

Introduced: 3/12/81
Referred: Labor & Commerce

1 IN THE HOUSE

BY ADAMS

2 HOUSE BILL NO. 325

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to orders under the Alaska Securities
7 Act of 1959."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 45.55.200 is amended to read:

10 Sec. 45.55.200. ORDERS AND INJUNCTIONS. (a) Whenever it appears
11 to the administrator that a person has engaged or is about to engage in
12 an act or practice in violation of any provision of this chapter or
13 rule or order under this chapter, he may

14 (1) if he considers it in the public interest or for the
15 protection of investors, issue an order (A) directing the person to
16 cease and desist from continuing the act or practice, (B) directing the
17 person, for a period not to exceed three years, to file annual reports,
18 proxies, consents or authorizations, proxy statements, or other materi-
19 als relating to proxy solicitations with the administrator for examina-
20 tion and review 10 working days before a distribution to shareholders,
21 and (C) voiding any proxies, including their future exercise or actions
22 resulting from their past exercise, if the proxies were solicited by
23 means of an untrue or misleading statement prohibited under AS 45.55.-
24 160 [; PROVIDED THAT REASONABLE NOTICE OF AND AN OPPORTUNITY FOR A
25 HEARING SHALL FIRST BE GIVEN, EXCEPT THAT THE ADMINISTRATOR MAY ISSUE A
26 TEMPORARY ORDER PENDING THE HEARING WHICH SHALL REMAIN IN EFFECT UNTIL
27 10 DAYS AFTER THE HEARING IS HELD AND WHICH SHALL BECOME FINAL IF THE
28 PERSON TO WHOM NOTICE IS ADDRESSED DOES NOT REQUEST A HEARING WITHIN 15
29 DAYS AFTER THE RECEIPT OF NOTICE]; or

1 (2) bring an action in the superior court to enjoin the acts
2 or practices and to enforce compliance with this chapter or rule or
3 order under this chapter, and upon a proper showing, the appropriate
4 remedy shall be granted and a receiver or conservator may be appointed
5 for the defendant or the defendant's assets; the court may not require
6 the administrator to post a bond.

7 (b) Before issuing an order under (a)(1) of this section the
8 administrator shall give reasonable notice of and an opportunity for
9 a hearing, except that the administrator may issue a temporary order
10 pending the hearing which shall remain in effect until 10 days after
11 the hearing is held and which shall become final if the person to whom
12 notice is addressed does not request a hearing within 15 days after the
13 receipt of notice.