

Original sponsor: Faiks

1 IN THE SENATE BY THE FINANCE COMMITTEE
2 CS FOR SENATE BILL NO. 438 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to common interest community man-
7 agers."
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 (28) common interest community managers.
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 and record fees;
15 (2) maintain records and files;
16 (3) issue and receive application forms;
17 (4) notify applicants of acceptance or rejection as deter-
18 mined by the board or as determined by the department under AS 08.11
19 for audiologists, under AS 08.15 for common interest community man-
20 agers, under AS 08.40 for electrical administrators, under AS 08.45
21 for naturopaths, or under AS 08.55 for hearing aid dealers;
22 (5) designate dates examinations are to be held and notify
23 applicants;
24 (6) publish notice of examinations and proceedings;
25 (7) arrange space for holding examinations and proceedings;
26 (8) notify applicants of results of examinations;
27 (9) issue licenses or temporary licenses as authorized by
28 the board or as authorized by the department under AS 08.11 for audi-
29 ologists, under AS 08.15 for common interest community managers, under

1 AS 08.40 for electrical administrators, under AS 08.45 for naturo-
2 paths, or under AS 08.55 for hearing aid dealers;

3 (10) issue duplicate licenses upon submission of a written
4 request by the licensee attesting to loss of or the failure to receive
5 the original and payment by the licensee of a fee established by
6 regulation adopted by the department;

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

9 (12) compile and maintain a current register of licensees;

10 (13) answer routine inquiries;

11 (14) maintain files relating to individual licensees;

12 (15) arrange for printing and advertising;

13 (16) purchase supplies;

14 (17) employ additional help when needed;

15 (18) perform other services that may be requested by the
16 board;

17 (19) provide inspection, enforcement, and investigative
18 services to the boards and for the occupations listed in AS 08.01.010,
19 regarding all licenses issued by or through the department;

20 (20) retain and safeguard the official seal of a board and
21 prepare, sign, and affix a board seal, as appropriate, for licenses
22 approved by a board.

23 * Sec. 3. AS 08 is amended by adding a new chapter to read:

24 CHAPTER 15. COMMON INTEREST COMMUNITY MANAGERS.

25 Sec. 08.15.010. QUALIFICATIONS FOR A COMMON INTEREST COMMUNITY
26 MANAGER LICENSE. (a) The department shall license as a common inter-
27 est community manager an individual who

28 (1) is 18 years of age or older;

29 (2) applies on a form provided by the department;

- 1 (3) pays the fee required under AS 08.15.030;
- 2 (4) furnishes evidence satisfactory to the department that
- 3 the person has not engaged in conduct that is a ground for imposing
- 4 disciplinary sanctions under AS 08.15.040; and
- 5 (5) meets additional requirements established under regu-
- 6 lations adopted by the department.

7 (b) An individual licensed under (a) of this section may renew

8 the license upon evidence satisfactory to the department that the

9 individual has completed continuing education of not less than 24

10 hours per year in courses approved by the department in the law of

11 common interest communities or in business or accounting.

12 Sec. 08.15.020. EXEMPTIONS FROM REQUIREMENT OF LICENSURE. (a)

13 An officer or employee of the Alaska Housing Finance Corporation or of

14 a bank or other financial institution, when acting as a common in-

15 terest community manager, is not required to be licensed under AS 08.-

16 15.010.

17 (b) An individual who is licensed under AS 08.08, when acting as

18 a common interest community manager, is not required to be licensed

19 under AS 08.15.010.

20 (c) An individual who is an officer or a member of the executive

21 board of a common interest community established under AS 34.08 or an

22 officer or a member of the board of directors of a horizontal property

23 regime established under AS 34.07 is not required to be licensed under

24 AS 08.15.010 to manage that common interest community or horizontal

25 property regime.

26 (d) Except for the manager of a common interest community estab-

27 lished under AS 34.07 or AS 34.08, an employee of a common interest

28 community is not required to be licensed under AS 08.15.010.

29 Sec. 08.15.030. FEES. The department shall set fees under

1 AS 08.01.065 for each of the following:

- 2 (1) application and license;
3 (2) application for renewal of license;
4 (3) delinquency;
5 (4) application for reinstatement;
6 (5) duplicate license.

7 Sec. 08.15.040. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANCTIONS
8 ON A COMMON INTEREST COMMUNITY MANAGER. After a hearing, the depart-
9 ment may impose a disciplinary sanction on a common interest community
10 manager when the department finds that the licensee

11 (1) secured a license through deceit, fraud, or intentional
12 misrepresentation;

13 (2) engaged in deceit, fraud, or intentional misrepresenta-
14 tion as a common interest community manager;

15 (3) has been convicted of a felony or other crime that
16 affects the person's ability to continue to act as a common interest
17 community manager;

18 (4) failed to comply with a provision of this chapter or a
19 regulation adopted under this chapter, or an order of the department.

20 Sec. 08.15.050. DISCIPLINARY SANCTIONS. (a) When it finds that
21 a common interest community manager has committed an act listed in
22 AS 08.15.040, the department may impose the following sanctions singly
23 or in combination:

- 24 (1) permanently revoke a license;
25 (2) suspend a license for a determinate period of time;
26 (3) censure a licensee;
27 (4) issue a letter of reprimand; or
28 (5) impose limitations or conditions on the work of a li-
29 censee.

1 (b) The department may withdraw a revocation, suspension, limi-
2 tation, condition, or probationary status if the department finds that
3 the deficiency that required the sanction has been remedied.

4 Sec. 08.15.060. PROHIBITED ACTS. Unless an individual is li-
5 censed under this chapter or is exempted from licensure under AS 08.-
6 15.020, the individual may not manage a common interest community
7 established under AS 34.07 or AS 34.08.

8 Sec. 08.15.070. PENALTY. An individual who violates AS 08.15.-
9 060 is guilty of a class B misdemeanor.

10 Sec. 08.15.080. REGULATIONS AND PROCEDURES. The department may
11 adopt regulations to implement this chapter. The Administrative
12 Procedure Act (AS 44.62) applies to regulations and proceedings under
13 this chapter.

14 Sec. 08.15.100. DEFINITION. In this chapter, "department" means
15 the Department of Commerce and Economic Development.

16 * Sec. 4. AS 34.08.490(b) is amended to read:

17 (b) A manager licensed under AS 08.15 or [PROFESSIONAL MANAGER,
18 MANAGING AGENT,] accountant, or other person with whom the association
19 has contracted for services shall return all association records
20 within five days of the termination of the contract. If the associa-
21 tion records are not returned within five days, the association may
22 sue for their return and for damages.