

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 28, 2014

1:06 p.m.

MEMBERS PRESENT

Representative Wes Keller, Chair
Representative Bob Lynn, Vice Chair
Representative Neal Foster
Representative Gabrielle LeDoux
Representative Max Gruenberg
Representative Lance Pruitt

MEMBERS ABSENT

Representative Charisse Millett

COMMITTEE CALENDAR

HOUSE BILL NO. 235

"An Act requiring the Alaska Public Offices Commission to maintain the confidentiality of certain proceedings, documents, and information."

- HEARD & HELD

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 205

"An Act relating to traffic offenses committed in a school zone; and prohibiting changing lanes in a school zone."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 64(FIN)

"An Act relating to theft and property offenses; relating to the definition of 'prior convictions' for certain theft offenses; establishing the Alaska Criminal Justice Commission and providing an expiration date; relating to the crime of custodial interference; relating to the duties of the Alaska Judicial Council; relating to jail-time credit for offenders in court-ordered treatment programs; relating to conditions of release, probation, and parole; relating to duties of the commissioner of corrections and board of parole; establishing a fund for reducing recidivism in the Department of Health and Social Services; requiring the commissioner of health and social services to establish programs for persons on conditions of

release or probation that require testing for controlled substances and alcoholic beverages; requiring the board of parole to establish programs for persons on parole that require testing for controlled substances and alcoholic beverages; relating to the duties of the Department of Health and Social Services; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 282

"An Act relating to the rights and obligations of residential landlords and tenants; and relating to the taking of a permanent fund dividend for rent and damages owed to a residential landlord."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 235

SHORT TITLE: CONFIDENTIALITY OF APOC COMPLAINTS

SPONSOR(s): REPRESENTATIVE(s) HIGGINS

01/21/14	(H)	PREFILE RELEASED 1/10/14
01/21/14	(H)	READ THE FIRST TIME - REFERRALS
01/21/14	(H)	STA, JUD
03/11/14	(H)	STA AT 8:00 AM CAPITOL 106
03/11/14	(H)	Moved CSHB 235(STA) Out of Committee
03/11/14	(H)	MINUTE(STA)
03/12/14	(H)	STA RPT CS(STA) NT 4DP 2NR
03/12/14	(H)	DP: GATTIS, KELLER, ISAACSON, HUGHES
03/12/14	(H)	NR: KREISS-TOMKINS, LYNN
03/21/14	(H)	JUD AT 1:00 PM CAPITOL 120
03/21/14	(H)	Heard & Held
03/21/14	(H)	MINUTE(JUD)
03/28/14	(H)	JUD AT 1:00 PM CAPITOL 120

BILL: HB 205

SHORT TITLE: TRAFFIC OFFENSES: FINES/SCHOOL ZONES

SPONSOR(s): REPRESENTATIVE(s) FOSTER

04/11/13	(H)	READ THE FIRST TIME - REFERRALS
04/11/13	(H)	JUD
04/12/13	(H)	SPONSOR SUBSTITUTE INTRODUCED
04/12/13	(H)	READ THE FIRST TIME - REFERRALS
04/12/13	(H)	JUD
03/12/14	(H)	JUD AT 1:00 PM CAPITOL 120

03/12/14 (H) -- MEETING CANCELED --
 03/14/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/14/14 (H) Scheduled But Not Heard
 03/28/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: SB 64

SHORT TITLE: OMNIBUS CRIME/CORRECTIONS/RECIDIVISM BILL

SPONSOR(s): JUDICIARY

02/27/13 (S) READ THE FIRST TIME - REFERRALS
 02/27/13 (S) STA, JUD
 04/04/13 (S) STA AT 9:00 AM BUTROVICH 205
 04/04/13 (S) <Bill Hearing Postponed>
 04/09/13 (S) STA RPT CS 1DP 1NR 1AM NEW TITLE
 04/09/13 (S) DP: DYSON
 04/09/13 (S) NR: GIESSEL
 04/09/13 (S) AM: COGHILL
 04/09/13 (S) STA AT 9:00 AM BUTROVICH 205
 04/09/13 (S) Moved CSSB 64(STA) Out of Committee
 04/09/13 (S) MINUTE(STA)
 07/25/13 (S) JUD AT 10:00 AM WASILLA
 07/25/13 (S) Heard & Held
 07/25/13 (S) MINUTE(JUD)
 01/29/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 01/29/14 (S) Heard & Held
 01/29/14 (S) MINUTE(JUD)
 01/31/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 01/31/14 (S) Heard & Held
 01/31/14 (S) MINUTE(JUD)
 02/03/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 02/03/14 (S) Heard & Held
 02/03/14 (S) MINUTE(JUD)
 02/05/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 02/05/14 (S) Heard & Held
 02/05/14 (S) MINUTE(JUD)
 02/07/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 02/07/14 (S) -- MEETING CANCELED --
 02/10/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 02/10/14 (S) Heard & Held
 02/10/14 (S) MINUTE(JUD)
 02/12/14 (S) JUD AT 1:30 PM BELTZ 105 (TSBldg)
 02/12/14 (S) Moved CSSB 64(JUD) Out of Committee
 02/12/14 (S) MINUTE(JUD)
 02/14/14 (S) JUD RPT CS 4DP 1NR NEW TITLE
 02/14/14 (S) DP: COGHILL, MCGUIRE, WIELECHOWSKI,
 DYSON
 02/14/14 (S) NR: OLSON

02/14/14 (S) FIN REFERRAL ADDED AFTER JUD
 02/25/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
 02/25/14 (S) Heard & Held
 02/25/14 (S) MINUTE(FIN)
 03/06/14 (S) FIN AT 5:00 PM SENATE FINANCE 532
 03/06/14 (S) Heard & Held
 03/06/14 (S) MINUTE(FIN)
 03/11/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/11/14 (S) Heard & Held
 03/11/14 (S) MINUTE(FIN)
 03/11/14 (S) FIN AT 5:00 PM SENATE FINANCE 532
 03/11/14 (S) Heard & Held
 03/11/14 (S) MINUTE(FIN)
 03/13/14 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/13/14 (S) Moved CSSB 64(FIN) Out of Committee
 03/13/14 (S) MINUTE(FIN)
 03/14/14 (S) FIN RPT CS 3DP 1NR 3AM NEW TITLE
 03/14/14 (S) DP: KELLY, MEYER, HOFFMAN
 03/14/14 (S) NR: OLSON
 03/14/14 (S) AM: FAIRCLOUGH, DUNLEAVY, BISHOP
 03/14/14 (S) TRANSMITTED TO (H)
 03/14/14 (S) VERSION: CSSB 64(FIN)
 03/17/14 (H) READ THE FIRST TIME - REFERRALS
 03/17/14 (H) JUD, FIN
 03/24/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/24/14 (H) Heard & Held
 03/24/14 (H) MINUTE(JUD)
 03/26/14 (H) JUD AT 1:00 PM CAPITOL 120
 03/26/14 (H) Heard & Held
 03/26/14 (H) MINUTE(JUD)
 03/28/14 (H) JUD AT 1:00 PM CAPITOL 120

BILL: HB 282

SHORT TITLE: LANDLORD AND TENANT ACT

SPONSOR(s): ISAACSON

01/29/14 (H) READ THE FIRST TIME - REFERRALS
 01/29/14 (H) L&C, JUD
 02/28/14 (H) L&C AT 3:15 PM BARNES 124
 02/28/14 (H) Heard & Held
 02/28/14 (H) MINUTE(L&C)
 03/14/14 (H) L&C AT 3:15 PM BARNES 124
 03/14/14 (H) Heard & Held
 03/14/14 (H) MINUTE(L&C)
 03/17/14 (H) L&C AT 3:15 PM BARNES 124
 03/17/14 (H) Moved CSHB 282(L&C) Out of Committee
 03/17/14 (H) MINUTE(L&C)

03/19/14 (H) L&C RPT CS(L&C) 1DP 6NR
03/19/14 (H) DP: JOSEPHSON
03/19/14 (H) NR: MILLETT, CHENAULT, HERRON,
REINBOLD, SADDLER, OLSON
03/28/14 (H) JUD AT 1:00 PM CAPITOL 120

WITNESS REGISTER

REPRESENTATIVE PETE HIGGINS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 235.

THOMAS STUDLER, Staff
Representative Pete Higgins
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented CSHB 235 on behalf of Representative Higgins.

PAUL DAUPHINAIS, Executive Director
Alaska Public Offices Commission
Alaska Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Responded to a request to answer a question on HB 235.

REPRESENTATIVE NEAL FOSTER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 205 as sponsor.

PAUL LABOLLE, Staff
Representative Neal Foster
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions regarding HB 205.

CUSSY KAUER
Nome, Alaska

POSITION STATEMENT: Spoke in favor of HB 205.

CONNIE MCKENZIE, Legislative Liaison
Department of Transportation and Public Facilities (DOT)
Juneau, Alaska

POSITION STATEMENT: Spoke to the fiscal impacts of HB 205.

BILL MICKELSON, President
Mickelson Consulting Group
Pierre, South Dakota

POSITION STATEMENT: Discussed the development of the 24/7 Sobriety Program.

ELIZABETH RIPLEY, Executive Director
Mat-Su Health Foundation
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 64.

BETTY BAIR
Wasilla, Alaska

POSITION STATEMENT: Testified about redefining sexual crimes and about the lack of education in prisons.

LISA RIEGER, General Counsel
Cook Inlet Tribal Council (CITC)
Anchorage, Alaska

POSITION STATEMENT: Spoke in support of SB 64.

MELINDA MERRILL, Manager
Community Affairs
Fred Meyer Stores
Portland, Oregon

POSITION STATEMENT: Spoke against raising the felony threshold in SB 64.

SCOTT BRINGHURST, Vice President
Loss Prevention
Fred Meyer Stores
Portland, Oregon

POSITION STATEMENT: Spoke against raising the felony threshold in SB 64.

TOM BUTLER, Colonel
Montana Highway Patrol
Helena, Montana

POSITION STATEMENT: Spoke about the 24/7 Sobriety Program in Montana.

CHRIS NETTELS, President and Owner
GeoTek Alaska
Anchorage, Alaska

POSITION STATEMENT: Spoke against raising the felony threshold in SB 64.

ANNE CARPENETI, Assistant Attorney General
Legal Services Section
Criminal Division
Department of Law (DOL)
Juneau, Alaska

POSITION STATEMENT: Answered questions pertaining to SB 64.

REPRESENTATIVE DOUG ISSACSON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 282 as sponsor.

BRENDA HEWITT, Staff
Representative Doug Isaacson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 282 on behalf of Representative Isaacson, sponsor

ACTION NARRATIVE

[1:06:45 PM](#)

CHAIR WES KELLER called the House Judiciary Standing Committee meeting to order at 1:06 p.m. Representatives Gruenberg, Foster, LeDoux, Lynn, and Keller were present at the call to order. Representative Pruitt arrived as the meeting was in progress.

REPRESENTATIVE MAX GRUENBERG said that he put in his unlawful evasion bill and intends to amend it to the "crime bill."

[1:10:07 PM](#)

HB 235-CONFIDENTIALITY OF APOC COMPLAINTS

CHAIR KELLER announced that the first order of business would be HOUSE BILL NO. 235, "An Act requiring the Alaska Public Offices Commission to maintain the confidentiality of certain proceedings, documents, and information."

[1:11:19 PM](#)

REPRESENTATIVE BOB LYNN moved to adopt the Committee Substitute (CS) for HB 235, Version 28-LS1130\Y, Bullard, 3/27/14 as the working document.

REPRESENTATIVE GRUENBERG objected.

[1:12:03 PM](#)

REPRESENTATIVE PETE HIGGINS, Alaska State Legislature, turned the discussion over to his staff.

THOMAS STUDLER, Staff, Representative Pete Higgins, Alaska State Legislature, noted an addition to the title of HB 235 regarding sanctions for those who file false or frivolous complaints [to the Alaska Public Offices Commission (APOC)]. A new paragraph was added to Section 1 to say that the proceedings relating to an investigation are confidential until it is determined that a violation has occurred. In Section 2, he said the following was added:

Except to the extent that the confidentiality provisions are waived by the subject, the complainant shall keep confidential the fact that they have filed a complaint under this section, as well as the contents of the complaints filed. If the complainant violates any provision of the confidentiality, the commission shall immediately dismiss the complaint; however, the dismissal of the complaint does not affect the right of the commission or any other person to initiate a complaint based on the same factual information.

[1:13:35 PM](#)

MR. STUDLER said that a new subsection was added in Section 3 to allow for appealing the APOC decision to the Superior Court by either the complainant or the respondent within 30 days of the decision. He added that Section 4 was amended by adding that the complaint and all documents relating to the investigation are confidential until it has been determined that a violation has occurred. "We went on by adding a new [subsection], (m)," to further define that within 30 days after accepting the complaint, the commission shall determine whether the facts substantiate an allegation and whether there is credible evidence for further investigation and proceedings. The commission may delegate this duty to make that determination to an employee/investigator of the commission to expedite the process, he said.

[1:14:40 PM](#)

MR. STUDLER turned to Section 5, which says that the commission needs to make a determination, based on the facts before it, whether the allegation has merit. "One of the things that we added in here is that ... if you make a false claim ... the commission shall dismiss the complaint and order the complainant to reimburse the respondent for his costs and court costs." The respondent is to reimburse APOC as well, he said. Additionally, APOC may decline to consider any further complaints filed by that particular individual. The CS also includes [subsection (o)] as follows:

The sanctions authorized in this section are not exclusive and do not preclude any other remedies or rights of action the respondent may have against the complainant.

MR. STUDLER stated that the updates are to protect the process of APOC so that when complaints are brought forward, they are in good faith and have merit.

[1:16:32 PM](#)

REPRESENTATIVE LYNN asked about a complaint with multiple allegations and one is deemed to be frivolous.

MR. STUDLER said he believes that the allegations with merit would go forward.

[1:17:37 PM](#)

REPRESENTATIVE LYNN asked how APOC would be reimbursed.

MR. STUDLER answered that if the person files allegations and some were substantiated and others were not, he believes the commission would have to look at the clear and convincing evidence of whether the allegations were filed in bad faith. Since some of the allegations were upheld, "I would have to say that would not be in bad faith, because there was merit to those cases." He added that he did not want to speak for the commission.

[1:18:32 PM](#)

REPRESENTATIVE LYNN said he would like to have that clarified.

PAUL DAUPHINAIS, Executive Director, Alaska Public Offices Commission, Alaska Department of Administration, said he is not

authorized to speak for the commission, and "we try not to deal with hypotheticals."

[1:19:25 PM](#)

REPRESENTATIVE GABRIELLE LEDOUX asked about a complaint being dismissed and the complainant decides to file an appeal with the Superior Court, "then are all records of the Superior Court sealed?" Normally things are openly filed with the Superior Court, she explained. If the idea is to have information confidential until there has been a decision that an APOC rule has been violated, "what are you going to do with the Superior Court?"

[1:20:21 PM](#)

MR. STUDLER said he will get back on that.

REPRESENTATIVE NEAL FOSTER noted the changes in Section 4, where all documents relating to an investigation are confidential until it is determined that a violation has occurred. "If no violation occurs, is there any provision that maybe the documents do become open, but maybe not for, say, a period of six months?"

MR. STUDLER said "we" had not thought about that. He said he would have to respond later.

[1:21:35 PM](#)

REPRESENTATIVE HIGGINS said he sees no reason why an allegation without merit should become public. The purpose of HB 235 is to ensure that only violations with merit become public. "You're thinking that for historical reasons you want to put it in there, but as an individual and a citizen of the state, I don't see where that would be." He said he cannot speak for the commission on that issue because he really has not thought about it.

[1:22:38 PM](#)

REPRESENTATIVE LYNN asked if the exonerated defendant can request that the allegation become public in order to expose what a "rotten" person the complainant is.

REPRESENTATIVE HIGGINS said, yes, there is a provision allowing the defendant to waive confidentiality.

1:23:14 PM

REPRESENTATIVE FOSTER said he totally understands that side, but he thought that people might want to know what happened, and the file could become open "sometime down the road" for the sake of transparency. He noted that he did not feel strongly one way or another.

REPRESENTATIVE GRUENBERG said he spoke with Mr. Studler about the bill extensively. This is the only APOC bill the committee is likely to see this year, he stated, and he has a couple of concerns. This year's APOC report made one suggestion for a legislative change. He noted that the legislators used to have to do a post-election 10-day report. The APOC report suggested reinstating that obligation, which requires legislators to review their contributions and expenditures that occurred in a flurry a few days before the election. "As it is now, there is no post-election report for months, and so huge \$100,000 fines accrue, and if we did a simple report to recap that 10 days after, that would probably catch a lot of these things and bring those potential fines back into line."

1:25:44 PM

REPRESENTATIVE GRUENBERG noted that the statute, AS 15.13.390(a), states that if a person violates the law by not having a properly completed and certified report, like if something is missing or if the report is late, there is a civil penalty of not more than \$500 per day. He said APOC has a regulation, 2AAC50.855, which states that the amount of the penalty must be determined by multiplying the daily maximum by the number of the days the report was late or incomplete. "It changes a maximum into a benchmark and results in huge unfair fines," he stated. "It is terrifically unjust, and what they have to do now is apply mitigators that really don't apply—just to bring this back into line."

REPRESENTATIVE LANCE PRUITT asked if Representative Gruenberg is indicating that there should be a report a week or two after the election instead of the one due on February 15.

1:28:22 PM

REPRESENTATIVE GRUENBERG said it would not eliminate the year-end report; it would be in addition to it. Legislators once had to do it and "we simply repealed it because it was extra work."

The result has been people getting hit with huge fines because they messed up in some manner, and the mistake was not caught for three months because people do not look at the reports until they do their next one. By reinstating the above-mentioned report, people will triple check, which will eliminate the fines except for the 10-day period.

CHAIR KELLER announced that HB 235 was set aside.

[1:31:20 PM](#)

HB 205-TRAFFIC OFFENSES: FINES/SCHOOL ZONES

[1:31:42 PM](#)

CHAIR WES KELLER announced that the next order of business would be SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 205, "An Act relating to traffic offenses committed in a school zone; and prohibiting changing lanes in a school zone."

[1:32:02 PM](#)

REPRESENTATIVE LYNN moved Amendment 1,

Page 2, line 1:

Delete "a misdemeanor"

Insert "an infraction and is punishable by a fine not to exceed \$500"

CHAIR KELLER objected.

REPRESENTATIVE LYNN said school zones are very hazardous areas, but a misdemeanor is "probably over the top." Making the offense an infraction brings it in line with any other infraction, and there is flexibility for a judge because it says "not to exceed."

[1:33:43 PM](#)

REPRESENTATIVE GABRIELLE LEDOUX pointed out that a misdemeanor would give the offender the right to a trial by jury, and she does not think an infraction would provide that right. A misdemeanor would also provide for a public defender, so the infraction would be less costly to the state and municipalities.

REPRESENTATIVE LYNN asked if a ticket for speeding in a school zone is a misdemeanor or an infraction.

REPRESENTATIVE LEDOUX replied that she thinks speeding in a school zone gets a person a ticket, not a misdemeanor.

[1:34:42 PM](#)

REPRESENTATIVE LYNN surmised that he could amend HB 205 "to make it similar to any other traffic ticket a person might get in a particular place like a school zone."

CHAIR KELLER said he wanted to get this on the record, but he will save the question for later. He withdrew his objection to the amendment.

REPRESENTATIVE MAX GRUENBERG said the questions need to be answered before voting on the amendment.

[1:35:37 PM](#)

REPRESENTATIVE NEAL FOSTER, Alaska State Legislature, said HB 205 is an act relating to traffic offenses committed in a school zone and prohibiting [changing] lanes in a school zone. He thanked Representative Lynn for strengthening the bill by adding the provision on changing lanes. A tragedy occurred in 2011; a boy had just moved from Nome to Fairbanks and while waiting on the corner by his school he was struck and killed by a person under the influence of prescription medications and who was speeding through the intersection. The boy's family will be testifying, he added. The incident caused him to think about what could be done to make children safer. He pointed out that people driving along highways are subject to double fines when construction workers are present. "Why wouldn't we afford that same level of protection to our youngest and our most vulnerable?" he asked. The bill is simple: it says drivers who speed through school zones will be subject to double fines and drivers may not change lanes in a school zone that is equipped with a flashing light if the light is flashing.

[1:37:34 PM](#)

PAUL LABOLLE, Staff, Representative Neal Foster, Alaska State Legislature, stated that speeding is considered a violation, and violations and infractions and are treated by the courts equally and are both considered minor infractions.

CHAIR KELLER asked if Representative Lynn's amendment is appropriate.

MR. LABOLLE said he has discussed the issue with the courts, and it does seem in line with the remainder of the bill.

[1:38:33 PM](#)

REPRESENTATIVE LANCE PRUITT pointed out a street in Anchorage that goes underneath a bridge by a junior high school and is a school zone at times. There are about three lanes on each side, and the street can easily get backed up, he noted. He said he understands why the cars need to slow down because students cross the street, but now a person who changes lanes could be in trouble [under HB 205].

[1:39:51 PM](#)

REPRESENTATIVE FOSTER said that the topic was discussed right before this meeting.

REPRESENTATIVE LYNN noted that the school zone he goes through most often is on Lake Otis [Parkway], "and sometimes I contemplate a citizen's arrest." He said he is religious about not exceeding the speed limit of 20 miles per hour, and people pass him like he is tied to a post, going in and out of lanes. It is a public safety hazard, he opined. He originally thought of outlawing passing in a school zone but, for now, has decided it would be "too unwieldy." He said he decided to coordinate with Representative Foster on HB 205, and he wants to still have that provision if it can be made practical. He spoke about drivers needing to change lanes to make a turn. "This is a very good bill, and I don't want to impede its progress." He asked for potential solutions from the committee.

[1:43:14 PM](#)

REPRESENTATIVE LEDOUX said she is a really lousy driver and does not know the answer. She asked if changing lanes in a school zone is dangerous when driving the speed limit and being cautious.

REPRESENTATIVE LYNN stated that changing lanes is inherently more dangerous than not changing lanes—any place. He noted that there is a difference from just changing lanes and weaving in and out.

REPRESENTATIVE GRUENBERG said that the amendment the committee just adopted created an infraction punishable by a fine not to

exceed \$500. The term "infraction" is defined in AS 28.90.010 with a maximum fine of \$300. He said he does not know if there is an inconsistency between "the other two sections and Section 2." The other two sections delegate to the Supreme Court the responsibility of setting the fine schedule, and "it says that if you're doing it in a traffic safety corridor, it should be double the amount normally." He said, "We're adding school zone to that and here we're putting this particular crime as an infraction, and I don't know how that would be reconciled with the other two sections of the bill." He noted that in 1985, the legislature dealt with something similar, and it was a very thorny problem. The question then was how to effectively prosecute somebody who passes a school bus when the bus is stopped and the lights are flashing. In the darkness, it is difficult to tell who is driving the car, and it was effectively impossible to prosecute.

[1:48:54 PM](#)

REPRESENTATIVE GRUENBERG said the same problem may exist with HB 205. A crossing guard will be watching the kids and a speeder may zoom by "and they're lucky if they get the license number." The decision was to take a Minnesota law that said, "If you can identify and prove the owner of the car, there shall be a civil penalty assessed against owner." The amount of the civil penalty was set out, and if the owner of the car came forth and identified the driver and said the driver was not the owner, "then they prosecute the driver and the civil penalty would be abated."

[1:49:59 PM](#)

CHAIR KELLER announced the start of public testimony.

CUSSY KAUER, Nome, Alaska, thanked the authors of the bill. The driving population in Alaska needs to be educated that when one puts our children at risk by bad driving behavior the consequences are now more severe, she said.

[1:51:22 PM](#)

MS. KAUER, speaking for Jamison Thrun, who was a 4th generation Alaskan and 11-year-old student at University Park Elementary in Fairbanks said:

A bright sunny August morning me and my little brother Kaden were walking to school and Kaden forgot his

soccer ball. I told him to go back home and get it; I would wait for him. He started running back to our house and I heard the screaming of tires.

MS. KAUER continued:

That day, August 30, 2011, changed the lives of our family, my daughter Kelly, her husband, her children, and those of many across Alaska as we mourn the instant killing of Jamison just 15 days after he left Nome for his new Fairbanks home. Kaden returned with his soccer ball and witnessed his brother lying in the grass while EMTs prepared him for the ambulance. He put his hand over his eyes as he passed by and ran the rest of the way to school and in shock waited for his big brother Jamison who would never come. Jamison had plans for a new life in his new home, at his new school, in his new town, but he died on the streets of Fairbanks on his way to school. He wanted to play football. He had just gotten a new trampoline two days earlier. I know Jamison is in heaven and his mother is missing him terribly. Jamison had plans, and, I assure you, residing in Birch Hill Cemetery was not part of them. Parents should expect when their child leaves home for school in the morning the next time they will see them that evening is at the supper table, not laying opened up on an operating table. Highway work zones involve men and women exposed to an element of risk and danger as they are performing their work tasks, sometimes only protected by a hard hat, vulnerable to the driving behaviors of fellow Alaskans and the public. The same care and caution should be exercised by drivers where there are high concentrations of our most precious, which includes school zones, school yards, and school drive-throughs. While this bill does not address these other properties, by passing HB 205 and amending current statutes it is one small step down a long path I intend to take with the help of all of you and on behalf of my grandson, Jamison Thrun.

[1:54:40 PM](#)

CHAIR KELLER stated that everyone is sobered in hearing Ms. Kauer's testimony.

CONNIE MCKENZIE, Legislative Liaison, Department of Transportation and Public Facilities (DOT), said the DOT is preparing a fiscal note on HB 205, and she apologized for forgetting the signage aspect of the bill. There will be signage on the flashing lights to indicate that there would be no turning within the school zone, and there will be signage indicating the start and end of a double-fine zone.

REPRESENTATIVE LYNN asked if the fiscal note would be different with the changing lanes provision.

MS. MCKENZIE said the fiscal note would change because part of the signage is addressing the "no turn zone."

[1:57:03 PM](#)

REPRESENTATIVE FOSTER asked her to make a fiscal note with just the double fines and one with both.

MS. MCKENZIE said DOT could break out each section.

CHAIR KELLER asked how many school zones are where turns are even possible.

MS. MCKENZIE said DOT has estimated the number, and there is often more than one school zone around a school. The estimate is 168 school zones statewide.

[1:58:53 PM](#)

CHAIR KELLER said he was setting HB 205 aside.

SB 64-OMNIBUS CRIME/CORRECTIONS/RECIDIVISM BILL

[1:59:12 PM](#)

The committee took an at-ease from 1:59:48 to 2:00:59.

[2:01:05 PM](#)

CHAIR KELLER said there are several people who would like to testify.

BILL MICKELSON, President, Mickelson Consulting Group, said that he helped develop, implement, and then direct the 24/7 Sobriety Program in South Dakota. He said he is retired after 43 years in law enforcement and now has a consulting company dedicated to

migrating the 24/7 program across the country and abroad. He stated that 24/7 is a valuable tool for judges and for the driver's license division, which would need it for revocation and reinstatement of licenses. It has been a valuable tool in South Dakota, North Dakota, Montana, and all of the other states where it operates, he added. He said he reviewed SB 64 and did a cursory review of the amendment, and he applauded the comprehensive bill.

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CHAIR KELLER asked about the amendments.

MR. MICKELSON said his comments are general, but it seems that the amendment is consistent with other states using 24/7 twice-a-day testing as an option over interlock devices. "We were successful in a federal highway bill ... to include the 24/7 Sobriety Program, so we now have parity with the other approved programs that are administered by the National Highway Traffic Safety Administration, so, in effect, we do have parity with ignition interlock devices." He added that it has been quite effective long term in reducing recidivism, crash rates, and "a whole host of other benefits." He noted that offering the 24/7 sobriety twice-a-day testing for driver's license reinstatements is a good and effective move, and it has been quite successful in all of the states that are using it. These people are driving sober, because they are tested at least twice a day, he stated.

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REPRESENTATIVE GRUENBERG said there is a very recent trial court order from Montana, and the decision is being appealed to the Montana Supreme Court. He would like to know what the judge has ruled.

CHAIR KELLER suggested that Mr. Mickelson could get it.

MR. MICKELSON said it is under appeal and the Montana Governor and Attorney General are quite confident that the ruling will be in favor of the sobriety program.

[2:07:46 PM](#)

ELIZABETH RIPLEY, Executive Director, Mat-Su Health Foundation, explained that the foundation shares ownership in Mat-Su Regional [Medical Center] and invests its profits back into the

Matanuska-Susitna community to improve the health and wellness of Alaskans living in the area. The Mat-Su Foundation recently completed a community health-needs assessment by compiling all valid and reliable health data in the area and then conducting 24 meetings in 2013 with different stake-holder groups. Attendees at the forums ranked the top five health issues, and they were all behavioral health related. The issues included alcohol and substance abuse; child abuse; access to mental health care; depression and suicide; and domestic violence and sexual assault. "We don't believe these issues are unique to Mat-Su, but are, in fact, relevant to communities across Alaska." She noted that Matanuska-Susitna is home to the Goose Creek Correctional Center, and the majority of those who are incarcerated suffer from behavioral health issues and will be released back into the Matanuska-Susitna community. There is a meaningful shift across the nation away from incarceration and toward evidence-based smart justice strategies to protect public safety and help Alaskans reintegrate back into their communities.

2:09:15 PM

MS. RIPLEY said that the state is concerned about the costs of Goose Creek, and people should rethink how criminal justice dollars are spent and the outcomes they yield. Senate Bill 64 does just that. The Mat-Su Health Foundation particularly supports the sections that increase the felony threshold for property-related crimes, institute a 24/7 sobriety program, institute the PACE program, require the Department of Corrections (DOC) to conduct a risk/needs assessment on offenders, establish a fund for treatment programs that reduce recidivism, and allow credit for time served in residential substance abuse treatment programs.

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BETTY BAIR, Wasilla, Alaska, noted that she sent in testimony regarding redefining sexual crimes "and all the surrounding aspects." After listening to others testify, new issues came up for her, she said. She noted two testifiers who indicated that the state's tendency is toward punishment of inmates rather than treatment. One testifier said that 90 per cent of crimes are from impaired judgment. "Does that really make them a felon?" she asked. She referred to testimony by Mr. Bair on the previous day and stated that sexual crimes need to be redefined to include only real sexual abusers and predators. She then turned to the topic of education in prisons. "What kind of

education is really going on in our prisons, and how many inmates are getting a career possibility before they exit?" She also posed the question of what treatment is being offered and to how many inmates. She stated that she is not getting accurate answers from listening to legislative committee meetings.

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MS. BAIR asked how many classes are being offered in the prisons per number of inmates per institution. She noted that she has a friend taking a criminal justice class at "the Mat-Su" who was told that a lot of educational programs were offered, "but even when she called back in, she was just told 'we're working on getting more classes lined up.'" So what is really being offered? she asked. She said she has only heard of three career possibilities at PCC [Palmer Correctional Center]: electrician, plumber, and carpenter, and these [programs] are minimally offered. She added that, "Only two people for each of these classes, over an 18-month period of time, can have a career possibility." That is not many opportunities for reentry into the real world, she opined.

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MS. BAIR asked, "What treatment is being offered to our inmates in real terms, and how many are able to benefit from it?" She has heard that the best treatment offered to inmates is the TLC program, which means Transformational, Living Community and is only offered in the medium security area of PCC and for a limited number of people. The TLC program results in 75 percent less recidivism, but there is no counseling or treatment in minimum security at PCC, she stated. She added that a person is not even able to pay for a counselor for a family member inside a prison. "Treatment and counseling are not happening inside." She opined that the Recidivism Fund is good for those who are released but the real need is for those who are still incarcerated. "Help them through their issues all those months of nothing to do but think," she stated. She said that inmates need counseling so their lives can begin when they leave.

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MS. BAIR opined that if offenders are following all of the rules and have changed, they should not be held to such harsh mandates like no driver's license and long probation. "Give them their life back." Some [past inmates] are tagged as felons, which is

enough to bear. "When someone commits a crime, whether it has to do with drinking, drugs, sexual crime, or theft, the crime then becomes an issue between that person and the State of Alaska, so as the legislature of the State of Alaska, I feel strongly that it behooves you to search for concrete answers to the questions I've presented."

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CHAIR KELLER noted that the committee has her written testimony, and he hopes the Department of Corrections will forward some information on the questions she asked.

LISA RIEGER, General Counsel, Cook Inlet Tribal Council (CITC), noted that she was on the Department of Corrections Reentry Task Force and she was an associate professor at UAA [University of Alaska, Anchorage] Justice Center for 11 years. The Cook Inlet Tribal Council is in support of SB 64, which focuses on the barriers to success for men and women reentering after incarceration. She said that the Reentry Task Force addressed the same issues of increasing success, saving state resources, and reducing crime. She stated that CITC supports SB 64 because it provides important new innovations to turn around Alaska's recidivism rate. Alaska's new prison will be beyond capacity soon unless the state addresses substance abuse and addiction, which leads to so many offenses, particularly to so many violations of probation and parole. The CITC specifically supports the evidence-based practices of the 24/7 and PACE programs; the Justice Commission; the Recidivism Reduction Fund—which is visionary for long-term stability and represents strategic investments for the state; and the felony threshold for property crimes.

[2:17:32 PM](#)

MS. RIEGER added that CITC particularly supports the section of SB 64 that clarifies credit for time served in residential programs that contribute to reducing recidivism. She said CITC has been operating Chanlyut, a rehabilitation program for men recently released from prison or facing substance abuse or homelessness. Chanlyut is modeled after the successful Delancey Street program from California and operates on the principle that reinforcing accountability for actions, learning a strong work ethic, and having responsibility for others is key to turning lives around without the use of professional staff. Chanlyut is a 24/7 residential program located in Anchorage, and since the start of the program six years ago, it has served over

175 men and saved the state millions of dollars by housing men who would have been in a corrections facility. There are many success stories, she explained. The graduates leave the program having earned everything they have themselves. They have been clean and sober for two years, they have a job, and they have the where-with-all to set themselves up with apartments, vehicles, and other needs from money they saved in their last months of their residency.

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MS. RIEGER said that the key to Chanlyut's success is the mandatory work component and the complete responsibility each man has for the maintenance of the house and the program. "In fact, income for our Chanlyut businesses support 35 percent of program expenses. We describe it as learning to live life on life's terms without the use of drugs or alcohol and with taking responsibility for their lives through honest work," she explained. Requirements and expectations for behavior are so high that some residents have requested returning to jail rather than complete the Chanlyut program. The opportunities offered in SB 64 align with Chanlyut, and CITC strongly supports the bill, she stated. There is one change that CITC would like under the Recidivism Reduction Grant Program provision where [in order to qualify for a grant] the bill requires the program to provide treatment for substance abuse. She requested the addition of "if required by assessment," because if an inmate received treatment inside the institution he or she may not need treatment during the transition. The requirement could be a huge burden for the programs and for employment schedules for those working in the community, she opined. Only those who really need it should be occupying space, she added.

[2:20:41 PM](#)

MELINDA MERRILL, Manager, Community Affairs, Fred Meyer Stores, said she is joined by Scott Bringhurst, vice president of loss prevention. She requested that the felony threshold in SB 64 be returned to the \$750 level. She said she is a little sorry that she has to be the "bad guy" regarding the testimony, but the Fred Meyer Company has a different perspective. Those stealing \$500 to \$750 worth of items from the stores are not kids making one stupid mistake, and they are not one-timers who just have bad judgment or peer pressure. They are savvy young adults who are making a living off the thefts and are part of organized crime rings. She said that these people know Fred Meyer's loss prevention strategies—they pay attention to this stuff. They

know what employees can and cannot do to stop them, and they know exactly how much they can steal with regard to the crime rank. They are walking out with things that they know they can get away with and they are doing it multiple, multiple times, she stated.

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MS. MERRILL gave an example of one person who the store has apprehended 11 times since 2007 and who has stolen almost \$3,500 worth of items, but he has done it in small increments. Only twice has his theft been valued at over \$500, she explained. So he is a career criminal, and there is nothing to stop him and nothing to get him into the system to start getting the help and correction that he needs. She asked again that the felony threshold be put back to the \$750 level. "We understand the realities out there of the prison system and the costs, but what you do when you raise it that much higher is you assist the career criminal and ... there's no place to get them into the system and start getting them into the resources that Ms. Rieger talked about."

[2:24:10 PM](#)

REPRESENTATIVE LANCE PRUITT asked about the potential impact in prices to consumers based on changes found in SB 64, whereby criminals will be able to walk out with higher cost items.

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MS. MERRILL said that, overall, these kinds of changes in criminal limits absolutely raises the cost of goods to consumers. "We function in capitalist America; we need to make a profit; we have shareholders; we need to pay our employees good wages because the communities we operate in expect that...." When that level of items are walking out of the store, it affects the price of goods. She said that does not mean Fred Meyer will raise its prices in Alaska; the [pricing] process is on a broader scale. Fred Meyer is in business to give customers the best deal, "because we want them to come in and get it from us," she stated, "so we don't want to raise our prices unless we have to." She reiterated that the bill will have an effect on consumer prices.

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REPRESENTATIVE LEDOUX questioned if the reason why Fred Meyer would lose money if this threshold were raised is because the police are not going to investigate as much.

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SCOTT BRINGHURST, Vice President, Loss Prevention, Fred Meyer Stores, answered that it is because the threat of punishment that includes incarceration is gone. Over 2 percent of Fred Meyer sales are lost to theft, and with the slim margins the store operates with, [the losses] will increase consumer prices at some point in time. The threat of the felony prosecution is what helps the business, and he sees many thefts of items valued at just under the \$500 threshold. [The thieves] truly do learn what the limits are and they take advantage of them. Often, they get a citation, and in a lot of cases they will not get booked or taken to the police station for any type of fingerprinting or identification, he stated. The organized groups are the biggest problem, and they will take advantage of the raised threshold level.

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TOM BUTLER, Colonel, Montana Highway Patrol, said that in 2010 one county in Montana started the 24/7 [sobriety] pilot program for second-offense DUI [Driving Under the Influence]. In 2011, a state-wide bill was passed, which was updated in 2013 to apply to crimes other than DUIs. The programs include crimes where alcohol was a nexus and where the penalty was potentially six months or longer. "We've got the program rolled out to almost 65 percent of the population in Montana," and it is now at the point where the statistics on recidivism can be analyzed. For the most part, the Montana program mirrors the South Dakota program and people are expecting similar results. He said that in 2013 Montana's alcohol-related fatalities were down by nearly 30 percent, and he is hoping to see similar results for 2014. He noted that he described the program in detail to several committees and will not take up the time to do so now.

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CHAIR KELLER asked if Montana has a limited license program for DUIs.

COLONEL BUTLER said yes, and from his experience of 23 years in law enforcement, he has found that in order to live in Montana one must drive because of the geography and lack of public

transportation. "We get into this big black hole of suspending people's driver's licenses for nearly everything under the sun and it doesn't do any good," he stated. It can get people into problems with driver's license points, insurance, fines, and ultimately jail, and there are some people who can never climb out of that hole. Part of the reason he was excited when learning about the 24/7 program is that a person performing well under the program can keep driving. He noted that he has not read the specific amendment to SB 64 that came out today, but he encouraged the committee to look very hard at it. He does not have any statistics on what the suspended driver's license problem is in Alaska, "but I would suspect that it is similar to Montana." It is almost a feel-good issue where everybody thinks that by taking away a license, the offenders are not going to drive. "I'm here to tell you that that is not the case. If you can keep people sober with this program and give them a restricted driver's license, in my mind you're doing a great service as far as safety goes for the citizens of Alaska."

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CHAIR KELLER asked for details on how the limited license works. He asked if it applies to misdemeanor DUIs.

COLONEL BUTLER said the program in Montana for DUI [indisc.] is for the second or subsequent offense, and there is a whole scheme of different driver's license suspensions that are built into that based on the offense. But offenders who enter the 24/7 program are allowed to obtain a restricted driver's license to drive to work or to the doctor, for example. Traditionally, the state would suspend the driver's license for a person who was convicted of an offense. He said that [keeping the license] is the carrot for entering the 24/7 program, and those people would need to drive to work, the store and other places, so they were driving anyway. The program is keeping these people out of the criminal justice system because they are sober and they still have a driver's license, he concluded.

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REPRESENTATIVE GRUENBERG said the language being talked about is the alcohol and substance abuse monitoring program, which will require offenders to pay for the twice-a-day testing. He asked about the cost of participating in the program.

COLONEL BUTLER answered that in Montana the cost is \$2 per test, which is \$4 per day. The tests are generally run for 2 hours in

the morning and 2 hours in the evening. There was a portion of Montana's legislature that was very nervous about the financial implications of the program on a defendant. The average BAC [blood alcohol concentration] for a DUI arrest is 0.186, and a 200-pound man would have to spend \$11 to \$25 to get to that BAC level, and "we have yet to see any sort of financial problems related to this program in all the jurisdictions where it has been rolled out across the state." Other vices are paired up with alcohol use, and when alcohol is taken away from people it leaves them with more money.

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REPRESENTATIVE GRUENBERG noted that Alaska has large areas without roads so he is not sure how the program would work. He gave the example of a person from a village getting a DUI in Anchorage and going back to the village where the person may live a subsistence life style.

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COLONEL BUTLER said Montana wrote the law to allow the judiciary to determine if the 24/7 program was a good fit for each person. If there are no roads and a person does not have a car, there may not be a benefit to twice daily testing. There may not be enough people in the village to warrant a testing facility, he added. He noted that Helena is the state capital of Montana, and 82 miles to the north is a town called Augusta, which is in the same county. He said there was no way someone would be forced to drive that distance twice a day round trip. So, the state chose to use transdermal alcohol monitoring or SCRAM bracelets for those people who could not easily access a testing center.

[2:39:26 PM](#)

CHAIR KELLER noted that the language in SB 64 contains "if practicable" in order to address those situations.

CHRIS NETTELS, President and Owner, GeoTek Alaska, said he is concerned with the felony/misdemeanor threshold in SB 64 and is testifying on behalf of his company and the National Federation of Independent Businesses. Theft is wrong and it is a pet peeve of his as a business owner. His company has had numerous thefts and attempts at theft, and it is not just a young person who is impaired by drinking—these are people who come around, particularly on a Saturday night, to industrial sites in Anchorage and help themselves to whatever they can get. He said

his company does a lot of work under municipal, state, and federal contracts, and the contracts are getting extremely competitive. He noted that he just won a \$350,000 contract by less than \$500.

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CHAIR KELLER said there are no more speakers, but public testimony will remain open.

REPRESENTATIVE LEDOUX asked if the Department of Law still does plea bargaining. If there were a low felony theft threshold, would DOL have the discretion to enter into plea bargaining for first offenders?

ANNE CARPENETI, Assistant Attorney General, Legal Services Section, Criminal Division, Department of Law (DOL), said she would be better prepared if she had known the question was coming up. Certain cases use plea bargaining, but the state no longer does sentence bargaining for certain person crimes, but she would like to review the policy, she said.

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REPRESENTATIVE GRUENBERG asked Ms. Carpeneti for the various kinds of bargaining definitions and the state's policies. He said he is also confused by the different types of immunity, and he would like that information as well.

MS. CARPENETI said immunity is not something that the DOL has a policy on, it is the law.

REPRESENTATIVE GRUENBERG requested the definition of immunity.

CHAIR KELLER set aside SB 64.

HB 282-LANDLORD AND TENANT ACT

[2:47:23 PM](#)

CHAIR KELLER announced that the next order of business would be HOUSE BILL NO. 282, "An Act relating to the rights and obligations of residential landlords and tenants; and relating to the taking of a permanent fund dividend for rent and damages owed to a residential landlord."

[2:48:16 PM](#)

REPRESENTATIVE DOUG ISSACSON, Alaska State Legislature, said the relationship between a landlord and a tenant predates history, and conflicts arise when either party has unmet expectations. Most people can describe what a poor landlord is, he said, or what a great tenant is. But how do you codify this? How do you put it into law? This is the never-ending bill, because there have been many amendments, he noted. He told the committee that he had a program called "Tenant Watch" in the early 1990s. He had 700 landlords who asked him to help change the law because there were things that were unfair to them. He said there were also people asking for help with bad landlords. He took the issue to Jeannette James, his predecessor, "and we were able to address this body." He said, "Twenty plus years have evolved, and this last year, through a series of coincidences, residents and landlords primarily from my district and then everywhere; I was like a magnet. My office was a magnet and we attracted everybody's attention and the state's as well. And so there was concern that in the intervening time there had been changes that needed tweaking." He said he is appreciative for the broad support that HB 282 has had from realtors, landlords, property managers, and tenant advocacy groups.

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BRENDA HEWITT, Staff, Representative Doug Isaacson, Alaska State Legislature, said the changes in Sections 1-3 and 17 just take the word "uniform" out of the bill. "We no longer will fit under what's considered the Uniform Landlord Tenant Act," she explained. She said that only 21 states have enacted the act, and they are under revision. "Landlord and tenant" replaced the word "parties" in Section 4. Sections 5 and 9 deal with pets, and the bill allows landlords to bump up the amount of deposit they can put on a residence or dwelling for pet owners. She said that Section 6 deals with the definition of "normal wear and tear," and that idea was requested from both landlords and tenants. Section 7 changes a semi-colon to a period, and it asks the landlord to separately account for the tenant's prepaid rent and security deposits. Currently people are required to put that money in a trust. That money needs to be available when tenants leave, so if everyone moved out at once, that money must all be available, she explained.

MS. HEWITT pointed out that Section 8 gives landlords up to 30 days to return a security deposit if there has been damage, which gives them enough time to assess the damage. Section 9 deals with pet deposits and gets into the definition of service

animals and comfort animals. She said Section 10 requires tenants and landlords to have a premise condition statement [prior to the rental]. Section 11 covers "dry cabins" if both parties agree. In the uniform law, hot running water was required, but some places in Alaska do not have [plumbing]. She said that Section 12 allows the landlord to restrict the number of inhabitants in a dwelling, and there is an amendment addressing that issue. She noted that Representative Isaacson is in favor of all four amendments that have been offered.

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MS. HEWITT said Section 13 asks the tenant to leave the dwelling in the same condition [as when the tenant moved in]. If the carpets had been professionally cleaned, the tenant should be required to do the same. She said Section 14 is important and allows victims of domestic violence to be able to leave the facility with immediacy. The violence needs to have been reported to the police, she explained.

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REPRESENTATIVE PRUITT asked about a scenario when the partner of an individual commits a crime and that person was the breadwinner. He wondered if that situation would be in the same vein as a domestic violence situation.

REPRESENTATIVE ISAACSON said that was a great question, but he does not believe that such a scenario is covered in HB 282.

REPRESENTATIVE LEDOUX asked how the law would work if someone was acquitted of domestic violence after the lease was terminated. "Would the lease get reinstated?"

[3:02:09 PM](#)

MS. HEWITT stated that the perpetrator may still be in the apartment, but the provision allows the victim out of the financial requirements.

MS. HEWITT noted that Section 15 allows a landlord to remove a tenant for illegal activities. For example, if the place is a crack house, "you can get him out in 24 hours instead of the 14 days it takes now." Section 16 defines transient occupancy, and there is an amendment before the committee to remove it. Section 18 deals with the landlord attaching the PFD [Alaska Permanent Fund] of a tenant who owes money, she said.

REPRESENTATIVE ISSACSON said, "What we're trying to do is create safe, affordable housing. To do that, you have to give protections to the landlord to be able to recoup expenses and to be able to protect the other tenants." Safe and affordable housing must also protect tenants against abusive landlords, he added. This is the fallback to tenant-landlord contracts, which are not disallowed. He stated that the bill establishes a relationship that is often misunderstood or abused and which may not even be covered by a contract.

[3:04:31 PM](#)

REPRESENTATIVE GRUENBERG asked about "who gets what back." It is important to state that if the security deposit is put into an interest bearing account, the landlord owns the interest—"otherwise you're giving pennies back to all kinds of people." He said he is concerned about Section 17 and the relationship between this and the Uniform Act. At some point, he would like to know why the Landlord Tenant Act will no longer be uniform and what will happen if the Uniform Act is updated. He said "we" regularly look at uniform acts, and "I want to be careful that we try to see what we can do to keep it uniform," which is very helpful because of the decisions from states all over the country. If there are just a few sections that make the act not uniform, "then most ... will still look at the uniform act," which is why he is concerned about the title misleading people.

[3:05:49 PM](#)

REPRESENTATIVE ISSACSON said, "This is one of those that legal [Legislative Legal Affairs] asked us to remove and so they have the definitive explanation as to why this is not uniform."

CHAIR KELLER noted that SB 64 is a priority in this committee. He told Representative Isaacson to work out the questions with the people who raised them, outside of committee. "We'll get back to [HB 282] as soon as we can," he stated.

[3:07:17 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:07 P.M.