

HCR

10

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907.465-3800

## LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

MEMORANDUM

February 18, 1989

SUBJECT: Requested Comments on HCR 10, 1989  
TO: HOUSE JUDICIARY COMMITTEE  
FROM: Mary Van Nimwegen <sup>MVN</sup>  
Legislative Reference Librarian

I appreciate this opportunity to comment on the bill before your committee, HCR 10 relating to legislative committee records. This bill helps clarify both which bill files must be sent to the Legislative Reference Library at the end of each session, and what these files should contain. This should help many legislators and their committee staff who in the past have been uncertain as to what was required.

Legislative committee bill files are valuable resources for legislators doing research for proposed legislation and for those seeking information on legislative history. These files are eventually microfiched with copies sent to libraries and legislative information offices around the state, and the originals are sent to the State Archives for permanent retention.

This bill is another step in establishing a comprehensive legislative records management system.

cc: Tamara Brandt Cook, Legal Services Division

# HOUSE COMMITTEE REPORT

(7)

Date Referred: February 1, 1989

FURTHER REFERRALS: RULES

Date of Committee Action: \_\_\_\_\_

The JUDICIARY Committee recommends that:

HOUSE CONCURRENT RESOLUTION NO. 10

[UNIFORM RULES: COMMITTEE RECORDS]

Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to committee records; and providing for an effective date.

[  ] be replaced with CS HCR 10 (JUDICIARY) [  ] the same title  
[ ] a new title

[ ] have attached amendment(s)

- [ ] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [ ] fiscal impact
- [  ] zero fiscal note LAA
- [ ] zero with analysis

APPROVES PREVIOUS:

- [ ] fiscal note(s) published: \_\_\_\_\_
- [ ] zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

Peter Jaen  
Larry Marten  
Cly Davidson  
Mike Davis  
Al Ellis  
Mike Miller

SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Peter Jaen  
 CO-Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Proposing an amendment to the  
Uniform Rules of the Alaska State Legislature...  
Sponsor: House Judiciary  
Requestor: House Judiciary

Affect Agency Legislative Affairs Agency  
BRU: Legislative Council  
Components Legal Services

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

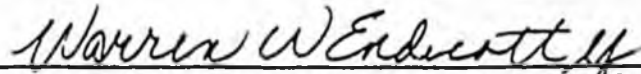
No fiscal impact

Prepared By: Pamela Stoops, Director  
Division: Administrative Services



Phone: 465-3850  
Date: 2/23/89

Approved By: Warren Endicott, Executive Director  
Agency: Legislative Affairs Agency



Date: 2/23/89

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LEGISLATIVE FINANCE  
LEGISLATIVE SPONSOR

REQUESTOR  
OFFICE OF MANAGEMENT & BUDGET  
AGENCY (IES)

HCR10



## Alaska Court System

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8611

February 15, 1989

Representative Peter Goll  
Representative Max Gruenberg  
House Judiciary Committee Chairs  
Alaska State Legislature  
P. O. Box V  
Juneau, Alaska 99811

RE: House Bill 10

Dear Representatives Goll and Gruenberg:

The Administrative Office of the Alaska Court System supports the amendment to the Uniform Rules that would require the maintenance of specific legislative committee materials at the end of each legislative session. These materials would be helpful to the Administrative Office in determining the history of particular legislation and in performing research on various topics.

If I can provide further information or answer any questions, please call me.

Sincerely,

Arthur H. Snowden, II  
Administrative Director

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

February 15, 1989

The Honorable Peter Goll, Chair  
House Judiciary Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, Alaska 99811

Re: HCR 10 -- amending Uniform  
Rules of the Alaska State  
Legislature, regarding  
legislative committee records

Dear Representative Goll:

As requested by Co-Chair Gruenberg's assistant, Andy Hemenway, by telephone this morning, here are our comments on this resolution.

As a general matter, we wholeheartedly endorse efforts to improve retention of and access to legislative records. In particular, HCR 10 takes a very significant step toward achieving that goal, and we support the measure.

From the perspective of Department of Law attorneys, increased availability of the material that forms the background for or foundation of Alaska law will make the legislative research aspect of our jobs easier and our advice to our client agencies better. From my personal perspective of 23 sessions with the Alaska Legislature, first as an attorney for the legislature and later as an assistant attorney general, I can say that both legal and other kinds of researchers will benefit from the improvements proposed by this resolution.

Two questions arise, however. First, why does current paragraph (4) in Uniform Rule 23(f) refer to copies being made available upon request "to committee members and the public"? Into which category do other legislators fall? I would suggest either that the clause end with the word "request" or that ", other legislators," be inserted after the word "members."

The second question that occurs to me involves the meaning of the word "disposition" on page 2, line 11. That word in the new paragraph is taken directly from the words being deleted from paragraph (3) where its intent is equally unclear. My concern is that any "disposition" should emphasize the concept of

HCR 10

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600

The Honorable Peter Goll, Chair  
House Judiciary Committee  
Alaska State Legislature

February 15, 1989  
Page 2

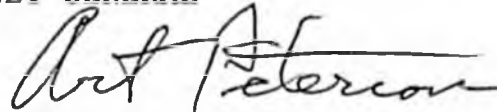
retention. The cooperation between the legislature, the legislative reference library, the Alaska State Library (AS 14.56), and the Alaska State Archives (AS 40.21) should be assured. (See, in particular, AS 40.21.100.)

If we may be of further assistance in this matter, please don't hesitate to ask.

Yours truly,

GRACE BERG SCHAIBLE  
ATTORNEY GENERAL

By:



Arthur H. Peterson  
Assistant Attorney General

AHP/cb

cc: Mary VanNimwegen, Librarian  
Legislative Reference Library  
Legislative Affairs Agency

Karen Crane, Director  
Alaska State Libraries  
Virginia Newton  
Alaska State Archivist  
Department of Education

Robert A. Evans  
Legislative Liaison  
Office of the Governor



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

### M E M O R A N D U M

DATE: January 23, 1988  
TO: House Committee Chairs  
FROM: Rep. Peter Goll  
SUBJECT: Determining materials to be stored for legislative histories

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Committee bill histories are considered important in various types of legal cases and are used by legislators to develop legislation on matters which have received prior action.

Recent attempts to obtain bill histories from the Legislative Affairs Library have demonstrated that there is no consistency in the storage of committee materials.

The current rule requires that we provide the library with our committee minutes, tapes, and "materials of research value."

As "materials of research value" vary according to the opinion of the committee chair, I am offering on the following page a possible language change for your consideration. It was developed in consultation with Legal Services, and specifies the material considered important to the courts and for legislative research.

The following amendment to Rule 23 (f) is written in our normal drafting style with new language underlined, and deleted language in [BRACKETED CAPITAL LETTERS]. Your consideration is appreciated.

The revised Rule 23 (f) would provide that each standing, special and joint committee:

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes, and if presented to the committee, written testimony, state agency position papers and memoranda, bill drafts, letters of intent, and other materials of research value shall be delivered by the committee at the end of each session of each legislature to the legislative reference library for appropriate disposition;

(4) [MAY] shall make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

public hearing on the bill or resolution at least five days before the hearing. However, this requirement may be waived by motion of the person who chairs the committee to which a bill or resolution is first referred if concurred in by majority vote of the full membership of the house. The chief clerk or secretary shall publish and distribute copies of the weekly schedule of committee meetings and of the five-day notice of hearing.

(b) The person who chairs a standing, special, or joint committee shall provide the chief clerk or secretary written notice of the change in the time, place or subject matter of a meeting. At the next daily legislative session, notice of the schedule change shall be announced by the chief clerk or secretary and published as a notice in the journal of the house.

(c) A scheduled meeting of a standing, special, or joint committee may be cancelled at any time. If possible, notice of the cancellation shall be given in the same manner as provided for notice of change in (b) of this rule.

(d) The provisions of (a) and (b) of this rule do not apply to a standing, special, or joint committee meeting scheduled after the date a conference committee has been chosen to consider amendments to or differences between versions of the general appropriation act. However, a person who chairs a standing, special, or joint committee shall post written notice of the time, place and subject matter of a meeting at least 24 hours before the meeting.

(e) The provisions of (a) - (d) of this rule do not apply to meetings of

(1) the Rules Committee when it meets for the purpose of preparing the daily calendar;

(2) the Committee on Committees referred to in Rule 1(e); or

(3) standing, special, or joint committees when the committee meets during the interim between sessions.

(f) Each standing, special, and joint committee

(1) shall record its meetings electronically and prepare a log of the recording adequate to locate specific testimony;

(2) shall prepare minutes of each meeting of the committee on a standard form prescribed jointly by the Rules Committees of the house and the senate; the minutes shall include

(A) a list of the names of each member present during the meeting;

(B) a list of the name and affiliation of each witness testifying before the committee;

(C) a brief statement of the position of the witness on the subject testified upon; and

(D) each amendment formally considered by the committee, the name of the member moving adoption of the amendment, the action taken on the amendment, and the yeas and nays if a committee member has requested a roll call vote on adoption of an amendment;

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes and other materials of research value shall be delivered by the committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) may make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

#### COMMITTEE REFERRAL AND ACTION

RULE 24. COMMITTEE REFERRAL AND ACTION. (a) A committee acts on all bills referred to it and reports its actions and recommendations to the house as soon as practicable. Committee reports must be in writing and the report must be signed by a majority of the members of the committee. The report will note the recommendation of each member signing the report.

(b) When a bill is reported back by a committee without at least one "Do Pass", unless the bill has a subsequent referral or referrals of record, the presiding officer shall put the question "Shall the bill be referred to the Rules Committee for placement on the calendar for second reading notwithstanding the report of the committee(s)?" If the bill has a subsequent referral or referrals of record, the question shall not be put until the last committee has reported and unless all reports are without at least one "Do Pass". The question is debatable and if a majority of the membership of the house votes in the negative, the bill is lost.

(c) If a committee has more than one bill on the same subject or if it finds it necessary to revise a bill substantially, it may report out a substitute bill and recommend that the substitute be accepted for second reading in the place of the original bill. A committee of the second house may not report a committee substitute for a bill or an amendment to a bill that requires a change in the title of the bill, other than a clerical or technical change, as the title was enacted in the house of origin. Substitute bills are duplicated and distributed when they are reported out by the committee. Committee substitute bills carry a notation of the source or sponsor of the original bill in the manner prescribed by the drafting manual unless the sponsor objects to the name so appearing.

(d) All bills involving appropriations, revenues or bonding must be referred to the Finance Committee before they can be advanced to second reading.

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION

### DIVISION OF STATE LIBRARIES AND ARCHIVES

STEVE COWPER, GOVERNOR

ARCHIVES & RECORDS MGT. SERVICES  
141 WILLOUGHBY  
JUNEAU, ALASKA 99801-1720  
PHONE: (907) 465-2270

February 16, 1989

The Honorable Peter Goll  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Goll:

This is in response to your request for comment on House Concurrent Resolution No. 10. Your request was conveyed through Hayden Kaden, Aide to the House Judiciary Committee and Art Peterson, Assistant Attorney General.

The Division of State Libraries and Archives is in support of this Resolution amending the Uniform Rules of the Alaska State Legislature relating to Committee Records. It is an important step towards ensuring that the permanently valuable records of the Legislature are preserved and accessible. Specifically, the Resolution identifies those documents to be included in these Committee files. The result will be more complete files and better research resources for Alaskans.

Further the Resolution provides for these files to be transferred to the Legislative Reference Library at the end of each session or each legislature for "appropriate disposition." Ultimately, in this case "appropriate disposition" is permanent retention in the State Archives. (See attached Records Retention Schedule 31200, transferring these records to the State Archives after six years. See also attached Series Inventory for Records Group 401, Alaska State Legislature and Legislative Agencies).

As you know, Alaska is a state where legislative intent is very important. Legislative records are among the most valuable for legal and research purposes. Not surprisingly, legislative records are one of the two most heavily used records groups in the Archives. Users include the legislature, lawyers, state agencies, and the public in Alaska and the rest of the United States.

I discussed this Resolution with the Legislative Reference Librarian and we have a question concerning the statement, ". . . and other materials of research value." Does this mean that "other materials" are to be included as part of the official committee file or are the "other materials" supporting research documents such as published reports or vertical file materials? In archival terms, if they are official records, they are made or received in the conduct of business. They relate directly to the functions of a committee and documents those functions. These official records should be included in the committee files. If they are not official records, they still may need to be transferred to the Legislative Reference Library, but not as part of the official committee file.

The Alaska State Archives has publications on legislative and archives programs from other states and the federal government. For your information, attached is the Records Management Guide to Legislative Committees (1977?) from the Washington State Archives. To consult other publications or for further information, please contact me at 465-2275.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Newton".

Virginia Newton  
State Archivist



# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

### MEMORANDUM

DATE: January 23, 1988  
TO: House Committee Chairs  
FROM: Rep. Peter Goll  
SUBJECT: Determining materials to be stored for legislative histories

---

Committee bill histories are considered important in various types of legal cases and are used by legislators to develop legislation on matters which have received prior action.

Recent attempts to obtain bill histories from <sup>*the Legislative Affairs Library*</sup> ~~archives~~ have demonstrated that there is no consistency in the storage of committee materials.

The current rule requires that we provide the library with our committee minutes, tapes, and "materials of research value."

As "materials of research value" vary according to the opinion of the committee chair, I am offering on the following page a possible language change for your consideration. It was developed in consultation with Legal Services, and specifies the material considered important to the courts and for legislative research.

*claim experts  
in LAA used?  
Balance?*

The following amendment to Rule 23 (f) is written in our normal drafting style with new language underlined, and deleted language in [BRACKETED CAPITAL LETTERS]. Your consideration is appreciated.

The revised Rule 23 (f) would <sup>provide</sup> ~~state~~ that ~~the~~ <sup>each standing, special and joint</sup> committee:

(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes, and if presented to the committee, written testimony, state agency position papers and memoranda, bill drafts, letters of intent, and other materials of research value shall be delivered by the committee at the end of each session of each legislature to the legislative reference library for appropriate disposition;

(4) [MAY] shall make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

REC  
POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

MEMORANDUM

December 9, 1988

SUBJECT: Membership of the legislature  
(Work Order No. 6-0330)

TO: Representative Niilo Koponen

FROM: Richard A. Bradley  
Legislative Counsel

also  
HBY memo  
last year  
Sen. HESS

I have your request for a constitutional amendment that would unfreeze the membership of the legislature and allow it to vary based on a formula of 5,000 residents of the state to each house election district and two house districts to each senate district. Your proposal would also set maximum (and minimum) limits on the membership of the two chambers.

We were unable to retrieve Representative Bradner's proposal. The records of the legislature prior to 1976 are available but they are not indexed in any fashion. I have accordingly started from scratch.

see law on archives

I regret that it did not seem possible to achieve your goal without going into art. VI, reapportionment. Once I was in the article, it did not seem wise to stop without completing the work that has needed to be done there. While much seems to have been done, as you understand, the article has been substantially reworked in the various opinions of the Alaska Supreme Court since 1964 and that court has frequently noted the obsolescence of articles VI and XIV.

I confess that it would be possible to draft your ideas without addressing the deficiencies of art. VI, simply ignoring the defects, -- but I have not done so in this draft.

If I may be of further assistance, please advise.

Enclosure  
RAB:gc  
WKG4/121



STATE OF ALASKA  
HOUSE OF REPRESENTATIVES

MEMORANDUM

To: Peter  
From: Hayden  
Re: Archival requirements for legislative history  
Date: January 20, 1989

Rule 23(f) of the Uniform Rules requires that each standing, special and joint committee

- (1) tape record its meetings and prepare a log of the recording;
- (2) prepare minutes of each meeting;
- (3) maintain a chronological file of minutes; minutes, tapes and materials of research value shall be delivered to legislative library.

The rule then says that each committee may make available to the Legislative Affairs Agency a copy of all minutes for entry in the legislative computer system.

I feel that it would be helpful to specify exactly what should be kept to establish legislative history under the category of "materials of research value". The following might be considered for such a list:

- (1) written testimony, including letters written to the committee on specific legislation (not p.o.m.'s or personal correspondence);
- (2) research memoranda from committee counsel, Legislative Affairs Legal, the A. G.'s office, agencies, etc.;
- (3) bill drafts circulated to the committee (non-circulated drafts should remain classified);
- (4) letters of intent.

-----  
I suggest that Rule 23(f)(3) and (4) be amended to read:

(f) Each standing, special, and joint committee  
(3) shall maintain a chronological file of minutes, copies of which shall be made available upon request to committee members and the public; committee minutes, tapes, and, if presented to the committee, written testimony, position papers and memoranda from state agencies and staff, bill drafts, and letters of intent, and other materials of research value shall be delivered by the

committee at the end of each session or each legislature to the legislative reference library for appropriate disposition;

(4) shall [MAY] make available to the Legislative Affairs Agency a copy of all minutes of committee meetings during the session for entry of the minutes as a data base on the legislative computer system.

6-0690E  
Cook  
2/16/89

Original sponsor: Judiciary Committee

*approved  
Peter June*

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE CONCURRENT RESOLUTION NO. 10 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Proposing an amendment to the Uniform  
6 Rules of the Alaska State Legislature  
7 relating to committee records; and  
8 providing for an effective date.

9 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. Rule 23(f) of the Uniform Rules of the Alaska State Legis-  
11 lature is amended to read:

12 (f) Each standing, special, and joint committee shall

13 (1) [SHALL] record its meetings electronically and prepare  
14 a log of the recording adequate to locate specific testimony;

15 (2) [SHALL] prepare minutes of each meeting of the commit-  
16 tee on a standard form prescribed jointly by the Rules Committees of  
17 the house and the senate; the minutes shall include

18 (A) a list of the names of each member present during  
19 the meeting;

20 (B) a list of the name and affiliation of each witness  
21 testifying before the committee;

22 (C) a brief statement of the position of the witness  
23 on the subject testified upon; and

24 (D) each amendment formally considered by the commit-  
25 tee, the name of the member moving adoption of the amendment, the  
26 action taken on the amendment, and the yeas and nays if a commit-  
27 tee member has requested a roll call vote on adoption of an  
28 amendment;

29 (3) [SHALL] maintain a chronological file of minutes,

1 copies of which shall be made available upon request [TO COMMITTEE  
2 MEMBERS AND THE PUBLIC; COMMITTEE MINUTES, TAPES AND OTHER MATERIALS  
3 OF RESEARCH VALUE SHALL BE DELIVERED BY THE COMMITTEE AT THE END OF  
4 EACH SESSION OR EACH LEGISLATURE TO THE LEGISLATIVE REFERENCE LIBRARY  
5 FOR APPROPRIATE DISPOSITION];

6 (4) [MAY] make available to the Legislative Affairs Agency  
7 a copy of all minutes of committee meetings during the session for  
8 entry of the minutes as a data base on the legislative computer sys-  
9 tem;

10 (5) at the end of each session or each legislature, deliver  
11 to the legislative reference library a file for each bill considered  
12 by the committee that includes committee minutes, tapes, written  
13 testimony if submitted for inclusion in the record, state agency  
14 position papers and memoranda, bill drafts considered by the commit-  
15 tee, and other materials of research value.

16 \* Sec. 2. The amendments proposed by this resolution take effect on the  
17 convening of the Second Session of the Sixteenth Alaska State Legislature.  
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