

HB

604

COMMITTEE REPORT

3/4/76

HOUSE

Mr. Speaker:

Date April 2, 1976

The Committee on JUDICIARY has had HB 604

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

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

recommends it BE REPLACED WITH CS FOR HB 604 AND THAT
CS FOR HB 604 DO PASS

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

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

Terry Anderson _____
John H. ... _____
... _____
... _____

Members NOT concurring in the Majority report:

_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:
_____ recommends:

Terry Anderson Chairman

House Judiciary Committee
March 30, 1976

The meeting was called to order by Chairman Gardiner at 1:15 p.m.
Members present were Specking, Bradley, Parr, Gardiner and Cotten.

HB 604 UNIFORM LAND SALES PRACTICES ACT

HB
604

Larry Carrol, Commerce
John Tillinghast, AG:

Subdivisions of 50 or more lots must register with the department and submit for verification a public offering statement which accurately describes the land for sale. Directed at Boom towns as Valdez where land is being sold sight unseen to unsuspecting buyers. This will require full disclosure so buyer knows what he is getting into. An on sight inspection will be performed by department of commerce to see that public offering statement is accurate.

HB 634 EMPLOYMENT OF MINORS

HB
634

Lee Leland, Labor, Wage and Hour division:

Would like an exemption for licensed premises so that young people can work in kitchens, gift shops, and as maids. Also want exemption for those over 16 who are drop outs so they can work steadily. Mr. Leland offered the attached amendment by the ABC Board.

Ron Lorensen, AG's office:

Minors may work on licensed premises with written permission of commissioner and parents. Problem has been with hotels and restaurants who cannot find people willing to work for lower wages, so like young people. But most of these are licensed premises. Department of Labor would like to be notified when a minor is being hired so they can check conditions, hours, wages etc.

'B 713 STUDENT REGENT

HB
713

Student regent must actually be a student, if drops out, governor must choose a replacement.

The meeting was adjourned at 2:45 p.m.

House Judiciary Committee
April 2, 1976

The meeting was called to order by Chairman Gardiner at 1:30 p.m. Present were Cotten, Specking, Bradley, Parr, Gardiner and Eliason.

HB 600 DETERMINATE SENTENCING

HB
600

Pat Conheady
Dan Hickey

Discussion of good time. As suggested by Fogel and Schueller good time should be vested after 30 days so that no more than 30 days good time can be lost. Will give the prisoners a better outlook and more reason to not misbehave.

Get rid of parole and get determinate sentencing. Need for statutory guidelines for mandatory minimums.

HB 634 EMPLOYMENT OF MINORS

HB
634

Section 1 was changed to agree with amendment suggested by Mr. Lee Leland of Wage and Hour Division of Dept. of Labor. Section 2 was deleted and 23.10.340 (b) was repealed.

HB 604 LAND SALES

HB
604

Cotten moved to change from 50 lots to 25 lots as trigger point. No objection, so ordered.

Mr. Parr wants the state to conform to the same guidelines and moved that 34.55.042(a)(6) be repealed. No objection, so ordered and a CS was ordered drawn up.

Mr. Cotten moved CS out of committee. No objection, so ordered.

The meeting was adjourned at 2:45 p.m.

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND
GOVERNOR

POUCH D - JUNEAU 99811

April 5, 1976

Honorable Terry Gardiner
Chairman
House Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Terry:

Re: CS HB 604

We received information late Friday afternoon that the House Judiciary Committee would consider HB 604 at 11:00 A.M. the next day, Saturday, April 3, 1976. However, we were apparently misinformed, because when Julius Brecht, the new Director of Banking, arrived to testify at that meeting, he was informed that the Committee had already considered the bill on Friday, and voted to send it to the House with two substantive changes, on which we would have liked to have commented. We are sorry we missed the committee meeting on Friday, however, we do have some comments on CS HB 604.

I shall briefly outline those comments at this time. First, the form of CS HB 604 reported out of the committee changed the cutoff for reporting intrastate subdivision offerings from 50 to 25. I feel that the cutoff should be left at 50. The purpose of this bill is certainly to protect potential buyers of subdivided land. But where small amounts of land are involved in the offering, e.g., 25 lots or roughly eight acres, the scope of the offering is usually extended to persons within a reasonable distance from the land. Therefore, these persons may make their own on-site inspection without difficulty. However, offerings of 50 lots or more tend to be made to a much larger group of interested buyers, a number of whom quite likely cannot afford the time or money to travel to the site to inspect the land prior to purchase. The intent of the Governor in proposing this bill was to cover the latter situation. Also, to reduce the cutoff to 25 will greatly increase the administrative burden on the Department of Commerce and Economic Development in processing the filings of offers containing 25 or more subdivisions. For these reasons, I feel the cutoff should be left at 50 and not changed to 25.

I also understand that the committee has amended HB 604 to require that sales of subdivided land by the state be expressly subject to the provisions of the bill. I understand that the committee believes that there are policy reasons for requiring the state, when offering subdivided land for sale, to follow a procedure similar to that set out in HB 604 for private businessmen. However, I do not believe that the administrative mechanism chosen by the committee, i.e. registration of those state

Representative Terry Gardiner

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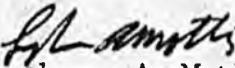
April 5, 1976

offerings with the Department of Commerce and Economic Development, is the best way to implement the policy. I believe that it is more reasonable to require, e.g., the Division of Lands in the Department of Natural Resources, to adopt regulations that would essentially follow the procedure outlined in HB 604, with the single exception that the registration of the offering would be with the Department of Natural Resources, not with the Department of Commerce and Economic Development.

Aside from the comments just expressed, I am pleased that the House Judiciary Committee has sent this important bill on to the House.

Thank you for your consideration of the bill.

Sincerely,


Langhorne A. Motley
Commissioner

cc: Judiciary Committee
Representative Parker

34.550.042 A(6) Repeal

Introduced: 1/16/76
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 604

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Uniform Land Sales Practices
7 Act."

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

9 * Section 1. AS 34.55.008 is amended to read:

10 Sec. 34.55.008. PROHILITIONS ON DISPOSITIONS OF INTERESTS IN
11 SUBDIVISIONS. Unless the subdivided land or the transaction is exempt
12 by sec. 42 of this chapter

13 (1) no person may offer or dispose of in this state an
14 interest in subdivided land [LOCATED OUTSIDE THIS STATE] before the
15 time the subdivided land is registered in accordance with this chapter;

16 (2) no person may dispose of an interest in subdivided land
17 [LOCATED OUTSIDE THIS STATE] unless a current public offering statement
18 is delivered to the purchaser and the purchaser is afforded a reason-
19 able opportunity to examine the public offering statement before the
20 disposition.

21 * Sec. 2. AS 34.55.032 is amended to read:

22 Sec. 34.55.032. JURISDICTION. A disposition of subdivided land
23 is subject to this chapter and the superior court of this state has
24 jurisdiction in claims or causes of action arising under this chapter
25 if

26 (1) the subdivider's principal office is located in this
27 state; or

28 (2) the subdivided land is located in this state; or

29 (3) [(2)] an offer or disposition of subdivided land is

1 made in this state, whether or not the offeror or offeree is then
2 present in this state, if the offer originates in this state or is
3 directed by the offeror to a person or place in this state and received
4 by the person or at the place to which it is directed.

5 * Sec. 3. AS 34.55.042(a)(2) is repealed.

*Exempted from Reg
if 10 or more lots*

6 * Sec. 4. AS 34.55.044(6) is repealed and re-enacted to read:

7 (6) "subdivision" and "subdivided land" mean any land,
8 located outside of this state which is divided or proposed to be
9 divided into 10 or more lots, or located in this state which is divided
10 or proposed to be divided into ²⁵ ~~50~~ or more lots, whether contiguous or
11 not, for the purpose of ~~sale~~ ^{IMR} or lease as part of a common promotional
12 plan; if subdivided land is offered for sale or lease by a single
13 developer, or a group of developers acting in concert, and the land is
14 contiguous or is known, designated, or advertised as a common unit or
15 by a common name that land is, without regard to the number of lots
16 covered by each individual offering, presumed to be offered for sale
17 or lease as part of a common promotional plan; all lots created by a
18 person within a five-mile radius from any point of the most recently
19 created lot or lots, within any consecutive five-year period, are
20 presumed to be part of a common promotional plan;