

ETHICS COMMITTEE MEETING
January 21, 2015

ITEM 10. Contractor Subcommittee Report

- Draft of committee minutes from November 10 & 19, 2014.
- Proposed draft of legislation

A report will be given by the Contractor Subcommittee.

ACTION: Discussion to determine course of action.

Alaska State Legislature

Select Committee on Legislative Ethics

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Anchorage AK

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DRAFT

MINUTES

November 10, 2014, 10 a.m.

McKinley Building, 2nd Floor Conference Room

733 West 4th Avenue

Anchorage, AK

CONTRACTOR SUBCOMMITTEE MEETING:

1. **MEMBERS PRESENT:** Senator Berta Gardner, Representative Andy Josephson, Representative Chris Tuck, Joyce Anderson, Jerry Anderson, and H. Conner Thomas
2. **DISCUSSION:** Members identified the problem with having contractors and consultants in the definition of legislative employee. Members reviewed various state approaches to this problem and established a consensus that creating a new definition for independent contractors and consultants was the cleanest and most efficient way to move forward.

The committee was asked to suggest which statutes were most appropriate for independent contractors and consultants.

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MINUTES

November 19, 2014, 9 a.m.

McKinley Building, 2nd Floor Conference Room
733 West 4th Avenue
Anchorage, AK

CONTRACTOR SUBCOMMITTEE MEETING:

1. **MEMBERS PRESENT:** Senator Berta Gardner, Representative Andy Josephson, Representative Chris Tuck, Ethics Administrator Joyce Anderson, Ethics Administrator Jerry Anderson, and Public Member H. Conner Thomas; Teleconference: Dan Wayne, Legislative Legal
2. **DISCUSSION:** Committee discussed suggested statutes to be applied to independent contractors and consultants. Committee members agreed to move forward with statutes generally applied to interns and volunteers with some modifications to gift and disclosure statutes. Mr. Wayne, in consultation with Ms. Anderson and Mr. Anderson, will draft a bill containing the changes in definition agreed on by the committee. The recommendation will be forwarded to the full Ethics Committee.

29-LS0148\A
Wayne
11/25/14

SENATE BILL NO.**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-NINTH LEGISLATURE - FIRST SESSION****BY****Introduced:****Referred:****A BILL****FOR AN ACT ENTITLED**

1 **"An Act relating to the applicability of the Legislative Ethics Act to legislative interns,**
2 **legislative volunteers, consultants, independent contractors, sole proprietorships, and**
3 **other legal entities."**

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

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

6 **Sec. 24.60.112. Applicability to legislative interns, volunteers, consultants,**
7 **and independent contractors.** (a) A legislative intern or legislative volunteer is a
8 legislative employee for purposes of compliance with AS 24.60.030 - 24.60.039,
9 24.60.060, 24.60.080, 24.60.085, 24.60.155 - 24.60.170, 24.60.176, and 24.60.178.

10 (b) A legislative consultant or legislative independent contractor is a
11 legislative employee for purposes of compliance with AS 24.60.030(a)(1) and (3),
12 24.60.031(a), 24.60.033, 24.60.060, 24.60.080(a), (c)(1) - (6), (g), and (j), 24.60.158 -
13 24.60.170, 24.60.176, and 24.60.178.

14 (c) If a person believes that a legislative intern, legislative volunteer,

1 legislative consultant, or legislative independent contractor has violated a provision of
2 this chapter that is made applicable by this section, the person may file a complaint
3 under AS 24.60.170.

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

5 (c) A person under contract to provide personal services to the committee who
6 does so as [IS] part of a sole proprietorship, corporation, [OR] partnership, or other

7 legal entity that includes individuals who will not be participating directly in the work
8 performed by the entity for the committee may request the committee to exclude
9 members of the entity from some or all of the provisions of this section. The
10 committee may grant the request if it finds that

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

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

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

15 (11) "legislative employee" means a public member of the
16 committee, a staff member of the committee, and a person, other than a legislator,
17 who is compensated by the legislative branch in return for providing regular or
18 substantial personal services, regardless of the person's pay level or technical status as
19 full time or part time; except where expressly provided otherwise by this chapter,
20 "legislative employee" [A FULL-TIME OR PART-TIME EMPLOYEE,
21 INDEPENDENT CONTRACTOR, OR CONSULTANT; IT INCLUDES PUBLIC
22 MEMBERS AND STAFF OF THE COMMITTEE; IT] does not include legislative
23 interns, legislative volunteers, legislative consultants, legislative independent
24 contractors, individuals who perform functions that are incidental to legislative
25 functions, and other employees designated by the committee;