

SENATE FINANCE COMMITTEE

April 4, 2016

1:41 p.m.

[1:41:55 PM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 1:41 p.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

Jordan Schilling, Staff, Senator John Coghill; Amanda Ryder, Analyst, Legislative Finance Division; Shawnda O'Brien, Division of Public Assistance, Department of Health and Social Services.

SUMMARY

SB 91 OMNIBUS CRIM LAW and PROCEDURE; CORRECTIONS

SB 91 was HEARD and HELD in committee for further consideration.

SB 145 DAY CARE ASSISTANCE and CHILD CARE GRANTS

CSSB 145(FIN) was REPORTED out of committee with "no recommendation" and with previously published zero fiscal note: FN 2(REV); and previously published fiscal impact note: FN 3 (DHS).

#sb91

SENATE BILL NO. 91

"An Act relating to protective orders; relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rules 32 and 35(b), Alaska Rules of Criminal Procedure; and providing for an effective date."

[1:43:00 PM](#)

Vice-Chair Micciche MOVED to ADOPT Amendment 1, 29-LS0541\F.1, Martin/Gardner, 4/3/16 (copy on file):

Page 22, line 15, through page 23, line 19:
Delete all material and insert:

"*Sec. 39. AS 12.25.180 is amended to read:
Sec. 12.25.180. When peace officer fil!!!! [MAY] issue citation or take person before the court.
(a) Except when arrest is required under another provision of law, a peace officer shall issue a citation when [WHEN] a peace officer stops or contacts a person for the commission of a class C felony offense, a misdemeanor: or the violation of a municipal ordinance [, THE OFFICER MAY, IN THE OFFICER'S DISCRETION, ISSUE A CITATION TO THE PERSON] instead0 of taking the person before a judge or magistrate under AS 12.25.150, except the officer may arrest if [UNLESS]

(1) the person does not furnish satisfactory evidence

(2) [THE CONTACTING OFFICER REASONABLY BELIEVES THE PERSON IS A DANGER TO SELF OR OTHERS;

(3)] the crime for which the person is contacted is one involving violence or harm to another person or to property;

(3) the peace officer has probable cause to believe the person committed a crime of escape under AS 11.56.320 or 11.56.330, unlawful evasion under AS 11.56.335 or 11.56.340, unlawful contact under AS 11.56.750, or possession of child pornography under AS 11.61.127;

(4) the person refuses to accept service of the citation; or

(5) the peace officer reasonably believes there is a risk the defendant will fail to appear in court [(4) THE PERSON ASKS TO BE TAKEN BEFORE A JUDGE OR MAGISTRATE UNDER AS 12.25.150; OR

(5) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON COMMITTED A CRIME INVOLVING DOMESTIC VIOLENCE; IN THIS PARAGRAPH, "CRIME INVOLVING DOMESTIC VIOLENCE" HAS THE MEANING GIVEN IN AS 18.66.990].

(b) When a peace officer stops or contacts a person for the commission of an infraction or a violation, the officer shall issue a citation instead of taking the person before a judge or magistrate under AS 12.25.150, except the officer may arrest if [UNLESS]

(1) the person does not furnish satisfactory evidence of identity; [OR]

(2) the person refuses to accept service of the citation; or

(3) the peace officer has probable cause to believe the person has committed

(A) a violation of conditions of release under AS 11.56.757;

OR

(B) the offense of failure to appear under AS 11.56.730."

Co-Chair MacKinnon OBJECTED for DISCUSSION.

[1:43:17 PM](#)

JORDAN SCHILLING, STAFF, SENATOR JOHN COGHILL, explained Amendment 1. He stated that the commission recommended a presumption of citation. Law enforcement would issue a citation, in lieu of physical arrest, unless certain exceptions were met. The commission made the recommendation for nonviolent Class C felonies and misdemeanors that a citation be issued, unless the individual was a danger to the public, a flight risk, and various other exceptions. The amendment was a technical restructuring of the section, but did not change the presumption or exceptions. The amendment removed the redundancies in the exceptions.

Co-Chair MacKinnon wondered if the amendment was a better version of a previous amendment. Mr. Shilling replied in the affirmative.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO further OBJECTION, Amendment 1 was adopted.

[1:45:13 PM](#)

AT EASE

[1:45:47 PM](#)

RECONVENED

[1:45:49 PM](#)

Co-Chair MacKinnon looked at page 110, line 12, Section 171 of the committee substitute version F. She looked at line 9, which addressed Section 140 and the effective date of January 1, 2017. She believed that Section 71 should

reflect "Section 141 should take effect on July 1, 2018." She queried comments on the possible error. Mr. Shilling replied that it was the intent of legislation that the provisions relating community residential centers (CRCs) become effective July 1, 2018. He felt that there may have been some miscommunication. He pointed out that Section 141 related to CRCs, not Section 140.

Vice-Chair Micciche remarked that the effective date was captured in line 9.

Co-Chair MacKinnon MOVED to ADOPT Conceptual Amendment 2:

Page 110, line 12:

delete "140"
insert "141"

There being NO OBJECTION, it was so ordered.

Co-Chair MacKinnon directed Legislative Legal to make any conforming changes and technical amendments to implement the adopted amendments. There being NO OBJECTION, it was so ordered.

SB 91 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."

[1:49:46 PM](#)

AMANDA RYDER, ANALYST, LEGISLATIVE FINANCE DIVISION, introduced herself.

SHAWNDA O'BRIEN, DIVISION OF PUBLIC ASSISTANCE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, introduced herself.

Co-Chair MacKinnon looked at FN 3, and was concerned with the funding source line 1005, general fund program receipts at an additional spend of \$500,000. She asked for explanation. Ms. Ryder replied that the GF program receipts

were from Permanent Fund Dividends (PFDs). She shared that federal government was requiring state to pay back overpayments. The \$500,000 allowed the department to garnish PFDs for overpayments of child care benefits that were received by individuals. It was new revenue to the state, otherwise the PFDs would remain with the individual or be garnished by other agencies. The legislation brought the garnishment of PFDs in line with other public assistance programs.

Co-Chair MacKinnon wondered whether the PFD payback to the state would be deposited into the GF, or designated receipts to the program itself. Ms. Ryder replied that the money would be used to reimburse the federal government for child care benefits that the federal government had already paid. The money would be used to directly offset federal expenditures, which is why there was a negative \$500,000 in federal receipts and a positive \$500,000 in GF program receipts. She shared that the department could only spend what they receive in garnishments.

Senator Dunleavy surmised that the department could only spend what they receive in garnishments. Ms. Ryder agreed.

Vice-Chair Micciche wondered how "first in line" worked with state agency garnishments. Ms. O'Brien explained that the department examined whether the garnishment would cover the full amount of the overpayment, if not then the oldest outstanding debt would be paid first. She furthered if there was an equal distribution across programs, the department would equally distribute the recovery to all the programs.

Vice-Chair Micciche surmised that the payments could only be made based on the amount of garnishments from the individuals. He furthered that the state would not receive a portion of the garnishment, if, for example, the garnishment was used toward child support. There would be no impact on the general fund. Ms. O'Brien agreed with that summation.

[1:54:40 PM](#)
AT EASE

[1:54:46 PM](#)
RECONVENED

1:54:47 PM

Co-Chair Kelly MOVED to REPORT CS SB 145(FIN) out of committee with individual recommendations and accompanying fiscal notes. There being NO OBJECTION, it was so ordered.

CSSB 145(FIN) was REPORTED out of committee with "no recommendation" and with previously published zero fiscal note: FN 2(REV); and previously published fiscal impact note: FN 3 (DHS).

1:55:13 PM

AT EASE

1:57:30 PM

RECONVENED

1:57:36 PM

Co-Chair MacKinnon discussed the week's schedule.

#

ADJOURNMENT

2:00:18 PM

The meeting was adjourned at 2:00 p.m.