

ALASKA STATE LEGISLATURE

SENATE RULES COMMITTEE

April 6, 2001

11:58 a.m.

MEMBERS PRESENT

Senator Drue Pearce, Chair
Senator Randy Phillips
Senator Gene Therriault
Senator Johnny Ellis

MEMBERS ABSENT

Senator John Cowdery, Vice Chair

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 103(FIN)(brf sup maj fld)

"An Act making appropriations for the operating and loan program expenses of state government, for certain programs, and to capitalize funds; and providing for an effective date."

APPROVED FOR CALENDARING

CS FOR HOUSE BILL NO. 104(FIN)

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; and providing for an effective date."

APPROVED FOR CALENDARING

PREVIOUS COMMITTEE ACTION

HB 103 - See Finance Report dated 4/6/01.

HB 104 - See Finance Report dated 4/6/01.

ACTION NARRATIVE

TAPE 01-6, SIDE A

Number 001

CHAIRWOMAN DRUE PEARCE called the Senate Rules Committee meeting to order at 11:58 a.m. Present were Senators Phillips, Ellis, Therriault and Pearce. The first item to come before the committee was HB 103.

#HB 103

CHAIRWOMAN PEARCE announced that a committee substitute was adopted by the Senate Finance Committee to HB 103-APPROP: OPERATING BUDGET.

SENATOR ELLIS moved to adopt Amendment 1 to CSHB 103(FIN).

SENATOR THERRIAULT objected.

SENATOR ELLIS explained that Amendment 1 would change the source of funding for the Department of Health of Social Services (DHSS) from the constitutional budget reserve fund to the general fund, which is the normal funding source. Senator Ellis said the idea of making the DHSS budget contingent on the actions of the court puts a large number of people at risk; the mentally ill, disabled, and other recipients of DHSS services. Regarding the argument about the appropriations process, he believes the legislature is ceding appropriations powers by making contingent arrangements affected by the outcome of a court decision. He repeated that using the constitutional budget reserve fund sets a bad precedent and puts a lot of innocent people at risk.

The motion to adopt Amendment 1 failed with Senator Ellis voting "yea," and Senators Phillips, Therriault, and Pearce voting "nay."

SENATOR THERRIAULT moved to calendar all Senate versions of CSHB 103(FIN).

SENATOR ELLIS objected.

The motion carried with Senators Phillips, Therriault and Pearce voting "yea," and Senator Ellis voting "nay."

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#HB 104

CHAIRWOMAN PEARCE announced that HB 104-APPROP: MENTAL HEALTH BUDGET was before the committee.

SENATOR ELLIS moved to adopt Amendment 1.

SENATOR THERRIAULT objected.

SENATOR ELLIS said his previous arguments apply because it is necessary to amend both bills to reverse the Senate Finance Committee plan to fund the DHSS budget from the constitutional budget reserve, rather than the general fund. He believes this funding approach carries the ideological debate about abortion between the various branches of government to an extreme. He would hope all legislators could express their opinions on that volatile subject without getting into this battle with the courts. He

believes a judge should decide a case on the Constitution and the facts of the case, not because of a threat that a department will be shut down.

A roll call vote was taken. Senator Ellis voted "yea," and Senators Therriault, Phillips and Pearce voted "nay," therefore the motion to adopt Amendment 1 to CSHB 104(FIN) failed.

SENATOR THERRIAULT moved to calendar all Senate versions of CSHB 104(FIN) with individual recommendations.

SENATOR ELLIS objected. The motion carried with Senators Therriault, Phillips and Pearce voting "yea," and Senator Ellis voting "nay."

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There being no further business to come before the committee, CHAIRWOMAN PEARCE adjourned the meeting.