

**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**

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

**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 25.05.301 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**

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

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

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

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

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

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

21 **Sec. 25.05.361. Unlawful solemnization of marriage.** A person who  
 22 solemnizes a marriage without first receiving a proper marriage license from the  
 23 parties as provided in this chapter or without the parties declaring to take each other as  
 24 husband and wife [, OR WITHOUT REQUIRING THE PRESENCE OF TWO  
 25 COMPETENT WITNESSES]; or who solemnizes a marriage involving a person  
 26 under the legal age of marriage without the consent of (1) the licensing official when  
 27 authorized, or (2) the parents or guardian of the underaged person, being stated in the  
 28 license; or who solemnizes a marriage knowing of any legal impediment thereto, or  
 29 who solemnizes a marriage after the expiration of the license, or who falsely certifies  
 30 to the date of a marriage solemnized by that person is guilty of a misdemeanor, and  
 31 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.