

Introduced: 1/19/76  
Referred: Commerce

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 537

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 08.01.010 is amended by adding new paragraphs to read:

9 (21) Physical Therapy Board;

10 (22) Board of Nursing Home Administrators.

11 \* Sec. 2. AS 08.01 is amended by adding a new section to read:

12 Sec. 08.01.025. PUBLIC MEMBERS. (a) No public member of a  
13 board may be or ever have been:

14 (1) engaged in the occupation which the board regulates;

15 (2) associated by legal contract with a member of the  
16 occupation which the board regulates except as a consumer of the  
17 services provided by a practitioner of the occupation;

18 (3) the spouse of, or related by blood within and including  
19 the second degree of kindred to, a member of the occupation which the  
20 board regulates.

21 (b) If a board, as a part of its functions, delegates a duty or  
22 responsibility to be performed by a single member of that board, the  
23 delegation may not be made to a public member of the board in any of  
24 the following instances:

25 (1) the actual preparation of examinations;

26 (2) the administration of and the grading of examinations,  
27 except examinations of an objective nature which may be graded by use  
28 of an answer key; or

29 (3) the inspection or investigation of licensees, the

1 manner or method of practice or doing business, or their place of  
2 practice or business.

3 (c) Nothing in this section precludes a public member from  
4 participating

5 (1) in the formation of policy relating to the scope of the  
6 activities under (b) of this section;

7 (2) in board approval, disapproval or modification of the  
8 actions of individual members of the board;

9 (3) as a member of a subcommittee consisting of more than  
10 one member of the board in the performance of any duty.

11 \* Sec. 3. AS 08.01.050 is amended to read:

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

15 (1) collect fees and issue receipts;

16 (2) maintain records and files;

17 (3) issue and receive application forms;

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

20 (5) designate dates examinations are to be held and notify  
21 applicants;

22 (6) publish notice of examination;

23 (7) arrange space for holding examinations;

24 (8) notify applicants of results of examinations;

25 (9) issue licenses and certificates or temporary licenses or  
26 certificates as authorized by the board;

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

- 1 (11) notify licensees of renewal dates at least 30 days  
2 before the expiration date of their licenses;
- 3 (12) compile and maintain current a register of licenses;
- 4 (13) answer routine inquiries;
- 5 (14) maintain files relating to individual licensees;
- 6 (15) arrange for printing and advertising;
- 7 (16) purchase supplies;
- 8 (17) employ secretarial help when needed;
- 9 (18) perform other services which may be requested by the  
10 board.

11 (b) The form and content of a license, authorized by a board  
12 listed in sec. 10 of this chapter, including any document evidencing  
13 renewal of a license, shall be determined by the department after con-  
14 sultation with and consideration of the views of the board concerned.

15 \* Sec. 4. AS 08.01 is amended by adding new sections to read:

16 Sec. 08.01.064. WAIVER OF EDUCATIONAL REQUIREMENT FOR ADMISSION  
17 TO EXAMINATION FOR LICENSE TO PRACTICE OCCUPATION. Those boards  
18 listed in sec. 10 of this chapter which examine applicants for licensure  
19 to practice an occupation may, in their discretion, waive the educa-  
20 tional requirement for admission to an examination if the applicant  
21 furnishes evidence satisfactory to the examining board that:

22 (1) he is currently enrolled in a school, college or univer-  
23 sity approved by the examining board and that he will satisfy the  
24 educational requirement for admission to the examination upon satis-  
25 factory completion of courses in which he is currently enrolled and  
26 that this educational requirement will be met not later than two  
27 calendar months from the first day of the month following the month in  
28 which the examination is given; or

29 (2) his prior experience and education are sufficient to

1 reasonably assure that he has an adequate knowledge of the occupation.

2 Sec. 08.01.066. FILING EVIDENCE OF COMPLETION OF EDUCATIONAL  
3 REQUIREMENTS AFTER TAKING EXAMINATION. (a) Evidence of completion of  
4 the educational requirements waived as provided in sec. 64(1) of this  
5 chapter shall be filed with the appropriate board not later than two  
6 calendar months after the first day of the month following the month  
7 in which the examination is taken. Boards shall withhold official  
8 certification of the successful completion of the examination until  
9 this evidence is furnished. The affidavit of the registrar or admini-  
10 strative head of the school, college or university is satisfactory  
11 evidence.

12 (b) If any candidate admitted to an examination as provided in  
13 sec. 64(1) of this chapter does not, within the period specified in  
14 (a) of this section, present satisfactory evidence of completion of  
15 the educational requirement for the examination, then the completion  
16 of the examination by the candidate is void. The board which examined  
17 him, however, may retain any examination fee paid by the candidate.

18 Sec. 08.01.068. LICENSE BY ENDORSEMENT. (a) An applicant is  
19 entitled to a license without examination if he holds a license which:

20 (1) was issued by a state or a foreign country the licensing  
21 requirements of which are substantially equivalent to those applicable  
22 in Alaska;

23 (2) is active and valid at the time the application is  
24 received; and

25 (3) is the same kind for which he has made application.

26 (b) An applicant entitled to a license under (a) of this section  
27 shall pay the required fees and fulfill the other requirements set out  
28 in the applicable statutes before being licensed.

29 Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The depart-

1 ment may, upon its own motion, conduct investigations to determine  
2 whether any person has violated a provision of this chapter or a regu-  
3 lation adopted under it or a provision of a chapter in this title  
4 dealing with one of the boards listed in sec. 10 of this chapter or a  
5 regulation adopted by one of those boards, or to secure information  
6 useful in the administration of this chapter.

7 (b) If it appears to the commissioner that a person has engaged  
8 in or is about to engage in an act or practice in violation of a pro-  
9 vision of this chapter or a regulation adopted under it, or any of the  
10 laws pertaining to or regulations adopted by the boards listed in sec.  
11 10 of this chapter, he may, if he considers it in the public interest,

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

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

29 (3) examine or have examined the books and records of any

1 person whose business activities require licensure by a board listed  
2 in sec. 10 of this chapter and he may require that person to pay the  
3 reasonable costs of the examination; and

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

6 \* Sec. 5. AS 08.01.090 is amended to read:

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

11 \* Sec. 6. AS 08.01 is amended by adding a new section to read:

12 Sec. 08.01.095. LICENSE ACTION BASED ON CRIMINAL CONVICTION. No  
13 board may deny, suspend or revoke an occupational license solely for  
14 the reason that the applicant or licensee has been convicted of a  
15 crime. However, in determining the fitness of the person to receive  
16 or hold the license, a board may consider the relationship of the  
17 facts which support the conviction and all intervening circumstances  
18 to the specific occupational standards.

19 \* Sec. 7. AS 08.01.100 is amended by adding a new subsection to read:

20 (c) A license issued within 60 days before the renewal date for  
21 that license shall be renewed for the following full license period  
22 without payment of an additional fee.

23 \* Sec. 8. AS 08.01 is amended by adding a new section to read:

24 Sec. 08.01.105. PENALTY FOR IMPROPER PAYMENT. An applicant  
25 shall pay a penalty of \$10 each time a negotiable instrument is  
26 presented to the department in payment of an amount due and payment is  
27 subsequently refused by the named payor.

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

29 (3) "commissioner" means the commissioner of commerce and

1 economic development;

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

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

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

9 \* Sec. 10. 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.  
12 Each member shall be [A CITIZEN OF THE UNITED STATES AND] a resident  
13 of this state for at least one year. Three [AT LEAST THREE] members  
14 shall be certified public accountants, two members shall be public  
15 members in accordance with AS 08.01.025, and the remaining members  
16 shall be public accountants. Except for public members, no [NO] one  
17 may be appointed who does not hold a current certificate or license  
18 issued under the laws of this state. Except for public members, no  
19 [NO] one may be appointed who is not eligible to receive permits under  
20 this chapter.

21 \* Sec. 11. AS 08.04.120 is amended to read:

22 Sec. 08.04.120. EDUCATIONAL AND EXPERIENCE REQUIREMENTS. Except  
23 as provided by AS 08.01.064 and AS 08.01.066, an [AN] applicant shall  
24 meet the following requirements of education and experience.

25 (1) During the period from April 26, 1960, to and including  
26 April 26, 1965, the educational requirement is graduation from a high  
27 school or the substantial equivalent thereof. The experience require-  
28 ment is four years of accounting experience satisfactory to the board.

29 (2) After April 26, 1965, the educational requirement is

1 (A) satisfactory completion of two years of study at one or more  
2 colleges or universities recognized by the board, or (B) graduation  
3 from a junior or community college in Alaska or otherwise recognized  
4 by the board, or (C) the substantial equivalent of (2)(A) or (B) of  
5 this section. The experience requirement is four years of accounting  
6 experience satisfactory to the board.

7 (3) After April 26, 1960, the education and experience re-  
8 quirements may also be satisfied by

9 (A) the satisfactory completion of four years of study  
10 with a nonaccounting major at one or more colleges or universities  
11 recognized by the board, and three years of accounting experience  
12 satisfactory to the board, or

13 (B) the satisfactory completion of four years of study  
14 with an accounting major at one or more colleges or universities  
15 recognized by the board, and two years of accounting experience  
16 satisfactory to the board.

17 \* Sec. 12. AS 08.04.290 is amended to read:

18 Sec. 08.04.290. EDUCATIONAL AND EXPERIENCE REQUIREMENTS. Except  
19 as provided by AS 08.01.064 and AS 08.01.066, the [THE] requirements  
20 of education and experience shall be

21 (1) graduation from a high school or the substantial equiva-  
22 lent, and

23 (2) four years of accounting experience satisfactory to the  
24 board.

25 \* Sec. 13. AS 08.12.010 is amended to read:

26 Sec. 08.12.010. CREATION AND MEMBERSHIP OF BOARD. There is  
27 created the Board of Barber Examiners, referred to in this chapter as  
28 the board, composed of seven [FIVE] members appointed by the governor.  
29 Four members of the board shall be from separate major senatorial dis-

1            tricts. [THE FIFTH MEMBER SHALL BE APPOINTED FROM THE DISTRICT HAVING  
2            THE LARGEST NUMBER OF PRACTICING LICENSED BARBERS.] The members serve  
3            at the pleasure of the governor.

4            \* Sec. 14. AS 08.12.020 is amended to read:

5                    Sec. 08.12.020. QUALIFICATIONS OF BOARD MEMBERS. Five members  
6                    of the board shall be practicing barbers who have engaged in barbering  
7                    in the state for at least five years before appointment. [EACH  
8                    MEMBER OF THE BOARD SHALL BE A PRACTICING BARBER WHO HAS ENGAGED IN  
9                    BARBERING IN THE STATE FOR AT LEAST FIVE YEARS PRIOR TO HIS APPOINT-  
10                    MENT.] Engaging in the practicing of barbering within a military  
11                    reservation is not qualifying experience. Two members of the board  
12                    shall be public members in accordance with AS 08.01.025.

13            \* Sec. 15. AS 08.20.010 is amended to read:

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

17            \* Sec. 16. AS 08.20.020 is amended to read:

18                    Sec. 08.20.020. MEMBERS OF THE BOARD. Three members [EACH  
19                    MEMBER] of the board shall be [A] licensed chiropractic physicians,  
20                    [PHYSICIAN] and shall have practiced chiropractic in this state not  
21                    less than two years. The other two members of the board shall be  
22                    public members in accordance with AS 08.01.025. Each member serves  
23                    without pay but is entitled to per diem and travel expenses allowed by  
24                    law.

25            \* Sec. 17. AS 08.20.120 is amended to read:

26                    Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. Except as provided  
27                    by AS 08.01.064 and AS 08.01.066, an [AN] applicant shall be issued a  
28                    license to practice chiropractic if he

29                    (1) Repealed by sec. 25 ch. 245 SLA 1970.

1 (2) has had a high school education or its equivalent;

2 (3) has successfully completed at least two academic years  
3 of study in a college of liberal arts or sciences;

4 (4) is a graduate of a legally chartered accredited school  
5 or college of chiropractic, approved by the board, which requires for  
6 graduation a residence course of instruction of not less than four  
7 years of nine months each;

8 (5) passes an examination given by the board;

9 (6) Repealed by sec. 8 ch. 32 SLA 1971.

10 (7) passes to the satisfaction of the board Part I and Part  
11 II of the examination of the National Board of Chiropractic Examiners.

12 \* Sec. 18. AS 08.28.010 is amended to read:

13 Sec. 08.28.010. CREATION AND MEMBERSHIP OF BOARD OF HAIRDRESSING  
14 AND BEAUTY CULTURE EXAMINERS. There is created a Board of Hairdressing  
15 and Beauty Culture Examiners, referred to in this chapter as the  
16 board. The board consists of seven [FIVE] members appointed by the  
17 governor, two of whom are public members in accordance with AS 08.01.-  
18 025.

19 \* Sec. 19. AS 08.28.110 is amended to read:

20 Sec. 08.28.110. QUALIFICATIONS OF APPLICANTS. Except as pro-  
21 vided by AS 08.01.064 and AS 08.01.066, an [AN] applicant for a  
22 license as an operator, manager-operator, demonstrator or consultant,  
23 owner-operator, or instructor-operator shall

24 (1) be at least 17 years of age;

25 (2) be of good moral character;

26 (3) have completed two years of high school or its equiva-  
27 lent;

28 (4) have training of at least 2,000 hours, extending over  
29 a school term of not less than 50 weeks in a school of hairdressing or

1 beauty culture approved by the board, or service as an apprentice  
2 under a licensed operator in a shop approved by the board.

3 \* Sec. 20. AS 08.32.020(a) is amended to read:

4 (a) Except as provided by AS 08.01.064 and AS 08.01.066, an [AN]  
5 applicant for examination shall be

6 (1) of good moral character;

7 (2) at least 18 years of age;

8 (3) a graduate of an accredited high school;

9 (4) a graduate of an American training school for dental  
10 hygienists which requires at least a two-year course and is accredited  
11 and recognized by the board; and

12 (5) an examinee who has successfully completed the National  
13 Board Examination or the written examination given by the board.

14 \* Sec. 21. AS 08.36.010 is amended to read:

15 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is  
16 created the Board of Dental Examiners, referred to in this chapter as  
17 the board, consisting of seven [FIVE] members. Five members [EACH  
18 MEMBER] shall be [A CITIZEN OF THE UNITED STATES AND A] qualified  
19 resident dentists [DENTIST], who have [HAS] been engaged in the  
20 practice of dentistry in the state for five years immediately preceding  
21 [HIS] appointment, and two members shall be public members in accordance  
22 with AS 08.01.025.

23 \* Sec. 22. AS 08.36.020 is amended to read:

24 Sec. 08.36.020. APPOINTMENT AND TERM OF SERVICE OF MEMBERS.  
25 Members of the board are appointed by the governor subject to confirma-  
26 tion by the legislature in joint session assembled. Each board member  
27 serves for a term of five years, and until his successor is appointed  
28 and qualified. The term begins on February 1. An appointment to a  
29 vacancy is for the unexpired term. [APPOINTMENTS SHALL BE MADE FROM

1 A LIST OF NAMES RECOMMENDED BY THE ALASKA DENTAL SOCIETY. THE LIST  
2 SHALL BE SUPPLIED AT LEAST 30 DAYS BEFORE THE BEGINNING OF A TERM AND  
3 NOT MORE THAN 60 DAYS AFTER THE OCCURENCE OF A VACANCY. THE LIST  
4 SHALL CONTAIN AT LEAST TWO RECOMMENDED NAMES FOR EACH APPOINTMENT.  
5 THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN 30 DAYS AFTER RECEIVING  
6 THE LIST.]

7 \* Sec. 23. AS 08.36.110 is amended to read:

8 Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. Except as provided  
9 by AS 08.01.064 and AS 08.01.066, an [AN] applicant for a license to  
10 practice dentistry may apply to the board for an examination and  
11 license by submitting information that he is

12 (1) Repealed by sec. 25 ch. 245 SLA 1970.

13 (2) of good moral character;

14 (3) Repealed by sec. 10 ch. 127 SLA 1974.

15 (4) a graduate of a dental college approved by the Council  
16 on Dental Education of the American Dental Association at the time of  
17 graduation, and holds a D.D.S. or D.M.D. degree or the equivalent;

18 (5) Repealed by sec. 1 ch. 36 SLA 1970.

19 \* Sec. 24. AS 08.40.010 is amended to read:

20 Sec. 08.40.010. CREATION AND MEMBERSHIP OF BOARD. There is  
21 [HEREBY] created a Board of Electrical Examiners consisting of five  
22 [THREE] members, three of whom [WHO] are licensed electrical con-  
23 tractors and two of whom are public members in accordance with AS  
24 08.01.025.

25 \* Sec. 25. AS 08.40.040 is amended to read:

26 Sec. 08.40.040. BOARD MEETINGS. The board shall hold a regular  
27 annual meeting. The board may hold special meetings at the call of  
28 the chairman with prior approval of the governor. Three [TWO] members  
29 constitute a quorum.

1 \* Sec. 26. AS 08.48.011(b) is amended to read:

2 (b) The board consists of eleven [NINE] members appointed by the  
3 governor nine of whom have [HAVING] the qualifications as set out in  
4 sec. 31 of this chapter. The board consists of two civil engineers,  
5 one land surveyor, one mining engineer, two engineers from other  
6 branches of the profession of engineering, [AND] three architects,  
7 and two public members in accordance with AS 08.01.025.

8 \* Sec. 27. AS 08.48.031 is amended to read:

9 Sec. 08.48.031. QUALIFICATIONS. Each member of the board must  
10 have been a resident in the state for three consecutive years immedi-  
11 ately preceding his appointment and, except for public members, must  
12 be registered and have a minimum of five years of professional practice  
13 in his respective field.

14 \* Sec. 28. AS 08.48.051 is amended to read:

15 Sec. 08.48.051. ORGANIZATION AND MEETINGS. The board shall hold  
16 at least four regular meetings each year. Special meetings may be  
17 held as the bylaws of the board provide. The board shall elect or  
18 appoint annually from its members the following officers: president,  
19 vice-president and secretary. A quorum of the board consists of not  
20 less than six [FIVE] members.

21 \* Sec. 29. AS 08.62.010 is amended to read:

22 Sec. 08.62.010. CREATION AND MEMBERSHIP OF BOARD. There is  
23 created the Board of Marine Pilots. It consists of two pilots licensed  
24 under this chapter who have been actively engaged in piloting on  
25 vessels subject to this chapter, two agents or managers of vessels  
26 subject to this chapter, two public members in accordance with AS  
27 08.01.025 and the commissioner or his designee. Not more than one  
28 pilot and one agent or manager shall be from any one judicial district.  
29 All members of the board shall be residents of the state.

1 \* Sec. 30. AS 08.64.010 is amended to read:

2 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.

3 The governor shall appoint a board of medical examiners, to be known  
4 as the State Medical Board, consisting of five licensed physicians,  
5 residing in as many separate Alaska judicial districts as possible, and  
6 two public members in accordance with AS 08.01.025. [EACH MEMBER  
7 SHALL BE CHOSEN FROM A PANEL OF THREE, FOR EACH VACANCY, SUBMITTED TO  
8 THE GOVERNOR BY THE ALASKA STATE MEDICAL ASSOCIATION.]

9 \* Sec. 31. AS 08.64.090 is amended to read:

10 Sec. 08.64.090. QUORUM. Four [THREE] members of the board con-  
11 stitute a quorum for the transaction of all business properly before  
12 the board.

13 \* Sec. 32. AS 08.64.200 is amended to read:

14 Sec. 08.64.200. QUALIFICATIONS OF PHYSICIAN APPLICANTS. Except  
15 as provided by AS 08.01.064 and AS 08.01.066 and except [EXCEPT] for  
16 foreign medical graduates as specified in sec. 225 of this chapter,  
17 each physician applicant shall

18 (1) be of good moral character;

19 (2) submit a certificate of graduation from a legally  
20 chartered medical school accredited by the Association of American  
21 Medical Colleges and the Council on Medical Education of the American  
22 Medical Association;

23 (3) submit a certificate from a recognized hospital certi-  
24 fying that the applicant has satisfactorily performed the duties of  
25 resident physician or intern for a period of one year;

26 (4) not have a license to practice medicine in another  
27 state, province, or territory which is currently suspended or revoked  
28 for disciplinary reasons; and

29 (5) be a citizen of the United States or be lawfully admitted

1 for permanent residence.

2 \* Sec. 33. AS 08.64.205 is amended to read:

3 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS.

4 Except as provided by AS 08.01.064 and AS 08.01.066, each [EACH]  
5 osteopath applicant shall meet the qualifications prescribed in sec.  
6 200(1), (4) and (5) of this chapter and shall

7 (1) submit a certificate of graduation from the legally  
8 chartered school of osteopathy approved by the board;

9 (2) submit a certificate from a hospital approved by the  
10 American Medical Association or the American Osteopathic Association  
11 which certifies that he has satisfactorily completed and performed the  
12 duties of intern or resident physician for one year;

13 (3) take the examination required by sec. 210 of this  
14 chapter or be certified to practice by the National Board of Examiners  
15 for Osteopathic Physicians and Surgeons.

16 \* Sec. 34. AS 08.68.010 is amended to read:

17 Sec. 08.68.010. CREATION AND MEMBERSHIP OF BOARD OF NURSING.

18 There is created a Board of Nursing, consisting of seven [FIVE] members  
19 appointed by the governor. One member shall be currently involved in  
20 institutional nursing service, one member in community or public  
21 health nursing, [AND] two members in basic or continuing nursing  
22 education, [AND] one at large, and two public members in accordance  
23 with AS 08.01.025.

24 \* Sec. 35. AS 08.68.060 is amended to read:

25 Sec. 08.68.060. QUALIFICATIONS OF BOARD MEMBERS. Members of the  
26 board shall be residents of the state. Five members shall be licensed  
27 professional nurses in the state, and two members shall be public  
28 members in accordance with AS 08.01.025. [EACH MEMBER OF THE BOARD  
29 SHALL BE A CITIZEN OF THE UNITED STATES, A RESIDENT OF THE STATE, AND

1 A LICENSED PROFESSIONAL NURSE IN THE STATE.] Nurse members [MEMBERS]  
2 shall have actively engaged in nursing for not less than four years  
3 before appointment, two years of which were within the five years  
4 preceding appointment.

5 \* Sec. 36. AS 08.68.170 is amended to read:

6 Sec. 08.68.170. QUALIFICATIONS OF PROFESSIONAL NURSE APPLICANTS.  
7 Except as provided by AS 08.01.064 and AS 08.01.066, an [AN] applicant  
8 for a license to practice professional nursing shall submit to the  
9 board on forms and in the manner prescribed by the board, written  
10 evidence, verified by oath, that the applicant is of good moral  
11 character, has completed an approved four year high school course of  
12 study or the equivalent as determined by the appropriate educational  
13 agency, and has successfully completed (1) a professional nursing edu-  
14 cation program accredited by the board or; (2) a professional nursing  
15 education program in another state or territory which, in the opinion  
16 of the board, meets the minimum requirements of the board for an  
17 accredited program of study in this state at the time the applicant  
18 graduated; or (3) a professional nursing education program accredited  
19 by the National League for Nursing at the time the applicant graduated.

20 \* Sec. 37. AS 08.68.180(a) is amended to read:

21 (a) Except as provided by AS 08.01.064 and AS 08.01.066, an [AN]  
22 applicant for a license to practice practical nursing shall submit to  
23 the board on forms prescribed by the board written evidence, verified  
24 by oath, that the applicant is of good moral character, has completed  
25 the tenth grade or its equivalent as determined by the appropriate  
26 educational agency, is not less than 18 years of age, and has success-  
27 fully completed (1) a practical nursing education program accredited  
28 by the board; or (2) a practical nursing education program in another  
29 state or territory which, in the opinion of the board, meets the

1 minimum requirements of the board for an accredited program of study  
2 in this state.

3 \* Sec. 38. AS 08.71.020 is amended to read:

4 Sec. 08.71.020. MEMBERSHIP OF BOARD; SOURCE OF APPOINTMENTS;  
5 TERM OF OFFICE. The board consists of seven [FIVE] persons appointed  
6 by the governor. [THE GOVERNOR SHALL APPOINT BOARD MEMBERS FROM A  
7 LIST OF QUALIFIED OPTICIANS PREPARED BY THE ASSOCIATION OF OPTICIANS  
8 IN THE STATE AND SUBMITTED AT LEAST 30 DAYS BEFORE JULY 1, 1973, AT  
9 LEAST 30 DAYS BEFORE THE EXPIRATION OF A TERM AND NOT MORE THAN 60  
10 DAYS AFTER A VACANCY OCCURS IN AN UNEXPIRED TERM. THE LIST SHALL  
11 CONTAIN NOT LESS THAN TWO RECOMMENDED CANDIDATES FOR EACH APPOINTMENT.  
12 THE GOVERNOR SHALL MAKE APPOINTMENTS WITHIN 30 DAYS AFTER RECEIVING  
13 THE LIST.] The term of office of each member is three years. However,  
14 of the first members of the board, one shall be appointed for a one-  
15 year term, two for two-year terms, and two for three-year terms.  
16 Vacancies on the board shall be filled for the unexpired term in the  
17 same manner as original appointment.

18 \* Sec. 39. AS 08.71.030 is amended to read:

19 Sec. 08.71.030. QUALIFICATIONS OF BOARD MEMBERS. Five [A] board  
20 members [MEMBER] shall be [A] licensed, practicing dispensing opticians  
21 [OPTICIAN] residing in the state and two board members shall be public  
22 members, in accordance with AS 08.01.025.

23 \* Sec. 40. AS 08.71.110 is amended to read:

24 Sec. 08.71.110. QUALIFICATIONS OF APPLICANTS FOR EXAMINATION.  
25 Except as provided by AS 08.01.064 and AS 08.01.066, a [A] person is  
26 entitled to take the examination who

27 (1) has either

28 (A) completed at least 6,000 hours of training as an  
29 apprentice, or

1 (B) been engaged for at least 10,000 hours as a prac-  
2 ticing optician in good standing in a state, territory, district  
3 or possession of the United States; and

4 (2) has paid the required examination fee.

5 \* Sec. 41. AS 08.72.020 is amended to read:

6 Sec. 08.72.020. MEMBERSHIP OF BOARD AND TERMS OF OFFICE. The  
7 board consists of five [THREE] persons, appointed by the governor.  
8 The term of each member is three years. [ONE MEMBER ONLY IS APPOINTED  
9 EACH YEAR, EXCEPT WHEN VACANCIES FOR UNEXPIRED TERMS ARE FILLED.]

10 \* Sec. 42. AS 08.72.040 is amended to read:

11 Sec. 08.72.040. QUALIFICATIONS. Three board members shall be  
12 licensed, practicing optometrists residing in the state who have been  
13 residents for at least three years, and two board members shall be  
14 public members, in accordance with AS 08.01.025. [A BOARD MEMBER  
15 SHALL BE A LICENSED, PRACTICING OPTOMETRIST RESIDING IN THE STATE WHO  
16 HAS BEEN A RESIDENT FOR AT LEAST THREE YEARS.]

17 \* Sec. 43. AS 08.72.140 is amended to read:

18 Sec. 08.72.140. QUALIFICATIONS FOR EXAMINATION. The board shall  
19 admit to the examination a person who furnishes proof that

20 (1) Repealed by sec. 3 ch. 76 SLA 1969;

21 (2) he has normal color perception and a visual acuity of  
22 a standard of at least 20/40 in at least one eye as corrected;

23 (3) he is not afflicted with a contagious or infectious  
24 disease;

25 (4) he has had education equivalent to four years attendance  
26 at a state high school;

27 (5) except as provided by AS 08.01.064 and AS 08.01.066,  
28 he is a graduate of a recognized school or college of optometry;

29 (6) he is of good moral character.

1 \* Sec. 44. AS 08.80.010 is amended to read:

2 Sec. 08.80.010. CREATION AND MEMBERSHIP OF BOARD OF PHARMACY.

3 There is created the Board of Pharmacy, composed of seven [FIVE]  
4 members, five [EACH] of whom shall be pharmacists [A PHARMACIST]  
5 licensed in the state who have [HAS] been actively engaged in the  
6 practice of pharmacy in the state for a period of three years immediate-  
7 ly preceding [HIS] appointment and two public members, in accordance  
8 with AS 08.01.025. Whenever possible, the board shall include at  
9 least one member from each judicial district.

10 \* Sec. 45. AS 08.80.070 is amended to read:

11 Sec. 08.80.070. QUORUM. A majority of the [THREE] members  
12 constitute a quorum for the transaction of business. However, when  
13 the board meets for the purpose of examining applications for registra-  
14 tion, three [TWO] members of the board constitute a quorum.

15 \* Sec. 46. AS 08.80.110 is amended to read:

16 Sec. 08.80.110. QUALIFICATIONS FOR REGISTRATION. Except as  
17 provided by AS 08.01.064 and AS 08.01.066, an [AN] applicant for  
18 registration as a pharmacist shall

19 (1) be fluent in the reading, writing and speaking of the  
20 English language;

21 (2) furnish the board with at least two affidavits from  
22 reputable citizens, whom he has known for at least one year, attesting  
23 to his good moral character and freedom from addiction to the use of  
24 drugs or alcoholic liquors;

25 (3) be a graduate of a college of pharmacy recognized by  
26 the National Association of Boards of Pharmacy;

27 (4) pass an examination by a board of pharmacy which board  
28 has been approved by the National Association of Boards of Pharmacy;

29 (5) have completed at least 1,500 hours of internship

1 training under the direct supervision of a licensed pharmacist in a  
2 licensed pharmacy, 540 hours of which must have been completed after  
3 graduation.

4 \* Sec. 47. AS 08.84.010(a) is amended to read:

5 (a) There is created the state Physical Therapy Board, which  
6 consists of six [FIVE] members appointed by the governor. The member-  
7 ship consists of one physician licensed to practice medicine in the  
8 state, three physical therapists registered in the state, and two  
9 public members in accordance with AS 08.01.025. [AND ONE LAY PERSON.  
10 THE MEMBERS SHALL BE SELECTED FROM A LIST OF 10 PERSONS WHICH SHALL BE  
11 SUBMITTED BY THE ALASKA CHAPTER OF THE AMERICAN PHYSICAL THERAPY  
12 ASSOCIATION.] Members of the board shall be appointed for terms of  
13 one, two and three years, respectively; all subsequent appointments  
14 shall be made for a term of three years and until their successors are  
15 appointed. Vacancies on the board shall be filled by appointment in  
16 like manner. [BOARD MEMBERS ARE NOT ENTITLED TO A TRAVEL OR PER DIEM  
17 ALLOWANCE.]

18 \* Sec. 48. AS 08.84.030 is amended to read:

19 Sec. 08.84.030. QUALIFICATIONS FOR REGISTRATION. Except as  
20 provided by AS 08.01.064 and AS 08.01.066, to [TO] be eligible for  
21 registration by the board as a physical therapist or physical therapy  
22 assistant, an applicant shall

23 (1) be of good moral character;

24 (2) have graduated from a school of physical therapy  
25 approved by the Council on Medical Education and Hospitals of the  
26 American Medical Association, or the American Physical Therapy Associa-  
27 tion;

28 (3) pass to the satisfaction of the board an examination  
29 from the Professional Examination Service Association, to determine

1 his fitness for practice as a physical therapist or physical therapy  
2 assistant, or be entitled to registration without examination as  
3 provided in sec. 60 of this chapter.

4 \* Sec. 49. AS 08.86.010 is amended to read:

5 Sec. 08.86.010. CREATION AND MEMBERSHIP OF BOARD. There is  
6 created a Board of Psychologist and Psychological Associate Examiners  
7 consisting of three licensed psychologists and two public members, in  
8 accordance with AS 08.01.025. [IT CONSISTS OF THREE LICENSED PSYCHO-  
9 LOGISTS.]

10 \* Sec. 50. AS 08.86.130 is amended to read:

11 Sec. 08.86.130. QUALIFICATION FOR EXAMINATION. Except as pro-  
12 vided by AS 08.01.064 and AS 08.01.066, a [A] person is entitled to  
13 take an examination if the board finds he

14 (1) has not engaged in dishonorable conduct relevant to the  
15 practice of psychology;

16 (2) holds a doctoral degree with primary emphasis on  
17 psychology from an accredited school;

18 (3) has at least one year's experience acceptable to the  
19 board.

20 \* Sec. 51. AS 08.86.162 is amended to read:

21 Sec. 08.86.162. ASSOCIATES: QUALIFICATION FOR EXAMINATION.  
22 Except as provided by AS 08.01.064 and AS 08.01.066, a [A] person is  
23 entitled to take a psychological associate examination if the board  
24 finds that he:

25 (1) has not engaged in dishonorable conduct related to the  
26 practice of counseling or psychometry;

27 (2) holds a master's degree from an accredited or approved  
28 educational institution, with at least 24 credit hours of course work  
29 directly related to counseling or another specialized area in which

1 licensure is requested, including a practicum;

2 (3) has at least three years' experience within the past 10  
3 [TEN] years, two of which are in Alaska, and including one year's  
4 supervised postgraduate experience acceptable to the board;

5 (4) has the recommendation of his immediate supervisor if  
6 a licensed psychologist, or two licensed psychologists who hold  
7 doctoral degrees;

8 (5) has not within the preceding six months failed an  
9 examination given by the board.

10 \* Sec. 52. AS 08.88.011 is amended to read:

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

13 \* Sec. 53. AS 08.88.041(a) is amended to read:

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

22 \* Sec. 54. AS 08.88.051(b) is amended to read:

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

26 \* Sec. 55. AS 08.98.010 is amended to read:

27 Sec. 08.98.010. CREATION AND MEMBERSHIP OF BOARD. There is a  
28 Board of Veterinary Examiners. It consists of three licensed veteri-  
29 narians and two public members, in accordance with AS 08.01.025.

1 \* Sec. 56. AS 08.98.170 is amended to read:

2 Sec. 08.98.170. QUALIFICATION FOR EXAMINATION. Except as pro-  
3 vided by AS 08.01.064 and AS 08.01.066, a [A] person is entitled to  
4 take the examination who

5 (1) was graduated from a school of veterinary medicine  
6 approved by the board;

7 (2) Repealed by sec. 25 ch. 245 SLA 1970.

8 (3) has completed application forms and returned them to  
9 the board;

10 (4) has paid the fee specified in sec. 190 of this chapter;

11 (5) has not had a veterinarian license revoked for cause in  
12 another jurisdiction;

13 (6) is of good moral character.

14 \* Sec. 57. AS 08.99.050 is amended to read:

15 Sec. 08.99.050. QUALIFICATIONS OF BOARD MEMBERS. Each member of  
16 the board shall be a citizen of the United States and a resident of  
17 the state. Two [AT LEAST THREE] members shall be persons with engi-  
18 neering degrees or registration as an engineer and each engineer mem-  
19 ber shall have at least five years engineering experience. Three of  
20 the other [ALL] members shall have extensive experience in welding.  
21 The remaining board members must be public members, in accordance with  
22 AS 08.01.025.

23 \* Sec. 58. AS 08.04.220, 08.20.140, 08.48.061(c), 08.48.191, 08.64.250,  
24 08.68.040, 08.68.200, 08.71.150, 08.72.170, 08.80.140, 08.84.060, 08.86.050,  
25 08.86.150, 08.88.261, 08.98.210, and 08.99.030 are repealed.  
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