

ALASKA STATE LEGISLATURE
SENATE JUDICIARY COMMITTEE

May 11, 2002
3:56 p.m.

MEMBERS PRESENT

Senator Robin Taylor, Chair
Senator John Cowdery
Senator Johnny Ellis

MEMBERS ABSENT

Senator Dave Donley, Vice Chair
Senator Gene Therriault

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 135(JUD) am
"An Act relating to municipal fees for certain police protection
services and to a tenant's activities that result in the
imposition of those fees."

MOVED SCS CSHB 135(JUD) OUT OF COMMITTEE

PREVIOUS SENATE COMMITTEE ACTION

HB 135 - See CRA minutes dated 3/27/02.

WITNESS REGISTER

Mr. Nathan Johnson
Staff to Representative Gretchen Guess
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Testified for the sponsor of HB 135.

ACTION NARRATIVE

TAPE 02-32, SIDE A

Number 001

CHAIRMAN ROBIN TAYLOR called the Senate Judiciary Committee meeting to order at 3:56 p.m. Senators Ellis, Cowdery and Chair Taylor were present. The committee took up CSHB 135(JUD) am.

#HB 135

CSHB 135(JUD)am-EXCESSIVE POLICE SERVICES:FEES/ TENANCY

MR. NATHAN JOHNSON, staff to Representative Gretchen Guess, sponsor of HB 135, told members the impetus for HB 135 came from community patrols and police officers because of nuisance properties, such as drug houses, in the community. Alaska currently has an abatement law but it sets a very high standard that is difficult for the police to meet resulting in chronically problematic properties. HB 135 allows a municipality to adopt an ordinance that would allow it to assess a fee to the property owner for excessive police visits. The fee may be a lien against the property, which gives the municipality leverage to bring absentee landlords to the table. He noted that often outside banks that own these properties are not that interested in the conduct that occurs on their properties. The fee may not be imposed for calls related to domestic violence, child neglect, or stalking. The bill includes a provision that prohibits a fee from being imposed if the landlord took prompt corrective action to remedy the problem. The legislation modifies the landlord-tenant law to give the landlord grounds for eviction so that the landlord cannot be unfairly charged for the behavior of the tenants. He informed members that the Alaska Association of Realtors, the Alaska Mortgage Bankers Association, the Ketchikan, Fairbanks and Anchorage Police Departments, the Alaska Peace Officers Association, the Alaska Municipal League, the Municipality of Anchorage and STAR support this legislation. He added that this bill is one of the priorities of the Municipality of Anchorage.

SENATOR COWDERY asked if the bill has a fiscal impact.

MR. JOHNSON said there is no fiscal note as CSHB 135(JUD)am is merely enabling legislation.

CHAIRMAN TAYLOR said he had a proposed committee substitute prepared (labeled Cook 4/29/02) that says the fee may not exceed the actual cost of the excessive responses. He noted that change was added to place a limitation on what a municipality might do so that it could not use this as a revenue generator.

SENATOR COWDERY moved to adopt the proposed committee substitute as the work draft.

CHAIRMAN TAYLOR announced that without objection, the motion carried. He then informed members that his staff, Mike White, worked closely with Representative Guess on this legislation. He asked Mr. Johnson to inform members of any other changes were made in the committee substitute.

MR. JOHNSON explained that the committee substitute expands the options for giving service to the property owner in response to Chairman Taylor's concerns. It gives law enforcement officers service options other than certified mail. He said that Representative Guess is pleased with that change.

CHAIRMAN TAYLOR thanked Mr. Johnson and Representative Guess for bringing this legislation forward.

SENATOR ELLIS moved SCS CSHB 135(JUD) from committee with individual recommendations and its accompanying zero fiscal note.

CHAIRMAN TAYLOR announced that without objection, SCS CSHB 135(JUD) moved from committee. He then announced the committee would stand in recess subject to a call of the Chair.

#