employees; (3) the commission, for the governor, the lieu-
23 tenant governor, and members of boards, commissions, and authorities;
24 (4) the governor, for department heads and for other employees not
25 included in (1) -- (3) of this subsection. A department head, the
26 university president, the governor, and the commission may designate a
27 public official to act as the appropriate supervisor. The name and
28 position of each official designated must be reported to the commis-
29 sion.

1 (e) A disclosure made under this section is confidential unless
2 the appropriate supervisor determines under this section that a con-
3 flict exists. If the supervisor determines that no conflict exists,
4 the disclosure remains confidential and is not a public record under
5 AS 09.25.110.

6 (f) A supervisor who makes a determination under this section
7 shall submit a quarterly report to the commission on a form prescribed
8 by the commission. The report must provide information on the facts
9 and circumstances of each disclosure made to the supervisor. If the
10 disclosure resulted in a determination of no conflict, the report may
11 not disclose names or other identifying information. Nothing in this
12 subsection prevents the commission from obtaining additional informa-
13 tion, other than identifying information, on a disclosure.

14 Sec. 39.52.120. REVIEW BY COMMISSION. A public official for
15 whom a determination is made under AS 39.52.110(b) or an employee for
16 whom a determination is made under AS 39.52.110(c) may request the
17 commission to review the appropriate supervisor's determination. The
18 request must be made in writing within 10 days after the issuance of
19 the determination. The commission shall review the determination in
20 accordance with AS 39.52.130(e).

21 Sec. 39.52.130. COMMISSION POWERS, DUTIES, AND RESPONSIBILITIES.

22 (a) The commission shall administer the provisions of this chapter
23 and may adopt regulations to implement and interpret the provisions of
24 this chapter, including regulations that increase the threshold value
25 of a financial interest for purposes of this chapter.

26 (b) The commission may, in addition to its other powers

27 (1) prescribe forms for reports, statements, and other
28 documents required by this chapter; and

29 (2) prepare and publish manuals and guides explaining the

1 provisions of this chapter.

2 (c) The commission may subpoena witnesses, administer oaths and
3 affirmations, take evidence, and require by subpoena the production of
4 books, papers, records, or other evidence relevant to the performance
5 of the commission's duties or exercise of powers, including powers of
6 investigation. A subpoena issued by the commission is enforceable in
7 the superior court to the same extent as a subpoena issued by the
8 court.

9 (d) The commission shall issue, on the written request of an
10 employee, a former employee, or a member of a board, commission, or
11 authority, an advisory opinion on the application of this chapter to a
12 given set of circumstances. An advisory opinion issued on the request
13 of a person is binding on the commission in subsequent commission
14 proceedings involving that person, unless facts were omitted or mis-
15 stated in the request or unless the opinion is modified or revoked.
16 The commission may also issue advisory opinions on its own motion on
17 the interpretation of this chapter. The commission shall publish its
18 opinions, but names and other identifying information may not be
19 disclosed. Commission discussions on a request for an advisory opin-
20 ion must be conducted in executive session.

21 (e) The commission shall review a determination referred under
22 AS 39.52.110(b) or appealed under AS 39.52.120. In addition, the
23 commission may review a determination reported under AS 39.52.110(f).
24 If, upon review, the commission finds that there is probable cause to
25 believe that a conflict of interests exists, notice must be provided
26 and a request for a hearing may be filed in accordance with (f) of
27 this section.

28 (f) The commission shall accept from any person a sworn com-
29 plaint in writing which (1) alleges a conflict of interests or a

1 violation of this chapter; (2) states the name of the employee, former
2 employee, or member of a board, commission, or authority; and (3) sets
3 out the known facts. The staff of the commission shall notify the
4 person who is the subject of a complaint made under this section
5 within 10 days after receipt of the complaint. If the staff of the
6 commission finds that the complaint does not allege facts sufficient
7 to constitute a conflict of interests or a violation of this chapter,
8 it shall dismiss the matter and notify the person who is the subject
9 of the complaint and the complainant. If the staff of the commission
10 finds that the complaint alleges facts sufficient to constitute a
11 conflict of interests or a violation of this chapter, it may conduct
12 an investigation. The staff may also investigate a determination of
13 no conflict reported under AS 39.52.110(f). If, based upon its inves-
14 tigation, the staff finds that there is probable cause to believe that
15 a conflict of interests exists or a violation of this chapter has
16 occurred, the staff shall notify the person who is the subject of the
17 finding. If that person contests the finding of probable cause by
18 filing a request for a hearing within 30 days after issuance of the
19 finding, the commission shall hold a hearing. If the person does not
20 contest the finding, he or she shall file with the commission and with
21 the appropriate supervisor a notice that a conflict exists. The
22 supervisor shall take action on the conflict in accordance with
23 AS 39.52.110(b). If the person does not request a hearing or file a
24 notice as required by this subsection, the right to a hearing is
25 waived and the commission shall determine a proper remedy in accor-
26 dance with (h) of this section.

27 (g) Each hearing must be conducted by a quorum of commission
28 members or by a hearing officer appointed by the commission. The
29 hearing officer shall submit to the commission a proposed order based

1 on the record of the hearing and containing findings of fact, con-
2 clusions of law, and recommended action. The administrative adjudica-
3 tion procedures of the Administrative Procedure Act (AS 44.62) do not
4 apply to hearings of the commission under this chapter, but the person
5 who is the subject of the hearing may subpoena witnesses on his or her
6 behalf, challenge the sufficiency of evidence presented against him or
7 her, confront and cross-examine hostile witnesses, and examine all
8 documents and records prepared by and submitted to the commission.

9 (h) If the commission determines by a preponderance of the
10 evidence that a conflict of interests exists under AS 39.52.020 --
11 39.52.060 or that a violation of AS 39.52.070 -- 39.52.100 has oc-
12 curred, it shall, if the person is a salaried public employee, order
13 the employee to refrain from or stop any official action related to
14 the conflict or violation; or, if the person is a member of a board,
15 commission, or authority whose members do not receive a salary, order
16 the member to refrain from voting, deliberating, or participating in
17 any manner on the matter before the body in which he has a financial
18 interest. In addition, the commission may impose a civil penalty of
19 not more than \$5,000 for each violation and may order, if the person
20 is a salaried public employee, (1) divestiture; (2) establishment of a
21 blind trust; (3) restitution; and (4) forfeiture. The commission may
22 also order restitution if the person is a non-salaried member of a
23 board or commission. The commission may, with regard to salaried
24 public employees, make recommendations for disciplinary action, in-
25 cluding suspension and termination and, with regard to non-salaried
26 members of boards, commissions, and authorities, make recommendations
27 to the appropriate appointing authority for removal from the body.
28 The findings, order, and any recommendations made by the commission
29 must be reported to the employee's supervisor, who may take

1 appropriate disciplinary action, and may be referred to the attorney
2 general for civil or criminal action.

3 (i) The person who is the subject of the order or the staff of
4 the commission may appeal an order issued under this section. The
5 order is subject to judicial review in accordance with the rules of
6 appellate procedure adopted by the Alaska Supreme Court.

7 Sec. 39.52.140. ATTORNEY GENERAL POWERS AND DUTIES. (a) Upon a
8 final determination of a conflict of interests under this chapter or a
9 violation of this chapter, the state has a cause of action against the
10 employee or former employee

11 (1) to recover the amount by which the value of the finan-
12 cial interest creating the conflict increased as a direct or indirect
13 result of the public employee's official action;

14 (2) to void a contract relating to the conflict; if a
15 contract is voided, the state is not liable to the contractor for more
16 than the fair market value of the services rendered;

17 (3) to forfeit to the state any gifts, compensation, or
18 other benefits of any kind that the public employee or former public
19 employee received in connection with the conflict of interests;

20 (4) to enjoin the use of confidential information and to
21 void any transaction in which that information was used;

22 (5) to void any official action taken by the public employ-
23 ee which was affected by the conflict of interests; or

24 (6) to obtain any other remedy available in law or equity.

25 (b) The attorney general may bring an action under (a) of this
26 section in the name of the state. The action may be brought before a
27 final determination is made by the commission under this chapter if
28 the attorney general finds that it is in the public interest to bring
29 the action before final determination. The attorney general shall

1 provide notice to the commission of any action brought before final
2 determination. If the attorney general brings an action under this
3 subsection, and if the action and the proceedings before the commis-
4 sion involve the same parties and similar facts and circumstances, the
5 commission may stay its proceedings until the action brought by the
6 attorney general is concluded.

7 (c) If the attorney general brings a criminal action before a
8 final determination is made under this chapter, the commission shall
9 stay its proceedings upon notice from the attorney general of the
10 action.

11 Sec. 39.52.150. PENALTY FOR FAILURE TO DISCLOSE OR REPORT. If a
12 public official intentionally fails to disclose a financial interest
13 as required by AS 39.52.110(a) or if a supervisor intentionally fails
14 to report to the commission as required by AS 39.52.110(f), the com-
15 mission may assess a civil penalty of not more than \$500.

16 Sec. 39.52.160. APPLICABILITY OF OTHER LAW. The provisions of
17 this chapter supersede the common law on conflicts of interests. In
18 addition, any personnel rules relating to conflicts of interests
19 adopted under AS 39.25 are superseded. However, nothing in this
20 chapter precludes a prosecution under an applicable criminal statute
21 nor prevents enforcement of any other state statute that imposes a
22 stricter standard for public employees or for members of boards,
23 commissions, and authorities.

24 Sec. 39.52.180. APPLICABILITY UNDER ADMINISTRATIVE ORDER. The
25 governor may, by administrative order, make subject to AS 39.52 a
26 position in the executive branch that is not included in the defini-
27 tion of "public official" in AS 39.52.900.

28 Sec. 39.52.900. DEFINITIONS. In this chapter, unless the con-
29 text requires otherwise

1 (1) "agency" means a department, office, bureau, division,
2 or other administrative unit in the executive branch, including the
3 University of Alaska, and boards, commissions, and authorities estab-
4 lished by statute;

5 (2) "close economic association" means a financial rela-
6 tionship other than a marital relationship, including positions as
7 counsel, advisor, or consultant to or member or representative of any
8 group;

9 (3) "commission" means the Alaska Public Offices Commission
10 established under AS 15.13.020(a);

11 (4) "employee" or "public employee" means a permanent,
12 nonpermanent, or emergency employee of a state agency, including a
13 person in the exempt or partially exempt service and a public official
14 as defined in this section;

15 (5) "family member" means an employee's child, spouse,
16 parent, sibling, or regular member of the employee's household;

17 (6) "financial interest" means an interest, possessed by a
18 public employee, with a value of \$1,000 or more or a value set by the
19 commission under AS 39.52.130(a), that may directly or indirectly
20 financially benefit the public employee, a family member, or a person
21 in close economic association with the public employee;

22 (7) "group" means an association, partnership, business,
23 corporation, or other entity made up of one or more persons, whether
24 for profit or non-profit;

25 (8) "official action" means a decision, recommendation,
26 approval, disapproval, deliberation, vote, or other action, including
27 inaction, by an employee, which involves the discretionary use of his
28 authority or position;

29 (9) "public official" means an individual in the executive

1 branch who is

2 (A) in the exempt or partially exempt service under
3 AS 39.25.110 -- 39.25 120 and whose position is classified as
4 equal to or greater than Range 19 of the state's position classi-
5 fication plan or, if the classification plan is not applicable,
6 is at a substantially equivalent level of authority or responsi-
7 bility;

8 (B) a deputy director of a major division of a princi-
9 pal department of the executive branch;

10 (C) a member of a board, commission, or an authority,
11 but is not otherwise employed by the state;

12 (D) made subject to this chapter by administrative
13 order of the governor as authorized by AS 39.52.180;

14 (10) "state contract" means a contract awarded by any agency
15 in the legislative, executive, or judicial branch of the state govern-
16 ment;

17 (11) "state loan" means any loan that is funded by the state
18 or is secured by the resources or obligations of the state.

19 * Sec. 8. AS 44.62.330(a)(39) is amended to read:

20 (39) Alaska Public Offices Commission, except where proce-
21 dures are expressly exempted by statute;

22 * Sec. 9. This Act takes effect January 1, 1985.