

1 IN THE HOUSE

BY MR. METCALFE

2 HOUSE BILL NO. 104

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for a Legislative Budget
7 and Government Committee; providing for the
8 appointment of its Members, their tenure,
9 qualification, and compensation and for
10 supplying them with competent and adequate
11 assistance and facilities; prescribing and
12 defining the powers, duties and functions
13 of such Legislative Budget and Government
14 Committee; making an appropriation; and
15 declaring an emergency."

16 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

17 Section 1. PURPOSE. Recognizing that the Territorial Legis-
18 lature must be adequately informed concerning the organization
19 and operations of Territorial departments, boards, commissions,
20 bureaus and other agencies, and the official conduct of Terri-
21 torial officers and employees, in order to discharge properly the
22 legislative function; and recognizing the obligation of the
23 Territorial Legislature in respect to providing effective super-
24 vision over the conduct of Territorial business; and further re-
25 cognizing that these information gathering and supervisory
26 functions must be on a continuing basis, it is deemed necessary
27 in the public interest to establish a general interim committee,
28 to be known as the Legislative Budget and Government Committee,
29 which shall have the duty to review and examine the organization

1 and operations of the Territorial Government and the official
2 conduct of Territorial officers and employees and to make approp-
3 riate reports and recommendations thereon.

4 Sec. 2. There is hereby established the Legislative Budget
5 and Government Committee, which shall consist of three Senators,
6 appointed by the President of the Territorial Senate and confirm-
7 ed by and with the approval of a majority of the Members of the
8 Senate, and three Representatives, appointed by the Speaker of the
9 House of Representatives and confirmed by and with the approval
10 of a majority of the Members of the House; Provided, however, that
11 whenever possible, the Committee shall include at least two
12 Members from each of the major political parties and at least one
13 Member from each Judicial Division.

14 The Committee shall be constituted, and the Members thereof
15 appointed in the manner herein provided, immediately upon the
16 passage and approval of this Act, and thereafter within ten days
17 following the organization of the Legislature at each succeeding
18 session. The Committee shall enter upon the performance of its
19 duties immediately upon the appointment and confirmation of the
20 Members.

21 The Members shall serve until their successors are appointed
22 and confirmed.

23 Sec. 3. It shall be the duty of the Board of Administration
24 of the Territory of Alaska, with the advice of the Legislative
25 Budget and Government Committee, to supply the Committee with suit-
26 able office space in Juneau. Specifically, the Committee and its
27 staff may have access to the legislative chambers and rooms and
28 may have the use of legislative office equipment and supplies.

29 Sec. 4. The Committee shall have the power to organize and

1 adopt rules for the conduct of its business; to hire, from out-
2 side the membership of the Committee, such counsel, accountants,
3 investigators, stenographic and clerical personnel and other help
4 as it deems necessary and to fix their compensation and terms of
5 employment; to hold hearings, both public and in executive ses-
6 sion, on matters within the purview of the Committee; to admini-
7 ster oaths and examine witnesses; to issue subpoenas requiring
8 the presence of any person, or the production of any record, book
9 of account, correspondence, paper or document, before the Com-
10 mittee; to issue orders relative to such hearings to all officers
11 and employees of the Territory and to every board, commission,
12 bureau and agency thereof; and to incur such other expense and to
13 do whatever else it may deem necessary and advisable to carry out
14 the purposes of this Act.

15 Sec. 5. The Members of the Committee shall receive no sala-
16 ries, but they shall be entitled to receive, while actually en-
17 gaged in the performance of their duties as Members of the Com-
18 mittee, from the appropriation hereinafter provided, a per diem
19 not to exceed \$20.00 per day, and in addition thereto, transporta-
20 tion and necessary expenses; Provided, that no per diem shall be
21 paid hereunder to any Member of the Legislature during the period
22 when the Legislature is in session.

23 Sec. 6. The Committee shall meet immediately upon the ap-
24 pointment and confirmation of its Members for the purpose of or-
25 ganizing. Subsequent meetings shall be held at such times and
26 such places within the Territory of Alaska as the Committee may
27 decide and upon the call of the Chairman; Provided, however, that
28 the Chairman shall call a meeting upon the written request of two
29 Members. Four Members shall constitute a quorum for the conduct

1 of all Committee business.

2 Full and complete minutes shall be kept of all meetings and
3 such minutes shall be made a part of the permanent records of the
4 Committee.

5 Sec. 7. It shall be the duty of the Committee to inquire in-
6 to the constitution and operations of all departments, bureaus,
7 commissions, boards and other Territorial agencies and to review
8 the official conduct of all Territorial officers and employees,
9 elective and appointive; to examine books, records and accounts
10 of all such departments, bureaus, commissions, boards, officials
11 and employees of the Territory; to make findings and recommenda-
12 tions with respect to the organization and operations of such
13 Territorial agencies and the official conduct of such Territorial
14 officers and employees; to determine whether such departments,
15 bureaus, commissions, boards, officers and employees are conduct-
16 ing their offices and performing their duties in the most effici-
17 ent manner and in compliance with the law and the intent of the
18 Legislature; to make recommendations for the elimination of waste,
19 inefficiency, extravagance and unnecessary expenses; to make re-
20 commendations respecting the organization of the Territorial Gov-
21 ernment; and to do everything necessary to carry out the purpose
22 and intent of this Act.

23 Sec. 8. The Committee shall have free access at all times
24 to the records, books of account, correspondence, papers and
25 documents of all departments, bureaus, commissions, boards and
26 other Territorial agencies and of every Territorial officer and
27 employee, insofar as such records, books of account, correspon-
28 dence, papers and documents relate to the conduct of their re-
29 spective offices.

1 Sec. 9. (a) Witnesses at Committee hearings, whether pub-
2 lic or in executive session, shall have the right to be accompa-
3 nied by counsel of their own choosing, who shall have the right
4 to advise witnesses of their rights and to make brief objections
5 to the relevancy of questions and procedure.

6 (b) Any individual whose name is mentioned, or who is
7 specifically identified, at a public hearing before the Com-
8 mittee, and who believes that the testimony or other evidence
9 given at the hearing, or comment made at the hearing by a Member
10 of the Committee or any of its staff, tends to defame, degrade or
11 incriminate him, shall have the right to appear before the Com-
12 mittee as a witness to testify as to matters relevant to such
13 testimony, evidence or comment; or, if the Committee so decides,
14 it shall allow such individual to file a statement under oath re-
15 lating solely to matters relevant to such testimony, evidence or
16 comment. The statement shall be made a part of the record of the
17 hearing.

18 (c) Any person who is the subject of an investigation,
19 and is so identified by the Committee, shall have the right to be
20 present at any hearing, public or in executive session, which may
21 be held in connection with such investigation; to be accompanied
22 by counsel of his own choosing; to subpoena witnesses in his own
23 behalf; and to cross examine witnesses against him.

24 (d) Insofar as practicable, hearings shall be conducted
25 in accordance with the rules of evidence recognized by the Courts
26 of Alaska, which shall include scrupulous observance of the pri-
27 viloged character of communications between clergyman and parish-
28 ioner, doctor and patient, lawyer and client and husband and wife.

29 (e) At least three Members of the Committee shall be

1 present at all hearings, whether public or in executive session.

2 (f) A stenographic verbatim transcript shall be made
3 of all Committee hearings. Copies of such transcript, so far as
4 practicable, shall be available for inspection or purchase from
5 the official reporter by any witness or person mentioned in a
6 public hearing. A witness and his counsel shall have the right
7 to inspect only the complete transcript of his own testimony in
8 executive session.

9 Sec. 10. The Chairman, or a Member or employee designated
10 by the Chairman, shall consult with the appropriate Territorial
11 and/or Federal law enforcement officials with respect to any phase
12 of an investigation which may result in evidence exposing the
13 commission of a crime and the results of such consultation shall
14 be reported to the Committee. No further investigative action
15 shall be taken with respect to such inquiry except as the Com-
16 mittee directs.

17 Sec. 11. The Committee shall make reports from time to time
18 of its activities, findings and recommendations to the Governor
19 and/or the Legislature. A full and complete report, which shall
20 include the Committee's findings, conclusions, recommendations
21 and other pertinent observations and comment, shall be made to the
22 Legislature at that session, regular or special, next following
23 the appointment and confirmation of the Members of the Committee.

24 The reports, files, papers and other documents of the Com-
25 mittee shall be considered confidential, except as to such matters
26 as the Committee may make public. Reports which are made to the
27 Legislature shall be kept confidential until released by the
28 Legislature or the Committee.

29 Sec. 12. The Legislative Budget and Government Committee;

1 as established by this Act, shall be the successor to the Legis-
2 lative Examination and Investigating Committee, as created by
3 Chapter 62, S.L.A. 1953, and shall have the custody and use of
4 all files, reports, documents, papers and other materials and
5 equipment heretofore collected, prepared or otherwise in the cus-
6 tody of said Legislative Examination and Investigating Committee.

7 Sec. 13. Such inexpended and unencumbered funds as may re-
8 main in the Territorial Treasury on April 1, 1955 from the ap-
9 propriation provided by Section 7, Chapter 62, S.L.A. 1953 shall
10 revert to the General Fund of the Territory.

11 Sec. 14. There is hereby appropriated the sum of \$ _____
12 or so much thereof as is necessary, from funds in the Territorial
13 Treasury not otherwise appropriated, to carry out the provisions
14 of this Act.

15 The expenditures of the Committee shall be subject to audit
16 on the same basis as the expenditures of the several executive
17 departments.

18 Sec. 15. If any provision of this Act or the application
19 thereof to any person or circumstance is invalid, such validity
20 shall not affect other provisions or applications of the Act which
21 can be given effect without the invalid provision or application,
22 and to this end the provisions of this Act are declared to be
23 severable.

24 Sec. 16. An emergency is hereby declared to exist and this
25 Act shall be in full force and effect from and after the date of
26 its passage and approval.