

28-LS1208VP

Martin

3/5/14

CS FOR SENATE BILL NO. 129(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND
AUDIT COMMITTEE**A BILL****FOR AN ACT ENTITLED**

1 "An Act extending the termination date of the Board of Certified Real Estate
2 Appraisers; relating to real estate appraisers; and providing for an effective date."

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

4 * **Section 1.** AS 08.03.010(c)(19) is amended to read:

5 (19) Board of Certified Real Estate Appraisers (AS 08.87.010) -
6 June 30, 2018 [2014];

7 * **Sec. 2.** AS 08.87.020 is amended to read:

8 **Sec. 08.87.020. Powers and duties of board.** In addition to the powers and
9 duties conferred on the board by AS 08.01, the board shall

10 (1) establish the examination specifications for certification as a
11 general real estate appraiser, as a residential real estate appraiser, and as an
12 institutional real estate appraiser;

13 (2) adopt rules of professional conduct to establish and maintain a high
14 standard of integrity in the real estate appraisal profession; and

(3) adopt regulations necessary to carry out the purposes of this chapter, including regulations necessary to comply with the requirements of 12 U.S.C. 3331 - 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 - 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act); the regulations adopted by the board under AS 08.87.110, 08.87.120, and 08.87.310 may not be more stringent than the corresponding minimum requirements for receiving approval of the state's program of certification of real estate appraisers under 12 U.S.C. 3331 - 3351 or other federal law.

* **Sec. 3.** AS 08.87.110(c) is repealed and reenacted to read:

(c) Notwithstanding (a) and (b) of this section, the board shall issue a general real estate appraiser or residential real estate appraiser certificate to a person who does not reside in this state and who

(1) applies on the form required by the department;

(2) pays the required fee; and

(3) holds a valid certificate or license from a state whose requirements for real estate appraiser certification or licensing

(A) meet or exceed the appraiser certification standards in this chapter; and

(B) comply with 12 U.S.C. 3331 - 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 - 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act).

* **Sec. 4.** AS 08.87.110(e) is amended to read:

(e) The board shall issue an institutional real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person meets the educational and testing requirements of 12 U.S.C. 3331 - 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 - 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act) and as implemented by the board, and that the person is a full-time employee of a financial institution with offices in the state. A person receiving certification under this subsection may perform an appraisal only

(1) for and as an employee of a financial institution with offices in the state;

(2) for the financial institution's own portfolio; and

(3) of

(A) commercial property with a transaction value of less than \$250,000; or

(B) residential property of four or fewer units having a transaction value of less than \$1,000,000.

* **Sec. 5.** AS 08.87.110 is amended by adding a new subsection to read:

(h) Notwithstanding (a) - (c) of this section, the board may issue a general or residential real estate certificate to a person who does not meet the requirements of (a) - (c) of this section and who

(1) applies on a form required by the department;

(2) pays the required fee; and

(3) successfully completes the National Uniform Licensing and Certification Examination issued or endorsed by the Appraiser Qualifications Board of the Appraisal Foundation, has previous real estate appraiser experience acceptable to the board, or who successfully completes courses approved by the board.

* **Sec. 6.** AS 08.87.300(a) is amended to read:

(a) A certified real estate appraiser shall retain [FOR NOT LESS THAN THREE YEARS] copies of all written contracts engaging the appraiser's services for real property appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports, for at least five years after the date of the contract engaging the appraiser's services, five years after the date of the submittal of the appraisal reports to the client, or at least two years after the final disposition of litigation in which the appraiser provided testimony related to the engagement, whichever is longer.

* **Sec. 7.** AS 08.87.310 is repealed and reenacted to read:

Sec. 08.87.310. Trainee appraiser; supervisory appraiser. The board may establish requirements for trainee appraisers and supervisory appraisers. The board shall ensure that the requirements conform with 12 U.S.C. 3345.

1 * **Sec. 8.** AS 12.62.400(a) is amended by adding a new paragraph to read:

2 (16) certification as a real estate appraiser under AS 08.87.

3 * **Sec. 9.** AS 08.87.300(b) is repealed.

4 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 APPLICABILITY. (a) AS 08.87.300, as amended by sec. 6 of this Act, applies to
7 retention of records created on or after the effective date of this Act.

8 (b) The changes made in AS 08.87.020, as amended by sec. 2 of this Act,
9 AS 08.87.110(h), added by sec. 5 of this Act, AS 08.87.310, as repealed and reenacted by sec.
10 7 of this Act, and AS 12.62.400(a)(16), added by sec. 8 of this Act, apply

11 (1) immediately to an applicant for a certificate under AS 08.87.110 who does
12 not hold a real estate appraiser certificate; and

13 (2) at the time of certificate renewal for a person who currently holds a real
14 estate appraiser certificate under AS 08.87.110.

15 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).