

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

March 24, 2009

5:02 p.m.

MEMBERS PRESENT

Representative John Coghill, Chair
Representative Bob Herron, Vice Chair
Representative Charisse Millett
Representative Kurt Olson
Representative Berta Gardner
Representative Beth Kerttula

MEMBERS ABSENT

Representative Mark Neuman

COMMITTEE CALENDAR

HOUSE BILL NO. 129

"An Act providing authority to the Real Estate Commission to revoke real estate salesperson licenses of persons convicted of certain crimes."

- MOVED CSHB 129(RLS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 129

SHORT TITLE: REVOKING REAL ESTATE SALESPERSON LICENSES

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

02/13/09	(H)	READ THE FIRST TIME - REFERRALS
02/13/09	(H)	L&C
03/02/09	(H)	L&C AT 3:15 PM BARNES 124
03/02/09	(H)	Moved Out of Committee
03/02/09	(H)	MINUTE(L&C)
03/05/09	(H)	L&C RPT 5DP
03/05/09	(H)	DP: LYNN, BUCH, COGHILL, HOLMES, NEUMAN
03/24/09	(H)	RLS AT 5:00 PM CAPITOL 120

WITNESS REGISTER

MARGARET DOWLING, Staff
Representative Jay Ramras
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: During hearing of HB 129, explained Amendment A.1 on behalf of the sponsor, Representative Ramras.

ACTION NARRATIVE

[5:02:30 PM](#)

CHAIR JOHN COGHILL called the House Rules Standing Committee meeting to order at 5:02 p.m. Representatives Coghill, Herron, Olson, Millet, Kerttula, and Gardner were present at the call to order.

HB 129-REVOKING REAL ESTATE SALESPERSON LICENSES

[5:02:39 PM](#)

CHAIR COGHILL announced that the only order of business would be HOUSE BILL NO. 129, "An Act providing authority to the Real Estate Commission to revoke real estate salesperson licenses of persons convicted of certain crimes."

[5:03:06 PM](#)

MARGARET DOWLING, Staff, Representative Jay Ramras, Alaska State Legislature, explained that HB 129 makes a necessary correction to the existing law. Under existing law, the Alaska Real Estate Commission must revoke the license of a broker or an associate broker if either was convicted of forgery, theft, extortion, conspiracy to defraud creditors, or fraud. However, the law doesn't apply to real estate sales people. With over 1,400 licensed sales people in the state and only 483 brokers and 411 associate brokers as of November 2008, the need is clear. Ms. Dowling explained that after the legislation was reported from the House Labor and Commerce Standing Committee, the Attorney General's Office contacted the sponsor and offered a few proposals to clarify the intent of the legislation. The sponsor agreed to the changes, and thus the legislation and an amendment is before the committee today.

MS. DOWLING outlined the changes to the Amendment A.1 labeled 26-LS0558\A.1, Bullard, 3/16/09, which read:

Page 1, line 1:

Delete "**providing authority to**"

Insert "**relating to the authority of**"

Page 1, lines 1 - 2:

Delete "**real estate salesperson**"

Page 3, line 24:

Delete "for"

Insert "to obtain or renew [FOR]"

Page 3, line 25:

Delete "AS 08.88.171(a) or (b)"

Insert "AS 08.88.171(a) - (c) [AS 08.88.171(a) OR (b)]"

Page 3, following line 26:

Insert a new bill section to read:

"* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Section 1 of this Act applies to criminal convictions for offenses occurring before, on, or after the effective date of this Act."

MS. DOWLING explained that the changes to page 1, line 1, and page 1, lines 1-2, merely change the title of the legislation such that it conforms to the [other changes embodied in Amendment A.1] and reflects the somewhat broader scope of the language. She related that the change to existing law by HB 129 would allow the Alaska Real Estate Commission to refuse to grant a license or to deny the renewal of a license for those who had been convicted of one of the listed crimes. The new language suggested for page 3, line 24, as specified in Amendment A.1, would clarify the aforementioned intent. The language change proposed on page 3, line 25, is a conforming amendment that refers to AS 08.88.171(a)-(c), which applies to salespersons. Therefore, it's clear that the legislation applies to all three categories of licenses: brokers, associate brokers, and salespersons. The proposed change on page 3, following line 26, adds a new section clarifying the legislative intent regarding the applicability to sales people who may have been convicted of the listed offenses prior to passage of this legislation. In other words, if one was convicted of one of the listed crimes the day prior to the effective date of this legislation and the individual applied for renewal, this change would allow the Alaska Real Estate Commission to deny renewal of that individual's license. Again, the intent is to protect the public interest, empower the Alaska Real Estate Commission to appropriately regulate their own profession, and includes the

power to revoke, refuse to grant, or to deny renewal of a salesperson's license if convicted of the listed offenses.

[5:06:52 PM](#)

REPRESENTATIVE OLSON moved to adopt Amendment A.1 [text provided previously].

CHAIR COGHILL objected.

[5:07:05 PM](#)

REPRESENTATIVE GARDNER inquired as to the difference between a real estate agent, real estate sales person, and real estate licensee.

MS. DOWLING answered that statute distinguishes between the following three different categories: broker, associate broker, and salesperson. Each category has specific requirements for education and hours spent. She related her understanding that all of them refer to themselves as licensees.

[5:08:10 PM](#)

REPRESENTATIVE KERTTULA related her understanding that the legislation is merely bringing real estate sales people into conformance with what is existing law for brokers and associate brokers.

MS. DOWLING replied yes.

[5:08:42 PM](#)

CHAIR COGHILL withdrew his objection. There being no further objection, Amendment A.1 was adopted.

[5:08:56 PM](#)

REPRESENTATIVE HERRON moved to report HB 129, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 129(RLS) was reported from the House Rules Standing Committee.

[5:09:21 PM](#)

ADJOURNMENT

The House Rules Standing Committee meeting was recessed at 5:09 p.m., to be continued at 5:00 p.m. Thursday, March 26, 2009. [This meeting never reconvened.]