

ALASKA LEGISLATURE COMMITTEES 1999-2000

9928 HOUSE LABOR & COMMERCE

State of Alaska Residential Real Property Transfer Disclosure Statement

Regarding Property described as _____

Are you (Transferor(Seller) occupying the property? Yes No

A. To the best of your (Transferor (Seller)'s) knowledge, the subject property has the following built-in items checked below:

- Range/Oven
- Microwave
- Dishwasher
- Central Vacuum
- Trash Compactor
- Garbage Disposal
- Washer/Dryer Hookups
- T. V. Antenna
- Satellite Dish
- Intercom
- Barbecue
- Air Conditioner
- Humidifier
- Sump Pump
- Water Softener
- Sauna/Hot Tub
- Wood Stove
- Window Screens
- Rain Gutters
- Security System
- Smoke Detector(s)
- Fire Alarms
- Gas Starter in Fireplace(s)
- Auto Garage Door Opener(s)

Other built-in items (specify): _____

- Hot Water Heater
- Heating System
- Water Supply: Public Private Community Other
If Private: Has the well failed while you have owned the property? Yes No

- Sewage Supply: Public Private Community Other
If Private: Septic Holding Tank Other
Location of Septic/Leachfield _____
Distance between well/septic _____
Approved capacity (No. of bedrooms) _____ Source of Approval _____

To the best of your (Transferor (Seller)'s) knowledge, are there any defects or malfunctions in any of the above?
 Yes No

If yes, then describe; attach additional sheets if necessary:

B. To the best of your (Transferor (Seller)'s) knowledge, are there any defects or malfunctions in any of the following?
 Yes No If yes, check the appropriate box(es) below:

- Interior Walls
- Exterior Walls
- Doors
- Driveways
- Patio/Decking
- Electrical Systems
- Ceilings
- Roof(s)
- Foundation
- Sidewalks
- Fireplaces
- Chimneys
- Floors
- Windows
- Crawl Space
- Slab(s)
- Fences
- Garage/Carport
- Plumbing Systems
- Retaining Walls

Other Structural Components (Describe): _____

State of Alaska Residential Real Property Transfer Disclosure Statement

Regarding Property described as _____

If any of the above is checked, explain; attach additional sheets if necessary:

C. To the best of your (Transferor (Seller)'s) knowledge, are you aware of any of the following conditions with respect to the subject property?

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Substances, materials, or products that may be an environmental hazard such as asbestos, formaldehyde, radon gas, lead based paint, fuel or chemical storage tanks, and contaminated soil or water on the subject property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Features of the property shared in common with adjoining property owners, such as walls, fences, and driveways, whose use or responsibility/or maintenance may affect the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Encroachments, easements, or similar matters (such as life estate, right of first refusal, or existing lease) that may affect your interest in the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. a. Room additions, structural modification, or other alterations or repairs made with necessary permits? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Do improvements on property comply with current building codes? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Zoning violations, non-conforming uses, or violations of setback requirements? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Landfill (compacted or otherwise) on the property or any portion of the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Settling from any cause, or slippage, sliding, or other soil problems? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Flooding, drainage, or grading problems? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Damage to the property or any of the structures from flood, landslide, avalanche, high winds, fire, earthquake or other natural causes? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Recurring noise or other nuisance factor that has disturbed you as an occupant of the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Deed restrictions or restrictive subdivision covenants? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Homeowner's association that has authority over the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Notices of abatement or citations against the property? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Lawsuits against the Transferor (Seller) threatening to affect or affecting title to the property? | <input type="checkbox"/> | <input type="checkbox"/> |

If the answer to any of the above is yes, explain; attach additional sheets if necessary:

State of Alaska Residential Real Property Transfer Disclosure Statement

Regarding Property described as _____

D. I/We (Transferor (Seller)(s)) certify that I/we have completed this statement according to the instructions, and the statements are made in good faith and are true and correct to the best of my/our knowledge as of the date signed.

Transferor (Seller) _____ Date _____

Transferor (Seller) _____ Date _____

*** **

Waiver By Agreement: By law, completion of this disclosure statement may be waived when transferring an interest in residential real property if the Transferor (Seller) and Transferee (Buyer) agree in writing. If both parties agree to waive the requirement to complete this disclosure statement, please sign below.

Transferor (Seller): _____ Transferee (Buyer): _____

Transferor (Seller): _____ Transferee (Buyer): _____

Date: _____ Date: _____

*** **

Exemption For First Sales: Under AS 34.70.120, the first transfer of an interest in residential real property that has never been occupied is exempt from the requirements of AS 34.70 to complete this disclosure statement.

I certify that this is the first transfer of an interest in the property identified above and the property has not been occupied before this transfer of interest.

I have been informed of this exemption.

Transferor (Seller): _____ Transferee (Buyer): _____

Transferor (Seller): _____ Transferee (Buyer): _____

Date: _____ Date: _____

*** **

III. Receipt Of Copy

Parties may wish to obtain professional advice and/or inspections of the property and to provide for appropriate provisions in a written contract between Transferee (Buyer)(s) and Transferor (Seller)(s) with respect to advice, inspections, or defects.

I/We have received a copy of this statement.

Transferee (Buyer) _____ Date _____

Transferee (Buyer) _____ Date _____

State of Alaska
Residential Real Property Transfer Disclosure Statement Addendum No. _____

In compliance with AS 34.70, the Transferor (Seller) amends the disclosure statement for the real property located at:

signed on _____, 19____, with the following changes:

(List itemized changes. Use additional sheets, if necessary)

All other information in original disclosure statement remains unchanged.

Transferor (Seller) certifies that the information in this disclosure statement addendum is true and correct to the best of the Transferor's (Seller)'s knowledge as of the date signed.

Transferor (Seller) Date

Transferor (Seller) Date

I/We have received a copy of this disclosure statement addendum.

Transferee (Buyer) Date

Transferee (Buyer) Date

THE

NATIONAL

CRIMINAL

JUSTICE

ASSOCIATION



SEX OFFENDER COMMUNITY NOTIFICATION

Policy Report

THE
NATIONAL
CRIMINAL
JUSTICE
ASSOCIATION



SEX OFFENDER COMMUNITY NOTIFICATION

October 1997

Policy Report

professionals from other disciplines, such as social workers or psychologists, when handling these cases. Further, notification units typically keep separate information and documentation for each registrant in a designated Megan's Law file.²²⁰

With Tiers II and III notification for most offenders delayed since 1995, New Jersey officials' concerns about the implementation of community notification have been based on limited implementation experiences. For example, the deputy attorney general who oversees community notification in New Jersey was once concerned that "summary proceedings" would become a "battle of the experts," and that offenders and prosecutors would present competing testimony from numerous experts. She further noted that the *G.B.* decision allowing offenders to solicit expert testimony on their behalf is not "practical" in that it requires considerable time and expense not accounted for in the State legislation.²²¹ However, prosecutors have reported that competing expert testimony has not occurred in most cases where the *G.B.* provisions have been applied.²²²

Officials are also careful to warn citizens that Megan's Law and information about sex offenders is not a "panacea" for the problem of sexual abuse, but rather just one tool with which parents can help protect their children. To be effective, community notification must be accompanied by information about the nature of sex offending to prevent these crimes from recurring. For example, when addressing a group of concerned parents, clergy, social workers, and other professionals about the law, the deputy attorney general charged with overseeing its provisions told participants that "by learning the signs and symptoms of sexual abuse, a community may be able to stop attacks before they happen."²²³

A developing concern, according to officials, relates to the practical application of Megan's Law provisions and its impact on the housing market.²²⁴ Specifically, real estate agents in New Jersey have voiced concern about whether information concerning the presence of a sex offender in the neighborhood will affect home sales and property values. Other concerns relate to the individual liability that an agent may carry if he does not disclose to a potential buyer, for example, that a resident in the neighboring

²²⁰*Guidelines, supra* note 149 at 8.

²²¹Oppenheim Interview, *supra* note 126.

²²²Written comments provided by Jane Grall, Assistant Attorney General, New Jersey Department of Law and Public Safety, (June 27, 1997, on file with author).

²²³Brenda Barbosa, *Official Says Megan's Law 'Not Only Answer'* (a presentation by Oppenheim), Asbury Park Press, (June 7, 1997).

²²⁴Finkel Interview, *supra* note 219.

house has just been released from prison for committing a sex crime.²²⁵ This latter concern about personal liability stems from a 1995 New Jersey supreme court decision that requires agents for sellers living within a half-mile of a landfill, sewer plant, or environmental hazard to, at the very least, inform a potential buyer that he should check with the town hall about the possible hazard.²²⁶

In response to this concern, the New Jersey Real Estate Commission has issued regulations that would not obligate sellers or their agents to identify specific neighbors as sex offenders. The regulations do require, consistent with the court's decision, that real estate contracts include a "Megan's Law disclaimer," advising buyers of the existence of the law and inviting them to check with law enforcement officials or the county prosecutor about the status of neighbors as sex offenders.²²⁷

New Jersey officials have assessed the scope of the sex offender laws as well as the costs associated with conducting and litigating the State's sex offender registration and notification provisions. There were 4,392 registered sex offenders residing in New Jersey as of August 20, 1997.²²⁸ In fiscal year 1997, \$700,000 in Local Law Enforcement Block Grant and State funds was allocated to the State police to update the State's DNA database; \$400,000 in State funds and \$200,000 of State forfeiture money was allocated to State prosecutors; and \$700,000 in State funds was allocated to public defenders to represent offenders at hearings to review their tier classifications.²²⁹ Approximately \$2 million has been spent to implement tier classification over a 29-month period and \$4 million has been spent by the attorney general's office to defend lawsuits challenging the statute.²³⁰

Reports of vigilantism have surfaced since enactment of the legislation. In a well-publicized case, two men forced their way into a New Jersey home in January 1995 and began beating a man who they believed was a "child molester" recently paroled in their

²²⁵Rocco Cammarere, *Megan's Law Could Snafu Home Sales*, New Jersey Lawyer, (Oct. 24, 1994).

²²⁶David M. Levitt, *Megan's Law Posing Dilemma In Real Estate*, Asbury Park Press, (May 31, 1997).

²²⁷Lisa Colangelo, *Megan's Law Upheld by Federal Appellate Court*, Asbury Park Press, (Aug. 21, 1997).

²²⁸Thomas J. O'Reilly, Administrator, N.J. Department of Law and Public Safety, presentation at the *1997 National Criminal Justice Association Annual Membership Meeting*, (May 29, 1997).

²²⁹*Id.*

²³⁰*Id.*

National Criminal Justice Association

community. Their victim was not a sex offender.²³¹ In another case of misinformation, according to one story, a poster notified residents of a child stalker living the area -- but the person had been acquitted of charges more than a decade earlier.²³²

While in some cases, unverified addresses have made dissemination of accurate notification information difficult, an official with the New Jersey State police noted that the law's address verification requirements have helped local law enforcement more closely track offenders.²³³ Further, they note that most of the problems associated with offender harassment and acts of vigilantism as a result of community notification occur when information about a sex offender is disseminated by private groups or citizens with unofficial fliers and notices. When community notification is conducted officially, by prosecutors and law enforcement, there have been few problems, an official with the attorney general's office noted.²³⁴

At the time of this writing officials plan to move ahead with the implementation of community notification now that its provisions have been upheld by the third circuit. The attorney general's office will inform the over 600 New Jersey registrants who have been classified preliminarily as Tier II and Tier III offenders that notification is authorized to begin unless they choose to appeal their tier determination. These offenders will have 30 days to respond to the written notice and request that the appeal proceedings commence. If offenders choose not to appeal, community notification will begin for those offenders, according to a statement made by Verniero.²³⁵ An Associated Press report further noted that New Jersey Governor Christine Todd Whitman is hopeful that the notification process could begin by October 1997, although a representative from the State's Public Defender's office indicated the office plans to appeal the third circuit decision.²³⁶

²³¹Jackson, *supra* note 7.

²³²Ritter, *supra* note 6.

²³³Telephone Interview with Captain Frank McNulty, Bureau Chief, State Bureau of Investigation, New Jersey State Police, (Aug. 29, 1997).

²³⁴Oppenheim Interview, *supra* note 126.

²³⁵Colangelo, *supra* note 227.

²³⁶Ralph Siegel, *Megan's Law Upheld, Next Step is Sex Offender Notification*, Associated Press (Aug. 21, 1997).

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
OCCUPATIONAL LICENSING

BUDGET REPORT FOR REAL ESTATE SURETY FUND

As of January 28, 1999

(In Thousands)	FISCAL YEAR 1995	FISCAL YEAR 1996	FISCAL YEAR 1997	FISCAL YEAR 1998	FISCAL YEAR 1999 TO DATE
SURETY FUND					
EDUCATION/HEARING AUTHORIZATION	118.2	175.3	176.1	163.8	164.1
PERSONAL SERVICES EXPENSES (71000)	67.8	70.3	71.3	70.5	26.5
Personal services expenses are employee salaries and benefits. In Fiscal Year 1999 the Division began using detailed time sheets to record actual time spent on various programs.					
TRAVEL EXPENSES (72000)	7.7	4.8	2.7	3.8	2.0
Travel expenses include transportation, food and lodging.					
CONTRACTUAL SERVICES EXPENSES (73000)	17.1	30.8	10.9	23.4	0.5
Contractual services are services purchased from sources outside the Division and include telephone calls, postage, newsletter printing and mailing and production of other publications.					
SUPPLIES EXPENSES (74000)	1.0	5.2	0.5	0.6	0.2
Supply expenses include paper, envelopes, cassette tapes, and other office supplies.					
EQUIPMENT EXPENSES (75000)	7.8	9.8	3.7	0.2	0.0
Equipment expenses include purchase and repair of the computers, software, furniture and other office equipment.					
TOTAL EDUCATION/HEARING EXPENSES*	\$101.4	\$120.9	\$89.1	\$98.5	\$29.2
SURETY FUND					
CLAIMS AUTHORIZATION	100.0	100.0	100.0	100.0	100.0
TOTAL CLAIMS PAID (73940)**	25.0	48.4	2.6	1.5	11.0
TOTAL SURETY FUND EXPENSES:	\$126.4	\$169.3	\$91.7	\$100.0	\$40.2
SURETY FUND					
REVENUE	\$39.2	\$278.4	\$32.8	\$208.6	\$11.2

*HEARING EXPENSES: In FY 95-FY98, only current year hearing costs of claims that result in awards can be charged to the surety fund. Consequently, no hearing costs have been charged to the surety fund. Hearing costs have been charged to the real estate licensing program instead. In FY 99, new legislation allow total hearing costs of surety fund cases to be charged to the fund.

**SURETY FUND: In FY 97 and FY 98 \$100.0 was authorized as part of the surety fund contractual services line specifically for claims.

This chart shows the figures in the state accounting system on the day the chart was prepared.

Some bills are not received and entered in the system for several months after the expense occurs.

Fiscal Years for Alaska's state government begin July 1 and end June 30.

Figures are in thousands of dollars and are rounded to the nearest hundred. For example, \$1.3 means \$1,300.00.

¹ Section 6-901.
² Section 32-2121 et seq.

Historical and Statutory Notes

The 1993 amendment, added subsec. E relating to residential leasing agents and managers.

The 1997 amendment by Ch. 172 rewrote subsec. A; in subsec. B, substituted "from any penalty for a violation of this section the obligor, escrow holder or other person who relied in good faith on the card or certificate" for "the obligor, escrow holder or other person from the penalty provided in this section" at the end; and deleted former subsec. E. Subsec. A and former subsec. E had read:

"A. A broker shall employ and pay only active licensees, and a licensee shall accept employment

and compensation as such only from the legally licensed broker to whom the licensee is licensed or from the licensed professional corporation of which the licensee is an officer and shareholder."

"E. A person violating this section is guilty of a petty offense."

1993 Reviser's Note:

Pursuant to authority of § 41-1304.02, subsection D was relettered as subsection E and subsection E was relettered as subsection D.

Notes of Decisions

1. Unlicensed salespersons

Real estate broker's license was subject to revocation for his employment and payment of compensation to unlicensed sales person, based upon his conduct in entering into agreement with tribal

chairman to sell ranch to Indian tribe and share his commissions with chairman. *Brown v. Arizona Dept. of Real Estate* (App. Div.1 1995) 181 Ariz. 320, 890 P.2d 615.

7 § 32-2156. Real estate sales persons; disclosure

A. No criminal, civil or administrative action may be brought against a transferor of real property or a licensee for failing to disclose that the property being transferred is or has been:

1. The site of a natural death, suicide or homicide or any other crime classified as a felony.
2. Owned or occupied by a person exposed to the human immunodeficiency virus or diagnosed as having the acquired immune deficiency syndrome or any other disease that is not known to be transmitted through common occupancy of real estate.
3. Located in the vicinity of a sex offender who is subject to notification pursuant to title 13, chapter 38, article 3.¹

B. Failing to disclose any fact or suspicion as set forth in subsection A shall not be grounds for termination or rescission of any transaction in which real property has been or will be transferred.

Added by Laws 1995, Ch. 160, § 11. Amended by Laws 1996, Ch. 299, § 2; Laws 1997, Ch. 136, § 40.

¹ Section 13-3521 et seq.

Historical and Statutory Notes

The 1996 amendment by Ch. 299 deleted "acting on behalf of a transferor" following "licensee" in the opening paragraph of subsec. A.

The 1997 amendment by Ch. 136 inserted subsec. A, par. J.

§ 32-2157. Commissioner action requiring commissioner to present respondent with written complaint and notice; summary suspension; hearing

A. Except as provided in subsection B of this section, before suspending, revoking or denying the renewal or the right of renewal of any license, or issuing any order prohibiting the sale or lease of property or the sale of cemetery lots or membership camping contracts as provided by this chapter, the commissioner shall present the licensee, owner, operator, agent or subdivider with written notice of the charges filed against the person, or reasons for prohibiting the sale or lease, and shall afford the person an opportunity for a hearing pursuant to title 41, chapter 6, article 10.¹

B. If the commissioner finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in the commissioner's order,

summary suspension of a license and the termination of a license operator, agent or subdivider must be within thirty days as provided by Amended by Laws 1993, Ch. 140, § 125; Laws 1997, Ch. 221, § 117.

¹ Section 41-1092 et seq.

H

The 1993 amendment, in subsection second sentence, and inserted a sentence; and added the last sentence. The second sentence of subsec. A in place of the complaint and notice of place of the hearing may be made by mailing a true copy of the complaint registered or certified mail to the licensee, operator, agent or subdivider, at his office of record in the department."

The 1994 amendment inserted the sentence in subsec. B.

The 1997 amendment by Ch. 172, substituted "for a hearing pursuant to chapter 6, article 10" for "to be heard by counsel" at the end, and deleted second through fourth sentences, with "Service of the complaint and notice and place of the hearing shall be made by mailing a true copy of the complaint and notice to the licensee, owner, operator or subdivider, at his latest address of record in the department. Alternatively, at the convenience of the commissioner, the licensee shall appear and answer to the complaint."; in subsection "pursuant to title 41, chapter 6, article 10" before the commissioner upon filing request within fifteen days after receipt of notice of summary suspension. This shall be promptly instituted and the end of the third sentence, an "thirty days as provided by § 41-1092

Subdivided land sales, public hearing § 32-2158.

§ 32-2158. Hearing; witness

A. Any party to a hearing shall appear in person or by deposition, upon designating the person or persons to be investigated or heard in the complaint § 12-2212. The commissioner may require the person to be taken as provided by § 41-1092.

B. Process issued by the commissioner in the process of courts of record or by the commissioner. The person serving process

committee's determination. The judge's decision shall be in writing and shall include the judge's reasons for the decision. The judge's decision shall be final and a copy of it shall be given to the offender, the victim, the law enforcement agency, and the chair of the end-of-confinement review committee.

(d) The review hearing is subject to the contested case provisions of chapter 14.

(e) The administrative law judge may seal any portion of the record of the administrative review hearing to the extent necessary to protect the identity of a victim of or witness to the offender's offense.

Subd. 7. Immunity from liability. A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly or criminally liable for disclosing or failing to disclose information as permitted by this section.

Subd. 8. Limitation on scope. Nothing in this section imposes a duty upon a person licensed under chapter 82, or an employee of the person, to disclose information regarding an offender who is required to register under section 243.166, or about whom notification is made under this section.

HIST: 1996 c 408 art 5 s 4; 1997 c 239 art 5 s 4-7; 1998 c 396 s 3-6

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244.052
Sex offenders;
Notice



Minnesota

Chapter 82 = Real Estate
Brokers & Salespersons

Cross References

Residential property condition disclosure act not to alter requirements of this section, see Title 60, § 838.

OKLAHOMA
↓

§ 858-514. Registered sex offenders—No duty to provide notice regarding

The provisions of the Sex Offenders Registration Act, Section 561 et seq. of Title 57 of the Oklahoma Statutes, shall not be construed as imposing a duty upon a person licensed under the Oklahoma Real Estate License Code¹ to disclose any information regarding an offender required to register under such provision.

Added by Laws 1997, c. 260, § 11, eff. Nov. 1, 1997.

¹ Title 59, § 858-101 et seq.

ARTICLE VI. REAL ESTATE EDUCATION AND RECOVERY FUND

§ 858-601. Creation—Status—Appropriation—Expenditures—Use of funds—Eligibility to recover

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Real Estate Commission to be designated "Oklahoma Real Estate Education and Recovery Fund". The fund shall consist of monies received by the Oklahoma Real Estate Commission as fees assessed for the Oklahoma Real Estate Education and Recovery Fund under the provisions of this act. The revolving fund shall be a continuing fund not subject to fiscal year limitations and shall be under the administrative direction of the Oklahoma Real Estate Commission. The Oklahoma Real Estate Commission may invest all or part of the monies of the fund in securities offered through the "Oklahoma State Treasurer's Cash Management Program". Any interest or dividends accruing from the securities and any monies generated at the time of redemption of the securities shall be deposited in the Oklahoma Real Estate Education and Recovery Fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Real Estate Commission for the purposes specified in Section 858-605 of this title. Expenditures from said fund shall be made pursuant to the laws of this state and the statutes relating to the said Commission, and without legislative appropriation. Warrants for expenditures from said fund shall be drawn by the State Auditor, based on claims signed by an authorized employee or employees of the said Commission and approved for payment by the Director of State Finance.

B. Monies in the fund shall be used to reimburse any person who has been awarded a judgment, subject to subsection C of this section, by a court of competent jurisdiction to have suffered monetary damages by an Oklahoma real estate licensee in any transaction for which a license is required under the Oklahoma Real Estate License Code¹ because of the acquisition of money or property by any act which would constitute a violation of the Oklahoma Real Estate License Code.

C. In determining a person's eligibility to recover from the fund, the Commission may conduct an independent review of the merits, findings and damages involved in the underlying action and may conduct an evidentiary hearing to determine if a claim is eligible for recovery from the fund and the amount of damages awarded which are due to the acquisition of money or property by a licensee through acts constituting a violation of the Oklahoma Real Estate License Code.

Amended by Laws 1992, c. 94, § 7, eff. July 1, 1992; Laws 1997, c. 105, § 1, eff. July 1, 1997.

¹ Title 59, § 858-101 et seq.

Cross References

Administrative fines, deposit in fund created by this section, see Title 59, § 858-602.

§ 858-602. Addition

Powers and duties of committee fees prescribed by rule n

§ 858-603. Eligibil

A. Any person shall b Education and Recovery F

1. An action has been Oklahoma Real Estate Lic

2. The cause of action (2) years prior to the filing

3. At the commencement notify the Commission to stamped copy of the petition an appearance, intervene to protect the integrity of the ment if it determines that meet the ends of justice an to comply with the notificat

4. Final judgment is re

5. The final judgment judgments in other civil ac the judgment; and

6. Any compensation r any other source for any in damages awarded by the cr

B. A person shall not b Real Estate Education and

1. He is the spouse of spouse;

2. He is a licensee who the subject of the claim; or

3. Such person's claim i through actions of his own. the property owned or cont

Amended by Laws 1991, c. ¹ Section 858-101 et seq. of ti

Notice 1

1. Notice Phrase "notification is sent" Commission, in this section gov

§ 858-604. Applicati rights, censes

A. Any person who mee the Commission for payer

Pennsylvania Consolidated Statutes

JUDICIARY AND JUDICIAL PROCEDURE (TITLE 42)

PART VIII. CRIMINAL PROCEEDINGS

SUBCHAPTER H - REGISTRATION OF SEXUAL OFFENDERS

- § 9791. Legislative findings and declaration of policy.
- § 9792. Definitions.
- § 9793. Registration of certain offenders for ten years.
- § 9794. Designation of sexually violent predators.
- § 9795. Registration of offenders.
- § 9796. Verification of residence.
- § 9797. Victim notification.
- § 9798. Other notification.
- § 9799. Immunity for good faith conduct.
- § 9799.1. Duties of Pennsylvania State Police.
- § 9799.2. Duties of Pennsylvania Board of Probation and Parole.
- § 9799.3. Board.
- § 9799.4. Sexually violent predators.
- § 9799.5. Exemption from notification.

§ 9791. Legislative findings and declaration of policy.

(a) Legislative findings.--It is hereby determined and declared as a matter of legislative finding:

1. If the public is provided adequate notice and information about sexually violent predators and certain other offenders, the community can develop constructive plans to prepare themselves and their children for the offender's release. This allows communities to meet with law enforcement to prepare and obtain information about the rights and responsibilities of the community and to provide education and counseling to their children.
2. These sexually violent predators pose a high risk of engaging in further offenses even after being released from incarceration or commitments and that protection of the public from this type of offender is a paramount governmental interest.
3. The penal and mental health components of our justice system are largely hidden from public view and lack of information from either may result in failure of both systems to meet this paramount concern of public safety.
4. Overly restrictive confidentiality and liability laws governing the release of information about sexually violent predators have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks to public safety.
5. Persons found to have committed such an offense have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.
6. Release of information about sexually violent predators to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal and mental health systems so long as the information released is rationally related to the furtherance of those goals.

(b) Declaration of policy.--It is hereby declared to be the intention of the General Assembly to protect the safety and general welfare of the people of this Commonwealth by providing for registration and community notification regarding sexually violent predators who are about to be released from custody and will live in or near their neighborhood. It is further declared to be the policy of this Commonwealth to require the exchange of relevant information about sexually violent predators among public agencies and officials and to authorize the release of necessary and relevant information about sexually violent predators to members of the general public as a means of assuring public protection and shall not be

by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.--If a sentencing court refuses to apply this section when it is applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for the imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

§ 9799.5. Exemption from notification.

Nothing in this subchapter shall be construed as imposing a duty upon a person licensed under the act of February 19, 1980 (P.L. 15, No. 9), known as the Real Estate Licensing and Registration Act, or an employee thereof to disclose any information regarding an offender required to register under this act.

[Note: The reference to "this act" probably should read "this subchapter."]

The complete Pennsylvania Statutes are not yet available on the web. However, selected portions have been made available and can be accessed by [CLICKING HERE](#).

Visit/Return to Home Page of [Pennsylvania District Court 15-4-04](#).

Title 42, Judiciary and Judicial Procedure Chapter 97; Subchapter H / [Judiciary@uol.com](#) / last revised September 1997

ected.

illages to tax and
after shall be in
ance of any city or
Laws, c. 63, § 19;
c. 103, § 4.)

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§ 2929. Objectives of Commission.

The primary objective of the Real Estate Commission, to which all other objectives and purposes are secondary, is to protect the general public, especially those persons who are direct recipients of services regulated by this chapter from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Commission are to maintain and establish minimum standards of licensee competency, and establish and maintain certain standards in the delivery of services to the public. (63 Del. Laws, c. 463, § 5; 71 Del. Laws, c. 103, § 4.)

Revisor's note. — Section 4 of 71 Del. Laws, c. 103, effective June 30, 1997, redesignated former §§ 2914 to 2929, 2929A, and 2930 to 2940 as present §§ 2915 to 2942.

Requiring written listing agreements. — The goal of this section, protecting the general public from unsafe practices, is promoted by the

requirement in Regulation EXA; the requirement that the listing agreements be in writing helps foster fair dealings between parties, standardize real estate practice, prevent fraud and avoid litigation. Eastern Com. Realty Corp. v. Fusco, Del. Supr., 654 A.2d 833 (1995).

§ 2929A. Agency disclosure.

Transferred.

Revisor's note. — Section 4 of 71 Del. Laws, c. 103, effective June 30, 1997, redesignated former §§ 2914 to 2929, 2929A, and 2930 to 2940 as present §§ 2915 to 2942.

§ 2930. Certain psychological impacts not material facts.

(a) As used in this section, "transferee" includes, but shall not be limited to, a buyer, purchaser, grantee, lessee, tenant or one making an exchange of any estate or interest in real property.

(b) As used in this section, the terms "psychologically impacted" and "psychological impacts" mean:

(1) That the property was, or was at any time suspected to have been the site of a homicide, suicide or other felony except arson.

(2) That an occupant of real property is or was at any time suspected to be infected or has been infected with Human Immuno-deficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome (AIDS), or any other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place.

(c) As used in this section, "agent" means any person licensed as a broker, salesperson or appraiser pursuant to this chapter.

(d) The fact or suspicion that a property might be or is psychologically impacted is not a material fact that must be disclosed in a real property transaction.

(e) No cause of action shall arise against an owner or appraiser of real property or the agent of such an owner or the agent of a transferee of real property for failure to inquire about, make a disclosure about or release information about the fact or suspicion that such property is psychologically impacted.

(f) If a potential transferee makes a specific written request to the owner or agent about the psychological impacts defined above in subsection (b)(1) of this section regarding a specific property, the owner or agent shall answer the

Post-it Fax Note	7671	Date	2/23/98	# of pages	2
To	Janet Seitz	From	Brien Daugherty		
Co./Dept.	Rep. Rokeberg	Co.	Leg. Ref. Library		
Phone #		Phone #	3808		
Fax #	2040	Fax #			

transferee's questions truthfully, to the best of such owner's or agent's knowledge. The agent shall have no duty to inquire about the psychological impacts defined above in subsection (b)(1) of this section regarding a specific property unless a transferee, in writing, specifically requests the agent to ask the owner for such information.

(g) The agent shall not make any disclosure concerning those psychological impacts defined above in subsection (b)(2) of this section even if a buyer specifically asks about such psychological impacts. (68 Del. Laws, c. 154, § 1; 71 Del. Laws, c. 103, § 4.)

Revisor's note.— Section 4 of 71 Del. Laws, former §§ 2914 to 2929, 2929A, and 2930 to c. 103, effective June 30, 1997, redesignated 2940 as present §§ 2915 to 2942.

§ 2931. Agency disclosure.

(a) All licensees must disclose, in writing, who they represent. This disclosure shall be made to all parties to a transaction who the licensee does not represent but with whom the licensee has substantive contact, such as prospective sellers, lessors, buyers and lessees.

(b) This disclosure referenced in subsection (a) of this section shall be made at the 1st substantive contact between the licensee and the person the licensee does not represent. A listing broker who is not also the selling agent and who has no substantive contact with the prospective buyer or lessee, need not make any agency disclosure to the prospective buyer or lessee.

(c) The Commission may adopt rules and regulations to prescribe the form of disclosure to be used by licensees or minimum criteria for the form of disclosure. (68 Del. Laws, c. 166, § 1; 71 Del. Laws, c. 103, § 4.)

Revisor's note.— Section 4 of 71 Del. Laws, former §§ 2914 to 2929, 2929A, and 2930 to c. 103, effective June 30, 1997, redesignated 2940 as present §§ 2915 to 2942.

Subchapter II. Regulation of Real Estate Appraisers

§ 2932. Certificate requirement.

(a) No person, partnership, association or corporation shall act as a real estate appraiser, or advertise or assume to act as such without being registered with and duly licensed or certified by the Council on Real Estate Appraisers.

(b) Corporations, partnerships and associations shall not be licensed or certified under this subchapter, but nothing in this subchapter shall prevent a corporation, partnership or association from acting as an appraiser provided that every member or officer of such partnership, association or corporation who actively participates in the appraisal business of such entity is a licensed or certified real estate appraiser and unless every employee who acts as an appraiser for such partnership, association or corporation is a licensed or certified appraiser.

(c) Nothing in this chapter shall require a geologist licensed under Chapter 36 of this title to meet the requirements for either certification or licensure, provided that the geologist's written estimate of value is not the sole determinant of a property's value and that any such estimate of value is not used as an appraisal in federally funded transactions.

(d) Nothing in this ment for either certifi the auctioneer provic appraisal of the valu

(e) This subchapte county governments 1 years commencing pr

(f) This subchapter municipal or county g ments. (67 Del. Laws, c. 317, § 1; 71 Del. L

Revisor's note.— Sectio c. 103, effective June 30,

§ 2933. Council .

(a) The Council on primary objective, to v protecting the general icnts of services regul: tend to reduce compet with the standards a Recovery, Reform and Title 12, United States subsequent amendme The secondary objectiv practitioner competen services to the public standards assuring pr against practitioners complaint hearings, sh sanctions where necess Real Estate Commissi the Commission's staff

(b) The Council on R The Governor shall ap appointed members sh: term of 1 year, the next next 3 appointees sh appointees shall serve of 3 years, and may suc that where a member may successively serve fill a vacancy on the Co term of the former m specified in the appoin participate in Council p never served on the C times, but no such p appointments. No pers has served on the Coun

PROFESSIONS AND OCCUPATIONS

R.S. 37:1468

G. Active licensees applying for inactive status and those licensees renewing their license while in an inactive status may do so without the required coverage mandated by this Section.

H. Should the commission be unable to obtain errors and omissions insurance coverage to insure all licensees who chose to participate in the group insurance program at a reasonable cost, not to exceed one hundred dollars for coverage, the insurance requirement mandated by this Section shall be void during the applicable contract year.

Added by Acts 1988, No. 849, § 1, eff. Jan. 1, 1990. Amended by Acts 1989, No. 655, § 1, eff. Jan. 1, 1990; Acts 1995, No. 1207, § 1.

1 In subsec. B, R.S. 39:1481 et seq., and 39:1551 et seq., respectively.

Historical and Statutory Notes

This section, enacted as R.S. 37:1470 by Acts 1988, No. 849, § 1, was redesignated as R.S. 37:1468 on authority of R.S. 24:253.

Section 2 of Acts 1988, No. 849 provides:

"This Act shall become effective on January 1, 1990."

The 1989 amendment inserted "active" preceding "licensees" in subsec. A; inserted "having a current rating in A.M. Best of A or better" following "insurance provider" in subsec. B; inserted "active" preceding "licensee" in the second sentence of subsec. F; and rewrote subsec. G, which had read:

"G. A licensee who has not made a sale within thirteen months of his license renewal date may file an affidavit with the commission attesting to the date of his last sale and the commission may renew such license without the required coverage mandated by this Section."

The 1995 amendment, in subsec. B, substituted "and awarding such contract pursuant to requirements established by the commission. Such issuance and award shall be exempt from the provisions of Chapters 16 and 17" for "in accordance with Chapter 17" following "bidding".

Notes of Decisions

Corporations 1

1. Corporations

The corporation is the actual licensee in a designated qualified broker situation, with the broker

merely serving as representative to the Real Estate Commission for the corporation, and is obligated to pay the fees of the licensure and acquire errors and omissions insurance coverage. Op. Atty.Gen. No. 96-241, June 10, 1996.

§ 1467. Agency

A. Notwithstanding the provisions of Civil Code Arts. 2985 through 3034 or any other provisions of law, a licensee engaged in any real estate transaction is the agent or subagent of the seller unless there is a written agreement to the contrary and that agreement is disclosed to all parties.

B. Licensees shall provide the parties to a real estate transaction with an agency disclosure form.

C. The commission may prescribe such forms as it deems necessary for the enforcement of this Section.

Added by Acts 1991, No. 851, § 1, eff. Jan. 1, 1992.

Historical and Statutory Notes

Acts 1991, No. 336, § 1 enacted another R.S. 37:1467 which was redesignated as R.S. 37:1468 pursuant to the statutory revision authority of the Louisiana State Law Institute.

§ 1468. Psychologically impacted property

A. The fact or suspicion that a property might be or is psychologically impacted, such impact being the result of facts or suspicions, including but not limited to:

(1) That an occupant of real property is, or was at any time suspected to be, infected, or has been infected with Human Immuno-deficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome, or any other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place; or

(2) That the property was, or was at any time suspected to have been, the site of a homicide, or other felony, or a suicide;

OCCUPATIONS

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is not a material fact or material defect regarding the condition of real estate that must be disclosed in a real estate transaction.

B. No cause of action shall arise against an owner of real estate or his or her agent for the failure to disclose to the transferee that the transferred property was psychologically impacted as defined in Subsection A.

Added by Acts 1991, No. 336, § 1.

Historical and Statutory Notes

This section, as added by Acts 1991, No. 336, § 1, was redesignated from R.S. 37:1467 to R.S. 37:1468 pursuant to the statutory revision authority of the Louisiana State Law Institute.

Pursuant to the same authority, a comma was inserted following "felony" in par. (2); and "Psychologically impacted" was substituted for "Stigmatized" in the section heading.

§ 1469. [Blank]

Historical and Statutory Notes

Pursuant to the statutory revision authority of the Louisiana State Law Institute, R.S. 37:1469, added by Acts 1995, No. 770, § 1 and relating to

real estate broker privileges, was redesignated as R.S. 9:2781.1.

§ 1470. [Blank]

Historical and Statutory Notes

Acts 1988, No. 849, § 1 enacted R.S. 37:1470 relative to errors and omissions insurance. On

authority of R.S. 24:253, the section was redesignated as R.S. 37:1466.

CHAPTER 18. VETERINARIANS

- Section 1515. Board of Veterinary Medicine; terms; compensation; removal.
- 1516. Election of officers; duties.
- 1517. Revenues; deposit to Board of Veterinary Medicine Fund.
- 1518. Powers of board.

- Section 1520. Application for license; qualifications.
- 1521. Examinations.
- 1522. License without examination.
- 1524. License renewal.
- 1526. Discipline of licensees.
- 1531. Violations; penalty.

§ 1511. Legislative intent

Historical and Statutory Notes

Title of Act: An Act to amend and re-enact Chapter 18 Sections 1511 through 1531 of Title 37 of the Louisiana Revised Statutes of 1950, to license and regulate the practice of veterinary medicine; to provide

for a board of veterinary medicine, membership and qualifications; to provide procedure for revocation or suspension of license; and to provide penalties for violation of this Act. Acts 1966, No. 35.

§ 1514. License requirement and exceptions

Notes of Decisions

Agent or employee 1
Exceptions, generally 2

1. Agent or employee
City ordinance designating Louisiana Society for the Prevention of Cruelty to Animals as employee of city did not establish employer-employee rela-

tionship between city and veterinarians employed by Society and did not render moot challenge to license suspension; ordinance did not make veterinarians into employees within meaning of this section which permits unlicensed practice of veterinary medicine by employees of local government. *McSweeney v. Louisiana Bd. of Veterinary Medicine*, Sup.1990, 555 So.2d 469, rehearing denied.

2. Exception
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§ 1515. Bo

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§ 1516. Elect

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§ 17-322.1. Failure to disclose certain facts — Disease, death, felony.

(a) *Material fact.* — For purposes of § 17-322(b) of this subtitle, it is not a material fact relating to property offered for sale or lease that:

- (1) an owner or occupant of the property is, was, or is suspected to be:
 - (i) infected with human immunodeficiency virus; or
 - (ii) diagnosed with acquired immunodeficiency syndrome; or
- (2) a homicide, suicide, natural death, or felony occurred on the property.

(b) *Disciplinary action; personal liability.* — (1) It is not grounds for a disciplinary action against a licensee under this subtitle, that a licensee did not disclose to a prospective purchaser or lessee, a fact contained in subsection (a) of this section.

(2) A licensee may not be held personally liable for failure to disclose a fact contained in subsection (a) of this section. (1991, ch. 473; 1994, ch. 3, § 13; 1995, ch. 3, § 22.)

Editor's note. — Section 22, ch. 3, Acts of 1995, provides that "any statutory cross-reference rendered obsolete by an Act of the General Assembly of 1995 shall be corrected by the publisher of the Annotated Code, the Michie Company, in consultation with the Director of Legislative Reference (now Executive Director

of the Department of Legislative Services), with no further action required by the General Assembly. The Michie Company shall adequately describe any such correction in an editor's note following the section affected." Pursuant to § 22 of ch. 3, appropriate changes have been made to (a)

§ 17-324. Same — Hearings.

(a) *Right to hearing.* — Except as otherwise provided in § 10-226 of the State Government Article, before the Commission takes any final action under § 17-322 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Commission or, as provided under § 17-326 of this subtitle, a hearing board.

(b) *Application of contested case provisions.* — The Commission shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) *Oaths.* — In connection with any proceeding under this section, the following individuals may administer oaths:

- (1) a member of the Commission;
- (2) the executive director of the Commission; and
- (3) the assistant director of the Commission.

(d) *Specific notice requirements.* — (1) At least 10 days before the hearing, the hearing notice to be given to the individual shall be:

- (i) served personally on the individual; or
- (ii) sent by certified mail to the last known business address of the individual.

(2) If the individual is an associate real estate broker or a real estate salesperson, at least 10 days before the hearing, the Commission shall give notice of the hearing to each real estate broker with whom the associate real estate broker or the real estate salesperson is affiliated by sending notice by certified mail to the last known business address of the real estate broker.

Michigan

acting as agents of sellers or buyers of real estate with whom they work of the nature of

(a) "Buyer" means a purchaser, tenant, or lessee of any legal or equitable interest in real estate.

agents

(b) "Buyer's agent" means a licensee acting on behalf of the buyer who undertakes to accept the responsibility of serving the buyer consistent with those fiduciary duties existing under common law.

with the seller, acts solely on behalf of the seller, work with subagents, buyer's agents and/or agents who have agreed to work with the listing agent, on behalf of the seller. Seller's agents and agents shall disclose information about the buyer which may be used to

(c) "Dual agent" means a licensee who is acting as the agent of both the buyer and the seller and provides services to complete a real estate transaction without the full range of fiduciary duties owed by a buyer's agent and a seller's agent.

agents

(d) "Real estate transaction" means the sale or lease of any legal or equitable interest in real estate.

agent with the buyer, acts solely on behalf of the buyer, and shall disclose to the buyer known information about

(e) "Seller" means the equitable or legal owner of real estate.

agents

(f) "Seller's agent" means a licensee acting on behalf of the seller who undertakes to accept the responsibility of serving the seller consistent with those fiduciary duties existing under common law.

the seller and the buyer in a transaction, but in writing, of both the seller and the buyer.

(g) "Transaction coordinator" means a licensee who is not acting as the agent of either the buyer or the seller.

he will not be able to disclose all known

P.A.1980, No. 299, § 2517, added by P.A.1993, No. 93, § 1, Eff. Jan. 1, 1994.

to any specific provisions set forth in any writing to the buyer.

Historical and Statutory Notes

P.A.1993, No. 93, § 2, provides: "Section 2517 of Act No. 299 of the Public Acts of 1980, as added by this amendatory act, shall take effect January 1, 1994." P.A.1993, No. 93, was ordered to take immediate effect, and was approved July 12, 1993 and filed July 13, 1993.

disclosure

disclosure with the buyer and/or seller below is:

339.2518. Actions disallowed for failure to disclose certain information

Sec. 2518. An action shall not be brought against a real estate broker, an associate broker, or a real estate salesperson under the following circumstances:

disclosure of any confidential information.

(a) For failure to disclose to a purchaser or lessee of real property that a former occupant has or is suspected of having a handicap as that term is defined and interpreted under, and disclosure of which would constitute unlawful discrimination under, sections 804, 805, 806, or 818 of the fair housing act, title VIII of Public Law 90-284, 42 U.S.C. 3604, 3605, 3606, and 3617.

disclosure

(b) For failure to disclose to a purchaser or lessee of real property that the real property was or was suspected to have been the site of a homicide, suicide, or other occurrence prohibited by law which had no material effect on the condition of the real property or improvements located on the real property.

P.A.1980, No. 299, § 2518, added by P.A.1993, No. 93, § 1, Imd. Eff. July 13, 1993.

disclosure

ARTICLE 26. REAL ESTATE APPRAISERS

disclosure

339.2601. Definitions

Sec. 2601. As used in this article:

have received and read the information in writing form was provided to them before the time the potential sellers or buyers.

(a) "Appraisal" means an opinion, conclusion, or analysis relating to the value of real property but does not include any of the following:

_____ Date

(i) A market analysis performed by a person licensed under article 25¹ solely for the purpose of assisting a customer or potential customer in determining the potential sale, purchase, or listing price of real property or the rental rate of real property as long as a fee or any other valuable consideration is not charged for that analysis.

_____ Date

(ii) A market analysis of real property for a fee performed by a broker or associate broker licensed under article 25 which does not involve a federally related transaction if the market analysis is put in writing and it states in boldface print "this is a market analysis, not an appraisal."

acting as a transaction coordinator upon written consent of the buyer and seller.

Changes in text indicated by underline; asterisks * * * Indicate deletion

* * * Indicate deletion

SERVICE 1996

§ 443

Seller/landlord, acting as such
and following full

The 1993 act deleted at fig 1 "or cooperating agent", at figs 2 and 3 "an", at fig 4 "seller", at
fig 5 "value or desirability of property, except as otherwise provided by law" and at fig 6
"ACKNOWLEDGEMENT".

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NOTES:

Editor's Notes:

Laws 1993, ch 469, § 2, eff July 26, 1993, amended Laws 1991, ch 726, § 2, so as to
delete an expiration date of Dec 31, 1993, applicable to the addition of this
section.

OF THE CONTRACT
sure notice.

§ 443-a. Disclosure obligations

1. Notwithstanding any other provision of law, it is not a material defect or fact
relating to property offered for sale or lease, including residential property regard-
less of the number of units contained therein, that:

- (a) an owner or occupant of the property is, or was at any time suspected to be,
infected with human immunodeficiency virus or diagnosed with acquired immune
deficiency syndrome or any other disease which has been determined by medical
evidence to be highly unlikely to be transmitted through occupancy of a dwelling
place; or
- (b) the property is, or is suspected to have been, the site of a homicide, suicide or
other death by accidental or natural causes, or any crime punishable as a felony.

2.(a) No cause of action shall arise against an owner or occupant of real property,
or the agent of such owner or occupant, or the agent of a seller or buyer of real
property, for failure to disclose in any real estate transaction a fact or suspicion
contained in subdivision one of this section.

(b) Failure to disclose a fact contained in subdivision one of this section to a
transferee shall not be grounds for a disciplinary action against a real estate
agent or broker licensed pursuant to this article.

(c) As used in this section, the terms "agent", "buyer" and "seller" shall have
the same meanings as such terms are defined in section four hundred forty-three
of this article.

3. Notwithstanding the fact that this information is not a material defect or fact, if
such information is important to the decision of the buyer to purchase or lease the
property, the buyer may, when negotiating or making a bona fide offer, submit a
written inquiry for such information. The buyer or the agent of the buyer shall
provide the written request to the seller's agent or to the seller if there is no seller's
agent. The seller may choose whether or not to respond to the inquiry. The seller's
agent, with the consent of the seller and subject to applicable laws regarding
privacy, shall report any response and information to the buyer's agent or to the
buyer if there is no buyer's agent. If there is no seller's agent, the seller shall inform
the buyer's agent, or the buyer if there is no buyer's agent, whether or not the seller
chooses to provide a response.

4. This section shall preempt any local law inconsistent with the provisions of this
section.

HISTORY:

Add, L 1995, ch 606, § 1, eff Sept 7, 1995.

ARTICLE 12-B

[Repealed]

HISTORY:

Repealed, L 1987, ch 772, § 1, eff Aug 7, 1987.

§§ 443-446. [Repealed]

HISTORY:

Repealed, L 1987, ch 772, § 1, eff Aug 7, 1987.

IONS AND OCCUPATIONS

Disclosure Act.

Laws 1992, c. 94, § 6, eff. July 1, 1996, c. 159, § 3, eff. Nov. 1, 1996.

Dealings was not void for vagueness; conveyed sufficiently definite warning of conduct to real estate licensee of intelligence and understanding and was sufficiently definite to prevent subjective and discriminatory enforcement. *Lodes et al. v. Oklahoma Real Estate Com'n*, 937 P.2d 925 (1992), certiorari denied.

Orders in statute must be given effect. *Indem. Fund v. McDaniel*, Okla.App., 923 (1991), certiorari denied.

from participation in real

pending shall operate directly or member, partner or officer, in any partnership that is required to be

red or lapsed pending investigation indirectly or have a participating y real estate business, corporation, ensed pursuant to this Code until on the pending investigation or or license.

TIES

tions authorized

l by law, any person unlicensed who shall willingly and knowingly, shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or by x (6) months, or by both such fine

orized by law, the Commission, the to the district court in the county ured for an order enjoining or he acts specified in the complaint. t injunction or restraining order,

impose administrative fines on any Estate License Code as follows: of a violation of this Code or the

PROFESSIONS AND OCCUPATIONS

59 § 858-513

- a. be less than One Hundred Dollars (\$100.00) and shall not exceed Two Thousand Dollars (\$2,000.00) for each violation of this Code or the rules of the Commission, or
- b. exceed Five Thousand Dollars (\$5,000.00) for all violations resulting from a single incident or transaction;

2. All administrative fines shall be paid within thirty (30) days of notification of the licensee by the Commission of the order of the Commission imposing the administrative fine;

3. The license may be suspended until any fine imposed upon the licensee by the Commission is paid;

4. If fines are not paid in full by the licensee within thirty (30) days of the notification by the Commission of the order, the license shall automatically be revoked; and

5. All monies received by the Commission as a result of the imposition of the administrative fine provided for in this section shall be deposited in the Oklahoma Real Estate Education and Recovery Fund, created pursuant to Section 858-601 of this title.

B. The administrative fines authorized by this section may be in addition to any other criminal penalties or civil actions provided for by law.

Added by Laws 1993, c. 54, § 3, eff. Sept. 1, 1993.

1 Section 858-101 et seq. of this title.

Cross References

Powers and duties of commission, imposition of administrative fines pursuant to this section, see Title 59, § 858-208.

OKLAHOMA

ARTICLE V. MISCELLANEOUS

§ 858-513. Psychologically impacted real estate—Facts included—Nondisclosure of facts—Certain actions prohibited—Disclosure in certain circumstances

A. The fact or suspicion that real estate might be or is psychologically impacted, such impact being the result of facts or suspicions, including but not limited to:

- 1. that an occupant of the real estate is, or was at any time suspected to be infected, or has been infected, with Human Immunodeficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome, or other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place; or
- 2. that the real estate was, or was at any time suspected to have been the site of a suicide, homicide or other felony,

is not a material fact that must be disclosed in a real estate transaction.

B. No cause of action shall arise against an owner of real estate or such owner's agent or agents for the failure to disclose to the transferee of such real estate or the transferee's agent or agents that such real estate was psychologically impacted as provided for in subsection A of this section.

C. Notwithstanding the fact that this information is not a material defect or fact, in the event that a purchaser or lessee, who is in the process of making a bona fide offer, advises the owner's agent, in writing, that knowledge of such factor is important to his decision to purchase or lease the property, an agent shall make inquiry of the owner and report any findings to the purchaser or lessee with the consent of the owner and subject to and consistent with applicable laws of privacy; provided further, if the owner refuses to disclose, the owner's agent shall so advise the purchaser or lessee.

Added by Laws 1989, c. 235, § 1, emerg. eff. May 12, 1989.

REAL ESTATE DEALERS
Title 113A

REAL ESTATE DEALERS
Title 113A

TEXAS

Art. 6573a

You have the right to
payment of a fee to a
If you have any
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the parties to the transaction have signed a contract to sell, buy, rent, or lease the real property concerned.

under Subsection (d) of
e than one year and no

(2) "Intermediary" means a broker who is employed to negotiate a transaction between the parties subject to the obligations in Subsection (j) of this section and for that purpose may be an agent of the parties to the transaction. The intermediary shall act fairly so as not to favor one party over the other. Appointment by the intermediary of associated licensees under Subsection (k) of this section to communicate with, carry out instructions of, and provide opinions and advice to the parties to whom the licensees are appointed is a fair and impartial act.

licensee.
section (d) of this section,
"seller" with "landlord" as

(3) "Licensee" means a real estate broker or real estate salesperson and includes a licensed associate of a licensee.

section (d) of this section

(4) "Party" means a prospective buyer, seller, landlord, or tenant or an authorized representative of a party, including a trustee, guardian, executor, administrator, receiver, or attorney-in-fact. The term does not include a licensee who represents a party.

parties if:
to the transaction for the

(5) "Subagent" means a licensee who represents a principal through cooperation with and consent of a broker representing the principal and who is not sponsored by or associated with the principal's broker.

as subsection states the

Liability for providing information

a written agreement to
broker to act as an
agent of the party to the
underlined print, the

Sec. 15D. No licensed real estate broker, licensed real estate salesperson, or not for profit real estate board or association which provides information about real property sales prices or terms of sale for the purpose of facilitating the listing, selling, leasing, financing, or appraisal of real property shall be liable to any other person as a result of so providing such information unless the disclosure of same is otherwise specifically prohibited by statute.

in a transaction:
broker will accept a price
written by the seller or

✓ No duty to inquire or disclose information relating to previous occupant and AIDS

tenant will pay a price
landlord unless otherwise

Sec. 15E. Notwithstanding any other provision of this Act or any other law, a licensee shall have no duty to inquire about, make a disclosure related to, or release information related to whether a:

party specifically
instructed in a
provision by this Act
of the property;

(1) previous or current occupant of real property had, may have had, has, or may have AIDS, HIV-related illnesses, or HIV infection as defined by the Centers for Disease Control of the U.S. Public Health Service; or

(2) death occurred on a property by natural causes, suicide, or accident unrelated to the condition of the property.

an intermediary in a
appoint, by providing
broker to communicate
licensees associated with
party or parties. A
out instructions of a
under Subsection (h) or
real estate broker and
n. However, during
the party to whom the

Liability for misrepresentation or concealment

Sec. 15F. (a) A party is not liable for a misrepresentation or a concealment of a material fact made by a licensee in a real estate transaction unless the party knew of the falsity of the misrepresentation or concealment and failed to disclose the party's knowledge of the falsity of the misrepresentation or concealment.

(b) A licensee is not liable for a misrepresentation or a concealment of a material fact made by a party in a real estate transaction unless the licensee knew of the falsity of the misrepresentation or concealment and failed to disclose the licensee's knowledge of the falsity of the misrepresentation or concealment.

(c) A party or a licensee is not liable for a misrepresentation or a concealment of a material fact made by a subagent in a real estate transaction unless the party or licensee knew of the falsity of the misrepresentation or concealment and failed to disclose the party's or licensee's knowledge of the falsity of the misrepresentation or concealment.

(d) The provisions of this section shall prevail over common law and any other law. This section does not diminish a real estate broker's responsibility for the acts or omissions of the broker's salespersons associated with or acting for the real estate broker, as provided by Section 1 of this Act.

(e) In this section, "licensee," "subagent," and "party" have the meaning assigned to those terms by Section 15C of this Act.

this section supersede

discussion occurs with
ing that occurs at a
ing that occurs after

TO: CARES
FROM: G.R. ESCHBACHER

SEX OFFENDER COMMUNITY
NOTIFICATION LAWS

"In recent years, sex offender registration laws have attracted wide-spread attention and support. Thirty eight states have enacted such statutes, and remaining states must adopt sex offender registration laws to avoid cutbacks in federal funding. The statutes require convicted sex offenders to register with police when moving into a community or changing their address. Most states limit access to sex offender registration data to the police who lack the time and resources to verify and update the tremendous volume of information that sex offender registration generates. The result is an unwieldy data base with little practical utility" California Law Review, Vol 83:885.

AS 12.63.010 requires sex offender registration in Alaska. There is no reason to believe that the comments set out in the California Law Review article are any less true in Alaska.

Because of the potential for an inaccurate list of sex offenders, as well as inaccuracies in their most current address, requiring real estate agents to disclose "known sex offenders in the area", runs a severe risk. Some of the problems are as follows:

1. The offender may have moved and not changed his/her address. Thus the agent may identify a person at an address as an offender from a non-updated list who no longer lives at the address.

2. Identifying a person as an offender when they are not currently living at the address, then unfairly devalues the property of the seller.

3. If the person living at the address learns he/she has been confused with a sex offender who previously lived there, he/she could entertain an action against the agent for slander.

4. If a sex offender has moved into the area and not registered, then the agent has absolutely no way to notify the prospective buyer. The buyer is given a false sense of security.

To require an agent to take on a law enforcement task is totally outside the scope of the agents field of responsibility. It is a police function and agents should not be made policemen.'

'Should apartment owners be required to monitor sex offender lists and notify prospective tenants? What about commercial space?

Audit Report

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
REAL ESTATE SURETY FUND

SEPTEMBER 9, 1998



Audit Control Number:

08-4575-98

Division of Legislative Audit
P.O. Box 113300, Juneau, Alaska 99811-3300

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Juneau or Anchorage.

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ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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FAX (907) 465-2347
Internet e-mail address:
legaudit@legis.state.ak.us

September 9, 1998

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
REAL ESTATE SURETY FUND

September 9, 1998

Audit Control Number

08-4575-98

The primary objective of this audit is to summarize real estate surety fund revenues and expenditures for FY 93 through FY 98. We prepared a schedule summarizing revenues by source and expenditure by category. Additionally, the audit determined the existence and composition of operational overhead costs and legal expenditures charged by the Department of Law or the Division of Occupational Licensing.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section.

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

TABLE OF CONTENTS

	<u>Page</u>
Objectives, Scope, and Methodology	1
Organization and Function	3
Background Information.....	5
Report Conclusions.....	7
Findings and Recommendations	9
Schedule of Revenue, Expenditures, and Changes in Fund Balance	11
Notes to the Schedule of Revenue, Expenditures, and Changes in Fund Balance.....	14
Agency Response:	
Department of Commerce and Economic Development	23
Legislative Auditor's Additional Comments	27

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we conducted an audit of the real estate surety fund administered by the Real Estate Commission with the assistance of the Division of Occupational Licensing, Department of Commerce and Economic Development.

Objectives

The objectives of the audit were as follows:

- Identify and report real estate surety fund revenues and expenditures.
- Classify revenues and expenditures by funding source and category of expenditure. We were specifically directed to summarize expenditure classifications to include personal services, contracts, publication expenditures, and investigation expenditures.
- Report contract expenditure information concerning person/firm awarded contract, purpose, and amount.
- Identify the type and cost of publications.
- Determine if overhead operating costs were charged to the fund and what the charges represented.
- Identify the nature of expenditures charged to the fund by the Department of Law for work done on behalf of the real estate surety fund.

Scope

All expenditures and revenues paid/received directly or indirectly by the real estate surety fund were included in our scope. Our review encompassed FY 93 through FY 98.

Methodology

Another auditor, under contract, at our direction and supervision conducted the majority of this review. We followed professional standards in determining the auditor's work was independent and competent.

To accomplish the audit objectives, the following documents were reviewed and discussions held:

- Pertinent sections of state statutes and regulations.

- Prior audits conducted by our office and the Office of the Governor, Office of Management and Budget.
- Reports on real estate surety fund revenue, expenditures and fund balance based on information provided by the State's accounting system and payroll system (AKSAS and AKPAY).
- Interviews with staff of the Division of Occupational Licensing, Department of Commerce and Economic Development.
- Interviews with administrative staff of the Real Estate Commission and the Division of Administrative Services, Department of Commerce and Economic Development.
- Reports listing real estate surety fund financial activity prepared by staff of the Division of Occupational Licensing.
- Supporting documentation for select expenditures was reviewed to gain assurance that expenditures were properly classified.

ORGANIZATION AND FUNCTION

Department of Commerce and Economic Development (DCED)

The mission of the Department of Commerce and Economic Development is to work with the private sector and Alaskan communities to create new jobs for Alaskans, strengthen Alaska's competitiveness in the world marketplace, and maintain a fair and consistent business regulatory environment in the State. DCED has established the Division of Occupational Licensing to help maintain a fair and consistent business regulatory environment in the State.

Division of Occupational Licensing

The Division of Occupational Licensing (OL) provides administrative and investigatory assistance to several occupational boards and commissions, including the Alaska Real Estate Commission. Administrative assistance includes budgetary services and functions such as: collecting fees, maintaining files, receiving and distributing application forms, and publishing notice of examinations and meetings. On its own initiative or in response to a complaint, OL may conduct an investigation if it appears a person has engaged or is about to engage in a practice over which OL has authority. OL can issue an order that the person stop the practice, bring an action in Superior Court to enjoin the act, examine the books and records of an individual, and issue subpoenas for the attendance of witnesses and records.

Real Estate Commission

The Alaska Real Estate Commission (AREC) was established by and operates under Title 8, Chapter 88 of the Alaska Statutes. It is a regulatory commission consisting of five real estate brokers or associate brokers and two public members. AREC regulates persons licensed as real estate brokers, associate brokers, and salespersons by:

- Examining and issuing licenses to qualified applicants.
- Establishing or amending rules and regulations necessary to enforce State statutes.
- Holding hearings to revoke or suspend the license of a person violating real estate statutes or regulations.
- Prosecuting, through the Department of Law, violations of real estate statutes and regulations.

AREC also conducts a variety of educational activities such as clinics, meetings, and seminars for the purpose of raising the standards of the real estate profession and improving the competency of its various licensees.

CORRECTION

THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

ORGANIZATION AND FUNCTION

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- Establishing or amending rules and regulations necessary to enforce State statutes.
- Holding hearings to revoke or suspend the license of a person violating real estate statutes or regulations.
- Prosecuting, through the Department of Law, violations of real estate statutes and regulations.

AREC also conducts a variety of educational activities such as clinics, meetings, and seminars for the purpose of raising the standards of the real estate profession and improving the competency of its various licensees.

In addition to an application or renewal fee, licensees must pay a surety fund fee when obtaining or renewing their license. These fees are deposited in the real estate surety fund.

Real Estate Surety Fund

The real estate surety fund (RESF) also operates under Title 8, Chapter 88 of the Alaska Statutes. It was established in the late 1970s to finance real estate education and to reimburse losses suffered as a result of certain unlawful actions of real estate brokers, associate brokers, and salespersons. The RESF is primarily funded through fees paid by brokers, associate brokers, and sales people when obtaining or renewing a real estate license. Fees are paid in lieu of purchasing individual fidelity bonds. The Real Estate Commission administers the fund and sets the surety fee.

Real estate licensees must renew their license every two years. Accordingly, the surety fund receives a large influx of revenue every two years. Expenses for real estate education and claims are paid from the fund annually.

BACKGROUND INFORMATION

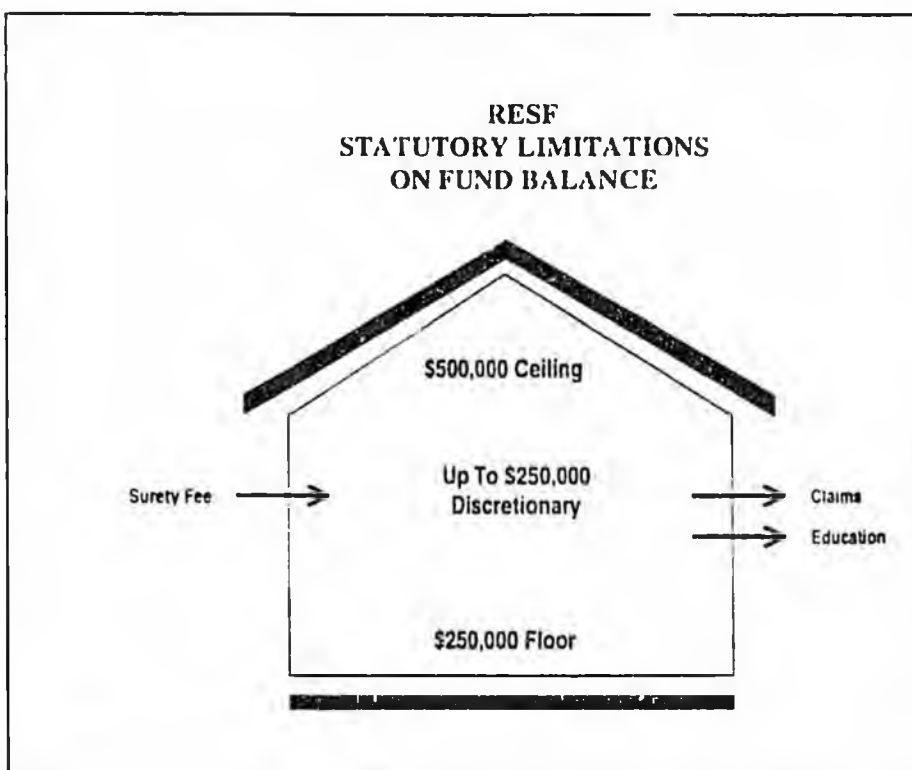
Statutory Prohibitions

Alaska Statute 08.88.450 and 08.88.455 address the Real Estate Surety Fund's (RESF) balance and the surety fee. Alaska Statute 08.88.455 states.

(a) A licensed real estate broker, associate broker, or salesman when obtaining or renewing a real estate license, in lieu of obtaining a corporate surety bond, shall pay to the commission in addition to the license fee, a surety fund fee not to exceed \$125. After the fund reaches \$250,000 the commission shall by regulation adjust the surety fund fees so that, taking into account anticipated expenditures for claims against the fund and real estate educational purposes, the fund is maintained at a level not less than \$250,000.

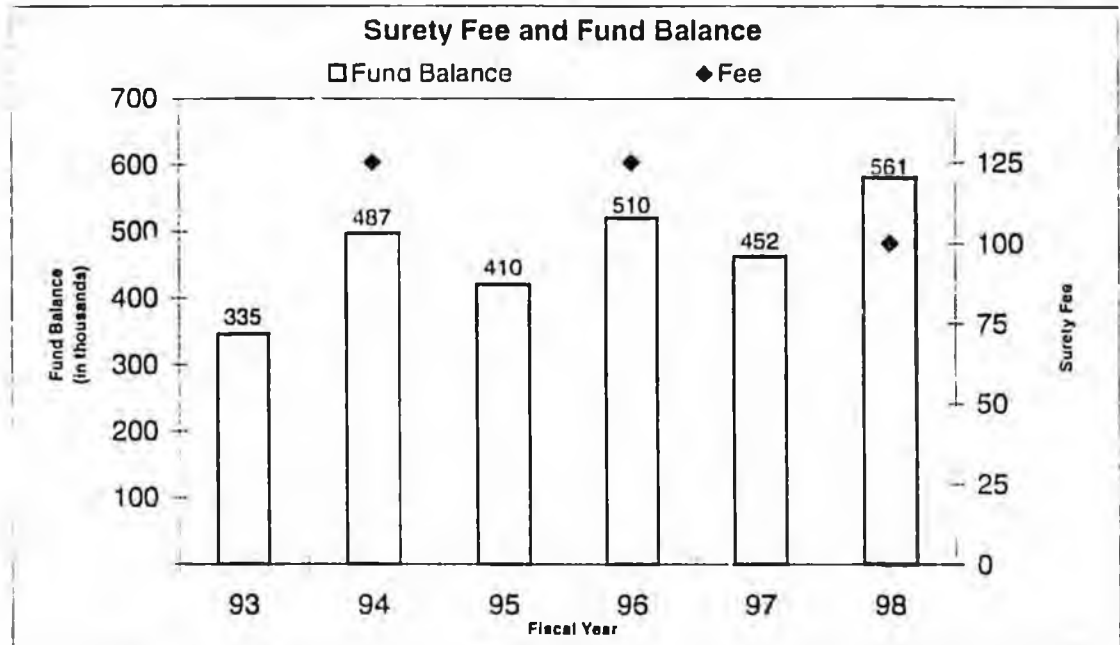
Essentially, this statute requires the fund be maintained at a level no less than \$250,000. In the diagram at right, this represents the fund's floor. Alaska Statute 08.88.450 establishes the ceiling of the fund at \$500,000. Any fund balance greater than the floor of \$250,000 but less than the ceiling of \$500,000 may be used to pay claims against the RESF and to fund education for real estate professionals.

The surety fee is set by the Real Estate Commission. It is capped at \$125 but may be adjusted downward by the commission as long as the fund is maintained at a level that can pay claims against it without going below the minimum fund balance of \$250,000. The Real Estate Commission is also responsible for approving education expenditures and claims.



Surety fee versus fund balance for FY 93 through FY 98

The following table compares the surety fee paid by the real estate profession with the corresponding RESF balance over the period of our review.



The scope of our review covers three licensing periods, FYs 94, 96 and 98. The table above shows that the fund balance exceeded \$500,000 in FY 96 and FY 98. In FY 96, the Real Estate Commission was misinformed that the RESF was close to the \$500,000 cap, but had not exceeded it. To prevent the fund from exceeding \$500,000 during the next licensing period, (FY 98 and FY 99) the commission reduced the surety fee from \$125 to \$100 (see Recommendation No. 2).

RESF Expenditures

The RESF was established to finance real estate education and to reimburse losses suffered as a result of certain unlawful actions of real estate brokers, associate brokers, and salespersons. Expenditures paid for by the RESF include personal services charges, educational publications, workshops and training events, related travel, and claims. Hearing costs are only allowable expenditures if the claimant was successful. No overhead charges, such as rent or utilities, or Department of Law charges were paid for by the fund during the scope of our review.

REPORT CONCLUSIONS

The Schedule of Revenue, Expenditures, and Changes in Fund Balance on page 11, classifies revenues and expenditures according to funding source and type of expenditure. Detail information regarding personal services, travel, contractual/publications, equipment, and claims are presented as notes to the schedule beginning on page 14. We determined that no overhead operational costs were charged to the fund. Additionally, we found no costs billed by the Department of Law were charged to the fund.

Our review also concluded that the surety fund's balance exceeded the statutory limitation of \$500,000 in two of the fiscal years included in our scope. According to an advisory memorandum from the Attorney General's Office, any real estate surety fund monies in excess of the \$500,000 cap should lapse into the General Fund. To prevent this fund from exceeding \$500,000 in the future, we recommend that the director of the Division of Occupational Licensing improve accounting procedures and administrative oversight of the fund (see Recommendation No. 1). We further recommend that the Real Estate Commission improve the methodology it uses to set the surety fee (see Recommendation No. 2).

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FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The director of the Division of Occupational Licensing should improve administrative oversight of the real estate surety fund (RESF) and should ensure the fund's balance in excess of \$500,000 lapses into the General fund.

As discussed in Background Information, Alaska Statutes prohibit the RESF's balance from exceeding \$500,000. The Schedule of Revenue, Expenditures and Changes to Fund Balance on page 11 shows that the RESF's balance exceeded \$500,000 in FY 96 and FY 98. The executive secretary of the Alaska Real Estate Commission (AREC) and staff with the Division of Occupational Licensing were not aware that the fund's balance exceeded the statutory limitation. Additionally, there was confusion as to whose responsibility it was to monitor the fund's balance.

AREC is statutorily responsible for administering the surety fund. It does so with the administrative assistance of the Division of Occupational Licensing and the assistance of the Division of Administrative Services'¹ fiscal staff. Organizationally, the Division of Occupational Licensing is in the best position to facilitate communication between itself, the Division of Administrative Services, and AREC. We recommend the director of the Division of Occupational Licensing improve administrative oversight over RESF and ensure that AREC is kept informed of the fund's balance.

According to an attorney general's advisory memorandum dated January 12, 1994,² any monies in excess of the \$500,000 statutory limitation should be considered unrestricted receipts and lapse in to the General Fund. Hence, we recommend that the director of the Division of Occupational Licensing take steps to transfer excess monies in RESF as of the end of FY 98 to the General Fund.

Recommendation No. 2

AREC should improve the methodology it uses to set the surety fee.

AREC is statutorily responsible for setting the real estate surety fee -- the primary funding source for RESF. Members of the real estate profession pay the fee in lieu of obtaining a corporate surety bond. The surety fund also supports real estate education.

¹ The Division of Administrative Services, as referenced here, is part of the Department of Commerce and Economic Development.

² The advisory memorandum referenced can be obtained from the Department of Law by requesting file number 663-94-0204.

Setting the surety fee at a level that allows the fund to fulfill its objectives without exceeding or falling below its statutory limitations is an imprecise task. The amount of revenue needed depends upon the amount of claims and education expenditures the fund is estimated to pay. Revenues are mainly generated when licensees renew every other year. Education expenditures are relatively constant from year to year while claims expenditures can be volatile, as demonstrated by almost no claims expenditures in FY 97 and FY 98.

At the end of the past two license renewal years, FY 96 and FY 98, the surety fund's balance has exceeded the \$500,000 statutory ceiling. Alaska Statute 08.88.450 prohibits the fund from exceeding \$500,000. Additionally, A.S. 08.88.455 (a) states, in part.

After the fund reaches \$250,000 the commission shall by regulation adjust the surety fund fees so that, taking into account anticipated expenditures for claims against the fund and real estate educational purposes, the fund is maintained at a level not less than \$250,000.

During FY 96, AREC was misinformed that RESF was close to the \$500,000 cap but had not exceeded it. AREC reduced the surety fee for the FY 98 licensing period from \$125 to \$100 based on assumptions that included incurring \$168,000 of education expenditures and \$100,000 of claims in FY 98 and the perception that the surety fund's balance was close to \$500,000. During FY 98, only \$98,534 was spent on education and only \$1,500 on claims. Consequently, the fund's balance exceeded \$500,000 in FY 98 even after the surety fee was lowered. We believe that an improvement in administrative oversight and communication will provide AREC better information regarding fund balance. We recommend that AREC utilize available information and improve the methodology it uses to set the surety fee to better reflect historical expenditure activity. An improvement in methodology is needed to prevent monies from exceeding the \$500,000 RESF ceiling.

If, after the excess surety fund balance is lapsed into the General Fund and the methodology used to set the surety fee is improved, AREC still finds that statutory limitations are not practical given the revenue cycle of the fund, it may wish to pursue a statutory change. A statutory limitation that sets the maximum fund balance based on the average over a two-year period would make AREC's fee-setting responsibilities somewhat easier.

Schedule of Revenue, Expenditures, and Changes in Fund Balance
Fiscal Years Ended June 30, 1993 through June 30, 1998

	Fiscal Year 1993	Fiscal Year 1994	Fiscal Year 1995	Fiscal Year 1996	Fiscal Year 1997	Fiscal Year 1998
BEGINNING FUND BALANCE	<u>\$ 523,498</u>	<u>\$ 334,830</u>	<u>\$ 486,858</u>	<u>\$ 410,085</u>	<u>\$ 509,718</u>	<u>\$ 451,904</u>
REVENUE:						
Licensing	37,670	281,082	37,550	273,125	30,290	206,080
Claims Filing Fees	3,500	2,750	3,000	2,500	2,500	2,750
Claims Reimbursements	-	-	1,905	1,223	-	-
Other	7,075	4,700	-	-	-	-
Subtotal Revenue	<u>48,245</u>	<u>288,532</u>	<u>42,455</u>	<u>276,848</u>	<u>32,790</u>	<u>208,830</u>
EXPENDITURES:						
Personnel (Note 1)	85,554	80,852	67,801	70,328	71,304	70,507
Travel (Note 2)	3,581	3,167	7,744	4,763	2,734	3,769
Contractual (Note 3)	11,446	13,827	17,096	30,819	11,112	23,432
Commodities	435	1,765	1,592	5,160	625	698
Equipment	-	625	-	17,115	2,253	128
Subtotal Education Expenditures	<u>101,016</u>	<u>100,236</u>	<u>94,233</u>	<u>128,185</u>	<u>88,028</u>	<u>98,534</u>
Claims (Note 4)	<u>87,813</u>	<u>36,268</u>	<u>24,995</u>	<u>49,030</u>	<u>2,576</u>	<u>1,500</u>
Subtotal Expenditures	<u>188,829</u>	<u>136,504</u>	<u>119,228</u>	<u>177,215</u>	<u>90,604</u>	<u>100,034</u>
NET INCREASE/ (DECREASE) TO FUND BALANCE.	(140,584)	152,028	(76,773)	99,633	(57,814)	108,796
Extraordinary Adjustment (Note 5)	(48,084)	-	-	-	-	-
ENDING FUND BALANCE (Note 6)	<u>\$ 334,830</u>	<u>\$ 486,858</u>	<u>\$ 410,085</u>	<u>\$ 509,718</u>	<u>\$ 451,904</u>	<u>\$ 560,700</u>

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TABLE OF CONTENTS
NOTES TO THE SCHEDULE OF RECEIPTS, EXPENDITURES, AND FUND BALANCE
Fiscal Years Ending June 30, 1993 through June 30, 1998

Note 1: Personal Services	14
Note 2: Travel	14
Note 3: Contractual	15
Note 4: Claims	17
Note 5: Extraordinary Adjustments to Fund Balance	20
Note 6: Fund Balance	21

REAL ESTATE SURETY FUND
 NOTES TO THE SCHEDULE OF REVENUE, EXPENDITURES AND FUND BALANCE
 Fiscal Years Ending June 30, 1993 through June 30, 1998

NOTE 1: PERSONAL SERVICES

Six individuals' personal service costs were paid by the fund over the period of our review. The individual and related personal service costs by fiscal year is presented in the following table.

Person and Position	FY 93	FY 94	FY 95	FY96	FY97	FY 98	Total
Grayce Oakley, Administrative Secretary	\$ 21,212	\$ 7,753	\$ 3,467	\$ 3,877	\$ 5,662	\$ 4,447	\$ 46,418
Terry McGillivray, Publications Specialist	64,342	62,904	61,737	66,375	65,597	66,060	387,015
Francis Flavin, Hearing Officer	-	3,165	1,961	-	45	-	5,171
Elizabeth Johnson, Hearing Officer	-	5,195	-	-	-	-	5,195
Teri Yaeger, Administrative Assistant	-	1,835	-	-	-	-	1,835
Donald Faulkenbury, Investigator	-	-	636	76	-	-	712
Total Personal Services	\$ 85,554	\$ 80,852	\$ 67,801	\$ 70,328	\$ 71,304	\$ 70,507	\$446,346

NOTE 2: TRAVEL

The table starting on the next page lists the individuals incurring significant travel costs during the period of our review. The information is summarized by fiscal year and represents payment directly to the person listed. We did not research travel payments made to third parties, such as American Express, to determine which person's travel the payments related to.

Person and Position	FY 93	FY 94	FY 95	FY96	FY97	FY 98	Total
Grayce Oakley, Administrative Secretary	\$ 586	\$ 601	\$ -	\$ 716	\$ 637	\$ -	\$ 2,540
Terry McGillivray, Publications Specialist	2,995	1,885	5,168	2,069	1,021	1,479	14,617
Elizabeth Johnson, Hearing Officer	-	226	-	-	-	-	226
Terence Duszynski, Public Commission Member	-	-	379	-	-	-	379
Anita Bates, Agency Taskforce Member	-	-	-	-	140	-	140
Larry Spencer, Agency Taskforce Member	-	-	-	-	385	-	385
Total Travel	\$ 3,581	\$ 2,712	\$ 5,547	\$ 2,785	\$ 2,183	\$ 1,479	\$ 18,287

NOTE 3: CONTRACTS

Below are listed the significant disbursements by fiscal year to individuals or organizations receiving contracts and a brief summary of the scope of work involved.

Fiscal Year	Contractor	Scope of Work	Amount
FY 93	Alaska Specialized Education and Training Services, Inc.	Print and mail Alaska Real Estate Newsletters.	4,621
93	Alaska Art Print Company Inc.	Print landlord tenant book	4,210
93	Gaylene Larrecou	Indeterminate. Records supporting expenditure were not maintained	1,008
93	National Association of Real Estate License Law Officials	Education conference registration fees	196
Subtotal FY 93			\$ 10,035

FY 94	U.S. Postal Service	Bulk mailing permit for newsletters.	2,075
94	Alaska Specialized Education and Training Services, Inc.	Print and mail Alaska Real Estate Newsletters	10,606
94	Ragan Communications	Subscriptions	119
94	Common Communications	Subscriptions	127
94	National Association of Real Estate License Law Officials	Education conference registration fees	715
Subtotal FY 94			\$ 13,642

FY 95	Royce and Associates	Co-sponsored instructor development workshop	3,750
95	Alaska Specialized Education and Training Services, Inc.	Print and mail Alaska Real Estate Newsletters	1,546
95	A T Publishing CO	Print book, Landlord and Tenant Act: What it Means to You	6,298
95	Common Communications	Subscriptions	132

Fiscal Year	Contractor	Scope of Work	Amount
FY 95 (cont.)	National Association of Real Estate License Law Officials	Education conference registration fees	345
Subtotal FY 95			<u>\$ 12,071</u>

FY 96	Royce and Associates	Co-sponsored instructor development workshops	9,600
96	Winter Harbor Enterprises	Workshop entitled "Educating For Character: Teaching Your Real Estate Students to Tell Right from Wrong"	3,277
96	U.S. Postmaster	Bulk mailing permit for newsletters	2,000
96	Alaska Specialized Education and Training Services, Inc.	Print and mail Alaska Real Estate Newsletters	5,022
96	Ragan Communications	Subscriptions	395
96	Common Communications	Subscriptions	147
96	AT publishing, Inc.	Print landlord and tenant booklets	6,393
96	Yardi Systems, Inc.	Property management software program	1,325
96	Anchorage Hilton	Training workshop room rental	1,560
96	Association of Real Estate License Law Officials	Education conference registration fees	1,042
Subtotal FY 96			<u>\$ 30,761</u>

FY 97	Imig audio video	Videotaping services of commission meeting	935
97	U.S. Postal Service	Bulk mailing permit for newsletters	2,285
97	Alaska Specialized Education and Training Services, Inc.	Print and mail Alaska Real Estate Newsletters	4,550
97	Ragan Communications	Subscriptions	498
97	Common Communications	Subscriptions	147
97	Association of Real Estate License Law Officials	Education conference registration fees	550
97	Real Estate Educators Association	Conference registration, meals, and hotel	1,264
Subtotal FY 97			<u>\$ 10,229</u>

Fiscal Year	Contractor	Scope of Work	Amount
FY 98	Jerry Royse	Intermediate and Advanced Instructor Development Workshop	7,935
98	Geewon Anderson	Interpreter services for Korean claimant	2,338
98	University of Alaska	Seminar facility costs	3,317
98	Julie Garten-Good	Instructor for distance learning tools and techniques seminar	3,194
98	Alaska Specialized Education and Training Services, Inc.	Print and mail Alaska Real Estate Newsletters	5,282
98	Real Estate Educators Association	Conference registration, meals, and hotel	415
Subtotal FY 98			\$ 22,481

NOTE 4: CLAIMS

The following table lists claims paid by the surety fund by fiscal year and the circumstances necessitating the claim.

FY 93

- Claims 87-016, 87-017, 87-018, 87-021: amounts paid \$9,546, \$7,994, \$10,250, \$8,773, respectively. These four were all customers to whom a broker made intentional misrepresentations concerning the number of closed sales, and therefore the eligibility for Alaska Housing Finance Corporation financing on properties in the Timberridge project in Eagle River. The losses were discovered in 1985, and the claims were all filed more than one year after the discovery of the loss as required by regulation at that time. They were denied based on that "statute of limitations" regulation. These claims were joined with another claim filed and appealed to the Alaska Supreme Court challenging that regulation. The decision rendered in October 1991 is commonly known as the Warner decision. The four claims against the broker were also remanded to the commission and ultimately paid in July of 1992.
- Claim 92-007: amount paid \$10,250. The claimant was one of ten investors in a joint venture group to purchase property in the Talkeetna recording district. The broker and one other person were responsible for managing the joint venture. The property was purchased; the investors made quarterly payments to the broker who deposited them in a trust account established exclusively for this joint venture and made payments on the note executed with the purchase of the property. This continued from 1980 through 1986. When some of the investors stopped making their quarterly payments, the other investors were not notified and continued to make payments until they were notified of a judicial

foreclosure. The broker's records were introduced at the hearing by his widow and son; there was no evidence that the broker misappropriated any of the monies that were paid into the joint venture, but neither was there any attempt to inform the investors of the actual status. The claims were paid based on fraud, deceit, and intentional misrepresentation.

- Claims 92-008, 93-003, 93-004: amounts paid \$10,250, \$10,250, and \$10,250, respectively. The licensee in this claim accepted money from several people for the same property and made intentional misrepresentations to the parties about the true status of title to the property as well as his conflict of interest. All four bases for payment were present in the scenarios presented at the hearings.
- Claims 92-005: amount paid \$10,250; \$20,000 in earnest money was paid on a transaction that included purchase of a particular piece of land and construction of a log home on that property by the broker who also agreed to build the home. The money was never deposited in the broker's trust account, the property never purchased, and the home never built.

FY 94

- Claim 94-004: amount paid \$10,250. See Claim 92-007 above.
- Claim 93-005: amount paid \$3,389. The claimant filed this claim when a check from the broker's general operating account for funds due at closing were repeatedly returned NSF. According to the terms of the agreement, the broker's commission was to be applied toward the down payment for the home being purchased by his son. All parties were informed and agreed to this, so there was no failure to disclose a conflict of interest; however, it was determined that it was intentional misrepresentation for the broker to present a check to the title company knowing that there were insufficient funds to cover it. It was not deemed conversion, because there was no evidence that any money was ever deposited toward this purchase.
- Claims 93-007, 93-011, 93-013, 93-015. Amounts paid \$4,398, \$1,340, \$7,793, and \$3,547 respectively. The circumstances of these claims are almost identical; all are against one broker whose firm concentrated on providing property management services. After several years with no complaints, within a very short period of time four claims alleging conversion of trust funds were filed. All claims were uncontested but claimants produced records provided by tenants to substantiate that the monies had been paid to the broker but not appropriately disbursed.
- Claim 93-006: amount paid \$5,551. Broker managed property for this out of town owner for several years. For the property in question, there was no written management agreement. In the subject transaction, the broker was (1) arranging for a sale of a condo unit, (2) arranging for purchase of a house, and (3) continuing to manage multiple properties for this same owner. As a result of a complicated set of intentional misrepresentations, fraudulent activity, failure to disclose personal conflict of interest

circumstances and conversion of rent/security deposit money, the owner was damaged in the amount of \$4,625.

FY 95

- Claim 94-003: amount paid \$2,734. This claim resulted from a dispute over an earnest money agreement which was to become nonrefundable in lieu of a security deposit when the potential purchasers took early occupancy of the property. Ultimately, the transaction failed because of misrepresentations about the condition of the foundation; however, the dispute over whether or not the non-refundable upon early occupancy provision was valid resulted in this claim.
- Claim 94-009: amount paid \$10,161. The broker, operating on an oral contract to manage eight units of rental property in Wasilla for an owner who resided in Seward, collected rents and security deposits. The owner became dissatisfied with the accounting he was receiving from the broker, terminated the management contract with him, and engaged another licensee to manage his property. When the new manager tried to meet with the first broker to arrange for a transfer of security deposits, keys and property records, he did not show for the meeting, and had actually left the State.
- Claim 93-009: amount paid \$5,814. This claim was awarded for conversion of monies held in trust for property management transactions; the owner/claimant had multiple units that were being managed by the broker, and produced convincing evidence that the monies were converted to the personal use of the broker. This same broker was also responsible for other claims described separately because the circumstances of each transaction were different.
- Claim 94-008: amount paid \$5,786. The circumstances of these claims are almost identical; all are against one broker whose firm concentrated on providing property management services. After several years with no complaints, within a very short period of time four claims alleging conversion of trust funds were filed. All claims were uncontested but claimants produced records provided by tenants to substantiate that the monies had been paid to the broker but not appropriately disbursed.
- The remaining amount of claims expense of \$500 represents filing fees in accordance with A.S. 08.88.460(d) for claims that were either settled by the parties or withdrawn by the claimant prior to going to a hearing.

FY 96

- Claims 93-008 and 95-001. Amounts paid \$9,667 and \$30,250 respectively. Both of these claims involved conversion of rents and security deposits by the same broker. Claim 93-008 resulted from one management contract involving several units; In Claim 95-001 the plaintiff presented a court judgment in his favor against the licensee which showed a pattern of fraud also being practiced by the licensee. When he was unable to collect on the judgment, a claim was filed. Because there were three distinct transactions described in the judgment, an award of \$30,000 was filed.

- Claim 94-011: amount paid \$9,113. This transaction involved the sale of the personal residence of a licensee; the fact that it belonged to the licensee was disclosed, but evidence was presented that the nature and extent of the remodeling to the house as well as the adequacy of improvements to the well and septic system was intentionally misrepresented.

FY 97

- Claim 94-005: amount paid \$1,826. This claim involves a Juneau property that was the subject of an earlier claim against a different licensee in an earlier transaction. The earlier claim was denied because the licensee involved was able to show that the proper information had been made to the purchasers, but ignored by them. In this transaction, the licensee not only had current reports but also the ones from the earlier transaction; the failure to disclose information included in them was deemed to be intentional misrepresentation. The transaction did not close, so the damages were limited to the expenses incurred by the claimant during the same time attempts were being made to close the transaction.
- The remaining amount of claims expense of \$750 represents filing fees in accordance with A.S. 08.88.460(d) for claims that were either settled by the parties or withdrawn by the claimant prior to going to a hearing.

FY 98

- The amount of claims expense of \$1,500 represent filing fees in accordance with A.S. 08.88.460(d) for claims that were either settled by the parties or withdrawn by the claimant prior to going to a hearing.

NOTE 5: EXTRAORDINARY ADJUSTMENT TO FUND BALANCE

To facilitate accounting for the real estate surety fund education related expenditures, the amount of the annual education appropriation is transferred from the real estate surety fund to the General Fund. During the year, expenditures are recorded in the general fund. At the end of the fiscal year, the unexpended balance of the education appropriation is transferred back to the real estate surety fund.

In FY 93, the unexpended balance of the education appropriation was not transferred back into the real estate surety fund. This decreased the fund's balance by \$48,245. According to an Office of Management and Budget audit report, the education appropriation was not transferred in FY 93 to the General Fund even though related expenditures were recorded in the General Fund. This was adjusted by not transferring back the unexpended education appropriation in FY 92 and FY 93. Considering the three-year period, there is no material liability between the General Fund and real estate surety fund.

NOTE 6: FUND BALANCE

Alaska Statute 08.88.450 prohibits the RESF balance from exceeding \$500,000. The Schedule of Revenue, Expenditures, and Changes to Fund Balance on page 11 shows fund balance exceeded \$500,000 in two fiscal years, 1996 and 1998. There is confusion among Real Estate Commission administrative staff, Division of Occupational Licensing staff, and Division of Administrative Services fiscal staff regarding who should be monitoring the fund's balance. An AG's Advisory Memorandum dated January 12, 1994 states:

...under AS 37.05.146 and general principles of public finance law, any monies received by the fund which would exceed the \$500,000 cap are unrestricted receipts which lapse to the general fund.

The fund's balance exceeded \$500,000 by approximately \$10,000 in FY 96 and no action was taken to lapse these excess monies. FY 97 was not a licensing year. Revenue was relatively low and fund balance was within its statutory limit. Fiscal Year 1998 was another licensing year and the fund's balance exceeded \$500,000 by approximately \$60,000. As of the date of this report, the excess monies have not been lapsed into the general fund. See Recommendation No. 1.

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DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

P.O. BOX 110800
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500
FAX: (907) 465-5442
TDD: (907) 465-5437

October 27, 1998

Ms. Pat Davidson
Legislative Audit
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3830

RECEIVED
OCT 28 1998
LEGISLATIVE AUDIT

Dear Ms. Davidson:

Thank you for the opportunity to respond to the preliminary audit report on the Department of Commerce and Economic Development, Division of Occupational Licensing, Real Estate Surety Fund (audit control number 08-4575-98). Each recommendation and the department's response to each are discussed below.

Recommendation No. 1: The director of the Division of Occupational Licensing should improve accounting procedures and administrative oversight of the real estate surety fund (RESF) and should ensure the fund's balance in excess of \$500,000 lapses into the General Fund.

Department's Response – Part 1: The accounting procedures and oversight are sufficient. The Division neither spends nor receipts money directly into the RESF. To do so would understate the Division's annual operating expenses, circumvent the budget process, and allow the spending of the RESF cash balance without an appropriation.

The RE Commission's annual estimate of education expenses and claim settlements are reflected in the Division's operating budget and further identified as being funded from the RESF. Subsequently, at the beginning of the fiscal year, the identified amount of cash is transferred from the RESF to the Division's operating appropriation. Then throughout the fiscal year, actual expenses and new fees collected from the industry are recorded in the Division's operating appropriation. Once the fiscal year closes on August 31st the Division of Administrative Services performs a reconciliation (included as Attachment A) and the excess revenue is transferred to the RESF.

The current practice of reflecting the RE Commission educational expenses and claim settlements in the Division's operating budget is based on previous audits and reviews. It also ensures legislative, budgetary and appropriation controls.

Department's Response – Part 2: The current lapsing requirement assumes that licenses are renewed annually and the resulting revenue is consistent across years. This is incorrect. License renewals are on a two-year cycle. Consequently, there are drastic fluctuations in the revenue from year to year. In 1996 the revenue was \$276,848; 1997 was \$32,790; 1998 was \$208,820; and since 1999 is a non-renewal year revenue is projected at \$30,000.

The Department contends that the lapsing requirement should be based on the two-year renewal cycle. To view each year separately actually penalizes the Division for efficiencies gained in

implementing a two-year renewal cycle. It also jeopardizes the solvency of the RE Surety Fund in the non-renewal years. As stated in the previous paragraph, the projected revenue for 1999 is only \$30,000.

Recommendation No. 2: AREC should improve the methodology it uses to set the surety fee.

Department's Response: In 1997 the RE Commission reduced the Surety Fee from \$125 to \$100. It was the first change since 1990. Since any change had to be reflected on the November 1997 renewal forms and would first require a regulatory change, the Division had to provide a projection (Attachment B) of RESF financial activity in July 1997.

In preparing the projection, the Division made several assumptions. The Division estimated that during FY98 that (1) the \$103,000 in outstanding claims against the RESF would be paid; (2) that the \$163,800 authorized for FY98 educational expenses would be used; and (3) there would be 2,100 renewals. Four scenarios, reflecting four different fees and the resulting RESF balance were presented and are reflected on Attachment B. The RE Commission selected the \$100 fee that projected a \$400,000 RESF balance.

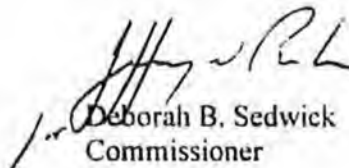
In reality, only \$1,500 in claims and \$98,534 in educational expenses were incurred in FY98. Consequently, as of June 30, 1998, one year after the initial projections, the RESF balance was greater than anticipated. At best, predicting expenses a year in advance is difficult. Further, as reflected on Legislative Audit's schedule, claims have ranged from \$87,000 to \$1,500 annually. To maintain the solvency of the RESF, the Division and RE Commission took a conservative approach when projecting, assuming the worse case scenario.

Additionally, the flow of revenue into the RESF is not consistent. Renewal fees, which comprise the majority of the revenue, are received only every other year. Consequently, the division and the RE Commission were faced with the challenge of receiving enough revenue in FY98 to maintain the solvency of the RESF through FY98 and FY99, a non-renewal year.

The Department contends that to view just FY98 is misleading. To truly determine whether the fee methodology is or is not reasonable, both FY98 and FY99, one complete cycle must be reviewed.

Conclusion: The Department contends that the statutory limitation is not practical and the lapsing requirement should be based on the full two-year cycle which would then captures both a renewal and non-renewal year. In an attempt to resolve this issue the Department will (1) request a supplemental appropriation which states that the balance of the RESF in excess of \$500,000 at the close of FY98 be re-appropriated back to the RESF; (2) request a section be inserted in the annual appropriations bill which states that, at the close of a fiscal year, any monies in excess of \$500,000 which lapse from the RESF to the General Fund be immediately re-appropriated back to the RESF; and (3) pursue a statutory change that would establish the maximum RESF balance be based on the two-year renewal cycle.

Sincerely,


Deborah B. Sedwick
Commissioner

Attachment A

Department of Commerce and Economic Development
 Division of Occupational Licensing
 Real Estate Surety Fund

Description	Operating Appropriations		Surety Fund 11121
	29704-98	29704-99	
Beginning Cash Balance 7/1/97			451,904
Authorized in Occupational Licensing's Operating Appropriation for:			
Real Estate Surety Fund Claims	100,000		-100,000
Real Estate Educational Expenses	163,800		-163,800
Real Occupational Licensing's Expenses for:			
Real Estate Surety Fund Claims	-1,500		
Real Estate Educational Expenses	-98,534		
Less To Transfer Back to the RESF	163,766		163,766
Renewal Fees Collected In FY98			0
Recorded In Occupational Licensing's Operating Appropriation Transferred to the RESF	208,580		208,580
	-208,580		
Balance as of June 30, 1998	0		560,450
Authorized in Occupational Licensing's Operating Appropriation for:			
Real Estate Surety Fund Claims		100,000	-100,000
Real Estate Educational Expenses		164,100	-164,100
Balance			296,350

RESF Projected Figures				
Date	Description	Income	Expense	Balance
8/25/97	Balance in fund			284,182.00
FY 97 est	Unused claim appropriation	97,400.00		
FY 97 est	Unused educ. appropriation	90,000.00		
				451,582.00
FY 98	Claim appropriation		100,000.00	claims pending hearing as of 6/30/97 total \$103,600
FY 98	Education appropriation		188,800.00	
				182,982.00
FY 98	Estimated renewal income			Balance would be
	2100 @ \$125	262,500.00		445,482.00
	2100 @ \$110	231,000.00		413,982.00
	2100 @ \$100	210,000.00		392,982.00
	2100 @ \$80	189,000.00		371,982.00

Projected figures for FY 98 provided to REC at July 97 meeting

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P.O. Box 113300
Juneau, AK 99811-3300
(907) 465-3830
FAX (907) 465-2347
Internet e-mail address:
legaudit@legis.state.ak.us

October 29, 1998

Members of the Legislative Budget and Audit Committee:

We have reviewed the Department of Commerce and Economic Development's (DCED) response to our audit report. Nothing contained in the response gives us cause to reconsider our findings. In part one of the response to Recommendation No. 1, DCED states the department's day-to-day accounting procedures were sufficient. While this may be the case, our recommendation involves the fiscal year end balance in the real estate surety fund compared to statutory requirements and the lack of communication between various agency personnel.

To clarify, Recommendation No. 1 finds that the balance of the real estate surety fund exceeded its statutory limitation in FY 96 and FY 98. Our recommendation that the director of the Division of Occupational Licensing improve accounting procedures and administrative oversight was based on following management deficiencies:

- (1) The executive secretary for the Alaska Real Estate Commission and staff with the Division of Occupational Licensing were not aware the fund balance exceeded the statutory limitation.*
- (2) Confusion existed among staff within DCED's Division of Occupational Licensing, Division of Administrative Services and the Real Estate Commission as to who should be monitoring the fund's balance.*

A handwritten signature in cursive script that reads "Pat Davidson".

Pat Davidson, CPA
Legislative Auditor

HB

158

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 24, 1999

FURTHER REFERRALS:

Judiciary

Date of Committee Action: APR 14, 1999

The LABOR AND COMMERCE Committee considered:

HB 158

HOUSE BILL NO. 158

NOTICE OF INS. CANCELLATION TO ELDERLY

"An Act relating to the annual report of the director of the division of insurance and to notice of cancellation of personal insurance."

recommends it be replaced with the following committee substitute CSHB 158 (L+C) [the same title
[a new title

[additional referral to _____ Committee
[attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

[fiscal note(s) _____ [fiscal note(s) _____

[zero fiscal note(s) DCED [zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Tom Rife</i>	<input checked="" type="checkbox"/>			
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	
<i>[Signature]</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE

Tom Rife

4-14-99

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 158

Revision Date/Time (Note if correction) _____ Dept. Affected Commerce & Economic Development
 Title An Act relating to the annual report of the director BRU Insurance
of Insurance and to the notice of cancellation of personal insurance Component Insurance
 Sponsor Rokeburg
 Requester _____ Component Serial No. 354

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill has no fiscal impact on this component.

Prepared by Marlaine K. Burke, Director Phone 465-2215
 Division Insurance Date/Time 4/6/99 2:32 PM
 Approved by Commissioner Deborah B. Sedwick Date 4.6.99
 Agency Commerce & Economic Development

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A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 158(L&C), Draft Version "H"

- 1 Page 2, line 27, following "mailed":
2 Insert "by certified mail"
- 3 Page 2, line 28:
4 Delete "and"
5 Insert "or"
- 6 Page 2, line 31:
7 Following "mailed":
8 Insert "by certified mail"
9 Delete "and"
10 Insert "or"
- 11 Page 3, line 4:
12 Following "mailed":
13 Insert "by certified mail"
14 Delete "and"
15 Insert "or"
- 16 Page 3, line 6, following "cancellation":
17 Insert "; an insurer who provides a personal insurance policy to an insured who is 70
18 years of age or older shall give the insured written notice of the insured's right to choose
19 between notice by certified mail or notice to a designee as provided in this paragraph"

not offered

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 158(L&C), Draft Version "H"

- 1 Page 3, line 6, following "cancellation":
- 2 Insert "; an insurer who provides a personal insurance policy to an insured who is 70
- 3 years of age or older shall give written notice to the insured of the insured's right to have a
- 4 designee receive notice as provided in this paragraph"

I-LS0128VH
Ford
4/13/99

CS FOR HOUSE BILL NO. 158(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the annual report of the director of the division of insurance
2 and to notice of cancellation of personal insurance."

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

4 * Section 1. AS 21.06.110 is amended to read:

5 Sec. 21.06.110. Director's annual report. As early in each calendar year as
6 is reasonably possible, the director shall prepare and deliver an annual report to the
7 commissioner, who shall notify the legislature that the report is available, showing,
8 with respect to the preceding calendar year,

9 (1) a list of the authorized insurers transacting insurance in this state,
10 with a summary of their financial statement as the director considers appropriate;

11 (2) the name of each insurer whose certificate of authority was
12 surrendered, suspended, or revoked during the year and the cause of surrender,
13 suspension, or revocation;

14 (3) the name of each insurer authorized to do business in this state

1 against which delinquency or similar proceedings were instituted and, if against an
2 insurer domiciled in this state, a concise statement of the facts with respect to each
3 proceeding and its present status;

4 (4) a statement in regard to examination of rating organizations,
5 advisory organizations, joint underwriters, and joint reinsurers as required by
6 AS 21.39.120;

7 (5) the receipt and expenses of the division for the year;

8 (6) recommendations of the director as to amendments or
9 supplementation of laws affecting insurance or the office of director;

10 (7) statistical information regarding health insurance, including the
11 number of individual and group policies sold or terminated in the state; this
12 paragraph does not authorize the director to require an insurer to release
13 proprietary information; and

14 (8) other pertinent information and matters the director considers
15 proper.

16 * Sec. 2. AS 21.36.220(a) is repealed and reenacted to read:

17 (a) An insurer may not exercise its right to cancel a personal insurance policy
18 unless, for a named insured who is

19 (1) less than 70 years of age, a written notice of cancellation is mailed
20 to the named insured as required by AS 21.36.260 at least 30 days before the effective
21 date of cancellation; however, if cancellation is for nonpayment of premium, the notice
22 shall be mailed to the named insured as required by AS 21.36.260 at least 20 days
23 before the effective date of cancellation, and, if cancellation is for a reason described
24 in AS 21.36.210(a)(2), (f)(2), or (f)(3), the notice shall be mailed to the named insured
25 as required by AS 21.36.260 at least 10 days before the effective date of cancellation;
26 and

27 (2) 70 years of age or older, a written notice of cancellation is mailed
28 to the named insured and, if the named insured has made a written request to the
29 insurer, to the named insured's designee as required by AS 21.36.260 at least 30 days
30 before the effective date of cancellation; however, if cancellation is for nonpayment
31 of premium, the notice shall be mailed to the named insured and, if the named insured

1 has made a written request to the insurer, to the named insured's designee as required
2 by AS 21.36.260 at least 20 days before the effective date of cancellation, and, if
3 cancellation is for a reason described in AS 21.36.210(a)(2), (f)(2), or (f)(3), the notice
4 shall be mailed to the named insured and, if the named insured has made a written
5 request to the insurer, to the named insured's designee as required by AS 21.36.260 at
6 least 10 days before the effective date of cancellation.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 158

BY REPRESENTATIVE ROKEBERG

1 Page 2, line 11:

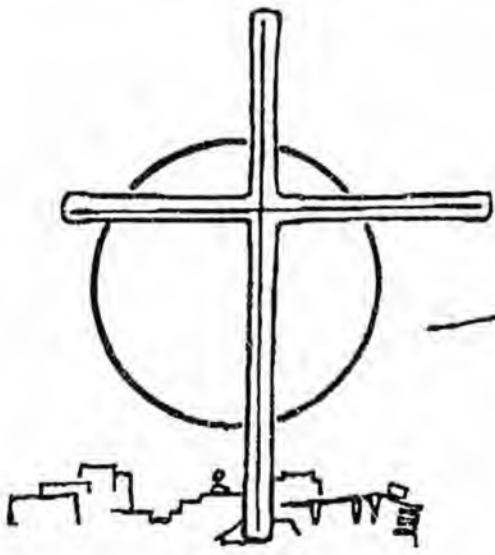
2 Following "sold":

3 Insert "or terminated"

4 Following "state":

5 Insert "this paragraph does not authorize the director to require an insurer
6 to release proprietary information;"

APR 07 1999



CENTRAL LUTHERAN CHURCH
1420 CORDOVA STREET, ANCHORAGE, ALASKA 99501-5231
TELEPHONE (907) 277-1622 FAX (907) 272-6235

April 7, 1999

Representative Norman Rokeberg
Alaska State Legislature Fax # 1-907-465-2040

Dear Norm:

I am pleased to write a letter of support for House Bill #158. As you know, I have worked with an elderly couple from Central Lutheran, who did not renew their car insurance. He had money to pay for the insurance. He remembers getting the first notice but thought he had paid it since he could not find the billing later. He does not remember getting any other notices. He had an accident and paid \$25,000.00 to settle the claim.

We do not know how they missed the mail. They had a care giver who has confessed to taking advantage of their finances for over \$40,000.00. It is possible that she threw the mail away. It is one thing for an insurance company to have proof that a letter was mailed, it is another for the party to get the mail. Having a certified letter would force someone at the address to sign for the letter.

I believe that a change in the Alaska State law is in order, especially for the elderly. Lines 26-30 in House Bill #158 cover that subject very well. Many states require that a registered letter or in some states a certified letter be sent prior to cancellation. Alaska's law requires only that the company show proof that the letter was put in the mail. A letter can be mailed but that does not mean that it arrived at the address.

If I can be of any further help, please contact me.

Sincerely, *Ronald D. Martinson*

Ronald D. Martinson
RONALD D. MARTINSON
(907) 338-2481

FREDERICK (FRITZ) P. LAMPE
(907) 333-5597



April 7, 1999

The Honorable Norman Rokeberg
Chair, House Labor and Commerce Committee
State Capitol, Room 17
Juneau, Alaska 98011-1182
Facsimile: (907) 465-2040

House Bill 158
Alliance Position: OPPOSE

Dear Chairman Rokeberg:

I am writing to express the opposition of the members of the Alliance of American Insurers to H.B. 158, which is scheduled to be heard before the House Labor and Commerce Committee on April 7, 1999. The Alliance is a national property and casualty trade association of almost 300 members across the country.

House Bill 158, Sec. 2(2), adds a new mandate on insurers to give three written notices of policy cancellation to policyholders over 67 years old. Current law does not distinguish between age groups and cancellation only requires one notice. This bill would require insurers to track all personal lines insureds by age. Homeowner policies, for example, make no reference to the age of the insured, as that is irrelevant.

House Bill 158 would not only add new costs, it would require carriers to contact all insureds to obtain policyholder age. Many will refuse from past experience in other states.

We therefore urge your "NO" vote on H.B. 158.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter Gorman".

Peter Gorman
Associate Vice President and Regional Manager

Copies to Members of the House Labor and Commerce Committee

APR 01 1999

**WASILLA AREA SENIORS, INC.
BOARD OF DIRECTORS**

RESOLUTION 99-01

A resolution of the Board of Directors of Wasilla Area Seniors, Inc. supporting the passage of HB 158 concerning notice of cancellation of insurance to seniors, and allowing the State to gather more information about health insurance policies issued in the State;

WHEREAS, Wasilla Area Seniors, Inc., an Alaska non-profit corporation, own and operate the Floyd D. Smith Senior Center, also known as Wasilla Senior Center, is a senior service provider and is aware of problems seniors encounter, and;

WHEREAS, Wasilla Area Seniors, Inc. is located in an area that is experiencing the most rapid growth of seniors in the State, and;

WHEREAS, Wasilla Area Seniors, Inc. recognizes the need for adequate personal insurance for the elderly, and;

WHEREAS, Wasilla Area Seniors, Inc. also recognizes the need for ample notice to seniors on issues concerning this insurance, and clear concise communication on these matters;

NOW THEREFORE: LET IT BE RESOLVED, that the Board of Directors of Wasilla Area Seniors, Inc. hereby supports the passage of HB 158 .

PASSED this 1st day of April 1999 at a regular meeting of the Board of Directors.

Elmer Feltz Date: April 1, 1999
Elmer Feltz, President, Board of Directors

ATTEST:

June A. Robinette Date: 4/1/99
June Robinette, Secretary, Board of Directors

AGENET

Resolution in Support of HB158

An act relating to the annual report of the Director of the Division of Insurance and to Notice of Cancellation of Personal Insurance

Whereas the senior citizen population of Alaska is rapidly growing, as part of a national trend of increased longevity due to better nutrition, health care, and increased standards of living; and

Whereas the number of older Alaskans age 65+ is projected to grow from 22,095 in 1990 to 80,927 by 2015; and

Whereas the availability of and maintenance of adequate personal insurance is crucial to protect the elderly and their possessions; and

Whereas the elderly are often not alert to notices which they receive in the mail, unless the importance of the items is clearly identified; and

Whereas HB158 will mandate a different system for notifying policyholders over age 67 of cancellation of personal insurance policies; and

Whereas HB158 will provide the means for the Division of Insurance to gather more in-depth statistical information regarding health insurance policies issued in the State of Alaska in order to provide important information for the State Legislature as it addresses health insurance issues;

Now therefore the Alaska Geriatric Exchange NETWORK (AGENET) strongly encourages the Twenty-First Alaska Legislature to pass HB158.

Adopted this 29th day of March, 1999.

Douglas McCoy
President, AGENET
Executive Director
Nome Community Center, Inc.
XYZ Senior Center/Munaqsri Senior Services
P.O. Box 98, Nome, AK 99762
907-443-5259

AGENET is a thirty member organization of providers of senior services throughout the State of Alaska linking more than 70 agencies that provide community-based elderly services in order to support one another and promote efforts to meet the needs of the growing senior population.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER



INTERIM:
716 WEST 4TH AVENUE, SUITE 640
ANCHORAGE, AK 99501
PHONE (907) 259-0117
FAX: (907) 259-0119

SESSION:
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-1968
FAX: (907) 465-2040

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

Representative Norman Rokeberg

SPONSOR STATEMENT

HOUSE BILL 158

NOTICE OF INSURANCE CANCELLATION TO ELDERLY

House Bill 158 would accomplish two things: permit the Division of Insurance to gather more in-depth statistical information regarding health insurance policies and mandate a different notice system for personal insurance policyholders over age 67.

One section of the bill deals with notices of cancellation on personal insurance policies. An 83-year old constituent thought he was insured and had paid his premium. He was in an accident, went to file a claim and was told that he didn't have coverage. He is out \$80,000. This constituent was carrying for an invalid spouse, dealing with finding a new live-in caregiver, and does not remember receiving any premium notices from his insurance company. Currently, written notices are sent by first class mail and thus there is no proof that the intended recipient received the mail.

This legislation would leave the current system in place for Alaskans under age 67. If an Alaskan is 67 or over, the legislation offers additional time for notices thus giving our older Alaskans more time to respond to a notice of cancellation. Under the legislation, three notices are required, similar to the current system; however, the last notice must be sent by certified mail instead of first-class mail. This extra step will let a recipient know that there is something extra important in this mailing regarding insurance coverage. The legislation covers "personal insurance" which does not include annuity contracts, life insurance, and health insurance or title insurance.

Another section of the legislation addresses a question that many in the Legislature have been struggling with for years: How many Alaskans are covered by individual and group health insurance policies? This bill permits the Division to gather such information in connection with the preparation of the Director's annual report. As the Legislature deals with many health insurance related issues, it is important to know how many Alaskans will be impacted by our decisions. We are particularly concerned about the impact on non-ERISA plans which are covered by legislative mandates and ERISA plans which are exempt from legislative mandates. There are many guesstimates floating around but nothing concrete. This provision should not put an undue burden on the health insurance industry as each company should already know how many individual or group health policies they write in Alaska and how many people are covered by those policies.

Your support of this legislation would be appreciated.

ED1:03/24/99

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER



e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

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FAX: (907) 269-0119

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JUNEAU, AK 99801-1182
PHONE: (907) 465-4968
FAX: (907) 465-2040

Representative Norman Rokeberg

SECTIONAL ANALYSIS HOUSE BILL 158

AN ACT RELATING TO THE ANNUAL REPORT OF THE DIRECTOR OF THE DIVISION OF INSURANCE AND TO NOTICE OF CANCELLATION OF PERSONAL INSURANCE

Prepared by Rep. Norman Rokeberg

- Section 1:** Adds to AS 21.06.100 concerning the Director [of Insurance] annual report. Permits gathering of statistical information regarding health insurance, including the number of individual and group policies sold in Alaska.
- Section 2:** Adds a new subsection (2) to AS 1.36.220(a) concerning cancellation of a personal insurance policy (e.g., automobile, homeowners) if the notice is to an Alaska 67 years or older.

ED1:03/24/99

Fax Cover Sheet FOR REP. N. Rokeberg

MAR 31 1999

To:	
Name:	Douglas McCoy
Organization:	Agemat. Pres.
Voice:	
Fax:	907-486-4503

X COVER TO: REP. NORMAN Rokeberg - *Sec questions below & reply from Doug*

From:	
Name:	Brenda Steinblock Admin. Assiant
Organization:	Honors Senior Citizens Inc.
Voice:	
Fax:	907-235-3739
E-Mail:	

Date:	3-31-99
Pages:	2 - included cover sheets

Note: Hi Doug, I spoke to Fred Lau, Administrator for HSC, Inc about questions I had pertaining to this bill. Fred has asked me to ask you the questions and perhaps you could answer them for me.

- 1) What is the definition of "personal insurance"???
- 2) Why would "personal insurance" be the only thing we would look at, it specifically does NOT include, annuity contracts, life insurance and Health Insurance? I feel that the Life Insurance and Health Insurance is also vital to this bill and should be included. My reason for this suggestions is that we have many seniors who have early dementia, have mini-strokes, or who totally ignore their mail and end up throwing it in the trash.
- 3) I feel that this bill should also include that it be "mandatory" that all insurance companies must also notify an alternate person who has been listed on the policies to be notified that the insurance premiums are due. This way the alternate person listed can do the follow up to make sure the premiums are paid on ANY insurance policy that the elderly may have coverage under. All insurance companies should request an updated alternate once a year at time of renewal.

Let me or Fred know what you think. Thanks much for your attention to this.

**facsimile
TRANSMITTAL**

to: Brenda Steinblock, Homer Senior Citizens
fax #: 907-235-3739
re: HB158
date: March 31, 1999
pages: 2, including this cover sheet.

MAR 31 1999

Brenda,

Thank you for your interest in the Insurance bill and your good questions. From what I can gather of the bill, the section of the state law has to deal with personal insurance policies which are automobile and homeowner insurance policies. I don't know if such items as health insurance, life insurance, etc. come under some other statute or regulation. I would suggest that you call Representative Rokeberg's office and ask.

Your concern regarding seniors who ignore their mail and throw it away is exactly the reason that the Representative is wanting to require that there be three notices of cancellation and that the third be by certified mail to make sure that the senior has received it. I personally think that your idea of an alternate contact person would be a good idea (or at least that individuals could request and name an alternate to receive such information). There may be reasons why such a thing would not be legal... the right of individual privacy, persons acting as "conservators" who are not so designated legally, etc... but it probably is an issue that should be raised.

Again, let Norman Rokeberg or his office know of your questions and concerns.

Doug McCoy

From the desk of...

Douglas McCoy
Executive Director
Nome Community Center, Inc.
P.O. Box 88
Nome, AK 99762

907-443-5258
Fax: 907-443-2990

ALASKA STATE LEGISLATURE House of Representatives

COMMITTEE ASSIGNMENTS

ALASKA ECONOMIC DEVELOPMENT COMMITTEE, CHAIRMAN
JUDICIARY COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON UTILITY RESTRUCTURING, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT
TOURISM, MEMBER

e-mail: Representatives_Norman_Rokeberg@legis.state.ak.us



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JUNEAU, AK 99801-1107
PHONE: (907) 463-4000
FAX: (907) 463-1200

Representative Norman Rokeberg

SPONSOR STATEMENT

HOUSE BILL 158

NOTICE OF INSURANCE CANCELLATION TO ELDERLY

House Bill 158 would accomplish two things: permit the Division of Insurance to gather more in-depth statistical information regarding health insurance policies and mandate a different notice system for personal insurance policyholders over age 67.

One section of the bill deals with notices of cancellation on personal insurance policies. An 87-year old constituent thought he was insured and had paid his premium. He was in an accident, went to file a claim and was told that he didn't have coverage. He is out \$80,000. This constituent was carrying for an invalid spouse, dealing with finding a new in-home caregiver, and does not remember receiving any premium notices from his insurance company. Currently, written notices are sent by first class mail and thus there is no proof that the intended recipient received the mail.

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Another section of the legislation addresses a question that many in the Legislature have been struggling with for years: How many Alaskans are covered by individual and group health insurance policies? This bill permits the Division to gather such information in connection with the preparation of the Director's annual report. As the Legislature deals with many health insurance related issues, it is important to know how many Alaskans will be impacted by our decisions. We are particularly concerned about the impact on non-ERISA plans which are covered by legislative mandates and ERISA plans which are exempt from legislative mandates. There are many questionnaires floating around but nothing concrete. This provision should not put an undue burden on the health insurance industry as each company should already know how many individual or group health policies they write in Alaska and how many people are covered by those policies.

Your support of this legislation would be appreciated.

ED1:03/24/89

02/18/99

08:47 FAX 18072696084

MID-TOWN

COMM. OFFICE

02/18/99

PDSR114P DATE: 01/27/99		VALID LICENSED DRIVERS AS OF JANUARY 27, 1999			PAGE: 1 19:44:01.6
CLASS	AGE	FEMALE	MALE	UNKNOWN	TOTAL
A	14				
	15				
	16				
	17				
	18				
	19		11		11
	20	1	30		31
	21	2	60		62
	22	2	88		90
	23	7	111		118
	24	4	139		143
	25 - 29	47	1,128		1,175
	30 - 34	90	1,620		1,710
	35 - 39	132	2,355		2,487
	40 - 44	171	2,738		2,909
	45 - 49	105	2,586		2,691
	50 - 54	60	2,064		2,124
	55 - 59	37	1,360		1,397
	60 - 64	14	825		839
	65 - 69	4	355		359
	70 - 74	1	126		127
	75 +		39		39
SUB TOTALS:		605	15,635		16,320
A/M1	14				
	15				
	16				
	17				
	18				
	19				
	20		2		2
	21		8		8
	22		10		10
	23		13		13
	24		15		15
	25 - 29	3	170		181
	30 - 34	4	350		354
	35 - 39	12	610		622
	40 - 44	19	837		856
	45 - 49	4	676		680
	50 - 54	5	398		403
	55 - 59	5	198		203
	60 - 64	1	95		96
	65 - 69		31		31
	70 - 74		6		6
	75 +		2		2
SUB TOTALS:		53	3,429		3,482

0003

COMM. OFFICE

MID-TOWN

02/18/99 09:47 FAX 19072696084

PDSR14HP DATE: 01/27/99		VALID LICENSED DRIVERS AS OF JANUARY 27, 1999			PAGE: 2 19:44:01.6
CLASS	AGE	FEMALE	MALE	UNKNOWN	TOTAL
B	14				
	15				
	16				
	17				
	18				
	19		3		3
	20		22		22
	21	6	48		54
	22	18	96		114
	23	29	92		121
	24	36	147		183
	25 - 29	242	915		1,157
	30 - 34	248	937		1,185
	35 - 39	294	1,080		1,374
	40 - 44	310	1,025		1,335
	45 - 49	242	958		1,200
	50 - 54	137	678		815
	55 - 59	110	494		604
	60 - 64	30	280		318
	65 - 69	16	137		153
	70 - 74	2	50		60
	75 +	2	14		16
SUB TOTALS:		1,722	6,992		0,714
B/HI	14				
	15				
	16				
	17				
	18				
	19		1		1
	20		2		2
	21		4		4
	22		12		12
	23		9		9
	24		9		9
	25 - 29	5	124		129
	30 - 34	13	129		142
	35 - 39	21	204		225
	40 - 44	21	225		246
	45 - 49	10	216		226
	50 - 54	7	144		151
	55 - 59	1	66		67
	60 - 64	3	32		35
	65 - 69	3	10		13
	70 - 74		7		7
	75 +		1		1
SUB TOTALS:		84	1,195		1,279

0004

→ COMM. OFFICE

MID-TOWN

02/18/99 09:47 FAX 18072696084

PDSR 144P
DATE: 01/27/99

VALID LICENSED DRIVERS AS OF
JANUARY 27, 1999

PAGE: 3
19:44:01.6

CLASS	AGE	FEMALE	MALE	UNKNOWN	TOTAL
C					
	14				
	15				
	16				
	17				
	18				
	19				
	20		1		1
	21	2	9		11
	22	5	14		19
	23	8	8		16
	24	11	22		33
	25 - 29	70	161		231
	30 - 34	76	123		199
	35 - 39	69	143		212
	40 - 44	79	152		231
	45 - 49	69	102		171
	50 - 54	37	101		138
	55 - 59	22	67		89
	60 - 64	4	43		47
	65 - 69	1	20		21
	70 - 74	4	10		14
	75 +		1		1
SUD TOTALS:		457	977		1,434
C/H1					
	14				
	15				
	16				
	17				
	18				
	19				
	20		2		2
	21	1	1		2
	22	1	1		2
	23		1		1
	24		1		1
	25 - 29	2	10		12
	30 - 34	1	16		17
	35 - 39	4	35		39
	40 - 44	5	28		33
	45 - 49	2	25		27
	50 - 54	1	20		21
	55 - 59	1	10		11
	60 - 64		4		4
	65 - 69		1		1
	70 - 74				
	75 +		1		1
SUD TOTALS:		18	156		174

PD&R144P
DATE: 01/27/99

VALID LICENSED DRIVERS AS OF
JANUARY 27, 1999

PAGE: 4
19:44:01.6

CLASS	AGE	FEMALE	MALE	UNKNOWN	TOTAL
D					
	14				
	15	1			1
	16	1,709	1,945		3,654
	17	2,696	3,073		5,769
	18	3,360	3,711		7,071
	19	3,601	4,035		7,639
	20	3,772	4,149		7,921
	21	3,834	4,149		7,983
	22	3,698	3,943		7,641
	23	3,936	3,695		7,631
	24	4,129	4,303		8,432
	25 - 29	22,609	21,651		44,260
	30 - 34	23,778	21,262		45,040
	35 - 39	27,953	24,155		52,108
	40 - 44	28,000	23,478		51,478
	45 - 49	23,579	21,778		45,357
	50 - 54	17,096	17,258		34,354
	55 - 59	11,355	12,185		23,540
	60 - 64	7,211	8,052		15,263
	65 - 69	5,124	6,075		11,199
	70 - 74	3,645	4,539		8,184
	75 +	1,851	4,658		6,509
	SUB TOTALS:	205,000	198,304		403,304
D/M1					
	14				
	15				
	16	1	19		20
	17	3	42		45
	18		59		59
	19	0	86		86
	20	9	125		134
	21	9	130		139
	22	8	179		187
	23	13	199		212
	24	34	226		260
	25 - 29	163	1,819		1,982
	30 - 34	263	2,439		2,702
	35 - 39	494	3,287		3,781
	40 - 44	611	3,527		4,138
	45 - 49	469	3,155		3,624
	50 - 54	297	2,004		2,301
	55 - 59	145	1,128		1,273
	60 - 64	69	550		619
	65 - 69	23	276		299
	70 - 74	26	166		192
	75 +	14	110		124
	SUB TOTALS:	2,659	19,526		22,185

006

COMM. OFFICE

MID-TOWN

02/18/99 08:48 FAX 19072696064

PDSR144P
DATE: 01/27/99VALID LICENSED DRIVERS AS OF
JANUARY 27, 1999PAGE: 5
19:44:01.6

CLASS	AGE	FEMALE	MALE	UNKNOWN	TOTAL
IP					
	14	1,038	1,037		2,075
	15	2,272	2,432		4,704
	16	1,500	1,520		3,024
	17	806	819		1,625
	18	505	413		918
	19	382	318		700
	20	254	194		448
	21	179	139		318
	22	162	101		263
	23	145	95		240
	24	116	78		194
	25 - 29	502	249		751
	30 - 34	348	158		506
	35 - 39	313	127		440
	40 - 44	241	108		349
	45 - 49	196	75		271
	50 - 54	126	55		181
	55 - 59	79	45		124
	60 - 64	40	33		73
	65 - 69	21	18		39
	70 - 74	9	8		17
	75 +	8	16		24
SUB TOTALS:		9,242	8,042		17,284
II1					
	14				
	15				
	16		3		3
	17	1	2		3
	18	1	2		3
	19		2		2
	20	1	2		3
	21		2		2
	22		1		1
	23		4		4
	24	1	8		9
	25 - 29	1	27		28
	30 - 34	2	32		34
	35 - 39		15		15
	40 - 44	1	31		32
	45 - 49		17		17
	50 - 54		21		21
	55 - 59	2	12		14
	60 - 64		5		5
	65 - 69		3		3
	70 - 74		1		1
	75 +				
SUB TOTALS:		10	190		200
TOTALS:		219,930	254,446		474,376