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Memorandum

TO: Representative Max Gruenberg
FROM: Patricia Young, Manager
RE: Proportional Representation of Membership on Legislative Committees
LRS Report 09.207

You asked for background materials available on HCR 42 from the 15th Alaska Legislature (1987-1988), which passed as Legislative Resolve 109. You were particularly interested in materials that might explain why when lawmakers amended Uniform Rule 1(e) to require proportional representation of minority members on standing committees, they did not also change AS § 24.20.020 and AS § 24.20.161 to provide similar proportional representation on Legislative Council and Legislative Budget and Audit.

The Bill History for HCR 42 shows that the measure was heard by the House Judiciary Committee. Minutes from the meeting reflect almost no discussion, although Representative Fritz Pettyjohn, who sponsored the measure, remarked that the change would improve legislative operation since each committee would more easily establish a quorum. The Judiciary Committee bill file contains only the marked up text for the CS and a zero fiscal note. Once passed to the Senate, the measure went straight to Rules. Minutes from that hearing would more accurately be described as *seconds*, and there is no Senate Rules Committee bill file. We attach a copy of the minutes from both committees. No corresponding resolution was considered in the Senate.

We have requested that the State Archives prepare copies of the audio tapes from the floor sessions for both the House and Senate. Those tapes may be available later today, but it is more likely that they will not be available until next week. We will let you know as soon as possible if those recordings reveal anything useful for your purposes.

Perhaps the only thing we can tell you short of speculation is that in the House—with a Democratic majority of 24 to 16—the measure passed unanimously; in the Senate—with a Republican majority of 12 to 8—the measure passed 15 to 5. Four of those five votes against the measure came from Democrats in the minority.¹

It appears that no bills introduced would have affected the membership of Legislative Council or Legislative Budget and Audit until 2003, when Representative Ethan Berkowitz introduced HB 200, which was similar to your current HB 76. That bill—with every member of the House minority signed on—died without a hearing. As you will recall, you introduced a similar bill last year, HB 412. This bill, also supported by every member of the House minority, died in its first committee after one hearing.²

I hope this information is useful. If you have questions or need additional information, please let me know.

¹ Senators who voted against the measure were Republican John Binkley and Democrats Jim Duncan, Jay Kerttula, Pat Rodey, and Mike Szymanski.

² Because Representative Richard Foster votes with the Republican caucus, we have excluded him from our count of minority sponsorship for both bills.

House Judiciary Committee,

April 25, 1988

Chairman Sund called the meeting to order at 1:40 p.m. Present were Representative Ulmer, Representative Gruenberg and Representative Barnes. Representative Taylor arrived at 1:41 p.m., Representative Navarre arrived at 1:50 p.m., and Representative Cotten arrived at 2:20 p.m.

HCR 42

Chairman Sund announced that HCR 42 would be heard first and asked Representative Pettyjohn to address the committee.

Representative Fritz Pettyjohn, sponsor of HCR 42, stated that the bill defines what a minority is. There is a requirement that at least one member of a minority serve on every standing committee. The definition of a minority for purposes of that rule has been a subject of some disagreement. In the bill, a minority is defined as "a group of members who have organized and elected a minority leader and who constitute at least 25% of the total house membership." The 25% is there so there cannot be more than one minority. In addition, it says there shall be a proportionate representation on committees, but in calculating the number of seats a minority would be entitled to, fractional numbers would be ignored. He gave examples to explain how it would work. He felt it would be an improvement on how the legislature operates, it would assist committees in getting a quorum to function more efficiently.

Chairman Sund said there would be two committees in the House that would be changed, Finance and Resources.

Representative Pettyjohn commented that if the percentage of the minority changed, it would apply differently.

Representative Gruenberg verified that the language in line 20 would not preclude giving the minority more than two seats, it was just a minimum.

Representative Taylor moved for passage of HCR 42 with individual recommendations. Chairman Sund suggested adding "proportional" to the title. Representative Pettyjohn agreed. Chairman Sund moved to change to title to reflect that and there was no objection, so the motion was adopted.

As there was no objection to passing CSHCR 42(JUD) with the title change, it moved from committee.

Senate Rules Committee

May 6, 1988

HCR42

The Senate Rules Committee was called to order by Chairman Eliason at 4:05 p.m. The first item on the agenda was HCR 42 (Proposing an amendment to Rule 1(e) of the Uniform Rules of the Alaska State Legislature).

Representative Fritz Pettyjohn, prime sponsor of HCR 42, stated the resolution does two things. First, it defines what a minority is (a group of a house comprising at least 25% of its membership) and, second, it states that the minority is entitled to proportional representation on committees. Fractions of its membership do not count.

Representative Pettyjohn said he did not think it would be an impediment in the Senate with trying to figure out committee assignments. Further, he thought it would have an impact and be beneficial in the House as well.

Senator Eliason said the bill was in the Senate Rules Committee and would be calendared at a later date.