

AMENDMENT #4

OFFERED IN THE SENATE
TO: CSSB 5(JUD)

BY SENATOR WIELECHOWSKI

1 Page 1, line 3:

2 Delete "and"

3

4 Page 1, line 4, following "groups":

5 Insert "; requiring a legislator to abstain from taking or withholding official
6 action or exerting official influence that could benefit or harm the legislator, a member
7 of the legislator's immediate family, an employer of the legislator, or an employer of a
8 member of the legislator's immediate family; relating to voting in an instance where the
9 legislator may have a conflict of interest because of a financial or ownership interest of
10 the legislator or a member of the legislator's immediate family, or an employer of the
11 legislator or a member of the legislator's immediate family; and providing for an
12 effective date"

13

14 Page 7, following line 21:

15 Insert new bill sections to read:

16 **** Sec. 6.** AS 24.60.030(e) is amended to read:

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

19 (1) agree to, threaten to, or state or imply that the legislator will take or
20 withhold a legislative, administrative, or political action, including support **for** or
21 opposition to a bill, employment, nominations, and appointments, as a result of a
22 person's decision to provide or not provide a political contribution, donate or not
23 donate to a cause favored by the legislator, or provide or not provide a thing of value;

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

5 (3) [UNLESS REQUIRED BY THE UNIFORM RULES OF THE
 6 ALASKA STATE LEGISLATURE,] take or withhold official action or exert official
 7 influence that could substantially benefit or harm the financial or ownership interest
 8 of the legislator or a [ANOTHER] person

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

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

12 (C) with whom the legislator or a member of the legislator's
 13 immediate family is negotiating for employment;

14 (D) from whom the legislator or a member of the
 15 legislator's immediate family has, in the immediately preceding 12-month
 16 period, received more than \$4,000 of income;

17 (E) from whom the legislator reasonably believes the
 18 legislator or a member of the legislator's immediate family will, in the
 19 immediately following 12-month period, receive more than \$4,000 of
 20 income.

21 * Sec. 7. AS 24.60.030(g) is repealed and reenacted to read:

22 (g) Except for action on an appropriation bill that meets the requirements of
 23 AS 37.07.020(a) or 37.07.100 (Executive Budget Act) or a budget proposed by the
 24 Alaska Mental Health Trust Authority under AS 47.30.046(a), when action by the
 25 legislature on a question that is before the legislature may substantially benefit or harm
 26 the financial or ownership interest of a legislator or another person described under
 27 (e)(3) of this section, the legislator shall request to be excused from

28 (1) participating in the action and abstain from expressing a
 29 recommendation, objection, or nonobjection relating to the question when it is before
 30 a committee of the legislature;

31 (2) voting on the question when it is before a committee of the

1 legislature and, after making the request, abstain from voting unless otherwise
2 permitted or required by a majority vote of the committee;

3 (3) voting on the question when it is before a house of the legislature
4 and, after making the request, abstain from voting if permitted by majority vote of the
5 house.

6 * **Sec. 8.** AS 24.60.030(j) is amended to read:

7 (j) In this section,

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

12 (2) **"substantially benefit or harm" means the effect on the**
13 **person's financial or ownership interest is greater than the effect on the financial**
14 **or ownership interest of the general public of the state.**

15 * **Sec. 9.** AS 24.60.990(a) is amended by adding a new paragraph to read:

16 (17) "financial or ownership interest" includes a property interest, a
17 professional or private relationship, or an interest or involvement in a business, that is
18 or may be a source of income, or from which, or as a result of which, a person has
19 received, will receive, or expects to receive a financial benefit; "financial or ownership
20 interest" does not include an interest of the state.

21 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 **CONDITIONAL EFFECT.** Sections 6 - 10 of this Act take effect only if the Thirtieth
24 Alaska State Legislature passes a resolution that amends Rule 34(b), Uniform Rules of the
25 Alaska State Legislature, to require a member to request to be excused from voting on a
26 question before a house of the legislature when the member has a conflict of interest that is
27 reasonably likely to influence the member's vote on the question, and to allow a member's
28 abstention from voting to be approved or disapproved by a majority vote.

29 * **Sec. 11.** If, under sec. 10 of this Act, secs. 6 - 10 of this Act take effect, they take effect on
30 the later of the effective date of the amendment made to Rule 34(b), Uniform Rules of the
31 Alaska State Legislature, as described in sec. 10 of this Act or on the date described in

1 AS 01.10.070(c)."