

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 44

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES GRENN, LeDoux, Kawasaki, Tuck, Stutes, Spohnholz, Parish, Fansler, Tarr,
Drummond**

Introduced: 1/23/17

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring a legislator to abstain from taking or withholding official action or**
2 **exerting official influence that could benefit or harm an immediate family member or**
3 **certain employers; requiring a legislator to request to be excused from voting in an**
4 **instance where the legislator may have a financial conflict of interest; and providing for**
5 **an effective date."**

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

7 *** Section 1.** AS 24.60.030(e) is amended to read:

8 (e) A legislator may not directly, or by authorizing another to act on the
9 legislator's behalf,

10 (1) agree to, threaten to, or state or imply that the legislator will take or
11 withhold a legislative, administrative, or political action, including support **for** or
12 opposition to a bill, employment, nominations, and appointments, as a result of a
13 person's decision to provide or not provide a political contribution, donate or not

1 donate to a cause favored by the legislator, or provide or not provide a thing of value;

2 (2) state or imply that the legislator will perform or refrain from
3 performing a lawful constituent service as a result of a person's decision to provide or
4 not provide a political contribution, donate or not donate to a cause favored by the
5 legislator, or provide or not provide a thing of value; or

6 (3) **except as provided in (g) of this section or while participating**
7 **in a public discussion or debate** [UNLESS REQUIRED BY THE UNIFORM
8 RULES OF THE ALASKA STATE LEGISLATURE], take or withhold official
9 action or exert official influence that could substantially benefit or harm the financial
10 interest of **a** [ANOTHER] person

11 **(A) who is a member of the legislator's immediate family;**

12 **(B) by** [WITH] whom the legislator **or a member of the**
13 **legislator's immediate family is employed;**

14 **(C) with whom the legislator** is negotiating for employment;

15 **(D) from whom the legislator or a member of the**
16 **legislator's immediate family has, in the immediately preceding 12-month**
17 **period, received more than \$10,000 of income.**

18 * Sec. 2. AS 24.60.030(g) is amended to read:

19 (g) Unless required by the Uniform Rules of the Alaska State Legislature, a
20 legislator may not vote on a question **before a committee of the legislature, and**
21 **shall request to be excused from voting on a question before a house of the**
22 **legislature,** if the legislator **or a member of the legislator's immediate family** has **a**
23 **financial** [AN EQUITY OR OWNERSHIP] interest in a business, investment, real
24 property, lease, or other enterprise if the interest is substantial and the effect on that
25 interest of the action to be voted on is greater than the effect on a substantial class of
26 persons to which the legislator **or the family member who has the financial interest**
27 belongs as a member of a profession, occupation, industry, or region. **However,**
28 **notwithstanding (e)(3) of this section and the limitations of this subsection, a**
29 **legislator may vote on an appropriation bill that meets the requirements of**
30 **AS 37.07.020(a) or 37.07.100 (Executive Budget Act).**

31 * Sec. 3. AS 24.60.030(j) is amended to read:

(j) In this section,

(1) "administrative hearing" means a quasi-judicial hearing before an agency; "administrative hearing" does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing;

(2) "substantially benefit or harm" means the effect on the person's financial interest is greater than the effect on the financial interest of a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

* **Sec. 4.** AS 24.60.990(a) is amended by adding a new paragraph to read:

(17) "financial interest" means ownership of an interest or an involvement in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit.

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

CONDITIONAL EFFECT. This Act takes effect only if the Thirtieth Alaska State Legislature passes a resolution that amends Rule 34(b), Uniform Rules of the Alaska State Legislature, to require a member to request to be excused from voting on a question before a house of the legislature when the member has a conflict of interest that is reasonably likely to influence the member's vote on the question, and allow a member's abstention to be approved or disapproved by a majority vote.

* **Sec. 6.** If, under sec. 5 of this Act, this Act takes effect, it takes effect on the later of the effective date of the amendment made to Rule 34(b), Uniform Rules of the Alaska State Legislature, as described in sec. 5 of this Act or on the date described in AS 01.10.070(c).