

EXECUTIVE ORDERS 42, 43, and 47 - SUB 42

SENATE  
JUDICIARY  
1979-80

1979-1980

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EXECUTIVE

ORDERS

42, 45, 47

January 30, 1980

Clem V. Tillion,  
President of the Senate  
Room 101 Capital Building  
Juneau, Alaska

Dear Mr. President:

On January 29, 1980, the Senate Judiciary Committee considered Executive Orders 42, 45 and 47, all of which are to become effective July 1 of this year.

The orders respectively involve transferring the Public Defender's Office from the Governor's Office to the Department of Administration, transferring the Alaska Police Standards Council from the Office of the Governor to the Department of Public Safety, and transferring the recording function and the Uniform Commercial Code filing function from the Department of Commerce and Economic Development to the Department of Natural Resources.

All agencies and departments concerned were notified of the hearing and personal contact was made with each; no objections to any of the Executive Orders were made.

The Committee therefore feels that the Executive Orders should take effect as the Governor has ordered.

Respectfully submitted,

  
\_\_\_\_\_  
SENATOR ZIEGLER, CHAIRMAN

  
\_\_\_\_\_  
SENATOR BENNETT, MEMBER

  
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SENATOR DANKWORTH, MEMBER

  
\_\_\_\_\_  
SENATOR MELAND, MEMBER

  
\_\_\_\_\_  
SENATOR RAY, MEMBER

January 30, 1980

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SENATOR DANKWORTH, MEMBER

  
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SENATOR RAY, MEMBER

  
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SENATOR BENNETT, MEMBER

  
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SENATOR MELAND, MEMBER

SENATE & HOUSE JOINT  
JOURNAL SUPPLEMENT

January 14, 1980

Monday

No. 1

EXECUTIVE ORDER NO. 62

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the Alaska Public Offices Commission from the lieutenant governor's office to the Department of Administration.

\* Sec. 2. AS 15.13.020(a) is amended to read:

(a) There is created in the Department of Administration [OFFICE OF THE LIEUTENANT GOVERNOR] the Alaska Public Offices Commission consisting of five members.

\* Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the executive director and staff of the Alaska Public Offices Commission.

\* Sec. 4. Administrative regulations of the Alaska Public Offices Commission, currently located in Title 6 of the Alaska Administrative Code, remain in effect and are to be relocated to Title 2 (Department of Administration).

\* Sec. 5. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Juneau, Alaska

s/ JSW

Jay M. Hammond  
Governor

## EXECUTIVE ORDER NO. 42

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the Public Defender's Office from the governor's office to the Department of Administration.

\* Sec. 2. AS 18.85.010 is amended to read:

Sec. 18.85.010. PUBLIC DEFENDER AGENCY ESTABLISHED. There is created in the Department of Administration [OFFICE OF THE GOVERNOR] a Public Defender Agency to serve the needs of indigent defendants.

\* Sec. 3. AS 39.25.120(5) is amended to read:

(5) all employees of the Office of the Governor and the lieutenant governor, including the staff of the governor's mansion [AND THE ATTORNEY MEMBERS OF THE STAFF OF THE PUBLIC DEFENDER AGENCY, BUT NOT INCLUDING THE NONATTORNEY MEMBERS OF THE STAFF OF THAT AGENCY];

\* Sec. 4. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the attorney members, but not the non-attorney members, of the staff of the public defender agency in the Department of Administration.

\* Sec. 5. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Juneau, Alaska

s/ JSR  
Jay B. Hammond  
Governor

## EXECUTIVE ORDER NO. 43

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the Alaska Historical Commission from the governor's office to the Department of Education.

\* Sec. 2. AS 44.19.461 -- 44.19.501 are repealed.

\* Sec. 3. AS 44.27 is amended by adding new sections to read:

ARTICLE 2. ALASKA HISTORICAL COMMISSION.

Sec. 44.27.040. CREATION. There is created in the Department of Education the Alaska Historical Commission.

Sec. 44.27.050. COMPOSITION. The Alaska Historical Commission consists of four members appointed by the governor, ex officio the lieutenant governor, and ex officio the executive director who may not vote. The lieutenant governor shall serve as chairman.

Sec. 44.27.060. APPOINTMENT. The governor shall make his appointments from a list of recommended nominees submitted to him each year by the Alaska Historical Society. In the first year of the commission the list of nominees shall contain at least eight names and in each subsequent year the list shall contain at least four names. A person who has served on the commission may be renominated.

Sec. 44.27.070. TERMS OF OFFICE. The term of office for each appointed member of the commission is two years; however, of the members first appointed, two shall serve for one year and two shall serve for two years. When a member's term has expired and a replacement has not been appointed, the member shall continue to serve until a replacement is appointed.

Sec. 44.27.080. COMPENSATION. The members of the commission are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as state officials and employees.

Sec. 44.27.090. DUTIES OF THE COMMISSION. The duties of the commission are to

- (1) survey, evaluate, and catalog Alaska prehistory and history materials now in print;
- (2) ascertain and register what Alaska prehistory and history work is now in progress;
- (3) identify the existing gaps in the coverage of Alaska's past in presently available published works and establish priorities for bridging them;
- (4) prepare a thematic study of Alaska's history for historic preservation;
- (5) identify the sources of Alaska's history;
- (6) coordinate the production and publication of works that will adequately present all aspects of Alaska's past; and

(7) cooperate with the federal government in programs relating to history and archaeology.

Sec. 44.27.100. REPORTS. The commission shall make an annual report to the governor.

Sec. 44.27.110. EXECUTIVE DIRECTOR. The commission shall appoint, subject to approval by the governor, an executive director who is to be in the partially exempt service as set out in AS 39.25.120. The executive director shall serve as the executive officer of the commission in the accomplishment of its functions. He serves at the direction and at the pleasure of the governor.

Sec. 44.27.120. GIFTS AND INCOME. (a) There is established in the state general fund a special Alaska Historical Commission receipts account into which shall be paid:

(1) all monetary gifts, grants, and bequests received by the commission;

(2) all royalties and other income which the commission receives from its projects.

(b) The legislature may appropriate funds from this account for commission projects.

\* Sec. 4. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the executive director of the Alaska Historical Commission.

\* Sec. 5. Contracts and proceedings entered into by the commission are not affected by the relocation made by this order.

\* Sec. 6. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Jureau, Alaska

s/ JSH  
Jay R. Hammond  
Governor

EXECUTIVE ORDER NO. 44

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the Alaska State Council on the Arts from the governor's office to the Department of Education.

\* Sec. 2. AS 39.50.200(9)(J) is amended to read:

(B) Alaska State Council on the Arts (AS 44.27.040)  
[(AS 44.19.900)];

\* Sec. 3. AS 44.19.900 -- 44.19.950 are repealed.

\* Sec. 4. AS 44.27 is amended by adding new sections to read:

ARTICLE 2. ALASKA STATE COUNCIL ON THE ARTS.

Sec. 44.27.040. CREATION. There is created in the Department of Education an Alaska State Council on the Arts.

Sec. 44.27.050. COMPOSITION. The Alaska State Council on the Arts consists of 11 members, broadly representative of all fields of the performing, visual, and fine arts, who are widely known for their competence and experience or interest in connection with the performing, visual, and fine arts.

Sec. 44.27.060. APPOINTMENT. The members are to be appointed by the governor from among citizens of Alaska. In making the appointments, consideration must be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing, visual, and fine arts generally. In making the appointments consideration must also be given to having state-wide geographical representation on the council. The members of the council serve at the pleasure of the governor and their appointments are not subject to legislative confirmation.

Sec. 44.27.070. TERMS OF OFFICE. The term of office of each member is three years; however, of the members first appointed, three are to be appointed for terms of one year, four for terms of two years, and four for terms of three years. All vacancies are to be filled for the balance of the unexpired term in the same manner as original appointments.

Sec. 44.27.080. COMPENSATION. The members of the council are not entitled to receive compensation for their services, but they are entitled to receive the same travel pay and per diem as provided by law for board members.

Sec. 44.27.090. CHAIRMAN AND VICE-CHAIRMAN. The governor shall designate a chairman and a vice-chairman from the members of the council to serve as such at the pleasure of the governor. The chairman shall be the chief executive officer of the council.

Sec. 44.27.100. DUTIES OF COUNCIL. The duties of the council are

- (1) to stimulate and encourage throughout the state the study and presentation of the performing, visual, and fine arts and public interest and participation;
- (2) to make surveys, which are considered advisable, of public and private institutions engaged in the state in artistic and cultural activities, including but not limited to music, theatre, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state;
- (3) to take steps necessary and appropriate to encourage public interest in the cultural heritage of our state and to expand the state's cultural resources;
- (4) to encourage and assist freedom of artistic expression essential for the well being of the arts;
- (5) to recommend to the governor a list of persons for consideration for appointment to the Advisory Council on Cultural Facilities, in accordance with AS 44.33.400.

Sec. 44.27.110. POWERS OF COUNCIL. The council is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs; to accept gifts, contributions, and bequests of

unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs; to make and sign -- agreements and to do and perform any acts necessary to carry out the purposes of AS 44.27.040 -- 44.27.140. The council may request and is entitled to receive from any department, division, board, bureau, commission, or agency of the state the assistance and data which will enable it properly to carry out its powers and duties. The council is authorized to receive state funds made available for its purposes.

Sec. 44.27.120. POWERS OF CHAIRMAN. Subject to available appropriations the chairman may, with the concurrence of a majority of the council, employ necessary personnel and may contract for the services of experts and other persons who may be needed.

Sec. 44.27.130. REPORTS. The council shall report to the governor and the legislature not later than November 1, 1966, and from time to time thereafter.

Sec. 44.27.140. NATIONAL ENDOWMENT FUNDS. The council is the official agency of this state to receive and disburse funds made available by the National Endowment for the Arts.

\* Sec. 5. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the chief executive officer, but not other staff, of the Alaska State Council on the Arts.

\* Sec. 6. Contracts and proceedings entered into by the council are not affected by the relocation made by this order.

\* Sec. 7. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Juneau, Alaska

s/ JBH  
Jay S. Hammond  
Governor

## EXECUTIVE ORDER NO. 45

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to transfer the Alaska Police Standards Council from the governor's office to the Department of Public Safety.

\* Sec. 2. AS 18.65.140 is amended to read:

Sec. 18.65.140. CREATION. There is created in the Department of Public Safety [OFFICE OF THE GOVERNOR] the Alaska Police Standards Council.

\* Sec. 3. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the administrator of the Alaska Police Standards Council.

\* Sec. 4. Administrative regulations of the Alaska Police Standards Council, currently located in Title 6 of the Alaska Administrative Code, remain in effect and are to be relocated to Title 13 (Department of Public Safety).

\* Sec. 5. This order takes effect July 1, 1980.

DATED: JANUARY 14, 1980  
Juneau, Alaska

/s/ JSH  
Jay S. Hammond  
Governor

## EXECUTIVE ORDER NO. 46

Under the authority of Article III, Section 23, of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interest of efficient administration to transfer the Alaska Council on Science and Technology from the governor's office to the Department of Environmental Conservation.

\* Sec. 2. AS 44.19.181 -- 44.19.189 are repealed.

\* Sec. 3. AS 44.46 is amended by adding new sections to read:

ARTICLE 4. ALASKA COUNCIL ON SCIENCE AND TECHNOLOGY.

Sec. 44.46.070. COUNCIL ESTABLISHED. (a) There is established in the Department of Environmental Conservation the Alaska Council on Science and Technology. The council consists of seven members who are appointed by the governor upon the recommendations of the state's scientific, engineering, and related communities and organizations. Members have overlapping three-year terms, except that, of the first members, two have terms of one year, two have terms of two years, and three have terms of three years. Two members shall be selected from different executive departments of state government having significant research activities, two members shall be selected from the Alaska academic community, two members shall have significant activities or direct interests in research and shall be selected from the general public, and one member shall be selected from the staff of the legislature. The council shall elect one of its members as chairman. A chairman may be elected for successive terms as chairman and serves until his successor is designated. Four members constitute a quorum.

(b) Council members receive no compensation but are entitled to the travel and per diem provided by law for members of boards or commissions.

Sec. 44.46.080. PURPOSE, POWERS, AND DUTIES. (a) The purpose of the council is to review and recommend the scientific and technological research needs of state government, to issue research grants and contracts, to oversee the issued grants and contracts, to promote high standards of research for the priorities proposed by the council, and to address stated legislative or administrative requests for research.

(b) The council may

- (1) apprise itself of local, state, federal, and private research programs, activities, and needs;
- (2) convene committees, task forces, conferences, public hearings, and other meetings necessary to carry out the council's purposes;
- (3) award research grants and contracts on a fair and competitive basis and administer those grants and contracts;
- (4) enter into agreements creating one or more systems of information exchange with any appropriate research funding sources;

(5) at the request of any state agency, enter into and administer, but not perform, the research under research grants and contracts funded by that state agency;

(6) investigate the need for and when necessary establish advisory committees for reviewing its program;

(7) request and receive from any agency of the state government the assistance and data needed to carry out the requirements of this section;

(8) hire an executive director and staff that may be necessary to implement AS 44.46.070 -- 44.46.110.

(c) The council shall

(1) develop methods of surveying research needs of the state, based on the present and future information needs of policy makers, state agencies, and the public at large;

(2) annually review the research needs and propose priorities for funding;

(3) annually submit to the governor and the legislature the findings of the council, including a listing, description, ranking, and justification of research needs, and a commentary on significant research activities of the preceding year funded by the state and including the relationship of that research to the state's needs and priorities;

(4) promote and enhance standards for research activities for which the council has administrative oversight;

(5) establish review procedures for research proposals;

(6) at the request of either the governor or the legislature, advise in a timely fashion on inquiries concerning scientific investigation or comment;

(7) evaluate and forward to appropriate agencies and persons products of research activities funded by the council; the council shall prepare comments to accompany research reports summarizing the applications, importance, or further research needs demonstrated by the findings of council-supported research;

(8) coordinate its data and information needs with other research organizations in order to avoid unnecessary duplication;

(9) not conduct any research itself other than that necessary to further the purpose of the council as provided in (a) of this section;

(10) supply to any person or agency requesting assistance the available information on past or present research activities for which the council has information, except that the council shall not release information which may endanger the acceptance of any research proposal which is at the time competing with other proposals for funding.

(d) The council may, as funds are appropriated, make grants of financial assistance of up to \$5,000 to persons engaged in the development or implementation of northern technology. An application for a grant under this subsection shall be submitted to the council which shall determine the manner in which applications are reviewed and approved. The council may make grants in coordination with other sources of funding. An applicant for funds for a demonstration project shall include with his application a statement that the completed project will be available for public inspection. Any patents or royalties accruing from projects funded through grants made by the council remain the property of the individual receiving the grant.

Sec. 44.46.090. RECORDS, REPORTS. (a) The council shall have its financial records audited by an independent certified public accountant. The internal auditor and legislative auditor shall jointly prescribe the form and content of the financial records of the council and shall be afforded access to these records at any time.

(b) Before January 15 of each year, the council shall submit to the governor and the legislature a comprehensive report describing operations and expenditures and the status of grants and contracts for the last preceding fiscal year.

(c) The provisions of AS 09.25.110 -- 09.25.120 apply to the council.

Sec. 44.46.100. DEFINITIONS. In AS 44.46.070 -- 44.46.110,

(1) "council" means the Alaska Council on Science and Technology established in AS 44.46.070;

(2) "northern technology" means the application in Alaska

of methods of energy generation, waste disposal, recycling, food production, transportation, building design, and industrial enterprise which may be more efficient, and less costly, and less energy intensive than those methods presently utilized and which are appropriate to the Alaska environment.

Sec. 44.46.110. SHORT TITLE. AS 44.46.070 -- 44.46.110 may be cited as the Science and Technology Act.

\* Sec. 4. AS 39.25.120 is amended by adding a new paragraph to read:

(12) the executive director, but not other staff, of the Alaska Council on Science and Technology located in the Department of Environmental Conservation.

\* Sec. 5. As provided in sec. 8, ch. 56 SLA 1979, subsec. (d) of AS 44.46.080, as enacted in sec. 3 of this order, terminates June 30, 1984.

\* Sec. 6. Contracts and proceedings entered into by the council are not affected by the relocation made by this order.

\* Sec. 7. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Juneau, Alaska

s/ JSH  
Jay S. Hammond  
Governor

#### EXECUTIVE ORDER NO. 47

Under the authority of Article III, Section 23 of the Constitution of the State of Alaska, and in accordance with AS 24.30.130(b), I order the following:

\* Section 1. Findings. As governor, I find that it would be in the best interests of efficient administration to transfer the recording function and the Uniform Commercial Code filing function from the Department of Commerce and Economic Development to the Department of Natural Resources.

\* Sec. 2. AS 44.37.020 is amended to read:

Sec. 44.37.020. DUTIES OF DEPARTMENT WITH RESPECT TO NATURAL RESOURCES. (a) The Department of Natural Resources shall administer the state program for the conservation and development of natural resources, including forests, parks, and recreational areas, lands, waters, agriculture, soil conservation and minerals (including petroleum and natural gas), but excluding commercial fisheries, sport fish, game, and fur-bearing animals in their natural state.

(b) The Department of Natural Resources shall administer and maintain a recording system established under the laws of this state.

\* Sec. 3. AS 44.37 is amended by adding a new section to read:

Sec. 44.37.025. RECORDING. (a) The Department of Natural Resources shall adopt regulations, establishing, modifying, or discontinuing recording districts or precincts and prescribing the records to be maintained and the instruments to be recorded.

(b) The department shall engage and compensate recorders and deputy recorders, prescribe and account for recording fees, and do all other things necessary to maintain the recording system established under the laws of this state.

(c) The department, with the concurrence of the administrative director of courts, may appoint judicial employees to record documents in locations where the department has no employees available to serve as recorders.

\* Sec. 4. AS 45.05.734(e) is amended to read:

(e) The requirements of AS 45.05.768(a)(1) and (2), 45.05.772(b), (c), and (e), and 45.05.780 [SECS. 768(a)(1) AND (2), 772(b), (c), AND (e) AND 780 OF THIS CHAPTER] do not apply to a security interest in personal property of any description created by a deed of trust or mortgage made by a corporation primarily engaged in the business of a common carrier by rail, the furnishing of telephone or telegraph service, the transmission of oil, gas or petroleum products by pipeline, or the production, transmission or distribution of electricity, steam, gas, or water, but this security interest may be perfected under AS 45.05.690 -- 45.05.794 [SECS. 690-794 OF THIS CHAPTER] by filing the deed of trust or mortgage in the office of the commissioner of the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT]. When filed, the instrument remains effective until terminated, without the need for filing a continuation statement. Assignments and releases of the instrument may also be filed in the office of the commissioner of the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT]. This commissioner is a filing officer for the foregoing purposes, and the uniform fee for filing, indexing and furnishing filing data under this subsection is \$10.

\* Sec. 5. AS 45.05.768(a)(3) is amended to read:

(3) in all other cases, in the office of the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT].

\* Sec. 6. AS 44.33.020(22) and 44.33.025 are repealed.

\* Sec. 7. Sec. 3, ch. 118 SLA 1976 is amended to read:

Sec. 3. The recording districts established by the supreme court in effect on January 1, 1977 shall remain in effect until regulations establishing, modifying, or discontinuing recording districts or products have been adopted by the Department of Natural Resources [COMMERCE AND ECONOMIC DEVELOPMENT].

\* Sec. 8. This order takes effect July 1, 1980.

DATED: January 14, 1980  
Juneau, Alaska

S/ JSH  
Jay S. Hammond  
Governor

SB

7

# COMMITTEE REPORT

## SENATE

FURTHER: None

1/15/79

Date: 3/13/79

Mr. President:

The Committee on JUDICIARY has had SENATE BILL NO. 7  
relating to judicial forfeitures

under consideration and (a majority of the committee) ~~(the committee)~~  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 11  same title  
 new title
- and recommends SB 11
- AND attached a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_ CHAIRMAN

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 12, 1979

SUBJECT: Substitute for SB 7; Judicial Forfeitures  
TO: Senator Bill Sumner  
FROM: Richard A. Bradley  
Legislative Counsel *B*

In the interests of time, I have not done a sectional analysis of the changes proposed. Rather, some points may be noted:

(1) The material at lines 17 - 23 of your bill, to which no amendment of substance had been proposed, is the area that the substitute proposes to clarify and change.

(2) The existing law on this subject is not altogether clear, and, to that extent, at least, the proposal represents a substantial clarification. Whether it represents an improvement, I leave to your judgment.

(3) Existing law allows ~~that~~ any forfeiture to be handled as part of the case against the defendant when violations of fish and game laws are prosecuted:

(A) The violator may be prosecuted, as under any other criminal law.

(B) The tools and transportation utilized may be forfeited as may the illegally taken fish and game, if a conviction results. Both events occur in the same proceeding. Graybill v. State, 545 P.2d 629 (1976).

In fact, the Supreme Court suggested in Graybill that it saw no need for a separate forfeiture proceeding since the issue decided in the main trial -- guilt or innocence -- was finally determined in that proceeding and could not be relitigated in separate proceedings because of the judicial doctrine of collateral estoppel.

(4) The proposed amendments take the proceedings in (3)(A) and (B) and allow the state to separate them; they also deal explicitly with the prerogatives of "innocent" owners of the property seized.

(5) I have some policy reservations about the provision on page 2 providing that it is "no defense" that the "criminal action. . ." "has resulted in. . . acquittal. . ."

In paragraph (8) below, I raise the question whether in the presence of adequate fines and imprisonments, forfeiture does not constitute an unnecessary remedy for the state's use.

In this paragraph, I suggest that the state should not get a "second chance" against a defendant if he is acquitted in the personal litigation.

And the full logic of this reservation calls into question the entire logic of allowing an independent rem action. Rather, the state should, at most, be allowed to proceed against the tools of the crime in the actual case against the defendant. This kind of policy determination by the committee would require amendment of the proposed substitution. Note that the single action is the present law; separation of the case into two actions is the result of the amendment.

(6) Sec. 190(d) [page 2, lines 8 - 13] allows a civil action for damages. Whether this is viewed as a new authorization or confirmation of an existing authority, I do not know. I do believe that the authority is reasonable.

If allowed, I would suggest that it not be joined with any action for a forfeiture. I think the issues in the civil claim for damages should not be confused with the criminal claims in a forfeiture case. Graybill, supra, recognizes that forfeiture is essentially a criminal complaint.

(7) At this point, I see no other subtleties to these procedures. They seem straightforward and do not seem to merit explanation. Whether you consider them wise policy, I leave to your judgment.

(8) One possibly irrelevant point, I am unaware why prosecutors need these prosecution tools in fish and game [and in drug] cases; either forfeit cars used in rape or bank robbing cases or eliminate the forfeiture proceedings in all cases and rely on fines and imprisonment to do justice. Perhaps the state can advise why it needs these special remedies in these cases.

RAB: jdn

**BILL ANALYSIS**

ASSIGNMENT DATE 1/12/79

UNASSIGNED \_\_\_\_\_

<b>DEPARTMENT</b> PUBLIC SAFETY	<b>SPONSOR (PRINCIPAL)</b> SUMNER	<b>BILL NO.</b> SB7
<b>DEPARTMENT POSITION</b> Oppose		
<b>DIVISION DIRECTOR</b> Woldstad	<b>DATE</b> 1/19/79	<b>COMMISSIONER</b> <i>W. J. ...</i>
<b>DATE</b> 1-22-79		
<b>Governor's Office Use</b>		
<input type="checkbox"/> POSITION NOTED <input type="checkbox"/> POSITION APPROVED <input type="checkbox"/> POSITION DISAPPROVED		
BY: _____ DATE: _____		
<b>SUMMARY</b>		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		Unknown
(2) OTHER AGENCIES AFFECTED BY BILL		Unknown
(2) a. ORGANIZATIONAL SUPPORT FOR BILL		(2) b. ORGANIZATIONAL OPPOSITION TO BILL
None Known		None Known
(3) PROGRAM EFFECTS OF BILL Program effects could be substantial to the successful enforcement of a number of the Laws and Regulations pertaining to commercial use of resources, particularly in commercial fisheries and guiding. The prohibition dealing with hunting the same day airborne will be effected.		
(4) FISCAL IMPACT: <input checked="" type="checkbox"/> NONE <input type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED: No amendments proposed.		

(6) COMMENTS:

(Attached)

## 6. COMMENTS

Senate Bill 7 is a copy of and reintroduction of Senate Bill No. 523 introduced by the Rules Committee in the Tenth Legislature, second session. Comments that were applicable at that time are still pertinent to the issue and are repeated again in total by various members of Headquarters Staff.

(WOLDSTAD) - The new Section 16.05.197, LIMITATIONS ON CONFISCATION OR FORFEITURE would, for all intents and purposes, eliminate the notion of forfeiture of vessels, aircraft or other motor vehicles used in the commission of crime against resources, plus curtails confiscation to the degree it would be foolhardy to even attempt such action. This legislation is an attempt by the commercial business person or common carrier to protect and shield any operator/owner from responsibility for the acts committed through the use of the vehicular equipment regardless of the operator. The Bill, in effect, destroys the present statutory provisions of Sec. 16.05.190, which has been in existence since 1959.

A common business practice that has been used most frequently is to place ownership of real property and equipment in a neutral name far removed from normal business jeopardy. Any guide or common carrier could place ownership of his aircraft or mobile equipment in the name of a spouse or relative and protect his equipment from both seizure and forfeiture as the state could not then establish that the owner or person legally in charge was a consenting party to unlawful acts or privy to information concerning unlawful acts.

Under present penalty systems, the value of the State resources often exceeds the maximum penalty allowed when resource violators are found guilty of unlawful acts. It is not uncommon for the fruits of an unlawful act in resources to far exceed the maximum penalty if apprehended.

The threat of seizure and possible forfeiture upon completion of legal procedures has caused an effective deterrent to be created. Passage of this Senate Bill would make a mockery of any progress made to this point for the benefit of a commercial operator at the expense of the resources.

(ROBERTS) - This bill would eliminate the deterrent effect that the present law offers. Paragraph (a) - There is no need for this paragraph. If the State does not feel that an operator of a vessel, airboat, riverboat, ATV, or a pilot of an aircraft does not have knowledge that a crime was committed, he will not be prosecuted. If there is reasonable cause for prosecution and a conviction is obtained, it is at the discretion of the court as to whether the court will forfeit the air, land, or water vehicle used in committing the violation. The protection the sponsors of the Bill are seeking is a ready built into the existing law. It is not wise legislating to add additional language to any law that is already clear. Confusion is frequently the result of adding additional language.

Paragraph (b) - The response to this paragraph has to be pretty much the same as above. The court is not going to forfeit property used in committing a crime if that property was stolen from another individual and that individual was the legal owner at the time the property was stolen. Passage of this would make null and void 16.05.195(a)(2). The violator would simply claim he did not know who was using the equipment. "Persons unknown must have been using it without my permission."

## 6. COMMENTS

(ROBERTS, Cont.)

Paragraph (c) - All guides, commercial fishermen and transporters would have their equipment registered in someone else's name. No longer would the court be able to levy a penalty that would befit the crime of taking game or fish illegally for commercial purposes. If this amendment is passed we would have no alternative but to seek legislation that would make it a felony to violate a law or regulation that covers commercial fishing or guiding.

The net profits from successful violators range from a few thousand dollars to hundreds of thousands of dollars for one individual. By successful violation I mean two things: (1) a violation that is not detected and hence no prosecution, and (2) where/if a prosecution is forthcoming, the penalty is so slight in comparison to the illegal profits that it makes violating worthwhile.

Paragraph (d) - This would automatically reduce the penalty to the violator. The lien holder would receive the forfeited equipment, sell it to cover his interest and the defendant would be relieved of the penalty. It is the obligation of the individual who obtains the loan to pay the lien holder through agreed monthly payments, insurance coverage, etc., or the lien holder could take legal action to obtain the balance due.

If it is solely the desire of the sponsor to protect the lending institutions, then I feel that an amendment to the Commerce laws would be more appropriate. Laws for the protection of our wildlife resources should not be weakened.

It is always interesting to me to notice that the honest fisherman, guide, common carrier, citizen is not the one to seek changes to penalty laws. It is always those whose intent it is to violate the law. The honest operator has nothing to fear.

(NUTGRASS) - There have been many incidences where vessels have been found in closed waters to commercial fishing. Location, pictures and officer observations established the illegal act; however, due to circumstances beyond the officers' control, personal contact with the unidentified perpetrators was not possible. Therefore, only the vessel found in the illegal act was positively identified. The State had no legal recourse until it was recognized and State Legislature enacted a statute that provides the State with the tool of in Rem action against an item found in the commission of an illegal act.

We are looking at a diminishing resource, the value which is incalculable. The fleets are modern and highly mobile and efficient in their ability and method of taking fishery resources of this State.

The issue here is not only economical protection for persons who would loan money or lease equipment to individuals who through their business endeavors take fish and game resources of this State, contrary to State statutes and regulations.

The State has an invested interest and responsibility to manage and protect her fish and game resources. Section 197 is not in the best interest of the State's resources or the people of this State or any state in the U. S.. Each day articles are found in newspapers reporting the 200 mile limit and the government's increasing patrol vehicles to Alaska for the protection of the fishery resources. It makes little sense that the fishery resources are protected from 3 miles to 200 miles, and yet inside 3 miles little or no concern is shown.

## 6. COMMENTS

(NUTGRASS, Cont.)

This Bill shows no concern for the resources of this State and is directed towards a special interest group more concerned with their economical protection, which in turn provides protection for those and the equipment to commit illegal acts, and the State has no redress.

The same equipment could repeatedly be found in violation and because of the State's inability to establish the owner's knowledge of the illegal acts could not take legal action against the equipment nor prevent the equipment in the present or future from decimating the State's valuable resources.

In regards to an illegal guide operation, the aircraft that would be used for taking game illegally could never be forfeited under Section 197 because the guide, to insure his aircraft, would not fly it or have his name on the registration as owner.

(SHARP) - The proposed amendments to A.S. 16.05.190 and the addition of Section No. 2, 16.05.197(a)(b)(c)(d) relating to prohibiting confiscation or forfeitures in certain instances of vessels, aircraft or motor vehicles used in violation of fish and game laws or regulations is almost totally unacceptable for purposes of effective fish and game law enforcement.

1. The opportunity to confiscate or forfeit equipment apprehended in violations of fish and game laws or regulations, whether a common carrier or private person, is a powerful deterrent in violating these laws. In most cases, the only deterrent. To prove that the owner or person legally in charge of the equipment consented or had knowledge that the equipment was to be used in violation of the laws or regulations is unrealistic to expect. In every case, the owner or person in charge of the equipment would undoubtedly deny knowledge that the equipment was to be used illegally. Any reasonable person would do the same since if he admitted he knew that it was to be used illegally it could or would lead to the confiscation or forfeiture of the equipment. Proving prior knowledge would be almost impossible. The person operating that equipment must be the responsible person. If a vessel, aircraft or motor vehicle is used without the owner's consent to knowledge and is confiscated or forfeited the person who used that equipment in violation of laws or regulations should be civilly liable to the owner, not the State. This also applies to Sections (a), (c) and (d).

A comment on Section (d). If I were to use my car in violation of laws or regulations and a bank is the lienholder, my car should be subject to confiscation and forfeiture by the State. If it is forfeited to the State, I still owe the lienholder the full amount I owe. They are not the loser, I am. That makes me think twice before I use the equipment in violation of the law. A strong preventative force.

Under Section (b) of 16.05.197, it is the only section I agree with. If the vessel, aircraft or vehicle is stolen or otherwise unlawfully in possession of someone who is apprehended violating the law while using that equipment, the owner or lienholder should not be penalized. However, where it can be shown that the person who unlawfully possessed and used that equipment in violation of the law is financially able to make restitution to the lawful owner, the equipment should be subject to forfeiture, and the court in ruling make that person liable for payment to the owner for the full value of that equipment.

6. COMMENTS

(TETZLAFF) - Strongly object to the amendment of 16.05.190 in House Bill 7. Particularly if what they're saying is any and all vessels owned by canneries, used by another and caught in a violation would not be subject to forfeiture. Or any and all vehicles and/or equipment leased, rented or borrowed and used by another would not be subject to forfeiture. We would be losing too much and gaining nothing.

If adopted, I'm sure we would see all vessels or vehicles would soon be owned by others - at least on paper - taking the teeth right out of the forfeiture statute. One would think that with the demand on our fish and wildlife resources of today, and the serious condition/populations, nwe would have law makers tightening up on our statutes and regulations, not relaxing them.

AS A RESULT OF A TRIAL HELD IN KODIAK ON 1-17-79 BEFORE SUPERIOR COURT JUDGE ROY MADSEN, GEORGE L. GATTER AND WILLIAM FIORENTINO WERE FOUND GUILTY OF COMMERCIAL SALMON FISHING IN CLOSED WATERS. THE TRIAL WAS HELD AS A RESULT OF THE P/V SHARA LEE BEING SIGHTED AND SEIZED BY OFFICERS OF THE P/V VIGILANT IN JULY, 1978. AT THE TIME OF THE SEIZURE, THE SHARA LEE WAS FISHING 3 1/4 MILES INSIDE THE CLOSURE MARKERS ON THE KVICHAK RIVER IN BRISTOL BAY. DURING THE TRIAL, THE DEFENDANTS CLAIMED THEY HAD FALLEN ASLEEP AND JUDGE MADSEN WARNED THAT THE LAW IMPOSES A HIGH STANDARD OF CARE ON FISHERMEN TO COMPLY WITH COMMERCIAL FISH REGULATIONS.

CONTINUED ON NEXT PAGE...

SP17/RLR

SP17 0241 08.28 01/20/79 JP01 0039 08.14 01/22/79

PRESS RELEASE

PAGE 2

JANUARY 20, 1979

E DETACHMENT CONTINUED...

JUDGE MADSEN, IN SENTENCING GATTER AND FIORENTINO, STATED THIS WAS ONE OF THE WORST CASES TO COME BEFORE HIS COURT IN THE LAST THREE YEARS.

GEORGE GATTER'S COMMERCIAL SALMON FISHING PRIVILEGES WERE REVOKED FOR ONE YEAR AND HE WAS ALSO GIVEN A ONE YEAR SUSPENDED TAIL SENTENCE, FINE WITH \$5,000 SUSPENDED AND PUT ON PROBATION FOR FIVE YEARS.

STATE.

WILLIAM FIORENTINO, THE CREWMAN, WAS GIVEN A 30 DAY SUSPENDED TAIL SENTENCE, A \$5,000 FINE WITH \$2,500 SUSPENDED AND ONE YEARS PROBATION.

MADSEN ALSO STATED "

ARE NOT

CONTINUED ON NEXT PAGE...

SP17/RLR

# STATE OF ALASKA

WAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811

February 5, 1979

The Honorable Robert H. Zeigler, Sr.  
Chairman Senate Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Re: SB 7 (Judicial Forfeitures)

Dear Senator Zeigler:

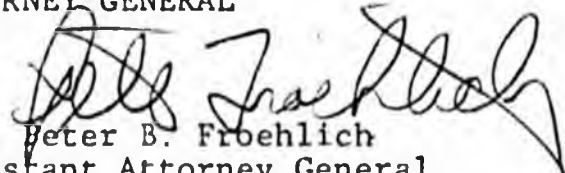
As I mentioned in my January 31, 1979 letter to you and as we discussed on that day, I have enclosed a proposed committee substitute for this bill. It appears to protect an innocent lienholder when equipment is forfeited while retaining forfeiture as a valuable deterrent remedy.

Assistant Attorneys General John Gissberg and Liza Fussner of Anchorage, who drafted the proposed substitute, will be in Juneau from noon February 6 until evening February 8 to testify and explain the proposal at any hearing scheduled during that time. As an alternative, they will also be in Juneau February 14 through 16. They have asked me to again relay their request to appear before the committee.

Sincerely,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:

  
Peter B. Froehlich  
Assistant Attorney General

PBF:ams

Enclosure

cc: Senator Sumner

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811

February 8, 1979

The Honorable Robert H. Zeigler, Sr.  
Chairman Senate Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Re: SB 7 (Judicial Forfeitures)

Dear Senator Zeigler:

After a meeting yesterday with Senator Sumner, we have made several relatively minor changes to the proposed committee substitute for this bill which I gave you last week. A copy of the resulting 2nd draft is attached.

The changes are in proposed AS 16.05.197(a) wherein "\$10,000" is changed to "\$5,000" and "15 days" and "10 days" are changed to "20 days" and in a new proposed AS 16.05.197(c) concerning the option of quick sale of a seized item.

I understand that a hearing on this bill is scheduled for Thursday, February 15 and I have so notified Don Roberts, and Assistant Attorneys General John Gissberg and Liza Fussner who will be coming from Anchorage to testify. Please let me know if the hearing day is changed or if I may be of any further assistance.

Thanks for your cooperation.

Sincerely,

AVIUM M. GROSS  
ATTORNEY GENERAL

By:   
Peter B. Froehlich  
Assistant Attorney General

PBF:ams

cc: Senator Sumner

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

JAY S. HAMMOND, GOVERNOR

POUCH K-STATE CAPITOL  
JUNEAU, ALASKA 99811

January 31, 1979

The Honorable Robert H. Zeigler, Sr.  
Chairman Senate Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: SB 7 (Judicial Forfeitures)

Dear Senator Zeigler:

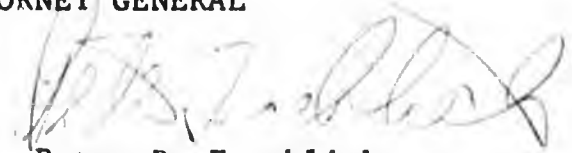
I learned yesterday that the proposed committee substitute for this bill, which is being drafted in the Anchorage Attorney General's Office at your request, is now only in rough draft form. Assistant Attorneys General John Gissberg and Liza Fussner, who are preparing the draft proposal, will be in Juneau February 6 thru 8 with a complete finished draft. One or both of them would like to testify before your committee at that time to explain the draft. If that is not possible, they will also be available February 14 thru 16.

Both of these attorneys, who have handled several forfeiture cases, are confident that innocent lienholders can be protected while still preserving the important deterrent effect of the forfeiture remedy.

Please contact me at 465-3684 regarding scheduling of another hearing on SB 7 or if I can offer any further assistance.

Sincerely,

AVRUM M. GROSS  
ATTORNEY GENERAL

By:   
Peter B. Froehlich  
Assistant Attorney General

cc: John Gissberg

PBF:d1m

SENATE BILL 7....Senator Sumner...Relating to Judicial Forfeitures.

This bill attempts to protect an innocent party, a common carrier, or a lienholder from losing a motor vehicle, vessel or aircraft through judicial forfeiture, if that person has no knowledge of the violation committed. The current law allows forfeiture of the vessel, motor vehicle, or aircraft regardless of whether the person who committed the violation owned the equipment or not.

Current law makes it difficult to obtain a loan on an aircraft since the lienholder may lose the aircraft if the purchaser commits a violation serious enough to cause forfeiture.

SECTIONAL ANALYSIS

Section 1. Amends AS 16.05.190, to include the new section, 16.05.197, and removes the archaic use of the word "rule".

Section 2. Adds a new section entitled "Limitations on confiscation or forfeiture."

- (a) Establishes that no vehicle, vessel or aircraft used as a common carrier may be confiscated and forfeited unless the owner or person legally in charge of the vessel, aircraft or other motor vehicle, was at the time of the illegal act, a consenting party or privy to it.
- (b) disallows forfeiture if the vehicle, vessel or aircraft was unlawfully in possession of the person committing the illegal act.
- (c) prohibits forfeiture unless the owner was a consulting party to the illegal act or privy to it.
- (d) Allows a person holding a lien, mortgage, or conditional sales contract on a vessel, vehicle, or aircraft to appear before the court in the proceeding for forfeiture to petition for remittance or mitigation of the forfeiture, and directs the court to remit or mitigate the forfeiture if the petitioner has interest in the vessel, aircraft or vehicle and had no knowledge that it would be used in or in aid of a violation of Title 16, or regulations adopted under Title 16.

### SUGGESTIONS

1. In order to accomplish the intent of the bill, perhaps all forfeiture of vessels, aircraft, or motor vehicles should be eliminated, and penalties, both jail sentences and fines, should be strengthened. If a crime, no matter how serious, is committed with an automobile, the courts do not confiscate the automobile.
2. Language in Section (b) may need to be a little clearer.
3. Line 21, Page 2. You may want to change the word "shall" to "may".

### PERSONS WHO SHOULD TESTIFY

1. Sponsor: Senator Sumner
2. Someone from the Dept. of Public Safety, Fish and Game enforcement Div.

SB

9

COMMITTEE REPORT  
SENATE

FURTHER: None

2/1/79

Date: 2/13/79

Mr. President:

The Committee on JUDICIARY has had SB 9  
taxes on business

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

Ed [Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 9  
 Title An Act relating to taxes on business; & providing for an effective  
 Requested by Senate State Affairs Committee Date 1/24/79

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_ Revenue \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_ General Government \_\_\_\_\_  
 BRU, Program, or Subprogram(s) Affected Administrative Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL	0	1.0	1.0	1.0	1.0	1.0
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	0	1.0	1.0	1.0	1.0	1.0

FUNDING (Thousands of Dollars)

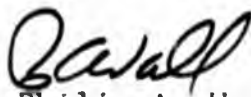
GENERAL FUND	0	1.0	1.0	1.0	1.0	1.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

The business license would be revised to list all the taxes that might be required to be paid by the taxpayer. Effective January 1, 1980, this new business license, which would contain a list of all taxes that might be required to be paid, would be mailed to all licensees.

IV. DATE January 24, 1978 PREPARED BY  Philip A. Wall  
 AGENCY Revenue  
 PHONE 465-2313  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB

28



Senate Bill NO. 28      Senator Ray: An Act Relating To Criminal Mischief; and  
Providing for an Effectivew date.

Section 1. AS 11.46.484 (a) is amended by adding a new paragraph which charges a person with "criminal mischief in the third degree if he tampers with a fire protection or other safty device in a building which is a public place.

AS 11. 46 484, which is part of the new criminal code, effective January 1, 1980, is entitled "Criminal Mischief in the Third Degree", and (a) states "a person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe he has such a right.

- (1) with intent to damage property of another, he damages property of another in an amount of \$50 or more, but less than \$500;
- (2) he drives, tows away, or takes the propelled vehicle of another; or
- (3) having custody of a propelled vehicle under written agreement with the owner of the vehicle by which he has agreed to return the vehicle to the owner at a specified time, he knowingly retains or withholds possession of the vehicle without the consent of the woner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement.

PERSONS WHO SHOULD TESTIFY

Senator Ray  
A representative from Dept. of Public Safety and/or Fire Marshalls' office.

SB

32



THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 32  
 Title An act adopting the Interstate Corrections Compact  
 Requested by Legislative Finance Date 3/2/79

II. FISCAL DETAIL

Agency Affected The Department of Public Safety  
 Program Category Affected Administration of Justice  
 BRU, Program, or Subprogram(s) Affected Judicial Services

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	---	-0-	-0-			

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 3/2/79 PREPARED BY Jos Mararant, Budget Analyst  
 AGENCY Public Safety  
 PHONE 465-4368  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

## SB 32 Adopting the interstate corrections compact.

The bill adopts the Interstate Corrections Compact. The compact which is included in the body of the bill, is the same for every member state.

The compact will allow out-of-state placement of prisoners in sixteen states. The compact was initiated in order to allow an exchange of prisoners for the purposes of treatment, long-range release planning, and, if necessary, protection purposes.

The Health and Social Services fiscal note shows zero, however, there will be a fiscal impact for:

- (1) the cost of transporting a prisoner to the out-of-state facility and the round-trip fare and expenses for the officer accompanying the prisoner. This would be an expense incurred by the Department of Public Safety;
- (2) the cost of the state correction officer traveling to the out-of-state facility for hearing purposes, if necessary;
- (3) The cost of the state for the services provided by the receiving state.

There is no way of determining the amount of expenses which will be incurred, however, since there is no way of knowing how many inmates will be sent out-of-state on this program.

At the present time, prisoners who are incarcerated out of state are done so at Federal Facilities. The reason for introduction of SB 32, is, if all the space allocated for Alaskan prisoners in Federal prisons is used the state will have other space available. If Alaska is not a member of this compact, it can not use the space in member states.

At present the average charge for an Alaska inmate in a Federal prison is \$26.00 per day. Should the use of other state's facilities become necessary, the cost will be approximately the same.

The Division of Corrections has stated that they only intend to participate in the compact in the event that there is no room in Federal prisons for Alaskan prisoners, but do want to become part of the pact in cases that happens.

### THE BILL

Section 1. Enacts into law the Interstate Corrections Compact which has been adopted by sixteen (16) states thus far.

#### ARTICLE I

##### Establishes Purpose and Policy

1. Improve and fully utilize correctional facilities, rehabilitation programs, confinement and treatment of prisoners.

2. Provides for mutual development and execution of programs of cooperation among the member states.

## ARTICLE II

### Definitions

## ARTICLE III

### Contracts

- i. Provides that each state which is a party to this compact may make one or more contracts for the confinement of prisoners stating:
  - (a) duration
  - (b) payments and amounts
  - (c) participation in various programs
  - (d) delivery and returning of inmates
  - (e) other matters necessary to both parties

## ARTICLE IV

### Procedures and Rights

1. Allows receiving state to act as agent for sending state
2. Allows sending state to inspect facilities.
3. Provides that inmates are subject to the jurisdiction of the sending state and may be removed from any institution or changed to any institution at the request of the sending state.
4. Provides that the receiving state shall send reports on the inmate to the sending state.
5. Provides that all inmates shall be treated equally regardless of where they are from and treated in a humane manner.
6. Provides that for any hearing regarding the inmate, the receiving state may hold the hearing if given written permission by the sending state, or, if the hearing is to be conducted by the sending state, the receiving state shall provide facilities. The governing law over the inmate shall be that of the sending state.
7. Provides that an inmate confined in another state shall be released within the territory of the sending state unless the inmate, sending and receiving state agree upon release in some other place. The sending state assumes all transportation costs.
8. A person confined in another state has all rights to participate in and derive any benefits he would have received in the sending state.
9. Persons entitled to act for the inmate in the sending state shall have the same rights in the receiving state.

## ARTICLE V

### Acts Not Reviewable in Receiving State: Extradition

1. Decisions made by the sending state are not reviewable in the receiving state, however, if the inmate commits a criminal offense in the receiving state, the inmate may not be returned to the sending state without consent of the receiving state.
2. In the event of escape, an inmate is considered a fugitive from the sending state and from the receiving state.

## ARTICLE VI

### Federal Aid

1. Allows state to accept Federal aid.

## ARTICLE VII

### Effective Date of Compact

1. States that this compact becomes effective and binding when enacted into law.

## ARTICLE VIII

### Withdrawal and Termination

1. Compact remains effective and binding until a state enact a statute repealing the compact and sends written formal notice of withdrawal to appropriate officials of all other party states.
2. Actual withdrawal does not take effect until one (1) year after notice of withdrawal has been sent.
3. Sending state must fulfill any obligations assumed under the compact prior to withdrawal and all inmates must be removed to the sending state.

## ARTICLE IX

### Other Arrangements Unaffected

1. This compact does not abrogate or impair any other correctional agreements a state may have.

## ARTICLE X

### Construction and Severability

1. Provides that provisions of the compact are liberally construed and severable, and, if any phrases, clauses, ect., are in violation of a state constitution, the applicability is invalid, but the rest of the compact applies.

Sec. 33.27.020- Allows inmate to be transferred under this compact.

Sec. 33.27.030- Provides that the courts, departments, agencies, and officers shall enforce the compact.

Sec. 33.27.040- Provides the Commissioner of Health and Social Services or designee shall implement the compact, however, no contract with any other state is of any force or effect until approved by the Commissioner of Administration.

SB 32 Adopting the interstate corrections compact.

The bill adopts the Interstate Corrections Compact. The compact which is included in the body of the bill, is the same for every member state.

The compact will allow out-of-state placement of prisoners in sixteen states. The compact was initiated in order to allow an exchange of prisoners for the purposes of treatment, long-range release planning, and, if necessary, protection purposes.

The Health and Social Services fiscal note shows zero, however, there will be a fiscal impact for:

- (1) the cost of transporting a prisoner to the out-of-state facility and the round-trip fare and expenses for the officer accompanying the prisoner. This would be an expense incurred by the Department of Public Safety;
- (2) the cost of the state correction officer traveling to the out-of-state facility for hearing purposes, if necessary;
- (3) The cost of the state for the services provided by the receiving state.

There is no way of determining the amount of expenses which will be incurred, however, since there is no way of knowing how many inmates will be sent out-of-state on this program.

At the present time, prisoners who are incarcerated out of state are done so at Federal Facilities. The reason for introduction of SB 32, is, if all the space allocated for Alaskan prisoners in Federal prisons is used the state will have other space available. If Alaska is not a member of this compact, it can not use the space in member states.

At present the average charge for an Alaska inmate in a Federal prison is \$26.00 per day. Should the use of other state's facilities become necessary, the cost will be approximately the same.

The Division of Corrections has stated that they only intend to participate in the compact in the event that there is no room in Federal prisons for Alaskan prisoners, but do want to become part of the pact in cases that happens.

#### THE BILL

Section 1. Enacts into law the Interstate Corrections Compact which has been adopted by sixteen (16) states thus far.

#### ARTICLE I

##### Establishes Purpose and Policy

1. Improve and fully utilize correctional facilities, rehabilitation programs, confinement and treatment of prisoners.

2. Provides for mutual development and execution of programs of cooperation among the member states.

## ARTICLE II

### Definitions

## ARTICLE III

### Contracts

1. Provides that each state which is a party to this compact may make one or more contracts for the confinement of prisoners stating:
  - (a) duration
  - (b) payments and amounts
  - (c) participation in various programs
  - (d) delivery and returning of inmates
  - (e) other matters necessary to both parties

## ARTICLE IV

### Procedures and Rights

1. Allows receiving state to act as agent for sending state
2. Allows sending state to inspect facilities.
3. Provides that inmates are subject to the jurisdiction of the sending state and may be removed from any institution or changed to any institution at the request of the sending state.
4. Provides that the receiving state shall send reports on the inmate to the sending state.
5. Provides that all inmates shall be treated equally regardless of where they are from and treated in a humane manner.
6. Provides that for any hearing regarding the inmate, the receiving state may hold the hearing if given written permission by the sending state, or, if the hearing is to be conducted by the sending state, the receiving state shall provide facilities. The governing law over the inmate shall be that of the sending state.
7. Provides that an inmate confined in another state shall be released within the territory of the sending state unless the inmate, sending and receiving state agree upon release in some other place. The sending state assumes all transportation costs.
8. A person confined in another state has all rights to participate in and derive any benefits he would have received in the sending state.
9. Persons entitled to act for the inmate in the sending state shall have the same rights in the receiving state.

## ARTICLE V

### Acts Not Reviewable in Receiving State: Extradition

1. Decisions made by the sending state are not reviewable in the receiving state, however, if the inmate commits a criminal offense in the receiving state, the inmate may not be returned to the sending state without consent of the receiving state.
2. In the event of escape, an inmate is considered a fugitive from the sending state and from the receiving state.

## ARTICLE VI

### Federal Aid

1. Allows state to accept Federal aid.

## ARTICLE VII

### Effective Date of Compact

1. States that this compact becomes effective and binding when enacted into law.

## ARTICLE VIII

### Withdrawal and Termination

1. Compact remains effective and binding until a state enact a statute repealing the compact and sends written formal notice of withdrawal to appropriate officials of all other party states.
2. Actual withdrawal does not take effect until one (1) year after notice of withdrawal has been sent.
3. Sending state must fulfill any obligations assumed under the compact prior to withdrawal and all inmates must be removed to the sending state.

## ARTICLE IX

### Other Arrangements Unaffected

1. This compact does not abrogate or impair any other correctional agreements a state may have.

## ARTICLE X

### Construction and Severability

1. Provides that provisions of the compact are liberally construed and severable, and, if any phrases, clauses, ect., are in violation of a state constitution, the applicability is invalid, but the rest of the compact applies.

Sec. 33.27.020- Allows inmate to be transferred under this compact.

Sec. 33.27.030- Provides that the courts, departments, agencies, and officers shall enforce the compact.

Sec. 33.27.040- Provides the Commissioner of Health and Social Services or designee shall implement the compact, however, no contract with any other state is of any force or effect until approved by the Commissioner of Administration.

POSITION PAPER / Department of Health and Social Services

POSITION PAPER

SENATE BILL NO. 32

"An Act adopting the Interstate Corrections Compact; and providing for an effective date."

The Department of Health and Social Services and the Division of Corrections are in support of Senate Bill No. 32.

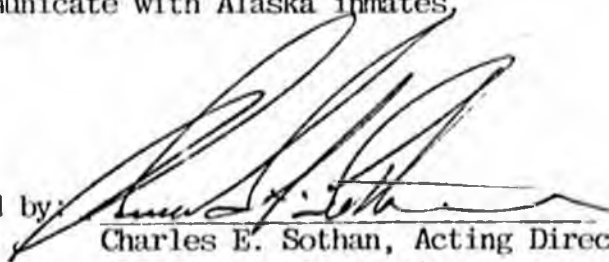
Alaska is presently a party to the Western Interstate Corrections Compact along with 11 other states. There are presently 16 member states to the Interstate Corrections Compact; 5 of those states are also parties to the Western Corrections Compact. In effect, joining the Interstate Corrections Compact would increase Alaska's out-of-state placement resources for prisoners by 50 percent; 11 additional states.

The Interstate Corrections Compact was initiated in order to allow an exchange of prisoners for the purpose of treatment and long-range release planning. Also, the Compact provides a means of placing prisoners out of state for protective purposes.

Alaska has prisoners with special needs. Membership in the Interstate Corrections Compact would expand the Division of Corrections ability to meet these special needs, and provide the most effective rehabilitation programs on an individual basis without increasing the cost of care.

Alaska would maintain jurisdiction over prisoners confined out of state. Alaska would also have the authority to inspect out-of-state facilities and to communicate with Alaska inmates.

Recommended by:

  
Charles E. Sothan, Acting Director  
Division of Corrections

1/26/79  
Date

Approved by:

  
Helen D. Beirne, Commissioner  
Department of Health &  
Social Services

2/1/79  
Date

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. Proposed Legislation  
 Title An Act Adopting Interstate Corrections Compact  
 Requested by Department of Health & Social Services Date 1/9/79

II. FISCAL DETAIL  
 Agency Affected Department of Health and Social Services  
 Program Category Affected Administration of Justice  
 Budget Request Unit(s) Affected Adult Confinement

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE January 9, 1979 PREPARED BY *Leandra Halby*  
 AGENCY Division of Corrections  
 PHONE 465-3376  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB

42

COMMITTEE REPORT  
SENATE

FURTHER: None

3/14/79

Date: 1/28/80

Mr. President:

The Committee on JUDICIARY has had SB 42

repealing the restriction of grounds upon which a mobile home park operator may evict a mobile home park dweller

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

Bill Kay DO NOT PASS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]  
CHAIRMAN

INTRODUCED: 2/20/79  
REFERRED: COMMERCE AND JUDICIARY

IN THE HOUSE

BY THE RESOURCES COMMITTEE  
BY REQUEST

CS FOR HOUSE BILL NO. 258  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

FOR AN ACT ENTITLED: " AN ACT REPEALING THE RESTRICTION OF GROUNDS  
UPON WHICH A MOBILE HOME PARK OPERATOR MAY  
EVICT A MOBILE HOME PARK DWELLER."

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

SECTION 1. AS 34.03.225 (3) IS AMENDED TO READ:

- (3) THE MOBILE HOME DWELLER OR TENANT HAS VIOLATED A  
PROVISION OF THE RENT AGREEMENT OR LEASE SIGNED  
BY BOTH PARTIES AND NOT PROHIBITED BY THIS CHAPTER  
OR BY LAW, INCLUDING RENT, TERMS OF AGREEMENT, OR  
OTHER PROVISIONS COVERING THE RIGHTS AND OBLIGATIONS  
OF THE PARTIES.

SECTION 2. THIS ACT SHALL TAKE EFFECT ON THE DAY AFTER ITS PASSAGE  
AND APPROVAL OR ON THE DAY IT BECOMES LAW WITHOUT APPROVAL.

February 4, 1980

Mr. and Mrs. Jay Coon  
Mountain View Trailer Court  
and Sales  
P.O. Box 2327  
Ketchikan, Alaska 99901

Dear Stella Beth and Jay:

Funny how coincidental the arrival of your January 30 letter was!

It just so happens that the Senate Judiciary Committee reported SB 42 out of Judiciary Committee a day or so before.

There were three "Do Passes" on the committee report, and I was one of them. When the bill is placed on the calendar, I shall be supportive, but it is touch and go on the question of final passage.

Thank you for your non-related kind comments.

Regards to you both,

Robert H. Ziegler, Sr.

RHZ:lk



## Mountain View Trailer Court & Sales

P. O. Box 2327 -- Ketchikan, Alaska 99901

JAY and STELLA BETH COON, Owners

January 30, 1980

907/225-4707

Senator Robert H. Ziegler, Sr.  
Alaska State Senate  
Juneau, Alaska

Dear Bob,

Enclosed is a copy of the bill that was presented to the legislature last year in hopes of changing some of the problems we are having with Section 1. AS 34.03.225. We received this copy from the Alaska Trailer Court Assn. and we would surely like to see something changed to help us landlords out.

As you know we have been having alot of trouble here in our court with this same law restricting eviction to only 4 things, and unless one plans to change or do away with the court, there are only 3 reasons and except for the non-payment of rent the other two are rather obscure.

You stated in a letter to us dated July 20, 1979. "Although it may be a scant consolation to you two, I will endeavor to have enacted legislation next year which will cure the problem. It seems to me the statute discriminates against the mobile home park operator, because all other landlords who have people renting their properties on a month-to-month tenancy can follow the thirty (30) day route." That letter was a consolation to us, because we believe and trust in you to do something for us this legislature. It was like a light at the end of a long dark tunnel.

We had deep personal regrets in leaving your law firm. We have always held and still do that you are the best lawyer in Ketchikan and in times past you have always shown us that this was true. But in these last troubles we have had, you said that you didn't want to handle them because you didn't want to go to court. (We can see why after we've been there, what a hassle!!) So you sent us to Mary Guss, and while Mary is a nice gal and we liked her personally, she could not take care of the problems and finally admitted that it was over her and we were getting in deeper and deeper until Blasco wanted to have a jury trial and all we wanted was our due rent!! Mary had been confering with memebers of your firm and it seemed that noone was interested in solving our problem, so we had to find someone who would. We have no hard feelings to you, Mary, or anyone in your office and hope that the feelings are mutual.

We see you on T.V. every once in awhile when we watch the Alaska Session on Channel 3. We hope that you have a good session and good things happen for the State of Alaska, and closer to our hearts - to the Alaska Statute 34.03.225.

Very sincerely,

*Stella Beth*

Stella Beth Coon

HOME LIVING IS HAPPY LIVING  
(Jay's out cleaning now!)

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

TELEPHONE 586-6425

419 Sixth Street, Suite 322  
Juneau, Alaska 99801

January 23, 1980

Honorable Robert H. Ziegler  
Senator  
Pouch V, State Capitol  
Juneau, Alaska 99811

RE: CS for House Bill 258

Dear Senator Ziegler:

Pursuant to the suggestion of the Senate Judiciary Committee Chairperson, on January 22, 1980, I spoke with Senator Bradley and with Mr. Ben Marsh concerning the proposed Committee Substitute for House Bill 258. From what I could gather, the proposed CS would no longer be a repealer bill, it would, instead, modify the scope of AS 34.03.225(3) in two ways. First, it would further limit the bases upon which a mobile home park operator may evict a mobile home or a mobile home park dweller or tenant, because, unlike the present statutory provision covering rules and regulations properly established by the operator, the amendment covers only violations of the rental agreement or lease signed by both parties. In other words, the proposed amendment would not cover reasonable rules or regulations of the mobile home park which were not signed by "both parties."

On the other hand, and more importantly, the amendment removes the limitation on eviction that the rule or regulation being violated be a "reasonable" one. Mr. Marsh expressed his belief that mobile home park operators would not attempt to evict anyone for violating an unreasonable or insignificant rule. I can well believe that Mr. Marsh would not do such a thing, but I am aware of too many other cases in which landlords have attempted to evict tenants on the basis of violations of insignificant rules or regulations. The proposed amendment to AS 34.03.225(3) would allow the unscrupulous landlord to evict an innocent tenant upon frivolous grounds.

I am aware that the Senate Judiciary Committee has received more than enough testimony and information concerning the difficulties encountered by owners of mobile homes living in

mobile home parks. The vacancy situation has changed little if any from that time during which the legislature passed the act limiting the eviction rights of mobile home park operators. I believe that in Juneau the situation has worsened. The reasons that the act was passed in 1974 remain valid. The amendment proposed by Mr. Marsh would undo the basic protection of the 1974 amendments to the Uniform Residential Landlord and Tenant Act.

Mr. Marsh mentioned one or two specific instances of which he was aware in which a person whom everyone knew to be a criminal could not be evicted from a mobile home park because he could not get convicted in a court of law. Although I can perhaps understand the frustration of a mobile home park owner under those circumstances, I believe that if the individual was committing a crime on the grounds of the mobile home park detrimental to other residents in the park, he would most likely be violating some "reasonable" regulation of the park. If he were not violating such a regulation or causing injury to other tenants, then perhaps he should not be punished by eviction by a private party where the State has failed to prove the commission of a crime.

Of course, an extreme example might be conceptualized or may have even occurred in this state. However, the protection of the vast majority of mobile home owners from unreasonable eviction outweighs the possibility that someone may slip through this very minute loophole in the law.

Furthermore if the legislature acts to delete the "reasonable rule or regulation", the courts of the state might interpret in that action that they have no discretion within their equitable powers to formulate a remedy other than the eviction.

If the committee decides that AS 34.03.225 must be changed to protect mobile home owners and park operators from criminals who are too crafty to be convicted, then perhaps the language in Subsection 2 of Section 225 should be modified to the following:

(2) the mobile home dweller or tenant [has been convicted of violating] has violated a federal or state law or local ordinance, and that violation is continuing and is detrimental to the health, safety, or welfare of other dwellers or tenants in the mobile home park[.]

Bond

Honorable Robert H. Ziegler  
January 23, 1980  
Page 3

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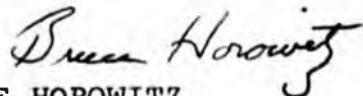
I believe that, however, that the section concerning limitations on mobile home park operator's right to terminate should not be amended or repealed, and I do not believe the amendment to Subsection (2) is necessary.

I respect the opinions and feelings of the sponsor of HB 258 and those of Mr. Marsh; but before the legal protections for mobile home owners living in mobile home parks are diminished, there should be hearings to discover the actual effects of the present statute.

I will be glad to aid the committee as it sees fit in this matter.

Sincerely,

ALASKA LEGAL SERVICES CORPORATION



BRUCE HOROWITZ  
Supervising Attorney

cc: Senator Bradley  
Mr. Marsh



a mobile home park dweller or tenant only for one of the following reasons:

(1) the mobile home dweller or tenant has defaulted in the payment of rent owed;

(2) the mobile home dweller or tenant has been convicted of violating a federal or state law or local ordinance, and that violation is continuing and is detrimental to the health, safety or welfare of other dwellers or tenants in the mobile home park;

(3) the mobile home dweller or tenant has violated a reasonable rule or regulation properly established by the operator; and

(4) a change in the use of the land comprising the mobile home park, or the portion of it on which the mobile home to be evicted is located; however, all dwellers or tenants so affected by a change in land use shall be given at least 90 days notice, or longer if a longer notice period is provided in a valid lease. (§ 5 ch 138 SLA 1976)

Legislative committee report. — For am S (re-engrossed), see 1976 Senate report on ch. 138, SLA 1976 (SCS CSHB 829 Journal, p. 1368.

#### Sec. 34.03.240. Waiver of landlord's right to terminate.

Section is limitation on remedies of landlord. — Rather than giving a right or remedy to the tenant, this section acts as a limitation upon the remedies of the landlord. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Rights which may be waived. — This section should be so interpreted that waiver of the "right to terminate" a rental agreement refers to rights which arise as a consequence of a breach, and does not concern rights of termination which exist regardless of whether or not a tenant

breached a condition of the agreement. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Right to terminate month-to-month agreement not waived. — Since a landlord always has the right to terminate the month-to-month rental agreement with the tenant, even without cause, by giving a month's notice, he does not waive this right by accepting the late rental payment. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

#### Sec. 34.03.270. Remedy after termination.

Landlord could bring action for forcible entry and detainer seeking restitution of trailer space from tenants. — See *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Quoted in *McDowell v. Lenarduzzi*, Sup. Ct. Op. No. 1242 (File No. 2413), 546 P.2d 1315 (1976).

### Article 7. Periodic Tenancy, Holdover, and Abuse of Access.

#### Sec. 34.03.290. Periodic tenancy and holdover.

This chapter treats month-to-month tenancies separately from arrangements involving longer fixed terms. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

Month-to-month tenancies constitute a special class, not necessarily governed by all provisions of the uniform act. *McCall v. Fickes*, Sup. Ct. Op. No. 1335 (File No. 2611), 556 P.2d 535 (1976).

BROOKE MARSTON, Broker  
WILEY S. BROOKS, Property Manager  
LINDA J. ENCELEWSKI, Assistant Manager

*Marston Property Management, Inc.*

PROFESSIONAL MANAGEMENT IS OUR BUSINESS

BRAD  
BRADLEY  
2804 W. NORTHERN LIGHTS BLVD  
ANCHORAGE, ALASKA 99503  
TELEPHONE: (207) 274-5504

February 17, 1979

Mr. George Oliver  
President  
Anchorage Board of Realtors  
301 E. Fireweed  
Anchorage, Alaska 99503

Dear Mr. Oliver:

It has come to my attention that certain requirements of the Alaska Statutes and Regulations relating to Real Estate Brokers and salesmen are not in the best interest of property owners. In fact, specific statutes act to prevent property owners from effectively managing their own investments. Other statutes hinder those having a fiduciary responsibility from managing an owner's property by the most efficient and economical means.

Below are some specific statutes which I urge the Real Estate Board to carefully study and seek legislative change which will be more in the interest of real estate owners:

1. Article 2 Section 08.88.161 (1) which reads, "unless licensed as a real estate broker, associate real estate broker, or real estate salesman, no natural person, foreign or domestic corporation, or partnership, or limited partnership, or other entity may sell, exchange, rent, lease, auction, or purchase real estate."

Comment: The intent of this part of the statutes is undoubtedly to protect an owner against persons not having proper training and qualifications. But, literally interpreted, the words rent and lease prevent an owner from employing an unlicensed person from renting or leasing real estate in the owners behalf. I feel quite certain many owners absent from Alaska, or simply involved with their own enterprises authorize resident managers to sign rental and lease agreements for the owner. The owner should certainly have this right without placing an unlicensed resident manager in violation of the statutes. The exceptions found in Section 08.88.421 are not explicit enough to prevent some from insisting that an unlicensed non-owner is unauthorized to sign a rent or lease agreement.

Subparagraph (3) of the above reference section reads, "Collect rent for the use of real estate;"



Comment: This part of the statute is very specific and less subject to interpretation. It prohibits an owner or a professional management firm from including collecting rent monies as part of the duties assigned to an on-site manager. This is over regulation for the following reasons:

- 1) It is normally cost prohibitive to employ a licensed individual to work as a resident manager.
- 2) Residents of an apartment complex without a qualified (licensed) resident manager to collect rents are inconvenienced and incur travel expenses to pay rent monies.
- 3) It is a real estate owner's risk and right to employ a resident manager to collect rents in the owner's behalf.
- 4) Professional property management firms routinely provide a fidelity bond on employees to protect their client's interest. (See our own enclosed management agreement). Even though we are providing fidelity bonds on our employees, we are unable to utilize on-site managers to collect rents.

2. Article 3, Section 8.88.331 states:  
"All transactions in real estate by a real estate salesman or associate real estate broker shall be processed through his employing real estate broker's office, whether the transactions are for the real estate salesman's or associate real estate broker's own use or the use of a client."

Article 3, Section 8.88.341 (1) states:  
"A real estate broker shall (1) keep a complete record of all real estate transactions made by himself or persons in his employ for at least three years" etc.

Comment: While I am in complete agreement that the statute, as it relates to the real estate client is very appropriate, to deny the real estate salesman or associate real estate broker the freedom and privacy of renting, leasing and maintaining records on their own investments is very inappropriate.

#### RECOMMENDATIONS:

1. That Article 4 of Section 08.88.421 be amended as follows:  
Subparagraph (10) be added:  
(10) A person employed by a real estate owner or licensed owner's agent, whose responsibilities are limited to "on-site" management, office

Page 3  
Mr. George Oliver  
February 17, 1979

administration, or bookkeeping.

2. That article 4, of section 8.83.421 (1) be amended as follows:  
Subparagraph (11) be added - a person, though licenced, who rents leases, and maintains records or property he owns.
3. That a subparagraph (c) be added to Chapter 64 12 AAC 64.230 to read:  
(c) a licensee engaged in property management must provide a fidelity bond in adequate amounts on all employees who handle or are responsible for owner's monies.

I am certain you will insure the above recommendations will be given early study and action by the Anchorage Real Estate Board.  
Thank you for your interest and dedication in these matters.

Sincerely,

Wiley S. Brooks  
Manager

CC: Bernard L. Marsh, Executive Secretary  
Alaska Landlord & Property Managers Association

MEMORANDUM

TO: Senate Commerce Committee

FROM: Don Clocksin

SUBJECT: SB 42 - Mobile Home Owner Evictions

DATE: January 25, 1979

1. What The Bill Would Do

Present law (Ch. 138, SLA 1976) allows a mobile home park operator to evict a mobile home from the park only for good cause (failure to pay rent, violating a law or park regulation, or when the park is to be closed). This bill would repeal that law and allow eviction of mobile homes for any reason.

2. Discussion

The present law was adopted because of the imbalance of bargaining position between the mobile home park operator (landlord) and the mobile home owner (tenant). There were two reasons why mobile home evictions were restricted. First, there were very few vacant mobile home spaces available in the urban areas. If a mobile home owner had to leave a park, there was almost no where else to go, considering zoning restrictions and the lack of empty spaces. Second, the cost of moving a mobile home is substantial - as sometimes as much as several thousand dollars. By evicting a mobile home from a park, the landlord could receive the expenditure of that amount of money.

Therefore, the Legislature felt that the policy of free use of one's property (i.e. unrestricted evictions) had to yield to the more important social policy of eviction only for good cause. The only evictions which are not now allowed are arbitrary and unnecessary evictions - if there is a good reason, the law allows the eviction.

DC/jf

MARCH 5, 1979

MEMORANDUM

TO: SENATE COMMERCE COMMITTEE  
FROM: BEN MARSH (ATCA)  
SUBJ: SB 42 - RESPONSE TO DON CLOCKSIN

1. WHAT THE BILL WOULD DO

Present law (CH. 138, SLA 1976) makes it difficult or impossible for a mobile home park operator to evict a space tenant, no matter how undesirable he may be. In practice, the law has prevented park owner: from maintaining clean parks and high performance standards, and the result has been a general deterioration of mobile home parks.

2. DISCUSSION

Mr. Clocksin states the law was adopted for two reasons; there were very few spaces available for an evicted home owner to go to, and moving from one park to another is very expensive. Alaska Trailer Court Association conducted a phone survey of its membership in Anchorage during the week of February 26, and located 295 vacant and rentable spaces.

It is probably no more costly to move a mobile home than to move an apartment full of furniture. Transporting by a commercial towing company is about \$250 in the same city. Blocking and skirting can be done by the owner at no cost. Utilities must be connected by others. If done entirely by others, it is estimated to cost \$900 to \$1100 for the average mobile home.

Mr. Clocksin is incorrect in his contention that only arbitrary and unnecessary evictions are prevented. The law promotes litigation; and the owner finds himself not only proving that a rent agreement was breached, but also that the agreement, which was signed by both parties, was "reasonable". Some judges apparently feel that the agreement is not reasonable if it is challenged by the tenant.

WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	NAME	COURT NAME	SPACE NO
1.	John P. Kuntz	Glencare	#522
2.	Juli R. McLauchlan	"	# 105
3.	Ray C. McLauchlan	"	# 105
4.	Ellie Graber	"	#548
5.	Bette L. Shiliss	"	# 67
6.	Neil Hiller	"	# 44
7.	Frank Hill	Glencare	#376
8.	James L. West	"	525
9.	Renee Leonard	"	175
10.	Tracie Pearson	"	101
11.	Whitley Billew	"	155
12.	James Graber	"	548
13.	Jane Goodman	Glencare	558
14.	John H. Craft	"	85
15.	Jordan D. Cronshaw	Glencare	592
16.	Walter D. May	" "	370
17.	Mrs. Leo Bernal	" "	239
18.	Frank Brothers	" "	77
19.	John Deacon	" "	278
20.	Frank L. Van	"	112
21.	Patrick M. McKay	"	#313
22.	Carl Chandler	"	# 111
23.	Robert L. Hunter	"	277
24.	Chap J. W. Woodell	"	581
25.	Gene J. Reid	"	#553
26.	Carl A. Russell	"	321
27.	Barbara C. Laro	"	#13
28.	Frank Hill	"	143
29.	Tom Miller	"	165
30.	Ruth M. Kogley	Glencare	141

WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	NAME	COURT NAME	S. CE NO
1.	Jack A. Leht	GLENCAREN	#133
2.	Cecily J. Walker	Glencaren	#18
3.	Susan M. Olson	Glencaren	#99
4.	Tom W. Wren	Glencaren	#257
5.	Andrew F. Miller	Glencaren	#95
6.	Mrs. Ward Walker	Glencaren	#514
7.	Mr. Leroy J. Harrison	Glencaren	#45
8.	Peggy A. Penney	"	#70
9.	Mike Zimmerman	Glencaren	#551
10.	Thy S. Saffron	Glencaren	#33
11.	Mrs. Ralph Friedly	Glencaren	#290
12.	Nora B. Fowler	Glencaren	#247
13.	Don Scholle	Glencaren	#130
14.	Phyllis Olson	Glencaren	#30
15.	Peggy Olson	Glencaren	#30
16.	Diane Fildes	Glencaren	#16
17.	Marilyn E. Patton	Glencaren	#529
18.	Walter Davis	Glencaren	#555
19.	Maurice Davis	Glencaren	#555
20.	Edna Schiller	Glencaren	#77
21.	Walt & Waverne	Glencaren	#73
22.	Tonna Kronlein	Glencaren	#87
23.	Bobby Datz	Glencaren	#599
24.	Don Deibel	Glencaren	#33
25.	Jan Sella	"	#5
26.	Bill Donato	"	604
27.	Walter J. Langston	"	512
28.	Jim & Sam	"	153
29.	Walter Legley	"	179
30.	Robert R. Olson	"	151

WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570. WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Robert M. Hughes	Glencaren	43
2.	Moley G. Edwards	Glencaren	517
3.	Alan W. Thompson	GlencAREN	311
4.	Sam Hudson	Glencaren	24
5.	Joseph H. Cozzini	Glencaren	159
6.	Mita Smith	Glencaren	294
7.	Betty [unclear]	Glencaren	20
8.	Jim Moody	Glencaren	563
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	NAME	COURT NAME	SPACE NO
1.	J. R. Lewis	FOUR SEASONS	OFFICE
2.	Marie Sampson	" "	31
3.	Richard Hadd	" "	195
4.	Blitzer	" "	23
5.	Mrs. J. Higley	" "	27
6.	Charles W. Johnson	" "	C-40
7.	B. E. Smith	" "	143
8.	Randa R. Lee	" "	209
9.	Mrs. Neal Christensen	" "	30
10.	Mr. Ed. Holman	" "	253
11.	Don L. Mason	" "	A44
12.	Robert F. Johnson	" "	118
13.	Phyllis H. Arson	" "	155
14.	Patricia A. Eckert	" "	214
15.	Willis S. H.	FOUR SEASONS	198
16.	Kath E. H.	" "	152
17.	Donald H. H.	" "	186
18.	Connie Brown	Four Seasons	252
19.	W. H. H.	" "	252
20.	Cynthia Knipfer	Four Seasons	A46
21.	Isabelle Musher	Four Seasons	158
22.	William H. Johnson	" "	264
23.	Laura H. H.	" "	254
24.	Ch. Thompson	" "	A-18
25.	Mrs. D. Williamson	" "	32
26.	Hea H. H.	" "	139
27.	Wallace E. H.	" "	23
28.	Elaine Stevens	" "	226
29.	Mrs. E. P. H.	Four Seasons	110
30.	Mrs. Shirley H.	" "	

WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	<i>Pat Hagg</i>	<i>Four Seasons</i>	<i>59</i>
2.	<i>John Hagg</i>	<i>Four Seasons</i>	<i>74</i>
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	NAME	COURT NAME	SPACE NO
1.	Ernest Griffin	Mayflower	14E
2.	John Griffin	Mayflower	14E
3.	Michael Felston	Mayflower	11G
4.	TO. Rumbill	Mayflower	3F
5.	Brian T OFallon	Mayflower	8F
6.	Ruby Hitchcock	Mayflower	8E
7.	Rosa Hitchcock	" "	11-C
8.	Ware Carter	" "	2-F
9.	L. W. Corwell		12 F
10.	Dolores Allen	Mayflower	G-2
11.	Glen Samsky		13 B
12.	Paul B. Faye		16 C
13.	Dora Hitchcock		11-C
14.	Mrs Sam Weibost		19-B
15.	Vic Ruppert		3-E
16.	John Hennings		10-F-1
17.	Charles T. Hammond		11-A
18.	in a det		25
19.	Louis S. Del'Later	Mayflower	20B
20.	Ed. Duranigen	Mayflower	21B
21.	R.E. Frai	"	6F
22.	R. Hayden	"	22 E1
23.	Ed OWENS	MAYFLOWER	13G
24.	Diana Owens	MAYFLOWER	13G
25.	Chas. Komablik	"	C-5
26.	Brathering	"	A-15
27.	Ronald W. Marsh	Mayflower	9K
28.	Ann Kozzokowski	Mayflower	10F
29.	Paul Weaver		F1 526
30.	Kathie McCoy	Mayflower	13F

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	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Michael Finn	MAYFLOWER	3-6
2.	Peggy Rock	Mayflower	6B
3.	Ronald John	mayflower	7H
4.	Dwight w wife	Mayflower	6-1
5.	J. Green	"	25A
6.	Tom Adams	Mayflower	8H
7.	J. Adams	Mayflower	2E1
8.	Richard Chisna	Mayflower	10H
9.	Walter D. Crew	Mayflower	20A
10.	Archie Bath	"	17A
11.	Paul A. Bryson	Mayflower	24C
12.	Alfred Koster	"	31C
13.	Punkie Durk	"	5-F
14.	Julie Enley	Mayflower	2-E
15.	Don & Barbara	Mayflower	9B
16.	Robert Lewis	may flower	17-F
17.	Alvin Dugall	" "	18-A
18.	Alvin Dugall	" "	2-B
19.	Ann Hitchcock	mayflower	21A
20.	Curtis & Dorothy Reed	mayflower	16E
21.	Charles Berry	"	7C
22.	Mrs. Green	"	17E1
23.	Ann Burnett	"	24B
24.	Mrs. Betty Leslie	"	1-H
25.	David D. Miller	"	13C
26.	Lois & Jones	"	2E
27.	Queen Phipps	" "	2E-1
28.	Ernest Miller	" "	8-D
29.	Dirley B. Astrom	Mayflower	2-A
30.	Beverly Sandover	Mayflower	6A

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	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Mr. & Mrs. L. Warman	Mayflower Circle Park	10-C
2.	Ms. Cassa C. Hunter	" " "	23E1
3.	Hunter	Mayflower Circle Park	7E1
4.	Mr & Mrs. Sharon Shifflett	Mayflower Circle Park	2D
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	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	George Heland	FAR NORTH TRAILER PARKS	5A
2.	Gene Roselius	Far North Park <small>Gene Roselius (owner)</small>	office
3.	Michael H. [unclear]	Far North Park	18
4.	Marlene [unclear]	Far North Park	9
5.	Joseph [unclear]	Far North Park	15
6.	Beverly M. Hamilton	Far North Park	33
7.	Colin Williams	" " "	50
8.	Stephanie [unclear]	Far North Park	51
9.	[unclear]	- - -	20
10.	Mary Witten		21
11.	[unclear]	- - -	25
12.	Ernest L. Winters	Far North Park	3
13.	Bill Jackson & Shirley	Far North	55
14.	Bruce & Marie [unclear]	Far North	38
15.	Abel M. [unclear]		47
16.	David [unclear]	Far North	32
17.	Julia Benson	" "	36
18.	Earl [unclear]	Far North	29
19.	[unclear]	Far North	30
20.	[unclear]	Far North	#25.
21.	[unclear]	Far North	#23
22.	Tom [unclear]	Far North	#9
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WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.25 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	<i>Linda Jilbert</i>	<i>Kathy-O-Estates</i>	<i>54</i>
2.	<i>Robert M. Jew</i>	<i>Kathy O. Estates</i>	<i>37</i>
3.	<i>Lake Cook</i>	<i>"</i>	<i>65</i>
4.	<i>James B. Taylor</i>	<i>Wesley</i>	<i>51</i>
5.	<i>David S. Noy</i>		<i>68</i>
6.	<i>Carol Lambert</i>	<i>Kathy O Estates</i>	<i>85</i>
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	NAME	COURT NAME	SPACE NO
1.	Jennin P Burke	SOUTH PARK ESTATES	48
2.	Dorothy M Lane	" " "	59
3.	Charnette Tessera	" " "	15
4.	Thomas W Cahill	" " "	36
5.	Edna E. Bowler	" " "	39
6.	Elida Kinnear	" " "	41
7.	Victor Starkey	" " "	2
8.	Joe Ryghenbuck	" " "	1
9.	Gene & Thelma Van	" " "	4
10.	Hildegard Bergant	" " "	13
11.	Mr. & Mrs. Freda Anna Schwartz	" " "	16
12.	Mary Louise Cravett	South Park Estates	27
13.	Nancy O. Austin	" " "	30
14.	Emmitt Travis	" " "	14
15.	E. Joe Schupp	South Park Estates	12
16.	Margaret H. Harmon	" " "	32
17.	Garnice Anderson	" " "	32
18.	P. K. Keri	" " "	34
19.	Shirley K. Shurt	" " "	39
20.	Mary King	" " "	18
21.	Robert L. Jenkins	" " "	3
22.	Joseph D. Jones	South Park Estates	19
23.	Arthur Vito	" " "	20
24.	Robert J. Schult	" " "	24
25.	Siomne McClung	South Park Estates	28
26.	Tim Mill	" " "	37
27.	David C. Murphy	" " "	38
28.	Mary E. Murphy	" " "	38
29.	Dorcas Spalding	" " "	67
30.	Calvin Hart	" " "	64

WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Elizabeth M. Roberts	South Park Estates	69
2.	Donald S. Roberts	South Park Estates	69
3.	W.H. Manning	SOUTH PARK ESTATES	77
4.	FT Manning	" " "	77
5.	Robert D. Segels	" " "	52
6.	Larvin Luff	" " "	52
7.	L. J. McDonald	" " "	63
8.	Paul Rydell		70
9.	Melween Harris	South Park Estates	72
10.	Colney H. Dick	" " "	73
11.	Ardis H. Beck	" " "	73
12.	Mrs Mrs Maurice - Lyette		74
13.	Marie B. Honer	South Park Estates	78
14.	Francine H. Kapsia	South Park Estates	80
15.	M. F. McJannet	" " "	81
16.	Cliff Hall	" " "	83
17.	Bill K. Brown	" " "	83
18.	Margaret B. Burke	" " "	48
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11 WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	NAME	COURT NAME	SPACE NO
1.	Kenneth Martine	Manoogs	7-K
2.	Lucile Bellamy	Manoogs	D-1
3.	Yan Juhati	Manoogs	18-B
4.	Amory T. White	"	16-F
5.	Alice Dexter	"	4A
6.	Harold J. Rollins	"	20-A
7.	B.R. Smith	"	39C
8.	Janet Benvenuto	"	1-2B
9.	Halvaugh Perensky	Manoogs	4F
10.	Sylvia El Bennett	"	35-C
11.	Patricia Brown	"	38-C
12.	Miss Handing	"	5-H
13.	R.D. Painter	"	7-D
14.	John Frederick	"	23-C
15.	Naudie Spelman	"	37-C
16.	Maureen Mein	Manoogs	25J
17.	John T. Forbes	"	15B
18.	Mrs. G.O. Patten	Manoogs Isle	12E
19.	Ronald W. Zwick	Manoogs Isle	9K
20.	Curtis W. Miller III	Manoogs Isle	14C
21.	Frank L. Poge	"	7-H
22.	Norma K. Tenney	Manoogs Isle	3-H
23.	Thomas H. Brown	Manoogs Isle	11-B
24.	V. L. Currier	" "	10-L
25.	Bill Schen	Manoogs Isle	24 C
26.	Paula Hall	"	21A
27.	Elizabeth Brooks	Manoogs Isle	11 F
28.	Linda Nakamura	Manoogs Isle	16 C
29.	Kathy Donahue	"	5F
30.	Richard W. Zwick	"	19C

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	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Mrs Linda A. Mason	Manoog Island	19C
2.	Juan S. Klatka	Manoog Island	9E
3.	Edna Atkins	Manoog Island	2-1
4.	Reguline Malcolm	Manoog Island	8E
5.	Jim J. Kasper	" "	#G
6.	Ray R. Hill	" "	24B
7.	Jack Glenn	Manoog Isle	17G
8.	Rita J. Thomas	" "	30K
9.	Sandra J. Beal	Manoog Isle	28Q
10.	Blair Ferguson	Manoog Isle	6B
11.	Philly E. Linn	Manoog Isle	20L
12.	Ann Kite	" "	23-E
13.	Patricia M. Coleman	Manoog Isle	8-D
14.	Chloe K. Mott	Manoog Isle	15K
15.	Becki Narvon	Manoog Isle	19B
16.	Mae Daniel	Manoog Isle	27Q
17.	Virginia Weston	Manoog Isle	11C
18.	Pauline Mott	" "	31C
19.	Maggie Midgett	" "	79L
20.	Dorlene Brooks	" "	10-K
21.	Carol R. Moss	" "	12-C
22.	Alcie S. Armer	" "	5-F
23.	Robert A. Horwath	" "	22K
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	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Mrs. Bessie Carno	Diamond Estate	1201
2.	Fred W. Harley	Diamond Estate	531
3.	James W. Hagen	Diamond Estate	14170
4.	Mrs. Wayne Underwood	Diamond Estate	404
5.	Mr. W. M. Lee	Diamond Estate	1405
6.	Frederic C. Finley	Diamond Estate	1204
7.	Glenn Bodson	Diamond Estate	1473
8.	John W. Utterman	" "	1065
9.	M. E. Hughes	Diamond Estate	715
10.	G. H. Hagen	Diamond E "	407
11.	John Wood	Diamond Estate	1460
12.	C. B. Long	" "	719
13.	Carl E. Hagen	" "	1416
14.	W. M. Lee	" "	1010
15.	Carl E. Hagen	Diamond Estate	105
16.	Harold R. Hagen	Diamond Estate	1018
17.	John Hagen	Diamond Estate	604
18.	Lee Purley	" "	" "
19.	Mrs. Carl Hagen	Diamond Estate	1107
20.	John Hagen	" "	307
21.	F. M. Hagen	" "	1316
22.	Carl Hagen	" "	840
23.	Mrs. Duane Sprinkle	" "	1111
24.	Carl Hagen	" "	1416
25.	Walt L. Perkins	" "	913
26.	Shirley J. Hagen	" "	1461
27.	John Hagen	" "	1037
28.	Norma D. Vaughan	" "	705
29.	John Hagen	" "	411
30.	Carl Hagen	" "	1117

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	NAME	COURT NAME	SPACE NO
1.	Michelle Frasier	Diamond Estates	1413
2.	W.A. Clarke	Diamond Estate	1425
3.	Janice M. Billman	Diamond Estate	128
4.	Don W. Fisher	Diamond Estate	1005
5.	Wayne Cherry	Diamond Estate	304
6.	Cher Hagen	Diamond Estate	1431
7.	Francis Morrison Sr.	Diamond Estate	810
8.	W.F. Sparks	Diamond Estate	145
9.	Donna Van Indenburg	Diamond Estates	1498
10.	Emily McIsland	Diamond Estates	# 914
11.	Beverly Dixon	Diamond Estates	# 1476
12.	R. Kalita	Diamond Estates	# 611
13.	P. Gilbert	Diamond Estates	# 818
14.	Kris Kobbie	Diamond Estate	# 120
15.	K. A. Smith	DIAMOND ESTATE	# 1423
16.	B. Smith	Diamond Estate	# 841
17.	Lynn Evers	Diamond Estates	# 728
18.	Paul C. Schell	Diamond Estates	# 623
19.	Mrs. Mrs. S. Ranom	Diamond Estates	# 1109
20.	Beverly Peitz	Diamond Estates	# 1019
21.	Cheri Washburn	Diamond Estate	# 1031
22.	Stephanie (Waltman)	" "	# 836
23.	Mrs. Mrs. Nuchie Lemsky	Diamond Estates	# 108
24.	Yany O. Chene	Diamond Estate	# 1406
25.	Pyronne Guerra	Diamond Estate	
26.	Beverly McFadden	Diamond Estates	1465
27.	Frank M. Hays	Diamond Estates	# 221
28.	Viola Hart	Diamond Estate	SP 129
29.	Dorothy Ann Fry	Diamond Estate	# 1027
30.	Harold W. Owe	Diamond Estate	SP 1101

WHEREAS THE STATE OF ALASKA ENACTED AS. 34.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570. WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE AGAIN.

	<u>NAME</u>	<u>COURT NAME</u>	<u>SPACE NO</u>
1.	Eryn Ramwater	Diamond Estates	608
2.	Carl W. Trice	" "	1001
3.	Allen A. Branner	" "	717
4.	Bob Lucena	" "	1401
5.	Torsten Dickard	" "	310
6.	Paul Matthews	" "	1451
7.	Ben Crowl	" "	1438
8.	Sudeth Walshenri	" "	412
9.	W.W. Anderson	" "	1468
10.	Gina (Bodek)	Diamond Estates	724
11.	Mrs Paul Buisson	" "	547
12.	Cynthia Glau		1317
13.	Ann R. Howard	" "	808
14.	M. J. Jones	" "	1425
15.	Field Jones	" "	1404
16.	Edith H. Keith	DIAMOND REALTY	148
17.	Antoinette W. W.	DIAMOND REALTY	521
18.	Carl U. Steclars	" "	548
19.	J. B. Jones	✓ -	839
20.	H. Braun	✓ -	813
21.	D. Davis	Diamond Estates	117
22.	Cynthia Glau		414
23.	Kandice Jones		812
24.	Mark Moore		1414
25.	Heaman C. Stiles	Diamond Estates	1040
26.	Jan. Dee Perry	Diamond Estates	1210
27.	Pice Schindler	" "	1205
28.	Willie Boyd	" "	1325
29.	Karen Garcia	Diamond Estates	1130
30.	Karen J. Jones	" "	1112

WHEREAS THE STATE OF ALASKA ENACTED AS. 31.03.225 WHICH HANDICAPS MOBILE HOME COURT OWNERS IN SUCH A MANNER THAT IT IS CREATING JUNK YARDS OUT OF MOBILE HOME COURTS. WE THE UNDERSIGNED REQUEST THE ALASKA STATE LEGISLATURE TO PASS SB 570, WHICH WILL ALLOW THE MOBILE HOME COURT OWNER TO SEE THAT TENANTS CLEAN UP MOBILE HOME COURT SPACES, AND MAKE MOBILE HOME COURTS A DESIRABLE PLACE TO LIVE .GAIN.

	NAME	COURT NAME	SPACE NO
1.	Mrs. Richard Lombard	Alaska Village	# 333
2.	MARTIN Starn	"	# 79
3.	Larry Pote	"	# 56
4.	Delwayne Carson	"	# 105
5.	Danell Peters, Jr.	"	# 146
6.	Euben Wets	"	# 60
7.	Jerry Fleming	"	# 252
8.	Robert L. Lisciani	"	# 306
9.	James Tuel	"	# 224
10.	Dave Skellie	"	# 515
11.	Gary Wickell	"	# 97
12.	Deborah Watkins	"	# 408
13.	Chris Brooks	"	# 419
14.	Debi Lombard	"	# 158
15.	Arnold W. Nielsen	"	# 29
16.	Robin Len Leland	"	# 35
17.	Wendell	"	413
18.	Wiene Lutes	"	413
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STATE OF ALASKA  
Inter-Department Route Slip

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DEPARTMENT Senator Ziegler

ATTENTION Chairman S. Gullerby

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|--|--|
| <input type="checkbox"/> Approval      | <input type="checkbox"/> Note & Return       |
| <input type="checkbox"/> Signature     | <input type="checkbox"/> Initial & Return    |
| <input type="checkbox"/> Comment       | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me    | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action    |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information    |

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DEPARTMENT Senator Bradley

BY \_\_\_\_\_ DATE \_\_\_\_\_