

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

May 6, 2005
8:52 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

CS FOR HOUSE BILL NO. 268(JUD)

"An Act relating to overtaking and passing certain stationary vehicles."

MOVED CSHB 268(JUD) OUT OF COMMITTEE

SENATE BILL NO. 165

"An Act relating to card rooms and card operations."

HEARD AND HELD

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 53(FIN)

"An Act relating to child-in-need-of-aid proceedings; amending the construction of statutes pertaining to children in need of aid; relating to guardianships; relating to the confidentiality of investigations, court hearings, court records, and public agency records and information in child-in-need-of-aid matters and certain child protection matters, to immunity regarding disclosure of information in child-in-need-of-aid matters and certain child protection matters, to proceedings regarding voluntary relinquishment and termination of a parent and child relationship, to eligibility for permanent fund dividends for certain children in the custody of the state, and to juvenile delinquency proceedings and placements; reestablishing and relating to a state citizens' review panel; amending the obligation of a public agency to disclose agency information pertaining to a child in need of aid; relating to disclosure of confidential or privileged information about children and

families involved with children's services within the Department of Health and Social Services to officials for review or use in official capacities; relating to reports of harm and to adoptions and foster care; relating to consent for the medication of children in state custody; prescribing the rights of family members related to child-in-need-of-aid cases and establishing a familial priority for adoption; modifying adoption and placement procedures in certain child-in-need-of-aid cases; amending Rules 9 and 13, Alaska Adoption Rules, Rules 3, 17.2, 18, and 22, Alaska Child in Need of Aid Rules of Procedure, and Rules 14 and 15, Alaska Rules of Probate Procedure; and providing for an effective date."

MOVED SCS CSSSHB 53(JUD) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 268

SHORT TITLE: OVERTAKING/PASSING STATIONARY VEHICLES

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

04/14/05	(H)	READ THE FIRST TIME - REFERRALS
04/14/05	(H)	TRA, JUD
04/19/05	(H)	TRA AT 1:30 PM CAPITOL 17
04/19/05	(H)	Moved Out of Committee
04/19/05	(H)	MINUTE(TRA)
04/21/05	(H)	TRA RPT 1DP 3NR
04/21/05	(H)	DP: GATTO;
04/21/05	(H)	NR: SALMON, THOMAS, ELKINS
04/25/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/25/05	(H)	Scheduled But Not Heard
04/26/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/26/05	(H)	Scheduled But Not Heard
04/27/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/27/05	(H)	Moved CSHB 268(JUD) Out of Committee
04/27/05	(H)	MINUTE(JUD)
04/28/05	(H)	JUD RPT CS(JUD) 3DP 4NR
04/28/05	(H)	DP: GRUENBERG, ANDERSON, MCGUIRE;
04/28/05	(H)	NR: KOTT, DAHLSTROM, COGHILL, GARA
04/29/05	(H)	TRANSMITTED TO (S)
04/29/05	(H)	VERSION: CSHB 268(JUD)
05/01/05	(S)	READ THE FIRST TIME - REFERRALS
05/01/05	(S)	TRA, JUD
05/03/05	(H)	TRA AT 1:30 PM CAPITOL 17
05/03/05	(S)	Moved CSHB 268(JUD) Out of Committee
05/03/05	(S)	MINUTE(TRA)
05/04/05	(S)	TRA RPT 2DP 1NR

05/04/05 (S) DP: HUGGINS, COWDERY
05/04/05 (S) NR: THERRIAULT
05/05/05 (S) JUD AT 8:30 AM BUTROVICH 205
05/05/05 (S) Scheduled But Not Heard
05/06/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: SB 165

SHORT TITLE: CARD ROOMS & OPERATIONS

SPONSOR(s): SENATOR(s) COWDERY

04/08/05 (S) READ THE FIRST TIME - REFERRALS
04/08/05 (S) L&C, FIN
04/19/05 (S) L&C AT 1:30 PM BELTZ 211
04/19/05 (S) Heard & Held
04/19/05 (S) MINUTE(L&C)
04/21/05 (S) L&C AT 1:30 PM BELTZ 211
04/21/05 (S) Moved CSSB 165(L&C) Out of Committee
04/21/05 (S) MINUTE(L&C)
04/22/05 (S) L&C RPT CS 2DP 1NR 2AM SAME TITLE
04/22/05 (S) DP: BUNDE, STEVENS B
04/22/05 (S) NR: ELLIS
04/22/05 (S) AM: DAVIS, SEEKINS
04/22/05 (S) JUD REFERRAL ADDED AFTER L&C
04/30/05 (S) JUD AT 9:00 AM BUTROVICH 205
04/30/05 (S) Scheduled But Not Heard
05/02/05 (S) JUD AT 8:30 AM BUTROVICH 205
05/02/05 (S) Scheduled But Not Heard
05/03/05 (S) JUD AT 8:30 AM BUTROVICH 205
05/03/05 (S) Scheduled But Not Heard
05/05/05 (S) JUD AT 8:30 AM BUTROVICH 205
05/05/05 (S) Heard & Held
05/05/05 (S) MINUTE(JUD)
05/06/05 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 53

SHORT TITLE: CHILDREN IN NEED OF AID/ADOPTION/GUARDIAN

SPONSOR(s): REPRESENTATIVE(s) COGHILL

01/10/05 (H) PREFILE RELEASED 1/7/05
01/10/05 (H) READ THE FIRST TIME - REFERRALS
01/10/05 (H) HES, JUD, FIN
03/02/05 (H) SPONSOR SUBSTITUTE INTRODUCED
03/02/05 (H) READ THE FIRST TIME - REFERRALS
03/02/05 (H) HES, JUD, FIN
03/15/05 (H) HES AT 3:00 PM CAPITOL 106
03/15/05 (H) Heard & Held
03/15/05 (H) MINUTE(HES)

03/22/05 (H) HES AT 3:00 PM CAPITOL 106
03/22/05 (H) <subcommittee meeting>
03/31/05 (H) HES AT 3:00 PM CAPITOL 106
03/31/05 (H) Moved CSHB 53(HES) Out of Committee
03/31/05 (H) MINUTE(HES)
04/04/05 (H) HES RPT CS(HES) NT 5DP
04/04/05 (H) DP: ANDERSON, KOHRING, MCGUIRE, SEATON,
WILSON
04/11/05 (H) JUD AT 1:00 PM CAPITOL 120
04/11/05 (H) <Bill Hearing Rescheduled to 4/12>
04/12/05 (H) JUD AT 8:00 AM CAPITOL 120
04/12/05 (H) Heard & Held
04/12/05 (H) MINUTE(JUD)
04/13/05 (H) JUD AT 1:00 PM CAPITOL 120
04/13/05 (H) Moved CSSSHB 53(JUD) Out of Committee
04/13/05 (H) MINUTE(JUD)
04/15/05 (H) JUD RPT CS(JUD) NT 5DP 2NR
04/15/05 (H) DP: KOTT, ANDERSON, DAHLSTROM, COGHILL,
MCGUIRE;
04/15/05 (H) NR: GARA, GRUENBERG
04/21/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/21/05 (H) <Bill Hearing Postponed to 4/22>
04/22/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/22/05 (H) Heard & Held
04/22/05 (H) MINUTE(FIN)
04/26/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/26/05 (H) Heard & Held
04/26/05 (H) MINUTE(FIN)
04/27/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
04/27/05 (H) Moved CSSSHB 53(FIN) Out of Committee
04/27/05 (H) MINUTE(FIN)
04/29/05 (H) FIN RPT CS(FIN) NT 4DP 6NR
04/29/05 (H) DP: HAWKER, FOSTER, CROFT, CHENAULT;
04/29/05 (H) NR: JOULE, MOSES, WEYHRAUCH, HOLM,
KELLY, MEYER
04/29/05 (H) TRANSMITTED TO (S)
04/29/05 (H) VERSION: CSSSHB 53(FIN)
05/01/05 (S) READ THE FIRST TIME - REFERRALS
05/01/05 (S) HES, JUD, FIN
05/02/05 (S) HES AT 2:30 PM BUTROVICH 205
05/02/05 (S) Heard & Held
05/02/05 (S) MINUTE(HES)
05/04/05 (S) HES RPT SCS 4DP 1NR SAME TITLE
05/04/05 (S) DP: DYSON, WILKEN, GREEN, OLSON
05/04/05 (S) NR: ELTON
05/04/05 (S) HES AT 1:30 PM BUTROVICH 205

05/04/05	(S)	Moved SCS CSSSHB 53(HES)	Out of
		Committee	
05/04/05	(S)	MINUTE(HES)	
05/05/05	(S)	JUD AT 8:30 AM BUTROVICH 205	
05/05/05	(S)	Scheduled But Not Heard	
05/06/05	(S)	JUD AT 8:30 AM BUTROVICH 205	

WITNESS REGISTER

Representative Jay Ramras
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 268

Mr. Chip Wagoner, Executive Director
 Alaska Catholic Conference
 Roman Catholic Church
 Juneau, AK 99801
POSITION STATEMENT: Testified in opposition of SB 165

Mr. Ryan Makinster
 Staff to Senator Cowdery
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Answered questions on SB 165

Senator John Cowdery
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of SB 165

Ms. Susan Burke, Attorney
 No address provided
POSITION STATEMENT: Commented on SB 165

Ms. Rynniva Moss
 Legislative Aide to Representative John Coghill
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Introduced HB 53

Ms. Tammy Sandervall, Acting Deputy Commissioner
 Office of Children's Services
 Department of Health & Social Services
 PO Box 110601
 Juneau, AK 99801-0601
POSITION STATEMENT: Commented on HB 53

Ms. Stacie Kraly, Senior Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Commented on HB 53

Ms. Jan Rutherford, Assistant Attorney General
Department of Law
PO Box 110300
Juneau, AK 99811-0300

POSITION STATEMENT: Commented on HB 53

Ms. Gail Voitlander, Chief Assistant Attorney General
Department of Law
1031 W 4th Ave Ste 200
Anchorage, AK 99501

POSITION STATEMENT: Commented on HB 53

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:52:13 AM](#). Present were Senators Hollis French, Charlie Huggins, Gene Therriault, Gretchen Guess, and Chair Ralph Seekins.

CSHB 268(JUD)-OVERTAKING/PASSING STATIONARY VEHICLES

[8:52:13 AM](#)

CHAIR RALPH SEEKINS announced HB 268 to be up for consideration.

REPRESENTATIVE JAY RAMRAS introduced HB 268. He asserted tow truck drivers should be offered the same courtesy as emergency service vehicles. The public relies on the tow truck community to serve stranded motorists therefore providing for safer roads. Once a week in America a tow truck driver is killed.

[8:54:56 AM](#)

CHAIR SEEKINS closed public testimony.

SENATOR HOLLIS FRENCH asked whether violation of the law would be a moving violation.

REPRESENTATIVE RAMRAS replied yes unless someone was injured, which would be a different situation.

SENATOR CHARLIE HUGGINS commented HB 268 could create difficulty in traffic flow.

[8:56:41 AM](#)

SENATOR GENE THERRIault moved CSHB 268(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

SB 165-CARD ROOMS & OPERATIONS

[8:58:38 AM](#)

CHAIR RALPH SEEKINS announced SB 165 to be up for consideration.

MR. CHIP WAGONER, executive director, Alaska Catholic Conference, testified in opposition. He said the Roman Catholic Church does not take the position that gambling is immoral. Games of chance become morally unacceptable when they deprive someone the ability to provide for themselves and others. The games are already legal as indicated in the Anchorage Daily News article dated May 4, 2005. People can gamble in their homes.

[9:00:36 AM](#)

When money and commercial gaming interests are added to the equation it causes the gambling addiction to become. SB 165 will not replace illegal operations, it will just add to the crime. The Alaska Catholic Conference opposes SB 165 because they feel it will only hurt people and the state will not provide the necessary resources to fund addiction reparation. Child neglect, embezzlement, and suicide rates will rise.

Pathological gambling is a psychiatric disorder. A University of Chicago study found that the presence of a gambling facility within 50 miles doubles the prevalence of problem and pathological gambling. The National Research Council of the National Academy of Sciences found that some of the greatest increases in the number of problem and pathological gamblers came over periods of expanded gambling opportunities.

[9:02:27 AM](#)

MR. WAGONER continued the effects of gambling are a mess as the State of Washington has found. He quoted from the Seattle Post Intelligencer: "As legalized gambling continues its swift rise in Washington, the quiet parallel growth of problem gambling has marched right along with it, often with disastrous consequences." Problem gambling is an emotional disorder that is under the radar screen because it is not as visible as needle marks and public intoxication. According to the Seattle Post Intelligencer, thousands of lives in Washington have been ruined

due to gambling. There is increased indebtedness, bankruptcies, crime, divorce, and suicide. The troubles have cost the State of Washington millions of dollars a year.

9:04:18 AM

Experts and gamblers themselves say gambling addictions are more difficult to spot than alcoholism or drug addiction, and can be more difficult to quit. The National Council on Problem Gambling is not for or against gambling; their purpose is to help people who have gambling addictions. However they recognize the societal costs are very high.

Bankruptcy lawyers in Seattle are seeing more filings caused by gambling troubles. There has been a definite increase in the last 10 years. King County deputies regularly see the effects of gambling in the prosecution of domestic violence and child neglect cases.

9:06:10 AM

One reason funding for gambling addiction is hard is because gambling is a hidden disease. The State of Oregon has funded 27 treatment clinics and hired more than 50 counselors. More than 10,000 people have entered their state treatment programs since 1995, which has cost the state 4.5 million dollars. The State of Alaska does not have a single gambling addiction certified counselor. The economic benefits of SB 165 will not even come close to taking care of the negative costs associated with SB 165. The National Gambling Impact Study Commission report, the largest most comprehensive study performed in the United States, determined problem gamblers cost society \$715 dollars each on a yearly basis and pathological gamblers cost society \$1,200 each.

9:08:02 AM

For those reasons the Alaska Catholic Conference urges the committee to not pass SB 165. It only hurts people and Alaska cannot afford it.

9:08:52 AM

SENATOR HOLLIS FRENCH commented his research found that electronic gaming machines contribute to problem gambling. He asked Mr. Wagoner whether he had specific research focusing on poker playing.

MR. WAGONER agreed electronic gaming machines are called the crack cocaine of gambling. The faster the game the more likely it will cause addiction. Everything that has an immediate payoff has addiction potential. He urged the committee to have someone

who deals with gambling disorders testify on SB 165. However, it is known that when gambling is increased, the disorders are also increased.

9:12:00 AM

SENATOR FRENCH asked Mr. Wagoner whether he would close pull-tab shops, given the chance.

MR. WAGONER asserted he would. People sit by themselves in pull-tab parlors hoping for the big break. Many are desperate to win. It has a sad effect on families and kids. Children are left in the parking lot for hours while their parents gamble. Gambling games are designed to separate people from their money.

9:14:31 AM

SENATOR JOHN COWDERY asserted people are currently gambling in illegal establishments.

9:17:43 AM

MR. WAGONER said the Roman Catholic Church does not look at gambling as sinful. It is the effects that are concerning. SB 165 will open the door with commercial gaming and there will be more pressure on the Legislature to expand it.

9:20:32 AM

MS. SUSAN BURKE, attorney retained by Perry Green to look into the implications of SB 165 as it relates to Indian gaming, offered her comments. She looked at two questions primarily. The first was whether enactment of SB 165 would open the door to casino-type class 3 gaming. Her research shows it would not. The second question was whether the enactment of SB 165 would open the door to additional kinds of class 2 gaming beyond what is already authorized under Alaska law. Her research shows it would not.

CHAIR SEEKINS interrupted to say from a strictly legal standpoint that would be a logical conclusion.

MS. BURKE said her main point is Indian tribes today under the Indian Gaming Act, if they fulfill all of the other requirements, could engage in poker, cribbage, bridge, and pan card rooms today under existing law because Alaska law does not explicitly prohibit non-banking card games in any location in the state. Social card games in homes are not prohibited under Alaska law; therefore they would be the kind of card game that Indian tribes could engage in. There are a number of federal laws and regulations an Indian tribe would have to comply with

in order to get a license. Equally important, they could do so only on Indian lands the particular tribe has jurisdiction over.

[9:24:17 AM](#)

MS. BURKE added Native claims settlement lands would not qualify. The definition of "Indian lands" under the federal act is "lands within the limits of a reservation" and the only reservation in Alaska is Metlakatla. The other category is "any lands the title to which is either held in trust by the United States for the benefit of an Indian tribe or individual, or held by an Indian tribe or individual subject to restriction by the United States against alienation or sale."

CHAIR SEEKINS asked whether someone could simply plead sovereign immunity and thereby protect the land from alienation.

MS. BURKE responded alienation is a voluntary thing and unless the federal government has imposed restrictions on the voluntary act, it wouldn't qualify as Indian lands.

[9:26:26 AM](#)

CHAIR SEEKINS mentioned a California case where one Indian tribe bought land and claimed it as official Indian land where they could start a casino. The State of California contested it on the grounds that the land was once under the jurisdiction of California. Unless the state acts affirmatively to remove the jurisdiction, it remains under the jurisdiction of the state.

SENATOR FRENCH asked the relationship between Native corporation land and Native corporation shares, which are not alienable.

MS. BURKE replied a person couldn't conduct a gaming operation on a share of stock.

CHAIR SEEKINS answered Native corporation land is not Indian land. It is subject to alienation and can be sold or traded. Native corporations themselves do not have sovereign immunity.

[9:29:08 AM](#)

SENATOR GENE THERRIAULT said there was a constant push to expand sovereign immunity on Native lands. The Rural Justice Commission is being steered toward a request to transfer all the Native corporate land into Indian land.

MS. BURKE said regardless of where the Indian lands laws are, Alaska law is such that Indian tribes could implement anything in SB 165 today. The tribes would have to exercise governmental

powers on the land itself and Metlakatla seems to be the only place where that happens.

CHAIR SEEKINS said he would disagree if her conclusion were tribes in Alaska today could operate class 2 gaming without a permit from the state.

MS. BURKE agreed they would have to go through the Indian Gaming Act, as well as get a permit and follow certain regulatory requirements.

[9:32:26 AM](#)

SENATOR THERRIAULT speculated the Native organizations have determined there is either not a lot of money in the gaming operation or the lack of authorized land is why they haven't pursued it.

CHAIR SEEKINS referred to two applications that were denied and a third in Klawock that was granted an Indian Gaming Regulatory Act (IGRA) permit. It is not outside the realm of possibility that IGRA will grant permits.

MS. BURKE emphasized action on SB 165 will not avoid IGRA issuing permits and the results that occur forthwith. The only way the Legislature could stop Indian gaming is to repeal the exemption in Alaska law for social gaming in the home.

[9:34:52 AM](#)

CHAIR SEEKINS said the more money that might be made from state authorized gambling; the more motivated the tribes may be to get permits.

MS. BURKE said proponents of SB 165 must believe there is money in the operation of card rooms otherwise they wouldn't want to do it. She does not know why Indian tribes have not come to the same conclusion.

CHAIR SEEKINS agreed the motivator is money and not recreation.

MS. BURKE confirmed that is absolutely correct.

SENATOR HUGGINS said it might be like moving the capitol, which was on the back burner until recently.

MS. BURKE said virtually by introducing SB 165 the cat is out of the bag.

[9:36:56 AM](#)

CHAIR SEEKINS said the more money that is involved, the more temptation for groups to persuade the gaming commission and the federal courts that they are Indian tribes for the purpose of IGRA and that there are parcels of land in Alaska that are Indian lands as defined by IGRA.

MS. BURKE emphasized whether SB 165 passes or not, Indian tribes could still enter the gaming business under Alaska law.

CHAIR SEEKINS agreed so long as they comply with state law, which means no one takes a rake.

MS. BURKE disagreed. She said the only state law limits have to do with maximum wagers, maximum pots, and hours of operation.

SENATOR THERRIAULT speculated there isn't enough money in the game rooms to gain the interest of Indian tribes.

[9:39:14 AM](#)

MS. BURKE disagreed. She asserted somebody must see it as a viable economic advantage else they would not be pushing SB 165 legislation.

SENATOR FRENCH commented location would be difficult.

CHAIR SEEKINS wondered the motivation for the current push to transfer corporate lands into Indian lands.

SENATOR COWDERY agreed location would be a deterrent for the tribes. He suggested a local option where communities could vote SB 165 out.

[9:42:32 AM](#)

CHAIR SEEKINS stated for the record he is not in favor of gambling and has no intent to vote for SB 165 on the Senate Floor.

[9:44:08 AM](#)

MR. RYAN MAKINSTER, staff to Senator John Cowdery, offered to answer questions.

CHAIR SEEKINS suggested a limit to five-dollar wager.

SENATOR COWDERY commented that informed players could make multiple raises in poker.

MR. MAKINSTER said Washington State limits the raises to three.

SENATOR FRENCH noted that would be \$240 maximum out of pocket for any game.

[9:48:09 AM](#)

SENATOR COWDERY said it is rare for everyone to stay in the game until the end. Generally a table of ten ends up with maximum of three at the end.

CHAIR SEEKINS asserted he does not want high stakes gambling.

SENATOR HUGGINS asked how low stakes would change the structure of SB 165.

MR. MAKINSTER said the house has no stake in the game.

CHAIR SEEKINS interrupted to assert they do; the higher the pot, the bigger the rake.

MR. MAKINSTER said SB 165 could set the rake at two or four dollars.

[9:50:14 AM](#)

CHAIR SEEKINS said SB 165 has been portrayed as recreational gambling and it should be more for fun and not big money.

[9:52:18 AM](#)

CHAIR SEEKINS proposed a limit of a five-dollar wager and a 15-dollar per person pot.

MR. MAKINSTER asserted that rule would ruin the game of poker. He said limiting wagers would take the zeal out of the game.

CHAIR SEEKINS said each round doesn't always have to reach maximum.

[9:54:18 AM](#)

CHAIR SEEKINS said recreational gambling should not allow unlimited pots. That would be raising the risk of making it a fast game.

[9:56:18 AM](#)

CHAIR SEEKINS said illegal enterprises are not interested in a 5-dollar limit because there isn't enough profit.

SENATOR GUESS wondered why five dollars is too low of a limit.

MR. MAKINSTER said the 15-dollar pot is what is too low. It would be difficult to control the pot size without limiting the raises.

[9:58:31 AM](#)

CHAIR SEEKINS referred to Page 2, lines 24-26, which allows a person to buy chips on credit. He expressed disagreement with running up a tab. He said he is trying to avoid gambling debts.

SENATOR COWDERY said the establishment owner has nothing to do with credit. Credit happens between players.

SENATOR FRENCH asked whether they were talking about using credit cards to buy chips.

CHAIR SEEKINS clarified it was in-house credit.

[10:01:48 AM](#)

MR. MAKINSTER pointed out some states disallow buying at the table. A person has to physically leave a table in order to buy more chips.

CHAIR SEEKINS said he would like to address that in SB 165.

[10:02:54 AM](#)

SENATOR HUGGINS commented he has noticed ornate items in Las Vegas pawnshops.

[10:04:27 AM](#)

CHAIR SEEKINS expressed interest in a requirement that all employees would need a license and they could not be convicted felons.

SENATOR FRENCH referenced the provision for an occupational licensing but stated it wasn't clear to whom that applied.

CHAIR SEEKINS said he would require it to be every employee of the facility, including the janitor.

[10:07:02 AM](#)

SENATOR HUGGINS asked Mr. Makinster to clarify the training involved.

MR. MAKINSTER said if legislation required employees to be licensed, the provision allows a place to train certified dealers.

SENATOR COWDERY asked Chair Seekins whether it was constitutional to require a janitor to be licensed.

CHAIR SEEKINS answered yes. He said that pull-tabs are close to being strong-arm operations. He is not interested in having reconstituted felons be dealers.

[10:11:09 AM](#)

SENATOR GUESS noted the language on Page 10, line 24; "character, reputation, experience" are subjective words. She expressed concern over equal opportunity.

MR. MAKINSTER agreed it was a gray area.

CHAIR SEEKINS said the Charitable Gaming Act is limited to non-profit corporations that are resident to the State of Alaska. He said he intends to ask legislative legal whether they can place the same restriction on SB 165.

[10:13:44 AM](#)

SENATOR COWDERY countered residence is a sticky issue.

SENATOR GUESS noted Page 14, lines 4-5; opens up opportunities for discrimination. She questioned who would judge the character of another and whether that could be done fairly.

SENATOR HUGGINS asked whether employees and owners would be prohibited from gambling in the establishment where they work.

MR. MAKINSTER answered it is not prohibited in SB 165. Other states do not allow employees to gamble in their own establishment and card room owners are typically not allowed to gamble in the state.

[10:16:46 AM](#)

SENATOR FRENCH said the bulk of concern from his constituents is they are not opposed to card rooms but they are concerned with how the licenses would be issued. He asked Senator Cowdery whether he would be opposed to a public comment period.

SENATOR COWDERY agreed that would be proper.

CHAIR SEEKINS pointed to a KTUU survey, which showed more than 60 percent of the people polled are against card rooms.

SENATOR GUESS said her primary concerns are when legislation uses words like "character and reputation" in regards to who gets licenses and jobs. It is unclear who decides who gets licensed and who decides the character of another.

CHAIR SEEKINS asked Mr. Makinster whether SB 165 requires a local election prior to authorizing card room in a community.

MR. MAKINSTER answered the only election is for municipalities under 30,000. The sponsor is willing to broaden that to all communities.

SENATOR FRENCH clarified it would be a positive opt-in election.

[10:20:28 AM](#)

SENATOR GUESS suggested there was additional language coming from the House.

[10:22:19 AM](#)

SENATOR GUESS asked whether the class C felony of "cheats at a card game" is being defined on Page 19, lines 16-19.

MR. MAKINSTER responded the verbiage has to be somewhat ambiguous because cheaters tend to stay ahead of the game. The definition points to several devices and instances where a person could be assumed to be cheating.

[10:24:02 AM](#)

MR. MAKINSTER added the courts would be tasked with deciding the felony charge.

SENATOR GUESS asked whether there is a lot of cheating in non-banking games, such as rummy, cribbage and bridge.

MR. MAKINSTER responded the majority of cheating is someone trying to beat the house using by using card counters.

SENATOR GUESS referred to Page 3, line 13; selecting "applicants that promote the most economic development" and expressed concern over the ambiguous definition.

[10:27:08 AM](#)

CHAIR SEEKINS offered someone willing to build a new building rather than putting the business in a used building would fulfill that function.

SENATOR GUESS said she wants to ensure an even playing field and that all Alaskans have a shot at the business.

CHAIR SEEKINS held SB 165 in committee.

CSSSHB 53(FIN)-CHILDREN IN NEED OF AID/ADOPTION/GUARDIAN

[10:29:09 AM](#)

CHAIR RALPH SEEKINS announced HB 53 to be up for consideration.

MS. RYNNIEVA MOSS, legislative aide to Representative John Coghill, introduced HB 53, which consolidates 3 current bills, SB 83, SB 84 and HB 17, along with items anticipated in prospective legislation. Representative Coghill met with all of the previously mentioned bill sponsors and took on the project of consolidating the bills so as to be sure to capture the desired end product.

[10:30:48 AM](#)

The Department of Health and Social Services (DHSS), the Department of Law (DOL), the public defender's office and the Office of Public Advocacy (OPA) have all worked closely on HB 53 to ensure it is good for children and families. HB 53 eliminates language in AS 47.10.960, which said there was no duty for standard of care for children in state custody.

HB 53 strengthens families by giving them priority over placement and adoption and a special priority over family members who have raised the child more than 12 months. It establishes a priority list and requires the Office of Children's Services (OCS) to do everything possible to provide visitation for the children and the parents and to reunify the family.

[10:33:10 AM](#)

HB 53 establishes poverty is not a reason to deny placement with relatives. Parental rights cannot be terminated solely on the basis they have not received treatment required by OCS. HB 53 encourages OCS to train foster parents to mentor biological parents.

[10:34:26 AM](#)

HB 53 amends the definition of major medical treatment to include medication that is used for diagnosed mental health disorders. HB 53 creates transparency of the process. It opens hearings to the public, while containing sideboards that would allow a judge to close the hearings. It establishes a grievance

process for when parents disagree with what the state is doing with their child and also establishes a review panel. It provides that OCS could disclose confidential information in certain circumstances. When parents have disclosed information OCS has a right to explain their part of it.

[10:36:30 AM](#)

HB 53 encourages the use of child advocacy centers. It requires mandatory videotaping of suspected victims of sexual abuse. It defines child advocacy centers and establishes criteria for schools to follow when children are to be interviewed. HB 53 requires OCS to report back to voluntary reporters in 20 days. It requires OCS to work with legislative offices and the ombudsman's office and to continue to participate after parental rights have been terminated.

[10:37:54 AM](#)

In conclusion, HB 53 goes a long way in protecting and preserving families in Alaska and making government accountable while children are in state custody. Dealing with OCS should be a good process and transparent so that everyone knows what is going on in the case.

Chair Seekins recessed the meeting at [10:39:06 AM](#).

Chair Seekins reconvened the meeting at [3:58:54 PM](#).

MS MOSS offered to answer questions.

MS. TAMMY SANDERVALL, acting deputy commissioner, Office of Children's Services (OCS), reiterated earlier testimony from Ms. Moss regarding all of the different departments working together on HB 53 to make it good legislation.

SENATOR FRENCH referred to Page 21, lines 22-23 and asked Ms. Sandervall to comment on inadequate or crowded housing.

[4:01:33 PM](#)

MS. SANDERVALL answered there are times when OCS enters a home that appears too crowded but if the family can show a safe environment, the child would not be removed based on inadequate housing alone. Further factors should be considered.

CHAIR SEEKINS said Senator Guess had a question but had stepped out of the room.

MS. MOSS knew the question and offered to answer it. She said SB 83 and SB 84 incurred amendments in the Senate Judiciary

Standing Committee and Senator Guess wondered whether those amendments were incorporated into HB 53. She reported they were except for the amendment, which added language saying only the commissioner or the commissioner's designee could disclose confidential information to the public. She said the commissioner of the Department of Health and Social Services (DHSS) should not be making policy calls for the Department of Administration (DOA). She suggested changing the language to include the commissioner of the DOA.

[4:06:21 PM](#)

SENATOR GUESS asked the reason the DOA would be discussing a report of harm.

MS. MOSS answered the Office of Public Advocacy (OPA) and the public defender's office represent parents and OPA also represents children.

SENATOR GUESS asked whether the language is different than in SB 83 and SB 84 in that the DOA is added to Section 27 (k).

MS. MOSS responded yes.

[4:09:49 PM](#)

MS. STACEY KRALY, senior assistant attorney general, Department of Law (DOL), advised the committee the Office of Children's Services investigates reports of harm.

CHAIR SEEKINS asked the reason the Department of Administration (DOA) would disclose any information regarding reports of harm.

MS. JAN RUTHERDALE, assistant attorney general, DOL, advised the DOA was added because they requested to be.

[4:10:54 PM](#)

CHAIR SEEKINS said the intent on the disclosure side was to protect a department from unrighteous accusation.

MS. KRALY advised Section 27 Paragraph (2) contains a circumstance where the DOA would be involved. The inclusion of the DOA was in response to a request made by OPA and the public defender agency who are queried by the press and want to be able to respond.

[4:13:16 PM](#)

CHAIR SEEKINS aired the provision allows for a low level person to disclose sensitive information. It is the intent of the committee to exclude that.

MS. RUTHERDALE advised it wouldn't be a low level employee; it would be someone from the central office involved in public relations.

CHAIR SEEKINS pointed out that wasn't identified in the bill. He advised Ms. Rutherfordale the committee previously restricted it to either the commissioner or the commissioner's designee. He asked whether there would be any objection from the sponsor or the DOL to restate on Page 18 that it would be either the commissioner of the DOA or the commissioner of the DHSS or the commissioner's designee.

SENATOR FRENCH agreed.

[4:17:19 PM](#)

CHAIR SEEKINS moved Amendment 1.

Page 17 line 24 delete "Department of Health and Social Services and the Department of Administration" and insert "commissioner of the Department of Health and Social Services or the commissioner's designee; or the commissioner of the Department of Administration or the commissioner's designee as appropriate.

Hearing no objections, the motion carried.

SENATOR FRENCH proposed Amendment 2.

Page 18, Paragraphs (1) and (2) delete the word "may", insert "shall" in its place.

Hearing no objection, the motion carried.

[4:19:26 PM](#)

SENATOR FRENCH proposed Amendment 3. He voiced approval from the sponsor of HB 53.

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A M E N D M E N T 3

OFFERED IN THE SENATE

BY SENATOR FRENCH

TO: SCS CSSSHB 53(HES)

Page 2, line 7, following "**Probate Procedure**";:

Insert "relating to the admissibility into evidence of the prior recorded statement of a crime victim less than 16 years of age; and amending Rule 801, Alaska Rules of Evidence."

Page 30, following line 29:

Insert a new bill section to read:

"* **Sec. 59.** The uncodified law of the State of Alaska is amended by adding a new section to read:

DIRECT COURT RULE AMENDMENT. Rule 801(d), Alaska Rules of Evidence, is amended by adding a new paragraph to read:

(3) Recorded Statement by Child Victims of Crime. The statement is a recorded statement by the victim of a crime who is less than 16 years of age and

(A) the recording was made before the proceeding;

(B) the victim is available for cross-examination;

(C) the prosecutor and any attorney representing the defendant were not present when the statement was taken;

(D) the recording is on videotape or other format that records both the visual and aural components of the statement;

(E) each person who participated in the taking of the statement is identified on the recording;

(F) the taking of the statement as a whole was conducted in a manner that would avoid undue influence of the victim;

(G) the defense has been provided a reasonable opportunity to view the recording before the proceeding; and

(H) the court has had an opportunity to view the recording and determine that it is sufficiently reliable and trustworthy and that the interests of justice are best served by admitting the recording into evidence."

Renumber the following bill sections accordingly.

Page 32, line 28:

Delete "sec. 59(d)"

Insert "sec. 60(d)"

Page 33, line 7:

Delete "60"

Insert "61"

Page 33, line 20:

Delete "sec. 59(a)"

Insert "sec. 60(a)"

Page 33, line 23:

Delete: "sec. 64"

Insert "sec. 65"

Page 33, line 26:

Delete "sec. 65"

Insert "sec. 66"

CHAIR SEEKINS objected for the purpose of discussion.

4:21:29 PM

SENATOR FRENCH advised the amendment would allow videotaped statements made by a victim at a child advocacy center to be admissible in court.

CHAIR SEEKINS removed his objection. Hearing no further objections, Amendment 3 was unanimously adopted.

SENATOR THERRIAULT asked to have the immunity from liability restructure explained to him.

4:26:27 PM

MS. GAIL VOITLANDER, chief assistant attorney general, DOL, could not answer the question, as she did not have the previous bill form.

CHAIR SEEKINS said his analysis is the word "improper" was removed and changed the words "failure to disclose" to "non-disclosure", making it a more concise restatement without having to add another section.

MS. VOITLANDER said the exception is when a situation implies that disclosure or non-disclosure is improper.

4:30:30 PM

SENATOR GUESS asked Ms. Moss to talk about "adult family member". She asked where the other parent and step parents rank.

MS. MOSS deferred the question to Ms. Rutherford.

MS. RUTHERDALE responded the reason parent and guardian are not included as a family member is those are the people the child is being removed from.

[4:33:35 PM](#)

SENATOR GUESS asked the reason the other parent is not on the list.

CHAIR SEEKINS asked the reason for including the siblings' legal guardian but not the child's legal guardian.

MS. RUTHERDALE responded because the legal guardian is already a party to the proceedings. The preference section [AS 47.14.100(e)] is modeled after the Indian Child Welfare Act (ICWA). Under the jurisdiction scheme of AS 47.10.011, it assumes the other parent is considered.

[4:36:38 PM](#)

SENATOR GUESS expressed concern with Page 20 line 22, which puts into statute a following order of preference.

MS. RUTHERDALE relayed the judge always considers the other parent before the order of preferences.

MS. MOSS added Page 8 line 3 refers to the other parents initially.

SENATOR GUESS asked whether HB 53 includes stepsiblings. She continued to express concern that the best interest of the child might be lost.

MS. RUTHERDALE responded an option could be to amend the statutes.

[4:40:28 PM](#)

CHAIR SEEKINS asked whether the sibling's legal guardian would include a stepparent.

MS. KRALY responded that it could.

[4:41:41 PM](#)

SENATOR GUESS referred to Page 11 line 7 and stated for the record the country is over-medicating children. She expressed worry about a legal guardian deciding the child should be on medication with the parent objecting. She asked Ms. Kraly to explain the reason for addressing the situation in the bill.

MS. KRALY said the impetus was a discussion between DHSS, OCS, and the DOL about what actually constitutes major medical. AS 47.10.084 is a provision, which says the residual rights and responsibilities of a parent include but are not limited to consent for major medical treatment. HB 53 clarifies that if the parent is available they will be involved but if they are not available it leaves an option.

[4:44:24 PM](#)

SENATOR GUESS asked the difference between current procedures and the proposition of Section 17.

MS. KRALY advised Section 17 was drafted by the DOL in an effort to codify current practice.

SENATOR GUESS asked how HB 53 interacts with ICWA.

MS. RUTHERDALE advised ICWA always trumps state law. HB 53 would mainly apply to non-Native children.

[4:47:29 PM](#)

CHAIR SEEKINS noted HB 53 was written as if any child was the topic of discussion and wasn't written to exclude anyone.

[4:49:00 PM](#)

SENATOR GUESS asked whether the department would ensure the child attends the same school and stays in the same area after being taken from the home.

MS. SANDERVALL agreed that is the current practice. The department tries to keep the child in as many familiar settings as possible.

CHAIR SEEKINS noted a good social worker generally tries to keep the child in close proximity to familiar surroundings.

[4:53:18 PM](#)

SENATOR GUESS asked what HB 53 does to ensure the children get into permanent homes.

MS. MOSS said Representative Coghill feels HB 53 makes sure the child is in good care but does not endanger making the family whole again.

[4:57:15 PM](#)

SENATOR GUESS asked the recourse if treatment is not funded.

MS. MOSS advised the House Health and Social Services Standing Committee increased funding for training of social workers and for treatment.

SENATOR GUESS asked how HB 53 deals with foster care.

MS. MOSS responded OCS trains foster parents for mentoring. Section 14, subsection (u) addresses that.

SENATOR GUESS asked whether the bill slows down the process of getting kids into permanent placement.

MS. MOSS said it does not but it places emphasis on looking for ways to fix the family as a whole.

[5:03:28 PM](#)

SENATOR GUESS addressed the issue of reimbursement for foster parents and the lag time for repayment. She suggested measures be taken to try and fix the issue.

[5:04:59 PM](#)

SENATOR HUGGINS moved SCS CSSSHB 53(JUD) from committee with individual recommendations and attached fiscal note(s). There being no objection, the motion carried.

Chair Seekins announced a short recess at [5:06:10 PM](#).

SB 165-CARD ROOMS & OPERATIONS

[5:21:42 PM](#)

CHAIR RALPH SEEKINS announced SB 165 to be up for consideration. He referred Page 5 lines 13-23 and noted the bill was excluding any applicant that has a pending registration filed with the United States Security and Exchange Commission (SEC). He asked Mr. Makinster whether there were any corporations in Alaska who meet that requirement.

MR. RYAN MAKINSTER, staff to Senator John Cowdery, did not know.

CHAIR SEEKINS speculated it would be a major sized corporation.

MR. MAKINSTER countered not necessarily. A person could have other holdings.

[5:23:58 PM](#)

SENATOR HOLLIS FRENCH asked what it means to have a pending registration filed with the SEC.

MR. MAKINSTER advised the language was added to the bill by legislative legal. When a company files to be on the stock exchange there is a period where the company has to be silent about certain information because it may affect the stock price on opening day.

SENATOR FRENCH asked the type of information the company is allowed to withhold.

MR. MAKINSTER answered information regarding the specific company. He said it doesn't preclude them from giving out other information.

CHAIR SEEKINS disagreed.

[5:26:05 PM](#)

CHAIR SEEKINS said they would have to provide names of all persons holding 20 percent interest but would not be subject to the scrutiny any other applicant would be. He said it appears the wealthiest person would not be required to provide much information including the state they are registered in.

[5:29:02 PM](#)

MR. MAKINSTER said a company that has a filing pending with the SEC is in an information black out period.

CHAIR SEEKINS asserted at that point he would not be interested in them being an applicant.

SENATOR FRENCH concurred.

SENATOR JOHN COWDERY concurred.

[5:31:44 PM](#)

CHAIR SEEKINS moved Amendment 1

Page 5, line 15, after the word registration delete the comma, insert semi-colon. Delete the rest of sub-subparagraph (i) and delete sub-subparagraph (ii).

Hearing no objections, the motion carried.

SENATOR FRENCH moved Amendment 2.

Page 5, line 28, after the word "indicted", insert the word "charged."

Hearing no objections, the motion carried.

SENATOR FRENCH moved Amendment 3.

Page 10, following line 20:

Insert a new subsection to read:

"(h) Before issuing a license, the department shall provide notice to the public of the identity of the applicant and the location of the proposed card room and allow at least 30 days for public comment."

CHAIR SEEKINS objected for explanation.

SENATOR FRENCH advised the amendment was like a liquor license or a zoning change. It gives the citizens an opportunity to weigh in.

[5:35:47 PM](#)

CHAIR SEEKINS removed his objection. Hearing no others, Amendment 3 was unanimously adopted.

CHAIR SEEKINS recessed the meeting to the call of the Chair at [5:35:59 PM](#).

CHAIR SEEKINS reconvened the meeting at [7:36:10 PM](#). He referred to the State of Washington's administrative code regarding limits on wagers and read through the information.

[7:37:54 PM](#)

MR. MAKINSTER commented SB 165 gives the DOR the ability to regulate wagers.

CHAIR SEEKINS asked Mr. Makinster whether the information in the State of Washington administrative code is a standard.

MR. MAKINSTER advised it was the same between Washington and Oregon.

[7:41:30 PM](#)

CHAIR SEEKINS noted the ante could be \$25 and any additional wager could only be \$25 with a maximum of three additional rounds.

MR. MAKINSTER said correct.

SENATOR COWDERY commented it would be rare in a game for all people to be in until the end.

[7:45:47 PM](#)

CHAIR SEEKINS advised the committee they would be tasked with setting a maximum wager.

CHAIR SEEKINS held SB 165 in committee.

7:47:59 PM

There being no further business to come before the committee,
Chair Seekins adjourned the meeting at 7:48:56 PM.