

SENATE FINANCE COMMITTEE

March 15, 2016

9:12 a.m.

[9:12:15 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:12 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair  
Senator Pete Kelly, Co-Chair  
Senator Click Bishop  
Senator Mike Dunleavy  
Senator Lyman Hoffman  
Senator Donny Olson

MEMBERS ABSENT

Senator Peter Micciche, Vice-Chair

ALSO PRESENT

Sean O'Brien, Director, Division of Public Assistance, Department of Health and Social Services; Monica Windom, Policy Development Chief, Department of Public Assistance, Department of Health and Social Services; Chuck Kopp, Staff, Senator Peter Micciche.

SUMMARY

SB 1	REGULATION OF SMOKING
	SB 1 was HEARD and HELD in committee for further consideration.
SB 145	DAY CARE ASSISTANCE & CHILD CARE GRANTS
	SB 145 was HEARD and HELD in committee for further consideration.
SB 147	SENIOR BENEFITS PROG. ELIGIBILITY

SB 147 was HEARD and HELD in committee for further consideration.

#sb145

SENATE BILL NO. 145

"An Act relating to the recovery of overpayments of day care assistance and child care grants; and providing for an effective date."

9:13:11 AM

Co-Chair MacKinnon discussed the agenda. She noted that SB 1 would be addressed through a conversation by the committee only.

SEAN O'BRIEN, DIRECTOR, DIVISION OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, stated that SB 145 was a change in law to allow the child care assistance program to collect funds through permanent fund dividend (PFD) garnishment in instances where voluntary payment collection was not possible. He furthered that the change would be consistent with the rest of the division's collection processes. The bill would bring the division in alignment with recouping overpayments and misspent funds. He continued that the bill supported federal compliance with childcare regulations, which required that the division pursue fraudulent and improper payments. He summarized that if volunteer recruitment did not work, the bill would allow the division to move forward with PFD garnishment.

Senator Olson asked what programs currently garnished PFDs.

MONICA WINDOM, POLICY DEVELOPMENT CHIEF, DEPARTMENT OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, listed the following programs that were able to garnish PFDs: food stamps, adult public assistance, temporary assistance for needy families (TANF), and general relief assistance. She summarized that all public assistance programs could garnish the PFD with the exception of senior benefits and childcare.

9:16:40 AM

Senator Olson wondered about entities outside of DHSS that garnished dividends. He asked about daycare as listed in the entitlement programs.

Ms. Windom agreed to provide Senator Olson information from the claims unit later in the day. She mentioned the court system and child support.

Co-Chair MacKinnon asked for Ms. Windom to direct information to her office so she could disseminate it to the committee members.

Co-Chair MacKinnon asked about the retroactivity of the bill, and referred to the effected date of July 1, 2016; but saw a reference on page 2 of the bill, "before, on, or after July 2016." She thought that the language sounded retroactive, and that the state would be able to collect funds in the next dividend cycle.

Mr. O'Brien referred to Section 3, which stated that the bill would take effect July 1, 2016. He specified that the current program was set up to go back one year, and the bill would allow the division to collect on the current year's PFD as a garnishment.

Co-Chair MacKinnon OPENED public testimony.

Co-Chair MacKinnon CLOSED public testimony.

SB 145 was HEARD and HELD in committee for further consideration.

#sb147

SENATE BILL NO. 147

"An Act relating to eligibility requirements of the Alaska senior benefits payment program; and providing for an effective date."

[9:19:25 AM](#)

Co-Chair MacKinnon specified that the most recent version of the bill was a committee substitute from the Senate Health and Social Services Committee.

SEAN O'BRIEN, DIRECTOR, DIVISION OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, discussed SB 147,

noting that it made one change to existing law - it would bring consistency to the aspect that a person must be a United States Citizen or qualified alien in order to eligible for a senior benefits program (as stated on line 9 and line 10 of the first page). He furthered that the change would allow the division to be more consistent and catch up with the intent of the program. He thought the language should have been in the program when it was originally established. The bill would also make eligibility standards more similar across public assistance programs.

Senator Bishop asked how many qualified alien residents entered the state on an annual basis.

[9:22:22 AM](#)

AT EASE

[9:22:55 AM](#)

RECONVENED

Mr. O'Brien specified that the department did not have the requested information, however, there were currently 16 individuals that did not appear to meet the citizenship requirements as stated in the bill. He continued that 12 of the 16 individuals did not meet the 5-year waiting period, 3 people were non-immigrants, and 1 person was an illegal immigrant. He was unsure if he had the data to answer Senator Bishop's question, and stated that he would look in to the matter.

Co-Chair MacKinnon stated that the committee would check back with the division for the information. She thought it might behoove the committee to seek data from the permanent fund dividend division. She wondered if the eligibility requirements in the bill were similar to those for PFD eligibility.

MONICA WINDOM, POLICY DEVELOPMENT CHIEF, DEPARTMENT OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, stated that most programs in the division already had the eligibility requirements, and a change was only required for the senior benefits program.

Co-Chair MacKinnon asked Ms. Windom to provide information on the eligibility requirements in the bill (pertaining to

residency/citizenship) as compared to those used by the permanent fund dividend division.

Ms. Windom clarified that the permanent fund dividend eligibility had the same citizenship and residency requirements as the division.

Co-Chair MacKinnon pointed out the applicability on page 2 of the bill, and wondered if the division would retroactively qualify the aforementioned 16 individuals if the bill was passed.

Ms. Windom related that the program would have to close the cases of the 16 individuals, who would not qualify if the bill passed. She noted that the individuals were currently receiving benefits.

Co-Chair MacKinnon asked how the individuals were receiving benefits if they were not United States citizens.

Ms. Windom explained that when the original bill was passed to create the senior benefits program, there was no citizenship requirement written in to the bill.

Senator Olson found it troubling that there were individuals who were not U.S. citizens that were receiving public assistance, and wondered how many other DHSS programs allowed for non-citizens to receive public assistance.

Ms. Windom confirmed that there were no other programs under DHSS that qualified non-citizens for public assistance.

Co-Chair MacKinnon OPENED public testimony.

Co-Chair MacKinnon CLOSED public testimony.

SB 147 was HEARD and HELD in committee for further consideration.

[9:26:32 AM](#)  
AT EASE

[9:27:05 AM](#)  
RECONVENED

#sb1

SENATE BILL NO. 1

"An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date."

Co-Chair MacKinnon explained that that committee had not had an opportunity to discuss SB 1 the previous day after public testimony was closed. She mentioned working with the sponsor to produce a Senate Finance Committee Substitute. She relayed that there had been several issues raised the previous day. She wondered if there were general comments from committee members.

9:28:05 AM

Co-Chair MacKinnon conveyed that Chuck Kopp (staff to Vice-Chair Micciche) had met with her staff to discuss possible changes to the legislation through amendment or committee substitute. She asked for Mr. Kopp to highlight the possible changes and convey feedback from the subcommittee on the bill.

CHUCK KOPP, STAFF, SENATOR PETER MICCICHE, addressed Co-Chair MacKinnon's question about proposed changes to the bill. He highlighted that the bill sponsor wanted to put the Tobacco Education and Compliance Program back within the Department of Health and Social Services (DHSS). He detailed that the program (currently under Department of Environmental Conservation) had historically been housed within DHSS, and was listed as one of its statutory duties. He continued that the bill would use a tobacco compliance program approach to enforcement rather than a law enforcement approach.

Mr. Kopp furthered that another possible amendment addressed exemption for residences used by owners who might be in their last stages of life. He referred to version S of the bill, page 2 line 12, which could be changed to "in a building or residence that is the site of a business at which the care of adults is provided on a fee for service basis." He clarified that the potential amendment would only prohibit smoking if the residence was the site of a business at which care is provided, rather than in a private home where a person was receiving care. He added that the matter had been brought to the sponsor's attention

by the state long-term care Ombudsman, as well as hospice organizations.

9:31:08 AM

Mr. Kopp addressed another proposed change to the bill, on page 2, line 22:

[Smoking is prohibited outdoors within...]

(A) 50 feet of an entrance to a health care facility;

He explained that by deleting item (A), the distance qualifier, another line (page 2, line 25) would apply, which clarified the prohibition of smoking within 20 feet of a place where smoking was otherwise prohibited. He continued that healthcare facilities were already included under line 9 on the same page of the bill, and that the language was duplicative. He added that by deleting the 50-foot distance prohibition on smoking, it would make it easier for residents in nursing homes or long term care to access a smoking area.

Mr. Kopp referred to page 4, line 15 of the bill, which pertained to "notice of prohibition," through which business were required to have signage informing that smoking is prohibited by law. He shared that the Department of Transportation and Public Facilities had brought an amendment to the sponsor that would make the prohibitory signage more expansive, to include the words "no puffin" with a picture of a horned or tufted puffin. The change would allow for the usage of existing signs rather than having to produce new signs. He added that the sponsor had encouraged use of a downloadable/printable graphic from the internet, rather than incurring additional expenditures for metal signage.

Co-Chair MacKinnon asked about the "no puffin" sign, and referred to the stupidity of criminals. She thought that using the language in question might cause confusion, and wondered if there was other language being used that could be included in the description.

Mr. Kopp referred to page 4, line 18 of the bill:

(1) reads "Smoking Prohibited by Law--Maximum Fine \$50"; and

Mr. Kopp clarified that line 18 was standard prohibition language for signage, and other bill language regarding signage allowances was more universal in nature.

Co-Chair MacKinnon asked if anyone had testified regarding the puffin bird.

Mr. Kopp thought the "no puffin" sign was a piece of Alaskana that had worked its way into the bill.

Co-Chair MacKinnon indicated that she understood.

[9:35:17 AM](#)

Mr. Kopp continued discussing proposed changes to the bill. He appreciated that the chair of the previous committee had amended the bill to lower the fine from \$100 to \$50, which the sponsor thought was appropriate. He continued that there was a preference for going back to the original version of the bill with regard to keeping smoking non-compliance a civil issue rather than a law enforcement issue. The original bill would allow the commissioner of DHSS to partner with another agency (Department of Public Safety) to enforce the smoking prohibition. He noted that the same configuration was used in a spice prevention program and other items. He reiterated that enforcing the bill through citation was preferred, and emphasized the importance of the tobacco compliance program (which was largely voluntary) rather than getting the judiciary system involved.

Mr. Kopp noted that the effective date of the bill needed to be amended.

Senator Dunleavy asked for clarification regarding marine vessels and the prohibition of smoking.

Co-Chair MacKinnon clarified that marine vessels were addressed on page 2, line 15 of the bill.

Senator Dunleavy asked if enclosed fish processors were exempt from the smoking ban.

Mr. Kopp clarified that fish processors were short-based fisheries vessels, and enclosed working environments, and therefore would be subject to a smoking prohibition.

Senator Dunleavy asked about a hypothetical business in a residence in which the proprietors smoked.

Mr. Kopp stated that currently an office such as the one Senator Dunleavy mentioned would qualify as a workplace and be subject to the smoking prohibition.

Senator Olson asked about vessels venturing outside of state waters, and wondered if they would be exempt from the statute.

Mr. Kopp indicated that state law would apply to state waters, and beyond state waters, federal laws would apply. He thought that waters within two miles were considered under the purview of the state.

Co-Chair MacKinnon thought Senator Bishop had indicated state waters exceeded to three miles.

[9:39:24 AM](#)

AT EASE

[9:39:36 AM](#)

RECONVENED

Senator Dunleavy asked about a hypothetical situation in which small a guiding business transported a hunter in an airplane.

Mr. Kopp deferred the answer to the Legislative Legal Department. He thought that if the situation was covered by the bill, it would be under page 1, lines 8 and 9; that discussed a vehicle used for public transportation. He was not sure that what Senator Dunleavy described would qualify as public transportation.

Co-Chair MacKinnon directed attention to a definition of prohibited area listed on page 2 line 10:

(5) in a vehicle that is a place of employment;

Co-Chair MacKinnon interpreted that the bill language would include the hypothetical scenario Senator Dunleavy had described.

Mr. Kopp concurred, but agreed to verify to get a definitive answer.

Senator Bishop asked if there was a possible amendment that would be offered to page 2, line 12:

(7) in a residence at which the care of adults is provided on a fee-for-service basis;

Mr. Kopp answered in the affirmative.

9:41:10 AM

Senator Bishop asked about in-home health care providers, and wondered if an amendment would allow the care providers to smoke in the residence.

Mr. Kopp stated that it would be a personal care attendant's decision as to whether to step outside if a resident was smoking. He clarified that the amendment being considered would allow individuals to smoke if the residence was not defined a place of business. He continued that the intent of the amendment was to allow smokers to smoke in their own home.

Senator Bishop wanted clarification as to the employment of a personal care attendant.

Mr. Kopp clarified that most personal care attendants were part of care groups or larger providers, but there were also single entities.

Senator Hoffman asked if bed and breakfast establishments were exempt or covered under this legislation.

Mr. Kopp did not have the information, and agreed to look in to it. He pondered that bed and breakfasts were a place of business.

Senator Hoffman asked for the bill reference on the topic of bed and breakfast establishments.

Co-Chair MacKinnon noted that there was discussion of hotels and motels starting on page 2, line 8 of the bill.

Mr. Kopp referred to page 2, line 6, suggesting that if a bed and breakfast was defined as a place of employment, it could be considered a prohibited area.

SB 1 was HEARD and HELD in committee for further consideration.

Co-Chair MacKinnon discussed the upcoming schedule.

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ADJOURNMENT

9:45:45 AM

The meeting was adjourned at 9:45 a.m.