

From: [Rep. Andy Josephson](#)
To: [Thomas Atkinson](#); [Thatcher Brouwer](#)
Subject: FW: Information to amend HB355 - Please place testimony in the written record
Date: Thursday, March 01, 2018 1:12:11 PM

-----Original Message-----

From: Rainbow Chaser [<mailto:svrainbowchaser@yahoo.com>]
Sent: Thursday, March 01, 2018 11:42 AM
To: Rep. Andy Josephson <Rep.Andy.Josephson@akleg.gov>; Rep. Geran Tarr <Rep.Geran.Tarr@akleg.gov>; Rep. John Lincoln <Rep.John.Lincoln@akleg.gov>; Rep. Harriet Drummond <Rep.Harriet.Drummond@akleg.gov>; Rep. Justin Parish <Rep.Justin.Parish@akleg.gov>; Rep. Chris Birch <Rep.Chris.Birch@akleg.gov>; Rep. DeLena Johnson <Rep.DeLena.Johnson@akleg.gov>; Rep. George Rauscher <Rep.George.Rauscher@akleg.gov>; Rep. David Talerico <Rep.David.Talerico@akleg.gov>; Rep. Chris Tuck <Rep.Chris.Tuck@akleg.gov>
Subject: Information to amend HB355 - Please place testimony in the written record

Please place the following written testimony and attached picture in the record against HB355 in its current state. Information is in the testimony below to bring Alaska Statute back into alignment with Alaska Constitution. If you have any questions please do not hesitate to call. - James Squyres [REDACTED], District 9

HOUSE RESOURCES
PUBLIC TESTIMONY
HB 355

For the record my Name is James Squyres. I live in Rural Deltana, I am a constituent of Representative George Rauscher. I am against HB355 as currently stated. I have been concerned for some time with the 42.15 series of Alaska Statute. I hope you Legislators will use this opportunity to make amendments to this Bill to bring this statute in line with constitutional elements that you swore to uphold under Article 12, Section 5 of the Alaska Constitution.

In particular, Section 3 of the Bill referring to AS 41.15.040. "Right of entry to control and suppress fires" is adding the word "investigating" subsequent to the word "preventing". Director Chris Maisch testified before this Committee earlier today that "prevention terminology that was used in the past" is being used as a basis for extending the language to include investigations of an event after the fact. Now every Alaskan wants Forestry to charge in to control and suppress wildfire even if it is on private property, that is not the question here. What is in question is current "prevention" terminology that is currently in conflict with Article I, Section 14 regarding Searches and Seizures.

Currently a Forestry employee is considered a "Peace Officer" under AS 41.15.950 and may climb over a locked and posted gate and walk down your driveway where you have clearly expressed your expectation of privacy WITHOUT probable cause that a crime is being committed to "prevent" a wildfire. None of us have a problem if there IS probable cause. Article I, Section 22 indicates that The right of the people to privacy is recognized and shall not be infringed. The reason they want to add the investigation language is to put into statute the "veil of authority" to enter onto private property without warrant. The scary part is when Director Maisch indicates they already have the right... simply because it is already in statute, yet it is in conflict with the constitution. Moreover, when Ann Nelson, from the Department of Law testified earlier today (when you listen carefully you will pick this out) when talking to the constitutional elements, said "the statute" then walked that back to say "the proposed amendment to statute". You should remove both the words "prevention" and "investigation" from AS 41.15.040. to not only realign it with its title - "Right of entry to control and suppress fires" but to realign it with the Article 1, Sections 14

and 22 of the Alaska Constitution. In fact, you should also change in the title the word “right” to the word “authority”.

Another situation which is quite messy is the terminology of Peace Officers used in AS 41.15.950 being applied to employees of Forestry who are not trained as Peace Officers. AS 11.61.220. involves Misconduct Involving Weapons in the Fifth Degree, whereby an Alaskan who is carrying a concealed firearm has a duty to immediately notify a PEACE OFFICER that they are carrying a concealed firearm and that the Peace Officer has the right to secure the deadly weapon. This is clearly a procedure that someone on a fire crew is not trained in performing and opens a Pandora's box of possibilities with undesirable outcomes. In revising this Statute it is time for this issue to be addressed as well. That concludes my testimony.