#### **HOUSE BILL NO. 333**

# IN THE LEGISLATURE OF THE STATE OF ALASKA TWENTY-NINTH LEGISLATURE - SECOND SESSION

#### BY REPRESENTATIVE CLAMAN

Introduced: 2/22/16

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Referred: 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:

- \* **Section 1.** AS 45.55.060(a) is amended to read:
  - (a) The administrator may by order deny, suspend, or revoke a registration if the administrator finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or state investment adviser, a partner, officer, or director, a person occupying a similar status or performing similar functions, or a person directly or indirectly controlling the broker-dealer or state investment adviser
- (1) has filed an application for registration that, as of its effective date, or as of a date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material 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6	reversed, set aside, or withdrawn, regardless of whether sentence has been imposed;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.