

SENATE FINANCE COMMITTEE

April 7, 2016

10:14 a.m.

[10:14:37 AM](#)

CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 10:14 a.m.

MEMBERS PRESENT

Senator Anna MacKinnon, Co-Chair  
Senator Peter Micciche, Vice-Chair  
Senator Click Bishop  
Senator Mike Dunleavy

MEMBERS ABSENT

Senator Pete Kelly, Co-Chair  
Senator Lyman Hoffman  
Senator Donny Olson

ALSO PRESENT

Erin Shine, Staff, Senator Anna MacKinnon; Jordan Shilling, Staff, Senator John Coghill; Dean Williams, Commissioner, Department of Corrections; Quinlan Steiner, Director, Public Defender Agency, Department of Administration; Lauree Morton, Executive Director, Council on Domestic Violence and Sexual Assault, Department of Public Safety; Nancy Meade, General Counsel, Alaska Court System; Brenda Stanfill, Commissioner, Alaska Criminal Justice Commission; Diane Casto, Policy Advisor, Behavioral Health, Department of Health and Social Services.

PRESENT VIA TELECONFERENCE

John Skidmore, Director, Criminal Division, Department of Law, Anchorage; Tony Piper, ASAP Project Manager, Division of Behavioral Health; Sean O'Brien, Director, Division Director, Public Assistance, Department of Administration; Jeff Edwards, Executive Director, Parole Board; Randall Burns, Emergency Services Specialist, Division of Behavioral Health, 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.

#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."

10:16:08 AM

Vice-Chair Micciche MOVED to ADOPT the committee substitute for SB 91, Work Draft, 29-LS0541\Y (Martin/Gardner, 4/6/16).

Co-Chair MacKinnon OBJECTED for DISCUSSION.

ERIN SHINE, STAFF, SENATOR ANNA MACKINNON, explained the changes in the committee substitute. She looked at page 22 of the work draft.

Co-Chair MacKinnon paused the committee, so they could turn to the page.

Ms. Shine looked at Section 39, which incorporated F.1, which was accepted in the amendment process. Section 39 addressed the arrest statutes. She looked at page 47, line 28, Section 75, which corrected a mistake changing "one to four" to "one to three." She looked at page 72, line 31, which corrected "assault statutes" to "sexual assault statutes." She looked at page 90, which inserted a new section with new language. She shared that Section 144, lines 23 through 30 was language to allow for 50 percent of the marijuana tax to be diverted for recidivism reduction programs. She shared that prior legislation SB 64, the Recidivism Reduction Fund was established for the legislature to appropriate up to 50 percent of the tax collected from marijuana sales to be used for programs for the Department of Corrections (DOC), Department of Health and Social Services (DHSS), and the Department of Public Safety (DPS).

Co-Chair MacKinnon wondered if the correction was similar to alcohol receipts. Ms. Shine replied in the affirmative.

Ms. Shine continued to address the changes. She looked at page 92, line 27, which was new language to the committee. The change directed the Criminal Justice Commission to appoint a working group to review and analyze sexual offence statutes and report to the legislature if there were circumstances under which victims' rights, public safety, and rehabilitation of offenders were better served by changing existing laws. She shared that commission members were not required to be a part of the working group, and there should be a variety of perspectives when deliberating that topic. She noted that there was also a new subsection under the duties of the Alaska Criminal Justice Commission on page 93, line 3, which would explore the possibility of entering mutually agreeable arrangements with regional nonprofit organizations including tribes and tribal organizations to provide the pretrial, probation, and parole services needed in underserved areas of the state.

Co-Chair MacKinnon queried further changes. Ms. Shine replied that there were many technical and conforming

changes. She noted that there were many effective dates in the previous version that were incorrect.

Co-Chair MacKinnon WITHDREW the OBJECTION. There being NO OBJECTION, the proposed committee substitute was adopted.

[10:21:48 AM](#)

Co-Chair MacKinnon remarked that the fiscal note would change significantly, because the identification of investment funds from the proposed marijuana tax receipts for substance abuse treatment and to help reduce recidivism. Ms. Shine agreed.

Co-Chair MacKinnon remarked that the money would be split as proposed in an amendment. She shared that there was work to adjust the effective dates in order to implement programs that allowed for substantial savings. Ms. Shine agreed.

[10:23:27 AM](#)

JORDAN SHILLING, STAFF, SENATOR JOHN COGHILL, shared that the committee had done good work, and shared that the sponsor was in support of the committee's actions.

Co-Chair MacKinnon shared that she wanted to ensure that the bill would be moved later in the day to allow for an examination of the new version.

Co-Chair MacKinnon queried the opinion of Mr. Skidmore.

[10:24:49 AM](#)

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, ANCHORAGE (via teleconference), stated that he had not thoroughly examined the new version and the effective dates. He shared that he had reviewed the amendments, and the Department of Law (DOL) saw no issue with those amendments.

Co-Chair MacKinnon queried the opinion of Commissioner Williams.

[10:26:02 AM](#)

DEAN WILLIAMS, COMMISSIONER, DEPARTMENT OF CORRECTIONS, stated that the department was in favor of the committee substitute.

Senator Dunleavy shared that he would like to offer a statement.

[10:26:39 AM](#)

QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION, shared that he did not see any initial "red flags", but remarked that he would continue to review the bill before 5pm.

[10:27:20 AM](#)

LAUREE MORTON, EXECUTIVE DIRECTOR, COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT, DEPARTMENT OF PUBLIC SAFETY, introduced herself. She appreciated the change to the correct sexual assault statute, and did not see any other items that would be cause for concern.

[10:28:05 AM](#)

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, stated that the Court System remained neutral on the bill.

[10:28:44 AM](#)

BRENDA STANFILL, COMMISSIONER, ALASKA CRIMINAL JUSTICE COMMISSION, shared that she would review it later in the day.

[10:29:32 AM](#)

TONY PIPER, ASAP PROJECT MANAGER, DIVISION OF BEHAVIORAL HEALTH (via teleconference), shared that he would review the bill before the 5pm meeting.

Co-Chair MacKinnon stressed that she anticipated to move the bill from committee, unless she heard otherwise.

[10:30:07 AM](#)

SEAN O'BRIEN, DIRECTOR, DIVISION DIRECTOR, PUBLIC ASSISTANCE, DEPARTMENT OF ADMINISTRATION (via

teleconference), stated that, upon initial review of the new version, he was in support of the changes.

[10:30:20 AM](#)

JEFF EDWARDS, EXECUTIVE DIRECTOR, PAROLE BOARD (via teleconference), shared that he had not thoroughly examined the new version, but supported and acknowledged the work of the committee.

[10:30:42 AM](#)

RANDALL BURNS, EMERGENCY SERVICES SPECIALIST, DIVISION OF BEHAVIORAL HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), remarked that he was currently examining the bill. He shared that he had some concerns regarding the procurement language, but he would address those concerns with the sponsor.

[10:31:08 AM](#)

AT EASE

[10:32:38 AM](#)

RECONVENED

[10:32:47 AM](#)

Co-Chair Kelly noted fiscal note OMB 43 zero ADM.

Vice-Chair Micciche addressed fiscal note OMB 1631 zero ADM.

Vice-Chair Micciche pointed to fiscal note OMB 2348 number 9 zero ADM.

Vice-Chair Micciche noted fiscal note OMB 1381 fiscal impact DOC.

Co-Chair MacKinnon noted that the numbers were reoccurring in the population. Vice-Chair Micciche agreed.

Vice-Chair Micciche looked at fiscal note OMB 2826 DOC zero.

Vice-Chair Micciche looked at fiscal note OMB 2974 fiscal impact DOC.

Senator Dunleavy shared that he had conversations about the utilization of federal money as related to the bill. He remarked that there were often issues in the federal government to help Alaska, in order to not duplicate services.

Co-Chair MacKinnon remarked that the group was included in order to see opportunities between DHSS, DOC, and DOL in order to access some of the funds; and to provide solutions to the challenges in incarceration.

Vice-Chair Micciche noted fiscal note OMB 2244 fiscal impact DOC.

Vice-Chair Micciche addressed fiscal note OMB 695 fiscal impact DOC.

Vice-Chair Micciche highlighted fiscal note OMB 3121 (not on note) fiscal impact.

[10:41:39 AM](#)

AT EASE

[10:42:04 AM](#)

RECONVENED

[10:42:07 AM](#)

Vice-Chair Micciche noted fiscal note OMB 3121 (not on note) fiscal impact DOC.

[10:42:47 AM](#)

AT EASE

[10:43:23 AM](#)

RECONVENED

[10:43:26 AM](#)

Vice-Chair Micciche stated that there may be some adjustments in the FY 19 through FY 22 in the headcount.

Co-Chair MacKinnon remarked that the funds available were in the fiscal note, but anticipated a shift in personnel. She did not support the previous fiscal note.

Vice-Chair Micciche looked at fiscal note OMB 3099 fiscal impact DHSS, which required a correction.

10:45:24 AM

AT EASE

10:46:18 AM

RECONVENED

DIANE CASTO, POLICY ADVISOR, BEHAVIORAL HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, agreed that she would make the change to the fiscal note to be 100 percent from the Recidivism Reduction Fund.

Vice-Chair Micciche addressed the fiscal note OMB 305 fiscal impact DHSS.

Vice-Chair Micciche looked at the fiscal note 2660 fiscal impact DHSS.

Co-Chair MacKinnon noted an error in the note.

Ms. Casto shared that the federal receipts were correct, because they would be the federal Medicaid match.

Co-Chair MacKinnon wondered if the first would be from the federal government.

Vice-Chair Micciche shared that the first 75 would come from the federal receipts; and the match was from the Recidivism Reduction Funds.

Co-Chair MacKinnon stressed that the GF would be used from the fund to reduce recidivism. She wanted the fiscal notes to reflect that detail.

Vice-Chair Micciche looked at fiscal note OMB 2134 zero impact note DHSS.

Vice-Chair Micciche addressed fiscal note OMB 2202 zero impact note DOC.

10:51:07 AM

Vice-Chair Micciche looked at fiscal note OMB 2325 zero impact note DPS.

Vice-Chair Micciche addressed fiscal note OMB 521 fiscal impact DPS.

Vice-Chair Micciche highlighted fiscal note OMB 768 zero impact note AJS.

Vice-Chair Micciche looked at fiscal note OMB 771 fiscal impact note AJS.

Co-Chair MacKinnon shared that there was a spreadsheet (copy on file) that calculated the impact of all the fiscal notes interacted with the total spending for the state.

Vice-Chair Micciche looked at each detail of the spreadsheet.

Senator Dunleavy looked at FN 521, and someone could speak to the listed programs.

Co-Chair MacKinnon shared that the bill would not be able to move from committee in the current day. She wondered whether the conversation could take place off the record.

Senator Dunleavy stated that his staff would research the programs.

Co-Chair MacKinnon encouraged Ms. Morton to converse with Senator Dunleavy's staff about his concerns.

Senator Dunleavy wondered why the programs should be adopted.

[10:56:42 AM](#)

Vice-Chair Micciche did not discuss the fund sources, and noted the capital appropriations.

Co-Chair MacKinnon encouraged the departments to reexamine the fiscal notes. She also stated that one of the fiscal notes should contain the updated capital request.

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

#  
ADJOURNMENT

10:59:11 AM

The meeting was adjourned at 10:59 a.m.