

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

April 12, 2018

3:16 p.m.

MEMBERS PRESENT

Representative Jonathan Kreiss-Tomkins, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Chris Tuck
Representative Adam Wool
Representative Chris Birch
Representative DeLena Johnson
Representative Gary Knopp

MEMBERS ABSENT

Representative Andy Josephson (alternate)
Representative Chuck Kopp (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 409

"An Act relating to identification cards; relating to vehicle registration fee rates; relating to changes of address; relating to driver's license fees; and relating to financial responsibility for motor vehicles."

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 30

Urging the United States Congress to reaffirm the commitment of the United States to promote the safety, health, and well-being of refugees and displaced persons; urging the United States government to uphold its international leadership role in responding to displacement crises with humanitarian assistance and to work with the international community and the United Nations High Commissioner for Refugees to find solutions to conflicts and protect refugees; and urging the President of the United States to continue to mitigate the burden placed on frontline refugee host countries.

- HEARD & HELD

CS FOR SENATE BILL NO. 196 (FIN) (EFD FLD)

"An Act relating to an appropriation limit; and relating to the budget responsibilities of the governor."

- HEARD & HELD

PRESENTATION ON PENALTIES FOR MARIJUANA POSSESSION

- HEARD

APPROVAL OF INTRODUCTION OF POTENTIAL COMMITTEE LEGISLATION

SENATE BILL NO. 204

"An Act relating to special registration plates for vehicles owned by veterans with disabilities."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 409

SHORT TITLE: DMV ID CARDS & REGISTRATION FEES

SPONSOR(s): STATE AFFAIRS

04/05/18	(H)	READ THE FIRST TIME - REFERRALS
04/05/18	(H)	STA, FIN
04/10/18	(H)	STA AT 3:15 PM GRUENBERG 120
04/10/18	(H)	Heard & Held
04/10/18	(H)	MINUTE(STA)
04/12/18	(H)	STA AT 3:15 PM GRUENBERG 120

BILL: HJR 30

SHORT TITLE: URGE U.S. SUPPORT OF REFUGEES

SPONSOR(s): JOSEPHSON

01/24/18	(H)	READ THE FIRST TIME - REFERRALS
01/24/18	(H)	CRA, STA
02/13/18	(H)	CRA AT 8:00 AM BARNES 124
02/13/18	(H)	Heard & Held
02/13/18	(H)	MINUTE(CRA)
02/22/18	(H)	CRA AT 8:00 AM BARNES 124
02/22/18	(H)	Moved HJR 30 Out of Committee
02/22/18	(H)	MINUTE(CRA)
02/27/18	(H)	CRA AT 8:00 AM BARNES 124
02/27/18	(H)	Adopted Fiscal Note
02/28/18	(H)	CRA RPT 3DP 1DNP 2NR
02/28/18	(H)	DP: KREISS-TOMKINS, DRUMMOND, PARISH
02/28/18	(H)	DNP: TALERICO

02/28/18 (H) NR: LINCOLN, SADDLER
 04/10/18 (H) STA AT 3:15 PM GRUENBERG 120
 04/10/18 (H) Heard & Held
 04/10/18 (H) MINUTE(STA)
 04/12/18 (H) STA AT 3:15 PM GRUENBERG 120

BILL: SB 196

SHORT TITLE: APPROPRIATION LIMIT; BUDGET RESERVE FUND
 SPONSOR(s): FINANCE

02/19/18 (S) READ THE FIRST TIME - REFERRALS
 02/19/18 (S) FIN
 02/28/18 (S) STA REFERRAL ADDED BEFORE FIN
 03/06/18 (S) STA AT 3:30 PM BUTROVICH 205
 03/06/18 (S) Moved SB 196 Out of Committee
 03/06/18 (S) MINUTE(STA)
 03/07/18 (S) STA RPT 3DP 1DNP 1NR
 03/07/18 (S) DP: MEYER, GIESSEL, WILSON
 03/07/18 (S) DNP: EGAN
 03/07/18 (S) NR: COGHILL
 03/15/18 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/15/18 (S) Heard & Held
 03/15/18 (S) MINUTE(FIN)
 03/16/18 (S) FIN RPT CS 6DP NEW TITLE
 03/16/18 (S) DP: HOFFMAN, MACKINNON, BISHOP, VON
 IMHOF, STEVENS, MICCICHE
 03/16/18 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/16/18 (S) Moved CSSB 196(FIN) Out of Committee
 03/16/18 (S) MINUTE(FIN)
 03/23/18 (S) UPHOLD RULING OF THE CHAIR Y13 N5 E1 A1
 03/23/18 (S) UPHOLD RULING OF THE CHAIR Y11 N7 E1 A1
 03/23/18 (S) UPHOLD RULING OF THE CHAIR Y11 N7 E1 A1
 03/23/18 (S) UPHOLD RULING OF THE CHAIR Y11 N7 E1 A1
 03/23/18 (S) ENGROSSED
 03/28/18 (S) TRANSMITTED TO (H)
 03/28/18 (S) VERSION: CSSB 196(FIN) (EFD FLD)
 03/29/18 (H) READ THE FIRST TIME - REFERRALS
 03/29/18 (H) STA, FIN
 04/10/18 (H) STA AT 3:15 PM GRUENBERG 120
 04/10/18 (H) Heard & Held
 04/10/18 (H) MINUTE(STA)
 04/12/18 (H) STA AT 3:15 PM GRUENBERG 120

WITNESS REGISTER

MICHAEL STANKER, Assistant Attorney General
 Labor and State Affairs Section

Department of Law (DOL)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 409.

GABBY WEISS, Student
Colony Middle School
Palmer, Alaska

POSITION STATEMENT: Testified in support of HJR 30.

ASHLEY STRAUCH, Staff
Representative Adam Wool
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a presentation on marijuana on behalf of the sponsor, Representative Adam Wool.

CATHY SCHLINGHEYDE, Staff
Representative Jonathan Kreiss-Tomkins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented a section-by-section analysis of a work draft on penalties for marijuana possession, on behalf of the sponsor, Representative Jonathan Kreiss-Tomkins.

TRACY DOMPELING, Director
Division of Juvenile Justice (DJJ)
Department of Health and Social Services (DHSS)
Fairbanks, Alaska

POSITION STATEMENT: Answered questions during the presentation.

MATT DAVIDSON, Social Services Program Officer
Division of Juvenile Justice
Department of Health and Social Services (DHSS)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the presentation.

MARLA THOMPSON, Director
Division of Motor Vehicles (DMV)
Department of Administration (DOA)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 409.

ANNA LATHAM, Deputy Director
Division of Insurance

Department of Commerce, Community, and Economic Development
(DCCED)

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 409.

ACTION NARRATIVE

[3:16:16 PM](#)

CHAIR JONATHAN KREISS-TOMKINS called the House State Affairs Standing Committee meeting to order at 3:16 p.m. Representatives Kreiss-Tomkins, Wool, Tuck, Birch, and Knopp were present at the call to order. Representatives LeDoux and Johnson arrived as the meeting was in progress.

HB 409-DMV ID CARDS & REGISTRATION FEES

[3:17:05 PM](#)

CHAIR KREISS-TOMKINS announced that the first order of business would be HOUSE BILL NO. 409, "An Act relating to identification cards; relating to vehicle registration fee rates; relating to changes of address; relating to driver's license fees; and relating to financial responsibility for motor vehicles."

[3:17:21 PM](#)

CHAIR KREISS-TOMKINS opened public testimony on HB 409; and after first determining no one wished to testify, closed public testimony on HB 409.

[3:18:01 PM](#)

REPRESENTATIVE WOOL asked for an explanation of the violations that one would need an SR-22 [certificate of financial responsibility] insurance for life.

[3:18:24 PM](#)

MICHAEL STANKER, Assistant Attorney General, Labor and State Affairs Section, Department of Law (DOL), stated there were two instances where a person would need an SR-22 [proof of financial responsibility] for life. Under AS 28.20.330, if a person failed to pay a judgment stemming from an automobile accident with a suspended license and later satisfied the judgment, the person would need SR-22 for life. The second instance pertained

to DUIs [driving while under the influence]. If a person had four or more DUIs or refused to submit to a chemical test, the person would need an SR-22 as long as the person was licensed to drive. He explained the increased penalties for DUIs, that the first DUI or refusal to submit to a chemical test would necessitate SR-22 coverage for five years, the second offense for ten-years, and the third offense for 20 years. All other SR-22 requirements would be imposed for three years, for example, in instances in which people had their licenses suspended or revoked for another reason and their license was later reinstated. The SR-22 provision would apply for those involved in vehicular accidents while their licenses were suspended and driving without insurance so when their licenses were reinstated these drivers must obtain SR-22 for three years.

[3:20:33 PM](#)

REPRESENTATIVE WOOL asked for clarification on the SR-22 requirements for a first DUI and whether the penalty was similar to that of a first refusal [to submit to a chemical test].

MR. STANKER answered yes; the first DUI or refusal would result in SR-22 coverage for five years.

[3:20:58 PM](#)

REPRESENTATIVE WOOL related that the DUI and refusal [to submit to a chemical test] were parallel offenses. He asked for clarification on the first instance, which is the one HB 409 would address.

MR. STANKER said that the bill seeks to address the situation in which a person involved in motor vehicle accident was sued, a judgment was issued, but the person failed to pay the judgment within 30 days. The court would notify the DMV and the person's license would be suspended until the judgment was paid, unless it fit one of the exceptions. Exemptions would include that the driver entered into a payment plan with the judgment creditor, or consent to reinstate the license was given; in those circumstances the person would need SR-22 proof of financial responsibility for life.

REPRESENTATIVE WOOL pointed out that the penalty for non-payment within 30 days was worse than for a driver convicted of three DUIs. He assumed that was the reason AS 28.20.330 was being amended.

[3:22:25 PM](#)

REPRESENTATIVE TUCK asked whether Representative Wool was correct.

MR. STANKER answered yes. He stated that for the third DUI or refusal conviction, the driver would be subject to SR-22 for 20 years; that a driver with four or more DUI convictions is subject to a lifetime requirement, which is the same penalty that a person who failed to pay off a judgment within 30 days would receive.

REPRESENTATIVE TUCK hoped that the penalty provisions could be fixed. He expressed concern that a 21-year-old who was in a car accident but did not pay the judgment timely must spend the rest of his/her life providing SR-22 proof of responsibility [or high-risk insurance]. The penalty did not have anything to do with risk or driving ability but rather whether the driver paid the judgment within the 30-day required timeframe. The penalty was the same for someone with multiple DUIs, he said.

CHAIR KREISS-TOMKINS agreed.

[3:24:27 PM](#)

MR. STANKER, in response to Representative Knopp, agreed that under the current statute if a person does not pay within 30 days his/her driver's license is suspended until the judgement is satisfied in whole unless they fell within one of the exceptions previously mentioned.

[3:24:58 PM](#)

REPRESENTATIVE WOOL asked whether an uninsured driver involved a motor vehicle accident who had [his/her license suspended] for three months must also obtain SR-22 for three years.

MR. STANKER answered yes; that a person whose license was suspended as a result of an accident - either for personal injury or a dollar threshold amount - would be required to provide SR-22 for three years after the suspension period ended.

[3:25:46 PM](#)

REPRESENTATIVE WOOL (audio difficulties) related a scenario requiring SR-22 for life, in which an insured driver had an accident, a judgment for monetary damage was issued and the

driver did not pay timely. That driver would be required to get high-risk insurance. He asked whether an uninsured driver would be punished as severely as the insured driver in such a scenario.

MR. STANKER answered that one exception to mandatory lifetime SR-22 proof of responsibility applies if an insurance company was liable for payment but did not cover a portion of the monetary damage. In that instance, the driver would be liable and must provide SR-22 for life. The three-year requirement for SR-22 would apply if a driver should have had insurance but failed to do so and his/her actions resulted in a suspended license. He concluded that these two scenarios were related but were also different.

[3:27:36 PM](#)

The committee took an at-ease from 3:29 p.m. to 3:29 p.m.

[3:29:35 PM](#)

CHAIR KREISS-TOMKINS passed the gavel to Vice Chair LeDoux.

[HB 409 was set aside.]

HJR 30-URGE U.S. SUPPORT OF REFUGEES

[3:30:09 PM](#)

VICE CHAIR LEDOUX announced that the next order of business would be CS FOR SENATE BILL NO. 196(FIN)(efd fld), "An Act relating to an appropriation limit; and relating to the budget responsibilities of the governor."

VICE CHAIR LEDOUX opened public testimony on HJR 30.

[3:30:46 PM](#)

GABBY WEISS, Student, Colony Middle School, paraphrased from written testimony, which read as follows [original punctuation provided]:

Good morning, my name is Gabby Weiss and I am from Palmer, Alaska. I have come here today to explain the importance of House Joint Resolution No. 30 and to urge all the committee members to help make this resolution a reality.

First off, a brief recap of the magnitude of the refugee crisis and refugees in general. According to the Oxford Dictionary, a refugee is defined as "a person who has been forced to leave their country in order to escape war, persecution, or natural disaster." That is all a refugee is. Just from the definition, it is known that the term refugee means a person, someone who is as human as you and me, who is fleeing their country because it isn't safe. I think that sometimes we people get caught up on the labels. Because we are referring to the people who are fleeing from violence as this new population, the "refugees," there is this barrier that is put up that makes us humans feel like we are somehow very different from each other.

It very intangible for us to grasp what refugees are going through because right now, we are inside, dry and warm, fed and watered, safe and sound, but there are men, women, and children, who are fleeing from war, persecution, or natural disaster...right now. And it isn't like it is just hundreds of people, or thousand of people, and it's not even just a million people. No, according to the United Nations High Commissioner for Refugees, it is 22.5 million people, women, men and children, fleeing for their safety. That means that if you take the population of Alaska and multiply it by 30, that number is still less than all the refugees in the world. And guess how many of that number of refugees are children. Is it a 10th, a 5th or a 3rd? No! More than one half of those 22.5 million people are children, under the age of 18. They didn't **choose** to be born into an unsafe area.

[3:31:38 PM](#)

MS. WEISS continued to paraphrase and read portions of her written testimony, which read as follows [original punctuation provided]:

That is a huge number of people facing adversity and trauma, but even though you can't help everyone, you can still make a difference! If the United States uses its leadership to start encouraging other countries to take in refugees, as well as tries to prevent and help out in the events that create refugees, imagine how many lives you could improve.

Also, the United States can benefit from taking in refugees itself. In fact, the National Bureau of Economic Research explains, an adult refugee will generally pay 21,000 dollars more in taxes than they will receive in benefits in their first 20 years in the United States.

3:32:07 PM

MS. WEISS continued to paraphrase her written testimony, which read as follows [original punctuation provided]:

A thought stopping Americans from welcoming refugees is the idea that refugees may be terrorists. However, a terrorist would not chose to come to the US through the refugee resettling process. The accepting process of refugees includes in depth vetting and according to the US Department of State, it can take up to 24 months. In addition, as of 2015, expert Kathleen Newland from the Migration Policy Institute said, "The United States has resettled 784,000 refugees since September 11, 2001. In those 14 years, exactly three resettled refugees have been arrested for planning terrorist activities—and it is worth noting two were not planning an attack in the United States and the plans of the third were barely credible."

The last reason why we should help is because these people, these refugees, need our help. The refugee crisis has created horrible situations for all refugees. Families become split apart and lives get put on hold. According to United Nations High Commissioner for Refugees, there are 3.5 million refugee children who should be in school, but aren't. Also, rates sometimes as high as 86% project post traumatic stress disorder in refugees according to the US Department of Veterans Affairs. Lastly, according to the Mercy Corps Organization, one half of Syria's population before the war, that is 11 million plus people, have been killed or forced to abandon their homes due to the Syrian conflict.

3:32:46 PM

MS. WEISS continued to paraphrase her written testimony, which read as follows [original punctuation provided]:

Because we are the lucky ones who get to have meetings, and eat lunch, and read the newspaper, and spend time with our friends and families, we need to take it upon ourselves to care and support the other humans who aren't as lucky as us. This is so important to me because if I was fleeing for my safety, I would want someone to help me. To conclude, I am asking all the committee members to please vote for House Joint Resolution No. 30. Thank you so much for your time.

[3:33:18 PM](#)

REPRESENTATIVE BIRCH (audio difficulties) asked that her testimony be emailed.

MS. WEISS reiterated that she attends Colony Middle School in Palmer, Alaska.

VICE CHAIR LEDOUX provided the e-mail address for the committee: hsta@akleg.gov. She said it was great to have students involved in the legislative process.

[3:34:28 PM](#)

REPRESENTATIVE JOHNSON thanked Ms. Weiss for calling in. She thanked her for all of the work she has done on HJR 30.

VICE CHAIR LEDOUX, after first determining no one wished to testify, closed public testimony on HJR 30.

VICE CHAIR LEDOUX announced HJR 30 would be held over.

SB 196-APPROPRIATION LIMIT; BUDGET RESERVE FUND

[3:35:19 PM](#)

VICE CHAIR LEDOUX announced that the next order of business would be CS FOR SENATE BILL NO. 196(FIN)(efd fld), "An Act relating to an appropriation limit; and relating to the budget responsibilities of the governor."

VICE CHAIR LEDOUX opened public testimony and after first determining no one wished to testify, closed public testimony on SB 196.

VICE CHAIR LEDOUX announced that SB 196 would be held over.

PRESENTATION ON PENALTIES FOR MARIJUANA POSSESSION

[3:36:06 PM](#)

VICE CHAIR LEDOUX announced that the next order of business would be a presentation: Penalties for Marijuana Possession.

[3:36:52 PM](#)

The committee took a brief at-ease.

[3:37:47 PM](#)

ASHLEY STRAUCH, Staff, Representative Adam Wool, Alaska State Legislature, stated her presentation was the result of draft legislation being considered by the committee. She stated the proposed bill would not be introduced this legislative session due to committee time constraints at this late juncture. The focus of the presentation concerns possession of marijuana on school grounds, she said. The current law mandates that possession of marijuana on school grounds, school buses, and in or near youth centers was a felony.

[3:39:14 PM](#)

CATHY SCHLINGHEYDE, Staff, Representative Jonathan Kreiss-Tomkins, Alaska State Legislature, on behalf of the sponsor, Representative Kreiss-Tomkins, referred to a work draft [not specifically identified] for a proposed bill that will not be introduced during this legislative session. She reviewed the sectional analysis: Section 1 would remove a section that makes it a Class C felony to possess any amount of marijuana within 500 feet of school grounds, on school buses, or within 500 feet of youth centers. She added that even an otherwise legal amount possessed by an adult would be considered a Class C felony in any of these circumstances.

[3:39:56 PM](#)

MS. SCHLINGHEYDE said that Section 2 would make it a Class A misdemeanor to possess more than one ounce, which is in line with penalties outside of these restricted areas. She explained that a person who possessed more than one ounce on the street would be subject to a Class A misdemeanor. This would make that true across the board, she said.

MS. SCHLINGHEYDE stated that Section 3 would make it a Class B misdemeanor to possess up to one ounce within 500 feet of a school or on a school bus. She advised that it was already a Class B misdemeanor for a minor to possess up to one ounce, which is a legal amount for an adult to possess. The penalty for a minor in possession is currently a Class B misdemeanor and this section would make it true for minors across the board, but it would make it a Class B misdemeanor for adults to possess a legal amount of marijuana within one of the restricted areas.

[3:40:38 PM](#)

MS. SCHLINGHEYDE related that Section 4 would establish an affirmative defense to be in a private residence within 500 feet of a school. It would mean that as an adult the person could possess an otherwise legal amount of marijuana.

MS. SCHLINGHEYDE related that Section 5 provided statutory clean-up to align with other sections of the bill. Section 6 would ensure that the provisions in the bill do not apply retroactively and would not affect pending cases, even if the case was decided after the effective date of the bill, she said.

[3:41:23 PM](#)

REPRESENTATIVE KNOPP related his understanding that the intent of the original felony was to prevent people from "dealing" drugs at a school. This proposed work draft would reduce the crime from a felony to Class A or B misdemeanors.

MS. SCHLINGHEYDE answered yes; that the proposed draft would make it a Class A misdemeanor to possess more than an ounce and a Class B misdemeanor to possess up to an ounce of marijuana.

[3:41:51 PM](#)

REPRESENTATIVE KNOPP asked if the work draft moved forward and was adopted if the proposed bill would remove severe penalties for those who tried to "deal" drugs in a school area. He said he agreed with the concept of reducing penalties for students, but he did not agree with reducing penalties for those who were "dealing" drugs in school areas. He asked whether this bill would address both issues.

[3:42:30 PM](#)

MS. SCHLINGHEYDE acknowledged that Representative Knopp was correct since one concern for minors is that students would have a small amount of marijuana for recreational use and concern was that they could incur felony convictions that could potentially follow them the rest of their lives. This was particularly a concern since some students turn the age of 18 while in high school; thus, these students could be tried as adults and the convictions could be very serious. She stated that it would make it a Class B misdemeanor for an adult to possess an otherwise legal amount within 500 feet of a school grounds. She stated there was room to consider returning to a Class C felony by creating a narrower exception, for example, for an adult within school grounds.

[3:43:17 PM](#)

REPRESENTATIVE KNOPP said he would like to consider misdemeanor penalties for those under 18 years of age possessing recreational amounts; however, stiffer penalties for those above the age of consent possessing more than a recreational amount should stay in place.

[3:43:48 PM](#)

VICE CHAIR LEDOUX suggested the sponsor may wish to differentiate between an adult on the school grounds who is not attending the school and an adult who is present on the school grounds but is a senior in high school who has reached adulthood. She stated that there could be a rational distinction along those lines.

[3:44:11 PM](#)

REPRESENTATIVE WOOL noted that "an ounce or more" for an adult off school grounds was a misdemeanor but "under an ounce" was legal. He asked for further clarification that if someone possessed an ounce and a half of marijuana, whether that represented the difference between a person dealing or non-dealing. He envisioned a situation could arise in which a person picked up his/her child after school and happened to have slightly over the legal amount in their vehicle. He further asked for the distinction between dealing and non-dealing.

MS. STRAUCH responded that the statutes do not definitively address the amount that constitutes a dealing amount versus a possession amount; however, in public, outside of school grounds an amount over an ounce tends to lead to further investigation

as to the type of activity involved. She added that this proposed [work draft] would put the penalties for adults on school grounds in line with penalties that exist in public; except that currently a person possessing under an ounce as an adult off school property falls within the legal amount. She commented it still would be illegal to carry any amount of marijuana on school grounds.

[3:46:04 PM](#)

MS. SCHLINGHEYDE advised members that the sponsor has had conversations with prosecutors about "dealing" marijuana. She related there were other crimes people could be charged with beyond simple possession. She remarked that the prosecutors indicated it was always very clear to them when an amount was for personal use and whether it was for dealing, not based on ounces, but on testimony from witnesses. In those instances, the prosecutors would pursue additional charges that compound the offense, she said.

[3:46:32 PM](#)

REPRESENTATIVE WOOL acknowledged that the intent to distribute drugs typically would be indicated by other things, for example, someone holding 20 small packages, or possessing scales and other paraphernalia. He offered his belief that someone possessing slightly over the legal amount was different than someone who law enforcement determined had intent to distribute.

MS. SCHLINGHEYDE answered that was correct.

[3:47:05 PM](#)

REPRESENTATIVE JOHNSON stated that she was mayor when marijuana was legalized in Alaska. She noted that police can smell marijuana and it is often easy to detect; however, usually when people are dealing drugs, they hide the drugs. She pointed out that police dogs are trained to sniff out marijuana as dealers with large quantities of other drugs often possess marijuana, as well. She wondered what problem the proposed bill would like to fix. She acknowledged that someone whose home was in close proximity to the school might benefit and that this proposal might give law enforcement additional tools.

MS. STRAUCH answered that the proposed work draft would address several concerns. First, it would eliminate a felony record for youth who possessed any amount of marijuana since some might

find it to be a harsh penalty for someone under the age of 18. Second, it would also fix or attempt to fix the situation in which parents or other adults are near a school ground or pick up students after school and they have marijuana in their car or on their person. This proposal would reduce the penalty for possession of recreational products. It would also remove youth center from the definition of school grounds. She said that the statutory definition for youth centers is defined very broadly as any public or private entity that caters to any youth under the age of 18.

MS. STRAUCH offered that as a child she attended a day care in a residential neighborhood. The day care lacked proper signage so there was not any indication this was a day care facility, but in statute that would qualify as a youth center. She stated that removing this from the definition could help prevent people who are participating in activities that would otherwise be legal from [inadvertently committing a felony crime] and have it on their record.

[3:50:47 PM](#)

MS. SCHLINGHEYDE, to address the point that police could more easily detect marijuana due to its aroma, stated that the proposed work draft would make possession on school grounds a misdemeanor, making it a justifiable cause for law enforcement to search.

[3:51:00 PM](#)

VICE CHAIR LEDOUX returned the gavel to Chair Kreiss-Tomkins.

[3:51:19 PM](#)

REPRESENTATIVE BIRCH asked for statistics related to the frequency of instances in which a person has been charged a Class C felony for being within 500 feet of a school, on a school bus, or within 500 feet of a youth center.

MS. SCHLINGHEYDE responded that the sponsor has been speaking with prosecutors but found it was difficult to track because many of these cases were "plead down," such that people would be charged with a Class C felony but would plead guilty to a misdemeanor. In other instances, the cases relate to juveniles and are sealed cases. She indicated that the sponsor was working to determine the number of cases, but she did not have a firm number.

[3:52:15 PM](#)

REPRESENTATIVE BIRCH said that was a reasonable approach. He further said that pleading down the cases seemed reasonable and he thought that prosecutors were working to be reasonable. He hoped the prosecutors still had the ability to get the "bad" guys selling drugs.

[3:53:21 PM](#)

TRACY DOMPELING, Director, Division of Juvenile Justice (DJJ), Department of Health and Social Services (DHSS), reviewed statistics from FY 13-18. She stated that the division has had 909 referrals, which is the equivalent of a police report for the division, for possession of marijuana on school grounds. In FY 18 the division has had 101 referrals thus far, she said.

REPRESENTATIVE BIRCH asked whether any of those cases been prosecuted as felonies (audio difficulties) and if they were mostly juveniles.

MS. DOMPELING answered that in the majority of cases the division probation officers also use other mechanisms to hold the youth accountable for being in possession of marijuana on school grounds. She said that the division has the statutory authority and flexibility to not prosecute cases. She related that a small number of juveniles were taken to court for the offense of possession of marijuana on school grounds; however, it is rare to bring such a case to court for a felony. She explained that the youth may have gotten into a fight at school and have stolen an iPod from a student and during that investigation it surfaces that the youth was also in possession of marijuana. Therefore, the division might petition the court for three charges and not just request a stand-alone charge for possession of marijuana on school grounds.

[3:55:48 PM](#)

REPRESENTATIVE KNOPP (audio difficulties) asked whether the DJJ needed the statutory changes since the division currently has the flexibility.

MS. DOMPELING responded that regardless of whether the charge was a felony or misdemeanor offense, it does not change the way the DJJ responds to allegations of this type of delinquency. The system was not one based on a cumulative system of specific

amount of time served but rather is based on looking at the youth's likelihood of risk to reoffend as well as what needs the youth has to prevent them from committing future crimes.

[3:56:44 PM](#)

REPRESENTATIVE KNOPP remarked that he found it really intriguing that this generation was working to remedy this issue. He said he would hate to see students charged with felonies that follow them around for the rest of their lives. He hoped that this work draft would be pursued next year. He affirmed that the committee brought up not allowing people on school grounds for [dealing drugs] to only be charged misdemeanors.

[3:57:35 PM](#)

CHAIR KREISS-TOMKINS said he thought this issue might be worth looking into a little more. He did not anticipate moving forward with it this legislative session.

REPRESENTATIVE LEDOUX related her understanding that under the initiative marijuana was supposed to be treated like alcohol. She asked what the penalties for possession of alcohol on school grounds.

MS. DOMPELING responded that she did not know for certain since minor consuming alcohol charges are not referred to the DJJ.

[3:58:44 PM](#)

REPRESENTATIVE WOOL recalled that two years ago the legislature changed the law (audio difficulties) to reduce the penalties so that everyone at a party would be charged with a violation and not a misdemeanor. He was uncertain as to whether it differentiated between school grounds or not. He offered his belief that marijuana is treated differently since it is illegal federally.

[3:59:25 PM](#)

REPRESENTATIVE LEDOUX expressed an interest in knowing how [alcohol] is treated on school grounds.

[3:59:43 PM](#)

MATT DAVIDSON, Social Services Program Officer, Division of Juvenile Justice (DJJ), Department of Health and Social Services

(DHSS), said that two years ago, Senate Bill 165 changed the penalties for underage/drinking minor consuming alcohol to a \$500 fine, a district court appearance, with an option to go through the ASAP [Alcohol and Substance Abuse Program] or youth court to address the underage drinking. The division does not consider alcohol-related offenses, he said. He noted that specific statutes address alcohol consumption at schools, noting it is currently a misdemeanor for adults and juveniles to consume alcohol on school grounds or at school events. Both bodies of the legislature have been considering reducing it to a violation, he said.

MR. DAVIDSON said the division reviewed its records related to alcohol consumption on school grounds and does not have any referrals; that any underage drinking on school grounds would result in "minor possession" and not a misdemeanor.

[4:01:12 PM](#)

REPRESENTATIVE LEDOUX asked how selling alcohol on school grounds would be handled.

MR. DAVIDSON answered that it would be covered in Title 4 [by the Alcoholic Beverage Control Board].

[4:01:31 PM](#)

REPRESENTATIVE WOOL offered his belief that someone over 21 years of age furnishing alcohol to a minor is currently a misdemeanor, noting he was unsure if it differentiated between school grounds or not. He was also unsure of penalties for minors selling alcohol.

MR. DAVIDSON agreed. He clarified that furnishing alcohol to a minor is currently a misdemeanor and would be addressed by legislation under consideration in both bodies. He acknowledged that the division does receive referrals for minors under the age of 18 for misdemeanor offense of furnishing alcohol to minors. He added the penalty is increased to a felony if harm or injury occurs.

[4:02:38 PM](#)

CHAIR KREISS-TOMKINS related his understanding that there was not a complete "apples-to-apples comparison" [between alcohol and marijuana penalties] (audio difficulties) but they were close; currently it is a Class C felony to possess marijuana and

it is effectively a misdemeanor to possess alcohol on school premises, possibly a violation if the Title 4 rewrite were to pass.

MR. DAVIDSON answered that the division does not review cases for misdemeanor charges for underage drinking. He remarked that typically adults drinking alcohol on school premises are not charged but would be asked to "pour it out" or leave the premises and juveniles are charged with "minor possession." He clarified that the [marijuana] initiative did not change any of the penalties for violations by anyone under 21 years of age. He acknowledged that Representative LeDoux was part of the discussions that considered changing criminal penalties, but the criminal penalties for minors under the age of 21 possessing, consuming or using marijuana have not changed and are intact.

[4:04:09 PM](#)

REPRESENTATIVE WOOL recalled how disciplinary measures and criminal charges for marijuana possession have changed from his generation to the current one, noting police were often not brought in to charge students; however, it has gotten much more restrictive and any amount of marijuana possession in a school could result in a felony conviction now. He recalled earlier testimony that the threat of felony was often used as leverage for plea bargains. He asked whether any adults had been charged with felonies for incidental possession of marijuana on school grounds.

CHAIR KREISS-TOMKINS suggested that might better be directed to the Department of Law or the Department of Public Safety.

HB 409-DMV ID CARDS & REGISTRATION FEES

[4:05:39 PM](#)

CHAIR KREISS-TOMKINS asked to return to the hearing on HB 409.

[4:06:02 PM](#)

REPRESENTATIVE WOOL, with respect to proposed Section 11, noted the penalty [under AS 28.20.330(b)] was reduced from lifetime to requiring proof of financial responsibility [SR-22] for 10 years; however, he thought 10 years seemed a bit severe for someone who did not pay the [penalty] within 30 days when the penalty for a first time DUI offense was five years. He stated that the penalties seemed [inequitable] or onerous.

REPRESENTATIVE LEDOUX agreed; however, if the driver has insurance the person would not pay since liability insurance does not have any deductibles.

[4:07:04 PM](#)

REPRESENTATIVE WOOL responded that he was uncertain what circumstances would cause someone to be assessed a judgment. He recalled earlier testimony that a driver could have insurance, be involved in an accident, assessed a judgment, not pay it within 30 days, and be subject to SR-22 for life. He thought that was a correct assessment.

MR. STANKER restated the question, that if a person had insurance, [and was involved in a crash] but the insurance did not cover some portion of the civil judgment, that the driver could have his/her license suspended and be subject to a lifetime of SR-22. He acknowledged he was not well versed with automobile insurance; however, he agreed with the scenario and lifetime SR-22 requirement.

[4:09:04 PM](#)

REPRESENTATIVE LEDOUX said she would like to hear from the Division of Insurance because in her experience as an attorney in private practice she did not think liability insurance had deductibles.

[4:09:52 PM](#)

REPRESENTATIVE TUCK suggested that liability insurance probably had capped amounts, including ones for injuries so some responsibility could fall on the person causing the accident. He also expressed concern with the penalty provision requiring lifetime SR-22 for failure to pay judgments timely. He said it seemed extreme especially since it related to financial obligation and not due to the driver's ability. He speculated that the penalty would benefit the insurance industry. He compared it to a debtor's prison, such that the person is bound for life whereas someone who had been drinking and driving has lots of extra chances, yet these drivers put the public at risk.

[4:11:33 PM](#)

CHAIR KREISS-TOMKINS stated that what Representatives Tuck and Wool have said also resonated with him. He asked whether [the lifetime requirement for] SR-22 made logical sense.

[4:11:55 PM](#)

MARLA THOMPSON, Director, Division of Motor Vehicles (DMV), Department of Administration, stated the reason for a judgment (audio difficulties) usually has resulted from drivers without any insurance having an accident, were sued, lost the lawsuit, and were subject to a judgment. At that point, the DMV would suspend the driver's license for three years and most people adhere to a payment plan, if so, the driver's license would be reinstated. If the driver missed (audio difficulties) [then offline]

[4:13:07 PM](#)

CHAIR KREISS-TOMKINS (audio difficulties).

[4:13:33 PM](#)

REPRESENTATIVE LEDOUX asked for further clarification on a scenario with \$50,000-100,000 policy with a judgment for \$150,000 ... (audio difficulties) would the driver have to pay the SR 22 [financial responsibility].

MR. STANKER answered that he could not comment on the insurance aspect of the question. He said as the statute was currently written, that if a person was liable for money owed via a judgment, the party would fall into the circumstance of license suspension and would be subject to lifetime SR-22 requirement.

[4:14:42 PM](#)

REPRESENTATIVE LEDOUX, with respect to drivers with SR-22 insurance, asked whether the insurance had a limit or cap.

MR. STANKER said he was not familiar with that insurance and deferred to Ms. Thompson or the Division of Insurance.

[4:15:22 PM](#)

REPRESENTATIVE LEDOUX restated her earlier scenario in which a driver had a \$100,000 policy but was subject to a judgment for \$150,000, whether the driver would be required to submit to SR-22 for life. She recollected that SR-22 also had a limit, which she thought was the minimum amount of insurance, so she thought this simply made no sense whatsoever.

[4:15:56 PM](#)

REPRESENTATIVE WOOL related his understanding of SR-22, relating it was special risk insurance, so drivers must pay higher rates for the same coverage. He compared penalties for imposing SR-22 for insured or uninsured drivers having the same incident and subsequently being required to obtain SR-22 financial responsibility, with the former subject to SR-22 for three years and the latter subject to life. He asked for further clarification on whether that was correct.

MR. STANKER answered yes; adding that this statute was enacted in 1959 and has not been updated since then.

[4:17:16 PM](#)

REPRESENTATIVE WOOL was unaware that the state had SR-22 provisions in statute in 1959. He questioned the discrepancy in the length of time of penalties for similar infractions. He viewed the lifetime SR-22 requirements as not making distinction between insured or uninsured motorists; yet the three-year penalties were automatically imposed for uninsured motorists involved in accidents with damages. It seemed to him that if the insurance rates doubled it was less likely for the driver to pay off the damages.

[4:18:14 PM](#)

REPRESENTATIVE LEDOUX asked for clarification on the minimum amount of insurance required by law.

MS. THOMPSON answered that the driver must have liability insurance.

REPRESENTATIVE LEDOUX offered her belief that liability insurance policies range from \$50,000 to \$1,000,000. She asked for further clarification on the minimum amount of liability insurance.

MS. THOMPSON was unsure but thought it was \$25-\$50-\$100 thousand.

[4:19:01 PM](#)

MR. STANKER said he was unsure of the amount.

MS. THOMPSON offered to look it up and report to the committee.

[4:19:20 PM](#)

REPRESENTATIVE LEDOUX asked for clarification that the state required a minimum amount of insurance and that it was relatively low amount.

MS. THOMPSON agreed.

[4:19:24 PM](#)

REPRESENTATIVE LEDOUX related a scenario in which a person had the minimum insurance required, and the judgment exceeded the coverage by \$50,000 and the driver was required to provide SR-22 coverage; however, the high-risk insurance would not be above the minimum requirement either.

MS. THOMPSON responded that SR-22 provided [a certificate of] financial responsibility or a financial responsibility filing. In further response, she said the amount depended upon the carrier and was not a specific amount, but rather was high-risk insurance and only certain carriers provided it.

[4:20:23 PM](#)

REPRESENTATIVE LEDOUX asked how much insurance the state required with SR-22, noting she thought the state required the same amount of insurance, but it was more expensive under the SR-22 insurance.

MS. THOMPSON agreed.

[4:20:47 PM](#)

REPRESENTATIVE LEDOUX questioned the logic in requiring someone to carry high risk insurance when the coverage has the same insurance limits. She was unsure if she was missing something.

MS. THOMPSON was unsure if it was logical but that is the way the statute is written. She said most of the people required to submit to SR-22 insurance are uninsured drivers. She explained the process, such that these drivers do not have insurance, have motor vehicle accidents, and the other parties' uninsured motorist coverage pays the damages. Subsequently, these drivers are sued, which results in judgments against them. These drivers must submit to SR-22 requirements for three years, but

if they default on the final judgement, they are then required to have lifetime SR-22 requirements.

[4:22:28 PM](#)

REPRESENTATIVE LEDOUX expressed concern that it would also pick up motorists with the minimum amount of insurance.

MS. THOMPSON offered to compile data to better understand what customers are affected by the SR-22 provisions.

[4:22:50 PM](#)

REPRESENTATIVE LEDOUX offered her belief that someone will still be affected even if it was not many drivers. She did not agree with the statutory provisions as currently written.

MS. THOMPSON agreed.

[4:23:10 PM](#)

CHAIR KREISS-TOMKINS offered to "drill down" on SR-22 but was interested in members' comments.

REPRESENTATIVE TUCK offered to work with Representative Kreiss-Tomkins' office to improve the statutes related to SR-22 for the public.

[4:24:07 PM](#)

CHAIR KREISS-TOMKINS said he was still interested in the data even though he agreed with Representative LeDoux's comments. He wondered how many youths may have been subject to lifetime SR-22 requirements.

REPRESENTATIVE WOOL related a personal scenario that illustrated how he could have been affected by SR-22 insurance that he thought would have been unjust.

[4:25:33 PM](#)

REPRESENTATIVE TUCK requested an SR-22 chart to allow the committee to better compare what circumstances warranted SR-22 provisions. He also asked whether an insurance company would be breaking the law if they chose to charge regular rates instead of SR-22 rates.

[4:26:07 PM](#)

ANNA LATHAM, Deputy Director, Division of Insurance, Department of Commerce, Community, and Economic Development (DCCED), stated that HB 409 does not affect Title 21, the Division of Insurance statutes, but falls under Title 28. She offered to research and respond to the committee.

[4:26:41 PM](#)

CHAIR KREISS-TOMKINS asked whether the Division of Insurance would have the expertise.

MS. LATHAM answered that the SR-22 requirements are all set by the DMV under Title 28; however, if the committee has questions, the division will work with DMV to respond.

[4:28:00 PM](#)

REPRESENTATIVE BIRCH expressed concern that this may adversely affect some youth in rural Alaska and this warrants additional work.

CHAIR KREISS-TOMKINS announced that HB 409 would be set aside.

[HB 409 was held over.]

APPROVAL OF INTRODUCTION OF POTENTIAL COMMITTEE LEGISLATION

[4:29:03 PM](#)

CHAIR KREISS-TOMKINS announced that the final order of business would be the approval of potential committee legislation. This proposed bill would give the Department of Environmental Conservation the ability to promulgate fees for dairies. (audio difficulties).

[4:29:47 PM](#)

REPRESENTATIVE WOOL moved that "An Act Relating to Fees Levied by Resource Agencies for Designated Regulatory Services" be introduced as a House State Affairs Standing Committee bill.

REPRESENTATIVE BIRCH expressed concern that members have not seen a draft.

CHAIR KREISS-TOMKINS stated that the committee would request a work draft to share with the committee.

There being no objection, the motion to introduce the bill passed.

[4:30:18 PM](#)

ADJOURNMENT

The House State Affairs Standing Committee meeting was recessed at 4:30 p.m. to a call of the chair. [The meeting reconvened April 13, 2018.]