

HB

87

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

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February 12, 1991

POSITION PAPER

RE: House Bill No. 87

SPONSOR: House Judiciary Committee

Program Effects of Bill

This bill would have no major effect on the Department of Community and Regional Affairs.

Comments

The Department of Community and Regional Affairs (DCRA) supports the amended language described in Section 1 and Section 2 of this legislation.

Notice of sale on execution [AS 09.35.140 (1)] deals only with execution on personal property after a judgment has been obtained through the judicial foreclosure process. The Department has the right to pursue this type of collection; however, to date, we have chosen not to execute on personal property. The area in which the property is located usually does not provide storage for personal property.

AS 09.35.140 (2). This section is strictly adhered to by the attorneys representing DCRA through our seller/servicers.

AS 09.34.20.070 (b). The Department adheres to this section whenever possible. DCRA deals strictly with rural areas of the state, and not all properties have a street address. Frequently the address will appear "NHN" and street name, or even just a legal description. A street address is included whenever possible.

E. Blatchford

Edgar Blatchford, Commissioner

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date: _____ Department Affected: Community & Regional Affairs
 Title: "An Act..street address of real BRU: _____
property..notices of sale.." Component: _____
 Sponsor: House Judiciary Committee
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Administrative Services Date: 2/12/91

Approved by Commissioner: _____
 Agency: Community & Regional Affairs Date: _____

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

Alaska State Legislature



House of Representatives House Judiciary Committee

P. O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4990
(907) 465-4712

HB 87

SPONSOR STATEMENT

Present state law requires that notices of sale of real property on execution and notices of default used to execute or foreclose on real property describe the property. The description used is the legal description with which you are all familiar.

Unless a person is a party at interest in a particular sale or default, an ordinary citizen would never know the actual physical location of the real property from its legal description.

In the interest of providing meaningful notice to the general public, the House Judiciary Committee felt that, whenever possible, the legal description of real property should include the property's street address, if any.

I ask your support for this technical, but meaningful, change in our real property laws.

HOUSE COMMITTEE REPORT

(7) Date Referred: January 30, 1991 FURTHER REFERRALS: Judiciary

Date of Committee Action: 2-13-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered: HB 87

HOUSE BILL NO. 87 FORECLOSURE/EXECUTION NOTICE REQUIREMENTS

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

- RECOMMENDATIONS: [] the same title be replaced with [] a new title [] have attached amendments(s) [x] 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) _____ [x] zero fiscal note Ak. Court System [] zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Table with 4 columns: Name, Check appropriate column:, Do Not Pass, No Rec, Amend. Rows include signatures of Bettye Davis, John C. Samples, Neil Phillips, Larry M. Sale, Cheri Davis, and Larry M. Sale.

Chairman's Signature

HOUSE COMMITTEE REPORT

(7) Date Referred: February 19, 1991

FURTHER REFERRALS:

Date of Committee Action: 2-20-91

The JUDICIARY Committee considered:

HB 87

HOUSE BILL NO. 87

FORECLOSURE/EXECUTION NOTICE REQUIREMENTS

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

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 _____

[] fiscal note(s) _____

[] zero fiscal note _____

zero fiscal note(s) AK. Court System 2-19-91

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not	No Rec	Amend
		Pass		
<i>Dave Donley</i>				
<i>H. Ellis</i>				
<i>Mark Hamley</i>				
<i>Larry Martin</i>				

Dave Donley
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. HB 87

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act requiring the street address of BRU: Trial Courts
real property to be included in certain notices of sale... Components: _____
 Sponsor: Judiciary
 Requestor: Judiciary COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 02/04/91
 Approved by: Arthur H. Snowden, II, Administrative Director *Stephanie Cole, for*
 Agency: Alaska Court System Date: 02/04/91

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