

**CS FOR HOUSE BILL NO. 15(FIN) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 3/3/04

Offered: 2/24/04

Sponsor(s): REPRESENTATIVES FATE, Gara, Chenault, Crawford, Kerttula, Croft, Seaton, Hawker, Wilson, Foster, Kookesh, Guttenberg, Gruenberg

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to fair trade practices and consumer protection, to telephone  
2 solicitations, to charitable solicitations; and providing for an effective date."

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

4 \* **Section 1.** AS 45.50.471(b)(35) is amended to read:

5 (35) violating AS 45.63 ([TELEPHONIC] solicitations **by telephonic**  
6 **means**);

7 \* **Sec. 2.** AS 45.50.475(a) is amended to read:

8 (a) A person is in violation of AS 45.50.471(b)(41) if the person

9 (1) engages in the telephone solicitation of a residential telephone  
10 customer of a telecommunications company and the customer is identified in the  
11 telephone directory as not wishing to receive telephone solicitations; [OR]

12 (2) **engages in the telephone solicitation of a customer whose**  
13 **telephone number has been registered with the national do not call registry for**  
14 **the minimum amount of time required by the national do not call registry before**

1 the date the call is made;

2 (3) engages in the telephone solicitation of a customer who has  
 3 previously communicated to the telephone solicitor, or to the business enterprise  
 4 or charitable organization for which the person is calling, the customer's desire  
 5 not to receive telephone solicitations to that number; or

6 (4) originates a telephone call using an automated or recorded message  
 7 as a telephonic advertisement or a telephone solicitation.

8 \* **Sec. 3.** AS 45.50.475(d) is amended to read:

9 (d) A person who employs individuals to engage in telephone solicitations is  
 10 not liable for a [THE] violation of (a)(1) - (3) of this section [IF AN EMPLOYEE  
 11 SOLICITS A RESIDENTIAL TELEPHONE CUSTOMER WHO IS IDENTIFIED IN  
 12 THE TELEPHONE DIRECTORY AS NOT WISHING TO RECEIVE TELEPHONE  
 13 SOLICITATIONS] if the person establishes [ESTABLISHED] that

14 (1) the person has adopted and implemented written procedures and  
 15 policies to comply with (a)(1) - (3) [(a)] of this section, including corrective actions if  
 16 [WHERE] appropriate;

17 (2) the person has trained its personnel in the procedures and policies  
 18 established under (1) of this subsection;

19 (3) the call that violated (a)(1) - (3) of this section was made contrary  
 20 to the procedures and policies established by the person; and

21 (4) the call that violated (a)(1) - (3) of this section was made as a  
 22 result of a good faith error [CALLS ON BEHALF OF THE PERSON THAT  
 23 RESULT IN VIOLATIONS OF THIS SECTION ARE INFREQUENT].

24 \* **Sec. 4.** AS 45.50.475(e) is amended to read:

25 (e) An individual who solicits a [RESIDENTIAL] telephone customer in  
 26 violation of (a)(1) - (3) of this section [WHO IS IDENTIFIED IN THE  
 27 TELEPHONE DIRECTORY AS NOT WISHING TO RECEIVE TELEPHONE  
 28 SOLICITATIONS] is not liable for the violation [OF THIS SECTION] if the  
 29 individual establishes that the individual did not intend to make the [A] call in  
 30 violation of this section and did not recklessly disregard information or policies and  
 31 procedures that would have avoided the improper call.

1 \* **Sec. 5.** AS 45.50.475(f) is amended to read:

2 (f) Local exchange telecommunications companies shall inform  
3 [RESIDENTIAL] customers of the provisions of this section. Notification **shall**  
4 [MAY] be made by

5 (1) **quarterly** [ANNUAL] inserts in the billing statements mailed to  
6 [RESIDENTIAL] customers; **and** [OR]

7 (2) **clear and** conspicuous publication of the notice in the consumer  
8 information pages of local telephone directories.

9 \* **Sec. 6.** AS 45.50.475(g)(2) is amended to read:

10 (2) "customer" means a [RESIDENTIAL] telephone customer of a  
11 telecommunications company;

12 \* **Sec. 7.** AS 45.50.475(g)(3) is amended to read:

13 (3) "telephone solicitation"

14 (A) means the solicitation by a person by telephone of a  
15 customer at the residence of the customer for the purpose of encouraging the  
16 customer to purchase property, goods, or services, or make a donation;

17 (B) does not include

18 (i) calls made in response to a request or inquiry by the  
19 called customer or communication made during a call made by the  
20 customer;

21 (ii) calls made by a charitable organization [, A  
22 PUBLIC AGENCY,] or volunteers on behalf of the charitable  
23 organization [OR PUBLIC AGENCY] to **a member** [MEMBERS] of  
24 the organization [OR AGENCY] or to **a person** [PERSONS] who,  
25 within the last **18** [24] months, **has** [HAVE] made a donation to the  
26 organization [OR AGENCY] or expressed an interest in making a  
27 donation, **but only if the charitable organization has not received a**  
28 **request from the member or person asking that the telephone**  
29 **solicitations cease;**

30 (iii) calls limited to soliciting the expression of ideas,  
31 opinions, or votes;

1 (iv) business-to-business calls; or

2 (v) a person soliciting business from prospective  
 3 purchasers who have, within the last **18** [24] months, purchased from  
 4 the person making the solicitation or from the business enterprise for  
 5 which the person is calling but only if the person or business enterprise  
 6 has not received a [WRITTEN] request from the prospective purchaser  
 7 asking that telephone solicitations cease; the person or business  
 8 enterprise is presumed to have received a written request no later than  
 9 10 days after the prospective purchaser mailed it, properly addressed  
 10 and with the appropriate postage.

11 \* **Sec. 8.** AS 45.50.475(g) is amended by adding a new paragraph to read:

12 (4) "national do not call registry" means the data base of telephone  
 13 numbers of customers who do not wish to receive telephone solicitations established  
 14 and maintained by the Federal Trade Commission and the Federal Communications  
 15 Commission.

16 \* **Sec. 9.** AS 45.50.561(a) is amended by adding a new paragraph to read:

17 (12) "goods or services" includes goods or services provided in  
 18 connection with a consumer credit transaction or with a transaction involving an  
 19 indebtedness secured by the borrower's residence.

20 \* **Sec. 10.** AS 45.63.010(a) is amended to read:

21 (a) A person may not sell or attempt to sell property or services by telephonic  
 22 means if the person makes substantially the same offer on substantially the same terms  
 23 to two or more persons, unless the **telephone** [TELEPHONIC] seller is registered with  
 24 the Department of Law at least 30 days before the solicitation campaign.

25 \* **Sec. 11.** AS 45.63.010(c) is amended to read:

26 (c) Registration under (b) of this section is not complete until the **telephone**  
 27 [TELEPHONIC] seller receives an acknowledgement from the department that the  
 28 seller has complied with (b) of this section.

29 \* **Sec. 12.** AS 45.63.010(d) is amended to read:

30 (d) The notice of intent must be on a form **or in a format** provided and  
 31 established by the department by regulation. **The department may require the**

1        **notice of intent to be submitted under oath or affirmation or with notice that**  
 2        **false statements made are punishable as unsworn falsification under**  
 3        **AS 11.56.210.** The notice of intent must include detailed information about the nature  
 4        of the solicitation campaign and the identity and business practices of the **telephone**  
 5        [TELEPHONIC] seller, including information on the employees, agents, and officers  
 6        affiliated with the **telephone** [TELEPHONIC] seller. The notice of intent must  
 7        disclose criminal convictions, civil judgments, orders, consent decrees, or  
 8        administrative determinations involving allegations of unfair or deceptive business  
 9        practices by the **telephone** [TELEPHONIC] seller.

10       \* **Sec. 13.** AS 45.63 is amended by adding a new section to read:

11                **Sec. 45.63.015. Registration fees.** Each separate registration filed under  
 12                AS 45.63.010(b) must be accompanied by a registration fee. The department shall  
 13                establish the amount of the fee by regulation. The fees required by this section are  
 14                nonrefundable and shall be deposited in the general fund.

15       \* **Sec. 14.** AS 45.63.020 is amended to read:

16                **Sec. 45.63.020. Written contract required.** Until a **telephone**  
 17                [TELEPHONIC] seller receives from a buyer a signed, written contract for the  
 18                purchase, the **telephone** [TELEPHONIC] seller may not solicit payment for the  
 19                purchase, charge a credit card account for the purchase, negotiate a check or other  
 20                commercial instrument intended for payment of the purchase, or accept a cash  
 21                payment for the purchase. The written contract must notify the buyer of the rights of  
 22                the buyer under AS 45.63.030(a) and disclose the information required by the  
 23                department by regulation.

24       \* **Sec. 15.** AS 45.63.030(a) is amended to read:

25                (a) Notwithstanding AS 45.01 - AS 45.08, AS 45.12, AS 45.14, and AS 45.29  
 26                (Uniform Commercial Code), a **telephone** [TELEPHONIC] seller shall give the buyer  
 27                a refund, credit, or replacement, at the option of the buyer, if

28                        (1) the property or services purchased are defective, not as represented,  
 29                        or not received as promised by the seller;

30                        (2) within seven days after receiving the purchased property, the buyer  
 31                        returns the purchased property and makes a written request for the refund, credit, or

1 replacement; or

2 (3) within seven days after paying for the purchased services and  
3 before the services are provided, the buyer makes a written request for the refund or  
4 credit.

5 \* **Sec. 16.** AS 45.63.030(c) is amended to read:

6 (c) Notwithstanding AS 45.01 - AS 45.08, AS 45.12, AS 45.14, and AS 45.29  
7 (Uniform Commercial Code), a purchase of property from a **telephone**  
8 [TELEPHONIC] seller becomes final seven days after receipt of the property, unless  
9 the buyer requests a refund, credit, or replacement under (a) of this section, or the  
10 **telephone** [TELEPHONIC] seller fails to obtain the contract required by  
11 AS 45.63.020.

12 \* **Sec. 17.** AS 45.63.030(d) is amended to read:

13 (d) A purchase of services from a **telephone** [TELEPHONIC] seller becomes  
14 final seven days after receipt of the contract required by AS 45.63.020, unless the  
15 buyer requests a refund or credit under (a) of this section.

16 \* **Sec. 18.** AS 45.63.040 is amended to read:

17 **Sec. 45.63.040. Prohibited representations.** (a) Unless the **telephone**  
18 [TELEPHONIC] seller is asked for the information by the buyer, the seller may not  
19 state or imply that the seller has a license, consent, or other form of permission from  
20 the state.

21 (b) A **telephone** [TELEPHONIC] seller may not state or imply that

22 (1) the seller is complying with state law; or

23 (2) the seller's compliance with the laws of this state or a municipality  
24 constitutes approval or endorsement by the state or municipality.

25 \* **Sec. 19.** AS 45.63 is amended by adding a new section to read:

26 **Sec. 45.63.045. Required representations; prohibitions.** (a) A telephone  
27 seller shall

28 (1) within the first 15 seconds of a call and in a clear and conspicuous  
29 manner, disclose the registered seller's name and telephone number, whom the  
30 registered seller represents, and that the call is a sales call; and

31 (2) repeat the information at any time during the conversation if

1 requested by a person at the number called.

2 (b) A telephone seller must terminate the telephone solicitation and promptly  
3 disconnect the telephone line if the person receiving the call objects to the solicitation  
4 or indicates that the person is not interested in the product or service that is the subject  
5 of the solicitation.

6 (c) A telephone seller who makes a telephonic solicitation may not cause a  
7 telephone to ring repeatedly or continuously with the intent to annoy, abuse, or harass  
8 a person at the telephone number called or repeatedly engage a person in a telephone  
9 conversation.

10 \* **Sec. 20.** AS 45.63.050 is amended to read:

11 **Sec. 45.63.050. Waiver prohibited and void.** A **telephone** [TELEPHONIC]  
12 seller may not request or obtain from a buyer a waiver of the rights of the buyer under  
13 this chapter. A waiver of the rights of a buyer under this chapter is void.

14 \* **Sec. 21.** AS 45.63.080 is amended to read:

15 **Sec. 45.63.080. Exemptions.** **AS 45.63.010, 45.63.015, 45.63.020, and**  
16 **AS 45.63.030(c) and (d) do** [THIS CHAPTER DOES] not apply to a sale or  
17 attempted sale

18 (1) of a security regulated under AS 45.55 or a security that is  
19 exempted by AS 45.55.900 from regulation under AS 45.55;

20 (2) by a person registered with the United States Securities and  
21 Exchange Commission when acting within the scope of the person's Securities and  
22 Exchange Commission license;

23 (3) by an issuer, or a subsidiary of an issuer, of a class of securities that  
24 is

25 (A) subject to 15 U.S.C. 78a - 78lll (Securities Exchange Act of  
26 1934); and

27 (B) either registered under 15 U.S.C. 78a - 78lll (Securities  
28 Exchange Act of 1934) or exempt from registration under 15 U.S.C.  
29 78l(g)(2)(A) - (C) or (E) - (H);

30 (4) by a real estate broker, associate real estate broker, or real estate  
31 salesperson licensed under AS 08.88 and acting in a capacity covered by the license;

1 (5) by a person who has a certificate of registration under AS 08.18 to  
 2 operate as a contractor and is acting in a capacity covered by the certificate of  
 3 registration;

4 (6) by an embalmer or funeral director licensed under AS 08.42 and  
 5 acting in a capacity covered by the license;

6 (7) by an insurance agent, general agent, broker, solicitor, or adjuster  
 7 licensed under AS 21.27 and acting in a capacity covered by the license;

8 (8) by a person who is primarily soliciting the sale of a subscription to,  
 9 or advertising in, a newspaper of general circulation;

10 (9) by a charitable organization or paid solicitor if the organization or  
 11 solicitor is registered to make charitable solicitations under AS 45.68 and is acting in a  
 12 capacity that is covered by the registration;

13 (10) by a person who is primarily soliciting the sale of a  
 14 [MAGAZINE, PERIODICAL, SOUND RECORDING, BOOK, OR] membership in a  
 15 book or record club

16 (A) where the club provides the buyer with a form that the  
 17 buyer may use to instruct the club not to ship the offered merchandise; and

18 (B) that is regulated by the Federal Trade Commission as a  
 19 negative option plan under 16 C.F.R. [CFR] 425;

20 (11) of services provided by a cable television system operating under  
 21 a franchise issued by a municipality;

22 (12) by a person who is soliciting for a business, or for an affiliate of a  
 23 business, that is regulated by the Regulatory Commission of Alaska;

24 (13) by a person whose solicitation is solely for telephone answering  
 25 services provided by the person or the person's employer;

26 (14) of property from a mail order catalog that is published on a  
 27 regular, periodic basis and that describes or pictures the items for sale and prominently  
 28 provides the specific price of each item;

29 (15) by a supervised financial institution or the parent, subsidiary, or  
 30 affiliate of a supervised financial institution; in this paragraph, "supervised financial  
 31 institution" means a commercial bank, savings bank, mutual savings bank, trust



1 company, savings and loan association, credit union, industrial loan company,  
 2 personal property broker, consumer finance lender, commercial finance lender, or  
 3 other financial institution if the financial institution is subject to regulation by this  
 4 state or the United States;

5 (16) by an insurer or the parent, subsidiary, or affiliate of an insurer;

6 (17) by a person who solicits a sale by a contact by telephonic means  
 7 without intending to complete the sales presentation during the contact, who does not  
 8 complete the sales presentation during the contact, and who only completes the sales  
 9 presentation at a later meeting in person, unless at the later meeting the solicitor  
 10 attempts to collect payment for property or services delivered before the later meeting;

11 (18) of an item of personal property, including a food product, that is  
 12 made by hand by an individual, if the sale or attempted sale of the item is made by the  
 13 individual who made the item; in this paragraph, "made by hand" includes the use of  
 14 ordinary household devices if the majority of the value of the item is added by the  
 15 labor of the individual.

16 \* **Sec. 22.** AS 45.63.100(1) is amended to read:

17 (1) "buyer" means a person who buys from or is solicited by a  
 18 [TELEPHONIC] seller **by telephonic means**;

19 \* **Sec. 23.** AS 45.63.100 is amended by adding a new paragraph to read:

20 (7) "telephone seller" means a person who is required to be registered  
 21 under AS 45.63.010.

22 \* **Sec. 24.** AS 45.66.020(b) is amended to read:

23 (b) The department shall establish by regulation the application forms for  
 24 registrations under this chapter. The application forms must require the submission of  
 25 the following information:

26 (1) the nature of the business opportunity and the method by which it  
 27 will be offered, advertised, or promoted;

28 (2) the identity and business practices of the person who will be the  
 29 seller, including information on a related person; and

30 (3) a disclosure of criminal convictions, civil judgments, orders,  
 31 consent decrees, and administrative determinations involving allegations of

1 (A) fraud, theft, embezzlement, fraudulent conversion,  
 2 misappropriation of property, the use of untrue or misleading representations in  
 3 an attempt to sell or dispose of real or personal property, violations of this  
 4 chapter, violations of AS 45.63 ([TELEPHONIC] solicitations **by telephonic**  
 5 **means**), violations of AS 45.68 (charitable solicitations), or unfair or deceptive  
 6 business practices under AS 45.50.471 - 45.50.561, or a substantially similar  
 7 law of another jurisdiction, by the person who will be the seller or by a related  
 8 person; or

9 (B) a violation of securities or investment laws by the person  
 10 who will be the seller or by a related person.

11 \* **Sec. 25.** AS 45.66.200(a) is amended to read:

12 (a) Subject to the other requirements of this section and after reviewing a  
 13 response submitted by the person under (b) of this section, the department may issue  
 14 an order denying, suspending, or revoking a registration or renewal of a registration  
 15 made by a person under AS 45.66.010 - 45.66.030, or prohibiting a person from  
 16 selling or offering to sell business opportunities, if the department finds that

17 (1) the person failed to comply with this chapter or the regulations  
 18 adopted under this chapter;

19 (2) the sale or offer to sell would constitute, or has constituted, a  
 20 misrepresentation of, deceit of, or fraud on the buyer;

21 (3) the nature of the person's business enterprise or method of business  
 22 or the nature or method of the business opportunity includes activities that are illegal  
 23 where performed;

24 (4) the person failed to file a document, information, fee, or bond  
 25 required by AS 45.66.010 - 45.66.060;

26 (5) the literature or advertising of the person or of another person  
 27 recommended by the person is misleading, incorrect, materially incomplete, or  
 28 deceptive;

29 (6) a person identified in the registration represents an unreasonable  
 30 risk to the public interest and

31 (A) has been convicted of

1 (i) a felony or misdemeanor involving fraud, theft,  
 2 embezzlement, fraudulent conversion, misappropriation of property, or  
 3 the use of untrue or misleading representations in the sale of or offer to  
 4 sell or otherwise dispose of real or personal property;

5 (ii) violations under this chapter, violations of AS 45.63  
 6 ([TELEPHONIC] solicitations **by telephonic means**), violations of  
 7 AS 45.68 (charitable solicitations), or an unfair trade practice  
 8 prohibited by AS 45.50.471 - 45.50.561, or a substantially similar law  
 9 of another jurisdiction; or

10 (iii) a violation of securities or investment laws;

11 (B) is subject to a final order or judgment against the person in  
 12 a civil or administrative action, including a stipulated order or judgment, if the  
 13 complaint or petition in the action alleged acts constituting

14 (i) a violation of this chapter or a substantially similar  
 15 law of another jurisdiction;

16 (ii) fraud, theft, embezzlement, fraudulent conversion,  
 17 or misappropriation of real or personal property;

18 (iii) the use of untrue or misleading representations in  
 19 an offer to sell or dispose of real or personal property;

20 (iv) the use of unfair trade practices under  
 21 AS 45.50.471 - 45.50.561 or a substantially similar law of another  
 22 jurisdiction;

23 (v) a violation of AS 45.63 or AS 45.68, or a  
 24 substantially similar law of another jurisdiction; or

25 (vi) a violation of securities or investment laws;

26 (C) is subject to an injunction relating to business activity if the  
 27 injunction resulted from an action brought by a federal, state, or local public  
 28 agency, including an action related to an occupational license under AS 08.

29 \* **Sec. 26.** AS 45.66.230(b) is amended to read:

30 (b) To the extent of the conflict, the provisions of this chapter govern if a sale  
 31 of or an offer to sell a business opportunity is regulated by this chapter and by

1 AS 45.63 ([TELEPHONIC] solicitations **by telephonic means**), by AS 45.01 -  
 2 AS 45.08, AS 45.12, AS 45.14, and AS 45.29 (Uniform Commercial Code), or by  
 3 another law, and it is not possible to comply with or to apply both this chapter and the  
 4 other law.

5 \* **Sec. 27.** AS 45.68.010(c) is amended to read:

6 (c) To register under this section, a charitable organization or paid solicitor  
 7 shall file with the department

8 (1) a registration statement on a form **or in a format** provided and  
 9 established by the department by regulation; and

10 (2) in the case of a paid solicitor, a bond in the amount and under the  
 11 conditions established by the department by regulation.

12 \* **Sec. 28.** AS 45.68.010 is amended by adding new subsections to read:

13 (f) The department may require the registration and registration renewal  
 14 statement required under (c)(1) and (d) of this section to be submitted

15 (1) under oath or affirmation; or

16 (2) with notice that false statements made in the statement are  
 17 punishable as unsworn falsification under AS 11.56.210.

18 (g) A person may not knowingly provide false statements in documents  
 19 required by this chapter, including a

20 (1) registration statement;

21 (2) registration renewal statement;

22 (3) report of material change in information required in the registration  
 23 statement; or

24 (4) financial report by a paid solicitor.

25 \* **Sec. 29.** AS 45.68 is amended by adding a new section to read:

26 **Sec. 45.68.015. Registration fees.** The registration statement and registration  
 27 renewal statement filed under AS 45.68.010(c)(1) and (d) must be accompanied by a  
 28 registration or registration renewal fee. The department shall establish the amount of  
 29 the fee by regulation. The fees required by this section are nonrefundable and shall be  
 30 deposited in the general fund.

31 \* **Sec. 30.** AS 45.68 is amended by adding a new section to read:

1           **Sec. 45.68.055. Paid solicitor financial reports.** (a) Within 90 days after a  
 2 solicitation campaign is completed and, if a solicitation campaign lasts more than one  
 3 year, on the one-year anniversary of the commencement of the campaign, a paid  
 4 solicitor shall file with the department a financial report in accordance with this  
 5 section.

6           (b) The financial report must

7                   (1) be submitted on a form or in a format provided and established by  
 8 the department of regulation;

9                   (2) include gross revenue and an itemization of all expenses incurred  
 10 in the solicitation campaign during the reporting period; and

11                   (3) be signed by two authorized officials of the charitable organization.

12           (c) The authorized contracting agent for the paid solicitor shall sign the report  
 13 required by (b) of this section. Signature of the report under this subsection must be  
 14 made under oath or affirmation, but submission of false information in a notice that is  
 15 not signed under oath or affirmation is punishable as an unsworn falsification under  
 16 AS 11.56.210.

17 \* **Sec. 31.** AS 45.68.060 is amended to read:

18           **Sec. 45.68.060. Public records.** The registration statement, registration  
 19 renewal statement, financial reports of paid solicitors, contracts, and other  
 20 documents required to be filed with the department under this chapter are public  
 21 records available for inspection and copying under AS 40.25.110 - 40.25.220.

22 \* **Sec. 32.** AS 45.68.900 is amended by adding a new paragraph to read:

23                   (7) "solicitation campaign" means soliciting contributions of money or  
 24 other property from two or more persons for the same charitable organization.

25 \* **Sec. 33.** AS 45.63.100(6) is repealed.

26 \* **Sec. 34.** AS 45.50.475(a)(1) and 45.50.475(c) are repealed.

27 \* **Sec. 35.** The uncodified law of the State of Alaska is amended by adding a new section to  
 28 read:

29           **APPLICABILITY.** (a) On and after July 1, 2004, the amendments found in the  
 30 following sections of this Act apply to filings with the Department of Law:

31                   (1) secs. 12 and 13 of this Act regarding the notice of intent to engage in a

1 solicitation campaign under AS 45.63.010; and

2 (2) secs. 27 - 29 of this Act regarding registration statements and registration  
3 renewal statements under AS 45.68.010.

4 (b) Sections 30 and 31 of this Act apply to solicitation campaigns, as defined in  
5 AS 45.68.900, as amended by sec. 32 of this Act, that commence on or after July 1, 2004.

6 \* **Sec. 36.** The uncodified law of the State of Alaska is amended by adding a new section to  
7 read:

8 TRANSITIONAL PROVISIONS: REGULATIONS. Notwithstanding sec. 39 of this  
9 Act, the attorney general may proceed to adopt regulations necessary to implement the  
10 changes made by secs. 12, 13, 21, 27 - 30, and 32 of this Act. The regulations take effect  
11 under AS 44.62 (Administrative Procedure Act), but not before the effective date of secs. 1 -  
12 33 of this Act.

13 \* **Sec. 37.** Section 36 of this Act takes effect immediately under AS 01.10.070(c).

14 \* **Sec. 38.** Section 34 of this Act takes effect the day after the date on which the attorney  
15 general notifies the governor and the revisor of statutes that the national do not call registry is  
16 established and enforced by the Federal Trade Commission and the Federal Communications  
17 Commission.

18 \* **Sec. 39.** Sections 1 - 33 and 35 of this Act take effect July 1, 2004.