

**SB**

**155**

**SFIN**

**FILE**

DATE: 4/15/93

FURTHER:

DATE TURNED INTO OFFICE: 4-18-93

The Finance Committee considered SENATE BILL NO. 155

"An Act relating to landlords and tenants, to termination of tenancies and recovery of rental premises, to tenant responsibilities, to the civil remedies of forcible entry and detainer and nuisance abatement, and to the duties of peace officers to notify landlords of arrests involving certain illegal activity on rental premises."

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS SB 155 (Jud)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DPS	4-15-93		19.0

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DYAW	3-16-93		10.0
Courts	4-1-93		5

Appropriation No Fiscal Note

DO PASS

Tom Kelly

Steve Patis

Best thing

OTHER RECOMMENDATIONS:

George Jacobs do not pass

1. Atwood DO PASS  
Co-Chair: Signature/Recommendation

2. True (George) 10/2  
Co-Chair: Signature/Recommendation

# FISCAL NOTE

**STATE OF ALASKA**  
**1993 LEGISLATIVE SESSION**

**BILL NO: CSSB 155(JUD)**

Revision Date: 4/15/93 Dept. Affected: Public Safety  
 Title: "An act relating to landlords and tenants termination." BRU: Alaska State Troopers  
 Sponsor: Senator Frank Component: Criminal Investigations Bureau  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 830

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	19.0	19.0	19.0	19.0	19.0	19.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>
<b>CAPITAL</b>						
<b>REVENUE FUND SOURCE:</b>						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.0	19.0	19.0	19.0	19.0	19.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>

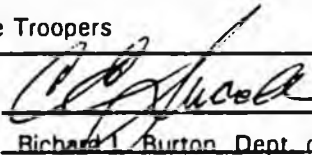
**POSITIONS:**

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 (FY 93) impact: \$ \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 4/15/93  
 Approved by Commissioner:  Date: 4/15/93  
 Agency: Richard L. Burton, Dept. of Public Safety

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

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CSSB 155(JUD) amends existing landlord-tenant laws to allow property owners to terminate rental agreements for residential property with renters engaged in certain alcohol and drug violations. The bill creates a duty on the part of police officers who arrest persons for certain alcohol, drug, and imitation drug offenses committed in residential rental property to make a reasonable effort to discover the identity of the property owner and to notify the owner of the arrest either in person or at the last address listed on tax records and at any other address known to police. The notice requirement applies to alcohol violation arrests for sales from unlicensed premises and for possession or sale of alcohol where prohibited by local option; to drug violations involving the manufacture or distribution of all drugs except small amounts of marijuana; and to imitation drug violations involving the manufacture or distribution of imitation drugs, or possession of certain precursor chemicals used in the manufacture of imitation drugs.

The Alaska State Troopers estimates approximately 200 (two hundred) arrests for violation of the "local option" laws, and approximately 500 (five hundred) arrests for applicable drug offenses. It is expected that approximately 80% of the alcohol offenders and 60% of the drug offenders reside in rented property.

Based upon past arrests for these offenses, it is estimated that the Department of Public Safety will have to notify approximately 450 (four hundred fifty) property owners per year. We anticipate that in-person notice would be given in many cases.

There will be fiscal impact upon the Alaska State Troopers. For arrests requiring a written notice, we estimate that research required to identify the property owner, determine the last address listed on tax roles and any other addressed known to police, and to prepare the written notice, will take approximately 2-4 man hours of research time per occurrence. There will be costs for materials, preparation time, and postage.

Since these offenses will be spread throughout the state, no one person would handle them all; the impact would be felt by the detachment personnel handling the cases. It is difficult to quantify this impact, however, it will be absorbed within the existing workload. Notices will be mailed out in the normal course of business, as clerical staff finds time to process them.

FISCAL NOTE

No. 2

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB 155

(S) Publish Date: 3-24-95

Revision Date: March 16, 1993  
Title: "...relating to landlords and tenants...termination of tenancies...recovery of rental premises..."  
Sponsor: Senator Frank  
Requestor: Senator Frank

Department Affected: Department of Law  
BRU: Legal Services  
Component: Fair Business Practices  
COMPONENT SERIAL NO. 1823

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	10.0	-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

*Richard I. Peques / RRL*

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law

Changes in CSSB 155 ( JVD )  
reflect NO FISCAL CHANGE from the original  
fiscal note. This fiscal note is appropriate.  
4/15/93 RRL  
date Comte Aide (initial)

Phone: 465-3672

Date: March 16, 1993

Date: March 16, 1993

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FISCAL NOTE

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

BILL NO. SB 155

ANALYSIS (Continued):

This bill amends several statutes relating to termination of tenancies and recovery of rental premises for nonpayment of rent and certain illegal activities. The bill adds illegal activity involving alcoholic beverages, a controlled substance, or an imitation controlled substance to the list of activities that constitute a nuisance that may be enjoined and abated in a place used for the activity. All of the changes will have the effect of substantially changing the information the Department of Law provides to the public in its pamphlet on landlord and tenant rights. The department's publication of the pamphlet is mandated by AS 44.23.020(b)(8).

The department therefore requests \$10,000 to revise and republish the information pamphlet. Of this amount, \$2,500 will be used to publish a pamphlet supplement in the state Bar Association's monthly newsletter, and \$7,500 will be used to publish a revised pamphlet for use by the general public. These funds should be sufficient to publish between 7,500 and 10,000 pamphlets.

FISCAL NOTE

Bill Version: CS 98 155 (Jud)

(S) Publish Date: 4-15-93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to landlords and tenants BRU: Trial Courts  
 Sponsor: Frank Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
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 (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)  
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CC* Phone: 264-8228  
 Division: Alaska Court System Date: 04/01/93

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 04/01/93  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

SPONSOR REMARKS  
SB 155

THIS BILL WAS INTRODUCED IN RESPONSE TO CONSTITUENT CONCERNS OVER THE RELATIVE IMPUNITY THAT ABUSIVE TENANTS ENJOY BEFORE THE LAW. SB 155, WHICH PROPOSES SEVERAL CHANGES TO THE LAW CONTROLLING THE LANDLORD-TENANT RELATIONSHIP, IS BASED IN PART ON SB 35 FROM THE 17TH LEGISLATURE.

BILL IS SOMEWHAT COMPLEX BUT HAS FIVE MAIN GOALS.

1.) CHANGES LAW TO REDUCE TIME LANDLORD MUST WAIT BEFORE STARTING EVICTION PROCESS WHEN TENANT FAILS TO PAY RENT: FROM 10 TO 5 DAYS (FROM SB 35).

2.) AMENDS NUISANCE ABATEMENT STATUTES TO INCLUDE DRUG AND ALCOHOL OFFENSES AS GROUNDS FOR RELIEF (FROM SB 35): SEE SECTIONS 7 TO 12.

3.) REQUIRES PEACE OFFICERS TO NOTIFY LANDLORD WHEN TENANT HAS BEEN ARRESTED FOR DRUG/ALCOHOL CRIME (FROM SB 35): SEE SECTIONS 1 AND 13.

4.) MAKES THE LEGAL OBLIGATIONS OF THE TENANT MORE STRINGENT; REWORKS STATUTORY DEFINITION OF DAMAGES (NEW): SEE SECTIONS 15 & 18.

5.) ADDS TO LANDLORD'S ABILITY TO SEEK REMOVAL OF ABUSIVE TENANT THROUGH INCLUSION OF PREMISES CONDITION STATEMENT AND CONTENTS INVENTORY IN RENTAL AGREEMENT AND THROUGH SUMMARY EVICTION PROCESS FOR EXTREMELY DESTRUCTIVE TENANTS/SQUATTERS (NEW)

*Amended by Judiciary Committee*

# FISCAL NOTE

No. 1

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Bill Version: SB155

(S) Publish Date: 3-24-93

Revision Date: 3/23/93 Dept. Affected: Public Safety  
 Title: "An act relating to landlords and tenants termination." BRU: Alaska State Troopers  
 Sponsor: Senators Frank Leman Pearce Component: Criminal Investigations Bureau  
 Requestor: Senator Frank COMPONENT SERIAL NO. 830

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	19.0	19.0	19.0	19.0	19.0	19.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.0	19.0	19.0	19.0	19.0	19.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>	<b>19.0</b>

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 (FY 93) impact: \$ \_\_\_\_\_

Changes in CSSB 155 (JUD)  
 reflect NO FISCAL CHANGE from the original  
 fiscal note. This fiscal note is appropriate.  
4/15/93 KRL  
 date Comte Aide (initial)

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691

123/93 Division: Alaska State Troopers Date: 3/23/93

Approved by Commissioner: [Signature] Date: 3/23/93

Agency: Richard L. Burton, Dept. of Public Safety

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SB 155 amends existing landlord-tenant laws to allow property owners to terminate rental agreements for residential property with renters engaged in certain alcohol and drug violations. The bill creates a duty on the part of peace officers who arrest persons for certain alcohol, drug, and imitation drug offenses committed in residential rental property to make a reasonable effort to discover the identity of the property owner and to notify the owner of the arrest either in person or at the last address listed on tax records and at any other address known to the peace officer(s).

The notice requirement found in Sec. 1 applies to alcohol violation arrests for sales from unlicensed premises where prohibited by local option; notice requirements found in Sec. 13 apply 1) to drug violations involving the manufacture or distribution of all drugs except small amounts of marijuana; 2) to imitation drug violations involving the manufacture or distribution of imitation drugs, or 3) possession of certain precursor chemicals used in the manufacture of imitation drugs.

Although the Alaska State Troopers estimates approximately 130 arrests for violation of the "local option" laws annually, they find no arrests for violation of the statute AS 04.11.010(b) cited in Sec. 24. The Troopers make approximately 500 arrests annually for applicable drug offenses. It is expected that approximately 85% of the drug offenders reside in rented property.

Based upon past arrests for these offenses, it is estimated that the Department of Public Safety will have to notify approximately 425 property owners per year.

There will be fiscal impact upon the Alaska State Troopers. For arrests requiring a written notice, we estimate that research required to identify the property owner, determine the last address listed on tax roles and any other addressed known to police, and to prepare the written notice, will take approximately two (2) staff hours of research time per occurrence. There will be costs for materials, preparation time, and postage.

Since these offenses will be spread throughout the state, no one person would handle them all; the impact would be felt by the detachment personnel handling the cases. Overtime will be needed for this additional work.

#### Overtime calculations

425 Incidents x 2hrs x \$22.31per hr.\*= \$18,963.50  
\*Clerk Typist III, Range 8/A overtime rate per PACS.

SENATE COMMITTEE REPORT

*Handwritten initials*

DATE: 3/24/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 4-15-93

JUDICIARY Committee considered SENATE BILL NO. 155

(Landlords and tenants, termination of tenancies and recovery of rental premises,) to tenant responsibilities, civil remedies of forcible entry and detainer and nuisance abatement; and duties of peace officers to notify landlords of arrests involving certain illegal activity on rental premises.

and recommends it be replaced with

and recommends:

[X] replace with CS ~~SB~~ SB 155 (JVD)

or [ ] adopt previous CS \_\_\_\_\_

[ ] attaches amendment(s) and report it back as follows

- [ ] same title
- [X] new title
- [ ] technical title change (HB only)

[ ] adopts \_\_\_\_\_ Letter of Intent

[ ] further referral to the \_\_\_\_\_

[ ] do pass

[ ] do not pass

[ ] no recommendation

[X] individual recommendations

*2 Pmt's  
1 p/Int*

NEW FISCAL NOTES

CS

Department	Date	Zero	Fiscal
Court System	4/01	✓	

PREVIOUS FISCAL NOTES

*apply to CS*

Department	Date	Zero	Fiscal
LAW	3/16		10.0
DPS	3/23		19.0

[ ] Appropriation No Fiscal Note

DO PASS  
① *Rick Halford*

③ OTHER RECOMMENDATIONS:  
*Suzanne K. Little Do Not Pass*

⑦ *George Taylor* NO REC

② *Donna Dandley* NO REC

① *Adrian Taylor* DO PASS

Chair: Signature and Recommendation

**SENATE COMMITTEE REPORT**  
FIRST COMMITTEE OF REFERRAL

DATE: 3/10/93

FURTHER: JUDICIARY  
FINANCE

Date of 5-Day Notice: 3.18.93  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3-24-93

STATE AFFAIRS Committee considered SB 155

"An Act (relating to landlords and tenants) to termination of tenancies and recovery of rental premises, to tenant responsibilities, to the civil remedies of forcible entry and detainer and nuisance abatement, and to the duties of peace officers to notify landlords of arrests involving certain illegal activity on rental premises."  
and recommends:

*+ mng of the comtee recoms*  
*ds per ( )*

replace with \_\_\_\_\_ CS \_\_\_\_\_

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*2 For 13*

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal
Public Safety			<input checked="" type="checkbox"/> 19.0
Dept. of Labor	3.16.93		<input checked="" type="checkbox"/> 10.0

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**

**OTHER RECOMMENDATIONS:**

Adrian L. Taylor  
Mike Miller

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Loren A. Roman do pass  
Chair: Signature and Recommendation