

**CS FOR HOUSE BILL NO. 135(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/17/01**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES GUESS, Meyer, Hayes**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to municipal fees for certain police protection services."**

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

3 \* **Section 1.** AS 29.10.200 is amended by adding a new paragraph to read:

4 (60) AS 29.35.125 (fees for police protection services).

5 \* **Sec. 2.** AS 29.35 is amended by adding a new section to read:

6 **Sec. 29.35.125. Fees for police protection services.** (a) A municipality may  
7 by ordinance impose a fee on the owner of residential property, including multi-family  
8 housing, if a member of the municipal police department goes to the property an  
9 excessive number of times during a calendar year in response to a call for assistance, a  
10 complaint, an emergency, or a potential emergency. The number of responses  
11 considered to be excessive and the amount of the fee shall be set out in the ordinance  
12 that establishes the fee. A fee may not be imposed under this subsection for responses  
13 to calls that involve potential domestic violence, as defined in AS 18.66.990, or  
14 potential stalking under AS 11.41.260 or 11.41.270. An ordinance enacted under this  
15 section shall require actual notice to the property owner of police contacts and a

1 warning that failure to take appropriate corrective action may result in the imposition  
2 of a fee. The ordinance must also define "appropriate corrective action" to include  
3 written notice to quit under AS 09.45.100 - 09.45.110 in appropriate situations as well  
4 as other types of corrective action, and provide that the property owner is not liable for  
5 the fee if that action is promptly taken.

6 (b) A municipality may provide that a fee imposed under (a) of this section is  
7 a lien on the property to which the municipal police have been called an excessive  
8 number of times and may provide for the recording and notice of the lien. When  
9 recorded, a lien under this subsection has priority over all other liens except

10 (1) liens for property taxes, special assessments, and sales and use  
11 taxes;

12 (2) liens that were perfected before the recording of the lien under this  
13 subsection; and

14 (3) mechanics' and materialmen's liens for which claims of lien under  
15 AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded  
16 before the recording of the lien under this subsection.

17 (c) This section applies to home rule and general law municipalities.