

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 14, 2005

8:54 a.m.

MEMBERS PRESENT

Senator Ralph Seekins, Chair
Senator Charlie Huggins, Vice Chair
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 140

"An Act relating to spyware and unsolicited Internet advertising."

MOVED CSSB 140(JUD) OUT OF COMMITTEE

CONFIRMATION HEARING:

Attorney General Confirmation Hearing: Mr. David Marquez

CONFIRMATION ADVANCED

SENATE BILL NO. 135

"An Act relating to the crimes of assault and custodial interference; and providing for an effective date."

MOVED CSSB 135(JUD) OUT OF COMMITTEE

SENATE BILL NO. 132

"An Act relating to complaints filed with, investigations, hearings, and orders of, and the interest rate on awards of the State Commission for Human Rights; making conforming amendments; and providing for an effective date."

MOVED SB 132 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 140

SHORT TITLE: BAN INTERNET SPYWARE
SPONSOR(s): SENATOR(s) THERRIAULT

03/10/05 (S) READ THE FIRST TIME - REFERRALS
03/10/05 (S) L&C, JUD
03/22/05 (S) L&C AT 1:30 PM BELTZ 211
03/22/05 (S) Heard & Held
03/22/05 (S) MINUTE(L&C)
03/24/05 (S) L&C AT 2:00 PM BELTZ 211
03/24/05 (S) Moved SB 140 Out of Committee
03/24/05 (S) MINUTE(L&C)
03/29/05 (S) L&C RPT 3DP
03/29/05 (S) DP: BUNDE, DAVIS, STEVENS B
04/07/05 (S) JUD AT 8:30 AM BUTROVICH 205
04/07/05 (S) Scheduled But Not Heard
04/08/05 (H) JUD AT 8:00 AM CAPITOL 120
04/08/05 (S) Scheduled But Not Heard
04/13/05 (H) JUD AT 8:30 AM BUTROVICH 205
04/13/05 (S) Heard & Held
04/13/05 (S) MINUTE(JUD)

CONFIRMATION HEARING:

Attorney General Confirmation Hearing: Mr. David Marquez - See Senate Judiciary minutes 04/13/05.

BILL: SB 135

SHORT TITLE: ASSAULT & CUSTODIAL INTERFERENCE
SPONSOR(s): SENATOR(s) DYSON

03/08/05 (S) READ THE FIRST TIME - REFERRALS
03/08/05 (S) JUD, FIN
04/06/05 (S) JUD AT 8:30 AM BUTROVICH 205
04/06/05 (S) Scheduled But Not Heard
04/14/05 (S) JUD AT 8:00 AM BUTROVICH 205

BILL: SB 132

SHORT TITLE: HUMAN RIGHTS COMMISSION
SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/04/05 (S) READ THE FIRST TIME - REFERRALS
03/04/05 (S) STA, JUD
03/17/05 (S) STA AT 3:30 PM BUTROVICH 205
03/17/05 (S) Heard & Held
03/17/05 (S) MINUTE(STA)
03/29/05 (S) STA AT 3:30 PM BELTZ 211
03/29/05 (S) Moved SB 132 Out of Committee
03/29/05 (S) MINUTE(STA)

03/30/05 (S) STA RPT 3NR 1AM
03/30/05 (S) NR: THERRIAULT, WAGONER, HUGGINS
03/30/05 (S) AM: DAVIS
04/07/05 (S) JUD AT 8:30 AM BUTROVICH 205
04/07/05 (S) Scheduled But Not Heard
04/08/05 (H) JUD AT 8:00 AM CAPITOL 120
04/08/05 (S) Scheduled But Not Heard
04/14/05 (S) JUD AT 8:00 AM BUTROVICH 205

WITNESS REGISTER

Mr. Dean Guaneli, Chief Assistant Attorney General
Criminal Division
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Commented on SB 135

Mr. Scott Nordstrand, Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Commented on SB 132

Ms. Paula Haley, Executive Director
Human Rights Commission
800 A St. STE 204
Anchorage, AK 99501-3669

POSITION STATEMENT: Commented on SB 132

Ms. Grace Merkes, Commissioner
Human Rights Commission
800 A St. STE 204
Anchorage, AK 99501-3669

POSITION STATEMENT: Commented on SB 132

Mr. David Stancliff
Staff to Senator Therriault
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on SB 140.

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:54:04 AM](#). Present were Senators

Hollis French, Charlie Huggins, Gene Therriault, Gretchen Guess, and Chair Ralph Seekins.

SB 140-BAN INTERNET SPYWARE

[8:54:21 AM](#)

CHAIR RALPH SEEKINS announced SB 140 to be up for consideration.

SENATOR GENE THERRIAULT moved to use Version \F as the working document. Hearing no objections, the motion carried.

[8:55:34 AM](#)

SENATOR HOLLIS FRENCH asked the remedies and consequences of violating SB 140.

SENATOR THERRIAULT deferred the question to Mr. David Stancliff.

[8:56:03 AM](#)

MR. DAVID STANCLIFF, staff to Senator Therriault, provided committee members the section of statute that would apply under the trade and commerce provisions of Alaska law.

[8:58:16 AM](#)

SENATOR THERRIAULT moved CSSB 140(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

Confirmation Hearing: Attorney General: Mr. David Marquez

[8:59:55 AM](#)

CHAIR RALPH SEEKINS announced that the next order of business was the report on the recommendation to appoint Mr. David W. Marquez as Attorney General of Alaska. He asked if there was discussion and recognized Senator Therriault. [Hearing continued from 4/13/05 joint Senate and House Judiciary Standing Committee meeting]

SENATOR GENE THERRIAULT motioned to advance the nomination of David W. Marquez as appointee to the position of Attorney General for the State of Alaska.

CHAIR SEEKINS stated that forwarding the name does not reflect the intent by any members to vote for or against the individual during any further session.

Hearing no objection, Chair Seekins announced that the name would be forwarded to the joint legislative body.

SB 135-ASSAULT & CUSTODIAL INTERFERENCE

9:00:55 AM

MR. JASON HOOLEY, staff to Senator Dyson introduced SB 135, which focuses on assault and custodial interference. SB 135 amends AS 11.41.220(C)(i) to read, "would cause a reasonable caregiver to seek medical attention from a health care professional in the form of diagnosis, treatment, or care." SB 135 also limits the defense of necessity for non-custodial parents who kidnap their children. The limit would be set at 24 hours or the time it takes to contact the authorities.

9:04:13 AM

MR. DEAN GUANELI, chief assistant attorney general, Department of Law (DOL), said in many parent/child relationships there are custodial disputes where the court has to intercede. One parent is often unhappy with the result.

9:07:13 AM

MR. GUANELI stated what SB 135 does is mandate the non-custodial parent to report suspected harm to the proper authorities as opposed to forcibly taking the child from the custodial parent.

9:10:00 AM

SENATOR GRETCHEN GUESS asked the consequences of a non-custodial parent who does not comply with Section 2, subsection (c).

MR. GUANELI responded it cuts off the defense of necessity for the parent who takes their child out of state. It does not allow the argument that they kidnapped the child for his or her own safety.

SENATOR GUESS asked how people would be alerted to the change in the law.

MR. GUANELI answered the DOL presumes that people understand the law.

SENATOR HOLLIS FRENCH asked Mr. Guaneli the consequences where there is no custodial court order.

9:13:31 AM

MR. GUANELI responded in the case of no custody order where the parent takes the child out of state, the other parent normally obtains a temporary custody order. Because the custodial order

is a continuing offense, the parent could be charged at that point.

[9:14:29 AM](#)

SENATOR FRENCH asked the notice requirements to an absent parent with respect to obtaining a temporary custody order.

MR. GUANELI said the orders could be obtained without the parent being present.

SENATOR FRENCH asked whether they were similar to domestic violence restraining orders.

MR. GUANELI advised the parent would not be charged with a crime unless they had been notified. The temporary custody order is valid in terms of getting the child back but the parent could not be charged with a crime unless they ignored a notice from the court.

[9:16:30 AM](#)

SENATOR GUESS asked whether SB 135 would extend to other family members.

MR. GUANELI said the custodial interference statutes are designed to treat what would otherwise be a kidnapping. It is treated as a less serious offense if done by a relative.

[9:18:13 AM](#)

SENATOR FRENCH asked Mr. Guaneli to describe the court of appeals decision that brought about Section 1 of SB 135.

MR. GUANELI explained a series of assaults against children many years ago spurred the Legislature to raise the charge of assaults against children under 10 to felony assault. SB 135 is designed to protect children. There is a problem in Alaska with assaults to children such as shaken baby syndrome. A person cannot be charged under AS 11.41.220 for shaking a baby if the medical diagnosis did not require medical treatment. He gave an example of a recent case.

[9:21:57 AM](#)

MR. GUANELI continued, AS 11.41.220 does not adequately reflect the Legislature's intent. Broader terms are necessary to establish the felony-level offense.

[9:22:46 AM](#)

SENATOR FRENCH asked Mr. Guaneli whether someone would have to seek medical care for the event to qualify as a felony.

MR. GUANELI said no. Injuries may arise in a circumstance where the parent doesn't seek medical attention and someone else discovers the injuries at a later time. There would be medical attention and expert testimony of the injuries sustained at some point.

CHAIR RALPH SEEKINS clarified SB 135 would not require the caregiver to immediately seek medical attention.

MR. GUANELI answered correct.

SENATOR FRENCH expressed concern that SB 135 didn't completely cover all the circumstances that could arise with child abuse.

[9:26:04 AM](#)

MR. GUANELI said a more culpable offender who doesn't allow a mother to take her child for treatment should still fall under AS 11.41.220.

[9:27:22 AM](#)

SENATOR FRENCH asked the reason the individual who coerces a caregiver against taking the child for medical treatment shouldn't be charged under Section 1(C)(ii)

MR. GUANELI responded it might have been just a single assault.

[9:29:25 AM](#)

SENATOR FRENCH asked the reason for adding the words, "or care" on Page 1, line 15.

MR. GUANELI answered the language was intentionally broad for situations where a doctor, hospital or health aide may put a child under observation for 12 hours. There may be no formal diagnostic testing but care would be provided. Given the wide variety of healthcare in Alaska, it seems appropriate to have some latitude.

[9:31:31 AM](#)

SENATOR FRENCH expressed "care" could be misconstrued to mean administering ice or taking a temperature. SB 135 could lead into a felony charge for very minor injuries.

SENATOR GENE THERRIAULT asked whether 24 hours of observation would be defined as diagnosis.

MR. GUANELI admitted that was possible. He said if the observed injuries are such that a reasonable person would feel the child should receive medical attention that would be enough for the DOL to start an investigation.

[9:36:26 AM](#)

SENATOR THERRIAULT sided with Senator French's concern of the word "care."

[9:38:48 AM](#)

SENATOR FRENCH moved Amendment 1. Page 1, line 15, after "diagnosis" add the word "or." Hearing no objections, the motion carried.

[9:40:16 AM](#)

SENATOR GUESS moved CSSB 135(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

CHAIR SEEKINS announced a brief recess at [9:42:17 AM](#).

CHAIR SEEKINS reconvened the meeting at [9:44:52 AM](#).

SB 132-HUMAN RIGHTS COMMISSION

[9:45:03 AM](#)

MR. SCOTT NORDSTRAND, deputy attorney general, Department of Law (DOL) presented SB 132. He explained SB 132 is similar to a bill that passed out of the Senate Judiciary Standing Committee in 2004. SB 132 would allow the Human Rights Commission to evaluate complaints of unlawful discrimination and allocate its resources to prosecuting those complaints that best serve the goal of eliminating unlawful discrimination. SB 132 improves the Commission procedures and enhances fairness. It clarifies remedies the Commission may award to remedy unlawful discrimination. Any person who believes they have been subjected to unlawful discrimination can file a complaint with the Human Rights Commission. If substantial evidence of unlawful discrimination is found, the case proceeds to conciliation. If that is unsuccessful the case evolves into a more formal adjudication process.

[9:47:28 AM](#)

The case would go forward into a litigation-type process. SB 132 would put the process into a central panel. The hearing officer would make a recommended decision to the Commission to resolve the case. SB 132 addresses a problem created by the Department of Fish and Game in 1995. The Alaska Supreme Court said a case

has to be completely lacking in merit otherwise it has to be heard. This created a workload problem for the Commission.

[9:49:31 AM](#)

Most cases are subject to judicial review and are regularly overturned by the Superior Court. SB 132 provides some basis for the executive director to dismiss cases. Page 3 lists the basis the executive director can dismiss. This is putting the Commission in a more similar position with the Equal Opportunity Commission. They have the power to review the most egregious cases with the resources they have.

[9:51:06 AM](#)

SB 132 also clarifies some of the processes. It allows employers to have a better understanding of what is being charged. Oftentimes complaints are very ambiguous and general. The complaint does not necessarily identify all areas of discrimination. Currently there is no requirement the Human Rights Commission inform either party they are changing the complaint to address other issues that have come up during the investigation.

[9:52:44 AM](#)

SB 132 also gives the parties the opportunity to go through the conciliation process with benefit of all the information. If evidence reveals there is greater discrimination, it may be much easier to bring the parties to resolution.

[9:53:47 AM](#)

At the point of failed conciliation a formal accusation by the Commission must be drafted against the charged party. SB 132 improves procedures because it allows agreements during the pre-hearing phase and it allows the compromise of damage claims. There has been past confusion regarding whether the Commission could compromise claims at the conciliation stage. The Administrative Procedure Act would now apply except as otherwise provided in statute AS 18.80. It allows summary judgment.

[9:56:21 AM](#)

SB 132 clarifies the remedies section of the act and provides a list of remedies available. It also includes a prohibition of non-economic damages. It defines pay for the purposes of back pay and front pay and it also limits front pay to one year.

[9:58:46 AM](#)

SB 132 specifically says people have an obligation in an employment discrimination case to use reasonably diligent

efforts to find other employment. In terms of housekeeping, the regulatory statute of limitations (180 days) is put in the statute. This makes it consistent with federal law. It also incorporates the federal fund rate plus 3 percent as an interest rate.

10:00:02 AM

SENATOR GENE THERRIAULT said there was concern from the Commission regarding the verbiage on Page 2 lines 27-31. People from the Commission have expressed they did not want the discretion. He asked Mr. Nordstrand whether he has discussed that with them.

MR. NORDSTRAND responded they have had discussions. Their concern was it would require the Commission to review all of the cases. SB 132 uses the word "may" for the specific reason that it allows them to implement discretion if they want. However it is enough discretion that they could pass a regulation saying, "we won't". He said as a matter of public policy, there should be some review by the actual Commission that is charged with the responsibility. There may be the case where an investigator interviews people to determine whether there is substantial evidence of discrimination and that is reviewed by the executive director.

10:02:45 AM

SENATOR THERRIAULT stated part of the concern expressed by the Commission is in their effort to focus their attention to resources they are going to have to review all of the cases to see which ones they need to take up.

MR. NORDSTRAND said it does not need to be more complicated than an executive investigation. If there is a close call case, the Human Rights Commission should consider it.

SENATOR HOLLIS FRENCH asked how the Commission gets notice of case dismissals.

MR. NORDSTRAND replied he does not know.

CHAIR RALPH SEEKINS advised two people from the Human Rights Commission were online waiting to testify.

10:05:09 AM

MS. GRACE MERKES, commissioner, Alaska State Commission for Human Rights, answered Senator French's question. She said summaries of cases are given to the Commission during the

regular quarterly meetings. She is not sure whether the Commission gets a summary of every complaint.

MS. PAULA HALEY, executive director, Alaska State Commission for Human Rights, answered Senator French's question regarding how the Commission informs the commissioner on the "no substantial evidence findings" (NSE) cases. She said they do not provide them with a list. They are involved in cases where there is a substantial evidence finding. Until a repeal of the regulation regarding review and reconsideration, there is no other format to review the NSE findings.

[10:06:50 AM](#)

MS. HALEY continued the decision was the threshold prosecutorial decision whether the Commission goes further to conciliation and ultimately to the public hearing that Mr. Nordstrand was describing.

SENATOR FRENCH asked Ms. Haley how the Commission would in its discretion review the executive director's order of dismissal.

MS. HALEY responded it was the commissioner's belief that perceived errors would create petitions from individuals or their attorneys. The Commission would need to devise regulations to look at them. Concern has been expressed that in time there would be limited resources and low return on investment.

[10:09:03 AM](#)

SENATOR GRETCHEN GUESS asked Mr. Nordstrand to explain how the limitations on front and back pay work. She expressed concern over whether a person could readily find other employment.

MR. NORDSTRAND said it was essentially a description of the current legal standard of a requirement that anyone who claims damages in an employment discrimination case has an obligation to attempt to mitigate their damages. This is continuing along the line of full disclosure for people who are in the process. People know this is a requirement. There is no doubt that mitigation is required for those who seek damages. However, if a person is shown not to have searched hard enough for other employment, they may not get all of their front pay.

[10:11:27 AM](#)

SENATOR GUESS advised Mr. Nordstrand that Page 5, line 15 says "must be reduced" and not "may".

MR. NORDSTRAND responded SB 132 was talking about the intangible. The "must" is there because under current law, it must be reduced. If through reasonably diligent efforts, a person could have earned some money, then it must be reduced. That is not optional under the law.

CHAIR SEEKINS stated when no reasonable effort is put forth damages could be reduced.

MR. NORDSTRAND answered correct.

CHAIR SEEKINS commented a person who has shown a reasonably diligent effort would not be penalized.

[10:14:05 AM](#)

SENATOR GUESS asked Mr. Nordstrand the reason the Legislature was not tackling the definition of substantial.

MR. NORDSTRAND said it would be a much more difficult and dangerous thing to do in terms of protecting the rights of the people suffering from discrimination. He said there are cases where witnesses are not credible, or where the case is not enough money to worry about. Tinkering with substantial evidence is like tinkering with air. It is a legal standard known when seen. The Supreme Court determined any factual disputes could not be settled without a hearing. The ultimate outcome would create an opportunity for abuse. There are cases that are not worth the time and money. At the end of the day everybody still has a right to take the case to court.

[10:17:22 AM](#)

CHAIR SEEKINS commented currently a factual dispute has to go to hearing.

MR. NORDSTRAND agreed.

CHAIR SEEKINS commented SB 132 was now giving the executive director prosecutorial discretion.

MR. NORDSTRAND added SB 132 allows the use of state resources to achieve a very important government purpose. The question is how to best use the resources. There will be marginal cases that do not merit pursuing. For those cases a person can hire a lawyer or file a complaint on their own. The remedies are still there; the question is whether to use government resources when there are more important cases to deal with.

10:18:49 AM

CHAIR SEEKINS commented currently an employer gets dragged into a hearing simply based on allegations.

MR. NORDSTRAND agreed. He said the government essentially provides a lawyer to a claimant while requiring an employer or landlord to respond. There is no provision for the employer to recoup money spent on unnecessary legal representation.

CHAIR SEEKINS commented a disingenuous employee has the advantage.

MR. NORDSTRAND agreed and stated currently the Human Rights Commission is without power to stop unfounded claims. The Alaska Superior Court forces a hearing and it puts financial pressure on the person bearing the burden.

10:21:10 AM

MR. NORDSTRAND added employers often choose to settle the case because the cost to settle would be substantially less than the cost to challenge the claim.

SENATOR GUESS said she believes there is a better way to structure the language because SB 132 as currently written gives the executive director an incredible amount of power.

CHAIR SEEKINS commented district attorneys are given an incredible amount of power.

SENATOR GUESS agreed but stated she has issues with Section 4, paragraphs 1,5,6 & 7, which are all very subjective decisions. She expressed concern about the breadth of the language and offered there should be another way to deal with the situation.

10:24:00 AM

CHAIR SEEKINS said he has seen cases where an investigator does not agree with the person's claim and yet it goes to public hearing. He pondered the level the state should go to protect an innocent employer when an investigator agrees there is no substantial evidence. An employer is put in the position of being publicly accused of discrimination whether or not it is substantiated. He expressed support for SB 132. He said he is willing to give discretion to the attorney, but currently the system is weighted so heavily in favor of the complainant that it creates abuse of the system.

10:26:00 AM

SENATOR GUESS suggested unfounded claims should be dismissed up front. She said the problem should be fixed on the front end.

MR. NORDSTRAND said the elements in Section 4 subsection (b) are an attempt to fix the problem on the front end. SB 132 would represent the best use of resources. Some employers carry on with the hearing on the basis of principle, which costs the state much money. Section 4, paragraph 1 addresses a refusal to compromise could be unreasonable. The Commission on the behalf of the aggrieved person brings the cases. The discretion and resources are those of the Human Rights Commission.

[10:29:09 AM](#)

CHAIR SEEKINS clarified the employee pays nothing for the process.

MR. NORDSTRAND responded correct.

SENATOR THERRIAULT mentioned that sometimes the most unreasonable clients are the pro bono clients.

SENATOR GUESS stated Section 4 paragraph (1) appears to be based on either side. She asked Mr. Nordstrand whether that was the case.

MR. NORDSTRAND said no. It is about whether or not the complainant's case would be dismissed. The employer always has the right to be unreasonable.

[10:31:37 AM](#)

SENATOR GUESS moved Amendment 1.

24G-1
11/3/2005
(10:23 AM)

A M E N D M E N T 1

Page 2, line 27:

Delete "The commission, in its"

Page 2, line 28, through page 3, line 1:

Delete all material.

Page 3, line 4:

Delete ", in the executive director's discretion,"

Page 3, following line 15:

Insert the following new material:

"(c) The commission, in its discretion, may review the executive director's order of dismissal under (a) or (b) of this section and may affirm the order, remand the complaint for further investigation, or, if the commission concludes that substantial evidence supports the complaint of an unlawful discriminatory practice, refer the complaint for conference, conciliation, and persuasion as provided in AS 18.80.110, or for hearing."

Page 3, line 16:

Delete "(c)"

Insert "(d)"

Page 3, line 22:

Delete ", in the executive director's discretion,"

CHAIR SEEKINS objected for discussion.

SENATOR GUESS explained the proposed amendment would allow the Commission to review a dismissal under Section 4, subsection (a) and/or (b).

[10:33:35 AM](#)

CHAIR SEEKINS asked whether Commission members were paid.

MR. NORDSTRAND answered they receive per Diem.

MS. MERKES stated they were unpaid except for per diem. She said if the Commission were to do what is being suggested, it would take up a lot of volunteer time. Per Diem consists of dinner and a plane ticket.

MS. HALEY commented a modicum per Diem of \$40 a day was revoked in the early 1990s.

SENATOR GUESS offered the committee might consider changing Section 4 to a review under subsection (b) and not (a).

[10:35:36 AM](#)

CHAIR SEEKINS stated a claimant has the option of a civil action if the claim was dismissed.

MR. NORDSTRAND agreed that any dismissal is free to go to court so long as they are within the statute of limitations, which is two years.

CHAIR SEEKINS asked Mr. Nordstrand the statute of limitations on an action with the Commission.

MR. NORDSTRAND answered SB 132 places it in statute at 180 days.

CHAIR SEEKINS commented that seemed like a reasonable amount of time.

MR. NORDSTRAND agreed. He said the claimant could seek additional remedies in court based on the finding.

CHAIR SEEKINS clarified a civil remedy would require a person to pay for their own defense.

[10:37:47 AM](#)

MR. NORDSTRAND agreed. He referred to Amendment 1 and stated the practical consequence is a check and balance on the discretion to dismiss if the Commission chooses to allow it. The Commission could choose not to review cases based on lack of resources.

CHAIR SEEKINS asked Ms. Haley the procedure for a dismissed case.

MS. HALEY said it would not be burdensome.

[10:40:03 AM](#)

CHAIR SEEKINS suggested using the wording "may by the request of the majority of the Commission."

MS. HALEY recommended adding time constraints otherwise it could be unfair to the responding party.

MR. NORDSTRAND said the proposed wording would essentially require the Commission to consider all of the cases.

Roll call proved Amendment 1 failed 2-3 with Senators Huggins, Therriault, and Chair Seekins dissenting.

[10:42:18 AM](#)

SENATOR GUESS voiced disappointment over not including subsection (b) in the review. She asked the committee members to consider possible consequences to the language of SB 132.

MR. NORDSTRAND reiterated all decisions are subject to superior court review.

SENATOR CHARLIE HUGGINS moved SB 132 from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

[10:43:20 AM](#)

There being no further business to come before the committee, he adjourned the meeting at [10:44:17 AM](#).