

264

HJ

SB

157

-

Sb

290.

267

Douglas Alaska
March 27, 1976

Honorable Jerry Lardner,
Chairman Judiciary Committee,

Dear Representative
Jerry Lardner;

I am writing in the
interest of all people who have
strong convictions concerning
union membership,

I would like your affirmative
vote on C.S. - Secret Bill 157 (L + M)

Thank you for your consideration

Donald A. James
Wesley

Box 69

Douglas Alaska 99824

PS

Please don't let this bill
get lost in committee

Thank you

ERASE

COTTON CONTENT

Mar 29, 1976

The Honorable Terry Gardiner
House of Representatives
Pouch "V" State Capitol Bldg.
Juneau, Alaska 99801

Dear Mr. Gardiner:

Please support CS-SB 157 (R.H.) now in the
Judiciary Committee. All people have certain
rights including those with religious convictions.
Surely, in this Bicentennial year of our nation
it would be fitting to give renewed support to
religious freedom. Your vote would be greatly
appreciated.

Thank you.

Sincerely,

Miss Fred Thurston

Box 964

Strangell, Ak. 99829

MILLERS FALLS

Denny Evans
Box 80, SSB
Palmer, AK 99645

3-27-76

The Honorable Terry Gardiner
House of Representatives
Pouch "V" State Capitol Bldg.
Juneau, Alaska 99811

Dear Mr. Gardiner,

Please support CS-SB 157 (L+M)
that is in the House Judiciary Committee.

I believe all people should have
freedom to do as they believe.

Sincerely yours,
Denny Evans

March 27, 1976

Mr. Jerry Gardiner
Alaska State House of Representatives
State Capitol Bldg.
Pouch V
Juneau, Alaska 99801

Dear Mr. Gardiner,

I am writing you to ask your support of CS-SB157 (L+M) please. I think everyone has rights including those with previous convictions.

Your help & support will be greatly appreciated.

Thank you.

Sincerely,

Mrs. Jean Mayer
Box 4-1179
Anchorage,
Alaska 99509

Mr. & Mrs. K. Uecker
Box 498
Palmer, Ak. 99645

3-30-76

The Honorable Terry Gardiner
Chairman, House of Representatives
Pouch V State Capitol Bldg.
Juneau, Ak. 99801

Dear Mr. Gardiner,

I am concerned about CS-SB 157
I feel this bill affects our civil and
religious rights. Your support for the
passing of this bill would be greatly
appreciated.

Thank you.

Sincerely,
Mrs. Kurt Uecker

P.O. Box 576
Kodiak, Alaska 99615

March 30, 1976

The Honorable Terry Gardiner, Chairman
House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner:

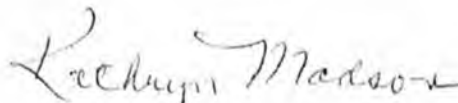
We were so thankful that the "conscience clause" amendment passed the Senate.

I am so hopeful now, that each member/House Judiciary Committee will also support this bill.

We understand that this "conscience clause" did receive the House support at a former time and we would urge you to vote again for the passing of CS-SB 157 (L&M).

Thank you for your voice in support of those with religious convictions. Religious freedom should be renewed, especially now, in this Bicentennial Year.

Sincerely yours,



(Mrs.) Kathryn K. Madson

Star Route
Valdez, Alaska
March 31, 1976

Honorable Jerry Gardner
House of Representatives
Porch "V" State Capital Building
Juneau, Alaska 99811

Dear Mr. Gardner:

Won't you please vote for C.S. SB 157 (L & M)
It seems that in this Bicentennial
year of our nation it would be
fitting to give renewed support to
religious liberty. This bill has
been ignored too long.

Thank you.

Sincerely,
Mildred & Bonnie Taylor

March 30, 1976

The Honorable Terry Gardiner
Alaska State House of Representatives
Pouch "V" State Capital Building
Juneau, Alaska 99811

Dear Representative Gardiner:

I urge you to speak up and vote for religious rights. True labor does have rights, but so do those with religious conviction! This action has been ignored to long.

Surely in this Bicentennial Year of our nation, it would be fitting to give renewed support to religious freedom. I ask you to vote for CS-SB 157 L & M.

Your vote for CS-SB 157 L & M will be deeply appreciated.

Best personal regards.

March 30, 1976

The Honorable Terry Gardiner
Alaska State House of Representatives
Pouch "V" State Capital Building
Juneau, Alaska 99811

Dear Representative Gardiner:

I urge you to speak up and vote for religious rights. True labor does have rights, but so do those with religious conviction! This action has been ignored to long.

Surely in this Bicentennial Year of our nation, it would be fitting to give renewed support to religious freedom. I ask you to vote for CS-SB 157 L & M.

Your vote for CS-SB 157 L & M will be deeply appreciated.

Best personal regards.

Sitka, Alaska
March 30, 1976

The Honorable Terry Gardiner
Chairman
House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner,

I urge you to speak up and vote for religious rights. Your vote for CS-SB 157 (I&M) will be deeply appreciated. This bill has been ignored too long.

Thanks much,



Evon Reeves

Sitka, ak.

3-30-76

The Honorable Terry Gardiner
Chairman
House Judiciary Committee
Pouch "V" State Capitol Bldg.
Juneau, Alaska 99811

Dear Mr. Gardiner,

Re: CS-SB 157 (L & M)

Please remember that those of us who do not believe in the ills of organized labor have rights & privileges as Alaskan, American citizens too.

Please support the "conscience clause" in CS-SB 157 (L & M).

My thanks,

Roy M. Peever

Box 1540

Sitka 99835

Wayne & Pat Ward
General Delivery
Aleknagik, Ak. 99555

John Witherspoon

Patriot



The Honorable: Mr. Gardner
House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska

99811

Dear Mr. Terry Gardner;

Surely, in this
Bicentennial year of
our nation it would
be fitting to give
renewed support to
religious freedom. I
ask you to vote for
CS-5B 157 (2301).

Sincerely,
Walter T. Ward

Anch AK

2841E 72

4-5-74

Dear Mr. Irving Gardiner

Concern for the protection
of religious freedom is not dead.
The Alaska Senate proved this
by passing CS-SB 157 (L+M)
unanimously with support of
Alaska Federation of Labor.
It needs your full support
also.

Thank you
Ralph A. Gardiner

April 1, 1976

R. B. Box 93

Palmer, Ak. 99645

Dear Mr. Gardiner:

Please support religious rights. In our nations Bicentennial Year it would be very fitting to give renewed support to our heritage of religious freedom. Speak up and vote for CS-SB 157 (L+M). Keep our Great State great.

Thank you.

Respectfully,

Mr. & Mrs. George Alder

Arch. A.K.

2841 E7-

4-5-76

Dear Mr. Jerry Gardiner:

"I hope you will support
CS-SB-157 (L+M) that is in
the House Judiciary
Committee. Everyone has
rights even those with
Religious Convictions"

Thank you
Reta M. Jordan
RETA M. JORDAN

Sincerely yours
Mary Joe Small

I believe all people have rights,
including those with religious
convictions.
So please support Bill no.
CS-SB 157 (LTM) in the House
Judiciary Committee.

Juneau, Alaska 99801

Mr. Jerry Gardner
Alaska State House of Representatives
State Capitol Building
Porch V

March 27, 1976

Dear Mr. Gardiner,

I would like to solicit
your support for the
CS-SB 137 (L+M) bill
now in your committee.

I feel very strongly about
this bill and urge you
and your committee to
pass it. Thank you.

Sincerely yours
Jack R. Bone
Sitka, Alaska

April 6, 1976

Dear Representative Gardner,

Please join those who have already supported CS-5B 157 (LOM) in protecting religious freedom in this great land of ours.

Our country desperately needs people of conviction to stand for issues that are right - but not always popular.

Thank you

Sincerely,

Mrs. Wilma Beaman

718 Barrow

Anchorage, Ak.

99501

Box 929
Wrangell, Alaska 99929
April 4, 1976

The Honorable Terry Gardiner, Chairman
House of Representative
Fouch "Y" State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner:

Please support CS-SB 157 (L&M) now in the House
Judiciary Committee. In this nation's Bicentennial year,
how fitting to give renewed support to all people and their
religious convictions. Your vote for this bill will be
deeply appreciated.

Very truly yours,

Mildred E. Bloom
Mildred E. Bloom

Box 929
Wrangell, Alaska 99929
April 4, 1976

The Honorable Terry Gardiner
House of Representative
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner:

I urge you to speak up and vote for Religious rights,
especially in this Bicentennial Year of our nation.

Your vote for CS-SB 157 (L&M) will be desply appreciated.

This bill has been ignored too long.

Sincerely,
William Bloom
Sincerely, K. Bloom
William

Box 929
Wrangell, Alaska 99929
April 4, 1976

The Honorable Terry Gardiner
House of Representative
Pouch "V" State Capitol Building
Juneau, Alaska 99811

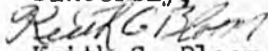
Dear Mr. Gardiner:

I urge you to speak up and vote for religious rights.

Your vote for CS-SB 157 (I&M) will be deeply

appreciated. This bill has been ignored too long.

Sincerely,


Keith G. Bloom

SB

180

"An Act relating to salmon hatcheries."

COMMITTEE REPORT

372 175

HOUSE

Mr. Speaker:

Date 2.27.19

The Committee on JUDICIARY has had SENATE BILL NO. 130

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

[Signature] _____
[Signature] _____
[Signature] _____
[Signature] _____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

House Judiciary Committee
April 24, 1975
page 2

SB 99 Public records

The committee felt that (b) should be in title 11.
line 12: change hinder to withhold or deny or obstructs
of to a phrase using several other words.
line 11: change to the person responsible for the custody
of the records -- also in line 17

HB 246 Liquor license

Don Clocksin stated that the first section concerns notice.
Section 2 provides that if one person objects to any license
filed, the ABC Board has the option of accepting his protest.
If 35% of the adults object, an election is required in
which they can vote to go dry. This must cover all establish-
ments in the area and not be selective. Outside a village,
if a majority of the people object at a public hearing,
the Board may refuse to grant the license. Section makes
a violation of the law a misdemeanor so that Troopers could
be called in to enforce.

Mr. Bradley moved the C & RA CS out of committee do pass.
There being no objection, it was so ordered.

SB 180 Salmon Hatcheries

Phil Daniels stated that the bill will require Fish and Game
to cooperate with private hatchery groups. This was the
legislative intent in allowing private hatchery groups in
the past but this apparently was not clear to the Department
because some problems developed.

Mr. Brown moved SB 180 out of committee do pass.

The committee agreed that the four bills discussed earlier
should go to legislative affairs to make sure that they
were in the correct titles.

Comments of Dr Jack Van Hyning
at Fairbanks Public hearing
March 8, 1975

(Qu)

I would also like to comment on Senate Bills 180 and 181, relating to the private nonprofit salmon hatchery legislation passed by the 1974 session.

It may come as somewhat of a surprise to you to learn that Alaska's first private salmon hatchery corporation is headquartered here in Fairbanks. We also have the first provisional permit. Our hatchery, however, is located in Prince William Sound, on an island near Whittier. and in our group in addition to myself we have a Cordova commercial fisherman and an Anchorage businessman. Incidentally, the private hatchery concept originated in Oregon.

With reservations we endorse Senate Bill 180 which refers to the Department of Fish & Game making every effort, within the limits of time and resources, to assist and advice applicants in the planning, construction or operation of private salmon hatcheries. I find that the Department personnel are already committed to this philosophy, but submit that they will not be able to adequately carry out the mandate of such legislation without adequate funding. At the very least there should be a full-time coordinator or liason between the Department and the private hatchery operators. In the future there will be additional personnel needed to monitor the hatcheries for diseases, etc. On the other hand, I would warn against creating another empire of state government for the express purpose of assisting private industry. There are a number of consultants, advisors,

and engineering firms that specialize in this field and are available for working with the private sector in the design and operation of salmon hatcheries. These are private businessmen, taxpayers, and they should not have to compete with tax-supported government agencies. There should be a clear policy on the respective roles of the state staff and private advisors.

We strongly endorse Senate Bill 181 which extends the Commercial Fishing Loan Act to include private hatcheries. The only addition I might request to this would be a delayed payment option. Unlike a fishing boat which can start fishing immediately, private hatcheries will not receive any income for from 2 to 5 years after the beginning of operations. Therefore I suggest that a minimum 2-year delay be considered before the first repayment, as is the case with the federal farm loan program.

I would also like to ask the legislature to consider a change in the Renewable Resources Fund Act. As I understand this legislation, these funds will go to the state for projects dealing with the enhancement of renewable resources. Presumably some could be contracted to universities and other bodies for research and other work, but if Murphy's principle prevails a bureaucracy will expand to fill any vacancy in space or funds. Whether it be 5 or 50 million dollars, I am sure our state agencies will rise to the occasion. I urge that there be some mechanism set up whereby a portion of these funds can be set aside for use by qualified private concerns in research and development projects -- programs to benefit fishermen's organizations, farmers' groups, etc. For example, the Cordova fishermen's aquaculture program, under the leadership of Wally Hoerenberg, with adequate funding could do great things in the rehabilitation of Prince William Sound fisheries. Persons familiar with Alaska's agricultural problems could probably cite similar examples.

Obviously there needs to be strong guidelines and control, but perhaps private industry could do a job cheaper, faster, better and more efficiently than a state agency.

Thank you.

SB

202

4/24/75

COMMITTEE REPORT

HOUSE

Mr. Speaker:

Date 4/24/75

The Committee on JUDICIARY has had CSSB 202am

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR CS 201 AND THAT
CS FOR CS 202 DO PASS

() "and" recommends it BE REFERRED TO THE _____
COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

[Signature] _____
[Signature] _____

[Signature] _____

Members NOT concurring in the Majority report:

[Signature] recommends: no rec

_____ recommends:

[Signature] Chairman

Original sponsor: Bradley and Huber

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 202

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to malicious mischief and destruction
7 of property."

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

9 * Section 1. AS 11.20 is amended by adding a new section to read:

10 Sec. 11.20.515. MALICIOUS MISCHIEF AND DESTRUCTION OF PROPERTY.

11 (a) A person who wilfully or maliciously destroys, defaces, injures or
12 exposes to injury real or personal property not his own, is guilty of
13 malicious destruction of property. Upon conviction, if the property
14 harm exceeds \$250, a person guilty of malicious destruction of property
15 is punishable by imprisonment for not ~~less than one year~~ nor more than ⁵ ~~two~~
16 years. If the property harm does not exceed \$250, the person, upon
17 conviction, is punishable by imprisonment for not less than one month
18 nor more than one year, or by a fine of not more than \$1,000, or by
19 both. In addition, the court may order restitution by the defendant to
20 the owner of the injured property for the amount of the harm. Restitu-
21 tion does not bar a civil action for the injury suffered through wilful
22 or malicious action under this subsection, but the amount of money paid
23 under the order of restitution shall be credited against ^{any} ~~the~~ judgment
24 resulting from the civil action.

25 (b) A person who wilfully interferes with or tampers with property
26 not his own, with the purpose to harm the property of another person, or
27 with reckless disregard for the risk of harm to or loss of the property,
28 is guilty of malicious mischief and, upon conviction, is punishable by
29 imprisonment for not more than one year, or by a fine of not less than

1 \$100 nor more than \$5,000, or by both.

2 (c) This section does not apply to secs. 520 - 525, 575 and 670 of
3 this chapter.

4 * Sec. 2. AS 11.20.520 is amended to read:

5 Sec. 11.20.520. MALICIOUS OR WANTON INJURY TO ANIMALS [OR OTHER
6 PERSONALITY]. A person who maliciously or wantonly kills, wounds, dis-
7 figures, or injures any animal the property of another, or wilfully
8 administers poison to the animal, or maliciously exposes poison with
9 intent that it be taken by the animal, [OR WHO MALICIOUSLY OR WANTONLY,
10 BY MEANS NOT SPECIFIED IN THIS CHAPTER, DESTROYS OR INJURES PERSONAL
11 PROPERTY OF ANOTHER,] upon conviction, ~~is punishable by imprisonment [IN~~
12 ~~THE PENITENTIARY] for not less than six months nor more than three~~
13 ~~years,~~ ~~and~~ by imprisonment in a jail for not less than ~~one~~ months nor
14 more than one year or by a fine of not less than \$50 nor more than
15 \$1,000. *or by both*

16 * Sec. 3. AS 11.20.530, 11.20.550, 11.20.560, 11.20.570, 11.20.580, and
17 11.20.620 are repealed.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, Governor

POUCH K - STATE CAPITOL
JUNEAU 99801

April 10, 1975

Senator Robert H. Zeigler, Sr.
Chairman
Senate Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Bob,

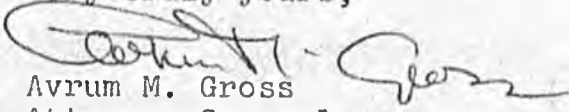
I have read CS SB 202 and urge its approval by the Senate.

By creating a dividing line between misdemeanor and felony based on the amount of property damage, the bill alleviates a serious problem that exists due to judicial interpretation of existing statutes in the area of destruction of property. Statutes presently provide for a possible prison sentence in excess of one year irrespective of the amount of property damage and hence a conviction for the offense is a felony. As prosecutors are reluctant to have people adjudicated as felons for small amounts of property destruction, cases are often times not being pursued with the obvious deleterious effect on deterrence of crimes of this sort.

In addition, CS SB 202 would compile in one statute what is presently found in eight - an obvious improvement in terms of simplifying the ever increasing body of state law as well as easing the burden on our district attorneys with respect to charging procedures and proof problems.

It is therefore my strong recommendation that CS SB 202 be approved.

Very truly yours,


Avrum M. Gross
Attorney General

AMG:jf

cc: Senator W. E. Bob Bradley

Rest of Public Safety

FIRST SESSION / NINTH STATE LEGISLATURE

BILL NO: SB
SB 202

OLD BILL

SUBSTANCE OF BILL: Increases penalties for certain offenses when value of loss or damage exceeds \$500.00 such as:

- 11.20.520 Malicious or wanton injury to animals
- 11.20.550 Injury to transportation or communication facilities
- 11.20.560 Damage to water or power systems
- 11.20.570 Injury to buildings, fences, growing things, produce
- 11.20.575 Malicious destruction of property by a tenant
- 11.20.620 Injuring trees or removing timber or minerals

BACKGROUND OF BILL: Unknown

OLD BILL

RECOMMENDATION: With the exception of injury to animals, the bill increases the penalty, when loss or damage exceeds \$500.00, to a maximum of ten years imprisonment. Certainly penalties should be commensurate with the extent of loss or damage and should reflect the inflationary problems which exist.

Support for the bill recommended.

(2)

3. Fred Ulmer

ASSIGNED TO: Fred M. Goldstad

DATE: 3/3/75

House Judiciary Committee
May 12, 1975

page 2

Mr. Parr objected to repealing section on cruelty to animals. He suggested that this be left in the statutes and be reworked by the committee working on the revision of the criminal code.

Mr. Brown moved on line 27: omit 520 and amend 520 to omit references to anything but animals. The amendment passed.

Senator Bradley, sponsor of the bill, stated that the above amendment was ok with him. He said that the bill was the result of a request from the Anchorage school board. The \$250 figure was reached since this is the California figure. The bill is primarily a consolidation measure that provides for restitution for damages.

Mr. Brown moved on line 23 after harm add: to or loss of such property. The amendment passed.

Mr. Brown moved on line 19: required to order
line 20 add: such restitution does not bar any civil action for the injury suffered through such wilful or malicious action, but amounts paid pursuant to such order shall be credited against any judgement resulting from such action.
The amendment passed.

The committee raised the question of whether public property was adequately covered -- or abandoned property. Senator Ziegler assured the committee that it was.

The CS was moved out of committee.

House Judiciary Committee
May 12, 1975

The meeting was called to order at 1:20 p.m. by Chairman Gardiner.
All members were present.

CS HB 418 Conflict of Interest

Mr. Walker explained the new CS stating that it takes care of the committee's concerns about members of a municipal body. Mr. Hanley of the Attorney General's Office agreed that the proposed CS solves the problem created by the earlier legislation. Mr. Bradley moved the Judiciary CS HB 418 out of committee. There being no objection, it was so ordered.

SB 302 Convicts/weapons

Mr. Turnbull explained that the proposed language from the Attorney General's office clears up the vague problem in lines 10 and 11 and the committee's problem with section (c). The Judiciary CS was moved out of committee.

SB 113 Health Care Information

This bill fulfills a federal requirement which will enable the state to receive medicaid money -- that of a professional staff review. The bill stipulates those situations under which the person affected cannot sue and which records must be kept confidential.

Senator Ziegler testified that 030 provides adequate safeguards for someone who feels that he didn't receive a fair hearing. Only the actual minutes of the hearing are to be kept confidential.

Mr. Brown moved on page 2, line 4: change punctuation and add except as provided in this section, all
line 8: except as provided in this section, all
line 11: organization and the proceeding
line 21: hearings, except as provided in this section Testimony, documents, proceedings, records and other evidence adduced before a review organization that are otherwise inaccessible under this section, may be obtained under subpoena for discovery proceedings brought by a plaintiff who claims that information provided to a review organization was false and that the person providing the information knew or had reason to believe that the information was false.
These amendments passed in substance. The committee requested that a CS be prepared for their review.

SB 202 Malicious mischief

The repealers are covered under the bill's definition of real or personal property. They included mostly misdemeanor penalties which, according to the bill, will be dependent upon the value of the property.

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: Gardiner

To: _____ HOUSE BILL No. _____

Judiciary CS SENATE BILL No. 202 am

PAGE: 2

LINE: _____

Delete lines 4 - 15 inclusive and insert:

* Sec. 2. AS 11.20.520 is repealed and re-enacted to read:

Sec. 11.20.520. MALICIOUS OR WANTON INJURY TO ANIMALS.

A person who maliciously or wantonly kills, wounds, disfigures, or injures any animal which is the property of another, or wilfully administers poison to the animal, or maliciously exposes poison with intent that it be taken by the animal, upon conviction is punishable by imprisonment for not less than one month nor more than one year or by a fine of not less than \$50 nor more than \$1,000, or by both.

This bill was requested by members of the Anchorage School Board and two Anchorage school principals that I visited prior to the current legislative session.

During the past several years there has been a rapid and continual increase in the malicious, willful, and senseless damage to, and destruction of, property by someone other than its owner -- an incident better known as vandalism.

The damage to only the State's public school property has amounted to a tremendous amount of money.

During 1974, the Anchorage schools alone received more than \$100,000 damage as a result of vandalism.

Only recently about \$10,000.00 worth of damage was done by vandals to the Anchorage East High School.

The average monthly vandalism damage to Anchorage schools during 1974 amounted to about \$10,000.00.

This is merely one of many examples of the expense resulting from this crime. On your desk are a few very recent newsclippings I ran across and have distributed copies to save the time of reading. These pertain to schools only, of course.

There are many other instances of vandalism -- the damage to homes, cabins in remote areas, automobiles, highway signs, State park property, public buildings other than schools, and many other types of public and private property (Police Dept. Report).

It's thought by many that the current law pertaining to criminal penalties for property damage and destruction crimes is not adequate enough to deter people from committing these type crimes.

As a result, a legislative counsel, assistant attorney general, the Judiciary Committee, and I finally came up with what we thought was a far superior bill pertaining to the crime of vandalism, which is the CS for SB 202.

This bill reduces a tremendous amount of repetition by repealing eight (8) sub-sections of the current Alaska Statute; consolidates the types of damage and destruction into two paragraphs, and standardizes the penalty based on amount of damage done.

I think this bill adequately covers the crimes pertaining to vandalism, malicious mischief, and property damage or destruction.

The proposed CS makes the dividing line value of the property harmed \$250.00, which, if it matters, the State of California uses.

This amount of damage was finally decided on as opposed to the \$500 which was used in the original bill.

The current Alaska Statute uses \$100.00 as a dividing line value.

We thought the amount used by California was a more reasonable figure -- somewhat of a happy medium between the two -- as a cutoff between misdemeanors and felonies.

In addition, the CS states that the court may require restitution by the defendant to the owner of the damaged or destroyed property for the amount of the harm.

The CS also covers malicious mischief, the intent to harm property of another, and the reckless disregard for the risk of harm for which, if convicted, a defendant can be punished.

This bill has been well nit-picked by the Attorney General himself, the Director of Public Safety himself, the Judiciary Committee, and least important myself.

If this Bill is enacted into law, I believe it will be far superior to our current law -- it is brief but more adequate, easier to understand and enforce, offers more justice to the victim, and provides more reasonable punishment of the convicted person. (Read Attorney General's letter)

THE END

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, Governor

POUCH K - STATE CAPITOL
JUNEAU 99801

April 10, 1975

Senator Robert H. Zeigler, Sr.
Chairman
Senate Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Bob,

I have read CS SB 202 and urge its approval by the Senate.

By creating a dividing line between misdemeanor and felony based on the amount of property damage, the bill alleviates a serious problem that exists due to judicial interpretation of existing statutes in the area of destruction of property. Statutes presently provide for a possible prison sentence in excess of one year irrespective of the amount of property damage and hence a conviction for the offense is a felony. As prosecutors are reluctant to have people adjudicated as felons for small amounts of property destruction, cases are often times not being pursued with the obvious deleterious effect on deterrence of crimes of this sort.

In addition, CS SB 202 would compile in one statute what is presently found in eight - an obvious improvement in terms of simplifying the ever increasing body of state law as well as easing the burden on our district attorneys with respect to charging procedures and proof problems.

It is therefore my strong recommendation that CS SB 202 be approved.

Very truly yours,

Avrum M. Cross
Attorney General

AMG:jf

cc: Senator W. E. ~~So~~ Bradley

Ziegler Asks More Backing On Vandal Bill

Times Juneau Bureau

JUNEAU — The sponsor of a bill to revamp many of the state's vandalism laws was told to get the attorney general's opinion of it before it would be moved out of committee.

"I'll tell you what you do," Senate Judiciary Chairman Robert Ziegler, D-Ketchikan, told Sen. W. E. "Brad" Bradley, R-Anchorage. "You get a letter from the attorney general, saying he has read it, approved of it, and telling why it should be enacted into law, and then I suspect we'll move on it."

The bill is a sponsor substitute of Bradley's, quite different from an original bill he introduced.

The substitute bill proposes to repeal laws on malicious or wanton injury to animals or other personality; injury to transportation or communications facilities; damage to water and power systems; injury to buildings, fences, growing things and produce; malicious destruction of property by a tenant and injuring trees or removing timber or minerals.

Bradley's original bill amended these sections to make it a misdemeanor to damage property valued at less than \$500 and a felony to damage property worth more than \$500 with imposition of fines and prison sentences for persons convicted.

His new bill encompasses these categories, but simplifies them by stating that "a person who willfully or maliciously destroys, defaces, injures or exposes to injury real or personal property not his own is guilty of malicious destruction of property."

It lowers the value of property being damaged to \$250 as the cutoff point between misdemeanors and felonies.

Vandalism raises discipline issue

By GAIL MILLER
Daily News Staff Writer

A report that more than \$11,000 was spent on Anchorage school vandalism in December and the activity of a new School Board subcommittee promise to respark the issue of school decorum.

School Board member Bob Hartig, chairman of a subcommittee to study decorum, said his committee plans to ask the board to add several thousand dollars to the school district's fiscal 1976 budget, now under consideration, for increased security personnel in schools.

IN CONTRAST TO this fall when corporal punishment and drugs led to a

rash of public debate on school discipline, it is vandalism and theft that is impelling Hartig's committee.

"We're mainly concerned with the reporting of law violations. Last year more than \$100,000 damage was done in school vandalism. In many cases we don't know if the vandal was ever prosecuted. According to state law, parents are responsible for student actions of vandalism up to \$2,000," said Hartig.

As requested by the decorum committee, the school administration released this week its first monthly report of vandalism and theft. It lists 23

acts in December, from a \$611 theft of guitars and a sewing machine from Scenic Park Elementary to the scattering of rat and gerbil cages at West High. The crimes cost the district \$4,747 in materials and \$3,476 in labor.

HARTIG AND committee members Ed Tomco and Sue Linford have met with superintendents and school principals during the past two weeks discussing reporting, discipline, attendance, dress regulations and security. In the next two to four weeks they plan to make a proposal to the School Board.

School Vandalism Triples

The total cost to the Anchorage Borough School District for vandalism and theft tripled from last month. February's figures were \$2,387.25 and March's were \$6,075.61.

One of the major areas of vandalism came in the emptying and theft of fire extinguishers. Five extinguishers were stolen from Dimond High School and eight needed refilling at Bartlett High School.

Other thefts included a set of tools valued at \$250 from East Anchorage High School and a transmitter-receiver valued at \$825 taken from Bartlett. At East phonograph speakers, a 16 millimeter projector, cassettes, and Audiotron and one spider plant were taken from the library. The total cost was \$870.76.

Buildings and grounds spent \$2,747.61 for the total materials and \$3,328.00 for total labor related to vandalism.

School Vandalism Reaches Crisis Level

By STEVE GERSTEL

WASHINGTON (UPI) — A Senate report charged Wednesday violence and vandalism in the nation's schools has reached a crisis level and is worsening rapidly.

A senior who said the problem costs \$500 million a year to remedy called it "a vandalism surtax" on the cost of educating America's children and said it was equal to all the money spent on school books in 1974.

The report said "our schools are experiencing serious crimes of a felonious nature including brutal assaults on teachers and students, as well as rapes, extortions, burglaries, thefts, and an unprecedented wave of wanton destruction and vandalism."

In addition, the report said, there is "clear and compelling evidence that violence and vandalism in the schools has reached a level of crisis that demands immediate comprehensive review and legislative action. The level of violence and vandalism . . . is rapidly increasing in both

intensity and frequency."

The report by the Senate Juvenile Delinquency subcommittee was presented at a news conference by its chairman, Sen. Birch Bayh, D-Ind.

Bayh said a survey of 757 public elementary and secondary school districts throughout the country produced a "Ledger of violence confronting our schools that reads like a casualty list from a war zone or a vice squad annual report.

"These hallways and playgrounds of fear and terror also account for an estimated \$500 million annual bill for vandalism," he added. "This astonishing sum, which is actually a vandalism surtax on the cost of education, is comparable to the entire investment for textbooks for our nation's schools in 1972."

Bayh said he would introduce legislation to provide financial assistance for alternative educational programs and security plans.

The report disclosed that between 1970 and 1973, homicides increased by 18.5 per cent; rapes and attempted rapes by 40.1 per cent; robberies by 36.7 per cent; assault on students by 85.3 per cent; assaults on teachers by 77.4 per cent; burglaries of school buildings by 11.8 per cent; drug and alcohol offenses on school property by 37.5 per cent; and dropouts by 11.7 per cent.

The report said an "even more ominous statistic" was that by the end of the 1973 school year the number of weapons confiscated by school authorities increased by 51.4 per cent.

"These weapons include knives, clubs, pistols and even sawed-off shotguns designed to be easily concealed within a student's locker," the report said.

The subcommittee said indications are that violence and vandalism occur most frequently in large urban secondary schools.

"It should be emphasized, however, that this is not a problem found exclusively in large cities or solely involving older students," the report said. "Simply put, the trend in school violence over the last decade in America has been, and continues to be, alarmingly and dramatically upwards."

CALLS AND REQUESTS FOR POLICE SERVICES EXCEPT PART 1 OFFENSES

ACCIDENTAL AND NATURAL DEATHS	37
ANIMAL BITES AND CALLS (Handled by Patrol)	295
ANNOYING AND OBSCENE PHONE CALLS	229
ANXIOUS	37
ASSAULT AND BATTERY	499
BLACKMAIL, EXTORTION AND BRIBERY	0
CAB VIOLATIONS	196
CHILD NEGLECT - INCLUDING CRIMES AGAINST FAMILY & CHILDREN	106
COUNTERFEITING	3
DISURBANCE & BREACH OF PEACE	2700
DISURBANCE - FAMILY	461
DRIVING WHILE INTOXICATED	512
DRUNKENNESS	2958
EMBEZZLEMENT & FRAUD	252
FAILURE TO APPEAR WARRANT	0
FAILURE TO PAY CAB FARE	0
FALSE ALARM CALLS - FIRE, BOMB, BURGLAR	2700
FIRE CALLS	577
FORGERY & BAD CHECKS	193
GAMBLING	10
IMPOUNDS (Private Property)	413
JAIL & FARM INCIDENTS	0
KIDNAPPING	1
LIQUOR, Misc.	6
Liquor Violations - Prostitutes on Premises	75
Furnishing to Minor & Minor Purchasing	1
Minor on Premises	30
Drinking in Public	36
Minor in Possession	9
LOOKER & ASSISTS FOR OTHER AGENCIES	476
LOST & FOUND PROPERTY	767
MENTAL ILLNESS INVESTIGATIONS	103
MESSAGES & CORRESPONDENCE FROM OUTSIDE JURISDICTION	81
MISSING PERSONS	152
Lost Children	233
NARCOTICS & DANGEROUS DRUGS	815
OPEN DOORS & WINDOWS	588
PARKING PROBLEMS	1456
POSSESSION AND SALE OF OBSCENE PICTURES & LITERATURE	1
PROFANE & OBSCENE LANGUAGE	87
PROSTITUTION & COMMERCIALIZED VICE	100
RESCUE ASSISTS & INJURIES NON-TRAFFIC	913
RESISTING OR OBSTRUCTING AN OFFICER	0
SEX CRIMES	140
SUICIDE	12
Attempted Suicide	12
SEARCHES & WARRANTS SERVED ON CASES NOT ORIGINATING IN THIS DEPT.	356
SUSPICIOUS PERSONS, VEHICLES, TRESPASSING & PROWLERS	2221
VANDALISM	24
VIOLATION OF HISEL RESPIRATORY LAWS	93
WEAPONS	113
Carry Concealed	77
Illegal Possession or Sale of	27
Discharge Firearms	156
MISC. INCIDENTS	5974
TOTAL	26825

SPENARD YEARLY 1973
CALLS AND REQUESTS FOR POLICE SERVICES (EXCEPT PART I OFFENSES)

ACCIDENTAL AND NATURAL DEATHS	14
ANIMAL BITES AND CALLS (Handled by Patrol)	123
ANNOYING AND OBSCENE PHONE CALLS	82
ARSON	8
ASSAULT AND BATTERY	125
BLACKMAIL, EXTORTION AND BRIBERY	0
CAR VIOLATIONS	65
CHILD NEGLECT - INCLUDING CRIMES AGAINST FAMILY & CHILDREN	35
COUNTERFEITING	1
DISTURBANCE & BREACH OF PEACE	652
DISTURBANCE - FAMILY	152
DRIVING WHILE INTOXICATED	220
DROWNING	284
EMBEZZLEMENT & FRAUD	70
FAILURE TO APPEAR WARRANT	---
FAILURE TO PAY CAB FARE	---
FALSE ALARM CALLS - FIRE, BOMB, BURGLAR	587
FIRE CALLS	171
FORGERY & BAD CHECKS	55
GAMBLING	3
INCIDENTS (Private Property)	75
JAIL & FARM INCIDENTS	0
KIDNAPPING	0
LIQUOR, Misc.	0
Liquor Violations - Prostitutes on Premises	0
Furnishing to Minor & Minor Purchasing	2
Minor on Premises	5
Drinking in Public	3
Minor in Possession	2
LOCATE & ASSISTS FOR OTHER AGENCIES	128
LOST & FOUND PROPERTY	150
MENTAL ILLNESS INVESTIGATIONS	29
MESSAGES & CORRESPONDENCE FROM OUTSIDE JURISDICTION	9
MISSING PERSONS	18
Lost Children	99
NARCOTICS & DANGEROUS DRUGS	262
OPEN DOORS & WINDOWS	462
PARKING PROBLEMS	490
POSSESSION AND SALE OF OBSCENE PICTURES & LITERATURE	0
PROFANE & OBSCENE LANGUAGE	23
PROSTITUTION & COMMERCIALIZED VICE	11
RESCUE ASSISTS & INJURIES NON-TRAFFIC	182
RESISTING OR OBSTRUCTING AN OFFICER	0
SEX CRIMES	25
SUICIDE	7
Attempted Suicide	21
SUBJECTS & INCIDENTS SERVED ON CASES NOT ORIGINATING IN THIS DEPT.	103
SUSPICIOUS PERSONS, VEHICLES, TRESPASSING & PROWLERS	867
VAGRANCY	7
VANDALISM	313
VIOLATION OF MISC. REGULATORY LAWS	30
WEAPONS	
Carry Concealed	12
Illegal Possession or Sale of	17
Discharge Firearms	84
MISC. INCIDENTS	1022
TOTAL	7258



ANCHORAGE BOROUGH
SCHOOL DISTRICT

4600 DeBarr Road - Anchorage, Alaska
99504

AREA CODE 907 333-9561

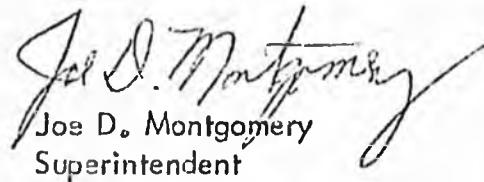
April 21, 1975

Senator W. E. "Brad" Bradley
Alaska State Senate
Pouch B
Juneau, AK. 99801

Dear Senator Bradley:

Per Mr. Robert Hartig's request, enclosed is a copy of the Vandalism Report
from the Anchorage Borough School District for the month of March, 1975.

Sincerely yours,


Joe D. Montgomery
Superintendent

JDM:ged

Encl.

VANDALISM REPORT RECAP
MARCH, 1975

<u>DATE</u>			<u>SCHOOL</u>
1-20	Theft	Electronic calculator - Sharp - Elsi-804	East
2-24	Theft	Radio, G.E. - Model T2105 - \$20.00	East
2-28	Theft	Set of Tools - \$250.00	East
3-3	Theft	Motorola transmitter-receiver, model #H23FFN3100N serial #N-32-FOH, taken from registrar's office - \$825.00.	Bartlett
3-3	Theft	10 lb. Dry chemical fire extinguisher, model #421, Amerex Corp., located at station at west entrance of building - \$21.25.	Career Center
3-3	Theft	2 Lenses missing from Xerox microfilm equipment - 24 x #582 P0025. Equipment was presumably stolen - was discovered missing from Library work center approximately 11:00 a.m. on 2/26/75 - \$75.00 each - \$150.00.	Service
3-4	Vandalism	2nd Traveler - stage right, was slit about 12 times vertically with what appeared to be a very sharp knife. It was discovered after the talent show last month. - \$400.00.	East
3-5	Vandalism Theft	Telephone, extension #41, taken from counselor's office.	East
3-6	Theft	1 30 lb. Dry chemical fire extinguisher stolen after school hours from Bldg. M hall - \$45.00.	Dimond
3-6	Theft	2 20 lb. Dry chemical fire extinguishers stolen after school hours from Bldg. G hall - \$60.00.	Dimond
3-6	Theft	1 20 lb. Dry chemical fire extinguisher stolen after school hours from Bldg. D hall - \$30.00,	Dimond
3-6	Theft	1 20 lb. Dry chemical fire extinguisher stolen after school hours from Bldg. E hall - \$30.00.	Dimond
3-10	Vandalism	Lock for fire hose cabinet removed in gym.	Romig
3-10	Vandalism	Light switch damaged in boys' P.E. hall - southwest hall.	Romig
3-10	Vandalism	Door vent was kicked in and some of it missing - boys' restroom by front entryway.	Romig

VANDALISM REPORT RECAP - Page 2
March, 1975

<u>DATE</u>			<u>SCHOOL</u>
3-10	Theft	1 Digital clock taken from principal's desk in locked office. - \$30.00.	Chugach
3-10	Theft	1 Steam iron, Sunbeam, model #W3940, taken from locked classroom #U328 - \$22.85.	Career Center
3-11	Vandalism	Broken urinal and mirror. Urinal broken off the wall and fire extinguisher emptied all over boys' restroom - upper gym. Need to have 8 fire extinguishers refilled - \$230.00.	Bartlett
3-11	Vandalism	1 Large solar ban window, large size 68½ x 45-¾ x ¼. Someone threw rock through window in Room 4, Bldg. M - \$175.00.	Dimond
3-12	Theft	2 Upholstered pillows (backs of chairs) in faculty area - \$120.00.	Bartlett
3-12	Theft	Stanley saber saw, ABSD #12400, serial #101655, model #90455, stolen from Room 45 on or before 3-10-75, and after 3-5-75 - \$75.00.	West
3-12	Theft	1 10 lb. Dry chemical fire extinguisher, model #421, Amerex Corp., stolen from west entrance station - \$25.00.	Career Center
3-13	Theft	Someone broke the window into Mr. McKelvey's office, pried open locked drawer in receptionist's office, stole some artifacts from Mr. Hahn's office, broke into a locked filing cabinet, locked cash box, and stole money and checks listed on attached sheet - \$797.50.	East
3-15	Theft	Building entered by window in Room 18. A-V and Library materials stolen: Phonograph speakers, ABSD #14193, Newcomb 562386- \$107.26 16MM Projector, ABSD 2246, Bell & Howell 3155127 - \$498.60 Cassettes: ABSD 22893, Audiotron 136, serial #561082, \$124.95, ABSD 22781, Audiotron 136, serial #022781, \$124.95 1 Spider plant in red pot missing from Library - \$15.00 TOTAL - \$870.76. Also missing: Microphones - 2 small Audiotronics, 2 small Sony, 4 small Wollensacks.	East

VANDALISM REPORT RECAP - Page 3
MARCH, 1975

<u>DATE</u>			<u>SCHOOL</u>
3-17	Vandalism	Broken window in room #4.	Rabbit Creek
3-17	Vandalism Theft Burglary Illegal Entry	Stolen fire extinguisher, broken scissors, faculty room vandalized. Apparently someone hid in school on Saturday evening after Winter Carnival and did the damage after others had left - \$100.00.	Rogers Park
3-17	Vandalism Theft	Broken window and door. Supports torn off one outside basketball backboard - \$15.00. Calculator, cassette recorder stolen. Window pane taken out for entry; storage corridor door kicked in; money taken from 2 teachers' desks; calculator from another teacher's desk.	Huffman
3-18	Vandalism	Material torn off stairway by main entry.	Romig
3-18	Vandalism	Door by room 215, upstairs, was sprung so that it does not close properly.	Romig
3-18	Vandalism	Fire extinguisher pin pulled and broken - southwest hallway - Industrial Arts 2.	Romig
3-18	Vandalism	Urinal was damaged in boys' restroom by Science 6.	Romig
3-19	Vandalism	Door torn off hinges, exit torn off ceiling, window broken. Young people became unruly at Borough Parks & Recreation function.	Muldoon
3-19	Theft	Cross-country skis stolen. Metal along edge of door was peeled back making it possible to push back hardware bolt - \$225.00.	Bartlett
3-19	Theft	1 Microphone #300Z - wireless - \$50.00.	Bartlett
3-19	Vandalism	Door glass was cracked in boys' PE Arts room.	Romig
3-19	Vandalism	Needle-nosed pliers, large drawing compasses, Exacto knife, files. Jeff Sinclair, a runaway, was found in the building on 3/19/75 at 2:00 a.m. The files are at his house. The other tools, compasses, pliers are at Doug Peratrovich's home. - \$20.00.	East
3-19	Vandalism	Glass broken in fire alarm box - boys' P.E. hall - S.W. hallway.	Romig
3-20	Vandalism	Glass to fire extinguisher box by Arts & Crafts room, southeast end of upstairs hall broken.	Romig

VANDALISM REPORT RECAP - Page 4
MARCH, 1975

<u>DATE</u>			<u>SCHOOL</u>
3-20	Vandalism	Fire started in boys' restroom by Science 6 - light cover burned.	Romig
3-20	Vandalism	Broken mirror, several baskets twisted so they cannot open.	East
3-20	Vandalism	1 Wire reinforced entry glass, size 24 x 27 x 1/4, broken during lunch period. Bldg. H - H to D entry - \$15.00.	Dimond
3-20	Vandalism	1 Wire reinforced entry glass, size 24 x 27 x 1/4, broken by rock. Bldg. H - H to M entry - \$15.00.	Dimond
3-20	Theft	1. CB Radio, model 323, serial #052-46-567 taken from car while at Polar Moto's for repairs. Antenna also cut. - \$300.00.	N/A
3-21	Theft	2 Socket sets taken from construction shop area - \$200.00.	Career Center
3-24	Vandalism	Door frame was pulled away from wall in room 221.	Romig
3-24	Vandalism Theft	4 Outdoor speakers for the bell system were taken - \$176.00.	Chester Valley
3-25	Vandalism	Lockers #83, 82, 78, 73, 74, 72, 55, 61, 63. Some lockers had grating bent, some had grating cut, and some had handles and locks torn completely off - \$240.00.	West
3-27	Theft	Sewing machine - model #291, serial #TC646783, ABSD #25535, stolen from storeroom in Commercial Arts area (State Troopers case #C75-04389) - \$565.00.	Career Center
3-31	Theft Illegal Entry	Maranz stereo w/twin speakers, and 2 2' x 3' wire door glasses stolen; 1 4' x 6' chalkboard defaced - Mears music room.	Mears
3-31	Theft Illegal Entry	4 Large column speakers by DuKane for amplifier. After hours 3-28 someone used rollaround ladder and stole all 4 speakers - \$400.00.	Dimond

EXPENDED BY BUILDINGS & GROUNDS FOR VANDALISM REPAIRS
March, 1975

Total Materials.....	\$2,747.61
Total Labor.....	<u>3,328.00</u>
TOTAL.....	\$6,075.61

Dept of Public Safety

FIRST SESSION / NINTH STATE LEGISLATURE

BILL NO: SB
HT 202

OLD BILL

SUBSTANCE OF BILL: Increases penalties for certain offenses when value of loss or damage exceeds \$500.00 such as:

- 11.20.520 Malicious or wanton injury to animals
- 11.20.550 Injury to transportation or communication facilities
- 11.20.560 Damage to water or power systems
- 11.20.570 Injury to buildings, fences, growing things, produce
- 11.20.575 Malicious destruction of property by a tenant
- 11.20.620 Injuring trees or removing timber or minerals

BACKGROUND OF BILL: Unknown

OLD BILL

RECOMMENDATION: With the exception of injury to animals, the bill increases the penalty, when loss or damage exceeds \$500.00, to a maximum of ten years imprisonment. Certainly penalties should be commensurate with the extent of loss or damage and should reflect the inflationary problems which exist.

Support for the bill recommended.

(2)
1/3
W
3. Fran Ulmer
10/10/75

ASSIGNED TO: Fred M. Woldstad

DATE: 3/3/75

S B

230

4/8/75

COMMITTEE REPORT

HOUSE

Mr. Speaker:

Date _____

The Committee on JUDICIARY has had CS3B 230 am

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other" Individual Review

Members signing the Majority report:

<u>[Signature]</u>	<u>DO Pass</u>	_____
<u>[Signature]</u>	<u>No Pass</u>	_____
<u>[Signature]</u>	<u>Pass</u>	_____
_____	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends:	<u>Do Not Recommend Amended</u>
<u>[Signature]</u>	recommends:	<u>Do Not Pass</u>
<u>[Signature]</u>	recommends:	_____
_____	recommends:	_____
_____	recommends:	_____

[Signature] Chairman

Original Sponsor: Huber,
Bradley, Colletta, et al

Offered: 3/11/75
Referred: Rules

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 230 am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the taking of antlerless moose."

7

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

8

* Section 1. AS 16.05 is amended by adding a new section to read:

9

Sec. 16.05.780. TAKING OF ANTLERLESS MOOSE PROHIBITED. (a) The

10

taking of antlerless moose in any game management unit, other than in

11

Game Management Units 22 and 23, is prohibited until January 1, 1978.

12

(b) After January 1, 1978, antlerless moose, except in game

13

management units 22 and 23, may be taken in numbers and upon conditions

14

prescribed by the board, only in units

15

(1) that the department recommends be opened, based on

16

biological evidence, and

17

(2) in which a majority of active local advisory boards for

18

that unit have recommended an opening, after each has taken a vote and

19

a majority of the members of that board has voted in the affirmative.

20

(c) After July 1, 1975, antlerless moose may be taken in numbers

21

and upon conditions prescribed by the board in game management units

22

22 and 23 only

23

(1) if the department recommends they be opened, based on

24

biological evidence, and

25

(2) if a majority of the active local advisory boards in

26

those units have recommended an opening, after each has taken a vote

27

and a majority of the members of that board has voted in the affirmative.

28

29

AMENDMENT

OFFERED IN THE HOUSE:

BY: U 104

TO: _____ HOUSE BILL No. ~~104~~

SENATE BILL No. CSST, 23, 1911

PAGE: 1

LINE: 8

Delete all material beginning on line 8 and insert:

Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.780. TAKING OF ANTLERLESS MOOSE.

The taking of antlerless moose in any game management unit or subunit, other than Game Management Units 22 and 23, may be prohibited by majority vote of the local advisory committee for that game management unit or subunit. In the case of game management units or subunits in which more than one local advisory committee functions, the prohibition shall be by majority vote of all members of all local advisory committees for that unit or subunit. Only active local advisory committees are authorized to vote under this section.

House Judiciary Committee
April 12, 1975
page 3

HB 276 Real Estate Appraisers

It was suggested that all the specific requirements in the bill be eliminated so as to allow the board to provide for specifics in regulations. The committee agreed to make the commission the Board of Real Estate Appraisers. On page 2, line 27 the committee agreed to add "except those employees who are engaged in appraising for public acquisition." 08.89.060 would be eliminated the the remaining sections renumbered. Page 1, line 15, put a period after "years" and delete the rest of the sentence. The original regs would need legislative approval while subsequent regs would be considered approved unless disapproved by a resolution. Mr. Brown suggested that on page 2, line 26, reference to the United States be deleted. Mr. Specking wanted to include a grandfather clause in the statute so the committee agreed on page 2 line 21 to add an exemption that no test would be required for one year after the effective date of the regulations. The committee also agreed that changes should be made in page 1 to have three members be real estate appraisers and two members lay persons. The bill will be redrafted as a committee substitute and be presented again for committee consideration.

HB 242 Dress code

Mr. Specking stated that the bill was initially prompted because of the ferry regulations, however the State Affairs committee now favors legislative review of regulations having to do with appearance of state employees. Previously these rules were distributed by memo. This bill would require that they be in the form of formal regulations. Mr. Gardiner stated that he had requested a formal opinion of the Attorney General on the ferry dress standards but had received none as yet.

The following amendment was adopted: line 17 "15 and 20" should be "10 and 15"

Mr. Brown moved HB 242 am out of committee do pass. There being no objection, it was so ordered.

SB 230 am Antlerless Moose

Mr. Brown stated that Fish and Game hadn't been able to solve the problem so it was necessary that the legislature step in temporarily to save the moose. Mr. Swanson stated that Fish and Game had been making improper management decisions for 10 years concerning moose and doesn't now seem able to correct the problem. He stated that the bill is not a perfect solution but that Fish and Game needs legislative direction now.

House Judiciary Committee
April 12, 1975
page 4

Mr. Parr suggested that all references to "antlerless" be deleted. Mr. Bradley stated that some moose are needed for subsistence. Mr. Brown deemed the suggestion politically unfeasible. And Mr. Specking stated that the Department has not always been responsive to reduced seasons and bag limit suggestions.

Mr. Gardiner moved that lines 12 to 19 be deleted since this bill was a temporary measure only. The motion failed.

Mr. Brown moved SB 230 am out of committee. It was so ordered.

S B

2 5 7

an Act relating to officers and employees of a municipal fire department."

COMMITTEE REPORT

5/19/75

HOUSE

Mr. Speaker:

Date May 26, 1975

The Committee on JUDICIARY has had CSRB 257 am

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR CS 5247 am (S. 100) AND THAT

CS FOR CSRB 257 am (S. 100) DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

HOUSE JOURNAL

May 28, 1975

House Judiciary Committee
Statement of Intent
HCS CSSB 257

AS 18.70.075(a) (7) is not intended to relieve the authority demanding a preplanning inspection from the necessity of having to obtain a search warrant covering the premises or the area in which the premises are located. The inspecting authority is normally going to have the consent of the owner or occupier of the premises, but when permission to inspect is denied, a warrant will have to be obtained by the inspectors. AS 18.70.075(a) (7) is intended to give statutory authority for requesting a warrant and to assist in the showing of cause for issuance of the search warrant.

Terry Gardiner, Chairman

143

House Judiciary Committee
May 26, 1975

The meeting was called to order at 2:15 p.m. by Chairman Gardiner. All members were present.

CS SB 257 am Municipal Fire Departments

Douglas Body, Coordinating Fire Chief, testified that there is no statutory authority for the fire departments to do some of the things they are presently doing.

The following amendments passed:

page 1, line 18, page 1, line 23: after city insert: organized village.

page 2, line 7: after trespass insert: upon property at or near the scene of a fire.

page 2, line 7: delete without liability

page 2, line 21: delete without liability

page 2, line 17: insert before inspect: upon 24 hour notice to the owner or occupant,

page 2, line 24: delete all of subsection (9) and renumber

page 3, line 2: insert after misdemeanor: , and upon conviction, is punishable by imprisonment for one year, or by a fine of not more than \$1,000, or by both.

page 2, line 3: delete all of Section 3

page 3, line 6: insert definition section "preplanning" to be drafted.

The Judiciary CS for CS SB 257 am was passed out of committee.

SE 384 Revise statutes

page 6, line 9: delete bring and insert seek, delete action and insert or an action in the nature of an action for mandamus.

The Judiciary CS for SB 384 was passed out of committee.

SB 138 Zoning State Parks

The C and RA CS for SB 138 was passed out of committee.



GASTINEAU CHAPTER ALASKA STATE FIREFIGHTERS ASSOCIATION

P. C. BOX 1708

JUNEAU, ALASKA 99801

May 24, 1975

OPEN LETTER TO MEMBERS OF HOUSE JUDICIARY COMMITTEE:

SUBJECT: CSSB 257 am.

Gentlemen:

I wish to introduce myself and my affiliation with the Fire Service. My name is Alan Judson, Engineer with the Juneau Fire Department, Chairman of the Legislative Committee for the Alaska State Firefighter's Association and spokesman for the Alaska Fire Chief's Association.

In the rare event I or a member of our committee is unable to attend the Judiciary Hearing on CSSB 257 am, I wish to express our needs for this bill.

Section 1, Paragraph (B). This deals with the liability of an employee of a fire department during the performance of his duties, and using discretion, this act would prevent the employee from law suit. The intent of this is to protect the firefighter, but it does not stop lawsuits from being brought against a department.

Section 2. With the passage of this Bill, what fire officers and personnel have been doing for years and assuming has been legal will now be clear, well defined, and legal.

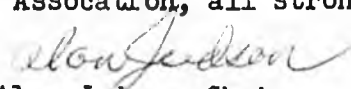
In answer to Mr. Parr's questions to Paragraph 7 & 8:

(7) Inspections. In the Federal Life Safety Code, which the State of Alaska has been using - there is a clause that states, owners must be given 24 hours notice before preplanning inspections, or general inspections. Complaints for hazards - or life safety may be inspected without notice.

(8) The removal or destruction of fences, house, vehicle, etc. The recourse for the owner is his insurance company, or gross negligence, the Fire Department and City. In many cases, vehicles have blocked hydrants, chain fences have been cut, even houses and buildings have been dynamited to control or prevent the spread of fire.

I cannot see anything in this Bill that would prevent the citizen from some recourse should gross negligence be shown.

The Alaska State Firefighter's Association, The Alaska Fire Chief's Association and the Interior Fire Chief's Association, all strongly urge the immediate passage of CSSB 257 am.


Alan Judson, Chairman
Legislative Committee

SB

266

7 "An Act transferring those functions of the Department of Revenue relating to motor vehicles to the Department of Public Safety, and providing for an effective date."

COMMITTEE REPORT

4/16/75

HOUSE

FINANCE

Mr. Speaker:

Date 7/22/75

The Committee on JUDICIARY has had SB 200

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

[Handwritten Signature] _____
[Handwritten Signature] _____
[Handwritten Signature] _____
[Handwritten Signature] _____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Handwritten Signature] Chairman

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C-JUNEAU 99801

April 21, 1975

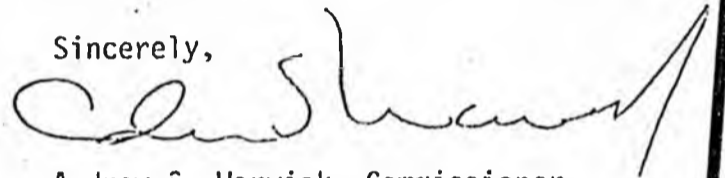
Honorable Hugh Malone
Chairman, House Finance Committee
Alaska State Legislature
State Capitol - Pouch V
Juneau, Alaska 99811

Dear Representative Malone:

A revised fiscal note is attached for Senate Bill 266, an Act to transfer Motor Vehicle function to the Department of Public Safety. This amount is the administration's total requirement for both the Department of Revenue and the Department of Public Safety. We anticipate this transfer will continue to generate savings in future years.

Additional information will be provided if requested.

Sincerely,



Andrew S. Warwick, Commissioner
Department of Administration

Attachment:

cc: Legislative Finance
Fran Ulmer, Legislative Assistant
Office of the Governor
Sterling Gallagher, Commissioner
Department of Revenue
Richard L. Burton, Commissioner
Department of Public Safety

ASW/WEW/co

IV

V. DATE: April 18, 1975

PREPARED BY:

Wayne E. Weeks
Wayne E. Weeks, Senior Budget Analyst

Original: Legislative Finance
Budget and Management
cc: Prime Sponsor (First Legislator Named)

Title: Transfer Motor Vehicle to Department of Public Safety
 Requested by: _____ Date: 4-18-75
 Return Date Requested: _____
 Agency: Administration Program: Budget and Management

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Motor Vehicle

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 75	FY 76	FY 77	FY 78	FY 79	FY 80
100 PERSONAL SERVICES		5.0	(30.0)			
200 TRAVEL		5.0				
300 CONTRACTUAL		-0-	(16.0)			
400 COMMODITIES		-0-				
500 EQUIPMENT		-0-				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		10.0	(46.0)			

B. FUNDING: (Thousands of dollars)

GENERAL FUND		10.0	(46.0)			
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	0 /	(3) /	/	/	/
MAN MONTHS (P./T.)	/	0 /	36 /	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Field Travel will be required to management staff.

The Personal Services cost increase is necessary as three positions require reclassifications. The positions PCN 042028, a Revenue Office Manager III, one Juneau field position and one Fairbanks field position. These are necessary to provide management, administration and support for the new Division.

Saving will be realized in all future years as present leases expire and the number of new personnel should be reduced.

IV. ATTACHMENTS

V. DATE: April 18, 1975

PREPARED BY: Wayne E. Weeks
 Wayne E. Weeks, Senior Budget Analyst

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

House Judiciary Committee
April 23, 1975

The meeting was called to order at 1:25 by Chairman Gardiner
All members were present.

SB 266 Motor Vehicles

Charlie Smith of the Department of Public Safety testified that at present various agencies serve intra related motor vehicle functions. SB 266 would consolidate these functions under the Department of Public Safety and is expected to produce a fiscal savings of \$30,000 in FY 77. Initially the transfer will cost \$10,000 to reclassify employees and relocate some facilities. Employees of other departments will become employees of Public Safety.

Mr. Specking moved SB 266 out of committee do pass. There being no objection, it was so ordered.

HB 276 Real Estate Appraisers

The committee discussed the need to protect the public vs. the profession's need to protect themselves. Since there had been no public input regarding a problem, Mr. Specking moved to hold the bill until next year. Mr. Brown objected. On vote, the committee decided to hold the bill but to prepare all the latest suggestions into another proposed CS to be ready to consider at that time.

HP 418 Conflict of Interest

Mr. Walker stated that the language "general election" is defined in statute to mean only the November election. This bill would include "regular" elections (annual municipal elections) or special elections.

Mr. Eliason moved in line 14 to delete "called for that purpose" since it was possible that a special election would be called for another purpose but the subject of conflict of interest could be considered. The amendment passed.

Mr. Walker brought up a problem with HB 390 which is now on the Governor's desk. "Members of municipal bodies" was the language used to provide a further exemption. These people (this language) was not in the original bill so Mr. Walker felt that by exempting them the bill impliedly included them in the rest of the bill. There is no definition for who a member of a municipal body is. The committee requested that Mr. Walker draw up a CS for HB 148 which would include Mr. Eliason's amendment and would correct the problem in HB 390. The committee would consider the CS when prepared.

S B

269

"An Act establishing procedures for punch-card voting in state elections."

COMMITTEE REPORT

4/28/75

HOUSE

Mr. Speaker:

Date 5/12/75

The Committee on JUDICIARY has had SB 269 am

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR CS 28 am AND THAT

CS FOR CS 28 am DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>no</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

[Signature] Chairman

House Judiciary Committee
May 9, 1975

The meeting was called to order at 7:30 p.m. by Chairman Gardiner.
Mr. Speckin and Mr. Eliason were absent.

SB 296 Integrated Bar Act

Alan Compton explained that this bill would repeal statutes that purport to grant the Bar certain powers. These powers now rest with the court, despite statutes to the contrary (determining qualifications of attorneys, discipline and disbarment).

Mr. Compton suggested the following amendments:

page 3, line 18 Sects 210 and 230 and for admission to the Alaska Bar,

page 2 except as provided in the Alaska Bar rules

page 2, line 2 (a) except as may be otherwise provided in the Alaska Bar Rules, the board

Mr. Brown moved this amendment which passed.

Mr. Compton suggested that the fine for violation be lowered, so as to still provide a deterrent but to not frighten off paralegals.

SB 269 Punch Card Voting

Patty Ann Polly testified that the bill would put the regulations into law. It would allow the program to pick up the area around the X if it was not in exactly the correct position. She explained the the board members on page two are appointed on the basis of the best available rather than party affiliation.

Mr. Brown moved on line 23: , and one who is registered to vote either as an independent, non partisan, or has declined to state his party affiliation when registering to vote. The amendment passed.

Mr. Brown moved on line 26: omit computer expertise and insert sufficiently familiar with computer programming and operation, sufficient to comply with the provisions of this article.
The amendment passed.

Page 1, line 12 change precinct to area.

page 2, line 16 testing section rewritten

page 3, line 14 "at polling place" added

The above are the changes incorporated into the State Affairs CS.

Mr. Brown moved on page 3, line 15 after process, add and each voter shall be informed that such demonstration is available.
The amendment passed.

The Committee moved the Judiciary CS out of committee do pass.

122
House Judiciary Committee
May 10, 1975

The meeting was called to order at 3 p.m. by Chairman Gardiner.
Mr. Specking was absent.

SB 11 Artificial Insemination

Mr. Parr moved the bill out do pass. There being no objection,
it was so ordered.

SB 302 convicts/weapons

Language in the proposed CS was taken from the gun will. Lines
11 and 12 were considered vague. The committee requested that
lines 11 and on be checked out for wording change to include
those instruments commonly considered weapons.

HB 444 Insurance

The committee received the sectional analysis. Since Alaska
is not the only state to change their laws before this change
can go into effect, the committee requested input be solicited
and that the bill be held until next year.

SB 269 Punch Card voting.

The committee passed the CS out with the amendments already
adopted by the committee.

SB 296 Integrated Bar Act

Mr. Brown moved on page 3, line 26 add: or an active member
of the Alaska Bar who wilfully employs such a person knowing
such person is engaging in the practice of law or representing
himself to be entitled to so engage. The amendment passed.

Mr. Parr suggested that the rules for employment of paralegals
be set forth by the Supreme Court. An amendment was drawn
up to add a new (b) on page 3, line 29 Nothing in this section
shall prohibit the use of paralegal personnel as defined by
the rules of the Supreme Court. This amendment passed.

On page 3, line 28 the amount was changed to \$5,000. This
amendment passed.

EXHIBIT B

0077



A

OFFICIAL GENERAL ELECTION BALLOT

GENERAL ELECTION NOVEMBER 5, 1974

INSTRUCTIONS TO VOTER: The Governor and Lieutenant Governor are elected as a team. A vote for Governor automatically casts a vote for the Lieutenant Governor.

STATE OF ALASKA General Election November 5, 1974		
GOVERNOR AND LIEUTENANT GOVERNOR Vote for One		
HAMMOND, JAY S. (Governor)		+
THOMAS, LOWELL JR. (Lieutenant Governor)	Republican	
VOGLER, JOSEPH E. (JOE) (Governor)		+
PEPLER, WAYNE W. (Lieutenant Governor)	Alaskan Independence	
EGAN, WILLIAM A. (Governor)		+
BOUCHER, H. A. (RED) (Lieutenant Governor)	Democratic	
	(Governor)	+
	(Lieutenant Governor)	
UNITED STATES SENATOR Vote for One		
LEWIS, C. R.	Republican	+
GRAVEL, MIKE	Democrat	+
		+
UNITED STATES REPRESENTATIVE Vote for One		
YOUNG, DON	Republican	+
HENSLEY, WILLIAM L. (WILLIE)	Democrat	+
		+

EXAMPLE OF OPTION TO ALASKA BALLOT CARD



A- 98133

OFFICIAL BALLOT

GENERAL ELECTION

TUESDAY, NOVEMBER 7, 1972

EIGHTH REPRESENTATIVE DISTRICT

CITY AND COUNTY OF HONOLULU

FIRST CONGRESSIONAL DISTRICT

STATE OF HAWAII

This stub shall be removed by the ballot box clerk only.

PRESIDENT AND VICE PRESIDENT FOR A TERM TO EXPIRE JANUARY 20, 1977 Vote For Not More Than One (1) Party	
(D)	FOR PRESIDENT McGOVERN, George
	FOR VICE PRESIDENT SHRIVER, R. Sargent
(R)	FOR PRESIDENT NIXON, Richard M.
	FOR VICE PRESIDENT AGNEW, Spiro T.
REPRESENTATIVE TO CONGRESS FOR A TERM TO EXPIRE JANUARY 3, 1975 Vote For Not More Than One (1)	
(D)	MATSUNAGA, Spark M.
(R)	ROHLFING, Fred W.
STATE REPRESENTATIVES FOR A TERM TO EXPIRE NOVEMBER 5, 1974 Vote For Not More Than Two (2)	
(D)	AU, Ronald (Ron)
(R)	KONO, Norm N.
(D)	O'CONNOR, Dennis
(R)	SOARES, W. Buddy
MAYOR FOR A TERM TO EXPIRE JANUARY 2, 1977 Vote For Not More Than One (1)	
(R)	ANDERSON, D. G. (Andy)
(D)	FASI, Frank F.

HCS for SENATE BILL 269

HCS for Senate Bill 269 adds a new section which establishes punch card voting.

Section 1.

Rewrites the section which gives permission for the use of punch card in State elections.

Section 2.

Appointment of Officials

Punch card voting requires 3 boards for the proper handling and safeguards for the ballots.

1. Data Processing Review Board is made up of at least 3 members. Two members would be of the same political party as the Governor and the third member would represent the party whose candidate received the 2nd largest number of votes. Two members must have computer expertise. One member must be familiar with the election process. This board is responsible for the testing of the program and for the computer room processing.
2. The receiving team actually receives the ballots from the election board.
3. The control board opens the boxes of ballots and inserts the header and end cards.

Party Representation

There are not many people available with the necessary computer and election knowledge to serve on the Data Processing Review Boards. This section is written as it is for that reason.

Alternate Site

Alternate sites are available in Anchorage and Juneau for the counting of punch card ballots. There is not an alternate site currently available in Fairbanks.

Tests

This section specifies the tests which must be done to insure the accuracy of the counting. Test ballots are punched and hand tallied by the Data Processing Review Board. These punched ballots are then used in the accuracy tests.

Demonstration

A member of the election board is designated to demonstrate the punch to each voter.

Processing at Polling Place

This section specifies the steps the election boards follow in preparing the official ballots for delivery to the computer center. The ballots are inspected and banded before sealing the official ballot container. After sealing the ballot container, the container is placed in a transport box which is secured for delivery to the computer center.

Delivery of Ballots to Computer Counting Center

Two election board members, one from each major political party, transport the sealed container to the receiving team at the counting center.

Receipt of Ballots at Computer Counting Center

The steps to be followed in receiving the ballots from the election boards are set out in this section including such items as checking the seals on the ballot containers, and the logging in of each precinct's ballots.

Receipt of Ballots by Control Board

This section sets up the procedures for receiving the ballots from the control board, removal of the seals, insertion of the header and end cards, and handling of questioned and challenged ballots.

Counting of Ballots by Computer

The procedures to be followed in the computer room by the Data Processing Review Board and the computer operator are set out in this section.

Alternate Site Counting

This section covers the procedures to be followed if a move must be made to the alternate counting site. After sealing all material, it is transported to the alternate site. At the alternate site the computer is tested and all ballots counted. All ballots are counted including any counted at the previous location. After all counting is finished, the ballots are resealed and transported to storage.

Disposition of Ballots

After the official ballots have been counted, the boxes containing the ballots are sealed to be stored. Write-in ballots, questioned and challenged ballot envelopes and facsimile ballots are sealed and delivered to the election supervisor for further processing by the absentee ballot canvass board. The procedures are set out for delivery of the punch card ballots to the Lieutenant Governor.

Report of Partial Results

Partial reports may be provided. The program can be activated to print the information.

Public Observation

The public can observe the punch card counting process through closed circuit television or by direct observation into the computer room.

Interpretation of Ballot Marks

This section sets up the rules to be followed in programming the computer to count the ballots.

SB

290

"An Act relating to rent regulation and control in emergency situations; and providing for an effective date."

COMMITTEE REPORT

4/2/75

HOUSE

FINANCE

Mr. Speaker:

Date

4/2/75

The Committee on JUDICIARY has had SB 290

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

copy

LETTER OF INTENT

In the context of emergency rent controls, it is anticipated that the term "adjustments" in AS 34.06.030 includes the authority in appropriate cases to order "rollbacks" in residential rents.

Original sponsor: Miller, Huber,
Ray and Butrovich

HB 321 added on
Rest of bill is what got
cut out of the rent control
bill last year

Based on New York law

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 290

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rent regulation and control in
7 emergency situations; and providing for an effective
8 date."

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

10 * Section 1. AS 34.06.020 is amended to read:

11 Sec. 34.06.020. DECLARATION OF HOUSING EMERGENCY. (a) In accor-
12 dance with regulations promulgated under sec. 30 of this chapter, when
13 the governor finds that emergency conditions exist with regard to resi-
14 dential rental housing, after public hearings in the area or areas
15 affected, he may by written proclamation declare that a state of housing
16 emergency exists. A housing emergency exists when the rate of vacancies
17 in residential rental housing is so low that there is a substantial
18 impairment of free choice in residential rental housing [OR WHEN THE
19 AVERAGE VACANCIES IN RESIDENTIAL HOUSING RENTALS FALLS BELOW THREE PER
20 CENT IN THE AREA, OR AREAS, AFFECTED AND REMAINS BELOW THREE PER CENT
21 FOR A PERIOD OF AT LEAST 90 DAYS]. The proclamation shall state the
22 nature of the housing emergency, the area or areas affected, and shall
23 be published generally through the state in the manner provided by law.
24 When the state of emergency no longer exists, the governor shall issue a
25 written proclamation stating this fact and publish it generally through-
26 out the state in the manner provided by law.

27 (b) After the governor issues [ON ISSUING] a proclamation of a
28 housing emergency, the attorney general [GOVERNOR] may invoke the pro-
29 visions of this chapter to regulate and control residential rents and

1 evictions in some parts or all of the state.

2 * Sec. 2. AS 34.06.030 is amended to read.

3 Sec. 34.06.030. SCOPE OF EMERGENCY HOUSING REGULATIONS. Subject
4 to the Administrative Procedure Act (AS 44.62), the attorney general
5 [COMMISSIONER OF COMMERCE], who is charged with the administration of
6 this chapter, shall promulgate regulations concerning the control of
7 residential rents, including but not limited to provision for the estab-
8 lishment and adjustment of maximum rents, the classification of residen-
9 tial housing accommodations, [AND] the regulation of evictions and the
10 standards for issuance of certificates of eviction.

11 * Sec. 3. AS 34.06 is amended by adding a new section to read:

12 Sec. 34.06.035. INVESTIGATIONS. (a) The attorney general may
13 make studies and conduct investigations and hearings when necessary for
14 the enforcement of the provisions of this chapter.

15 (b) The attorney general may administer oaths and affirmations,
16 and, when necessary, may issue subpoenas and order a person to appear
17 and testify, or appear and produce documents, at any designated place.
18 If a person refuses to obey a subpoena served upon him by the attorney
19 general, the superior court of the judicial district in which that
20 person resides or transacts business may issue an order requiring him to
21 appear and testify, produce documents, or both. Failure to obey an
22 order of the superior court is punishable by the court as contempt.

23 * Sec. 4. AS 34.06 is amended by adding new sections to read:

24 Sec. 34.06.041. PROHIBITIONS. (a) During a proclaimed housing
25 emergency, regardless of any existing contract, lease or other agree-
26 ment, no person may demand or receive rent for a residential housing
27 accommodation in excess of the maximum rent established for the accom-
28 modation by the attorney general by regulation, or to perform or omit to
29 perform an act which violates this chapter or a regulation or order

1 issued under this chapter. However, the attorney general may by regu-
2 lation permit increases in the maximum rent established under this
3 subsection to allow for increases in local property taxes, actual
4 maintenance costs, or charges for utility services including but not
5 limited to heat, water, electricity, natural gas, garbage or other solid
6 waste disposal services when supplied by the landlord.

7 (b) During a proclaimed housing emergency, no person may remove or
8 attempt to remove from a residential housing accommodation the tenant or
9 occupant of the accommodation or refuse to renew the lease or agreement
10 for the use of the accommodation because the tenant or occupant has
11 taken or proposes to take action authorized by this chapter or a regu-
12 lation or order issued under it.

13 (c) During a proclaimed housing emergency no landlord or person
14 acting on his behalf, with intent to cause a tenant to vacate, may
15 engage in a course of conduct including but not limited to interruption
16 or discontinuance of essential services which interferes with or is
17 intended to interfere with the quiet enjoyment of the tenant in his use
18 or occupancy of a residential housing accommodation.

19 (d) No officer, employee, agent, or consultant of the department
20 may disclose, other than in the course of his official duty under this
21 chapter, information obtained under this chapter or use any of that
22 information for his personal benefit.

23 Sec. 34.06.042. INJUNCTIVE RELIEF. When a person has engaged or
24 is about to engage in acts or practices which constitute or will con-
25 stitute a violation of this chapter or a regulation or order issued
26 under it, a tenant or the department may apply to the superior court in
27 the judicial district where the alleged violation has occurred or is
28 about to occur for an order enjoining these acts or practices, or for an
29 order enforcing compliance with this chapter or the regulations or

1 orders issued under it, or for an order directing the landlord to
2 correct the violation. Upon a showing that a person has engaged in or
3 is about to engage in a violation a permanent injunction, temporary
4 restraining order, or other appropriate order shall be granted without
5 bond.

6 Sec. 34.06.043. CRIMINAL PENALTIES. A person who wilfully vio-
7 lates a provision of this chapter or a regulation or order issued under
8 it is guilty of a misdemeanor and upon conviction is punishable by a
9 fine of not more than \$2,500, or by imprisonment for not more than one
10 year, or by both.

11 Sec. 34.06.044. ACTION FOR DAMAGES. (a) If a landlord violates
12 a provision of this chapter or a regulation or order issued under it,
13 an aggrieved tenant, within one year from the date of the violation, may
14 bring an action against the landlord for damages, except as provided in
15 this section. In an action for damages the landlord is liable for
16 reasonable attorney fees and costs as determined by the court, plus
17 whichever of the following sums is the greater: (1) an amount not more
18 than three times the damages upon which the action is based, as the
19 court in its discretion may determine; or (2) \$100.

20 (b) If a landlord violates a provision of this chapter or a regu-
21 lation or order issued under it and the aggrieved tenant fails to insti-
22 tute an action under (a) of this section within 90 days from the date of
23 the violation, the department may bring an action under this section
24 within one year from the date of the violation, and for damages provided
25 in (a) of th's section. If the department brings the action, the
26 tenant affected is barred from bringing an action for the same viola-
27 tion, unless the action brought by the department has been dismissed
28 without prejudice. If judgment is rendered in favor of the department,
29 the department shall pay the affected tenant one-third of the recovery,

1 exclusive of costs and attorney fees.

2 (c) A judgment in an action for damages under (a) or (b) of this
3 section is a bar to recovery in any other action under this section
4 against the same landlord for the same violation.

5 (d) A tenant who has vacated his residential housing accommodation
6 because the landlord or person acting on his behalf intentionally
7 engaged in a course of conduct, including but not limited to interrup-
8 tion or discontinuance of essential services, which interfered with the
9 quiet enjoyment of the tenant in his use or occupancy of the residential
10 housing accommodation, may within 90 days after vacating apply for a
11 determination from the department that the housing accommodation was
12 vacated as a result of that conduct, and may within one year after the
13 determination bring an action against the landlord by reason of his
14 misconduct under this subsection. In this action the landlord is liable
15 to the tenant in an amount not more than three times the damages sus-
16 tained on account of the landlord's misconduct plus reasonable attorney
17 fees and costs as determined by the court. In addition to any other
18 damages the cost of removal and storage of property and any increase in
19 rent is a lawful measure of damages.

20 Sec. 34.06.045. CERTIFICATE OF EVICTION. During a proclaimed
21 housing emergency the department, upon application by the landlord,
22 shall issue a certificate of eviction if it finds that the reasons given
23 by the landlord are reasonable and consistent with the purposes of this
24 chapter. If after the department has granted a certificate of eviction
25 allowing the landlord to pursue his legal remedies to acquire posses-
26 sion, the landlord evicts the tenant and permits use of the residential
27 housing accommodation in any manner other than contemplated in the
28 eviction certificate, unless good cause is shown, the landlord is liable
29 to the tenant in an amount not more than three times the damages sus-