

Introduced: 1/20/82
Referred: Judiciary

1 IN THE HOUSE

BY METCALFE

2 HOUSE BILL NO. 674

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the investigative power of the
7 attorney general regarding violations of AS 45.50.471."

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

9 * Section 1. AS 45.50.495 is amended to read:

10 (a) If the attorney general has cause to believe that a person has
11 engaged in, is engaging in or is about to engage in, a deceptive trade
12 practice under AS 45.50.471, he may serve an investigative demand in
13 writing on any person who is believed to have information, documentary
14 material, or physical evidence relevant to the alleged or suspected
15 violation. The investigative demand may require the person, under
16 oath or otherwise, to appear and testify, to answer written interroga-
17 tories, or to produce relevant documentary material or physical evidence
18 for examination, at a reasonable time and place, concerning the trade
19 practice under investigation.

20 [(1) REQUEST THE PERSON TO FILE A STATEMENT OR REPORT IN
21 WRITING, UNDER OATH, ON FORMS PRESCRIBED BY HIM, SETTING OUT ALL FACTS
22 AND CIRCUMSTANCES CONCERNING THE SALE OR ADVERTISEMENT OF PROPERTY BY
23 THE PERSON, AND OTHER INFORMATION CONSIDERED NECESSARY;

24 (2) EXAMINE UNDER OATH ANY PERSON IN CONNECTION WITH THE SALE
25 OR ADVERTISEMENT OF PROPERTY;

26 (3) EXAMINE PROPERTY OR SAMPLE OF THE PROPERTY, RECORD, BOOK,
27 DOCUMENT, ACCOUNT OR PAPER THAT HE CONSIDERS NECESSARY;

28 (4) MAKE TRUE COPIES OF RECORDS, BOOKS, DOCUMENTS, ACCOUNTS,
29 OR PAPERS EXAMINED UNDER (3) OF THIS SUBSECTION WHICH MAY BE OFFERED IN

1 EVIDENCE IN PLACE OF THE ORIGINALS IN ACTIONS BROUGHT UNDER AS 45.50.-
2 471 - 45.50.561; AND

3 (5) UNDER AN ORDER OF THE SUPERIOR COURT, IMPOUND SAMPLES OF
4 PROPERTY WHICH ARE MATERIAL TO HIS INVESTIGATION AND RETAIN THE SAMPLE
5 UNTIL PROCEEDINGS UNDERTAKEN UNDER AS 45.50.471 - 45.50.561 ARE
6 COMPLETED.]

7 (b) [THE ATTORNEY GENERAL, IN ADDITION TO OTHER POWERS CONFERRED
8 ON HIM BY THIS SECTION, MAY ISSUE SUBPOENAS TO REQUIRE THE ATTENDANCE OF
9 WITNESSES OR THE PRODUCTION OF DOCUMENTS OR OTHER PHYSICAL EVIDENCE,
10 ADMINISTER OATHS, AND CONDUCT HEARINGS TO AID AN INVESTIGATION OR
11 INQUIRY.] Service of an investigative demand [ORDER OR SUBPOENA] shall
12 be made in the same manner as a summons in a civil action in the
13 superior court.

14 * Sec. 2. AS 45.50.495 is amended by adding a new subsection to read:

15 (c) At any time before the return date specified in an investiga-
16 tive demand, or within 20 days after the demand has been served, which-
17 ever period is shorter, a petition to extend the return date, or to
18 modify or set aside the demand, stating good cause, may be filed in the
19 superior court.
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