

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

February 5, 2015
9:00 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS-DISCUSSION OF
NATIONAL GUARD ISSUES

- HEARD

CONTINUING DISCUSSION OF THE IMPLEMENTATION OF BALLOT MEASURE
NO. 2

- HEARD

PREVIOUS COMMITTEE ACTION

See Senate State Affairs minutes from 1/22/15, 1/27/15, 1/29/15,
and 2/3/15.

WITNESS REGISTER

CRAIG RICHARDS, Attorney General Designee
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of National
Guard Issues.

BRIGIDEAR GENERAL LEON M. "MIKE" BRIDGES
ex-Acting Commissioner
Alaska Department of Military and Veterans Affairs and
Adjutant General
Joint Base Elmendorf/Richardson, Alaska

POSITION STATEMENT: Testified during the discussion of National Guard Issues.

DR. TIM HINTERBERGER, Chair
Campaign to Regulate Marijuana like Alcohol in Alaska
Anchorage, Alaska

POSITION STATEMENT: As primary Sponsor of Ballot Measure No. 2, provided information about the implementation of Ballot Measure 2.

BRUCE SCHULTE, Spokesman
Coalition for Responsible Cannabis Legislation
Fairbanks, Alaska

POSITION STATEMENT: Provided information about the implementation of Ballot Measure 2.

ACTION NARRATIVE

[9:00:46 AM](#)

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 9:00 a.m. Present at the call to order were Senators Wielechowski, Coghill, Huggins, McGuire, and Chair Stoltze.

ALASKA DEPARTMENT OF MILITARY AND VETERANS AFFAIRS-DISCUSSION OF NATIONAL GUARD ISSUES

[9:01:05 AM](#)

CHAIR STOLTZE said Mr. Richards would briefly outline what the administration is doing on National Guard activities.

[9:01:49 AM](#)

CRAIG RICHARDS, Attorney General Designee, Department of Law (DOL), said the administration had done several things related to the National Guard sexual assault or abuse that is alleged to have occurred. A couple of weeks ago he appointed Judge Patricia Collins to be a special investigator. She has been a long-time member of the community including being a criminal attorney on the defense side, primarily, and being a judge in Juneau for about 11 years. The last several years she was the presiding judge for the first judicial district.

[9:02:23 AM](#)

He said he had a thorough internal dialogue with the Governor's Office, the Criminal Division, and some members of the National Guard Bureau about how to go forward. They came up with three

options: to go with a special prosecutor, to go with a special investigator, or do some sort of internal investigation within the Department of Law. The reason a special investigator made sense is that it would provide an independent review of law enforcement activities within the State of Alaska including an independent review of DOL's own actions in terms of choices to go forward and prosecute.

He said that Judge Collins' investigation does not just look at the National Guard and the allegations, but the activities of statewide law enforcement. This includes jurisdictional entities that would be beyond the scope of the National Guard, such as Anchorage Police Department, the Troopers and DOL. These entities could ask Judge Collins to produce a written report to communicate her findings to the DOL, so it could decide whether or not to prosecute, and to have a written report that can be made public with victims' names and confidential matters in the investigation redacted.

9:05:25 AM

CHAIR STOLTZE asked him to describe the parameters and powers of each choice and to detail why he chose a special investigator.

ATTORNEY GENERAL RICHARDS explained that a special prosecutor is the most aggressive choice, because the person is assigned the power of the attorney general to make charging decisions and prosecute on behalf of the state. Based on the available evidence, DOL did not feel that was appropriate. Instead, they looked at past departmental practice, which was to bring in an independent person and give them the power to investigate and have all the resources available to do that, but ultimately leave the charging decision with DOL after the investigation is completed.

The third option would have been to treat matters related to sexual assault in the National Guard in the same manner as other crimes are handled within DOL, which is that a line level prosecutor handles the cases and makes the individual decisions. The decision ultimately was to bring in that independence and go with the special investigator.

9:06:55 AM

ATTORNEY GENERAL RICHARDS said the written report from Judge Collins will be completed on or before April 30 with the proposed public version being reported to DOL by the end of May. The DOL would use diligence to basically make sure everything in

the report is properly released to the public as rapidly as possible. His hope is that it would be a couple of weeks.

The scope of the report is to look at each allegation of sexual abuse or sexual harassment that has a potential criminal element and to look at what information is available. He explained that the way cases are reported and maintained within the system actually makes it difficult to find all of the cases associated with the National Guard, at least at the police level. This is because the Guard does not organize its files that way. Therefore, a manual search has to be done or go by peoples' memories to identify a National Guard case. The DOL has already done that with the police department, but Judge Collins will do it again to see if more instances can be uncovered. She will also indicate whether or not the individual allegations and potential activity are subject to U.S. Department of Defense (DOD) confidentiality provisions. If so, the victim has to wave some confidentiality before charges can be brought, unless the case can be made another way.

9:08:45 AM

Next, Judge Collins will look at whether the allegation was adequately investigated and handled by local law enforcement. He added that there is no reason to believe there were improprieties by the investigating authorities, but whether or not they were diligent and handled properly.

Next, she will look at whether or not law enforcement communicated allegations or potential criminal activity to DOL and the District Attorney's Office, and if so, was it handled in a manner that was consistent with the recommendations of law enforcement in terms of prosecutorial decisions, and was it prosecuted as it should have been.

The next scope of the work will be to look at any activity outside DOL and the executive branch as it relates to reported misconduct and, again, whether other agencies within the executive branch handled that material appropriately in terms of reporting and moving forward with investigations.

9:09:49 AM

ATTORNEY GENERAL RICHARDS explained that the report would ultimately culminate in recommendations by the special investigator as to whether or not there are any instances or allegations that should be prosecuted or at least further investigated if information was not available to her to ultimately make a recommendation as to prosecution.

Finally, a catch-all provision was put in that includes further recommendations. The reason is that Judge Collins will become intimately familiar with circumstances and the process and needs the opportunity in the report to include anything else she might have learned or determined.

[9:10:28 AM](#)

CHAIR STOLTZE asked if the recommendations were to go to the legislative branch or the administration.

ATTORNEY GENERAL RICHARDS said he foresees them ultimately being made public. He envisions the first aspect of the recommendation to be individual recommendations as to whether to prosecute or further investigate specific matters. The second level of recommendations he imagines would be if Judge Collins has any observations about how the system might work and function better in the future. For instance, the way cases are reported from the National Guard to the local police, maybe the way the police interact with the National Guard investigations, maybe the way police recommendations are transmitted and handled by DOL, and other improvements that might come to her.

[9:11:33 AM](#)

SENATOR MCGUIRE noted her appreciation of the administration's commitment to this issue and acknowledged the many women in the audience who are representing different groups on domestic violence. She asked if he had set aside the recommendations that came out of the Office of Complex Investigations (OCI) as a separate matter, which as Judiciary chair she had done.

She said she intends to hear Senator Wielechowski's bill and the nine recommendations that came out of the OCI to the legislature directly, and then wait and hear back in April from Judge Collins. She wants to hear how the administration is viewing that report and its recommendations and whether the potential interplay with Judge Collins' investigation.

[9:13:44 AM](#)

ATTORNEY GENERAL RICHARDS replied that he views them as overlapping a little, but not completely. He views the role of DOL and the special investigator as one to look at the criminal situation, past allegations, and how the criminal system operates including the police and the prosecutorial units. It is not so much focusing on how to reform, if appropriate, the National Guard, itself, in terms of its institutions and its culture.

SENATOR MCGUIRE asked about Judge Collins' recommendations if it comes back that the National Guard reported to local law enforcement in some kind of organized manner and did communicate with DOL, but there was a lack of communication somewhere in that chain. By extension, one could say there would be a recommendation to change the reporting process. In Judiciary, she was looking at the law enforcement angle, the process they go through whether it's a sex harassment claim, misuse of government properties, or retaliation. Then, how do the law enforcement agencies take ownership and report and communicate to one another.

[9:16:20 AM](#)

ATTORNEY GENERAL RICHARDS replied that she described it correctly. He would expect Judge Collins to look at the information that flowed from the National Guard to local law enforcement and the DOL, which overlaps with some of the recommendations in the OCI report. He said the OCI report made some recommendations about some cultural changes that might be appropriate within the National Guard, which wouldn't be under Judge Collins' scope.

[9:17:03 AM](#)

SENATOR WIELECHOWSKI asked if the scope of the investigated is limited to sexual assaults or if it is broadened to potential crimes the judge may find during the course of the investigation or that have been reported.

ATTORNEY GENERAL RICHARDS replied the charge was to focus on allegations sexual abuse and sexual harassment. However, there is nothing that would limit [Judge Collins] if she feels it is appropriate. A decision was made not to focus on some of the other issues such as weapons and credit card fraud because they appeared to be smaller in scope and already being handled through other processes.

SENATOR WIELECHOWSKI asked if the judge will have subpoena power and are the National Guard members being instructed to cooperate fully.

ATTORNEY GENERAL RICHARDS answered no because it is a criminal investigation. The expectation is that [Judge Collins] will have the same power as law enforcement has in investigating crimes. U.S. Senator Lisa Murkowski sent a letter asking U.S. Department of Defense officials to cooperate with Judge Collins. He said he and the Governor intend to communicate with the heads of all law

enforcement in the state, including all the TAGS, that cooperation is appreciated and expected. He has relayed to Judge Collins his intention to work through the Governor's Office to correct the problem if cooperation is not forthcoming.

9:19:00 AM

SENATOR HUGGINS asked if he heard correctly that Judge Collins would look at the "sexual abuse and the innuendos and the likes," but no other aspects of the National Guard.

ATTORNEY GENERAL RICHARDS answered yes.

SENATOR HUGGINS questioned how many investigations on this topic have been undertaken to date.

ATTORNEY GENERAL RICHARDS asked how he would define "investigations."

SENATOR HUGGINS clarified that he was referring to investigations of the National Guard that were outside the regular chain of command.

ATTORNEY GENERAL RICHARDS replied he is aware of three and while he's heard of a fourth he has not seen any evidence from the FBI.

SENATOR HUGGINS asked if he is comfortable with the results of those investigations and the actions that were taken.

ATTORNEY GENERAL RICHARDS replied he is comfortable with what he's seen, but some of the matters are still open and before the Department of Law (DOL).

SENATOR HUGGINS opined that there is an important element that Alaskans have to be satisfied with, which is that a cloud is hanging over the chain of command regarding how things were handled internally. "Some people would say that there are multiple peoples that were defamed based on those innuendos and others that say that people hadn't been to justice." He asked if it's accurate to say that Judge Collins' investigation does not appear to bring clarity in that regard.

ATTORNEY GENERAL RICHARDS replied he believes that there will be an analysis of the fact patterns as each of the allegations considered, but she won't focus on whether or not people were defamed.

SENATOR HUGGINS expressed concern that this is a criminal investigation, and asked how he sees the resolution of the challenges people have raised about the internal process of the chain of command and the reporting and the disposition of things.

ATTORNEY GENERAL RICHARDS replied it is not part of the charge of the special investigator and he doesn't feel that is something that prosecutors do. However, he suspects that the TAGS know how they plan to look at their internal structure and how they plan to communicate that.

[9:22:49 AM](#)

SENATOR HUGGINS said the TAG reports these kinds of things but as commander in chief the Governor is responsible so it's important that "he has his arms around this." He urged Attorney General Richards to think about that. He added that the timing of the investigation and the release of the results will happen after the end of the session. If any action is required by the legislature it won't take place for about a year unless it is a topic in a special session. He asked him to think about that and push the information forward as appropriate. Don't wait for us to ask the questions, he said.

CHAIR STOLTZE asked the attorney general if he would be working on the structural changes outside of the criminal process and if he would have recommendations for the legislature as well as doing things through executive fiat. He asked for general timelines and opined that it shouldn't have to wait until May.

[9:26:43 AM](#)

ATTORNEY GENERAL RICHARDS said he has attended meetings with the National Guard at the national level and with the Governor and others about potential cultural and process reform in the guard. He said he is not taking the lead role, but resources from the Department of Law will be available as appropriate. He suggested that General Bridges address the timeline for what the Guard is doing and how they are interacting with the Governor's Office.

[9:27:50 AM](#)

BRIGADIER GENERAL LEON M. "MIKE" BRIDGES, ex-Acting Commissioner, Alaska Department of Military and Veterans Affairs & Adjutant General, Fort Richardson, Alaska, stated that as of 00:01 this morning, he is the outgoing Adjutant General and Commissioner for Department of Military and Veteran Affairs. He said he will continue in his duties for a little bit longer as the Commander of the Alaska Army National Guard.

CHAIR STOLTZE asked if he had any other comments on the systemic issue.

GENERAL BRIDGES replied that Attorney General Richards has done a fine job and Judge Collins is on board and well under way. He detailed that Judge Collins arrived in Anchorage this week and allowed access to her checklist of people and programs to begin information gathering.

[9:28:54 AM](#)

He continued as follows:

When the former Adjutant General departed, I was assigned by the previous Governor to step in as the Acting Adjutant General and Commissioner and continue the mission. Soon thereafter, the Office of Complex Negotiations support team came in. These were some folks from other states, Brigadier General Jon Mott of the Connecticut Air National Guard, he kind of came in as my peer-to-peer right-arm teammate. We had law enforcement, we had legal assistants, we had subject matter experts from Equal Employment, and that was kind of the group of them. They came in as identified subject matter experts from across the country and sent to us by the National Guard Bureau to help us look at the five primary areas that came out of the Office of Complex Investigations (OCI) assessment from the springtime review by that team: sexual assault, equal opportunity, coordination with civilian law enforcement, command climate, and application of military justice. The other item which was the term, "potential for fraud," as separate National Guard Bureau team came, an audit team from the Army Audit Agency (AAA), to look at some of those things. That's primarily management of finances and federal resources. The main area of concern was how we mix and match state funds and federal funds to maintain our facilities because there is cross-leveling. [The] federal government pays most of that and we use state employees to conduct the work to maintain our buildings, our physical plant. That was addressed. Their out-briefing was in the middle of December, so working with that we are doing the administrative adjustments there, improving processes and regulatory guidelines. A lot of these things again are processes and procedures and thank you Mr. Chair and the others

here. Crime is one thing, not doing things to the book regulatory-wise is [a] wildly different area of concern. We have a lot of really great folks who have been doing a lot of good work in the last several months now since September with those special assistants or subject matter assistants in each of these key areas. Internally, we have reassigned or assigned personnel to some of these areas of concerns that we never had before. We never had a Provost Marshal Office in the Alaska National Guard, ever. We do now, a two person team with a fulltime Army representative and fulltime Air National Guard representative. That is the law enforcement command for the Department of Military and Veteran Affairs - the Alaska National Guard. It never existed [before]. They have been working with law enforcement, the Department of Law, the [U.S.] Department of Justice, the Alaska State Troopers, and building the Standard Operating Procedures (SOP) and Letters of Agreement in how we report anything that we think in the National Guard - [that] one of [the] members may have potentially committed a crime - to establish formal structures and how that goes. That also includes coordination with federal law enforcement's Criminal Investigation Division. They are the cops. The senior cops are law enforcement command on JBER and Fort Wainwright and those sort of things, if a military member, a National Guardsman or a civilian, has conducted a potential or alleged crime on the federal installation. So we coordinate that way, we coordinate with civilian law enforcement for all of our Guard members and our civilian teammates. If we have an allegation of a crime because we do not have prosecutorial authority as the National Guard in Alaska in any manner.

9:32:31 AM

GENERAL BRIDGES continued as follows:

At the same time, and you mentioned kind of two tracks, there are actually three, we have: regulatory, good order, and discipline regulations. We have Army regulations and we have Air Force instructions to maintain the military good order and discipline of a non-federalized National Guard member if they step out of bounds of being a good soldier or airman. We're going to begin action there as a personnel

administrative matter any way, if they step out of bounds. We don't have to have 100 percent proof to go pursue a crime prosecution if "Sargent Shmoe" has done something wrong. We're going to begin a disciplinary review and that person will get a verbal counseling all the way up to an equivalent of a dishonorable discharge if it is so egregious. And that's an other-than-honorable discharge. As you proceed here and information is provided, you will see some of these cases, the most egregious ones, we have pursued that way through those administrative processes. Some of those cases have been concluded, there are just a handful more to go and it is because we have to give due process. We have to provide defense counsel to everybody in that process just as if it was through a civilian process. And it takes time, it takes money, it takes borrowed legal advisors from other states because we only have a handful and they are part-timers themselves, to be able to, I'm going to use the term "prosecute," but to administer the proceeding and to give trial defense or defense counsel to somebody who is alleged to have violated some rules.

[9:34:03 AM](#)

CHAIR STOLTZE pointed out that the Governor in the State of the State addressed the some terms, "arrest," "prosecution," "expulsion," and "incarceration." He asserted that General Bridges is hardly delving into any controversy.

GENERAL BRIDGES noted that the terms are extreme.

CHAIR STOLTZE remarked that the terms are not his.

GENERAL BRIDGES continued as follows:

It is still going to affect, even in an administrative process, personnel disciplinary process. It still is going to affect somebody's military career. They may lose a stripe, they may have a promotion delayed, they may not get to go to a school or their career may be terminated and they may lose all the benefits they may have otherwise accumulated over a many year career in the military. If it is so egregious and the ultimate result is an other-than-honorable discharge, it's a big hammer. We're going to do that even if we are calling the police.

The third leg is missing, that's the 1955 Alaska Military Code. It's unusable, it means nothing, it's never been enforced in the state for all kinds of reasons and that is something that the legislature and or the administration, in my opinion, having been in the Guard in two other states where we had a military code and we used them, that needs to be updated and brought in to the 21st Century as an additional part of the three-legged-stool of discipline of the military of the state of Alaska, it's missing.

9:35:28 AM

CHAIR STOLTZE stated that the committee will look for forthcoming recommendations from the new leadership team.

GENERAL BRIDGES replied as follows:

We have a model state code and I know some of the other folks here at the table have been provided some versions of that. And we, again, over the last several months, we have been working on that with our new legal team to have that available to the administration and again the new leadership will carry that action forward to bring that third-leg to the "stool," to the table, for military good order and discipline of the militia in Alaska along with civilian law enforcement.

CHAIR STOLTZE addressed Attorney General Richards as follows:

As Judge Collins, and eventually these will be referred to you in the investigations if there are circumstances involving individuals that aren't prosecutable, aren't good cases, but they have information or statute of limitations issues, is that going to be part of the mission of your report and your disclosure to talk about things like that and bring up those as well, even if you don't decide to incarcerate or expel.

9:36:45 AM

ATTORNEY GENERAL RICHARDS replied as follows:

The information that Judge Collins uncovers and summarizes and make recommendations related to prosecutions to the Department of Law, it would be my expectation that that information would be available

for DMVA's own internal processes, so it's outside of my scope but that information will be available to the National Guard

CHAIR STOLTZE stated that there may be things that are redacted or blacked out.

ATTORNEY GENERAL RICHARDS replied that he is not entirely clear on the ability of law enforcement to share all details with the different processes.

CHAIR STOLTZE remarked that it will be up to the Attorney General, John McKay, and the guys in the press to figure that out.

ATTORNEY GENERAL RICHARDS agreed. He specified that that information should be available to the National Guard to undertake disciplinary matters if they think it's appropriate even if it doesn't rise to the level of prosecution. He reiterated it is not a Department of Law decision.

[9:37:41 AM](#)

SENATOR WIELECHOWSKI thanked General Bridges for his service. He stated that he appreciated having a meeting with General Bridges the other day and noted that it is clear to him that positive changes are happening in the National Guard. He stated to the Attorney General that his investigation is fairly limited and he thinks it is a critical investigation that needs to happen. He asserted that the sexual assault is clearly an important issue for Alaskans; but, he added that there are many other issues that were detailed in the report by the Office of Complex Administrative Investigations. He stated that Senator Huggins raises a fair point and it's clear to the committee that mistakes were made in a wide variety of areas that were not criminal in nature that dealt with personnel issues and other criminal issues as well. He set forth that as a legislature in its oversight capacity, it seems appropriate that the legislature has hearings on the National Guard's structural issues, tries to address the mistakes and try to figure out what changes should be made so they don't happen again.

[9:38:53 AM](#)

SENATOR MCGUIRE thanked both Attorney General Richards and General Bridges. She stated that she concurred with Senator Wielechowski's and Senator Huggin's comments. She called attention to the prevention and cultural changes for the National Guard and its leadership. She stated that as a lawmaker

she is looking at it that way. One way of addressing a problem is prosecuting people and righting a wrong and that's certainly something that the investigation is going to look at whether that is appropriate. She said on a broader scale, the people she has heard from, constituents and others have said that it's probably two decades worth of cultural issues that have been creeping up. She stated that as Senator Wielechowski said, "The more information we have the better to help you and the leadership move forward." She remarked that she is looking forward to hearing from the new Adjutant General and commented that it is her first day on the job. She commented that the National Guard can make good changes in the culture and setting out expectations. He commented that most people mean well, especially people who already have that good desire to serve their country and their state, but often they come into an environment where a culture is set and they get in that groove; that is part of what the legislature's job is.

She asked the Attorney General how April 30 was decided and if the date can be discussed. She explained that she had intended in the Judiciary Committee to receive the report formally given that it is a special prosecutor, but the legislature will be out of session. She asked how the date was set and if that is something that could be moved at all.

9:41:03 AM

ATTORNEY GENERAL RICHARDS replied that the date was not really set in relation to thinking about the legislative session. He specified that the date was set based upon talking about the amount of work that needed to be done. He explained that Judge Collins came on a couple of weeks ago, the task is big and the discussion centered on how long the report would take. He detailed that the extra month for doing the public version was just because he believes that the scope of work would flow a little easier if Judge Collins could, just in the first version, put in everything and then spend the next month working through the confidentiality issues in coming up with the public version. It was not his expectation to get anything to the legislature sooner than previously stated.

SENATOR MCGUIRE replied that the legislature holds hearings in the interim and the legislature can receive the report. She concurred with Senator Huggins that a Special Session can be convened if needed. She encouraged Attorney General Richards to bring it back to the Governor that there has been a discussion that addressed the limitations of the legislature during interim versus the general session. She asked that the Attorney General

take into consideration that the Senate Judiciary Committee is made up of members from across the state so members will have to travel and find a location.

9:42:34 AM

SENATOR HUGGINS stated the following:

Mr. Attorney General, I'm going to go back one more time to [what] both Senator Wielechowski and Senator McGuire was alluding to. My concern is that we get a solution, the update as General Bridges mentioned and that as much as we can, everybody sitting up here is a politician, got elected, you got appointed, that's politics, that's based on whatever your association is with the Governor and we have to be honest with one another. General Bridges has been the [adjutant general] for a little while and that's not for us to determine why he's the AG, but the incoming AG, whom I never met, I've read a number of pieces in the paper of things she had to say, but she was a candidate in this last election, so that's politics. The deputy [adjutant general] was working for our former Senator, that's politics. What I would encourage us to think about and you in your counsel to the Governor is if you can boilerplate down and have the good Alaskans that are in the National Guard shape the things that need to be updated and the challenges that we have learned from and whether it be Judge Collins' investigation or whether it be the other investigation, because there are some good people, to include one that has a last name of McGuire from Arizona, those are good people, they have some great experience and the same thing with from Connecticut, so that we don't have to wade through, the people sitting up here and in other committees, wade through a process where some people will get defamed and there will be a lot of practicing of politics and as much as we can filter out the politics involved in this and get to what works, because General Bridges said it perfectly, there's an extraordinary parallel legal system that military members have and a lot of people don't recognize that. So we are doing the criminal part of it, alright, there's that part, and the military has a criminal part, and then you have the administrative part for things of lesser order of magnitude, but you can escape all of those and General Bridges can sign a piece of paper, be out of the

National Guard, because it is accountable and it's extraordinarily accountable. Now, are there malpractices in that, yes, and if there are things we need to fix in that, but I would plead to you, I would ask you to use all of your power and authority with your staff on behalf of the Governor to help us sort through and boilerplate down some elements so that we do not have to wade through the politics of getting to the issues, because they will be great and I'm afraid that it will be degrading to individuals, but more importantly to institution of the National Guard.

[9:45:38 AM](#)

CHAIR STOLTZE summarized as follows:

Clearly this was a campaign issue, now it's a hard, complicated issue. The campaign is over and remember John F. Kennedy said when he was elected, "Oh my God, things really are as bad as we said they were." And I think a lot of that you find that the campaign transition to be the problem solver and the decision maker, it's a real challenge and I think there's some wisdom in what Senator Huggins said, the public is demanding answers and resolutions and Governor Walker certainly comes into this with a moral authority and a mandate to cut through this Gordian Knot of problems and solve it, but you can't just use that sharp sword to do it because the intertwined issues of protecting victims, certainly, and I am very cognizant, we wanted to have this format, you are conducting potentially criminal investigations, the legislature is anxiously waiting for the legal analysis and the investigations because I don't think we do a very good job, certainly subpoenaing witnesses and what would that do to the potential protection of victims or the integrity of the cases in trying to bring forth answers and trying to get the politics out of this. I'm going to put a lot of confidence and trust in the Guard Command who wants to, for a lack of a better term, to put the house in order and it's the reputations and the integrity of those institutions and those aren't just words you throw around - "integrity" and "honor" within the military institutions. We are looking for a steady hand and guidance from the administration and I think the public would have confidence if we could. You don't have to ask the legislature, you're able to do things administratively through executive, but

keeping us along on the ride and letting, not just important for us, but for the public to know that something that was clearly a campaign issue and a high level of concern, it just isn't over because the calendar turning November 5. The imperative is the campaign is over and it's time to sit down and do the work and to restore the reputation and I don't have to tell Senator Huggins, I think he illustrates that in his life. Honor and integrity aren't just clichés within that great institution, the National Guard, and removing what's become a black eye. The admission is first and foremost is justice, but we have an institution, maybe it's not an engine overhaul and maybe there are other things, but it's up for the folks that have more expertise than I do to give us the guidance. I appreciate the time and the candor provided. We will endeavor to keep this on the same plane and level of problem solving. Politics is a part of this business, all branches keep it to a minimum. It's not possible to eliminate it, we know that.

[9:49:41 AM](#)

ATTORNEY GENERAL RICHARDS said he understands the desire of the legislature and the public to be kept informed as to what's occurring in the National Guard as to what they are looking at and the changes they are considering. He asserted that he will make sure that people in the Governor's Office are aware of that.

[9:50:04 AM](#)

CHAIR STOLTZE announced that the committee will stand at ease.

CONTINUING DISCUSSION OF THE IMPLEMENTATION OF BALLOT MEASURE NO. 2 (13PSUM) - AN ACT TO TAX AND REGULATE THE PRODUCTION, SALE, AND USE OF MARIJUANA

[9:51:35 AM](#)

CHAIR STOLTZE announced that the next order of business would address Ballot Measure No. 2.

[9:52:43 AM](#)

TIM HINTERBERGER, Ph.D., Primary Sponsor, Petition 13PSUM/Ballot Measure No. 2, provided information on the implementation of Ballot Measure No. 2. He said that he and his colleagues at the Marijuana Policy Project in Washington, D.C., who are providing legal staff, are following SB 30, which deals with criminal issues, and HB 59, which deals with concentrates from cannabis. The campaign reviewed the bills and provided comments to the

Joint Judiciary Committee and to the House Health and Social Services Committee. The campaign had strenuous objections to measures contained in the draft legislation that overstepped the guidelines that voters approved. He said they are awaiting new versions of the bills.

He stated that the coalition has been encouraged by comments from Cynthia Franklin, Chair of the ABC Board, who described the board's efforts to understand the needs for regulation, based on discussions with Colorado. He encouraged the legislature to include Ms. Franklin's input.

CHAIR STOLTZE said the initiative provides timelines for a regulatory framework, however, some public members and entrepreneurs have different guidelines in mind. He asked Dr. Hinterberger for comments on that issue, as well as on the initiative's timelines and expectations. He questioned what a reasonable timeline would be to get a regulatory framework in place, considering some of the issues at hand.

[9:53:08 AM](#)

DR. HINTERBERGER related the expectation that personal possession and ability to transport marijuana would go into effect on February 24 and the regulatory process, currently in the hands of the ABC Board, would take place for nine months after the effective date. He said that one year after the election, the regulatory body would accept applications for businesses to produce, process, and sell marijuana. He emphasized that the ABC Board has expressed confidence that the state has the ability to meet those deadlines.

[9:55:02 AM](#)

CHAIR STOLTZE recognized that Dr. Hinterberger is not affiliated with entrepreneurs.

Dr. Hinterberger stated that he is not affiliated in any way with the business aspect.

CHAIR STOLTZE voiced appreciation for Dr. Hinterberger's candor and information on timelines. He said he looked forward to continuing to work with Dr. Hinterberger.

[9:59:12 AM](#)

BRUCE SCHULTE, Spokesman, Coalition for Responsible Cannabis Legislation (CRCL), provided information about the implementation of Ballot Measure 2. He said he is pleased and encouraged by the progress on the initiative and the efforts the

legislature has made. He shared concerns about the bills that have come forth and he agreed that there is a lot of work to be done. He voiced appreciation for the work on the re-calibration of the criminal code as it relates to marijuana. He opined that all legislators are doing their best to see the process through in an orderly fashion, a belief he shared with the other members of the coalition.

He commented that some of the issues in HB 59 could be dealt with differently and he urged a more strategic approach. He gave an example of where the bill attempts to separate certain derivatives of marijuana from the plant and maintained that it was not the ideal approach. He noted that Cynthia Franklin has indicated that the ABC Board can establish regulations within the specified timeframe and said he hoped to see that happen. He voiced concern that a prohibitionist group might attempt to delay the process long enough so that the legislature could repeal it. He concluded that, given time, the industry can demonstrate responsible behavior, so that in February of 2017 there would be no reason to delay or repeal the initiative.

[10:02:46 AM](#)

CHAIR STOLTZE asked Mr. Schulte if he had seen the Governor's memorandum on the administration's priorities and policy recommendations.

MR. SCHULTE answered that he has not seen it.

CHAIR STOLTZE stated his responsibility to do his best to implement the initiative. He noted the aforementioned bills were not from the State Affairs Committee, but are a relevant part of the public record. He thanked Mr. Schulte for his comments.

[10:04:52 AM](#)

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Standing Committee hearing at 10:04 a.m.