

Offered: 4/14/87
Referred: Judiciary & Finance

5-0008L

Original sponsor: Zharoff

1 IN THE SENATE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 39 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Real Estate Commission; and
7 providing for an effective date."

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

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

10 (27) Real Estate Commission (AS 08.88.011).

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

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

14 (1) collect fees and issue receipts;

15 (2) maintain records and files;

16 (3) issue and receive application forms;

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

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

23 (6) publish notice of examination;

24 (7) arrange space for holding examinations;

25 (8) notify applicants of results of examinations;

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

- 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

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

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

6 Sec. 08.88.037. INVESTIGATION AND INJUNCTION. (a) The commis-
7 sion may request the department to [, UPON ITS OWN MOTION,] conduct
8 investigations to determine whether a person has violated a provision
9 of this chapter or a regulation adopted under it, or to secure infor-
10 mation useful in the administration of this chapter.

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

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

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).