

**HB**

**79**

**HFIN**

**FILE**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 15, 1993

FURTHER REFERRALS:

Date of Committee Action: 3/26/93

The FINANCE Committee considered:

HB 79

HOUSE BILL NO. 79

DAMAGE TO PROPERTY BY MINORS

"An Act relating to recovery from a parent or legal guardian of willful or malicious destruction of property by a minor."

**RECOMMENDATIONS:**

be replaced with 15 HB 79 (FIN)  the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

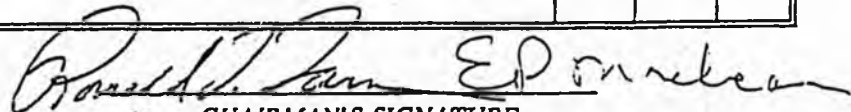
fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

3  zero fiscal note(s) DHSS 2/10/93  
Admin 2/10/93 Law 2/10/93

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>E.P. Maclean</u> <small>maclean</small>	✓				
<u>Ronald J. Larson</u> <small>larson</small>	X	<u>Erna Hoffman</u> <small>HOFFMAN</small>		X	
<u>Mark A. Stanley</u> <small>HANLEY</small>	X	<u>Tom Brown</u> <small>BROWN</small>		✓	
<u>Larry Martin</u> <small>MARTIN</small>	X	<u>Richard Foster</u> <small>FOSTER</small>		X	
<u>Scott Pannell</u> <small>PANNELL</small>	X				
<u>Ben Grussendorf</u> <small>GRUSSENDORF</small>	X				
<u>Tom Theriault</u> <small>Theriault</small>	X				

  
 CO CHAIRMAN'S SIGNATURE  
 Larson Maclean

FISCAL NOTE

N<sup>o</sup> 3  
 Bill Version: HB 79  
 (H) Publish Date: 2/10/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_  
 Title: 'An Act relating to recovery from a parent or legal guardian . . .'  
 Sponsor: Representatives Bunde, Toohy  
 Requestor: (H) HES

Department Affected: Administration  
 BRU: Risk Management  
 Component: Risk Management  
 COMPONENT SERIAL NO. 71

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Donald J. Hitchcock, Director  
 Division: Risk Management

Phone: 465-2180  
 Date: 1-28-93

Approved by Commissioner: Nancy Bear Usery  
 Agency: Administration

Date: 1/29/93

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FISCAL NOTE

N 2

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: HB 79

(H) Publish Date: 2/10/93

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: "An Act relating to recovery from a parent or legal guardian of damages by minor" BRU: Purchased Services  
 Sponsor: Representative Bunde Component: Foster Care & Residential Child Care  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 0252 & 0253

Expenditures/Revenues:

(Thousands of Dollars)

	FY94	FY95	FY96	FY97	FY98	FY99
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE						
---------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: 0.0

ANALYSIS: (Attach a separate page if necessary)

There would be no program or fiscal impact for the Department if this bill were to become law.

Prepared by: Deborah R. Wing, Director  
 Division: Department of Health & Social Services  
 Approved by Commissioner: Theodore A. Mala, MD, MPH  
 Agency: Department of Health & Social Services

Phone: 465-3191  
 Date: 01/27/93  
 Date: 2/2/93

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FISCAL NOTE

No. 1

Version: HR 79

(H) Publish Date: 2/10/93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Revision Date: January 26, 1993

Title: ...relating to recovery from a parent or legal guardian  
...destruction of property by a minor.

Sponsor: Representative Bunde

Requestor: Representative Bunde

Department Affected: Department of Law

BRU: Legal Services

Component: Operations

COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING:						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

*Richard I. Peques*  
Prepared by: Richard I. Peques, Director

Division: Administrative Services Division

Phone: 465-3672

Date: January 26, 1993

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Date: January 26, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. HB 79

No. 1

ANALYSIS (Continued):

This bill amends AS 34.50 to provide that a person, municipal corporation, association, village, school district, or religious or charitable organization may recover damages in an amount not to exceed \$50,000, plus costs, interest and attorney fees, from either parent or both parents or the legal guardian or person having legal custody of an unemancipated minor under the age of 18 years, who maliciously or wilfully destroys real or personal property belonging to the above parties seeking recovery. Currently, the maximum amount that may be recovered is \$2,000. This bill deals with the recovery remedies of parties other than the state and, consequently, there will not be a fiscal impact for the Department of Law.

REPRESENTATIVE CON BUNDE  
CO-CHAIR HEALTH, EDUCATION  
& SOCIAL SERVICES

# Alaska State Legislature



DURING SESSION:  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
CAPITOL ROOM 112  
OFFICE (907) 465-4843

## House of Representatives

### MEMORANDUM

To: Representative Ron Larson  
Co-Chair House Finance Committee

Representative Eileen MacLean  
Co-Chair House Finance Committee

*Con Bunde*

From: Representative Con Bunde

Date: March 15, 1993

Subject: HB 79- Relating to recovery from a parent or legal guardian of willful or malicious destruction of property of a minor..

-----  
I respectfully request that House Bill 79 be scheduled for a hearing at your earliest convenience.

House Bill 79 would increase the current cap for parental liability from \$2000.00 to what is allowable in district court, \$50,000.00. This bill would allow owners of property damaged wilfully or maliciously by a minor to recover monetarily from the minor's parents or legal guardian. With this bill, victims of property damage may finally be able to recover a greater portion of their losses. as long as those damages total less than \$50,000.00.

If you have any questions please do not hesitate to contact Jenny Murray of my staff at x4843.



House of Representatives

Sponsor Statement

House Bill 79

Relating To Recovery From A Parent Or Legal Guardian Of Willful  
Or Malicious Destruction Of Property By A Minor.

Within recent years, the nation's legislatures have begun using their legislative powers to encourage parental responsibility through statute.

The following are examples of parental liability legislation that have been instituted within the past few years:

- California: Parents can be fined or jailed for allowing their children to participate in gangs.
- Wisconsin: Parents can be forced to pay child support when their children have babies.
- Arkansas: Parents can be fined when their children skip school.
- Florida: Parents can be jailed if a child hurts another with a gun left accessible by the parent.

In light of the legislation in other states, I am requesting we update AS 34.50.020. It was last updated in 1967. The states of Washington and Delaware also have statutes similar to Alaska's; however, the maximum recoverable is higher than what is currently allowed in Alaska's statute.

The primary purpose of this bill is to revise the current version of the law by increasing the amount recoverable from \$2000.00 to the maximum amount recoverable in district court, which is presently \$50,000.00.

Under the current terms of the law, owners of property damaged by minors, regardless of the amount of damage can claim a maximum of \$2000.00 from

SPONSOR STATEMENT

the parents or legal guardians. If damages are in excess of \$2000.00, the amount above this limit is not recoverable.

Therefore, with the passage of HB 79, property owners victimized by minors will be able to recover a greater portion of their damages.

I have included a copy of the bill, a copy of the statute and several accompanying departmental fiscal notes.

# Pranksters purloin holiday decorations

ANCHORAGE DAILY NEWS  
By DONNA FREEDMAN  
Daily News reporter 12/17/92

More than two dozen Anchorage teen-agers took part in what police called a holiday season scavenger hunt early Wednesday, vandalizing several homes around Dimond High School before they were caught in the school parking lot.

Police found 25 juveniles at the school piling up plastic Nativity scenes, snowmen, Santa Clauses and other Christmas ornaments

lifted from area yards. City street signs, advertising banners and construction barricades were also among the stolen decorations. Other youths involved in the hunt got away, police said.

The holiday pilfering came just two days after local furniture dealer Jim Lowe was convicted of manslaughter in the shooting death of another teen involved in a scavenger hunt in May. The youth was with a group trying to steal an

advertising balloon from the roof of Lowe's downtown store.

Police did not identify the youths caught in Wednesday's scavenger hunt.

"It was reported as a theft in progress, but once the officers got out there and found cars running all over the place, it was clearly a scavenger hunt," said police spokeswoman JoAnn Brandlen.

"The officers described it as a scavenger hunt, and they got the

students to say as much."

Dimond High principal Gail Opalinski disagreed, calling the event an early senior prank. She said she had talked with some students who were believed to have been involved.

"They decided they were going to decorate the high school with Christmas decorations," Opalinski said. "I would imagine some of

Please see Page B-3, PRANK

## PRANK: Teen-agers steal decorations during a holiday scav

Continued from Page B-1

them picked up street signs while they were at it."

She stressed that the hunt was not sanctioned or approved by the school district.

"We very much regret it," she said. "We're concerned about the safety of the kids, and about the property damage done. Kids this age don't always use their best judgment."

It isn't known how many homes were hit, since not all of the decorations had been claimed by late Wednesday afternoon.

For David and Carol Jensen, this was the second time their home on Greenhill Way had been vandalized this holiday season.

The Jensen yard is famous in the neighborhood for its elaborate decorations, which include a trio of penguins warming themselves by a

campfire, several snowmen and Santa Clauses, a small wooden Santa's Workshop filled with toy animals, thousands of lights, and signs with rhymes like the old Burma Shave ads.

David Jensen said a large toy soldier was stolen from the yard last week. After that, they tied all their decorations together with steel cable and installed motion detectors around the displays.

Those detectors woke them early Wednesday. The couple turned on the lights and saw teens piling into a pickup truck.

The Jensens found two plastic Santa Clauses and a homemade wooden sleigh, with electric lights, missing. They later retrieved them at Dimond High.

The youths had apparently tried to take the penguins and some gingerbread men, but "they were wired in so

well they couldn't have done it without taking a tree along with them," David Jensen said.

The vandals also destroyed strings of lights, extension cords and two handmade wooden moose. Jensen said it will cost about \$350 to fix or replace the damaged decorations.

Another Dimond area resident, Arthur Anderson, was luckier. He found a plastic candy cane and snowman

## scavenger hunt

stolen from his yard at the high school.

The theft was an inconvenience. But what chilled Anderson was that police told him it was part of a scavenger hunt.

"The Jim Lowe case just got decided. Evidently these kids aren't familiar with what's happening around town," Anderson said. "They're setting themselves up for another incident like that."