

SENATE CS FOR CS FOR HOUSE BILL NO. 62(HSS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH AND SOCIAL SERVICES COMMITTEE

Offered: 4/27/22

Referred: 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**

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

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

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

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

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

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

30 (E) a legislator from use of legislative employees to prepare
 31 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 25.05.171(b) is amended to read:

19 (b) A superior court judge may grant permission for a person who has reached
 20 the age of 16 [14] but is under the age of 18 to marry and may order the licensing
 21 officer to issue the license if the judge finds, following a hearing at which the parents
 22 and minor are given the opportunity to appear and be heard, that the marriage is in the
 23 best interest of the minor, **that the other party to the marriage is not more than**
 24 **three years older,** and that either

25 (1) the parents have given their consent; or

26 (2) the parents are

27 (A) arbitrarily and capriciously withholding consent;

28 (B) absent or otherwise unaccountable;

29 (C) in disagreement among themselves on the question; or

30 (D) unfit to decide the matter.

31 * **Sec. 3.** AS 25.05.301 is amended to read:

1 **Sec. 25.05.301. Form of solemnization.** In the solemnization of marriage, no
 2 particular form is required except that the parties shall assent or declare in the
 3 presence of each other and the person solemnizing the marriage [AND IN THE
 4 PRESENCE OF AT LEAST TWO COMPETENT WITNESSES] that they take each
 5 other to be husband and wife. The person solemnizing the marriage must be [A
 6 COMPETENT WITNESS FOR THIS PURPOSE IS] a person of sound mind capable
 7 of understanding the seriousness of the ceremony. At the time of the ceremony, the
 8 person solemnizing the marriage shall complete the certification on the original
 9 marriage certificate. The person solemnizing the marriage and the person verifying
 10 the marriage [TWO ATTENDING WITNESSES] shall sign the original marriage
 11 certificate and the necessary copies. The person verifying the marriage must be 18
 12 years of age or older. The person verifying the marriage shall communicate with
 13 both parties before or after the ceremony, but before signing the original
 14 marriage certificate and the necessary copies, and confirm that each party
 15 intends to marry the other party. The person verifying the marriage is not
 16 required to witness the ceremony.

17 * **Sec. 4.** AS 25.05.321 is amended to read:

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

28 * **Sec. 5.** AS 25.05.321 is amended by adding a new subsection to read:

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

1 congregation.

2 * **Sec. 6.** AS 25.05.361 is amended to read:

3 **Sec. 25.05.361. Unlawful solemnization of marriage.** A person who
 4 solemnizes a marriage without first receiving a proper marriage license from the
 5 parties as provided in this chapter or without the parties declaring to take each other as
 6 husband and wife [, OR WITHOUT REQUIRING THE PRESENCE OF TWO
 7 COMPETENT WITNESSES]; or who solemnizes a marriage involving a person
 8 under the legal age of marriage without the consent of (1) the licensing official when
 9 authorized, or (2) the parents or guardian of the underaged person, being stated in the
 10 license; or who solemnizes a marriage knowing of any legal impediment thereto, or
 11 who solemnizes a marriage after the expiration of the license, or who falsely certifies
 12 to the date of a marriage solemnized by that person is guilty of a misdemeanor, and
 13 upon conviction is punishable by imprisonment for not more than six months, or by a
 14 fine of not more than \$500, or by both.

15 * **Sec. 7.** AS 25.20.020 is amended to read:

16 **Sec. 25.20.020. Arrival at majority upon marriage.** A person arrives at the
 17 age of majority upon being married according to law [, UNLESS THE PERSON IS
 18 UNDER THE MARRIAGEABLE AGE OF CONSENT AS DEFINED IN
 19 AS 25.05.171(a), IN WHICH CASE THE PERSON REACHES MAJORITY UPON
 20 REACHING THE MARRIAGEABLE AGE OF CONSENT].

21 * **Sec. 8.** AS 25.05.041(a)(3), 25.05.041(a)(5), and 25.05.171(a) are repealed.