

HB

277

HOUSE COMMITTEE ON STATE AFFAIRS

**RECAP OF
HB 277**

Gender Balance on Bds. Commns & Other Gps

Received April 7, 1989

by Reps. Boyer, Spohnholz, Koponen, Brown, Elli.,
Ulmer, Menard, Boucher, and Goll

Heard April 20, 1989

Committee Substitute adopted April 20, 1989

Passed Out of Committee April 20, 1989

4 Do Pass

1 No Recommendation

1 Amend

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HB 277: Gender Balance on Bds, Commns & Other Gps

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Ellis, Ulmer, Menard, Boucher, and Goll
CS HB 277 (SA)
- Item 2:** Fiscal Note
- Item 3:** Memorandum from Rep. Boyer, April 9, 1989
- Item 4:** Letter from NEA - Alaska, April 17, 1989
- Item 5:** Iowa Statute

HOUSE COMMITTEE REPORT

(7) ~~XXXXXX~~
Date Referred: April 7, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

This STATE AFFAIRS Committee considered:

HB 277

HOUSE BILL NO. 277 [GENDER BALANCE ON BDS, COMMS & OTHER GPS]
"An Act requiring gender balance on state boards, commissions, and similar groups."

RECOMMENDATIONS:

- be replaced with CSHB 277 (SA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- zero fiscal note of no force
- zero with analysis _____
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

W. A. Pugh
Eileen P. McLean
[Signature]
W. A. Pugh

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u>			<input checked="" type="checkbox"/>

[Signature]
Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Office of the Governor
 Title: An Act requiring gender balance
on state boards, commissions, and similar.. BRU: Executive Office
 Sponsor: Bower, Spohnholz, Koronen, et al. Components: _____
 Requestor: Representative Bower

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		-	-	-	-	-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *Man* Phone: 465-3616
 Division: Division of Administrative Services Date: 4-11-89
 Approved by Commissioner: Garrey M. Baska *[Signature]* Date: 4-11-89
 Agency: Chief of Staff

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Alaska State Legislature

Item 3

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN, HOUSE
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

MEMBER, HOUSE LABOR AND
COMMERCE COMMITTEE

CHAIR, CHILDREN'S CAUCUS



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE
FAIRBANKS, ALASKA 99701
(907) 456-6473

JUNEAU

P.O. BOX V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3466

MEMORANDUM

TO: Representative "Red" Boucher
Chair, State Affairs Committee

FROM: Representative Mark Boyer *MB*

DATE: April 9, 1989

SUBJECT: Scheduling a hearing on HB 277, "An Act requiring gender balance on state boards, commissions and similar groups."

I am requesting that you schedule a hearing on HB 277. I am proud to be a sponsor of this legislation because I believe that equality between the sexes will not be achieved until women are allowed to participate in all walks of life on an equal basis with men. I am appalled that women in Alaska, even though they comprise 48% (Department of Labor statistic, July 1, 1987) of the population, are either not represented or under-represented on the 137 state boards and commissions. To name a few, there are no women on the six member Permanent Fund Board, the seven member Railroad Corporation Board, the fourteen member Forestry Board, and the five member Alaska Housing Finance Corporation. I would also think that of the 21 members of the Alaska Tourism Council, one qualified woman could be found to serve.

Our state has a strong history of equality. The citizens of Alaska voted for equality in 1972 by adopting a constitutional amendment prohibiting sex discrimination. Also, the first act of the 1st Territorial Legislature in 1913 was to give women the right to vote. Though our state has endorsed equality, I think it is clear by the attached list that we have failed to achieve this goal. There are qualified women for each of these boards and commissions.

Red, my sincere thanks to you for being in the forefront by co-sponsoring this "fairness" piece of legislation. If you have any questions or require further information, contact me or my staff, Nancy Groszek at 465-3466.

FAIRBANKS 208

Representative Red Boucher
House Bill 277
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Thank you in advance for your prompt consideration.

MB/NJG/bhn

Attachment

cc: State Affairs Committee Members

Compiled by House Research Agency
#s as of March 31, 1989

TABLE 1
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
1	Accountancy Board	7	3	42.9%
2	Agricultural Revolving Loan Fund Board	7	2	28.6
3	Alcoholic Beverage Control Board	5	1	20.0
4	Review Board on Alcoholism (Terminated)	0	0	0.0
5	Architects, Engineers, Land Surveyors	9	2	22.2
6	Arts Council	11	8	72.7
7	Assessment Review Board	5	0	0.0
8	Athletic Commission	5	0	0.0
9	Bald Eagle Preserve Advisory Council	12	0	0.0
10	Bar Association	12	5	41.7
11	Barbers and Hairdressers	5	4	80.0
12	Bicentennial Commission	20	7	35.0
13	Block Grant Advisory Committee	11	6	54.5
14	Broadcasting Commission	9	6	66.7
15	Building Authority	5	2	40.0
16	Chiropractic Examiners	5	1	20.0
17	Clemency Advisory Committee	3	0	0.0
18	Coastal Policy Council	16	2	12.5
19	Code Revision Commission	8	2	25.0
20	Commercial Fisheries Entry Commission	3	0	0.0
21	Commercial Fishing and Agriculture Bank	7	0	0.0
22	Compensation Commission	7	4	57.1
23	Correctional Industries Commission	7	2	28.6
24	Dental Examiners	9	3	33.3
25	Public Employees and Teachers Disability Review Board	5	0	0.0
26	Dispensing Opticians Board	5	2	40.0
27	Domestic Violence and Sexual Assault	7	6	85.7
28	Advisory Board on Drug Abuse (Terminated)	0	0	0.0
29	Education Board	9	5	55.6
30	Education Commission of the States	7	0	0.0
31	Emergency Medical Services Advisory Council	16	5	31.3
32	Emergency Response Commission	13	4	30.8
33	Employees Retirement Board	5	2	40.0
34	Employment of the Handicapped	12	7	58.3
35	Employment Security Advisory Council	5	2	40.0
36	Federal Areas of Alaska	16	4	25.0
37	Fisheries Board	8	0	0.0
38	Fisherman's Fund Advisory and Appeals Council	6	1	16.7
39	Forestry Board	14	0	0.0
40	Game Board	8	1	12.5
41	Geographic Board	8	3	37.5
42	Guide Board	7	1	14.3
43	Handicapped and Gifted Council	23	9	39.1
44	Historic Sites Advisory Committee	7	5	71.4
45	Historical Commission	6	4	66.7
46	Historical Records Advisory board	7	4	57.1
47	Housing Finance Corporation	5	0	0.0
48	Human Rights Commission	7	5	71.4
49	Humanities Forum	3	0	0.0
50	Industrial Development and Export Authority	5	0	0.0
51	Job Training Coordinating Council	21	7	33.3
52	Judicial Conduct Commission	9	3	33.3
53	Judicial Council	7	2	28.6
54	Juvenile Justice and Family Services Advisory Committee	15	8	53.3
55	Labor Relations Agency	3	1	33.3

TABLE 1 (Continued)
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
56	Land Use Council Advisors Committee	20	4	20.0
57	Libraries Advisory Council	10	8	80.0
58	Local Boundary Commission	5	2	40.0
59	Marine Pilots Board	7	0	0.0
60	Medicaid Rate Commission	5	0	0.0
61	Medical Board	7	2	28.6
62	Medical Indemnity Corporation of Alaska	9	2	22.2
63	Mental Health Board	13	6	46.2
64	Mental Health Trust Commission	5	2	40.0
65	Minerals Commission	11	1	9.1
66	Municipal Bond Bank Authority	5	0	0.0
67	Nursing Board	7	7	100.0
68	Nursing Home Administrators Board	3	2	66.7
69	Occupational Safety and Health Review Board	3	0	0.0
70	Oil and Gas Conservation Commission	3	0	0.0
71	Older Alaskans Commission	11	6	54.5
72	Optometry Board	5	1	20.0
73	Pacific Marine Fisheries Commission	3	0	0.0
74	Park and Park Monument Subsistency Resource Commissions	20	5	25.0
75	Parole Board	5	1	20.0
76	Permanent Fund Corporation Board of Trustees	6	0	0.0
77	Personnel Board	3	1	33.3
78	Pharmacy Board	7	4	57.1
79	Physical Therapy and Occupational Therapy Board	7	4	57.1
80	Pioneers' Homes Advisory Board	7	1	14.3
81	Police Standards Council	11	2	18.2
82	Postsecondary Education Commission	14	6	42.9
83	Power Authority	7	1	14.3
84	Private Industry Council	15	8	53.3
85	Professional Teaching Practices Commission	9	5	55.6
86	Psychologist and Psychological Associate Examiners	5	2	40.0
87	Public Offices Commission	5	1	20.0
88	Railroad Corporation Board	7	0	0.0
89	Railroad Labor Relations Agency	3	1	33.3
90	Real Estate Commission	7	3	42.9
91	Regents, University of Alaska	11	5	45.5
92	Royalty Oil and Gas Development Advisory Board	6	1	16.7
93	Rural Alaska Television Users Network	14	6	42.9
94	Safety Advisory Council	14	2	14.3
95	Science and Engineering Advisory Commission	7	1	14.3
96	Seafood Marketing Institute	18	2	11.1
97	Soil and Water Conservation Board	6	1	16.7
98	Student Loan Corporation	5	2	40.0
99	Teachers' Retirement Board	5	2	40.0
100	Telecommunications Information Council	19	3	15.8
101	Utilities Commission	5	3	60.0
102	Veterinary Examiners	5	2	40.0
103	Violent Crimes Compensation Board	3	2	66.7
104	Vocational and Career Education Council	13	5	38.5
105	Water and Wastewater Works Advisory Board	9	0	0.0
106	Water Resources Board	9	3	33.3
107	Western Interstate Commission of Higher Education	3	1	33.3
108	Women's Commission	10	9	90.0
109	Wood-Titichik State Park Management Council	7	0	0.0
110	Worker's Compensation Board	11	1	9.1

TABLE 1 (Continued)
FEMALE BOARD AND COMMISSION MEMBERS

BOARD NUMBER	BOARD OR COMMISSION	TOTAL MEMBERS *	FEMALE MEMBERS	PERCENT OF FEMALE MEMBERS AS PERCENT OF TOTAL MEMBERS
111	Children and Youth Commission	22	15	68.2
112	Health Care	12	0	0.0
113	Housing Market Council	12	4	33.3
114	Trade Alaska Advisors	20	5	25.0
115	Tourism Coordinating Committee	12	2	16.7
116	Tourism Marketing Council	21	0	0.0
117	Science and Technology Foundation Board	9	2	22.2
118	Guiding and Game Task Force	0	0	0.0
119	Mechanical Examiners Board	3	0	0.0
120	Electrical Examiners Board	3	0	0.0
121	Alaska-Soviet Relations Commission	Inactive	0	0.0
122	Clinical Social Work Examiners	5	4	80.0
123	Recreation Rivers Advisory Board	11	0	0.0
124	Finfish Farming Task Force	Inactive	0	0.0
125	Fishing Vessel Safety Interim Commission	Inactive	0	0.0
126	Alcoholism and Drug Abuse Advisory Board	12	5	41.7
127	Native Services Commission	8	1	12.5
128	Small Business Conference Board	22	5	22.7
129	***	0	0	0.0
130	North Pacific and Bering Sea Fisheries Advisory Body **	0	0	0.0
131	Equal Opportunity Advisory Council	12	3	25.0
132	North Pacific Fisheries Management Council **	0	0	0.0
133	Public Defender (Not a Board or Commission)	0	0	0.0
134	Judgeships (Not a Board or Commission)	0	0	0.0
135	***	0	0	0.0
136	Yukon River Salmon Negotiations **	0	0	0.0
137	Health Care Cost Containment Task Force	7	2	28.6
	TOTALS	1,098	338	30.8%

* Total number of members is constantly changing.

** Federal Board

*** Not presently filled.

Prepared by the House Research Agency, April 1989 (89.331).

1 IN THE HOUSE

BY BOYER, SPOHNHOLZ, WOPONEN,
BROWN, ELLIS, ULMER, MELHARD,
BOUCHER, AND GOLL

2

HOUSE BILL NO. 277

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act requiring gender balance on state boards,
7 commissions, and similar groups."

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

9 * Section 1. AS 39.05 is amended by adding a new section to read:

10 Sec. 39.05.062. GENDER BALANCE ON BOARDS AND COMMISSIONS. (a)

11 All appointive boards, commissions, committees, councils, task forces,
12 and similar groups established by law must be gender balanced, unless
13 otherwise provided by the law establishing the group.

14 (b) Unless otherwise provided by law, a person may not be
15 appointed or reappointed to a board, commission, committee, council,
16 task force, or similar group established by law if that appointment or
17 reappointment would cause the number of members of one gender to
18 exceed by more than one the number of members of the other gender
19 serving as members of the group.

20 (c) If there are multiple appointing authorities for a board,
21 commission, committee, council, task force, or similar group governed
22 by this section, the appointing authorities shall consult each other
23 to avoid a violation of this section.

24 * Sec. 2. TRANSITIONAL PROVISION. Notwithstanding AS 39.05.062, enact-
25 ed by sec. 1 of this Act, an individual may complete a term as a member of
26 a board, commission, committee, council, task force, or similar group if
27 the term is being served on the effective date of this Act.



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

April 17, 1989

MEMORANDUM

TO: Representative Mark Boyer

ATTN: Nancy Groszek

FROM: Sandi Depue *JMD*
Administrative Officer

RE: Women Serving on Alaska Boards and Commissions
Research Request 89.331

Attached is a revised Table 1 showing the number of women serving on Alaska's boards and commissions. Two changes have been made: one woman serves on board no. 115--the Tourism Coordinating Committee--compared to two previously reported, and five women serve on board no. 116--the Tourism Marketing Council--compared to none being previously reported. Consequently, the percent of female members as a percent of total members changes from 30.8% to 31.1%. Please replace the original table with the attached revised table. I apologize for any inconvenience this error has caused.

TABLE 1
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5	Architects, Engineers, Land Surveyors	9	2	22.2
6	Arts Council	11	8	72.7
7	Assessment Review Board	5	0	0.0
8	Athletic Commission	5	0	0.0
9	Bald Eagle Preserve Advisory Council	12	0	0.0
10	Bar Association	12	5	41.7
11	Barbers and Hairdressers	5	4	80.0
12	Bicentennial Commission	20	7	35.0
13	Block Grant Advisory Committee	11	6	54.5
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15	Building Authority	5	2	40.0
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20	Commercial Fisheries Entry Commission	3	0	0.0
21	Commercial Fishing and Agriculture Bank	7	0	0.0
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39	Forestry Board	14	0	0.0
40	Game Board	8	1	12.5
41	Geographic Board	8	3	37.5
42	Guide Board	7	1	14.3
43	Handicapped and Gifted Council	23	9	39.1
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48	Human Rights Commission	7	5	71.4
49	Humanities Forum	3	0	0.0
50	Industrial Development and Export Authority	5	0	0.0
51	Job Training Coordinating Council	21	7	33.3
52	Judicial Conduct Commission	9	3	33.3
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68	Nursing Home Administrators Board	3	2	66.7
69	Occupational Safety and Health Review Board	3	0	0.0
70	Oil and Gas Conservation Commission	3	0	0.0
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86	Psychologist and Psychological Associate Examiners	5	2	40.0
87	Public Offices Commission	5	1	20.0
88	Railroad Corporation Board	7	0	0.0
89	Railroad Labor Relations Agency	3	1	33.3
90	Real Estate Commission	7	3	42.9
91	Regents, University of Alaska	11	5	45.5
92	Royalty Oil and Gas Development Advisory Board	6	1	16.7
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101	Utilities Commission	5	3	60.0
102	Veterinary Examiners	5	2	40.0
103	Violent Crimes Compensation Board	3	2	66.7
104	Vocational and Career Education Council	13	5	38.5
105	Water and Wastewater Works Advisory Board	9	0	0.0
106	Water Resources Board	9	3	33.3
107	Western Interstate Commission of Higher Education	3	1	33.3
108	Women's Commission	10	9	90.0
109	Wood-Tikchik State Park Management Council	7	0	0.0
110	Worker's Compensation Board	11	1	9.1

TABLE 1 (Continued)
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115	Tourism Coordinating Committee	12	1	8.3
116	Tourism Marketing Council	21		23.8
117	Science and Technology Foundation Board	9		22.2
118	Guiding and Game Task Force	0	0	0.0
119	Mechanical Examiners Board	3	0	0.0
120	Electrical Examiners Board	3	0	0.0
121	Alaska-Soviet Relations Commission	Inactive	0	0.0
122	Clinical Social Work Examiners	5	4	80.0
123	Recreation Rivers Advisory Board	11	0	0.0
124	Finfish Farming Task Force	Inactive	0	0.0
125	Fishing Vessel Safety Interim Commission	Inactive	0	0.0
126	Alcoholism and Drug Abuse Advisory Board	12	5	41.7
127	Native Services Commission	8	1	12.5
128	Small Business Conference Board	22	5	22.7
129	***	0	0	0.0
130	North Pacific and Bering Sea Fisheries Advisory Body **	0	0	0.0
131	Equal Opportunity Advisory Council	12	3	25.0
132	North Pacific Fisheries Management Council **	0	0	0.0
133	Public Defender (Not a Board or Commission)	0	0	0.0
134	Judgeships (Not a Board or Commission)	0	0	0.0
135	***	0	0	0.0
136	Yukon River Salmon Negotiations **	0	0	0.0
137	Health Care Cost Containment Task Force	7	2	28.6
	TOTALS	1,098	342	31.1%

* Total number of members is constantly changing.

** Federal Board

*** Not presently filled.

Prepared by the House Research Agency, April 1989 (89.331).



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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(907) 274-0536

JUNEAU OFFICE

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FAIRBANKS REGIONAL OFFICE

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FAIRBANKS, ALASKA 99701
(907) 456-4435

April 17, 1989

To: Representative Red Boucher, Chair
Members, House State Affairs Committee

Re: House Bill No. 277; "An Act requiring gender
balance on state boards, commissions, and
similar groups."

NEA-Alaska supports and encourages your favorable
consideration of HB 277.

This legislation addresses an area of concern which has been
too long ignored in Alaska and provides an effective means
to positive resolution.

Women comprise 48% of the state population but they hold
only 30% of the appointive positions on the boards and
commissions of the state. Even more significant is the fact
that some of the more prestigious and significant boards and
commissions have no women in their membership.

The basic premise of equal opportunity is just that - equal
opportunity. The opportunity to be involved through active
participation at the board and commission level opens other
doors of opportunity.

Alaska can and must re-affirm its commitment to affirmative
action by passing HB 277.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners
Executive Secretary

Judy Salo
President

cc: Representative Mark Boyer

IOWA Statutes

69.16A Gender balance.

1987 { All appointive boards, commissions, committees and councils of the state established by the Code if not otherwise provided by law shall be gender balanced. No person shall be appointed or reappointed to any board, commission, committee, or council established by the Code if that appointment or reappointment would cause the number of members of the board, commission, committee, or council of one gender to be greater than one-half the membership of the board, commission, committee, or council plus one. If there are multiple appointing authorities for a board, commission, committee, or council, they shall consult each other to avoid a violation of this section. This section shall not prohibit an individual from completing a term being served on June 30, 1987.

87 Acts, ch 218, § SF 148
Section amended



Representative H.A. "Red" Boucher, Chair
House State Affairs Committee

DATE: 4/19/89

PLACE: Juneau

SUBJECT OF MEETING

HB 232

HR 5

HB 277

HB 255

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
KATHLEEN STRASSBURGH	DEPT. LAW	Rm 404 CAP			3600	(Y) N	HB 277
Erwin Jones	Dept of Rev.	P.O. Box 5-0462 Juneau, AK 99811		7	2323	(Y) N	HB 255
NOLA CAPP	VIOLENT CRIMES Comp.	Bd - Box N	99811		3040	(Y) N	HB 255
CURTIS LOMAS	OHSA - Du Pont business	Box H-07	99811		3347	Y (N)	HB 255 - AVAILABLE FOR 90 DAYS RETURN TO AFRC PROGRAM
SHERRE GOU	ALASKA WOMEN'S LOBBY	419 Kennedy Street Juneau, AK. 99801			4788	(Y) N	HB 255 HB 277
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act requiring gender balance on state boards, commissions, and ..."
 Sponsor: Reps. Bover, Spohnholz, Koponen, et al
 Requestor: House Judiciary Committee

Agency Affected: Office of the Governor
 BRU: Executive Operations
 Components: _____

EXPENDITURES/REVENUE: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director Phone: 465-3616
 Division: Division of Administrative Services Date: 1/25/90

Approved by Commissioner: Garrey M. Peska, Chief of Staff Date: 1/25/90
 Agency: Office of the Governor

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

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ANCHORAGE, ALASKA 99501-1994
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JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

May 4, 1989

Hon. Max Gruenberg AND
Hon. Peter Goll, Co-chairs
House Judiciary Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: CSHB 277 (SA)

Dear Representatives Gruenberg and Goll:

Regarding the above bill, which we understand will not be heard again until next session, please find enclosed a memorandum we have prepared outlining the constitutional problems the bill presents.

We have provided a copy to an aide of the prime sponsor.

Please advise us if we can provide any additional information.

Very truly yours,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By: *Virginia B. Ragle*
Virginia B. Ragle
Assistant Attorney General

VBR/pjg

Enc.

cc: Arthur H. Peterson
Assistant Attorney General
Department of Law - Juneau

MEMORANDUM

State of Alaska
Department of Law

TO Garrey Peska, Chief of Staff
Office of the Governor

DATE May 2, 1989

FILE NO 663-89-0504

TEL NO 465-3600

SUBJECT HB 277 -- Gender balance
on state boards and com-
missions

FROM

Virginia B. Ragle
Virginia B. Ragle
Assistant Attorney General
Governmental Affairs-Juneau

You have asked this office to review HB 277 and to address constitutional questions presented by the bill. We believe that it may be difficult to defend this legislation against a challenge alleging violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution.

Provisions of HB 277

HB 277 requires all appointive boards, commissions, and similar groups established by law (hereafter "boards") to be gender balanced, unless the law establishing the board provides otherwise. The bill prohibits appointment or reappointment of a person to a board if the appointment would cause the number of persons of one gender to exceed by more than one the number of persons of the other gender on the board. The bill does not prevent existing board members from serving out terms on boards that are not gender balanced on the effective date of the Act. A committee substitute offered by the House State Affairs Committee limits the gender balance requirement to nongovernmental members of boards. There is no provision for waiver of the gender balance requirement, and the duration of the requirement is not limited in time.

Evidence presented at hearing on HB 277

The prime sponsor of the bill testified in support of the bill before the House State Affairs Committee at a hearing on April 20, 1989. The committee was provided with a copy of an Iowa statute that includes provisions similar to HB 277. The committee was also provided with a table that lists 135 boards and that shows the number of members, number of female members, and percentage of female members on the boards. A memorandum attached to the table, dated April 17, 1989, indicates that 17.1 percent of the total members of the 135 boards are female.

bers of the committee noted that there were a number of boards on which the majority of members were female. It was pointed out by the prime sponsor that "men serve on men kinds of things," such as fisheries, game, guide, and "money" boards like the Permanent Fund Board, while women served on the arts council, the barbers and hairdressers board, domestic violence board, and women's commission.

The prime sponsor read to the committee from a review prepared a number of years ago concerning women's routes to elective office, which indicated that women elective office holders were more likely than men office holders to have held appointive positions and worked in political campaigns, which gave women visibility in the community. He stated that "what we're trying to suggest here is that we have an ongoing commitment to equality and affirmative action in the State of Alaska, that it's important on boards and commissions in the State of Alaska that we strive to have gender balance..." Although the committee chairman stated his belief that there is a bias against women, there was no testimony offered at the hearing concerning specific evidence of discrimination against members of either gender in appointments to state boards.

An amendment to make the gender balance effective for a board on the board's sunset date, thereby allowing the legislature to consider the gender balance requirement one board at a time, was not adopted by the committee.

Potential constitutional problems with HB 277

There is some question as to whether the requirements of HB 277 would unduly infringe on the governor's appointment authority. These appointments are "political" in nature and, except for broad eligibility requirements imposed by law, are exclusively made at the governor's discretion. It is possible that a blanket gender allocation applying to all board appointments constitutes a usurpation of the executive power of appointment. However, our main concern with the bill is that it is subject to challenge on equal protection grounds.

HB 277 essentially establishes gender-based quotas for membership on boards. We have found no cases specifically addressing the constitutionality of race or gender-based classifications for determining eligibility for membership on boards. However, case law on the constitutionality of race and gender-based quotas in affirmative action plans enacted to remedy past discrimination in public employment and contracting provides a

Garrey Peska, Chief of Staff
Office of the Governor
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May 2, 1989
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basis for analysis of HB 277. 1/ That case law is evolving, and the analysis by the U.S. Supreme Court is shifting with the shift in the ideological balance on the court.

Hundreds of pages of plurality decisions could be reviewed and analyzed in discussing the potential outcome of a challenge to HB 277. The recent case of Richmond v. Croson Co., 488 U.S. ___, 102 L.Ed.2d 854 (1989), so "modifies the analysis lower courts should apply when reviewing the constitutionality of affirmative action programs" that "cases decided before Croson are of limited usefulness." Milwaukee County Pavers Ass'n v. Fielder, ___ F. Supp. ___, No. 89-C-0177-C (W.D. Wis., Feb. 27, 1989). 2/ The shift represented by this case is not in a direction favorable to the gender balance requirement of HB 277. 3/

Although the race classification challenged in Croson was enacted for "benign" or remedial purposes, a majority of the court applied strict scrutiny in reviewing the city of Richmond's minority set-aside program. 4/ The program required prime contractors (other than minority prime contractors) to subcontract at least 30 percent of the dollar amount of city construction

1/ These cases involve economic opportunity. We do not speculate whether the equal protection analysis would be significantly different for HB 277, which primarily affects political opportunity.

2/ The Iowa Attorney General's Office has advised us that, based on case law that predates Croson, it issued an informal opinion that Iowa's gender balance legislation was constitutional, although it was a close issue. No legal challenge to Iowa's gender balance law has yet been filed.

3/ In this memorandum, we limit our detailed analysis of case law to the Croson case, because it represents a change in the court's analysis of affirmative action programs and because of time constraints in preparing our advice in advance of the House Judiciary Committee hearing of HB 277 on May 2, 1989. If you require more detailed analysis of earlier case law concerning race and gender-based quotas in the context of employment law (a few of Alaska's board positions are actually full-time jobs), we can provide that analysis during the legislative interim.

4/ In Alaska, the state supreme court uses a sliding scale to determine the level of scrutiny, thereby making the state's burden of proof difficult to assess.

contracts to minority business enterprises (MBEs). The program was found to be constitutionally deficient because (1) the racial classification was not based on specific evidence of past discrimination against the identified minorities sufficient to support a conclusion that remedial action was necessary, and (2) the program could not be shown to be narrowly tailored to remedy past discrimination.

In reviewing the evidence of discrimination, the court considered facts recited by the district court to support Richmond's 30 percent set-aside, which were

- (1) the ordinance declares itself to be remedial;
- (2) several proponents of the measure stated their views that there had been past discrimination in the construction industry;
- (3) minority businesses received .67% of prime contracts from the city while minorities constituted 50% of the city's population;
- (4) there were very few minority contractors in local and state contractor's associations; and
- (5) in 1977, Congress made a determination that the effects of past discrimination had stifled minority participation in the construction industry nationally.

102 L.Ed.2d at 885-86. These facts were found by the Supreme Court to be insufficient to support a conclusion that remedial action was necessary. The mere recitation of a remedial purpose was declared to be entitled to little or no weight in determining whether a suspect classification could be employed. Assertions by the program's proponents that there was discrimination in the construction industry were considered to be "of little probative value in establishing identified discrimination in the Richmond construction industry." 102 L.Ed.2d at 886. The disparity between the number of contracts awarded to MBEs and the number of members of minorities in the population of Richmond could not be relied on to support the set-aside, since the city did "not even know how many MBE's in the relevant market [were] qualified to undertake prime or subcontracting work in public construction projects" and, "where special qualifications are necessary, the relevant statistical pool for purposes of demonstrating discriminatory exclusion must be the number of minorities qualified to undertake the particular task." 102 L.Ed.2d at 887. Low membership in contractors associations could not, alone, establish a prima facie case of discrimination: It would have to be shown that there was a great statistical disparity between eligible MBEs and MBE membership. Congressional findings of nationwide

Garrey Peska, Chief of Staff
Office of the Governor
663-89-0504

May 2, 1989
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discrimination in the construction industry could also not be relied upon. Rather, the city had to establish the presence of discrimination in Richmond.

In discussing the requirement that remedial action using a suspect classification must be narrowly tailored, the court stated that it was impossible to assess that issue, since the Richmond program was not linked to identified discrimination. The court observed (1) that it did not appear that there had been any consideration of race-neutral means to increase MBE participation in city contracting, and (2) that "the 30% quota cannot be said to be narrowly tailored to any goal, except perhaps outright racial balancing. It rests on the 'completely unrealistic' assumption that minorities will choose a particular trade in lock-step proportion to their representation in the local population." 102 L.Ed.2d at 890-91 (citation omitted).

Applying the analysis of the court in Croson, we think it questionable that the gender classification is supported by a factual basis establishing discrimination against either gender or that the gender balance requirement is narrowly tailored to remedy past discrimination. The general views of members of the House State Affairs Committee that there is bias against women do not constitute specific findings of discrimination against women. The fact that men predominate in membership on some boards while women predominate on others does not necessarily establish discrimination against either gender. Croson indicates that statistical disparity alone is not enough to justify utilization of a suspect classification, but probably would require consideration on a board-by-board basis of the relevant pool of available appointees.

The legislation is not narrowly tailored to remedy identified past discrimination. Even if the disparity in the gender balance of some boards were linked to identified discrimination, the inflexible requirement that gender be a controlling consideration for appointment to all boards is not narrowly tailored to remedy that discrimination. The court stated in Croson "the interest in avoiding the bureaucratic effort necessary to tailor remedial relief to those who truly have suffered the effects of prior discrimination cannot justify a rigid line drawn on the basis of a suspect classification." 102 L.Ed.2d at 891.

Please let us know if you need further advice in this matter.

VBR/pjg

Alaska State Legislature

REPRESENTATIVE
MARK BOYER

VICE-CHAIRMAN, HOUSE
HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

MEMBER, HOUSE LABOR AND
COMMERCE COMMITTEE

CHAIR, CHILDREN'S CAUCUS



House of Representatives

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COMMITTEE SUBSTITUTE FOR HOUSE BILL 277

Section-by-Section Analysis

CS for HB 277 (State Affairs) - "An Act requiring gender balance on state boards, commissions, and similar groups."

Section 1 states that nongovernmental membership of all appointive boards, commissions, committees, councils, task forces and similar groups established by law must be gender balanced unless otherwise provided by the law establishing the group. It further states that no person may be appointed or reappointed if it would cause the number of nongovernmental members of one gender to exceed by more than one the number of nongovernmental members of the other gender serving as members of the group. Also, if there are multiple appointing authorities, they are required to consult with each other so the group is gender balanced. Nongovernmental member is defined.

Section 2 is a "grandparent clause" which states that a person may complete their term if the term is being served on the effective date of the act.

DIVISION OF OCCUPATIONAL LICENSING

(Gender sampling of occupational licensing boards)

BOARD:	LESS # OF LICENSEES BY GENDER	TOTAL # LICENSEES
- ARCHITECTS, ENGINEERS & LAND SURVEYORS AS 8.48.611(b)		
<i>9 members</i> Architects	24 females	578
<i>2 civil engineers</i> Engineers	44 females	3,143
<i>1 land surveyor</i> Land Surveyors	7 females	744
<i>1 mining engineer</i>		
<i>2 engineer from other branches</i>		
<i>2 architects</i> - CHIROPRACTORS <i>5 members</i>	23 females	125
<i>1 public member</i> AS 08.20.020	<i>4 licensed chiropractor who have practiced in the state at least 2 years</i>	<i>1 members - no direct financial interest in the health care industry</i>
- DENTAL AS 08.36.010		
<i>9 members</i> Dentists	18 females	393
<i>2 licensed dentist practice for 5 yrs.</i> Dental Hygienists	4 males	329
<i>2 dental hygienists practice for 5 years</i>		
<i>1 public member</i>		
ELECTRICAL ADMINISTRATORS AS 08.46.011		
<i>7 members</i> GUIDES	35 females	1,146
<i>3 - guides</i> AS 08.45.010	<i>- 10 year residency requirement for all members</i>	
<i>4 - general knowledge of state resources not vested interest regarding industry</i>		
MARINE PILOTS AS 08.62.010		
Marine Pilots	0 females	<i>not all from same district</i>
Vessel Agents	3 females	<i>- 7 members</i> <i>2 licensed pilots</i> <i>2 agents/managers in district</i> <i>2 public members</i> <i>1 commissioner</i>
NURSING HOME ADMINISTRATORS AS 08.70.020		
	28 females	56 <i>3 members</i> <i>1 licensed nursing home adm.</i> <i>1 registered nurse</i> <i>1 - public member</i>
<i>5 members</i> - OPTOMETRY <i>4 licensed opticians</i> AS 08.71.02	6 females	70
<i>1 public member</i>		
VETERINARY AS 08.98.010		
	50 females	198 <i>5 members</i> <i>4 licensed + actively practicing 5 yrs. veti</i> <i>1 - public member</i>

Sec. 08.45.200. Definitions. In this chapter

- (1) "controlled substance" has the meaning given in AS 11.71.900;
- (2) "division" means the division of occupational licensing in the Department of Commerce and Economic Development;
- (3) "naturopathy" means the use of hydrotherapy, dietetics, electrotherapy, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body. (§ 1 ch 56 SLA 1986)

Chapter 48. Architects, Engineers and Land Surveyors.

Article

1. Board of Registration (§§ 08.48.011 — 08.48.141)
2. Registration and Practice (§§ 08.48.171 — 08.48.265)
3. Unlawful Acts (§§ 08.48.281 — 08.48.291)
4. General Provisions (§§ 08.48.311 — 08.48.351)

Collateral references. — 5 Am. Jur. 2d, Architects, §§ 1-4; 58 Am. Jur. 2d, Occupations, Trades and Professions, §§ 1, 17-22.

6 C.J.S., Architects, §§ 7-15; 53 C.J.S., Licenses, §§ 4-11, 32-45.

Failure of architect to procure license as affecting validity or enforceability of contract. 30 ALR 851; 42 ALR 1226; 118 ALR 646.

Constitutionality of statutes regulating

land surveyors or civil engineers. 55 ALR 307.

Practice of architecture by corporation as affected by license regulation. 56 ALR2d 726.

Right of architect or engineer licensed in one state to recover compensation for services rendered in another state, or in connection with construction in another state, where he was not licensed in the latter state. 32 ALR3d 1151.

Article 1. Board of Registration.

Section

11. Board created
21. Appointments
31. Qualifications
41. Removal of members
51. Organization and meetings
61. Finances
71. Records and reports
81. Roster

Section

91. Written examinations and examination fees
101. Regulations; bylaws; code of ethics
111. Power to revoke, suspend, or reissue certificate
121. Disciplinary action and procedure
131. Injunction
141. Legal counsel

Sec. 08.48.010. [Repealed, § 1 ch 179 SLA 1972.]

Sec. 08.48.011. Board created. (a) There is created the State Board of Registration for Architects, Engineers and Land Surveyors. The board shall administer the provisions of this chapter and comply with the Administrative Procedure Act (AS 44.62).

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(b) The board consists of nine members appointed by the governor having the qualifications as set out in AS 08.48.031. The board consists of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the profession of engineering, two architects, and one public member. (§ 3 ch 179 SLA 1972; am § 1 ch 44 SLA 1975; am § 2 ch 63 SLA 1984)

Effect of amendments. — The 1984 amendment substituted "two architects, and one public member" for "and three architects." in the second sentence in subsection (b).

Sec. 08.48.020. [Repealed, § 1 ch 179 SLA 1972.]

Sec. 08.48.021. Appointments. (a) The governor shall give each member of the board a certificate of appointment, and the member shall file with the lieutenant governor a written oath or affirmation for faithful discharge of the member's official duty.

(b) *[Repealed, § 49 ch 94 SLA 1987.]* (§ 3 ch 179 SLA 1972; am § 3 ch 63 SLA 1984; am § 49 ch 94 SLA 1987)

Cross references. — For term of office, see AS 08.01.035. for the former second and third sentence, relating to terms of office for the first board and successive terms, respectively.

Effect of amendments. — The 1984 amendment, in subsection (b), substituted "four" for "six" in the first sentence and substituted the present second sentence. The 1987 amendment repealed subsection (b), concerning terms of office and filling of vacancies.

Sec. 08.48.030. [Repealed, § 1 ch 179 SLA 1972.]

Sec. 08.48.031. Qualifications. Each member of the board must have been a resident in the state for three consecutive years immediately preceding appointment and, except for the public member, must be registered and have a minimum of five years of professional practice in the member's respective field. (§ 3 ch 179 SLA 1972; am § 2 ch 44 SLA 1975; am § 4 ch 63 SLA 1984)

Effect of amendments. — The 1984 amendment inserted "except for the public member."

Sec. 08.48.040. [Repealed, § 3 ch 59 SLA 1966.]

Sec. 08.48.041. Removal of members. The governor may remove a member of the board for misconduct, incompetency or neglect of duty. (§ 3 ch 179 SLA 1972)

amendments. — The 1985 amended paragraph (4)

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...statute. Industrial Power
...rp. v. Western Modular
...Op. No. 2259 (File Nos.
...P.2d 291 (1981).
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...Modular Corp., Sup. Ct.
...e Nos. 4163, 4176). 623

s v. Bayshore Land Co.,
1002 (Files Nos. S-711,
007 (1985).
Protection Servs., Inc.
ble, Inc., Sup. Ct. Op.
7562, 7609). 660 P.2d

100 SLA 1968.]

statute prescribing
ng medicine as af-
tion against chiro-
: 42 ALR 1342; 54

Kind or character of treatment which
may be given by one licensed chiropractor.
86 ALR 630.

Article 1. Board of Chiropractic Examiners.

Section	Section
10. Creation and membership of Board of Chiropractic Examiners	50. Power of officers to administer oaths and take testimony
20. Members of board	55. Board regulations
25. Removal of board members	60. Power of board to adopt seal
40. Organization of board	90. Quorum of board

Sec. 08.20.010. Creation and membership of Board of Chiropractic Examiners. There is created the Board of Chiropractic Examiners consisting of five members appointed by the governor. (§ 35-3-23 ACLA 1949; am § 2 ch 102 SLA 1976)

Cross references. — For constitutionality of ch. 102, SLA 1976, see notes to AS 09.55.536 and Alas. Const., art. II, § 14.

Sec. 08.20.020. Members of board. Four members of the board shall be licensed chiropractic physicians who have practiced chiropractic in this state not less than two years. One member of the board shall be a person with no direct financial interest in the health care industry. Each member serves without pay but is entitled to per diem and travel expenses allowed by law. (§§ 35-3-23, 35-3-30 ACLA 1949; am § 3 ch 102 SLA 1976; am § 2 ch 162 SLA 1980)

Sec. 08.20.025. Removal of board members. A member of the board may be removed from office by the governor for cause. The board may by regulation provide that unexcused absences from meetings constitute cause for removal. (§ 3 ch 162 SLA 1980)

Sec. 08.20.030. Members' terms; vacancies. [Repealed, § 19 ch 94 SLA 1987. For current law, see AS 08.01.035.]

Sec. 08.20.040. Organization of board. Every two years, the board shall elect from its membership a president, vice president and secretary. (§ 35-3-24 ACLA 1949)

Sec. 08.20.050. Power of officers to administer oaths and take testimony. The president and the secretary may administer oaths in conjunction with the business of the board. (§ 35-3-24 ACLA 1949)

(3) "direct supervision" means the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and before dismissal of the patient evaluates the performance of the dental hygienist;

(4) "general supervision" means the dentist has authorized the procedures and they are being carried out in accordance with the dentist's diagnosis and treatment plan;

(5) "indirect supervision" means a licensed dentist is in the dental facility, authorizes the procedures, and remains in the dental facility while the procedures are being performed by the dental hygienist. (am § 13 ch 59 SLA 1978)

Revisor's notes. — Reorganized in 1987 to alphabetize the defined terms.

Chapter 36. Dentistry.

Article

- 1. Board of Dental Examiners (§§ 08.36.010 — 08.36.091)
- 2. Examination and Licensing (§§ 08.36.100 — 08.36.290)
- 3. Unlawful Acts (§§ 08.36.315 — 08.36.340)
- 4. General Provisions (§§ 08.36.350 — 08.36.370)

NOTES TO DECISIONS

Cited in Allison v. State, Sup. Ct. Op. No. 1703 (File No. 3716), 583 P.2d 813 (1978).

Article 1. Board of Dental Examiners.

Section

- 10. Creation and membership of board
- 20. Term of office
- 25. Suspension of board members
- 30. Election of officers
- 40. Meetings
- 50. Quorum

Section

- 61. Reimbursement for expenses
- 70. General powers
- 80. Applicability of Administrative Procedure Act
- 91. Records and reports

Sec. 08.36.010. Creation and membership of board. There is created the Board of Dental Examiners consisting of nine members. Six members shall be licensed dentists who have been engaged in the practice of dentistry in the state for five years immediately preceding appointment, two members shall be dental hygienists licensed under AS 08.32 who have been engaged in the practice of dental hygiene in the state for five years immediately preceding appointment, and one member shall be a public member. (§ 1 art II ch 186 SLA 1955; am § 2 ch 155 SLA 1968; am § 8 ch 102 SLA 1976; am § 12 ch 49 SLA 1980; am § 17 ch 100 SLA 1984; am § 1 ch 63 SLA 1987)

Cross references. — Similarity of ch 102, SLA 1969, 55 536 and Alas. C for the purposes of ch § 1, ch. 155, SLA 196 and Special Acts.

For initial terms pointed to the position SLA 1987, see § 7, ch. The Temporary and S Effect of amendm. amendment, in the substituted "licensed" for

Sec. 08.36.020. the board begins c ch 59 SLA 1964; a am § 18 ch 94 SL

Cross references. — and term of office, see Effect of amendme

Sec. 08.36.025. against whom an a tion of AS 08.32.16 the decision of the 44.62.520. (§ 14 ch ch 94 SLA 1987)

Cross references. — office, see AS 08.01.02 Effect of amendmer amendment inserted " the catchline and added The 1987 amendment: or" at the beginning of :

Sec. 08.36.030. E dent and a secretary not to exceed two ye SLA 1972)

Sec. 08.36.040. M president at least fo conduct its business ity of the board may § 19 ch 100 SLA 19

(2) a sufficient number of persons are so qualified. (§ 2 ch 53 SLA 1977)

Editor's notes. — This section is set out to incorporate editorial changes by the Revisor of Statutes.

Sec. 08.40.011. Board of electrical examiners. (a) There is created the Board of Electrical Examiners consisting of three members, two of whom are licensed electrical administrators and one of whom is a public member.

(b) The board shall meet at least annually. The board may also meet at other times as determined by the board. (§ 4 ch 98 SLA 1988)

Effective dates. — Section 13, ch. 98, SLA 1988, provides: "This Act takes effect July 1, 1988."

Sec. 08.40.045. Categories of licenses. The board may adopt regulations establishing categories of electrical administrators, establishing qualifications for those categories and the content of examinations for applicants for each category. (§ 4 ch 53 SLA 1977; am § 22 ch 94 SLA 1987; am § 5 ch 98 SLA 1988)

Effect of amendments. — The 1988 amendment, effective July 1, 1988, substituted "board" for "department."

Sec. 08.40.050. Regulations. The board shall adopt regulations subject to the Administrative Procedure Act (AS 44.62), relating to the examination and licensing of electrical administrators, the establishing of the continued competency of an applicant for license renewal and reinstatement, and the suspension or revocation of licenses. (§ 2 ch 158 SLA 1960; am § 5 ch 53 SLA 1977; am § 3 ch 71 SLA 1980; am § 23 ch 94 SLA 1987; am § 6 ch 98 SLA 1988)

Effect of amendments. — The 1988 amendment, effective July 1, 1988, substituted "board" for "department."

Sec. 08.40.060. Examinations. A licensing examination shall be offered by the board at least twice during each year at appropriate places in the state. (§ 2 ch 158 SLA 1960; am § 24 ch 94 SLA 1987; am § 7 ch 98 SLA 1988)

Effect of amendments. — The 1988 amendment, effective July 1, 1988, substituted "offered by the board" for "conducted by the department."

Guides

§ 08.54.010

BUSINESS AND PROFESSIONS

§ 08.54.040

Sec. 08.54.010. Creation and membership of board. For the purposes of licensing and regulating the activities of guides in the interest of the state's wildlife resources there is created the Guide Board consisting of seven members. No more than three members of the board shall hold or have held a registered, master, or class A assistant guide license. The other members must have a general knowledge of the game resources of the state and may not have a vested interest in the guiding industry. A minimum of 10 years residence in the state is required for all members of the board. For administrative purposes, the board is in the Department of Commerce and Economic Development. (§ 1 ch 17 SLA 1973; am § 3 ch 71 SLA 1986)

Effect of amendments. — The 1986 amendment in the first sentence substituted "For the purposes of licensing and regulating the activities of guides in the interest of the state's wildlife resources there" for "There" and deleted "Licensing and Control" preceding "Board." in the

second sentence inserted "hold or," "held," and "registered, master, or class A assistant," in the third sentence substituted "must" for "shall" and added "and may not have a vested interest in the guiding industry," and added the last sentence.

Sec. 08.54.020. Appointment and term of office. [Repealed, § 49 ch 94 SLA 1987. For current law, see AS 08.01.035.]

Sec. 08.54.030. Chairman of board. The board shall elect one of its members as chairman. (§ 1 ch 17 SLA 1973)

Sec. 08.54.035. Quorum; voting requirement. Four members of the board constitute a quorum for the transaction of business, for the performance of a duty, and for the exercise of any power under this chapter. The board may not adopt a regulation, revoke, suspend, or deny renewal of a license, or assign, modify, or revoke a restricted guide area unless the action is approved by a vote of a majority of the full membership of the board. (§ 5 ch 71 SLA 1986)

Sec. 08.54.040. Powers and duties. (a) Except as provided in AS 08.54.045, the board shall

(1) prepare, grade and administer examinations, which may include oral examinations of applicants who demonstrate limited ability to read or write the English language;

(2) determine qualifications of applicants for licenses and authorize the issuance of licenses to those who qualify;

(3) establish guide performance standards and regulate activity;

(4) compile, maintain and publish an annual register of master and registered guides who have not been convicted of a violation of a state game or guiding statute or regulation; a guide listed in the register whose license is revoked or suspended shall be removed from the register while the guide's license is revoked or suspended;

club, governmental agency, organization, association, or other combination of individuals. (§ 6 ch 26 SLA 1962)

Revisor's notes. — Reorganized in 1987 to alphabetize the defined terms.

Chapter 62. Marine Pilots.

Article

1. Board of Marine Pilots (§§ 08.62.010 — 08.62.040)
2. Licensing (§§ 08.62.080 — 08.62.150)
3. General Provisions (§§ 08.62.160 — 08.62.200)

Collateral references. — 70 Am. Jur. 2d, Shipping, §§ 92-95, 288-293
70 C.J.S., Pilots, §§ 1-6.

Article 1. Board of Marine Pilots.

<p>Section</p> <p>10. Creation and membership of board</p> <p>20. Appointment and term of office</p>	<p>Section</p> <p>30. Meetings</p> <p>40. Powers and duties</p>
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Sec. 08.62.010. Creation and membership of board. There is created the Board of Marine Pilots. It consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two agents or managers of vessels subject to this chapter, two public members in accordance with AS 08.01.025, and the commissioner or the commissioner's designee. Not more than one pilot and one agent or manager shall be from any one judicial district. All members of the board shall be residents of the state. (§ 2 ch 106 SLA 1970; am § 8 ch 258 SLA 1976)

Sec. 08.62.020. Appointment and term of office. The governor shall appoint the pilot and agent or manager members of the board, subject to confirmation by a majority of the members of the legislature in joint session, for terms of four years, or until their successors are appointed. A person, with the exception of the commissioner or the commissioner's designee, may not be appointed to the board for more than two consecutive terms. (§ 2 ch 106 SLA 1970; am § 1 ch 143 SLA 1980; am § 8 ch 14 SLA 1987)

Effect of amendments. — The 1987 amendment deleted the former second sentence, which read "The first members shall be initially appointed for one, two,

three and four year terms" and in the last sentence substituted "A" for "No" and inserted "not."

by the board. (§ 2 ch 90 SLA 1957; am § 5 ch 37 SLA 1970; am § 3 ch 67 SLA 1973; am §§ 11, 12 ch 129 SLA 1974; am § 25 ch 14 SLA 1982)

Chapter 70. Nursing Home Administrators.

Section	Section
10. Creation of Board of Nursing Home Administrators	120. Examination
20. Board membership	130. Provisional licenses
30. Election of officers	140. Expired licenses
40. Board meetings: quorum	150. Fees
50. Duties and powers of the board	155. Grounds for imposition of disciplinary sanctions
55. Removal of board members	170. Penalties
80. License required	180. Definitions
90. Application	190. Facilities operated by religious organizations
110. Licensing	

Collateral references. — 58 Am. Jur. 2d, Occupations, Trades and Professions, §§ 17-22. Licensing and regulation of nursing or rest homes. 9 ALR2d 1187.

Sec. 08.70.010. Creation of Board of Nursing Home Administrators. There is established the Board of Nursing Home Administrators. (§ 1 ch 123 SLA 1975)

Sec. 08.70.020. Board membership. (a) The board consists of three members: one nursing home administrator licensed under this chapter and practicing in the state, a registered nurse licensed in the state and having no direct financial interest in any nursing home, and one person from the general public.

(b) *[Repealed, § 49 ch 94 SLA 1987.]*

(c) *[Repealed, § 49 ch 94 SLA 1987.]* (§ 1 ch 123 SLA 1975; am § 1 ch 77 SLA 1977; am §§ 3, 4 ch 141 SLA 1980; am § 2 ch 99 SLA 1986; am § 49 ch 94 SLA 1987)

Cross references. — For transitional provisions related to the 1986 amendments to (a) of this section, see § 4, ch. 99, SLA 1986, in the Temporary and Special Acts.

For appointment and terms of office, see AS 08.01.035.

Effect of amendments. — The 1986

amendment in subsection (a) substituted "three" for "five," "one" for "two," "administrator" for "administrators" and "one person" for "two persons."

The 1987 amendment repealed subsections (b) and (c), concerning appointment by the governor and term of office respectively.

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ch 141 SLA 1980)

also serves in the administrative capacity defined in this paragraph.
 (§ 1 ch 123 SLA 1975; am § 51 ch 218 SLA 1976)

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section could give rise
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sumer Protection Act.
p. Att'y Gen.

Sec. 08.70.190. Facilities operated by religious organizations. Nothing in this chapter or the regulation under this chapter is to be construed as requiring a person who applies for a license as administrator of a facility operated by a religious organization relying on spiritual means alone for healing to have skills in medical techniques or educational qualifications which are not in accord with the care and treatment provided in the facility. (§ 1 ch 123 SLA 1975)

J, § 49 ch 94 SLA

Chapter 71. Dispensing Opticians.

Article

1. Board of Dispensing Opticians (§§ 08.71.010 — 08.71.055)
2. Licensing (§§ 08.71.080 — 08.71.160)
3. Unlawful Acts (§§ 08.71.170 — 08.71.180)
4. Miscellaneous Provisions (§ 08.71.200)
5. General Provisions (§§ 08.71.230 — 08.71.240)

f violating a provi-
anor. (§ 1 ch 123

Collateral references. — 61 Am. Jur. 70 C.J.S., Physicians and Surgeons, 2d, Physicians, Surgeons and Other §§ 11, 13. Healers, §§ 3, 40-43.

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Article 1. Board of Dispensing Opticians.

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Section	Section
10. Creation of board	40. Election of officers
20. Membership	55. Powers and duties

ed a license to be a
board;

Sec. 08.71.010. Creation of board. There is created the Board of Dispensing Opticians. (§ 1 ch 45 SLA 1973)

ated in connection

Sec. 08.71.020. Membership. The board consists of four opticians licensed under AS 08.71.080 and one public member appointed by the governor. (§ 1 ch 45 SLA 1973; am § 20 ch 102 SLA 1976; am § 2 ch 56 SLA 1980; am § 36 ch 94 SLA 1987)

te care, and medi-

Cross references. — For appointment and terms, see AS 08.01.035.
Effect of amendments. — The 1987 amendment deleted "and term of office" at the end of the catchline and deleted the second, third and fourth sentences of the section, concerning terms of office.

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Collateral references. — 78 Am. Jur. 2d, Veterinarians, §§ 1-3. Validity, construction, and effect of statutes or regulations governing practice of veterinary medicines. 8 ALR4th 223
70 C.J.S., Physicians and Surgeons, §§ 3, 4.

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\$10,000, or by
.. (§ 1 ch 114

Article 1. Board of Veterinary Examiners.

Section	Section
10. Creation and membership of the board	80. Department regulations
40. Board meetings	90. Applicability of the Administrative Procedure Act
50. Powers and duties of the board	100. Compensation
70. Duties of the department	

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ch 114 SLA

Sec. 08.98.010. Creation and membership of the board. There is created the Board of Veterinary Examiners composed of five members appointed by the governor and approved by the legislature. Four members shall be licensed veterinarians who have been in active practice in the state for at least five years preceding appointment and one shall be a public member. A person may not serve on the board who is, or was during the two years immediately preceding appointment, a member of a faculty, board of trustees, or advisory board of a veterinary school. (§ 1 ch 91 SLA 1963; am § 1 ch 94 SLA 1966; am § 2 ch 130 SLA 1980)

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Sec. 08.98.020. Term of office. [Repealed, § 49 ch 94 SLA 1987. For current law, see AS 08.01.035.]

and Eco-

Sec. 08.98.025. Removal of board members. [Repealed, § 49 ch 94 SLA 1987. For current law, see AS 08.01.020.]

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(LA 1977)

Sec. 08.98.030. Executive secretary of board. [Repealed, § 16 ch 130 SLA 1980.]

Sec. 08.98.040. Board meetings. The board shall hold at least three meetings each year. The board may hold special meetings at the call of the chairman or of a majority of the members. A majority of board members constitutes a quorum and a majority vote of those present is the decision of the board. (§ 1 ch 91 SLA 1963; am § 5 ch 130 SLA 1980; am § 12 ch 59 SLA 1982)

Sec. 08.98.050. Powers and duties of the board. (a) The board shall

(1) establish examination requirements for eligible applicants for licensure to practice veterinary medicine;

FISCAL NOTE *cl*

REQUEST:

Revision Date: _____ Agency Affected: Office of the Governor
 Title: An Act requiring gender balance BRU: Executive Office
on state boards, commissions, and similar..
 Sponsor: Bover, Spohnholz, Koronen, et al. Components: _____
 Requestor: Representative Bover

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		-	-	-	-	-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *Man* Phone: 465-3616
 Division: Division of Administrative Services Date: 4-14-89
 Approved by Commissioner: Garrey M. Peska *[Signature]* Date: 4-14-89
 Agency: Chief of Staff

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

B

HOUSE COMMITTEE REPORT

4/25

(7)
Date Referred: April 7, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 277

HOUSE BILL NO. 277 [GENDER BALANCE ON BDS, COMMNS & OTHER GPS]
"An Act requiring gender balance on state boards, commissions, and similar groups."

RECOMMENDATIONS:

- be replaced with (15) HB 277 (SA) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

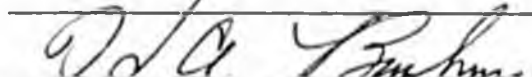
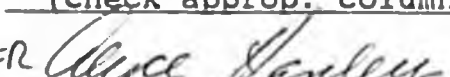
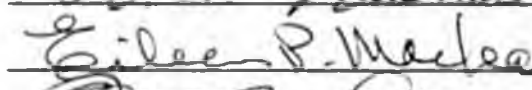
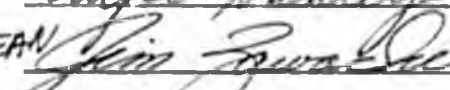


ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____ fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

SIGNING: (Check approp. column)

Do Not Pass No Rec Amend

	BOUCHER		HANLEY	X		
	MACLEAN		ZAWACKI			X
						
	FLUKELSTEIN					


Chairman's Signature