

Lizzie Kubitz

From: Rep. Matt Claman
Sent: Monday, March 19, 2018 8:25 AM
To: House Judiciary
Subject: FW: Additional Written Testimony HB355 Please place in the record
Attachments: red flag.jpg

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

From: Rainbow Chaser [mailto:svrainbowchaser@yahoo.com]
Sent: Sunday, March 18, 2018 10:43 AM
To: Rep. Matt Claman <Rep.Matt.Claman@akleg.gov>; Rep. Louise Stutes <Rep.Louise.Stutes@akleg.gov>; Rep. Jonathan Kreiss-Tomkins <Rep.Jonathan.Kreiss-Tomkins@akleg.gov>; Rep. Gabrielle LeDoux <Rep.Gabrielle.LeDoux@akleg.gov>; Rep. David Eastman <Rep.David.Eastman@akleg.gov>; Rep. Chuck Kopp <Rep.Chuck.Kopp@akleg.gov>; Rep. Lora Reinbold <Rep.Lora.Reinbold@akleg.gov>
Cc: Rep. George Rauscher <Rep.George.Rauscher@akleg.gov>
Subject: Additional Written Testimony HB355 Please place in the record

PLEASE PLACE (Text and photo) IN THE WRITTEN RECORD - HB355

Below is ADDITIONAL UPDATED written testimony to be placed on the record for HB355. Since my oral testimony was cut short by Chairman Claman please be sure and carefully read researched points towards the end of my testimony that were not allowed to be included regarding changes to AS. 41.15.060 - Permits, changes to AS. 41.15.070 - Disposal of burning materials , and grave considerations regarding AS. 41.15.090(b) - Building or Leaving Fires, in which sourdough Alaskan moose hunters, operating safely as they have for decades, could be considered as criminals...

HOUSE JUDICIARY
PUBLIC TESTIMONY
HB 355

For the record my Name is James Squyres. I live in Rural Deltana, I am appreciative of the amendment process that took place in the last committee but feel that there is still work to be done on HB355 as currently stated. These comments are updated to reflect it's current status subsequent to my previous testimony, amendments and testimony by others. I have been concerned for some time with the 42.15 series of Alaska Statute. I hope as Legislators you will use this opportunity to make additional 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" needs to be realigned with Article 1, Section 14 of the Alaska Constitution and the 4th Amendment of the United States Constitution against "unreasonable searches" when it comes to private property. 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. Now..., as we know, Alaska is a huge state. There is not that much private property. Even less when you back out urban from rural privately owned forested land. What IS in question is current "prevention" terminology in statute that can be easily abused by virtually any employee in Forestry to enter private property when there is no probable cause that a crime is being committed.

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" not just a wildfire, but ANY fire. Many Alaskans like myself

have smoke going out the top of their chimneys right now as I present this testimony. None of us have a problem if there IS probable cause yet we know that Article I, Section 22 indicates that The right of the people to privacy is recognized and shall not be infringed.

SO..., AS 41.15.040 could be cleaned up more by a simple amendment on Page 2, line 14 adding the word "wildland" between the words "suspected" and "fire" and on Page 2, line 16 removing the word "preventing". You could also modernize the title of this section by changing it to "Sec. 41.15.040. Authority of entry to control and suppress wildland fires."

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, even on his own private property, 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.

In addition to the above concerns on an Alaskan's private land, there are several things in this bill and in this 42.15 series of statute that you should find alarming and quite ridiculous and hope you will do some leg work to clean up.

AS. 41.15.060. Permits – a permit is now required for "uses of land" that increase fire danger? Does this mean Forestry is supposed to get involved with every detail of private property land management like cutting firewood or clearing that may produce slash piles that may be lit off later with 3 feet of snow on the ground?

AS. 41.15.070. Disposal of burning materials – This bill changes this from the fire season to year around so if someone throws a cigarette onto the ground covered in 3 feet of snow they ARE in violation of this statute. I believe there is already a statute out there with a 1,000 fine for littering. Please.

AS. 41.15.090(b) Building or Leaving Fires. - How many Alaskan Moose hunters are criminals when they have been safely burning for years or decades? Think about a warming campfire prepared in a properly cleared area and banked for the night before bedding down. Getting up before dawn for the morning hunt and returning "frozen out" to get the fire going again. If there was any warm ash in that safely burned down and banked fire while they were out on the morning hunt they ARE criminals.

Of course the concern is that there is room for abuse left open by statute in the situations laid out above. We ALL want Forestry to continue their valuable mission. It is your job to cast a statutory net that does not catch every sourdough moose hunter or violate private property rights.

My name is James Squyres and that concludes my testimony.

Lizzie Kubitza

From: Francesca A <frescachez@gmail.com>
Sent: Monday, March 19, 2018 9:54 AM
To: House Judiciary
Subject: Public testimony HB 355

Dear House Judiciary,

I am against HB 355.

You took a sworn oath to protect and uphold the Constitution.

This bill is in direct violation of the Constitution. It is an unlawful invasion of privacy. You need a warrant to enter private property. You do not have the right of entry for preventative or investigation purposes on private property. It is unlawful searches and seizures.

This is a bad bill and against our constitutional rights.

Again, I am against HB 355 because it violates the Constitution.

Regards ,
Francesca Allegrezza

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Sent from my iPhone