

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

May 6, 2004
8:16 a.m.

TAPE(S) 04-65,66

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Scott Ogan, Vice Chair
Senator Gene Therriault
Senator Hollis French

MEMBERS ABSENT

Senator Johnny Ellis

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 421(JUD)

"An Act relating to reconveyances of deeds of trust."

MOVED OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 549(JUD) am

"An Act relating to unsolicited communications following an aircraft accident."

MOVED SCS CSHB 549(JUD) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 275(FIN)

"An Act relating to animals, and to the care of and to cruelty to animals."

MOVED SCS CSHB 275(JUD) OUT OF COMMITTEE

SENATE BILL NO. 397

"An Act relating to open meetings guidelines applicable to legislators, to the confidentiality of complaints and proceedings involving alleging violations of AS 24.60, and to hearings on formal charges by the Select Committee on Legislative Ethics or its subcommittees."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 421

SHORT TITLE: DEED OF TRUST RECONVEYANCE

SPONSOR(S): REPRESENTATIVE(S) ANDERSON

02/02/04 (H) READ THE FIRST TIME - REFERRALS
 02/02/04 (H) L&C, JUD
 03/19/04 (H) L&C AT 3:15 PM CAPITOL 17
 03/19/04 (H) Scheduled But Not Heard
 03/24/04 (H) L&C AT 3:15 PM CAPITOL 17
 03/24/04 (H) Moved CSHB 421(L&C) Out of Committee
 03/24/04 (H) MINUTE(L&C)
 03/25/04 (H) L&C RPT CS(L&C) 7DP
 03/25/04 (H) DP: CRAWFORD, LYNN, GATTO, ROKEBERG,
 03/25/04 (H) DAHLSTROM, GUTTENBERG, ANDERSON
 04/21/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/21/04 (H) Moved CSHB 421(JUD) Out of Committee
 04/21/04 (H) MINUTE(JUD)
 04/22/04 (H) JUD RPT CS(JUD) 2DP 4NR
 04/22/04 (H) DP: GRUENBERG, MCGUIRE; NR: HOLM,
 04/22/04 (H) GARA, SAMUELS, OGG
 04/28/04 (H) MOVED TO BOTTOM OF CALENDAR
 04/28/04 (H) NOT TAKEN UP 4/28 - ON 4/29 CALENDAR
 04/30/04 (H) TRANSMITTED TO (S)
 04/30/04 (H) VERSION: CSHB 421(JUD)
 05/01/04 (S) READ THE FIRST TIME - REFERRALS
 05/01/04 (S) L&C, JUD
 05/04/04 (S) L&C AT 2:00 PM BELTZ 211
 05/04/04 (S) Moved CSHB 421(JUD) Out of Committee
 05/04/04 (S) MINUTE(L&C)
 05/05/04 (S) L&C RPT 4DP 1NR
 05/05/04 (S) DP: BUNDE, SEEKINS, DAVIS, STEVENS G;
 05/05/04 (S) NR: FRENCH
 05/06/04 (S) JUD AT 8:00 AM BUTROVICH 205

BILL: HB 549

SHORT TITLE: UNSOLICITED COMMUNICATION:AIRCRAFT CRASH
 SPONSOR(S): JUDICIARY

03/29/04 (H) READ THE FIRST TIME - REFERRALS
 03/29/04 (H) JUD
 04/05/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/05/04 (H) -- Meeting Postponed to Tues. 4/6/04 --
 04/06/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/06/04 (H) Moved CSHB 549(JUD) Out of Committee
 04/06/04 (H) MINUTE(JUD)
 04/07/04 (H) JUD RPT CS(JUD) NT 4DP 1NR 1AM
 04/07/04 (H) DP: SAMUELS, HOLM, ANDERSON, MCGUIRE;
 04/07/04 (H) NR: GARA; AM: OGG
 04/21/04 (H) TRANSMITTED TO (S)
 04/21/04 (H) VERSION: CSHB 549(JUD) AM

04/22/04 (S) READ THE FIRST TIME - REFERRALS
 04/22/04 (S) L&C, JUD
 04/27/04 (S) L&C AT 1:30 PM BELTZ 211
 04/27/04 (S) Moved SCS CSHB 549(L&C) Out of
 Committee
 04/27/04 (S) MINUTE(L&C)
 05/01/04 (S) L&C RPT SCS 1DNP 3NR SAME TITLE
 05/01/04 (S) NR: BUNDE, SEEKINS, STEVENS G;
 05/01/04 (S) DNP: FRENCH
 05/03/04 (S) JUD AT 8:00 AM BUTROVICH 205
 05/03/04 (S) Heard & Held
 05/03/04 (S) MINUTE(JUD)
 05/05/04 (S) JUD AT 8:00 AM BUTROVICH 205
 05/05/04 (S) Scheduled But Not Heard
 05/06/04 (S) JUD AT 8:00 AM BUTROVICH 205

BILL: HB 275

SHORT TITLE: ANIMALS AND CRUELTY TO ANIMALS

SPONSOR(S): REPRESENTATIVE(S) CHENAULT

04/17/03 (H) READ THE FIRST TIME - REFERRALS
 04/17/03 (H) L&C, RES
 02/20/04 (H) L&C AT 3:15 PM CAPITOL 17
 02/20/04 (H) <Bill Hearing Postponed>
 03/29/04 (H) L&C AT 3:15 PM CAPITOL 17
 03/29/04 (H) Moved CSHB 275(L&C) Out of Committee
 03/29/04 (H) MINUTE(L&C)
 03/31/04 (H) RES REFERRAL WAIVED
 04/01/04 (H) L&C RPT CS(L&C) NT 3DP 2NR 1AM
 04/01/04 (H) DP: CRAWFORD, LYNN, ANDERSON;
 04/01/04 (H) NR: ROKEBERG, DAHLSTROM; AM: GUTTENBERG
 04/01/04 (H) JUD REFERRAL ADDED AFTER L&C
 04/01/04 (H) FIN REFERRAL ADDED AFTER JUD
 04/05/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/05/04 (H) -- Meeting Postponed to Tues. 4/6/04 --
 04/06/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/06/04 (H) Heard & Held
 04/06/04 (H) MINUTE(JUD)
 04/07/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/07/04 (H) Heard & Held
 04/07/04 (H) MINUTE(JUD)
 04/14/04 (H) JUD AT 1:00 PM CAPITOL 120
 04/14/04 (H) Moved CSHB 275(JUD) Out of Committee
 04/14/04 (H) MINUTE(JUD)
 04/19/04 (H) JUD RPT CS(JUD) NT 2DP 2NR
 04/19/04 (H) DP: GRUENBERG, MCGUIRE; NR: SAMUELS,
 04/19/04 (H) HOLM

04/26/04 (H) FIN AT 8:30 AM HOUSE FINANCE 519
 04/26/04 (H) Heard & Held
 04/26/04 (H) MINUTE(FIN)
 04/27/04 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/27/04 (H) Moved CSHB 275(FIN) Out of Committee
 04/27/04 (H) MINUTE(FIN)
 04/28/04 (H) FIN RPT CS(FIN) NT 5DP 6NR
 04/28/04 (H) DP: CROFT, MEYER, CHENAULT, FOSTER,
 04/28/04 (H) WILLIAMS; NR: HAWKER, STOLTZE, JOULE,
 04/28/04 (H) MOSES, FATE, HARRIS
 04/30/04 (H) TRANSMITTED TO (S)
 04/30/04 (H) VERSION: CSHB 275(FIN)
 05/01/04 (S) READ THE FIRST TIME - REFERRALS
 05/01/04 (S) JUD, FIN
 05/03/04 (S) JUD AT 8:00 AM BUTROVICH 205
 05/03/04 (S) Heard & Held
 05/03/04 (S) MINUTE(JUD)
 05/04/04 (S) JUD AT 8:00 AM BUTROVICH 205
 05/04/04 (S) Scheduled But Not Heard
 05/06/04 (S) JUD AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

Mr. Josh Applebee
 Staff to Representative Anderson
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Presented HB 421 for the sponsor

Mr. Brian Merrell
 Alaska Land Title Association
 Anchorage, AK
POSITION STATEMENT: Supports HB 421

Ms. Vanessa Tondini
 Staff to Representative McGuire
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Answered questions about HB 549

Ms. Sharalynn Wright
 Staff to Representative Chenault
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Does not object to SCS CSHB 275(JUD)

Ms. Sally Clampitt

Alaska Equestrians
Anchorage, AK

POSITION STATEMENT: Expressed a concern about Amendment 1 to
CCSHB 275(FIN)

ACTION NARRATIVE

TAPE 04-65, SIDE A

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at 8:16 a.m. Senators French, Therriault and Seekins were present. The committee took up HB 421.

CSHB 421(JUD)-DEED OF TRUST RECONVEYANCE

MR. JOSH APPLEBEE, staff to Representative Tom Anderson, sponsor of HB 421, told members this legislation was brought forward by the Alaska Land Title Association as a way to enable people to get clear title to their homes and mortgages. The intent and purpose of the bill is simple: once a loan is paid, the title must be cleared. He explained that most Alaska banks rarely hold a home loan for more than 30 days. Banks sell those mortgages to servicing companies, which collect the monthly payments over the life of the loan. Most mortgage service companies are located outside of Alaska. Under current law, service companies are not required to make sure loans are reconveyed and filed in the state recorder's office once they are paid off. Once a homeowner pays off his mortgage, the lien on the home held by the mortgage service company should be removed. During testimony in previous committees, a title insurance company in Anchorage stated that over 1400 deeds of trust were pending reconveyance, which illustrates that thousands of deeds across the state have not been reconveyed.

MR. APPLEBEE noted that other states are experiencing this same problem. HB 421 is modeled after an Idaho statute that was adopted three years ago. The Idaho law has proved to speed up the reconveyance process there. HB 421 is supported by other sectors of the housing industry, including the Alaska Mortgage Bankers Association and the Alaska State Homebuilders Association, and it has been reviewed by realtors and bankers. HB 421 applies only to those deeds of trust held by title insurance companies. It does not provide opportunities to wipe out debt or other obligations established by deeds of trust. The bulk of HB 421 establishes a notification process and describes the form that notification should take. The notification process

provides for quality control and uniformity. He indicated that Mr. Brian Merrell was available to answer specific questions.

MR. BRIAN MERRELL, First American Title Insurance Company and immediate past president of the Alaska Land Title Association, affirmed that HB 421 was introduced at the request of the Alaska Land Title Association, in an effort to assist the Association's customers in clearing title to old deeds of trust when title insurers' have sufficient information from lenders to believe a mortgage has been paid off. The legislation additionally requires notification to be given to lenders and their servicers of the intention to reconvey trusts, which is normally done at their request. He noted a problem arises because out-of-state lenders often do not make those requests.

SENATOR FRENCH commented that HB 421 appears to make perfect sense but questioned why a law is necessary and whether something in the law is prohibiting title companies from releasing deeds of trust.

MR. MERRELL said the statutes say very little about how a deed of trust is to be released. He stated:

It's just sort of a matter of common law how the whole process is set up anyway. But there certainly is a part of that common law requirement that the lender request that this reconveyance happen and, as I mentioned, so many times we find that a lot of particularly out-of-state lenders don't follow through on making that request or they send the information for the request to be made through their old borrower who may have sold the property and has no further interest in doing anything with it so it just ends up being thrown in the trash. So this would help us to help future owners of the property - the ones who own the property and come in later to do transactions that find that these deeds of trust haven't been released, to help them out, to make sure it gets done. But I do agree with you, it is sort of a common sense thing. The problem is that there isn't any common sense in the law right now so we need to put it there.

CHAIR SEEKINS noted that with no further questions or persons wishing to testify, public testimony was closed.

SENATOR OGAN moved CSHB 421(JUD) and its attached fiscal notes from committee with individual recommendations.

CHAIR SEEKINS noted without objection, the motion carried. The committee took a brief at-ease.

CSHB 549(JUD)am-UNSOLICITED COMMUNICATION:AIRCRAFT CRASH

MS. VANESSA TONDINI, staff to Representative McGuire, chair of the House Judiciary Committee, reminded members that she has presented HB 549 several times so was available to answer questions.

CHAIR SEEKINS asked Ms. Tondini if she was able to summarize some of the conversations that have taken place about this legislation since its last hearing.

MS. TONDINI explained that a committee member expressed concern about the penalty and she believes an amendment may be proposed to address that concern.

SENATOR THERRIAULT moved the following amendment [Amendment 1]:

On page 2, line 9 [version Q], change \$100,000 to \$10,000.

MS. TONDINI informed members that Representative McGuire does not object to that amendment.

CHAIR SEEKINS noted that without objection, Amendment 1 was adopted.

SENATOR FRENCH moved to adopt Amendment 2, which reads as follows:

A M E N D M E N T 2

OFFERED IN THE SENATE
TO SCS CSHB 549(L&C)

BY SENATOR FRENCH

Page 2, lines 8-12:

Delete all material and insert:

"(d) The attorney general or an aggrieved person may institute a civil action against a person who violates this section. In addition to injunctive and compensatory relief, a civil penalty not to exceed \$10,000 may be imposed for each violation."

CHAIR SEEKINS objected for the purpose of discussion.

SENATOR FRENCH explained that the purpose of Amendment 2 is to turn what is proposed to be a crime into a civil wrongdoing. Amendment 2 would allow either the attorney general or an aggrieved person to bring a civil action against an attorney or an agent of the airlines to seek redress for any intrusion during the 45-day cooling off period. He opined that the main benefit of Amendment 2 is that it will allow the wrongs to be addressed. He said assuming that an overworked district attorney will file a criminal complaint against a lawyer for contacting an injured victim of an airplane accident within 45 days of the accident is unlikely. He believes the caseloads of the district attorneys' offices will preclude them from taking action on what they will see as a civil issue. Amendment 2 will put the power in the attorney general's office or the aggrieved person's hands to take action. He repeated that he believes this bill addresses a civil wrong, not a crime.

MS. TONDINI maintained that Representative McGuire opposes Amendment 2 as she believes a criminal penalty is appropriate. Such a penalty will get the attention of the Alaska Bar Association. The existing penalty in HB 549 does not include jail time. She furthered that although the district attorneys' caseload may be high, that is also the case for the civil division of the attorney general's office.

SENATOR OGAN asked what the sanctions would be if an attorney is convicted of this crime.

MS. TONDINI said she believes the bar association would take notice of a criminal conviction on an attorney's record and may disbar that attorney or take other appropriate action.

SENATOR FRENCH said he believes the answer to that question is "it depends." He said the bar association sometimes waits until a criminal action is complete before taking action, which may result in an unnecessary delay. He said if he was charged with this crime, he would insist on a jury trial and appeal it for as long as possible. He believes the civil route is cleaner and faster, and more likely to lead to prosecutions than a criminal action.

CHAIR SEEKINS asked Senator French if he would use the same tactic to drag the case out for a civil action.

SENATOR FRENCH said the "aura" of a criminal conviction is higher and a civil charge would more likely lead to settlement.

The two parties could settle their disagreement over the practice of driving airplane passengers to the hospital, which is what this bill aims to stop. He said he sees Amendment 2 as a rational first step; if, in two years it has not produced any results, the undesired activity can be made a crime.

SENATOR THERRIAULT noted that a criminal charge could only be brought by the state, whereas Amendment 2 would permit an aggrieved person to bring a civil charge.

With no further discussion, the roll was called. Amendment 2 failed to be adopted with Senator French in favor and Senators Therriault, Ogan and Seekins opposed.

CHAIR SEEKINS said he believes the criminal penalty will be a greater deterrent.

SENATOR OGAN moved SCS CSHB 549(JUD) and its attached fiscal notes from committee with individual recommendations.

SENATOR FRENCH objected.

The motion to move SCS CSHB 548(JUD) from committee carried with Senators Ogan, Therriault and Seekins in favor and Senator French opposed.

The committee took an at-ease from 8:40 - 8:47 a.m.

HB 275-ANIMALS AND CRUELTY TO ANIMALS

CHAIR SEEKINS noted that at the last meeting, members discussed some provisions that were troublesome. He said over time, he has worked with people from the equine industry, veterinarians, and animal advocates to find a way to adequately protect animals without being "extremist." He said in his proposal, Section 1 addresses the minimal standards necessary for animals. He noted that because Alaska has a very small number of veterinarians, the bill requires reasonable medical care to the extent available and necessary. He added that his proposal also says that the final determination of whether the standards of care are met shall be based on the professional opinion of a licensed veterinarian. He noted the department can adopt regulations to implement Section 1 and that the bill is too open-ended in that the department would set other standards for health and safety. He said he believes his proposal contains a compatible definition of the minimum standard of care.

SENATOR FRENCH asked why the sanitation portion of the bill was left out of Chair Seekins' proposal.

CHAIR SEEKINS said his proposal addresses a reasonable sanitation level and that no standard environment applies to all animals. He said his proposal is designed to provide reasonable guidelines and allows a veterinarian would make the final determination as to what is a proper environment.

SENATOR OGAN expressed concern that some people believe animals should have the same protections as humans. He explained:

I mean honestly, my daughter was on a tour in Kachemak Bay for school. She was a chaperone for younger kids, and the people that were giving the tour that hosted the place where they stayed...were out there talking about how the starfish murder the clams.... That's how they described it to these kids and my daughter's going they what? They murder the clams? I mean honestly, there are some people out there that are, as far as animal rights, an animal doesn't have a right to murder another animal to continue to live, you know, God or the natural order or whatever your belief is set it up that way. So that's what I'm worried about. Those are my concerns with these kind of bills. Like I said, I have friends that have open-ranged horses over in Kachemak Bay. It's a tough way for a horse to make it through the winter. Some of them might not have. I know there's one of them, a living legend in our neighborhood that had a big old chunk out of its rear end from where a bear got a hold of it in the spring when it was born. So it's all pretty subjective. One person's standard of good care will be another person's level of outrage. Those are some of my problems with putting some of these things in statute.

CHAIR SEEKINS agreed with Senator Ogan and said according to his veterinarian, his horses are the healthiest in Alaska, although others might not believe they are appropriately cared for.

He then explained the second section of his proposal [Sec. 03.55.110] pertains to animal cruelty. He explained:

If you did believe here that there was some cruelty that was taking place to an animal, it says you can bring that complaint with a public or private animal

control agency or organization - the department, which is here the Department of Environmental Conservation, or with a peace officer....

So, let's say it's the Alaska Equine Rescue. They take a look at the animal and they think in their opinion there is no problem there. They may just not refer it. If they think there is a problem there, they may refer it to a peace officer. That peace officer then has the process of - the availability of being able to go through the process, to get a search warrant and to go out and take a look. That is - when they get there, they have several options. They can say well, I don't think this warrants further investigation or if they do think it warrants further investigation they could actually place the animal or the animals into protective custody. And then at that point, when that police officer felt that that was necessary, they'd have to request an immediate inspection and decision by a licensed veterinarian and that placement into protective custody is in the immediate best interest of the animal. If no veterinarian is available to perform an inspection, then that police officer must communicate with a veterinarian who has, after hearing a description of the animal and its environment, decided it is in the immediate best interest of the animal that it be placed into protective custody. If the police officer is not able to communicate with a veterinarian, before the officer may take the animal the officer must decide it is in the immediate best interest of the animal to be placed into protective custody.

CHAIR SEEKINS said the word "seize" has been replaced by protective custody, which he believes is the intent of most people. He said, regarding where the animal would go, it could be placed in the custody of Alaska Equine Rescue, the ASPCA, or any organization that is willing to care for the animal during the interim.

CHAIR SEEKINS described Sec. 03.55.130 to say that if, once the animal is taken into protective custody, it appears the best course of action is to destroy the animal, the police officer would have to make contact with a veterinarian but, if contact is not possible, the police officer would have to make that decision.

SENATOR FRENCH asked if that section is identical to Sec. 03.55.130 in the original bill.

CHAIR SEEKINS said he thought so but said he changed the terms to "protective custody" and "destroy." He said the proposal provides that the court could make some decisions regarding adoption and destruction. He noted the most difficult part of the proposal for him was to get consensus on what constitutes cruelty to animals in the first degree. He noted that, for example, some people want to prepare a dog or cat for human consumption. Because that topic gets into cultural discussions, that section was removed. Instead the bill defines cruelty as knowingly inflicting physical pain or prolonged suffering on an animal, using a decompression chamber to kill, using poison to kill, or failing to care for an animal, which results in the animal's death. He noted that scientific research accepted by government standards would not apply.

SENATOR OGAN expressed concern that the definition is too broad in that a person could be charged with animal cruelty in the second degree if that person left his dog outside and it was hit by a car.

CHAIR SEEKINS said he had the most difficulty getting agreement on the definition of animal cruelty in the second degree. He said he believes the current animal cruelty law needs to be expanded, especially in light of recent animal atrocities, without including accepted practices in the state. He suggested adopting the content of his proposal up to Sec. 11.61.142, Cruelty to animals in the second degree, which could be addressed next session. He said in effect, that would provide a definition for minimum standards of care and would allow for protective custody.

SENATOR OGAN moved to adopt a conceptual amendment [Amendment 1], which is the proposal offered by Chair Seekins, and includes the material on pages 1 through 5, up to Sec. 11.61.142.

SENATOR OGAN clarified that the conceptual amendment would replace the contents of CSHB 275(FIN).

SENATOR FRENCH commented that CSHB 275(FIN) passed the House after a lot of hard work. He expressed concern that he was under the impression the committee planned to remove one definition of animal cruelty in the first degree and address steel jaw leg holds, snares, and the problem of securing animals in the back of pick-up trucks. He believes everything else in the bill has

been well thought through so he was asking what options he was being offered.

CHAIR SEEKINS clarified that Amendment 1 would establish a new committee substitute.

SENATOR FRENCH objected because he believed the bill before the committee could be fine-tuned in a short time. He asked to hear from the sponsor or staff about the proposed committee substitute.

TAPE 04-65, SIDE B

MS. SHARALYN WRIGHT, staff to Representative Chenault, told members she has received 113 telephone calls about this bill since the last Senate Judiciary Committee hearing. The callers want to see the bill passed as it is, however, because session is nearing its end, the sponsor is willing to accept whatever the committee passes out.

SENATOR FRENCH asked Ms. Wright to articulate further on the phone calls she has received.

MS. WRIGHT explained that HB 275 has morphed from a one-page bill to being combined with Representative Crawford's bill. The House Judiciary Committee then spent 20 hours on the bill, during which it took public testimony. Animal control officers statewide scrutinized it. She added, "If I could say that most of our communications came from Anchorage or Fairbanks or the Mat-Su, I would tell you that but it isn't. Everybody everywhere is concerned about the Karen Botley (ph) case - the most egregious cases that we've had that are just a reflection of a civilization that just shouldn't be and for these folks to be able to continue to go on and abuse animals in this way, it's just not correct."

MS. WRIGHT said she was unable to get a sectional analysis of Chair Seekins' proposal [Amendment 1] but Representative Chenault's intent was to deal with the worst cases. He has worked on this legislation for four years.

SENATOR FRENCH asked if Chair Seekins' proposal deals with the worst cases.

MS. WRIGHT said it probably does. She maintained, "I think it was for your information but if this is actually what the bill

does, we're going to take it and run with it. I'm not here to object."

SENATOR OGAN said he is appalled by animal cruelty cases like everyone else and believes the proposed committee substitute deals with those cases. He said in reality, only the worst cases will be prosecuted. He is concerned however, that in reaction to the worst cases, people will attempt to fix the situation by "making it so that farmers cannot farm or dog mushers cannot mush and there are those out there that don't want farmers to farm or dog mushers to mush." He believes the proposed committee substitute provides a good balance.

CHAIR SEEKINS took public testimony.

MS. SALLY CLAMPITT, Alaska Equestrians, thanked members for taking this issue on at this late date and for their willingness to leave the basics of the bill intact. She expressed concern that Amendment 1 increases the defenses of cruelty statute to include some of the disciplines of riding and training practices. She noted that training practices were put in the defenses of cruelty statute in 1998. She was not sure of the need to defend a couple of disciplines of riding and training practices as opposed to the condition of the animal or the acts committed. She recommended that those provisions be removed. She questioned why rodeos were included and said one person could consider a lot of training practices cruel while another would find those same practices acceptable.

CHAIR SEEKINS pointed out that training practices were included in the version of the bill that was referred to the committee.

MS. CLAMPITT repeated that was put into statute in 1998 and was slipped in at the very end.

CHAIR SEEKINS said he believes the proposed CS covers the egregious situations and he does "not want to love it to death and kill the whole thing."

MS. CLAMPITT agreed with that approach.

CHAIR SEEKINS announced that without objection, Senator Ogan's motion to adopt Amendment 1 was adopted.

SENATOR OGAN moved SCS CSHB 275(JUD) and its attached fiscal notes from committee with individual recommendations.

CHAIR SEEKINS announced that without objection, the motion carried. He then announced an at-ease from 9:30 a.m. to 9:38 a.m.

TAPE 04-66, SIDE A

Upon reconvening, CHAIR SEEKINS recessed the meeting to the call of the chair.