

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 3, 2013

1:02 p.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Bob Lynn, Vice Chair
Representative Neal Foster
Representative Gabrielle LeDoux
Representative Charisse Millett
Representative Lance Pruitt
Representative Max Gruenberg

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Fred Dyson

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Alaska Judicial Council

David Parker - Wasilla

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 178

"An Act relating to certain crimes involving controlled substances; and providing for an effective date."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 10

Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

- HEARD & HELD

HOUSE BILL NO. 173

"An Act defining 'medically necessary abortion' for purposes of making payments under the state Medicaid program."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 178

SHORT TITLE: RECLASSIFYING CERTAIN DRUG OFFENSES

SPONSOR(S): REPRESENTATIVE(S) ISAACSON

03/20/13 (H) READ THE FIRST TIME - REFERRALS
03/20/13 (H) JUD, FIN
04/03/13 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HJR 10

SHORT TITLE: CONST. AM: TRANSPORTATION FUND

SPONSOR(S): REPRESENTATIVE(S) P.WILSON

02/15/13 (H) READ THE FIRST TIME - REFERRALS
02/15/13 (H) TRA, JUD, FIN
02/26/13 (H) TRA AT 1:00 PM BARNES 124
02/26/13 (H) Moved Out of Committee
02/26/13 (H) MINUTE(TRA)
02/27/13 (H) TRA RPT 6DP
02/27/13 (H) DP: LYNN, FEIGE, ISAACSON, GATTIS,
KREISS-TOMKINS, P.WILSON
04/03/13 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

DAVID PARKER, Appointee
Alaska Judicial Council (AJC)
Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Alaska
Judicial Council (AJC).

REPRESENTATIVE DOUG ISAACSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 178.

CHARLES KOPP, Staff
Senator Fred Dyson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided comments regarding HB 178 on behalf of Senator Dyson, sponsor of SB 56, the Senate companion bill.

FORREST DUNBAR

Attorney at Law
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 178.

NEISJE STEINKRUGER

Fairbanks, Alaska

POSITION STATEMENT: During discussion of HB 178, provided comments as a former Alaska Superior Court judge.

CARMEN GUTIERREZ, Co-chair
Alaska Prisoner Re-entry Task Force
Criminal Justice Working Group
University of Alaska Anchorage (UAA)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 178.

RICHARD ALLEN, Director
Anchorage Office
Office of Public Advocacy (OPA)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Provided comments during discussion of HB 178.

WALT MONEGAN, President & CEO
Alaska Native Justice Center
Anchorage, Alaska

POSITION STATEMENT: Asked that HB 178 be passed from committee.

ROBIN SMITH

Anchorage, Alaska

POSITION STATEMENT: Called HB 178 an excellent bill and expressed hope that the committee would pass it.

RICHARD SVOBODNY, Deputy Attorney General
Central Office
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Expressed concerns with HB 178.

REPRESENTATIVE PEGGY WILSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HJR 10.

ACTION NARRATIVE

[1:02:57 PM](#)

CHAIR WES KELLER called the House Judiciary Standing Committee meeting to order at 1:02 p.m. Representatives Keller, Lynn, Millett, and Gruenberg were present at the call to order. Representatives Foster, LeDoux, and Pruitt arrived as the meeting was in progress. Senator Dyson was also in attendance.

CONFIRMATION HEARING(S):
Alaska Judicial Council

[1:03:15 PM](#)

CHAIR KELLER announced that the first order of business would be consideration of the appointment of David Parker to the Alaska Judicial Council (AJC).

[1:03:23 PM](#)

DAVID PARKER, Appointee, Alaska Judicial Council (AJC), relayed that the Alaska Judicial Council (AJC) is of great interest to him and he has been considering seeking appointment to it for quite some time. He mentioned that he is a former law enforcement officer, is quite familiar with the Alaska Court System (ACS), is interested in continuing to serve the people of Alaska, and believes he could bring a fair and unbiased approach to the selection of candidates for Alaska's judicial positions.

CHAIR KELLER reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

REPRESENTATIVE MILLETT disclosed that she knows Mr. Parker, and relayed that she is happy to support his appointment.

CHAIR KELLER and REPRESENTATIVE GRUENBERG indicated favor with Mr. Parker's appointment.

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REPRESENTATIVE LYNN made a motion to advance from committee the nomination of David Parker as appointee to the Alaska Judicial Council. There being no objection, the confirmation was advanced from the House Judiciary Standing Committee.

HB 178 - RECLASSIFYING CERTAIN DRUG OFFENSES

[Contains brief mention that SB 56 is the Senate companion bill to HB 178.]

[1:09:32 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 178, "An Act relating to certain crimes involving controlled substances; and providing for an effective date."

[1:10:05 PM](#)

REPRESENTATIVE DOUG ISAACSON, Alaska State Legislature, sponsor of HB 178, noted that SB 56 is the Senate companion bill; offered a quote from written testimony pertaining to that Senate companion bill, and some information about the Department of Corrections (DOC) and its growth in certain inmate populations and costs; and shared his belief that HB 178 - although characterized by some as being soft on crime - "allows" offenders to reform, would reduce Alaska's recidivism rates, and is compatible with the Department of Corrections' goals. Characterizing HB 178 as a very important bill, and asserting that Alaska's existing drug laws have not been effective at changing behaviors, he said the bill "is motivated by fiscal responsibility," and offered his understanding that in states that have already similarly changed their controlled-substance laws, there has been a decrease in certain inmate populations. Specifically, HB 178 is proposing to alter the statutes outlining what constitutes the class C felony crime of misconduct involving a controlled substance in the fourth degree, and what constitutes the class A misdemeanor crime of misconduct involving a controlled substance in the fifth degree, such that possession [of less than 15 tablets, ampules, or syrettes containing a schedule IA controlled substance or a schedule IIA controlled substance, or one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than three grams of any schedule IA controlled substance except for heroin, or any schedule IIA controlled substance

except for lysergic acid diethylamide (LSD),] would be a class A misdemeanor, rather than a class C felony, unless the person was previously convicted [two or more times within the preceding five years of any of the crimes of misconduct involving a controlled substance in the first through fifth degrees].

REPRESENTATIVE ISAACSON, in conclusion, spoke of some of the difficulties and restrictions faced by those convicted of felony-level crimes; indicated a belief that first-time offenders shouldn't be charged with a felony-level crime, and that people convicted of felony-level crimes then become lifelong wards of the state; and opined that HB 178 would provide a humane, realistic, and practical approach to illegal drug possession, would benefit offenders, and would save the state millions of dollars but wouldn't impede law enforcement's ability to pursue repeat offenders or those who distribute controlled substances. In response to questions, he also indicated a belief that people convicted of the crimes of misconduct involving a controlled substance are not violent, that possessing only the [aforementioned proposed] amounts of controlled substances means that the person is not attempting to distribute, that all proposed statutory changes should be viewed in terms of addressing problems with the state's correctional system, and that adoption of HB 178 would assist all offenders of Alaska's controlled-substance laws regardless of race.

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CHARLES KOPP, Staff, Senator Fred Dyson, Alaska State Legislature, on behalf of Senator Dyson, sponsor of the aforementioned Senate companion bill, commented on his past work as a former law enforcement officer, and offered his belief that HB 178 would "substantially alleviate the negative impact, disproportionate impact, to Alaska Natives in [Alaska's] prison system," but would neither interfere with the ability of law enforcement officers to arrest drug traffickers/distributors, nor result in any controlled substances being made legal. He, too, noted that HB 178's proposed changes address repeat offenders, in that offenders of the bill's proposed crime of misconduct involving a controlled substance in the fourth degree who've been previously convicted two or more times within the preceding five years of any of the crimes of misconduct involving a controlled substance in the first through fifth degrees, would be subject to a class C felony.

MR. KOPP - offering a hypothetical example involving an individual in a remote location possessing a small amount of a

schedule IA or a schedule IIA controlled substance for personal use in an emergency situation - expressed concern that under current law, illegal possession of any amount, regardless of how small the amount, of either a schedule IA controlled substance or a schedule IIA controlled substance [except for any of the cathinones listed under AS 11.71.150(e)(11)-(15),] would be a class C felony. He opined that the legislature should make sure that Alaska's "criminal law 'affects' blame-worthy conduct to the degree that it's classified rather than relying on discretion within the system to 'pull it down to where what we would hope it would be charged'"; and relayed his understanding that HB 178 is supported by the Alaska Mental Health Board (AMHB) and the Advisory Board on Alcoholism and Drug Abuse (ABADA), and by [various individuals] involved with the criminal justice system.

MR. KOPP, too, explained that HB 178 is proposing to alter the statutes outlining what constitutes the class C felony crime of misconduct involving a controlled substance in the fourth degree, and what constitutes the class A misdemeanor crime of misconduct involving a controlled substance in the fifth degree, such that possession [of less than 15 tablets, ampules, or syrettes containing a schedule IA controlled substance or a schedule IIA controlled substance, or one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than three grams of any schedule IA controlled substance except for heroin, or any schedule IIA controlled substance except for lysergic acid diethylamide (LSD), would be a class A misdemeanor, rather than a class C felony]. In conclusion, he indicated that HB 178 was modeled on Wyoming law, asserted that that Wyoming law has resulted in Wyoming having crime rates lower than Alaska has, and commented on some of the difficulties and restrictions faced by those convicted of felony-level crimes.

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FORREST DUNBAR, Attorney at Law, noted that he's been working with Representative Isaacson's office and Senator Dyson's office, and referred to a PowerPoint presentation he'd prepared illustrating information he'd researched. He offered his understanding that HB 178 would significantly reduce the State's costs but would not impede law enforcement officers' ability to charge distributors with a felony-level crime. He then shared some of the information he'd gathered regarding the DOC, prison populations and costs in Alaska and Wyoming, and what can sometimes occur in court; commented on some of the difficulties

and restrictions faced by those convicted of felony-level crimes; indicated a belief that people convicted of the crimes of misconduct involving a controlled substance are not violent, that altering the statutes as HB 178 proposes would result in savings of both time and money for the state, that the penalties for a misdemeanor-level crime are sufficiently severe to provide offenders with the incentive to seek and complete treatment, and that the bill wouldn't have a large impact on public safety; acknowledged that he'd taken certain fiscal projections and altered them to reflect possible savings to the state as a result of passage of the bill; and ventured that HB 178 would reduce Alaska's recidivism rates and [probation/parole officer] caseloads, particularly in Anchorage.

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NEISJE STEINKRUGER, noting that she is a former superior court judge and prior to that was in private practice and has worked as both a public defender and as an attorney within the Department of Law (DOL), observed that in what she referred to as the state's "tough on crime" system, it's been the trend over the last 25 years to make a lot of behavior a felony - either initially or via amendment - as if misdemeanor crimes aren't considered serious crimes. Felony cases, however, require a lot more from the criminal justice system than misdemeanor cases, and at greater cost in terms of personnel, money, time, and jury pools, particularly in rural Alaska, regardless that [in some aspects] felony cases in rural Alaska are often treated more like misdemeanor cases. Nonetheless, when looking at laws addressing a particular behavior, one of the questions that must be considered is whether that behavior warrants a felony charge and its associated greater costs.

MS. STEINKRUGER explained that judges look at the individual circumstances of each case, and what she found in her experience is that people who've been charged with possessing a controlled substance often also have mental health issues, as well as issues with employment, and thus one of the roles of the court is to consider what types of treatment would be proper to provide or arrange for in order to address such issues. She expressed favor with the legislature's consideration of [Alaska's controlled-substance laws]; assured the committee that the criminal justice system does indeed take misdemeanor crimes seriously; and offered her belief that the penalties, treatments, and costs associated with felony-level crimes should be reserved for the worst offenders.

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CARMEN GUTIERREZ, Co-chair, Alaska Prisoner Re-entry Task Force, Criminal Justice Working Group, University of Alaska Anchorage (UAA) - after mentioning that she used to serve as deputy commissioner for the Department of Corrections (DOC) - provided statistics regarding the DOC, its populations, its costs, and its recidivism rates, to illustrate that Alaskans are not currently receiving good value for their criminal-justice dollars; commented on some of the difficulties and restrictions faced by those convicted of felony-level crimes; offered her understanding that the court already has the discretionary authority to order, as a condition of probation, assessment and subsequent treatment for those convicted of misdemeanor-level crimes; and indicated a belief that people convicted of the crimes of misconduct involving a controlled substance are not violent, that not all people convicted of a crime of misconduct involving a controlled substance for the first time are addicts, and that the state's limited treatment resources should be reserved for those who have demonstrated that they are addicts. In conclusion, she characterized HB 178 as an important piece of legislation, and ventured that its proposed changes constitute a very sound public-safety-minded approach and would address Alaska's problems with recidivism in a meaningful fashion.

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RICHARD ALLEN, Director, Anchorage Office, Office of Public Advocacy (OPA), Department of Administration (DOA), after mentioning that prior to working for the OPA, he'd prosecuted hundreds of felony cases as a prosecutor in Kenai, indicated that HB 178 would likely have an impact on the OPA and its clients. He, too, commented on some of the difficulties and restrictions faced by those convicted of felony-level crimes, and offered his belief that passage of HB 178 would allow the OPA to use less experienced and therefore less expensive attorneys, would save the State of Alaska considerable resources, would have a positive impact on the lives and families of OPA clients, would reduce resulting litigation and associated costs, but likely wouldn't have any negative impact on public safety.

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WALT MONEGAN, President & CEO, Alaska Native Justice Center - after mentioning that he's a retired law enforcement officer - offered his belief that passage of the HB 178 would provide for

a more measured response to individuals arrested for possessing [certain amounts of either a schedule IA or a schedule IIA] controlled substance, but do so while still providing for offender accountability; ventured that existing law, rather than reducing crime, is only creating more criminals, given the detrimental impact being convicted of a felony can have on one's life and future; and asked that HB 178 be passed from committee as a better law for a better society.

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ROBIN SMITH called HB 178 an excellent bill, and expressed her hope that the committee would pass it.

MR. KOPP, in conclusion, characterized HB 178 as a smart justice solution, one that would positively impact the next generation of Alaskans in a sustainable fashion.

REPRESENTATIVE FOSTER commented on some of the difficulties and restrictions faced in rural Alaska by those convicted of felony-level crimes, and expressed his support for HB 178.

CHAIR KELLER mentioned that representatives from the DOC, the Scientific Crime Detection Laboratory ("Crime Lab"), the Public Defender Agency (PDA), and the Division of Alaska State Troopers were available to answer questions.

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RICHARD SVOBODNY, Deputy Attorney General, Central Office, Criminal Division, Department of Law (DOL), explained that the DOL has concerns with HB 178 - concerns expressed by himself and representatives from the Juneau Police Department (JPD), the Anchorage Police Department (APD), and the Alaska Police Officers Association (APOA) during hearings on the Senate companion bill - but is amenable to working during the interim to alleviate those concerns. For example, although some have asserted that the bill would result in the statutes addressing the crime of possessing a small amount of a schedule IA or a schedule IIA controlled substance becoming equivalent to the statutes addressing the crime of driving under the influence (DUI), wherein a third [or subsequent] conviction would be a felony, there are substantial differences between those DUI statutes and what the bill is proposing for the controlled-substance statutes. First, under the DUI statutes, there are mandatory minimum sentences for a first, second, third, fourth, fifth, and sixth offense, but the bill isn't proposing any such

sentencing scheme for the controlled-substance statutes. Second, for a third or subsequent offense to be a felony under the DUI statutes, the previous convictions would have had to occur within the preceding ten years, whereas under the bill, the previous convictions would have had to occur within the preceding five years; this means that a third or even subsequent offense would continue to be only a misdemeanor if the previous convictions occurred more than five years prior. Third, and most importantly, under the DUI statutes, some form of [assessment/treatment] is required for even a first offense, but the bill isn't proposing any such requirement for the controlled-substance statutes.

MR. SVOBODNY surmised that one of the reasons the legislature made possession of a schedule IA or a schedule IIA controlled substance a class C felony was because when a person is convicted of such - even if he/she isn't sentenced to serve any period of incarceration because it's his/her first offense - he/she is then subject to probation and thus supervised to ensure compliance with any treatment requirements. Also, one of the unintended consequences of making the changes proposed by the bill would be the removal of any incentive to participate in a therapeutic court program, because experience garnered through the Anchorage Wellness Felony Drug Court and the Bethel Therapeutic Court, for example, shows that when people [arrested for misconduct involving a controlled substance crimes] are given the choice of participating in a therapeutic court program, they prefer to instead take their chances in regular court. Should the committee choose to go ahead with the changes proposed by the bill, the committee may wish to address this unintended consequence, he suggested. In response to a question, he ventured that perhaps the people are being advised by their defense attorneys to eschew therapeutic court because the requirements of such a program, generally lasting 18 months, can be difficult to comply with.

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MR. SVOBODNY, with regard to some of the DOC's statistics, pointed out that those illustrating an increase in the populations of offenders convicted of the class C felony crime of misconduct involving a controlled substance in the fourth degree also include a lot of people who were initially charged with a class B felony or a class A felony controlled substance crime but who then entered into a plea agreement for the lesser charge. Furthermore, although prosecutors are currently willing to reduce a class A felony charge down to a class C felony

charge, for example, they would be unwilling to reduce a class A felony charge all the way down to a class A misdemeanor charge. Another unintended consequence of the changes proposed by the bill would be an increase in the number of what he referred to as "bifurcated trials" that would be necessary, because the courts have held that such are required when a particular offense is dependent upon previous convictions. Furthermore, because the language in the bill specifies that those previous convictions could be based on another jurisdiction's laws or ordinances with elements "similar" to those outlined in AS 11.71.010 - AS 11.71.050, the issue of whether the elements really are similar must then also be litigated in each case.

MR. SVOBODNY indicated that there is also a concern regarding the proposed threshold amount for LSD - the schedule IIA controlled substance outlined in AS 11.71.150(b)(12) - because it could be difficult to determine just what amount of LSD is involved in any given situation depending on the delivery mechanism used - blotter paper and Jell-O shots being a couple of examples of such; the bill should therefore also include some way of addressing that issue. Furthermore, although the bill stipulates amounts for which there will be a presumption that the controlled substance in question is not intended for distribution, depending on the particular controlled substance, the proposed amounts may not really be what the legislature wants to consider as being possessed just for one's personal use, particularly given the very high retail value of even very small amounts of certain schedule IA and schedule IIA controlled substances.

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MR. SVOBODNY, acknowledging that the bill's proposed changes constitute a public policy determination for the legislature to make, relayed in conclusion that his comments merely highlight possible unintended consequences of the bill and areas of the bill that could be improved. In response to a question regarding the aforementioned hypothetical example proffered by Mr. Kopp involving an individual in a remote location possessing a small amount of a schedule IA or a schedule IIA controlled substance for personal use in an emergency situation, Mr. Svobodny said he knows of no one who's been in such a situation who's ever been charged with the class C felony crime of misconduct involving a controlled substance in the fourth degree, and relayed that after a brief search of existing statute, he was unable to find anything addressing the expiration dates on prescribed medications.

[HB 178 was held over.]

The committee took an at-ease from 2:35 p.m. to 2:36 p.m.

HJR 10 - CONST. AM: TRANSPORTATION FUND

[2:36:58 PM](#)

CHAIR KELLER announced that the final order of business would be HOUSE JOINT RESOLUTION NO. 10, Proposing amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.

[2:37:15 PM](#)

REPRESENTATIVE PEGGY WILSON, Alaska State Legislature, sponsor, remarking on existing and anticipated losses of federal transportation funding and on Alaska's backlog of transportation projects and associated deferred maintenance projects, explained that [if passed by the legislature,] HJR 10 would place before the voters a proposed amendment to the Alaska State Constitution establishing a dedicated fund - in the form of a transportation infrastructure fund - that could then be used to fund such projects. Alaska must reduce its dependence on federal funds for its transportation projects, particularly given that federal funds overall are diminishing. [Legislative passage and voter approval of] HJR 10 would provide a means of meeting Alaska's ever-growing transportation needs. Research of those needs has been conducted, and members' packets contain resulting information, she noted.

REPRESENTATIVE P. WILSON proffered that in order to adequately meet Alaska's transportation funding needs, in addition to establishing a dedicated transportation infrastructure fund - as HJR 10 would do if passed by the legislature and approved by the voters - the State must also maintain existing funding levels, and provide 100 percent of the funding for more projects, thereby reducing overall costs. She assured members that HJR 10 is not intended to diminish Alaska's partnership with the federal government. Instead, the intention is to provide for a dedicated revenue stream that would allow more of Alaska's transportation projects to be completed in a more-timely and less-expensive fashion.

REPRESENTATIVE P. WILSON offered her understanding that HJR 10's proposed transportation infrastructure fund would first have

\$2 billion appropriated to it [via other pending legislation], and could then receive yearly legislative appropriations derived from transportation-related taxes and fees; the amount then held in the proposed fund could also increase as returns on any investments compound. She noted that members' packets contain a spreadsheet produced by Legislative Finance Division estimating the yearly balance and the yearly amount that would then be available for appropriation. Offering her understanding that former Governor Hickel was in favor of a dedicated transportation infrastructure fund, Representative P. Wilson opined, "Alaska needs to take action now; the future of the economic and social wellbeing of Alaskan citizens is critical, and ... critically dependent on a reliable transportation system." The changes proposed by HJR 10 are needed in order to create and maintain a modern, reliable transportation system in Alaska, in turn attracting additional economic investment in the state and thereby also increasing the state's general fund (GF).

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REPRESENTATIVE P. WILSON, noting that past iterations of HJR 10 have been heard by the committee, mentioned that members' packets include letters of support, as well as a list of supporters, and that other pending legislation would address how the proposed transportation infrastructure fund would be managed and how and to whom the funds could then be distributed. In conclusion, she asked that HJR 10 - placing before the voters a proposed amendment to the Alaska State Constitution establishing a dedicated transportation infrastructure fund - be moved from committee.

REPRESENTATIVE FOSTER remarked that Alaska's airports and the Alaska Marine Highway System (AMHS) are also part of the state's transportation system.

REPRESENTATIVE P. WILSON, in response to questions, opined that regardless of what's occurring with the economy, Alaska's transportation infrastructure must be maintained, and thus a dedicated transportation infrastructure fund is needed.

REPRESENTATIVE GRUENBERG expressed concern with altering the Alaska State Constitution in order to provide for a dedicated fund, particularly given that providing for such via statute instead would ensure that the legislature itself could then make any necessary future changes. Also, providing for one dedicated fund pertaining to spending in the Alaska State Constitution could lead to other such funds being proposed as well. He

relayed that he didn't think HJR 10's proposal was appropriate, and he would therefore be voting against it.

REPRESENTATIVE P. WILSON, in response to questions and comments, offered her understanding that under the proposed legislation, the aforementioned initial \$2 billion would never be available for appropriation; pointed out that all of Alaska's citizens would benefit from the state having and appropriating from such a fund; confirmed that appropriations from the proposed dedicated transportation infrastructure fund would be discretionary rather than mandatory; and again remarked on existing and anticipated losses of federal transportation funding, upon which the state currently relies heavily.

REPRESENTATIVE MILLETT expressed her support for HJR 10.

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REPRESENTATIVE MILLETT made a motion to adopt Amendment 1, labeled 28-LS0133\U.1, Martin, 3/29/13, which read:

Page 2, line 2:
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Page 2, line 7:
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CHAIR KELLER objected.

REPRESENTATIVE P. WILSON, in response to a question, explained that adoption of Amendment 1 would ensure that all tire taxes are included.

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CHAIR KELLER removed his objection, observed that there were no further objections, and announced that Amendment 1 was adopted.

CHAIR KELLER offered his understanding of what ballot question the voters would be addressing should HJR 10 be adopted by the legislature: "to not only take money out of a savings account and to build the fund, but whether or not they want to tax themselves and use those taxes in a dedicated fashion."

REPRESENTATIVE P. WILSON clarified, "Actually, there won't be any increased taxes to the voters."

CHAIR KELLER countered, "We're asking the people of Alaska if they want to direct that money, in their taxes - and it is taxes ... even if it's in savings because it's the people of Alaska's money; so that is the question that we are proposing putting before the people of Alaska."

[HJR 10, as amended, was held over.]

[3:01:35 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:01 p.m.