

Introduced: 1/29/65

Referred: Judiciary

1 IN THE SENATE

BY SENATOR BLODGETT

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SENATE BILL NO. 53

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act creating a state commission on
7 professional ethics."

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

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* Section 1. AS 08 is amended by adding a new chapter to read:

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CHAPTER 1. PROFESSIONAL ETHICS COMMISSION.

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Sec. 08.01.010. STATE COMMISSION ON PROFESSIONAL ETHICS.

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There is created a state commission on professional ethics.

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Sec. 08.01.020. COMPOSITION AND TERM OF OFFICE. The

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commission shall consist of five members. The term of office

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for a commission member is five years. Terms shall be

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staggered so that the term of one member expires on February

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1 of each year. Appointments shall be made by the governor

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and confirmed by the legislature in accordance with AS 39.05,

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except that persons affiliated with any state or national

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professional society or association are not eligible for

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appointment to the commission.

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Sec. 08.01.030. QUORUM AND CHAIRMAN. (a) A majority

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of the commission constitutes a quorum for the transaction of
24 business.

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(b) The governor shall designate the chairman of the
26 commission from among its members.

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Sec. 08.01.040. POWERS AND DUTIES. The commission

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shall examine the activities of all state licensing boards,

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commissions, and associations in which the ethical conduct

- 1 of a licensee is at issue and shall have the power to
2 (1) review, in accordance with the provisions of
3 secs. 50 and 60 of this chapter, the decision of any state
4 licensing authority regarding the suspension or revocation of
5 a license;
6 (2) initiate, in accordance with sec. 60 of this
7 chapter, an action to suspend or revoke a license;
8 (3) compel a licensing authority to initiate an
9 action to suspend or revoke a license;
10 (4) receive and act upon complaints relating to
11 the ethical conduct of any licensee;
12 (5) exercise any disciplinary power over a licensee
13 that is granted to any licensing authority;
14 (6) overrule the decision of any state licensing
15 authority to discipline, or to refrain from disciplining, a
16 licensee;
17 (7) issue subpoenas and process compelling the
18 attendance of any person and the production of any papers or
19 books necessary for the determination of ethical infractions;
20 (8) administer oaths when required and petition a
21 court of the state to enforce subpoenas and process.

22 Sec. 08.01.050. LIMITATIONS ON POWER TO REVIEW ADMINIS-
23 TRATIVE ADJUDICATIONS. A commission proceeding to review the
24 adjudicatory action of a licensing authority regarding the
25 suspension or revocation of a license must be initiated
26 within 60 days after the decision of a licensing authority
27 has been delivered or mailed to the licensee unless the
28 licensing authority or the licensee orders reconsideration
29 of the case. When reconsideration is ordered, a commission

1 proceeding must be initiated within 30 days after the
2 licensing authority's decision on reconsideration has been
3 delivered or mailed to the licensee.

4 Sec. 08.01.060. SCOPE OF COMMISSION REVIEW OR ADJUDICA-
5 TION. (a) Commission review of a licensing authority
6 adjudication and a proceeding to suspend or revoke a license
7 initiated by the commission shall be by hearing de novo in
8 accordance with the administration adjudication provisions of
9 the Administrative Procedure Act (AS 44.62).

10 (b) A decision by the commission under (a) of this
11 section is not subject to reconsideration.

12 Sec. 08.01.070. JUDICIAL REVIEW. The initiation of a
13 hearing by the commission to review the adjudicatory action
14 of a licensing authority tolls the statute of limitation set
15 out in AS 44.62.560 until the commission reaches a final
16 decision or otherwise disposes of the matter. If a decision
17 is reached by the commission, an appeal for judicial review
18 may be taken from the decision rendered by the commission,
19 but not from that rendered by the licensing authority.
20 Notice of appeal from a commission decision must be filed
21 within 30 days after the decision has been delivered or
22 mailed to the licensee ✓

23 * Sec. 2. AS 44.62.370 is amended by adding a new subsection
24 to read:

25 (d) ✓ If one of the matters authorizing a denial of the
26 agency action sought concerns past ethical conduct of the
27 respondent, a copy of the statement of issues shall be sent
28 or delivered by the agency to the state commission on profes-
29 sional ethics.

1 * Sec. 3. AS 44.62.380 is amended by adding a new paragraph
2 to read:

3 (5) shall send or deliver a copy of an accusation
4 relating to the ethical conduct of a person licensed by an
5 agency to the state commission on professional ethics.

6 * Sec. 4. AS 44.62.510(a) is amended to read:

7 (a) A decision shall be written and shall contain
8 findings of fact, a determination of the issues presented
9 and the penalty, if any. The findings may be stated in the
10 language of the pleadings or by reference to them. Copies of
11 the decision shall be delivered to the parties personally or
12 sent to them by registered mail. If the decision concerns
13 the ethical conduct of the respondent, a copy of the decision
14 shall be sent or delivered to the state commission on pro-
15 fessional ethics.

16 * Sec. 5. AS 44.62.560(a) is amended to read:

17 (a) Judicial review by the superior court of a final
18 administrative order may be had by filing a notice of appeal
19 in accordance with the applicable rules of court governing
20 appeals in civil matters. Except as otherwise provided in
21 this section and in AS 08.01.070, the notice of appeal shall
22 be filed within 30 days after the last day on which recon-
23 sideration can be ordered, and served on each party to the
24 proceeding. The right to appeal is not affected by the
25 failure to seek reconsideration before the agency.

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