

**CS FOR HOUSE BILL NO. 10(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 2/20/13**

**Referred: Judiciary**

**Sponsor(s): REPRESENTATIVE GRUENBERG**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act creating certain exceptions to limitations under the Alaska Executive Branch**  
2 **Ethics Act on the use of state resources to provide or pay for transportation of spouses**  
3 **and children of the governor and the lieutenant governor."**

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

5 **\* Section 1.** AS 39.52.120(b) is amended to read:

6 (b) A public officer may not

7 (1) seek other employment or contracts through the use or attempted  
8 use of official position;

9 (2) accept, receive, or solicit compensation for the performance of  
10 official duties or responsibilities from a person other than the state;

11 (3) use state time, property, equipment, or other facilities to benefit  
12 personal or financial interests;

13 (4) take or withhold official action in order to affect a matter in which  
14 the public officer has a personal or financial interest;

1 (5) attempt to benefit a personal or financial interest through coercion  
 2 of a subordinate or require another public officer to perform services for the private  
 3 benefit of the public officer at any time; or

4 (6) use or authorize the use of state funds, facilities, equipment,  
 5 services, or another government asset or resource for a partisan political purpose  
 6 [PURPOSES]; this paragraph does not prohibit use of the governor's residence for  
 7 meetings to discuss political strategy and does not prohibit use of state aircraft or the  
 8 communications equipment in the governor's residence so long as there is no charge to  
 9 the state for the use [; IN THIS PARAGRAPH, "FOR PARTISAN POLITICAL  
 10 PURPOSES"]

11 (A) MEANS HAVING THE INTENT TO  
 12 DIFFERENTIALLY BENEFIT OR HARM A

13 (i) CANDIDATE OR POTENTIAL CANDIDATE  
 14 FOR ELECTIVE OFFICE; OR

15 (ii) POLITICAL PARTY OR GROUP;

16 (B) BUT DOES NOT INCLUDE HAVING THE INTENT TO  
 17 BENEFIT THE PUBLIC INTEREST AT LARGE THROUGH THE  
 18 NORMAL PERFORMANCE OF OFFICIAL DUTIES].

19 \* **Sec. 2.** AS 39.52.120(f) is amended to read:

20 (f) Use of state aircraft for a partisan political purpose [PURPOSES] is  
 21 permitted under (b) of this section only when the use is collateral or incidental to the  
 22 normal performance of official duties and does not exceed 10 percent of the total of  
 23 the use of the aircraft for official purposes and partisan political purposes, combined,  
 24 on a single trip. A public officer who authorizes or makes any partisan political use of  
 25 a state aircraft under (b) of this section shall disclose the authorization and use under  
 26 AS 39.52.210 or 39.52.220 for each trip, and the person who uses the aircraft shall  
 27 reimburse the state for the proportionate share of the actual cost of the use.

28 \* **Sec. 3.** AS 39.52.120 is amended by adding new subsections to read:

29 (g) Notwithstanding (a) and (b)(1) - (5) of this section, state resources may be  
 30 used to transport or pay the cost of transporting a person who is the spouse or child of  
 31 the governor or lieutenant governor to an event. This subsection authorizes

1 transportation or payment of the cost of transportation of a person who is a child of the  
 2 governor or lieutenant governor if the person is a biological child, an adopted child, or  
 3 a stepchild of the governor or lieutenant governor and is under 19 years of age or,  
 4 without regard to age, is dependent on the governor or lieutenant governor for care  
 5 because of a physical, intellectual, or developmental disability. Under this subsection,  
 6 use of state resources is permitted if the event does not have a partisan political  
 7 purpose and

8 (1) the person is transported with the governor or lieutenant governor  
 9 and the state is reimbursed for the actual cost or, if the actual cost is not reasonably  
 10 calculable, the fair market value of the person's transportation; or

11 (2) the person's attendance is a benefit to the state; under this  
 12 paragraph, a benefit to the state is presumed when

13 (A) the person's attendance at the event is required for official  
 14 action of the state;

15 (B) the event is state-sponsored and the person's attendance has  
 16 been customary at similar events;

17 (C) the person is attending as an officially designated  
 18 representative of the state; or

19 (D) the person is invited by the sponsor of the event before the  
 20 transportation occurs, the event is related to issues important to the state, the  
 21 governor or lieutenant governor attends, and

22 (i) the event is a family-oriented or youth-oriented event  
 23 at which the person's attendance is particularly appropriate; or

24 (ii) the invitation and the person's attendance have been  
 25 customary for similar events.

26 (h) In this section, "partisan political purpose"

27 (1) means a purpose intended differentially to benefit or harm a

28 (A) candidate or potential candidate for elective office; or

29 (B) political party or group;

30 (2) does not include a purpose intended to benefit the public interest at  
 31 large through the normal performance of official duties.