



# LAWS OF ALASKA

1987

**Source**

CSSB 39 (L&C)

**Chapter No.**

74

**AN ACT**

Relating to the Real Estate Commission; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 15, 1987  
Actual Effective Date: June 16, 1987

AN ACT

Relating to the Real Estate Commission; and providing  
for an effective date.

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\* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

(27) Real Estate Commission (AS 08.88.011).

\* Sec. 2. AS 08.01.050(a) is amended to read:

(a) The department shall perform the following administrative  
and budgetary services when appropriate:

(1) collect fees and issue receipts;

(2) maintain records and files;

(3) issue and receive application forms;

(4) notify applicants of acceptance or rejection of appli-  
cants as determined by the board or as determined by the department  
under AS 08.11 for audiologists, under AS 08.45 for naturopaths, or  
under AS 08.55 for hearing aid dealers;

(5) designate dates examinations are to be held and notify  
applicants;

(6) publish notice of examination;

(7) arrange space for holding examinations;

(8) notify applicants of results of examinations;

(9) issue licenses and certificates or temporary licenses  
or certificates as authorized by the board or as authorized by the  
department under AS 08.11 for audiologists, under AS 08.45 for naturo-  
paths, or under AS 08.55 for hearing aid dealers;

Chapter 74

1 (10) issue duplicate licenses or certificates upon proof by  
2 the licensee of loss of the original and payment by the licensee of a  
3 fee of \$2 except as otherwise provided in this title;

4 (11) notify licensees of renewal dates at least 30 days  
5 before the expiration date of their licenses;

6 (12) compile and maintain current a register of licenses;

7 (13) answer routine inquiries;

8 (14) maintain files relating to individual licensees;

9 (15) arrange for printing and advertising;

10 (16) purchase supplies;

11 (17) employ secretarial help when needed;

12 (18) perform other services that may be requested by the  
13 board;

14 (19) provide investigative services to the boards estab-  
15 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.-  
16 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, [AND] AS 08.86, and  
17 AS 08.88, for the purpose of assisting those boards in matters of  
18 professional discipline and in responding to consumer complaints.

19 \* Sec. 3. AS 08.01.065(a) is amended to read:

20 (a) The department shall adopt regulations that establish the  
21 amount and manner of payment of application fees, examination fees,  
22 license fees, registration fees, permit fees, investigation fees, and  
23 all other fees as appropriate for the occupations covered by this  
24 chapter [AND FOR REAL ESTATE BROKERS AND SALESMEN UNDER AS 08.88].

25 \* Sec. 4. AS 08.03.010(c)(18) is amended to read:

26 (18) Real Estate Commission (AS 08.88.011) -- June 30, 1991  
27 [1987].

28 \* Sec. 5. AS 08.88.031 is repealed and reenacted to read:

29 Sec. 08.88.031. EXECUTIVE SECRETARY OF COMMISSION. The

department shall, after consultation with the commission, employ a person, who is not a member of the commission, to serve as executive secretary for the commission. The executive secretary shall perform duties as assigned by the commission.

\* Sec. 6. AS 08.88.037 is amended to read:

Sec. 08.88.037. INVESTIGATION AND INJUNCTION. (a) The commission may request the department to [, UPON ITS OWN MOTION,] conduct investigations to determine whether a person has violated a provision of this chapter or a regulation adopted under it, or to secure information useful in the administration of this chapter.

(b) If it appears to the department [EXECUTIVE DIRECTOR] that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it and that action is warranted in the public interest, the department [EXECUTIVE DIRECTOR] shall notify all commission members by telephone or telegraph of a proposed order or action, and, if a majority of the members of the commission approve, the department [EXECUTIVE DIRECTOR] may

(1) after reasonable notice of and an opportunity for a hearing is given to the person, issue an order directing the person to stop the act or practice; the department [EXECUTIVE DIRECTOR] may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days have elapsed after the person receives the notice and has not requested a hearing; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; if a hearing is requested, a hearing shall be conducted by a hearing officer within 30 days; the commission shall issue a final

Chapter 74

1 order within 10 days after the hearing;

2 (2) bring an action in superior court to enjoin the act or  
3 practice and to enforce compliance with this chapter, a regulation  
4 adopted under it, or an order issued under it;

5 (3) examine or have examined the books and records of a  
6 person whose business activities require licensure under this chapter  
7 and the department [EXECUTIVE DIRECTOR] may require the person to pay  
8 the reasonable costs of the examination; and

9 (4) issue subpoenas for the attendance of witnesses, and  
10 the production of books, records, and other documents.

11 \* Sec. 7. AS 08.88.061 is amended to read:

12 Sec. 08.88.061. ASSISTANTS. The commission may use [EMPLOY]  
13 assistants to

14 (1) prepare questions on examinations;

15 (2) grade examinations [;

16 (3) INVESTIGATE ALLEGED VIOLATIONS OF THIS CHAPTER].

17 \* Sec. 8. AS 08.88.191(b) is amended to read:

18 (b) If the commission authorizes the department to contract  
19 [CONTRACTS] with a national testing service to prepare, administer and  
20 grade examinations,

21 (1) the commission shall review the examination and approve  
22 its contents;

23 (2) application for the examination, accompanied by the  
24 proper filing fee, may be transmitted by the applicant directly to the  
25 national testing service.

26 \* Sec. 9. AS 08.88.034, 08.88.101, 08.88.121, and 08.88.231 are re-  
27 pealed.

28 \* Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

29