

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

March 28, 2006

8:36 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. 318(FIN) am
"An Act limiting the exercise of eminent domain."
HEARD AND HELD

CS FOR HOUSE BILL NO. 408(FIN) am
"An Act relating to the standard of proof required to terminate parental rights in child- in-need-of-aid proceedings; relating to a healing arts practitioner's duty to report a child adversely affected by or withdrawing from exposure to a controlled substance or alcohol; relating to disclosure of confidential or privileged information about certain children by the Departments of Health and Social Services and Administration; relating to permanent fund dividends paid to foster children and adopted children; amending Rule 18, Alaska Child in Need of Aid Rules of Procedure; and providing for an effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 318

SHORT TITLE: LIMITATION ON EMINENT DOMAIN

SPONSOR(S): REPRESENTATIVE(S) MCGUIRE, HOLM, HAWKER

01/09/06	(H)	PREFILE RELEASED 12/30/05
01/09/06	(H)	READ THE FIRST TIME - REFERRALS
01/09/06	(H)	JUD, FIN
01/11/06	(H)	JUD AT 1:00 PM CAPITOL 120
01/11/06	(H)	Heard & Held

01/11/06 (H) MINUTE(JUD)
 01/25/06 (H) JUD AT 1:00 PM CAPITOL 120
 01/25/06 (H) Heard & Held
 01/25/06 (H) MINUTE(JUD)
 02/01/06 (H) JUD AT 1:00 PM CAPITOL 120
 02/01/06 (H) -- Meeting Canceled --
 02/03/06 (H) JUD AT 1:00 PM CAPITOL 120
 02/03/06 (H) Moved CSHB 318(JUD) Out of Committee
 02/03/06 (H) MINUTE(JUD)
 02/06/06 (H) JUD RPT CS(JUD) NT 3DP 1NR 2AM
 02/06/06 (H) DP: WILSON, ANDERSON, MCGUIRE;
 02/06/06 (H) NR: GRUENBERG;
 02/06/06 (H) AM: GARA, KOTT
 02/09/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 02/09/06 (H) Moved CSHB 318(FIN) Out of Committee
 02/09/06 (H) MINUTE(FIN)
 02/10/06 (H) FIN RPT CS(FIN) NT 2DP 3NR 3AM
 02/10/06 (H) DP: HAWKER, MEYER;
 02/10/06 (H) NR: KERTTULA, JOULE, WEYHRAUCH;
 02/10/06 (H) AM: STOLTZE, HOLM, FOSTER
 02/21/06 (H) TRANSMITTED TO (S)
 02/21/06 (H) VERSION: CSHB 318(FIN) AM
 02/22/06 (S) READ THE FIRST TIME - REFERRALS
 02/22/06 (S) JUD, FIN
 03/02/06 (S) JUD AT 8:30 AM BUTROVICH 205
 03/02/06 (S) Heard & Held
 03/02/06 (S) MINUTE(JUD)
 03/09/06 (S) JUD AT 8:30 AM BUTROVICH 205
 03/09/06 (S) Heard & Held
 03/09/06 (S) MINUTE(JUD)
 03/21/06 (S) JUD AT 8:30 AM BUTROVICH 205
 03/21/06 (S) Scheduled But Not Heard
 03/22/06 (S) JUD AT 8:30 AM BUTROVICH 205
 03/22/06 (S) Heard & Held
 03/22/06 (S) MINUTE(JUD)
 03/28/06 (S) JUD AT 8:30 AM BUTROVICH 205

BILL: HB 408

SHORT TITLE: DEFINITION OF CHILD ABUSE AND NEGLECT
 SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/30/06 (H) READ THE FIRST TIME - REFERRALS
 01/30/06 (H) HES, FIN
 02/07/06 (H) HES AT 3:00 PM CAPITOL 106
 02/07/06 (H) Heard & Held
 02/07/06 (H) MINUTE(HES)
 02/09/06 (H) HES AT 3:00 PM CAPITOL 106

02/09/06 (H) Moved CSHB 408(HES) Out of Committee
 02/09/06 (H) MINUTE(HES)
 02/15/06 (H) HES RPT CS(HES)NT 3DP 2NR
 02/15/06 (H) DP: GARDNER, GATTO, WILSON;
 02/15/06 (H) NR: ANDERSON, CISSNA
 02/22/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 02/22/06 (H) -- Meeting Canceled --
 03/01/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 03/01/06 (H) Scheduled But Not Heard
 03/07/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 03/07/06 (H) Moved CSHB 408(FIN) Out of Committee
 03/07/06 (H) MINUTE(FIN)
 03/08/06 (H) FIN RPT CS(FIN) NT 3DP 5NR
 03/08/06 (H) DP: KELLY, MEYER, CHENAULT;
 03/08/06 (H) NR: HAWKER, STOLTZE, KERTTULA, JOULE,
 MOSES
 03/20/06 (H) TRANSMITTED TO (S)
 03/20/06 (H) VERSION: CSHB 408(FIN) AM
 03/22/06 (S) READ THE FIRST TIME - REFERRALS
 03/22/06 (S) JUD, FIN
 03/22/06 (S) JUD AT 8:30 AM BUTROVICH 205
 03/22/06 (S) <Bill Hearing Postponed to 03/23/06>
 03/23/06 (S) JUD AT 8:30 AM BUTROVICH 205
 03/23/06 (S) -- Meeting Canceled --
 03/28/06 (S) JUD AT 8:30 AM BUTROVICH 205

WITNESS REGISTER

Representative Lesil McGuire
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Sponsor of HB 318

Craig Johnson, Legislative Aide
 Staff to Representative Lesil McGuire
 Alaska State Capitol
 Juneau, AK 99801-1182
POSITION STATEMENT: Answered questions regarding HB 318

Peter Putzier, Senior Assistant Attorney General
 Department of Law
 PO Box 110300
 Juneau, AK 99811-0300
POSITION STATEMENT: Answered questions regarding HB 318

Dave Feeken
 Alaska Association of Realtors

POSITION STATEMENT: Commented on HB 318

Garvan Bucaria
Wasilla, Alaska

POSITION STATEMENT: Commented on HB 318

Rynniewa Moss, Legislative Aide
Staff to Representative John Coghill
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Introduced HB 408

Tammy Sandoval, Deputy Commissioner
Office of Children's Services
PO Box 110630
Juneau, AK 99811-0630

POSITION STATEMENT: Answered questions regarding HB 408

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

POSITION STATEMENT: Answered questions regarding HB 408

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the Senate Judiciary Standing Committee meeting to order at [8:36:11 AM](#). Present were Senators Hollis French, Charlie Huggins, Gretchen Guess, and Chair Ralph Seekins.

HB 318-LIMITATION ON EMINENT DOMAIN

[8:37:05 AM](#)

CHAIR RALPH SEEKINS announced CSHB 318(FIN) AM to be up for consideration. He said his intent for the day was to have a good round table discussion on the bill.

REPRESENTATIVE LESIL MCGUIRE introduced herself for the record.

[8:38:18 AM](#)

SENATOR HOLLIS FRENCH advised Representative McGuire of a memorandum received from Don Bullock of the Legislative Legal and Research Services Division dated March 22, 2006 that advised that any "escape hatch" from the eminent domain bill would be

problematic. He expressed concern that a local government would not be able to control eminent domain in its own community.

Senator Gene Therriault joined the meeting.

REPRESENTATIVE MCGUIRE responded she would look favorably at a "voting threshold" if that is what the committee preferred. She reminded the committee that *Kelo versus City of New London* came about due to a local action taken by a local government. She speculated that the people of the City of New London might wish that their state had legislation to protect them at the state level when the city let them down.

[8:44:12 AM](#)

SENATOR GRETCHEN GUESS advised that the discussion in the Senate Judiciary Standing Committee has been whether or not to allow a local governing body by a two-thirds majority to make the decision. She noted the subject was a difficult balance between local control and free will and expressed concern that smaller communities do not get the representation that they need in the state capitol.

REPRESENTATIVE MCGUIRE said she liked the idea of a two-thirds threshold.

SENATOR FRENCH noted the non-delegable aspect is important and the greater majority provision protects minority rights. He expressed support for the idea.

CHAIR SEEKINS agreed. He said he objects when the city assembly responsibility is handed off to private developers.

[8:48:48 AM](#)

REPRESENTATIVE MCGUIRE noted state policy makers should ensure that the rights of the people are equal for all. She said she would accept the will of the committee. Paragraph 7 on page 4 allows for a stopgap because it is difficult to think of every situation that the bill might cover.

[8:51:57 AM](#)

MR. JOHNSON added four large communities have already made the decision to enact ordinances similar to this legislation. The discussion on the bill is really whether to afford the rest of the state the same protection of eminent domain.

CHAIR SEEKINS said he did not want to step on local control. Everyone wants to protect private property but at the same time Alaskans know the importance of access to recreational areas.

8:54:26 AM

REPRESENTATIVE MCGUIRE pointed out that the issue goes both ways. The Tony Knowles Coastal Trail runs right through her district, she stated, and some people love it while some hate it. The local control bypass allows a measure of balance to the bill.

CHAIR SEEKINS noted the difference between a developer and conservationist is that the developer wants to build a cabin this summer where as the conservationist built his last summer. He said access to recreation was a huge topic in Alaska.

8:57:38 AM

REPRESENTATIVE MCGUIRE agreed there are unique circumstances in this state. She said the argue against local control would be that the bill takes care of people's concerns regarding access to recreational areas, such as navigable waters and hunting and fishing rights. The bill would not limit the state's ability to use the power of eminent domain in any other circumstance except to take property from one private entity and transfer it to another private entity. In a state where private ownership represents one percent of the land, there should be creative options for taking land to accomplish the goal.

CHAIR SEEKINS stated the recreational side was not restricted to private-to-private transfer.

REPRESENTATIVE MCGUIRE stood corrected.

9:00:41 AM

SENATOR GUESS noted page 5, line 11 lists what is excluded from the definition of recreational. She referred to subsection (e) on page 4 and said there is nothing to override that provision.

REPRESENTATIVE MCGUIRE responded that subsection (7) was added due to the fact that the bill already had many exclusions. She said she would support it if the committee chose to add the same legislative approval provision to the recreational side of the bill.

MR. JOHNSON advised it would be a simple fix for the committee. On page 6 line 18 simply just change the (1)-(6) to (1)-(7).

That would roll the legislative oversight into the private property prong.

[9:03:55 AM](#)

REPRESENTATIVE MCGUIRE advised the committee that the concepts developed separately for the economic and recreational aspects. People question the reason the state could take their homes for recreational reasons if they can't for economic purposes.

SENATOR GUESS referred to page 3, lines 29-31 and asked whether that would allow for a statute to be created that would allow a real estate company to exercise eminent domain.

MR. JOHNSON said the definition of private person could be utilities, pipeline companies, or any one other than the government.

REPRESENTATIVE MCGUIRE advised "private person" is defined in AS 09.55.240.

[9:08:41 AM](#)

PETER PUTZIER, Senior Assistant Attorney General, Department of Law (DOL), responded to the question regarding "private person." He handed out a default definition of "private person" and said it includes corporations and a wide variety of other entities. Utilities have been granted the right of eminent domain. Lines 29-31 are in the bill to make it clear that their authority remains status quo.

[9:09:51 AM](#)

SENATOR GUESS said for the record she read AS 09.55.240 and there is no definition.

MR. PUTZIER said if there were a question regarding what "private person" means, it would be as defined in Title 1.

SENATOR FRENCH asked the number of express authorizations that exist in statute regarding eminent domain.

MR. PUTZIER offered a list of all the authorizations to committee members.

[9:12:28 AM](#)

DAVE FEEKEN, Alaska Association of Realtors testified that the Kelo decision defined economic development as a public use, taking private property from one owner and giving it to another for the purpose of economic development. In a survey conducted

by the Association of Realtors, 97 percent were opposed to that type of eminent domain powers. The US Supreme Court found in the Kelo case that pursuant to a well conceived plan, the public benefits through increased tax revenues was good enough to be called a public use.

With only one percent of Alaska's land in private hands, the use of eminent domain needs to be severely restricted. Currently there are 10,000 active private-to-private eminent domain case takings in process in the United States. "Your home is only your castle so long as somebody doesn't come along and convince the city council they have a better use," he stated. The key to eminent domain use is a good definition of "public use" and "economic development," he advised. The Alaska Association of Realtors will continue to work on eminent domain legislation throughout the summer.

9:16:02 AM

GARVAN BUCARIA, Wasilla, testified that the language of the bill was perplexing and difficult to keep up with. His previous testimony questioned the need for using eminent domain for recreational purposes. He said he is subject to eminent domain under the 2004-2005 Department of Transportation and Public Facilities study, which has notified him that his property might be taken for a main street widening project in Wasilla. Two years later, he said, he still does not know what the DOT is planning to do and it has been very stressful.

He agreed with the local control provision but said it was a relative question. He has attended many meetings on the issue and said he is aggrieved by the lack of public participation even though it affects everyone in the community. He believes there is not sufficient public notification within the communities.

9:20:37 AM

SENATOR HUGGINS asked the location of Mr. Bucaria's property.

MR. BUCARIA responded with the location of his property. The proposed road would go through his house and completely destroy the center of Wasilla, he stated.

SENATOR HUGGINS asked the length of time he has lived in his house.

MR. BUCARIA said he has lived in his house since 1986 but has been an Alaska resident since 1975.

[9:23:23 AM](#)

SENATOR GUESS moved Amendment 1. Page 4, line 9: Delete "by law" and following "transfer": Insert "in an Act, the subject of which is limited to the transfer."

CHAIR SEEKINS objected for the purpose of discussion.

SENATOR GUESS explained Amendment 1 would ensure that if the Legislature does approve a transfer of property that it does so under a separate bill, which would ensure public process.

REPRESENTATIVE MCGUIRE expressed support.

Hearing no further objections, Amendment 1 was adopted unanimously.

SENATOR GUESS moved Amendment 2. Page 5, line 8: Delete "small boat harbor."

CHAIR SEEKINS objected for the purpose of discussion.

SENATOR GUESS advised Amendment 2 would remove "small boat harbor" from recreational facility or project. She expressed concern over unintended consequences due to a lack of definition.

SENATOR THERRIAULT said the small boat harbor land would already be owned by the state and wondered whether Senator Guess's concern was over the access to it.

[9:25:50 AM](#)

SENATOR GUESS responded she was uncomfortable since the phrase was undefined and nebulous.

SENATOR THERRIAULT asked the bill sponsor where the language came from.

MR. JOHNSON advised they tried to encompass as much as possible with regard to recreational facilities. He said they could not come up with a scenario where a home would be taken for a small boat harbor.

CHAIR SEEKINS noted the restrictions would be to within 250 feet of the home.

MR. JOHNSON surmised the small boat harbor would be mainly in the water anyway so the likelihood of the taking of any property would be difficult to conceive.

CHAIR SEEKINS speculated that the access to the harbor could affect private property.

MR. JOHNSON agreed.

[9:27:55 AM](#)

CHAIR SEEKINS removed his objection.

SENATOR HUGGINS cautioned the committee against deleting "small boat harbor" too quickly. He suggested the committee work on a definition first.

[9:30:55 AM](#)

SENATOR GUESS asked Senator Huggins whether page 5, line 9 wouldn't cover his concerns.

SENATOR HUGGINS indicated no.

[9:33:12 AM](#)

CHAIR SEEKINS expressed concern over the lack of definition. He posed a hypothetical scenario of a right-of-way to a navigable stream. In order to accommodate the ability to launch a boat, the city might need to take a small portion of the waterfront and that could be within 250 feet of someone's home. The question remains whether that would be defined as a small boat harbor.

[9:36:04 AM](#)

SENATOR GUESS withdrew Amendment 2 in order to obtain a definition of small boat harbor.

REPRESENTATIVE MCGUIRE committed to work on that issue.

SENATOR GUESS moved Amendment 3. Page 6, line 4: Delete "rather than primarily for recreation."

CHAIR SEEKINS objected for the purpose of discussion.

SENATOR GUESS explained that the words "rather than primarily for recreation" bother her since the committee has not defined the word "recreation."

[9:38:20 AM](#)

REPRESENTATIVE MCGUIRE did not object to the proposed amendment.

CHAIR SEEKINS removed his objection and the committee adopted Amendment 3 unanimously.

[9:40:38 AM](#)

SENATOR FRENCH advised the committee that he would have a proposed amendment concerning the locally elected body having to approve transfer of property by a two-thirds vote and that it is non-delegable.

CHAIR SEEKINS said he did not object provided there were provisions for notice and public hearings.

SENATOR HUGGINS expressed support for local control.

CHAIR SEEKINS held the bill in committee.

At ease [9:46:52 AM](#)

HB 408-DEFINITION OF CHILD ABUSE AND NEGLECT

[9:54:55 AM](#)

CHAIR SEEKINS announced CSHB 408(FIN) AM to be up for consideration.

Rynniva Moss, Legislative Aide for Representative John Coghill, introduced the bill. She advised the committee that the bill was the product of a friendly takeover of the Governor's legislation, which originally defined child abuse and involved medical personnel who were involved in a delivery to report any suspected adverse conditions to a newborn child from alcohol or drug abuse. Language from HB 327 has been added as well and many members of the House have added amendments along the way.

[9:57:03 AM](#)

MS. MOSS summarized the sections of the bill. Section 1 raises the level of proof from "a preponderance of evidence." Section 2 raises the standard for termination of parental rights to "clear and convincing evidence." Section 3 contains language clean up to accommodate Section 2. Section 4 clarifies that the employee has five working days to respond once the information is requested. Section 5 would allow OCS the ability to disclose the nature and validity of any report of harm if the parent makes public disclosure, if the perpetrator is charged with a crime, and if there is a death or near death of a child.

[9:59:34 AM](#)

CHAIR SEEKINS asked Ms. Moss to define what constitutes "public disclosure."

MS. MOSS responded that would be disclosure of confidential information to the public. It would normally be disclosed to the press.

TAMMY SANDOVAL, Deputy Commissioner, Office of Children's Services (OCS) agreed with the description.

[10:00:56 AM](#)

MS. MOSS continued Section 6 broadens the Department's ability to discuss a report of harm with any child who is in the care of a perpetrator. Section 7 comes from a real life incident where the foster parents took the children's Permanent Fund dividends (PFD). The money would be put into a trust and once the child ages out in the system they would be able to file for the PFD.

CHAIR SEEKINS clarified that the Department of Health and Social Services (DHSS) has the affirmative responsibility to apply for the PFD under existing law.

MS. MOSS noted the bill contains a provision for the legal guardian to petition the court for the PFD. Section 8 requires that practitioners of the healing arts involved in the delivery or care of a child who determines the child is adversely affected by a controlled substance or alcohol must notify OCS. Section 9 comes from a recommendation from the Citizens Review Panel. Section 10 contains indirect court rules. Section 11 is the applicability to pending and non-pending cases. Section 12 is the immediate effective date.

CHAIR SEEKINS asked for a definition of "practitioner of the healing arts."

MS. MOSS read it the definition as, "includes chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech language pathologists, hearing aide dealers, marital advisors, religious healing practitioners, acupuncturists and surgeons.

[10:06:25 AM](#)

CHAIR SEEKINS asked whether the list was all-inclusive.

MS. MOSS deferred to the Department of Law.

JAN RUTHERDALE, Assistant Attorney General, Department of Law (DOL), indicated the definition was very precise.

CHAIR SEEKINS expressed concern with terms of limitations of prosecution for someone implied to be on the list but was not on the list.

MS. RUTHERDALE speculated a prosecutor would only attempt a case with a person on the list.

CHAIR SEEKINS suggested specifying the practitioner of the healing arts as defined in AS 47.17.290(13).

MS. RUTHERDALE agreed.

[10:09:00 AM](#)

MS. SANDOVAL added the original intent of HB 408 was to comply with federal law.

REX SHATTUCK, Staff to Representative Mark Neuman, explained that Section 9 is language from HB 346 and adopts language from the Keeping Children and Families Safe Act of 2003 into state statute.

[10:12:01 AM](#)

SENATOR HUGGINS asked whether the Citizens Review Panel report was confidential.

MS. SANDOVAL said by statute they have an obligation to release the report to legislators and then it becomes a public document.

MS. MOSS affirmed that it is a public document.

SENATOR HUGGINS said the report lists weaknesses with Mat-Su Valley OCS. He asked whether the bill addressed and corrected the weaknesses.

[10:14:57 AM](#)

MS. SANDOVAL said as the deputy commissioner her responsibility is to ensure that corrections to system weaknesses happen.

SENATOR HUGGINS asked Ms. Sandoval to comment on whether HB 408 strengthens the confidence level of the community.

MS. SANDOVAL said she is committed to reviewing all of the confidentiality laws and co-training assistant attorney generals as well as OCS staff. There are inconsistencies around the state regarding the amount of information shared. Everyone involved will be re-trained according to current legislation.

[10:18:37 AM](#)

MS. MOSS advised the committee that the legislation would give OCS transparency and allow the public to see more of what OCS is doing. The system is not broke it's just that the policies have not been implemented in the past.

SENATOR GUESS asked whether the change to five working days was in conflict with the recent decision by Select Committee on Legislative Ethics on confidentiality.

[10:20:57 AM](#)

MS. MOSS replied the Ethics decision dealt with hearing officers and do there would be no contradiction between the bill and the decision.

SENATOR GUESS asked whether "clear and convincing" was a higher standard than "preponderance of evidence."

MS. MOSS replied yes. It puts a higher burden of proof on the DOL to terminate parental rights.

SENATOR GUESS asked Ms. Moss to comment on the committee substitute (CS) before the committee.

MS. MOSS stated it contains the addition of Section 9.

[10:23:01 AM](#)

SENATOR FRENCH asked for explanation of the higher burden of proof standard. He clarified there are certain situations in which the court does not order changes in the behavior of the parent in order to allow the child to return home.

MS. RUTHERDALE said whenever a child is removed the state must prove they have attempted to keep the child in the home even if that involves correcting of parental behavior. Once they have removed the child, OCS must show reasonable efforts to correct the behavior so the child can return home, such as getting an alcoholic parent into rehabilitation. If OCS comes to the conclusion that the child can never return home and they change

their plan to termination of parental rights, they must show with clear and convincing evidence that reasonable efforts have been made to return the child home.

In 1998 the Legislature decided that it would be an exercise in futility for OCS to make reasonable efforts in some cases. For example, if the parent has murdered a child and is in jail there would be no need to waste their resources.

[10:27:02 AM](#)

SENATOR FRENCH asked for explanation of Section 2.

MS. RUTHERDALE advised Section 2 is already in law and the state already has to prove that a child is a "child in need of aide" due to the parent's behavior and that the parent hasn't remedied the behavior so that the child can return home. Section 2 increases the standard to prove that the state has made good attempts to return the child home.

When the statute was enacted in 1998 it didn't contain the part about "reasonable efforts." That was added later because federal funding required it. It has since come to the attention of the DOL that there is a legitimate constitutional reason for the higher standard.

[10:29:42 AM](#)

SENATOR HUGGINS asked Ms. Sandoval whether the Ombudsman has a role in OCS.

MS. SANDOVAL responded yes. They can review cases and make inquiries and the OCS is required to respond.

SENATOR HUGGINS asked whether OCS has contract employees.

MS. SANDOVAL said OCS does engage in grants in contracts with agencies in the community that provide direct services to families.

SENATOR HUGGINS asked whether that creates a recurring problem in that Ombudsmen do not have the authority to get information from contract employees.

MS. SANDOVAL responded that was not a routine concern.

[10:31:16 AM](#)

SENATOR GUESS referred to Section 7 and said she knows a foster parent who is concerned about handing over 18 years of PFDs to a

young person. She asked whether there has been any discussion on that and whether there should be options for children who have been in long-term childcare.

MS. SANDOVAL replied the OCS has regional independent living specialists who plan with youth who are aging out of the system. They work with them on successful transitions and they do consider the amount of cash that the child is about to receive.

[10:33:13 AM](#)

CHAIR SEEKINS commented once the child is out of state's custody, the law requires the state to give them their money.

SENATOR THERRIAULT added unless the state has deemed the child is not capable. Absent of that it is a property right.

SENATOR HUGGINS moved to adopt version L as the working document before the committee. Hearing no objections, the motion carried.

CHAIR SEEKINS held the bill in committee.

There being no further business to come before the committee, Chair Seekins adjourned the meeting at [10:34:43 AM](#).