



# REPRESENTATIVE ALYSE GALVIN

Serving Alaska House District 14  
Anchorage: Roger's Park, Midtown, Tudor, and Spenard

## HB 298 – Ethics Act Legislation Sectional Analysis

**Section 1.** AS 24.25.010(e) adds the Select Committee on Legislative Ethics to the exemption from requiring the concurrence of the senate president or house speaker before the issuance of subpoenas.

**Section 2.** AS 24.55.330(2) adds both the public members and employees of the Select Committee to the definition of those excluded from the definition of “agency” in the ombudsman’s statutes. By adding the public members and employees of the Select Committee to the definition of “agency”, the ombudsman does not have jurisdiction over their actions.

**Section 3.** AS 24.60.030(a) adds the provision allowing a legislator to use their title as long as the legislator does not take or withhold action in exchange for a private benefit for the legislator or another person.

**Section 4.** AS 24.60.035 adds clarification addressing protection for whistleblowers.

**Section 5.** AS 24.60.080(d) requires a legislator or legislative employee to disclose documentation sufficient to prove that a gift of travel or hospitality of \$250 or more was primarily for the purpose of obtaining information on a matter of legislative concern.

**Section 6.** AS 24.60.130(c) clarifies that a public member of the Select Committee does not include an alternate public member when determining the political makeup of the full committee.

**Section 7.** AS 24.60.130(f) clarifies that the public members of the Select Committee are entitled to per diem and reimbursement of travel expenses consistent with AS 24.10.130(c) which covers legislators and staff.

**Section 8.** AS 24.60.150(b) adds language clarifying the Select Committee’s subpoena power.

**Section 9.** AS 24.60.160(a) clarifies language that the Select Committee may extend the 60 day period for issuing an advisory opinion.

Sections 10 through 25 and 27 address the ethics complaint process.

**Section 10.** AS 24.60.170(b) clarifies and adds consistency to the language in the ethics complaint statute regarding filing a complaint, and establishes a timeline for the committee to acknowledge receipt of the complaint and provide a copy of the complaint to the subject of the complainant. Removes language when a complaint is received during a campaign period (language added to Section 24 of the bill).

**Section 11.** AS 24.60.170(c) clarifies and adds consistency to language addressing the preliminary examination of a complaint and establishes timelines.

**Section 12.** AS 24.60.170(d) clarifies and adds consistency to the language addressing the investigation of a complaint and establishes investigations are confidential, the scope of investigation shall be provided to the subject of the complaint and the complainant shall be notified the Select Committee shall conduct an investigation.

**Section 13.** AS 24.60.170(e) establishes clarity on the expansion of an ethics investigation.

**Section 14.** AS 24.60.170(f) clarifies language regarding a dismissal order.

**Section 15.** AS 24.60.170(g) provides that the Select Committee may issue a written recommendation for corrective action, should the committee determine that a probable violation exists that can be remedied by corrective action, and establishes timelines for the committee and the subject of the complaint.

**Section 16.** AS 24.60.170(h) states if the subject of a complaint fails to comply with a recommendation, the Select Committee shall formally charge the subject as soon as practicable.

**Section 17.** AS 24.60.170(i) clarifies and adds consistency to the language addressing a person formally charged by the Select Committee and allows the subject of the complaint to engage in discovery as soon as the complaint is filed.

**Section 18.** AS 24.60.170(j) clarifies and adds consistency to the language addressing a hearing for a person formally charged by the Select Committee.

**Section 19.** AS 24.60.170(k) clarifies and adds consistency to the language addressing the Select Committee's decision and sanction issuance process following a formal hearing.

**Section 20.** AS 24.60.170(l) repeals section (l) and adds language addressing that a complaint and committee investigation documents are confidential, the subject of a complaint may waive certain confidentiality requirements, the impact of a waiver of confidentiality is clearly established and a "witness" is defined as the subject of the complaint, the complainant, or a person who may give testimony in the matter.

**Section 21.** AS 24.60.170(m) clarifies existing language and adds language stating a Select Committee vote connected to a hearing is confidential.

**Section 22.** AS 24.60.170(r) clarifies and adds consistency to the language addressing that the subject of a complaint may choose to be represented by legal counsel and does not waive confidentiality by choosing to be represented.

**Section 23.** AS 24.60.170 is amended by adding a new subsection (s) addressing the dismissal of a complaint if the complainant violates confidentiality requirements of this section.

**Section 24.** AS 24.60 is amended by adding two new sections. AS 24.60.171 adds language addressing the process for a complaint that is received during a political campaign period; AS 24.60.172 adds language stating Select Committee proceedings are closed pending probable cause determination, the committee shall disclose the names of committee members present for a deliberation or vote on a motion and the outcome was determined by a majority vote with individual votes case by committee members remaining confidential.

**Section 25.** AS 24.60 is amended by adding two new sections. AS 24.60.972 adds language that if the Select Committee finds evidence of a probable violation of election campaign laws, the information shall be transmitted to the Alaska Public Offices Commission; AS 24.60.975 adds language that if the Select Committee finds evidence of probable criminal activity, the information shall be forwarded to the appropriate law enforcement agency.

**Section 26.** AS 24.60.990(a) is amended by adding a new paragraph (17) defining “public member” of the Select Committee.

**Section 27.** AS 24.60.170(o), (p) and (q) are repealed. These sections addressed complaints during a political campaign period which is now addressed in Section 24.

**Section 28.** Provides for an immediate effective date.