

**ALASKA STATE LEGISLATURE**  
**HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 4, 2010

8:07 a.m.

**MEMBERS PRESENT**

Representative Bob Lynn, Chair  
Representative Paul Seaton, Vice Chair  
Representative Carl Gatto  
Representative Craig Johnson  
Representative Peggy Wilson  
Representative Max Gruenberg  
Representative Pete Petersen

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 76

"An Act relating to the membership of the Alaska Legislative Council and the membership of the Legislative Budget and Audit Committee."

- MOVED CSHB 76(STA) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 76

SHORT TITLE: LEGISLATIVE COUNCIL & LB&A MEMBERSHIP

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG, BUCH, CISSNA, DOOGAN, GARDNER, GUTTENBERG, HOLMES, KAWASAKI, KERTTULA, PETERSEN, SALMON, TUCK

01/20/09	(H)	PREFILE RELEASED 1/16/09
01/20/09	(H)	READ THE FIRST TIME - REFERRALS
01/20/09	(H)	STA, FIN
03/12/09	(H)	STA AT 8:00 AM CAPITOL 106
03/12/09	(H)	Scheduled But Not Heard
04/09/09	(H)	STA AT 8:00 AM CAPITOL 106
04/09/09	(H)	Scheduled But Not Heard
01/26/10	(H)	STA AT 8:00 AM CAPITOL 106
01/26/10	(H)	Heard & Held
01/26/10	(H)	MINUTE(STA)
02/04/10	(H)	STA AT 8:00 AM CAPITOL 106

**WITNESS REGISTER**

REPRESENTATIVE BETH KERTTULA  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As co-prime sponsor, addressed questions during the hearing on HB 76.

**ACTION NARRATIVE**

[8:07:41 AM](#)

**CHAIR BOB LYNN** called the House State Affairs Standing Committee meeting to order at 8:07 a.m. Representatives Seaton, Gatto, Johnson, Wilson, Gruenberg, Petersen, and Lynn were present at the call to order.

**HB 76-LEGISLATIVE COUNCIL & LB&A MEMBERSHIP**

[8:07:58 AM](#)

CHAIR LYNN announced that the only order of business was HOUSE BILL NO. 76, "An Act relating to the membership of the Alaska Legislative Council and the membership of the Legislative Budget and Audit Committee."

[Before the committee was the committee substitute (CS) for HB 76, Version 26-LS0335\S, Chenoweth/Cook, 3/3/09.]

[Contains brief discussion of HB 288.]

[8:08:58 AM](#)

REPRESENTATIVE GRUENBERG reviewed that the proposed legislation would provide for at least one member of the minority to sit on the Legislative Budget and Audit Committee and the Alaska Legislative Council, provided that the minority has at least 25 percent of the total House membership. He said this is a matter of fairness. He reminded the committee that 22 years ago, when the Republican Party was a minority in the Alaska State Legislature, it requested proportional representation on all the standing committees, and the Democrats complied. The two committees not included at that time were the Legislative Budget and Audit Committee and the Alaska Legislative Council. Still not included would be the Armed Services Committee, which Representative Gruenberg said he does not think works the same

as other committees; however, he said he would not have a problem if the House State Affairs Standing Committee wanted to add that committee to the bill. In response to Chair Lynn, he said the standing committees act independently in each House and are under the Uniform Rules, while the joint committees are statutory. Representative Gruenberg opined that as a practical matter, this change would not make much difference on the Legislative Budget and Audit Committee, but it would on the Alaska Legislative Council, by giving the minority one more seat. He indicated that the bill would take effect in the [Twenty Seventh Alaska State Legislature]. He added that it is nice to have two members on the council in the Minority, since sometimes it is difficult for one person to get to all the meetings.

[8:11:21 AM](#)

REPRESENTATIVE P. WILSON said she is considering the consequences of the bill. She cautioned that it would be possible under HB 76 for one party to fill all the seats.

[8:12:12 AM](#)

REPRESENTATIVE GRUENBERG responded by offering an example of the Senate as follows:

The minority seat would be from the party, because they're Republicans. Theoretically, I suppose, if the members of the majority who wanted to be on that committee were only Republicans that could occur, but it would be the will of the majority. The Democrats would be putting the Republicans on that committee and would have agreed to it. Because, in this case, ... if the minority were of one party - 4 [members] - and there were 10 Republicans in the Senate, that would mean of the 16-member majority, the members of the Republicans - only six - would be outweighed by the Democrats 10. And if the Democrats put all six of the Republicans on that committee, ... they'd have to have, pretty much, the unanimous vote of the Democrats to do that.

[8:13:27 AM](#)

REPRESENTATIVE SEATON said that was his concern at the last hearing, and the answer is found in the language of Version S,

beginning on page 1, line 14, through page 2, line 8, which read as follows:

(b) The membership from each house must include at least one member from each of the two major political parties. The membership from each house must also include the number of minority members that is proportional to the number of minority members in the house compared to the total house membership or to one seat, whichever is greater. In calculating the number of seats to which the minority is entitled, fractional numbers that represent the minority proportional entitlement to a seat shall be ignored. For purposes of this subsection, "minority" means a group of members who have organized and elected a minority leader and who constitute at least 25 percent of the total house membership.

[8:14:13 AM](#)

REPRESENTATIVE GATTO expressed concern that there could be a situation in which there are two major political parties, but no "lead."

REPRESENTATIVE GRUENBERG said the term "major political parties" refers to Democrats and Republicans, and if one of those parties ever dies out, there would be a new major party. Title 15 addresses getting minor parties on the ballot, he noted.

[8:16:40 AM](#)

REPRESENTATIVE SEATON indicated that the inclusion of at least one member from each of the two major parties is in existing law that "is being moved to Section 2"; therefore, if the language is problematic in the bill, it is problematic in existing statute. He said the organization of the legislature and party affiliation has changed, and there are majorities and minorities that are "mixed" in both houses. He said even if there was an even split of all Republicans in the majority and all Democrats in the minority, HB 76 would not complicate the situation for appointment of members.

[8:17:19 AM](#)

REPRESENTATIVE SEATON indicated that he thinks [HB 76] came about because both the make-up of the legislature and party affiliations have changed somewhat, and he said he does not

think the proposed legislation would complicate "the situation for appointment of members based on party."

[8:18:57 AM](#)

CHAIR LYNN said he had hoped the chairs of the Legislative Budget & Audit Committee and the Alaska Legislative Council would have testified. He suggested that the members of the House State Affairs Standing Committee who serve on either one of those two entities [Representatives Gatto and P. Wilson] may have some insight to offer.

[8:19:38 AM](#)

REPRESENTATIVE JOHNSON offered his understanding that the bill sponsor is also sponsoring HB 288, which proposes that any party with 2,500 registered members would become a political party. Hypothetically, he asked, "When it passes, that means 2,500 people can sign up for a party, someone gets elected from three or four different parties and to a different district, ... what would they be in terms of minority party?"

REPRESENTATIVE GRUENBERG answered, "They would not qualify here ... unless they elected enough people to be 25 percent of the body." He directed attention to page 2, lines 6-8 [the last sentence of previously provided text], and he noted that there is similar language related to the Legislative Budget & Audit Committee, on page 3, lines 8-10. He stated, "It would be the same situation as the Republican minority in the ... Senate is currently - they only have four."

[8:21:10 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Gatto, said if there were three parties in the House, numbering 26, 7, and 7, then neither of the 7-member parties would qualify as a minority; each of them would qualify as "having entitlement to one," which Representative Gruenberg said would be the same as if they were a single minority party. He explained that on a seven-member committee, there could be two minority members, but they would each be from a different minority party.

REPRESENTATIVE GATTO reiterated that existing language specifies two major political parties.

[8:22:21 AM](#)

REPRESENTATIVE BETH KERTTULA, Alaska State Legislature, told Representative Gatto that by definition, the two major political parties are Republican and Democrat, but under statute as it would be changed, unless there was 25 percent, there would be no representation. She stated, "So, ... under 26, 7, and 7, you'd still have a Democrat and Republican; you wouldn't have the third party, because they haven't hit 25 percent yet."

REPRESENTATIVE SEATON added, "Unless they organized together." He said organizing together as a minority is done regardless of party, but then "the status of which of those two seven would be identified as the majority party would probably be a statutory fight at the time."

[8:24:03 AM](#)

REPRESENTATIVE GRUENBERG remarked that as Representative Seaton said before, there would be no change to that current law. He said the people who drafted that law probably did not imagine this scenario, and he said he does not think it is likely to occur "in our lifetime." He said if there was a situation in which there were 26, 7, and 7, the two groups of 7 would band together as a minority, as Representative Seaton had described, in order to each be entitled to one of two seats [under HB 76].

REPRESENTATIVE SEATON suggested another scenario in which one of the aforementioned groups of 7 could join in the majority. He said he does not think the committee can solve questions based on what configurations may take place in the future.

[8:25:44 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Gatto, said he does not believe that statute refers to Republicans and Democrats as the major political parties.

CHAIR LYNN concurred.

[8:26:27 AM](#)

REPRESENTATIVE KERTTULA talked about the difficulty of having been the sole minority member of the Legislative Budget & Audit Committee, which she noted is a large committee comprised of 10 members. She indicated that the value of having minority representation stems from the heart of democracy. She mentioned the coalitions that have formed, which she characterized as an

Alaskan way to show that people are more concerned with issues than with partisan politics. Nevertheless, she said "the shoe is always going to be on the other foot at some point," and HB 76 brings the legislature closer to a true minority representation - to what is fair. She expressed her commitment to uphold the intent of this legislation if the Democrats should once again be the majority party in the future. She asked committee members to think about times when they may have been the only person in a room with a particular point of view, and to consider that HB 76 is a small step in the right direction.

[8:28:52 AM](#)

REPRESENTATIVE PETERSEN directed attention to language [that would be deleted] from page 1, lines 9-10, which read:

[INCLUDE AT LEAST ONE MEMBER FROM EACH OF THE TWO MAJOR POLITICAL PARTIES].

REPRESENTATIVE PETERSEN asked if it would be helpful to include at least one member from each of the two caucuses.

CHAIR LYNN said he does not think that would be helpful, because "caucuses are more fluid typically than parties are."

REPRESENTATIVE P. WILSON related that an incident occurred in the Alaska Legislative Council in the past, which the majority of those on the council thought was wrong; however, the chair of the council, who was a minority member, would not allow the council members to come back together to work on the issue. She emphasized that she wants to avoid that happening again.

REPRESENTATIVE SEATON recalled the situation to which Representative Wilson referred, and corrected that the chair was a member of the majority, but it was a situation that involved a coalition.

[8:31:52 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Johnson, confirmed that HB 76 would in no way make standing committees statutory. He added that he has no idea why the Legislative Budget & Audit Committee and the Alaska Legislative Council are statutory.

[8:33:37 AM](#)

REPRESENTATIVE KERTTULA, in response to questions from Representative Johnson, explained that both the party and the coalitions will be at play. She explained, "You've got to have one member of the majority party, so you'd always be assured one Democrat or one Republican - whichever - and then the figuring goes into whether or not there's a coalition. ... Whether you have 25 percent of that minority is what becomes important."

[8:34:26 AM](#)

REPRESENTATIVE GATTO asked if there is a difference between "the majority" and "the majority party".

REPRESENTATIVE KERTTULA responded that the terms are being interchanged.

REPRESENTATIVE GATTO related his belief that "we don't want to mix majority and majority party."

[8:35:45 AM](#)

REPRESENTATIVE GRUENBERG interjected that the current requirement is that there be at least one member from each of the two major political parties. The internal makeup of the group is a result of how the appointments are made, which is typically from "the majority." That majority currently has the right to appoint as many minority members as it wishes, and will continue to have the right under HB 76 to determine who they elect to the council. The only difference would be that the minimum number of members appointed from the minority would be two instead of one.

[8:37:11 AM](#)

REPRESENTATIVE SEATON concurred with Representative Gatto that the discussion should not be about majority political parties. He said HB 76 does not address majority political parties; it addresses major political parties and "majority and minorities regardless of political parties," regarding the organization of the House and Senate.

REPRESENTATIVE KERTTULA concluded that the proposed legislation is an effort to reach fairness. She concurred with Representative Seaton regarding "the breakdown in terms of majority political party versus members of a group that makes 25 percent or more."

[8:38:28 AM](#)

REPRESENTATIVE GRUENBERG said he hopes the committee allows the bill to advance. He said he has not thought of any circumstance under which the proposed legislation would be unfair to anyone. The concept is already in play on all the standing committees. Expanding it to include the Legislative Budget & Audit Committee and the Alaska Legislative Council, he opined, would show the fair-mindedness of the members of the Twenty-Sixth Alaska State Legislature and the ability of the political parties to work together for the good of the state. He said he thinks the public wants politicians who can work together and "not get stuck in gridlock."

[8:40:10 AM](#)

CHAIR LYNN asked if there was anyone else who wished to testify.

REPRESENTATIVE GRUENBERG related that Representative Harris said he supports HB 76.

[8:40:52 AM](#)

REPRESENTATIVE JOHNSON expressed discomfort in having Representative Gruenberg speak for the chair of [the Alaska Legislative Council].

REPRESENTATIVE GRUENBERG retracted his statement.

[8:41:45 AM](#)

CHAIR LYNN closed public testimony.

[8:42:16 AM](#)

REPRESENTATIVE JOHNSON said he does not intend to slow down the proposed legislation. He offered his understanding of the make-up of the Legislative Budget & Audit Committee and the Alaska Legislative Council.

[8:45:07 AM](#)

CHAIR LYNN, in response to a question from Representative Petersen, offered his understanding that the alternates who serve on the Legislative Budget & Audit Committee are called into play when a member of the committee is absent for a vote.

[8:45:57 AM](#)

REPRESENTATIVE GRUENBERG said there was a time when he served on the Legislative Ethics Committee, when his alternate stepped in to vote, because Representative Gruenberg had a conflict of interest.

[8:46:27 AM](#)

REPRESENTATIVE JOHNSON said Representative Gruenberg had, at one time, stated that one cannot determine how someone will vote based upon his/her party, and he said he concurs with that statement. He said it is also true that a majority member in a committee would not necessarily vote with the majority if it was not the right thing to do.

[8:46:59 AM](#)

CHAIR LYNN commented that he has had personal experience not voting with his party.

REPRESENTATIVE GRUENBERG echoed that remark.

[8:47:08 AM](#)

REPRESENTATIVE PETERSEN moved to report CSHB 76, Version 26-LS0335\S, Chenoweth/Cook, 3/3/09, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 76(STA) was reported out of the House State Affairs Standing Committee.

[8:49:05 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 8:49 a.m.