

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 18, 2020

1:36 p.m.

MEMBERS PRESENT

Senator Peter Micciche, Vice Chair
Senator Jesse Kiehl
Senator Shelley Hughes (via teleconference)
Senator Lora Reinbold (via teleconference)

MEMBERS ABSENT

Senator John Coghill, Chair

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Violent Crimes Compensation Board

Richard "Kay" Payne - Wasilla
Gregory Bringhurst - Fairbanks

- CONFIRMATIONS ADVANCED

SENATE BILL NO. 191

"An Act relating to trusts and trustees, including trust division, the powers of trustees, delayed gifts to trusts, and community property trusts; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

GREGORY BRINGHURST, Appointee
Violent Crimes Compensation Board
Department of Administration
Fairbanks, Alaska

POSITION STATEMENT: Testified as appointee to the Violent Crimes Compensation Board.

RICHARD "KAY" PAYNE, Appointee
Violent Crimes Compensation Board
Department of Administration
Wasilla, Alaska

POSITION STATEMENT: Testified as appointee to the Violent Crimes Compensation Board.

ACTION NARRATIVE

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VICE CHAIR MICCICHE called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at call to order were Senators Kiehl, Reinbold (via teleconference) and Hughes (via teleconference) and Vice Chair Micciche.

CONFIRMATION HEARING(S):
Violent Crimes Compensation Board

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VICE CHAIR MICCICHE announced that the first order of business would be Confirmation Hearings for the Violent Crimes Compensation Board.

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At ease.

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VICE CHAIR MICCICHE reconvened the meeting. He reviewed the Violent Crimes Compensation Board description and function from its website:

Description: The board consists of 3 members appointed by Governor: at least 1 member must be a medical or osteopathic physician licensed to practice in Alaska, or holding a retired status license in Alaska; 1 member must be an attorney licensed to practice in Alaska, or retired from practice in Alaska. The Governor designates the board chair. Members serve at pleasure of Governor.

Function: Facilitates and permits payment of compensation to innocent victims of violent crimes.

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GREGORY BRINGHURST, Appointee, Violent Crimes Compensation Board, Department of Administration, Fairbanks, Alaska, provided a brief biography and reasons he would like to serve on the

board. He stated that he is a lifelong Alaskan. He was appointed as the public member of the Violent Crimes Compensation Board last year and has recently been elected as the board Chair. He said it is the board's duty to help alleviate some of the hardships violent crime victims suffer so they can receive help during the time of their greatest need. He related his experience as a victim of a violent crime. In 1996, his single mother was murdered in Fairbanks. As a grieving 14-year-old the details are hazy, but he received violent crimes compensation that ultimately was used for college tuition. He currently serves as the Fairbanks regional director for U.S. Senator Dan Sullivan and previously worked for Senator Murkowski in Washington and as a legislative aide in Juneau. He offered his view that his legislative experience will help him serve on the board. In closing, he said it would be an honor to use his experiences to help other victims in the state.

VICE CHAIR MICCICHE remarked that his background and breadth of experience in Alaska makes him uniquely qualified to serve.

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SENATOR REINBOLD thanked him for his service.

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SENATOR HUGHES thanked him for stepping forward to serve on this board.

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SENATOR KIEHL thanked him for his willingness to serve. He related that the board has had significant upheaval with a total staff turnover and changes in board members. He asked him to elaborate on the future direction of the board.

MR. BRINGHURST said his interest is to ensure that the board delivers resources to Alaskans. He acknowledged that the relocation to Anchorage effected staff changes, but it should not prevent the board from providing excellent service to victims. He committed to helping the new executive director in her role.

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VICE CHAIR MICCICHE offered his view that he will be an asset to the board.

MR. BRINGHURST thanked members for their comments and questions.

VICE CHAIR SENATOR MICCICHE turned to the next appointee, Mr. Richard Payne.

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RICHARD "KAY" PAYNE, Appointee, Violent Crimes Compensation Board, Department of Administration, Wasilla, Alaska, provided a brief biography and reasons he would like to serve on the Violent Crimes Compensation Board. He said he was raised in Utah and attended college in Oregon. He moved to Alaska in 1996 and worked for the Municipality of Anchorage as an assistant municipal attorney. From 2001 to 2007 he worked in Palmer as an assistant district attorney. He and his partner started Denali Law Group, working on criminal defense, personal injury, and domestic cases such as divorce, adoption, trust and estates. He said his firm is the largest criminal defense firm in Alaska. They handle the indigent defense contract for the Municipality of Anchorage, but they also work in Palmer, Kenai, and Fairbanks. He said he thinks he is qualified to serve on this board because he has worked as a prosecutor and as a defense attorney, giving him a perspective from both sides. He would like to serve because he enjoys service and helping others. As an observer, he has been pleased with some actions of the board, but he has sometimes wondered what the rationale was for some actions.

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SENATOR HUGHES disclosed that his law partner, Jon Marc Petersen, is a friend of hers.

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SENATOR REINBOLD asked which board member he is replacing and if it is a defense attorney position.

MR. PAYNE answered that he is replacing a Juneau woman. He was not aware that the board requires a defense attorney member. However, he said he does not define himself as a defense attorney since he served as a prosecutor for many years. Both are important in the criminal justice system, he said.

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SENATOR REINBOLD said she was concerned because victims need to be at the center of all aspects of criminal justice. She asked him to keep that in mind.

MR. PAYNE remarked that her statement was fair. He said that when he interviewed with the Boards and Commissions' office, he expressed concern that the legislature might have issues with

his role as defense attorney since his firm is the largest criminal defense firm in the state. He said that it is somewhat misguided to think that only prosecutors should serve. He asked the record to reflect his view of himself as a fair, honest person who can see all cases from both sides. He related his understanding that the focus of this board is to compensate victims for violent crimes. He said he is happy to be a participant and help in that capacity.

SENATOR REINBOLD said she does not know Mr. Payne, but this causes her pause because of the sensitivity of this board. She related her own experiences with victims in Alaska. She expressed concern that someone who defends criminals would serve on the Violent Crimes Compensation Board. She asked Mr. Payne to be sensitive to the cases for victims. She asked him to recuse himself if he is causing any consternation to victims. She asked him to reach out to Mr. Godfrey, who previously served on the board.

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SENATOR KIEHL thanked him for his service. He asked him to elaborate on the concerns he had with previous decisions.

MR. PAYNE responded that he had limited information on denials, but as a prosecutor, he would hear victims lament that not enough money was being paid. He acknowledged that he did not have all the facts, but he questioned what rationale was used. He wondered how much information the board had on the case and the source of this information. He characterized it as questions based on his own lack of information.

SENATOR KIEHL asked if he had attended any meetings and if he had a sense of whether or not the information is adequate.

MR. PAYNE responded that he has not yet attended any meetings, but he has received two emergency emails asking for additional funding for pending or ongoing trials. He said his questions were answered quickly by staff. He said he voted to approve the additional funds for lodging in a current murder trial in Anchorage. The other case related to transportation costs for a sexual assault case in one of the villages.

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VICE CHAIR MICCICHE found no further questions.

He stated that in accordance with AS 39.05.080, the Senate Judiciary Standing Committee reviewed the following and

recommends the appointments be forwarded to a joint session for consideration:

Violent Crimes Compensation Board

Gregory Bringhurst - Fairbanks

Richard "Kay" Payne - Wasilla

Signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees; the nominations are merely forwarded to the full legislature for confirmation or rejection.

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There being no further business to come before the committee, Vice Chair Micciche adjourned the Senate Judiciary Standing Committee meeting at 1:56 p.m.