

Original sponsor: Labor and Commerce  
Committee

BY THE LABOR AND  
COMMERCE COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 172 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of marine pilots;  
7 extending the termination date of the Board of Marine  
8 Pilots; and providing for an effective date."

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

10 \* Section 1. AS 08.03.010(c)(12) is amended to read:

11 (12) Board of Marine Pilots (AS 08.62.010) -- June 30, 1991  
12 [1987].

13 \* Sec. 2. AS 08.62.150(a) is amended to read:

14 (a) The board [, AFTER COMPLIANCE WITH THE ADMINISTRATIVE PROCE-  
15 DURE ACT (AS 44.62),] may impose a disciplinary sanction on a person  
16 licensed under this chapter when the board finds that the person  
17 [DENY, REVOKE OR SUSPEND THE LICENSE OF A PERSON WHO]

18 (1) is incompetent in the performance of pilotage duties;

19 (2) is habitually intoxicated;

20 (3) illegally uses or sells narcotic or hallucinogenic  
21 drugs;

22 (4) makes a false statement to obtain a license;

23 (5) violates a provision of this chapter or a regulation  
24 adopted under it;

25 (6) is guilty of misconduct during the course of employ-  
26 ment; or

27 (7) has suffered revocation of federal licensure as a  
28 pilot.

29 \* Sec. 3. AS 08.62 is amended by adding a new section to article 2 to

1 read:

2           Sec. 08.62.155. DISCIPLINARY SANCTIONS. (a) The board may  
3 impose the following sanctions singly or in combination:

4           (1) permanently revoke a license or permit to practice;

5           (2) suspend a license for a stated period of time;

6           (3) censure a licensee;

7           (4) issue a letter of reprimand;

8           (5) impose limitations or conditions on the professional  
9 practice of a licensee;

10          (6) impose peer review;

11          (7) impose professional education requirements until a  
12 satisfactory degree of skill has been attained in those aspects of  
13 professional practice determined by the board to need improvement;

14          (8) impose probation and require the licensee to report  
15 regularly to the board upon matters involving the basis for the pro-  
16 bation;

17          (9) accept a voluntary surrender of a license.

18          (b) The board may withdraw probation status if it finds that the  
19 deficiencies that required the sanction have been remedied.

20          (c) The board may summarily suspend a license before final  
21 hearing or during the appeals process if the board finds that the  
22 licensee poses a clear and immediate danger to the public health and  
23 safety. A person whose license is suspended under this section is  
24 entitled to a hearing by the board within seven days after the effec-  
25 tive date of the order. If, after a hearing, the board upholds the  
26 suspension, the licensee may appeal the suspension to a court of  
27 competent jurisdiction.

28          (d) The board may reinstate a license that has been suspended or  
29 revoked if the board finds, after a hearing, that the applicant is

1       able to practice with skill and safety.

2           (e) The board may return a license that has been voluntarily  
3 surrendered if the board determines that the licensee is competent to  
4 resume practice and that applicable renewal fees are paid.

5           (f) The board shall seek consistency in the application of  
6 disciplinary sanctions. A significant departure from prior decisions  
7 involving similar situations shall be explained in the findings of  
8 fact or order.

9       \* Sec. 4. AS 08.62.150(b) is repealed.

10       \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).