

HB

92

SENATE COMMITTEE REPORT

DATE: 4/16/07

FURTHER: Rules

DATE TURNED
IN TO OFFICE: 4/1/08

State Affairs Committee considered HOUSE BILL NO. 92

HB 92 JURISDICTION OF OMBUDSMAN

"An Act removing the victims' advocate and the staff of the office of victims' rights from the jurisdiction of the office of the ombudsman in the legislative branch."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:
 Same Title
 New Title

HOUSE BILL:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____



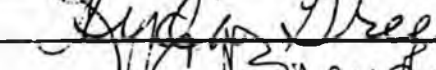

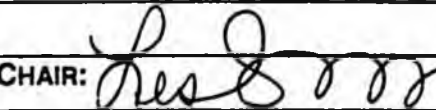
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LEG	4/1			✓	2

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	French			X	
	Frost			X	
	Green			X	
	Kundo	✓			
CHAIR: 	McBure	✓			

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for:
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Intern:
PO Box 464
Chugiak, AK 99567

BILL STOLTZE State Representative

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 92

Jurisdiction of Ombudsman

"An Act removing the victims' advocate and the staff of the office of victims' rights from the jurisdiction of the office of the ombudsman in the legislative branch."

House Bill 92 would amend Alaska statutes to explicitly exempt the Office of Victims' Rights (OVR) from the jurisdiction of the ombudsman. The statute should be amended to clarify the legislature's intent to have the OVR act as a special ombudsman for the legislature in criminal matters on behalf of crime victims. If this is not cleaned up, several problems arise.

If the Ombudsman continues to have jurisdiction over the OVR, it will add an unnecessary layer of investigation in which the "ombudsman investigates the ombudsman".

The OVR is staffed by attorneys with specialized knowledge; the ombudsman is not. This raises the question of "institutional competency" when the Ombudsman lacks that special legal knowledge necessary to investigate. Additionally, since the victims' advocate and staff are attorneys, they are already subject to ethical obligations to their clients in the Alaska Rules of Professional conduct, including the ARPC 1.3 requirement to exercise due diligence.

The OVR has access to confidential information and records beyond the scope of the access allowed to the Ombudsman. Currently, the OVR is prohibited by statute from providing confidential information and documents to the Ombudsman under confidentiality requirements.

For these reasons it is imperative that the legislature clarify their intent and remove the OVR from the jurisdiction of the Ombudsman.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK

HOUSE BILL NO. 92

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES SAMUELS AND STOLTZE, Hawker, Dahlstrom, Lynn, Johnson, Johansen

Introduced: 1/16/07

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act removing the victims' advocate and the staff of the office of victims' rights from**
2 **the jurisdiction of the office of the ombudsman in the legislative branch."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 24.55.330(2) is amended to read:**

5 (2) "agency" includes a department, office, institution, corporation,
6 authority, organization, commission, committee, council, or board of a municipality or
7 in the executive, legislative, or judicial branches of the state government, and a
8 department, office, institution, corporation, authority, organization, commission,
9 committee, council, or board of a municipality or of the state government independent
10 of the executive, legislative, and judicial branches; it also includes an officer,
11 employee, or member of an "agency" acting or purporting to act in the exercise of
12 official duties, but does not include the governor, the lieutenant governor, a member
13 of the legislature, the victims' advocate, the staff of the office of victims' rights, a
14 justice of the supreme court, a judge of the court of appeals, a superior court judge, a

1 district court judge, a magistrate, a member of a city council or borough assembly, an
2 elected city or borough mayor, or a member of an elected school board;

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 92
 (H) Publish Date: 3/26/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
 Title "An Act removing the victims' advocate and the RDU Office of Victims' Rights
staff of the office of victims' rights from the jurisdiction of the.." Component Office of Victims' Rights
 Sponsor "Representatives Samuels and Stoltze, Hawker.."
 Requester House State Affairs Component No. 2769

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director
 Division: Legislative Affairs Agency
 Approved by: Pamela Varni, Executive Director
 Agency: Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/19/07 3:18 PM
 Date 3/19/2007