

LEGAL SERVICES

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MEMORANDUM

April 3, 2014

SUBJECT: Board of Massage Therapists members
(CSHB 328(L&C); Work Order No. 28-LS1431\C)

TO: Representative Benjamin Nageak
Attn: Mary Schlosser

FROM: Hilary Martin 
Legislative Counsel

You have asked whether the members of the Board of Massage Therapists (board) would be subject to legislative confirmation.

Under Article III, sec. 26, Constitution of the State of Alaska:

Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

In my opinion, the board is a regulatory or quasi-judicial board under the constitution. The board is required to adopt regulations and generally regulate the profession of massage therapy. The board therefore falls within art. III, sec. 26, and the members of the board would be subject to confirmation by the legislature, even though the bill does not specifically state that the board members would be subject to confirmation.

If I may be of further assistance, please advise.

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