

ALASKA LEGISLATURE COMMITTEE FILES

1993-1994

8672

7870

HOUSE JUDICIARY

133

HB

217

(7)

Date Referred: March 26, 1993

FURTHER REFERRALS:

Date of Committee Action: 4-2-93

The JUDICIARY Committee considered:

HB 217

HOUSE BILL NO. 217

NATIVE CORPORATION DIVIDENDS TO MINORS

"An Act relating to Native corporation dividends and other distributions due to minors in state custody."

RECOMMENDATIONS:

be replaced with _____

CS HB 217 (JUD)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note DCED

zero fiscal note(s) HASS 3/26/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

[Signature]

CHAIRMAN'S SIGNATURE

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 26, 1993

FURTHER REFERRALS:

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fiscal impact _____

fiscal note(s) _____

zero fiscal note DCED

zero fiscal note(s) HASS 3/26/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>Shannette James</i>	<input checked="" type="checkbox"/>				
<i>Brian Porter</i>	<input checked="" type="checkbox"/>				
<i>Mai Phillips</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				

[Signature]
CHAIRMAN'S SIGNATURE

Rep. Brian Porter, Chairman

HB 217 Native Corporation Dividends to Minors
 HJR 27 Desecration of U. S. Flag
 HB 231 Aggravating/Mitigating Factors/Sex Crimes

House Judiciary Committee

Date: April 2, 1993
 Place: Capitol Room 120

Subject of Meeting: HB 54 Telephone Consumer Protection; HB 212 Sentencing: Aggravating Factors

HB 214 Disclosure of a Minor's Record by Parent

Please Print Name	Representing	Business/Personal Mailing Address	Zip	(H) Phone	(W) Phone	Do you Want to Testify?	Which Subject/ Which Bill?
✓ <i>Randall Hines</i>	<i>DTSS</i>	<i>Box 110630</i>	<i>99811</i>	<i>-</i>	<i>465-3187</i>	<input checked="" type="radio"/> Y <input type="radio"/> N	<i>HB 217</i>
✓ <i>MARCIU McKENZIE</i>	<i>CDVSA</i>	<i>Box 111200</i>	<i>99811</i>		<i>465-4356</i>	<input checked="" type="radio"/> Y <input type="radio"/> N	<i>HB 54</i>
✓ <i>Jean Foulk</i>	<i>Ombudsman</i>	<i>Box 113000</i>	<i>99811</i>		<i>5581</i>	<input checked="" type="radio"/> Y <input type="radio"/> N	<i>HB 214</i>
✓ <i>Kay Brown</i>	<i>bill sponsor</i>					<input checked="" type="radio"/> Y <input type="radio"/> N	<i>HB 54</i>
✓ <i>Margot Knuth</i>	<i>Law - Oregon</i>	<i>113000</i>			<i>4049</i>	<input checked="" type="radio"/> Y <input type="radio"/> N	<i>HB 212 HB 231</i>
<i>Janine Reep</i>	<i>Law - Civil</i>	<i>"</i>			<i>3603</i>	<i>to answer your question</i> <input type="radio"/> Y <input type="radio"/> N	<i>HB 214</i>
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

A M E N D M E N T

OFFERED IN THE HOUSE

BY THE HOUSE JUDICIARY COMMITTEE

TO: HB 217

Page 1, line 2:

Delete "state custody"

Insert "the custody of a state"

Page 1, line 6:

Delete "STATE CUSTODY"

Insert "THE CUSTODY OF A STATE"

Page 1, line 8:

Following "minor"

Insert "who is"

Following "custody of"

Delete "the"

Insert "this"

Following "AS 47.10.010(a)(2)"

Insert "or of another state under a provision similar to AS 47.10.010(a)(2)"

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 217

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to Native corporation BRU: Family and Youth Services
dividends and other distributions due to minors in state.." Component: Southcast, Southcentral, Northern, & Central Office
 Sponsor: REPRESENTATIVE MACLEAN
 Requestor: HOUSE HESS Committee COMPONENT SERIAL NO. 0258 0254 0255 0259

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE						
---------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

There would be no fiscal impact to the department if this bill were to become law. Any additional administrative support or line staff services needed would be absorbed by already existing resources.

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
 Division: Department of Health & Social Services Date: 03/16/93

Approved by Commissioner: Theodore A. Mala, MD, MPH *Theodore A. Mala* Date: 3/22/93
 Agency: Department of Health & Social Services

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FISCAL NOTE

BILL NO. HB 217

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____
 Title: Relating to Native corporation dividends
 Sponsor: Representative MacLean
 Requestor: _____

Department Affected: Commerce and Economic Development
 BRU: Banking, Securities and Corporations
 Component: _____
 COMPONENT SERIAL NO. 1233

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: 0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Willis F. Kirkpatrick, Director
 Division: Banking, Securities and Corporations

Phone: 465-2521
 Date: _____

Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Date: 3-24-93

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ALASKA STATE LEGISLATURE

Representative Eileen Panigeo MacLean
Co-Chair House Finance Committee
P.O. Box 830
Barrow, Alaska 99723
(907) 852-7111

WHILE IN JUNEAU
State Capitol, Room 507
Juneau, Alaska 99801-1182
465-4833
465-4525
463-3241 FAX

HOUSE OF REPRESENTATIVES

M E M O R A N D U M

District 37

North Slope
Borough

Anaktuvuk Pass
Atkasuk
Barrow
Kaktovik
Nuiqsut
Point Hope
Point Lay
Wainwright

Northwest Arctic
Borough

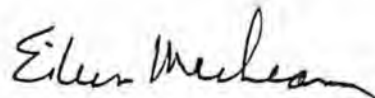
Ambler
Buckland
Deering
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
Selawik
Shungnak

Seward Peninsula

Brevig Mission
Diomedes
Shishmaref
Teller
Wales

TO: Representative Brian Porter, Chairman
House Judiciary Committee

FROM: Representative Eileen P. MacLean



DATE: March 24, 1993

SUBJECT: Scheduling HB 217

This is to request a hearing in the House Judiciary Committee for HB 217, (pending referral from the House HESS Committee) relating to Native corporation dividends and other distributions due to minors in state custody.

This bill would require a Native corporation organized under the Alaska Native Claims Settlement Act (ANCSA) to retain a minor's dividends and other distributions in an interest bearing account while the minor is in the custody of the state under the child-in-need-of-aid category.

Under state law even though the state may have a minor in custody the child is still under the legal guardianship of a parent or other named provider. I have been asked by Native corporations and the Department of Health and Social Services to introduce this bill to allow corporations to withhold dividends and other distributions while the child is in state custody and to require that the funds be used for the child's benefit.

HB 217 prohibits the corporation from using the property in the account unless the use is approved by a court and also specifies when the corporation can make a distribution for the minor.

The Department of Health and Social Services supports the bill. If you have any questions, please contact Rena Bukovich of my staff at 465-6872.

SPONSOR STATEMENT

HB 217

Representative Eileen P. MacLean

The purpose of HB 217 is to require Native corporation's under the Alaska Native Claims Settlement Act (ANCSA) to hold a minor's dividends in an interest bearing account while the minor is in custody of the state.

With the passage of ANCSA on December 18, 1971, unique Native regional corporations were established and every Alaska Native became eligible to receive 100 shares of a regional corporation stock. Under the original act, the stock was inalienable and could not be sold or otherwise transferred, (except by inheritance), until December 18, 1991. Stock was limited to living Natives as of December 18, 1971. Those born after that date, "afterborns", could only acquire stock by inheritance.

The creation of ANCSA corporations resulted in a new class of minor's who were similarly situated in that they were eligible for 100 shares of Native corporation stock. In an effort to insure protection of dividend funds for minors in state custody the state filed a class action suit to assure that dividends were protected and spent for the child's benefit while in state custody. Because the stock was issued only to Alaska Natives living on December 18, 1971 and the restrictions on stock ownership were set to expire on December 18, 1991, the issue of protecting dividends of minors in state custody was temporary.

In 1987, Congress amended ANCSA and extended the alienability of Native corporation stock indefinitely. The federal amendments to ANCSA have brought back the issue of dividend protection for children in state custody and raised the need for a permanent solution. As a result, the Department of Health and Social Services and Native corporations have requested this legislation.

HB 217 adds a new section to corporations organized under the Alaska Native Claims Settlement Act requiring the corporation to set up interest bearing accounts for minors held in state custody under the child-in-need-of-aid category. The bill prohibits the corporation from using the property in the account unless approved by a court and specifies when corporations can distribute property.

Sponsor Statement

Sponsor Statement

HB 217

page 2

HB 217 exempts the retention and distribution of dividends and distributions under this legislation from the Uniform Transfers to Minors Act (UTMA). UTMA sets out requirements for custodians of Native corporation stock. HB 217 does not affect the procedure or requirements for custodians of Native corporation stock, it requires Native corporations to hold dividends in an interest bearing account while a minor is in state custody.

The Department of Health and Social Services is in support of the bill. HB 217 has a zero fiscal note.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

COPY

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 10, 1993

SUBJECT: Sectional Summary of HB 217

TO: Representative Eileen MacLean
Attn: Rena

FROM: Theresa L. Bannister *TB*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1. Adds a new section to the chapter on for-profit corporations.

Sec. 10.06.961(a) requires a Native corporation organized under AS 10.06 and under the Alaska Native Claims Settlement Act (ANSCA) to retain a minor's dividends and other distributions in an interest-bearing account while the minor is in the custody of the state under AS 47.10.010(a)(2) (child-in-need-of-aid category).

Sec. 10.06.961(b) prohibits the corporation from using the property in the account unless the use is approved by a court.

Sec. 10.06.961(c) tells the corporation when it can distribute the property in the account.

Sec. 10.06.961(d) states that the retention and distribution of dividends and distributions under this section is not subject to the Alaska Uniform Transfers to Minors Act (AS 13.46).

Sec. 10.06.961(e) defines "minor" for the section.

Section 2. Is a transition provision for sec. 1. States that sec. 1 doesn't apply to dividends paid, or distributions made by the corporation before sec. 1 takes effect.

TLB:gc
93-219.glc

Sectional Summary

POSITION PAPER

HB 217

For An Act Entitled: "An Act relating to Native corporation dividends and other distributions due to minors in custody."

Background

When the Alaska Native Claims Settlement Act (ANCSA) became law on December 18, 1971 every living Alaska Native was entitled to 100 shares of stock in a regional native corporation and depending on the residence location to become a shareholder in a village corporation as well. Alaska Natives born after December 18, 1971 ("afterborns") could become shareholders only by inheritance.

With very limited exceptions, corporate stock in regional and village corporations could not be sold or otherwise disposed of until December 18, 1991. On that date the stock in regional and village corporations was to be canceled and new shares issued. The new stock was to be without the restrictions or alienation that was required originally issued under ANCSA. Congress amended ANCSA prior to December 18, 1991 and retained the alienability of native corporation stock. This action holds the stock to the original restrictions under the act.

A class action suit was brought on behalf of children in the custody of the department (Ak. v Ahtna) to assure that stock dividends were protected from irresponsible expenditure by the minor's parent(s). Trust accounts were established at Alaska banks on behalf of those children in custody of the department and notice was given to the trust officer by the department when a child entered or left state custody. This process ended when the original dividend holders reached the age of majority and protection of their assets was no longer a fiduciary issue.

Now the issue of "after born" dividend holders has brought back the need for protection of dividend funds for minors that are in the department's custody.

Analysis/Program Impact

The department recognizes the need for protection of dividends paid to minors in the department's custody. Failure to establish these protection exposes children to exploitation by irresponsible parents or guardians.

The department believes that the native corporations are best able to protect dividends that are issued to "after born " children. This belief supports self determination for Alaska Native children by enabling the corporations to act in the best interests of the child by ensuring that the child is the ultimate benefactor of the dividend.

The department would work with corporations to identify children enrolled in corporations distributing dividends when those children enter and leave custody. When custody orders are entered for a Alaska Native youth enrolled in an ANCSA corporation the department will provide the information to the corporation so that the proper account for the funds may be established.

DEPARTMENTS POSITION

The department strongly supports this bill as it would protect the dividends of the "after born" children entering or leaving state custody. It supports the underpinnings of the department's mission to act in the best interests of the child while at the same time supporting self determination by enabling the corporation to act as the child's fiduciary.

Recommended: Deborah R. Wing Date: 3/22/93

Deborah R. Wing, Director
Division of Family and Youth Services

Approved: Theodore A. Mala Date: 3/22/93

Theodore A. Mala MD, MPH
Commissioner
Department of Health and Social Services

Flossie



March 12, 1993

Representative Eileen MacLean
House of Representatives
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Eileen:

This letter is being sent in support of HB 217 which will give native corporations authority to create dividend accounts for minor shareholders under state custody.

Arctic Slope Regional Corporation has received requests from shareholders for the Board of Directors to authorize the establishment of accounts for minors under State custody to insure that the minors' benefits are protected, so the passage of HB 217 will be of benefit for our shareholders.

HB 217 will help give ASRC authority to create dividend accounts and save the dividends of the minor shareholders so that these dividends can be used on their behalf or dividends can be held in that account until the minor reaches the age of 18 years.

ASRC has minor shareholders under the care of immediate family members because natural parents are incarcerated but custodianship is still under the natural parents and they are not willing to relinquish custodianship. Unless there is a court order terminating parental rights and legal guardianship appointed dividends have to be issued to the custodian of record.

I have asked our legal counsel to review this proposal further to see if there are additional matters we would like to see addressed in this Bill and will advise you as soon as possible if there are such additional matters.

Arctic Slope Regional Corporation highly recommends the passage of HB 217 so that the rights of minor shareholders can be protected.

Quyanakpak, Eileen!

Sincerely,

Flossie Chrestman
Flossie Chrestman
Corporate Secretary

Letters of Support

CIRI

COOK INLET REGION, INC.

March 23, 1993

Eileen MacLean
House of Representatives
State Capitol
Room 507
Juneau, AK 99801-1182

Re: House Bill No. 217, "An Act relating to Native corporation dividends and other distributions due to minors in state custody"

Dear Representative MacLean:

CIRI strongly supports House Bill No. 217 as an attempt to close a gap in the law that endangers the interests of minor shareholders who have been placed in the custody of the state as children in need of aid.

The Alaska Uniform Transfers to Minors Act ("AUTMA") requires Native corporations such as CIRI to make distributions on behalf of a minor shareholder to the adult who has been appointed custodian for that minor's stock pursuant to the AUTMA. That requirement creates a troubling situation when the State has removed physical custody of the child from that adult, who nevertheless remains custodian of the stock presumably until the special provisions of the AUTMA for terminating stock custodianships have been invoked. House Bill No. 217 should remedy that situation and help protect the minor shareholder's dividends from misuse.

I do have two comments regarding the legislation as currently drafted. First, I note that it applies only to minors in the custody of the State of Alaska and not to those in the custody of other states. CIRI (and, we believe, many other Native corporations) typically has several minor shareholders at any given time who are in the custody of states other than Alaska. The Alaska Statutes (A.S. 13.16.705(e)) make Alaska the situs of ANCSA stock regardless of where the shareholder lives, thus affording all Alaska Natives—residents of Alaska and non-residents alike—uniform and consistent rules regarding their ANCSA stock. The AUTMA itself purports to apply to all custodianships of ANCSA stock, again without regard to the residence of either the transferee or transferor shareholder. I suggest that House Bill No. 217 be broadened to extend the same protection to minors in the custody of other states, since in all other aspects their situation is the same as that of children in need of aid in Alaska.

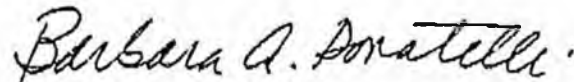
Eileen MacLean
March 23, 1993
Page 2

Second, the draft legislation provides for the distribution to the legal guardian of the minor of all monies held if state custody terminates while the minor is under eighteen. I note this potential problem: Unless the original stock custodian has been removed by court order in accordance with the AUTMA, and a new custodian appointed, the question will arise whether subsequent distributions must still be delivered to the original stock custodian, even if physical and legal custody of the child himself has been removed from that person.

On behalf of CIRI, I am gratified that efforts are being made to fill a gap in the statutes to resolve a problem that seriously affects certain of our shareholders.

Very truly yours,

COOK INLET REGION, INC.



Barbara A. Donatelli
Vice President, Administration

cc: Roy Huhndorf
Carl Marrs

Date: March 11, 1993

To: The Board of Directors of Arctic Slope Regional Corporation
P.O. Box 129
Barrow, Alaska 99723

Dear: Members of the Board:

Hello, my name is Bertha E Akpik, Akootchook, I am a shareholder of Arctic Slope Regional Corporation. On behalf of the minor children involved, I would like to take time to put in writing my concern which has been on my mind for quite some time now, and because I believe that it is a very sensitive issue which may affect and address some shareholders and their children of this corporation, I feel it is best and appropriate for me to put it into writing for the record instead of addressing it to the general public so that I may unintentionally direct it to anyone who may fall under this category.

As you all may know, my younger sister, Nellie Ruth Akpik Itta died of an untimely death as a result of domestic violence, and because of the nature of her death the children have been pretty much left as orphan's since their father, by-law; has been granted an order not to have any contact with the minor children.

Since the tragedy, the immediate family of Nellie R Itta has taken on the responsibility of raising these four children.

Leonard and I have been granted physical custody of Nora Marie and Robert Thomas Jr., Mr. and Mrs. Max Akpik of Wainwright have been granted the physical custody of Ellis Mathew, and my mother Mrs. Marjorie Akpik and Miss Theresa Akpik have been granted dual physical custody of the youngest child, Ellen Joyce.

By State law, Division of Family and Youth Services have obtained legal custody of the minor children of Robert and Nellie Itta (deceased). But according to the Arctic Slope Regional Corporation Stock records, these children are still in the under the legal guardianship of Robert Allen Itta, Sr,. As we know, A.S.R.C. dividends were distributed in December of 1992. and since the stock records show that Robert Itta, Sr. is still the legal guardian of the minor children involved; we, the PHYSICAL CUSTODIANS were unable to retrieve the dividends for these children. I have unsuccessfully requested from Robert Itta Sr to sign an ASRC "waiver" of Custodianship and turn over the legal guardianship regarding ASRC shares over to the members of the family but have only received negative response from him. That is why I am requesting your support to consider awarding those dividends which are still being held at A.S.R.C. to the children to be used for the benefit of the children. I would also like to thank Michael Stotts and his staff for their efforts to assist me.

In closing , I highly recommend that the Board of Directors establish an account program similar to the Alaska Permanent Dividend Fund application to insure that the rightful gaurdian receives the dividend on behalf of the minor child who is living with them, whether he or she is, or isn't in State Custody. i.e: aunt, uncle, grandparents., and, or establish a trust fund account for other children who are in long-term legal custody of the state.

Thank you for your time in voicing my concern. If you have any questions you can reach me at 852-5590.

Sincerely,

Bertha E. Akootchook

Bertha E Akootchook
P.O. Box 251
Barrow, Alaska 99723

cc: Dept of H.S. S.

HB

222

P.O. Box 21997
Juneau, Alaska 99802
247 South Franklin Street
Telephone (907) 789-4159

April 12, 1993

TO: SENATORS AND REPRESENTATIVES OF THE STATE OF ALASKA:

Re: House Bill 222 and Senate Bill No. 155:

"Relating to landlords and tenants, etc."

This Bill is similar to one which was introduced two years ago, with the addition of Alcohol to the reasons to terminate a rental agreement. That does not happen to be MY concern. What I AM concerned about, is the termination period for being late with rent. In this State, with all the weather problems which can interfere with delivery of Social Security checks, and other sources of support, a 10 day "grace" period for payment of rent is reasonable. I have no objection to a fee being attached to the late rent (a "reasonable" fee), but DO object to the time being shortened to 5 days.

I am aware that this Bill(s) is aimed at illegal drug/alcohol use, but am concerned that some other, innocent, folks can be affected, the way it is written.

Since I run a homeless shelter, perhaps I am a bit more aware of what conditions precipitate the homeless situation.

I am in sympathy with those landlords who do not know how to screen prospective tenants well enough to avoid these situations, but feel the time of 10 days for late rent is the most reasonable time period for this state.

I am a bit concerned about the financial arrangements, since this puts more work on law enforcement officers, in that they are required to go look up owners, etc.

Please address these concerns.

Thankyou, and God Bless You,

Allen Northrup
Executive Director



food ♡ shelter ♡ hospitality

8-LS0832AE
Chenoweth
4/13/93

CS FOR HOUSE BILL NO. 222(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES JAMES, Porter

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to landlords and tenants, to termination of tenancies and
2 recovery of rental premises, to tenant responsibilities, to the civil remedies of
3 forcible entry and detainer and nuisance abatement, and to the duties of peace
4 officers to notify landlords of arrests involving certain illegal activity on rental
5 premises."

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

7 * Section 1. AS 04.21 is amended by adding a new section to read:

8 Sec. 04.21.075. NOTICE TO LANDLORD FOLLOWING ARREST. (a) A
9 peace officer who arrests a person for illegal activity involving alcoholic beverages on
10 premises that the peace officer believes are occupied by a person who is not the owner
11 of the premises shall

12 (1) make a reasonable attempt to discover the identity of the owner of
13 the premises; and

1 (2) notify the owner of the person's arrest

2 (A) in person; or

3 (B) in writing, at the last address listed on the assessment roll
4 maintained by the municipality under A.S 29.45.160 if the premises are located
5 within a municipality that levies and collects a property tax; if an address is not
6 available, notice of the person's arrest may be sent to the property owner at
7 any other address known to the peace officer.

8 (b) In this section, "illegal activity involving alcoholic beverages" has the
9 meaning given in AS 34.03.360.

10 * Sec. 2. AS 09.45.090 is amended to read:

11 Sec. 09.45.090. UNLAWFUL HOLDING BY FORCE. The following are
12 cases of unlawful holding by force within the meaning of AS 09.45.060 - 09.45.160:

13 (1) when the tenant or person in possession of a premises

14 (A) fails or refuses to pay within five days the rent due on the
15 lease or agreement under which the tenant or person holds, or fails to deliver
16 up the possession of the premises within five [FOR 10] days after demand
17 made in writing for the possession; for premises to which the provisions of
18 AS 34.03 (Uniform Residential Landlord and Tenant Act) apply, notice
19 provided under AS 34.03.220(b) by the person seeking to recover
20 possession of the premises satisfies the notice requirements of this
21 subparagraph; or

22 (B) violates AS 34.03.120(b) or AS 34.05.100(a) and, after a
23 notice to quit as provided in AS 09.45.100, the tenant or person in
24 possession of the premises fails or refuses to deliver up the possession of
25 the premises within five days after demand made in writing for the
26 possession;

27 (2) when, after a notice to quit as provided in AS 09.45.100
28 [AS 09.45.060 - 09.45.160], a person continues in the possession of the premises

29 (A) at the expiration of the time limited in the lease or
30 agreement under which that person holds;

31 (B) [, OR] contrary to a condition or covenant in the lease or

1 agreement, including the breach of a condition or covenant set out in
 2 AS 34.03.120(a) but not including the breach of a condition or covenant to
 3 which (1) of this section applies; or

4 (C) without a written lease or agreement;

5 (3) when, after a notice to terminate the tenancy as provided in this title
 6 with reference to termination of estate at will or by sufferance or after receipt of an
 7 order of abatement under AS 09.50.210(a), a person continues in possession of the
 8 premises after expiration of the time for determining the tenancy.

9 * Sec. 3. AS 09.45.100 is amended to read:

10 Sec. 09.45.100. REQUISITES OF NOTICE TO QUIT. A notice to quit shall
 11 be in writing and shall be served upon the tenant or person in possession by being

12 (1) delivered to the tenant or person;

13 (2) [OR] left at the premises in case of absence from the premises; [,]

14 or

15 (3) [THE NOTICE MAY BE] sent by registered or certified mail [, IN
 16 WHICH CASE AN ADDITIONAL THREE DAYS SHALL BE ADDED TO THE 10
 17 DAYS].

18 * Sec. 4. AS 09.45.100 is amended by adding a new subsection to read:

19 (b) If notice is provided by mail under (a)(3) of this section, an additional
 20 three days shall be added

21 (1) to the five days' notice if,

22 (A) under AS 09.45.090(1)(A), the tenant or person in
 23 possession of the premises fails or refuses to pay the rent due on the lease or
 24 agreement under which the tenant holds or deliver up the possession of the
 25 premises; or

26 (B) under AS 09.45.090(1)(B), the tenant or person in
 27 possession of the premises fails or refuse to deliver up the possession of the
 28 premises; or

29 (2) to the required number of days of notice if notice to quit is given
 30 for a reason other than that set out in AS 09.45.090(1).

31 * Sec. 5. AS 09.45.110 is amended to read:

1 Sec. 09.45.110. PERIOD BETWEEN SERVICE OF NOTICE AND ACTION
2 BROUGHT. An action for the recovery of the possession of the premises may be
3 maintained

4 (1) in [THE] cases specified in AS 09.45.090(2)(A), [AS 09.45.090(2)]
5 when the notice to quit has been served upon the tenant or person in possession for the
6 period of five [10] days before the commencement of the action unless the leasing or
7 occupation is for the purpose of farming or agriculture, in which case the notice shall
8 be served 90 days before commencement of the action; and

9 (2) in cases specified in AS 09.45.090(2)(B) and (C), when the notice
10 to quit has been served upon the tenant or person in possession before the
11 commencement of the action.

12 * Sec. 6. AS 09.45 is amended by adding a new section to read:

13 Sec. 09.45.125. ORDER. If, after trial, the court finds and enters judgment
14 against the tenant or person in possession, the court shall enter an order to vacate
15 directed to the tenant or person in possession and, at the request of the person
16 recovering possession of the premises, at the same time or at any later date may issue
17 a writ of assistance to a peace officer to secure that officer's assistance in serving and
18 enforcing the order to vacate.

19 * Sec. 7. AS 09.45 is amended by adding a new section to read:

20 Sec. 09.45.135. ACTION AGAINST TENANT OCCUPYING PREMISES
21 ABATED AS NUISANCE. In an action under AS 09.45.060 - 09.45.160 against a
22 tenant or person in possession of premises for which an order of abatement has been
23 entered under AS 09.50.210(a), a certified copy of the order of abatement is prima
24 facie evidence of unlawful holding of the premises by force by a person who remains
25 on the premises.

26 * Sec. 8. AS 09.50.170 is amended to read:

27 Sec. 09.50.170. ABATEMENT OF PLACES USED FOR CERTAIN ACTS
28 [IMMORAL ACT]. A person who erects, establishes, continues, maintains, uses,
29 owns, or leases a building, structure, or other place used for one of the following
30 activities [THE PURPOSES OF LEWDNESS, ASSIGNATION, OR PROSTITUTION
31 OR ANY OTHER IMMORAL ACT] is guilty of maintaining a nuisance, and the

1 building, structure, or place, or the ground itself in or upon which or in any part of
 2 which the activity [LEWDNESS, ASSIGNATION, OR PROSTITUTION] is
 3 conducted, permitted, [OR] carried on, continues, or exists, and its [THE] furniture,
 4 fixtures, and other contents, constitute a nuisance and may be enjoined and abated:

5 (1) prostitution;

6 (2) an illegal activity involving a place of prostitution; or

7 (3) an illegal activity involving

8 (A) alcoholic beverages;

9 (B) a controlled substance; or

10 (C) an imitation controlled substance.

11 * Sec. 9. AS 09.50.170 is amended by adding a new subsection to read:

12 (b) In this section, "illegal activity involving alcoholic beverages," "illegal
 13 activity involving a controlled substance," "illegal activity involving an imitation
 14 controlled substance," "illegal activity involving a place of prostitution," and
 15 "prostitution" have the meanings given in AS 34.03.360.

16 * Sec. 10. AS 09.50 is amended by adding a new section to read:

17 Sec. 09.50.175. ADMISSIBILITY OF EVIDENCE TO PROVE NUISANCE.

18 In an action brought under AS 09.50.170(a) to prove the existence of a nuisance, the
 19 court may consider

20 (1) evidence of reputation within a community;

21 (2) evidence derived from records of the courts of the state or of the
 22 United States that relate to previous complaints concerning alleged violations of, and
 23 to arrests for or convictions of violations of, laws based on activity set out in
 24 AS 09.50.170.

25 * Sec. 11. AS 09.50.210 is amended to read:

26 Sec. 09.50.210. ORDER OF ABATEMENT. (a) If the court finds and
 27 enters [UPON] judgment that a nuisance exists, the court shall enter an order of
 28 abatement. The order of abatement must direct

29 (1) termination of the lease or rental agreement, if any, on the
 30 premises subject to the order of abatement, if the tenant who occupies under the
 31 lease or rental agreement has been given notice of the proceedings under

AS 09.50.170 - 09.50.240:

(2) [SHALL BE ENTERED DIRECTING] the removal from the building or place of the fixtures, furniture, and movable property used in the nuisance and their sale in the manner provided for the sale of chattels under execution;

(3) [. THE ORDER SHALL ALSO DIRECT] the closing of the building or place against its use for any purpose for a period of one year unless sooner released.

(b) A person who breaks and enters or uses a building, structure, or other place [SO] directed to be closed by an order entered under (a)(3) of this section is guilty of contempt and shall be punished for contempt as provided in AS 09.50.200.

* Sec. 12. AS 09.50.230 is amended to read:

Sec. 09.50.230. RELEASE OF PREMISES TO OWNER. (a) The court may order premises abated under AS 09.50.210 delivered to the owner and cancel the order of abatement if [IF] the owner of the premises

(1) has not been guilty of a contempt in the proceedings;

(2) [, AND] appears and pays all costs, fees, and allowances that [WHICH] are a lien on the premises; [,] and

(3) files a bond with sureties approved by the court in an amount [THE FULL VALUE OF THE PROPERTY AS] determined by the court to the effect that the owner will abate the nuisance that exists at the building or place and prevent the nuisance from being established within a period of one year thereafter [, THE COURT MAY ORDER THE PREMISES TO BE DELIVERED TO THE OWNER AND CANCEL THE ORDER OF ABATEMENT].

(b) The lease of the property does not release it from a judgment, lien, penalty, or liability to which it may be subject by law.

(c) A cancellation of the order of abatement does not affect a termination of a lease or rental agreement made under AS 09.50.210(a)(1).

* Sec. 13. AS 17.30 is amended by adding a new section to read:

Sec. 17.30.160. NOTICE TO LANDLORD FOLLOWING ARREST. (a) A peace officer who arrests a person for illegal activity involving a controlled substance or illegal activity involving an imitation controlled substance on premises that the

1 peace officer believes are occupied by a person who is not the owner of the premises
2 shall

3 (1) make a reasonable attempt to discover the identity of the owner of
4 the premises; and

5 (2) notify the owner of the person's arrest

6 (A) in person; or

7 (B) in writing, at the last address listed on the assessment roll
8 maintained by the municipality under AS 29.45.160 if the premises are located
9 within a municipality that levies and collects a property tax; if an address is not
10 available, notice of the person's arrest may be sent to the property owner at
11 any other address known to the peace officer.

12 (b) In this section, "illegal activity involving a controlled substance" and
13 "illegal activity involving an imitation controlled substance" have the meanings given
14 in AS 34.03.360.

15 * Sec. 14. AS 34.03.020 is amended by adding a new subsection to read:

16 (e) If required by the landlord, the landlord and the tenant shall include within
17 the rental agreement, incorporate by reference in the rental agreement, or add as a
18 separate attachment to the rental agreement a premises condition statement, setting out
19 the condition of the premises, including fixtures but excluding reference to any of the
20 other contents of the premises, and, if applicable, a contents inventory itemizing or
21 describing all of the furnishings and other contents of the premises and specifying the
22 condition of each of them. In the premises condition statement and contents inventory,
23 the parties shall describe the premises and its contents at the commencement of the
24 term of the period of the occupancy covered by the rental agreement. When signed
25 by the parties, the premises condition statement and contents inventory completed
26 under this subsection become part of the rental agreement.

27 * Sec. 15. AS 34.03.070(b) is amended to read:

28 (b) Upon termination of the tenancy, property or money held by the landlord
29 as prepaid rent or as a security deposit may be applied to the payment of accrued rent
30 and the amount of damages that the landlord has suffered by reason of the tenant's
31 noncompliance with AS 34.03.120. ["DAMAGES" DOES NOT INCLUDE WEAR

1 RESULTING FROM ORDINARY USE OF THE PREMISES.] The accrued rent and
 2 damages must be itemized by the landlord in a written notice mailed to the tenant's
 3 last known address within the time limit prescribed by (g) of this section, together with
 4 the amount due the tenant. In this subsection, "damages"

5 (1) means deterioration of the premises and, if applicable, of the
 6 contents of the premises;

7 (2) does not include deterioration

8 (A) that is the result of the tenant's use of the premises by
 9 normal, nonabusive living;

10 (B) caused by the landlord's failure to prepare for expected
 11 conditions or by the landlord's failure to comply with an obligation of the
 12 landlord imposed by this chapter.

13 * Sec. 16. AS 34.03.090 is amended by adding a new subsection to read:

14 (b) As a condition of delivery of possession of the premises to the tenant, the
 15 landlord may require the tenant to acknowledge or verify by the tenant's signature the
 16 accuracy of the premises condition statement and contents inventory prepared under
 17 AS 34.03.020(e). Before requiring the tenant's signature, the landlord shall first advise
 18 the tenant that the premises condition statement and contents inventory

19 (1) may be used by the landlord as the basis

20 (A) to determine whether prepaid rent or a security deposit shall
 21 be applied to the payment of damages to the premises when authorized by
 22 AS 34.03.070(b); and

23 (B) to compute the recovery of other damages to which the
 24 parties may be entitled under this chapter; and

25 (2) is, in an action initiated by a party to recover damages or to obtain
 26 other relief to which a party may be entitled under this chapter, presumptive evidence
 27 of the condition of the premises and its contents at the commencement of the term of
 28 the period of occupancy covered by the rental agreement.

29 * Sec. 17. AS 34.03.110(a) is amended to read:

30 (a) Unless otherwise agreed, a landlord who conveys premises that include a
 31 dwelling unit subject to a rental agreement in a good faith sale to a bona fide

1 purchaser is relieved of liability under the rental agreement and this chapter as to
2 events occurring subsequent to written notice to the tenant of the conveyance.
3 However,

4 (1) the landlord remains liable to the tenant for the property and money
5 to which the tenant is entitled under AS 34.03.070, unless the property and money are
6 specifically assigned to and accepted by the purchaser; and

7 (2) the provisions of

8 (A) a premises condition statement prepared under
9 AS 34.03.020(e) between the landlord and the tenant remains valid as
10 between the purchaser and the tenant until a new premises condition
11 statement is entered into between the purchaser and the tenant; and

12 (B) a contents inventory prepared under AS 34.03.020(e)
13 between the landlord and the tenant remains valid as between the
14 purchaser and the tenant for the contents remaining on the premises after
15 the conveyance of the premises until a new contents inventory is entered
16 into between the purchaser and the tenant.

17 * Sec. 18. AS 34.03.120 is amended to read:

18 Sec. 34.03.120. TENANT TO MAINTAIN DWELLING UNIT. The tenant
19 shall

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

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

24 ~~(3)~~ keep all plumbing fixtures in the dwelling unit or used by the tenant
25 as clean as their condition permits;

26 (4) use in an ordinary, nonabusive [A REASONABLE] manner all
27 electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other
28 facilities and appliances including elevators in the premises;

29 (5) not [DELIBERATELY OR NEGLIGENTLY] destroy, deface,
30 damage, impair, or remove a part of the premises or knowingly permit any person to
31 do so;

1 (6) not [UNREASONABLY] disturb, or permit others on the premises
2 with the tenant's consent to [UNREASONABLY] disturb, a neighbor's peaceful
3 enjoyment of the premises; and

4 (7) maintain smoke detection devices as required under AS 18.70.095.

5 * Sec. 19. AS 34.03.120 is amended by adding a new subsection to read:

6 (b) The tenant may not knowingly engage at the premises in prostitution, an
7 illegal activity involving a place of prostitution, an illegal activity involving alcoholic
8 beverages, an illegal activity involving a controlled substance, or an illegal activity
9 involving an imitation controlled substance, or knowingly permit others in the premises
10 to engage in one or more of those activities at the rental premises.

11 * Sec. 20. AS 34.03.220(a) is amended to read:

12 (a) Except as provided in this chapter, if there is [A MATERIAL]
13 noncompliance by the tenant with the rental agreement or noncompliance with
14 AS 34.03.120(a) [AS 34.03.120 MATERIALLY AFFECTING HEALTH AND
15 SAFETY], the landlord may deliver a written notice to the tenant specifying the acts
16 and omissions constituting the breach and specifying that the rental agreement will
17 terminate 24 hours [UPON A DATE NOT LESS THAN 20 DAYS] after receipt of
18 the notice. If the breach is remediable by repairs or the payment of damages or
19 otherwise and the tenant remedies the breach to the satisfaction of the landlord
20 before the date specified in the notice, the rental agreement will not terminate.
21 If the breach is not remedied [IN 10 DAYS], the rental agreement terminates as
22 provided in the notice, and at that time the landlord may serve a notice under
23 AS 09.45.100 to quit the premises. This subsection does not apply unless the
24 tenant's acts or omissions constituting noncompliance

25 (1) with or breach of the obligation imposed by AS 34.03.120(a)(5)
26 are substantial; an act or omission is "substantial" if the loss of property
27 attributable to the destruction, defacement, damage, impairment, or removal
28 affecting the premises exceeds the amount of the security deposit held by the
29 landlord under AS 34.03.070;

30 (2) with or breach of an obligation imposed by AS 34.03.120(a)(1) -

31 (4) materially affect the health or safety of the tenant or other tenants;

1 (3) with the rental agreement, other than a provision of the rental
2 agreement that addresses an obligation imposed by AS 34.03.120(a), detrimentally
3 affect the landlord's investment in the premises, the quiet enjoyment of the
4 premises by other tenants, or the use and occupancy of adjacent premises
5 [SUBJECT TO THE PROVISIONS OF THIS SECTION. IF THE BREACH IS
6 REMEDEABLE BY REPAIRS OR THE PAYMENT OF DAMAGES OR
7 OTHERWISE AND THE TENANT ADEQUATELY REMEDIES THE BREACH
8 BEFORE THE DATE SPECIFIED IN THE NOTICE, THE RENTAL AGREEMENT
9 WILL NOT TERMINATE. IN THE ABSENCE OF DUE CARE BY THE TENANT,
10 IF SUBSTANTIALLY THE SAME ACT OR OMISSION THAT CONSTITUTED A
11 PRIOR NONCOMPLIANCE OF WHICH NOTICE WAS GIVEN RECURS WITHIN
12 SIX MONTHS, THE LANDLORD MAY TERMINATE THE RENTAL
13 AGREEMENT UPON AT LEAST 10 DAYS WRITTEN NOTICE SPECIFYING THE
14 BREACH AND THE DATE OF TERMINATION OF THE RENTAL AGREEMENT].

15 * Sec. 21. AS 34.03.220(b) is amended to read:

16 (b) If rent is unpaid when due and the tenant fails to pay rent within five [10]
17 days after written notice by the landlord of nonpayment and the intention to terminate
18 the rental agreement if the rent is not paid within that period of time, the tenancy
19 terminates unless the landlord agrees to allow the tenant to remain in occupancy, and
20 the landlord may terminate the rental agreement and immediately recover possession
21 of the rental unit; only one written notice of default need be given the tenant by the
22 landlord as to any one default.

23 * Sec. 22. AS 34.03.220 is amended by adding a new subsection to read:

24 (d) An order of abatement entered by a court under AS 09.50.170 terminates
25 a rental agreement on the premises subject to the order of abatement.

26 * Sec. 23. AS 34.03 is amended by adding a new subsection to read:

27 Sec. 34.03.335. PROOF OF BASIS IN CERTAIN PROPERTY DAMAGE
28 CLAIMS. In an action initiated by a party to recover damages or to obtain other relief
29 to which a party may be entitled under this chapter, a premises condition statement and
30 contents inventory prepared under AS 34.03.020(e) is presumptive evidence of the
31 condition of the premises and its contents at the commencement of the term of the

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period of occupancy covered by the rental agreement between the parties. Unless its authenticity is rebutted by clear and convincing evidence by the party against whom the statement and contents inventory is offered, the statement and contents inventory may be offered by a party, without additional supporting evidence, as the basis on which to compute the recovery of damages to which the party may be entitled under this chapter.

* Sec. 24. AS 34.03.360 is amended by adding new paragraphs to read:

(19) "illegal activity involving alcoholic beverages" means a person's delivery of an alcoholic beverage in violation of AS 04.11.010(b) in an area where the results of a local option election have, under AS 04.11.490 - 04.11.500, prohibited the Alcoholic Beverage Control Board from issuing, renewing, or transferring a liquor license or permit under AS 04;

(20) "illegal activity involving a controlled substance" means a violation of AS 11.71.010(a), 11.71.020(a), 11.71.030(a)(1) or (2), or 11.71.040(a)(1), (2), or (5);

(21) "illegal activity involving an imitation controlled substance" means a violation of AS 11.73.010 - 11.73.030;

(22) "illegal activity involving a place of prostitution" means a violation of AS 11.66.120(a)(1), 11.66.130(a)(1), or 11.66.130(a)(4);

(23) "prostitution" means an act in violation of AS 11.66.100.

* Sec. 25. AS 34.05 is amended by adding a new section to read:

ARTICLE 3. ILLEGAL ACTIVITIES IN NONRESIDENTIAL PREMISES.

Sec. 34.05.100. TENANT RESPONSIBILITIES IN PREMISES OTHER THAN DWELLING UNITS. (a) In rented premises other than premises to which the provisions of AS 34.03 apply, the tenant may not knowingly engage at the premises in prostitution, an illegal activity involving a place of prostitution, an illegal activity involving alcoholic beverages, an illegal activity involving a controlled substance, or an illegal activity involving an imitation controlled substance, or knowingly permit others in the premises to engage in one or more of those activities at the rental premises.

(b) If there is noncompliance with (a) of this section, a person may seek relief

1 under AS 09.50.170 - 09.50.240.

2 (c) An order of abatement entered by a court under AS 09.50.210 against
3 premises under this section terminates a rental agreement on the premises subject to
4 the order of abatement.

5 (d) In this section, "dwelling unit," "illegal activity involving alcoholic
6 beverages," "illegal activity involving a controlled substance," "illegal activity
7 involving an imitation controlled substance," "illegal activity involving a place of
8 prostitution," and "prostitution" have the meanings given in AS 34.03.360.

9 * **Sec. 26.** AS 34.03.360(18) is repealed.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill No. HB 222

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to landlords and tenants BRU: Trial Courts
 Components: _____
 Sponsor: James
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS						
1003 GF MATCH						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/PROGRAM RECEIPTS						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY 93) Impact: None

ANALYSIS: (Attach a separate page if necessary)
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Division: Alaska Court System Date: 04/01/93

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CS*
 Agency: Alaska Court System Date: 04/01/93

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Myrna Sheets
1028 Evergreen St. #1
Fairbanks, Alaska 99709

April 2, 1993

Dear Representative Brian Porter,

I would like to take this opportunity to say I strongly support SB155/HB222.

As a Landlord, I feel the laws should be altered to give the Landlords equality with the Tenants.

The small percentage of bad Tenants really make it hurtful for the good Tenants as well as the Landlords.

This bill does not hurt good Tenants and takes nothing away from Tenants as a whole.

To sit by and watch a Tenant do grave damage to your property or be unable to collect rents due to the Landlord, with such long waiting periods to evict, is just plain senseless.

Please consider the investment the Landlord has made, and we should be able to protect that investment.

Your support for this bill will be greatly appreciated.

Respectfully,

Myrna Sheets

Myrna Sheets
Taku Apartments
Owner/Manager

(7)

Date Referred: April 2, 1993

FURTHER REFERRALS:

Date of Committee Action: 4-16-93

The JUDICIARY Committee considered:

HB 222

HOUSE BILL NO. 222

USE OF RENTED PROPERTY/LAW VIOLATIONS

"An Act relating to landlords and tenants, to termination of tenancies and recovery of rental premises, to tenant responsibilities, to the civil remedies of forcible entry and detainer and nuisance abatement, and to the duties of peace officers to notify landlords of arrests involving certain illegal activity on rental premises."

RECOMMENDATIONS:

be replaced with CS HB 222 (JUD) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) DEPT. OF PUBLIC SAF. (4-2)
DEPT. OF LAW (4-2-93)

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO-PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>Jim Woodcock</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>Annunette James</i>	<input checked="" type="checkbox"/>				
<i>Brian D. Porter</i>	<input checked="" type="checkbox"/>				

Brian D. Porter
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO: HB 222

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An act relating to landlords and tenants termination." BRU: Alaska State Troopers
 Component: Criminal Investigations Bureau
 Sponsor: Representative James
 Requestor: Representative James COMPONENT SERIAL NO. 830

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	19.0	19.0	19.0	19.0	19.0	19.0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	19.0	19.0	19.0	19.0	19.0	19.0
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	19.0	19.0	19.0	19.0	19.0	19.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	19.0	19.0	19.0	19.0	19.0	19.0

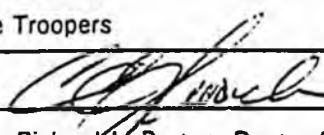
POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ _____

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 3/23/93
 Approved by Commissioner:  Date: 3/24/93
 Agency: Richard V. Burton, Dept. of Public Safety

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HB 222 amends existing landlord-tenant laws to allow property owners to terminate rental agreements for residential property with renters engaged in certain alcohol and drug violations. The bill creates a duty on the part of peace officers who arrest persons for certain alcohol, drug, and imitation drug offenses committed in residential rental property to make a reasonable effort to discover the identity of the property owner and to notify the owner of the arrest either in person or at the last address listed on tax records and at any other address known to the peace officer(s).

The notice requirement found in Sec. 1 applies to alcohol violation arrests for sales from unlicensed premises where prohibited by local option; notice requirements found in Sec. 13 apply 1) to drug violations involving the manufacture or distribution of all drugs except small amounts of marijuana; 2) to imitation drug violations involving the manufacture or distribution of imitation drugs, or 3) possession of certain precursor chemicals used in the manufacture of imitation drugs.

Although the Alaska State Troopers estimates approximately 130 arrests for violation of the "local option" laws annually, they find no arrests for violation of the statute AS 04.11.010(b) cited in Sec. 24. The Troopers make approximately 500 arrests annually for applicable drug offenses. It is expected that approximately 85% of the drug offenders reside in rented property.

Based upon past arrests for these offenses, it is estimated that the Department of Public Safety will have to notify approximately 425 property owners per year.

There will be fiscal impact upon the Alaska State Troopers. For arrests requiring a written notice, we estimate that research required to identify the property owner, determine the last address listed on tax roles and any other addressed known to police, and to prepare the written notice, will take approximately two staff hours of research time per occurrence. There will be costs for materials, preparation time, and postage.

Since these offenses will be spread throughout the state, no one person would handle them all; the impact would be felt by the detachment personnel handling the cases. Overtime will be needed for this additional work.

Overtime calculations

425 Incidents x 2hrs x \$22.31per hr.*= \$18,963.50

*Clerk Typist III, Range 8/A overtime rate per PACS.

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 222

Revision Date: March 24, 1993
 Title: "...relating to landlords and tenants...termination of tenancies...recovery of rental premises..."
 Sponsor: Representative James
 Requestor: Representative James

Department Affected: Department of Law
 BRU: Legal Services
 Component: Fair Business Practices
 COMPONENT SERIAL NO. 1823

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	10.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	10.0	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0					
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	10.0	-0-	-0-	-0-	-0-	-0-

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: March 24, 1993
 Date: March 24, 1993

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 222

ANALYSIS (Continued):

This bill amends several statutes relating to termination of tenancies and recovery of rental premises for nonpayment of rent and certain illegal activities. The bill adds illegal activity involving alcoholic beverages, a controlled substance, or an imitation controlled substance to the list of activities that constitute a nuisance that may be enjoined and abated in a place used for the activity. All of the changes will have the effect of substantially changing the information the Department of Law provides to the public in its pamphlet on landlord and tenant rights. The department's publication of the pamphlet is mandated by AS 44.23.020(b)(8).

The department therefore requests \$10,000 to revise and republish the information pamphlet. Of this amount, \$2,500 will be used to publish a pamphlet supplement in the state Bar Association's monthly newsletter, and \$7,500 will be used to publish a revised pamphlet for use by the general public. These funds should be sufficient to publish between 7,500 and 10,000 pamphlets.

Alaska State Legislature

REPRESENTATIVE
JEANNETTE JAMES
P.O. Box 56622
North Pole, Alaska 99705
(907) 488-0862

House District 34



White in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3745

House Of Representatives

DATE: April 1, 1993
TO: Representative Brian Porter, Chair
House Judiciary Committee
FROM: Representative Jeannette James

I hereby request that you schedule a hearing as soon as possible in the House Judiciary Committee ~~for HB 222~~.

House Bill 222 is identical to Senate Bill 155, based in part on the 1992 Senate Bill SB 35, in response to concern that current landlord-tenant laws are weighted in favor of protecting abusive tenants. House Bill 222 has three principal purposes:

1. First, the bill amends the forcible entry and detainer statutes to expedite the landlord's ability to evict a tenant who has committed certain violations of the rental agreement (failing to pay rent when due, damaging the premises, or holding the premises without a rental agreement or upon expiration of the lease).
2. Second, the bill makes the tenant's responsibility to maintain the dwelling unit more stringent and adds to the ability of a landlord to seek removal of an abusive tenant.
3. Third, the bill amends the nuisance abatement statutes to include relief from criminal offenses involving alcohol or drugs and also to provide a landlord with the opportunity to recover possession of premises under the forcible entry and detainer remedy for such criminal activity by the tenant.

HB 222 would provide much-needed protection for landlords as well as for responsible tenants from the damage caused by abusive tenants. I strongly urge you to support it.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 222

BY REPRESENTATIVE JAMES

Page 10, line 16, after "premises":

Insert "This subsection does not apply unless the tenant's acts or omissions constituting noncompliance

(1) with or breach of the obligation imposed by AS 34.03.120(a)(5) are substantial; an act or omission is "substantial" if the loss of property attributable to the destruction, defacement, damage, impairment, or removal affecting the premises exceeds the amount of the security deposit held by the landlord under AS 34.03.070;

(2) with or breach of an obligation imposed by AS 34.03.120(a)(1) - (4) materially affect the health or safety of the tenant or other tenants;

(3) by the tenant with the rental agreement, other than a provision of the rental agreement that addresses an obligation imposed by AS 34.03.120(a), detrimentally affect the landlord's investment in the premises, the quiet enjoyment of the premises by other tenants, or the use and occupancy of adjacent premises"

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE JAMES

TO: HB 222

Page 5, line 5, after "prostitution":

Delete "or"

Page 5, line 6, after "(2)":

Insert "illegal activity involving a place of prostitution; or
(3)"

Page 5, line 12:

Delete "and"

Page 5, line 13, after "substance":

Insert ", "illegal activity involving a place of prostitution," and "prostitution"

Page 5, line 16:

After "AS 09.50.170(a),"

Insert "to prove the existence of a nuisance,"

After "consider"

Insert "(1)"

Page 5, line 17:

Delete "to prove the existence of a nuisance."

Insert ";

(2) evidence derived from records of the courts of the state or of the United States that relate to previous complaints concerning alleged violations of, and to arrests for or convictions of violations of, laws based on activity set out in

AS 09.50.170"

Page 9, line 30, after "premises in":

Insert "prostitution, an illegal activity involving a place of prostitution,"

Page 11, line 29, after "AS 11.73.010 - 11.73.030":

Insert ";

(22) "illegal activity involving a place of prostitution" means a violation of AS 11.66.120(a)(1), 11.66.130(a)(1), or 11.66.130(a)(4);

(23) "prostitution" means an act in violation of AS 11.66.100"

Page 12, line 4, after "in":

Insert "prostitution, an illegal activity involving a place of prostitution,"

Page 12, line 14:

Delete "and"

Page 12, line 15, after "substance":

Insert ", "illegal activity involving a place of prostitution," and "prostitution""

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450

FAX (907) 465-2029

Mail Stop 3101

130 Seward Street, Suite 409

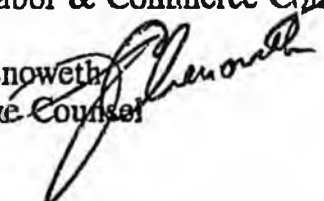
Juneau, Alaska 99801-2105

MEMORANDUM

March 30, 1993

SUBJECT: ~~House Bill 222:~~ Landlord-tenant law changes, orders of abatement, and omitted references to court rule changes (Work Order No. 8-LS0832\A.3)

TO: Representative Bill Hudson, Chair
House Labor & Commerce Committee

FROM: Jack Chenoweth
Legislative Counsel 

I should have alerted you to this earlier, but in the rush of last week it escaped my attention.

Chris Christensen of the Alaska Court System alerted me to the omission of two court rule references from House Bill 222. On reflection, I think his observation is correct. The enclosed amendment is intended to respond to his communication.

Proposed for addition to the forcible entry and detainer law (AS 09.45.070 - 09.45.160) in HB 222 is a new section, bill section 6. It would add AS 09.45.125 and, in essence, give a landlord who prevails in a forcible entry and detainer action the right to apply to the court immediately for a writ of assistance to secure the eviction of the tenant. Chris pointed out that there are two civil rules--one generally applicable and one in the District Court rules--that impose automatic stays on court judgments, for ten and two days, respectively, in which a court will not provide relief or otherwise support a prevailing party's efforts to secure relief under the judgment. Depending on whether a forcible entry and detainer action is heard and disposed of in superior court (in which case the ten day delay under the civil rule would apply) or in the district court (in which case the two day delay of the district court civil rule would be applicable), AS 09.45.125 sets aside the effect of the automatic stay in either case.

The proposed statute would modify the respective rules, so the court rule change process of article IV, section 15 of the state constitution should be followed and a two-thirds vote secured on the provision. Since that may not happen, I have added a provision that would set proposed AS 09.45.125 aside if that vote is not obtained.

Representative Bill Hudson
March 30, 1993
Page 2

However, if you prefer, we can delete sec. 28 in the proposed amendment, in which case (if the two-thirds vote is not secured), the statute would take effect, but the court rule would not change unless the Court itself changed it.

JBC:pl
93-255.plm

Enclosure

cc: Representative Jeannette James (with amendment)

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HB 222

Page 1, line 5, after "premises":

Insert "; and amending Rule 62(a) of the Alaska Rules of Civil Procedure and Rule 24(a) of the Alaska District Court Rules of Civil Procedure"

Page 12, following line 16:

Insert new bill sections to read:

"* Sec. 27. AS 09.45.125, added by sec. 6 of this Act, allowing orders to vacate and writs of assistance to issue at the same time as the entry of judgment or at any later date, has the effect of amending Rule 62(a) of the Alaska Rules of Civil Procedure and Rule 24(a) of the Alaska District Court Rules of Civil procedure by eliminating the respective periods of automatic stays of enforcement upon judgment for orders to vacate premises.

* Sec. 28. AS 09.45.125, added by sec. 6 of this Act, takes effect only if sec. 27 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska."

BILL NO: HB 222

DATE: March 31, 1993

TITLE: "An Act relating to
landlords and tenants. . ."

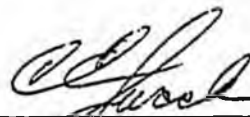
CONTACT: C.E. Swackhammer
Deputy Commissioner
465-4322

HB 222 amends existing landlord-tenant laws to allow property owners to terminate rental agreements for residential property with renters engaged in certain alcohol and drug violations. The bill creates a duty on the part of peace officers who arrest persons for certain alcohol, drug, and imitation drug offenses committed in residential rental property to make a reasonable effort to discover the identity of the property owner and to notify the owner of the arrest either in person or at the last address listed on tax records and at any other address known to the peace officer(s).

Based upon past arrests for these offenses, it is estimated that the Department of Public Safety will have to notify approximately 425 property owners per year.

There will be fiscal impact upon the Alaska State Troopers. For arrests requiring a written notice, we estimate that research required to identify the property owner, determine the last address listed on tax roles and any other address known to police, and to prepare the written notice, will take approximately two man hours of research time per occurrence. There will be costs for materials, preparation time, and postage. Where tax roles are computerized, this research time will be less, but will be offset by the majority of cases that will have to be hand searched in person at the borough tax office.

Although the provisions of this bill will create additional work for peace officers, the Department of Public Safety recognizes the problems created for property owners who find that they have rented to alcohol or drug violators. Allowing property owners to evict arrested drug and alcohol violators would help neighborhoods take an active role in fighting the war on drug and alcohol abuse. This law gives property owners a tool to help clean up their rental properties.



Richard L. Burton
Commissioner

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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

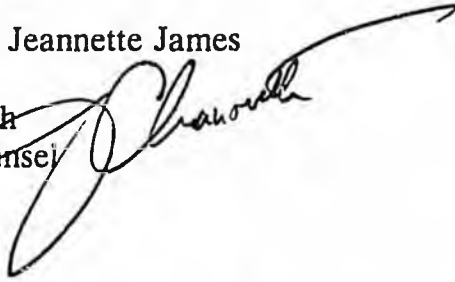
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 30, 1993

SUBJECT: House Bill 222, amending the state's landlord-tenant laws (AS 34.03) and the related civil remedy of forcible entry and detainer (AS 09.45.060 - 09.45.160), and making related changes (Work Order No. 8-LS0832\A)

TO: Representative Jeannette James

FROM: Jack Chenoweth
Legislative Counsel 

House Bill 222 duplicates and extends changes proposed by the Senate-passed version of last session's Senate Bill 35 (CSSB 35 [Judiciary]).

This memo is by way of response to your request for a sectional analysis of the bill.

* * *

The bill has three principal purposes, all applicable to the landlord-tenant relationship:

First, the measure substantially amends statutes applicable to the forcible entry and detainer remedy (AS 09.45.060 - 09.45.160) to expedite a landlord's ability to evict a tenant for failure to pay rent when due and for a tenant's damage to the landlord's property.

Second, provisions of the bill revise the obligation of a tenant under the state's Uniform Residential Landlord and Tenant Act (AS 34.03) and add to the ability of a landlord to seek removal of an abusive tenant.

Third, the measure amends the state's nuisance abatement statutes (AS 09.50.170 - 09.50.240) expanding that remedy to cover the

identified criminal offenses involving alcohol or drugs, allowing persons to seek redress under the nuisance abatement law for criminal activity in premises that constitutes a nuisance. As a supplemental remedy, the measure amends statutes to give a landlord the opportunity to recover possession under the forcible entry and detainer remedy for that criminal activity by the tenant.

These provisions are addressed topically rather than sequentially.

EXPEDITED EVICTION OF TENANT FOR FAILURE TO PAY RENT WHEN DUE:

Proposed bill section 2 amends AS 09.45.090 in part as follows: The amendment to (1)(A) reduces from ten days to five days the period in which a landlord must wait after making written demand for possession of rented premises to commence forcible entry and detainer proceedings to secure a tenant's eviction in the event the tenant fails to pay rent when due. No notice separate from that required to be given under the Uniform Residential Landlord and Tenant Act (AS 34.03), as amended by bill section 21, is required.

Bill sections 3 and 4 make related changes. These sections, read together, carry forward the current requirement of allowing three days additional notice if, under the forcible entry and detainer remedy, notice to the tenant to quit is provided by mail.

Bill section 5 adds authority by which, at the end of a forcible entry and detainer action, the court may enter an order to vacate against the tenant and, at the same time, may provide a landlord who requests a writ of assistance to recover possession of the premises.

As has been previously noted, a related change is made in the Uniform Residential Landlord and Tenant Act (AS 34.03) by bill section 21. The change made to AS 34.03.220(b) conforms the number of days in which the tenant must pay rent after receiving written notice of rent nonpayment.

REVISION OF TENANT OBLIGATIONS:

I

Several bill sections are included to respond to a concern that a tenant be held "responsible for damage done by him/her or by his/her guests." Current law--AS 34.03.120--assigns certain responsibilities in the landlord-tenant relationship to the tenant. Among them are the duty to use facilities and appliances in a reasonable manner, and the duty not to deliberately or negligently abuse the premises or to knowingly allow others to do so. Changes to AS 34.03.120 made by bill section 18

make the tenant's obligations more stringent by eliminating the qualifying adjectives from AS 34.03.120.

Additionally, making the tenant's obligations more stringent implicates the definition of "damages" for purposes of ascertaining whether or not a tenant is due a refund of all or any portion of a security deposit. "Damages" is, in current law, a term whose definition is divided between AS 34.03.070(b) and AS 34.03.360(18). Bill section 15 reworks the definition of "damages," and bill section 26 repeals AS 34.03.360(18). As a result, if this bill passes in this form, no one need worry about whether a tenant acted intentionally or negligently. Rather, if the tenant caused any damage beyond wear and tear due to "normal, nonabusive living," the tenant may be held responsible for damages.

II

The bill incorporates a checklist approach "that lists the items in the apartment and describes the condition of these items and of the apartment itself." It distinguishes between a premises condition statement and a contents inventory. Bill section 14 gives the landlord the right to require preparation of these documents and indicates how the documents may be made part of the rental agreement. Bill section 16 gives the landlord the right to require the tenant to execute a statement and inventory before making possession of the premises available. At the same time, the landlord is required to indicate to the tenant how the information on the statement/inventory may be used. Bill section 23 establishes the statement/inventory as "presumptive evidence of the condition of the premises and its contents at the commencement of the term of the period of occupancy" in order to support any later claim for damages. Bill section 17 addresses the status of a statement/inventory in the event a landlord sells to a purchaser leaving the tenant in residence.

III

As to the landlord's having the ability to seek summary eviction, see the revision of AS 34.03.220(a) in bill section 20 and the addition made to AS 09.45.110(2) in bill section 5. The changes to AS 34.03.220(a) made by bill section 20 reflect the toughening of the tenant obligation requirements of current AS 34.03.120--it becomes AS 34.03.120(a) by this bill--so that any noncompliance with an element of the rental agreement or of a requirement set down in AS 34.03.120(a) would allow the landlord to commence proceedings to recover tenancy on minimal notice, replacing the 20 day notice of current law. The tenant has an opportunity to take corrective action to remedy the breach but the remedies need not be just "adequate" but, instead, must "satisfy the landlord."

NUISANCE ABATEMENT:

Bill section 8 revises AS 09.50.170. It deletes in that section outdated references to "lewdness, assignation, . . . or any other immoral act"--currently part of the existing basis for nuisance abatement relief--retaining the reference in the current law to "prostitution" and adding an illegal activity involving alcoholic beverages, a controlled substance, or an imitation controlled substance as grounds for relief under the nuisance abatement statutes.

Bill section 9 defines the three additional criminal activities that may trigger nuisance abatement relief, cross-referencing them to the meanings of those terms set out in the Uniform Residential Landlord and Tenant Act.

Following the California statutory model recommended to me while the bill was under consideration during the 17th Legislature, I included bill section 10, a new section, AS 09.50.175, that would allow the court to consider evidence of reputation within a community if relief is sought under the expanded version of the nuisance abatement relief statute.

Bill section 11 recasts existing law under which a court may issue a nuisance abatement order. The principal substantive change adds the underlined material in (a)(1) and directs the termination of the lease or rental agreement on premises subject to the abatement order if the tenant has been given notice of the nuisance abatement proceedings.

The substantive change made by bill section 12 adds flexibility in the abatement remedy by giving the court latitude to determine the amount of bond with sureties necessary when premises under abatement are to be returned to the owner rather than maintaining the requirement that the value of that bond reflect the full value of the property. The provision also adds, as a new subsection (c), a statement to clarify that, if an abatement order is subsequently canceled because of compliance with (a) of that section, the related lease or rental agreement--terminated with the issuance of the abatement order under the authority of AS 09.50.210(a)(1) [bill section 10]--is not automatically revived.

Bill section 22 directs that, under the Uniform Residential Landlord and Tenant Act, an order of abatement entered by the court terminates the related rental agreement.

Bill section 24 identifies the particular activities involving alcoholic beverages, controlled substances, and imitation controlled substances that warrant relief under the expanded nuisance abatement provisions. Generally, these statutes identify sales and possession with intent to sell in violation of law. The measure uses reference to "a violation" of one of the criminal statutes cited.

FORCIBLE ENTRY AND DETAINER REMEDY AS ALTERNATIVE OR SUPPLEMENT TO NUISANCE ABATEMENT:

Proposed bill section 2 amends AS 09.45.090 in part as follows:

-- The amendment made to subparagraph (1)(B) sets five days as the period in which a landlord must wait after giving notice to quit and making written demands for possession of rented premises to commence a forcible entry and detainer proceeding in the event the tenant has violated provisions of the Uniform Residential Landlord and Tenant Act against knowing engagement in certain illegal activities involving alcohol or drugs on premises or for violation of a similar provision in rented premises not covered by that Act.

-- The amendment made to paragraph (3) authorizes the landlord to use the forcible entry and detainer remedy to enforce an order of abatement. Under the provision, the landlord may, after obtaining the abatement order under AS 09.50.-210(a), seek immediate relief.

A related provision, bill section 7, a new section, authorizes the use of an abatement order, obtained at the end of a trial under the nuisance abatement statute, to serve as prima facie evidence of unlawful holding of premises by force for purpose of the hearing required by the forcible entry and detainer process.

OTHER RELATED CHANGES:

Bill sections 1 and 13, adding AS 04.21.075 and AS 17.30.160, respectively, impose on peace officers the requirement to notify a landlord when a tenant has been arrested for violation of one of the identified criminal offenses involving alcohol or drugs.

Proposed bill section 2 amends AS 09.45.090 in part as follows: The addition of material in (2)(B) is included in order to authorize a landlord to recover premises after a notice to quit is given for the tenant's breach of a condition or covenant **other than** nonpayment of rent or engaging in identified criminal activity involving alcohol or drugs.

Bill section 19 adds as a tenant's duty the obligation of the tenant not to engage in illegal activities on rented premises or to knowingly allow others in the premises to do so.

The measure's bill section 25 adds a codified section, proposed AS 34.05.100, extending to tenancies not covered by the Uniform Residential Landlord and Tenant Act the provisions establishing the duty on the tenant not to use the rented premises for illegal activities. Under this new section, noncompliance with the provision is a

Representative Jeannette James

March 30, 1993

Page 6

basis for seeking relief through the nuisance abatement process and, as with bill section 22 above, an order of abatement covering a premises that falls within this section terminates the rental agreement.

* * *

JBC:pl

93-253.plm

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 12, 1993

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/01

The LABOR AND COMMERCE Committee considered:

HB 222

HOUSE BILL NO. 222

USE OF RENTED PROPERTY/LAW VIOLATIONS

"An Act relating to landlords and tenants, to termination of tenancies and recovery of rental premises, to tenant responsibilities, to the civil remedies of forcible entry and detainer and nuisance abatement, and to the duties of peace officers to notify landlords of arrests involving certain illegal activity on rental premises."

RECOMMENDATIONS:

the same title

be replaced with _____ a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact Public Safety, LAW

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	

[Signature]
CHAIRMAN'S SIGNATURE

Problem

Tenant fails to pay rent when due.

Current Procedure

1. Landlord gives notice of nonpayment & intention to terminate rental agreement if rent is not paid.
See AS 34.03.220(b).

2. Tenant has 10 days to pay rent or vacate premises.
See AS 34.03.220(b).

3. If rent is not paid, then tenancy terminates, the landlord may terminate the rental agreement, & immediately seek to recover possession of the rental unit; in addition, it becomes a case of unlawful holding.
See AS 34.03.220(b).
Also see AS 09.45.090(1).

4. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.
See AS 09.45.120.
Also see Civil Rule 85, Alaska Rules of Court.

5. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies.

6. If tenant still does not vacate premises, landlord can get writ of assistance that permits police to participate.

Proposed Procedure*

1. Landlord gives notice of nonpayment & intention to terminate rental agreement if rent is not paid.

2. Tenant has 5 days to pay rent or vacate premises.
See bill sec. 2 & 21.

3. If rent is not paid, then tenancy terminates, the landlord may terminate the rental agreement, & immediately seek to recover possession of the rental unit; in addition, it becomes a case of unlawful holding.

4. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.

5. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies. The court may issue a writ of assistance at the same time if it so chooses.
See bill sec. 6.

* Changes underlined.

Problem

Tenant holds premises without written lease or agreement against landlord's wishes.

Current Procedure

1. Landlord serves tenant with notice to quit premises.
See AS 09.45.100

2. Tenant has 10 days to vacate premises.
See AS 09.45.110

3. If tenant remains after expiration of 10 days, it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See AS 09.45.090
Also see AS 09.45.110

4. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.
See AS 09.45.120
Also see Civil Rule 85, Alaska Rules of Court

5. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies.

6. If tenant still does not vacate premises, landlord can get writ of assistance that permits police to participate.

Proposed Procedure*

1. Landlord serves tenant with notice to quit premises.
See AS 09.45.100

2. Tenant must vacate premises immediately.
See bill sec. 2 & 5

3. If tenant remains, it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See bill sec. 2 & 5.

4. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.
See AS 09.45.120
Also see Civil Rule 85, Alaska Rules of Court

5. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies. The court may issue a writ of assistance at the same time if it so chooses.
See bill section 6

* Changes underlined.

Problem

Tenant continues in possession of premises at expiration of lease against wishes of landlord.

Current Procedure

1. Landlord serves tenant with notice to quit premises.
See AS 09.45.100

2. Tenant has 10 days to vacate premises.
See AS 09.45.110

3. If tenant remains after expiration of 10 days, it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See AS 09.45.090
Also see AS 09.45.110

4. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.
See AS 09.45.120
Also see Civil Rule 85, Alaska Rules of Court

5. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies.

6. If tenant still does not vacate premises, landlord can get writ of assistance that permits police to participate.

Proposed Procedure*

1. Landlord serves tenant with notice to quit premises.
See AS 09.45.100

2. Tenant has 5 days to vacate premises.
See bill sec. 2 & 5

3. If tenant remains after expiration of 5 days, it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See bill sec. 2 & 5

4. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.
See AS 09.45.120
Also see Civil Rule 85, Alaska Rules of Court

5. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies. The court may issue a writ of assistance at the same time if it so chooses.
See bill section 6.

* Changes underlined.

Problem

Tenant violates condition of lease or condition of AS 34.03.120(a).

Current Procedure

1. If the breach is one materially affecting health & safety, the landlord may give tenant written notice specifying both the details of the breach & that the rental agreement will terminate in 20 days.
See AS 34.03.220

2. If breach is able to be remedied & tenant adequately does so, rental agreement will not terminate.
See AS 34.03.220

3. If breach is not remedied in 10 days, rental agreement terminates as specified in notice.
See AS 34.03.220

4. If tenant remains after expiration of 20 days, it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See AS 09.45.090
Also see AS 09.45.110

5. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.
See AS 09.45.120
Also see Civil Rule 85, Alaska Rules of Court

6. If judge decides in favor of landlord, tenant will be served a court order to vacate premises; the time allowed varies.

7. If tenant still does not vacate premises, landlord can get writ of assistance that permits police to participate.

8. If same breach occurs again within 6 mos., landlord may terminate tenancy at 10 days' notice.
See AS 34.03.220

9. There is another process for breaches of this sort that is set out in AS 09.45, but AS 34.03.220 would probably have legal precedence as it was adopted at a later date.

Proposed Procedure*

1. Landlord serves tenant with notice to quit premises that specifies the details of the breach, and that the rental agreement will terminate in 24 hours.
See bill sec. 20

2. If breach is able to be remedied & tenant does so to the satisfaction of landlord, rental agreement will not terminate.
See bill sec. 20

3. If breach is not remedied in 24 hrs., or is not able to be remedied, then the tenancy is terminated & the tenant must quit premises immediately.
See bill sec. 20

4. If tenant remains after expiration of 24 hrs., it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See bill sec. 2 & 5

5. Court must schedule trial no earlier than 2 days after receipt of summons by tenant & no later than 15 days after landlord files complaint.

6. See (6) & (7) above; court may do both at same time.
See bill sec. 6

* Changes underlined.

Problem

Tenant engages in an illegal activity in rental unit (or knowingly permits others to do so) involving: alcohol, controlled substances, imitation controlled substances, or prostitution.

Current Procedure

1. Current statutes do not specifically address the tenant's responsibility not to engage in illegal activity involving alcohol or controlled substances.

2. If tenant is suspected of engaging in prostitution, atty. general or a citizen may bring action in court to enjoin the nuisance & person(s) maintaining it.
See AS 09.50.180

3. If court determines that tenant is engaging in prostitution, tenant is guilty of maintaining a nuisance, & court shall issue an order of abatement that closes the bldg. where nuisance took place for one year.
See AS 09.50.170 and AS 09.50.210

4. If landlord was unaware of activity, court may release premises to him upon fulfillment of certain conditions.
See AS 09.50.230

Proposed Procedure

1. If tenant engages at premises in illegal activity involving alcohol/controlled substances, landlord may deliver notice to quit.
See bill sec. 2

2. Tenant has 5 days to vacate premises.
See bill sec. 2

3. If tenant remains after expiration of 5 days, it becomes a case of unlawful holding by force, & landlord may seek to recover possession of premises.
See bill sec. 2

4. If tenant is accused of engaging in prostitution or illegal activity involving alcohol/controlled substances, court may consider evidence of reputation w/in a community to prove the existence of a nuisance.
See bill sec. 10

5. If court determines that tenant did commit alleged violation, then tenant is guilty of maintaining a nuisance.
See bill sec. 8

6. The court shall enter an order of abatement that terminates the rental agreement & closes the bldg./place where the activity took place.
See bill sec. 11

7. If landlord was unaware of illegal activity, court may release tenants to bldg./place until conditions.
See bill sec. 12

8. An order of abatement shall be presumptive evidence of an unlawful holding by force and it shall automatically terminate the rental agreement.
See bill sec. 7 & 22

9. If tenant fails to vacate premises after court issues order of abatement, landlord may obtain writ of assistance from the court.

Sam Helms
1524 Stacia St.
Fairbanks, Ak 99701

March 31 1993

Representative Bill Hudson, Chair
House Labor & Commerce Committee

Dear Representative Hudson:

I want to express my support for HB222. This bill is an effort to equalize the law as it pertains to rentals. Presently the Landlord Tenant Act is an act which predominantly addresses tenants rights.

I have experienced extraordinary damage through malicious destruction by a tenant and his friends. As the law presently exists, there is no recourse for me. I was required to give that tenant 20 days notice to quit destroying my property or at the end of 20 days he would have to vacate the premises. That gave him 20 days within which to do over \$10,000 worth of destruction to my property. I was told it was a "civil matter". I believe malicious vandalism of over \$500 by the tenant should be treated as a criminal act. This is not the case at the present time.

You have before you an explanation of what this bill will do. I want to point out that all the protections for tenants that presently exist continue to exist under this bill. We have taken nothing away from the good tenants that Act is intended to protect. We are interested in protecting ourselves against those few severe cases that we are presently helpless to do anything about. As a member of that minority class in Alaska, the taxpayer, landlords are only asking for a measure of justice that is presently denied them.

Please support HB222. There are a great number of landlords that would be extremely grateful.

Yours Truly,



Sam Helms
Landlord
Enclosures (2)

cc: Representative Joe Green
Representative Eldon Mulder
Representative Brian Porter
Representative Bill Williams
Representative Joe Sitton
Representative Jerry Mackie

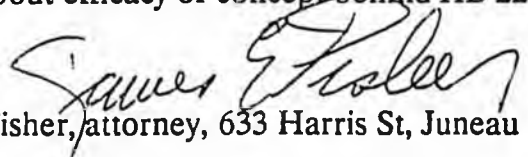
Jed

TO: HOUSE LABOR and COMMERCE COMMITTEE

RE: Concern about efficacy of concept behind HB 222

Date: 3/31/93

From: James E. Fisher, attorney, 633 Harris St, Juneau



This plea is made **as, and from,** the viewpoint of an attorney with 20 years experience in private practice of law, **and** who has sympathy for the conflicting pressure(s) upon legislators. In those 20 years I represented only landlords, and from that perspective comes this amicus comment on HB 222.

HB 222's legislative history appears based on:

- a) anecdotal experience, which may overlook areas of unintended impact, which leads to the next assumption;
- b) that the proposed HB 222 will protect an unsuspecting landlord against those to be called "outlaw" tenants.

First, the outlaw tenant probably causes most, if not all, of the anecdotes related as a reason for HB 222. Such a person, or persons, will evade a rental contract regardless of legislation existing or proposed. To suggest a statute can stop such behavior is like having confidence murder will be deterred by laws prohibiting killing people.

The best way to avoid the outlaw tenant is scrupulous attention to existing law, i.e., get deposits, check references closely, if rent is late immediately advise that such performance will not be tolerated, etc.

What should really worry legislators is the problem of raising constituent expectations that HB 222, or other changes to existing law will solve the "outlaw" tenant problem. When the proposed law doesn't work, what next?

13320 Crestview Drive
Anchorage, Alaska 99516
April 4, 1993

Representative Brian Porter
State Capitol
Juneau, Alaska 99801-1182

Dear Mr. Porter:

We are writing in support of [REDACTED] passed to the Judiciary Committee on April 1. It is imperative that landlords be able to get bad tenants out of apartments in a shorter time. We also need to be notified of drug related offenses, and tenants need to know they can be evicted quickly for non-payment of rent and illegal activities. We all need to work together if we are going to reduce the drug related crimes in the state.

By way of background my husband and I own and manage 27 units located throughout Anchorage. This includes 5 four-plexes, 3 duplexes, and a house. He does virtually all of the maintenance as well as the management. We do employ one other person who helps with the cleaning and repairs. Prior to renting to prospective tenants, we have them complete an application and run credit and reference checks; however, as you can see it is still possible to get bad tenants even if the credit check is good.

Some examples of bad tenants we had within a one year period are noted below. The cost of these five examples was about \$6,031. This includes court costs as we have pursued action in all cases in Small Claims Court. None of our time spent pursuing the claims can ever be recouped.

One owed two months rent. He kept promising to pay when his check arrived and moved when we filed and served a complaint for the rent in Small Claims Court.

Another had a 6 month lease and moved with no notice after six weeks owing rent and doing some damage. We have obtained a judgement and are pursuing collection of the money owed. It will take us about three years to collect all that is owed if we can get it at all.

One had a 6 month lease and had done so much damage in 6 weeks plus would not pay second months rent that we gave them notice to move. It took an attorney notifying them that we would go for a FED if they did not move to get them out. It took almost a year to run them down to serve the Small Claims summons.

One was given a notice to move due to rent not being paid on January 3, 1991. It took us until January 30 to get the FED hearing. She moved February 1. We have a judgement for back rent (for part of November, all of December and January) and have gotten a second judgement for cleaning and damage costs which deposit did not begin to cover.

Another had a six month lease. Within 24 hours of moving in the police had been called by other tenants due to partying (including one broken window). She was warned that she would be evicted if this continued. When she would not pay the next months rent, we gave her a notice on March 6, 1991 and the attorney gave her notice on March 7 threatening a FED as this will occasionally get them out. We were unable to schedule a FED hearing until April 4, and she was out April 6. We have obtained a judgement to get rent and damages.

Additional examples include:

Three young men who were fairly good tenants for about four months; however, there was a definite change in their behavior. When they left in the middle of the night after destroying all the interior doors; ruining or damaging all interior walls; breaking the rock in a fireplace; damaging the living room carpet beyond repair; owing a months rent; and leaving the place filthy. The cost to us was \$5387 to repair the damage. This does not include over a month of lost rent after they left.

In another unit we gave three tenants notice to pay rent or vacate on March 12, 1992. We were able to get a FED on March 26. They left on the 28th; left the place in a mess with considerable damage and stole one dresser. We have a judgement for \$2022; however, the possibility of getting any of the money is very small.

As you can see getting to court for an FED hearing is a slow process.

We have yet to hear from tenants testifying about the hardships of this bill on their behalf. As a matter of fact 80-90% of the tenants support landlords that do not tolerate unruly individuals or those conducting illegal activities.

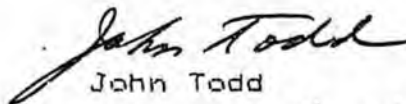
At the public hearings we have attended, attorneys claiming to represent tenants bring up a minutia of circumstances that will make it difficult or unreasonable for tenants. This is far from fact. Landlords try to work with tenants having problems and usually resolve the problems with reasonable tenants. We do not see how these changes will have any significant impact on the number of court cases. It could even reduce the number of cases having to go to court.

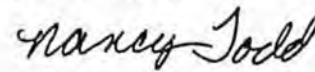
We are directing our concerns primarily at those tenants we have encountered in the examples above.

I had the opportunity to talk the Commander of Criminal Investigation Bureau for the Alaska State Troopers, and he stated that the tougher our law get, the easier it will be for them to do their work. We need to get tough on illegal activities.

We hope you will quickly pass this bill out of committee and get it to a vote of the House.

Sincerely,


John Todd


Nancy Todd

Myrna Sheets
1028 Evergreen St #1
Fairbanks. Alaska 99709.

March 20, 1993

Dear Madam

I **strongly urge** you to support SB155/HB222, the revision of the Landlord/Tenant Act.

I personally have been on both ends of the spectrum and understand fully the problems.

Having made a very large investment in our properties, we feel very helpless not being able to have protection for our property or being unable to collect rents that are owed us.

As a Landlord, a few of the issues that are of great concern are as follows:

1. This does not hurt good Tenants.
2. No protection for Landlords.
3. The District Attorney says these are civil matters on abusive Tenants.
4. Vandalism by Tenants or acquaintances not covered by insurance, nor by law.
5. Too long to remove a bad Tenant, as the law stands now.
6. Even when the Landlord fears physical violence, the law does nothing.

Your support for this bill would be greatly appreciated and would be a great help for the Landlord and good Tenants alike. It is obvious that the laws as they stand now are very one sided---for the Tenant.

Respectfully,

Myrna Sheets

Myrna Sheets
Owner/Manager
Taku Apartments

Betty R Johnson
1508 Hazelton Rd
Ft. St. , AK 99709
March 26, 93

Rep Jeanette James,

I want to thank you for introducing HB 222 which I strongly support. I have written letters of support to Reps. Davies, Brice, Sutton, Vegay & Theriault, as well as Sens. Frank, Leman, Miller, Taylor, Ellis, Duncan, Taylor, Halford, Jacko, Worley & Little. Being a small landlord (only 2 units) of limited means I have really felt the pain of non-paying tenants who trashed the place before they left. I not only can't afford legal fees but can hardly hope to collect from people who don't & won't have anything. I think this bill would be of help in the future.

Thank you,
Betty R Johnson

Rep. Cannette James,

Help, Help to give


Landlords equal rights —

Please, Please

Support Efforts to

revise landlord tenant

legislation.

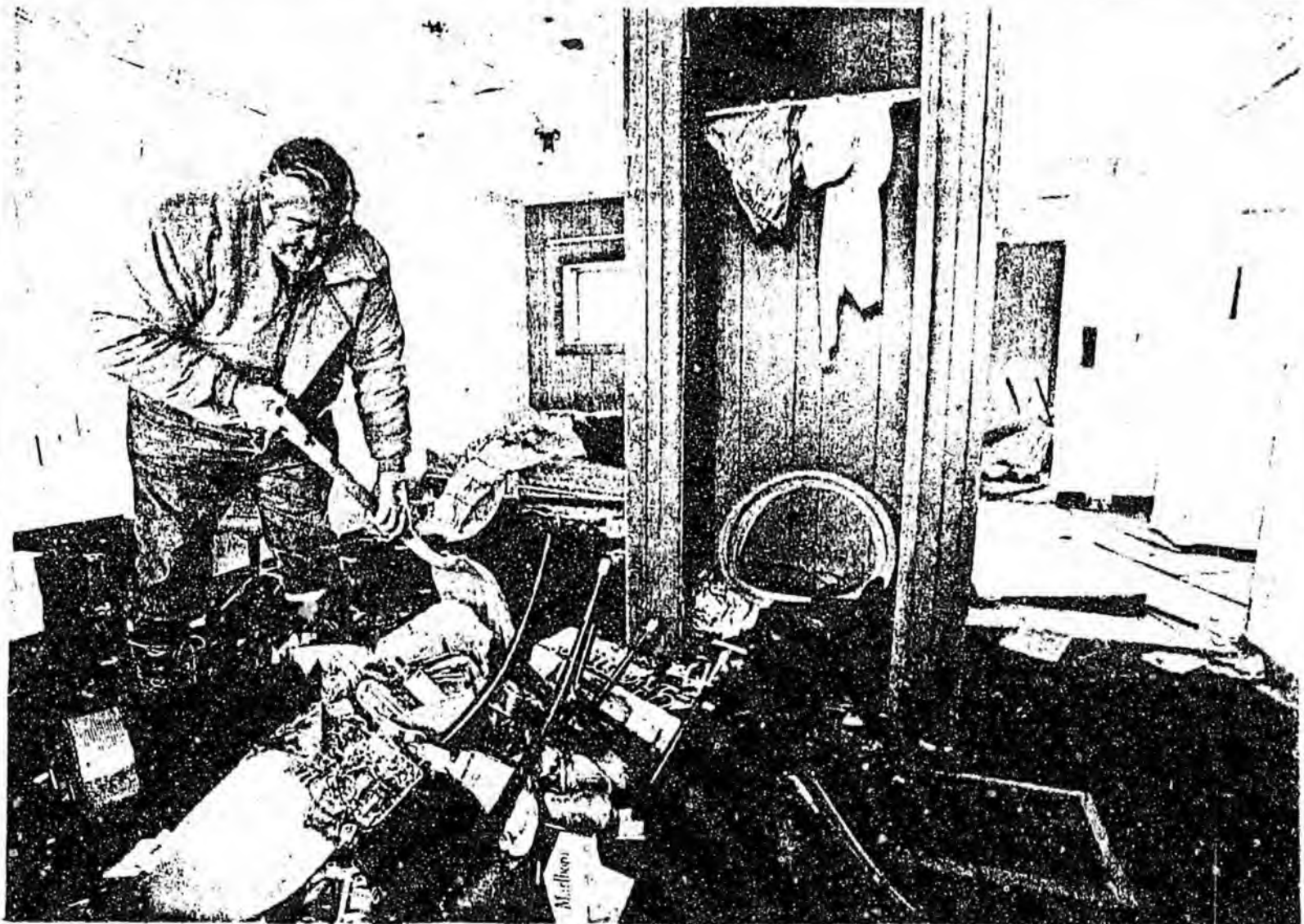
 Jerry Hassel
P.O. Box 49
Ester, AK 99725

Thank you,

Jerry

Jerry Hassel

6879-6217
1791



Dan Hyde/News-Mu

TRASHED OUT—Landlord Sam Helms scoops up garbage in a house he rents out in South Fairbanks. Helms says a former tenant caused \$10,000 damage to the home, but the renter denies any wrongdoing.

Landlord blames law for home's disorder

By KATE RIPLEY
Staff Writer

For 17 days Sam Helms watched as his tiny rental home at 1536 Stacia St. was trashed.

Helms claims unfair state landlord-tenant laws rendered him helpless in the case against his 20-year-old renter, George Cooper Jr.

Cooper moved into the rental home, one house down the street from Helms' own house, Oct. 15, Helms said. The landlord prorated the \$385 monthly rent and charged a \$200 damage deposit.

Problems with Cooper and an endless stream of friends visiting the home started almost immediately, Helms alleged. The

result is \$10,000 in damaged property, he said.

"There were continuous parties . . . There was shooting, urinating in public, fighting. It was keeping the neighbors awake," said Helms, 57, the husband of former Borough Mayor Juanita Helms.

Police officers responded when Helms called, but told him it was a civil matter, Helms said. Five days after Cooper moved in, Helms gave the renter the required 20-days notice under state law for eviction.

Then it was a matter of waiting.

"As soon as I gave him (Cooper) the eviction notice, he had 20

days to destroy my place," Helms said.

Cooper, a convicted felon, eventually was arrested Nov. 6 for violating his probation and was removed from the house, according to probation officer Lou Anne Maxwell. The man is being held without bail at Fairbanks Correctional Center.

The felony conviction stemmed from a July 1990 second-degree forgery. Cooper also was convicted of fraudulent use of a credit card, a misdemeanor.

Maxwell said an anonymous caller told her Cooper and other under-aged youths were drinking at the Stacia Street home. He also allegedly was keeping com-

pany with another convicted felon—not allowed under terms of his probation, Maxwell said.

Cooper gained media attention two years ago after a tragic vehicle accident in the village. Ruby claimed both of his legs.

While the probation violation arrest removed Cooper from Helms' rental home, the landlord said Fairbanks police should have arrested him before it got to that point.

"The police call it a civil matter, when it's malicious destruction," Helms said.

But John Shover, Fairbanks public safety director, said claiming a renter destroyed

See LANDLORD on Back Page

Petition contained 297 signatures

PETITION

(1)

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	Harry Jenkins	HARRY JENKINS	210 10 TH AVE	X	1		
2	Don Wadle	DON WADLE	4888 Old Airport Hwy	X	11		
3	Delores Linzner	DELORES LINZNER	1213 Tule St.			✓	
4	Dorothy E. Dallas	Dorothy E. Dallas	450 Sun Way				✓
5	Dois D. Dallas	DOIS D. DALLAS	450 SUN WAY				✓
6	Opal Sleeps	Opal Sleeps	311 Broadway St.	X	1		
7	Martin Bushey	MARTIN BUSHEY	1019 VERNAL				✓
8	Shenni Hutchison	Shenni Hutchison	1019 VERNAL				✓
9	Wilma Wadle	WILMA WADLE	4888 Old Airport Rd.	X	11		
10	Pauline Corneel	PAULINE CORNEEL	921 O'CONNOR Rd				✓
11	Mathilde Link	MATHILDE LINK	665-10th Ave #206				✓
12	Shirley Christensen	Shirley B Christensen	1616 Mary Ann				✓
13	Ruby Blair	Ruby Blair	83 Slater Dr # 14	Gen. Manager	60		
14	Ken V. Blair	Ken V. BLAIR	83 SLATER DR # 14	MANAGED	60		
15	Cary Lundgren	Cary Lundgren	3400 Airport Way	OWNER	24		
16	James Rothmeyer	JAMES ROTHMEYER	4001 Geist Rd Suite 7	OWNER	3		
17	Sulley Rothmeyer	Sulley Rothmeyer	4001 Geist Rd Suite 7	OWNER	3		
18	Judy Baird	Judy Baird	306 Slater St.			✓	

PETITION

(2)

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>TER A. VIGOR</i>	TER A. VIGOR	10216 Evergreen St # 9 - Apt			✓	
2	<i>Linda M. Woltz</i>	LINDA WOLTZ	1025 Evergreen Apt 4			✓	
3	<i>Andrea Gillitzer</i>	Andrea Gillitzer	1026 Evergreen Apt 11			✓	
4	<i>Brian Shaw</i>	Brian Shaw	1028 EVERGREEN ST # 2			✓	
5	<i>George H. Wilson</i>	George H. Wilson	Mail P.O. Box 82825-99709 Res. 116 For Get Me Not Ln. Col. AK			✓	
6	<i>Imogene Wilson</i>	Imogene Wilson	Res. 116 For Get Me Not Ln. Col. AK			✓	
7	<i>Patricia L. White</i>	PATRICIA L. WHITE	1018 Dorswood Fbks. AK 99709				✓
8	<i>Bernady Edwards</i>	BERNADY EDWARDS	1018 Dorswood 99709				✓
9	<i>John A. Pyne</i>	John A. Pyne	1700 Latam Cir. AK 99709				✓
10	<i>JoAnn M. Pyne</i>	JO ANN M. PYNE	1700 Latam Cir. AK 99709				✓
11	<i>Carol Hoewisch</i>	Carol Hoewisch	1026 Evergreen St # 2			✓	
12	<i>Mary Eberhart</i>	MARY EBERHART	1028 EVERGREEN # 3			✓	
13	<i>Lisa Shaw</i>	Lisa Shaw	PO Box 15011			✓	
14	<i>Rita E. Gallagher</i>	RITA E. GALLAGHER	2504 WISA AVE DR North Pole AK 99705				✓
15	<i>Elaine Simms</i>	Elaine Simms	1350 North Pole No. Pole, AK 99705				✓
16	<i>David Gunn</i>	David Gunn	327 B...				✓
17	<i>MARY GARRETT</i>	Mary Garrett	117 Kentucky way				✓
18	<i>CHARNEY A. GARRETT</i>	Charney A. Garrett	117 Kentucky way				✓

Sam Hems - 452 3849
 Ed Willis 456 3900

Jerry Hassel



PETITION

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	Donald R. Blanc	Donald R. Blanc	415 5 th Ave ^{Fai} 99701	X	66		
2	Theresa Anders	Theresa Anders	160 #2 ^{FBI} Syracuse ^{AK} 99701			X	
3	Mary Reece	Mary Reece	1725 University ^{FBKS}			X	
4	Kimberly R. Salzer	Kimberly R.T. Salzer	688 Fairbanks Ave ^{BI} 99707			X	
5	Brent Siegel	BRENT Siegel	533 ^{FBKS} PANORAMA DR. 99701			X	
6	Regina Thomas	REGINA THOMAS	8010 ^{Arch 9992} Countryway				X
7	Nancy A. Posolowski	Nancy A. Posolowski	543 Craig Ave ^{Helen} 99707				X
8	Tami To Dake	TAMI TO DAKE	1941 Christy Ave ^{NP}				X
9	Ginnie K. Zinza	Ginnie K. Zinza	PO Box 74026 ^{FAK} 99707				X
10	Jackie M. Shipman	JACKIE M. SHIPMAN	P.O. Box 5700 ⁵⁷⁰⁷⁶ NP 99705				X
11	Terry Ashcraft	TERRY RIEN	PO Box 81570				X
12	Sandra George	Terry Ashcraft	415 5 th Ave ^{Fai} 99701				X
13	David Salmon	SANDRA GEORGE	415 5 th Ave ^{#300} FBC 99701			X	
14	Jim Nikolai	David Salmon	Box 54 ^{Chatt} 99707				X
15	Jim Nikolai	JIM NIKOLAI	Box 51 NIKOLAI 99891				X
16	Damita Dates	Damita Dates	09 ^{Claver} 99707				X
17	M. Afton Blanc	M. AFTON BLANC	415 5 th Ave ^{Box AK} 99701	X	66		

PETITION

4

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Don Brakefield</i>	Don Brakefield	P.O. Box 73258			X	
2	<i>Lana Wegner</i>	LANA WEGNER	1031 NORTHWOOD FBKS				X
3	<i>M. Wegner</i>	Michael E. Wegner	1031 Northwood Ln, FBKS, AK				X
4	<i>Toni White</i>	Toni White	PO BOX 60081 FBKS			X	
5	<i>M. P. Reed</i>	G. P. Reed	P.O. Box Ester AK 99725			X	
6	<i>Joanna Michells</i>	JOANNA MICHELLS	PO Box 74804 FBKS 99707			X	
7	<i>Cathy Gabriel</i>	Cathy Gabriel	PO Box 73316 FBKS	X	3		
8	<i>Lynn Minter</i>	Lynn Minter	506 Sprucewood FBKS			X	
9	<i>Bill Melchert</i>	Bill Melchert	3615 BRADDOCK ST. FBX	X	1		
10	<i>Donald W. Winters</i>	DONALD W. WINTERS	2133 BRIDGEWAY FBX				X
11	<i>Rick Saddler</i>	RICK SADDLER	1828 KENNEDY				X
12	<i>Steve Farley</i>	STEVE FARLEY	P.O. Box 75148 FBKS 99707			X	
13	<i>Jeff Henry</i>	JEFF HENRY	2045 Lakeview Terrace			X	
14	<i>Teri Melchert</i>	TERI MELCHERT	3615 BRADDOCK St. FBKS	X	1		
15	<i>Joe Zimmerman</i>	Joe Zimmerman	P.O. Box 56113 NP 99705				X
16	<i>Daniel L. Gores</i>	DANIEL L. GORES	2292 Ptarmigan Way NP 99705				X
17	<i>Jeff Ehler</i>	JEFF EHLER	P.O. Box 1566 FBKS 99707				X
18	<i>John Ed. Sanki</i>	JOHN ED. SANKI	2519 KENNEDY N.D. 99705				X

PETITION

5

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Lee Worsham</i>	Lee WORSHAM	1303 O'Conner	✓	25		
2	<i>Barbara Dowdy</i>	Barbara Dowdy	1051 Eastwood Lane				✓
3	<i>Theresa O'Kelley</i>	THERESA O'Kelley	P.O. Box 70521	✓	3		✓
4	<i>Philomena King</i>	Philomena King	P.O. Box 84469 Fresno, CA 93720	✓	4		
5	<i>Virgil Bruning</i>	VIRGIL BRUNING	996 Coppert Hill	✓	1		✓
6	<i>Donna Gatto</i>	DONNA GATTO	PO Box 58619 99711				✓
7	<i>Kay L. Hudson</i>	Kay L. Hudson	PO Box 70104 99707	✓	1		✓
8	<i>Audette Koch</i>	AUDETTE KOCH	Box 30 ESTERAK	✓	2		
9	<i>Sam Helms</i>	1524 STACIA	1524 STACIA	✓	7		
10							
11							
12							
13							
14							
15							
16							
17							
18							

PETITION

6

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Steph B...</i>	Butler, Stephen	C Co 206 MSB				✓
2	<i>Quintina Hayes</i>	Quintina Hayes	313 CRAZ DRIVE	✓	3		
3	<i>[Signature]</i>	Dr. Steeper	1518 27th Ave			✓	
4	<i>[Signature]</i>	DDRM HENRI	4053 FERRIS CAMP			✓	
5	<i>Jacquel Olano</i>	Jackie Olano	613 WAINWRIGHT RD				✓
6	<i>Shawn Perry</i>	SHAWN PERRY	A Co 5/9 FWA				✓
7	<i>[Signature]</i>	MARK JOHNSON	A Co 5/9 FWA				✓
8	<i>[Signature]</i>	Kenneth B. Edwards	PO Box 72091				✓
9	<i>Kristina Pomeroy</i>	Kristina Pomeroy	165 Greening Way				✓
10	<i>Johnny Napier</i>	Johnny Napier	240 YALE WAY				✓
11	<i>William T. Simon</i>	William T. Simon	335 Andy Dr				✓
12	<i>Rob Graves</i>	Rob Graves	320 Wedgewood Dr. #6				✓
13	<i>John Gayce</i>	JOHN GAYCE	320 Wedgewood Dr #6				✓
14	<i>Carol L. Sch</i>	Montezuma Pubs AL	Carol L Sch				
15	<i>Gervene S Gray</i>	Gervene S Gray	807 2nd	✓			
16	<i>Marius McPhean</i>	MARIUS MCPHEAN	59 COLLEGE 210				✓
17	<i>Sonique Johnson</i>	SONIQUE JOHNSON	5256 N DEWEAN	✓			
18	<i>Marla Jones</i>	MARLA JONES	Quarters - Ft. Greely	✓			

Jacque Childs JACQUE CHILDS 1773 Kendall, No Pole ✓

MAR 22 '93 09:38 GOLDLINE EXPRESS 907 479 3125

PETITION

7

We, the undersigned, are supporters of SB155/HB222, as introduced. These bills revise the Landlord Tenant Act to make the laws apply more equally between landlords and tenants.

#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	Brian Cotogian	Brian Cotogian	1300 Moore St Fairbanks AK 99701			✓	
2	Gratia Zito	Gratia Zito	4124 8th St Apt 5 Ft. Wainwright AK 99702				✓
3	Debra L. Thompson	Debra L. Thompson	4427 Mayfield Ct #5 Ft. Wainwright AK 99703				✓
4	Rose Smullen	Rose Smullen	1204 Monterey Ct. N.P.				✓
5	Julie Mervyn	Julie Mervyn	4422-2 Mayfield Ct				✓
6	Scott Mervyn	Scott Mervyn	4422-2 Mayfield Ct				✓
7	Scott Diseth	Scott Diseth	147 FROB BOND CR				✓
8	Douglas Talton	Douglas Talton	3844 BRANCH AVE				✓
9	Christie Lowe	Christie Lowe	1715 CHURCH PKWY				✓
10	Angela Balliet	ANGELA BALLIET	1423 KENNICUT			✓	
11	Jerry A. Judges	JERRY A. JUDGES	11 EUREKA AVE D. FBK			✓	
12	Cynthia Linder	CYNTHIA LINDER	1545 EIELSEN ST #2 FBK	✓	4	✓	
13	Willard D. Dutton	Willard Dutton	500 Ketchikan FBKS AK				✓
14	Joni Longshore Thompson	Joni Longshore Thompson	P.O. Box 155200 W. Fairbanks AK				✓
15	Anthony M. Beck	Anthony M. Beck	305 Wedgewood Dr FBKS				✓
16	Bernard A. Smith	BERNARD A. SMITH	4110 BAY 901147 FBKS # 99775				✓
17	Tanya Kuhn	TANYA KUHN	Box 902217 FBY AK 99775				✓
18	John A. Roberts	John A. Roberts	3040 Dutton Dr 15-52				✓

MAR 22 '93 09:39 GOLDLIE EXPRESS 507 175 5125

PETITION

(8)

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#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Larry Dickman</i>	LARRY DICKMAN	1100 KUYUKWAH ⁹⁹⁷⁰⁹				X
2	<i>John Dickman</i>	JOHN A. DICKMAN	Post/Box 11087 ^{TWO RIV} 99716	X			X
3	<i>Art Dickman</i>	Arthur R. Dickman	22 1/2 m Le C.H.S.R. ^{TWO RIV}	"			X
4	<i>Don Coumml</i>	DON COUMML	1011 Deere St FRK	X			
5	<i>Richard F. Koch</i>	RICHARD F. KOCH	PO Box 30 ESTERAK	X	2		
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PETITION

9

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#	Signature	Print Name	Address	Landlord	No.Units	Tenant	Other
1							
2							
3	Ben Wike	Ben Wike	320 BRANDT ST F-BK AK	✓			
4	Jerry Hassel	Jerry Hassel	Bx 49, Ester, AK	✓			
5	Duane Campbell	Duane Campbell	1108 21ST AVE. F&KS.	✓	1		
6	Kim Leonard	KIM Leonard	1644 Willow Fairbanks	✓			
7	David Eklund	DAVID EKLUK	5122F NORTH ST EAST				✓
8	John P Rabb	John P RABB	5128 B NORTH ST EAST				✓
9	Evelyn Franich	EVELYN FRANICH	924 KELLUM				✓
10	BIGOT PLYDA	BIGOT PLYDA	" "				✓
11	TARA FILIP	TARA FILIP	" "				✓
12	Joe Franich	JOE FRANICH	924 Kellum St				✓
13	Agnes Schlotfeldt	Agnes Schlotfeldt	924 Kellum				✓
14	TOK Valenza	TOK Valenza	1910 TURNER ST				✓
15	Candice RATH	Candice RATH	P.O. Box 2516 Uldem	1		1	
16	John Petrulla	John Petrulla	623 Wainwright Rd				✓
17	Su-Hui Stumpf	Su-Hui Stumpf	P.O. Box 60801			✓	
18							

PETITION

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#	Signature	Print Name	Address	Landlord	No.Units	Tenant	Other
1	<i>[Signature]</i>	TAMMI ISAACSON	445J Carlmouth Fbks.			✓	
2	<i>[Signature]</i>	SUK CHA CAMPBELL	1108 21st AVE FBS			✓	
3	<i>[Signature]</i>	Rowland W Young	1243 23rd AVE FBS			✓	
4	<i>[Signature]</i>	JOE TURNER	707 Turner Ct FBS				
5	<i>[Signature]</i>	LORENZE J. KELLY	PO BOX 55368 N.P	✓			
6	<i>[Signature]</i>	JAMES W SCHENE	P.O. BOX 2416 FBS	✓			
7	<i>[Signature]</i>	THOS. P. WELSBY	P.O. Bx 72157, Fbks. AL 99707				
8	<i>[Signature]</i>	LAURA MCGAUGHEY	P.O. BOX 74847 Fbks 99707				
9	<i>[Signature]</i>	JOYCE D. PARKS	P.O. Box 72623 FBS 99707	✓			
10	<i>[Signature]</i>	LYNNE LITTLE	1522 CUSHMAN ST Fbks.	✓			
11	<i>[Signature]</i>	Lynne Little	1522 CUSHMAN ST. Fbks	✓			
12	<i>[Signature]</i>	VICTOR F. SALBERG	638 CANARD ST N. Fbks 99705		8		
13							
14							
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PETITION

(11)

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#	Signature	Print Name	Address	Landlord	No. Units	Tenant	Other
1	<i>Milton Behr</i>	Milton Behr	P.O. Box 1938 FBKS-99707				✓
2	<i>John Coats</i>	John Coats	2546 Tall Ketchikan Fairbanks AK 99709	✓	16		
3	<i>Daniel S Walker</i>	Daniel S Walker	1128 Hess Apt 18 Fairbanks AK			✓	
4	<i>Kelvin Kuehn</i>	Kelvin Kuehn	1608 Kennedy St. 99725				✓
5	<i>Barney Fawcett</i>	Barney Fawcett	Box 53 Ester, AK				✓
6	<i>Primo F. Bossessa</i>	Primo F. Bossessa	Box 74715 Fairbanks AK				✓
7	<i>Walter Burnett</i>	Walter Burnett	1901 Cozzani	✓	140		
8	<i>James L. Masterson</i>	James L. Masterson	321 Island Dr. So. Fairbanks			✓	
9	<i>Clay Ryan Davis</i>	CLAY RYAN DAVIS	Bx. 10412 FBKS AK.	✓	1		
10	<i>Channon D. Wilson</i>	Channon D. Wilson	Bx. 55534 No. Pole AK			✓	
11	<i>Dorinda E. Kent</i>	DORINDA E. KENT	2223 30th St FBKS	✓	20		
12	<i>Genevieve C. Prady</i>	Genevieve C. PRADY	Box 6315 Fairbanks, AK	✓	1		
13	<i>Philip D. Carboy</i>	Philip D. Carboy	Box 90101 Fairbanks	✓	1		
14	<i>ANNE MARIE CLAYTON</i>	ANNE MARIE CLAYTON	3629 Mission St Fairbanks, AK				✓
15	<i>Mark Schuber</i>	Mark Schuber	427 Stone Rd Fairbanks			✓	
16	<i>M. Ronald Sheets</i>	M. RONALD SHEETS	1028 EVERGREEN ST FBKS AK	✓	7		
17							
18							