

1 IN THE HOUSE

BY MR. HELLENTHAL

2 HOUSE BILL NO. 13

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to create the Legislative Oversight
7 and Scrutiny Committee; setting forth the in-
8 tent and object of the legislature in so do-
9 ing; prescribing the Committee's powers,
10 duties, membership, staff, and functions;
11 repealing Sec. 1, Art. VII, Ch. 143, SLA
12 1959; and providing for an effective date."

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

14 Section 1. LEGISLATIVE OVERSIGHT AND SCRUTINY COMMITTEE
15 ESTABLISHED. There is hereby created, pursuant to Sec. 11, Art.
16 II, Constitution of the State of Alaska, an interim committee of
17 the legislature designated the "Legislative Oversight and Scrutiny
18 Committee," hereinafter termed the committee. Its object is to
19 meet the pressing need for the legislature to have and use every
20 means of acquainting itself with the acts and the disposition of
21 the administrative agents of the state government so that the
22 people may know how they are being served and so that it may be
23 determined whether or not the program and policies as set out in
24 the laws are being correctly and efficiently carried out. The
25 legislature must scrutinize and oversee these acts and disposi-
26 tions by every form of discussion to prevent the people and their
27 legislators from being and remaining in embarrassing, crippling
28 ignorance of the very affairs they should completely understand
29 and direct. Individual legislators cannot properly appraise the

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1 administration of the laws and develop such amendments or related
2 legislation as may be necessary and dictated by continuous watch-
3 fulness of the execution by the administrative agencies concerned
4 of any laws. Because the informing function of the legislature is
5 as important and even more so than its legislative function - this
6 committee is created. It is never to usurp executive functions -
7 it shall investigate to seek information from those best quali-
8 fied to furnish it so that recommendations for or against further
9 legislation can be made. It shall publicly operate in the interim
10 without unduly seeking publicity so that factual information and
11 recommendations based thereon may be available at the outset of
12 legislative sessions.

13 Sec. 2. MEMBERSHIP. The committee shall consist of three
14 members chosen at the outset of each legislature convening after
15 a general election. Each member shall serve for a term of two
16 years. A member shall be chosen from and by the membership of the
17 House belonging to the same political party as the governor. A
18 member shall likewise similarly be selected from and by the mem-
19 bership of the Senate. The remaining member shall be chosen from
20 the joint membership of the House and Senate belonging to the
21 opposite political party as the governor. The presiding officer
22 of each house shall cause the elections to be held and announce
23 the selection of members within 30 days after the convening of the
24 first regular session of each legislature or within 10 days of the
25 passage of this Act during the year 1961.

26 Sec. 3. EXECUTIVE DIRECTOR AND STAFF. The committee hires
27 an executive director and determines his salary. The executive
28 director shall serve as the executive officer of the committee in
29 the accomplishment of its functions. He serves at the direction

1 and at the pleasure of the committee. He is authorized to employ
2 and determine the compensation of the members of the professional
3 and clerical staffs of the agency within the limitation of the
4 budget approved by the committee. The executive director and the
5 members of the professional staff shall maintain the integrity of
6 the committee's functions and services on the behalf of the
7 legislative branch by refraining from joining or supporting any
8 partisan political organization, faction or activity which would
9 tend to undermine the essential non-partisan nature of their
10 functions and services. However, this section does not restrict
11 the executive director or members of the professional staff from
12 expressing private opinion, registering or voting.

13 Sec. 4. POWERS. The committee shall have the following
14 powers:

15 (1) To organize and adopt rules for the conduct of its
16 business;

17 (2) To hold public hearings using one or more of its
18 members, administer oaths, issue subpoenas, compel the attendance
19 of witnesses and production of any papers, books, accounts,
20 documents, and testimony, and to cause the deposition of witnesses
21 to be taken in the manner prescribed by court rule or law for
22 taking depositions in civil actions when consistent with the
23 powers and duties assigned to the committee by this Act;

24 (3) To call upon all state officials, agencies, and
25 institutions to give full cooperation to the committee and its
26 executive director by collecting and furnishing information, con-
27 ducting studies and making recommendations;

28 (4) To produce, publish, distribute and to contract for
29 the printing of such reports, memoranda and other materials it

1 finds necessary to the accomplishment of its work;

2 Sec. 5. MEETINGS. The committee may meet during sessions of
3 the legislature and during intervals between sessions at such
4 times and places within the state as the chairman may determine.
5 The committee shall meet immediately after the appointment of its
6 membership at the first regular session of each legislature for
7 purposes of organization. Minutes of each meeting shall be kept
8 and all meetings shall be public pursuant to Art. VI, Adminis-
9 trative Procedure Act. One-half of the membership constitutes a
10 quorum to do business. Members may receive, for the minimum time
11 required to get to and from meetings and while attending meetings,
12 the same travel fare and per diem allowances provided by law for
13 members of the legislature when attending sessions.

14 Sec. 6. REPORTS. The committee shall submit a summary re-
15 port of its findings and recommendations to each session of the
16 legislature. The committee shall every three months following the
17 close of a legislative session submit memorandum reports to the
18 legislators on matters within its jurisdiction. Reports released
19 by the committee are public and they may be made available at a
20 reasonable cost.

21 Sec. 7. BUDGETS. The committee shall submit a budget of its
22 anticipated needs for each fiscal year to the finance committees
23 of the legislature. The executive director shall annually submit
24 an estimated budget to the governor for information purposes in
25 the preparation of the executive budget.

26 Sec. 8. APPROPRIATIONS. Appropriations for carrying out the
27 provisions of this Act shall be set forth in the general appropria-
28 tion bill or such other bills as may be necessary. The committee
29 is authorized to direct the executive director to transfer amounts

1 from one appropriation to another if such transfer is deemed
2 necessary to accomplish the work of the committee; provided, that
3 in no event shall the total amount of the authorized appropriation
4 be exceeded. All expenditures of the committee are subject to
5 audit.

6 Sec. 9. REVIEW OF RULES. The committee shall annually
7 review all agency regulations to determine if the legislative in-
8 tent is being correctly followed and if the granting and delegat-
9 ing legislation need be amended. A comprehensive report of said
10 annual review with recommendations shall be submitted to the mem-
11 bers of the legislature 15 days prior to the start of its regular
12 session each January and special reports may be submitted to the
13 legislators from time to time in the judgment of the committee.
14 Sec. 1, Art. VII, Administrative Procedure Act, is hereby repealed.

15 Sec. 10. EFFECTIVE DATE. This Act takes effect on the day
16 after its passage and approval or on the day it becomes law with-
17 out such approval.

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