

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 49(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/20/98

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES CROFT, Hudson, Kemplen

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing and relating to a consumer protection section in the
2 Department of Law; increasing penalties for violation of laws relating to consumer
3 protection; requiring special accounting for money from certain actions related to
4 consumer protection; and providing for an effective date."

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

6 * **Section 1.** AS 44.23.020(b) is amended to read:

7 (b) The attorney general shall

8 (1) bring, prosecute, and defend all necessary and proper actions in the
9 name of the state for the collection of revenue;

10 (2) represent the state in all civil actions in which the state is a party;

11 (3) prosecute all cases involving violation of state law, and file
12 informations and prosecute all offenses against the revenue laws and other state laws
13 where there is no other provision for their prosecution;

14 (4) administer state legal services, including the furnishing of written

1 legal opinions to the governor, the legislature, and all state officers and departments
 2 as the governor directs; and give legal advice on a law, proposed law, or proposed
 3 legislative measure upon request by the legislature or a member of the legislature;

4 (5) draft legal instruments for the state;

5 (6) make available a report to the legislature, through the governor, at
 6 each regular legislative session

7 (A) of the work and expenditures of the office; and

8 (B) on needed legislation or amendments to existing law;

9 (7) perform all other duties required by law or which usually pertain
 10 to the office of attorney general in a state; and

11 (8) prepare, publish, and revise as it becomes useful or necessary to do
 12 so an information pamphlet on landlord and tenant rights and the means of making
 13 complaints to appropriate public agencies concerning landlord and tenant rights; the
 14 contents of the pamphlet and any revision shall be approved by the Department of
 15 Law, [DIVISION OF] consumer protection section, before publication.

16 * **Sec. 2.** AS 44.23 is amended by adding a new section to read:

17 **Sec. 44.23.022. Consumer protection section.** (a) There is created in the
 18 Department of Law the consumer protection section. The head of the consumer
 19 protection section is appointed by the attorney general and serves at the pleasure of the
 20 attorney general.

21 (b) The consumer protection section shall

22 (1) carry out the duties of the attorney general under AS 45 and other
 23 laws relating to consumer affairs and consumer protection; and

24 (2) annually make recommendations to the governor and the legislature
 25 for statutory changes that are needed to ensure adequate protection of consumers in
 26 this state.

27 * **Sec. 3.** AS 45.50.551(b) is amended to read:

28 (b) In an action brought under AS 45.50.501, if the court finds that a person
 29 is using or has used an act or practice declared unlawful by AS 45.50.471, the attorney
 30 general, upon petition to the court, may recover, on behalf of the state, a civil penalty
 31 of not more than **\$10,000** [\$5,000] per violation.

1 * **Sec. 4.** AS 45.50.551 is amended by adding a new subsection to read:

2 (d) The commissioner of administration shall separately account for money
3 received under this section that the attorney general deposits in the general fund,
4 including money received for attorney fees in an action, or from settlement of an
5 action, under this section. The annual estimated balance in the account may be
6 appropriated by the legislature for the expenses of the consumer protection section
7 established under AS 44.23.022.

8 * **Sec. 5.** This Act takes effect July 1, 1998.