

CS FOR HOUSE BILL NO. 62(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 3/9/22

Offered: 4/5/21

Referred: Health and Social Services, Judiciary

Sponsor(s): REPRESENTATIVES CLAMAN, Fields, Kreiss-Tomkins, Schrage, Drummond, Ortiz, Josephson

SENATORS Kiehl, Gray-Jackson, Begich

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Legislative Ethics Act; relating to solemnization of marriage;**
2 **and relating to consent to marriage."**

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

4 * **Section 1.** AS 24.60.030(a) is amended to read:

5 (a) A legislator or legislative employee may not

6 (1) solicit, agree to accept, or accept a benefit other than official
7 compensation for the performance of public duties; this paragraph may not be
8 construed to prohibit

9 **(A)** lawful solicitation for and acceptance of campaign
10 contributions;

11 **(B)** [,] solicitation or acceptance of contributions for a charity
12 event, as defined in AS 24.60.080(a)(2)(B);

13 **(C)** [, OR] the acceptance of a gift under AS 24.60.075 or
14 24.60.080; **or**

(D) a legislator from accepting travel and hospitality primarily for the purpose of solemnizing a marriage under AS 25.05.261(a)(4);

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit

(A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;

(B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;

(C) the legislative council, notwithstanding AS 24.05.190, from designating a public facility for use by legislators and legislative employees for health or fitness purposes; when the council designates a facility to be used by legislators and legislative employees for health or fitness purposes, it shall adopt guidelines governing access to and use of the facility; the guidelines may establish times in which use of the facility is limited to specific groups;

(D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others;

(E) a legislator from use of legislative employees to prepare and send out seasonal greeting cards;

1 (F) a legislator from using state resources to transport
2 computers or other office equipment owned by the legislator but primarily used
3 for a state function;

4 (G) use by a legislator of photographs of that legislator;

5 (H) reasonable use of the Internet by a legislator or a legislative
6 employee except if the use is for election campaign purposes;

7 (I) a legislator or legislative employee from soliciting,
8 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
9 organization in a state facility;

10 (J) a legislator from sending any communication in the form of
11 a newsletter to the legislator's constituents, except a communication expressly
12 advocating the election or defeat of a candidate or a newsletter or material in a
13 newsletter that is clearly only for the private benefit of a legislator or a
14 legislative employee; or

15 (K) full participation in a charity event approved in advance by
16 the Alaska Legislative Council;

17 (3) knowingly seek, accept, use, allocate, grant, or award public funds
18 for a purpose other than that approved by law, or make a false statement in connection
19 with a claim, request, or application for compensation, reimbursement, or travel
20 allowances from public funds;

21 (4) require a legislative employee to perform services for the private
22 benefit of the legislator or employee at any time, or allow a legislative employee to
23 perform services for the private benefit of a legislator or employee on government
24 time; it is not a violation of this paragraph if the services were performed in an
25 unusual or infrequent situation and the person's services were reasonably necessary to
26 permit the legislator or legislative employee to perform official duties;

27 (5) use or authorize the use of state funds, facilities, equipment,
28 services, or another government asset or resource for the purpose of political fund
29 raising or campaigning; this paragraph does not prohibit

30 (A) limited use of state property and resources for personal
31 purposes if the use does not interfere with the performance of public duties and

1 either the cost or value related to the use is nominal or the legislator or
 2 legislative employee reimburses the state for the cost of the use;

3 (B) the use of mailing lists, computer data, or other information
 4 lawfully obtained from a government agency and available to the general
 5 public for nonlegislative purposes;

6 (C) storing or maintaining, consistent with (b) of this section,
 7 election campaign records in a legislator's office;

8 (D) a legislator from using the legislator's private office in the
 9 capital city during a legislative session, and for the 10 days immediately before
 10 and the 10 days immediately after a legislative session, for nonlegislative
 11 purposes if the use does not interfere with the performance of public duties and
 12 if there is no cost to the state for the use of the space and equipment, other than
 13 utility costs and minimal wear and tear, or the legislator promptly reimburses
 14 the state for the cost; an office is considered a legislator's private office under
 15 this subparagraph if it is the primary space in the capital city reserved for use
 16 by the legislator, whether or not it is shared with others; or

17 (E) use by a legislator of photographs of that legislator.

18 * **Sec. 2.** AS 25.05.301 is amended to read:

19 **Sec. 25.05.301. Form of solemnization.** In the solemnization of marriage, no
 20 particular form is required except that the parties shall assent or declare in the
 21 presence of each other and the person solemnizing the marriage [AND IN THE
 22 PRESENCE OF AT LEAST TWO COMPETENT WITNESSES] that they take each
 23 other to be husband and wife. The person solemnizing the marriage must be [A
 24 COMPETENT WITNESS FOR THIS PURPOSE IS] a person of sound mind capable
 25 of understanding the seriousness of the ceremony. At the time of the ceremony, the
 26 person solemnizing the marriage shall complete the certification on the original
 27 marriage certificate. The person solemnizing the marriage and the person verifying
 28 the marriage [TWO ATTENDING WITNESSES] shall sign the original marriage
 29 certificate and the necessary copies. The person verifying the marriage must be 18
 30 years of age or older. The person verifying the marriage shall communicate with
 31 both parties before or after the ceremony, but before signing the original

marriage certificate and the necessary copies, and confirm that each party intends to marry the other party. The person verifying the marriage is not required to witness the ceremony.

* **Sec. 3.** AS 25.05.321 is amended to read:

Sec. 25.05.321. Certificates. The person solemnizing the marriage shall, on the forms provided by the bureau, complete two short-form certificates [,] and, after that person and the person verifying the marriage [TWO WITNESSES] have signed them, give one to each of the parties to the marriage. A church or congregation may design and furnish its own form for this purpose, containing as a minimum the items contained in the form furnished by the bureau. The original marriage certificate shall be filed as required by AS 18.50 (Vital Statistics Act) and regulations adopted under it. The person solemnizing the marriage shall complete the certificate as required and submit it to the local registrar within seven days after [OF] the date the marriage is solemnized.

* **Sec. 4.** AS 25.05.321 is amended by adding a new subsection to read:

(b) The person solemnizing the marriage and the person verifying the marriage shall provide their printed names, mailing and electronic mail addresses, and telephone numbers on the forms provided by the bureau or by a church or congregation.

* **Sec. 5.** AS 25.05.361 is amended to read:

Sec. 25.05.361. Unlawful solemnization of marriage. A person who solemnizes a marriage without first receiving a proper marriage license from the parties as provided in this chapter or without the parties declaring to take each other as husband and wife [, OR WITHOUT REQUIRING THE PRESENCE OF TWO COMPETENT WITNESSES]; or who solemnizes a marriage involving a person under the legal age of marriage without the consent of (1) the licensing official when authorized, or (2) the parents or guardian of the underaged person, being stated in the license; or who solemnizes a marriage knowing of any legal impediment thereto, or who solemnizes a marriage after the expiration of the license, or who falsely certifies to the date of a marriage solemnized by that person is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not more than six months, or by a

1 fine of not more than \$500, or by both.

2 * **Sec. 6.** AS 25.05.041(a)(3), 25.05.041(a)(5), and 25.05.171(b) are repealed.