

Original sponsor: Croft, Huber
and Kerttula

Offered: 3/22/76
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 383 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to occupational licensing."

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

8 * Section 1. AS 08.01 is amended by adding a new section to read:

9 Sec. 08.01.025. PUBLIC MEMBERS. No public member of a board may:

10 (1) be engaged in the occupation which the board regulates;

11 (2) be associated by legal contract with a member of the

12 occupation which the board regulates except as a consumer of the ser-
13 vices provided by a practitioner of the occupation; or

14 (3) have a direct financial interest in the occupation which
15 the board regulates.

16 * Sec. 2. AS 08.01.050 is amended to read:

17 Sec. 08.01.050. ADMINISTRATIVE DUTIES OF DEPARTMENT. (a) The
18 department [DEPARTMENT OF COMMERCE] shall provide the following admini-
19 strative and budgetary services when appropriate [FOR THE BOARDS]:

20 (1) collect fees and issue receipts;

21 (2) maintain records and files;

22 (3) issue and receive application forms;

23 (4) notify applicants of acceptance or rejection of appli-
24 cants as determined by the board;

25 (5) designate dates examinations are to be held and notify
26 applicants;

27 (6) publish notice of examination;

28 (7) arrange space for holding examinations;

29 (8) notify applicants of results of examinations;

1 (9) issue licenses and certificates or temporary licenses
2 or certificates as authorized by the board;

3 (10) issue duplicate licenses or certificates upon proof
4 by the licensee of loss of the original and payment by the licensee
5 of a fee of \$2;

6 (11) notify licensees of renewal dates at least 30 days
7 before the expiration date of their licenses;

8 (12) compile and maintain current a register of licenses;

9 (13) answer routine inquiries;

10 (14) maintain files relating to individual licensees;

11 (15) arrange for printing and advertising;

12 (16) purchase supplies;

13 (17) employ secretarial help when needed;

14 (18) perform other services which may be requested by the
15 board.

16 (b) The form and content of a license, authorized by a board
17 listed in sec. 10 of this chapter, including any document evidencing
18 renewal of a license, shall be determined by the department after
19 consultation with and consideration of the views of the board concerned.

20 * Sec. 3. AS 08.01 is amended by adding new sections to read:

21 Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The
22 department may, upon its own motion, conduct investigations to determine
23 whether any person has violated a provision of this chapter or a
24 regulation adopted under it or a provision of a chapter in this
25 title dealing with one of the boards listed in sec. 10 of this chapter
26 or a regulation adopted by one of those boards, or to secure information
27 useful in the administration of this chapter.

28 (b) If it appears to the commissioner that a person has engaged
29 in or is about to engage in an act or practice in violation of a

1 provision of this chapter or a regulation adopted under it, or any of
2 the laws pertaining to or regulations adopted by the boards listed in
3 sec. 10 of this chapter, he may, if he considers it in the public
4 interest, and after notification to all board members by telephone
5 or telegraph of a proposed order or action unless a majority of the
6 members of the board object within 10 days,

7 (1) issue an order directing the person to stop the act or
8 practice; however, reasonable notice of and an opportunity for a
9 hearing must first be given to the person, except that the commissioner
10 may issue a temporary order before a hearing is held; a temporary
11 order remains in effect until a final order affirming, modifying, or
12 reversing the temporary order is issued or until 15 days after the
13 person receives the notice and has not requested a hearing by that
14 time; a temporary order becomes final if the person to whom the notice
15 is addressed does not request a hearing within 15 days after receiving
16 the notice; the commissioner or his designee shall be the hearing
17 officer at the hearing and shall issue a final order within 10 days
18 after the hearing;

19 (2) bring an action in the superior court to enjoin the acts or
20 practices and to enforce compliance with this chapter, a regulation
21 adopted under it, or an order issued under it, or any of the laws
22 pertaining to or regulations adopted by the boards listed in sec. 10
23 of this chapter;

24 (3) examine or have examined the books and records of any person
25 whose business activities require licensure by a board listed in sec. 10
26 of this chapter; and

27 (4) issue subpoenas for the attendance of witnesses, and the
28 production of books, records and other documents.

29 Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT. An applicant

1 shall pay a penalty of \$10 each time a negotiable instrument is
2 presented to the department in payment of an amount due and payment
3 is subsequently refused by the named payor.

4 * Sec. 4. AS 08.01.090 is amended to read:

5 Sec. 08.01.090. APPLICABILITY OF THE ADMINISTRATIVE PROCEDURE
6 ACT. The Administrative Procedure Act (AS 44.62) applies to regu-
7 lations adopted and proceedings held under this chapter, except those
8 under AS 08.01.087(b).

9 * Sec. 5. AS 08.01.110 is amended by adding new paragraphs to read:

10 (3) "commissioner" means the commissioner of commerce and
11 economic development;

12 (4) "license" means any license, certificate, permit, or
13 registration or similar evidence of authority issued by one of the
14 boards listed in sec. 10 of this chapter;

15 (5) "licensee" means any person who holds a license;

16 (6) "occupation" means any of the trades or professions for
17 which licensure is required by one of the boards listed in sec. 10
18 of this chapter.

19 * Sec. 6. AS 08.04.020 is amended to read:

20 Sec. 08.04.020. APPOINTMENT AND QUALIFICATIONS OF BOARD. The
21 board consists of seven [FIVE] members appointed by the governor. Each
22 member shall be [A CITIZEN OF THE UNITED STATES AND] a resident of this
23 state for at least one year. Three [AT LEAST THREE] members shall be
24 certified public accountants, two members shall be public members in
25 accordance with AS 08.01.025, and the remaining members shall be public
26 accountants. Except for public members, no [NO] one may be appointed
27 who does not hold a current certificate or license issued under the
28 laws of this state. Except for public members, no [NO] one may be
29 appointed who is not eligible to receive permits under this chapter.

1 * Sec. 7. AS 08.24.011 is amended to read:

2 Sec. 08.24.011. COLLECTION AGENCY BOARD. There is created a
3 Collection Agency Board consisting of five [THREE] members, four [TWO]
4 of whom shall be appointed by the governor. The board shall consist
5 of two persons engaged in the collection agency business within the
6 state and licensed under this chapter. The third member shall be desig-
7 nated by the commissioner of commerce and economic development from
8 his staff. Two members shall be public members in accordance with
9 AS 08.01.025.

10 * Sec. 8. AS 08.40.175 is amended to read:

11 Sec. 08.40.175. CEASE AND DESIST ORDER. (a) If the commissioner
12 [OF LABOR] determines that a person is acting as an electrical contractor
13 in violation of this chapter, he may issue a cease and desist order
14 prohibiting further action by the person as an electrical contractor.
15 The cease and desist order remains in effect until the person has submitted
16 evidence acceptable to the commissioner [OF LABOR] showing that the
17 violation has been corrected.

18 (b) A person affected by an order issued under (a) of this section
19 may seek equitable relief preventing the commissioner [OF LABOR] from
20 enforcing the order.

21 * Sec. 9. AS 08.40.178 is amended to read:

22 Sec. 08.40.178. INJUNCTIVE RELIEF. The commissioner [OF LABOR] may
23 seek an injunction in the superior court to enjoin a person from violating
24 this chapter.

25 * Sec. 10. AS 08.40.200 is amended by adding a new paragraph to read:

26 (d) "commissioner" means the commissioner of the department of
27 commerce and economic development.

28 * Sec. 11. AS 08.62.010 is amended to read:

29 Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD. There is

1 created the Board of Marine Pilots. It consists of two pilots licensed
2 under this chapter who have been actively engaged in piloting on
3 vessels subject to this chapter, two agents or managers of vessels
4 subject to this chapter, two public members in accordance with AS 08.-
5 01.025, and the commissioner or his designee. Not more than one pilot
6 and one agent or manager shall be from any one judicial district. All
7 members of the board shall be residents of the state.

8 * Sec. 12. AS 08.88.011 is amended to read:

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

11 * Sec. 13. AS 08.88.041(a) is amended to read:

12 (a) Five members of the commission must be real estate brokers
13 or associate brokers who have been licensed real estate brokers or
14 licensed associate brokers in Alaska for at least three years before
15 appointment. Two members of the board must be public members in accor-
16 dance with AS 08.01.025 [TO BE ELIGIBLE FOR APPOINTMENT AS A MEMBER OF
17 THE COMMISSION A PERSON MUST BE A REAL ESTATE BROKER OR ASSOCIATE BROKER
18 WHO HAS BEEN A LICENSED REAL ESTATE BROKER OR A LICENSED ASSOCIATE
19 BROKER IN ALASKA FOR AT LEAST THREE YEARS BEFORE HIS APPOINTMENT].

20 * Sec. 14. AS 08.88.051(b) is amended to read:

21 (b) At least two judicial districts shall be represented and at
22 least a majority of the [THREE] commission members shall be present in
23 order to conduct business.
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