

ALASKA LEGISLATURE

2152

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

SCR

8

HFIN

FILE

(11)

HOUSE COMMITTEE REPORT

Date Referred to Committee: May 14, 1999

FURTHER REFERRALS:

Date of Committee Action: 5/15/99

The FINANCE Committee considered:

SCR 8

SENATE CONCURRENT RESOLUTION NO. 8

LONG-TERM CARE TASK FORCE OF 1999

Creating the Long Term Care Task Force of 1999.

recommends it be replaced with the following committee substitute [] the same title [] a new title

[] additional referral to Committee [] attached amendment(s)

ADOPTS: Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) [] fiscal note(s)

[] zero fiscal note(s) [] zero fiscal note(s)

Table with columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Rows contain signatures and checkmarks.

CHAIR'S SIGNATURE Car Beuda Via Chair

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

NO. _____
BILL VER. No. 1
PUBLISHED Bill Version: SCR 8
(S) Publish Date: 4-21-99

Revision Date: _____
Title: "Creating the Long-Term Care Task Force."

Department Affected: Legislative Affairs Agency
BRU: Legislative Council

Sponsor: Senator Wilken
Requestor: Senator Wilken

Component: Council & Subcommittees

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	11.7	6.0	0	0	0	0
CONTRACTUAL	4.0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	15.7	8.0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	15.7	8.0	0	0	0	0
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	15.7	8.0	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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary)

SCR 8 establishes a nine member Long-Term Care Task Force consisting of three members of the House, three members of the Senate, and three public members. The task force will review the recommendations of the 1998 Long-Term Care Task Force and prepare a plan for establishment of an actuarially sound system of long-term care and proposed funding options. Senator Wilken has proposed a reappropriation amendment which would make funds from the previous task force available to this task force. If the amendment passes, funds from this fiscal note will not be needed.

Prepared By: Karla Schofield, Deputy Director

Phone: 455-3852

Division: Administrative Services

Date: 7/16/99

Approved By: Pamela A. Varni, Executive Director

Agency: Legislative Affairs Agency

Date: 4/16/99

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov., & Impacted Agency(ies).

CONTINUATION OF FISCAL NOTE: SCR

SCR #1

Travel

Travel costs for public members and the legislative members of the Long-Term Care Task Force are included in this fiscal note. Travel for non voting members from the Executive Branch will be paid for by the Executive Branch.

The Long-Term Care Task Force is expected to meet twice in FY00 and once in FY01. All other meetings will be conducted by teleconference.

For the purposes of this fiscal note, the public members of the task force are assumed to be 1 from Fairbanks, 1 from Anchorage and 1 from Ketchikan. The Legislators are assumed to be 1 from Anchorage, 1 from Fairbanks, and 1 from Juneau. Three days of per diem are calculated for each meeting.

	<u>Per Diem</u>	<u>Travel</u>	
<u>1 Anchorage Meeting</u>			
Anchorage - 1 public member/1 Legislator	-	-	
Fairbanks - 1 public member/1 Legislator	1,344	1,604	
Ketchikan - 1 public member	672	618	
Juneau - 1 Legislator/1 staff	1,344	932	
<u>1 Juneau Meeting</u>			
Anchorage - 1 public member/1 Legislator	1,038	932	
Fairbanks - 1 public member/1 Legislator	1,038	1,348	
Ketchikan - 1 public member	519	274	
Juneau - 1 Legislator	-	-	
			TOTAL
Total FY00 Travel	5,955	5,708	11,663
Total FY01 Travel	3,000	2,500	5,500
<u>Contractual</u>			
	Phones 110/month	Postage 60/month	Advertising 1,000/mtg
			TOTAL
FY00	1,320	720	2,000
FY01	600	300	1,000

Teleconference charges and expenses for printing will be absorbed by the Legislative Affairs Agency.

GARY WILKEN

SENATOR
Districts 29 & 30
West Fairbanks

Senate Standing Committees

Member: Finance
Member: Health, Education, &
Social Services (HESS)
Member: Legislative Budget & Audit
Member: State Affairs



During Session:
State Capitol Building
Juneau, Alaska 99801-1182
Tel: (907) 451-5501 (in Fbks area)
Tel: (907) 465-3709 (outside Fbks)
Fax: (907) 465-4714
Website: www.garywilken.com
E-Mail: Senator_Gary_Wilken@legis.state.ak.us

Interim:
1851 Fox Ave.
Fairbanks, Alaska 99701
Tel: (907) 451-5501
Fax: (907) 451-0438

Sponsor Statement

Senate Concurrent Resolution No. 8

"Creating the Long-Term Task Force of 1999"

Senate Concurrent Resolution 8 establishes a nine-member Long-Term Care Task Force of 1999 to provide a focal point for further discussion and action concerning the needs of Alaskans for equitable and affordable long-term care options. This new task force will be in a position to provide leadership and guidance to ensure careful consideration of the 1998 Long-Term Care Force's suggestions and recommendations.

The work of the 1998 task force was only the first step in meeting the ultimate goal of developing a suitable and equitable plan for providing access to long-term care for all Alaskans. Additional work needs to be done, including further analysis of current long-term care options and further exploration of new options.

The creation of a new Long-Term Care Task Force will provide an opportunity for a formally recognized group of legislators, state officials, and interested public members to continue the review and monitoring of long-term care in Alaska. I urge your support for SCR 8.

* * * *

April 16, 1999

Home of the
University of Alaska

LTC **TASK FORCE**
Long-Term Care Task Force



FINAL REPORT
January 1999

Representative Con Bunde, Co-chairman
Senator Gary Wilken, Co-chairman

State Capitol Building
Juneau, Alaska 99801-1182

CREATION OF A NEW TASK FORCE

RECOMMENDATION

31

The Task Force requests the Senate and House Health, Education and Social Services Committees, in consultation with the legislative leadership, strongly consider the creation of a new task force to continue the review and monitoring of long-term care in Alaska.

“Oversight by a group of legislators, state officials, and the public interested in long-term health care is important.”

Senate Concurrent Resolution 11 created the Long-Term Care Task Force, but also terminated the task force upon the convening of the First Regular Session of the Twenty-First Alaska State Legislature, January 19, 1999.

As acknowledged throughout this report, the study and review conducted by this Task Force is only the first step in meeting its ultimate goal in developing a suitable and equitable plan for providing access to long-term care for all Alaskans. Additional work needs to be done; current long-term care options must be further analyzed and new options explored.

The Task Force recognizes that oversight by a group of legislators, state officials, and the public interested in long-term health care is important. Such a commission, if appointed, would be in a position to monitor the state's long-term care programs as they evolve to meet the needs of all Alaskans. This group would provide the necessary leadership and guidance to ensure success of the Task Force's suggestions and recommendations.

The representatives of the public may include people who are receiving long-term care, have relatives who are receiving long-term care, are from an organization that represents the interests of people in need of long-term care, are health care providers whose services include long-term care, or have had experience with an Alaska Native organization that delivers long-term care services in a rural area of the state.

The Task Force requests the Senate and House Health, Education and Social Services Committees, in consultation with the legislative leadership, strongly consider the creation of a new task force to continue the review and monitoring of long-term care in Alaska.



Alaska Commission on Aging

Resolution 99-1

In support of renewal of the Legislative Long Term Care Taskforce

Whereas the Long Term Care Task Force created by the Twentieth Alaskan Legislature terminated upon convening of the First Regular Session of the Twenty-First Alaska State Legislature on January 19, 1999; and

Whereas the Legislative Long Term Care Task Force Report of January, 1999, concluded that the identification of central issues concerning long-term care, and crafting of 31 recommendations was "only the first step in meeting the ultimate goal in developing a suitable and equitable plan for providing access to long-term care for all Alaskans," and

Whereas the Task Force found that a new oversight group "would be in a position to monitor the state's long term care programs as they evolve to meet the needs of all Alaskans," and that "additional work needs to be done; current long-term care options must be further analyzed and new options explored," and

Whereas the January, 1999 Legislative Long Term Care Task Force Report effectively introduces, summarizes and links together many of the issues central to appropriate and cost-effective long-term care in Alaska, and identifies necessary research, analysis, public education, and service development now needed across the public and private sector to shape a coherent and comprehensive approach to the state's involvement in long-term care,

Now therefore the Alaska Commission on Aging strongly encourages the Twenty-First Alaska Legislature to create a standing Legislative Long-Term Care Task Force.

Adopted this 9th day of March, 1999.

A handwritten signature in cursive script that reads "Alaire E. Stanton".

Alaire Stanton
Chair

U.S. Department of Justice
Drug Enforcement Administration

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DEA Congressional Testimony

Statement by:

Thomas A. Constantine

Administrator

Drug Enforcement Administration

United States Department of Justice

Before the:

Senate Committee on the Judiciary

Regarding:

The California & Arizona Medical Drug Use Initiatives

Location:

Senate Hart Office Building

Room 216

Washington, D.C.

Date:

December 2, 1996

Note: This document may not reflect changes made in actual delivery.

Mr. Chairman, Members of the Committee: I appreciate this opportunity to appear before the Committee today and discuss the issues surrounding the two recently-passed ballot initiatives in California and Arizona which, in essence, legalize the possession of marijuana, and in Arizona, all Schedule I drugs, such as heroin and LSD for medical purposes by "seriously or terminally ill patients." I also wish to thank you, Mr. Chairman, for calling this hearing in such a timely manner. Most Americans have not yet grasped the consequences of what happened last month in California and Arizona, and it is critical that Congress provide factual information about these initiatives. It is also critical that Americans understand that these legalization initiatives were not local, grass-roots efforts, but part of a well-orchestrated, well-financed national movement, not for the compassionate medical use of marijuana, but to legalize drugs. These efforts will have a profound impact on our children, as they struggle to grow up against the backdrop of increased drug use among young people.

Today we are faced with more questions than answers as we examine the impact of these initiatives. It is fair to say that both propositions were well-crafted and well-thought out, and their authors fully intended to mask their true agenda in the guise of drug "medicalization," while keeping the medical conditions for

SCR

8

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/21/99

FURTHER: 5/04/99

DATE TURNED
IN TO OFFICE: 5/04/99

Finance Committee considered SENATE CONCURRENT RESOLUTION NO. 8

Creating the Long-Term Care Task Force of 1999.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>			
<i>[Signature]</i>		<i>[Signature]</i>			
<i>[Signature]</i>					
<i>[Signature]</i>	✓				
<i>[Signature]</i>					
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>		Co-Chair: <i>[Signature]</i>			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
LAA Lcg. Council	4/16/99		15.7

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

REPORTED DATE OF
5/04/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

NO. _____
BILL VERSION No. 1
PUBLISHED Bill Version: SCR 8
(S) Publish Date: 4-21-99

Revision Date: _____
Title: "Creating the Long-Term Care Task Force."
Sponsor: Senator Wilken
Requestor: Senator Wilken

Department Affected: Legislative Affairs Agency
BRU: Legislative Council
Component: Council & Subcommittees

COMPONENT SERIAL NO:

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CONTRACTUAL	4.0	2.0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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ANALYSIS: (Attach a separate page if necessary)

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Prepared By: Karla Schofield, Deputy Director Phone: 465-3852

Division: Administrative Services Date: 4/16/99

Approved By: Pamela A. Varni, Executive Director

Agency: Legislative Affairs Agency Date: 4/16/99

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

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Total FY01 Travel	3,000	2,500	11,663
Contractual			5,500

	Phones 110/month	Postage 60/month	Advertising 1,000/mtg		TOTAL
FY00	1,320	720	2,000		4,040
FY01	600	300	1,000		1,900

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GARY WILKEN

SENATOR
Districts 29 & 30
West Fairbanks

Senate Standing Committees

Member: Finance
Member: Health, Education, &
Social Services (HESS)
Member: Legislative Budget & Audit
Member: State Affairs

Alaska State Legislature

Senate

During Session:
State Capitol Building
Juneau, Alaska 99801-1182
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Tel: (907) 465-3709 (outside Fbks)
Fax: (907) 465-4714
Website: www.garywilken.com
E-Mail: Senator_Gary_Wilken@legis.state.ak.us

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1851 Fox Ave.
Fairbanks, Alaska 99701
Tel: (907) 451-5501
Fax: (907) 451-0438

RECEIVED

MAY 03 1999

Senate Finance
Committee

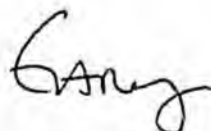
April 29, 1999

SCR 8

To My Colleagues:

This year the legislature and administration are doing good things for our six Pioneer Homes spread across Alaska. I think we are all proud of being a part of that effort.

Mr. Joe Walsh, a constituent, a father of a good friend, and my dad's meal-mate at the Fairbanks' Pioneer Home, wrote the attached letter to the Governor and, among others, copied me. Reading this note gave me renewed purpose to support our outstanding Pioneer Home system and the elderly Alaskan residents that call "our" Homes their home.



Gary Wilken

Co-chair - 1998 Long Term Care Task Force

APRIL 14, 1999

JOE WALSH
FAIRBANKS PIONEER HOME
2221 EAGAN AVENUE
FAIRBANKS, ALASKA 99701

DEAR GOVERNOR KNOWLES,

YOU MAY HAVE ALREADY HEARD THAT MY WIFE OF 53 PLUS YEARS PEACEFULLY SUCCEMDED TO ALZHEIMER'S AND HEART COMPLICATIONS ON APRIL 2ND AFTER 5 YEARS OF RESIDENCE IN THE HOME, 4 OF THOSE YEARS IN THE ALZHEIMER'S SECTION.

DURING THOSE YEARS I SPENT MANY HOURS EVERY DAY IN THAT SECTION WITH HER AND I WOULD BE VERY MUCH AMISS IF I DIDN'T TAKE THE TIME TO LET OTHERS KNOW HOW WELL THOSE GIRLS CARED, NOT ONLY FOR HER, BUT ALSO FOR FOR ALL THOSE POOR AFFLICTED PEOPLE IN THAT SECTION. MOST OF THE PEOPLE ARE HARMLESS. SOME WANDER ABOUT ALMOST LIKE A CAGED ANIMAL. OTHERS ARE GIVEN TO BE VIOLENT AT TIMES. OTHERS HAVE TO BE HAND FED AND VERY PERSONALLY CARED FOR . I HAVE SEEN THOSE GIRLS BEING SPIT UPON, CURSED AT, PUNCHED AND SWUNG AT BY HUSKY MEN.

I ASKED ONE OF THEM ONCE HOW THEY COULD TAKE THAT KIND OF STUFF AND HER ANSWER WAS THAT SHE SOMETIMES WONDERED HERSELF BUT ALWAYS CAME TO THE SAME CONCLUSION NAMELY, 'THEY CAN'T HELP THEMSELVES.'

I CAN'T HELP BUT SAY THAT WE ARE MOST FORTUNATE TO HAVE THE CREW IN THAT SECTION THAT WE HAVE. MY WIFE WOULD NOT HAVE HAD BETTER CARE IF THEY WERE CARING FOR THEIR OWN MOTHERS. ADJECTIVES FAIL ME WHEN I TRY TO DESCRIBE THE DEVOTION AND CARE THAT THEY OFFER. IT IS SO SINCERE AND ALWAYS WITH A SMILE, NO MATTER THE OFTEN STRESSFUL CIRCUMSTANCES.

IN FACT THE WHOLE STAFF OF THE HOME IS MORE LIKE A FAMILY THAN THE INSTITUTION THAT IT IS. THERE IS NOTHING FANCY ABOUT THE PLACE BUT IT IS ALWAYS NEAT AND CLEAN . I DON'T KNOW ANYTHING ABOUT FUNDING BUT FROM MY POINT OF VIEW, MONEY SPENT HERE COULDN'T BE BETTER SPENT ANYWHERE ELSE. FROM A RESIDENT'S POINT OF VIEW I DON'T SEE ANY WASTE.

THANK YOU FOR YOUR TIME,

SINCERELY YOURS,

JOE WALSH



CC: PRESIDENT OF THE SENATE
HOUSE MAJORITY LEADER
✓ SENATOR WILKEN
REPRESENTATIVE BRICE
REPRESENTATIVE JOULE
DIRECTOR, PIONEER HOMES



Joe and Mabel Walsh go their separate ways after having lunch together recently at the Fairbanks Pioneers' Home. Joe usually walks, but is using a wheelchair while recovering from minor surgery.

in whose care?

DEMENTIA: Alaska's long-term problem

DAY 20 OF 40

Alaska is aging. The baby boomers who built the Last Frontier face an uncertain future as their parents and their own ranks grow old and dementia becomes an increasing threat.

Over six months, reporter Jeff Richardson and photographer Eric Engman learned the stories of Fairbanksans facing dementia. Today through Wednesday they share the stories of dementia patients and those who care for them. They also explore the frightening boom in Alaska's aged population and ask who will be there to care in the future.

Kelly Bostian
Managing editor



Joe, left, and Mabel Walsh spend a lot of time near the aviary at the pioneers' home. The Walshes both live at the home, but Mabel suffers from mild Alzheimer's and lives in a special wing. Though they stay in separate rooms, the couple spends as much time together as possible.

Fairbanks Daily News Miner 2/7/99

SJR

2

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 1/26/99

FURTHER: _____

2/18/99

DATE TURNED
IN TO OFFICE: _____

2/18/99

Finance Committee considered

SENATE JOINT RESOLUTION NO. 2

Proposing an amendment to the Constitution of the State of Alaska relating to the rights of prisoners under the criminal administration section.

and recommends:

- be replaced with _____ CS SJR 2 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Paul E. [Signature]</i>	✓	<i>Oil Adams</i>		✓	
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<div style="border: 1px solid black; padding: 5px; width: fit-content; margin-bottom: 5px;"> forthcoming f/g from Gov. amt 1.5 to match FIN CS. </div>				

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Gov/Elections	2/9/99			1.5

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

1-LS0257G
Luckhaupt
1/25/99

*moved by Sen.
Donley, w/o
objection, ADOPTED*

CS FOR SENATE JOINT RESOLUTION NO. 2()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Tim Kelly, Leman, Taylor

A RESOLUTION

1 **Proposing an amendment to the Constitution of the State of Alaska relating to**
2 **the rights of prisoners under the criminal administration section.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** Article I, sec. 12, Constitution of the State of Alaska, is amended to read:

5 **Section 12. Criminal Administration.** (a) Excessive bail shall not be
6 required, nor excessive fines imposed.

7 (b) Cruel [, NOR CRUEL] and unusual punishments shall not be inflicted.

8 Criminal administration shall be based upon the following: the need for protecting the
9 public, community condemnation of the offender, the rights of victims of crimes,
10 restitution from the offender, and the principle of reformation. Protections and rights
11 provided under this subsection to prisoners convicted of crimes shall be limited
12 to those rights and protections and the extent of those rights and protections
13 afforded under the Constitution of the United States to prisoners convicted of
14 crimes.

15 *** Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of
16 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the

1 State of Alaska, and the election laws of the state.

SENATE FINANCE COMMITTEE
1999 COMMITTEE ACTION

Bill Number	SJR 2
Amendment	CS
Motion	Adopt CS
<u>Motion by</u>	Donley
<u>Objection</u>	
<u>Objection by</u>	Torgerson
<u>Removed</u>	yes
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Senator Randy Phillips	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	Adopt CS

w/out object



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement For Senate Joint Resolution 2

LIMITING PRISONER RIGHTS REGARDING CRIMINAL ADMINISTRATION OF THE ALASKA CONSTITUTION TO THE REQUIREMENTS OF THE UNITED STATES CONSTITUTION

Senate Joint Resolution 2 would limit the rights conveyed to convicted prisoners in Alaska under Section 12 of the Alaska Constitution to those requirements afforded under the United States Constitution. Since the Alaska Constitution is quite different from the U.S. Constitution regarding criminal administration, SJR 2 adopts a single standard - the Federal standard - for determining these rights.

Last year a different version of SJR 2 passed the legislature and was to be considered by voters on the General Election Ballot. Last year's version (Ballot Measure 1) created a new section of the Alaska Constitution which would have limited all rights conveyed to convicted prisoners in Alaska to those rights required by the U.S. Constitution.

A statewide Dittman research poll indicated 76% of Alaskans supported Ballot Measure #1.

However the Alaska Supreme Court, in Bess v. Ulmer, removed Ballot Measure #1 from the General Election Ballot. In its decision the court created new constitutional law in Alaska by deciding that Ballot Measure #1 was not an "amendment" but rather a "revision" because it would affect more than one section of the constitution and such a change should only be done at a constitutional convention.

In contrast to last year's version, Senate Joint Resolution 2 **only** applies to those rights conferred on convicted prisoners by any and all language of Article 1, Section 12 of the Alaska's Constitution. SJR 2 also returns the meaning of the phrase "principle of reformation" to the original intent of the framers of the Alaska Constitution by limiting the effect of "the principle of reformation", contained in Article 1, Section 12 of the Alaska's Constitution, to a guiding principle of criminal administration. In doing this, SJR 2 makes it clear that Article 1, Section 12 does not create an individual right of prisoners to rehabilitation.

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

Vice-Chair, Senate Finance Committee • Chairman, Capitol Budget Subcommittee •
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Cr.....

Senate Joint Resolution 2
Sponsor Statement
Page 2

Under the United States Constitution, courts have not articulated a right of prisoners to participate in particular programs or to receive rehabilitative treatment. However, the Alaska Supreme Court has found that prisoners have an individual special right of access to rehabilitation programs under the Alaska Constitution.

Most recently the Alaska Supreme Court held that visitation is part of the right to rehabilitation guaranteed inmates under Article 1, Section 12 of the Alaska Constitution. This decision requires the Department of Corrections to give substantial deference to Alaska inmates' desire to be incarcerated near family and friends thus hindering the department's ability to control prison population through inmate transfers.

Federal courts and appellate courts in the 49 other states have universally rejected the existence of this "right" as part of an inmates' rehabilitation.

These decisions have created difficulties with prison administration in Alaska and have encouraged lawsuits by prisoners under the Alaska Constitution. Imprisoned convicted criminals should not be entitled to the same special individual rights law-abiding citizens enjoy.

The Cleary consent decree has also hampered prison administration in Alaska. The Cleary consent decree does not distinguish between Federal and State Constitutional standards. But this decree does require greater prisoners' rights in Alaska than are required by the U.S. Constitution. SJR 2 cannot directly overrule Cleary since it was a consent decree. SJR 2 can, however, assure that the U.S. Constitution, and not a more protective state constitutional standard, will be the standard for criminal administration in Alaska.

Additionally, the state may be able to modify or overturn the Cleary consent decree in which case the new single standard for criminal administration adopted by SJR 2 could be applied. Passage of SJR 2 itself may give the state sufficient basis to request a court to re-open the Cleary settlement and at the least will add to any legal justification to do so. The immediate impact of passage of SJR 2 may be small, but will prevent state courts from any future expansion of prisoners' rights regarding criminal administration based on the Alaska State Constitution.

The framers of Alaska's Constitution gave Alaskans many highly desirable individual rights and liberties not found in the United States Constitution. Unfortunately, the Alaska Supreme Court has wrongly decided these additional constitutional rights not only protect law-abiding citizens but also give special rights to imprisoned convicted criminals. Passage of SJR 2 would correct this mistake.

DD/jja



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SJR 2 - FEDERAL CONSTITUTIONAL RIGHTS VS. STATE CONSTITUTIONAL RIGHTS REGARDING CRIMINAL ADMINISTRATION

1) PROGRAMS AND REHABILITATION

Under the United States Constitution courts have not articulated a right of prisoners to participate in particular programs or to receive rehabilitative treatment. Each circuit that has considered the issue has held that enforced idleness does not constitute cruel and unusual punishment. Toussaint v. McCarthy (1986)

The Alaska Supreme Court has found that prisoners have a right of access to rehabilitation programs under the Alaska Constitution. Ferguson v. State, Department of Corrections (1990)

2) LOCATION OF INCARCERATION

The Alaska Supreme Court held visitation is part of the right to rehabilitation guaranteed inmates under Article 1, section 12 of the Alaska Constitution. Brandon v. Department of Corrections (1997)

This decision requires the Department of Corrections to give substantial deference to Alaska inmates' desire to be incarcerated near family and friends thereby hindering the department's ability to control prison population through inmate transfers.

Federal courts and appellate courts in the 49 other states have universally rejected the existence of this "right" as part of an inmates' rehabilitation.

3) SQUARE FOOTAGE REQUIREMENTS ON CELL SIZES

The Department of Corrections is required, under the Cleary consent decree, to provide a specific amount of square footage in inmate's cells. These square footage requirements vary on the number of inmates in a cell and the number of hours a prisoner is required to be in the cell. Additionally, there are specific requirements on the number of inmates that may occupy "dormitory" type cells. There are also different square footage requirements for any new facility built in Alaska.

The Federal constitution does not make such square footage requirements for prisoners' cells or limits on dormitory style housing.

DD/jja

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Vice-Chair, Senate Finance Committee • Chairman, Capitol Budget Subcommittee •
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Cou

ADDITIONAL
INFORMATION FOR

SENATE FINANCE COMMITTEE

SIGN-IN

SJR 2-CONST. AM: PRISONER'S RIGHTS

NAME: Margot Knuth Sub./Bill No: SJR 2
Co./Dept./Title: Corrections Phone: 4338
Address: _____ Zip: _____

Do you wish to testify? ___ Yes ___ No Respond to Questions

NAME: _____ Sub./Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? ___ Yes ___ No ___ Respond to Questions

NAME: _____ Sub./Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? ___ Yes ___ No ___ Respond to Questions

NAME: _____ Sub./Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? ___ Yes ___ No ___ Respond to Questions

SJR

3

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: May 13, 1999

FURTHER REFERRALS:

Date of Committee Action: 5/17/99

The FINANCE Committee considered:

SJR 3

SENATE JOINT RESOLUTION NO. 3

REPEAL OF REGULATIONS BY LEGISLATURE

Proposing an amendment to the Constitution of the State of Alaska relating to the repeal of regulations by the legislature.

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____

fiscal note(s) of the Gov 2/11/99

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Tom Mulder</u> Mulder	✓			
<u>Van Strand</u> Bunde	✓			
<u>Lin Kohring</u> Kohring	X			
<u>Alan (Austin)</u> Austerman	X			
<u>John J. Davies</u> J. Davies		+		
<u>Ben Arussendorf</u> arussendorf			X	
<u>W. E. Moses</u> Moses			X	
<u>Fern J. Davis</u> J. Davis	X			
<u>W. H. Williams</u> Williams	+			

CHAIR'S SIGNATURE Tom Mulder

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 13
Bill Version: STR 3
(S) Publish Date: 2-11-99

Revision Date/ 2/9/99 Dept. Affected Office of the Governor
Title Constitutional Amendment relating to BRU Elective Operations
the repeal of regulations by the legislature Component General and Primary
Sponsor Senator Taylor
Requester Senate Finance Committee Component Serial No. 22

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by Gail Fenumial *Gail Fenumial*
Division Division of Elections
Approved by G. Lt. Governor Fran Ulmer *Fran Ulmer*
Agency Office of the Lieutenant Governor

Phone 465-3935
Date/Time 2/9/99 9:05 AM
Date 2/9/99

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FISCAL NOTE

No. 13
 Bill Version: STR 3
 (S) Publish Date: 2-11-99

STATE OF ALASKA
 1999 LEGISLATIVE SESSION

Revision Date/ 2/9/99 Dept. Affected Office of the Governor
 Title Constitutional Amendment relating to BRU Elective Operations
the repeal of regulations by the legislature Component General and Primary
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Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

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1002 Federal Receipts						
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Other (Specify Type)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

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Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by Gail Fenumiai Phone 465-3935
 Division Division of Elections Date/Time 2/9/99 9:05 AM
 Approved by Lt. Governor Fran Ulmer Date 2/9/99
 Agency Office of the Lieutenant Governor

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Chairman,
Judiciary Committee

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Fax: (907) 465-3922



50 Front Street
Suite 205
Ketchikan, Alaska 99901
(907) 225-8088
Fax (907) 225-0714

Senator Robin L. Taylor

Sponsor Statement

Senate Joint Resolution 3 - Repeal of Regulations

Senate Joint Resolution 3 is a proposed amendment to the Constitution of the State of Alaska which would grant the Legislature the ability to repeal a regulation adopted by a state department or agency that is inconsistent with its enabling statute. This proposed amendment would allow the repeal of a regulation by a resolution passed by a majority of the members of each house.

The numerous regulations contained in the Alaska Administrative Code were not created by legislators. The only recourse for the Legislature is to repeal the law that enabled the regulation. This wastes Alaskan's time and money in the process. The repeal of burdensome regulations is vital to the progress of economic development for all of Alaska.

This issue has come before the voters in the past and now the time has come again for the voters to reduce the amount of time and money spent in legislation. Voters would have the chance to speak out about the proposed amendment in the next general election.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

SJR

3

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/1/99

FURTHER: 2/16/99

DATE TURNED
IN TO OFFICE: 2/16/99

Finance Committee considered

SENATE JOINT RESOLUTION NO. 3

Proposing an amendment to the Constitution of the State of Alaska relating to the repeal of regulations by the legislature.

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Lynda Gray</i>	✓		
		<i>Pete Kelly</i>	✓		
		<i>Al Adams</i>		X	
		<i>Ken Leibel</i>	✓		
		<i>Kevin D. Jensen</i>	✓		
Co-Chair: <i>Boyer</i>	✓	Co-Chair:			
Co-Chair: <i>Sean Farrell</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
Gov/Elective Op.	2/9/99		1.5

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

SENATE FINANCE COMMITTEE
1999 COMMITTEE ACTION

Bill Number	SJR 3
Amendment	
Motion	Report from Cmte
<u>Motion by</u>	Wilkins
<u>Objection</u>	
<u>Objection by</u>	Adams
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Dave Donley	absent
Senator Loren Leman	yes
Senator Al Adams	no
Senator Gary Wilken	yes
Senator Pete Kelly	yes
Senator Lyda Green	yes
Senator Randy Phillips	absent
Co-Chair Sean Parnell	yes
Co-Chair John Torgerson	yes
<u>Tally</u>	
Yea	0 6
Nay	0 1
Absent	0
<u>MOTION</u>	

SENATE FINANCE
COMMITTEE
Amendment Number: #1
Bill Number: SJR 3
Sponsor: Adams Date: 2/11/99
Logged In By: Mindu

I-LS0313VA.1
Bannister ✓
2/10/99

AMENDMENT

OFFERED IN THE SENATE

TO: SJR 3

moved BY SENATOR ADAMS

object Sen Green

3 yeas - 5 nays FAILED
(Pannell absent)

- 1 Page 1, line 8, following "regulation by a":
- 2 Insert "written"
- 3 Page 1, line 9, following "house.":
- 4 Insert "The resolution must contain language explaining why the legislature finds the
- 5 regulation inconsistent with the regulation's enabling statute."

SENATE FINANCE COMMITTEE
1999 COMMITTEE ACTION

Bill Number	SJR 3
Amendment #	#1
Motion	adopt
<u>Motion by</u>	Adams
<u>Objection</u>	Green
<u>Objection by</u>	
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Pete Kelly	4
Senator Lyda Green	2
Senator Randy Phillips	2
Senator Dave Donley	2
Senator Loren Leman	2
Senator Al Adams	2
Senator Gary Wilken	2
Co-Chair Sean Parnell	1
Co-Chair John Torgerson	2
<u>Tally</u>	
Yea	0 53
Nay	0 50
Absent	0 1
<u>MOTION</u>	fail

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. SJR3

Revision Date/ 2/9/99 Dept. Affected Office of the Governor
 Title Constitutional Amendment relating to BRU Elective Operations
the repeal of regulations by the legislature Component General and Primary
 Sponsor Senator Taylor
 Requester Senate Finance Committee Component Serial No. 22

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by Gail Fenumial *Gail Fenumial* Phone 465-3935
 Division Division of Elections Date/Time 2/9/99 9:05 AM
 Approved by C. Lt. Governor Fran Ulmer *Fran Ulmer* Date 2/9/99
 Agency Office of the Lieutenant Governor

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Ketchikan, Alaska 99901
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Fax: (907) 225-0713

Senator Robin L. Taylor

Sponsor Statement

Senate Joint Resolution 3 - Repeal of Regulations

Senate Joint Resolution 3 is a proposed amendment to the Constitution of the State of Alaska which would grant the Legislature the ability to repeal a regulation adopted by a state department or agency that is inconsistent with its enabling statute. This proposed amendment would allow the repeal of a regulation by a resolution passed by a majority of the members of each house.

The numerous regulations contained in the Alaska Administrative Code were not created by legislators. The only recourse for the Legislature is to repeal the law that enabled the regulation. This wastes Alaskan's time and money in the process. The repeal of burdensome regulations is vital to the progress of economic development for all of Alaska.

This issue has come before the voters in the past and now the time has come again for the voters to reduce the amount of time and money spent in legislation. Voters would have the chance to speak out about the proposed amendment in the next general election.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell



NFIB Alaska

National Federation of Independent Business

Statement of Support

of SJR 3

A resolution calling for a constitutional amendment to allow the legislature to annul regulations found to be inconsistent with the intent of the law.

January 29, 1999

The Alaska Chapter of the National Federation of Independent Business has 3,000 members, making it the largest small-business advocacy group in the state.

The legislative agenda of NFIB is determined by ballot. The ballot is our poll of members on a series of state legislative and regulatory issues.

NFIB/Alaska ballot results have shown very strong support for giving the voters the chance to amend the constitution to allow repeal of regulations by the legislature. Following are the ballot results on this issue:

Should the State of Alaska place a proposed constitutional amendment before the voters to decide whether the legislature should be given the authority to repeal regulations found to be improper or inconsistent with the law?

73 % YES

15 % NO

12 % Undecided

NFIB/Alaska urges support for SJR 3.

Submitted by Thyes Shaub on behalf of NFIB/Alaska.

SJR

4

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/3/99

FURTHER: SC 2/8/99

DATE TURNED
IN TO OFFICE: 2/8/99

Finance Committee considered

SENATE JOINT RESOLUTION NO. 4

Relating to a national ballistic missile defense system.

and recommends:

- be replaced with _____ CS SJR 4 (FIN)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill: same title
- new title
- House Bill:**
- same title
- technical title
- new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Lynne Meehan</i>	✓				
<i>Pete Kelly</i>	✓				
<i>Pat Adams</i>	✓				
<i>Laura D. Linn</i>	✓				
<i>John D. O'Leary</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>Alan Farnell</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

DMVA	2/6/99	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

STATE OF ALASKA
1998 LEGISLATIVE SESSION

FISCAL NOTE

No. 1
 II Version: STR 4
 (S) Publish Date: 2/8/99

S.O. 2/8/99

Revision Date: _____
 Title: Missile Defense System
 Sponsor: Senator T. Kelly
 Requester: _____

Dept. Affected Military & Veterans Affairs
 BRU _____
 Component _____
 Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES []						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS:

(Attach a separate page if necessary)

Prepared by Senator Jerry Ward Chair Phone 465-4940
 Division Senate State Affairs Committee Date 2/6/99
 Approved by _____ Date _____
 Agency _____

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Amended in GRT
SENATE

TO
FINANCE

Provided by
Mark Haddock
SEN STA Cmte.
Staff

2/8/99
11:02am

technological breakthrough. Officials and arms experts said that the test suggested that North Korea had made real progress in its efforts to build a longer range missile, the Tapo Dawn (ph) II, which is reportedly capable of traveling 2400 to 3600 miles. That would give North Korea the ability to strike targets throughout Asia and as far away as Alaska....

MR. NELSON stated military experts believe that North Korea intends to put nuclear warheads on its intercontinental missiles or export its missiles to someone who would. North Korea's launch confirmed the conclusion reached by a bipartisan commission headed by former Defense Secretary Donald Rumsfelt: that the United States is now vulnerable to ballistic missile attack and that our nation has no means to defend itself. He summarized by saying the rules of international relations and national defense changed when North Korean launched its missile. Support for SJR 4 indicates Alaska's traditional agreement and commitment to defending Alaska and fellow Americans.

SENATOR PHILLIPS moved to amend page 2, line 8, by adding "the Honorable William Cohen, Secretary of Defense," to the list. There being no objection, the motion carried.

SENATOR MACKIE moved C^sSJR 4 (STA) out of committee with individual recommendations. There being no objection, the motion carried.

#

VICE-CHAIR GREEN announced that SB 46 would not be heard during the meeting.

#SB43

SB 43-APPROP: EARNINGS RESERVE TO PERM FUND

SENATE FINANCE
COMMITTEE

1-LS0311A.1

Amendment Number: 1

Kurtz

Bill Number: SJR 4

2/6/99

Sponsor: Adams Date: 2/8/99

Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE

TO: SJR 4

moved BY SENATOR ADAMS

w/o objection adopted

1 Page 2, line 6, following "system":

2 Insert "; and be it

3 **FURTHER RESOLVED** that the Twenty-First Alaska State Legislature requests that,
4 in the development and operation of a national ballistic missile defense system in Alaska, the
5 Department of Defense provide adequate protection from any danger posed by the system to
6 local residents"

**CS FOR SENATE JOINT RESOLUTION NO. 4(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION**

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS TIM KELLY, Pete Kelly, Taylor, Mackie, Miller, Wilken, Leman

A RESOLUTION

1 Relating to a national ballistic missile defense system.

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

3 WHEREAS the collapse of the Soviet Union has rendered obsolete the treaty
4 constraints and diplomatic understandings that limited the development and deployment of
5 weapons of mass destruction and their delivery systems during the Cold War; and

6 WHEREAS the world has consequently witnessed during this decade an unprecedented
7 proliferation of sophisticated military technology, including nuclear, chemical, and biological
8 weapons and ballistic missiles; and

9 WHEREAS the United States has recognized that it currently has no means of
10 protecting all of its citizens from attack by these new threats and has initiated a program to
11 develop and deploy a national ballistic missile defense system; and

12 WHEREAS four locations in the state are currently being considered as sites for
13 deployment of the intercept vehicles for this system; and

14 WHEREAS each of these locations provides the unmatched military value of a
15 strategic location from which Americans living in all 50 states can be defended as required
16 by the United States Constitution; and

17 WHEREAS, throughout Alaska's history as a territory and a state, Alaska's citizens

1 have been unwavering in their support of a strong national defense while warmly welcoming
2 the men and women of our armed forces stationed here;

3 **BE IT RESOLVED** that the Twenty-First Alaska State Legislature calls upon the
4 President, as Commander In Chief of the Armed Forces of the United States, to provide for
5 the common defense of our nation by selecting an Alaska site for the deployment of the
6 national ballistic missile defense system; and be it

Amend #1 San Adams

7 **FURTHER RESOLVED** that the Twenty-First Alaska State Legislature requests that,
8 in the development and operation of a national ballistic missile defense system in Alaska, the
9 United States Department of Defense provide adequate protection from any danger posed by
10 the system to local residents.

11 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
12 United States; the Honorable William S. Cohen, Secretary of the U.S. Department of Defense;
13 the Honorable Floyd D. Spence, Chair, Committee on Armed Services, U.S. House of
14 Representatives; the Honorable John Warner, Chair, Committee on Armed Services, U.S.
15 Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators,
16 and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
17 Congress.

STA Amend

*San Adams 2/8/99 2:15
Marla
Here is the new
CS SUR 4 (FIN) with
your amendment
incorporated.*

*Darwin ~
Here is the new
CSUR 4 (FIN) w/
San Adams amendment
& State Affairs Cmte.
changes.*

*Please check that
it's to your satisfaction
& initial this note.*

*The copy of the
bill is yours to
keep*

*Please double check,
& initial this note &
return to me. The
bill is your copy
Thx*

*OK MB
Mindy SFD Secty*

DP

*Mindy
2/8/99*



Official Business

Alaska State Legislature

Senate

Rules Committee

State Capitol
Juneau, AK. 99801-1182

Sponsor Statement Senate Joint Resolution 4

Last week, Secretary of Defense William Cohen announced that the United States would proceed with the deployment of a National Ballistic Missile Defense System and confirmed that two locations are under active consideration: North Dakota and Alaska.

This resolution states the reasons why that system should be deployed here in Alaska.

-Alaska's strategic location makes it the only site from which all fifty states can be defended. A North Dakota based system can not defend Hawaii and Alaska.

-Alaskans have always supported a strong national defense and have always valued the men and women of our Armed Forces who are stationed here and made them welcome members of our community.

Brigadier General Willie Nance, the Program Manager for the National Ballistic Missile Defense Organization, is making a special trip to Juneau on Monday, February 22, to brief members of the Legislature on the details of this program. Let's welcome him with a copy of this resolution, passed with bi-partisan support, emphasizing our commitment to deploying this crucial new defense program here in Alaska.

SENATE FINANCE COMMITTEE

SIGN-IN

SB 35-EXTEND BOARD OF MARINE PILOTS

NAME: Michael O'Hara Sub./Bill No: 35
Co./Dept./Title: President South West Alaska Pilots Phone: 235-8783
Address: Box 977 Homer AK Zip: 99603

Do you wish to testify? Yes ___ No ___ Respond to Questions

NAME: Catherine Reardon Sub./Bill No: 35
Co./Dept./Title: DCED, Occupational Licensing Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes ___ No ___ Respond to Questions

NAME: Peter Christensen Sub./Bill No: _____
Co./Dept./Title: DCED, Occupational Licensing Phone: 465-2548
Address: 8427 Steep Place, Juneau, AK Zip: 99801

Do you wish to testify? Yes ___ No ___ Respond to Questions

NAME: Kate Tesar - AK Coastwise Pilots Sub./Bill No: 35
Co./Dept./Title: _____ Phone: 463-5657
Address: PO Box 22754 Juneau AK Zip: 99801

Do you wish to testify? Yes ___ No ___ Respond to Questions

SENATE FINANCE COMMITTEE

SIGN-IN

SJR 4-NATIONAL BALLISTIC MISSILE DEFENSE SYSTEM

NAME: Senator Tim Hally Sub./Bill No: _____

Co./Dept./Title: Resolution Sponsor Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: Chris Nelson Sub./Bill No: _____

Co./Dept./Title: Staff - Joint Committee on Phone: 465-3865

Address: 220 Goldstein Military Bases Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

NAME: _____ Sub./Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond to Questions

SJR

9

SFIN

FILE

SJR 9

was referred to the
Senate Finance
Committee

Hearing(s) were held

The bill did not move
from Committee



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

To: Members of the Senate Finance Committee
Fr: Senator Dave Donley *TD*
Dt: April 6, 1999
Re: SJR 9 – "Proposing amendments to the Constitution of the State of Alaska relating to ways and means bills"

I have prepared a draft CS for SJR 9. Please review the draft and the attached memorandum from Tamara Cook of Legal Services and contact me with any comments or suggestions.

The draft CSSJR 9 () allows the governor to veto "parts" of the ways and means bill while allowing other parts to take effect.

DD\hn

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee • Co-Chair, Anchorage Caucus
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

January-May: STATI: CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE., STE. 430 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

1-LS0022AK
Cook✓
4/9/99

CS FOR SENATE JOINT RESOLUTION NO. 9()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to ways**
2 **and means bills.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** Article II, sec. 9, Constitution of the State of Alaska, is amended to read:

5 **Section 9. Special Sessions.** Special sessions may be called by the governor
6 or by vote of two-thirds of the legislators. The vote may be conducted by the
7 legislative council or as prescribed by law. At special sessions called by the governor,
8 legislation shall be limited to subjects designated in his proclamation calling the
9 session, to subjects presented by him, to [AND] the reconsideration of bills vetoed by
10 him after adjournment of the last regular session, and to ways and means bills.

11 Special sessions are limited to thirty days.

12 *** Sec. 2.** Article II, sec. 13, Constitution of the State of Alaska, is amended to read:

13 **Section 13. Form of Bills.** Every bill shall be confined to one subject unless
14 it is an appropriation bill, a bill [OR ONE] codifying, revising, or rearranging existing
15 laws, or a ways and means bill. Bills for appropriations shall be confined to
16 appropriations. Ways and means bills shall be confined to changes in law

1 determined by the legislature to be necessary to implement appropriations. The
2 legislature may organize a ways and means bill into distinct parts. The subject of
3 each bill shall be expressed in the title. The enacting clause shall be: "Be it enacted
4 by the Legislature of the State of Alaska."

5 * Sec. 3. Article II, sec. 15, Constitution of the State of Alaska, is amended to read:

6 Section 15. Veto. The governor may veto bills passed by the legislature. The
7 governor [HE] may, by veto, strike or reduce items in appropriation bills. If a ways
8 and means bill is organized into parts under Section 13 of this article, the
9 governor may, by veto, strike one or more parts of the bill. The governor [HE]
10 shall return any vetoed bill, with a statement of [HIS] objections, to the house of
11 origin.

12 * Sec. 4. Article II, sec. 16, Constitution of the State of Alaska, is amended to read:

13 Section 16. Action upon Veto. Upon receipt of a veto message during a
14 regular session of the legislature, the legislature shall meet immediately in joint session
15 and reconsider passage of the vetoed bill, part of the ways and means bill, or item
16 in the appropriation bill. Bills to raise revenue and appropriation bills or items,
17 although vetoed, become law by affirmative vote of three-fourths of the membership
18 of the legislature. Other vetoed bills or parts of ways and means bills become law
19 by affirmative vote of two-thirds of the membership of the legislature. Bills vetoed
20 after adjournment of the first regular session of the legislature shall be reconsidered
21 by the legislature sitting as one body no later than the fifth day of the next regular or
22 special session of that legislature. Bills vetoed after adjournment of the second regular
23 session shall be reconsidered by the legislature sitting as one body no later than the
24 fifth day of a special session of that legislature, if one is called. The vote on
25 reconsideration of a vetoed bill shall be entered on the journals of both houses.

26 * Sec. 5. The amendments proposed by this resolution shall be placed before the voters of
27 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
28 State of Alaska, and the election laws of the state.

SENATE FINANCE COMMITTEE

SIGN-IN

SJR 9-CONST. AM: WAYS AND MEANS BILLS

NAME: JACK KREINHEDER Subject/Bill No: _____

Co./Dept./Title: OMB Phone: 4676

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

1-LS0022N
Cook
4/1/99

June 1/99
4/1/99

CS FOR SENATE JOINT RESOLUTION NO. 9()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A RESOLUTION

1 **Proposing amendments to the Constitution of the State of Alaska relating to ways**
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9 session, to subjects presented by him, to [AND] the reconsideration of bills vetoed by
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14 regular session of the legislature, the legislature shall meet immediately in joint session
15 and reconsider passage of the vetoed bill, part, or item. Bills to raise revenue and
16 appropriation bills or items, although vetoed, become law by affirmative vote of three-
17 fourths of the membership of the legislature. Other vetoed bills or parts of ways and
18 means bills become law by affirmative vote of two-thirds of the membership of the
19 legislature. Bills vetoed after adjournment of the first regular session of the legislature
20 shall be reconsidered by the legislature sitting as one body no later than the fifth day
21 of the next regular or special session of that legislature. Bills vetoed after adjournment
22 of the second regular session shall be reconsidered by the legislature sitting as one
23 body no later than the fifth day of a special session of that legislature, if one is called.
24 The vote on reconsideration of a vetoed bill shall be entered on the journals of both
25 houses.

26 * Sec. 5. The amendments proposed by this resolution shall be placed before the voters of
27 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
28 State of Alaska, and the election laws of the state.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 7, 1999

SUBJECT: Ways and means bills (CSSJR 9()); (Work Order No. 21-LS0022\1)

TO: Senator Dave Donley

FROM: Tamara Brandt Cook
Director

The draft CSSJR 9() adds the concept of permitting the governor to veto parts of the ways and means bill while leaving other parts to take effect. You have asked for an explanation of how this will work. The change made in resolution sec. 2 permits, but does not obligate, the legislature to organize a ways and means bill into distinct parts. Under resolution sec. 3 the governor has been given the power to strike one or more parts of the ways and means bill, but only if it has, indeed, been organized into parts.

Note that the legislature would have to decide whether to pass a ways and means bill in a form that will lend itself to partial veto. Otherwise, the only remedy the governor will have is to entirely veto the bill. If the legislature decides to permit the possibility of partial vetoes it will then decide which provisions must stand or fail as a unit. For example, the legislature might include a rewrite of a particular program, say the longevity bonus program, and decide that all provisions related to that program lend themselves to veto as a unit separately from the rest of the bill, but that no single change to the program should be vetoed while still leaving the other changes, because this might substantially alter the legislative policy with respect to the program as a whole. The legislature could, then, place all provisions dealing with the longevity bonus program under one part in the ways and means bill, perhaps under a heading such as: "PART I. LONGEVITY BONUS PROGRAM." Other subjects dealt with in the ways and means bill would be placed under other part headings.

TBC:pl;jr
99-049.plm

SJR

11

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: March 29, 1999

FURTHER REFERRALS:

Date of Committee Action: 4/28/99

The FINANCE Committee considered:

CSSJR 11(FIN)

CS FOR SENATE JOINT RESOLUTION NO. 11(FIN)

EDUCATION BLOCK GRANTS

Urging the Congress of the United States to provide federal education funds as a block grant to the state.

recommends it be replaced with the following committee substitute _____ [] the same title
[] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal note(s) _____ [] fiscal note(s) _____

[] zero fiscal note(s) _____ [] zero fiscal note(s) SFC, 3/12/99

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Greg Therriault</i> Therriault	X			
<i>John Mulder</i> Mulder	X			
<i>Clara Bunde</i> Bunde	✓			
<i>Vic Kohring</i> Kohring	X			
<i>Gila Custer</i> Custer	X			
<i>Ben Grussenjerg</i> Grussenjerg	X			
<i>Ed Davis</i> DAVIS	X			
<i>Will Williams</i> Williams	X			

CHAIR'S SIGNATURE *Greg Therriault*
CO *John Mulder*
 Therriault Mulder

FISCAL NOTE

STATE OF ALASKA
1999 Legislative Session

Bill No. 2. 1
Bill Ver. No.: CSSTR11(FIN)
(S) Publish Date: 3/12/99

Revised Date: _____
Title: Urging the Congress of the United States to provide federal education funds as a block grant to the State.
Sponsor: Senate Finance Committee
Requester: Senate Finance Committee

Dept. Affected All Departments
BRU _____
Component _____
Component Serial No. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY01	FY02	FY03	FY04	FY05
Personal Services	0.0					
Travel	0.0					
Contractual	0.0					
Supplies	0.0					
Equipment	0.0					
Land & Structures	0.0					
Grants & Claims	0.0					
Miscellaneous	0.0					
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	FY 00	FY01	FY02	FY03	FY04	FY05
1002 Federal Receipts	0.0					
1003 GF Match	0.0					
1004 GF	0.0					
1005 GF/Program Receipts	0.0					
1037 GF/Mental Health	0.0					
1091 Designated Program Receipts	0.0					
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) costs: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Prepared By: SENATE FINANCE COMMITTEE

Sean Parnell

SENATOR SEAN PARNELL, CO-CHAIR

Date: 3/11/99
Phone: 465-2995

John Ferguson

SENATOR JOHN FERGERSON, CO-CHAIR

Date: 3/11/99
Phone: 465-2828



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SPONSOR STATEMENT

SENATE JOINT RESOLUTION 11

"FEDERAL EDUCATION AND BLOCK GRANTS"

Senate Joint Resolution 11 urges Congress to provide federal education funds as block grants to the state of Alaska.

Senate Joint Resolution 11 encourages Congress to give the State of Alaska greater control over the education funds provided by the federal government. By taking control of funds from an agency thousands of miles away and placing the disbursement responsibility in the hands of the state and communities the funding will directly impact, the money will be put to its most appropriate use.

Currently, the federal government provides funding for education that is specifically earmarked for education programs within the state. SJR 11 will encourage Congress to instead disburse the money in the form of a block grant, as they do with welfare funding, directly to the State of Alaska. In the 105th Congress, the House of Representatives passed H.R. 3248, which would have created an education block grant system. Unfortunately, the bill did not pass the Senate. Congress is considering a similar resolution in the 106th Congress.

Senate Joint Resolution 11 will give the state maximum flexibility in the use of education funds. Alaska is faced with a looming fiscal gap and the last thing the state needs is an outside entity directing education funding. State and local governments are a better judge of where money should be spent and what programs are vital to the continuing education of the people of the State of Alaska.