AN ACT

Relating to the applicability of the Legislative Ethics Act to legislative interns, legislative volunteers, legislative consultants, legislative independent contractors, sole proprietorships, and other legal entities; and excluding contractors and persons who work for contractors from participating in certain benefit plans provided by the state, certain political subdivisions, or certain public organizations based on performing fee-based or contract services.

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

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to the applicability of the Legislative Ethics Act to legislative interns, legislative volunteers, legislative consultants, legislative independent contractors, sole proprietorships, and other legal entities; and excluding contractors and persons who work for contractors from participating in certain benefit plans provided by the state, certain political subdivisions, or certain public organizations based on performing fee-based or contract services.

* Section 1. AS 24.60.112 is repealed and reenacted to read:

Sec. 24.60.112. Applicability to legislative interns, volunteers, consultants, and independent contractors. (a) A legislative intern or legislative volunteer shall comply with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, and 24.60.155, and the committee shall apply AS 24.60.158 - 24.60.170, 24.60.176, and 24.60.178 to a legislative intern or legislative volunteer.
(b) A legislative consultant or legislative independent contractor shall comply with AS 24.60.030(a)(1) and (3), 24.60.031(a), 24.60.033, 24.60.060, and 24.60.080(a), (c)(1) - (6), (g), and (j), and the committee shall apply AS 24.60.158 - 24.60.170, 24.60.176, and 24.60.178 to a legislative consultant or legislative independent contractor.

(c) If a person believes that a legislative intern, legislative volunteer, legislative consultant, or legislative independent contractor has violated a provision of this chapter that is made applicable by this section, the person may file a complaint under AS 24.60.170.

* Sec. 2. AS 24.60.134(c) is amended to read:

(c) A person under contract to provide personal services to the committee who does so as [IS] part of a sole proprietorship, corporation, [OR] partnership, or other legal entity that includes individuals who will not be participating directly in the work performed by the entity for the committee may request the committee to exclude members of the entity from some or all of the provisions of this section. The committee may grant the request if it finds that

(1) doing so will not lead to the appearance that the committee is subject to undue political influence; and

(2) [IF] there is no appearance of impropriety.

* Sec. 3. AS 24.60.990(a)(11) is amended to read:

(11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for providing regular or substantial personal services, regardless of the person's pay level or technical status as full time or part time; "legislative employee" [A FULL-TIME OR PART-TIME EMPLOYEE, INDEPENDENT CONTRACTOR, OR CONSULTANT; IT INCLUDES PUBLIC MEMBERS AND STAFF OF THE COMMITTEE; IT] does not include legislative interns, legislative volunteers, legislative consultants, legislative independent contractors, individuals who perform functions that are incidental to legislative functions, and other employees designated by the committee;

* Sec. 4. AS 39.35 is amended by adding a new section to read:

Sec. 39.35.605. Contractors and employees of contractors excluded from
plan. (a) A person or legal entity providing services to the state or to a political subdivision or public organization on a contractual or fee basis may not participate as an employer in the plan based on those services.

(b) A person may not participate in the plan as an employee or member as the result of performing work for a person providing services under (a) of this section.

* Sec. 5. AS 39.35 is amended by adding a new section to read:

Sec. 39.35.956. Contractors and employees of contractors excluded from plan. (a) A person or legal entity providing services to the state or to a political subdivision or public organization on a contractual or fee basis may not participate as an employer in the plan based on those services.

(b) A person may not participate in the plan as an employee or member as the result of performing work for a person providing services under (a) of this section.

* Sec. 6. AS 39.35.990(16) is amended to read:

(16) "member" or "employee" means a person who is eligible to participate in the plan and who is covered by the plan, including the governor, the lieutenant governor, and a member of the legislature, but does not include

(A) a full-time or part-time instructor [INSTRUCTORS] of the Department of Labor and Workforce Development or [AND] the Department of Education and Early Development in a position [POSITIONS] that requires [REQUIRE] a teaching certificate; or

(B) a person who is compensated on a contractual or fee basis;

* Sec. 7. AS 39.35.990(17) is amended to read:

(17) "membership service" means full-time or part-time employment of a member or employee with an employer in the plan;

* Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 39.35.605, enacted by sec. 4 of this Act, AS 39.35.956, enacted by sec. 5 of this Act, AS 39.35.990(16), as amended by sec. 6 of this Act, and AS 39.35.990(17), as amended by sec. 7 of this Act, apply to contracts entered into on or after the effective date of secs. 4 - 7 of this Act.
* Sec. 9. The uncodified law of the State of Alaska is amended by adding a new section to read:

SEVERABILITY. If a final decision by a court of competent jurisdiction finds that this Act violates the state constitutional requirement under art. II, sec. 13, Constitution of the State of Alaska, requiring that every bill shall be confined to one subject, then AS 39.35.605, enacted by sec. 4 of this Act, AS 39.35.956, enacted by sec. 5 of this Act, AS 39.35.990(16), as amended by sec. 6 of this Act, AS 39.35.990(17), as amended by sec. 7 of this Act, and sec. 8 of this Act are severed from this Act, and the remainder of this Act and the application to other persons or circumstances are not affected.