

**SB**

**239**

**SFIN**

**FILE**

# Alaska State Senate

SENATOR STEVE RIEGER  
District I

Senate Finance Committee  
Chair, Senate Transportation Committee

Legislative Budget and Audit Committee  
Administrative Regulation Review Committee  
Legislative Council



*During Session:*  
State Capitol, Room 316  
Juneau, Alaska 99801  
(907) 465-3879

716 West 4th Avenue, Suite 530  
Anchorage, Alaska 99501  
(907) 258-8188

## MEMORANDUM

TO: Senator Rick Halford, Co-Chair  
Senator Steve Frank, Co-Chair  
Senate Finance Committee

FROM: Senator Steve Rieger *SR*  
Senate District I

DATE: February 9, 1996

RE: Hearing request for SB 239, "An Act relating to telephone advertisements, solicitations, and directory listings."

I respectfully request a hearing on SB 239 which was heard and passed out of Senate Labor and Commerce Committee on February 6, 1996.

I have enclosed a sponsor statement and packet of information on SB 239 for the Finance members. The bill has zero fiscal notes from the Alaska Public Utilities Commission and the Department of Law. If you have any questions on this legislation, please contact me or Sheila Peterson on my staff.

Thank you very much for your consideration.

Enclosures

# Alaska State Senate

**SENATOR STEVE RIEGER**  
District 1

Senate Finance Committee  
Chair, Senate Transportation Committee

Legislative Budget and Audit Committee  
Administrative Regulation Review Committee  
Legislative Council



*During Session:*  
State Capitol, Room 318  
Juneau, Alaska 99801  
(907) 465-1879

716 West 4th Avenue, Suite 330  
Anchorage, Alaska 99501  
(907) 258-8188

## Sponsor Statement

**SB 239 – An Act relating to telephone advertisements, solicitations, and directory listings**

Senate Bill 239 will reduce solicitations by telephone. This legislation allows a residential telephone subscriber to have a notation placed in the telephone directory expressing a desire to not receive telephone solicitations. If a customer has such a notation placed in the directory, a person may not solicit business from that customer through a telephone call.

Under this legislation, local telephone companies will inform residential customers of the provisions of SB 239. If requested, the local telephone company will provide a list of all subscribers who are identified as not wishing to receive telephone solicitations.

This bill is an expansion of the statutes governing unfair practices in the conduct of trade and commerce, as described in AS 45.50.471.

February 2, 1996

quire intent to harm. — Willful misconduct means volitional action taken either with a knowledge that serious injury to another will possibly result, or with wanton and reckless disregard of the possible results. *Aetna Cas. & Sur. Co. v. Marlon Equip. Co.*, 894 P.2d 664 (Alaska 1995). Because the insured was found by a jury

to have acted with reckless disregard of the plaintiff's interests and safety, the insured's injurious behavior is properly termed willful misconduct. Consequently, this section forbids the indemnity the insurer seeks. *Aetna Cas. & Sur. Co. v. Marlon Equip. Co.*, 894 P.2d 664 (Alaska 1995).

## Chapter 50. Competitive Practices and Regulation of Competition.

### Article

- 3. Unfair Trade Practices and Consumer Protection §§ 45.50.471, 45.50.477;
- 4. Monopolies, Restraint of Trade §§ 45.50.572, 45.50.892;

### Article 3. Unfair Trade Practices and Consumer Protection.

#### Section

- 471. Unlawful acts and practices
- 477. Use of titles relating to industrial hygiene

**Sec. 45.50.471. Unlawful acts and practices.** (a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce are declared to be unlawful.

(b) The terms "unfair methods of competition" and "unfair or deceptive acts or practices" include, but are not limited to, the following acts:

- (1) fraudulently conveying or transferring goods or services by representing them to be those of another;
- (2) falsely representing or designating the geographic origin of goods or services;
- (3) causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval, or another person's affiliation, connection, or association with or certification of goods or services;
- (4) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;
- (5) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, secondhand, or second;
- (6) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (7) disparaging the goods, services, or business of another by false or misleading representation of fact;
- (8) advertising goods or services with intent not to sell them as advertised.

(9) advertising goods or services with intent not to supply reasonable expectable public demand, unless the advertisement prominently discloses a limitation of quantity;

(10) making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(11) engaging in any other conduct creating a likelihood of confusion or of misunderstanding and which misleads, deceives or damages a buyer or a competitor in connection with the sale or advertisement of goods or services;

(12) using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or omitting a material fact with intent that others rely upon the concealment, suppression or omission in connection with the sale or advertisement of goods or services whether or not a person has in fact been misled, deceived or damaged;

(13) failing to deliver to the customer at the time of an installment sale of goods or services, a written order, contract, or receipt setting out the name and address of the seller and the name and address of the organization that the seller represents, and all of the terms and conditions of the sale, including a description of the goods or services, which shall be stated in readable, clear, and unambiguous language;

(14) representing that an agreement confers or involves rights, remedies or obligations which it does not confer or involve, or which are prohibited by law;

(15) knowingly making false or misleading statements concerning the need for parts, replacement, or repair service;

(16) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;

(17) basing a charge for repair in whole or in part on a guaranty or warranty rather than on the actual value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the guaranty or warranty, if any;

(18) disconnecting, turning back or resetting the odometer of a vehicle to reduce the number of miles indicated;

(19) using a chain referral sales plan by inducing or attempting to induce a consumer to enter into a contract by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the consumer either sell, or give information or assistance for the purpose of leading to a sale by the seller of the same or related goods;

(20) selling or offering to sell a right of participation in a chain distributor scheme;

(21) selling, falsely representing or advertising meat, fish or poultry which has been frozen as fresh food;

(22) failing to comply with AS 45.02.350.

- (23) failing to comply with AS 45.45.130 — 45.45.240;
- (24) counseling, consulting or arranging for future services relating to the disposition of a body upon death whereby certain personal property, not including cemetery lots and markers, will be furnished or the professional services of a funeral director or embalmer will be furnished, unless the person receiving money or property deposits the money or property, and money or property is received, within five days of its receipt, in a trust in a financial institution whose deposits are insured by an instrumentality of the federal government designating the institution as the trustee as a separate trust in the name only of the person on whose behalf the arrangements are made with a provision that the money or property may only be applied to the purchase of designated merchandise or services and should the money or property deposited and any accrued interest not be used for the purposes intended on the death of the person on whose behalf the arrangements are made, all money or property in the trust shall become part of that person's estate; upon demand by the person on whose behalf the arrangements are made, all money or property in the trust including accrued interest, shall be paid to that person; this paragraph does not prohibit the charging of a separate fee for consultation, counseling or arrangement services if the fee is disclosed to the person making the arrangement; any arrangement under this paragraph which would constitute a contract of insurance under AS 21 is subject to the provisions of AS 21;
- (25) failing to comply with the terms of AS 45.50.800 — 45.50.850 (Alaska Gasoline Products Leasing Act);
- (26) failing to comply with AS 45.30 relating to mobile home warranties and mobile home parks;
- (27) failing to comply with AS 14.48.060(b)(13);
- (28) dealing in hearing aids and failing to comply with AS 08.55;
- (29) violating AS 45.45.910(a), (b), or (c);
- (30) failing to comply with AS 45.50.473;
- (31) violating the provisions of AS 45.45.400;
- (32) knowingly selling a reproduction of a piece of art or handicraft hat was made by a resident of the state unless the reproduction is clearly labeled as a reproduction; in this paragraph, "reproduction" means a copy of an original if the copy is
  - (A) substantially the same as the original; and
  - (B) not made by the person who made the original;
- (33) violating AS 08.66.010 — 08.66.090 (motor vehicle dealers);
- (34) violating AS 08.66.200 — 08.66.350 (motor vehicle buyers' agents);
- (35) violating AS 45.63 (telephonic solicitations);
- (36) violating AS 45.68 (charitable solicitations);
- (37) violating AS 45.50.474 (on board promotions);

(38) referring a person to a dentist or a dental practice that has paid or will pay a fee for the referral unless the person making the referral discloses at the time the referral is made that the dentist or dental practice has paid or will pay a fee based on the referral;

(39) advertising that a person can receive a referral to a dentist or a dental practice without disclosing in the advertising that the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral if, in fact, the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral.

(40) violating AS 45.50.477(a) — (c).

(c) The unlawful acts and practices listed in (b) of this section are in addition to and do not limit the types of unlawful acts and practices actionable at common law or under other state statutes.

(d) [Repealed, § 21 ch 166 S.L.A. 1978.] § 2 ch 246 S.L.A. 1970; am § 1 ch 53 S.L.A. 1974; am § 1 ch 138 S.L.A. 1974; am § 1 ch 183 S.L.A. 1975; am § 2 ch 146 S.L.A. 1976; am § 3 ch 197 S.L.A. 1976; am § 3 ch 234 S.L.A. 1976; am § 21 ch 166 S.L.A. 1978; am § 12 ch 131 S.L.A. 1986; am § 2 ch 59 S.L.A. 1990; am § 3 ch 82 S.L.A. 1990; am § 1 ch 92 S.L.A. 1992; am § 2 ch 118 S.L.A. 1992; am § 6 ch 10 S.L.A. 1993; am § 3 ch 60 S.L.A. 1993; am § 4 ch 109 S.L.A. 1994; am § 2 ch 22 S.L.A. 1995; am § 1 ch 69 S.L.A. 1995)

*Revisor's notes.* — Paragraph (b)(24) was enacted as (b)(23) and paragraph (b)(25) was enacted as (b)(22), renumbered in 1976. Paragraph (b)(26) was enacted as (b)(27), renumbered in 1986. Paragraphs (b)(24) and (25) were enacted as (b)(23) and (b)(22), respectively, renumbered in 1976. Paragraph (b)(28) was enacted as (b)(27), renumbered in 1986. Paragraph (b)(30) was enacted as (b)(29), renumbered in 1990. Paragraph (b)(32) was enacted as (b)(31), renumbered in 1992, at which time "AS 45.45.400" was substituted for

"AS 45.45.410" to correct a manifest error in § 2, ch 118, S.L.A. 1992. Paragraphs (b)(35) and (36) were enacted as (b)(33) and (34), respectively, renumbered in 1993. Paragraph (b)(40) was enacted as (b)(38), renumbered in 1995.

*Effect of amendments.* — The first 1995 amendment, effective August 8, 1995, in subsection (b), added paragraphs (38) and (39).

The second 1995 amendment, effective September 3, 1995, added paragraph (b)(40).

**Sec. 45.50.474. Required disclosures in promotions on board cruise ships.**

*Cross reference.* — For exemption for on shore excursions sold on board a cruise ship, that was in effect from May 19, 1995

through September 29, 1995, see § 2, ch 31, S.L.A. 1995 in the Temporary and Special Acts.

**Sec. 45.50.477. Use of titles relating to industrial hygiene.**  
 (a) A person may not use the title "industrial hygienist," the initials "I.H.," another term that includes the phrase "industrial hygiene" or similar words, or represent to the public that the person is an industrial hygienist, unless the person has a baccalaureate or graduate

**Sec. 45.50.472. Junk telephone calls.** (a) Making a junk telephone call without the prior written consent of the person called is unlawful.

(b) In this section "junk telephone call" means a telephone call made for the purpose of advertising through the use of a recorded advertisement.

(c) The provisions of AS 45.50.481 — 45.50.561 apply to this section. (§ 1 ch 17 SLA 1978)

**Sec. 45.50.473. Disclosure of costs of certain telephone services.** (a) A person may not provide an alternate operator service without disclosing to the consumer before a charge is incurred the cost of the service provided by the person and the identity of the person providing those services. This section does not affect the power of the Alaska Public Utilities Commission to regulate providers of alternate operator services under AS 42.05 in a manner consistent with this section.

(b) The owner of a place where telephone business from consumers is aggregated, including a hotel, motel, hospital, and pay telephone other than a telephone utility regulated by the Alaska Public Utilities Commission, shall disclose a surcharge added to the cost of local or long distance telephone service before the service is provided. Disclosure may be made by posting the amount of the surcharge on or near the telephone instruments subject to the surcharge or by other reasonable written or oral means.

(c) A violation of this section constitutes an unfair or deceptive act or practice under AS 45.50.471. Notwithstanding AS 45.50.531(a), it is presumed that actual damages to the consumer are equal to the cost of the service provided plus \$200. Additional damages must be proved.

(d) In this section, "alternate operator service" has the meaning given in AS 42.05.325(c). (§ 4 ch 82 SLA 1990)

**Cross references.** — For legislative findings in connection with the enactment of this section, see § 1, ch 82, SLA 1990 in the Temporary and Special Acts.

**Sec. 45.50.474. Required disclosures in promotions on board cruise ships.** A person may not conduct a promotion on board a cruise ship that mentions or features a business in a state port that has paid something of value for the purpose of having the business mentioned or featured, unless the person conducting the promotion clearly and fully discloses orally and in all written materials used in the promotion that the featured businesses have paid to be included in the promotion. A violation of this section constitutes an unfair trade practice under AS 45.50.471. In this section, "cruise ship" means a ship that operates at least 120 days a year anywhere in the world, provides cruises of at least 72 hours in length for ticketed passengers, provides

SB 239 repeals and reenacts this section in Sec 45.50.475(a)(2) on page 1

overnight accommodations and meals for those passengers, is operated by an authorized cruise ship operator, and is certified under the International Convention for the Safety of Life at Sea or otherwise certified by the United States Coast Guard. (§ 5 ch 109 SLA 1994)

**Effective dates.** — Section 7, ch 109, June 11, 1994, in accordance with AS SLA 1994 makes this section effective 01.10.07(c).

*Sec. 45.50.480. (Repealed, § 1 ch 246 SLA 1970.)*

**Sec. 45.50.481. Exemptions.** (a) Nothing in AS 45.50.471 — 45.50.561 applies to

(1) an act or transaction regulated under laws administered by the state, by a regulatory board or commission except as provided by AS 45.50.471(b)(27) and (30), or officer acting under statutory authority of the state or of the United States, unless the law regulating the act or transaction does not prohibit the practices declared unlawful in AS 45.50.471;

(2) an act done by the publisher, owner, agent, or employee of a newspaper, periodical, or radio or television station in the publication or dissemination of an advertisement, when the owner, agent, or employee did not have knowledge of the false, misleading, or deceptive character of the advertisement or did not have a direct financial interest in the sale or distribution of the advertised product or service;

(3) an act or transaction regulated under AS 21.36 or AS 06.05 or a regulation adopted under the authority of those chapters.

(b) The exemption in (a)(3) of this section does not apply to an act or transaction between a bank and its borrowers, depositors, or other customers or potential customers (§ 2 ch 246 SLA 1970; am §§ 2, 3 ch 53 SLA 1974; am § 6 ch 64 SLA 1986; am § 5 ch 82 SLA 1990; am § 100 ch 26 SLA 1993)

**Effect of amendments.** — The 1990 amendment inserted "and (30)" after "AS 45.50.471(b)(27)" in paragraph (1) (new (a)(1)). The 1993 amendment, effective January 1, 1994, added subsection (b).

NOTES TO DECISIONS

**Applicability of paragraph (a)(1) exemption.** — Paragraph (1) of this section (now paragraph (a)(1)) exempts only those acts or transactions which are the subject of ongoing, careful regulation. *Metanushka Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

Unfair acts or practices are exempt under paragraph (1) of this section (now paragraph (a)(1)) only where the business is both regulated and unfair acts and practices are prohibited. *Metanushka*

*Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

The exemption contained in paragraph (1) of this section (now paragraph (a)(1)) was not intended to apply to acts proscribed by the Alaska Restraint of Trade Act, AS 45.50.562 — 45.50.596. *Metanushka Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

Since the Restraint of Trade Act, AS 45.50.562 — 45.50.596, does not regulate the dairy industry within the meaning of

Paragraph (1) of this section (now paragraph (a)(1)), the exemption does not apply. *Matanuska Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

More regulation under a separate and distinct statutory scheme satisfies only one prong of paragraph (1) of this section (now paragraph (a)(1)), unfair acts and practices are exempt from the purview of the act only where the business is not regulated elsewhere and the unfair acts and practices are therein prohibited. *State v. O'Neill Investigations, Inc.*, 609 P.2d 620 (Alaska 1980).

This article embraces independent debt collection practices. — See note under this catchline following the article analysis.

Article not applicable to sale of real property. — See note under this catchline following the article analysis. *State v. First Nat'l Bank*, 660 P.2d 406 (Alaska 1982).

Applied in *O.K. Lumber Co. v. Providence Wash. Inc. Co.*, 759 P.2d 823 (Alaska 1988).

Collateral references. — Scope and exemptions of state deceptive trade prac-

tice and consumer protection acts. 89 ALR3d 399.

*Sec. 45.50.490. [Repealed, § 1 ch 246 SLA 1970.]*

**Sec. 45.50.491. Regulations.** The attorney general, in accordance with AS 44.62 (Administrative Procedure Act), may adopt regulations interpreting and forms necessary for administering the provisions of AS 45.50.471 — 45.50.561. (§ 2 ch 246 SLA 1970, am § 4 ch 53 SLA 1974)

**Sec. 45.50.495. Investigative power of attorney general.** (a) If the attorney general has cause to believe that a person has engaged in, is engaging in, or is about to engage in a deceptive trade practice under AS 45.50.471, the attorney general may

(1) request the person to file a statement or report in writing, under oath, on forms prescribed by the attorney general, setting out all facts and circumstances concerning the sale or advertisement of property of the person, and other information considered necessary;

(2) examine under oath any person in connection with the sale or advertisement of property;

(3) examine property or sample of the property, record, book, document, account, or paper that the attorney general considers necessary;

(4) make true copies of records, books, documents, accounts, or papers examined under (3) of this subsection, which may be offered in evidence in place of the originals in actions brought under AS 45.50.471 — 45.50.561; and

(5) under an order of the superior court, impound samples of property that are material to the investigation and retain the sample until proceedings undertaken under AS 45.50.471 — 45.50.561 are completed.

(b) The attorney general, in addition to other powers conferred by this section, may issue subpoenas to require the attendance of wit-

nesses of the production of documents or other physical evidence, administer oaths, and conduct hearings to aid an investigation or inquiry. Service of an order or subpoena shall be made in the same manner as a summons in a civil action in the superior court. (§ 5 ch 53 SLA 1974)

NOTES TO DECISIONS

Investigation of acts violating both article 3 and article 4 of chapter. — Although it does not necessarily follow that an act which violates the Unfair Trade Practices and Consumer Protection Act, AS 45.50.471 — 45.50.561, would also violate the Restraint of Trade Act, AS 45.50.562 — 45.50.596, if an act does violate both statutes, an investigation pursuant to this section would be appropriate. *Matanuska Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

Since the bidding and pricing activities under investigation could have conceivably lacked some essential element of an

AS 45.50.562 violation, which is Alaska's equivalent of the Sherman Act, it was appropriate for the state to investigate as well the possible violation of AS 45.50.471, which is Alaska's equivalent of the Federal Trade Commission Act, 15 U.S.C. § 41 et seq. *Matanuska Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

The state cannot be expected to know with certainty the exact nature of a suspected violation. This uncertainty is the very reason for conferring precomplaint investigatory authority on the attorney general. *Matanuska Maid, Inc. v. State*, 620 P.2d 182 (Alaska 1980).

*Sec. 45.50.500. [Repealed, § 1 ch 246 SLA 1970.]*

**Sec. 45.50.501. Restraining prohibited acts.** (a) When the attorney general has reason to believe that a person has used, is using, or is about to use an act or practice declared unlawful in AS 45.50.471, and that proceedings would be in the public interest, the attorney general may bring an action in the name of the state against the person to restrain by injunction the use of the act or practice. The action may be brought in the superior court in the judicial district in which the person resides or is doing business or has the person's principal place of business in the state, or, with the consent of the parties, in any other judicial district in the state.

(b) The court may make additional orders or judgments that are necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of an act or practice declared to be unlawful by AS 45.50.471. (§ 2 ch 246 SLA 1970)

NOTES TO DECISIONS

Article not applicable to sales of real property. — The scope of the consumer protection act does not enlarge to include sales of real property when such is instituted by the state even though the section contains no limitation to "goods or

services" comparable to that in such sections as AS 45.50.561(4) or AS 45.50.531(1). *State v. First Nat'l Bank*, 660 P.2d 406 (Alaska 1982).

Cited in *State v. Oregon*, 626 P.2d 570 (Alaska 1981).

**Collateral references.** — Validity of to seek, or to court to grant, restitution of express statutory grant of power to state fruits of consumer fraud 59 ALASKA 1222.

*Sec. 45.50.510. [Repealed, § 1 ch 246 SLA 1970]*

**Sec. 45.50.511. Assurances of voluntary compliance.** In the administration of AS 45.50.471 — 45.50.561, the attorney general may accept an assurance of voluntary compliance with respect to any act or practice considered to be violative of AS 45.50.471 — 45.50.561 from a person who has engaged or was about to engage in such an act or practice. The assurance shall be in writing and shall be filed with and is subject to the approval of the superior court in the judicial district in which the alleged violator resides or is doing business or has the principal place of business in the state. The assurance of voluntary compliance is not considered an admission of violation for any purpose. Matters closed in this way may at any time be reopened by the attorney general for further proceedings in the public interest, under AS 45.50.501. (§ 2 ch 246 SLA 1970)

**Sec. 45.50.521. When information and evidence confidential and nonadmissible. (a)** *[Repealed by § 6 ch 53 SLA 1974]*

(b) Subject to the provisions of AS 45.50.501(a), the attorney general may not make public the name of a person alleged to have committed an act or practice declared unlawful in AS 45.50.471 during an investigation conducted by the attorney general under AS 45.50.471 — 45.50.561, nor are the records of investigation or intelligence information of the attorney general obtained under AS 45.50.471 — 45.50.561 considered public records available for inspection by the general public. However, the attorney general is not prevented from issuing public statements describing or warning of a course of conduct or a conspiracy that constitutes or will constitute an unlawful act or practice, whether on a local, state, regional, or national basis. (§ 2 ch 246 SLA 1970; am § 6 ch 53 SLA 1974)

**Sec. 45.50.531. Private and class actions. (a)** A person who suffers an ascertainable loss of money or property as a result of another person's act or practice declared unlawful by AS 45.50.471 may bring a civil action to recover actual damages or \$200, whichever is greater. The court may, in cases of wilful violation, award up to three times the actual damages sustained. The court may provide other relief if it considers necessary and proper.

(b) *[Repealed, § 1 ch 31 SLA 1987]*

(c) Upon commencement of an action brought under this section the clerk of the court shall mail a copy of the complaint or other initial pleading to the attorney general and, upon entry of an order or judgment

in the action, shall mail a copy of the order or judgment to the attorney general.

(d) *[Repealed, § 4 ch 31 SLA 1987.]*

(e) A permanent injunction or final judgment against a person against whom an action was initiated under AS 45.50.501 is prima facie evidence in an action brought under this section that the person used or employed an act or practice declared unlawful by AS 45.50.471.

(f) A person may not commence an action under this section more than two years after the person discovers or reasonably should have discovered that the loss resulted from an act or practice declared unlawful by AS 45.50.471.

(g) In an action brought under this section, the court may award the prevailing party all or a portion of the actual costs and attorney fees incurred by the party.

(h) If the basis for the action is the fault of the manufacturer or supplier of the merchandise, the manufacturer or supplier who is at fault is liable for the damages awarded against the retailer under this section. (§ 2 ch 246 SLA 1970; am § 1 ch 225 SLA 1976; am § 1 — 1 ch 31 SLA 1987)

**Revisor's notes.** — In subsections (g) and (h), the word "section" was substituted for "chapter" in 1987 to correct a manifest error.

#### NOTES TO DECISIONS

**Opportunity to cure technical pleading deficiency.** — Although defendant is a New Jersey corporation with its principal place of business in Ohio and plaintiffs failed to set forth in their amended complaint the essential allegation that defendant was "doing business" in Alaska within the meaning of subsection (a) of this section, dismissing the claim on the basis of this technicality was inappropriate, leave to amend the complaint should have been granted in order to afford the

plaintiffs the opportunity to cure their technical pleading deficiency. *Shoshonien v Dennis E. Wagner, Borden, Inc.*, 672 P.2d 455 (Alaska 1983).

Applied in *Swenson Trucking & Excavating, Inc. v Truckworld Equip. Co.*, 504 P.2d 1113 (Alaska 1980); *State v First Nat'l Bank*, 669 P.2d 406 (Alaska 1982).

Cited in *OK Lumber Co. v Providence Wash. Ins. Co.*, 759 P.2d 523 (Alaska 1988).

**Collateral references.** — Consumer class action based on fraud or misrepresentation 53 ALASKA 514

Right to private action under state consumer protection act 62 ALASKA 102

Reasonableness of offer of settlement under state deceptive trade practice and consumer protection acts 59 ALASKA 1250

**Sec. 45.50.541. Nonnegotiability of consumer paper.** (a) If a contract for sale or lease of consumer goods or services on credit entered into between a retail seller and a retail buyer requires or involves the execution of a promissory note or instrument or other evidence of indebtedness of the buyer, the note, instrument, or evidence

of indebtedness shall have printed on its face the words "consumer paper," and the note, instrument or evidence of indebtedness with the words "consumer paper" printed on it is not a negotiable instrument, within the meaning of AS 45.01 — AS 45.09, AS 45.12, and AS 45.14 (Uniform Commercial Code).

(b) Notwithstanding the absence of such a notice on a note, instrument, or evidence of indebtedness arising out of a consumer credit sale or consumer lease as described in this section, an assignee of the rights of the seller or lessor is subject to all claims and defenses of the buyer or lessee against the seller or lessor arising out of the sale or lease. An agreement to the contrary has no effect in limiting the rights of a consumer.

(c) The assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. ( § 2 ch 246 SLA 1970)

Reviser's notes. — In 1993, under SLA 1993 the citation to the Uniform Code, ch 34, SLA 1993 and § 128, ch 35, Commercial Code was revised.

#### NOTES TO DECISIONS

Stated in Bendix Home Systems v. Leasop, 644 P.2d 843 (Alaska 1982).

Sec. 45.50.542. Provisions not waivable. A waiver by a consumer of the provisions of AS 45.50.471 — 45.50.561 is contrary to public policy and is unenforceable and void. ( § 7 ch 53 SLA 1974)

Sec. 45.50.545. Interpretation. In interpreting AS 45.50.471 due consideration and great weight should be given the interpretations of 5 U.S.C. 45(a)(1) ( § 5(m)(1) of the Federal Trade Commission Act). ( § 8 ch 53 SLA 1974)

#### NOTES TO DECISIONS

The Federal Fair Debt Practices Act, 15 U.S.C. § 1692 (Supp. 1977), extends already existing Federal Trade Commission jurisdiction over unfair or deceptive acts and practices of collection agencies. It is not written on a clean slate as Federal Trade Commission's prior ex-

ercise of jurisdiction in this area is entitled to great weight, and leads to the conclusion that the new act merely supplements the old State v. O'Neill Investigations, Inc., 609 P.2d 520 (Alaska 1980).

Quoted in Matanuska Mail, Inc. v. State, 620 P.2d 182 (Alaska 1980).

Sec. 45.50.551. Civil penalties. (a) A person who violates the terms of an injunction or restraining order issued under AS 45.50.501 shall forfeit and pay to the state a civil penalty of not more than \$5,000 per violation. For the purposes of this section, the superior court in a judicial district issuing an injunction retains jurisdiction, and the cause shall be continued, and in these cases the attorney

general acting in the name of the state may petition for recovery of the penalties.

(b) In an action brought under AS 45.50.501, if the court finds that a person is using or has used an act or practice declared unlawful by AS 45.50.471, the attorney general, upon petition to the court, may recover, on behalf of the state, a civil penalty of not more than \$5,000 per violation.

(c) (Repealed by § 21 ch 166 SLA 1978) ( § 2 ch 246 SLA 1970; am § 9 ch 53 SLA 1974; am § 21 ch 166 SLA 1978)

Sec. 45.50.561. Definitions. In AS 45.50.471 — 45.50.561

(1) "advertising" includes the attempt directly or indirectly by publication, dissemination, solicitation, endorsement, or circulation, display in any manner, including solicitation or dissemination by mail, telephone or door-to-door contacts, or in any other way, to induce directly or indirectly a person to enter or not enter into an obligation or acquire title or interest in any merchandise or to increase the consumption of it or to make a loan;

(2) "cemetery lot" means a lot, plot, space, grave, niche, mausoleum, crypt, vault, or columbarium, used or intended to be used for the interment of human remains;

(3) "chain distributor scheme" means a sales device whereby a person, upon condition that the person make an investment, is granted a license or right to solicit or recruit for profit one or more additional persons who are also granted a license or right upon condition of making an investment and may further perpetuate the chain of persons who are granted a license or right upon the condition of investment; a limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the license or right to solicit or recruit or the receipt of profit from these does not change the identity of the scheme as a chain distributor scheme; as used in this paragraph, "investment" means acquisition, for a consideration other than personal services, of tangible or intangible property, and includes but is not limited to franchises, business opportunities and services; "investment" does not include sales demonstration equipment and materials furnished at cost for use in making sales and not for resale;

(4) "consumer" means a person who seeks or acquires goods or services by lease or purchase;

(5) "dealing in hearing aids" has the meaning given in AS 08.85.200;

(6) "documentary material" means the original or a copy of a book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situate;

AMENDMENT  
 HB 109  
 from GCI

2/20 (HR 12)



April 28, 1995

Representative Pete Kott  
 Alaska State Legislature  
 House Labor and Commerce Committee  
 State Capitol (MS 3100)  
 Juneau, AK 99801-1182

APR 28 1995

Re: HB 109

Dear Representative Kott:

General Communication, Inc. (GCI) requests that HB 109 be amended in order to facilitate compliance with the provisions of the bill that prohibit telephone solicitation of a person who has been identified in a telephone directory as not wishing to receive solicitations. The amendment is needed because telephone solicitors do not generally use telephone directories as a source of numbers for solicitation.

In GCI's case, we use list of numbers, including random numbers, that have been screened to remove "do not call" numbers. It is not feasible (nor even possible in many cases) to look up the number in a directory. However, if the local telephone company provides a list of the phone numbers of the residential customers who do not wish to receive solicitations, then we can add those numbers to the "do not call" list. This process is generally handled electronically, by computers, so the list should be provided in computer format.

Accordingly, GCI request that the bill be amended by adding another subsection to proposed AS 45.50.475, as follows:

(c) A local exchange telecommunications company shall, upon request, provide to a person who engages in telephone solicitation a list of all telephone numbers identified in the telephone directory as residential customers who do not wish to

Representative Pete Kott  
April 28, 1995  
Continued Page 2

receive telephone solicitations. If possible and if requested by the person who engages in telephone solicitation, this list shall be provided in computer-readable format.

Thank you for you assistance in this matter. Please feel free to contact me if you have any questions.

Sincerely,  
GENERAL COMMUNICATION, INC.



James R. Jackson  
Regulatory Attorney

cc: Representative Kay Brown

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

B  
3

DATE: 1/26/96

FURTHER: Finance

Date of 5-Day Notice: Feb 1 1996  
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/7/96

The Labor & Commerce Committee considered SB 239

Relating to telephone advertisements, solicitations, and directory listings.

and recommends:

- be replaced with ~~SB~~ CS 239 (LIC)
- adopt previous CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
  - same title
  - new title
- House Bill:
  - same title
  - technical title
  - new: SCR \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Mike Miller	✓				
John Jordan	✓	Judith E. Salo	✓		
CHAIR: Tim Kelly	✓				

**NEW FISCAL NOTE(S):**

Department                      Date    Zero    Fiscal


**PREVIOUS FISCAL NOTE(S):\***

Department                      Date    Zero    Fiscal

CS Dept of Law	2/5/96	X	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

2-8-96

Larry -

A review of the original file for SB 239 indicates that you are correct. The Labor & Commerce Committee report was mismarked to indicate the same title for the L & C committee substitute. It appears that the title changed when the committee incorporated "opinion polls" within bill provisions and the title for CSSB 239 (L&C).

Kathy  
2618

SENATE FINANCE  
COMMITTEE  
Amendment Number:     /      
Bill Number:                       
Sponsor:                      Date: 2/2/  
Logged In By:                     

moved by Sen. Rieger  
failed 2/2/96  
9-LS1519C.1  
Cramer  
2/20/96

AMENDMENT

By Sen Rieger

OFFERED IN THE SENATE

TO: CSSB 239(L&C)

- 1 Page 1, line 1:
- 2 Delete "opinion polls,"
  
- 3 Page 1, line 8:
- 4 Delete ", SOLICITATIONS, AND OPINION POLLING"
- 5 Insert "AND SOLICITATIONS"
  
- 6 Page 1, line 12, after ",":
- 7 Insert "or"
  
- 8 Page 1, line 14:
- 9 Delete "; or"
- 10 Insert "."
  
- 11 Page 1, line 15, through page 2, line 2:
- 12 Delete all material.

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
S.C. 2/22/96

DATE: 2/7/96

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered SB 239

Relating to telephone advertisements, solicitations, and directory listings.

and recommends:

be replaced with \_\_\_\_\_ CS C 55 B 239 ( FIN )

adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( \_\_\_\_\_ )

attached amendment(s)

adopt Letter of Intent by \_\_\_\_\_ Committee

further referral to the \_\_\_\_\_ Committee

Senate Bill:  
 same title  
 new title  
House Bill:  
 same title  
 technical change  
 new: SCR \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>		Co-Chair:	✓		

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>DCTED</i>	<i>2/5/96</i>	0	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
<i>Law</i>	<i>2/7/96</i>	0	

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 239

Revision Date: \_\_\_\_\_ Department: Commerce and Economic Development  
 Title: An act relating to telephone advertisements, BRU: AK Public Utilities Commission  
solicitations, and directory listings Component: AK Public Utilities Commission  
 Sponsor: Senator Rieger  
 Requestor: Senate Labor and Commerce COMPONENT SERIAL NO. #364

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	00	00	00	00	00	00

CAPITAL EXPENDITURES \_\_\_\_\_

CHANGE IN REVENUES \_\_\_\_\_

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	00	00	00	00	00	00

Estimate of any current year (FY 96) cost: \$ \_\_\_\_\_

POSITIONS	
FULL-TIME	
PART-TIME	
TEMPORARY	

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill would have a zero fiscal impact on the Alaska Public Utilities Commission. Enforcement of this bill would be by the Department of Law.

Prepared by: Robert A. Lohr, Executive Director Phone: (907)276-6222  
 Division: AK Public Utilities Commission Date: February 5, 1996  
 Approved by Commissioner: William L. Hensley Date: 2-5-96  
 Agency: Commerce and Economic Development

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# FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

No. 1  
Bill Version: CSSB 239(L&C)  
BII (S) Publish Date: 2/7/96

Revision Date: \_\_\_\_\_ Dept. Affected: Department of Law  
"An Act relating to telemarketing, BRU: Civil Division  
advertisements, solicitations and directory listings." Component: General Legal Services  
 Sponsor: Senator Rieger  
 Requester: Senate Labor and Commerce COMPONENT SERIAL NO. 2087

**Expenditures/Revenues** (Thousands of Dollars)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES</b>						

**FUND SOURCE** (Thousands of Dollars)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY96) cost: 0.0

**POSITIONS**

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

This bill amends the state's consumer protection laws to make it unlawful to engage in telephone solicitation of a residential telephone customer of a telecommunications company and the customer is identified in the telephone directory as not wishing to receive telephone solicitations. The bill also requires local exchange telecommunication companies provide for the identification in their telephone directories of those residential customers who do not wish to receive telephone solicitations. Upon request by a person who engages in telephone solicitations, local exchange telephone companies would further be required to provide a list of all telephone numbers in their telephone directories of residential customers who do not wish to receive telephone solicitations. The bill should help reduce unwanted telephone solicitations once sufficient time has run to allow for the telephone directory identification process to occur. Nevertheless, some telephone solicitation organizations may choose to ignore the bill's prohibition against unwanted solicitations, resulting in complaints to the Better Business Bureau, which handles complaint taking for the state. The Department of Law is

*Richard I. Pegues*

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/5/96  
 Approved by Commissioner: Bruce M. Botelho, Attorney General Date: 2/5/96  
 Agency: Department of Law

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FISCAL NOTE

STATE OF ALASKA  
1996 LEGISLATIVE SESSION

BILL NO. SB 239

ANALYSIS CONTINUATION:

available for enforcement purposes if there is a large enough number of violations to warrant enforcement. At this time we believe that, once there is sufficient directory identification of those who do not wish to receive telephone solicitations, the number of violations will have a fiscal impact for the Department of Law.

# A F A X

## Alaska State Legislature

Date: 2/22/96

To: Terry Cramer

Fax #: 2029 Phone #: 2450

From: Terry, Senate Finance Committee

Phone #: 4935

Re: using CSSB 239(LIC) as a basis please prepare final draft incorporating attached one amendment. Please deliver to Room 520, Capitol Bldg.

Following this page, please find 1 pages(s). If this does not reach you in full, please inform us ASAP.



# THANK YOU.

SENATE FINANCE  
COMMITTEE  
Amendment Number: 2  
Bill Number: \_\_\_\_\_  
Sponsor: \_\_\_\_\_ Date: 2/21  
Logged In By: \_\_\_\_\_

adopted 2/27/96  
moved Sen. Rieger  
9-LS1519C.3  
Cramer  
2/21/96

AMENDMENT

By Sen. Rieger

OFFERED IN THE SENATE  
TO: CSSB 239(L&C)

- 1 Page 1, line 13:
- 2 Delete "uses"
- 3 Insert "originates a telephone call using"
- 4 Delete "telephone"
- 5 Insert "telephonic"
  
- 6 Page 2, line 6, after ".":
- 7 Insert "The local exchange telecommunications company may impose a reasonable
- 8 charge for the identification in the directory. The charge shall be based on the cost of
- 9 providing the identification and ~~approved~~ <sup>subject to approval</sup> by the Alaska Public Utilities Commission."
  
- 10 Page 2, line 11, after ".":
- 11 Insert "The local exchange telecommunications company may impose a reasonable
- 12 charge for the list. The charge shall be based on the cost of providing the list and ~~approved~~ <sup>subject to approval</sup>
- 13 by the Alaska Public Utilities Commission."
  
- 14 Page 2, line 23, after "(1)":
- 15 Insert "'charitable organization' has the meaning given in AS 45.68.900:
- 16 (2)"
  
- 17 Renumber the following paragraph accordingly.

~~Reported out~~  
2/22/96

9-LS1519C

*Fin*  
CS FOR SENATE BILL NO. 239(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/7/96  
Referred: Finance

Sponsor(s): SENATOR KIEGER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to telephone advertisements, solicitations, opinion polls, and  
2 directory listings."

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

4 \* Section 1. AS 45.50.471(b) is amended by adding a new paragraph to read:

5 (41) failing to comply with AS 45.50.475.

6 \* Sec. 2. AS 45.50 is amended by adding a new section to read:

7 Sec. 45.50.475. UNLAWFUL UNWANTED TELEPHONE  
8 ADVERTISEMENTS, SOLICITATIONS, AND OPINION POLLING. (a) A person  
9 is in violation of AS 45.50.471(b)(41) if the person

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

13 (2) uses an automated or recorded message as a telephone advertisement  
14 or solicitation; or

15 (3) uses an automated message to solicit by telephone the opinion of an

1 individual at a residential telephone if the customer is identified in the telephone  
2 directory as not wishing to receive telephone solicitations.

3 (b) A local exchange telecommunications company and a company that provides  
4 a telephone directory on behalf of a local exchange telecommunications company shall  
5 provide for the identification in the telephone directory of those residential customers  
6 who do not wish to receive telephone solicitations.

7 (c) A local exchange telecommunications company shall, upon request, provide  
8 to a person who engages in telephone solicitation a list of all telephone numbers  
9 identified in the telephone directory as residential customers who do not wish to receive  
10 telephone solicitations. If possible and if requested by the person who engages in  
11 telephone solicitation, this list shall be provided in computer readable format.

12 (d) When providing a telephone number at the request of a caller, a telephone  
13 company that provides a directory assistance service shall advise the caller if the  
14 customer is identified in the telephone directory as a residential customer who does not  
15 wish to receive telephone solicitations.

16 (e) Local exchange telecommunications companies shall inform residential  
17 customers of the provisions of this section. Notification may be made by

18 (1) annual inserts in the billing statements mailed to residential  
19 customers; or

20 (2) conspicuous publication of the notice in the consumer information  
21 pages of local telephone directories.

22 (f) In this section,

23 (1) "customer" means a residential telephone customer of a  
24 telecommunications company;

25 (2) "telephone solicitation"

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

29 (B) does not include

30 (i) calls made in response to a request or inquiry by the  
31 called customer or communications made during a call made by the  
32 customer;

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(ii) calls made by a charitable organization, a public agency, or volunteers on behalf of the charitable organization or public agency to members of the organization or agency or to persons who, within the last 24 months, have made a donation to the organization or agency or expressed an interest in making a donation;

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

(iv) business-to-business calls; or

(v) a person soliciting business from prospective purchasers who have previously purchased from the person making the solicitation or from the business enterprise for which the person is calling but only if the person or business enterprise has not received a written request from the prospective purchaser asking that telephone solicitations cease; the person or business enterprise is presumed to have received a written request no later than 10 days after the prospective purchaser mailed it, properly addressed and with the appropriate postage.

\* Sec. 3. AS 45.50.472 is repealed.

# A F A X

Alaska State Legislature

Date: 2/23/96

To: Debbie Finn - Washington, D.C.

Fax #: (202) 383-6610 Phone #: (202) 383-7341

From: Kathy - Senate Finance - Juneau, Alaska

Phone #: (907) 465-2618

Re: Senate Finance Committee

Substitute for SB 239

Following this page, please find 3 pages(s). If this does not reach you in full, please inform us ASAP.



THANK YOU

SENATE FINANCE  
COMMITTEE  
Amendment Number: 1  
Bill Number: \_\_\_\_\_  
Sponsor: \_\_\_\_\_ Date: 2/2/  
Logged In By: \_\_\_\_\_

9-LS1519C.1  
Cramer  
2/20/96

AMENDMENT

By Sen Rieger

OFFERED IN THE SENATE  
TO: CSSB 239(L&C)

- 1 Page 1, line 1:
- 2 Delete "opinion polls,"
  
- 3 Page 1, line 8:
- 4 Delete ", SOLICITATIONS, AND OPINION POLLING"
- 5 Insert "AND SOLICITATIONS"
  
- 6 Page 1, line 12, after "":
- 7 Insert "or"
  
- 8 Page 1, line 14:
- 9 Delete "; or"
- 10 Insert "."
  
- 11 Page 1, line 15, through page 2, line 2:
- 12 Delete all material.

SENATE FINANCE  
COMMITTEE

Amendment Number: 2

Bill Number: \_\_\_\_\_

Sponsor: \_\_\_\_\_ Date: 2/2/

Logged In By: \_\_\_\_\_

9-LS1519C.3

Cramer

2/21/96

AMENDMENT

By Sen. Rieger

OFFERED IN THE SENATE

TO: CSSB 239(L&C)

- 1 Page 1, line 13:
- 2 Delete "uses"
- 3 Insert "originates a telephone call using"
- 4 Delete "telephone"
- 5 Insert "telephonic"
  
- 6 Page 2, line 6, after ".":
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- 9 providing the identification and <sup>subject to approval</sup> ~~approved~~ by the Alaska Public Utilities Commission."
  
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