

CS FOR SENATE BILL NO. 24(JUD) am H

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 4/16/16

Offered: 3/2/16

Sponsor(s): SENATOR GARDNER

A BILL

FOR AN ACT ENTITLED

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

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

8 *** Section 1.** AS 24.60.112 is repealed and reenacted to read:

9 **Sec. 24.60.112. Applicability to legislative interns, volunteers, consultants,**
10 **and independent contractors.** (a) A legislative intern or legislative volunteer shall
11 comply with AS 24.60.030 - 24.60.039, 24.60.060, 24.60.080, 24.60.085, and
12 24.60.155, and the committee shall apply AS 24.60.158 - 24.60.170, 24.60.176, and
13 24.60.178 to a legislative intern or legislative volunteer.

1 (b) A legislative consultant or legislative independent contractor shall comply
 2 with AS 24.60.030(a)(1) and (3), 24.60.031(a), 24.60.033, 24.60.060, and
 3 24.60.080(a), (c)(1) - (6), (g), and (j), and the committee shall apply AS 24.60.158 -
 4 24.60.170, 24.60.176, and 24.60.178 to a legislative consultant or legislative
 5 independent contractor.

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

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

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

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

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

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

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

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

31 **Sec. 39.35.605. Contractors and employees of contractors excluded from**

1 **plan.** (a) A person or legal entity providing services to the state or to a political
2 subdivision or public organization on a contractual or fee basis may not participate as
3 an employer in the plan based on those services.

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

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

7 **Sec. 39.35.956. Contractors and employees of contractors excluded from**

8 **plan.** (a) A person or legal entity providing services to the state or to a political
9 subdivision or public organization on a contractual or fee basis may not participate as
10 an employer in the plan based on those services.

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

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

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

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

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

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

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

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

28 APPLICABILITY. AS 39.35.605, enacted by sec. 4 of this Act, AS 39.35.956,
29 enacted by sec. 5 of this Act, AS 39.35.990(16), as amended by sec. 6 of this Act, and
30 AS 39.35.990(17), as amended by sec. 7 of this Act, apply to contracts entered into on or after
31 the effective date of secs. 4 - 7 of this Act.

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

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