

Original sponsor: Labor and Commerce
Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR HOUSE BILL NO. 222 (Finance) am S
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 occupational licensing; and
7 providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 05.05.010(a) is amended to read:
10 (a) There is created an athletic commission within the Depart-
11 ment of Commerce and Economic Development. The commission consists of
12 four members appointed by the governor. One member of the commission
13 shall [MUST] be appointed from each of the four judicial districts.
14 The commissioners shall [MUST] be appointed for overlapping four-year
15 [TWO YEAR] terms. Members of the commission serve at the pleasure of
16 the governor and shall [MUST] be selected on the basis of their known
17 interest in and knowledge of athletics in the state.
18 * Sec. 2. AS 08.01.020 is amended to read:
19 Sec. 08.01.020. BOARD ORGANIZATION. Board [UNLESS OTHERWISE
20 PROVIDED, ALL BOARD] members are appointed by the governor and serve
21 at the pleasure of the governor. Unless otherwise provided, the
22 governor may [SHALL] designate the chair [CHAIRMAN] of a [THE] board,
23 and all other officers shall be elected by the board members. Unless
24 otherwise provided, officers of a board are the chair and the secre-
25 tary. A board may provide by regulation that three or more unexcused
26 absences from meetings are cause for removal.
27 * Sec. 3. AS 08.01 is amended by adding a new section to read:
28 Sec. 08.01.035. APPOINTMENTS. Members of boards subject to this
29 chapter and members of the Real Estate Commission under AS 08.88 are

1 appointed for staggered terms of four years. A member of a board
2 serves until a successor is appointed. An appointment to fill a
3 vacancy on a board is for the remainder of the unexpired term. A
4 member who has served all or part of two successive terms on a board
5 may not be reappointed to that board unless four years have elapsed
6 since the person has last served on the board.

7 * Sec. 4. AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative
9 and budgetary services when appropriate:

- 10 (1) collect and record fees [AND ISSUE RECEIPTS];
- 11 (2) maintain records and files;
- 12 (3) issue and receive application forms;
- 13 (4) notify applicants of acceptance or rejection [OF APPLI-
14 CANTS] as determined by the board or as determined by the department
15 under AS 08.11 for audiologists, under AS 08.40 for electrical admin-
16 istrators, under AS 08.45 for naturopaths, or under AS 08.55 for
17 hearing aid dealers;
- 18 (5) designate dates examinations are to be held and notify
19 applicants;
- 20 (6) publish notice of examinations and proceedings [EXAM-
21 INATION];
- 22 (7) arrange space for holding examinations and proceedings;
- 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 or as authorized by the
26 department under AS 08.11 for audiologists, under AS 08.40 for elec-
27 trical administrators, under AS 08.45 for naturopaths, or under
28 AS 08.55 for hearing aid dealers;
- 29 (10) issue duplicate licenses [OR CERTIFICATES] upon

1 submission of a written request [PROOF] by the licensee attesting to
2 [OF] loss of or the failure to receive the original and payment by the
3 licensee of a fee established by regulation adopted by the department
4 [OF \$2 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE];

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

7 (12) compile and maintain a current [A] register of licens-
8 ees [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 additional [SECRETARIAL] help when needed;

14 (18) perform other services that may be requested by the
15 board;

16 (19) provide inspection, enforcement, and investigative
17 services to the boards and for the occupations listed in AS 08.01.010,
18 regarding all licenses issued by or through the department;

19 (20) retain and safeguard the official seal of a board and
20 prepare, sign, and affix a board seal, as appropriate, for licenses
21 approved by a board [ESTABLISHED UNDER AS 08.04, AS 08.20, AS 08.36,
22 AS 08.64, AS 08.68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84,
23 AND AS 08.86, FOR THE PURPOSE OF ASSISTING THOSE BOARDS IN MATTERS OF
24 PROFESSIONAL DISCIPLINE AND IN RESPONDING TO CONSUMER COMPLAINTS].

25 * Sec. 5. AS 08.01.065(c) is repealed and reenacted to read:

26 (c) A fee established under this section should reflect, but
27 should not exceed, the actual costs to the department of the activity
28 for which the fee is charged except that the department may establish
29 a fee that is less than the cost of the activity for which the fee is

1 charged if the department determines that it is not reasonable to
2 impose the full cost of the activity on the applicant or licensee.

3 * Sec. 6. AS 08.01.070 is amended to read:

4 Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board
5 shall perform the following duties in addition to those provided in
6 its respective law:

- 7 (1) take [KEEP] minutes and records of all proceedings;
- 8 (2) hold a minimum of one meeting each year;
- 9 (3) hold at least one examination each year;
- 10 (4) request, through the department, investigation of
11 violations of its laws and regulations;
- 12 (5) prepare and grade board examinations;
- 13 (6) set minimum [PASS ON] qualifications for [OF] appli-
14 cants for examination and license;
- 15 (7) forward a draft of the minutes of proceedings [MEET-
16 INGS] to the department within 20 days after the proceedings;
- 17 (8) forward results of board examinations to the department
18 within 20 days after the examination is given;
- 19 (9) notify the department of meeting dates and agenda items
20 at least 15 days before meetings and other proceedings are held;
- 21 (10) submit before the end of the fiscal year an annual
22 performance report to the department stating the board's accomplish-
23 ments, activities, and needs [MEETING].

24 * Sec. 7. AS 08.01 is amended by adding a new section to read:

25 Sec. 08.01.075. DISCIPLINARY POWERS OF BOARDS. (a) A board may
26 take the following disciplinary actions, singly or in combination:

- 27 (1) permanently revoke a license;
- 28 (2) suspend a license for a specified period;
- 29 (3) censure or reprimand a licensee;

1 (4) impose limitations or conditions on the professional
2 practice of a licensee;

3 (5) require a licensee to submit to peer review;

4 (6) impose requirements for remedial professional education
5 to correct deficiencies in the education, training, and skill of the
6 licensee;

7 (7) impose probation requiring a licensee to report regu-
8 larly to the board on matters related to the grounds for probation;

9 (8) impose a civil fine not to exceed \$5,000.

10 (b) A board may withdraw probationary status if the deficiencies
11 that required the sanction are remedied.

12 (c) A board may summarily suspend a licensee from the practice
13 of the profession before a final hearing is held or during an appeal
14 if the board finds that the licensee poses a clear and immediate
15 danger to the public health and safety. A person is entitled to a
16 hearing before the board to appeal the summary suspension within seven
17 days after the order of suspension is issued. A person may appeal an
18 adverse decision of the board on an appeal of a summary suspension to
19 a court of competent jurisdiction.

20 (d) A board may reinstate a suspended or revoked license if,
21 after a hearing, the board finds that the applicant is able to prac-
22 tice the profession with skill and safety.

23 (e) A board may accept the voluntary surrender of a license. A
24 license may not be returned unless the board determines that the
25 licensee is competent to resume practice and the licensee pays the
26 appropriate renewal fee.

27 (f) A board shall seek consistency in the application of disci-
28 plinary sanctions. A board shall explain a significant departure from
29 prior decisions involving similar facts in the order imposing the

1 sanction.

2 * Sec. 8. AS 08.01.100(a) is amended to read:

3 (a) Licenses [EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE LI-
4 CENSES] shall be renewed biennially on the dates set by the department
5 with the approval of the respective board.

6 * Sec. 9. AS 08.01.100(b) is repealed and reenacted to read:

7 (b) A license subject to renewal shall be renewed on or before
8 the date set by the department. If the license is not renewed by the
9 date set by the department, the license lapses. In addition to re-
10 newal fees required for reinstatement of the lapsed license, the
11 department may impose a delayed renewal penalty, established by regu-
12 lation, that shall be paid before a license that has been lapsed for
13 more than 60 days may be renewed. The department may adopt a delayed
14 renewal penalty only with the concurrence of the appropriate board.

15 * Sec. 10. AS 08.01.100 is amended by adding new subsections to read:

16 (c) When continuing education or other requirements are made a
17 condition of license renewal, the requirements shall be satisfied
18 before a license is renewed.

19 (d) Except as otherwise provided, a license may not be renewed
20 if it has been lapsed for five years or more.

21 * Sec. 11. AS 08.01 is amended by adding new sections to read:

22 Sec. 08.01.102. CITATION FOR UNLICENSED PRACTICE. The depart-
23 ment may issue a citation for a violation of a license requirement of
24 a board or profession listed in AS 08.01.010 if there is probable
25 cause to believe a person has practiced a profession for which a
26 license is required without holding the license. Each day a violation
27 continues after a citation for the violation has been issued consti-
28 tutes a separate violation.

29 Sec. 08.01.103. PROCEDURE AND FORM OF CITATION. (a) A citation

1 issued under AS 08.01.102 must be in writing. A person receiving the
2 citation is not required to sign a notice to appear in court.

3 (b) The time specified in the notice to appear on a citation
4 issued under AS 08.01.102 shall be at least five days, not including
5 weekends and holidays, after the issuance of the citation, unless the
6 person cited requests an earlier hearing.

7 (c) The department is responsible for the issuance of books con-
8 taining appropriate citations, and shall maintain a record of each
9 book issued and each citation contained in it. The department shall
10 require and retain a receipt for every book issued to an employee of
11 the department.

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

19 (e) The department shall require the return of a copy of every
20 citation issued by the department and of all copies of a citation that
21 has been spoiled or upon which an entry has been made and not issued
22 to an alleged violator. The department shall also maintain, in con-
23 nection with each citation, a record of the disposition of the charge
24 by the court where the original or copy of the citation was deposited.

25 (f) If the form of citation includes the essential facts con-
26 stituting the offense charged, and if the citation is sworn to as
27 required under the laws of this state for a complaint charging commis-
28 sion of the offense alleged in the citation, then the citation when
29 filed with a court having jurisdiction is considered to be a lawful

1 complaint for the purpose of prosecution.

2 Sec. 08.01.104. FAILURE TO OBEY CITATION. Unless the citation
3 has been voided or otherwise dismissed by the magistrate, judge, or
4 prosecutor, a person who without lawful justification or excuse fails
5 to appear in court to answer a citation issued under AS 08.01.102,
6 regardless of the disposition of the charge for which the citation was
7 issued, is guilty of a class B misdemeanor.

8 * Sec. 12. AS 08.02.020 is amended to read:

9 Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF LICENSING
10 BOARDS AND PEER REVIEW COMMITTEES. A person is not liable for damages
11 or other relief in an action by reason of the person's performance of
12 a duty, function, or activity as a member of a licensing board or peer
13 review committee established to review a licensing matter, or by
14 reason of a recommendation or action of the board or peer review
15 committee when the person acts in the reasonable belief that the
16 action or recommendation is warranted by facts known to the person or
17 to the board or peer review committee after reasonable efforts to
18 ascertain the facts upon which the action or recommendation is made.

19 * Sec. 13. AS 08.04.040 is amended to read:

20 Sec. 08.04.040. VACANCY ON BOARD [TERM OF OFFICE]. [THE TERM OF
21 OFFICE FOR EACH MEMBER OF THE BOARD IS THREE YEARS.] A vacancy shall
22 be filled by appointment for the unexpired term and all vacancies
23 shall be filled within 60 days. After the expiration of a member's
24 term of office a member continues to serve until a successor is ap-
25 pointed and qualifies, formally advises the board of acceptance of the
26 appointment, and appears at the next meeting of the board.

27 * Sec. 14. AS 08.13.100(a) is amended to read:

28 (a) The board shall authorize the issuance of a license to each
29 qualified applicant who has passed an examination under AS 08.13.090.

1 [THE LICENSE IS VALID FOR TWO YEARS AND SUBJECT TO RENEWAL.]

2 * Sec. 15. AS 08.18.031(a) is amended to read:

3 (a) A certificate of registration [EXPIRES ON DECEMBER 31 OF
4 EACH EVEN-NUMBERED YEAR AND] shall be renewed under the same require-
5 ments as for an original registration. The commissioner shall issue
6 to the applicant a certificate of registration upon compliance with
7 the registration requirements of this chapter.

8 * Sec. 16. AS 08.32.071 is amended to read:

9 Sec. 08.32.071. RENEWAL OF REGISTRATION. [A REGISTRATION CER-
10 TIFICATE IS VALID FOR FOUR YEARS.] At least 60 days before expiration
11 of a licensee's registration certificate, the division of occupational
12 licensing shall mail a form for renewal of registration to each li-
13 censed dental hygienist. Each licensee who wishes to renew a regis-
14 tration certificate shall complete the form and return it with the
15 appropriate fee and evidence of continued professional competence as
16 required by the board. The division of occupational licensing shall,
17 as soon as practicable, issue a registration certificate valid for a
18 stated number of years. Each licensee shall keep the registration
19 certificate beside or attached to the licensee's license. Failure to
20 receive the registration form does not exempt a licensee from renewing
21 registration.

22 * Sec. 17. AS 08.32.171(c) is amended to read:

23 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL
24 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-
25 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO
26 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the
27 license of a licensee who refuses to submit to a physical or mental
28 examination under AS 08.36.070(b)(1). A person whose license is
29 suspended under this section is entitled to a hearing by the board

1 within [NO LATER THAN] seven days after the effective date of the
2 order. If, after a hearing, the board upholds the suspension, the
3 licensee may appeal the suspension to a court of competent jurisdic-
4 tion.

5 * Sec. 18. AS 08.36.020 is amended to read:

6 Sec. 08.36.020. [APPOINTMENT AND] TERM OF OFFICE. [MEMBERS OF
7 THE BOARD ARE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY
8 THE LEGISLATURE IN JOINT SESSION. EACH BOARD MEMBER SERVES FOR A TERM
9 OF FOUR YEARS, AND UNTIL THAT MEMBER'S SUCCESSOR IS APPOINTED AND
10 QUALIFIED.] The term of office of a member of the board begins on
11 February 1. [AN APPOINTMENT TO A VACANCY IS FOR THE UNEXPIRED TERM.
12 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE
13 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

14 * Sec. 19. AS 08.36.025 is amended to read:

15 Sec. 08.36.025. [REMOVAL OR] SUSPENSION OF BOARD MEMBERS. [A
16 MEMBER OF THE BOARD MAY BE REMOVED FROM OFFICE BY THE GOVERNOR FOR
17 CAUSE. THE BOARD MAY BY REGULATION PROVIDE THAT UNEXCUSED ABSENCES
18 FROM MEETINGS CONSTITUTE CAUSE FOR REMOVAL.] A member against whom an
19 accusation has been filed under AS 44.62 for violation of AS 08.32.160
20 or AS 08.36.315 is suspended from the board until the decision of the
21 board on the accusation takes effect under AS 44.62.520.

22 * Sec. 20. AS 08.36.250(a) is amended to read:

23 (a) [A REGISTRATION CERTIFICATE IS VALID FOR FOUR YEARS.] At
24 least 60 days before expiration of a licensee's registration certifi-
25 cate, the division of occupational licensing shall mail a form for
26 renewal of registration to each licensed dentist. Each licensee who
27 wishes to renew a license shall complete the form and return it with
28 the appropriate fee and evidence of continued professional competence
29 as required by the board. The division of occupational licensing

1 shall, as soon as practicable, issue a registration certificate valid
2 for a stated number of years. Each licensee shall keep the registra-
3 tion certificate beside or attached to the licensee's license. Fail-
4 ure to receive the registration form does not exempt a licensee from
5 renewing registration.

6 * Sec. 21. AS 08.36.320(c) is amended to read:

7 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL
8 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-
9 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO
10 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the
11 license of a licensee who refuses to submit to a physical or mental
12 examination under AS 08.36.070(b)(1). A person whose license is
13 suspended under this section is entitled to a hearing by the board
14 within [NO LATER THAN] seven days after the effective date of the
15 order. If, after a hearing, the board upholds the suspension, the
16 licensee may appeal the suspension to a court of competent jurisdic-
17 tion.

18 * Sec. 22. AS 08.40.045 is amended to read:

19 Sec. 08.40.045. CATEGORIES OF LICENSES. The department [BOARD]
20 may adopt regulations establishing categories of electrical adminis-
21 trators, establishing qualifications for those categories and the
22 content of examinations for applicants for each category.

23 * Sec. 23. AS 08.40.050 is amended to read:

24 Sec. 08.40.050. REGULATIONS. The department [BOARD] shall
25 adopt regulations subject to the Administrative Procedure Act
26 (AS 44.62), relating to the examination and licensing of electrical
27 administrators, the establishing of the continued competency of an
28 applicant for license renewal and reinstatement, and the suspension or
29 revocation of licenses.

1 * Sec. 24. AS 08.40.060 is amended to read:

2 Sec. 08.40.060. EXAMINATIONS. A licensing examination [, UNDER
3 THE SUPERVISION OF THE CHAIRMAN OF THE BOARD OR THE CHAIRMAN'S DESIG-
4 NEE,] shall be conducted by the department at least twice during each
5 year at appropriate places in the state.

6 * Sec. 25. AS 08.40.070 is amended to read:

7 Sec. 08.40.070. INSPECTION OR INVESTIGATION BY BOARD. The
8 department [BOARD] may make or have made a special inspection or
9 investigation into the work of a licensee that [WHICH] it considers
10 necessary, may issue subpoenas and process compelling the attendance
11 of any person and the production of any papers or books, for the
12 purpose of the investigation and examination, may administer oaths
13 when required, and may petition a court of the state to enforce sub-
14 poenas and process or to compel testimony.

15 * Sec. 26. AS 08.40.090(a) is amended to read:

16 Sec. 08.40.090. LICENSE REQUIRED. (a) A person may not act as
17 an electrical administrator in the state without a license issued by
18 the department [BOARD].

19 * Sec. 27. AS 08.40.110 is amended to read:

20 Sec. 08.40.110. APPLICATION FOR LICENSE. An applicant for a
21 license shall apply upon a form prescribed by the department [BOARD].

22 * Sec. 28. AS 08.40.120(b) is amended to read:

23 (b) If an applicant for a license submits proof satisfactory to
24 the department [BOARD] that the applicant is licensed as an electrical
25 administrator or the equivalent by another state or territory, that
26 the applicant meets qualifications established by the department
27 [BOARD] under AS 08.40.045, and that the applicant has passed an
28 examination equivalent to the test administered under (a) of this
29 section except insofar as that examination tests knowledge and skill

1 particularly required to meet the environment and usages of the trade
2 peculiar to Alaska, the department [BOARD] shall waive all of the
3 examination required under (a) of this section except those parts that
4 [WHICH] test knowledge and skill particularly required to meet the
5 environment and usages of the trade peculiar to Alaska.

6 * Sec. 29. AS 08.40.170(a) is amended to read:

7 (a) The department [BOARD] may suspend, revoke, or refuse to
8 grant a license upon a finding that

9 (1) the application is fraudulent or misleading;

10 (2) the licensee has knowingly violated this chapter or a
11 lawful rule, order, or regulation of the department [BOARD];

12 (3) the licensee is incompetent, or has engaged in fraudu-
13 lent practices.

14 * Sec. 30. AS 08.40.180 is amended to read:

15 Sec. 08.40.180. VIOLATION OF CHAPTER. A person who knowingly
16 violates this chapter, or who knowingly violates a valid rule, regu-
17 lation, or order of the department [BOARD], is guilty of a misdemean-
18 or, and upon conviction is punishable by a fine of not more than \$300,
19 or by imprisonment for not more than 60 days or by both.

20 * Sec. 31. AS 08.40.200 is amended by adding a new paragraph to read:

21 (6) "department" means the Department of Commerce and
22 Economic Development."

23 * Sec. 32. AS 08.42.020(b) is amended to read:

24 (b) A person who has actively practiced embalming in the state
25 for at least one year and holds a valid embalmer's license issued in
26 this state before January 1, 1977, shall be granted a license to
27 practice embalming and may renew the license [BIENNIALY]. A person
28 who has actively practiced in the state as a funeral director for a
29 period of at least one year shall be granted a license to practice as

1 a funeral director and may renew that license [BIENNIALY].

2 * Sec. 33. AS 08.42.020(c) is amended to read:

3 (c) In the event the dead body is to be disposed of in a manner
4 not requiring embalming, the department may issue a permit to an
5 unlicensed person [, ON AN ANNUAL BASIS,] for the care and disposition
6 of dead human bodies for compensation. This permit otherwise in no
7 way licenses the holder to practice mortuary science.

8 * Sec. 34. AS 08.55.020(b) is amended to read:

9 (b) On or before the expiration of [ONE YEAR AFTER THE ISSUANCE
10 OF] a license under this chapter, a licensee may apply for renewal of
11 the license, and the department shall renew the license if the li-
12 censee pays the renewal fee, has a current business license to act as
13 a hearing aid dealer under AS 43.70.020, and provides evidence satis-
14 factory to the department that the individual has not engaged in
15 conduct that is a ground for imposing disciplinary sanctions under AS
16 08.55.130.

17 * Sec. 35. AS 08.62.120 is amended to read:

18 Sec. 08.62.120. RENEWAL [DURATION, RENEWAL]. [A LICENSE ISSUED
19 UNDER THIS CHAPTER SHALL BE RENEWED BIENNIALY ON DATES SET BY THE
20 DEPARTMENT.] A license shall be renewed without examination upon the
21 payment of the [BIENNIAL] license fee.

22 * Sec. 36. AS 08.71.020 is amended to read:

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

1 * Sec. 37. AS 08.72.020 is amended to read:

2 Sec. 08.72.020. MEMBERSHIP OF BOARD [AND TERMS OF OFFICE]. The
3 board consists of five persons [, APPOINTED BY THE GOVERNOR. MEMBERS
4 SERVE STAGGERED TERMS OF FOUR YEARS].

5 * Sec. 38. AS 08.72.040 is amended to read:

6 Sec. 08.72.040. QUALIFICATIONS. Four board members shall be
7 licensed, practicing optometrists who have been residents for at least
8 three years. One board member shall be a public member. [A PERSON
9 WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAPPOINTED
10 UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM THAT THE
11 PERSON SERVED.]

12 * Sec. 39. AS 08.80.020 is amended to read:

13 Sec. 08.80.020. TERM OF OFFICE. [MEMBERS OF THE BOARD ARE
14 APPOINTED BY THE GOVERNOR, AND CONFIRMED BY THE LEGISLATURE IN JOINT
15 SESSION, FOR OVERLAPPING TERMS OF FOUR YEARS, OR UNTIL THEIR SUCCE-
16 SORS ARE APPOINTED AND QUALIFIED. THE TERMS OF THE PUBLIC MEMBERS
17 SHALL BE STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME. AN
18 APPOINTMENT TO FILL A VACANCY IS FOR THE UNEXPIRED TERM.] The term of
19 office of a member of the board begins on April 1 of each year. [A
20 PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAP-
21 POINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

22 * Sec. 40. AS 08.84.010(a) is amended to read:

23 (a) There is created the State Physical Therapy Board, which
24 consists of five members [APPOINTED BY THE GOVERNOR]. The membership
25 consists of one physician licensed to practice medicine in the state,
26 three physical therapists licensed in the state or two physical thera-
27 pists and a physical therapy assistant licensed in the state, and one
28 lay person with no direct financial interest in the health care indus-
29 try. Members of the board shall be U.S. citizens domiciled in the

1 state [AND SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, AND UNTIL
2 THEIR SUCCESSORS ARE APPOINTED. A MEMBER MAY NOT SERVE MORE THAN TWO
3 TERMS IN SUCCESSION. THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD
4 FOR NEGLECT OF DUTY, INCOMPETENCE, DISHONORABLE CONDUCT, OR SUSPENSION
5 OR REVOCATION OF LICENSE].

6 * Sec. 41. AS 08.84.010(b) is amended to read:

7 (b) The Physical Therapy Board shall control all matters per-
8 taining to the licensing of physical therapists and physical therapy
9 assistants and the practice of physical therapy. The board shall

10 (1) pass upon the qualifications of applicants;

11 (2) conduct examinations;

12 (3) issue temporary permits and licenses to physical thera-
13 pists and physical therapy assistants qualified under this chapter;

14 (4) suspend, revoke, or refuse to issue or renew a license
15 under [IN ACCORDANCE WITH] AS 08.84.120;

16 (5) keep a current register listing the name, business
17 address, date and number of the license of each physical therapist and
18 physical therapy assistant who is licensed to practice in this state;

19 (6) keep a record and minutes of its meetings, proceedings,
20 and hearings and submit an annual report of its activities to the
21 governor and other interested parties; and

22 (7) [LIMIT OR CONDITION THE AUTHORITY TO PRACTICE PHYSICAL
23 THERAPY, OR DISCIPLINE A PRACTITIONER, IN ACCORDANCE WITH AS 08.84.-
24 185(a); AND

25 (8)] adopt regulations under AS 44.62 necessary to carry
26 out the purposes of this chapter including regulations establishing
27 qualifications for licensure and renewal of licensure as a physical
28 therapist or physical therapy assistant.

29 * Sec. 42. AS 08.84.100(b) is amended to read:

1 (b) [BEFORE REINSTATEMENT OF A LICENSE THAT REMAINS LAPSED FOR
2 MORE THAN 60 DAYS, THE APPLICANT MUST PAY ALL DELINQUENT RENEWAL FEES
3 AND ANY PENALTY ESTABLISHED UNDER AS 08.01.100(b).] If a license
4 remains lapsed for more than three years, the board may require the
5 applicant to take and pass the examination given under AS 08.84.-
6 030(3).

7 * Sec. 43. AS 08.88.026 is repealed and reenacted to read:

8 Sec. 08.88.026. TERMS OF OFFICE. The terms of office of members
9 of the commission begin on February 1 after appointment.

10 * Sec. 44. AS 08.92.010 is amended to read:

11 Sec. 08.92.010. REGISTRATION REQUIRED. A person may not engage
12 in the business of promoting concerts in the state without a valid
13 promoter's certificate of registration issued by the department. To
14 remain valid, a certificate of registration must be renewed [BIENNIAL-
15 LY] on a date set by the department.

16 * Sec. 45. AS 08.92.020(b) is amended to read:

17 (b) The [BIENNIAL] fee for the renewal of a registration certif-
18 icate is also established by regulations adopted under AS 08.01.065.

19 * Sec. 46. TRANSITION. (a) Notwithstanding secs. 1 - 21, 32 - 45, and
20 49 of this Act, a member of the Athletic Commission or a member of a board
21 or commission established under AS 08 who is serving in that position on
22 the effective date of this Act shall continue to serve the remainder of the
23 term to which the member was appointed.

24 (b) Notwithstanding secs. 1 - 21, 32 - 45, and 49 of this Act, a
25 license registration, certificate, permit, or other evidence of licensure
26 issued under AS 08 that is in effect on the effective date of this Act is
27 valid for the period for which it was issued unless revoked or suspended
28 under procedures set out in AS 08.

29 * Sec. 47. SAVINGS CLAUSE. Litigation, hearings, investigations, and

1 other proceedings under a law amended or repealed by this Act, or in con-
2 nection with functions transferred by this Act, continue in effect and may
3 be continued and completed notwithstanding a transfer or amendment or
4 repeal provided for by this Act. Regulations adopted under authority of a
5 law amended or repealed by this Act remain in effect for the term adopted
6 or until repealed or otherwise amended under provisions of this Act.

7 * Sec. 48. AS 08.01.010(4); AS 08.03.010(c)(14); and AS 08.40.010,
8 08.40.030, 08.40.040, and 08.40.200(1) are repealed.

9 * Sec. 49. AS 08.01.050(c); AS 08.04.430; AS 08.11.030(a), 08.11.-
10 030(b); AS 08.13.020; AS 08.20.030, 08.20.175; AS 08.32.171(a), 08.32.-
11 171(b), 08.32.171(d), 08.32.171(e); AS 08.36.320(a), 08.36.320(b), 08.36.-
12 320(d), 08.36.320(e); AS 08.40.020; AS 08.42.080; AS 08.48.021(b); AS 08.-
13 54.020, 08.54.190(d); AS 08.55.020(a), 08.55.020(c); AS 08.64.020, 08.64.-
14 040, 08.64.311; AS 08.68.020, 08.68.030, 08.68.050; AS 08.70.020(b), 08.-
15 70.020(c), 08.70.140(b), 08.70.160; AS 08.71.045, 08.71.130(a), 08.71.-
16 130(b), 08.71.175; AS 08.72.025, 08.72.030, 08.72.181(a), 08.72.250, 08.-
17 72.255; AS 08.80.266; AS 08.84.100(a), 08.84.185; AS 08.86.020, 08.86.025,
18 08.86.140(b), 08.86.206; AS 08.88.021; AS 08.98.020, 08.98.025, and 08.98.-
19 240 are repealed.

20 * Sec. 50. Sections 22 - 31 and 48 of this Act take effect July 1,
21 1987.

22 * Sec. 51. Sections 1 - 21, 32 - 47 and 49 of this Act take effect
23 immediately under AS 01.10.070(c).