

HB

268

3-12-08

Fax to

Sen. Hollis French 907-465-6595

Sen. Charlie Huggins 907-465-3265

Please see letter attached in regard to HB 268, to be heard in committee this afternoon.

pgs 2

I recommend these changes to the draft legislation:

Sec. 11.46.420. Arson in the third degree. (a) A person commits the crime of arson in the third degree if the person intentionally damages a motor propelled vehicle by starting a fire or causing an explosion while that vehicle is located on public state or municipal lands without an appropriate permit issued by the State Fire Marshall or his designee, or municipal fire official or designee, or on any other property without the permission of the property owner.

(b) Arson in the third degree is a class C felony.

- 1) keeping the definition of any "vehicle" consistent with the definition of "propelled vehicle" in AS 11.81.900;
- 2) revise wording to "public lands" so that could be used when activity is committed on federal land that the state has ability to extent jurisdiction to criminal activities.
- 3) allows for a permit system for individuals and organizations to burn a vehicle on public land for a legitimate purpose such as training;
- 4) addresses when a vehicle is burned and abandoned on a vacant lot or other private property.

Sincerely,



Scott Hala
6607 Fairweather Drive
Anchorage, AK 99518
Work phone: (907) 274-2622

25-LS0867AE
Bannister
3/10/08

CS FOR SENATE BILL NO. 164()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): SENATOR MCGUIRE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disclosures required for the sale of a used motor vehicle, including a**
2 **trailer, by a motor vehicle dealer."**

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

4 *** Section 1. AS 45.25.465(c) is repealed.**

5 *** Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to**
6 **read:**

7 **RETROACTIVE APPLICATION. (a) To the extent allowed by law, and except as**
8 **provided by (b) of this section, sec. 1 of this Act applies to the sale by a motor vehicle dealer**
9 **of a used motor vehicle or a current model used motor vehicle that occurred on or after**
10 **October 24, 2004, and is retrospective under AS 01.10.090 to that extent.**

11 **(b) Retroactivity under (a) of this section does not apply to the sale by a motor vehicle**
12 **dealer of a used motor vehicle or a current model used motor vehicle if the sale is or has been**
13 **the subject of a court action, including an appeal, based on AS 45.25.465(c), as repealed by**
14 **sec. 1 of this Act, and the court action is pending on, or was completed before, January 1,**

1 2008.

2 (c) In this section,

3 (1) "motor vehicle" has the meaning given in AS 45.25.590;

4 (2) "motor vehicle dealer" has the meaning given in AS 45.25.990;

5 (3) "sale" has the meaning given in AS 45.25.990;

6 (4) "used motor vehicle" has the meaning given in AS 45.25.990.

ALASKA STATE LEGISLATURE

Vice Chair:
House Finance Committee

Chair:
House Finance Subcommittees for;
Department of Public Safety
Department of Law



Session:
Alaska State Capitol
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

Interim:
PO Box 464
Chugiak, AK 99567

BILL STOLTZE

State Representative

Representative_Bill_Stoltze@legis.state.ak.us

House Bill 268

Motor Vehicle Arson on Public Land

"An Act relating to damaging a vehicle on public land by starting or causing an explosion."

In many parts of Alaska people can access areas of the State by roads and trails. While these roads and trails provide Alaskans with access for many recreational opportunities, the remote location of these access points also provides individuals with a place to dump their trash, old appliances, and abandon and burn motor vehicles. These activities negatively impact the area, fish and wildlife and their habitat, and the recreational opportunities for other Alaskans. House Bill 268 addresses the burning of vehicles on state and municipal land by establishing the burning of a vehicle on state or municipal land a class C felony. By establishing this offense for this particular activity we will give law enforcement officers and prosecutors another tool to pursue these individuals.

I ask for your consideration and support of HB 286 to help clean up our public lands so that all Alaskans can continue to enjoy them.

DISTRICT 16

BIRCHWOOD • BUTTE • CHUGIAK • EKLUTNA • FAIRVIEW LOOP
KNIK RIVER ROAD • LAZY MOUNTAIN • PALMER • PETERS CREEK



State of Alaska
Department of
Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

February 11, 2008

The Honorable Bill Stoltze
House of Representatives
Alaska State Capitol, Room 501
Juneau, AK 99801-1182

Dear Representative Stoltze:

Thank you for introducing HB 268, "An Act relating to damaging a vehicle on public land by starting a fire or causing an explosion". The Department of Public Safety, including Division of Fire and Life Safety, Alaska State Troopers and Alaska Wildlife Troopers appreciate your initiative in tackling arson on state and municipal lands, not only in your district, but across the state. HB 268 provides law enforcement a tool to deal with problematic, illegal arson activities and a penalty that will hopefully deter citizens from continuing to start fires on public lands.

Currently, if an individual burns their own vehicle on state or municipal land, the possible charges include Criminally Negligent Burning (Class A Misdemeanor) and Failure to Control or Report Dangerous Fire (Class A Misdemeanor). Additionally, if the vehicle is left on state land after the fire, charges could include Unlawful Abandonment, (Class B Misdemeanor). If an individual burns the vehicle of another on state or municipal land, possible charges include Criminal Mischief and the crimes listed above, except for Unlawful Abandonment.

Clearly, current law and penalties do not provide sufficient charges to deter this destructive activity. Vehicular arson continues to plague state and municipal lands. This is problematic for a variety of reasons. Vehicular arson on state and municipal land carries the potential for significant environmental damage and clean-up costs. Additionally, the arsenic activity may also lead to forest fires which endanger communities and cause an increased work load for fire departments, law enforcement agencies and community volunteer entities to handle.

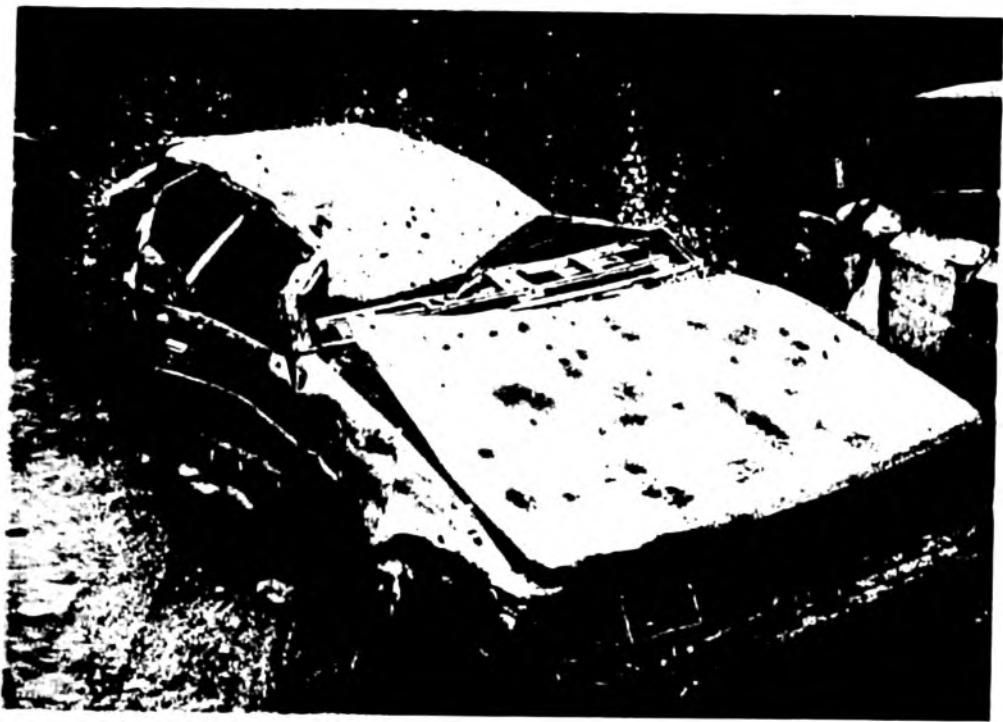
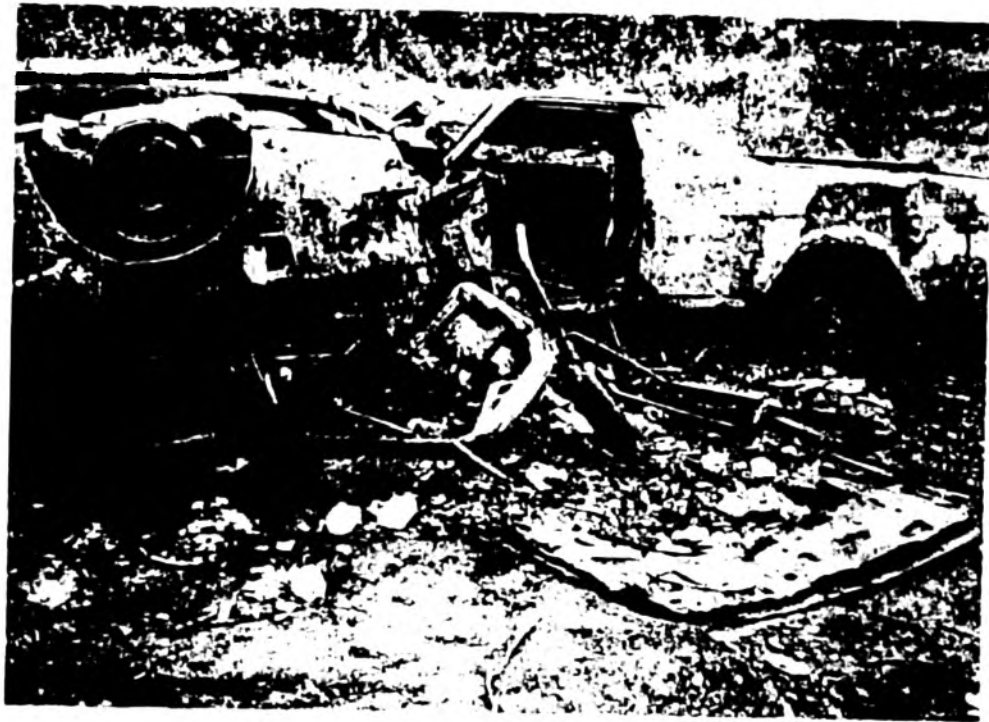
HB 268 provides a mechanism to both adequately penalize those who chose to engage in vehicular arson on public lands and discourage this activity in others. HB 268 will be useful for law enforcement and fire departments around the state. The Department of Public Safety urges the support of the Legislature on this measure.

Sincerely,

Walt Monegan
Commissioner

"Public Safety through Public Service"

Office of the Commissioner
5700 E. Tudor Road – Anchorage, AK 99507 – Voice (907) 269-5086 – Fax (907) 269-4543
Juneau Office – Voice (907) 465-4322 – Fax (907) 465-4362





Ben Mulligan

From: Knik River Lodge [knikriverlodge@mac.com]
Sent: Sunday, January 27, 2008 8:39 PM
To: Rep. Bill Stoltze; Rep. Jay Ramras
Cc: Butte Area Residents
Subject: Thank you and support for HB0268A

Dear Mr. Stoltz and Mr. Ramras,

Thank you very much for introducing HB0268A to make car burnings/explosions on state and municipal lands a Third Class Felony statewide. This is a much needed initiative and will help protect residents, visitors and our ecosystem. Please accept this email as a letter of support for HB0268A and feel free to contact me at anytime if we can be of further assistance in this matter.

Sincerely,

Peter Schadee

Knik River Lodge
T. 745 5002
F. 745 5024
E. info@knikriverlodge.com
www.knikriverlodge.com

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Original message:

Good news:

Last spring, following the consensus of our trails committee and members and supporters of our group, Butte Area Residents Civic Organization (BARCO), we submitted sample legislation and asked our legislators to give law enforcement agencies the tools to punish those who burn cars on public lands. As you all know, there's been an epidemic of car burnings in the Knik River Valley endangering residents and fire fighting personnel, threatening our woods and wildlife and contaminating its habitat. (See attachment: LegisRequestArsonStatute.pdf)

Representative Bill Stoltze picked up the ball and introduced HB 268A last week to make car burnings/explosions on state and municipal lands a Third Class Felony statewide. Representatives Gatto, Lynn and Ramras are co-sponsoring this legislation. (See attachment: HB0268A.pdf)

Rep. Stoltze's staff is currently putting a packet together to take the legislation to the Judiciary Committee. He asked us to send letters/emails of support for HB 268A to Rep. Stoltze at your earliest convenience. Once the bill gets to committee, we've been asked to solicit and send letters of support to the committee chair. (See addresses below).

May we ask you to please forward this to your friends and neighbors near and far and ask them to send a big thank-you to Rep. Stoltze along with your letters of support for this legislation.

Our thanks go also to the members of the BARCO Trails Committee, including Attorney Liz Friedman who wrote the sample legislation, to Butte Fire Chief Charlie von Gunten and AST Captain Casanova who reviewed it prior to our submitting it to our legislators, and to all of you who gave their time and consent to go forward with this.

Now is the time for us to follow through on this legislation of statewide importance. We are sending a copy of this also to the Cities of Palmer and Wasilla, as well as to our representatives at the Mat-Su Borough to solicit their support as well.

3/5/2008

Please send your letters of thanks and support to Rep. Stolze as soon as possible. Please contact us for any questions you may have.

Sincerely,

Gregory Nilsson and Brit Lively
Co-Founders, Butte Area Residents Civic Organization
907-745-7528

3/5/2008

Barbara Hunt

From: barbara hunt [bhunt@mtaonline.net]
Sent: Sunday, January 27, 2008 10:30 PM
To: Rep. Bill Stoltze
Cc: Brit Lively
Subject: never the right time

There is never a "right" time or place to burn up a vehicle. It is dangerous, toxic, mean-spirited and a lasting badge of dishonor, where ever it happens. Our public lands are not a dump. This legislation is appreciated and supported. Thank you.

Ben Mulligan

From: Kelley Griffin [kelleyg@mtaonline.net]

Sent: Monday, January 28, 2008 9:08 AM

To: Rep. Bill Stoltze

Subject: vehicle arson

I support this legislation! Car burning is a frustrating phenomenon that degrades entire areas in record time. Much like what occurs with the "broken window" syndrome. We need the tools to deal with this activity – statewide.

**Thank You,
Kelley Griffin
HC 35 Box 5355 Z
Wasilla, AK 99654**

3/5/2008

Ben Mulligan

From: Terri Nielsen-Rogers [nielsenranch@hotmail.com]

Sent: Tuesday, January 29, 2008 3:56 PM

To: Rep. Bill Stoltze

Subject: HB268A thank you

Representative Stoltze,

I just wanted to write and thank you for all your efforts to launch HB268A on our behalf. As a property owner and resident of the Butte Area, in close proximity to the popular Knik River recreation area, I am thrilled to have your support in putting something in place to allow local law enforcement to protect our area and allow prosecution of those people who disrespect our need for a clean, safe environment.

It is only through your efforts and those of the bill's cosponsors, that any positive change can begin to happen. Thank you for all your efforts on our behalf.

Terri Nielsen-Rogers

Need to know the score, the latest news, or you need your Hotmail®-get your "fix". [Check it out.](#)

3/5/2008

Ben Mulligan

From: Butte Area Residents [resource@buttealaska.org]
Sent: Wednesday, January 30, 2008 5:08 PM
To: Rep. Bill Stoltze
Cc: Rep. Jay Ramras; Rep. Bob Lynn; Rep. Carl Gatto
Subject: HB 268A

January 30, 2008

The Honorable William Stoltze
Alaska House of Representatives
Juneau, Alaska

Dear Representative Stoltze,

We thank you for the good news conveyed to us by Mr. Mulligan that you responded favorably to our request from last year and have introduced legislation HB 268A to make the burning of cars on State of Alaska and municipal lands a felony offense.

We are also encouraged that Messrs. Gatto, Lynn and Ramras acknowledge the importance of this legislation by co-sponsoring HB 268A, recognizing that such willful destruction of property results in high costs to the public, exposes residents and fire-fighting personnel to danger and puts public assets - forests, wildlife and its habitat - at risk. In addition, it gives the areas, such as our community of Butte, an unsavory reputation because everyone knows that, "people come here to do bad stuff" and get away with it.

The car burnings especially in Butte/Knik River Valley have proliferated because perpetrators know they will be neither charged nor punished even if the crime was observed and reported. It's become part of the party scene to torch a vehicle. As residents, we've observed the aftermath of such parties knowing that the often drugged and drunken persons were causing the weekend car crashes on our trails, highways and near our homes and the dangerous shooting at their newly created "targets." Insurance fraud is another reason for some of the car burnings. We have provided you with a sampler of photos dating back to 1998/1999 showing burned cars: Some were stolen, some just burned and shot at, many of them burned in the middle of our woods, and many of them were pushed into salmon streams and the shores and waters of the Knik River.

No community anywhere in Alaska should have to deal with such criminal activity and no community in Alaska deserves the kind of reputation which is foisted upon them by persons who use the public lands for their crimes while law enforcement does not have the tools to cite them. Your legislation, HB 268A, is an easy fix to a big problem, placing a useful tool in law enforcement's citation options, one that will make residents feel safe and also help bring back good people to our area to enjoy the public lands, without fear of finding their parked vehicle torched upon their return.

Sincerely,

Gregory Nilsson and Brit Lively
Co-Founders, Butte Area Residents Civic Organization
907-745-7526
www.buttealaska.org

3/5/2008

Ben Mulligan

From: Charlotte Sartor [obsartor@gmail.com]

Sent: Thursday, February 21, 2008 7:50 PM

To: Rep. Bill Stoltze

Subject: Thank You

Thank you for your efforts in introducing and getting HB 268 passed in the house.
Charlotte Sartor

3/5/2008

From: Scott and Carrie Gray Wolfe [graywolfe@mtaonline.net]
Sent: Thursday, February 21, 2008 11:21 PM
To: Rep. Bill Stoltze
Subject: HB 268

Thank you, Representative Stoltze, for your efforts to introduce legislation HB 268 that was requested by the Butte Area Residents Civic Organization. Do you need any more support to help make the burning and exploding of vehicles on state and municipal lands a felony?

Sincerely,
Carrie A. Gray Wolfe

20390 E. Birch Hill Drive
Palmer, Alaska 99645
(907) 746-8008