

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SJUD 12587

HB

165

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

MEMO

DATE: 2/18/2008
TO: SENATE JUDICIARY
SENATOR HOLLIS FRENCH, CHAIRMAN
FROM: REPRESENTATIVE GABRIELLE LEDOUX *GL*
RE: HEARING REQUEST FOR HB 165, AN ACT RELATING TO PROVIDING
FIELD ACCOMODATIONS FOR BIG GAME HUNTERS

I respectfully request that HB 165 be scheduled for a Senate Judiciary hearing.

Attached you will find:

- Current version of the HB 165
- Sponsor Statement
- Additional documentation relating to the bill
- There may be people from Kodiak testifying from the LIO and perhaps some calling in off site such as Rick Metzger
- Fiscal notes
- My staff member assigned to this legislation is Suzanne Hancock, direct line 465-4230.

ALASKA STATE LEGISLATURE



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Representative Gabrielle LeDoux

SPONSOR STATEMENT FOR HB 165

"An Act relating to providing field accommodations for big game hunters."

This act takes care of an unintended consequence created by prior legislation to establish definitions and laws for licensed guides, outfitters, and transporters of big game hunters.

This legislation will make Section 08.54.785 inapplicable to a person providing, for compensation or with the intent to receive compensation, only accommodations to a big game hunter in the field at a permanent lodge, house, or cabin on private land owned by the person.

The act will also exempt a state or federal cabin on state or federal land.

LEGAL SERVICES

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

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

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

MEMORANDUM

January 17, 2007

SUBJECT: Transporter license and cabin rentals (Work Order No. 25-LS0380)

TO: Representative Gabrielle LeDoux
Attn: Suzanne Hancock

FROM: Brian J. Kane *BJK*
Legislative Counsel

You have asked me to research a problem involving the rental of cabins to deer hunters in the Kodiak Island area and the requirement of needing a transporter license in order to rent these cabins out. Essentially, you are asking why a person renting out these cabins would need a transporter license.

I spoke with Kevin Saxby at the Department of Law, and he clarified for me the reasoning behind the transporter license requirement. From the information you have sent me and my conversation with Mr. Saxby, I understand that your constituent, Rick Metzger, rents cabins and skiffs to both hunters and non-hunters in a remote location in the area of Kodiak Island.

First, the definition of "field" found at AS 08.54.790(6) states that "'field' means an area outside of established year-round dwellings, businesses, or other developments associated with a city, town, or village; 'field' does not include permanent hotels or roadhouses on the state road system or state or federally maintained airports...." From my conversation with Mr. Saxby, it appears that Mr. Metzger's cabins fall into the area considered the "field" as they are not anywhere near a city, town, or village. Inclusion under this term "field" then brings into play two other designations: outfit and transportation services. Under AS 08.54.790(9), "outfit" means "to provide, for compensation or with the intent to receive compensation, services, supplies, or facilities to a big game hunter in the field, by a person who neither accompanies nor is present with the big game hunter in the field either personally or by an assistant." Since Mr. Metzger's cabins are considered to be in the field, then renting these cabins out for compensation to big game hunters puts him under the definition of "outfit."

Also, under the definition at AS 08.54.790(10), "transportation services" means "the carriage for compensation of big game hunters, their equipment, or big game animals harvested by hunters to, from, or in the field...." Since Mr. Metzger rents skiffs to big game hunters, he is considered to be providing transportation services under this definition.

Keeping the above definitions in mind, then reviewing the "unlawful acts" found at AS 08.54.720, one will find two that involve Mr. Metzger. AS 08.54.720(a)(11) states

*field
cabins*

Representative Gabrielle LeDoux

January 17, 2007

Page 2

that it is unlawful for a "person without a current registered guide-outfitter license to knowingly outfit a big game hunt, provide outfitting services, advertise as an outfitter of big game hunts, or represent to be an outfitter of big game hunts." Also, AS 08.54.720(a)(12) states that is unlawful for a "person to knowingly provide transportation services to big game hunters without holding a current registered guide-outfitter license or transporter license." When Mr. Metzger's renting of cabins is placed in the "outfit" and "transportation services" categories, he then becomes subject to these rules regarding those two categories.

However, Mr. Saxby stated that he believed that AS 08.54.650 would be an easier option for Mr. Metzger than getting a guide-outfitter license. This section, describing requirements of a transporter license, states that a "transporter may provide transportation services and accommodations to big game hunters in the field at a permanent lodge, house, or cabin owned by the transporter or on a boat with permanent living quarters located on salt water. A transporter may not provide big game hunting services without holding the appropriate license." Thus, Mr. Saxby suggested that Mr. Metzger get a transporter license in order to be in line with the statutes regarding providing accommodation or supplies or transportation to big game hunters in the field.

While I am not familiar with the specifics of Mr. Metzger's advertising or target audience for renting, it appears that these statutes are aimed at people who deal only with big game hunters. When I asked Mr. Saxby how he thought these statutes related to someone who rents to anyone who wants the cabin and only occasionally has a big game hunter as a renter, he stated that this was likely a grey area.

From my review, it seems that if the cabins were rented to 10 different people and only 1 of the 10 was a big game hunter, Mr. Metzger would still need either a transporter license or guide-outfitter license. The statutes that deal with providing accommodations for big game hunters in the field do not address the level of knowledge needed by the owner of the cabin about his renter in order to place him in need of a license. The statutes only address the fact that providing accommodations or transportation for a big game hunter requires a certain license.

Thus, as these combinations of statutes read, it does appear that Mr. Metzger will need a license in order to rent his cabins to big game hunters.

Finally, based on my conversation with Mr. Saxby, it does not appear that removal of the word "usually" from AS 08.54.790(6) impacts where Mr. Metzger stands in relation to the definition of "field." I believe that even if "usually" were restored, Mr. Metzger's cabins would still be considered "in the field," and therefore subject to the licensing requirement.

If I may be of further assistance, please do not hesitate to call.

BJK:ljlw:med
07-013.ljlw

Suzanne Hancock

From: Alitakrat@aol.com
Sent: Wednesday, February 28, 2007 11:16 AM
To: Suzanne Hancock
Subject: Re: Cabin rental bill

To whom it concerns

When the Legislature re authorized the Statutes pertaining to big game guiding and transporter services to be overseen by the BGCSB some unintended consequences came to light. One of which was the rental of private cabins to hunters.

A small change in previous wording gave unforseen impetus for new emphasis on the statute. This caused undue hardship on people like myself who by all intentions had made every available effort to be legal in renting their cabins.

We have worked extensively with the BGCSB and Rep. Le Douex's office to find remedies to this situation. The bill Rep. Le Douex is sponsoring is a result of this effort and has the unanimous support of all involved.

Thanks for your consideration

Rick Metzger
PO Box 5043
Athol AK 99815

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com.

2/28/2007

Suzanne Hancock

From: Tom Temple [tom@satterberg.net]
Sent: Wednesday, March 07, 2007 11:09 AM
To: Rep. Gabrielle LeDoux
Subject: I support HB 165

Hi Ms. LeDoux;

I wanted to thank you for your support of HB 165. I also support this fair and commonsense legislation. Allowing private property owners to rent their remote cabins to anyone, including big game hunters, not only makes good sense, but is constitutionally required.

When the regulations were recently altered, in effect changing what constitutes "in the field," I doubt anyone suspected that a government taking of private property rights would be the result. Many property owners, such as Rick Metzger on Kodiak Island, have been adversely affected by the change through lost income from the rental of his cabin to hunters. Meanwhile, the State and Feds are free to rent similarly situated cabins to hunters, without competition from private property owners.

Approving HB 165 will correct an unjust situation that was unintentional, but damaging nonetheless. It will not harm guides or those who choose to hunt without a guide, but will provide more opportunities for Alaskans to enjoy the Great Land.

Tom Temple
Attorney
907/452-4454

Sonya Hymer

From: Brad Underwood [bradkay@alaska.net]
Sent: Wednesday, March 07, 2007 6:55 PM
To: Sonya Hymer
Subject: HB 165

Sonya, could you please forward this to Gabrielle? Thank you. Brad and Kay Underwood

Dear Gabrielle/Suzanne - Kay and I would like to lend our support of HB 165. As private property owners in a couple of remote areas on Kodiak we are concerned that some of our options may be restricted and in jeopardy. Rick Metzger has brought to our attention the recently changed regulations. We are hopeful that HB 165 will be approved by the legislature. It seems fair and reasonable and will probably clear up some unintended consequences. Thanks for your efforts on this. Brad and Kay Underwood

3/8/2007

Suzanne Hancock

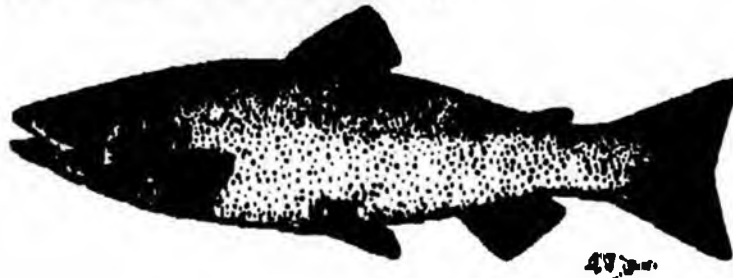
From: Tom Streifel [tomstreifel@gci.net]
Sent: Wednesday, March 07, 2007 8:05 PM
To: Suzanne Hancock
Subject: HB 165

Suzanne,

Please pass on to Gabrielle that myself and a lot of other folks that hunt and fish here in Kodiak would appreciate every effort she could put into passing HB 165. The bill, as you know, concerns folks being able to rent a cabin in the field to hunt from. Makes good sense to me and other folks.

Thanks again,
Tom Streifel

Fox Island Sot Hot Camp



Jim & Kim Peterson* Owners/Operators

**P.O. Box 240102
Douglas, Alaska 99824
(907)364-3643
sockeye7@acsalaska.net**

3/8/07

Honorable Gabrielle Le Doux,

We are writing to you today to show support for HB 165. My family owns 7 acres on the south end of Kodiak Island in Deadman Bay. I am a lifelong Alaskan and started fishing down in the Alitak Bay District in 1965. Over the years I have seen many people from all walks of life travel to Kodiak to enjoy the scenic beauty, wildlife and the beautiful country that our Island affords. A lot of times people don't have the money to hire a guide or stay in some big fancy lodge and being able to rent a cabin for a few days gives them a chance to experience and appreciate Kodiak Island. Thank-you for your time and consideration of our opinion.

Jim & Kim Peterson

Suzanne Hancock, Chief of Staff
Representative Gabrielle LeDoux
State Capitol
District 36
Juneau, AK 99801-1121

Dear Representative LeDoux:

I am writing you in support of HB 165 and with some serious threats that I think your guided hunting business is having on the average hunter.

I have always enjoyed hunting by doing it myself, successful or not I derive more pleasure from a hunt knowing I did it myself. I have enjoyed coming to Alaska on numerous occasions and have spent tens of thousands of dollars on licenses, hotels, car and cabin rental, meals and air taxi services. It is all a part of the experience that I have come to enjoy, an average wage earner carving out a special hunting experience.

Now these special interest groups want to restrict me (even further) by denying me access to remote cabins and some of the simple privileges that I have worked hard to research and realize. I work in an industry that is dedicated to recruiting new hunters. I know for a fact that the more common these restrictive practices become, the more fragile our hunter based conservation heritage becomes and the more difficult recruitment and retention become. At a time when we should be exploring every opportunity to recruit new hunters we can not afford these types of self serving interests.

Thank you for your support of HB 165.



Rick Young

"I should much regret to see grow up in this country a system of large private game preserves kept for the enjoyment of the very rich. One of the chief attractions of the life of the wilderness is its rugged and stalwart democracy. There every man stands for what he actually is and can show himself to be."

Theodore Roosevelt

Cc: BGCSB

This is a fairly straightforward issue, and problem, and I hope the legislature will move this bill through committee quickly and pass it so that other important issues before the House can be heard and addressed.

Thank you for allowing ABHA to comment on this bill, and for your service to the state and your constituents.

Sincerely,

Mark Richards

Co-chair Alaska Backcountry Hunters and Anglers

Suzanne Hancock, Chief of Staff
Rep Gabrielle LeDoux
Alaska State Capital Building
District 36
Juneau, AK 99801-1121

March 5, 2007

Re: HB 165

Dear Rep LeDoux,

I am writing to encourage you to support HB165. While I understand the concerns the guiding hunting industry has in opposing this on economic grounds, and that the State of Alaska may oppose because of hunter safety, I feel a sizeable sector of the hunting public may only be able to afford the wonders of Alaska on an unguided or limited outfitted trip.

I made my first hunting trip to Alaska in 2005 and currently have one planned for 2007, and hopefully several more in the future. I am fully capable of hunting in your great state with limited assistance for many species. And also realize that I will need to include the services of a licensed guide/outfitter for others. However, I would like to be able to continue to have the option to decide what would be best for my planned adventure.

If I were not able to experience Alaska on a limited outfitted trip in 2005, I may not have been able to go at all. And may not ever get there or only once in my lifetime. Several of my hunting friends that had given up on ever going there because of the costs, are now interested in going because of the lower costs of a partially outfitted trip. I believe that these types of hunters have more to offer the hunting economy of Alaska than only the few that can afford fully guided and outfitted trips.

Thank you for your time, and I urge you to support HB165.

Sincerely,



Rick W. Lange
Prairie du Chien, WI

Suzanne Hancock

From: jklutsch [jklutsch@bristolbay.com]
Sent: Wednesday, April 04, 2007 11:19 AM
To: Suzanne Hancock
Subject: Re: FW:

April 4, 2007

Alaska Professional Hunters Association
HC60 Box 299C
Copper Center, Alaska 99573

Honorable Gabrielle LeDoux
State of Alaska House of Representatives State Capitol Juneau, Alaska 99801

Dear Representative LeDoux,

I am writing on behalf of APHA to indicate our support for HB 165. This statute change will clarify sections of the guide law which have caused some confusion about who is able to offer big game hunting services and under what circumstances. The rental of a cabin on privately owned land to hunters is legitimate. However, offering additional services in the field such as packing or providing field camps and supplies (outfitting) must require a Registered or Master Guide license along with the associated land use authorizations and guide use area registrations. To transport hunters by boat or aircraft requires a Transporter license with the associated U.S. Coast Guard license or FAA Air Carrier certificate.

During the mid 1980's, an unl-licensed group of people proliferated throughout the state billing themselves as "outfitters" and were for all practical purposes offering all the services of a big game guide. They were able to do so because "outfitting" was not defined in guide statutes. This group of individuals could not be held accountable for their actions; the hunting public who booked with them were often misled about the services they were to be provided, and the wildlife resources suffered undue impact. We were able to rectify this in subsequent legislation. This bill will clarify the issue of cabin rental while insuring that guiding, outfitting and transporting services require the appropriate licensure and adherence to the associated regulatory requirements.

Thank You for your efforts in this regard,

Sincerely,

Joe Klutsch
President - APHA

----- Original Message -----

From: "Suzanne Hancock" <Suzanne_Hancock@legis.state.ak.us>
To: <jklutsch@bristolbay.com>
Sent: Wednesday, April 04, 2007 9:17 AM
Subject: FW:

Suzanne Hancock, Chief of Staff
Representative Gabrielle LeDoux
District 36

Capitol, Juneau, Alaska 99801
(907) 465-2487
(907) 465-4956 (fax)

-----Original Message-----

From: Suzanne Hancock

HB

175

ALASKA STATE LEGISLATURE

Interim:

716 West 4th Avenue, Suite 640
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Phone (907) 269-0200
Fax (907) 269-0204
Rep_Craig_Johnson@legis.state.ak.us



Session:

State Capitol Building, Room 126
Juneau, Alaska 99801-1182
Phone (907) 465-4993
Fax (907) 465-3872
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

MEMORANDUM

TO: Senator Hollis French, Chair
Senate Judiciary Committee

FROM: Representative Craig Johnson *CJ*

DATE: May 7, 2007

SUBJECT: Hearing Request for CSHB 175 (JUD) am

I respectfully request that you schedule a hearing for HB 175, a bill that strengthens the private property rights of Alaskans by protecting privately owned recreational structures from the exercise of eminent domain by the government for recreational purposes.

Attached is a copy of the most current version of the bill as passed on the House floor; and the sponsor statement, zero fiscal note and letters of support as moved out of House Judiciary.

If you have any questions or need additional information, feel free to contact me or my aide, Debra Higgins, at extension 3715.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

Interim:

716 West 4th Avenue, Suite 640
Anchorage, Alaska 99501
Phone (907) 269-0200
Fax (907) 269-0204
Rep_Craig_Johnson@legis.state.ak.us



Session:

State Capitol Building, Room 126
Juneau, Alaska 99801-1182
Phone (907) 465-4993
Fax (907) 465-3872
Toll-free (866) 465-4993

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 28

SPONSOR STATEMENT

Committee Substitute for House Bill 175 (JUD)

"An Act further limiting the exercise of eminent domain"

HB 175 strengthens the individual's property rights by protecting privately owned recreational structures from the exercise of eminent domain for recreational purposes.

Eminent domain is an important right of the government. However, it should only be used for the most judicious of purposes, and every effort should be made to minimize its impact to the right of the individual to own private property.

AS 09.55.240 limits the government's authority to exercise eminent domain and seize personal residences by clearly outlining its legitimate use (namely the construction and/or expansion of roads, schools, and public buildings) and by prohibiting its exercise for the purpose of economic development or to generate increased government revenues.

HB 175 affords privately owned recreational structures the same protection from government seizure already granted to personal residences in AS 09.55.240.

The right to own private property is one of the most important rights of Alaskans. By prohibiting government seizure of privately owned recreational structures for recreational purposes, HB 175 strengthens that right and ensures the continued use of land in the greatest of ways – that of private ownership.



ALASKA ASSOCIATION OF REALTORS, INC.
4205 Minnesota Drive Anchorage, Alaska 99503
Telephone (907) 563-7133 Fax (907) 561-1779
www.alaskarealtors.com

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,

A handwritten signature in cursive script that reads 'Judy Cloud'.

Judy Cloud
AAR President





**First American
Title Insurance Company**

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

First American Title currently has offices in 10 communities' through-out the State of Alaska. Our offices assist in the facilitation of, in excess of 10,000, real estate transactions, involving Alaskan property owners, each year. Many of those transactions include, what could be considered, recreational properties.

Last session, I supported HB 318, which addressed the issue of 'taking' a property owner's private property for economic development and whether it is appropriate to take all or part of one's primary residence to enhance the recreational opportunities of another.

I favor this consumer protection, legislation because it correctly identifies primary residences to include recreational structures and second homes.

I support the passage of House Bill 175.

Sincerely,


Terry E. Bryan
Alaska Division - President

3035 C Street, Anchorage, AK 99503
OFFICE 907.561.1844 • FAX 907.561.1948
www.firatam.com



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OF REALTORS® INC.**

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March 13, 2007

**The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801**

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

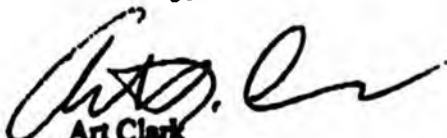
The Anchorage Board of REALTORS® with over 900 members supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Anchorage Board encourages the passage of House Bill 175.

Sincerely,


**Art Clark
ABR President**



March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes, which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,


Janice Strong

Alaska Association of Realtors
Secretary for the Board of Directors

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

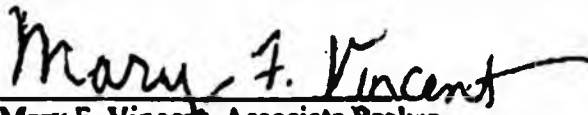
Dear Representative Johnson,

I have been selling real estate in the Mat-Su Borough for 27 years, and myself, along with the Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates to eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

Our primary focus as Realtors, is to PROTECT THE RIGHTS OF THE PUBLIC. Therefore, we favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are extremely common throughout Alaska. Private property rights must be protected in this country - we are NOT a socialistic nation.

The Association encourages the passage of House Bill 175.

Sincerely, 
Mary F. Vincent, Associate Broker
Prudential JW/Vista RE
907-352-1863 VM

Judy Cloud

Stacy Risner
PO Box 75188
Fairbanks, AK 99701

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

I am writing to you in support of House Bill 175, which relates eminent domain and recreational structures.

I wholeheartedly supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development. HB 175 will protect our citizens by including recreational structures and second homes in this protection. One of the great aspects of this state is the ability to get out and enjoy the beauty of our land and the wildlife that live there. Many people own recreational property to do just that, and it is simply unfair for anyone to be able to take this away for the gain of another.

Thank you for your time and consideration on this subject. I sincerely appreciate your support of House Bill 175.

Sincerely,


Stacy Risner

March

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

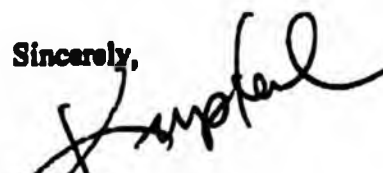
The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

We favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,


Krystal Rogers
Associate Broker
REMAX of Wasilla

Krystal Rogers
Associate Broker

RE/MAX of Wasilla

3181 E. Palmer Wasilla Hwy. • Wasilla, AK 99854
Cell: (907) 388-8488 • Direct: (907) 382-8348 • Fax: (907) 373-8882

E-mail: krystal@mlscentral.net

Each Office Independently Owned and Operated

March 13, 2007

**The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801**

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

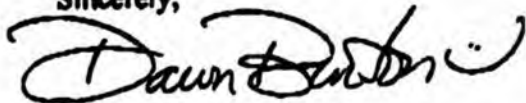
The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

The Association encourages the passage of House Bill 175.

Sincerely,

A handwritten signature in cursive script that reads "Dawn Burton" with a small smiley face at the end.

**Dawn Burton ☺
Realtor**

ASSOCIATED ISLAND BROKERS

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, AK 99801

RE: House Bill 175, Relating to the exercise of Eminent Domain and recreational structures

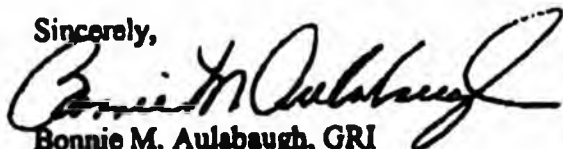
Dear Rep. Johnson:

I would like to express my support for House Bill 175. Since HB 318 passed during the last legislative session and defined whether or not it is appropriate to take a person's private property for economic development and also whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another, it seems that HB 175 is simply a "house-keeping" step to include recreational structures and second homes in the definition of primary residence.

I favor HB 175 since I believe it is something that is needed for consumer protection and would simply change the definition of primary residences in Alaska to include recreational structures and second homes, which as you know, are very common throughout our State.

I encourage the passage of House Bill 175. Thank you for your kind consideration.

Sincerely,



Bonnie M. Aulabaugh, GRI
Associate Broker



202 Center Avenue, Suite 101

Kodiak, Alaska 99615



Office: (907) 486-2000

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Fax: (907) 486-4016

March 13, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

The Alaska Association of REALTORS® with over 1,600 members statewide supports House Bill 175, which relates eminent domain and recreational structures.

Last session the Association supported HB 318, the eminent domain legislation which defined whether or not it is appropriate to take a person's private property for economic development and whether it is appropriate to take all or part of one's primary residence for recreational opportunities of another.

I favor this consumer protection legislation because it would change the definition of primary residences to include recreational structures and second homes which are very common throughout Alaska.

So I encourage the passage of House Bill 175.

Sincerely,



Carl F. Brent
#16675

March 12, 2007

The Honorable Craig Johnson
Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

RE: House Bill 175, relating to the exercise of eminent domain, recreational structures

Dear Representative Johnson,

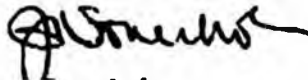
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Sincerely,



**Jo Sonerholm
Associate Broker
Prudential Jack White Vista**

March 12, 2007

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State Capitol Building
Juneau, Alaska 99801

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The government should not be able to confiscate private property!

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Sincerely,

*Kickie Hartley
Remax of Juneau*

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Sincerely,

Holly Cera
RE/MAX of Juneau

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Rena of Juneau

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Sincerely,

Margaret Stinchfield
Associate Broker
RE/MAX of Juneau

March 12, 2007

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Alaska House of Representatives
State Capitol Building
Juneau, Alaska 99801

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Please support the passage of House Bill 175.

Sincerely,



Debbie White
REMAX of Juneau
8800 Glacier Hwy #219
Juneau, AK 99801

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

333 Raspberry Road
Anchorage, AK 99518-1500
PHONE: (907) 267-8326
FAX: (907) 267-2464

Date January 27, 2006

To: Robin Willis

From : Jason Graham

Re: Access for Anchor, Montana, and Salcha Creeks

Anchor River

Accessible: 16723 feet

Non-Accessible: 4542 feet

Montana Creek

Accessible: 29063 feet

Non-Accessible: 17468 feet

Salcha Creek

Accessible: 16181 feet

Non-Accessible: 16134 feet





KENAI RIVER SPORTFISHING
— ASSOCIATION —

Representative Les Gara
State Capitol
Juneau, AK 99801

January 9, 2007

Re: HB40

Dear Representative Gara:

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 40, an act relating to voluntary land trades and purchases to enhance public access to fishing streams.

Alaska is home to some of the best sportfishing, personal use and subsistence opportunities in the world, and HB40 is an important piece of legislation that provides ADF&G and ADNR a mechanism to ensure broad public access to these important public resources. HB40 places into statute a process that mandates the Commissioner of ADF&G list land along fishing waterways where access is impeded by private land ownership and the Commissioner of ADNR responsible for proceeding to acquire public access across those lands.

KRSA is a non-profit 501 (c) 3 conservation organization dedicated to ensuring the sustainability of the greatest sportfishing river in the world – the Kenai. Our goals are to conserve and rehabilitate fisheries habitat, promote predictable and meaningful sportfishing opportunity, encourage and foster fisheries research and provide public aquatic education. Over the past ten years we have raised and invested over \$5 million towards these goals.

While on the Kenai River (the primary focus of our organization) there is broad public access to its fishery resources, KRSA has been concerned with the privatization of public lands along other waterways in our state which reduces or eliminates public access to some of our prized sport fishing rivers and streams. On the Kenai Peninsula, we have public access concerns on the neighboring rivers of the Kenai, specifically the Anchor, Deep Creek and Kasilof. If public access is denied or severely restricted on these neighboring rivers, it will only serve to place more pressures on the Kenai itself, which is already the state's most popular sport and personal use fishery.

KRSA supports the public access mechanisms in place in the bill, such as using public easements and land trades as well as outright purchases of the land with voluntary private land owners, and we are also very encouraged that the right of eminent domain may not be exercised to acquire land or interest in land. The initial

Ron Rainey
Board Vice President

UNLIMITED

Alaska Program
419 Sixth Suite 200
Juneau, AK 99801
907-321-3291

January 31, 2007

Re: HB 40

Dear Representative Gara:

I'm pleased to write to you in support of H.B.40. Trout Unlimited's 165,000 members are dedicated to conserving, protecting and restoring North America's trout and salmon fisheries and their watersheds; your legislation helps achieve these goals.

Trout Unlimited is encouraged by the process to be established in H.B. 40 whereby the state will work to not only preserve but expand public access to our fishery resources through the acquisition of private lands. Alaska is blessed with a wealth of public land, providing residents and visitors alike with unequalled access to rivers, lakes and streams. This bill will make a good situation better through the use of land trades, access easements and outright purchase of key land parcels.

Thank you Representative Gara for your foresight, stewardship and steadfast support of Alaska sportfishing.

Sincerely,

Tim Bristol/Director
Trout Unlimited Alaska Program Director
907-321-3291
Tbristol@tu.org

January 31, 2007

Representative Les Gara
Alaska State Capitol
Juneau, Alaska 99801

Dear Representative Gara,

Thank you for championing HB 40, to further public access to important fishing waterways in Alaska. I believe this is a vital step in ensuring access to present and future generations of Alaskans and visitors to Alaska. We have superb fishing opportunities, and must work as a state to maintain access, or these opportunities will continue to erode away. I have already seen opportunity to fish disappear from many of my favorite reaches of MatSu valley streams, as more and more land around these streams becomes private and developed.

I do not encourage paved facilities and developed campsites along currently wild or difficult to access sections of rivers, as I have a wealth of first hand experience fishing the mouths of Willow, Montana and Sheep Creeks during king and silver salmon seasons, both before and after development of the public accesses there. A balance must be maintained between having no public access and too much public access, but that balance can be easily attained: keep the access open, be it a wilderness trail or current dirt or paved road to a stream, and leave it at that.

I am a member of the Matanuska Valley Advisory Committee to the ADF&G, long time Alaskan, tackle store employee, registered fishing guide, and life time fisherman. I have lived in the MatSu Valley for 20 years, and I fully support this bill, and encourage the House to support it.

Thank you,

Steve Runyan



Alaska Conservation Alliance

Uniting for Alaska's Future

February 14, 2007

The Honorable Les Gara
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Gara,

On behalf of the 40 conservation groups and the 38,000 Alaskans that are represented by the Alaska Conservation Alliance, I am pleased to acknowledge our support for HB 40 and the companion legislation SB 71, both of which aim to increase public access to fishing stream through voluntary measures. We would like to commend you for advancing this important, pro-active measure to protect public access to fishing resources throughout the state.

This legislation builds on the broad public support that exists for voluntary land conservation measures. In a recent statewide poll (July 2006), 68% of Alaskan voters stated that they would support measures to use voluntary agreements with landowners to protect land, water and wildlife in Alaska. Furthermore, this legislation focuses on key fishing areas where access is likely to become hampered as private lands transition from being undeveloped to developed properties.

Alaska Conservation Alliance applauds the foresight of HB 40, which seeks to secure public access before increased development would preclude a reasonable agreement with landowners. For many high-use areas on the Kenai Peninsula and in the Mat-Su Valley, the window of opportunity is now. In this regard, we urge prompt passage of HB 40.

The Alaska Conservation Alliance would like to thank you again for your work to advance this important piece of legislation.

Sincerely,

Frank H. Markowski, Governor

**Cooper Landing Fish & Game
Advisory Committee**

Bill Stockwell, Chair
PO Box 721
Cooper Landing, AK 99572-0721
Phone: 595-1540

December 12, 2005

Senator Gary Stevens
112 Mills Bay Road
Kodlak, AK 99615

SUBJECT: HB 37 State Land Trades/Purchases With Willing
Landowners To Regain Fishing Stream Access

Senator Stevens,

At our November 9, 2005 Meeting, the Cooper Landing Fish and Game Advisory Committee voted to support House Bill 37 which has passed the House and request you support HB 37 when it comes before the Senate.

As a fish and game advisory committee, we support ample access to all our fish and wildlife resources. Any loss of access is a loss of public recreational opportunity, an economy loss to tourism, and an unnecessary loss of use of our common use resources. Loss of bank access along fishing streams such as the Anchor River and the Cooper River Dip Net fishery have already become a problem and access to the Mat Valley streams may soon be the next issue.

Thank you very much for considering this issue. Please support this issue. When access is lost, it is gone forever.

Sincerely,

Bill Stockwell, Chair

cc: Representative Paul Sutton
Representative Lee Cook
Representative...

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

333 Raspberry Road
Anchorage, AK 99518-1520
PHONE: (907) 267-2326
FAX: (907) 267-2464

Date January 27, 2006

To: Robin Willis

From : Jason Graham

Re: Access for Anchor, Montana, and Salcha Creeks

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Accessible: 16723 feet

Non-Accessible: 4542 feet

Montana Creek

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HEB

182

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SARAH PALIN, GOVERNOR

LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520

May 11, 2007

The Honorable Hollis French, Chair
Senate Judiciary Committee
Alaska State Legislature
State Capitol, Room 417
Juneau, Alaska 99801-1182

Re: CSHB 182(JUD) -- Offering
Promotional Checks

Dear Senator French:

The Department of Law would appreciate scheduling of the above bill for a hearing in your committee, at your earliest convenience. The bill is a high priority of the Department of Law.


The use of promotional checks in Alaska has been, and continues to be, a problem for both individuals and businesses in Alaska. Our consumer protection office has received many complaints and we have interviewed numerous consumers who have received these checks, cashed them believing them to be a refund, rebate, or reward check, or ordinary accounts receivable, and do not realize that by cashing them they have entered into a contract for the purchase of goods or services. Many consumers and business have paid hundreds of dollars as a result of these "contracts" for goods or services that they do not want, need, and often times do not even know that they have.

Our consumer protection office has worked with the sponsor of CSHB 182(JUD), Representative Lynn, and his staff, to draft legislation that addresses this problem by making the use of promotional checks in Alaska an unfair or deceptive act or practice in violation of the Unfair Trade Practices and Consumer Protection Act. By prohibiting the use of these checks, we would help eliminate the harm our consumer protection office has seen in connection with the use of these checks.

If you have any questions, please feel free to contact me.

Sincerely,

**TALIS J. COLBERG
ATTORNEY GENERAL**

By: 
**Deborah E. Behr
Chief Assistant Attorney General**

DEB:pvp

**cc: John Bitney, Legislative Director, Office of the Governor
Representative Bob Lynn, Sponsor of HB 182
Julia Coster, Assistant Attorney General, Anchorage**

Alaska State Legislature

Chairman

State Affairs Committee

Vice-Chairman

Economic Development, Trade & Tourism
Committee

Member

Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees

Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

May 2, 2007

To: Senator Hollis French, Chairman
Senate Judiciary Committee

Fr: Representative Bob Lynn

Re: HB 182

"An Act making the offering of certain promotional checks an unfair or deceptive act or practice."

Please schedule a hearing for HB 182 in the Senate Judiciary Committee at the earliest convenience. Attached is a copy of CSHB 182(JUD), Version K, which recently passed the House 37-0 and the Senate Labor and Commerce Committee without objection.

Also included is other background material, such as a Sponsor Statement, a Fiscal Note, a Question & Answer sheet with the Alaska Department of Law, a letter from a victim of a promotional check, relevant news stories, research, statutes and other information.

Thank you for considering my request for a hearing on a bill designed to protect Alaska consumers. HB 182 is considered a high priority of the state Department of Law.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

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Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

HB 182 Sponsor Statement

"An Act making the offering of certain promotional checks an unfair or deceptive act or practice."

There is no such thing as free money!

Just ask the many Alaskans who have received checks in the mail with seemingly no strings attached. Many of these consumers cash these checks, usually for small amounts, only to find themselves obligated for products and services they never intended to buy.

HB 182 amends the Unfair Trade Practices and Consumer Protection Act (Consumer Protection Act), AS 45.50.471, by making the offering of a promotional check, through the mail or by other means, an unfair or deceptive act or practice in violation of the Consumer Protection Act. Promotional checks subject to the legislation are live checks offered to consumers to promote goods or services which, when cashed or deposited, obligate the endorser or payee on the check to pay for goods or services.

Thousands of these promotional checks are sent unsolicited to Alaskan individuals, businesses, churches and schools (hereafter "consumers"). Consumers receiving them often believe them to be refund or rebate checks or ordinary business receivables. They unwittingly cash the checks without realizing that they have entered into a contract, usually for goods or services they do not want, do not use, and often do not even realize they have. By cashing the checks consumers also have often unknowingly agreed to have monthly payments automatically taken from their bank accounts, or added to credit card or utility bills. Consumers usually do not realize the debits or charges have occurred and accept or pay for them believing them to be legitimate charges. Prohibiting the use of these checks is the only effective method of preventing these accidental agreements, and subsequent charges, from occurring.

By making the offering of these promotional checks an enumerated unfair or deceptive act or practice, use of the promotional checks will be prohibited as an automatic violation of the Consumer Protection Act. The Attorney General will then be able to take enforcement action under the Act to stop the use of such checks using the remedies afforded under the Act.

Thursday, March 15, 2007

HB 182 Offering Promotional Checks Q&A with Alaska Department of Law

Below is a transcript of an interview with the Consumer Protection Unit of the Alaska Department of Law

QUESTION: Can you explain how Alaska businesses and individuals are being taken advantage of through promotional checks?

DEPARTMENT OF LAW: The promotional check is often packaged and sent in a manner that causes the individual or organization receiving and cashing the check to believe that the check is a refund, rebate, or payment of some nature, and does not understand that by cashing the check they are accepting an offer to pay for goods or services.

After cashing the check, the recipient may be sent a bill for collection of the amount "due", and if the bill isn't paid, a collection agency will start hounding the consumer for payment. Another method of collection is to use the consumer's account information involved in cashing the check to debit the consumer's account on a monthly basis without the consumer's knowledge. Or, alternatively, similar monthly billings may occur through the consumer's telephone carrier, credit card, etc. Therefore, the individual or entity cashing the check may be out significant amounts of money prior to discovering and canceling whatever was purportedly authorized by merely cashing the check.

QUESTION: How big of a problem is this for consumers in Alaska?

DEPARTMENT OF LAW: Thousands of promotional checks have been sent to Alaskan individuals, businesses, schools, churches and other organizations over the years. Many hundreds of these checks are cashed by individuals and organizations who receive subsequent billings or automatic debits for goods or services they do not want and often are not aware that they have.

QUESTION: Why should it be considered an unfair or deceptive practice or act to offer these "small" promotional checks?

DEPARTMENT OF LAW: Receipt of these promotional checks by individuals and organizations causes a likelihood of misunderstanding or confusion so that the recipient believes the check is one thing (a refund, rebate or payment of some nature) when it is really another (a contract for the payment of goods or services), the recipient acts on this misunderstanding and cashes the check and incurs an obligation to pay for something they did not want, need, or even know about. That is a classic example of one of the definitions of an unfair or deceptive act or practice under the Unfair Trade Practice and Consumer Protection Act, AS 45.50.471 et seq.

QUESTION: Don't these checks have information explaining that cashing them obligates the consumer to "larger" payments for products and services?

DEPARTMENT OF LAW: Yes, but the information is usually on the back of the check, in very small print, or is crowded on "stuffer" included with the check, and the recipient of the check does not see, read or understand the information. This is particularly true for businesses which often believe the check to be an ordinary receivable or refund check and automatically stamp the check for deposit without ever seeing or noticing any small print disclosures.

QUESTION: How are you currently dealing with these promotional checks?

DEPARTMENT OF LAW: The Attorney General's Office has initiated a number of investigations relating to the use of promotional checks in Alaska. Several of the investigations have resulted in prosecutions and settlements under the Unfair Trade Practices and Consumer Protection Act. One of the most recent was a coordinated multi-state investigation involving 34 states' Attorney Generals, and resulted in a settlement agreement that prohibited the use of promotional checks by the business in all 34 states.

QUESTION: Why is a law needed? How will it help Alaska consumers?

DEPARTMENT OF LAW: By amending the Unfair Trade Practices and Consumer Protection Act to make it clear that the use of promotional checks in Alaska is an unfair or deceptive act or practice businesses will be put on notice that the use of these checks in Alaska is prohibited. This should stop most businesses from sending the checks. For those that persist, the Attorney General's Office has clear enforcement authority to petition the court to stop the practice.

QUESTION: What would be the penalty for violating this proposed law?

DEPARTMENT OF LAW: Violations of the Consumer Protection Act are subject to a civil penalty of a minimum of \$1,000 per violation and a maximum of \$25,000 per violation.

QUESTION: Does the penalty vary depending on the number of Alaskan consumers involved?

DEPARTMENT OF LAW: The court looks at a number of factors when deciding the amount of civil penalty to impose. The amount of consumer harm, including the number of consumers harmed by the conduct, is one of the factors.

QUESTION: How are other states dealing with these promotional checks?

DEPARTMENT OF LAW: Many states have brought enforcement actions under their state consumer protection statutes, and a couple states have introduced legislation similar to HB 182 banning the use of the checks.

QUESTION: Why does the Department of Law consider this bill a high priority?

DEPARTMENT OF LAW: Many hundreds of Alaskan consumers have been harmed by the use of promotional checks. The Attorney General's Office has spent considerable time and resources investigating and pursuing law enforcement actions against businesses that use these inherently deceptive checks, and it has been able to obtain restitution for consumers in many instances. The best way to deal with the problem, however, is to stop the practice from occurring at all, so that consumers do not have to suffer the monetary loss, time and frustration which results from cashing the checks. HB 182 would do this, by prohibiting the use of these checks in Alaska.

**Dale E. Lehman
11840 Coughlan Way
Anchorage, AK 99516**

May 2, 2007

To Alaska State Legislators

I am writing in support of House Bill No. 182 regarding the use of promotional checks. I am a victim of the misuse of such checks and hope my experience is relevant to your deliberations. I have more years of formal education and higher income than the average Alaskan, but I share the typical Alaskan's extreme scarcity of time. This is what makes deceptive promotional checks so dangerous – they are designed to take advantage of the fact that people live busy lives, too busy to protect themselves against such schemes.

First, you should understand that I typically discard all “money saving” offers. I reject the constant offers by my credit card companies to accept “free” magazines (which are automatically renewed after a period of time), and I throw out (weekly) offers from airlines (United and Alaska, in particular) for free companion tickets that waive the annual fee for the first year. I studiously avoid placing myself in these situations where I must remember to cancel some agreement in order to avoid fees. In fact, I routinely give lectures in my economics classes about the ways in which extended warranties and frequent buyers offers are designed to harm consumers. Thus, it was a shock to me to discover that I have been a subscriber to The Home Protection Network.

Here is how I discovered this fact. I was teaching in Europe in February and I was robbed while in the Czech Republic. I had to cancel all my credit cards and I took a careful look at my statements to see if there were any unauthorized purchases. I noticed a charge for \$39.99 from TLG HOMEPR. My wife knew nothing about it; neither did I. I looked further and discovered that it had been on my Chase credit card statement for each of the past 18 months! There was a phone number next to the charge on the statement; when I dialed it, the recorded message included “press 4 if you want to find out how you enrolled in this program.” I thought that was a strange option, and after further investigation discovered a settlement between the Alaska Attorney General's office (along with 16 other states) and Chase and Trilegiant to set aside money to reimburse people for deceptive marketing practices.

It took 8 weeks, but I finally received a fax showing the canceled check with my signature that enrolled me in this program. I do remember getting such a check a year and a half ago. I recall looking at it and saying to myself, “well, if they want to give me \$10, I'm not going to refuse it.” It is my signature, but it is entirely unlike me to have signed a check with this small print. They did not send me a copy of any of the promotional materials that may have accompanied this offer. I never received any follow-up materials from Trilegiant. In fact, I am not even sure what benefits The Home Protection Network offers (strangely, this particular program is not even described on their website).

From what I have read, I have the impression that it is a warranty service on home appliances. During the period of my "subscription," I replaced a dishwasher (\$1000) and a garage opener (\$1500), but it never occurred to me to make a claim with The Home Protection Network – because, in fact, I did not know I was a subscriber to such a service.

I can think of only two possible explanations for my agreeing to this "offer." First, they could have added the small print after I endorsed the check. The faxed copy has print which is quite fuzzy as if it was placed by a stamp rather than typed onto the check. Of course, I have no way to prove this allegation. Second, my wife (who is a psychiatrist) assures me that materials can be designed so that the consumer can completely miss something centrally displayed through clever arrangement of materials. The principle is that if you are diverted into looking for something specific, you can miss something directly in front of your eyes.

I don't know which explanation is valid, but it doesn't matter. What is clear is that Trilegiant (along with Chase and Budget – the latter was involved in some way with this offer) was fully aware that I did not know I was enrolling in this program. If they had believed that I consciously enrolled, they would have surely sent me a "membership kit." That is what happens when you enroll in the AAA, AARP, or any other subscription based service. The provider wants to assure you that you are receiving valuable benefits. In this case, Trilegiant never informed me of anything about the service, including the benefits or how to file claims. Apparently, they did not want to draw my attention to the fact that I had enrolled.

I do not generally believe that government's role is to protect people from their own stupidity. However, when companies go to these lengths to intentionally deceive consumers, then I think something is wrong. They should be told that it is against the law to spend their resources attempting to fool consumers. Busy people are easy targets of such efforts. These companies, like the people that pickpocketed me in Prague, are professionals and are fully capable of taking advantage of busy consumers. When they join with credit card issuers, they abuse any trust consumers have placed in their credit card issuer.

The ultimate irony is that, as a result of the theft of my wallet, I had to spend a bunch of time giving my new credit card number to all of my monthly auto-pay bills (electric service, cable, garbage, etc.), except one: The Home Protection Network was automatically switched to my new credit card number by Chase. Now that's customer service!

I hope you will assist busy Alaskan consumers by sending a signal to marketers that such deceptive practices are not legal. They should spend their efforts marketing products and services that provide real benefits instead. House Bill No. 182 is a step in that direction.

Sincerely,

Dale E. Lehman

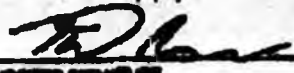
Alaska State Protection Agency
Juneau, AK 99811

Check # 4017133808
April 18, 2005
Payable to: STATE OF ALASKA

Pay to: Dale Lehman
Address: 11840 Coughlin Way
or Bearer: Anchorage AK 99516-9400

Amount: Ten dollars and 00/100 \$10.00
This check is payable only to the person named above.
If the check is cashed by someone other than the person named above, the casher is responsible for the amount.

Cash or deposit by: VALID THROUGH 08/14/05


AUTHORIZED SIGNATURE

4017133808 LEHMA

X34085 254747101101097 800

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February 19, 2008

The Honorable Hollis French, Chair
Senate Judiciary Committee
Alaska State Capitol, Room 417
Juneau, Alaska 99801-1182

HB 182 (Lynn)—Support

Dear Chair French:

On behalf of the AARP members in Alaska, we recommend that you and your colleagues on the Senate Judiciary Committee support HB 182, authored by Representative Bob Lynn and co-sponsored by twelve other House members.

HB 182 would create a new category under the Consumer Act's deceptive practices to prohibit the use of "promotional checks." All of us receive these checks in our mailboxes and often they are designed to look like a refund for an overpayment or a rebate.

We would like to think that, as we grow older, we also become more savvy consumers. Unfortunately, the evidence does not support that premise.

Older people are often the targets of fraud and deceptive marketing tactics. Half of all telemarketing fraud complaints are made by victims over age 50. If you ask any of your older constituents, you will find they are bombarded regularly with deceptive mailings, come-ons, and telephone pitches. Unfortunately, the oldest of the old are generally the ones most likely to be victimized. They have a tendency to open and read all their mail and to be polite to telephone solicitors.

HB 182 will not protect all consumers of every age from becoming victims. What it will do is end one form of deceptive marketing, the use of promotional checks. This will help our citizens as well as our businesses that often have checks processed without carefully looking at the source.