

Introduced: 2/26/85  
Referred: Labor & Commerce  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2 SENATE BILL NO. 195

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making miscellaneous amendments concerning  
7 boards, commissions, and councils; and providing for  
8 an effective date."

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

10 \* Section 1. AS 08.01.010 is amended to read:

11 Sec. 08.01.010. APPLICABILITY OF CHAPTER. This chapter applies  
12 to the

- 13 (1) Board of Public Accountancy (AS 08.04.010);
- 14 (2) [Repealed by sec. 9, ch. 6, SLA 1984.]
- 15 (3) [Repealed by sec. 6, ch. 32, SLA 1971.]
- 16 (4) Board of Chiropractic Examiners (AS 08.20.010);
- 17 (5) [Repealed by sec. 9, ch. 6, 1984.]
- 18 (6) Board of Dental Examiners (AS 08.36.010);
- 19 (7) Board of Electrical Examiners (AS 08.40.010);
- 20 (8) State Board of Registration for Architects, Engineers  
21 and Land Surveyors (AS 08.48.011);
- 22 (9) State Medical Board (AS 08.64.010);
- 23 (10) Board of Nursing (AS 08.68.010);
- 24 (11) Board of Examiners in Optometry (AS 08.72.010);
- 25 (12) Board of Pharmacy (AS 08.80.010);
- 26 (13) [Repealed by sec. 42, ch. 167, SLA 1980.]
- 27 (14) Board of Veterinary Examiners (AS 08.98.010);
- 28 (15) Board of Psychologist and Psychological Associate  
29 Examiners (AS 08.86.010);

- 1 (16) [Repealed by sec. 9, ch. 6, SLA 1984.]  
2 (17) [Repealed by sec. 9, ch. 6, SLA 1984.]  
3 (18) Board of Marine Pilots (AS 08.62.010);  
4 (19) Board of Dispensing Opticians (AS 08.71.010);  
5 (20) Guide Licensing and Control Board (AS 08.54.010);  
6 (21) State Physical Therapy Board (AS 08.84.010);  
7 (22) Board of Nursing Home Administrators (AS 08.70.010);  
8 (23) regulation of professional geologists under AS 08.02.-  
9 011;  
10 (24) Board of Barbers and Hairdressers (AS 08.13.010);  
11 (25) regulation of construction contractors under AS 08.18;  
12 (26) regulation of collection agencies under AS 08.24;  
13 (27) regulation of morticians under AS 08.42;  
14 (28) regulation of concert promoters under AS 08.92.

15 \* Sec. 2. AS 08.01.020 is amended to read:

16 Sec. 08.01.020. BOARD ORGANIZATION. All [UNLESS OTHERWISE  
17 PROVIDED, ALL] board members are appointed by the governor and serve  
18 at the pleasure of the governor. Unless otherwise provided, the  
19 governor may [SHALL] designate the chairman of a [THE] board, and all  
20 other officers must [SHALL] be elected by the board members. Officers  
21 are a chairman and a secretary. A board may, by regulation, provide  
22 that unexcused absences from meetings are cause for removal.

23 \* Sec. 3. AS 08.01 is amended by adding a new section to read:

24 Sec. 08.01.035. TERM OF OFFICE. (a) Members of boards covered  
25 by this chapter and members of the Real Estate Commission under  
26 AS 08.88, appointed by the governor, are subject to confirmation by  
27 the legislature in joint session, and are appointed for terms of four  
28 years or until their successors are appointed. The terms of the  
29 members must be staggered so that the terms of no more than two

1 members of a particular board or commission expire at the same time.  
2 An appointment to fill a vacancy is for the unexpired term. A person  
3 who has served all or part of two successive terms may not be reap-  
4 pointed for four years from the expiration of the second term.

5 (b) AS 39.05.040, 39.05.060(b) -- (d), and 39.05.070 -- 39.-  
6 05.200 govern the appointment of members of boards and commissions  
7 under (a) of this section except that in case of conflict, (a) of this  
8 section controls.

9 \* Sec. 4. AS 08.01.050 is amended to read:

10 Sec. 08.01.050. ADMINISTRATIVE DUTIES OF DEPARTMENT. (a) The  
11 department shall provide the following administrative and budgetary  
12 services when appropriate:

- 13 (1) collect and record fees [AND ISSUE RECEIPTS];
- 14 (2) maintain records and files;
- 15 (3) issue and receive application forms;
- 16 (4) notify applicants of acceptance or rejection [OF APPLI-  
17 CANTS] as determined by the board;
- 18 (5) designate dates examinations are to be held and notify  
19 applicants;
- 20 (6) publish notice of examinations and meetings [EXAMINA-  
21 TION];
- 22 (7) arrange space for holding examinations and meetings;
- 23 (8) notify applicants of results of examinations;
- 24 (9) issue licenses and certificates or temporary licenses  
25 or certificates as authorized by the board;
- 26 (10) issue duplicate licenses or certificates upon sub-  
27 mission of a written request [PROOF] by the licensee attesting to [OF]  
28 loss of or failure to receive the original and payment by the licensee  
29 of a fee established by regulation adopted by the department [OF \$2

1 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE];

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

4 (12) compile and maintain a current [A] register of licens-  
5 ees [LICENSES];

6 (13) answer routine inquiries;

7 (14) maintain files relating to individual licensees;

8 (15) arrange for printing and advertising;

9 (16) purchase supplies;

10 (17) employ additional [SECRETARIAL] help when needed;

11 (18) perform other services which may be requested by the  
12 board;

13 (19) provide inspection, enforcement, and investigative  
14 services to the boards and for the occupations listed in AS 08.01.010,  
15 regarding all licenses, permits, authorizations, or registrations  
16 issued by or through the department [ESTABLISHED UNDER AS 08.04,  
17 AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.70, AS 08.71, AS 08.72,  
18 AS 08.80, AS 08.84, AND AS 08.86, FOR THE PURPOSE OF ASSISTING THOSE  
19 BOARDS IN MATTERS OF PROFESSIONAL DISCIPLINE AND IN RESPONDING TO  
20 CONSUMER COMPLAINTS];

21 (20) retain and safeguard the official board seal, if any,  
22 and prepare, sign, and affix board seals, when appropriate, for li-  
23 cencees approved by the board.

24 (b) The form and content of a license, authorized by a board  
25 listed in AS 08.01.010, including any document evidencing renewal of a  
26 license, must [SHALL] be determined by the department after consulta-  
27 tion with and consideration of the views of the board concerned.

28 [(c) AFTER CONSULTING WITH THE STATE MEDICAL BOARD (AS 08.64.-  
29 010), THE DEPARTMENT SHALL EMPLOY AN INDIVIDUAL WHO IS NOT A MEMBER OF

1 THE BOARD TO BE ASSIGNED AS THE INVESTIGATOR FOR THE BOARD. THE  
2 INVESTIGATOR SHALL

3 (1) CONDUCT INVESTIGATIONS INTO ALLEGED VIOLATIONS OF  
4 AS 08.64, AND INTO ALLEGED VIOLATIONS OF REGULATIONS AND ORDERS OF THE  
5 STATE MEDICAL BOARD;

6 (2) AT THE REQUEST OF THE STATE MEDICAL BOARD, CONDUCT  
7 INVESTIGATIONS BASED ON COMPLAINTS FILED WITH THE DEPARTMENT OR WITH  
8 THE BOARD; AND

9 (3) BE DIRECTLY RESPONSIBLE AND ACCOUNTABLE TO THE STATE  
10 MEDICAL BOARD, EXCEPT THAT ONLY THE DEPARTMENT HAS AUTHORITY TO TERMI-  
11 NATE THE INVESTIGATOR'S EMPLOYMENT AND THE DEPARTMENT SHALL PROVIDE  
12 DAY TO DAY AND ADMINISTRATIVE SUPERVISION OF THE INVESTIGATOR.]

13 \* Sec. 5. AS 08.01.070 is amended to read:

14 Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board  
15 shall perform the following duties in addition to those provided in  
16 its respective law:

17 (1) take [KEEP] minutes [AND RECORDS] of all proceedings;

18 (2) hold a minimum of one meeting each year;

19 (3) hold at least one examination each year;

20 (4) request, through the department, investigation of  
21 violations of its laws and regulations;

22 (5) prepare and grade board examinations;

23 (6) set minimum [PASS ON] qualifications for [OF] appli-  
24 cants for examination and license;

25 (7) forward a draft of the minutes of proceedings [MEET-  
26 INGS] to the department within 20 days after the proceedings;

27 (8) forward results of board examinations to the depart-  
28 ment within 20 days after examinations;

29 (9) notify the department of meeting dates and agenda items

1 at least 15 days before meetings and other proceedings [MEETING];  
2 (10) before the end of each fiscal year, submit an annual  
3 performance report to the department stating its accomplishments,  
4 activities, and needs.

5 \* Sec. 6. AS 08.01.100 is amended to read:

6 Sec. 08.01.100. LICENSE RENEWAL, LAPSE AND REINSTATEMENT. (a)  
7 Except as otherwise provided in this title, licenses must [SHALL] be  
8 renewed [BIENNIALLY] on the dates set by the department with the  
9 approval of the respective board.

10 (b) A registration, license, permit, or certificate [CERTIFI-  
11 CATES] requiring renewal to continue to be effective, must be renewed  
12 on or before the date set by the department or it will lapse. The  
13 department may establish a [A] penalty that must be paid [OF \$10 SHALL  
14 BE CHARGED] in addition to all delinquent renewal fees for reinstatement  
15 of a registration, license, permit, or certificate which remains  
16 lapsed for more than 60 days. The department may establish a penalty  
17 under this subsection only by regulation and only after consulting  
18 with the appropriate board.

19 (c) When continuing education or other requirements are speci-  
20 fied in statute or regulation as a condition of license renewal, these  
21 requirements must be satisfied before a license may be renewed.

22 \* Sec. 7. AS 08.01 is amended by adding new sections to read:

23 Sec. 08.01.107. CITATIONS FOR UNLICENSED PRACTICE. The depart-  
24 ment may issue a citation for a violation of a license or registration  
25 requirement of a board or profession listed in AS 08.01.010, if the  
26 department has probable cause to believe that a person has practiced a  
27 profession for which a license or registration is required without  
28 holding the license or registration. Each day a violation continues,  
29 after a citation for the violation has been issued, constitutes a

1 separate violation.

2 Sec. 08.01.108. PROCEDURE AND FORM OF CITATION ISSUANCE. (a) A  
3 citation issued under AS 08.01.107 must be in writing. A person  
4 receiving the citation may not be required to sign a promise to appear  
5 in court.

6 (b) The time specified in the notice to appear on a citation  
7 issued under this chapter must be at least five days, not including  
8 weekends and holidays, after the issuance of the citation, unless the  
9 person cited requests an earlier hearing.

10 (c) The department is responsible for the issuance of books  
11 containing appropriate citations, and shall maintain a record of each  
12 book and each citation contained in it. The department shall require  
13 and retain a receipt for every book issued to an employee of the  
14 department designated to provide investigative service to enforce the  
15 provisions of this chapter.

16 (d) The department shall deposit the original or a copy of the  
17 citation with a court having jurisdiction over the alleged offense.  
18 Upon its deposit with the court, the citation may be disposed of only  
19 by trial in the court or other official action taken by the magis-  
20 trate, judge, or prosecutor. The department may not dispose of a  
21 citation or copies of it, or of the record of its issuance, except as  
22 required under this subsection and (e) of this section.

23 (e) The department shall require the return of a copy of every  
24 citation issued under this chapter and of all copies of every citation  
25 that has been spoiled or upon which an entry has been made but which  
26 was not issued to an alleged violator. The department shall also  
27 maintain, in connection with every citation issued, a record of the  
28 disposition of the charge by the court in which the original or copy  
29 of the citation was deposited.

1 (f) If the form of citation issued under this chapter includes  
2 information and is sworn to as required under the laws of this state  
3 in respect to a complaint charging commission of the offense alleged  
4 in the citation, then the citation, when filed with a court having  
5 jurisdiction, is considered to be a lawful complaint for the purpose  
6 of prosecution.

7 Sec. 08.01.109. FAILURE TO OBEY CITATION. Unless the citation  
8 has been voided or otherwise dismissed by the magistrate, judge, or  
9 prosecutor, a person who fails to appear in court to answer a citation  
10 issued under this chapter, regardless of the disposition of the charge  
11 for which the citation was issued, is guilty of a class B misdemeanor.

12 \* Sec. 8. AS 08.04.030 is amended to read:

13 Sec. 08.04.030. REMOVAL [AND REAPPOINTMENT] OF MEMBERS. The  
14 governor shall remove any member of the board whose certificate,  
15 license, or permit has been revoked or suspended under this chapter.  
16 [THE GOVERNOR MAY, AFTER HEARING, REMOVE ANY MEMBER FOR NEGLECT OF  
17 DUTY OR OTHER JUST CAUSE. NO PERSON WHO HAS SERVED TWO SUCCESSIVE  
18 COMPLETE TERMS MAY BE REAPPOINTED UNTIL ONE YEAR FROM THE EXPIRATION  
19 OF THE TERM TO WHICH APPOINTED.]

20 \* Sec. 9. AS 08.20.130 is amended by adding a new subsection to read:

21 (e) The board may appoint, to serve for one year, an examination  
22 committee composed of at least three licensed chiropractors, to con-  
23 duct an examination if the board cannot conduct the examination. The  
24 examination committee shall report examination results to the board  
25 for official action.

26 \* Sec. 10. AS 08.20.160 is amended to read:

27 Sec. 08.20.160. TEMPORARY PERMITS. The department may issue a  
28 temporary permit to a person who meets the requirements of AS 08.20.-  
29 120(a)(2) -- (4). A temporary permit authorizes the holder to

1 practice chiropractic under the direct supervision of a chiropractor  
2 licensed under this chapter. A temporary permit is valid for 120  
3 consecutive days, unless the board grants an extension for good cause  
4 shown [TEMPORARY PERMITS MAY BE ISSUED TO PERSONS APPARENTLY QUALIFIED  
5 UNTIL THE NEXT REGULAR MEETING OF THE BOARD].

6 \* Sec. 11. AS 08.24.090(b) is amended to read:

7 (b) This chapter does not apply to the following when engaged in  
8 the regular course of their respective businesses:

9 (1) attorneys at law;

10 (2) persons regularly employed on a regular wage or salary  
11 in the capacity of credit men or a similar capacity, except as an  
12 independent contractor;

13 (3) banks, including trust departments of banks, fidu-  
14 ciaries and financing and lending institutions;

15 (4) common carriers;

16 (5) title insurers and abstract companies while doing an  
17 escrow business;

18 (6) licensed real estate brokers;

19 (7) employees of licensees under this chapter;

20 (8) substation payment offices employed by or serving as  
21 independent contractors for public utilities;

22 (9) process servers appointed under the Alaska Court Rules.

23 \* Sec. 12. AS 08.40.070 is amended to read:

24 Sec. 08.40.070. INSPECTION OR INVESTIGATION BY BOARD. The board  
25 may make or have made a special inspection or investigation into the  
26 work of a person performing electrical work, for another, [LICENSEE]  
27 which it considers necessary, may issue subpoenas and process compel-  
28 ling the attendance of any person and the production of any papers or  
29 books, for the purpose of the investigation and examination, may

1 administer oaths when required, and may petition a court of the state  
2 to enforce subpoenas and process or to compel testimony.

3 \* Sec. 13. AS 08.40.130 is amended to read:

4 Sec. 08.40.130. ADMINISTRATOR LIMITED TO ONE LICENSED CONTRAC-  
5 TOR. (a) A person may not qualify for or operate as an electrical  
6 administrator for more than one registered contractor. The adminis-  
7 trator shall actively supervise projects of the contractor for which  
8 the administrator is acting as an administrator.

9 (b) An electrical administrator shall notify the Department of  
10 Commerce and Economic Development each time that the administrator  
11 changes contractor affiliation. The notice must show the effective  
12 date of change of affiliation; the date may not be in the past. The  
13 notice must be accompanied by an affidavit that the administrator has  
14 personally supervised and inspected all work accomplished by the  
15 contractor with which the administrator is terminating and that the  
16 administrator accepts full responsibility for electrical work accom-  
17 plished by the contractor during the time of the administrator's  
18 affiliation with the contractor.

19 \* Sec. 14. AS 08.40.190(a) is amended to read:

20 (a) This chapter does not apply to the state or to any utility  
21 or municipality engaged in

22 (1) electrical construction and maintenance of electrical  
23 wiring for the generation and distribution of electrical current where  
24 the wiring is an integral part of a system owned and operated by that  
25 utility or municipal light and power department;

26 (2) the installation, operation, maintenance, or repair of  
27 telephone, telegraph, signal or communication systems when the work is  
28 performed by the employees of that utility.

29 \* Sec. 15. AS 08.48.331 is amended to read:

1           Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

2           (1) the execution as a contractor of work designed by a  
3 professional architect or engineer, or the supervision of the con-  
4 struction of this work as a foreman or superintendent for a contrac-  
5 tor;

6           (2) superintendents, foremen, inspectors, or building  
7 trades craftsmen in the performance of their customary duties;

8           (3) an officer or employee of the United States government  
9 practicing architecture, engineering, or land surveying as required by  
10 that person's official capacity;

11           (4) an officer or employee of the state practicing archi-  
12 tecture, engineering, or land surveying as required by that person's  
13 official capacity if registration is not required by that person's job  
14 description or by AS 38.95.150 or 38.95.160;

15           (5) the work of an employee or a subordinate of a person  
16 legally registered under this chapter, if the work or service does not  
17 include final designs or decisions or surveys, and is done under the  
18 direct supervision of and verified by a person legally registered  
19 under this chapter;

20           (6) the services ordinarily performed by locomotive, sta-  
21 tionary, and marine engine men, power plant operators, and manufactur-  
22 ers who supervise the operation of or operate machinery or equipment,  
23 or supervise construction within their own plant which affect only the  
24 property or interest of the manufacturer, unless the public health or  
25 safety is involved;

26           (7) the practice of any other lawfully recognized profes-  
27 sion;

28           (8) associates, consultants, or specialists retained by an  
29 individual, a partnership of legally registered individuals, or a

1 corporation authorized under this chapter, in the performance of the  
2 professional services offered by the legally registered individual,  
3 partnership, or authorized corporation if responsible charge of the  
4 work remains with the individual, partnership, or designated represen-  
5 tative of the corporation;

6 (9) a person preparing plans, drawings, or specifications  
7 for

8 (A) a building for that person's own use and occupancy  
9 unless the public health, safety, or welfare is substantially  
10 involved;

11 (B) farm or ranch buildings unless the public health,  
12 safety, or welfare is substantially involved;

13 (C) a building intended to be used only as a residence  
14 by not more than four families and not more than two stories  
15 high;

16 (D) a building with a total of not more than 500  
17 square feet of floor space;

18 (10) a specialty contractor licensed under appropriate  
19 Alaska Statutes, while engaged in the business of contracting, design-  
20 ing systems or facilities as otherwise permitted by law for work  
21 within the specialty for which the specialty contractor's license was  
22 issued to be performed or supervised by the contractor, or any li-  
23 censed contractor preparing shop or field drawings for work which the  
24 specialty contractor has contracted to perform;

25 (11) a person furnishing, either alone or with subcontrac-  
26 tors, labor and materials, with or without plans, drawings, specifica-  
27 tions, instruments of service, or other data covering the labor and  
28 materials to be used for any of the following:

29 (A) storefronts (facades), interior alterations or

1 additions, fixtures, cabinetwork, furniture, or other appliances  
2 or equipment;

3 (B) work necessary to provide for installation of an  
4 item listed in (A) of this paragraph;

5 (C) alterations or additions to a building necessary  
6 to or attendant upon installation of an item listed in (A) of  
7 this paragraph, if the alteration or addition does not change or  
8 affect the structural system or safety of the building;

9 (12) an officer or employee of an individual, firm, partner-  
10 ship, association, or corporation who [WHICH OFFICER OR EMPLOYEE]  
11 practices architecture, engineering, or land surveying when required  
12 by that person's official capacity or work duties connected with that  
13 person's employment, if the individual firm, partnership, association,  
14 or corporation is not engaged in the business of offering architec-  
15 tural, engineering, or land surveying services to the public;

16 (13) a communications, telecommunications, or broadcast  
17 engineer.

18 \* Sec. 16. AS 08.62.040(a) is amended to read:

19 (a) The board shall

20 (1) provide for the maintenance of efficient and competent  
21 pilot service on all waters covered by this chapter to assure protec-  
22 tion of shipping and the safety of human life and property;

23 (2) consistent with the law, adopt regulations, subject to  
24 the Administrative Procedure Act (AS 44.62), establishing the qualifi-  
25 cations of pilots and providing for the examination of pilots and the  
26 issuance of original or renewal pilot licenses to qualified persons;

27 (3) keep a register of licensed pilots, and agents;

28 (4) adopt regulations under the Administrative Procedure  
29 Act (AS 44.62) establishing standards by which pilotage fees may be

1 established, and pay for audits whenever an audit is necessary to  
2 collect information needed to apply the standards in the regulations;  
3 (5) make available, upon request, copies of this chapter  
4 and the regulations adopted under it;  
5 (6) adopt regulations, under the Administrative Procedure  
6 Act (AS 44.62), establishing pilotage fees according to the standards  
7 adopted under (4) of this subsection.

8 \* Sec. 17. AS 08.64.205 is amended to read:

9 Sec. 08.64.205. QUALIFICATIONS FOR OSTEOPATH APPLICANTS. Each  
10 osteopath applicant must [SHALL] meet the qualifications prescribed in  
11 AS 08.64.200[(1),] (4) and (5) and must [SHALL]

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

14 (2) submit a certificate from a hospital approved by the  
15 American Medical Association or the American Osteopathic Association  
16 which certifies that the osteopath has satisfactorily completed and  
17 performed the duties of intern or resident physician for one year;

18 (3) take the examination required by AS 08.64.210 or be  
19 certified to practice by the National Board of Examiners for Osteo-  
20 pathic Physicians and Surgeons.

21 \* Sec. 18. AS 08.64.209(a) is amended to read:

22 (a) Each applicant who desires to practice podiatry must [SHALL]  
23 meet the qualifications prescribed in AS 08.64.200[(1) AND] (4) and  
24 must [SHALL]

25 (1) submit a certificate of graduation from a legally  
26 chartered school of podiatry approved by the board;

27 (2) take the examination required by AS 08.64.210; the  
28 State Medical Board shall call to its aid a podiatrist of known abil-  
29 ity who is licensed to practice podiatry to assist in the examination

1 and licensure of applicants for a license to practice podiatry;

2 (3) meet other qualifications of experience or education  
3 which the board may require.

4 \* Sec. 19. AS 08.64.210(b) is amended to read:

5 (b) The application for examination must [SHALL] be submitted to  
6 the board at least 120 [40] days before the examination date.

7 \* Sec. 20. AS 08.64.220(a) is amended to read:

8 (a) The board shall make the examination written [AND ORAL] and  
9 sufficient to test the applicant's fitness to practice medicine or  
10 osteopathy.

11 \* Sec. 21. AS 08.64.225 is amended to read:

12 Sec. AS 08.64.225. FOREIGN MEDICAL GRADUATES. Applicants who  
13 are graduates of medical colleges not accredited by the American  
14 Medical Association or one of its agencies must [SHALL] meet the  
15 requirements of AS 08.64.200[(1),] (3), (4) and (5) and must have  
16 passed an examination and be certified by the Education Council on  
17 Foreign Medical Graduates, or be licensed by examination in another  
18 state or territory of the United States or province of Canada.

19 \* Sec. 22. AS 08.64.255 is amended to read:

20 Sec. 08.64.255. INTERVIEW REQUIRED. All applicants for licen-  
21 sure must [A LICENSE UNDER AS 08.64.250 SHALL] be interviewed in  
22 person by at least one member of the board before a license will be  
23 issued. The interview must [SHALL] be recorded. If [AND, IF] the  
24 application is denied on the basis of the interview, the denial must  
25 [SHALL] be stated in writing, with the reasons for it, and the record  
26 must [SHALL] be preserved.

27 \* Sec. 23. AS 08.64.260 is amended to read:

28 Sec. 08.64.260. RE-EXAMINATION. (a) If an [THE] applicant  
29 fails the examination, the applicant may, on the same application and

1        upon payment of a reexamination fee, take another examination not less  
2        than six months nor more than two years after the date of the first  
3        examination. If the applicant fails a second examination, the appli-  
4        cant may, after a year or more of further study or training approved  
5        by the board, make a new application for licensure.

6        [(b) APPLICANTS FAILING EVERY PORTION OF THE EXAMINATION SHALL  
7        RETAKE THE ENTIRE EXAMINATION AND PAY THE FULL EXAMINATION FEE.

8        (c) APPLICANTS FAILING PORTIONS OF PART I OR PART II OF THE  
9        EXAMINATION MAY RETAKE THE PORTIONS FAILED AT A PRORATED FEE PRE-  
10       SCRIBED IN THE REGULATIONS BY THE BOARD.

11       (d) APPLICANTS FAILING PART III OF THE EXAMINATION SHALL RETAKE  
12       THE ENTIRE PART AT A PRORATED FEE PRESCRIBED IN THE REGULATIONS BY THE  
13       BOARD.]

14       \* Sec. 24. AS 08.64.272 is amended to read:

15              Sec. 08.64.272. RESIDENCY AND INTERNSHIP. For the limited  
16       purpose of doing residency or internship work, the board may issue a  
17       temporary permit to an applicant without examination if the applicant  
18       meets the requirements of AS 08.64.200[(1) AND] (2), pays the required  
19       fee, and has been accepted by an eligible institution in the state for  
20       the purpose of doing residency or internship work.

21       \* Sec. 25. AS 08.64.311 is amended to read:

22              Sec. 08.64.311. LICENSE RENEWAL. A license must [LICENSES  
23       SHALL] be renewed every four years [AFTER THE DATE OF ISSUE].

24       \* Sec. 26. AS 08.70.040 is amended to read:

25              Sec. 08.70.040. BOARD MEETINGS; QUORUM. The board shall meet  
26       as often as the department considers necessary for the board to con-  
27       duct its business. [AT LEAST SEMIANNUALLY. A MAJORITY OF THE BOARD  
28       CONSTITUTES A QUORUM.]

29       \* Sec. 27. AS 08.71.020 is amended to read:

1           Sec. 08.71.020. MEMBERSHIP [AND TERM OF OFFICE]. The board  
2 consists of four opticians licensed under AS 08.71.080 and one public  
3 member appointed by the governor. [MEMBERS SERVE STAGGERED TERMS OF  
4 FOUR YEARS WHICH SHALL BE SET SO THAT THEY DO NOT EXPIRE AT THE SAME  
5 TIME. VACANCIES ON THE BOARD SHALL BE FILLED FOR THE UNEXPIRED TERM.  
6 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE  
7 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

8 \* Sec. 28. AS 08.72.040 is amended to read:

9           Sec. 08.72.040. MEMBERSHIP OF BOARD [QUALIFICATIONS]. The board  
10 consists of five persons, appointed by the governor. Four board  
11 members must [SHALL] be licensed, practicing optometrists [WHO HAVE  
12 BEEN RESIDENTS FOR AT LEAST THREE YEARS]. One board member must  
13 [SHALL] be a public member. [A PERSON WHO HAS SERVED TWO SUCCESSIVE  
14 COMPLETE TERMS MAY NOT BE REAPPOINTED UNTIL FOUR YEARS FROM THE EX-  
15 PIRATION OF THE SECOND TERM THAT THE PERSON SERVED.]

16 \* Sec. 29. AS 08.84.010(a) is amended to read:

17           (a) There is created the State Physical Therapy Board, which  
18 consists of five members appointed by the governor. The membership  
19 consists of one physician licensed to practice medicine in the state,  
20 three physical therapists licensed in the state or two physical thera-  
21 pists and a physical therapy assistant licensed in the state, and one  
22 lay person with no direct financial interest in the health care indus-  
23 try. [MEMBERS OF THE BOARD SHALL BE U.S. CITIZENS DOMICILED IN THE  
24 STATE AND SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, AND UNTIL THEIR  
25 SUCCESSORS ARE APPOINTED. A MEMBER MAY NOT SERVE MORE THAN TWO TERMS  
26 IN SUCCESSION. THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR  
27 NEGLECT OF DUTY, INCOMPETENCE, DISHONORABLE CONDUCT, OR SUSPENSION OR  
28 REVOCATION OF LICENSE.]

29 \* Sec. 30. AS 08.98.165(a) is amended to read:

1 (a) An applicant is qualified to receive a license as a veteri-  
2 narian if the applicant [WHO]

3 (1) is a graduate of an accredited veterinary school or  
4 [WHO] has met [PASSED] the requirements [EXAMINATION] of the American  
5 Veterinary Association's Education Commission for Foreign Veterinary  
6 Graduates;

7 (2) has passed an examination prepared by the National  
8 Board of Veterinary Medical Examiners or an equivalent examination as  
9 determined by the board, or qualifies for an exemption under (b) of  
10 this section;

11 (3) has passed the written examination of the state;

12 (4) has passed a practical examination of skills, if  
13 required by the board; and

14 (5) has no disciplinary proceeding, unresolved complaint,  
15 or professional association review proceeding pending at the time a  
16 license is to be issued, and has not had a veterinarian license  
17 revoked for cause in another jurisdiction.

18 \* Sec. 31. AS 08.98.180 is amended to read:

19 Sec. 08.98.180. TEMPORARY LICENSE. A person who meets the  
20 requirements of AS 08.98.165(a)(1) and (5), and has not previously  
21 failed the state written or practical examination, is entitled to be  
22 temporarily licensed after applying for examination, if the person  
23 works under the supervision of a licensed veterinarian. A license  
24 issued under this section is valid until the results of the examina-  
25 tions are published. A person may not receive more than one temporary  
26 license. An application for a temporary license must be signed by the  
27 supervising veterinarian and accompanied by the temporary license fee  
28 as prescribed under AS 08.98.190.

29 \* Sec. 32. AS 08.98.184 is amended to read:

1           Sec. 08.98.184. LICENSURE BY CREDENTIALS. The board shall  
2 approve the issuance of a license to an applicant who holds a valid  
3 license to practice veterinary medicine in another state, territory,  
4 or country with licensing requirements substantially similar to or  
5 higher than those of this state which were in effect at the time the  
6 applicant obtained a license in the other jurisdiction if the appli-  
7 cant

8           (1) has graduated from an accredited school of veterinary  
9 medicine or has successfully met the requirements [PASSED THE EX-  
10 AMINATION] of the American Veterinary Association's Education Commis-  
11 sion for Foreign Veterinary Graduates;

12           (2) has been engaged in the active practice of veterinary  
13 medicine for at least five of the seven years before filing the appli-  
14 cation;

15           (3) has not failed the state written or practical examina-  
16 tion;

17           (4) has no disciplinary proceeding, unresolved complaints,  
18 or professional association review proceedings pending at the time a  
19 license is to be issued, and has not had a veterinarian license  
20 revoked for cause in another jurisdiction; and

21           (5) has paid required fees.

22 \* Sec. 33. AS 08.98.186 is amended to read:

23           Sec. 08.98.186. TEMPORARY PERMIT. A person licensed to practice  
24 veterinary medicine in another state who meets the requirements of  
25 AS 08.98.165(a)(1) and (5), and has not failed the state written or  
26 practical examination, may be granted a temporary permit to conduct  
27 the practice of a person licensed in the state who is absent from  
28 practice. An application must [SHALL] be signed by the person who is  
29 or will be absent from practice and by the applicant. A temporary

1 permit is valid for no longer than 60 days after issuance but may be  
2 renewed.

3 \* Sec. 34. AS 44.19.155(a) is amended to read:

4 (a) There is created in the Office of the Governor the Alaska  
5 Coastal Policy Council. The council consists of the following:

6 (1) nine public members appointed by the governor from a  
7 list comprised of at least three names from each region, nominated by  
8 the municipalities or coastal resource service area boards of each  
9 region; the nominees must [SHALL] be residents of the regions they  
10 represent [THE MAYOR OR MEMBER OF THE ASSEMBLY OR COUNCIL OF A MUNICI-  
11 PALITY]; one public member must [SHALL] be appointed from each of the  
12 following general regions:

13 (A) northwest Alaska, including, generally, the area  
14 of the North Slope Borough and the Northwest Arctic regional  
15 educational attendance area;

16 (B) Bering Straits, including, generally, the area of  
17 the Bering Straits regional educational attendance area;

18 (C) southwest Alaska, including, generally, the area  
19 within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-  
20 Peninsula regional educational attendance areas and the Bristol  
21 Bay Borough;

22 (D) Kodiak-Aleutians, including the area of the Kodiak  
23 Island Borough and the Aleutian, Adak and Pribilof regional  
24 educational attendance areas;

25 (E) Upper Cook Inlet, including the Municipality of  
26 Anchorage and the Matanuska-Susitna Borough;

27 (F) Lower Cook Inlet, including, generally, the area  
28 within the Kenai Peninsula Borough;

29 (G) Prince William Sound, including, generally, the

1 area east of the Kenai Peninsula Borough to 141° W. longitude;  
2 (H) northern Southeast Alaska, including the area  
3 southeast of 141° W. longitude and north of 57° N. latitude,  
4 including the entirety of the City and Borough of Sitka; and  
5 (I) southern Southeast Alaska, including that portion  
6 of southeastern Alaska not contained within the area described in  
7 (H) of this paragraph;  
8 (2) each of the following:  
9 (A) the director of the office of management and  
10 budget;  
11 (B) the commissioner of the Department of Commerce and  
12 Economic Development;  
13 (C) the commissioner of the Department of Community  
14 and Regional Affairs;  
15 (D) the commissioner of the Department of Environ-  
16 mental Conservation;  
17 (E) the commissioner of the Department of Fish and  
18 Game;  
19 (F) the commissioner of the Department of Natural  
20 Resources; and  
21 (G) the commissioner of the Department of Transporta-  
22 tion and Public Facilities.

23 \* Sec. 35. AS 44.19.155(d) is amended to read:

24 (d) Each member of the council shall select one person to serve  
25 as a permanent alternate at meetings of the council. If a member of  
26 the council is unable to attend, the member shall advise the alternate  
27 who may attend and act in the place of the member. The alternate for  
28 a public member appointed after July 9, 1978 under (a)(1) of this  
29 section must [SHALL], at the time of the alternate's designation and

1 throughout the period of service as a permanent alternate, be a resi-  
2 dent of [THE MAYOR OR MEMBER OF THE ASSEMBLY OR COUNCIL OF A MUNICI-  
3 PALITY WITHIN] the region from which the permanent member is appoint-  
4 ed. The alternate for the director of the office of management and  
5 budget, serving under (a)(2)(A) of this section, must [SHALL] be the  
6 director's designee within that office. The alternate for a designat-  
7 ed member serving under (a)(2)(B) -- (G) of this section must [SHALL]  
8 be a deputy commissioner of the department or the director of a divi-  
9 sion in the department. The names of alternates must [SHALL] be filed  
10 with the council.

11 \* Sec. 36. AS 08.04.040; AS 08.13.020; AS 08.20.025, 08.20.030; AS 08.-  
12 36.020, 08.36.025; AS 08.40.020, 08.40.190(b)(7); AS 08.48.021, 08.48.041;  
13 AS 08.54.020, 08.54.142, 08.54.144, 08.54.146, 08.54.170(c), 08.54.240(5);  
14 AS 08.62.020; AS 08.64.020, 08.64.040, 08.64.370(5); AS 08.68.020, 08.68.-  
15 030, 08.68.050; AS 08.70.020(b), 08.70.020(c); AS 08.71.045; AS 08.72.020,  
16 08.72.025, 08.72.030; AS 08.80.020, 08.80.105; AS 08.84.065(d); AS 08.86.-  
17 020, 08.86.025; AS 08.88.021; AS 08.98.020, and 08.98.025 are repealed.

18 \* Sec. 35. TRANSITION. The provisions of this Act apply to all ap-  
19 pointments and reappointments to boards, commissions, or councils made  
20 after the effective date of this Act. However, no provision of this Act is  
21 intended to apply to terms of board, commission, or council members which  
22 are unexpired on the effective date of this Act.