

Introduced: 1/29/75
Referred: State Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE

2 *CS* SENATE BILL NO. 100 *am H*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the power of the legislature to
7 issue subpoenas; and providing for an effective date."

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

9 * Section 1. AS 24.25.010 is amended to read:

10 Sec. 24.25.010. ISSUANCE AND FORM OF SUBPOENA. A subpoena re-
11 quiring the attendance of a witness before either house of the legisla-
12 ture or a standing, special or interim committee of the legislature may
13 be issued by the president of the senate or the speaker of the house or
14 the chairman of any standing, special or interim committee when
15 authorized to do so by the house or senate or both, before whom the
16 attendance of the witness is desired. The subpoena is sufficient if

17 (1) it states before whom the proceeding is held;

18 (2) it is addressed to the witness;

19 (3) it requires the attendance of the witness at the time
20 and place certain;

21 (4) it is signed by the president of the senate, or the
22 speaker of the house, or by the chairman of a standing, special or
23 interim committee under authority from the house or senate, or both.

24 * Sec. 2. AS 24.25.010 is amended by adding a new subsection to read:

25 (b) Between regular sessions, a subpoena may be issued
26 by the chairman of a standing, special or interim committee when
27 authorized to do so by the legislative council. The authorization
28 shall be by a majority vote of the members of the council,
29 recorded in the council's minutes, but also may be authorized

1 by mail when a majority of the members of the council have subscribed to
2 the authorization and their signatures entered in the council's records
3 within 15 days from the date the authorization is mailed to them for
4 approval or disapproval together with a statement setting out the
5 necessity for issuance of the subpoena prepared either by the officer
6 or member of the legislature seeking issuance of the subpoena or by the
7 chairman of the council.

8 * Sec. 3. AS 24.25.050 is amended to read:

9 Sec. 24.25.050. WITNESS FEES AND MILEAGE. A person appearing
10 before either house, or both, or a legislative standing, special or
11 interim committee in response to a subpoena is entitled to \$20 for each
12 day's attendance, and for the time necessary in coming and returning
13 to his place of residence and mileage at the rate of 15 cents a mile
14 for the distance traveled in going to and returning from the place of
15 attendance. The witness fee and mileage fee shall be paid out of the
16 state treasury upon presentation of a certificate of attendance and
17 mileage due, signed by the presiding officer of the house which authorized
18 issuance of subpoena.

19 * Sec. 4. AS 24.25.060 is amended to read:

20 Sec. 24.25.060. OATH AND PENALTY FOR VIOLATION OF OATH. The
21 president of the senate and speaker of the house of representatives and
22 the chairman of every standing, special or interim committee of either
23 body may administer an oath to a witness appearing before the respective
24 bodies. A person who wilfully swears or affirms falsely concerning any
25 matter material to the subject under investigation or inquiry is guilty
26 of perjury and upon conviction is punishable by imprisonment for not
27 less than one year nor more than five years.

28 * Sec. 5. AS 24.25.070(a) is amended to read:

29 (a) A person called as a witness before the senate, house of

1 representatives, or a standing, special or interim committee of either
2 or both, who refuses to answer any question or to produce any book,
3 paper or document relating to the matter under inquiry, on the ground
4 that the answer or the production may tend to incriminate him, may be
5 granted immunity from punishment for the offense to which the question
6 or evidence relates by resolution of the house which is conducting the
7 inquiry. The resolution shall be entered upon its journal, and the
8 witness may then be compelled to answer the question or produce the
9 evidence.

10 * Sec. 6. AS 24.25.080 is amended to read:

11 Sec. 24.25.080. PUNISHMENT FOR DISOBEDIENCE TO SUBPOENA OR REFUSAL
12 TO TESTIFY. A person subpoenaed as provided in this chapter who fails,
13 neglects or refuses to attend at the time and place where his presence
14 is required, or fails, neglects or refuses to produce the books, papers,
15 or instruments or other evidence designated in the subpoena, or who
16 having attended in response to the subpoena, or having appeared volun-
17 tarily, refuses to testify as to any material and proper matter within
18 the power of the senate, house of representatives, or a standing, special
19 or interim committee to investigate, upon conviction, is punishable by
20 a fine of not less than \$100 nor more than \$500, or by imprisonment for
21 not less than 30 days nor more than six months.

22 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
23 070(c).