

**HB**

**135**



22-LS0421\P  
Cook  
4/11/01

Adopted

CS FOR HOUSE BILL NO. 135( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES GUESS, Meyer

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to municipal fees for certain police protection services."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

4 (60) AS 29.35.125 (fees for police protection services).

5 \* Sec. 2. AS 29.35 is amended by adding a new section to read:

6 Sec. 29.35.125. Fees for police protection services. (a) A municipality may  
7 by ordinance impose a fee on the owner of residential real property if a member of the  
8 municipal police department goes to the property an excessive number of times during  
9 a calendar year in response to a call for assistance, a complaint, an emergency, or a  
10 potential emergency. The number of responses considered to be excessive and the  
11 amount of the fee shall be set out in the ordinance that establishes the fee. A fee may  
12 not be imposed under this subsection for responses to calls that involve potential  
13 domestic violence, as defined in AS 18.66.990, or potential stalking under  
14 AS 11.41.260 or 11.41.270. An ordinance enacted under this section shall require  
15 actual notice to the property owner of police contacts and a warning that failure to take

*to owners of residential property*  
*Conceptual #1*  
*allow the defense*  
*not to qualify*  
*allowed to prevent*  
*property insurance*  
*add statutory references*

*Conceptual #1*  
*including a family*  
*multi-unit dwellings*  
*over 4 units*

*must include a notice to quit*

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appropriate corrective action may result in the imposition of a fee. The ordinance must also define "appropriate corrective action" and provide that the property owner is not liable for the fee if that action is promptly taken.

(b) A municipality may provide that a fee imposed under (a) of this section is a lien on the property to which the municipal police have been called an excessive number of times and may provide for the recording and notice of the lien. When recorded, a lien under this subsection has priority over all other liens except

- (1) liens for property taxes, special assessments, and sales and use taxes;
- (2) liens that were perfected before the recording of the lien under this subsection; and
- (3) mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this subsection.

(c) This section applies to home rule and general law municipalities.

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*There was  
a newer  
CS "P"*

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4 (b) A municipality may provide that a fee imposed under (a) of this section is  
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6 number of times and may provide for the recording and notice of the lien. When  
7 recorded, a lien under this subsection has priority over all other liens except

8 (1) liens for property taxes, special assessments, and sales and use  
9 taxes;

10 (2) liens that were perfected before the recording of the lien under this  
11 subsection for amounts actually advanced before the recording of the lien under this  
12 subsection; and

13 (3) mechanics' and materialmen's liens for which claims of lien under  
14 AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded  
15 before the recording of the lien under this subsection.

16 (c) This section applies to home rule and general law municipalities.

# ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

## Sponsor Statement HB 135

*" An Act relating to municipal fees for certain police protection services. "*

Within many of our communities, nuisance residential properties exist and cause continued disturbances to neighbors and neighborhoods. This bill strengthens local control to hold the owners of these properties accountable.

HB 135 grants municipalities the ability to impose a fee on the owner of residential property if the police department responds to the property an excessive number of times. The fee is granted lien status against the nuisance property. The state will not define "excessive" nor mandate a municipality to create such a fee system; it only allows municipalities to create such a system if they choose. Domestic violence calls, as defined under AS 18.66.990, have been exempted so as not to discourage a resident domestic violence victim from calling for help.

HB 135 makes several provisions to ensure cooperative landlords are not punished. It requires landlords be given "actual notice" of police contacts and a warning that failure to take appropriate corrective action may result in the imposition of a fee. It also requires the ordinance to define "appropriate corrective action" and to provide the property owner is not liable for the fee if corrective action is promptly taken. These provisions will hold harmless the responsible property owners in our communities who work in good faith to remedy the problem.

The intent of HB 135 is to provide stronger local control to hold uncooperative property owners accountable for their impact on neighborhoods. These chronically problematic properties not only impact a neighborhood's peace and calm but also directly cost municipalities in excessive police visits.

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 135(CRA)  
 (H) Publish Date: 3/22/01

Revision Date/Time (Note if correction): 03/14/2001 5:30p.m. Dept. Affected: DCED  
 Title: Act related to municipal fees for police protection services. BRU: Comm.Asst & Econ. Dev.  
 Sponsor: Representative Guess Component: Community & Business Development  
 Requester: House Community & Regional Affairs Component Number: 2486

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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>

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This legislation would have no fiscal impact on this department.

Prepared by: Pat Poland, Director Phone 907-269-4580  
 Division Division Community and Business Development Date/Time 03/14/2001 5:30p.m.  
 Approved by: Commissioner Deborah B. Sedwick Date 03/14/01  
 Agency Department of Community & Economic Development

For distribution information, call the Governor's Legislative Office

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**II. NONSUPPORT.**

**Contempt for nonsupport has criminal aspects.** — Although contempt for nonsupport has traditionally been characterized as a civil action, certain aspects of that action, in particular, the threat of incarceration, more closely approximate penal proceedings. *Otton v. Zaborac*, 525 P.2d 537 (Alaska 1974).

**Right to attorney.** — Indigent in a contempt for nonsupport proceeding has a right to a court-appointed attorney. *Otton v. Zaborac*, 525 P.2d 537 (Alaska 1974).

**The burden of proof of inability to comply with the court order,** which is the central issue in contempt proceedings for nonpayment of child support, is with the defendant. *Otton v. Zaborac*, 525 P.2d 537 (Alaska 1974).

**Ability to comply with support order.** — The principal question in civil contempt proceedings involving child support orders is not whether the defendant once had the ability to comply with the support order but whether he presently has the ability to

comply. *Ryfeul v. Ryfeul*, 650 P.2d 369 (Alaska 1982).

**Motion for a directed verdict finding husband in contempt for failure to pay alimony and support pursuant to divorce decree was improperly granted where there was substantial evidence that the husband was in bad financial straits and fair minded jurors could have reached different conclusions on the issue of his ability to pay.** *Ryfeul v. Ryfeul*, 650 P.2d 369 (Alaska 1982).

**Discussion of sentencing procedures in nonsupport cases.** — See notes to AS 09.50.010. *Diggs v. Diggs*, 663 P.2d 950 (Alaska 1983).

**Nonsupport order vacated.** — Superior court's order requiring defendant in nonsupport proceeding to serve 90 days with 45 days suspended on certain conditions was vacated since the court did not announce at the outset of the proceeding that it intended to impose a criminal sanction if the defendant was found guilty of contempt and the preponderance of the evidence burdens of proof were used by the superior court in its instructions to the jury rather than the criminal standard of beyond a reasonable doubt. *Diggs v. Diggs*, 663 P.2d 950 (Alaska 1983).

**Sec. 09.50.060. Prosecution on nonappearance.** If the defendant does not appear on the day ordered by the court, the court may order the undertaking to be prosecuted. If the undertaking is prosecuted, the measure of damages is the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct for which the warrant was issued and the costs of the proceeding. (§ 10.06 ch 101 SLA 1962)

*Secs. 09.50.070, 09.50.080. Property subject to escheat, enforcement of rights by state. [Repealed, § 14 ch 133 SLA 1986.]*

*Sec. 09.50.090. Transmittal of personal property to state. [Repealed, § 5 ch 78 SLA 1972.]*

*Secs. 09.50.100 — 09.50.160. Escheat actions, claims, and reports. [Repealed, § 14 ch 133 SLA 1986.]*

**Article 2. Abatement of Illegal Uses of Premises.**

- Section 170. Abatement of places used for certain acts
- 175. Admissibility of evidence to prove nuisance
- 180. Injunction
- 190. Dismissal
- 200. Contempt proceeding

- Section 210. Order of abatement
- 220. Proceeds of sale
- 230. Release of premises to owner
- 240. Fine for contempt as lien on premises

**Cross references.** — For provisions governing nuisances in general, see AS 09.45.230 — 09.45.250.

**NOTES TO DECISIONS**

**Nuisance to exist at time complaint filed.** — This article, specifically AS 09.50.210, requires that a nuisance be shown to exist at the time the complaint is filed rather than at the time of trial. *Spenard Action Comm. v. Lot 3, Block 1, Evergreen Subdivision*, 902 P.2d 766 (Alaska 1995).

**Burden of proof.** — In regard to suits brought under this article, the appropriate burden of proof is clear and convincing evidence. *Spenard Action Comm. v. Lot 3, Block 1, Evergreen Subdivision*, 902 P.2d 766 (Alaska 1995).

~~This is to~~

This is provided to show that HB13.5 is not breaking new ground granting lien status to a municipal fine. Abatement law makes provisions for lien status as shown below:

★

See fourth page → # 639

for "fine for contempt as lien on premises".

for example of lien status already granted under statute

Collateral references. — 24 Am. Jur. 2d, Disorderly Houses, §§ 23-36.  
 28 C.J.S., Nuisances, §§ 45, 77, 102-169.

**Sec. 09.50.170. Abatement of places used for certain acts.** (a) A person who erects, establishes, continues, maintains, uses, owns, or leases a building, structure, or other place used for one of the following activities is guilty of maintaining a nuisance, and the building, structure, or place, or the ground itself in or upon which or in any part of which the activity is conducted, permitted, carried on, continues, or exists, and its furniture, fixtures, and other contents, constitute a nuisance and may be enjoined and abated:

- (1) prostitution;
- (2) an illegal activity involving a place of prostitution; or
- (3) an illegal activity involving
  - (A) alcoholic beverages;
  - (B) a controlled substance;
  - (C) an imitation controlled substance; or
  - (D) gambling or promoting gambling.

(b) In this section, "illegal activity involving alcoholic beverages," "illegal activity involving a controlled substance," "illegal activity involving gambling or promoting gambling," "illegal activity involving an imitation controlled substance," "illegal activity involving a place of prostitution," and "prostitution" have the meanings given in AS 03.360. (§ 20.01 ch 101 SLA 1962; am §§ 8, 9 ch 121 SLA 1994)

**Effect of amendments.** — The 1994 amendment, effective September 26, 1994, in present subsection (a) in the introductory language, substituted "one of the following activities" for "the purposes of lewdness,

assignation, or prostitution or any other immoral act," substituted "activity" for "lewdness, assignation, or prostitution," made minor stylistic changes, and added paragraphs (1)-(3); and added subsection (b).

#### NOTES TO DECISIONS

**Bawdyhouse as nuisance.** — A bawdyhouse is a nuisance per se, and it is also a public nuisance. *People v. Kelter*, 4 Alaska 447 (1912).

A bawdyhouse is not a "house" within the meaning of the 4th amendment of the United States Constitution. *United States v. Ashworth*, 7 Alaska 64 (1923).

**Legislative intent.** — The intention of the legislature, as disclosed by this article, was to suppress houses of lewdness and prostitution, and to prevent persons from maintaining or conducting such houses, either at the place where they were being maintained or at any other place throughout the judicial division; and to abate the nuisance then existing, by closing up the same for the period of one year. *Territory of Alaska v. House No. 24*, 7 Alaska 611 (1927).

**Injunction against maintaining nuisance and abatement of building.** — From a consideration

of this article, it is apparent that it has a twofold application, namely, a personal injunction against setting up, maintaining, or conducting a nuisance of the character described, the injunction operating in futuro, and the abatement of the building where the prescribed nuisance is being carried on. *Territory of Alaska v. House No. 24*, 7 Alaska 611 (1927).

**Court has no discretion but to issue injunction and order abatement.** — Where the evidence is clear that a house was maintained as a nuisance, there is no discretion in the court under this article but to issue the injunction, and also to order the abatement of the nuisance. *Territory of Alaska v. House No. 24*, 7 Alaska 611 (1927).

**Testimony as to reputation of house.** — Testimony that house had a reputation as a house of prostitution is not sufficient. *United States v. Rex Hotel*, 8 Alaska 21 (1928).

**Sec. 09.50.175. Admissibility of evidence to prove nuisance.** In an action brought under AS 09.50.170(a) to prove the existence of a nuisance, the court may consider

- (1) evidence of reputation within a community;
- (2) evidence derived from records of the courts of the state or of the United States that relate to previous complaints concerning alleged violations of, and to arrests for or convictions of violations of, laws based on activity set out in AS 09.50.170. (§ 10 ch 121 SLA 1994)

**Sec. 09.50.180. Injunction.** When there is reason to believe that a nuisance as defined in AS 09.50.170 — 09.50.240 exists, the attorney general shall, or a citizen, or a home rule municipality if the nuisance is located in the home rule municipality, may, bring an action to perpetually enjoin the nuisance, the person maintaining it, and the owner, lessee, or agent of the building or group upon which the nuisance exists. (§ 20.02 ch 101 SLA 1962; am § 1 ch 99 SLA 1996)

**Cross references.** — For court rule on injunctions generally, see Civ. R. 65.

**Effect of amendments.** — The 1996 amendment, effective September 23, 1996, inserted “, or a home

rule municipality if the nuisance is located in the home rule municipality,” near the middle of the section.

**NOTES TO DECISIONS**

**Legislative enjoining of nuisance violating criminal statute.** — It is within the authority of the legislature to enlarge the powers of an equity court by empowering it to enjoin the maintenance of a nuisance,

although the maintenance thereof may be a violation of a criminal statute. *Territory of Alaska v. House No. 24, 7 Alaska 611 (1927).*

**Sec. 09.50.190. Dismissal.** If the complaint is filed by a citizen, the action may be dismissed only upon approval of the attorney general and affidavit of the complainant and the complainant’s attorney giving the reasons why the suit should be dismissed. The court may refuse to dismiss the suit and may direct the attorney general to prosecute the action. (§ 20.03 ch 101 SLA 1962)

**Sec. 09.50.200. Contempt proceeding.** If an injunction granted under the provisions of AS 09.50.170 — 09.50.240 is violated, the court may summarily try and punish the offender. A party found guilty of contempt under the provisions of AS 09.50.170 — 09.50.240 is punishable by a fine of not more than \$1,000, or by imprisonment for not less than three months nor more than six months, or by both. (§ 20.04 ch 101 SLA 1962)

**Cross references.** — For contempt procedures, see Civ. R. 90.

**Sec. 09.50.210. Order of abatement.** (a) If the court finds and enters judgment that a nuisance exists, the court shall enter an order of abatement. The order of abatement must direct

(1) termination of the lease or rental agreement, if any, on the premises subject to the order of abatement, if the tenant who occupies under the lease or rental agreement has been given notice of the proceedings under AS 09.50.170 — 09.50.240;

(2) the removal from the building or place of the fixtures, furniture, and movable property used in the nuisance and their sale in the manner provided for the sale of chattels under execution;

(3) the closing of the building or place against its use for any purpose for a period of one year unless sooner released.

(b) A person who breaks and enters or uses a building, structure, or other place directed to be closed by an order entered under (a)(3) of this section is guilty of contempt and shall be punished for contempt as provided in AS 09.50.200. (§ 20.05 ch 101 SLA 1962; am § 11 ch 121 SLA 1994)

**Effect of amendments.** — The 1994 amendment, effective September 26, 1994, added the subsection and paragraph designations; added paragraph (a)(1);

inserted “by an order entered under (a)(3) of this section” in subsection (b); and made minor stylistic changes.

**Sec. 09.50.220. Proceeds of sale.** (a) The proceeds of the sale of the contents shall be applied as follows:

(1) to the payment of fees and costs of the removal and sale;

(2) to payment of the allowances and costs of closing and keeping closed the buildings and places;

(3) to the payment of plaintiff's costs;

(4) to the payment of any balance remaining to the owner of the property sold.

(b) If the proceeds do not fully discharge all the costs, fees, and allowances, the premises may also be sold under execution issued upon the order of the court and the proceeds of the sale applied in like manner. However, the building or realty in which the nuisance is conducted or real estate on which it stands may not be subject to a lien, judgment, or costs unless the owner, or an agent or representative of the owner, has been duly served with process in the action and been given an opportunity to show good faith and to immediately abate the nuisance. (§ 20.06 ch 101 SLA 1962)

**Sec. 09.50.230. Release of premises to owner.** (a) The court may order premises abated under AS 09.50.210 delivered to the owner and cancel the order of abatement if the owner of the premises

(1) has not been guilty of a contempt in the proceedings;

(2) appears and pays all costs, fees, and allowances that are a lien on the premises; and

(3) files a bond with sureties approved by the court in an amount determined by the court to the effect that the owner will abate the nuisance that exists at the building or place and prevent the nuisance from being established within a period of one year thereafter.

(b) The lease of the property does not release it from a judgment, lien, penalty, or liability to which it may be subject by law.

(c) A cancellation of the order of abatement does not affect a termination of a lease or rental agreement made under AS 09.50.210(a)(1). (§ 20.07 ch 101 SLA 1962; am § 12 ch 121 SLA 1994)

**Effect of amendments.** — The 1994 amendment, effective September 26, 1994, in subsection (a), added the subsection and paragraph designations, added the introductory language preceding "if," and made related and other minor stylistic changes; in paragraph

(a)(3), substituted "an amount" for "the full value of the property as" and deleted "the court may order the premises to be delivered to the owner and cancel the order of abatement" at the end; added the subsection (b) designation; and added subsection (c).

**Sec. 09.50.240. Fine for contempt as lien on premises.** A fine imposed as punishment for contempt against the owner is a lien upon the premises to the extent of the interest of that person in the premises and is enforceable and collectible by execution issued by the order of the court. (§ 20.08 ch 101 SLA 1962)

### Article 3. Claims Against State.

**Section**

250. Actionable claims against the state

270. Payment of judgment against the state

**Section**

280. Judgment for plaintiff; punitive damages

300. Compromise by attorney general

#### NOTES TO DECISIONS

Cited in *University of Alaska v. Geistauts*, 666 P.2d 24 (Alaska 1983).

**Collateral references.** — 72 Am. Jur. 2d, States, Territories, and Dependencies, §§ 87-89, 79-128. 81A C.J.S., States, §§ 174, 189, 194-202, 297-313. Applicability of estoppel doctrine against state, 1 ALR2d 344.

Contributory negligence as defense to action by state, 1 ALR2d 827. Tortious breach of contract as within consent by state to suit on contract, 1 ALR2d 864. Denial of recovery for damage to property by negli-



S T A T E   O F F I C E

# ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106   Anchorage, Alaska 99524-0106   Phone (907) 277-0515   Fax (907) 272-5355



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Scott Chafin, Member  
Wrangell  
Pres. Wrangell Chapter

March 16, 2001

Representative Gretchen Guess  
Alaska State Legislature  
State Capitol Building, Room 112  
Juneau, Alaska 99801-1182

Dear Representative Guess,

The Alaska Peace Officers Association (APOA) would like to thank you for introducing HB135 (22-LS042\C) relating to municipal fees for certain police protection services.

The APOA Legislative Advisory Committee has unanimously agreed to endorse HB135 in its current draft format. We believe this will open an avenue for municipalities to collect fees from excessive users of municipal public safety resources.

Please contact us if there is anything we can do to assist you with passage of this bill. You may contact us at the APOA office in Anchorage at 277-0515.

Sincerely,

Leo Brandlen  
President

cc: Representative Kevin Meyer



**CITY OF FAIRBANKS**

*James C. Hayes, Mayor*

800 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701-4683  
OFFICE: 907-459-6793

March 12, 2001

Representative Gretchen Guess  
Alaska State Legislature  
State Capital  
Juneau Alaska 99801-1182

**RE: House Bill 135**

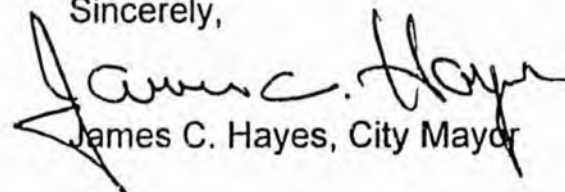
Dear Representative Guess:

Thank you for the opportunity to comment on House Bill 135. This measure would be an effective tool to encourage property owners to take responsibility for the use of their property. It is not uncommon for our police to become quite familiar with excessive criminal activity at a particular location. Currently, our law abiding taxpayers bear the cost of repeated calls for police service at "problem" locations. This bill would adopt the philosophy that "cost causer should be cost payer."

Fairbanks now has an "emergency response charge" in which persons convicted of drunk driving pay the actual cost of their arrest. We have a simple accounting system by which we compute the actual time and charges that are levied. It would be a simple solution for us - or other municipalities - to do the same thing under House Bill 135.

Fairbanks Police Chief Welch has an appointment Thursday, but in his stead Deputy Chief Ray Miller will be available to testify.

Sincerely,

  
James C. Hayes, City Mayor

cc: Community & Regional Affairs Committee Members  
Interior Delegation  
Ray Miller

Passed on 4/27/01

Submitted by: Assemblymembers TESCHE,  
Taylor, Tromaine, Abney, Van Etten, Clementson  
Prepared by: Assembly Office  
For reading: FEBRUARY .27, 2001

ANCHORAGE, ALASKA  
AR NO. 2001- 65

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING HOUSE BILL 135,  
"AN ACT RELATING TO MUNICIPAL FEES FOR CERTAIN POLICE PROTECTION SERVICES."

WHEREAS, certain residential properties are the source of repeat disturbances to the peace, calm, and sometimes even the safety of our community - such as "crack house", places of prostitution, gambling, or other illegal activities; and

WHEREAS, property owners are not always held sufficiently accountable for continued violations of law committed on their property; and

WHEREAS, repeat police calls to disturbances at nuisance properties are costly to municipalities; and

WHEREAS, solutions to local problems are most effective when communities, by ordinance enacted only after a public hearing, control, devise and execute solutions; and

WHEREAS, House Bill 135, which has been introduced in the Alaska State Legislature, grants municipalities the ability to impose a fee on the owner of residential property if police respond to the property an excessive number of times; the fee is granted lien status against the nuisance property; and

WHEREAS, this bill is not a means of simply collecting more money; it makes irresponsible property owners assume the burden imposed on the public for illegal activities on their property; and

WHEREAS, under this bill, the State will not define "excessive" nor mandate a municipality to create such a fee system; it only allows municipalities to create such a system - as another tool for law enforcement - if they choose.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1: That the Assembly supports House Bill 135 and encourages the Alaska State Legislature to pass the bill.

Section 2: That the Municipal Clerk forward copies of this resolution to the State Legislature upon passage and approval.

PASSED AND APPROVED by the Anchorage Municipal Assembly this 27 day of February, 2001.

Chair CJ

ATTEST:

\_\_\_\_\_  
Municipal Clerk

709



George P. Wuerch.  
Mayor

# ANCHORAGE POLICE DEPARTMENT

4501 South Bragaw Street • Anchorage, Alaska 99507-1599

Telephone (907) 786-8500

<http://www.ci.anchorage.ak.us>



Walt Monegan  
Chief

March 28, 2001

The Honorable Gretchen Guess  
Alaska State Legislature  
State Capitol, Room 112  
Juneau, AK 99801-1182

Dear Representative Guess:

House Bill 135 offers municipalities a new tool for cleaning up high crime properties. This legislation authorizes cities to craft ordinances of their own for the purpose of billing owners of properties where crime runs unchecked. Local laws of this kind would encourage landlords to screen and retain renters properly, hold accountable those landlords who won't be encouraged, and permit the cities to recover some of the cost of dealing with their worst trouble spots. Further, the bill allows municipalities to tailor the crime thresholds and fee schedules to the needs and wishes of their own residents.

Anchorage, like most other cities, has its share of run down housing complexes that serve as havens for drug dealing and other criminal activity. The existence of such activity is patently obvious to neighbors and police; it cannot be unknown to the property owners. The police can (and do) cart off the criminals, but there are few means to stop the landlords from renting to more of the same. Civil abatement works, but it is a lengthy and expensive process. House Bill 135 appears to offer a very good intermediate step.

In preparing to write this letter, I asked my drug unit commander for an example of a property that would illustrate a need for the legislation you propose. He provided me the address of a thirty-five-unit complex near downtown Anchorage that is connected to the rear of a bar. According to computer records, APD was dispatched to this complex 110 times in 1999, and 112 times in 2000. The types of calls run the gamut, but most frequently drugs, drunkenness, and fighting are involved. The Anchorage citizens have paid for over 200 police responses in the last two years, and a lot of people have gone to jail, but the owner has not changed his business practices. Perhaps HB 135 will allow me to bring around his thinking.

Thank you for sponsoring this bill. Please do not hesitate to contact me if I can be of further help in supporting this effort.

Sincerely,

Mark T. Mew  
Deputy Chief of Police



April 11, 2001

Dear Representative Guess:

As the Executive Director of Standing Together Against Rape, I am writing regarding HB 135.

Municipality's having the ability to charge those who become chronic non-emergent users of a public safety system seems to be a prudent measure to insure that public emergency services are available for true emergencies.

It is my understanding that while this legislation acts as an enabler, it will still be within the individual municipal governments to develop the regulations and enforcement policies that will address the need in the communities. Alaskan communities vary. And our need to be able to structure local enforcement framework is critical.

Although we appreciate the efforts to build in safeguards for those we serve, it is also important to leave enough room for local programs to have voice before their municipal representatives in shaping the enforcement policies.

Standing Together Against Rape is an agency whose mission is to provide advocacy and support for victims of sexual assault, abuse, and incest as well as their loved ones and to provide education and outreach within our communities.

Thank you for this opportunity to provide input regarding HB135, and remember, April is sexual assault awareness month.

**ALASKA MORTGAGE BANKERS ASSOCIATION**  
P. O. BOX 9-2691 / ANCHORAGE, ALASKA 99509-2691

April 11, 2001

Representative Gretchen Guess  
Alaska State Legislature  
State Capital (MS 3100)  
Juneau, Alaska 99801-1182

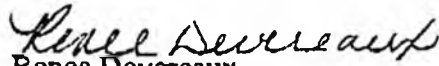
RE: HB 135

Dear Representative Guess:

The Alaska Mortgage Bankers Association (AMBA) has reviewed HB 135 work draft dated 4/10/01. The concerns express in our letter of April 6, 2001 have been addressed and the lien created by this bill will no longer be prior and paramount to our deed of trust.

Thank you for addressing our concerns. If you have any questions please contact me at (907) 222-8815 or (907) 222-8899 (fax).

Sincerely,



Renee Devereaux  
President, Alaska Mortgage Bankers Association  
1400 W. Benson Blvd. Suite #200  
Anchorage, Alaska 99503

**Subject: HB135**

**Date:** Wed, 11 Apr 2001 12:43:38 -0800

**From:** "kachemak bay title agency" <kbt@xyz.net>

**To:** <Nathan\_Johnson@legis.state.ak.us>

My name is Mary Ann Rowe and I am the President of Kachemak Bay Title Agency in Homer and also the Co-Legislative Chair of the Alaska Land Title Association which represents the title industry in Alaska.

I have reviewed the "Work Draft" on the CS for HB135 and would ask that you consider this proposed draft which deletes the "super lien" status and provides for priority similar to AS 29.45.650(e) which is currently used by boroughs which have sales tax. This draft will still provide that vehicle to attach any real and personal property of a party but enable the title industry to assure their policy holders that there are no "hidden" or "super" liens which could affect their property or lien rights at a later date and which would have priority over their ownership or liens.

Thank for you considering our recommendations. If I can be of further assistance, please let me know.

Mary Ann Rowe  
President  
Kachemak Bay Title Agency  
3691 Ben Walters Ln #1  
Homer AK 99603

907-235-8196  
907-235-2420

Co-Chair- Legislative Committee  
Alaska Land Title Association  
P. O. Box 241811  
Anchorage AK 99524



APR 13 2001

April 11, 2001

Mr. Norman Rokeberg, Chairman  
Judiciary Committee  
State Capitol, Room 118  
Juneau, Alaska 99801-1182

Re: HB 135

Dear Chairman Rokeberg,

We would like to request that the Judiciary Committee revise the working draft of HB 135, section 29.35.125. First, the bank does not believe that liens created under this section should have priority over any prior recorded liens. This would disrupt well-instituted property laws. As such, we recommend that lines 7-15 be removed, including the last word "When" on line 16. As an alternative, the committee could strike the following words from line 11 and 12 of page 2: "for amounts actually advanced before the recording of the lien under this subsection". We believe that a lien for a municipal fee should be subject to the same rules as any other lien and should not have priority over liens that were perfected before the recording of the lien for police protection services. We do not agree that a fee under this section should have priority position over funds not yet advanced under existing perfected liens. This would impact funds not yet advanced on home equity lines of credit, which are a very popular source of funds for many Alaskan consumers. In addition, if left intact, this bill would have a very adverse effect on the entire mortgage lending industry since it would create liens with a priority over home mortgages. As a result, the entire secondary market for mortgage financing could be negatively affected by this bill.

Sincerely,

Marc Langland  
President and CEO