



# LAWS OF ALASKA

2016

**Source**

CSSB 24(JUD) am H

**Chapter No.**

29

**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.

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

THE ACT FOLLOWS ON PAGE 1



**AN ACT**

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

6  
7 \* **Section 1.** AS 24.60.112 is repealed and reenacted to read:

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