

**HB**

**135**

# 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 BRU: Comm.Asst & Econ. Dev.  
protection services. Component: Community & Business  
Sponsor: Representative Guess 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>						
-----------------------------	--	--	--	--	--	--

<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



ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

**Memorandum**

Date: April 26, 2001

To: Senator John Torgerson, Chair  
Senate Community and Regional Affairs Committee

From: Representative Gretchen Guess *G. Guess*

Re: Hearing Request

---

Please consider this a formal request for a hearing of House Bill 135, "An Act relating to municipal fees for certain police protection services and to a tenant's activities that result in the imposition of those fees."

If you have any questions regarding HB 135 please feel free to contact me or my aide Nathan Johnson at 2840. Thank you very much for your consideration.

22-LS0421\SA.1  
Cook  
2/5/02

*SEN. LINCOLN*

AMENDMENT

OFFERED IN THE SENATE

TO: CSHB 135(JUD) am

- 1 Page 1, line 14:
- 2 Delete "that involve"
- 3 Insert "unless the calls are reasonably justified or involve potential child neglect,"
- 4
- 5 Page 2, line 1, following "11.41.270.":
- 6 Insert "An ordinance adopted under this section shall define "reasonably justified" for
- 7 purposes of this subsection.
- 8 (b)"
- 9
- 10 Reletter the following subsections accordingly.



217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel: (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

March 26, 2002

Senator John Torgerson, Chair  
Community & Regional Affairs  
Alaska State Senate  
State Capitol  
Juneau, AK 99801

Dear Senator Torgerson:

We are writing in support of HB 135, relating to municipal fees for certain police protection services. The AML 2002 Policy Statement states:

**Part III. Local Government & Public Services:**

Police Service Fees for Excessive Calls: The League supports state legislation to allow municipalities to set fees for excessive police calls.

Passage of HB 135 would provide an option municipalities can use to impose a fee on property when municipal police have been called an disproportionate number of times.

We appreciate your interest in helping Alaska's municipalities and if you have any questions or concerns, please let me know.

Sincerely,

Kevin Ritchie  
Executive Director

cc: Representative Gretchen Guess  
Senate Community & Regional Affairs Committee



ALASKA ASSOCIATION OF REALTORS, INC.  
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503  
Telephone 907-563-7133 • Fax 907-563-8476

February 22, 2002

Representative Gretchen Guess  
State Capitol  
Juneau, Alaska 99801-1182

RE: HB 135 – An act relating to municipal fees for certain police protection services.

Dear Representative Guess,

The Alaska Association of REALTORS with over 1,100 members statewide supports House Bill 135 which grants municipalities the ability to impose a fee on owners of residential property if the police department responds to the property an excessive number of times.

The Association is in favor of the provisions provided in the bill to ensure that cooperative landlords are not punished, and to hold harmless the responsible property owners in our communities who work in good faith to remedy the problems that may occur.

The Alaska Association of REALTORS encourages the passage of House Bill 135.

Sincerely,

Don McKenzie  
President

**HB 135**

Excessive Police Services: Fees/Tenancy  
March 27, 2002

Senate CRA

***Support Letters***





**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**

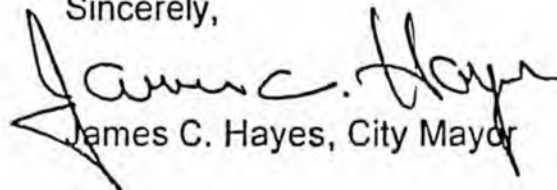
Dear Representative Guess:

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

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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



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\0) 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

**Business Manager**

Joseph Young  
Anchorage

**Board of Directors**

Leo Brandlen, President  
Anchorage

Chuck Kopp, Vice President  
Kenai

John Charbonneau, Past Pres.  
Anchorage

Kim Wannamaker, Member  
Kenai  
Pres. Kenai Chapter

Nick VanderVeur, Member  
Anchorage  
Pres. Anchorage Chapter

Angella Long, Member  
Wasilla  
Pres. Mat-Su Chapter

Lonnie Hatman, Member  
Fairbanks  
Pres. Farthest North Chapter

Jerry Nankervis, Member  
Juneau  
Pres. Capital City Chapter

Leroy Mestas, Member  
Ketchikan  
Pres. First City Chapter

James See, Member  
Craig  
Pres. Prince of Wales Chapter

John Lucking, Jr., Member  
Unalaska  
Pres. Aleutian Islands Chapter

Scott Chalin, Member  
Wrangell  
Pres. Wrangell Chapter



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



334 Front Street  
Ketchikan, Alaska 99901  
Phone 907-225-3111  
Fax 907-225-5075

April 24, 2001

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

Dear Representative Guess:

The Ketchikan Police Department is in favor of the passage of House Bill 135. This legislation allows municipalities to draft ordinances for the purpose of billing residential property owners for excessive police responses within a year. This would provide another tool for municipalities to deal with nuisance residential properties and encourage landlords of said properties to take action against tenants to deter police response.

Thank you for sponsoring this bill, and please contact me if there is anything else I can do to assist you with the passage of this bill.

Sincerely,

Grant Sirevog, Deputy Chief  
Ketchikan Police Department

/ggs



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)588-1325, Fax (907)-463-5 80

April 24, 2001

Representative Gretchen Guess  
Alaska State House  
State Capitol  
Juneau, AK 99801

Dear Representative Guess:

We are writing in support of HB 135, relating to municipal fees for certain police protection services. Our AML Public Safety, Health & Welfare subcommittee discussed this issue via teleconference and determined that passage of HB 135 would provide an option municipalities can use to impose a fee on property when municipal police have been called an excessive number of times.

We appreciate your interest in helping Alaska's municipalities and if you have any questions or concerns please call on me.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Ritchie'. The signature is written in a cursive style and is positioned above the printed name.

Kevin Ritchie  
Executive Director





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*  
Renee Devereaux

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

# 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 which 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.



ALASKA ASSOCIATION OF REALTORS, INC.  
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503  
Telephone 907-563-7133 • Fax 907-563-8476

February 22, 2002

Representative Gretchen Guess  
State Capitol  
Juneau, Alaska 99801-1182

RE: HB 135 – An act relating to municipal fees for certain police protection services.

Dear Representative Guess,

The Alaska Association of REALTORS with over 1,100 members statewide supports House Bill 135 which grants municipalities the ability to impose a fee on owners of residential property if the police department responds to the property an excessive number of times.

The Association is in favor of the provisions provided in the bill to ensure that cooperative landlords are not punished, and to hold harmless the responsible property owners in our communities who work in good faith to remedy the problems that may occur.

The Alaska Association of REALTORS encourages the passage of House Bill 135.

Sincerely,

A handwritten signature in cursive script that reads 'Don McKenzie'.

Don McKenzie  
President

**HB 135**

Excessive Police Services: Fees/Tenancy  
March 27, 2002

Senate CRA

***Support Letters***





**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**

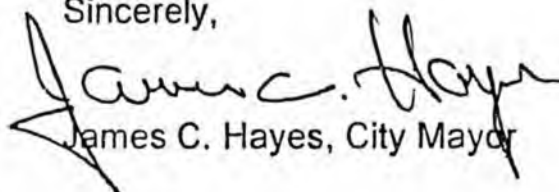
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Fairbanks now has an "emergency response charge" in which persons convicted of drunk driving pay the actual cost of their arrest. We have a simple accounting system by which we compute the actual time and charges that are levied. It would be a simple 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

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

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



**Business Manager**

Joseph Young  
Anchorage

**Board of Directors**

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March 16, 2001

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

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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



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



**City of  
Ketchikan  
POLICE DEPARTMENT**

334 Front Street  
Ketchikan, Alaska 99901  
Phone 907-225-3111  
Fax 907-225-5075

April 24, 2001

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

Dear Representative Guess:

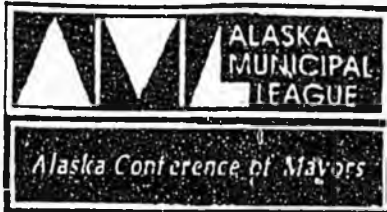
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Thank you for sponsoring this bill, and please contact me if there is anything else I can do to assist you with the passage of this bill.

Sincerely,

Grant Sirevog, Deputy Chief  
Ketchikan Police Department

/ggs



217 Second Street, Suite 200 ■ Juneau, Alaska 99801 ■ Tel (907)588-1325, Fax (907)-463-5480

April 24, 2001

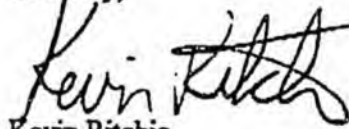
Representative Gretchen Guess  
Alaska State House  
State Capitol  
Juneau, AK 99801

Dear Representative Guess:

We are writing in support of HB 135, relating to municipal fees for certain police protection services. Our AML Public Safety, Health & Welfare subcommittee discussed this issue via teleconference and determined that passage of HB 135 would provide an option municipalities can use to impose a fee on property when municipal police have been called an excessive number of times.

We appreciate your interest in helping Alaska's municipalities and if you have any questions or concerns, please call on me.

Sincerely,



Kevin Ritchie  
Executive Director

Passed on 4/27/01

Submitted by: Assemblymembers TESCHE,  
Taylor, Tremaine, 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

ATTEST:

Municipal Clerk

709



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.

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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



217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

March 26, 2002

Senator John Torgerson, Chair  
Community & Regional Affairs  
Alaska State Senate  
State Capitol  
Juneau, AK 99801

Dear Senator Torgerson:

We are writing in support of HB 135, relating to municipal fees for certain police protection services. The AML 2002 Policy Statement states:

**Part III. Local Government & Public Services:**

Police Service Fees for Excessive Calls: The League supports state legislation to allow municipalities to set fees for excessive police calls.

Passage of HB 135 would provide an option municipalities can use to impose a fee on property when municipal police have been called an disproportionate number of times.

We appreciate your interest in helping Alaska's municipalities and if you have any questions or concerns, please let me know.

Sincerely,

Kevin Ritchie  
Executive Director

cc: Representative Gretchen Guess  
Senate Community & Regional Affairs Committee

CS FOR HOUSE BILL NO. 135(JUD) am  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 4/25/01  
Offered: 4/17/01

Sponsor(s): REPRESENTATIVES GUESS, Meyer, Hayes, Croft, Cissna, Mulder

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to municipal fees for certain police protection services and to a tenant's  
2 activities that result in the imposition of those fees."

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

4 \* Section 1. AS 29.10.200 is amended by adding a new paragraph to read:  
5 (60) AS 29.35.125 (fees for police protection services).

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

7 Sec. 29.35.125. Fees for police protection services. (a) A municipality may  
8 by ordinance impose a fee on the owner of residential property, including multi-family  
9 housing, if a member of the municipal police department goes to the property an  
10 excessive number of times during a calendar year in response to a call for assistance, a  
11 complaint, an emergency, or a potential emergency. The number of responses  
12 considered to be excessive and the amount of the fee shall be set out in the ordinance  
13 that establishes the fee. A fee may not be imposed under this subsection for responses  
14 to calls that involve potential domestic violence, as defined in AS 18.66.990, or

1 potential stalking under AS 11.41.260 or 11.41.270. An ordinance enacted under this  
 2 section shall require actual notice to the property owner of police contacts and a  
 3 warning that failure to take appropriate corrective action may result in the imposition  
 4 of a fee. The ordinance must also define "appropriate corrective action" to include  
 5 written notice to quit under AS 09.45.100 - 09.45.110 in appropriate situations as well  
 6 as other types of corrective action, and provide that the property owner is not liable for  
 7 the fee if that action is promptly taken.

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

12 (1) liens for property taxes, special assessments, and sales and use  
 13 taxes;

14 (2) liens that were perfected before the recording of the lien under this  
 15 subsection; and

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

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

20 \* Sec. 3. AS 34.03.120(a) is amended to read:

21 (a) The tenant

22 (1) shall keep that part of the premises occupied and used by the tenant  
 23 as clean and safe as the condition of the premises permit;

24 (2) shall dispose all ashes, rubbish, garbage, and other waste from the  
 25 dwelling unit in a clean and safe manner;

26 (3) shall keep all plumbing fixtures in the dwelling unit or used by the  
 27 tenant as clean as their condition permits;

28 (4) shall use in a reasonable manner all electrical, plumbing, sanitary,  
 29 heating, ventilating, air-conditioning, kitchen, and other facilities and appliances  
 30 including elevators in the premises;

31 (5) may not deliberately or negligently destroy, deface, damage,

1           impair, or remove a part of the premises or knowingly permit any person to do so;

2                   (6) may not unreasonably disturb, or permit others on the premises  
3           with the tenant's consent to unreasonably disturb, a neighbor's peaceful enjoyment of  
4           the premises;

5                   (7) shall maintain smoke detection devices as required under  
6           AS 18.70.095; [AND]

7                   (8) may not, except in an emergency when the landlord cannot be  
8           contacted after reasonable effort to do so, change the locks on doors of the premises  
9           without first securing the written agreement of the landlord and, immediately after  
10          changing the locks, providing the landlord a set of keys to all doors for which locks  
11          have been changed; in an emergency, the tenant may change the locks and shall,  
12          within five days, provide the landlord a set of keys to all doors for which locks have  
13          been changed and written notice of the change; and

14                   (9) may not unreasonably engage in conduct, or permit others on the  
15                   premises to engage in conduct, that results in the imposition of a fee under a  
16                   municipal ordinance adopted under AS 29.35.125.

# 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 which 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.



REALTOR®

ALASKA ASSOCIATION OF REALTORS, INC.  
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503  
Telephone 907-563-7133 • Fax 907-563-8476

February 22, 2002

Representative Gretchen Guess  
State Capitol  
Juneau, Alaska 99801-1182

RE: HB 135 – An act relating to municipal fees for certain police protection services.

Dear Representative Guess,

The Alaska Association of REALTORS with over 1,100 members statewide supports House Bill 135 which grants municipalities the ability to impose a fee on owners of residential property if the police department responds to the property an excessive number of times.

The Association is in favor of the provisions provided in the bill to ensure that cooperative landlords are not punished, and to hold harmless the responsible property owners in our communities who work in good faith to remedy the problems that may occur.

The Alaska Association of REALTORS encourages the passage of House Bill 135.

Sincerely,

Don McKenzie  
President

**HB 135**

Excessive Police Services: Fees/Tenancy  
March 27, 2002

Senate CRA

***Support Letters***





**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**

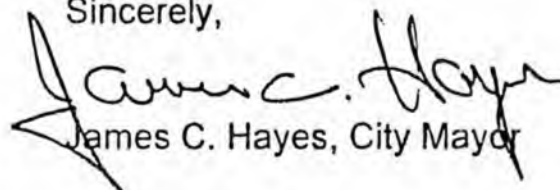
Dear Representative Guess:

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

STATE OFFICE  
ALASKA PEACE OFFICERS ASSOCIATION

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



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

**Business Manager**

Joseph Young  
Anchorage

**Board of Directors**

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Anchorage

Chuck Kopp, Vice President  
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Lonnie Hatman, Member  
Fairbanks  
Pres. Farthest North Chapter

Jerry Nankervis, Member  
Juneau  
Pres. Capital City Chapter

Leroy Mestas, Member  
Ketchikan  
Pres. First City Chapter

James See, Member  
Craig  
Pres. Prince of Wales Chapter

John Lucking, Jr., Member  
Unalaska  
Pres. Aleutian Islands Chapter

Scott Chafin, Member  
Wrangell  
Pres. Wrangell Chapter



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



**City of  
Ketchikan  
POLICE DEPARTMENT**

334 Front Street  
Ketchikan, Alaska 99901  
Phone 907-225-3111  
Fax 907-225-5075

April 24, 2001

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

Dear Representative Guess:

The Ketchikan Police Department is in favor of the passage of House Bill 135. This legislation allows municipalities to draft ordinances for the purpose of billing residential property owners for excessive police responses within a year. This would provide another tool for municipalities to deal with nuisance residential properties and encourage landlords of said properties to take action against tenants to deter police response.

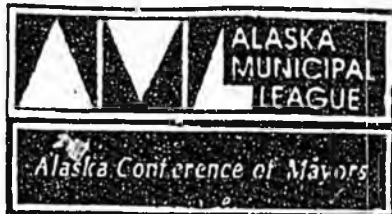
Thank you for sponsoring this bill, and please contact me if there is anything else I can do to assist you with the passage of this bill.

Sincerely,



Grant Sirevog, Deputy Chief  
Ketchikan Police Department

/ggs



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907)586-1325, Fax (907)-463-5480

April 24, 2001

Representative Gretchen Guess  
Alaska State House  
State Capitol  
Juneau, AK 99801

Dear Representative Guess:

We are writing in support of HB 135, relating to municipal fees for certain police protection services. Our AML Public Safety, Health & Welfare subcommittee discussed this issue via teleconference and determined that passage of HB 135 would provide an option municipalities can use to impose a fee on property when municipal police have been called an excessive number of times.

We appreciate your interest in helping Alaska's municipalities and if you have any questions or concerns, please call on me.

Sincerely,

Kevin Ritchie  
Executive Director





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

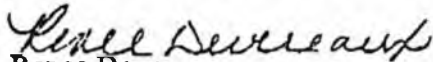
RE: HB 135

Dear Representative Guess:

The Alaska Mortgage Bankers Association (AMBA) has reviewed HB 135 work draft dated 4/10/01. The concerns expressed 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