

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

FEB 28 2014

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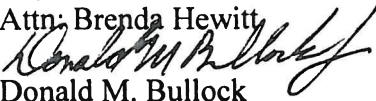
(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 28, 2014

SUBJECT: Amendments to CSHB 282()
Draft Version "O" (Work Order No. 28-LS0930\O.1)

TO: Representative Doug Isaacson
Attn: Brenda Hewitt


FROM: Donald M. Bullock
Legislative Counsel

Enclosed is an amendment to the above referenced draft CS that makes an individual receiving housing assistance from a "victim counseling center" exempt from the Residential Landlord and Tenant Act. Please read this amendment carefully to ensure that it is consistent with your intent.

As we discussed by telephone, the requested amendment to sec. 11.76.115 (misconduct involving confidential information in the second degree) was not drafted. I was unable to identify a single subject that incorporated both the landlord tenant issues in the bill and the criminal statute relating to misconduct involving confidential information.

Also, you suggested an amendment to AS 34.03.220(a) in sec. 15 of the draft that would provide an exception to the new language for an individual engaging in prostitution as a result of sex trafficking. I did not draft this amendment. As we discussed on the telephone, the exception for a sex trafficking victim would put the landlord in the role of "judge and jury" trying to determine if the individual was a victim. However, AS 34.03.220(a), as amended in sec. 15, does not require the landlord to deliver a notice to quit to a person engaging in prostitution; the landlord has discretion as to whether or not to deliver the notice in the phrase "the landlord may deliver a written notice to quit." In exercising this discretion, the landlord may consider the specifics of a particular situation when deciding whether or not to deliver a notice to quit.

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Enclosure