

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

March 1, 2016

8:31 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

SENATE CONCURRENT RESOLUTION NO. 20
Proclaiming April 2016 as Sexual Assault Awareness Month.

- MOVED SCR 20 OUT OF COMMITTEE

CONFIRMATION HEARINGS

Alaska Public Offices Commission

Thomas Temple - Fairbanks

- CONFIRMATION ADVANCED

Alaska State Personnel Board

Keith Hamilton - Soldotna

- CONFIRMATION ADVANCED

Alaska State Human Rights Commission

Brandon Nakasato - Anchorage

- CONFIRMATION ADVANCED

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91

"An Act relating to criminal law and procedure; relating to controlled substances; relating to probation; relating to sentencing; establishing a pretrial services program with

pretrial services officers in the Department of Corrections; relating to permanent fund dividends; relating to electronic monitoring; relating to penalties for violations of municipal ordinances; relating to parole; relating to correctional restitution centers; relating to community work service; relating to revocation, termination, suspension, cancellation, or restoration of a driver's license; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to the duties of the commissioner of corrections; amending Rules 6, 32, 32.1, 38, 41, and 43, Alaska Rules of Criminal Procedure, and repealing Rules 41(d) and (e), Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SCR 20

SHORT TITLE: SEXUAL ASSAULT AWARENESS MONTH: APRIL 2016

SPONSOR(s): SENATOR(s) MEYER

02/22/16 (S) READ THE FIRST TIME - REFERRALS
02/22/16 (S) STA
03/01/16 (S) STA AT 8:30 AM BUTROVICH 205

BILL: SB 91

SHORT TITLE: OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

SPONSOR(s): SENATOR(s) COGHILL

03/25/15 (S) READ THE FIRST TIME - REFERRALS
03/25/15 (S) STA, JUD, FIN
04/02/15 (S) STA AT 9:00 AM BUTROVICH 205
04/02/15 (S) Heard & Held
04/02/15 (S) MINUTE(STA)
02/03/16 (S) SPONSOR SUBSTITUTE INTRODUCED-REFERRALS
02/03/16 (S) STA, JUD, FIN
02/13/16 (S) STA AT 10:00 AM BUTROVICH 205
02/13/16 (S) Heard & Held
02/13/16 (S) MINUTE(STA)
02/18/16 (S) STA AT 8:30 AM BUTROVICH 205
02/18/16 (S) Heard & Held
02/18/16 (S) MINUTE(STA)
02/25/16 (S) STA AT 9:00 AM BUTROVICH 205
02/25/16 (S) Heard & Held
02/25/16 (S) MINUTE(STA)

03/01/16

(S)

STA AT 8:30 AM BUTROVICH 205

WITNESS REGISTER

SENATOR KEVIN MEYER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SCR 20.

LAUREE MORTON, Executive Director
Council of Domestic Violence and Sexual Assault
Juneau, Alaska

POSITION STATEMENT: Testified in support of SCR 20.

CARMEN LOWRY, Executive Director
Alaska Network on Domestic Violence and Sexual Assault
Juneau, Alaska

POSITION STATEMENT: Testified in support of SCR 20.

THOMAS TEMPLE, appointee
Alaska Public Offices Commission (APOC)
Fairbanks, Alaska

POSITION STATEMENT: Addressed questions regarding his appointment.

KEITH HAMILTON, appointee
Alaska State Personnel Board
Soldotna, Alaska

POSITION STATEMENT: Addressed questions regarding his appointment.

BRANDON NAKASATO, appointee
Alaska State Human Rights Commission
Anchorage, Alaska

POSITION STATEMENT: Addressed questions regarding his appointment.

ACTION NARRATIVE

8:31:28 AM

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 8:31 a.m. Present at the call to order were Senators Coghill, Huggins, and Chair Stoltze.

SCR 20-SEXUAL ASSAULT AWARENESS MONTH: APRIL 2016

[8:31:57 AM](#)

CHAIR STOLTZE announced the consideration of SCR 20.

[8:32:02 AM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, Juneau, Alaska, sponsor of SCR 20, provided an overview as follows:

SCR 20 proclaims April 2016 as Sexual Assault Awareness Month; it's part of a national campaign to raise the awareness of sexual assault and educate communities on how to prevent sexual violence. I'm sure you're going, "We've heard this before," and we have, we bring this forward every year; but, as you know, the sexual assaults statistics nationwide and in Alaska are staggering, they are even worse here in Alaska, in fact research suggests that 2.5 times the national rate. The Council on Domestic Violence and Sexual Assault conducts an annual victimization survey and they will speak to some of those statistics in more depth. Mr. Chairman, sexual violence is preventable, it's a social, public health, criminal justice, human rights issue. This year, 2016 Sexual Awareness Month Campaign focuses on the building blocks of prevention by communicating how individuals, communities, and the private sector can take action to promote safety, respect, and equality. We hope that SCR 20 will help to broaden and strengthen that effort across the state.

CHAIR STOLTZE stated that the committee was very familiar with the issue and that Senator Meyer has annually brought the resolution forward. He remarked that the issue was 12 months and not 1 month. He added that the 2016 Sexual Awareness Month was part of a national campaign.

[8:34:55 AM](#)

LAUREE MORTON, Executive Director, Council of Domestic Violence and Sexual Assault (CDVSA), Juneau, Alaska, provided a statement of support as follows:

In 2010, the Alaska Victimization Survey showed that 58 out of every 100 Alaska women have suffered intimate partner violence, sexual violence, or both over the course of their lifetime. In 2015, five years after, we resurveyed and the news is encouraging, it's still too high, it's still horrible, but now it is

down to 50 out of every 100 women have suffered these crimes, particular to sexual assault, it has decreased by 33 percent: 3072 fewer victims in 2015 than in 2010. So we still have a long way to go, we appreciate your support. I did want to say that there is hope and there are communities across our state that are working very diligently to end sexual violence in our state, they are doing such with programs like: Green Dot, Coaching Boys into Men, Girls on the Run, The Fourth R; they are looking within themselves as communities to find their strengths and resiliencies to be able to stand up and say "no more" and we support those efforts.

[8:36:31 AM](#)

CHAIR STOLTZE addressed the handling of sexual assault information at the University of Alaska as follows:

There was a lot of rumor and thither about how much cover up there was. I'm trying to think when I first entered the UAF campus in 1979 until my graduation in the early 80s about the prevalence of sexual assaults and domestic violence, stalking, and just basically violations against women that was, for public relations matters, covered up by the university system. Now 35 years later, there was still that issue and its sending shock waves through.

He asked Ms. Morton if she had a comment on the university system and inquired how confident a young woman or their parent should feel in attending there.

MS. MORTON replied as follows:

One of things that we have started to do in offering our services to assist the university is working with their Title IX coordinators. Last fall we sent them to a national conference where the very issue of sexual assault on university campuses was addressed. We've also been working with Senator Sullivan at the congressional area to look at ways in which we can strengthen support for women on campus who want to report sexual assaults. We've been working with the university in Fairbanks to institute Green Dot and to look at ways in which people can work together to create safety for women there. We realize it's an issue, it's on our May calendar to be able to receive

more information from the university and we are very open to finding ways to work with them to support that.

8:38:31 AM

SENATOR WIELECHOWSKI joined the committee meeting.

CHAIR STOLTZE continued to address the university system as follows:

There's been a lot of talk since I was a student there and it certainly was kind of a quiet buzz and kind of a systemically disguised problem at the university and I haven't seen it, it almost seems in many ways gotten worse and it's that spill-out. Is this really going to be solved by another conference and what systemic things do you see? This is right in our face right now, even more so. The spill-out has been pretty obvious and some of the restructuring at the university.

MS. MORTON noted that CDVSA has suggested to the University of Alaska that they work through the Office of Violence Against Women to take advantage of grants that addressed assaults on university campuses.

CHAIR STOLTZE remarked that he sees why a young woman might risk expulsion in order to have a gun to protect herself.

MS. MORTON replied that the decision would be up to the individual.

CHAIR STOLTZE continued to address his concern for the university system as follows:

I think we have a lot deeper to delve into the university and it has been a systemic concern back from when I was a student. My uncles were students, they said it was the same way and it's the culture of a university structure wanting to protect its image. If you're worried about recruitment and trying to entice Alaskans to stay, you don't want to tell your dirty secrets.

He summarized that protecting people required awareness.

SENATOR COGHILL asked what a Title IX counselor was and where does a person in the university go to seek assistance.

[8:41:22 AM](#)

MS. MORTON replied as follows:

Title IX is a title in federal statute for protections in different areas for students. I think most people associate it with equity in sports programming, but it's much broader than that; particularly in this instance, relates to sexual assaults and addressing it equitably on campuses.

If someone, anyone, is concerned about sexual assault or they've been sexually assaulted, they are welcomed to go to any of the funded programs. In Fairbanks it would be the Interior Alaska Center for Nonviolent Living. In Anchorage it would be Standing Together Against Rape (STAR) or Abused Women's Aid in Crisis (AWAIC). Here in Juneau it would be the Aiding Women in Abuse and Rape Emergencies (AWARE). For the college campuses throughout the state, communities such as Bethel, there's Tender Women's Collation.

So people can go onto our website to find a list of those service communities or on the Network on Domestic Violence and Sexual Assault's website; they are mostly 800 numbers, so it doesn't cost to call, it's a 24-hour service, you can talk to someone there who can work through your options and give you support as you are deciding how best for you to carry forward.

CHAIR STOLTZE noted that a glaring omission was made for either contacting campus security or the dean's office. He stated that he would interpret Ms. Morton's omission as, "Not hearing it."

[8:43:17 AM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), Juneau, Alaska, thanked the committee for its commitment to all of the prevention work that is ongoing in the state. She stated that ANDVSA supports SCR 20.

SENATOR COGHILL addressed Alaska's sex-trade issues as follows:

One of the issues that we struggle with in Alaska is when somebody gets into a relationship and then ends

up in the sex-trade under duress. I think one of the struggles they have is the duress then becomes deadly in many cases. So we've tried to address from a legal perspective on penalties and everything. But what do you see from awareness to give young ladies warnings of risky relationships, things like that that we need to know from kind of the working level what's going on in the communities?

8:45:02 AM

MS. LOWRY replied that clear awareness was one of the most important elements that addressed what Senator Coghill described. She detailed that local law enforcement must be fully aware of what constitutes trafficking and exploitation. She added that ANDVSA's member programs were open and prepared to receive people. She asserted that getting the message out was important where local partners address high-risk situations and make sure that people are aware. She added that getting the message out also included talking to businesses to make sure they were following regulations.

SENATOR COGHILL suggested that child related trafficking and pornography be addressed as follows:

I would suggest to you that in Alaska we have both the federal government and the state government working on people who are trafficking children and child pornography. We want to get a report to kind of kickoff the month of April just to show that that is actually happening in Alaska at a much greater level than any of us understand.

He summarized that children involved in trafficking and pornography did not have a voice and their plight must be brought to light.

MS. LOWRY thanked Senator Coghill for his suggestion.

CHAIR STOLTZE thanked Ms. Lowry and noted that her February 29 letter from ANDVSA had been presented to the committee members.

8:47:06 AM

CHAIR STOLTZE announced that public testimony was closed.

8:47:15 AM

SENATOR COGHILL moved to report SCR 20, [29-LS1519\A], from committee with individual recommendations and attached fiscal note(s).

[8:47:24 AM](#)

CHAIR STOLTZE announced that hearing no objection, SCR 20 is reported from the Senate State Affairs Standing Committee.

[8:47:34 AM](#)

At ease.

CONFIRMATION HEARINGS

[8:49:20 AM](#)

CHAIR STOLTZE announced confirmation hearings for the Alaska Public Offices Commission, Alaska State Personnel Board, and Alaska State Commission for Human Rights.

Alaska Public Offices Commission

[8:50:12 AM](#)

THOMAS TEMPLE, appointee, Alaska Public Offices Commission (APOC), Fairbanks, Alaska, addressed his background as follows:

I am an attorney in Fairbanks. I work with Bill Satterburg and his law firm. I've lived in Alaska for approximately 15 years. I've served on the Fairbanks North Star Borough Planning Commission. I currently serve on the Fairbanks City Public Safety Commission and believe in public service. I would like the opportunity to serve on APOC and serve in that capacity.

CHAIR STOLTZE asked who appointed Mr. Temple to the commissions in Fairbanks.

MR. TEMPLE specified that his North Star Borough Planning Commission appointment was done by either Mayor Jim Whitaker or Mayor Luke Hopkins. He detailed that his Fairbanks City Public Safety appointment was made by Mayor Jerry Cleworth and recently renewed by Mayor John Eberhart.

CHAIR STOLTZE asked what Mr. Temple's interest and understanding of APOC was.

[8:52:13 AM](#)

MR. TEMPLE stated that APOC's purpose was to encourage the public confidence in its elected and appointed officials by administering the disclosure statutes; compiling and publishing data that addressed campaigning, public offices, and lobbyists. He added that APOC serves as a quasi-judicial panel from time to time as well as holding an advisory status to recommend how APOC might be more efficient or better in meeting its goal.

CHAIR STOLTZE asked what Mr. Temple's most important role was regarding the interaction with candidates and elected officials. He inquired if Mr. Temple viewed his role as either educational or enforcement.

MR. TEMPLE replied that he imagined APOC's commission members' goal was more enforcement or a quasi-judicial panel. He surmised that APOC staff members addressed education. He remarked that he was not sure as an APOC member that he would have much opportunity to educate. He summarized that APOC members more or less serve as the arbiters of those who may not have properly disclosed things.

CHAIR STOLTZE noted that Mr. Temple's designated seat was because of a party membership. He asked how Mr. Temple viewed his role and responsibility as an appointee for a designated seat.

[8:54:14 AM](#)

MR. TEMPLE asserted that he was not a political person. He specified that he saw his role as being a fair person. He asserted that he would encourage confidence in government and public officials where public service was viewed more cynically in today's world. He set forth that he would be happy to do what he could do to make the process more transparent and efficient in order to instill confidence.

SENATOR HUGGINS asked how he was approached for his appointment.

MR. TEMPLE explained that attorney Bill Satterberg, his boss, alerted him that APOC had a preferred-commission member opening for an attorney. He said he expressed interest in the opening and noted that serving at APOC would be another interesting way to serve the public.

SENATOR HUGGINS asked if Mr. Satterberg was part of a law firm.

MR. TEMPLE answered yes. He detailed that Mr. Satterberg owned his own law firm and that he has worked for him for the past 11 years.

CHAIR STOLTZE asked Mr. Temple to confirm that he was replacing Mr. Kirk's seat, [Kenneth Kirk, Chair].

MR. TEMPLE answered correct, but not as chairman.

[8:57:21 AM](#)

CHAIR STOLTZE closed public testimony on Mr. Temple. He noted that at the end of the hearing the committee would forward all of the board names onto the joint-session confirmation.

Alaska State Personnel Board

[8:58:50 AM](#)

KEITH HAMILTON, appointee, Alaska State Personnel Board, Alaska Department of Administration, Soldotna, Alaska, said he was a 15-year Alaskan who moved to Soldotna to start the Alaska Christian College and serve as its president. He revealed that he served on a few other state boards as well: Alaska Commission on Post-Secondary Education, and the State Education Board. He disclosed that that he was appointed to the Alaska State Personnel Board during the Palin administration and noted that a lot of ethics issues relating to the executive branch were addressed at that time. He set forth that he understood the importance of integrity in the state's personnel, the executive branch, as well as helping to formulate policy related to state employee issues. He revealed that he was one of three people appointed to the Alaska State Personnel Board and accepted the request to serve on the Alaska State Personnel Board once again.

CHAIR STOLTZE asked what challenges, opportunities, or surprises Mr. Hamilton faced during his first term with the board.

MR. HAMILTON noted that the board was more critical than what most people understood. He said the board really did not have executive branch issues come forward that caused any undo concern for the state and remarked that he had a sense that people of integrity were serving.

CHAIR STOLTZE asked Mr. Hamilton to verify that he was charged with basically enforcing the provisions of the Alaska Executive Branch Ethics Act.

MR. HAMILTON answered that one of his responsibilities was what Chair Stoltze described.

CHAIR STOLTZE asked Mr. Hamilton to verify that one of his responsibilities was making sure that there was not campaign activity within an administration.

MR. HAMILTON answered that campaign activity issues had not occurred during his tenure. He admitted that he was not sure if campaign oversight was the board's responsibility.

9:01:32 AM

CHAIR STOLTZE asked if Mr. Hamilton would consider conducting campaign activity with state employees as an ethic abridgement.

MR. HAMILTON answered yes.

CHAIR STOLTZE asked if the activity was under the board's purview.

MR. HAMILTON answered that he was not sure if state statute placed the campaign activity Chair Stoltze described underneath the board.

CHAIR STOLTZE asked if state employees directly or indirectly aiding in collecting campaign contributions was appropriate.

MR. HAMILTON answered that state employees collecting campaign contributions was appropriate on their own personal time as an Alaskan citizen. He specified that state employees should be able to do what they wish outside of the time on their job.

CHAIR STOLTZE asked if a state employee using state equipment was appropriate.

MR. HAMILTON answered no.

CHAIR STOLTZE asked Mr. Hamilton if he thought collecting employee deductions for campaign activities was appropriate.

MR. HAMILTON answered that employees are able to make deductions that are allowed by state policies and laws.

CHAIR STOLTZE asked Mr. Hamilton to confirm that he had already formed an opinion that the scenario he described was okay.

MR. HAMILTON specified that he has never been asked the question that Chair Stoltze posed until today. He detailed as follows:

I don't think I've formed an opinion fully because I believe that would separate those who are campaigning for any use of state funds or equipment during that process, it's an individual citizen's responsibility and right to do so.

CHAIR STOLTZE specified a scenario as follows:

If we have a Department of Administration, which does the payroll, they set up a computer program that does the deduction, use state employees, and to help deliver campaign funds to an entity, do you think that could possibly be an abridgement of the executive budget act?

[9:03:34 AM](#)

MR. HAMILTON answered as follows:

Yes, it could possibly be. I'm not sure what the act says. If that comes before us and so if it was lawful and legal, and as state personnel had an opportunity to do so, and it was not against the law, then they should be able to use that as one of their rights. I wouldn't personally want to do it, but if it's their right, then it's their right.

CHAIR STOLTZE continued as follows:

You're suggesting there might be ambiguity on this. Do you think the state maybe should look at that and maybe clarify it and give you better direction so we don't have to learn on the job whether or not it's unethical or whether we've been unwittingly using state funds to violate the Executive Budget Act?

MR. HAMILTON replied as follows:

If we've been using state funds unwittingly and have been doing that, it needs to be stopped. I am sure that that would be very advisable to dig into that further if that incase was happening.

CHAIR STOLTZE asked Mr. Hamilton if he thought it was advisable to remove some ambiguity and maybe clamp down on that a little bit.

MR. HAMILTON answered that he would be 100 percent willing to enforce what Chair Stoltze explained.

SENATOR COGHILL said the state was going into a difficult time economically and additional pressure was going to be placed on supervisors. He asked if Mr. Hamilton has experienced pressure from supervisors that thwarted employees' access to the board.

MR. HAMILTON answered no.

SENATOR COGHILL advised that Mr. Hamilton keep a keen interest due to the pressure coming over the next couple of years.

Alaska State Human Rights Commission

CHAIR STOLTZE asked Mr. Nakasato how he was chosen for his appointment and what he hoped to do on the commission.

[9:06:53 AM](#)

BRANDON NAKASATO, Alaska State Human Rights Commission, Anchorage, Alaska, explained that he was a research analyst with Senior and Disabilities Services within the Alaska Department of Health and Social Services. He disclosed that he applied for the appointment to the Commission for Human Rights and was honored to get the governor's recommendation.

He provided background information as follows:

After college I served my first term an AmeriCorps volunteer where I helped settle some Somali refugees into their new community. I also served on an all-volunteer human rights organization which was called the Lewiston/Auburn Community Task Force; this task force was a cooperative venture between the main human rights commission, law enforcement, and other local authorities to review human rights complaints locally in Lewiston/Auburn. I have served on multiple boards of directors which were involved with anti-discrimination and human rights work; these included the African Immigrant Association, the African Immigrant Advocacy Group, and the Kentucky Fairness Alliance. Finally, my work as an employee liaison

while working at UPS was where I helped to mediate labor complaints between management and hourly staff.

I want to say my commitment to human rights is based on my experience working on the broad matters of social justice and my personal experience and perspective as a minority. I believe in the inherent equality and dignity of every person and that the work of the commission in its 53-year history is vital to ensuring it is honored as called for by human rights law. I am thankful for Governor Walker's appointment and humbled by the opportunity to serve our state in this capacity and I am thankful for you all considering this nomination.

[9:09:05 AM](#)

SENATOR HUGGINS noted that part of the commission's function-list was "real property." He addressed the seizure of a crime victim's personal property and asked what the solution was to expedite the return of property to the victim.

MR. NAKASATO explained that the commission was not allowed to make punitive judgments, but was empowered with the ability to erase the damage of the violation and to make it as though it never happened. He specified that the property would be returned to the person whose rights were violated in the scenario that Senator Huggins described.

SENATOR HUGGINS asked how a person who had their stolen property seized would contact the commission.

MR. NAKASATO answered that he was not sure if theft would be covered under the human rights law. He explained the commission's mediation process as follows:

Most of our intake is through the phone and through in-person interviews. What happens then is that an intake-person reviews the specifics of the case to determine whether it is applicable under the human rights law; if it's not, then the person is redirected to the applicable organization and if it is, then it starts finding out whether there is substantial evidence to justify moving forward.

[9:13:07 AM](#)

CHAIR STOLTZE opined that after reviewing the commission's website, he noted that an attempt in gallows humor may have been exercised in identifying previous cases' titles.

MR. NAKASATO replied that an attempt at gallows humor may have been used and he would direct Chair Stoltze's concerns to the commission's staff.

[9:15:01 AM](#)

CHAIR STOLTZE opined that an employer might be before the commission if they had written some of the things noted in the commission's website.

MR. NAKASATO replied that he thought the titles were amusing and kind of provided a different angle in looking at the specified cases. He reiterated that the titles may have been written in an innocent attempt at humor.

CHAIR STOLTZE opined that an employer could use the same statement as a defense.

MR. NAKASATO specified that the commission impartially reviews evidence. He asserted that the commission takes its impartiality and professionalism very seriously in gaining trust from both the respondent and complainant in order to come to a resolution. He said seven out of every ten cases were mediated before reaching a hearing, an attribute that was a successful part of the commission in bringing people back together to kind of "reheal" what was broken.

CHAIR STOLTZE asked Mr. Nakasato to address the human rights issue with bathroom access for lesbian, gay, bisexual, and transgender (LGBT) individuals.

[9:18:07 AM](#)

MR. NAKASATO explained that the commission was a quasi-judicial body that enforces human rights law, AS 18.80. He said the statute clearly has five different discrimination areas and that includes places of public accommodation. He said to his knowledge, the commission had not received complaints concerning access to bathrooms for LGBT individuals.

CHAIR STOLTZE asked if concerned parents may contact the commission.

MR. NAKASATO replied that the commission was open to public comment on all matters.

[9:20:03 AM](#)

SENATOR MCGUIRE joined the committee meeting.

CHAIR STOLTZE asked Mr. Nakasato to address an individual whose human rights are denied by someone practicing Sharia law.

MR. NAKASATO answered that he is not familiar with Sharia law.

SENATOR HUGGINS asked Mr. Nakasato to verify that the attorney general serves as legal counsel for the commission.

MR. NAKASATO answered that the attorney general or a representative of the attorney general serves as legal counsel. He specified that Bill Milks, assistant attorney general, provides legal counsel.

CHAIR STOLTZE closed public testimony and read the following statement:

In accordance to AS 39.05.080, the State Affairs Committee will be reflected as having reviewed the following three names and recommend the appointments be forwarded to the joint session at a yet to be determined time and, as always, this does not reflect the intent of anybody to vote for or against, it's just our review process.

[9:23:43 AM](#)

At ease

SB 91-OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

[9:25:45 AM](#)

CHAIR STOLTZE called the committee back to order. He announced the consideration of SB 91. He noted that the intent was to present a committee substitute (CS), but additional time was required due to the bill's complexity. He conceded that being a constructive-cynic, he had non-pejorative concerns with the bill.

SENATOR COGHILL disclosed that the proposed amendments for SB 91 would be presented to the committee after review by Legislative Legal. He disclosed that the proposed amendments encompassed questions that the Office of Victims' Rights brought forward, as well as a new concept that addressed drug testing for drug

offenders in order to retain welfare. He summarized that the amendments dealt with cornerstone issues such as domestic violence, sexual assault awareness, and the victim's right to know what was going on. He conceded that some incongruencies had to be ironed out and protections narrowed down a bit. He said to be fair, the commission had a charge to look at the most cost savings as well as the best public safety and they did the best they could. He opined that additional amendments being presented that dealt with the handling of misdemeanants, probation, and parole would do so fairly well. He commented that additional amendments would be presented when the bill was in the Judiciary Committee.

SENATOR MCGUIRE noted that three committee members were in the Judiciary Committee and would be up to speed when the bill was addressed.

[9:31:26 AM](#)

SENATOR COGHILL expressed that Chair Stoltze had to put up with his petulance in trying to push the bill along.

CHAIR STOLTZE said the bill had a tighter timeline and was being worked on concurrently in both bodies on the various fiscal plans.

SENATOR COGHILL commented that the House was watching what the committee was doing and would probably take some of the work to heart. He pointed out that 11 codes and court rules were being addressed, a massive undertaking. He asserted that his impatience was related to getting to the "meat of the issue," but conceded that time was required to work things out.

[9:33:17 AM](#)

CHAIR STOLTZE addressed a memo to Mr. Steiner, [Quinlan Steiner, Public Defender], that critiqued the Office of Victims' Rights previous testimony. He pointed out that the Public Defender Agency represented a different constituency than victims.

SENATOR COGHILL noted that the state has constitutional provisions that deal with victims' rights as well as the correctional system. He said the intent was to try and balance between victims' rights and the correctional system.

CHAIR STOLTZE commented that he was not in love with the subject matter, but conceded that the committee would endeavor to do its part to do the work as quickly as it can.

[SB 91 was held in committee.]

9:35:56 AM

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Committee at 9:35 a.m.