

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version **HB 274**
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB274-LAW-CIV-02-10-12
Title An Act relating to unfair trade practices.
Dept. Affected Law
Appropriation Civil
Allocation Commercial and Fair Business
Sponsor Representative(s) HOLMES, OLSON
Requester (H) Labor & Commerce
OMB Component Number 2717

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)							
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
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Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

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Division Administrative Services
Approved by Michael C. Geraghty, Attorney General
Department of Law

Phone 465-5427
Date/Time 2/10/12 10:00 AM
Date 2/10/2012

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BILL NO. HB 274

Analysis

HB 274 amends Alaska's Consumer Protection Act ("CPA") by removing the exemption for conduct regulated and prohibited by federal law. Currently, the CPA does not apply to any conduct that is regulated and prohibited by state or federal law. The State of Alaska can control enforcement of state law, but is powerless to control the enforcement by federal regulators. Thus, the state cannot take enforcement action against a CPA violator if the conduct is "regulated" and "prohibited" under any federal statute or regulation, even if that conduct is not preempted by federal law. This bill would remove the exemption for conduct regulated by federal law, and would allow the state to pursue CPA violations as long as the conduct is not (1) regulated and prohibited by state law, or (2) preempted by federal law.

We anticipate no fiscal impact to the Department of Law from this bill.