

HOUSE BILL NO. 35

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE STUTES

Introduced: 2/20/19

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to participation in matters before the Board of Fisheries and the Board**
2 **of Game by the members of the respective boards; and providing for an effective date."**

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

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

5 (b) A public officer may not

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

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

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

12 (4) **except as provided in AS 39.52.220(c)**, take or withhold official
13 action in order to affect a matter in which the public officer has a personal or financial
14 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 partisan political purposes; this
 6 paragraph does not prohibit use of the governor's residence for meetings to discuss
 7 political strategy and does not prohibit use of state aircraft or the communications
 8 equipment in the governor's residence so long as there is no charge to the state for the
 9 use; in this paragraph, "for partisan political purposes"

10 (A) means having the intent to differentially benefit or harm a

11 (i) candidate or potential candidate for elective office;

12 or

13 (ii) political party or group;

14 (B) [BUT] does not include having the intent to benefit the
 15 public interest at large through the normal performance of official duties.

16 * **Sec. 2.** AS 39.52.220(a) is amended to read:

17 (a) A member of a board or commission who is involved in a matter that may
 18 result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the
 19 public record and in writing to the designated supervisor and to the attorney general.
 20 The supervisor shall determine whether the member's involvement violates
 21 AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the
 22 board or commission member and to the attorney general. If a member of the board or
 23 commission objects to the ruling of the supervisor, or if the supervisor discloses an
 24 involvement requiring a determination, the members present at a meeting, excluding
 25 the involved member, shall vote on the matter. **Except as provided for a member of**
 26 **the Board of Fisheries or the Board of Game in (c) of this section, if** [IF] the
 27 supervisor or a majority of the members voting determine that a violation will exist if
 28 the member continues to participate, the member shall refrain from voting,
 29 deliberating, or participating in the matter.

30 * **Sec. 3.** AS 39.52.220 is amended by adding a new subsection to read:

31 (c) If a member of the Board of Fisheries or the Board of Game discloses a

1 personal or financial interest relating to the involvement of the member, or an
2 immediate family member of that member, in a business or organization relating to
3 fish or game resources, the member is not disqualified from deliberating or
4 participating in the matter. If the supervisor or a majority of the members of the
5 respective board determine that the member's further involvement will result in a
6 violation of AS 39.52.110 - 39.52.190, the board member may not vote on the matter.

7 In this subsection, "immediate family member" means

8 (1) the spouse of the member;

9 (2) a person cohabiting with the member in a relationship that is like a
10 marriage but is not a legal marriage; or

11 (3) a parent, sibling, grandparent, aunt, uncle, child, including a
12 stepchild or adopted child, parent-in-law, or sibling-in-law of the member who

13 (A) resides with the member;

14 (B) is financially dependent on the member; or

15 (C) shares a substantial financial interest with the member.

16 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).