

CS FOR HOUSE BILL NO. 143(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/12/99

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the executive officer employed for the Real Estate
2 Commission, to the real estate surety fund, and to employees paid from money
3 in the real estate surety fund."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 08.88.031 is amended to read:

6 **Sec. 08.88.031. Executive secretary of commission.** The department shall,
7 after consultation with the commission, employ a person, who is not a member of the
8 commission, to serve as executive secretary for the commission. The executive
9 secretary shall perform duties as assigned by the commission **and may use the title**
10 **"executive administrator" when performing the duties.**

11 * **Sec. 2.** AS 08.88.450 is amended to read:

12 **Sec. 08.88.450. Real estate surety fund.** The real estate surety fund is
13 established in the general fund to carry out the purposes of AS 08.88.450 - 08.88.495.
14 The fund is composed of payments made by real estate licensees under AS 08.88.455,

[AND] filing fees retained under AS 08.88.460, income earned on investment of the money in the fund, and money deposited in the fund under (c) of this section. Money appropriated to the fund does not lapse. Amounts [THE FUND CYCLE MAY NOT EXCEED \$500,000 AND AMOUNTS] in the fund [IN EXCESS OF \$250,000] may be appropriated for claims against the fund, for hearing and legal expenses directly related to fund operations and claims, and for real estate educational purposes [AS PROVIDED IN AS 08.88.091].

* **Sec. 3.** AS 08.88.450 is amended by adding new subsections to read:

(b) The Department of Commerce and Economic Development shall provide the commission every three months with a statement of the activities of, balances in, interest earned on, and interest returned to the real estate surety fund.

(c) If money from the real estate surety fund is expended to prepare, print, manufacture, sponsor, produce, or otherwise provide an item or a service to a member of the public, to a real estate licensee, to a potential real estate licensee, or to another person, any money paid by the person to the commission, either directly or through an agent or contractor of the commission, to receive the item or service shall be deposited in the fund. In this subsection, "an item or a service" includes an information pamphlet, an examination preparation packet, an educational course, the certification of a real estate education course, and the approval of a real estate education instructor.

* **Sec. 4.** AS 08.88.455(a) is amended to read:

(a) A real estate licensee, when applying for or renewing a real estate license, in lieu of obtaining a corporate surety bond, shall pay to the commission in addition to the license fee, a surety fund fee not to exceed \$125. After each two-year licensing cycle, if the [FUND REACHES \$250,000, THE] commission finds that the average balance in the surety fund during the two-year licensing cycle was less than \$250,000 or more than \$500,000, the commission shall by regulation adjust the surety fund fees so that the average balance of the surety fund during the next two-year licensing cycle is anticipated to be an amount that is not less than \$250,000 or more than \$500,000. In this subsection, "average balance" means the average balance after [,] taking into account anticipated expenditures for claims against the fund, for hearing and legal expenses directly related to fund operations and

1 claims, and for real estate educational purposes [, THE FUND IS MAINTAINED AT
2 A LEVEL NOT LESS THAN \$250,000].

3 * **Sec. 5.** AS 08.88.472(a) is amended to read:

4 (a) The commission may charge to the real estate surety fund hearing and
5 legal expenses related to fund operations and claims [THE COSTS OF A
6 HEARING ON A CLAIM FOR REIMBURSEMENT HELD UNDER AS 08.88.465].
7 The commission shall deposit into the real estate surety fund amounts recovered for
8 these expenses [COSTS] from the licensee under AS 08.88.071(b) or from other
9 parties under AS 08.88.490.

10 * **Sec. 6.** AS 08.88.472 is amended by adding new subsections to read:

11 (c) The commission may contract under AS 36.30 (State Procurement Code)
12 with a person for the person to perform hearing and legal services for the commission
13 with regard to a claim against the real estate surety fund. The contract may cover one
14 or more claims.

15 (d) If the salary of an employee is entirely or partially paid for from money
16 in the real estate surety fund, the employee may perform administrative duties for the
17 commission in addition to any duties the employee performs that are related to the real
18 estate surety fund. AS 08.88.910 does not apply to this subsection.