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COMMITTEE REPORT

HOUSE

(7)

FURTHER: F

3/10/82

Date: April 15, 1982

Mr. Speaker:

The Committee on RESOURCES has had SB 525  
"An Act relating to land lotteries."

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

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 525  same title  
<sup>gives</sup> and recommends individual recommendations  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

Eric Scholte (NO RAO)

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\_\_\_\_\_

[Signature]

CHAIRMAN

STATE OF ALASKA  
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 14, 1982

SUBJECT: Land/sale at appraised value  
(HCS SB 525 (HESS))

TO: Representative Michael F. Beirne  
Chairman, House Health, Education  
and Social Services Committee

FROM: Richard A. Bradley *B*  
Legislative Counsel

Jody Sutherland has provided me with a draft for a House Committee Substitute for SB 525. As I have advised him the common ground for the two concepts (SB 525: qualifications for participants in land lotteries) and the amendments (use of appraisals in land sold at public auctions) is "land" but otherwise the joining may approach the outer limits of the single subject rule; the subjects seem discrete. The legislature has historically had a "land" bill each session which constituted a revision of existing law on a broad single subject and therefore was arguably constitutional. My suggestion is that these amendments might better be added to that bill this session.

The proposal for the amendment of AS 38.05.310 presented some technical problems and I suggest that the committee review my revisions to make certain that I have achieved its goals.

Because the revisions to sec. 310(a) were minimal, I have not repealed and reenacted it but rather amended it. Certain revisions to the style of the language making it more consistent with the recent amendments to AS 38 were made. In my view, the only substantive amendments to sec. 310(a) were the change to one year from 120 days in the third or fourth line of the section and the amendments to the statutory references at the end of the section; the addition of the language "public sale by auction" about the

Representative Michael F. Beirne  
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fifth line of sec. 310(a) results from an observation discussed in sec. 61.

The provisions of sec. 310(b) in the draft were changed substantially from existing law and therefore a repeal or repeal and reenactment were required. Because the section actually belongs in the area of AS 38.05.045 - 38.05.069, I have added it immediately after AS 38.05.060.

In the draft provided to me, the phrase "public auction" is used. I noticed that a different phrase -- "public sale" -- is used in sec. 310(a). I asked Deputy Commissioner Jeff Haynes whether there was a difference in meaning between the two terms. He said that there was. To make the language in the two subsections consistent, I have used the term as suggested: "public sale ~~to~~ auction" in each place in sec. 310(a) and AS 38.05.061 where it seemed required.

The committee should notice that the term "approved, appraised market value" is used in sec. 310(a) and a slight variant "advertised appraised market value" is used in sec. 61. I believe that the same idea is expressed in each place and the terms should be conformed. I gather from Haynes that the minimum bid has to be advertised in some fashion to bidders and I suspect that the term used in sec. 61 is preferable.

The last sentence of the draft provided to us seemed to require an explicit finding based on certain criteria before bids offered at less than the appraised value could be rejected. I have made those conditions explicit.

In my view, the allusion to AS 38.05.060 in sec. 61 is ambiguous. I have reworked the language of the section to make certain the goal of the committee that notwithstanding AS 38.05.060, a bid may be rejected only on the compliance with sec. 61 and its findings by the director.

I have repealed AS 38.05.310(b).

If I may assist further, please advise.

RAB:ljb

Enclosure

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

(7)

3/10/82

Date: April 15, 1982

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

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replace with CS for SB 525 (Res)  same title  new title

and recommends <sup>gives</sup> ~~individual recommendations~~

AND attaches a "Letter of Intent"  New Fiscal Note

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
[Signature]  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature] (no Rec)  
[Signature] (NO REC)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
CHAIRMAN

ALASKA  
STATE LEGISLATURE

JOHN HANLEY  
HOUSE RESOURCES COMMITTEE

4/14/82

RE: REQUEST OF 1:10 P.M.

MEMORANDUM

PER YOUR REQUEST ATTACHED IS BACK GROUND INFORMATION ON:

SB 275

SB 759

✓ SB 525

SB 772

SB 87 - WAS WAIVED BY THE SENATE RESOURCES COMMITTEE

*Pea*

## LEGISLATION SUMMARY

SB 525: "An Act relating to land lotteries."

Sec. 1: Eliminates the power of the Commissioner DNR to adopt different land lottery purchaser qualifications for agricultural land disposals. The statutory qualifications are 18 years age; 1 year residency; no land lottery purchase in the prior eight years. The Commissioner may adopt additional qualifications if: the land is limited to agricultural purposes; the sale is part of an agriculture development program; the qualifications include residency, skill, experience and financial requirements.

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PRIME SPONSOR: Kerstula

# Alaska State Legislature

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VIC FISCHER, VICE-CHAIRMAN  
BRAD BRADLEY  
DICK ELIASON  
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Senate

POUCH V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3834  
(907) 465-3835

## Committee on Resources

February 5, 1982  
1:40 p.m.

Beltz Room  
211 - Capitol

### MEMBERS PRESENT

Senator Fahrenkamp  
Senator Fischer  
Senator Bradley  
Senator Gilman  
Senator Mulcahy  
Senator Sturgulewski

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#### Hearing:

- SB 275 An Act relating to the compensation of persons collecting hunting and fishing license and tag fees.
- SB 525 An Act relating to land lotteries.

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#### SB 275

Senator Kertulla expressed support for SB 275, stating that the cost to the vendors of selling licenses and tags far outweighs the benefit. It must be made equitable.

Rupe Andrews, Director, Division of Sport Fish, Alaska Department of Fish and Game, recognizes the need for increased funds for vendors, but stated that the Divisions of Game and Sport Fish rely heavily on the fees from the sale of these licenses. They estimate a first-year loss of \$422,000 under SB 275, and have submitted a substitute bill which would allow for vendor compensation from the general fund.

Senator Gilman expressed concern over the increased burden on vendors to fill out vouchers.

Senate Resources Committee  
February 5, 1982  
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Phillip Walls, Director, Division of Administrative Service, Department of Revenue, stated he desires a change in the vendor's reporting period, preferring that the length of the period be left to Revenue's discretion--perhaps quarterly for small vendors and weekly for large vendors. This would require amending the statute.

Senator Mulcahy inquired about an effective date for the bill; Mr. Wall suggested January 1, 1982.

Marian Endicott, vendor, Endicott Ace Hardware, supports SB 275, and feels a change to quarterly reporting would benefit the vendor.

Senator Fahrenkamp stated that SB 275 will be back before the Committee in final version Wednesday, 2/10/82.

#### SB 525

Senator Kertulla expressed support for SB 525, indicating that this minor change in wording would "plug a loophole".

Carl Amstrup, Executive Director, Alaska Agricultural Action Council, expressed support for SB 525.

Sharon Barton, Special Assistant to the Commissioner, Department of Natural Resources, expressed support for SB 525.

Senator Sturgulewski moved that SB 525 be moved with individual recommendations.

The meeting was adjourned at 2:50 p.m.