

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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

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	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CS HB 135 (JUD) am
(S) Publish Date: 4/2/02

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
Title Act relating to municipal fees for police BRU Community Asslt. & Econ. Dev. (405)
protection services Component Community & Business
Sponsor Representative Guess Development
Requester Senate Community & Regional Affairs Component No. 2486

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would have no fiscal impact on this division.

Prepared by: Pat Poland, Director Phone 907-269-4580
Division Community & Business Development Date/Time 4/2/02 9:58 AM
Approved by: Deborah B. Sedwick, Commissioner Date 4/2/2002
Agency Department of Community & Economic Development

ALASKA STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

Memorandum

Date: March 27, 2002

To: Senator Robin Taylor, Chair
Senate Judiciary Committee

From: Representative Gretchen Guess

A handwritten signature in cursive script, appearing to read "Gretchen 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.*"

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.

If you have any questions regarding HB 135 please feel free to contact me or my aide Maridon Boario at 2435. Thank you very much for your consideration.

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 STATE LEGISLATURE



REPRESENTATIVE GRETCHEN GUESS

Sectional Analysis
HB 135 (JUD)am

Section 1: Amends AS 29.10.200 (limitation of home rule municipality powers). All provisions under AS 29.10.200 constitute limitations on what home rule municipalities may or may not do. All provisions under this section are binding on home rule municipalities and may not be superceded by existing or future home rule enactments. This section establishes the provisions of HB 135 regarding "fees for police services" as binding on all home rule municipalities under AS 29.10.200 (limitation of home rule municipalities).

Section 2: Amends AS 29.35 (Municipal Powers and Duties) to include Sec. 29.35.125 "Fees for police protection Services".

Subsection (a): Establishes that a municipality may, by ordinance, impose a fee on the owner of residential property for excessive police visits. Domestic violence and stalking calls are exempted. The ordinance must define what constitutes excessive police visits, set the fee, and provide for actual notice to the property owner of police contacts and possible fines. The ordinance must define "appropriate corrective action" and exempt the property owner from the fine if prompt corrective action is taken.

Subsection (b): Grants the municipal fine lien status against the property. The municipal lien is subordinate to liens and notice of rights to lien recorded before it, and has priority over all liens recorded after it.

Subsection (c): Establishes that this section applies to home rule and general law municipalities.

Section 3: Amends AS 34.03.120(a) tenant obligations in the landlord and tenant act establishing that a tenant may not unreasonably engage in conduct, or permit others on the premises to engage in conduct, that results in the imposition of a fee under the provisions of HB 135.

LEGAL SERVICES
DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 3, 2002

SUBJECT: Municipal fees for police protection; sectional summary
(SCS CSHB 135(CRA))

TO: Representative Gretchen Guess
Attn: Maridon Boario

FROM: Tamara Brandt Cook
Director

TBC

Sec. 1. Adds to the list of statutes that are limitations on home rule municipalities the new section added in bill sec. 1.

Sec. 2. Permits a municipality to impose a fee on the owner of residential property if municipal police are called to the property an excessive number of times. The number of responses considered excessive and amount of the fee is set by ordinance. The fee may not be imposed for responses to calls that are not reasonably justified or involve potential child neglect, domestic violence, or stalking. Notice of police contacts must be given to the property owner with a warning that failure to take appropriate corrective action may result in imposition of a fee. The fee may be a lien on the property.

Sec. 3. Prohibits a tenant from unreasonably engaging in conduct or permitting others on the premises to engage in conduct that results in a fee.

TBC:lmb
02-054.lmb



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





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:

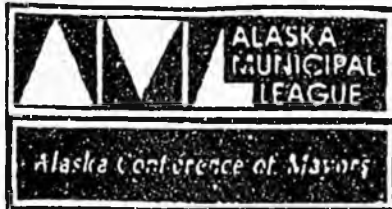
The Ketchikan Police Department is in favor of the passage of House Bill 135. This legislation allows municipalities to draft ordinances for the purpose of billing residential property owners for excessive police responses within a year. This would provide another tool for municipalities to deal with 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)588-1325, Fax (907)-463-5480

April 24, 2001

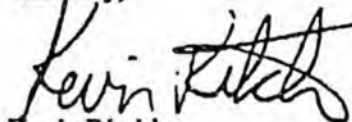
Representative Gretchen Guess
Alaska State House
State Capitol
Juneau, AK 99801

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 4/27/01

Submitted by: Assemblymembers TESCHE,
Taylor, Tomaine, 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.

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

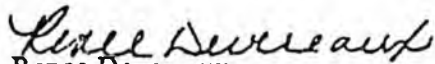
RE: HB 135

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



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 Moneyan
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

STATE OFFICERS
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-LS042C) 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 Halman, 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



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

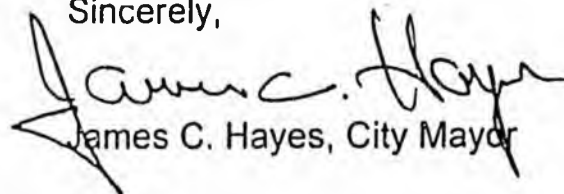
Dear Representative Guess:

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