

Introduced: 3/13/73  
Referred: Commerce and  
Judiciary

1 IN THE HOUSE

BY HUBER

2 HOUSE BILL NO. 349

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to layman representation on certain  
7 professional boards."

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

9 \* Section 1. AS 08.04.020 is amended to read:

10 Sec. 08.04.020. APPOINTMENT AND QUALIFICATIONS OF BOARD. The  
11 board consists of seven [FIVE] members appointed by the governor. Each  
12 member shall be a citizen of the United States and a resident of this  
13 state for at least one year. At least three members shall be certified  
14 public accountants, at least two [AND THE REMAINING] members shall be  
15 public accountants and at least one of the remaining members shall be  
16 a lay person known for his interest in civic matters. No accountant  
17 member [ONE] may be appointed who does not hold a current certificate  
18 or license issued under the laws of this state. No accountant member  
19 [ONE] may be appointed who is not eligible to receive permits under  
20 this chapter.

21 \* Sec. 2. AS 08.08.040 is amended to read:

22 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There  
23 is hereby constituted a Board of Governors of the Alaska Bar, nine  
24 members of whom are to be elected under rules promulgated by the board  
25 and two of whom are to be appointed by the governor.

26 (b) The board consists of nine active practicing members elected  
27 by the active members of the Alaska Bar from the four judicial districts  
28 and two persons appointed by the governor, one of whom must be a lay  
29 person known for his interest in civic matters.

1 \* Sec. 3. AS 08.08.050 is amended to read:

2 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) Two  
3 members of the board shall be elected by and from among the members of  
4 the association resident in the first judicial district; four members  
5 of the board shall be elected by and from among the members of the  
6 association resident in the third judicial district; two members by  
7 and from among the members of the association resident in the combined  
8 area of the second and fourth judicial districts; [AND] one member at  
9 large from the entire state; and two members appointed by the governor  
10 from the entire state, one of whom must be a lay person known for his  
11 interest in civic matters.

12 (b) Members of the Board of Governors shall hold office for three  
13 years and until their successors are selected [ELECTED] and qualified.

14 (c) Three board members shall be elected annually, on the  
15 following triennial rotation:

16 (1) in the first year, one member at large and two members  
17 from the third judicial district;

18 (2) in the second year, one member from the combined area  
19 of the second and fourth judicial districts, one member from the third  
20 judicial district, and one member from the first judicial district; and

21 (3) in the third year, one member from the first judicial  
22 district, one member from the combined area of the second and fourth  
23 judicial districts, and one member from the third judicial district.

24 (d) Appointed members of the Board of Governors shall hold office  
25 for three years from the date of their appointment and until their  
26 successors are appointed and qualified.

27 \* Sec. 4. AS 08.08.070 is amended to read:

28 Sec. 08.08.070. VACANCIES ON THE BOARD. Vacancies in elected  
29 board membership shall be filled by appointment by the remaining board

1 members until the next annual election. Vacancies in appointed board  
2 membership shall be filled by appointment by the governor for the  
3 remainder of the unfilled term.

4 \* Sec. 5. AS 08.12.010 is amended to read:

5 Sec. 08.12.010. CREATION AND MEMBERSHIP OF BOARD. There is  
6 created the Board of Barber Examiners, referred to in this chapter as  
7 the board, composed of seven [FIVE] members appointed by the governor.  
8 At least four [FOUR] members of the board shall be from separate major  
9 senatorial districts. At least one [THE FIFTH] member shall be  
10 appointed from the district having the largest number of practicing  
11 licensed barbers. The members serve at the pleasure of the governor.

12 \* Sec. 6. AS 08.12.020 is repealed and re-enacted to read:

13 Sec. 08.12.020. QUALIFICATIONS OF BOARD MEMBERS. At least five  
14 members of the board shall be practicing barbers who have engaged  
15 in barbering in the state for at least five years before their appoint-  
16 ments. At least one member of the board shall be a lay person known  
17 for his interest in civic matters. Engaging in the practicing of  
18 barbering within a military reservation is not qualifying experience  
19 for barber members of the board.

20 \* Sec. 7. AS 08.20.010 is amended to read:

21 Sec. 08.20.010. CREATION AND MEMBERSHIP OF BOARD OF CHIROPRACTIC  
22 EXAMINERS. There is created the Board of Chiropractic Examiners  
23 consisting of five [THREE] members appointed by the governor.

24 \* Sec. 8. AS 08.20.020 is repealed and re-enacted to read:

25 Sec. 08.20.020. MEMBERS OF BOARD. At least three members of  
26 the board shall be licensed chiropractic physicians and shall have  
27 practiced chiropractic in this state for not less than two years. At  
28 least one member of the board shall be a lay person known for his  
29 interest in civic matters. Each member serves without pay but is

1 entitled to per diem and travel expenses allowed by law.

2 \* Sec. 9. AS 08.20.030 is amended to read:

3 Sec. 08.20.030. MEMBERS' TERMS; VACANCIES. One chiropractic  
4 member shall serve for a term of two years, one chiropractic member  
5 shall serve for a term of three years, and one chiropractic member  
6 shall serve for a term of four years. The remaining members of the board  
7 shall be appointed for terms of three years each. Vacancies on the  
8 board shall be filled by appointment for the unexpired term.

9 \* Sec. 10. AS 08.28.010 is amended to read:

10 Sec. 08.28.010. CREATION AND MEMBERSHIP OF BOARD OF HAIRDRESSING  
11 AND BEAUTY CULTURE EXAMINERS. There is created a Board of Hairdressing  
12 and Beauty Culture Examiners, referred to in this chapter as the  
13 board. The board consists of seven [FIVE] members appointed by the  
14 governor.

15 \* Sec. 11. AS 08.28.030(b) is amended to read:

16 (b) The governor shall appoint persons so that four members  
17 have at least five years' experience as an operator, manager-operator,  
18 or owner-operator, and one member has at least three years' experience  
19 as the owner, manager, or instructor of a beauty school licensed under  
20 this chapter. At least one of the remaining two members shall be a  
21 lay person known for his interest in civic matters. To remain on the  
22 board, a member required to be licensed under this chapter must remain  
23 active in an activity that would qualify him for appointment under  
24 this subsection.

25 \* Sec. 12. AS 08.36.010 is amended to read:

26 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
27 created the Board of Dental Examiners, referred to in this chapter as  
28 the board, consisting of seven [FIVE] members. All members [EACH  
29 MEMBER] shall be citizens [A CITIZEN] of the United States and

1 at least five shall be qualified resident dentists [A QUALIFIED RESIDENT  
2 DENTIST], who have [HAS] been engaged in the practice of dentistry in  
3 the state for five years immediately preceding their [HIS] appointment.  
4 At least one of the remaining two members shall be a lay person known  
5 for his interest in civic matters.

6 \* Sec. 13. AS 08.36.020 is amended to read:

7 Sec. 08.36.020. APPOINTMENT AND TERM OF SERVICE OF MEMBERS.

8 Members of the board are appointed by the governor, subject to con-  
9 firmation by the legislature in joint session assembled. Each board  
10 member serves for a term of five years, and until his successor is  
11 appointed and qualified. The term begins on February 1. An appoint-  
12 ment to a vacancy is for the unexpired term. Appointments of five  
13 members shall be made from a list of names recommended by the Alaska  
14 Dental Society. The list shall be supplied at least 30 days before  
15 the beginning of a term and not more than 60 days after the occurrence  
16 of a vacancy. The list shall contain at least two recommended names  
17 for each appointment. The governor shall make the appointment within  
18 30 days after receiving the list. Selection and appointment of the  
19 remaining two members is the responsibility of the governor.

20 \* Sec. 14. AS 08.40.010 is amended to read:

21 Sec. 08.40.010. CREATION AND MEMBERSHIP OF BOARD. There is  
22 hereby created a Board of Electrical Examiners consisting of five  
23 [THREE] members, at least three of whom [WHO] are licensed electrical  
24 contractors and at least one of whom is a lay person known for his  
25 interest in civic matters.

26 \* Sec. 15. AS 08.40.040 is amended to read:

27 Sec. 08.40.040. BOARD MEETINGS. The board shall hold a regular  
28 annual meeting. The board may hold special meetings at the call of  
29 the chairman with prior approval of the governor. A majority of the

1 [TWO] members constitute a quorum.

2 \* Sec. 16. AS 08.48.011(b) is amended to read:

3 (b) The board consists of 11 [NINE] members appointed by the  
4 governor having the qualifications as set out in sec. 31 of this chapter.  
5 The board consists of two civil engineers, one land surveyor, one mining  
6 engineer, two engineers from other branches of the profession of  
7 engineering, [AND] three architects and two laymen known for their  
8 interest in civic matters.

9 \* Sec. 17. AS 08.48.021(b) is amended to read:

10 (b) The term of office for board members is six years. The first  
11 board shall be appointed with two members having two-year terms, two  
12 members having three-year terms, two members having four-year terms,  
13 three members [ONE MEMBER] having five-year terms [TERM] and two members  
14 having six-year terms. A member of the board may be appointed to  
15 succeed himself. Each member shall hold office until the expiration of  
16 the term for which he is appointed or until his successor has been  
17 appointed. If a vacancy occurs on the board due to resignation, death  
18 or other cause, the governor shall appoint a qualified person to serve  
19 the unexpired term.

20 \* Sec. 18. AS 08.64.010 is amended to read:

21 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.  
22 The governor shall appoint a board of medical examiners, to be known  
23 as the State Medical Board, consisting of at least five licensed  
24 physicians, residing in as many separate Alaska Judicial districts  
25 as possible and two members at large, at least one of whom must be a  
26 lay person known for his interest in civic matters. Five members  
27 [EACH MEMBER] shall be chosen from a panel of three, for each vacancy,  
28 submitted to the governor by the Alaska State Medical Association.  
29 Selection and appointment of the remaining two members is the

1        responsibility of the governor.

2        \* Sec. 19. AS 08.64.090 is amended to read:

3                Sec. 08.64.090. QUORUM. A majority of the [THREE] members of  
4        the board constitute a quorum for the transaction of all business  
5        properly before the board.

6        \* Sec. 20. AS 08.68.010 is amended to read:

7                Sec. 08.68.010. CREATION AND MEMBERSHIP OF BOARD OF NURSING.  
8        There is created a Board of Nursing, consisting of seven [FIVE]  
9        members appointed by the governor. One member shall be from North-  
10       western Alaska, one from Central [CENTAL] Alaska, one from South  
11       Central Alaska, one from Southeastern Alaska, and three [ONE] at large.

12       \* Sec. 21. AS 08.68.040 is amended to read:

13                Sec. 08.68.040. SOURCE OF APPOINTMENTS. The governor shall  
14        appoint five board members from a list of qualified nurses prepared  
15        by the Alaska Nurses' Association and submitted at least 30 days  
16        before the expiration of a term and not more than 60 days after a  
17        vacancy occurs in an unexpired term. The list shall contain not less  
18        than two recommended candidates for each appointment. The governor  
19        shall make appointments within 30 days after receiving the list.  
20        Selection and appointment of the remaining two members is the responsi-  
21        bility of the governor. At least one of the remaining two board members  
22        must be a lay person known for his interest in civic matters.

23       \* Sec. 22. AS 08.68.060 is amended to read:

24                Sec. 08.68.060. QUALIFICATIONS OF BOARD MEMBERS. Each member  
25        of the board shall be a citizen of the United States, a resident of the  
26        state, and at least five shall be [A] licensed professional nurses  
27        [NURSE] in the state. At least five members [MEMBERS] shall have  
28        actively engaged in nursing for not less than four years before appoint-  
29        ment, two years of which were within the five years preceding

1 appointment.

2 \* Sec. 23. AS 08.72.020 is amended to read:

3 Sec. 08.72.020. MEMBERSHIP OF BOARD AND TERMS OF OFFICE. The  
4 board consists of five [THREE] persons, appointed by the governor. The  
5 term of each member is three years. One member only is appointed each  
6 year, except when vacancies for unexpired terms are filled.

7 \* Sec. 24. AS 08.72.040 is amended to read:

8 Sec. 08.72.040. QUALIFICATIONS. At least three [A] board members  
9 [MEMBER] shall be [A] licensed, practicing optometrist residing in the  
10 state who have [HAS] been [A] residents [RESIDENT] for at least three  
11 years. Of the remaining two members, at least one shall be a lay  
12 person known for his interest in civic matters.

13 \* Sec. 25. AS 08.72 is amended by adding a new section to read:

14 Sec. 08.72.045. QUORUM. A majority of the members of the board  
15 constitute a quorum for the transaction of all business properly  
16 before the board.

17 \* Sec. 26. AS 08.80.010 is amended to read:

18 Sec. 08.80.010. CREATION AND MEMBERSHIP OF BOARD OF PHARMACY.  
19 There is created the Board of Pharmacy, composed of seven [FIVE]  
20 members, at least five [EACH] of whom shall be a pharmacist licensed  
21 in the state who has been actively engaged in the practice of pharmacy  
22 in the state for a period of three years immediately preceding his  
23 appointment. Whenever possible, the board shall include at least one  
24 member from each judicial district. At least one of the remaining  
25 two members shall be a lay person known for his interest in civic  
26 matters.

27 \* Sec. 27. AS 08.80.070 is repealed and re-enacted to read:

28 Sec. 08.80.070. QUORUM. A majority of the members of the board  
29 constitute a quorum for the transaction of all business properly before

1 the board.

2 \* Sec. 28. AS 08.86.010 is amended to read:

3 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is  
4 created a Board of Psychologist Examiners. It consists of at least  
5 three licensed psychologists and two additional members at least one  
6 of whom must be a lay person known for his interest in civic  
7 matters.

8 \* Sec. 29. AS 08.86 is amended by adding a new section to read:

9 Sec. 08.86.045. QUORUM. A majority of the members of the board  
10 constitute a quorum for the transaction of all business properly  
11 before the board.

12 \* Sec. 30. AS 08.88.011 is amended to read:

13 Sec. 08.88.011. CREATION AND MEMBERSHIP OF COMMISSION. There  
14 is created a Real Estate Commission. It consists of seven [FIVE]  
15 members.

16 \* Sec. 31. AS 08.88.041 is repealed and re-enacted to read:

17 Sec. 08.88.041. QUALIFICATIONS OF COMMISSION MEMBERS. Members  
18 of the commission must have been residents of the state for the five  
19 years immediately preceding their appointments. At least five members  
20 of the commission must have been licensed under this chapter for the  
21 three years immediately preceding their appointments. At least one  
22 of the remaining two members must be a lay person known for his interest  
23 in civic matters. One member of the commission shall be from the first  
24 judicial district, one shall be from either the second or fourth  
25 judicial district, one shall be from the third judicial district and  
26 four shall be from the state at large.

27 \* Sec. 32. AS 08.88.051(b) is amended to read:

28 (b) At least two judicial districts shall be represented and at  
29 least four [THREE] commission members shall be present in order to

1       conduct business.

2       \* Sec. 33. AS 08.98.010 is amended to read:

3               Sec. 08.98.010. CREATION AND MEMBERSHIP OF BOARD. There is a  
4       Board of Veterinary Examiners. It consists of at least three licensed  
5       veterinarians and two additional members one of whom must be a lay  
6       person known for his interest in civic matters.

7       \* Sec. 34. AS 08.98 is amended by adding a new section to read:

8               Sec. 08.98.045. QUORUM. A majority of the members of the board  
9       constitute a quorum for the transaction of all business properly  
10       before the board.

11       \* Sec. 35. AS 08.99.010 is amended to read:

12               Sec. 08.99.010. CREATION AND MEMBERSHIP OF BOARD. There is  
13       created the Board of Welding Examiners, consisting of nine [SEVEN]  
14       members appointed by the governor.

15       \* Sec. 36. AS 08.99.030 is amended to read:

16               Sec. 08.99.030. SOURCE OF APPOINTMENTS. The governor shall  
17       appoint seven board members from a list of persons prepared by the  
18       Alaska Chapter of the American Welding Society and the Alaska Society  
19       of Professional Engineers and submitted at least 30 days before the  
20       expiration of a term and not more than 60 days after a vacancy occurs  
21       in an unexpired term. The list shall contain not less than two  
22       recommended candidates for each appointment. The governor shall  
23       make appointments within 30 days after receiving the list. Selection  
24       and appointment of the remaining two members of the board is the  
25       responsibility of the governor.

26       \* Sec. 37. AS 08.99.050 is amended to read:

27               Sec. 08.99.050. QUALIFICATIONS OF BOARD MEMBERS. Each member  
28       of the board shall be a citizen of the United States and a resident  
29       of the state. At least three members shall be persons with engineering

1 degrees or registration as an engineer and each engineer member shall  
2 have at least five years engineering experience. At least seven  
3 [ALL] members shall have extensive experience in welding. At least  
4 one of the remaining two members shall be a lay person who is known  
5 for his interest in civic matters.

6 \* Sec. 38. AS 08 is amended by adding a new chapter to read:

7 CHAPTER 100. GENERAL PROVISIONS.

8 Sec. 08.100.010. DEFINITIONS. As used in this title "lay person"  
9 means a person not licensed or trained in the discipline for which he  
10 is appointed to serve as a board or commission member.

11 \* Sec. 39. The terms of existing members of boards and commissions under  
12 this chapter are not affected by the provisions of this Act.

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