

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

February 24, 2016

1:34 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator John Coghill, Vice Chair
Senator Mia Costello
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Peter Micciche

COMMITTEE CALENDAR

SENATE BILL NO. 123

"An Act relating to the penalty for the use of electronic devices while driving."

- MOVED CSSB 123(JUD) OUT OF COMMITTEE

SENATE BILL NO. 24

"An Act relating to the applicability of the Legislative Ethics Act to legislative interns, legislative volunteers, consultants, independent contractors, sole proprietorships, and other legal entities."

- HEARD & HELD

SENATE JOINT RESOLUTION NO. 19

Requesting the United States Congress to call a convention of the states to propose an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives and as a member of the United States Senate; and urging the legislatures of the other 49 states to request the United States Congress to call a convention of the states.

- HEARD & HELD

SENATE BILL NO. 180

"An Act relating to the temporary delegation by a parent or guardian of powers related to a child; relating to adoption; and relating to the distribution to a parent or guardian in a child protection situation of information on family support services."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 123

SHORT TITLE: USE OF ELECTRONIC DEVICES WHILE DRIVING

SPONSOR(S): SENATOR(S) MEYER

01/19/16	(S)	PREFILE RELEASED 1/8/16
01/19/16	(S)	READ THE FIRST TIME - REFERRALS
01/19/16	(S)	STA, JUD
02/13/16	(S)	STA AT 10:00 AM BUTROVICH 205
02/13/16	(S)	Heard & Held
02/13/16	(S)	MINUTE (STA)
02/16/16	(S)	STA AT 9:00 AM BUTROVICH 205
02/16/16	(S)	Moved SB 123 Out of Committee
02/16/16	(S)	MINUTE (STA)
02/17/16	(S)	STA RPT 3DP 2NR
02/17/16	(S)	DP: COGHILL, HUGGINS, MCGUIRE
02/17/16	(S)	NR: STOLTZE, WIELECHOWSKI
02/22/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/22/16	(S)	Heard & Held
02/22/16	(S)	MINUTE (JUD)
02/24/16	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 24

SHORT TITLE: LEGIS. ETHICS ACT: CONTRACTORS, INTERNS

SPONSOR(S): SENATOR(S) GARDNER

01/21/15	(S)	READ THE FIRST TIME - REFERRALS
01/21/15	(S)	STA, JUD
03/05/15	(S)	STA AT 9:00 AM BUTROVICH 205
03/05/15	(S)	Scheduled but Not Heard
03/12/15	(S)	STA AT 8:00 AM BUTROVICH 205
03/12/15	(S)	Heard & Held
03/12/15	(S)	MINUTE (STA)
03/31/15	(S)	STA AT 9:00 AM BUTROVICH 205
03/31/15	(S)	Moved SB 24 Out of Committee
03/31/15	(S)	MINUTE (STA)
04/01/15	(S)	STA RPT 2DP 2NR
04/01/15	(S)	DP: COGHILL, MCGUIRE
04/01/15	(S)	NR: STOLTZE, HUGGINS

02/24/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SJR 19

SHORT TITLE: CALL FED. CONSTITUTIONAL CONV: TERM LIMITS

SPONSOR(S): SENATOR(S) MCGUIRE

02/12/16 (S) READ THE FIRST TIME - REFERRALS

02/12/16 (S) JUD

02/24/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 180

SHORT TITLE: PARENT-GUARDIAN/CHILD: TEMP. POWER OF ATTY

SPONSOR(S): SENATOR(S) GIESSEL

02/12/16 (S) READ THE FIRST TIME - REFERRALS

02/12/16 (S) JUD

02/24/16 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 123.

EDRA MORLEDGE, Staff
Senator Kevin Meyers
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Outlined the changes in version H of SB 123.

SENATOR GARDNER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 24.

STEPHEN SWEET, Legislative Intern
Senator Gardner
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 24 on behalf of the sponsor.

JERRY ANDERSON, Administrator
Select Committee on Legislative Ethics
Anchorage, Alaska

POSITION STATEMENT: Stated support for SB 24.

JOYCE ANDERSON, former administrator on contract
Select Committee on Legislative Ethics
Anchorage, Alaska

POSITION STATEMENT: Provided supporting information related to SB 24.

FORREST WOLFE, Staff
Senator Lesil McGuire

POSITION STATEMENT: Introduced SJR 19 on behalf of the sponsor.

NICOLAS TOMBOULIDES
U.S. Term Limits (USTL)
Washington, DC

POSITION STATEMENT: Testified in support of SJR 19.

MIKE COONS, National Legislative Director
Citizen Initiatives
Palmer, Alaska

POSITION STATEMENT: Voiced concern with language in the first resolve of SJR 19.

SENATOR CATHY GIESSEL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 180.

ANNA MARIA BALCZAR, representing herself
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 180.

CHARITY CARMODY, Founder and President
Beacon Hill
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 180.

ANDREW BROWN, Senior Fellow for Child Welfare Reform
Foundation of Government Accountability
Austin, Texas

POSITION STATEMENT: Testified in support of SB 180.

BENJAMIN HEMMILA
Safe Families for Children
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 180.

KARI NORE, Staff

Senator Cathy Giessel
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the sectional analysis for SB 180 on behalf of the sponsor.

ACTION NARRATIVE

[1:34:03 PM](#)

CHAIR LESIL MCGUIRE called the Senate Judiciary Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Costello, Coghill, and Chair McGuire.

SB 123-USE OF ELECTRONIC DEVICES WHILE DRIVING

[1:34:26 PM](#)

CHAIR MCGUIRE announced the consideration of SB 123. She solicited a motion to adopt the work draft committee substitute (CS) and noted the individuals who were available to answer questions.

[1:35:14 PM](#)

SENATOR COGHILL moved to adopt the work draft CS for SB 123, labeled 29-LS1198\H, as the working document.

CHAIR MCGUIRE found no objection and version H was before the committee.

[1:35:36 PM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, sponsor of SB 123, summarized that the bill seeks to make it easier to cite people who text while driving. It is mirrored after the Anchorage ordinance and imposes a \$500 fine for the violation. He assured the members that this is not intended to be a revenue bill and offered his belief that it will result in a savings to the state. Changing the offense from a misdemeanor to a violation will avoid the lengthy investigation process and potential jury trial.

CHAIR MCGUIRE commented that she believes this will get people's attention.

[1:37:56 PM](#)

EDRA MORLEDGE, Staff, Senator Kevin Meyers, highlighted the changes in version H of SB 123. She noted that the packets contain a memo from Legislative Legal Services that answers many

of the questions raised during the previous hearing. At the drafter's suggestion, the CS cites Title 12 for the penalty so people understand this is a violation, not a traffic infraction. The next change, which was suggested by the Court System, directs the court to include the violation in the bail schedule. An effective date of July 1 also was added to allow time to accomplish these changes.

CHAIR MCGUIRE found no questions and solicited a motion.

[1:39:39 PM](#)

SENATOR COGHILL moved to report the CS for SB 123 from committee with individual recommendations and attached zero fiscal note.

[1:39:52 PM](#)

CHAIR MCGUIRE announced that without objection, CSSB 123(JUD) is reported from the Senate Judiciary Standing Committee.

SB 24-LEGIS. ETHICS ACT: CONTRACTORS, INTERNS

[1:40:34 PM](#)

CHAIR MCGUIRE announced the consideration of SB 24. She solicited a motion to adopt the proposed committee substitute (CS).

[1:40:54 PM](#)

SENATOR COGHILL moved to adopt the work draft CS for SB 24, labeled 29-LS0148\H, as the working document.

[1:41:03 PM](#)

SENATOR GARDNER, Alaska State Legislature, Juneau, Alaska, sponsor of SB 24, explained that she introduced this clean-up bill at the request of the Select Committee on Legislative Ethics. The issue is that the ethics statutes apply to contractors and some sections are unnecessary, don't make sense, and aren't enforced. For example, the people who print statute books are now required to attend ethics training. She was unaware of any opposition to this housekeeping matter.

CHAIR MCGUIRE noted that Jerry Anderson and Joyce Anderson were available to answer questions.

[1:43:29 PM](#)

STEPHEN SWEET, Legislative Intern, Senator Gardner introduced SB 24 reading the following prepared statement:

The problem this bill seeks to address is that the ethics committee is not always able to conduct trainings with each legal entity the state has contracts with.

Section one clarifies applicability of ethical standards to legislative consultants, interns, contractors, and legislative volunteers. For example, I, as an intern, will continue to be required to comply with statutes banning gift solicitations, banning the use of public time for political purposes, and the like.

Section two clarifies how ethics requirements will be levied upon a legal entity. For example, if the Ethics Committee began a contract with, say, an independent contractor halfway through a session, ethics statutes would be applied to only those who would be working on the project with the legislature; such requirements would not apply to those who work at the office of the contractor but who are not working on the project. If Company A has been contracted, not all of their employees would have to abide by Alaska State Legislature ethics standards.

Section three defines legislative employees, to include a person, other than a legislator, who is compensated by the legislative branch in return for providing regular or substantial services, regardless of pay scale or if they are full or part time. It would not include interns, contractors, and the like. However, this does not mean that contractors are exempt from ethics standards; that concern is addressed in the first section, which specifically states that interns and consultants are employees for the purposes of compliance with ethics standards.

[1:46:37 PM](#)

JERRY ANDERSON, Administrator, Select Committee on Legislative Ethics, stated support for SB 24 and relayed that the committee worked extensively with Legislative Legal Services on the provisions of the bill. He deferred further comment to Ms. Anderson who was the administrator when that work was accomplished.

[1:47:23 PM](#)

JOYCE ANDERSON, Former Administrator, on contract to the Select Committee on Legislative Ethics, explained that the committee looked at the issue after several contractors and several divisions within the legislature called and asked about the requirements. The response to those inquiries was that there was no differentiation between a contractor and a regular legislative employee. That meant that contractors had to attend ethics training and follow the disclosure scheme in the Legislative Ethics Act. The committee looked at this and decided it was not the intent of the ethics code to include contractors. Upon request, Legislative Research provided information from other states where contractors are not considered legislative employees.

She said the committee felt, similar to legislative interns, that contractors and consultants should be put under certain sections of the code, but not all of it. The provisions in the bill are recommendations from the subcommittee, of which Senator Gardner was a part.

[1:51:10 PM](#)

CHAIR MCGUIRE closed public testimony on SB 24 and held the bill in committee.

SENATOR COGHILL commented that this issue came up repeatedly during oil and tax discussions so he believes it's appropriate.

SJR 19-CALL FED. CONSTITUTIONAL CONV: TERM LIMITS

[1:52:31 PM](#)

CHAIR MCGUIRE announced the consideration of SJR 19.

[1:53:14 PM](#)

FORREST WOLFE, Staff, Senator Lesil McGuire, introduced SJR 19 speaking to the following sponsor statement:

SJR 19 begins a process under Article V of the U.S. Constitution for application to Congress to call a Convention of States to debate an amendment for term limits for members of Congress.

As of February 2016, nearly 80% of Americans and 78% of Alaskans have expressed bi-partisan support to limiting the number of terms a person can serve in the U.S. Congress.

SJR 19 is about respecting the will of the people and fixing a broken system. In 1994 and 1996 the people of Alaska voted to express their strong support in imposing term limits. The 1994 voter initiative passed with nearly 63% of the Alaska electorate, or 126,960 Alaskans, expressing the desire to limit terms of congressional office holders. Twenty-two other states also voted to limit congressional terms. The next year, in [*USTL vs. Thornton*] the U.S. Supreme Court ruled it unconstitutional for states to pass individual state laws placing limits on the number of terms a congressman could serve. The Court instead ruled that a constitutional amendment would be necessary. Article V of the U.S. Constitution provides a means, other than directly through Congress, for the states to propose adopting such an amendment.

Implementing term limits empowers the people by allowing for people with new ideas and energy to compete for office. Washington D.C. is broken and bound by endless gridlock literally unable to respond to the voters' wishes. One only needs to look at the skyrocketing debt -- some \$19 trillion - and inefficient programs, to know that Congress is unable to control spending and fix the country's problems. Contrary to the Framers' intent to have a citizen legislature that rotates regularly many of those in Washington have grown apart from the very constituents that sent them there.

SJR 19 will help end "business as usual" in Washington D.C. and helps to put the people back in charge of their government. Incumbents are heavily favored in elections creating an uneven playing field for those with fresh ideas to represent and serve.

[1:54:52 PM](#)

NICOLAS TOMBOULIDES, U.S. Term Limits (USTL), Washington, DC, provided supporting information for SJR 19. He related that this national non-profit organization was the appellant in the U.S. Supreme Court case USTL vs. Thornton. USTL assisted 23 states to place term limits on prospective members of the U.S. Congress but the U.S. Supreme Court ruled that states could not impose qualifications that are stricter than those outlined in the Constitution. The silver lining is that this can be done under Article V, he said.

He explained that Article V describes the process whereby the Constitution may be amended. Thirty four states must pass resolutions on a single subject calling for a convention. Once that threshold is met, Congress is required to call a convention. Each state appoints its delegates who would propose an amendment to impose congressional term limits. This would be ratified by the legislatures or conventions within 38 states.

MR. TOMBOULIDES reiterated support for the resolution opining that Congress is practically and geographically removed from the citizens of the U.S. He quoted a professor at U.C. Irvine to support that position. He described the system as broken with large, gerrymandered districts that encourage special interests to step in and keep members in office for decades at a time. He stressed the importance of creating an election system that allows for fresh ideas and rebalances the system to make Congress more accountable to the people.

MR. TOMBOULIDES concluded that the founders intended for Article V to be used and there is no better time than now.

[2:00:29 PM](#)

SENATOR COSTELLO asked, assuming there is a convention and term limits imposed, how this would affect the balance of power between the three branches of government.

MR. TOMBOULIDES said he believes this would reinvigorate Congress and enable the will of the people to place a check on the executive branch because citizens would feel their voices are being heard in congressional elections.

SENATOR COSTELLO asked the average number of years that executive branch bureaucrats have served in their current positions.

MR. TOMBOULIDES offered to follow up with the information.

SENATOR COGHILL asked who led on the opposite side of the issue that resulted in USTL vs. Thornton.

[2:02:55 PM](#)

MR. TOMBOULIDES recalled that Arkansas Congressman Ray Thornton challenged the state constitutional amendment. A lower court ruled in his favor and USTL appealed to the U.S. Supreme Court. It was a 5-4 decision USTL with Justice Thomas writing the dissenting opinion.

SENATOR COGHILL commented that some might look at this as trying to cut Alaska's senior Congressman off at the knees and his perspective is that couldn't be farther from the truth. He asked, assuming there is a convention and term limits imposed, if this would be prospective.

MR. TOMBOULIDES said the delegates would make that decision, but his organization tends to favor a prospective term limit. Current members shouldn't be exempted forever, but they shouldn't be thrown out of office immediately either, he said.

SENATOR COGHILL reiterated that he isn't interested in removing the Alaska delegation then added that the effort may have worth if two-thirds of the states agree.

He asked if continuous applications under Article V mount or dissipate rapidly based on political whim.

MR. TOMBOULIDES said regional issues tend to die out, but when a national issue garners enough support Congress tends to act before the convention is convened. He named several amendments in the Constitution that weren't done by an Article V convention, but were pressured by one.

SENATOR COGHILL commented that there is a rich history of America putting Congress under pressure.

[2:09:03 PM](#)

SENATOR MCGUIRE asked how the court distinguished its reasoning in the Thornton decision and the ruling in 1951 that allowed the term limits of the presidency to be redefined.

MR. TOMBOULIDES explained that in 1951 Congress ratified the 22nd Amendment imposing a two-term limit on the office of President, whereas in 1995 it was a U.S. Supreme Court ruling regarding state statutes and state constitutional amendments. The latter did not have the same force of law as the 22nd Amendment, he said.

SENATOR COSTELLO asked, if term limits had been imposed on representatives and senators, how many presidents would not have gone from consecutive service in Congress and then on to the presidency. She commented on the advantages of institutional knowledge versus fresh ideas and asked if he'd thought about weighing the opportunity cost when he discussed term limits.

MR. TOMBOULIDES said he'd follow up with the data, but their research indicates that newer members are more skeptical of the weight and power of bureaucracy. That being said, preserving institutional knowledge is very important and the delegates will have to work to strike the right balance, he said.

[2:14:51 PM](#)

SENATOR MCGUIRE commented on the disconnect millennials feel with their government and opined that it's good to move elected officials through.

SENATOR COGHILL commented that this would force the question on the voters and his interest stems from the low voter turnout.

[2:20:00 PM](#)

CHAIR MCGUIRE opened public testimony.

[2:20:43 PM](#)

MIKE COONS, National Legislative Director, Citizen Initiatives, Palmer, Alaska, raised concern with some of the language in the first resolve on page 2 of SJR 19. He pointed out that there are already several single issue Article V organizations that are looking for a single amendment. Also, the Convention of States came up with three broad subjects, one of which is term limits. The COS concept on term limits is it would apply to Congress, federal judges, and the Supreme Court, which means an amendment for each office.

He suggested everyone get together and put forward applications that are specific to a named amendment. In this case, a term limit for Congress amendment so that is the only thing that could be brought up. He also encouraged introducing a delegate resolution that defines the convention and contains the specific language of the amendment. He suggested looking at the language in SJR 15 and changing the language in the first resolve to something similar.

He also expressed concern with the second resolve because it combines with the convention of the states version of term limits that has passed in 5 states. His belief is that Congress will deny that.

[2:28:05 PM](#)

CHAIR MCGUIRE held SJR 19 in committee.

SB 180-PARENT-GUARDIAN/CHILD: TEMP. POWER OF ATTY

[2:28:11 PM](#)

CHAIR MCGUIRE announced the consideration of SB 180.

[2:28:42 PM](#)

SENATOR CATHY GIESSEL, Alaska State Legislature, Juneau, Alaska, sponsor of SB 180, introduced the legislation speaking to the following sponsor statement:

Senate Bill 180 seeks to establish an alternative route to placing a child into the foster care system. It allows parents to execute a power of attorney over their minor child **for no more than one year** to another person in order to prevent the child from needing to enter the foster care system.

It allows parents or guardians, who are struggling, to seek help with unemployment, homelessness, addiction, etc. without the concern of losing their child(ren) or being held liable for abandonment, abuse or neglect of the child during the execution of the power of attorney. This bill allows a parent or guardian to execute a power of attorney for no more than one year for their child to another person. There are provisions in this bill that allow for military parents or guardians, as well as incarcerated parents to execute a power of attorney for their children. The parent or guardian maintains all their parental rights with the power of attorney.

This bill does not require the person appointed as the attorney-in-fact to comply with the licensing requirements of a child care facility or foster care.

I urge you to support this bill that will help keep families together, keep children safe and help prevent abuse and neglect.

[2:31:41 PM](#)

ANNA MARIA BALCZAR, representing herself, Anchorage, Alaska, testified in support of SB 180. She shared her personal story of using Safe Families for Children when she needed to find someone to care for her children for 6-8 weeks after she had surgery. Her church and others directed her to this program and she was very happy with the outcome.

[2:34:45 PM](#)

CHARITY CARMODY, Founder and President, Beacon Hill, Anchorage, Alaska, testified in support of SB 180. She said Beacon Hill recently launched Safe Families for Children Alaska, which is meant to keep kids out of foster care. They serve families that are not in situations of abuse or neglect, but rather situations like Ms. Balczar described. They recruit healthy families in the community and about 15 churches are recruiting people as well. They use the state background system, Juvenile Justice, Office of Children's Services (OCS) records, and do home studies to ensure that the host families are clear. A primary tenet is that host families receive no compensation.

She described the bill as proactive to avoid potential future problems if regulations or leadership changes. She explained that they received a variance from OCS to operate Safe Families for Children in the state but it will need to be renewed annually. She said they would like to be exempt from licensure requirements as a child placement agency because they are just implementing the program and arranging parents to allow other parents to watch their kids. They would also like host families to be exempt from the licensure requirements for a foster family because this is not foster care.

MS. CARMODY noted that they are working to tighten some of the language to avoid potential misuse, and ensure that only organizations like Beacon Hill, that are approved under the law, could be exempt from the child placement agency licensing.

CHAIR MCGUIRE commented on the benefits of giving parents this type of help.

[2:40:13 PM](#)

ANDREW BROWN, Senior Fellow for Child Welfare Reform, Foundation of Government Accountability, Austin, Texas, testified in support of SB 180. He stated that nearly 3,000 children are in foster care in Alaska and that number has been rising the last few years. Statistics show that a majority of children in the foster care system enter because of a temporary crisis. They really don't need to be in foster care but the parents have nowhere else to turn to get the immediate help they need. He related his personal experience that finally led him to the Safe Families for Children organization. The concept is neighbors helping neighbors during times of trouble. This organization has served over 20,000 children, 90 percent of whom returned home within an average of 45 days and never entered the child welfare system. He said this is an astounding statistic if you know anything about the foster care system. This is a program that

gets involved early and allows families to heal and remain intact and whole.

The reason for SB 180 is to provide certainty for the continued use of this tool, to give OCS another tool it can use, and to protect the rights of parents. He concluded that SB 180 inspires families to ask for help before things get out of control.

[2:47:10 PM](#)

BENJAMIN HEMMILA, host family, Safe Families for Children, Anchorage, Alaska, testified in support of SB 180. He shared that he and his wife were able to help a family in need and it was a very positive experience. They are thrilled at the vision of this program.

CHAIR MCGUIRE said she likes the idea that there is no compensation for doing this, because too often the motivation for providing foster care is financial. She asked if he agrees about the financial aspect and if he receives adequate support from churches, families, and neighbors to get needed supplies.

MR. HEMMILA said he and his wife were overwhelmed by the support from the community and he believes that not having the financial incentive is key.

[2:51:29 PM](#)

KARI NORE, Staff, Senator Cathy Giessel, Alaska State Legislature, provided the following sectional analysis on behalf of the sponsor:

Section 1: Amends AS 13.26.020 (Delegation of powers by parent or guardian). This section removes the delegation of powers over minors from this section. This section now only applies to the delegation of powers over an incapacitate person by a parent or guardian.

Section 2: Adds a new section under AS 13.26 This creates a new section (AS 13.26.023 Delegation of powers over minor child) for the delegation of powers over minors. Gives parents or guardians the authority to execute a power of attorney to delegate to another person one or more powers regarding the care, custody or property of the minor child. With the exception of the marriage or adoption of the child, performance of an abortion or the termination of parental rights to the minor child. Parent or guardians have the right to

revoke the power of attorney at any time. The power of attorney for no more than one year, however a new power of attorney can be executed at the end of the one year period. Parents or guardians in the military may execute a power of attorney for greater than one year if the parent is on active duty, the power of attorney is then equal to the length of the active duty plus 30 days. No compensation will be given for the duration of the power of attorney. The form for a parent or guardian appointing an attorney-in-fact for their child is provided in this section. Designation of a power of attorney does not terminate parental rights or obligations of the parent or guardian to the minor child, however it does not constitute abandonment, abuse or neglect, unless the parent fails to retake custody after the power of attorney expires and fails to execute a new one. Under a power of attorney a child is not considered in foster care and the attorney in fact is not considered to be providing foster care and does not need to be licensed as a child care facility or foster care (AS 47.32). The power of attorney also does not constitute as an out-of-home placement under AS 47.10. Definitions are provided at the end of this section.

Section 3: Amends AS 25.23.060(c) (Execution of consent; consent as power of attorney) This section amends AS 25.23.060(c) to insert references to the new section added in AS 13.26 which was created in Section 2 of this bill.

Section 4: Amends AS 47.10.086(a) (Reasonable efforts) This section allows the department to distribute information to the parent or guardian of a child in need of aid about community based family support services including the use of a power of attorney to select an individual to care for the child temporarily.

[2:52:58 PM](#)

Responding to questions, Ms. Nore said the three exceptions to delegating the power regarding the care, custody, or property of the minor start on page 2, line 4. Also, there is no limitation on the number of new powers of attorney that can be executed following expiration.

She noted that the form for a parent or guardian to appoint an attorney-in-fact is provided on page 3 - page 5.

CHAIR MCGUIRE said the form includes the exceptions on page 2, lines 4-7, and she assumes that nothing in the document would supersede the rights that minor children have to judicial bypass laws. She noted that this is relevant to the issue of abortion.

SENATOR COGHILL voiced support for getting answers.

CHAIR MCGUIRE said she wants clarification that in those individual cases, the right of the child to go before a court still exists as if it were their parent stepping in their shoes.

MS. NORE agreed to check with Legislative Legal to clarify that this doesn't take more rights away from a minor.

SENATOR GIESSEL pointed out that the language in the consent form on page 3, line 17, speaks to that.

[2:56:53 PM](#)

SENATOR COSTELLO asked if one parent could undermine the rights of the other parent with regard to the power of attorney. She noted there is another power of attorney bill in the committee and she wants assurance there won't be unintended consequences.

[2:57:33 PM](#)

CHAIR MCGUIRE clarified that the other bill is HB 8 sponsored by Representative Shelly Hughes. She suggested the two teams have a conversation before the next hearing.

[2:58:15 PM](#)

SENATOR WIELECHOWSKI posed the following questions: 1) can this be done now; 2) is there an ability to sue if there are medical or dental costs; 3) could a 15 year old stay with a 17 or 18 year old; 4) does the PFD go to the biological parents or host parents.

SENATOR GIESSEL said she appreciates the questions and believes Ms. Carmody could answer them, but the committee is out of time today.

[2:59:50 PM](#)

CHAIR MCGUIRE held SB 180 in committee.

[3:00:11 PM](#)

There being no further business to come before the committee,
Chair McGuire adjourned the Senate Judiciary Standing Committee
meeting at 3:00 p.m.