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Wayne  
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**SENATE CS FOR HOUSE BILL NO. 298(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES GALVIN, McCabe**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Legislative Ethics Act; relating to legislative subpoenas; relating**  
2 **to the jurisdiction of the office of the ombudsman; and providing for an effective date."**

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

4 **\* Section 1.** AS 24.25.010(e) is amended to read:

5 (e) This section does not apply to the legislative council, [OR TO] the  
6 Legislative Budget and Audit Committee, or the Select Committee on Legislative  
7 Ethics.

8 **\* Sec. 2.** AS 24.55.330(2) is amended to read:

9 (2) "agency" includes a department, office, institution, corporation,  
10 authority, organization, commission, committee, council, or board of a municipality or  
11 in the executive, legislative, or judicial branches of the state government, and a  
12 department, office, institution, corporation, authority, organization, commission,  
13 committee, council, or board of a municipality or of the state government independent  
14 of the executive, legislative, and judicial branches; it also includes an officer,

1 employee, or member of an "agency" acting or purporting to act in the exercise of  
2 official duties, but does not include the governor, the lieutenant governor, a member of  
3 the legislature, the victims' advocate, the staff of the office of victims' rights, **a public**  
4 **member of the Select Committee on Legislative Ethics, an employee of the Select**  
5 **Committee on Legislative Ethics**, a justice of the supreme court, a judge of the court  
6 of appeals, a superior court judge, a district court judge, a magistrate, a member of a  
7 city council or borough assembly, an elected city or borough mayor, or a member of  
8 an elected school board;

9 \* **Sec. 3.** AS 24.60.030(a) is amended to read:

10 (a) A legislator or legislative employee may not

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

14 (A) lawful solicitation for and acceptance of campaign  
15 contributions;

16 (B) solicitation or acceptance of contributions for a charity  
17 event, as defined in AS 24.60.080(a)(2)(B);

18 (C) the acceptance of a gift under AS 24.60.075 or 24.60.080;  
19 or

20 (D) a legislator from accepting reasonable, ordinary, and  
21 customary travel and hospitality primarily for the purpose of solemnizing a  
22 marriage under AS 25.05.261(a)(4);

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

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

31 (B) the use of mailing lists, computer data, or other information

1 lawfully obtained from a government agency and available to the general  
2 public for nonlegislative purposes;

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

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

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

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

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

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

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

29 (J) a legislator from sending any communication in the form of  
30 a newsletter to the legislator's constituents, except a communication expressly  
31 advocating the election or defeat of a candidate or a newsletter or material in a

1 newsletter that is clearly only for the private benefit of a legislator or a  
2 legislative employee; [OR]

3 (K) full participation in a charity event approved in advance by  
4 the Alaska Legislative Council; or

5 (L) a legislator from using the title "Senator" or  
6 "Representative," as appropriate, as long as the legislator does not take or  
7 withhold action in exchange for a private benefit for the legislator or  
8 another person;

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

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

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

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

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

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

31 (D) a legislator from using the legislator's private office in the

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

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

10 \* **Sec. 4.** AS 24.60.035 is amended to read:

11 **Sec. 24.60.035. Protection of whistle blowers. (a)** A legislator or legislative  
12 employee may not, directly or indirectly, subject a person **to reprisal, harassment, or**  
13 **discrimination for reporting** [WHO REPORTS] to the committee or another  
14 government entity conduct the person reasonably believes is a violation of this chapter  
15 or another state law [, TO REPRISAL, HARASSMENT, OR DISCRIMINATION].

16 **(b)** A legislative employee who is discharged, disciplined, involuntarily  
17 transferred, or otherwise penalized by a legislator or another legislative employee in  
18 violation of this **section** [SUBSECTION] may

19 (1) bring a complaint before the committee; and

20 (2) bring a separate civil action in the courts seeking damages,  
21 payment of back wages, reinstatement, or other relief.

22 \* **Sec. 5.** AS 24.60.080(d) is amended to read:

23 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this  
24 section that has a value of \$250 or more or a ticket to a charity event or gift in  
25 connection with a charity event under (c)(10) of this section that has a value of \$250  
26 or more shall disclose to the committee, within 60 days after receipt of the gift, the  
27 name and occupation of the donor and the approximate value of the gift **and, for a gift**  
28 **under (c)(4) of this section, a copy of the agenda or other documentation**  
29 **sufficient to show that the gift was primarily for the purpose of obtaining**  
30 **information on a matter of legislative concern.** A legislator or legislative employee  
31 who accepts a gift under (c)(8) of this section that the recipient expects will have a

1 value of \$250 or more in the calendar year shall disclose to the committee, within 30  
2 days after receipt of the gift, the name and occupation of the donor, a general  
3 description of the matter of legislative concern with respect to which the gift is made,  
4 and the approximate value of the gift. The committee shall maintain a public record of  
5 the disclosures it receives relating to gifts under (c)(4), (c)(8), (c)(10), and (i) of this  
6 section and shall forward the disclosures to the appropriate house for inclusion in the  
7 journal. The committee shall forward to the Alaska Public Offices Commission copies  
8 of the disclosures concerning gifts under (c)(4), (c)(8), (c)(10), and (i) of this section  
9 that it receives from legislators and legislative directors. A legislator or legislative  
10 employee who accepts a gift under (c)(6) of this section that has a value of \$250 or  
11 more shall, within 30 days after receiving the gift, disclose to the committee the name  
12 and occupation of the donor and a description of the gift. The committee shall  
13 maintain disclosures relating to gifts under (c)(6) of this section as confidential records  
14 and may only use, or permit a committee employee or contractor to use, a disclosure  
15 under (c)(6) of this section in the investigation of a possible violation of this section or  
16 in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section  
17 becomes part of the record of a proceeding under AS 24.60.170, the confidentiality  
18 provisions of that section apply to the disclosure.

19 \* **Sec. 6.** AS 24.60.130(c) is amended to read:

20 (c) **Not** [NO] more than one public member may be a former legislator and  
21 **not** [NO] more than two public members of the committee may be members of the  
22 same political party. **In this subsection, "public member" does not include an**  
23 **alternate public member.**

24 \* **Sec. 7.** AS 24.60.130(f) is amended to read:

25 (f) The committee may contract for professional services and may employ  
26 staff as it considers necessary. A committee employee, including a person who  
27 provides personal services under a contract with the committee, may not be a  
28 legislator, an elected or appointed official of a state or local governmental entity, an  
29 officer of a political party, a candidate for public office, or a registered lobbyist. The  
30 legislative council shall provide office space, equipment, and additional staff support  
31 for the committee. The committee shall submit a budget for each fiscal year to the

1 finance committees of the legislature and shall annually submit an estimated budget to  
2 the governor for information purposes in preparation of the state operating budget.  
3 Public members of the committee serve without compensation for members' [THEIR]  
4 services, but are entitled to per diem equal to the per diem adopted by the  
5 legislative council under AS 24.10.130(c) for legislators and reimbursement of  
6 [AND] travel expenses [AUTHORIZED FOR BOARDS AND COMMISSIONS  
7 UNDER AS 39.20.180].

8 \* **Sec. 8.** AS 24.60.150(b) is amended to read:

9 (b) The committee may

10 (1) recommend legislation to the legislature the committee considers  
11 desirable or necessary to promote and maintain high standards of ethical conduct in  
12 government;

13 (2) in a matter before the committee, subpoena witnesses, administer  
14 oaths, [AND] take testimony [RELATING TO MATTERS BEFORE THE  
15 COMMITTEE], and, when authorized by the chair of the committee, subpoena  
16 [MAY REQUIRE] the production [FOR EXAMINATION] of [ANY] books or papers  
17 for examination [RELATING TO ANY MATTER UNDER INVESTIGATION  
18 BEFORE THE COMMITTEE].

19 \* **Sec. 9.** AS 24.60.160(a) is amended to read:

20 (a) On the request of the committee, the Alaska Public Offices Commission, a  
21 person to whom this chapter applies, or a person who has been newly elected to the  
22 legislature, the committee shall issue an advisory opinion within 60 days as to whether  
23 the facts and circumstances of a particular case constitute a violation of ethical  
24 standards. If it finds that it is advisable to do so, the committee may issue an opinion  
25 under this section on the request of a person who reasonably expects to become  
26 subject to this chapter within the next 45 days. The 60-day period for issuing an  
27 opinion may be extended by the committee [IF THE PERSON REQUESTING THE  
28 OPINION CONSENTS].

29 \* **Sec. 10.** AS 24.60.170(b) is amended to read:

30 (b) A complaint may be initiated by any person. The complaint must be in  
31 writing and signed under oath by the complainant, state [PERSON MAKING THE

1 COMPLAINT AND MUST CONTAIN A STATEMENT] that the complainant has  
 2 reason to believe that **the subject of the complaint has violated the Legislative**  
 3 **Ethics Act,** [A VIOLATION OF THIS CHAPTER HAS OCCURRED] and describe  
 4 **the** [ANY] facts **supporting** [KNOWN TO THE COMPLAINANT TO SUPPORT]  
 5 that belief. The committee shall **make a form available for filing a complaint**  
 6 [UPON REQUEST PROVIDE A FORM FOR A COMPLAINT TO A PERSON  
 7 WISHING TO FILE A COMPLAINT]. **The committee shall acknowledge receipt of**  
 8 **a complaint within seven days after receiving the complaint. The** [UPON  
 9 RECEIVING A COMPLAINT, THE] committee shall advise the complainant that the  
 10 committee or the subject of the complaint may ask the complainant to testify at any  
 11 stage of **a** [THE] proceeding **under this section** as to the complainant's belief that the  
 12 subject of the complaint has violated **the Legislative Ethics Act. Within 10 days**  
 13 **after receiving a complaint, the** [THIS CHAPTER. THE COMMITTEE SHALL  
 14 RESPOND TO A COMPLAINT CONCERNING THE CONDUCT OF A  
 15 CANDIDATE FOR ELECTION TO STATE OFFICE RECEIVED DURING THE  
 16 CAMPAIGN PERIOD IN ACCORDANCE WITH (o) OF THIS SECTION. THE  
 17 COMMITTEE SHALL TREAT A COMPLAINT CONCERNING THE CONDUCT  
 18 OF A CANDIDATE FOR ELECTION TO STATE OFFICE THAT IS PENDING AT  
 19 THE BEGINNING OF A CAMPAIGN PERIOD IN ACCORDANCE WITH (p) OF  
 20 THIS SECTION. THE] committee shall [IMMEDIATELY] provide a copy [OF THE  
 21 COMPLAINT] to the [PERSON WHO IS THE] subject of the complaint.

22 \* **Sec. 11.** AS 24.60.170(c) is amended to read:

23 (c) **Within 10 days after receiving** [WHEN THE COMMITTEE  
 24 RECEIVES] a complaint under (a) of this section, **committee** [IT MAY ASSIGN  
 25 THE COMPLAINT TO A STAFF PERSON. THE] staff [PERSON] shall conduct a  
 26 preliminary examination of the complaint and advise the committee whether the  
 27 allegations of the complaint, if true, constitute a violation of this chapter and whether  
 28 there is credible information to indicate [THAT] a further investigation and **a**  
 29 proceeding **under this subsection** is warranted. The **advice** [STAFF  
 30 RECOMMENDATION] shall be based on [THE] information and evidence **that are**  
 31 **part of** [CONTAINED IN] the complaint **or received from** [AS SUPPLEMENTED

1 BY] the complainant **or** [AND BY] the subject of the **complaint after a request**  
2 [COMPLAINT, IF REQUESTED TO DO SO] by **committee** [THE] staff  
3 [MEMBER]. The committee shall consider the **advice** [RECOMMENDATION OF  
4 THE STAFF MEMBER, IF ANY,] and **may ask the complainant or the subject of**  
5 **the complaint to provide clarification or additional information before the**  
6 **committee makes a determination under this subsection** [SHALL DETERMINE  
7 WHETHER THE ALLEGATIONS OF THE COMPLAINT, IF TRUE,  
8 CONSTITUTE A VIOLATION OF THIS CHAPTER]. **The complainant and the**  
9 **subject of the complaint are not obligated to provide the clarification or**  
10 **additional information.** If the committee determines that the allegations, if **true, do**  
11 [PROVEN, WOULD] not **constitute a violation of this chapter** [GIVE RISE TO A  
12 VIOLATION], that the complaint is frivolous on its face, that there is insufficient  
13 credible information **available or discoverable** [THAT CAN BE UNCOVERED] to  
14 **support** [WARRANT] further investigation by the committee, or that the committee's  
15 lack of jurisdiction is apparent on the face of the complaint, the committee shall  
16 dismiss the complaint and [SHALL] notify the complainant and the subject of the  
17 complaint of the dismissal. [THE COMMITTEE MAY ASK THE COMPLAINANT  
18 TO PROVIDE CLARIFICATION OR ADDITIONAL INFORMATION BEFORE IT  
19 MAKES A DECISION UNDER THIS SUBSECTION AND MAY REQUEST  
20 INFORMATION CONCERNING THE MATTER FROM THE SUBJECT OF THE  
21 COMPLAINT. NEITHER THE COMPLAINANT NOR THE SUBJECT OF A  
22 COMPLAINT IS OBLIGATED TO PROVIDE THE INFORMATION.] A  
23 proceeding conducted under this subsection **is confidential. Documents** [,  
24 DOCUMENTS] that are part of a proceeding **conducted under this subsection** [,]  
25 and a dismissal under this subsection are confidential **unless the subject of the**  
26 **complaint waives confidentiality** as provided in (l) of this section [UNLESS THE  
27 SUBJECT OF THE COMPLAINT WAIVES CONFIDENTIALITY AS PROVIDED  
28 IN THAT SUBSECTION].

29 \* **Sec. 12.** AS 24.60.170(d) is amended to read:

30 (d) If the committee determines that some or all of the allegations of a  
31 complaint, if **true**, [PROVEN, WOULD] constitute a violation of this chapter, or if the

1 committee has initiated a complaint, the committee shall investigate the complaint [,  
2 ON A CONFIDENTIAL BASIS]. Before investigating [BEGINNING AN  
3 INVESTIGATION OF] a complaint, the committee shall adopt a resolution defining  
4 the scope of the investigation. The committee shall provide a [A] copy of the [THIS]  
5 resolution [SHALL BE PROVIDED TO THE COMPLAINANT AND] to the subject  
6 of the complaint and notify the complainant of the investigation. As part of the  
7 [ITS] investigation, the committee shall give [AFFORD] the subject of the complaint  
8 an opportunity to explain the conduct alleged to constitute [BE] a violation of this  
9 chapter. The investigation is confidential.

10 \* **Sec. 13.** AS 24.60.170(e) is amended to read:

11 (e) If, during the investigation under (d) of this section, the committee  
12 discovers facts that justify expanding [AN EXPANSION OF] the investigation and  
13 possibly adding new [THE POSSIBILITY OF ADDITIONAL] charges to  
14 [BEYOND THOSE CONTAINED IN] the complaint, the committee shall amend the  
15 resolution adopted under [DESCRIBED IN] (d) of this section [SHALL BE  
16 AMENDED ACCORDINGLY] and provide a copy of the amended resolution  
17 [SHALL BE PROVIDED] to the subject of the complaint.

18 \* **Sec. 14.** AS 24.60.170(f) is amended to read:

19 (f) If the committee determines after investigation that there is not probable  
20 cause to believe [THAT] the subject of the complaint has violated this chapter, the  
21 committee shall dismiss the complaint. The committee may also dismiss portions of a  
22 complaint if it finds no probable cause to believe that the subject of the complaint has  
23 violated this chapter as alleged in those portions. The committee shall issue an order  
24 [A DECISION] explaining its dismissal. The committee shall provide a  
25 [COMMITTEE DELIBERATIONS AND VOTE ON THE DISMISSAL ORDER  
26 AND DECISION ARE NOT OPEN TO THE PUBLIC OR TO THE SUBJECT OF  
27 THE COMPLAINT. A] copy of the [DISMISSAL] order to dismiss [AND  
28 DECISION SHALL BE SENT] to the complainant and to the subject of the complaint.  
29 Notwithstanding (l) of this section, the [A DISMISSAL] order to dismiss [AND  
30 DECISION] is open to inspection and copying by the public after the order is  
31 adopted.

1 \* **Sec. 15.** AS 24.60.170(g) is amended to read:

2 (g) If the committee [INVESTIGATION] determines that a probable violation  
3 of this chapter exists that may be corrected by action of the subject of the complaint  
4 and [THAT] does not warrant sanctions other than correction, the committee may  
5 issue **a decision and written recommendation that the subject of the complaint**  
6 **take** [AN OPINION RECOMMENDING] corrective action **within 20 days. The**  
7 **recommendation** [. THIS OPINION] shall be provided to the complainant and to the  
8 subject of the complaint [,] and is open to inspection by the public. **Whether the**  
9 **recommended corrective action is taken or not, the subject of the complaint may,**  
10 **within** [WITHIN] 20 days after receiving the **recommendation,** [OPINION, THE  
11 SUBJECT OF THE COMPLAINT MAY] request a confidential meeting with the  
12 committee. **The** [AT WHICH MEETING THE] committee shall **meet with the**  
13 **complainant within 10 days after receiving the request or as soon as practicable,**  
14 **whichever is later, and** explain the reasons for **the recommendation** [ITS  
15 RECOMMENDATIONS]. The committee may **share** [DIVULGE] confidential  
16 information **with** [TO] the subject of the complaint. The **shared** information remains  
17 confidential **under (I) of this section.** [THE SUBJECT OF THE COMPLAINT MAY  
18 COMPLY WITH THE OPINION OR MAY REQUEST A HEARING BEFORE THE  
19 COMMITTEE UNDER (j) OF THIS SECTION. AFTER THE HEARING, THE  
20 COMMITTEE MAY AMEND OR AFFIRM THE OPINION.] If the subject of the  
21 complaint [AGREES TO COMPLY WITH THE OPINION BUT LATER] fails to  
22 complete the **recommended** corrective action **within 10 days after the confidential**  
23 **meeting** [IN A TIMELY MANNER], the committee may formally charge the **subject**  
24 **of the complaint** [PERSON] as provided in (h) of this section or [MAY] refer the  
25 matter to the appropriate house of the legislature, in the case of a legislator, or, in the  
26 case of a legislative employee, **refer the matter** to the employee's appointing  
27 authority. The appropriate house of the legislature or the appointing authority, as  
28 appropriate, may **act** [TAKE ACTION] to enforce the **committee's recommendation**  
29 [CORRECTIVE ACTION] or may decline to take action and refer the matter **back** to  
30 the committee. In either **instance** [CASE], the committee may formally charge the  
31 **subject of the complaint** [PERSON] under (h) of this section.

1 \* **Sec. 16.** AS 24.60.170(h) is amended to read:

2 (h) If the subject of a complaint fails to comply with **a recommendation**  
3 **received under (g) of this section** [AN OPINION] and the committee decides under  
4 (g) of this section to charge the person, or, if the committee determines after  
5 investigation **under (d) of this section** that there is probable cause to believe [THAT]  
6 the subject of the complaint has committed a violation of this chapter that may require  
7 sanctions instead of or in addition to corrective action, the committee shall formally  
8 charge the person **as soon as practicable**. The charge shall be served on the person  
9 charged, in a manner consistent with the service of summons under the rules of civil  
10 procedure, and a copy of the charge shall be sent to the complainant. The person  
11 charged may file a responsive pleading to the committee admitting or denying some or  
12 all of the allegations of the charge.

13 \* **Sec. 17.** AS 24.60.170(i) is amended to read:

14 (i) A person charged under (h) of this section may engage in discovery in a  
15 manner consistent with the Alaska Rules of Civil Procedure. The committee may  
16 adopt procedures that

17 (1) impose reasonable restrictions on the time for [THIS] discovery  
18 and [ON] the materials that may be discovered;

19 (2) **allow** [PERMIT A PERSON WHO IS] the subject of a complaint  
20 to engage in discovery **as soon as a complaint is filed** [AT AN EARLIER STAGE  
21 OF THE PROCEEDINGS];

22 (3) impose reasonable restrictions, **in addition to restrictions**  
23 **imposed under (l) of this section**, on the release of information **acquired** [THAT  
24 THE SUBJECT OF A COMPLAINT ACQUIRES] from the committee in the course  
25 of discovery, or **acquired** [ON INFORMATION OBTAINED] by use of the  
26 committee's authority, in order to protect the privacy of persons not under  
27 investigation [TO WHOM THE INFORMATION PERTAINS]; however, the  
28 committee may not impose restrictions **under this subsection** on the release of  
29 information by the subject of the complaint unless the complainant **agrees** [HAS  
30 AGREED] to be bound by similar restrictions and **does** [HAS] not **make** [MADE]  
31 public [THE] information [CONTAINED] in the complaint **or** [, INFORMATION]

1 about the complaint, **including** [OR] the fact [OF FILING] the complaint **was filed**.

2 \* **Sec. 18.** AS 24.60.170(j) is amended to read:

3 (j) If the committee has issued a formal charge under (h) of this section [,] and  
4 [IF] the person charged has not admitted the allegations of the charge, the committee  
5 shall schedule a hearing on the charge. The committee may appoint **a person who**  
6 **does not advise the committee, except in the course of presenting cases under this**  
7 **section,** [AN INDIVIDUAL] to present the case against the **subject of the complaint**  
8 [PERSON CHARGED IF THAT INDIVIDUAL DOES NOT PROVIDE OTHER  
9 LEGAL ADVICE TO THE COMMITTEE EXCEPT IN THE COURSE OF  
10 PRESENTING CASES UNDER THIS SUBSECTION]. The **committee shall**  
11 **schedule a** hearing [SHALL BE SCHEDULED FOR A] date **that is** more than 20 and  
12 **fewer** [LESS] than 90 days after service of the charge on the **subject of the complaint**  
13 [PERSON CHARGED], unless the committee schedules a later hearing date. If the  
14 complainant prevents the hearing from starting **until after the date scheduled by the**  
15 **committee** [BEFORE THE 90-DAY DEADLINE PASSES] and a quorum of the  
16 committee determines by vote of a majority of committee members the delay is not  
17 supported by a compelling reason or will result in the person charged being deprived  
18 of a fair hearing, the committee may **order** [DISMISS] the complaint **dismissed** with  
19 prejudice or enter some other order the committee determines is appropriate. At the  
20 hearing, the **subject of the complaint** [PERSON CHARGED] shall have the right to  
21 appear personally before the committee, [TO] subpoena witnesses and require the  
22 production of books or papers relating to the proceedings, [TO] be represented by  
23 counsel, and [TO] cross-examine witnesses. A witness shall testify under oath. The  
24 **hearing is not subject to** [COMMITTEE IS NOT BOUND BY] the rules of evidence,  
25 but the committee's findings must be based upon clear and convincing evidence. **The**  
26 **committee shall record** [TESTIMONY TAKEN AT] the hearing [SHALL BE  
27 RECORDED,] and **maintain** evidence [SHALL BE MAINTAINED].

28 \* **Sec. 19.** AS 24.60.170(k) is amended to read:

29 (k) Following the hearing, the committee shall issue a decision stating whether  
30 or not the subject of the complaint violated this chapter, and explaining the reasons for  
31 **that** [THE] determination. The **committee** [COMMITTEE'S DECISION] may also

1 indicate **in the decision** whether the subject **of the complaint** cooperated with the  
2 committee in [ITS] proceedings **under this section**. If the committee finds **that the**  
3 **subject of the complaint violated this chapter or did not cooperate with**  
4 **proceedings under this section, the committee shall recommend in the decision** [A  
5 VIOLATION, OR LACK OF COOPERATION BY THE SUBJECT, THE  
6 DECISION SHALL RECOMMEND WHAT] sanctions, if any, the committee  
7 believes are appropriate. If **the committee does not hold a hearing under (j) of this**  
8 **section** [THERE HAS NOT BEEN A HEARING] because the **subject of the**  
9 **complaint** [PERSON CHARGED] admitted [TO] the allegations of the charge, the  
10 committee shall issue a decision outlining the facts of the violation and  
11 **recommending sanctions, if any, the committee believes are appropriate**  
12 [CONTAINING A SANCTIONS RECOMMENDATION].

13 \* **Sec. 20.** AS 24.60.170(l) is repealed and reenacted to read:

14 (l) A complaint filed under this section and a dismissal of the complaint are  
15 confidential. The complainant shall keep confidential the filing of the complaint and  
16 the information that is in the complaint. Except as otherwise provided in this section or  
17 as necessary for the committee to administer the requirements of this section,  
18 documents produced or disclosed as a result of an examination by the committee or a  
19 committee investigation under this section are confidential and not subject to  
20 inspection by the public. The confidentiality requirements of this subsection, other  
21 than requirements limiting disclosure of information that might be used to identify a  
22 witness other than the subject of the complaint, may be waived by the subject of the  
23 complaint. If the subject of a complaint waives confidentiality of the complaint under  
24 this subsection, a dismissal of the complaint may be made public and, as long as  
25 information sufficient to disclose the identity of each witness is redacted, the  
26 complaint and documents produced or disclosed as a result of an examination by the  
27 committee, the committee's investigation of the complaint, and documents that are part  
28 of a proceeding under (c) of this section, may be made public. A person may not  
29 disclose names or other information that may be used to identify a witness without the  
30 consent of the witness. A person who is a witness may consent to disclosure of the  
31 person's own name or identifying information. In this subsection, "witness" means the

1 complainant, the subject of the complaint, or a person who may give testimony in the  
2 matter.

3 \* **Sec. 21.** AS 24.60.170(m) is amended to read:

4 (m) All documents issued by the committee after a determination of probable  
5 cause to believe that the subject of a complaint has violated this chapter, including **a**  
6 **recommendation** [AN OPINION RECOMMENDING CORRECTIVE ACTION]  
7 under (g) of this section and a formal charge under (h) of this section, are subject to  
8 public inspection. Hearings of the committee under (j) of this section are open to the  
9 public, and documents presented at a hearing, and motions filed in connection with the  
10 hearing, are subject to inspection by the public. **A deliberation or vote**  
11 [DELIBERATIONS] of the committee following a hearing, **a deliberation or vote**  
12 [DELIBERATIONS] on **a motion** [MOTIONS] filed by **a person charged** [THE  
13 SUBJECT OF A CHARGE] under (h) of this section, and **a deliberation or vote**  
14 [DELIBERATIONS] concerning **an** appropriate **sanction** [SANCTIONS] are  
15 confidential.

16 \* **Sec. 22.** AS 24.60.170(r) is amended to read:

17 (r) At any point in **a proceeding under this section** [THE PROCEEDINGS  
18 WHEN THE SUBJECT OF A COMPLAINT APPEARS BEFORE THE  
19 COMMITTEE], the subject of **the** [A] complaint may choose to be **represented**  
20 [ACCOMPANIED] by **a** legal counsel or **other** [ANOTHER] person who may  
21 [ALSO] present arguments before the committee. The choice of **representation**  
22 [COUNSEL OR ANOTHER PERSON] is not subject to review and approval or  
23 disapproval by the committee. The [CHOICE BY THE] subject of a complaint **does**  
24 **not waive confidentiality by choosing to be represented** [TO BE ACCOMPANIED  
25 UNDER THIS SUBSECTION DOES NOT CONSTITUTE A WAIVER OF ANY  
26 CONFIDENTIALITY PROVISION IN THIS CHAPTER].

27 \* **Sec. 23.** AS 24.60.170 is amended by adding a new subsection to read:

28 (s) If a complainant violates confidentiality required under this section, the  
29 committee shall immediately dismiss the complaint. After the dismissal, the  
30 committee or a person other than the complainant may file a complaint based wholly  
31 or partly on facts alleged in the dismissed complaint.

1 \* **Sec. 24.** AS 24.60 is amended by adding new sections to read:

2 **Sec. 24.60.171. Committee proceedings and campaign periods.** (a) If,  
3 during a campaign period, the committee receives a complaint concerning the conduct  
4 of a candidate for state office who is covered by this chapter, the committee shall  
5 immediately notify the candidate of the complaint, the suspension of the committee's  
6 jurisdiction during the campaign period, and the candidate's right to waive the  
7 suspension of jurisdiction under this subsection. The candidate may, within 11 days  
8 after the committee mails or otherwise sends notice of the complaint to the candidate,  
9 notify the committee that the candidate waives suspension of the committee's  
10 jurisdiction and chooses to have the committee proceed with the complaint under this  
11 section. If the candidate does not act within that time or if the candidate notifies the  
12 committee that the candidate is not waiving suspension of the committee's jurisdiction,  
13 the committee shall return the complaint to the complainant with notice of the  
14 suspension of jurisdiction under this subsection and notice of the complainant's right  
15 to file the complaint after the campaign period ends.

16 (b) Unless the subject of the complaint requests otherwise,

17 (1) when a complaint concerning the conduct of a candidate for state  
18 office is pending before the committee at the beginning of a campaign period and the  
19 committee has not issued formal charges under AS 24.60.170(h), the committee may  
20 consider the complaint but shall treat the complaint as confidential under  
21 AS 24.60.170;

22 (2) the committee may not, during a campaign period, issue a dismissal  
23 order under AS 24.60.170(f), issue a decision and recommendation under  
24 AS 24.60.170(g), or formally charge a person under AS 24.60.170(h).

25 (c) If the committee has formally charged a person under AS 24.60.170(h) and  
26 the charge is still pending when a campaign period begins, the committee shall, unless  
27 the person charged requests otherwise, suspend public hearing of the charge until after  
28 the campaign period ends. However, the parties to the hearing may engage in  
29 discovery under AS 24.60.170(i) during the campaign period.

30 (d) If a hearing under AS 24.60.170(j) has been completed before the  
31 beginning of a campaign period but the committee has not yet issued a decision under

1 AS 24.60.170(k), the committee may issue the decision only after the campaign period  
2 ends, unless the subject of the complaint requests otherwise.

3 (e) In this section, "campaign period" means a period that begins on the later  
4 of 45 days before a primary election in which a legislator or legislative employee is a  
5 candidate for state office or on the day a legislator or legislative employee files as a  
6 candidate for state office, and ends at the end of the day on the earlier of the day

7 (1) that the results of the primary election are certified and made  
8 public, if the candidate does not advance to the general or special election;

9 (2) of the general or special election at which the legislator or  
10 legislative employee is a candidate; or

11 (3) the candidate withdraws from the election.

12 **Sec. 24.60.172. Committee proceedings closed pending probable cause**  
13 **determination.** Unless otherwise required by the Uniform Rules of the Alaska State  
14 Legislature, when a complaint alleging a violation of this chapter has been filed by a  
15 person other than the committee, a committee deliberation or vote is closed to the  
16 complainant, the subject of the complaint, and persons, including legislators, who are  
17 not members or alternate members of the committee. The committee may allow the  
18 subject of the complaint to attend a meeting about the complaint other than a meeting  
19 where the committee deliberates or votes. The committee shall disclose the names of  
20 members present at a meeting where the committee deliberates or votes on a motion  
21 before the committee, and whether the outcome of the motion was determined by a  
22 majority. Tallies of the number of votes cast for or against a motion and the individual  
23 votes cast by committee members are confidential.

24 \* **Sec. 25.** AS 24.60 is amended by adding new sections to read:

25 **Sec. 24.60.972. Referral to criminal law enforcement agency.** If, in the  
26 course of an investigation or probable cause determination under AS 24.60.170, the  
27 committee finds evidence of probable criminal activity, the committee shall transmit a  
28 statement and factual findings limited to that activity to the appropriate law  
29 enforcement agency.

30 **Sec. 24.60.975. Referral to Alaska Public Offices Commission.** If the  
31 committee finds evidence of a probable violation of AS 15.13 by a person who is

1 subject to the Legislative Ethics Act, the committee shall transmit a statement to that  
2 effect and factual findings limited to the probable violation to the Alaska Public  
3 Offices Commission.

4 \* **Sec. 26.** AS 24.60.990(a) is amended by adding a new paragraph to read:

5 (17) "public member" means a member or alternate member of the  
6 committee who is not a member of the legislature.

7 \* **Sec. 27.** AS 24.60.170(o), 24.60.170(p), and 24.60.170(q) are repealed.

8 \* **Sec. 28.** This Act takes effect immediately under AS 01.10.070(c).