

**SENATE CS FOR CS FOR HOUSE BILL NO. 92(JUD)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/9/06**  
**Referred: Rules**

**Sponsor(s): REPRESENTATIVES KELLY, Holm, McGuire**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the purchase of interests in corporations, including limited liability**  
2 **companies, by the University of Alaska."**

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

4 **\* Section 1.** AS 14.40 is amended by adding a new section to read:

5 **Sec. 14.40.458. University corporate interests.** (a) The university may  
6 purchase an interest in a corporation if the Board of Regents of the University of  
7 Alaska authorizes the purchase and the purchase advances a public purpose of the  
8 university.

9 (b) If the university purchases an interest in a corporation, the corporation is  
10 not considered to be a part of the university for any purpose, except to the extent that  
11 both the Board of Regents of the University of Alaska and the corporation's articles of  
12 incorporation state otherwise.

13 (c) Notwithstanding AS 09.50.250 and any other law, the University of Alaska  
14 is not liable for the obligations of a corporation that the University of Alaska has

1 purchased an interest in under (a) of this section, except to the extent that the president  
 2 of the university signs a written agreement on behalf of the university that expressly  
 3 states that the university is liable for the obligations of the corporation and the  
 4 obligations for which the university is liable are identified in the written agreement.

5 (d) In this section,

6 (1) "corporation" means a for-profit corporation, a nonprofit  
 7 corporation, or a limited liability company, whether or not the corporation or company  
 8 is organized in this state;

9 (2) "interest" means a membership, or a share or other ownership  
 10 interest;

11 (3) "nonprofit corporation" means a corporation that qualifies for  
 12 exemption from taxation under 26 U.S.C. 501(c) (Internal Revenue Code);

13 (4) "university" means the University of Alaska.

14 \* **Sec. 2.** AS 37.10.085(a) is amended to read:

15 (a) Except as provided in AS 14.40.458 or (c) or (d) of this section, neither the  
 16 state nor a political subdivision of the state may

17 (1) make a subscription to the capital stock of a corporation;

18 (2) lend its credit for the use of a corporation; or

19 (3) borrow money for the use of a corporation.