

**HB**

**22**



## **SPONSOR STATEMENT HB -22**

### **Permission to enter private property**

I have introduced HB-22 because of an incident in my district involving a tax assessor entering a private dwelling before gaining clear permission from the owner.

In this particular case there is a difference of opinion on the exact circumstances, but it is clear our statutes could be strengthened to protect due process and our constitutional rights to privacy. HB-22 is intended to accomplish this by requiring an assessor to gain permission before entering private property.

Even under this change, if permission, for some reason, can not be obtained, a court order will still allow entry.

This bill does not prevent public officials from doing their duties. What it does do is to require that a tax assessor respect the private property rights set out in Article I, of our State Constitution.



# Alaska State Legislature

Please enter into the record my testimony to the COMMUNITY AND REGIONAL AFFAIRS committee name

committee on HOUSE BILL 22, dated FEB, 2 1999

I BELIEVE <sup>bill/subject</sup> H.B. 22 IS VERY IMPORTANT AND SHOULD BE PASSED. REPRESENTATIVE SCOTT OGAN HAS WORDED THE ATTENDMENT POLITELY AND THESE CHANGES WILL NOT HINDER THE ASSESSORS ABILITY TO ACCURATELY DETERMINE REAL PROPERTY VALUES. THE BILL WILL CREATE A SAFER WORK ENVIRONMENT FOR ASSESSORS. IT AMAZES ME THAT ASSESSORS ARE BRAVE ENOUGH TO OPEN DOORS, NOT KNOWING WHO OR WHAT COULD BE INSIDE, AND ENTER PRIVATE RESIDENCES WITHOUT INVITATION. I, MYSELF WOULD NEVER BE SO BRAVE.

ON SEPT 29 1998 A MAT-SU ASSESSOR ENTERED MY HOME UNINVITED AND UNEXPECTED. HE WAS WELL INSIDE BEFORE I REALIZED SOMEONE WAS IN MY HOUSE. WHEN I MADE EYE CONTACT WITH HIM, HE HAD ALREADY CLOSED THE DOOR BEHIND HIMSELF AND WAS APPROXIMATELY 10-15 FEET INSIDE. IT WAS SHOCKING TO SEE AN UNIDENTIFIED STRANGER INSIDE. MY ADRENALINE STARTED TO RUSH AND FOR A SPLIT SECOND I HAD ~~COULX~~ THOUGHTS OF HOW TO DEFEND MYSELF PHYSICALLY. HE THEN SPOKE AND SAID "I AM AN APPRAISER FOR THE MAT-SU BOROUGH". I MUST ADMIT, I WAS RELIEVED TO KNOW I WOULDN'T HAVE TO DEFEND MYSELF AND THE ADRENALINE RUSH WENT AWAY. HE BEGAN TALKING OF MY HOMES VALUE AND MEASURED ROOMS ETC. HE HAD NO I.D. AND WHEN I ASKED HIM FOR A CARD HE SAID "I HAVE ONE OUT IN MY TRUCK". HE DID GIVE ME A PARTLY MUTILATED BUSINESS CARD AFTER I WALKED TO HIS TRUCK WITH HIM.

IT WAS THE NEXT DAY WHEN I REALLY BEGAN FEELING UNSURE. (PLEASE SEE PAGE 2) TO CONTINUE

Signed: DAVID SKALISKY *D.S.*  
Testifier

Representing (Optional)  
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Jan. 29 1999 01:50PM P3

FAX NO. : 9077466100

FROM : DAVE AND ANGIE SKALISKY

TESTIMONY CONTINUED FROM PAGE 1

I THOUGHT, WHAT IF THIS WASN'T AN APPEARANCE AT ALL?

MY WIFE AND I DROVE TO THE 1747-SU BORDER BLDG TO BE SURE.

I WAS ACTUALLY RELIEVED TO SEE HIM BEHIND THE COUNTER IN THE

ASSESSORS OFFICE. I THEN ASKED HIM IF IT IS ACCEPTABLE TO

EXCHANGE HANDS UNINVITED AND ASKED HOW HE WOULD HAVE FELT IF

MY WIFE WHO JUST GOT OUT OF THE BATH, UNDRRESSED, WALKED ARE

ENTERED OUR HOME. HE BLUSHED AND DEFENSIVELY SAID -

"I'VE BEEN DOING THIS FOR 25 YEARS, I KNOW WHAT I'M

DOING". HE SHOWED ME THE FILE ON MY PROPERTY AND

WE DISCUSSED TAX VALUES, ETC. HE TOLD PRUDENCE

PROPERTY SIGNS MEAN NOTHING TO ASSESSORS.

IT WAS THE FEELING OF BEING VIOLATED THAT PROMPTED

ME TO WRITE THE EDITOR OF "THE PROMPTERMAN"

WE LOCK OUR DOORS NOW, EVEN WHEN WE'RE HOME, AND

ESPECIALLY WHEN WE'RE GONE.

I THINK H.B. 22 WILL HELP MY FRIENDS AND

NEIGHBORS SLEEP BETTER KNOWING THIS WON'T HAPPEN TO

THEM. I WOULD ALSO LIKE TO SEE UNIFORMS OR I.D.

WORN BY ASSESSORS.

REPRESENTATIVE OWENS H.B. 22 IS BY ALL MEANS

FAIR TO HOMEOWNERS AND ASSESSORS ALIKE, AND SHOULD

BECOME LAW.

SINCERELY,

DAVE & ANGIE

DAVE SKALISKY

# MIDWEEK

Volume 51: Number 20 November 3, 1998

J. section, 18 pages



## LETTERS TO THE EDITOR

### Borough appraiser gives owner a start

Editor

Recently, while I was home alone, a voice from inside my house said, "Hello." I looked downstairs and was startled to see a stranger had opened the door and let himself in. His T-shirt had a triathlon logo on it. I wondered what I should do.

He came toward me and said, "I'm an appraiser for the Mat-Su Borough."

He yielded a small parcel map. I asked his name. "Gary Hessmer," he replied. He looked throughout and politely talked of putting a tax value on my new home.

The next day, feeling violated, I went to Mat-Su Borough and spoke with him again. I asked if walking into someone's house is acceptable conduct for tax appraisers.

He claimed he is in new homes often and said no trespassing signs mean nothing to Mat-Su Borough assessors.

As a taxpayer, I think identification badges or uniforms should be worn by these intruders for their own safety. Privacy is no longer respected by the Mat-Su Borough.

Are we to assume that all intruders are government officials?

David Skalisku  
Palmer

THIS ARTICLE  
APPEARED IN THE FRONTIERSMAN  
ON 11/3/98

THE APPRAISER ENTERED MY  
HOME ON SEPT 29<sup>TH</sup> 1998

WE WENT TO MSB BUILDING  
ON SEPT 30<sup>TH</sup> 1998

I WROTE THIS "LETTER TO EDITOR"  
AND DELIVERED IT TO THE  
FRONTIERSMAN ON OCT 2<sup>ND</sup> 1998

# The Constitution of the State of Alaska

## Preamble

*We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land, in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty within the Union of States, do ordain and establish this constitution for the State of Alaska.*

Ed Martin Cooper Land?

## ARTICLE I. DECLARATION OF RIGHTS

**SECTION 1. INHERENT RIGHTS.** This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law, and that all persons have corresponding obligations to the people and to the State.

**SECTION 2. SOURCE OF GOVERNMENT.** All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.

**SECTION 3. CIVIL RIGHTS.** No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin. The legislature shall implement this section.

**SECTION 4. FREEDOM OF RELIGION.** No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof.

**SECTION 5. FREEDOM OF SPEECH.** Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

**SECTION 6. ASSEMBLY; PETITION.** The right of the people peaceably to assemble, and to petition the government shall never be abridged.

**SECTION 7. DUE PROCESS.** No person shall be deprived of life, liberty, or property, without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

**SECTION 8. GRAND JURY.** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the armed forces in time of war or public danger. Indictment may be waived by the accused. In that case the prosecution shall be by information. The grand jury shall consist of at least twelve citizens, a majority of whom concurring may return an indictment. The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.

**SECTION 9. JEOPARDY AND SELF-INCRIMINATION.** No person shall be put in jeopardy twice for the same offense. No person shall be compelled in any criminal proceeding to be a witness against himself.

**SECTION 10. TREASON.** Treason against the State consists only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of

treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**SECTION 11. RIGHTS OF ACCUSED.** In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**SECTION 12. CRIMINAL ADMINISTRATION.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation.

**SECTION 13. HABEAS CORPUS.** The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or actual or imminent invasion, the public safety requires it.

**SECTION 14. SEARCHES AND SEIZURES.** The right of the people to be secure in their persons, houses and other property, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**SECTION 15. PROHIBITED STATE ACTION.** No bill of attainder or ex post facto law

shall be passed. No law impairing the obligation of contracts, and no law making any irrevocable grant of special privileges or immunities shall be passed. No conviction shall work corruption of blood or forfeiture of estate.

**SECTION 16. CIVIL SUITS: TRIAL BY JURY.** In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.

**SECTION 17. IMPRISONMENT FOR DEBT.** There shall be no imprisonment for debt. This section does not prohibit civil arrest of absconding debtors.

**SECTION 18. EMINENT DOMAIN.** Private property shall not be taken or damaged for public use without just compensation.

**SECTION 19. RIGHT TO KEEP AND BEAR ARMS.** A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.

**SECTION 20. QUARTERING SOLDIERS.** No member of the armed forces shall in time of peace be quartered in any house without the consent of the owner or occupant, or in time of war except as prescribed by law. The military shall be in strict subordination to the civil power.

**SECTION 21. CONSTRUCTION.** The enumeration of rights in this constitution shall not impair or deny others retained by the people.

**SECTION 22. RIGHT OF PRIVACY.** The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

# FISCAL NOTE

Revision Date: \_\_\_\_\_ Dept. Affected: Community & Regional Affairs  
 Title: An Act relating to investigations of BRU: none  
property by a municipal assessor ... Component: none  
 Sponsor: Rep. OGAN  
 Requestor: House C&RA Committee COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current (FY99) impact \$ none

**ANALYSIS:** (Attach a separate page if necessary)

This legislation would have no fiscal impact on the department.

Prepared by: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Division of Administrative Services Date: 1/26/99  
 Approved by Commissioner: *Mike Drwin* Date: 1/26/99  
 Agency: Community & Regional Affairs

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