



LAWS OF ALASKA

2011

FIRST SPECIAL SESSION

Source

SCS CSHB 126(FIN)

Chapter No.

AN ACT

Relating to qualifications for serving on a state board or commission; extending the termination dates of the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to qualifications for serving on a state board or commission; extending the
2 termination dates of the Board of Nursing, the Board of Dental Examiners, the Board of
3 Barbers and Hairdressers, and the Alcoholic Beverage Control Board; and providing for an
4 effective date.

5

6 * **Section 1.** AS 08.03.010(c)(4) is amended to read:

7 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, **2019**
8 [2011];

9 * **Sec. 2.** AS 08.03.010(c)(7) is amended to read:

10 (7) Board of Dental Examiners (AS 08.36.010) - June 30, **2019** [2011];

11 * **Sec. 3.** AS 08.03.010(c)(13) is amended to read:

12 (13) Board of Nursing (AS 08.68.010) - June 30, **2019** [2011];

13 * **Sec. 4.** AS 39.05.100 is amended by adding a new subsection to read:

14 (c) A person convicted of a felony may not serve on a board or commission of

1 the state government unless the conviction has been overturned on appeal or otherwise
2 set aside.

3 * **Sec. 5.** AS 44.66.010(a)(1) is amended to read:

4 (1) Alcoholic Beverage Control Board (AS 04.06.010) - June 30, **2012**
5 [2011];

6 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 EXEMPTION FROM AS 44.66.050(e). This Act is exempt from the provision of
9 AS 44.66.050(e) that prohibits a bill from reestablishing more than one board or commission.

10 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

6/17/11
7:50pm

STATE CAPITOL
PO Box 110001
Juneau, Alaska 99811-0001
907-465-3500
fax: 907-465-3532



550 West 7th Avenue #1700
Anchorage, Alaska 99501
907-269-7450
fax 907-269-7463
www.Gov.Alaska.Gov
Governor@Alaska.Gov

Governor Sean Parnell
STATE OF ALASKA

June 17, 2011

The Honorable Mike Chenault
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Chenault,

Under the authority vested in me by Article II, Section 15, of the Alaska Constitution, I have vetoed the following bill:

SCS CSHB 126(FIN)

“An Act relating to qualifications for serving on a state board or commission; extending the termination dates of the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board; and providing for an effective date.”

While I support the sunset extension provisions of the bill for the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcohol Beverage Control Board, I have grave concerns over the Legislature’s last minute policy call to add a provision prohibiting a person convicted of a felony from serving on a board or commission of State government. While I agree that a person who commits a violent crime and is still a danger to the community should not be considered for appointment to a board or commission, this overly broad provision fails to recognize that a person may be convicted of a nonviolent felony, rehabilitated, and substantially benefit society long after the person’s incarceration. If a person may legally be elected to office, like governor or lieutenant governor, who at one time in life was convicted of a felony, why would we forever ban them from serving the community on a commission? Fundamental notions of fairness are implicated as are constitutional directives toward rehabilitation.

Several State boards and commissions, such as the Advisory Board on Alcoholism and Drug Abuse, advise on the development of programs for the prevention, treatment, and rehabilitation of persons with social and medical issues who make up a large portion of the correctional institutions’ population. The legislation’s provision would eliminate from consideration for appointment persons who may be able to provide invaluable firsthand experience for development of those programs. I raise the questions because no committee record was established for the prohibition, so a full evaluation cannot occur now. Without public testimony or committee discussion of the provision, it is virtually impossible to ferret out the rationale behind this provision.

The Honorable Mike Chenault

June 17, 2011

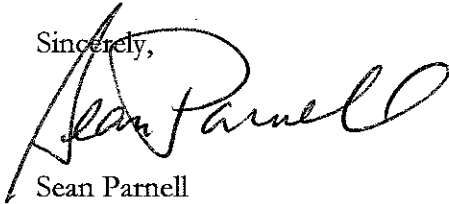
Page 2

Without anything further in the record to consider, I believe that a one-size-fits-all approach is not in the State's best interest for this complicated issue. This provision is unusual among states to uniformly ban individuals from serving on State boards and commissions regardless of the linkage to the board's or commission's duties, the length of time since the commission of the felony, and whether the felony was nonviolent in nature. A stigma strong enough to stop most appointments already exists so any such appointment would receive great scrutiny. An outright ban appears to be an overreach without more information to consider.

Accordingly, I would urge the Legislature to pass a clean sunset extension for the Board of Nursing, the Board of Dental Examiners, the Board of Barbers and Hairdressers, and the Alcoholic Beverage Control Board next year. Each of these boards will still have a one year period within which to operate and within which the Legislature can act with me to extend their termination dates.

For these reasons, I have vetoed the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Parnell". The signature is written in a cursive style with a large, looping initial "S".

Sean Parnell
Governor

Enclosure