

ALASKA LEGISLATURE COMMITTEE FILES 2000-2008 HSTA 12387 309

Testimony by Patrick Foster (A.I. Publishing) in Favor of HB 406
Opening the state election ballots to competitive bid

Good Morning!

Chair Lynn and Members of the Committee, my name is Patrick Foster and I have been working in the print industry in Alaska for nearly 30 years and currently work for AT Publishing & Printing in Anchorage.

I am here in support of HB 406 , opening the state election ballots to competitive bidding for all Alaskan printing companies.

The State of Alaska uses the Diebold electronic ballot readers for the purpose of tallying results for statewide elections. Diebold requires printing companies who print ballots destined for their machines be certified by them. At the time the State of Alaska adopted the use of these ballot readers in the mid 1990's, no companies in Alaska were certified. Shortly thereafter a small Alaska printing company was certified and the Division of Elections has sole-sourced nearly \$2 million to this company since. This is done despite the fact that a number of other Alaskan printing companies have voiced a desire to be included in the process. My company, AT Publishing, became a certified Diebold printer in 2003.

I am aware there is probably a certain "comfort level" the Division has in working with a printer that has proven to do a decent job. I make a living

'rying to give my customers that same comfort, and have succeeded in the recent ballot-printing contract in Anchorage. The Municipality of Anchorage went through five election cycles sole-sourcing the printing of its 160,000 ballots with another printer before the decision was made to put the printing of ballots out to competitive bid. The Municipal Clerk was admittedly concerned moving forward with a new printer, but since has found the change was relatively easy and the city has benefited by paying less for the ballots. My company printed Anchorage's election ballots from 2004 through 2006 and the Municipality put a new contract out for bid this year. I am certain that the State Division of Elections would develop a fine working relationship with any printing company that would be awarded the contract for printing its ballots.

Some might claim that the complexity of the Alaska ballots is reason enough to leave things the way they are, but nothing is further from the truth. The task of printing a few hundred thousand ballots would be daunting for some small shops, but they wouldn't bid on this project anyway. There are, however, many companies in Alaska fully capable of handling the volume of work in the time required and handle the packaging and shipping logistics as well. As printing jobs go, the ballots are fairly easy to produce. They do require careful imprinting and packaging, but nothing beyond the scope of many jobs produced by dozens of Alaskan printing companies each year.

Another concern is that the Division of Elections could be bogged down putting each election cycle out to bid. I recommend that each bid be awarded for one election cycle with a performance option for a second cycle.

Opening the election ballots to competitive bid would have a variety of positive effects, including the likely savings of a substantial amount of money. The level playing field would open the door for more Alaskan printing companies to be involved, giving them the opportunity to upgrade their facilities and improve their standing in Alaska and the print industry. Additionally, the State would not have to put all their eggs in one basket, relying on just one printing company for the printing of the ballots.

This concludes my testimony. I would be happy to answer any questions you may have.

Additional Information:

- To be certified as a Diebold ballot printer, a printing company must send Diebold a check for \$5000 along with a small sample print job (from Diebold files). Diebold then tests the sample ballots and either approves or denies the certification. The certification process takes about two weeks.
- Over the past decade I have made a number of attempts to open the process, as have some of my colleagues in the industry only to find ourselves chasing our tails. The Division of Elections claims it is the decision of the Lt. Governor and the Lt. Governor's office has said it was up to the Division of Elections.
- The Municipality of Anchorage saved more than \$10,000 on ballot printing costs alone during the first year of its competitively awarded contract and realized more than \$35,000 in savings over a three-year period. Bids were reduced another 10% this year, likely saving the Municipality of Anchorage an additional \$20,000 - \$30,000 over the next three years.
- In a meeting with Lt. Governor Sean Parnell in February 2007, the Lt. Governor told me he was supportive of the idea of going out to competitive bid, but was concerned that Outside companies could possibly win the bid. This issue is easily handled with the use of the Alaska Product Preference rules and creating a production timeline that would make it difficult for Lower 48 companies to accommodate.

It may be possible to exclude Lower 48 companies from bidding on the ballots.

- According to a state legal opinion on similar legislation, the Division of Elections has the authority to determine its own bid specifications and is not required to utilize the State procurement process.
- The Division of Elections is also protected from having to seek competitive bids for the election ballots because of an exemption in the Administrative Procurement Act. This exemption should also be removed from statute.
- I have spoken with many different representatives from printing companies about the possibility of them becoming Diebold certified. Almost every one I contacted said there was no point if the State was not going to give them an opportunity to bid on the ballots. Since the Municipality of Anchorage has gone to bid on its ballots, two companies have indicated to me they were strongly considering it.
- The Municipality of Anchorage required any printing company submitting a bid for printing its ballots must be certified by Diebold prior to the bid submission. Dane Sutterfield, a procurement specialist for the Municipality of Anchorage, told me he released the bid proposals with enough time for interested printing companies to achieve the certification.

March 7, 2008

Re: Rebuttal from Patrick Foster, A.T. Publishing, HB 406

Rep. Anna Fairclough!

Since Mr. Fraley's letter mentions my company by name, makes inferences regarding our capabilities, and at times distorts what I believe is the true intent of the legislation, I thought it important to share with you some rebuttal points of my own. I have not changed any of Mr. Fraley's original text, but have separated out areas where I felt a response was warranted. Except where Mr. Fraley is quoting text under his 3rd point near the bottom of his letter, all italicized text is my own. I have separated and made **bold** any particular points I felt the need to respond to.

Please feel free to contact regarding anything here.

Many thanks,

Patrick Foster
A.T. Publishing & Printing, Inc.
907-240-6616

To: Alaska House of Representatives
State Affairs committee
Juneau, Alaska

3/3/2008

RE: **HOUSE BILL NO. 406**

From: Kevin S. Fraley, General Manager
Super Software Inc. DBA - "Print Works"
829 Smokey Bay Way
Homer, Alaska 99603
907-235-8500 ex 226 - Cell 907-299-3545

Dear honorable committee members,

The following phrases come to mind as I write my thoughts about HB 406:

"There are two sides to every story." "The cheapest is not always the best choice."

And "Who says you have to be good at what you do? - You just have to be the cheapest!"

These phrases fit when you think about adopting a bill that will take away the power of the Division of Elections to make sure our election ballots are correctly made and delivered on time.

There are a few things to consider as you make this decision:

1. HB 406 makes it difficult for the Division of Elections to guarantee a clean and trouble free election. HB 406 is written with the idea of "making it fair for everyone" - Saving the state money by forcing the Division of Elections to comply with the "lowest bidder" rule.

Who says that the Division cannot make sure they are not getting the best price?

Anytime you have a sole-sourced contract, there is not guarantee of price. When Whitney Brewster testified in Senate State Affairs last year on a similar bill, she was asked (I think by Sen. Gary Stevens) if the Division ever considered getting bids from other Alaskan companies, if for no other reason than for comparison? Her answer was "No".

Or who says that the division is not acting in a fair manner?

No one! Some consider sole-sourcing an unfair practice when there are many other companies willing and capable to handle the work.

The Division of Elections has a staff of dedicated people, who are assigned a very difficult job with many tight (almost impossible) deadlines.

If he's talking about the Division's responsibilities to manage elections, I agree, it must be an enormous task. If he's referring to the printing process, these deadlines are not "almost impossible", by any stretch. A shop like mine can easily print and package the ballots within the time frame required by the Division. Smaller shops would take longer. In Anchorage, there are at least a half dozen shops who have as much capacity as mine. The current director said there was only 16 days to get the job turned around. That is plenty of time.

The Division has an exemption from the bid process that applies to the printing of election ballots. Why was this exemption given?

According to research done by Jason Hooley from the Lt. Governor's office, the exemption was put in place in the early 1960's when there were very few print shops in Alaska and none capable of producing the "punch-style" ballots used at that time. The exemption has not been challenged since. Today, dozens of Alaskan printing companies currently exist that can print the ballots.

I believe it was given to insure that the Division has the power to make the "best choice" based on other criteria besides just price alone.

This criteria includes things like a proven track record and the experience necessary to guarantee that the job is done right

Not sure what he is saying here. Prior to the first time he did the ballots, he had never done them!

Do we trust them to be fair and to be honest?

Is he accusing other Alaska printing shops of being dishonest?

Is it in the best interest of The State of Alaska to restrict the Division of Elections ability to have control over the ballot preparation process?

Yes, and a qualifying bid process would do that very nicely.

The passing HB 406 will directly restrict the Division.

This is not the case. The Division would be in charge of determining what requirements need to be met in the printing process and would lay out those requirements in the bidding specifications.

What is the priority with HB 406? It seems that the priority of HB 406 is favoring the vendor and not the Election process of the State of Alaska.

Not at all the case, it favors the state of Alaska getting the fairest price while fostering fair business practices in the process.

Can we just redo the election if it goes bad? I guess we will have to...

2. Accountability of Ballots. Ballots are like currency. To protect from potential fraud, ballots must be handled and accounted for in a very controlled and systematic manner. Like accounting for money with checks and balances, ballots also require checks and balances (accountability) to insure a valid election. Each and every ballot must be properly accounted for without error.

HB 406 has nothing to do with accountability but focuses exclusively on price alone.

Accountability is part of the bid specifications.

There are two Alaskan printers that are "certified" to print "Accu-vote" ballots:
Print Works and AT Publishing.

While AT Publishing is certified by Global Election Systems (which is now "Premier Election Solutions"), they have only printed ballots for the city of Anchorage.

The MOA ballots represents exactly the same printing and delivery circumstances as the State ballots. Additionally, the MOA requires a faster turnaround than the current State specifications.

To be certified by Global Elections means that the printer's ability to put ink on paper in Global's specified technical format has been met. No consideration of the printer's accountability system is evaluated in Global's certification process. Unfortunately, we are not talking about just putting ink on paper, it is much, much more than that. The most difficult part of the ballot preparation process is accountability. I emphasize again, each and every ballot must be accounted for with the proper documentation, providing the appropriate "chain of custody" to protect our elections from huge mistakes and improprieties, such as those seen in other state elections. The preparation of our election ballots must not be considered a "simple printing process to be handed to lowest bidder."

He is correct in everything except the part about not going to the lowest responsible bidder. Every shop in Alaska handles jobs that require all the things he mentions here.

3. There is a non-flexible time frame for delivery: Ballots must be in hand 25 days prior to the election:

Sec. 15.15.050. Distribution of election materials.

"The director shall distribute an adequate supply of sample and official ballots and all other materials, forms, and supplies required for the election to the election supervisors for distribution to chairpersons of election boards in precincts not less than 25 days before the date for the election"

Failure to deliver on time is not an option. How can absentee voting happen if delivery is not on time? One might say – "the printer will be responsible to have insurance just in case". What good would insurance do? The ballots are late putting the election in jeopardy. The potential vendor must have a proven track record for on time delivery.

The bottom line is that there are two certified printers in the state of Alaska to print Accu-vote ballots. Premier Election Solutions is no longer certifying any new vendors for ballot printing. Passage of HB 406 will remove control from the Division of Elections for the sake of one vendor.

This means only that Diebold no longer is taking \$5000 from Alaskan printing companies wanting to print ballots. Now, all companies can participate in the process, not just two of us. There is available an email statement from Premier Elections Solutions that they are out of the business of certifying, but are willing to work with individual state's desiring some form of printing certification. They recognize the printing of ballots requires much more than simple ink on paper.

I urge the committee to research the track record of all parties involved.

I'd like to know exactly what he's talking about here.

Please contact the Division of Elections, The Municipality of Anchorage, or any other city in the state which uses Accu-vote ballots, and research both printers before consideration of this bill.

This is not about two printers...it IS about all printers in Alaska having an opportunity to bid on the ballots. But, since he brings it up, I have a performance letter from the MOA regarding our work the recent ballot printing contract.

Thank you for your consideration and time.
Respectfully,

Kevin S. Fraley
General Manager



**A.T. Publishing
& Printing, Inc.**

907-349-7506 Phone

907-349-4398 Fax

Fax Cover Sheet

March 3, 2008

To: Representative Bob Lynn / Chairman House State Affairs
Re: HB 406

Good Day Rep. Lynn!

Attached is my testimony and letters of support for HB 406. I will be available at the Anchorage LIO for testimony on this legislation tomorrow (March 4) morning.

Please let me know if you have any questions.

Many thanks,

Patrick Foster
907-240-6616

W E C O L O R A L A S K A

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* TRANSACTION REPORT *
* MAR-02-2008 10:41 PM *
* FOR: REP LYNN 4654316 *
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Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

To: Representative Bob Lynn, Chair
House State Affairs Committee

From: Representative Anna Fairclough 

Re: HB 406

Date: February 28, 2008

Dear Representative Lynn,

I respectfully request a hearing in House State Affairs on HB 406, legislation to add a competitive bid process to contracts for the preparation of election ballots.

For your information I have attached the most recent copy of the bill and my sponsor statement.

If you need anything further, please contact my staff member, Renee Limoge, at 465-3777.

Thank you in advance for your time.

Additional Documents for
HB 406
Competitive Bidding for Ballot Prep

To: Rep. Anna Fairclough
And The House State Affairs Committee

March 12, 2008

RE: Ballot Certification

From: Kevin Fraley
Super Software Inc. "DBA - Print Works"
829 Smokey Bay Way
Homer, Alaska 99603

Dear honorable Representatives,

I thank you for your part in working toward a fair method for "EVERYONE" in regard to ballot preparation for our elections in the state of Alaska.

It was brought to my attention yesterday, by Rep. Fairclough, that the state does not require certification for ballot printing and preparation. I find it a very unsafe proposition to hand the ballot preparation to anyone that wants to give it a go. While there is some validity to Rep. Fairclough's statement that -I'm using scare tactics to protect my position. I would ask each person on the committee how many ballots are acceptable to go bad? I am not creating a fake scenario in regard to ballots gone bad. It is easy to make mistakes on these, very sensitive optical scan ballots! If they are not right they will not read! I am not making this up - it is a fact. Call it "scare tactics" if you will, but who's vote is acceptable to leave out? What is the percentage of loss that is acceptable to you? I have tested the limits of this system to establish the quality control measures we use to ensure that every ballot we produce is right. Because of my research I know how sensitive these machines are.

"SCARE TACTICS" The phrase has stuck in my head since yesterday... And as I read from the implications... I realize what surprises me is that everyone involved is not scared. Scared of votes not counted because we want to make the process of "making the ballots" fair. - Not protecting the actual voting process it self!

I find it interesting that there were a few "Printers" in the testimony process but no one from Die Bold or Premier elections was asked to tell the committee the delicate nature of these ballots. Sure, these printers can tell you how "easy" printing is, but which of them has experience in printing these ballots? Their testimony is valid but only from the standpoint of printing, not from the stand point of printing optical scan ballots.

So, here we are.... Ready to adopt a bill that will make the preparation process of ballot printing available to any printer. Completely leaving out the necessity of qualification.

We must protect Alaska's voters from getting ballots that will not read! That should be the agenda! Not fairness to "All Alaskan printers". How do we accomplish this? Requiring certification and quality control! Though, I now like much of what HB 406 says - I still think we are not considering the most important thing!

How can you lose sight of the voters of the entire state for the sake of a few printers that want to have a chance to print ballots?

In closing I would implore the Committee to require HB 406 to have language that would require certification and qualification of any printer that is contracted to print ballots.

Respectfully,

Kevin S. Fraley
GM - Print Works



Ph: (907) 262-5267 Fax: (907) 260-5267
35348 K-B Drive, Suite A4, Soldotna, Alaska

February 29, 2008

To Whom it may concern,

I am sending this letter in support of **House Bill Number 406**. This bill represents an effort to open up the printing of State Election Ballots to competitive bidders. The Division of Elections is wrong in the decision to outsource this job to one single shop, without giving other qualified Alaska shops an opportunity to bid on these jobs.

This is effectively monopolizing the work, and is not a very cost effective way for the State of Alaska to do business. A sanctioned bidding process ensures that the State is getting the best value possible. This current policy does nothing to foster local Alaska Printers' incentive of "healthy competition." A healthy competition always improves the Alaskan economy because competitors lower prices and increase quality of services and products offered.

The current system in place by the Division of Elections does not support fair competitive business practices.

With the proposals presented in house **House Bill Number 406** it will give fellow Alaskans an opportunity to bid on the printing of election ballots. The passing of this bill would greatly benefit the printing industry in Alaska as a whole by giving all qualified parties an equal opportunity to bid.

Shane and Melanie Noblin
Owners of Peninsula Printing

To: Representative Bob Lynn
From: Lambert "Lam" Lavea
Re: HB 406

Hello Representative Lynn.

I am writing to support HB 406 opening the Alaska State election ballots to competitive bid. I believe the practice of sole sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,



Lambert "Lam" Lavea
Printer's Ink Manager
150 Trading Bay Drive, Suite 2
Kenai, AK 99611
(907) 283-4977



SERVICE
BUSINESS PRINTING

Onnie Kendall
General Manager,
Service Business Printing

Re: House Bill 406

Why the bill is good legislation-

- Sole-sourcing the print work doesn't allow for other AK businesses to have the opportunity to benefit from one of the largest State of AK print jobs.
- Opening up the project to bid will allow all those printers capable of the scope of the project to have an opportunity to take it on.
- An open bid process would give the state a balanced purchase price and would open up the prospect for all capable the prospect of winning the business.

Sincerely,

A handwritten signature in black ink, appearing to read 'Onnie Kendall', with a long, sweeping horizontal flourish extending to the right.

Onnie Kendall
General Manager



907-349-7506 Phone
907-349-4398 Fax

February 26, 2008

To Whom it may concern!

I am writing this letter in support of HB 406 and believe strongly the State of Alaska should put the printing of the election ballots out to competitive bid. For years the Division of Elections has seen fit to sole source the printing of the election ballots to a single company and I believe this is unfair and should be corrected. There are many printing companies in Alaska capable of printing the ballots and all of us should have an opportunity to bid.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Martone", written over a horizontal line.

Frank Martone
Owner
A.T. Publishing & Printing, Inc.

W E C O L O R A L A S K A

1720 Abbott Road • Anchorage, AK 99507-3443 • 800-478-0452 Toll Free • E-mail: atpub@alaska.net

America North Printers

February 26, 2008

To Whom it may concern!

I am writing to support of HB 406, an effort to open the printing of the state election ballots to competitive bid. I believe it is wrong that the Division of Elections sole-sources the printing of the ballots to a single shop, without giving other Alaskan printing companies an opportunity to do the work. I believe the State has a responsibility to foster fair business practices and opening the printing of the ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,



Paul Winn

Owner

America North Printers



6611 Arctic Blvd. • Anchorage, Alaska 99518

(907) 563-4743 • fax (907) 563-4397 • email: qlprint@qci.net

March 3, 2008

Anna Fairclough,

I am writing to support HB 406 opening the Alaska State election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,

A handwritten signature in cursive script that reads 'Bob Howard'.

Bob Howard



To Whom it May Concern!

I am writing to support HB 406 opening the Alaska State election ballots to competitive bid. I believe the practice of sole-sourcing the printing of the elections ballots to a single Alaska printing company should stop. I believe the State has a responsibility to foster fair business practices and opening the printing of the election ballots to competitive bidding would do exactly that. The Alaska printing industry would benefit by this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pursell".

Owner



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs Committee
committee name

Committee on House Bill 406, dated 3-6-08
bill # / subject public hearing date

Good Morning members of the committee.

My name is Kerry Noblin and I represent Peninsula Printing. We are a printing establishment located on the Kenai Peninsula in Soldotna. I have spent over 10 years of my life working in the printing industry and of that 10 the last 4 years have been as the proprietor of Peninsula Printing.

I am here today to give testimony in support of House Bill 406. House Bill 406 represents a requirement for competitive bidding on contracts for the preparation of election ballots.

Currently the Division of Elections is contracting this work through one shop, without giving other qualified printing contractors a chance to bid on the job. I can understand that the Division of Elections have become complacent and comfortable with their current arrangement with their sole printing contractor, but the efforts that go into the printing of these ballots are neither a technical nor extraordinary effort. The printing of State Election specific ballots is a rather simple job when it comes down to the process of completing it. The largest challenge facing any shop competing for this contract is the sheer volume of ballots. There are many printing contractors in Alaska capable of handling these quantities.

Without putting these ballots out for bid, the State is leaving itself at the mercies of one contractor. Allowing this contractor to dictate terms to the State with regards to pricing, quality and turnaround of this job. It is a bad policy to uphold and it also stifles a strong competitive atmosphere.

With the State Election Ballots being put up for bid among qualified Alaskan Printers, not only will the state be stimulating positive economic growth in the Alaska printing industry, but it will also ensure that the State is getting the best deal possible in terms of price, quality and turn around.

The public bid process of the contracting of other election ballots has been successful in the past, and continues to be a success on a municipality and borough level.

In closing, it is my belief that the State should support this bill. The bill not only ensures the State is getting the best deal possible, it will also help stimulate economic growth in the local printing industry. This concludes my testimony and I would like to thank the members of the committee for their time.

Signed:

Testifier

Peninsula Printing

Representing (optional)

35348 K-B Drive, Ste A4, Soldotna AK 99669

Address

907-262-5267

Phone number

25-LS1487C

Bullard

2/28/08

CS FOR HOUSE BILL NO. 406()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY**Offered:****Referred:****Sponsor(s): REPRESENTATIVE FAIRCLOUGH****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to a requirement for competitive bidding on contracts for the
2 preparation of election ballots."

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

4 * **Section 1.** AS 15.15.030 is amended to read:

5 **Sec. 15.15.030. Preparation of official ballot.** The director shall prepare all
6 official ballots to facilitate fairness, simplicity, and clarity in the voting procedure, to
7 reflect most accurately the intent of the voter, and to expedite the administration of
8 elections. The following directives shall be followed when applicable:

9 (1) The director shall determine the size of the ballot, the type of print,
10 necessary additional instruction notes to voters, and other similar matters of form not
11 provided by law.

12 (2) The director shall number ballots in series to assure simplicity and
13 secrecy and to prevent fraud.

14 (3) The director may contract for the preparation of the ballots on a

1 regional basis if necessary and shall [MAY] contract for the preparation of ballots by
2 [WITHOUT] obtaining competitive bids as provided in AS 15.15.031.

3 (4) The director may not include on the ballot as a part of a candidate's
4 name, any honorary or assumed title or prefix but may include in the candidate's name
5 any nickname or familiar form of a proper name of the candidate.

6 (5) The names of the candidates and their party designations shall be
7 placed in separate sections on the state general election ballot under the office
8 designation to which they were nominated. The party affiliation, if any, shall be
9 designated after the name of the candidate. The lieutenant governor and the governor
10 shall be included under the same section. Provision shall be made for voting for write-
11 in and no-party candidates within each section. Paper ballots for the state general
12 election shall be printed on white paper.

13 (6) The names of the candidates for each office shall be set out in the
14 same order on ballots printed for use in each house district. The director shall
15 randomly determine the order of the names of the candidates for state representative
16 for each house district. The director shall rotate the order of placement of the names of
17 candidates for governor, lieutenant governor, United States senator, United States
18 representative, and state senator on the ballot for each house district.

19 (7) The general election ballot shall be designed with the names of
20 candidates of each political party, and of any independent candidates qualified under
21 AS 15.30.026, for the office of President and Vice-President of the United States
22 placed in the same section on the ballot rather than the names of electors of President
23 and Vice-President.

24 (8) The general or special election ballot shall be designed with the
25 title and proposition for any initiative, referendum, or constitutional amendment
26 formulated as prescribed by law and placed on the ballot in the manner prescribed by
27 the director. When placed on the ballot, a state ballot proposition or ballot question
28 shall carry the number that was assigned to the petition for the proposition or question.
29 Provision shall be made for marking the proposition "Yes" or "No."

30 (9) The general or special election ballot shall be designed with the
31 question of whether a constitutional convention shall be called placed on the ballot in

1 the following manner: "Shall there be a constitutional convention?" Provision shall be
2 made for marking the question "Yes" or "No."

3 (10) A nonpartisan ballot shall be designed for each judicial district in
4 which a justice or judge is seeking retention in office. The ballot shall be divided into
5 four parts and each part must bear a heading indicating the court to which the
6 candidate is seeking approval. Within each part, the question of whether the justice or
7 judge shall be approved or rejected shall be set out in substantially the following
8 manner: (A) "Shall be retained as justice of the supreme court for 10 years?";
9 (B) "Shall be retained as judge of the court of appeals for eight years?"; (C)
10 "Shall be retained as judge of the superior court for six years?"; or (D) "Shall
11 be retained as judge of the district court for four years?" Provision shall be
12 made for marking each question "Yes" or "No."

13 (11) When the legislature by law authorizes a state debt for capital
14 improvements, the director shall place the question of whether the specific
15 authorization shall be ratified by placing the ballot title and question on the next
16 general election ballot, or on the special election ballot if a special election is held for
17 the purpose of ratifying the state debt for capital improvements before the time of the
18 next general election. Unless specifically provided otherwise in the Act authorizing
19 the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate
20 the general subject of the Act. The question shall, by the use of a few sentences in a
21 succinct manner, give a true and impartial summary of the Act authorizing the state
22 debt. The question of whether state debt shall be contracted shall be assigned a letter
23 of the alphabet on the ballot. Provision shall be made for marking the question
24 substantially as follows:

25 "Bonds. Yes" or "Bonds No,"

26 followed by an appropriate oval.

27 (12) [REPEALED

28 (13)] The director may provide for the optical scanning of ballots
29 where the requisite equipment is available.

30 (13) [(14)] The director may provide for voting by use of electronically
31 generated ballots by a voter who requests to use a machine that produces electronically

1 generated ballots.

2 * **Sec. 2.** AS 15.15 is amended by adding a new section to read:

3 **Sec. 15.15.031. Contracts for the preparation of election ballots.** (a) Except
4 as provided in (b) of this section, the director shall award a contract for the preparation
5 of election ballots based on the solicited bids with reasonable promptness by written
6 notice to the lowest responsible and responsive bidder whose bid conforms in all
7 material respects to the requirements and criteria set out in the invitation to bid.

8 (b) The director shall award a contract based on solicited bids to the lowest
9 responsive and responsible bidder after an Alaska bidder preference of five percent
10 and an Alaska product preference of seven percent.

11 (c) In this section,

12 (1) "Alaska bidder" means a person who

13 (A) holds a current Alaska business license;

14 (B) submits a bid for ballot preparation under the name as
15 appearing on the person's current Alaska business license;

16 (C) has maintained a place of business in the state staffed by
17 the bidder or an employee of the bidder for a period of six months immediately
18 preceding the date of the bid;

19 (D) is

20 (i) incorporated or qualified to do business under the
21 laws of the state.

22 (ii) a sole proprietorship and the proprietor is a resident
23 of the state;

24 (iii) a limited liability company organized under
25 AS 10.50 and all members are residents of the state; or

26 (iv) a partnership under former AS 32.05, AS 32.06, or
27 AS 32.11 and all partners are residents of the state; and

28 (E) if a joint venture, is composed entirely of ventures that
29 qualify under (A) - (D) of this subsection.

30 (2) "Alaska product" means a product

31 (A) that is produced or manufactured in Alaska, as defined in

1 AS 36.30.338(2);

2 (B) for which the responsibility for the final outcome of the
3 production or manufacturing process is controlled by an Alaska producer or
4 manufacturer; and

5 (C) for which no manufacturing step is performed outside
6 Alaska or, if a manufacturing step is subcontracted outside Alaska, the
7 manufacturing step is one the absence of which would not alter the
8 distinctiveness of the character of the product.

9 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 APPLICABILITY. This Act applies to contracts for the preparation of ballots for
12 elections conducted on or after January 1, 2009.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 406
 () Publish Date: _____

Identifier (file name) HB406-OOG-DOE-2-29-08 Dept Affected: OOG
 Title An Act relating to a requirement for competitive bidding RDU: Elections
on contracts for preparation of election ballots Component: Elections
 Sponsor: Representative Fairclough
 Requester: House State Affairs Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual	0.0						
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF	0.0						
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation will have no fiscal impact on the Division of Elections

Prepared by: Gail Fenumai, Director Phone: 465-2644
 Division: Division of Elections Date/Time: 2/29/2008 11:05am
 Approved by: Linda Perez, Administrative Director Date: 2/29/2008
Office of the Governor

HB

412

Alaska State Legislature

House of Representatives



Representative Max F. Gruenberg, Jr.

House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)

House Minority Assistant Floor Leader

Member

Standing Committees:

Judiciary
State Affairs

House Special Committee:

Ways & Means

Finance Subcommittees:

Administration
Courts

Interim:

716 W 4th Avenue, Rm 350
Anchorage, Alaska 99501-2133

Phone: (907) 269-0123

Fax: (907) 269-0124

Session:

Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182

Phone: (907) 465-4940

Toll Free: (866) 465-4940

Fax: (907) 465-3766

Email:

rep.max.gruenberg@legis.state.ak.us

TO: Representative Bob Lynn
Chair, State Affairs

FROM: *Max* Representative Max F. Gruenberg, Jr.

DATE: March 13, 2008

RE: HB 412: Legislative Council & LB & A Membership

Please consider this memorandum as a request for the House State Affairs Committee to schedule a hearing on HB 412. Accompanying this memo are the following documents:

- ▶ Sponsor Statement
- ▶ HB 412 / 25-LS1531\C
- ▶ Sectional Analysis

Many thanks.

Alaska State Legislature

House of Representatives



Representative Max F. Gruenberg, Jr.

House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)

House Minority Assistant Floor Leader

Member

Standing Committees:

Judiciary
State Affairs

House Special Committee:

Ways & Means

Finance Subcommittees:

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Anchorage, Alaska 99501-2133
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Fax: (907) 269-0124

Session
Alaska State Capitol, Rm 110
Juneau, Alaska 99801-1182
Phone: (907) 465-4940
Toll Free: (866) 465-4940
Fax: (907) 465-3766

Email:
rep.max.gruenberg@legis.state.ak.us

SPONSOR STATEMENT FOR HB 412

By: Representative Max F. Gruenberg, Jr.

TITLE: "An Act relating to the membership of the Alaska Legislative Council and the membership of the Legislative Budget and Audit Committee."

SECTIONS 1 and 2.

HB412 Requires the membership of the Legislative Council from each house to include the number of minority members that is proportional to the number of minority members in the house compared to the total house membership. Uses the definition of "minority" that is used in the proportional representation requirement under Uniform Rule 1(e).

SECTION 3.

Ensures that a vacancy in the Legislative Council is filled in a manner that preserves the proportional representation requirement.

SECTIONS 4 and 5

Applies a similar majority/minority proportional representation requirement to the Legislative Budget and Audit Committee membership from each house.

SECTION 6.

Ensures that a vacancy in the Legislative Budget and Audit Committee is filled in a manner that preserves the proportional representation.

Alaska State Legislature
House of Representatives



Representative Max F. Gruenberg, Jr.
House District 20

Anchorage (Mountain View, Russian Jack, East Anchorage)
House Minority Assistant Floor Leader

Interim:
716 W 4th Avenue, Rm 350
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Email:
rep.max.gruenberg@legis.state.ak.us

Member

Standing Committees:
Judiciary
State Affairs

House Special Committee:
Ways & Means

Finance Subcommittees:
Administration
Courts

Sectional Analysis for HB412
BY: Representative Max F. Gruenberg, Jr.

Section 1. Amends AS 24.20.020

p. 1, | 8-10

Adds: **meet the requirements of (b) of this section**
Remove: [INCLUDE AT LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL PARTIES].

Section 2. Amends AS 24.20.020 by adding a new subsection

Adds: **(b) The membership from each house must include at least one member from each of the two major political parties. The membership from each house must also include the number of minority members that is proportional to the number of minority members in the house compared to the total house membership or to one seat, whichever is greater. In calculating the number of seats to which the minority is entitled, fractional numbers that represent the minority proportional entitlement to a seat shall be ignored. For purposes of this subsection, "minority leader and who constitute at least 25 percent of the total house membership.**

Section 3. Amends AS 24.20.040

p. 2 - | 15-19

Adds: **After a vacancy is filed, the membership of the house that incurred the vacancy must meet the requirements of AS 24.20.020(b)**

Removes: [A LEGISLATOR APPOINTED TO FILL A VACANCY SHALL BE A MEMBER OF THE SAME POLITICAL PARTY AS THE MEMBER VACATING THE SEAT, WHEN POSSIBLE].

Section 4. Amends AS 24.20.161

p. 2 - 122, 2b and 29-31

1.22 Adds: **chairs**
Removes: [CHAIRMEN]

1.26 Adds: **chair**
Removes: [CHAIRMAN]

1.29-30

Adds: **meet the requirements of (b) of this section**
Removes: [INCLUDE AT LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL PARTIES].

1.31 Adds: **chair**
Removes: [CHAIRMAN]

Section 5. Amends 24.20.161 by adding a new subsection

Adds: **(b) The membership from each house must include at least one member from each of the two major political parties. The membership from each house must also include the number of minority members that is proportional to the number of minority members in the house compared to the total house membership or to one seat, whichever is greater. In calculating the number of seats to which the minority is entitled, fractional numbers that represent the minority proportional entitlement to a seat shall be ignored. For purposes of this subsection, "minority" means a group of members who have organized and elected a minority leader and who constitute at least 25 percent of the total house membership.**

Section 6. Amends 24.20.181

Adds: **After a vacancy is filled, the membership of the house that incurred the vacancy must meet the requirements of AS 24.20.161(b).**

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB 412
 Bill Version: _____
 () Publish Date: _____

Identifier (file name): HB412-LEG-03-14-08 Dept. Affected: Legislature
 Title: "An Act relating to the membership of the Alaska RDU: ALL
Legislative Council and the membership of the Legislative Budget..." Component: ALL
 Sponsor: "Representative Gruenberg, Buch, Cissna, Crawford..."
 Requester: House State Affairs Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES (
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schrield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/14/08 11:49 AM
 Date 3/14/2008

HCR

12

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement for House Concurrent Resolution

**"Proposing an amendment to the Uniform Rules of the Alaska State
Legislature relating to voting."**

Article II, section 12 of the Alaska Constitution requires the Legislature to adopt uniform rules governing the procedures the body will follow. Uniform rule 34(b) governs a request by a member to abstain from a vote.

House Concurrent Resolution XX changes the procedure for abstaining when the request for abstention is related to a violation of the Legislative Ethics Act. Under HCR XX, a member would declare a conflict of interest, make a brief statement, and would be allowed to abstain unless a majority of the members present voted to force the member to vote.

Currently, a member asks to abstain from voting, and then if there is an objection, the member is required to vote. To an outside observer this process can seem confusing, particularly when a member asks to be excused due to a conflict of interest.

When considering whether or not a member should be allowed to abstain from a vote when a conflict is present, the right of constituents to be represented needs to be balanced with the integrity of the institution. Since conflicts of interest and whether or not they are substantial by statutory definition are often judgment calls, HCR XX is designed to protect both the integrity of the institution and the right of the people to be represented. By leaving the determination of whether a member should be allowed to vote to the respective legislative body, HCR XX gives the legislature the power to allow a member to abstain while ensuring those abstentions are warranted.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCR12
 () Publish Date: _____

Identifier (file name): HCR12-LEG-COU-01-29-08 Dept. Affected: Legislature
 Title "Proposing an amendment to the Uniform Rules of the RDU Legislative Council
 Alaska State Legislature relating to abstention from..." Component Session Expenses
 Sponsor Representative Meyer
 Requester House State Affairs Component Number 782

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by Karla Schofield, Deputy Director
 Division Legislative Affairs Agency
 Approved by Pamela Varni, Executive Director
 Legislative Affairs Agency

Phone 465-6626
 Date/Time 1/29/08 3 38 PM
 Date 1/29/2008

industry, or region.

Arizona

Senate Rule 15, 20: Legislators can declare a personal financial interest in a matter when they are called upon to vote. They can either abstain or vote. In either case, they must write a statement describing the matter and the nature of the potential interest. They must give this public record to the Senate president, the chair of the ethics committee and the secretary of the Senate. If a member decides to take part in a decision in which he has a financial interest, he must give his reasons before taking action on the floor.

House Rules 6, 14, 34, 35: Members may abstain if they have a personal financial interest in the question. If they decide not to abstain, they must write a statement describing the matter and nature of interest, give a copy to the speaker, the chairman of the ethics committee and the chief clerk. If a member decides to abstain, he must submit the same statement, but it only must be delivered to the clerk. If the member wishes to abstain, but has failed to file this statement, he can ask the body for permission to abstain.

Senate and House Rules: Legislators are not considered to have personal financial interests if they are part of a group that benefits.

Arizona Revised Statutes 38-503: Any public officer (legislators are included) or employee who has, or whose relative has, a substantial interest in any decision of a public agency (legislature is included) shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Arkansas

Senate Rule 24.07: A Senator can't take part in the discussion of, or vote on, a question in committee or on the floor on any matter if he knows that:

- He or a family member or an associated business will benefit from the legislative action to a greater extent than other member of his occupation or business.
- The matter will specifically relate to a business which employs the senator or in which he receives compensation as an attorney or consultant, unless the benefit accrues generally to other similar businesses, professions, occupations or groups.

None of the above rules apply if the Senator discloses any financial interests he may have on the issue. Disclosure entails a written statement in the Journal, or with the staff of the appropriate interim committee. Disclosure should detail the source of compensation or financial interests held.

House Rule 14: Members must vote unless they have an immediate personal interest.

Ark. Code Ann. § 21-8-803: A legislator who is required to take an action in the discharge of his or her official duties which may affect his or her financial interest or cause financial benefit or detriment to him or her, or a business in which he or she is an officer, director, stockholder owning more than 10% of the stock of the company, owner, trustee, partner, or employee, which is distinguishable from the effects of the action on the public generally or a broad segment of the public, shall prepare a written statement describing the matter requiring action and stating the potential conflict.

California

Joint Rule 44: Members can't participate, by voting or other action on the floor or in committee, on matters in which they have a personal interest, except they may participate in the final vote if they first file a statement that declares the interest and states that the legislator is able to cast a fair and objective vote regardless.

If a member wishes to abstain from voting on a matter in which he has a personal interest, he must tell the presiding officer before the vote starts. He will be excused from voting without any entry in the Journal. If either House invokes the rule that everyone present must vote, there will be a mark in the Journal stating that the person was excused from voting pursuant to law.

A person has an interest that is in substantial conflict if he would derive a direct monetary gain or loss because of his action. He is not considered to have an interest in substantial conflict if any benefit or detriment accrues to him as a member of a business, profession, occupation or

group to no greater extent than the rest of that group.

California Government Code 87102.5: If a member of the legislature has a financial interest in a matter, he cannot:

- Introduce nongeneral legislation related to that matter as a lead author
- Vote in a legislative committee or subcommittee on related nongeneral legislation
- Participate in a rollcall vote on the Senate or Assembly floor on related nongeneral legislation.

If the member has received any earned income within the preceding 12 months from a lobbyist employer, the member cannot take action on a matter if the action will have a direct and significant financial impact on the lobbyist employer. The impact must be greater on this lobbyist employer than it would be on a significant segment of the public.

If the member has appeared before a local board or agency on behalf of someone for compensation, the member cannot vote on any legislation that would affect the person who paid him if the affect would be greater to that person than it would be to a significant segment of the public.

Colorado

Senate Rule 17, 41: Senators can't vote on bills in which they have personal or private interests. If this is the case, they must disclose those interests before being excused. A senators is considered to have personal or private interests in measures if he:

- Has substantial economic interests in the measure distinct from those held generally by members of the same occupation or business, or if a close relative has such an interest,
- Has an interest in an enterprise that would be affected by the proposed legislation differently from like enterprises,
- Has a close relative or a close economic association with someone who has a financial interest in an enterprise that would be affected differently from others,
- Has a close economic association with, or has a relative who is a lobbyist or lobbyist employer who is influencing legislation on which the legislator would be expected to vote,
- Accepts a gift, loan, service or other economic opportunity from someone who would be affected by, or has interest in an enterprise that would be affected by the legislation.

Senators are always allowed to vote for something that would adversely affect them.

House Rule 21: Members with immediate personal or financial interests in bills pending shall disclose their interests and shall not vote on the measure.

Colorado Constitution Art 5, Sec. 43: A member of the General Assembly who has a "personal or private interest" in pending legislation must disclose the fact of such interest and may not vote on the legislation.

Colorado Revised Statutes 24-18-107. Ethical principles for members of the general assembly. ... In deciding whether or not he has a personal or private interest, a member shall consider, among other things, the following:

- (a) Whether the interest impedes his independence of judgment;
- (b) The effect of his participation on public confidence in the integrity of the general assembly; and
- (c) Whether his participation is likely to have any significant effect on the disposition of the matter.
- (3) An interest situation does not arise from legislation affecting the entire membership of a class.
- (4) If a member of the general assembly elects to disclose the interest, he shall do so as provided in the rules of the house of representatives or the senate, but in no case shall failure to disclose constitute a breach of the public trust of legislative office.

Connecticut

Senate Rule 15: No member who is interested in the decision of any question in such a manner that he cannot vote thereon may stay in the Senate when the question is discussed or decided.

House Rule 40: The speaker has authority to excuse someone from voting who is present in the chamber.

Connecticut General Statutes Sec. 1-85: A public official, (legislators are public officials) who has a substantial conflict may not take official action on the matter. A substantial conflict occurs when a public official has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. It is not considered a substantial conflict if the benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.

Delaware

Senate Rules: None found

House Rule 16: Members with personal or private interests in measures can't vote on them or take part in related discussion, and must disclose their interests. Non-voting members may answer questions about the bill, though, and may correct wrong information. A member is considered to have a personal or private interest in a measure if:

- He or a close relative would receive benefit or harm to a greater extent than other members of the same class or group of people.
- He or a close relative has a financial interest (more than \$5000 interest) in an enterprise that would benefit or be hurt to a greater degree than similar enterprises.
- A lobbyist who is a close relative of the legislator is acting to influence passage of the bill.

Delaware Code Annotated 1002: A legislator who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to his chamber and shall not participate in the debate nor vote thereon; provided, that upon the request of any other member, a legislator who has such a personal or private interest may respond to questions concerning any such measure. A personal or private interest in a measure or bill is an interest which tends to impair a legislator's independence of judgment in the performance of his or her legislative duties with respect to that measure or bill. A member is considered to have a conflict that impairs his judgment in the same situations laid out in House Rules above.

Florida

Senate Rule 1.20, 1.39: No senator is permitted to vote on any question immediately concerning his or her private rights as distinct from the public interest. Senators must disclose any personal, private or professional interest in a bill that would inure to that senator's special private gain, or the gain of a principal to whom the senator is obligated. This disclosure statement may explain either the logic of voting, or abstaining from voting.

House Rule 3.1: Members cannot vote on measures that would inure to that members special private gain. The member must disclose the interest that is keeping him from voting. Members must also disclose interests in measures at hand of family members or principals by whom the legislator or his family members are retained or employed.

Florida Statutes 112.3143: Any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

Georgia

Senate Rule 175: Members cannot vote on measures if they, or members of their immediate family, have a direct pecuniary interest that is distinct, unique or peculiar to them.

House Rule 134: "Every member within the chamber shall vote unless the member is immediately and particularly interested therein, or unless the member is excused by the house."

No additional provisions found in statutes that apply to legislators.

Hawaii

Senate Rule 71: Members with conflicts of interest shall be excused from voting. Situations considered conflicts of interest include those involving monetary interests in the matter at hand; those involving the behavior of the member; and those in which the member's right to a seat in the Senate will be affected by the outcome. Members who believe they have conflicts shall rise and disclose their interests to the Senate president who will rule on whether there is a conflict.

Senate Rule 85: 1) No member shall vote on any legislation if the member has a direct financial interest in the legislation, unless the member is part of the class of people affected by the official action based upon the member's profession, trade or business; provided that this rule shall not apply to votes on the recommendations of a committee when a member has disclosed a potential conflict. For the purposes of this rule, a "direct financial interest" means that the legislation affects the legislator's personal business, property, or financial interest.

(2) If a member is uncertain as to whether a conflict of interest exists, the member may request a ruling from the President by giving notice and disclosing the direct financial interest to the President prior to voting. When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the President shall give due consideration to the context of that portion as it relates to the overall purpose of the measure. If the President determines that a conflict exists, the President shall excuse the member from voting.

House Rule 60: Members who believe they have a conflict of interest with the matter at hand shall disclose the interest. Situations considered to be conflicts are the same as those in the Senate. The speaker will rule on whether he thinks the member has a substantial enough conflict to be excused from voting.

No additional provisions found in statute.

Idaho

Senate Rule 39: Senators must disclose any conflicts of interest, he must disclose this conflict to the presiding officer in writing, or to the body. The senator may vote on the issue, or may ask to abstain. A 2/3 vote is necessary to be excused from voting.

House Rule 38: If a member's personal interests in the issue under consideration conflicts with the public's interests, the member's legislative activities can be subject to limitations, unless the member discloses the conflict to the presiding officer or to the body. Upon disclosure, the member may vote on the matter or ask to be excused from voting. A majority vote is necessary to be excused.

Idaho Code 59-704: A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section. Disclosure of a conflict does not affect an elected public official's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the public official requests to be excused from debate and voting at his or her discretion.

Legislative public officials who have real or potential conflicts shall disclose the nature of the conflict of interest and/or be subject to the rules of the body of which he/she is a member and shall take all action required under such rules prior to acting on the matter. If a member requests to be excused from voting on an issue which involves a conflict or a potential conflict, and the body of which he is a member does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue.

Illinois

No rules found

5 ILCS 420/Sec. 3-202: When a legislator must take official action on a legislative matter as to which he has a conflict situation created by a personal, family, or client legislative interest, he should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he should consider the possibility of abstaining from such official action. In making

his decision as to abstention, he should consider;

- whether a substantial threat to his independence of judgment has been created by the conflict situation;
- the effect of his participation on public confidence in the integrity of the legislature;
- whether his participation is likely to have any significant effect on the disposition of the matter;
- the need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

He need not abstain if he decides to participate in a manner contrary to the economic interest which creates the conflict situation. If he does abstain, he should disclose that fact to his respective legislative body.

Sec. 3-203: When, despite the existence of a conflict situation, a legislator chooses to take official action on a matter, he should serve the public interest, and not the interest of any person.

Indiana

Senate Rule 4, 89, 90: Senators may be excused from voting if they have direct personal or pecuniary interests in the matter. A senator who has a direct personal or pecuniary interest in a piece of legislation which is so substantial as to affect the Senator's independent legislative judgment can participate in committee and floor debate on the legislation if the senator publicly proclaims that interest. Rules also provide guidelines senators should look to when deciding whether to request to be excused from voting.

House Rule 47: Members who are immediately and particularly interested in a measure shall ask to be excused and shall not vote on it. Members requesting recusal may make a brief statement, but the question is to be considered without debate.

No additional provisions relating to legislators found in statutes.

Iowa

Senate Rule 23: Senators may abstain from voting by disclosing a personal interest in the matter at hand when called upon to vote. The Senate code of ethics provides guidelines for senators in deciding whether to vote on an issue. The senator should consider, among other things, whether his participation would effect public confidence in the integrity of the legislature and the legislatures' need for the senator's particular special knowledge. A senator with a conflict may participate in floor discussion after he discloses his conflict.

House Rule 76: No member shall vote on any question in which that person is financially interested if that interest is distinguishable from the interest of the general public or a substantial class of persons. If a member decides not to participate in committee work or to abstain from voting, the member should disclose this to the legislative body. House rules also include guidelines.

Iowa Code 68B.2A: If a public servant holds any outside employment or activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person during the performance of the person's duties of office or employment, the public servant shall either cease the outside employment or activity or publicly disclose it and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity.

Kansas

Senate Rule 19: Any senator who is directly interested in a question may be excused from voting even though there is a call of the Senate. Senators have five minutes to explain why they request recusal. Request is granted with 2/3 vote.

House Rule 2508: Any member who is directly interested in a question may be excused from voting when there is a call of the House. The member has five minutes to explain why he is requesting recusal. Request is granted with 2/3 vote.

No additional provisions found in statute or constitution.

Kentucky

No rules found

Kentucky Constitution, Section 57: A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

Kentucky Revised Statutes 6.761: A legislator shall not intentionally participate in the discussion of a question in committee or on the floor, vote, or make a decision in his official capacity on any matter:

- In which he, a family member, or the legislator's business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of his vote or decision; or
- Which relates specifically to a business in which he owns or controls an interest of \$10,000 or more, or more than 5%.

A legislator may participate and vote on a matter if any benefit or detriment which accrues to him as a member of a business, profession, occupation, or other group, or to a member of his family or a business interest specified above is of no greater extent than the benefit or detriment which accrues generally to other members of the business, profession, occupation, or other group.

A member shall disclose his interest by filing a disclosure statement with the clerk or by a verbal announcement to the body.

The right of legislators to represent their constituencies, however, is of such major importance that legislators should be barred from voting on matters of direct personal interest only in clear cases and if the matter is particularly personal.

Louisiana

Senate Rule 12.1, 13.60, 13.87: Any member may recuse himself from all committee proceedings related to a measure in which he believes he has a conflict of interest.

House Rule 10.1, 14.9: Any member may recuse himself from all committee proceedings related to a measure in which he believes he has a conflict of interest. Members who recuse themselves are allowed to give a written explanation.

Louisiana Revised Statutes §1120: If any elected official would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself, unless he prepares and files a statement describing the matter in question, the nature of the conflict or potential conflict, and the reasons why, despite the conflict, the he is able to cast a vote that is fair, objective, and in the public interest. Such statement shall be filed within three days of the vote with the chief clerical officer of the respective house of the legislature. This section shall not extend to any act of participation other than voting.

1112: No public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he, members of his immediate family, persons with whom the public servant has a close economic association or prospective employers have a personal substantial economic interest.

A "substantial economic interest" is one that is of greater benefit to the public servant or other person than to a general class or group of persons.

Maine

Joint Rule 104: A member may not vote on any question in committee when that question immediately involves that member's private right, as distinct from the public interest.

House Rule 401: A member may not vote on any question before the House when that question immediately involves that member's private right as distinct from the public interest.

Maine Revised Statutes Annotated, Title 1, 1015: When a member of the Legislature has a conflict of interest, that member has an affirmative duty not to vote on any question in connection with the conflict in committee or in either branch of the Legislature, and shall not attempt to influence the outcome of that question.

Many situations fall under the state's definition of conflict of interest in section 1014, including, when a legislator or a member of his immediate family has a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would

be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation.

Maryland

Senate Rule 93: A member may not vote on a measure in which he has an immediate personal or financial interest. Members who recuse themselves are noted in the Journal as excused.

House Rule 93: A member may not vote on a measure in which he has an immediate personal or financial interest. Members who recuse themselves are noted in the Journal as excused.

Maryland Code 15-501: An official or employee may not participate in a matter if he or a qualifying relative has an interest in the matter and knows of that interest. This statute contains a long list of other situations that constitute a conflict serious enough to warrant recusal.

Massachusetts

Senate Rules: No rules found

House Rule 16: No member shall serve on any committee or vote on any question in which his/her private right is immediately concerned, distinct from the public interest.

General Laws of Massachusetts Chapter 268A, Section 6A: Any public official who in the discharge of his official duties would be required knowingly to take an action which would substantially affect such official's financial interests, unless the effect on such an official is no greater than the effect on the general public, shall file a written description of the required action and the potential conflict of interest with the state ethics commission.

Michigan

Senate Rule 1.306: A senator having a personal, private or professional interest in a bill, of which he or she has knowledge, shall not vote on the bill and shall disclose in writing to the Secretary of State his or her interest in the bill. Such an interest is defined as one that would particularly benefit the senator or an individual or entity to whom the senator is financially or legally obligated, or personally related. If a senator votes on a bill in which it may appear that he has a conflict of interest, he may submit a statement explaining his reasons for voting.

House Rule 13, 32: A member may abstain from voting because of a potential conflict of interest by rising, announcing his intent not to vote and reserving the right to explain the abstention. The member has the right to have an explanatory statement of at most 100 words printed in the Journal.

No additional provisions found in statute or constitution.

Minnesota

Senate Rule 41.2, 57: A member wishing to be excused from voting may make a brief statement of the reason for making the request. The question on the motion to excuse must be taken without further debate. A member who must take action or make a decision that would substantially affect his financial interests or those of an associated business shall disclose the potential conflict by following procedures detailed in Minnesota Statutes Section 10A.07, unless the benefit the legislator would receive is no greater than others in the member's business, classification, profession or occupation.

House Rule 2.05: A member who has an immediate interest in a question shall not vote on it. A member who does not vote when his name is called must state his reasons. After others vote, the presiding officer shall ask the body if the member shall be excused from voting.

Minnesota Statutes 10A.07: A public official who would be required to take an action that would substantially affect the official's financial interests or those of an associated business, unless the effect is no greater than on other members of the official's business classification, profession, or occupation, must prepare a written statement describing the matter requiring action and the nature of the potential conflict of interest and deliver a copy to the presiding officer. If there is insufficient time to comply with this, the public official must orally inform the official body.

Mississippi

Senate Rule 124: No senator shall act in committee or vote on a question in which his private interest, distinct from the public interest, is immediately concerned.

House Rule 26: No member shall vote on any question, the result of which he is pecuniarily

interested.

No additional provisions found in statute.

Missouri

Senate Rules: None found

House Rule 88: Every member shall vote on each question put unless he has a direct personal or pecuniary interest in such question.

Missouri Revised Statutes 105.461. 1: Any member of the general assembly who has a substantial personal or private interest in any measure before the general assembly, shall, before such official passes on the measure, bill, order or ordinance, file a written report of the nature of the interest with the chief clerk of the house of representatives or the secretary of the senate and such statement shall be recorded in the appropriate journal. If the legislator has filed his annual financial disclosure statement, and that statement is current, this statement is not necessary.

Montana

Joint Rule 10-60: A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house to which the member belongs.

Montana Code Annotated 2-2-112: A legislator may, subject to legislative rule, vote on an issue on which the legislator has a conflict, after disclosing the interest. When a legislator must take official action on a matter as to which he has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the legislator's influence, benefit, or detriment in regard to the legislative matter, the legislator shall disclose the interest prior to participating in the official action.

In making a decision as to whether to take official action, the legislator shall consider:

- whether the conflict impedes the legislator's independence of judgment;
- the effect of the legislator's participation on public confidence in the integrity of the legislature;
- whether the legislator's participation is likely to have any significant effect on the disposition of the matter; and
- whether a pecuniary interest is involved or whether a potential occupational, personal, or family benefit could arise from the legislator's participation.

A conflict situation does not arise from legislation or legislative duties affecting the membership of a profession, occupation, or class. A legislator who is a member of a profession, occupation, or class affected by legislation is not required to disclose an interest unless the class contained in the legislation is so narrow that the vote will have a direct and distinctive personal impact on the legislator.

Nebraska

No rules found.

Nebraska Revised Statutes 49-1499: A member of the Legislature who would be required to take any action that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall disclose information about the conflict in this manner. He shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate. The statement should be delivered to the ethics commission and the speaker of the legislature.

The member of the Legislature may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists, in which case he or she may have the reasons for the abstention recorded in the journal or minutes of the Legislature.

Nevada

Senate Rule 32: No senator may vote on a question in which he is in any way personally or directly interested.

Assembly Rule 23: A legislator who has a conflict of interest may vote upon, advocate or oppose the measure in conflict if he makes a general disclosure of the conflict. In determine whether to vote or abstain, the legislator should consider his independence of judgment, and whether his interest is greater than the interests of an entire class of persons similarly situated, among other factors.

Nevada Revised Statutes 281.501: A public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

However, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by: (a) His acceptance of a gift or loan; (b) His pecuniary interest; or (c) His commitment in a private capacity to the interests of others.

New Hampshire

No provisions found in rules.

New Hampshire Revised Statutes: Legislators must disclose areas of potential conflicts on their financial disclosure forms.

New Jersey

No provisions found in rules.

New Jersey Statutes Annotated 52:13D-18: No member of the Legislature shall participate by voting or any other action, on the floor of the General Assembly or the Senate, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest.

A member is considered to have a personal interest in legislation if, by reason of his participation in the enactment or defeat of any legislation, he or a member of his immediate family, will derive a direct monetary gain or suffer a direct monetary loss. It is not considered a personal interest if no benefit or detriment could reasonably be expected to accrue to him, or a member of his immediate family, as a member of a business, profession, occupation or group, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

New Mexico

Senate Rule 7-5, 7-6: Every senator shall vote on each question unless he has a direct personal or pecuniary interest in the event of such a question. A senator desiring to be excused from voting may, when his name is called, make a brief statement explaining his reasons. The senate must vote on whether to excuse him.

House Rule 7-5, 7-6: Every member of the house shall vote on each question or motion coming up before the house, unless excused by a majority vote. A member who wishes to be excused from voting may make a brief explaining his reasons. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct of the members. The code of conduct is in House Rule 26-1.

No additional provisions in statute that apply to state legislators.

New York

Senate Rules IX: Every senator shall vote on each question unless he has a direct personal or pecuniary interest in the event of such a question. Senators wishing to be excused may make a brief statement as to their reasons when they are called upon to vote.

Assembly Rule V, Part 2: A member may abstain from a vote only on the grounds that it would constitute a conflict of interest.

No additional provisions in statute pertain to legislators voting in conflict of interest situation, but **New York Consolidated Laws Chapter 32, Article 4, Section 74** says no member of the legislature should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation which is in substantial conflict with the proper discharge of his duties in the public interest. Substantial conflict is not defined.

North Carolina

Senate Rule 29: Any senator may move to be excused from voting at any time on any matter. If the senator is excused, he may not debate the bill or any amendments. The senator may make a brief statement as to his reasons.

House Rule 24.1A: Any member shall, upon request, be excused from the deliberations and voting on a particular bill. The member may make a brief oral statement of the reasons for making the request. The member excused shall not debate the bill or any amendment to the bill.

North Carolina General Statutes

Conflict of interest in official actions. G.S. 138A-36 and G.S. 138A-37 prohibit both public servants and legislators from participating in official actions in which they have an economic interest. G.S. 138A-38 provides a number of exceptions to the participation restrictions, including when (1) the covered person has received a written advisory opinion from the State Ethics Commission or the Legislative Ethics Committee authorizing the participation, (2) the employing entity determines that there is not a conflict, or (3) the public servant is the only person with legal authority to take the action and the conflict is disclosed in writing.

G.S. 138A-37 prohibits a legislator's participation in a legislative action if (1) the legislator, the legislator's extended family, or an associated business has an economic interest in the action or may benefit from the action and (2) following a consideration of whether the legislator's judgment would be influenced and the need for the legislator's particular contribution, the legislator concludes that there is an economic interest that would impair the legislator's judgment.

North Dakota

Senate Rule 321: Any member who has a personal or private interest in a bill shall disclose that fact to the Senate and may not vote thereon without the consent of the Senate. A personal or private interest is one that affects the member directly, individually, uniquely and substantially.

House Rules 321: Any member who has a personal or private interest in a bill shall disclose that fact to the House and may not vote thereon without the consent of the House. A personal or private interest is one that affects the member directly, individually, uniquely and substantially.

No additional provisions found in statute.

Ohio

Senate Rule 58, 61: No senator shall vote upon any question in contravention of the Legislative Code of Ethics or in violation of section 102.031 of the Revised Code. Any senator requesting to be excused from voting may briefly explain the reason for such request, and the Senate shall pass upon the request without debate.

House Rule 56: A request to be excused from voting shall be accompanied by a brief written statement of the reasons for making such request, which shall be acted upon by the House without debate.

Legislative Code of Ethics, Section 4: A member who has a substantial personal interest in legislation may request permission of the chair to abstain from voting on the legislation and may state the member's reason for the request. The request shall be granted by the chair or the member's respective chamber of the General Assembly pursuant to the rules of that chamber. The request and permission to abstain shall be entered in the Journal.

Legislative Code of Ethics/Ohio Revised Cod 102.031: No member of the General Assembly shall vote on any legislation that is then being actively advocated by a lobbyist who is (1) an employee, (2) a business associate, or (3) a person, other than an employee who is hired under contract to perform certain services and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

Oklahoma

Oklahoma Constitution, Article V, Section 24: A member of the Legislature, who has a personal or private interest in any measure shall disclose the fact to the House of which he is a member, and shall not vote thereon.

No additional provisions found in statute or rules.

Oregon

Senate Rule 3.33: When involved in a potential conflict of interest as defined by ORS 244.020, a member shall announce, on the Senate floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict. The member's announcement shall be recorded in the Journal or in the committee minutes. In addition, the member may file a statement with his chamber. If a member suspects that another member is not disclosing a conflict, he may file a complaint and an investigation will ensue.

House Rule 3.21: When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict. The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. In addition, the member may file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant within one hour following adjournment of the session or the committee meeting.

Oregon Revised Statutes 244.120: When met with an actual or potential conflict of interest, a member of the Legislative Assembly shall announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official. This announcement shall be noted in the official record of the public body.

244.020: An "actual conflict of interest" occurs when an action, decision or recommendation by a public official would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (14) of this section.

Subsection 14: A "Potential conflict of interest" occurs when an action, decision or recommendation by a public official could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. The commission may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

(c) Membership in or membership on the board of directors of a nonprofit.

Pennsylvania

Senate Rule XXI: Senators who have a personal or private interest in any measure or bill shall disclose the fact to the Senate, and shall not vote thereon.

House Rule 65: A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon.

Pennsylvania Consolidated Statutes 1103 (j): Where voting conflicts are not otherwise addressed by the constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, except that if a quorum is not present on the person with the conflict recuses himself, he is permitted to vote as long as the conflict is properly disclosed.

Pa. Constitution, Article 3, Section 12: A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to

the House of which he is a member, and shall not vote thereon.

Rhode Island

Senate Rules: None found

House Rules 20, 21: No member shall vote on any question of private property in the event of which he or she is immediately and particularly interested. Every member (except as provided in rule 3) who shall be in the House when the question is put, shall give his or her vote, unless prior thereto the Speaker shall excuse him or her, in accordance with the Code of Ethics statute 36-14-6.

Rhode Island General Laws 36-14-6: Legislators who are required to take an action, make a decision, or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to the person, or spouse (if not estranged), or any dependent child, business associate or any business by which the person is employed or which the person represents, shall file a sworn statement describing the conflict and file it with the ethics commission and the presiding officer. If the legislator does not request to be excused from voting, he shall state why he can participate fairly and in the public interest despite the conflict.

South Carolina

Senate Rules: None found

House Rules 3.1: No member shall be permitted to vote on any question immediately concerning his private rights as distinct from the public interest.

South Carolina Code 8-13-700: A public official who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall file with the presiding officer a statement describing the matter and the nature of the conflict of interest. The presiding officer shall excuse the member from participating in the matter.

South Dakota

Joint Rule 12-1: Either body may excuse a member from voting.

No additional provisions found in statute or constitution.

Tennessee

Senate Rule 13: When a member of this body arises to address himself to a bill, section thereof, or amendment in which he has a personal interest, he shall state to the Speaker and members of the body "that it may be considered that I have a degree of personal interest in the subject matter of this bill, but I declare that my argument and my ultimate vote answer only to my conscience and to my obligation to my constituents and the citizens of the State of Tennessee."

House Rules: None found

No additional provisions found in statute or rules.

Texas

Senate Rules: None found

House Rule 5, Part E, Section 42: Any member who has a personal or private interest in any measure or bill shall disclose the fact and not vote thereon.

Texas Government Code 572.0531: Before introducing, sponsoring or voting on a bill on a subject area in which a lobbyist who is the legislator's spouse or first degree relative, the legislator must file a disclosure statement.

Texas Constitution Article 3, Section 22: A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House, of which he is a member, and shall not vote thereon.

Utah

Joint Rule 16.05: If a legislator reasonably believes he may have a conflict of interest, that legislator should, before the vote, orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is. This declaration of conflict of interest shall be noted in the minutes of any committee meeting or in the Journal.

A legislator shall file a Declaration of Conflict of Interest form with the Secretary of the Senate if the legislator is a Senator or with the Chief Clerk of the House of Representatives if the legislator is a Representative. This form shall include the general legislative areas in which the legislator may have a conflict of interest. A "conflict of interest" is defined below. T

his form satisfies that legislator's disclosure of any conflicts of interest as required by the first paragraph and Utah Code Annotated Section 76-8-109.

Legislators may vote on matters in which they have a conflict as long as that conflict has been declared.

Utah Code 76-8-109: If a legislator must vote on a matter in which he has actual knowledge of a conflict of interest which is not stated on his conflict of interest form, he shall declare the conflict to the body. The declaration shall be noted in the minutes or the Journal. Legislators must also file a declaration of conflict of interest form with the secretary of the senate or chief clerk of the house.

"Conflict of interest" means legislation or action by a legislator that the legislator reasonably believes may cause direct financial benefit or detriment to him, a member of the legislator's immediate family, or a business in which the legislator is associated, and that benefit or detriment is distinguishable from the effects of that action on the public or on the legislator's profession, occupation, or association generally.

Vermont

Senate Rule 71: No senator shall be permitted to vote upon any question in which he or she is directly or immediately interested.

House Rule 75: Members shall not be permitted to vote upon any question in which they are immediately or directly interested.

No additional provisions found in statutes or constitution.

Virginia

Senate Rule 20, 36: A Senator who has a personal interest in a transaction, as defined in § 30-101 of the Code of Virginia, before the entire Senate or a committee, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked.

House Rules 69: No member who has an immediate and personal interest in the result of the question shall either vote or be counted upon it.

Code of Virginia 30-108: A legislator who has a personal interest in a transaction shall disqualify himself from participating in the transaction. Unless otherwise prohibited by the rules of his house, the disqualification requirement of this section shall not prevent any legislator from participating in discussions and debates, provided (i) he verbally discloses his personal interest at the outset of the discussion and (ii) he does not vote on the transaction.

Washington

Senate Rule 22: No senator shall be allowed to vote upon any question upon which he or she is in any way personally or directly interested (See also Art. 2, Secs. 27 and 30, State Constitution.). A member not voting by reason of personal or direct interest may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

House Rule 19: No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

Washington Constitution Article II, Section 30: A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

West Virginia

Senate Rule 43: Every member within the Senate Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be

excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

House Rule 49: When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. The disqualifying interest must be such as affects the member directly and not as one of a class.

No additional provisions found in statute or constitution.

Wisconsin

Senate Rule 73, Assembly Rule 77: Either body may excuse a member from voting.

Wisconsin Statutes 19.46: No state public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

Wyoming

Senate Rule 14-7: A member who has a personal or private interest in any bill shall disclose the fact to the Senate members at the time of initial consideration during the committee of the whole or at the time of introduction during the budget session. If the status of the conflict changes during the legislative process, the member shall disclose the change in the status of the conflict. Disclosures of a conflict of interest shall be entered in the Daily Journal.

House Rule 17-3: A member who has a personal or private interest in any bill shall disclose the fact to the house members at the time of initial consideration during committee of the whole or at the first time the conflict becomes apparent to the declarer, or at the time of introduction during the budget session and shall not vote thereon. On general appropriation and recodification bills a member who has declared a conflict of interest on a section or an amendment to a section shall not vote on that section, but may vote on the entire bill.

"Personal or private interest" means the member shall receive or incur a direct financial gain or loss if the measure or bill is enacted. "Personal or private interest" does not include a financial gain or loss which shall be received or incurred by a member if the gain or loss shall also be received or incurred by a substantial class of persons.

Wyoming Statutes 9-13-106: A public official shall not make an official decision or vote on an official decision if he has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter, the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest must (i) be direct and immediate as opposed to speculative and remote; and (ii) provide the public official, public employee or public member a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

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FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HCR12
 () Publish Date: _____

Identifier (file name): HCR12-LEG-COU-01-29-08 Dept. Affected: Legislature
 Title "Proposing an amendment to the Uniform Rules of the RDU Legislative Council
 Alaska State Legislature relating to abstention from... Component Session Expenses
 Sponsor Representative Meyer
 Requester House State Affairs Component Number 782

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	Appropriation Required	Information					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by Karla Schofield, Deputy Director
 Division Legislative Affairs Agency
 Approved by Pamela Varni, Executive Director
 Legislative Affairs Agency

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Lawmakers should fix their approach to conflicts of interest

One of the more outrageous comments made by a legislator so far this session concerned conflict of interest legislation.

Currently, lawmakers with a conflict of interest can be required to vote if a fellow member verbally objects to an abstention. In the wake of recent corruption scandals, at least five measures have been written to fix this faulty system.

But Rep. Kevin Meyer, R-Anchorage, recently endorsed the status quo.

"The more I've worked with it, the more I realize the current process, albeit not perfect, is probably the best we are going to get," he said.

Ironically, Meyer, who is a procurement officer for ConocoPhillips, presented a proposal to the House State Affairs Committee that would have changed the system, but in a bizarre twist he later testified against his own measure.

Even had Meyer stuck behind it, the proposal doesn't seriously deal with conflicts of interest. It would still be too easy for a lawmaker with a conflict to vote because a majority of lawmakers would have to be in favor of the abstention for it to be granted.

What we have is a game in which lawmakers can disingenuously declare a conflict of interest, knowing full well that their colleagues will allow them to go

ahead and vote.

"If I knew someone wasn't going to object, I'd think a lot harder about standing up to declare a conflict," Meyer said.

Meyer argues that if a legislator is unnecessarily barred from voting it would disenfranchise his or her constituents. But this argument doesn't wash. Constituents don't want a bought vote.

Legislators need to remember what exactly a conflict of interest is: a competing professional or personal interest that prevents them from acting impartially or appearing to act impartially. If a lawmaker has such a conflict and votes anyway, the public trust is violated. The bottom line is that a lawmaker shouldn't be allowed to vote when they have conflicts.

The current system clearly doesn't work. The Associated Press reported that no one in the Legislature remembers a lawmaker ever being allowed to abstain from voting. The bar must be raised.

Legislation by Rep. Mike Doogan, D-Anchorage, which would permit a lawmaker to abstain unless the entire body objects, seems a step in the right direction, and his measure isn't the only one before the Legislature.

But if lawmakers prove they can't be counted on to take conflicts of interest seriously, then the voters need to hold them accountable.

Mendenhall City (For



HI, WE'RE YOU

Flower

You know, it really bugs me when, in course of a heated conversation (sorry people would call these arguments), my wife gives me that look.

You know the one I mean. It's a patronizing cross between "You men!" and "Exactly who your home planet?" And of course it effectively renders further discussion useless. Fum, sputter, gesticulate wildly — all to no avail, and like a defeated general on a demolished front line, I beat a hasty retreat trying to salvage what little dignity the moment affords.

Retiring to my bedroom office, I typically click on the computer and feign busyness: all the while staring at a blank screen while the VCR in my mind constantly hits the "play back" button. Sighs intermin

HCR

18

ALASKA STATE LEGISLATURE

Juneau

State Capitol Bldg. Rm 422
Juneau, AK 99801-1182
Phone (907) 465-4930
Fax (907) 465-3834
1-800-331-4930



Anchorage

716 W. 4th Avenue
Anchorage, AK 99501
Phone (907) 269-0174
Fax (907) 269-0177

Representative Berta Gardner

House District 24

Memorandum

From: Representative Berta Gardner

To: House State Affairs Committee

Date:

Re: HCR 18 Hearing Request

I respectfully request a hearing for HCR 18 at your earliest possible convenience. HCR 18 changes Uniform Rule 34(b) such that in the event that a member declares a conflict of interest, the minority and majority leaders can agree that conflict is not to a degree that the member should not vote, and they can, together, not separately, determine that the member is required to vote.

HCR 18 also establishes a chain of command for making the determination in the event that one of the leaders is unavailable or is declaring his/her own conflict of interest.

Attached please find the following materials:

- HCR 18
- Sponsor Statement
- Backup information on other state regulations

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Representative Berta Gardner

House District 24

Memorandum

From: Representative Berta Gardner
To: House State Affairs Committee
Date: February 14, 2008
Re: HCR 18 Hearing Request

BG

Even with the subcommittee established to develop a hybrid resolution based off all resolutions on the topic of conflict of interest, I still respectfully request a hearing from House State Affairs committee at your earliest possible convenience. HCR 18 changes Uniform Rule 34(b) such that in the event that a member declares a conflict of interest, the minority and majority leaders can agree that conflict is not to a degree that the member should not vote, and they can, together, not separately, determine that the member is required to vote.

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Representative Berta Gardner

House District 24

SPONSOR STATEMENT

HCR 18

Following a series of corruption scandals, Alaskans and their Legislature have focused a great deal of attention on ethics legislation. One issue still unresolved is that of conflicts of interest and voting. Uniform Rule 34(b) requires every member of the legislature to vote unless the body votes unanimously to allow a member to abstain. When a member asks to be allowed to abstain from the vote, in practice there is always at least one objection and the member is required to vote.

The sponsor(s) of HCR 18 understand there are times when members disclose a conflict and genuinely believe they should abstain from voting. Other times members will disclose a "conflict" even when they believe they can vote without personal conflict of interest because they want to avoid possible charges of failure to disclose.

In a citizen legislature, members come from a variety of different backgrounds. It can be assumed that sometimes people are elected because they have experience and expertise in particular areas of interest to their constituents. Any effort to deny across the board participation in votes relating to that expertise may effectively deny citizens representation in precisely the areas of greatest interest to them.

Alaska is the only state with this unanimous consent regulation. Other states take a variety of approaches to conflicts of interest. In some states a majority vote allows the member to participate, another has the house speaker or senate president make the determination, while others use hybrid methods of majority votes, or leadership decisions.

HCR 18 strives to overcome the weakness and ineffectiveness of our current use of Uniform Rule 34(b). Under this resolution, a member who asks to abstain because of a conflict of interest will be allowed to abstain unless both the Minority and the Majority leaders agree that the member should vote.

This method relies on the judgment of elected leaders, representing and responsible to their caucuses, and side-steps the majority vote, which potentially gives one party full power on the issue, and the unanimous vote, which gives a single individual full power, in the decision-making process. It is the intent of the sponsor(s) that once disclosure is given the issue is not debatable.

In the event that the legislator with the conflict of interest is the leader of a caucus, or that the leader is absent from the floor, the responsibility would fall to the Whip.

Please join me in support of this conflict of interest resolution.

California

Joint Rule 44: Members can't participate, by voting or other action on the floor or in committee, on matters in which they have a personal interest, except they may participate in the final vote if they first file a statement that declares the interest and states that the legislator is able to cast a fair and objective vote regardless.

If a member wishes to abstain from voting on a matter in which he has a personal interest, he must tell the presiding officer before the vote starts. He will be excused from voting without any entry in the Journal. If either House invokes the rule that everyone present must vote, there will be a mark in the Journal stating that the person was excused from voting pursuant to law.

A person has an interest that is in substantial conflict if he would derive a direct monetary gain or loss because of his action. He is not considered to have an interest in substantial conflict if any benefit or detriment accrues to him as a member of a business, profession, occupation or group to no greater extent than the rest of that group.

California Government Code 87102.5: If a member of the Legislature has a financial interest in a matter, he cannot:

- Introduce nongeneral legislation related to that matter as a lead author
- Vote in a legislative committee or subcommittee on related nongeneral legislation.
- Participate in a rollcall vote on the Senate or Assembly floor on related nongeneral legislation.

If the member has received any earned income within the preceding 12 months from a lobbyist employer, the member cannot take action on a matter if the action will have a direct and significant financial impact on the lobbyist employer. The impact must be greater on this lobbyist employer than it would be on a significant segment of the public.

If the member has appeared before a local board or agency on behalf of someone for compensation, the member cannot vote on any legislation that would affect the person who paid him if the affect would be greater to that person than it would be to a significant segment of the public.

Connecticut

Senate Rule 15: No member who is interested in the decision of any question in such a manner that he cannot vote thereon may stay in the Senate when the question is discussed or decided.

House Rule 40: The speaker has authority to excuse someone from voting who is present in the chamber.

Connecticut General Statutes Sec. 1-85: A public official, (legislators are public officials) who has a substantial conflict may not take official action on the matter. A substantial conflict occurs when a public official has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. It is not considered a substantial conflict if the benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.

Idaho

Senate Rule 39: Senators must disclose any conflicts of interest, he must disclose this conflict to the presiding officer in writing, or to the body. The senator may vote on the issue, or may ask to abstain. A 2/3 vote is necessary to be excused from voting.

House Rule 38: If a member's personal interests in the issue under consideration conflicts with the public's interests, the member's legislative activities can be subject to limitations, unless the member discloses the conflict to the presiding officer or to the body. Upon disclosure, the member may vote on the matter or ask to be excused from voting. A majority vote is necessary to be excused.

Idaho Code 59-704: A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section. Disclosure of a conflict does not affect an elected public official's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the public official

requests to be excused from debate and voting at his or her discretion.

Legislative public officials who have real or potential conflicts shall disclose the nature of the conflict of interest and/or be subject to the rules of the body of which he/she is a member and shall take all action required under such rules prior to acting on the matter. If a member requests to be excused from voting on an issue which involves a conflict or a potential conflict, and the body of which he is a member does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue.

Washington State: Permanent Rules of the Senate
Rule 19 - Voting

(A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

Washington State: Permanent Rules of the House of Representatives

Rule 22.

1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

8. If a member of the majority is going to be absent due to a health matter or other emergency, then a member of the minority may publicly announce on the floor of the senate that he or she will cast votes as he or she believes the absent member would have voted in order to avoid results that would only occur because of the unanticipated absence.

Nancy Manly

From: Michelle Sydeman
Sent: Tuesday, January 29, 2008 12:21 PM
To: Noah Hanson
Cc: Nancy Manly; Sen. Bill Wielechowski; Suzanne Hancock
Subject: Changes to the Uniform Rules re: voting when a legislator has a substantial conflict of interest

Hi Noah,

Rule 35(b) of the Uniform Rules has changed several times with regard to what a legislator with a substantial conflict of interest should do when it comes to voting. For example, the rules for 1965-66 allow for a majority vote to determine whether a conflicted member may abstain. It appears this changed in 1967, when a 2/3 vote was required. This appears to have changed again in 1969, when unanimous consent provision went into effect.

Michelle

Michelle Sydeman
Legislative Aide
Sen. Bill Wielechowski
State Capitol, Room 115
Juneau, Alaska 99801
Phone: 907-465-6881
Fax: 907-465-6615

Nancy Manly

From: Noah Hanson
Sent: Tuesday, January 29, 2008 12:35 PM
To: Michelle Sydeman
Cc: Nancy Manly; Sen. Bill Wielechowski; Suzanne Hancock
Subject: RE: Changes to the Uniform Rules re: voting when a legislator has a substantial conflict of interest

Do we have any record as to why? What were the legislators reasons?

Thanks,

Noah Hanson
Office of Rep. Berta Gardner
Legislative Staff
Ph: 907-465-1068
Fax: 907-465-3831

From: Michelle Sydeman
Sent: Tuesday, January 29, 2008 12:21 PM
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Cc: Nancy Manly; Sen. Bill Wielechowski; Suzanne Hancock
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Legislative Aide
Sen. Bill Wielechowski
State Capitol, Room 115
Juneau, Alaska 99801
Phone: 907-465-6881
Fax: 907-465-6615

Nancy Manly

From: Will Vandergriff
Sent: Monday, January 28, 2008 12:27 PM
Subject: FW: PRESS RELEASE -- DEMOCRATIC RESOLUTION WOULD TIGHTEN CONFLICT RULES

FYI - WV

From: Frank Ameduri
Sent: Monday, January 28, 2008 12:17 PM
To: Frank Ameduri
Subject: PRESS RELEASE -- DEMOCRATIC RESOLUTION WOULD TIGHTEN CONFLICT RULES

PRESS RELEASE • January 28, 2008

Alaska State Legislature

Representative Berta Gardner (D-Anchorage)

Web: <http://gardner.akdemocrats.org> • Contact: Noah Hanson • Phone: 465-4930 • Fax: 465-3834
E-mail: rep.bertha.gardner@legis.state.ak.us • Mail: State Capitol Bldg. Room 422, Juneau, AK 99801

DEMOCRATIC RESOLUTION WOULD TIGHTEN CONFLICT RULES

Gardner, Kawasaki: 'Time to put teeth in conflict rules'

JUNEAU – Two Democratic legislators have introduced a resolution to buckle down on the conflict of interest problems that have generated debate in the Legislature and garnered so much press in recent months.

The current Uniform Rule 34(b) requires a legislator to declare a conflict. A single objection from a member of the body is enough to require the conflicted legislator to participate in the vote. Rep. Berta Gardner (D-Anchorage) and Rep. Scott Kawasaki (D-Fairbanks) have introduced HCR 18 to end that practice, and to finally address the issue of significant conflicts adequately.

The resolution would revise the uniform rule by placing the final decision in the hands of the majority and minority leaders. Once a legislator declares a conflict before a floor vote, the two caucus leaders must decide whether or not the conflicted legislator may abstain from the vote. The only way for the legislator to vote is if both leaders declare there is no substantial conflict.

"The legislature needs reform on this issue," Gardner said. "The way the current rules are set up, it is virtually impossible to have a legislator abstain from voting, even when there is a substantial conflict of interest."

Gardner is the prime sponsor of the bill, and Kawasaki is a co-sponsor.

"Legislators with a conflict of interest on a specific bill should not be forced to vote," Kawasaki said.
"Our current system does not work. This is the fix."

HCR 18 has been referred to the State Affairs and Rules committees.

NOTE: TO CONTACT REP. SCOTT KAWASAKI, CALL (907) 465-3466. TO CONTACT REP. BETTA GARDNER, CALL (907) 465-4930.

###

HCR

20

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 29, 2008

FURTHER REFERRALS:

Date of Committee Action: 3-6-08

The STATE AFFAIRS Committee considered:

HCR 20

HOUSE CONCURRENT RESOLUTION NO. 20

RESIDENTIAL FIRE SPRINKLER SYSTEMS

Encouraging the installation of fire sprinkler systems in residences.

Recommends it be replaced with HCS or CS for HCR 20 (STA)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LWF
 LAW
 LEG
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
LEG	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Craig Johnson</i>	Johnson			X	
<i>Kyle B. Johansen</i>	JOHANSEN			X	
<i>Max L. Lundberg</i>	Lundberg			✓	
<i>Don Doll</i>	Doll			✓	
Chair: <i>Michelle Rios</i>	Rios			X	
Chair:					

CS FOR HOUSE CONCURRENT RESOLUTION NO. 20(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE SEATON

A RESOLUTION

1 Encouraging the installation of fire sprinkler systems in residences.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 WHEREAS statistics show that the state suffers many fatalities along with millions of
4 dollars of property loss because of residential structure fires, with the statistics climbing each
5 year; and

6 WHEREAS national studies by the United States Fire Administration indicate that the
7 installation of residential fire sprinkler systems could have saved thousands of lives,
8 prevented injuries, and eliminated hundreds of millions of dollars in property losses; and

9 WHEREAS establishing a program to encourage installation of residential fire
10 sprinkler systems is likely to reduce the incidence of fire and should be reflected in insurance
11 rates for residences where fire sprinkler systems are installed; and

12 WHEREAS the state fire marshal plans to establish a model program to recognize
13 that installing residential fire sprinkler systems reduces fire hazard and to rate residences
14 based on sprinkler system coverage using platinum, gold, and silver stars to recognize various
15 levels of sprinkler coverage; and

16 WHEREAS installing fire sprinkler systems covering identified residential ignition,

1 sources will reduce the incidence of residential fires in rural and suburban areas of the state;
2 and

3 **WHEREAS** a plumber can install sprinkler systems covering identified ignition
4 sources and can verify the existence of residential fire sprinkler systems to the state fire
5 marshal; and

6 **WHEREAS** the installation of residential fire sprinkler systems will help reduce the
7 burden on local fire departments and local fire service areas; and

8 **WHEREAS** the installation of residential fire sprinkler systems will provide added
9 protection for the state's most vulnerable residents: children, senior citizens, and persons with
10 disabilities;

11 **BE IT RESOLVED** that the Alaska State Legislature encourages the state fire
12 marshal to formalize the model residential fire sprinkler system program as a statewide
13 program; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature encourages the insurance
15 industry to recognize the benefits of increased fire protection by lowering insurance rates
16 based on the statewide residential safety star program implemented by the state fire marshal;
17 and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature encourages the division of
19 insurance to recognize incentives for homeowners that encourage installation of residential
20 fire sprinkler systems to help reduce the incidence of residential fires in the state; and be it

21 **FURTHER RESOLVED** that the Alaska State Legislature encourages the
22 Department of Labor and Workforce Development, working with the state fire marshal and
23 other groups, to train and certify plumbers and others to install or certify residential fire
24 sprinkler systems.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone (907) 465-4931
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Toll Free (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone (907) 269-0205
Fax (907) 269-0207

FAX

To: Legal Services *Dennis*

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

Phone: 907-465-4931
Fax: 907-465-4316

*Revised
3/10/08 3:12 pm*

Re: HCR 20 Residential Fire Sprinkler Systems

3-6-08

HCR 20 passed out of the House State Affairs Committee this morning as amended. Please draft a final CS for HCR 20 with the following Conceptual Amendment.

Conceptual Amendment #1 (Gruenberg)
Language to read on Page 2, Lines 21 through 24:

"FURTHER RESOLVED that the Alaska State Legislature encourages the Department of Labor and Workforce Development, working with the state fire marshal and other groups, to train and certify ~~licensed~~ plumbers and others to install residential fire sprinkler systems."

delete

*insert
or certify*

*Dennis -
This is how it should read.
You can send it over in final CS*

```

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X
X
X           TRANSACTION REPORT
X
X                                     MAR-06-2008 03:13 AM
X   FOR: REP LYNN                      4654316
X
X-----X
X   SEND
X
X   DATE   START   RECEIVER          PAGES   TIME   NOTE
X-----X-----X-----X-----X-----X-----X-----X-----X
X   MAR-06 03:12 AM 2029                1      30"  OK
X-----X-----X-----X-----X-----X-----X-----X-----X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

```

2nd OK

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HCR 20
(H) Publish Date: 2/29/08

Identifier (file name) _____ Dept. Affected _____
Title Residential Fire Sprinkler Systems RDU _____
Sponsor _____ Component _____
Requester Rep. Paul Seaton Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Eleanor Wolfe, Staff, L&C Committee
Division: Legislature
Approved by: Rep. Kurt Olson, Chairman

Phone: _____
Date/Time: 2/26/08 12:00 AM
Date: _____

Concept paper provided to Rep. Paul Seaton on 1/11/06 by DPS
--for more info, contact Gary Powell, SFM at 269-5491

Residential Fire Sprinkler Incentive Program

It is the policy of the Alaska State Fire Marshal to recognize levels of fixed fire protection installed in single family dwellings in the state. This recognition program shall be called the Residential Safety Star Program. To attain the appropriate level of recognition, the fixed protection system shall be installed by qualified installers, permitted by the SFMO under 13 AAC 50.035, or otherwise approved by the manufacturer with concurrence of the SFMO.

The levels of protection recognized under this program shall be as outlined below:

- **Platinum Star** – Complete automatic fire sprinkler system as per NFPA 13R.
- **Gold Star** – Complete automatic fire sprinkler system as per NFPA 13D.
- **Silver Star** – Partial automatic fire sprinkler system as per NFPA 13 R to cover major sources of fire hazard including attached garages, laundry rooms, furnace rooms and kitchens. (Per USFA initiative Residential Fire Sprinkler Initiative)
- **Bronze Star** – Partial automatic fire sprinkler system as per NFPA 13 D to cover major sources of fire hazard including attached garages, laundry rooms, furnace rooms and kitchens. (Per USFA Residential Fire Sprinkler Initiative)

Fine water mist systems installed in compliance with NFPA 750 may be considered an equal to the respective categories above, on a case by case basis.

Jurisdictions receiving a deferral under 13 AAC 50.075 may choose to participate in this program.

Upon installation of a system outlined above, the authorized and permitted installer shall notify the SFMO, who shall then issue the homeowner the appropriate certificate.

Whereas the installation of an automatic sprinkler system will reduce the fire loss in those dwellings, the insurance industry is strongly encouraged to use this rating system as a mechanism to offer insurance premium reductions to individual homeowners.

Whereas the installation of an automatic sprinkler system will reduce the burden on local fire departments, local fire service areas are encouraged to provide the homeowner a reduction in fire service assessments accordingly.

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REPRESENTATIVE Paul Seaton

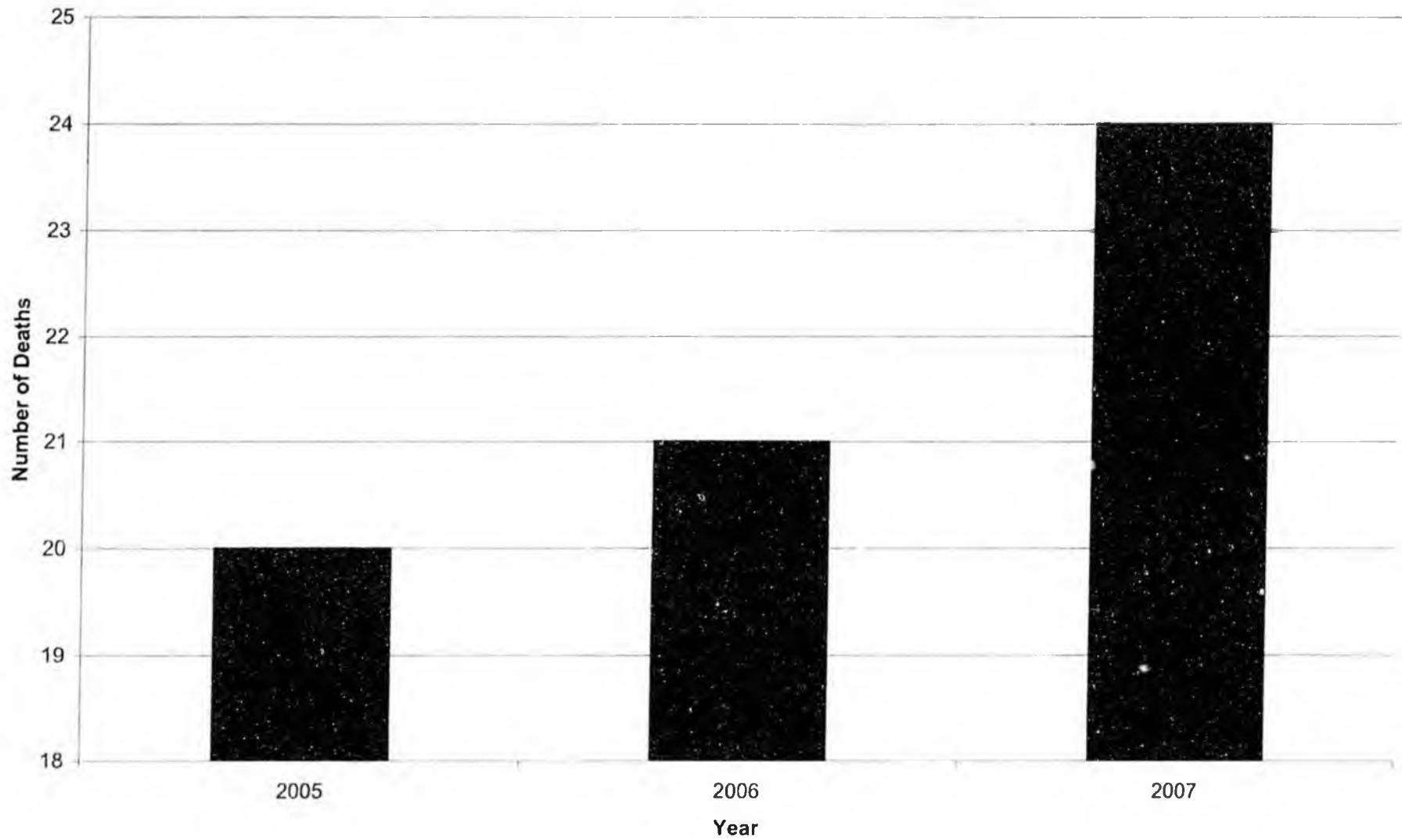
District 35

HCR20

A Resolution encouraging the installation of fire sprinkler systems in residences.

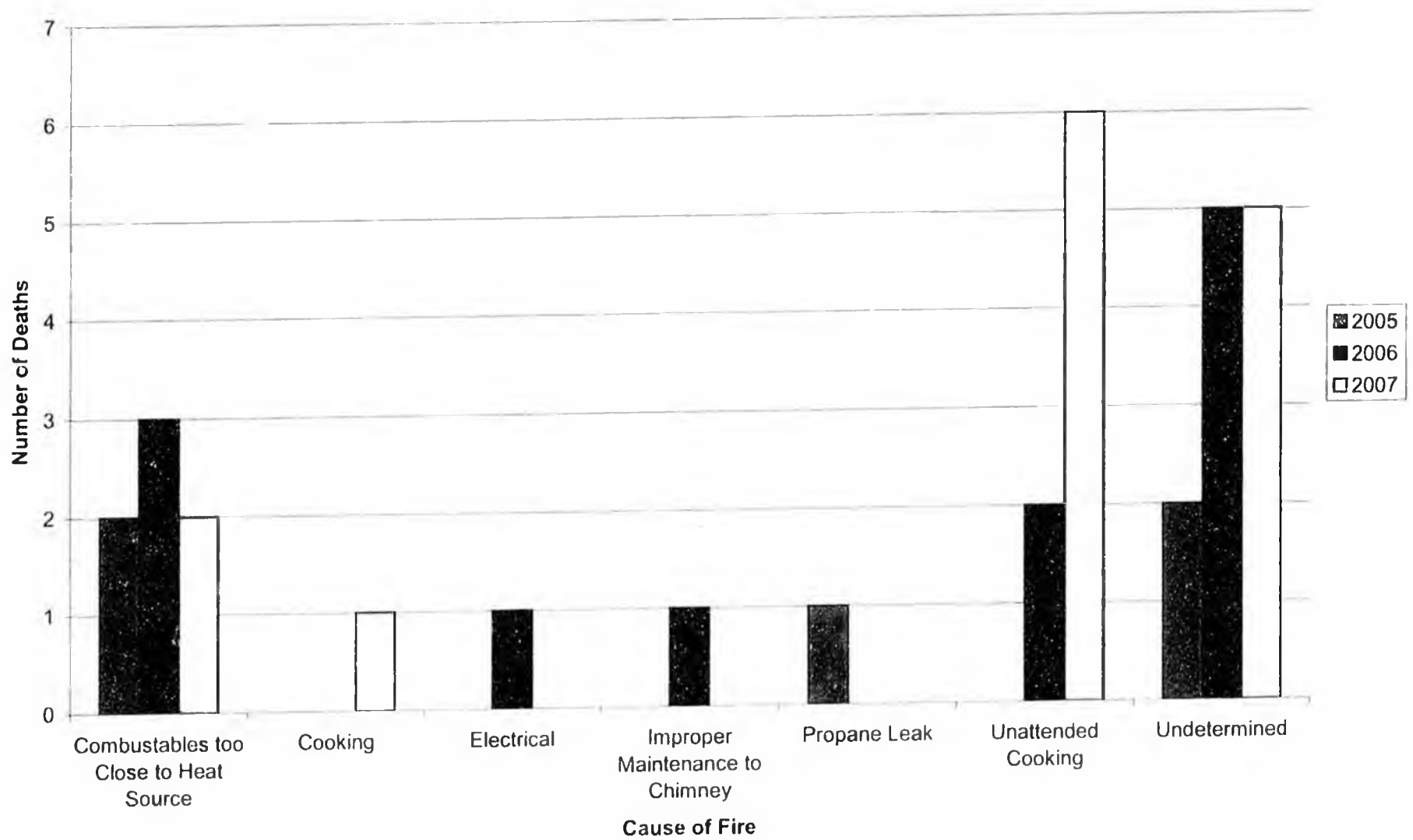
Residential fire sprinkler systems are known to save lives and prevent millions of dollars in property loss. HCR 20 encourages the State agencies and the Insurance industry to provide graduated incentives for partial and full residential sprinkler coverage. It asks that the Fire Marshall come up with a program that would rate residences based on sprinkler coverage within the home. This program would allow home owners to install partial system over known hot spots such as cooking areas and furnace areas and still get some credit. It also asks that The Department of Labor and Workforce Development come up with a program to qualify plumbers to install these systems and asks the insurance industry to recognize this program and provide insurance discounts based on the Fire Marshall's program.

Fire Deaths Year Comparison



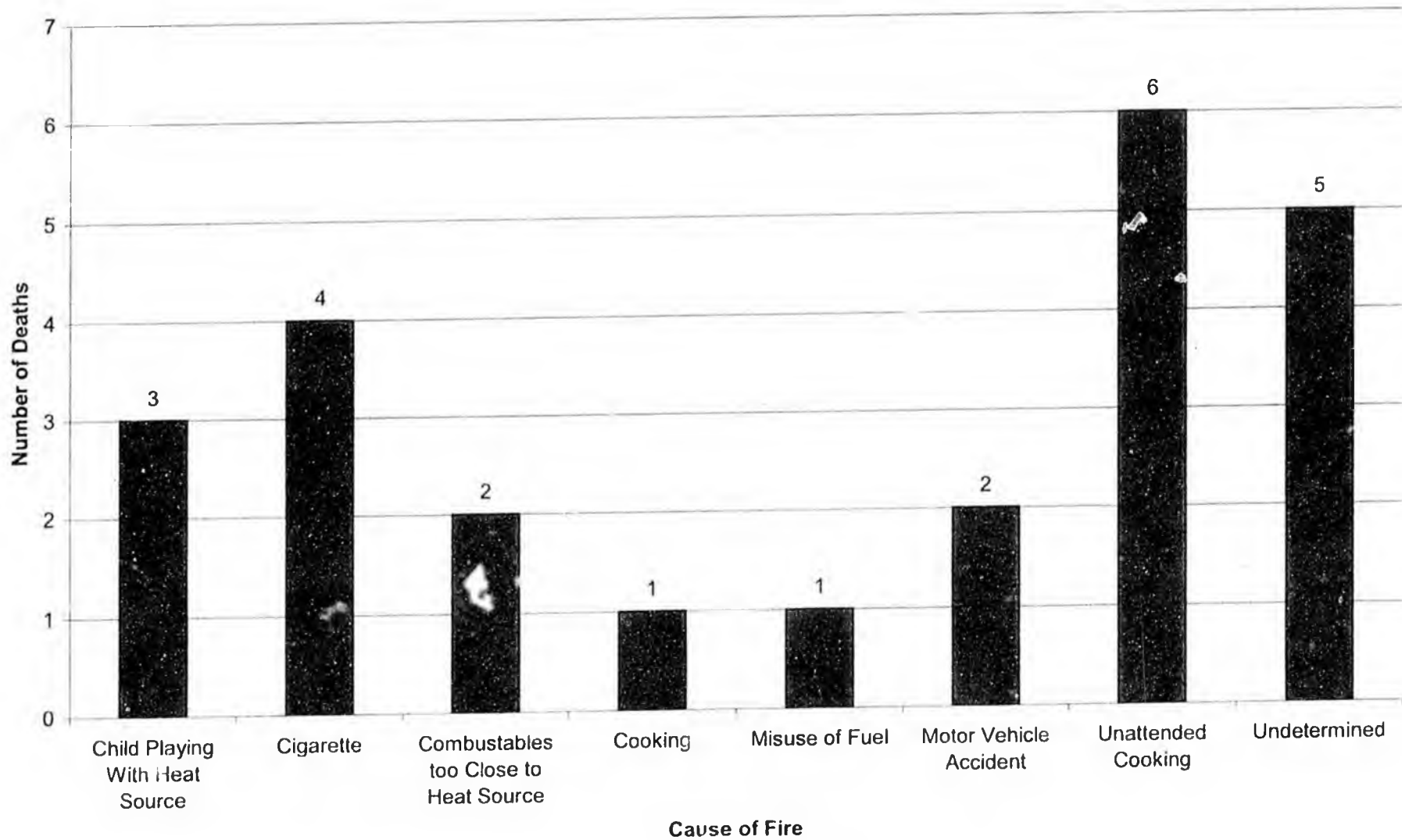
Prepared by the office of Rep. Seaton

Applicable Fire Cause Comparison (2005-07)



Prepared by the Office of Paul Sexton

2007 Cause of Fire



Prepared by the office of Paul Sexton