

**SB**

**180**

<TARGET><BILL>SB 180</BILL><SUBJECT>SB  
180</SUBJECT><COMM>SCRA30</COMM></TARGET>

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/9/18

FURTHER: Judiciary

DATE TURNED  
IN TO OFFICE: 2/20/18

**Community and Regional Affairs Committee** considered SENATE BILL NO. 180

### SB 180-LAND SALES PRACTICES

"An Act amending and repealing registration filing provisions of the Uniform Land Sales Practices Act; relating to the jurisdiction of the office of administrative hearings; and providing for an effective date."

and recommends:



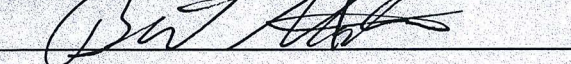
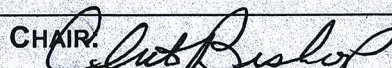
- be replaced with CS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  New Title
- adopt previous CS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  New Title
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
CED			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	HOFFMAN	✓			
	BISHOP	✓			
	STEOMAN	✓			
CHAIR: 					



STATE CAPITOL  
P.O. Box 110001  
Juneau, AK 99811-0001  
907-465-3500  
fax: 907-465-3532

SB 180  
550 West Seventh Avenue, Suite 1700  
Anchorage, AK 99501  
907-269-7450  
fax 907-269-7461  
www.Gov.Alaska.Gov  
Governor@Alaska.Gov

Governor Bill Walker  
STATE OF ALASKA

February 8, 2018

Honorable Pete Kelly  
Senate President  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, Alaska 99801

Dear President Kelly:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill that would amend and repeal registration filing provisions of the Uniform Land Sales Practices Act.

The Uniform Land Sales Practices Act requires that a person may not offer or dispose of certain subdivided land in Alaska unless the person is registered and offers a public offering statement to the purchaser. The current law provides that the Department of Commerce, Community and Economic Development implement the Act through regulation. The Department has authority to accept registrations for the sale of subdivided land, but no registration filings have been received since before 2000. Further, the National Conference of Commissioners on Uniform State Laws reports that this Act was withdrawn as obsolete in 2012.

While the bill would remove the filing and registration requirements, which are unnecessary and burdensome, it would retain the laws that impose criminal penalties for fraudulent or prohibited practices. Therefore, it would still be unlawful for a person, in connection with the sale of land, to attempt to defraud the purchaser, or to make an untrue statement of material fact, or otherwise engage in an act to operate as a fraud or deceive the person. Any action for a fraudulent sale of private land would be a private one, and not overseen by a state agency. However, to the extent offers, dispositions, or sales were made before the effective date of the Act, those offers, dispositions, or sales would be governed by the law in existence at the time.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in cursive that reads "Bill Walker".  
Bill Walker  
Governor

Enclosure

SENATE BILL NO. 180

Elizabeth



THE STATE  
*of* **ALASKA**  
GOVERNOR BILL WALKER

**Department of Commerce, Community,  
and Economic Development**

OFFICE OF THE COMMISSIONER

P.O. Box 110800  
Juneau, AK 99811-0800  
Main: 907.465.2500  
Fax: 907.465.5442

SB 180 ver A: Land Sales Practices Act  
Sectional Analysis

Section 1: Amends consumer protection provisions to include penalty for willful violations of AS 34.55.008 Prohibitions on dispositions of interests in subdivided land.

Section 2: Amends consumer protection provisions to add an offeror's liability for violations of AS 34.55.008.

Section 3: Amends short title and removes reference to a uniform state law made obsolete in 2012.

Section 4: Repeals the filing requirements established under the obsolete uniform state law.

Section 5: Creates new transitional provisions that maintain regulations adopted prior to the effective date and allow for the department to enforce or repeal. Maintains provisions of the existing statute to file with the department for any offer, sale, or purchase of subdivided land made prior to the effective date.

Section 6: Changes chapter heading to "Land Sales Practices Act" by removing reference to uniform state law.

Section 7: Provides for an immediate effective date.

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version:	SB 180
Fiscal Note Number:	1
(S) Publish Date:	2/9/2018

Identifier: DCCED-DBS-01-25-18  
 Title: LAND SALES PRACTICES  
 Sponsor: RLS BY REQUEST OF THE GOVERNOR  
 Requester: Rules

Department: Department of Commerce, Community and  
 Economic Development  
 Appropriation: Banking and Securities  
 Allocation: Banking and Securities  
 OMB Component Number: 2808

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>	<b>FY 2019</b>	<b>FY 2019</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

**Change in Revenues**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**  
 If yes, by what date are the regulations to be adopted, amended or repealed? **12/31/18**

**Why this fiscal note differs from previous version/comments:**

Not applicable, initial version

Prepared By:	Barbara Reid, Acting Director	Phone: (907)465-2570
Division:	Banking and Securities	Date: 01/25/2018 05:58 PM
Approved By:	Catherine Reardon, Director	Date: 01/25/18
Agency:	Division of Administrative Services, DCCED	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

**Analysis**

The bill updates existing state law on the sale or disposition of interest in subdivided land. The bill removes the filing requirements established under an obsolete uniform state law which the National Conference of Commissioners of Uniform State Laws withdrew in 2012. Consumer protections are maintained by keeping penalties for willful violations and fraudulent and prohibited practices.

The department has not received a filing under the statutes repealed in section 4 of this bill since 2000 and anticipates no impact on businesses, individuals, or the general public under this bill. The regulatory burden to file is removed from the offeror, and the department will have minimal time savings resulting from maintaining and updating the database, public information website pages, and filing forms.

Regulations will be amended to recognize changes made to the act. These regulations will be included in planned regulations packages.

The Division of Banking and Securities does not anticipate fiscal impact from this legislation.