

HOUSE BILL NO. 86

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CLAMAN, Gara

Introduced: 1/27/17

Referred: Education, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to nonrenewal of occupational licenses for default on a student loan."**

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

3 * **Section 1.** AS 45.55.060(a) is amended to read:

4 (a) The administrator may by order deny, suspend, or revoke a registration if
5 the administrator finds that the order is in the public interest and that the applicant or
6 registrant or, in the case of a broker-dealer or state investment adviser, a partner,
7 officer, or director, a person occupying a similar status or performing similar
8 functions, or a person directly or indirectly controlling the broker-dealer or state
9 investment adviser

10 (1) has filed an application for registration that, as of its effective date,
11 or as of a date after filing in the case of an order denying effectiveness, was
12 incomplete in a material respect or contained a statement that was, in light of the
13 circumstances under which it was made, false or misleading with respect to a material
14 fact;

15 (2) has wilfully or repeatedly violated, or failed to comply with, a

1 provision of this chapter or a regulation or order under this chapter;

2 (3) has been convicted, within the past 10 years, of a misdemeanor
3 involving a security or an aspect of the securities business or a felony; in this
4 paragraph, "convicted" includes a finding of guilt based on a verdict, judgment, plea
5 of guilty, or plea of nolo contendere, if the verdict, judgment, or plea has not been
6 reversed, set aside, or withdrawn, regardless of whether sentence has been imposed;

7 (4) is permanently or temporarily enjoined by a court from engaging in
8 or continuing conduct or a practice involving an aspect of the securities business;

9 (5) is the subject of an order of the administrator denying, suspending,
10 or revoking registration as a broker-dealer, agent, state investment adviser, or
11 investment adviser representative;

12 (6) is the subject of an order entered within the past five years by the
13 securities administrator of another state or by the United States Securities and
14 Exchange Commission denying or revoking registration as a broker-dealer, agent,
15 state investment adviser, investment adviser representative, or the substantial
16 equivalent of those terms as defined in this chapter, or is the subject of an order of the
17 United States Securities and Exchange Commission suspending or expelling the
18 person from a national securities exchange or national securities association registered
19 under 15 U.S.C. 78a - 78lll (Securities Exchange Act of 1934), or is the subject of a
20 United States Postal Service fraud order; but the administrator may not

21 (A) institute a revocation or suspension proceeding under this
22 paragraph more than one year from the date of the order relied on; and

23 (B) enter an order under this paragraph on the basis of an order
24 under another state act unless that order was based on facts that would
25 currently constitute a ground for an order under this section;

26 (7) has engaged in dishonest or unethical practices or conduct in the
27 securities or investment advisory business;

28 (8) is insolvent, in the sense that liabilities exceed assets, that
29 obligations cannot be met as they mature, or that the business cannot be continued
30 safely for the customers of the applicant or registrant, but the administrator may not
31 enter an order against a broker-dealer or state investment adviser under this paragraph

1 without a finding of insolvency as to the broker-dealer or state investment adviser;

2 (9) is not qualified on the basis of such factors as training, experience,
3 and knowledge of the securities business, except as otherwise provided in (d) of this
4 section;

5 (10) has failed to comply with the requirements of AS 45.55.050 to
6 make, keep, or produce records required by the administrator, or to file financial
7 reports or other information the administrator by regulation or order may require; or

8 (11) is a person [WHOSE LICENSE RENEWAL IS DENIED
9 UNDER AS 14.43.148 OR] whose license issuance or renewal is denied under
10 AS 25.27.244.

11 * **Sec. 2.** AS 14.43.145(a)(4), 14.43.148; and AS 21.27.390(d) are repealed.