

SENATE FINANCE COMMITTEE
March 18, 2016
9:41 a.m.

[9:41:14 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 9:41 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair
Senator Pete Kelly, Co-Chair
Senator Peter Micciche, Vice-Chair
Senator Mike Dunleavy
Senator Lyman Hoffman
Senator Donny Olson

MEMBERS ABSENT

Senator Click Bishop

ALSO PRESENT

Kelly Cunningham, Fiscal Note Coordinator, Legislative Finance Division; Sana Efird, Assistant Commissioner, Department of Health and Social Services; Denise Daniello, Executive Director, Alaska Commission on Aging; Erin Shine, Staff, Senator Anna MacKinnon; Alice Edwards, Deputy Commissioner, Department of Environmental Conservation.

PRESENT VIA TELECONFERENCE

Duane Mayes, Director, Division of Senior and Disabilities Services, Department of Health and Social Services, Anchorage.

SUMMARY

SB 1 REGULATION OF SMOKING

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

SB 124 EXTEND SUNSET ON AK COMMISSION ON AGING

SB 124 was REPORTED out of committee with "no recommendation" and with a new fiscal impact note from the Department of Health and Social Services.

#sb124

SENATE BILL NO. 124

"An Act extending the termination date of the Alaska Commission on Aging; and providing for an effective date."

Co-Chair MacKinnon discussed housekeeping.

9:42:34 AM

Vice-Chair Micciche read from Page 2 of the amended fiscal note:

The amended fiscal note reflects a staff reduction from four full-time positions to three full-time positions in FY2017 and two full-time positions beginning in FY2018 going forward.

Vice-Chair Micciche added that the reduction would be \$93 thousand in personal services.

9:44:26 AM

AT EASE

9:45:49 AM

RECONVENED

9:45:58 AM

Co-Chair MacKinnon remarked that there had been a discussion in the previous meeting regarding the 4 staff member support for the Board of the Alaska Commission on Aging. She noted the reduction in staff reflected on the amended fiscal notes. She requested that legislative finance walk through the fund allocations.

KELLY CUNNINGHAM, FISCAL NOTE COORDINATOR, LEGISLATIVE FINANCE DIVISION, informed the committee that one position would be cut in FY2017, which would result in a savings of \$93.3 thousand; \$36 thousand in General Funds, \$57.3 thousand in interagency receipts. She furthered that the

second year of the reductions, 2018, the second position would be removed.

[9:47:51 AM](#)

9:43:45 AM

Co-Chair MacKinnon queried whether the fiscal note information that the department had sent to her office for FY18 going forward, was reflected in the note.

DUANE MAYES, DIRECTOR, DIVISION OF SENIOR AND DISABILITIES SERVICES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ANCHORAGE (via teleconference), responded that the fiscal note that the department proposed would had reduced the 2 positions in FY18.

[9:47:56 AM](#)

Co-Chair MacKinnon stated that the numbers reflected for FY18 through FY22, had been provided by the department, and that the only change that the committee had made was the FY17 reduction.

Mr. Mayes agreed.

[9:48:24 AM](#)

Co-Chair MacKinnon reminded Mr. Mayes that interagency receipts were also General Fund spending. She wanted to ensure that the two positions had not been moved to another division or department, but had been cut completely.

Mr. Mayes replied that the positions were not being moved, but were being eliminated.

[9:49:26 AM](#)

Co-Chair MacKinnon understood that the positions would not be moved to the State Unit on Aging.

Mr. Mayes replied that the State Unit on Aging was delegated to the Division of Senior Disability Services. He explained that as a requirement of the Older American Act, the department had to gather input from seniors throughout the state, and to have an advisory council; the Alaska Commission on Aging was the advisory council.

[9:50:16 AM](#)

Co-Chair MacKinnon solicited additional information from Mr. Mayes.

Mr. Mayes replied that he did not.

[9:51:47 AM](#)

SANA EFIRD, ASSISTANT COMMISSIONER, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, commented that the department understood the fiscal climate of the state. She said that the governor's FY17 budget for the commission had already been established, which was why they had recommended that the reductions begin in FY18.

Co-Chair MacKinnon relayed that the committee understood that the cuts would impact the work that the commission was under schedule to complete.

[9:53:21 AM](#)

Senator Dunleavy warned that the cuts would occur over all areas of government. He said that many long-standing, effective programs would be scrutinized. He thought that it was appropriate to reduce the fiscal note.

Co-Chair MacKinnon hoped that all boards and commissions could be fairly evaluated in the future.

[9:53:50 AM](#)

AT EASE

[9:55:51 AM](#)

RECONVENED

Vice-Chair Micciche MOVED to REPORT SB 124 out of committee with individual recommendations and the attached fiscal note. There being NO OBJECTION, it was so ordered.

SB 124 was REPORTED out of committee with "no recommendation" and with a new fiscal impact note from the Department of Health and Social Services.

[9:56:10 AM](#)

AT EASE

9:57:28 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."

9:57:30 AM

MOVED to ADOPT the proposed committee substitute for SSSB 1(FIN), Work Draft 29-LA0003\V (Wallace/Martin, 3/17/16). There being NO OBJECTION, it was so ordered.

9:58:19 AM

RECESSED

1:39:10 PM

RECONVENED

1:39:51 PM

ERIN SHINE, STAFF, SENATOR ANNA MACKINNON, walked through the changes reflected in the committee substitute:

Page 1, line 5:

Article 4. Prohibition of Smoking in Certain Places.

Page 2, line 13:

(7) 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;

Page 2, lines 22 through 24:

(3) at a place of employment or health care facility that has declared the entire campus or outside grounds or property to be smoke-free;

Page 4, line 9:

Notwithstanding (b) of this section, the department shall adopt regulations authorizing smoking in a stand-alone shelter.

Page 4, line 20:

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

Page 4, line 22:

(3) includes the words "No Puffin" with a pictorial representation of a Horned Puffin or Tufted Puffin holding a burning cigarette enclosed in a red circle crossed with a red bar.

Page 4, line 28:

Entrance Prohibited by Law--Fine \$50"

Page 5, lines 7 through 15:

Sec. 18.35.316. Powers and duties of the commissioner.

(a) The commissioner shall

(1) administer and enforce the requirements of **AS 18.35.301 - 18.35.399;**

(2) adopt regulations under **AS 44.62** (Administrative Procedure Act) necessary to carry out the duties under this section.

(b) In addition to other powers granted the commissioner under **AS 18.35.301 - 18.35.399**, the commissioner may delegate to another agency the authority to implement and enforce one or more provisions of **AS 18.35.301 - 18.35.399**.

Page 6, lines 24 through 25:

A person who violates **AS 18.35.301, 18.35.311, or 18.35.326 [AS 18.35.300 OR 18.35.305]** and against whom the commissioner has filed a civil complaint under this section is punishable by a civil fine of [NOT LESS THAN \$10 NOR MORE THAN] \$50.

Page 7, lines 17 through 19:

A person who violates **AS 18.35.301, 18.35.306, 18.35.311, or 18.35.326** [AS 18.35.300, 18.35.305, OR 18.35.330] is guilty of a violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of [NOT LESS THAN 18 \$10 NOR MORE THAN] \$50 for a violation of **AS 18.35.301, 18.35.311, or 18.35.326** [AS 18.35.300 OR 18.35.305] and by a fine of not less than **\$50** [\$20] nor more than \$300 for a violation of **AS 18.35.306** [AS 18.35.330].

Ms. Shine said that the rest of the changes were either conforming or technical.

[1:44:10 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 1, 29-LS0003\V.1, Martin, 3/18/16(copy on file):

Page 4, lines 7-16:

Delete all material and insert:

(g) Nothing in this section prohibits smoking

(1) at a private residence, except a private residence described in (b) of this section; or

(2) in a stand-alone shelter in the sand-alone shelter meets the following requirements:

(A) food or drink may not be sold in the stand-alone shelter;

(B) at least 50 percent of one side of the shelter is completely open to the outside; and

(C) the stand-along shelter meets the minimum distance requirements in (c) of this section."

Page 5, line 8

Delete "shall"

Page 5, line 11, following "(1)":

Insert "shall"

Page 5, line 11, following "(2)":

Insert "may"

Co-Chair MacKinnon OBJECTED for DISCUSSION.

Ms. Shine explained that the amendment had been generated by a conversation with the Department of Environmental Conservation. She said that all of the language on Page 4, lines 7 through 16, would be deleted, and the amendment language would be inserted. She talked through the wordage changes on Page 5.

[1:46:07 PM](#)

ALICE EDWARDS, DEPUTY COMMISSIONER, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, explained that under current statute, there were no specific regulations for smoking. She explained that the amendment would provide the ability

to write regulations if necessary, but would not require the department to do so.

Co-Chair MacKinnon WITHDREW her OBJECTION. There being NO OBJECTION, Amendment 1 was ADOPTED.

1:47:09 PM

Vice-Chair Micciche MOVED to ADOPT Amendment 2, 29-LS0003\X.1, Martin, 3/17/16, (copy on file):

Page 5, lines 23-25:

Delete all material and insert:

"(b) The commissioner shall consult with the Department of Health and Social Services

(1) to achieve compliance by employers, property owners, property operators, and other members of the public with the requirements of AS 18.35.301-18.35.399;

(2) to provide the program of education as required under (a) of this section; the program of education may be provided in combination with the comprehensive smoking education, tobacco use prevention, and tobacco control program established in AS 44.29.020(a)(14)."

Co-Chair MacKinnon OBJECTED for discussion.

1:47:38 PM

Ms. Shine noted that the amendment had been drafted to the previous "X" version of the bill, but that the amendment language lined up with the current version of the legislation. She explained that the Department of Environmental Conservation and Department of Health and Social Services would work collaboratively to realize the intent of the legislation.

1:48:21 PM

Ms. Edwards added that the department supported the amendment.

1:48:37 PM

Co-Chair MacKinnon wondered whether the sponsor supported the amendment.

Vice-Chair Micciche replied in the affirmative.

[1:49:45 PM](#)

Co-Chair MacKinnon WITHDREW her OBJECTION. She directed legislative legal to make conforming changes. There being NO OBJECTION, it was so ordered.

Vice-Chair Micciche revealed that there was a donor that would cover the cost of the sign, but there was an issue of receipt authority. He felt that the committee could wait to pass the legislation until the fiscal notes were finalized.

[1:50:51 PM](#)

Co-Chair MacKinnon shared that the current notes reflected the cost for signage. She said that the receipt authority issue was being worked out with legislative legal.

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

#

ADJOURNMENT

[1:52:46 PM](#)

The meeting was adjourned at 1:52 p.m.