

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 10, 2018

9:04 a.m.

MEMBERS PRESENT

Senator John Coghill, Chair
Senator Mia Costello
Senator Pete Kelly
Senator Mike Shower

MEMBERS ABSENT

Senator Bill Wielechowski

COMMITTEE CALENDAR

SENATE JOINT RESOLUTION NO. 14

Proposing an amendment to the Constitution of the State of Alaska relating to notice and consent before termination of a minor's pregnancy.

- HEARD & HELD

HOUSE JOINT RESOLUTION NO. 21

Urging the federal government to respect the authority of the state to regulate marijuana use, production, and distribution and to honor previous federal guidance on marijuana policy; and urging the federal government to reconsider its listing of marijuana as a schedule I controlled substance.

- HEARD & HELD

CS FOR SS FOR HOUSE BILL NO. 44 (STA)

"An Act requiring a legislator to abstain from taking or withholding official action or exerting official influence that could benefit or harm an immediate family member or certain employers; and requiring a legislator to request to be excused from voting in an instance where the legislator may have a financial conflict of interest."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: SJR 14

SHORT TITLE: CONST. AM: PARENTAL CONSENT TO ABORTION

SPONSOR(s): SENATOR(s) OLSON

02/19/18 (S) READ THE FIRST TIME - REFERRALS
02/19/18 (S) JUD, FIN
03/02/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/02/18 (S) Heard & Held
03/02/18 (S) MINUTE(JUD)
03/16/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/16/18 (S) <Bill Hearing Canceled>
03/23/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
03/23/18 (S) -- MEETING CANCELED --
04/04/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/04/18 (S) <Bill Hearing Canceled>
04/06/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/06/18 (S) -- MEETING CANCELED --
04/09/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/09/18 (S) -- Public Testimony --

BILL: HJR 21

SHORT TITLE: FEDS RESPECT STATE REG OF MARIJUANA

SPONSOR(s): REPRESENTATIVE(s) GUTTENBERG

04/16/17 (H) READ THE FIRST TIME - REFERRALS
04/16/17 (H) JUD
05/12/17 (H) STA REPLACES JUD REFERRAL
05/12/17 (H) BILL REPRINTED 5/12/17
05/16/17 (H) STA AT 3:00 PM GRUENBERG 120
05/16/17 (H) -- MEETING CANCELED --
02/05/18 (H) SPONSOR SUBSTITUTE INTRODUCED
02/05/18 (H) READ THE FIRST TIME - REFERRALS
02/05/18 (H) STA
02/13/18 (H) STA AT 3:15 PM GRUENBERG 120
02/13/18 (H) Heard & Held
02/13/18 (H) MINUTE(STA)
02/15/18 (H) STA AT 3:15 PM GRUENBERG 120
02/15/18 (H) Moved SSHJR 21 Out of Committee
02/15/18 (H) MINUTE(STA)
02/16/18 (H) STA RPT 1DP 5NR 1AM
02/16/18 (H) DP: KREISS-TOMKINS
02/16/18 (H) NR: TUCK, BIRCH, KNOPP, WOOL, JOHNSON
02/16/18 (H) AM: LEDOUX
03/19/18 (H) TRANSMITTED TO (S)
03/19/18 (H) VERSION: SSHJR 21
03/21/18 (S) READ THE FIRST TIME - REFERRALS
03/21/18 (S) JUD

04/04/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/04/18 (S) Scheduled but Not Heard
04/09/18 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
04/09/18 (S) LEGISLATIVE ETHICS: VOTING & CONFLICTS

WITNESS REGISTER

REPRESENTATIVE DAVID GUTTENBERG
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of SSHJR 21

ACTION NARRATIVE

[9:04:09 AM](#)

CHAIR JOHN COGHILL reconvened the 4/9/2018 Senate Judiciary Standing Committee meeting at 9:04 a.m. on 4/10/2018. Present were Senators Costello, Shower, Kelly, and Chair Coghill.

SJR 1-CONST AM: GUARANTEE PERM FUND DIVIDEND
SB 127-CRIMINAL LAW; PAROLE; PROBATION; SENTENCING
HB 214-BREE'S LAW; DATING VIOLENCE PROGRAMS

[9:04:18 AM](#)

CHAIR COGHILL explained that when he recessed the meeting yesterday afternoon he was under the impression that SJR 1, SB 127, and HB 214 had been discharged from committee thus there was no need to address Senator Wielechowski's motion (on 4/7/18) to move SJR 1 from committee. That was incorrect, but as of today all three bills have been discharged from the committee per Uniform Rule 48(b). Therefore, Senator Wielechowski's motion has been satisfied.

SJR 14-CONST. AM: PARENTAL CONSENT TO ABORTION

[9:05:41 AM](#)

CHAIR COGHILL advised that he initially intended to vet the committee substitute (CS) for SJR 14, take public testimony, and potentially move the bill, but just before he came to the meeting he learned about a forthcoming significant rewrite to SJR 14. He asked Senator Costello to rescind her motion to adopt the CS.

[9:06:28 AM](#)

SENATOR COSTELLO rescinded her motion to adopt the CS for SJR 14, version 30-LS1472\D, as the working document.

CHAIR COGHILL found no objection and SJR 14, version A, was before the committee. He stated that he would hold SJR 14 in committee awaiting the forthcoming committee substitute. He apologized to those who were waiting to testify.

[9:08:08 AM](#)

At ease

HJR 21-FEDS RESPECT STATE REG OF MARIJUANA

[9:09:12 AM](#)

CHAIR COGHILL reconvened the meeting and announced the consideration of HJR 21. [SSHJR 21 is before the committee and this is the first hearing.]

[9:10:15 AM](#)

REPRESENTATIVE DAVID GUTTENBERG, Alaska State Legislature, Juneau, Alaska, sponsor, stated that HJR 21 addresses the conflict between federal statutes dealing with marijuana and the state's constitution. He advised that he would review each clause of the resolution similar to a sectional analysis.

The first "WHEREAS" talks about the right of privacy under the Constitution of the State of Alaska.

The second "WHEREAS" talks about the Alaska Supreme Court Ravin decision.

The third "WHEREAS" talks about Ballot Measure No. 2 that passed on November 4, 2014.

The fourth "WHEREAS" talks about the rescinded Cole memo, which was a pragmatic approach to deal with the conflict between federal law and states that have legalized the use of both recreational and medical marijuana.

The fifth "WHEREAS" talks about the state regulations that respect and support the federal priorities listed in the Cole memo.

The sixth "WHEREAS" talks about the American Medical Association urging the federal government to reevaluate listing marijuana as a schedule I controlled substance.

The seventh "WHEREAS" talks about the letter Alaska Attorney General Jahna Lindemuth sent to U.S. Attorney General Jeff Sessions regarding the federal government's marijuana enforcement policies.

The eighth "WHEREAS" talks about asking the U.S. Congress to allow states that have legalized medical or recreational use of marijuana to address the conflict in the banking system.

The ninth "WHEREAS" talks about the letter governors from Alaska, Colorado, Washington, and Oregon sent urging U.S. Attorney General Jeff Sessions and U.S. Secretary of the Treasury Steve Mnuchin to engage with states that have legalized marijuana before embarking on changes to the federal regulatory and enforcement systems.

The tenth "WHEREAS" talks about the letters Governor Walker sent to U.S. Attorney General Jeff Sessions urging the federal government to maintain policies that respect the state's regulatory authority regarding state-licensed marijuana businesses.

The eleventh "WHEREAS" talks about the letter Senators Lisa Murkowski and Dan Sullivan, along with 14 other senators, sent to the director of the U.S. Department of the Treasury's Financial Crimes Enforcement Network expressing continuing support for guidance on the banking system.

He opined that what to do with the cash from these businesses has become a major conflict and exposes the entire process to crime.

The twelfth "WHEREAS" talks about H.R. 4779 that U.S. Representative Don Young is cosponsoring, which would prohibit the U.S. Justice Department from using federal funds to act against individuals or property involved in the cultivation, distribution, possession, dispensation, or use of cannabis as long as those activities are in compliance with state and local regulations.

The final "WHEREAS" asks U.S. Attorney General Jeff Sessions not to use federal policy to undermine federal policies.

The first resolve talks about the Alaska State Legislature urging the federal government to respect the authority of the State of Alaska to regulate marijuana.

The second resolve talks about the Alaska State Legislature urging the federal government to reconsider listing marijuana as a federal schedule I controlled substance.

REPRESENTATIVE GUTTENBERG explained that Assistant Attorney General Cole authored a memo that said the federal government will not come after states that have legalized medical or recreational marijuana if they have set up a regulatory framework that prioritizes the federal marijuana enforcement objectives listed in the "WHEREAS" at the top of page 2. Rescinding that memo returns things to a dysfunctional system, he said.

REPRESENTATIVE GUTTENBERG summarized that HJR 21 urges the federal government to respect the state's authority to regulate marijuana and to reconsider listing marijuana as a schedule I controlled substance.

[9:17:51 AM](#)

CHAIR COGHILL shared his view that the Cole memo scoffed at the law trying to give some comfort to the states whose laws were in tension with the federal government. He said he may disagree with the sponsor's approach, but the final analysis that the state is moving on and the federal government should move with it is totally appropriate.

He thanked the sponsor and committed to work together on any changes. He held HJR 21 in committee for future consideration.

[9:19:58 AM](#)

CHAIR COGHILL adjourned the Senate Judiciary Standing Committee meeting at 9:19 a.m.