

HOUSE BILL NO. 44

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GRENN, LeDoux, Kawasaki, Tuck, Stutes

Introduced: 1/18/17

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 employer or to request to be
3 excused from voting in an instance where the legislator may have a financial conflict of
4 interest; and providing for an effective date."

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

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

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

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

14 (2) state or imply that the legislator will perform or refrain from

1 performing a lawful constituent service as a result of a person's decision to provide or
 2 not provide a political contribution, donate or not donate to a cause favored by the
 3 legislator, or provide or not provide a thing of value; or

4 (3) [UNLESS REQUIRED BY THE UNIFORM RULES OF THE
 5 ALASKA STATE LEGISLATURE,] take or withhold official action or exert official
 6 influence that could substantially benefit or harm the financial interest of another
 7 person by [WITH] whom the legislator is employed, with whom the legislator is
 8 negotiating for employment, or from whom the legislator has received more than
 9 \$10,000 of income within the immediately preceding 12-month period, except

10 (A) as provided in (g) of this section;

11 (B) as required by the Uniform Rules of the Alaska State
 12 Legislature; or

13 (C) while participating in a public discussion or debate.

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

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

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

28 (j) In this section,

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

1 other nonadjudicative public hearing;

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

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

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

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

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

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