

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

CSHB 219 thru CSHB 222 *Bill Files* 299 *99*

CSHB

219

SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE 3/23/88

3/1/88  
Mr. President:

Finance Committee considered CSHB 219 (FIN)

transferring and appropriating certain loans, assets, and fund equities to the student loan fund; efd

and recommended

replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous

zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*Rich He*  
*Paul Gruber*  
*[Signature]*

*Rick Halford do pass*  
Chairman signature and recommendation

Committee Backup attached

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: 2-26-88  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 2-26-88  
Title: Appropriating Loan Assets  
Sponsor: Rules/Governor  
Requestor: Senate Finance

Agency Affected: Education  
BRU: Postsecondary Commission/  
Student Loan Corporation  
Components: Student Loan Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

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)

There is no cost associated. The bill merely moves funds from one account to another.

Prepared by: Kerry D. Romesburg, Executive Director Phone: 465-2854  
Division: Alaska Commission on Postsecondary Education Date: 3-14-88

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

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

Original sponsor: Rules Committee/Governor

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 219 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act transferring and appropriating certain loans,  
7 assets, and fund equities to the student loan fund;  
8 and providing for an effective date."

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

10 \* Section 1. All right, title, and interest in scholarship loans made  
11 under AS 14.43.090 - 14.43.160, together with assets and fund equities held  
12 in the scholarship revolving loan fund (AS 14.43.090) on December 31, 1987,  
13 and remaining in the fund on the effective date of this Act, are trans-  
14 ferred and appropriated to the student loan fund (AS 14.42.210) of the  
15 Alaska Student Loan Corporation.

16 \* Sec. 2. All right, title, and interest in scholarship loans made  
17 under AS 14.43.600 - 14.43.700, together with assets and fund equities held  
18 in the teacher scholarship revolving loan fund (AS 14.43.620) on Decem-  
19 ber 31, 1987, and remaining in the fund on the effective date of this Act,  
20 are transferred and appropriated to the student loan fund (AS 14.42.210) of  
21 the Alaska Student Loan Corporation.

22 \* Sec. 3. All right, title, and interest in scholarship loans made  
23 under AS 14.43.090 - 14.43.160, together with assets and fund equities  
24 held in the scholarship revolving loan fund (AS 14.43.090) on the effective  
25 date of this Act are transferred and appropriated to the student loan fund  
26 (AS 14.42.210) of the Alaska Student Loan Corporation.

27 \* Sec. 4. All right, title, and interest in scholarship loans made  
28 under AS 14.43.600 - 14.43.700, together with assets and fund equities  
29 held in the teacher scholarship revolving loan fund (AS 14.43.620) on the

1 effective date of this Act are transferred and appropriated to the student  
2 loan fund (AS 14.42.210) of the Alaska Student Loan Corporation.

3 \* Sec. 5. The appropriations made by this Act are for capitalization of  
4 a loan fund and do not lapse under AS 37.25.010.

5 \* Sec. 6. Sections 1 - 2 of this Act are retroactive to December 31,  
6 1987.

7 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).

# STATE OF ALASKA

## ALASKA COMMISSION ON POSTSECONDARY EDUCATION

BILL SHEFFIELD, GOVERNOR

POUCH FP  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2854

March 22, 1988

The Honorable Fred Zharoff  
Alaska State Senate  
P.O. Box V, State Capitol  
Juneau, AK 99811

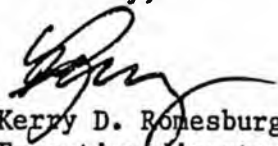
Dear Senator Zharoff:

There has been a great deal of interest in the long-term program effects of issuing bonds for Alaska Student Loans. We finally have a fairly sound picture of what to expect. It has taken some time to get good numbers because of market changes and deciding on how the actual bond issue (structure) should best work. Now we are in a pretty good position to project impacts with some degree of confidence.

Therefore, for your interest, the enclosed table is presented. The results are quite encouraging, and it appears the State is establishing a framework which will provide for the continuation of the Alaska Student Loan Program with a minimum of State General Fund commitment.

If you have any questions or I can be of any help, please let me know.

Sincerely,



Kerry D. Romesburg  
Executive Director

Enclosure

STUDENT LOAN PROGRAM  
PROJECTIONS TO 2011

<u>Loan Year</u>	<u>Loan Volume</u>	<u>Gen. Funds Appropriation</u>	<u>Bond Proceeds</u>	<u>Bond Issue</u>
1987-88	\$72.0	\$15.7	\$41.0	\$80.0
1988-89	72.7	17.0	34.9	--
1989-90	73.5	17.0	26.2	27.6
1990-91	74.2	17.0	22.8	24.0
1991-92	74.9	17.0	18.7	19.7
1992-93	75.7	17.0	10.5	11.1
1993-94	76.4	17.0	5.9	6.2
1994-95	77.2	17.0	.3	.3
1995-96	78.0	9.5	--	--
1996-97	78.8	8.9	--	--
1997-98	79.5	5.9	--	--
1998-99	80.3	3.5	--	--
1999-00	81.1	2.5	--	--
2000-01	81.9	1.9	--	--
2001-02	82.8	2.4	--	--
2002-03	83.6	3.0	--	--
2003-04	84.4	(5.9)	--	--
2004-05	85.3	(6.0)	--	--
2005-06	86.1	(9.3)	--	--
2006-07	87.0	(12.1)	--	--
2007-08	87.9	(14.5)	--	--
2008-09	88.7	(15.8)	--	--
2009-10	89.6	(16.7)	--	--
2010-11	90.5	(16.8)	--	--

Notes:

1. Loan volume growth is limited to 1% per year.
2. Bond issuance costs and debt service are based upon using serial bonds at the current rates.
3. Bonds are only issued for 6 years, and then no further issues are needed.
4. General Funds are only needed through 2003-04, after 2003-04 the program truly revolves and becomes self-supporting.
5. If program changes are made (forgiveness reinstated, borrowing limits raised, loan volume cap increased), the entire projection changes.

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE,  
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT  
COMMITTEE



## House of Representatives

ANCHORAGE  
P.O. BOX 104836  
ANCHORAGE, AK 99510  
(W) (907) 278-6818  
(H) (907) 338-2425

JUNEAU  
P.O. BOX V  
STATE CAPITOL  
JUNEAU, AK 99811  
(907) 465-3712

### CS HB 219 (FIN), TRANSFERRING AND APPROPRIATING CERTAIN LOANS, ASSETS, AND FUND EQUITIES TO THE STUDENT LOAN FUND

Sec. 1 & 3 Appropriate all right, title and interest in student loans, together with assets and equities in the student loan fund, to the Alaska Student Loan Corporation.

Sec. 2 & 4 Appropriate all right, title and interest in teacher scholarship loans, together with assets and equities in the teacher scholarship loan fund, to the Alaska Student Loan Corporation.

Sec. 5 Specifies that the appropriations are for capitalization of a loan fund and do not lapse.

Sec. 6 Retroactivity clause to December 31, 1987 for Sec. 1 and 2 -- "closes the books" for the annual audit. (Sec. 3 and 4 appropriate loans and assets that have accrued to the loan funds since December 31, 1987.)

#### The History

Last year the Legislature, by passage of HB 39, established the Student Loan Corporation and authorized the corporation to issue bonds, the proceeds of which would be used to make student loans. HB 39 also authorized the Postsecondary Education Commission to transfer assets in the scholarship revolving loan fund to the Corporation to serve as coverage for the bonds.

In addition, the Legislature passed HB 298, which appropriated \$56.7 million from the general fund to the Student Loan Corporation to be awarded as loans pending issuance of bonds. Once bonds are issued, HB 298 appropriates \$41 million back to the general fund.

#### The Problem

The bonding team is concerned that the provision in HB 39 authorizing transfer of assets to the Corporation conflicts with Alaska's Constitutional requirement that appropriation bills be separate from substantive law bills. Any doubt regarding the transfer of assets to the Corporation is likely to make bond issuance impossible. If bonds aren't issued, \$41 million will not be returned to the general fund in FY 88, and an additional \$35 million in general funds will need to be appropriated in FY 89.

# Alaska State Legislature

REPRESENTATIVE  
PAT POURCHOT

HOUSE FINANCE COMMITTEE,  
VICE CHAIR

HOUSE ETHICS COMMITTEE, CHAIR

LEGISLATIVE BUDGET & AUDIT  
COMMITTEE



## House of Representatives

ANCHORAGE  
P.O. BOX 104836  
ANCHORAGE AK 99510  
(W) (907) 561-7623  
(H) (907) 338-2425

JUNEAU  
P.O. BOX V  
STATE CAPITOL  
JUNEAU, AK 99811  
(907) 465-3712

### CS HB 219 (FIN), AN ACT TRANSFERRING AND APPROPRIATING CERTAIN LOANS, ASSETS, AND FUND EQUITIES TO THE STUDENT LOAN FUND

Appropriates all right, title and interest in student loans and teacher scholarship loans, together with assets and equities in the loan fund, to the Alaska Student Loan Corporation.

#### Rationale

- June 1987 Chapter 92, SLA 87 (HB 39) signed by Governor. Established Alaska Student Loan Corporation and authorized the corporation to issue bonds, the proceeds of which would be used to make student loans. In addition, authorized the Postsecondary Education Commission to transfer assets in the scholarship revolving loan fund to the Corporation to serve as coverage for the bonds.
- Chapter 93, SLA 87 (HB 298) signed by Governor. Appropriated \$56.7 million from the general fund to the Student Loan Corporation to be awarded as loans. Once bonds have been issued, appropriates \$41 million back to the general fund.
- Dec. 1987 Financing team selected by Student Loan Corporation.
- Jan. 1988 Financing team expressed concern that the provision in HB 39 authorizing transfer of assets to the Corporation may conflict with Alaska's Constitutional requirement that state funds be transferred only by appropriation and that appropriation bills be separate from substantive law bills.
- April 1988 Bonds are to be issued. Any doubt regarding the transfer of assets to the Corporation is likely to make bond issuance impossible. If bonds aren't issued, \$41 million will not be returned to the general fund in FY 88, and an additional \$35 million in general funds will need to be appropriated in FY 89.

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

POUCH FP  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2854

M E M O R A N D U M

TO: The Honorable Pat Pourchot  
----- Alaska State Representative

FROM: Kerry D. Romesburg, Executive Director  
Alaska Commission on Postsecondary Education

DATE: February 16, 1988

The Alaska Student Loan Corporation and the Alaska Commission on Postsecondary Education request the Legislature appropriate the existing scholarship loan fund (AS 14.43.090) and teacher scholarship loan fund (AS 14.43.210) to the newly established student loan fund (AS 14.42.210).

Why? In order to issue bonds for student loans, we need to have an asset base against which the bond collateral is pledged. Without the income stream from the existing portfolio of loans, we cannot issue bonds.

What Happens Without Appropriations? If the portfolio is not transferred--by appropriation. We issue no bonds. If bonds are not issued this Spring, the Legislature does not get back the \$41.0 million from the FY88 student loan appropriation, and we would need an additional \$35.0 million in General Fund for the FY89 student loan program. In other words, not bonding due to lack of portfolio would "cost" about \$76.0 in General Fund if we are to have a student loan program in FY89.

Timeliness of Action. The schedule is to issue bonds the week of May 3, 1988. To do this, we must have a firm bonding proposal to rating agencies the first week of April. This means the question on the status of the portfolio must be settled by mid-March. Any delay in appropriation, delays the bond sale and creates uncertainty as to the awarding of FY89 student loans. (We already have nearly 3,000 FY89 applications in house).

Action Requested. The Corporation and the Commission request the appropriation of these loan accounts as soon as possible. We need to have official audit statements issued and we need to have the official statement for bond issuance prepared. To do these, we must have a firm (without uncertainty) asset base.

WOHLFORTH, FLINT & GRUENING

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

900 WEST 8TH AVENUE, SUITE 600  
ANCHORAGE, ALASKA 99501

PETER ARGETSINGER  
JULIUS J. BRECHT  
CHARLES G. EVANS  
ROBERT B. FLINT  
CLARK S. GRUENING\*  
ROBERT M. JOHNSON  
ROBERT E. SPITZADEN\*  
KENNETH E. VASSAR  
ERIC C. WOHLFORTH

JANICE COLEMAN GRAHAM\*\*  
STEPHEN E. GREEN  
THOMAS P. KLINKNER  
ROGER A. LUBOVICH  
BRADLEY E. MEYER  
DANIEL PATRICK O'RIERNEY  
PATRICK RUMLEY  
JAMES A. SARAFIN  
JAMES R. SEENDER

\*JUNEAU OFFICE  
\*\*ADMITTED IN NEW YORK ONLY

TELEPHONE  
(907) 578-6401

TELECOPY  
(907) 578-6083

JUNEAU OFFICE  
217 SECOND STREET  
JUNEAU, ALASKA 99801  
TELEPHONE (907) 588-8110

OF COUNSEL  
ROGER G. CONNOR  
RICHARD W. GARNETT, III

February 12, 1988

Representative Pat Pourchot  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Pourchot:

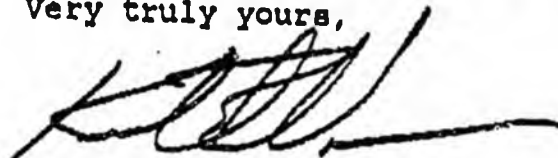
Dr. Kerry Romesburg has asked that we prepare this letter to you explaining why we are seeking an appropriation of the assets in the scholarship revolving loan fund (AS 14.43.090) to the student loan fund (AS 14.42.210). In its passage of SCS CSHE 39(Fin) (which became Chapter 92 SLA 1987), the Legislature included, as substantive law, a grant of power to the Alaska Commission on Postsecondary Education to sell or assign these assets to the Alaska Student Loan Corporation (see AS 14.43.090(d) as enacted in Section 4, Chapter 92 SLA 1987).

After the creation of the Alaska Student Loan Corporation and the creation of a financing team to serve that corporation, a review of the substantive law provision as to sale or assignment of the assets referred to above led to some concern with respect to the constitutional requirements that (i) state moneys be withdrawn from the state treasury only pursuant to an appropriation, and (ii) appropriations bills remain separate from substantive law bills.

We believe that the substantive law provisions contained in Chapter 92 SLA 1987 are probably sufficient of themselves and comply with state constitutional requirements. However, much careful consideration by the various members of the financial team make it clear that a reasonable argument can be made that an appropriation of these assets is required under our constitution. The availability of these assets free of any doubt as to the validity of their transfer to the Student Loan Corporation is fundamental to the successful conclusion of the corporation's proposed bond issuance. Therefore, any reasonable doubt in this area is likely to make such bond issuance impossible.

Obviously, passage of the proposed appropriation at the earliest time possible is important to permit the proposed bond issuance to proceed in a timely fashion. We appreciate your consideration of this request, and I am very happy to talk with you or your staff at any time if there are any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'K. E. Vassar', with a long horizontal flourish extending to the right.

Kenneth E. Vassar

HB

222

# HOUSE COMMITTEE REPORT

(11)

Date referred: 4/8/87

FURTHER REFERRALS:

DATE: 4-28-87

The Finance Committee has considered HB 222

"An Act relating to occupational licensing; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 222 (FIN)  the same title
- 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):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING TO PASS:**

[Signature]  
[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

[Signature] No Recommendation  
[Signature] No Rec  
[Signature] No Rec  
[Signature] No Rec  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman's signature

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1987

SUBJECT: CSHB 222 (Finance)  
(Work Order No. 5-0616)

TO: Representative Al Adams, Chairman  
House Finance Committee

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum accompanies the final CSHB 222 (Finance).

In addition to the new language added to page 1, line 25 of the bill at the direction of the committee, the bill contains a minor amendment to Section 26 of the bill to correct an oversight in drafting. AS 08.86.140(b) is added to the list of sections repealed.

One of the objectives of HB 222 is to provide for biennial licenses for all professions regulated under Title 8. When HB 222 was drafted, AS 08.86.140(b) was overlooked. AS 08.86.140(b) provides that licenses issued to psychologists are valid for four years. By repealing AS 08.86.140(b) the license period for psychologists will be consistent with the other professions regulated under Title 8.

GU:lmb  
M11/091

Enclosure

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

No. 1

Bill Version: CS HB 222 (FIN)  
Publish Date: HOUSE 4/8/87

**REQUEST:** \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.

Title: An Act relating to occupational licensing; and providing for an effective date.

BRU: Occupational Licensing

Sponsor: House Labor & Commerce

Components: All

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

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

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS :** (Attach a separate page if necessary)

(See attached)

*KM*  
Prepared by: Jennifer Strickler, Management Analyst  
Division: Occupational Licensing

Phone: 465-2144

Date: 4/3/87

Approved by Commissioner: J. Andrew Smith  
Agency: Commerce and Economic Development

Date: \_\_\_\_\_

**Distribution (by preparer):**

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

HB 222

HB 222 makes miscellaneous housekeeping amendments to AS 08.01 to standardize provisions regarding board member appointments, terms of office, duration of licensing periods and disciplinary sanctions.

The bill also make amendments to the various licensing statutes to conform with the standardization in the central licensing act.

One of the amendments in the bill establishes a biennial license renewal cycle for all licensed occupations. This change will allow the division to budget and maintain licensing fees at a rate sufficient to cover expenditures. However, the provisions of the bill do not require new funding in order to be implemented.

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 222 (Finance)

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 08.45 for naturopaths, or  
16 under AS 08.55 for hearing aid dealers;

17 (5) designate dates examinations are to be held and notify  
18 applicants;

19 (6) publish notice of examinations and proceedings [EXAM-  
20 INATION];

21 (7) arrange space for holding examinations and proceedings;

22 (8) notify applicants of results of examinations;

23 (9) issue licenses [AND CERTIFICATES] or temporary licenses  
24 [OR CERTIFICATES] as authorized by the board or as authorized by the  
25 department under AS 08.11 for audiologists, under AS 08.45 for naturo-  
26 paths, or under AS 08.55 for hearing aid dealers;

27 (10) issue duplicate licenses [OR CERTIFICATES] upon sub-  
28 mission of a written request [PROOF] by the licensee attesting to [OF]  
29 loss of or the failure to receive the original and payment by the

1 licensee of a fee established by regulation adopted by the department  
2 [OF \$2 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE];

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

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

7 (13) answer routine inquiries;

8 (14) maintain files relating to individual licensees;

9 (15) arrange for printing and advertising;

10 (16) purchase supplies;

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

12 (18) perform other services that may be requested by the  
13 board;

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

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

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

24 Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board  
25 shall perform the following duties in addition to those provided in  
26 its respective law:

27 (1) take [KEEP] minutes and records of all proceedings;

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

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

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

3 (5) prepare and grade board examinations;

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

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

8 (8) forward results of board examinations to the department  
9 within 20 days after the examination is given;

10 (9) notify the department of meeting dates and agenda items  
11 at least 15 days before meetings and other proceedings are held;

12 (10) submit before the end of the fiscal year an annual  
13 performance report to the department stating the board's accomplish-  
14 ments, activities, and needs [MEETING].

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

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

18 (1) permanently revoke a license;

19 (2) suspend a license for a specified period;

20 (3) censure or reprimand a licensee;

21 (4) impose limitations or conditions on the professional  
22 practice of a licensee;

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

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

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

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

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

3 (c) A board may summarily suspend a licensee from the practice  
4 of the profession before a final hearing is held or during an appeal  
5 if the board finds that the licensee poses a clear and immediate  
6 danger to the public health and safety. A person is entitled to a  
7 hearing before the board to appeal the summary suspension within seven  
8 days after the order of suspension is issued. A person may appeal an  
9 adverse decision of the board on an appeal of a summary suspension to  
10 a court of competent jurisdiction.

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

14 (e) A board may accept the voluntary surrender of a license. A  
15 license may not be returned unless the board determines that the  
16 licensee is competent to resume practice and the licensee pays the  
17 appropriate renewal fee.

18 (f) A board shall seek consistency in the application of disci-  
19 plinary sanctions. A board shall explain a significant departure from  
20 prior decisions involving similar facts in the order imposing the  
21 sanction.

22 \* Sec. 7. AS 08.01.100(a) is amended to read:

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

26 \* Sec. 8. AS 08.01.100(b) is repealed and reenacted to read:

27 (b) A license subject to renewal shall be renewed on or before  
28 the date set by the department. If the license is not renewed by the  
29 date set by the department, the license lapses. In addition to

1 renewal fees required for reinstatement of the lapsed license, the  
2 department may impose a delayed renewal penalty, established by regu-  
3 lation, that shall be paid before a license that has been lapsed for  
4 more than 60 days may be renewed. The department may adopt a delayed  
5 renewal penalty only with the concurrence of the appropriate board.

6 \* Sec. 9. AS 08.01.100 is amended by adding new subsections to read:

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

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

12 \* Sec. 10. AS 08.01 is amended by adding new sections to read:

13 Sec. 08.01.102. CITATION FOR UNLICENSED PRACTICE. The depart-  
14 ment may issue a citation for a violation of a license requirement of  
15 a board or profession listed in AS 08.01.010 if there is probable  
16 cause to believe a person has practiced a profession for which a  
17 license is required without holding the license. Each day a violation  
18 continues after a citation for the violation has been issued consti-  
19 tutes a separate violation.

20 Sec. 08.01.103. PROCEDURE AND FORM OF CITATION. (a) A citation  
21 issued under AS 08.01.102 must be in writing. A person receiving the  
22 citation is not required to sign a notice to appear in court.

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

27 (c) The department is responsible for the issuance of books con-  
28 taining appropriate citations, and shall maintain a record of each  
29 book issued and each citation contained in it. The department shall

1 require and retain a receipt for every book issued to an employee of  
2 the department.

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

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

16 (f) If the form of citation includes the essential facts con-  
17 stituting the offense charged, and if the citation is sworn to as  
18 required under the laws of this state for a complaint charging commis-  
19 sion of the offense alleged in the citation, then the citation when  
20 filed with a court having jurisdiction is considered to be a lawful  
21 complaint for the purpose of prosecution.

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

28 \* Sec. 11. AS 08.02.020 is amended to read:

29 Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF LICENSING

1        BOARDS AND PEER REVIEW COMMITTEES. A person is not liable for damages  
2 or other relief in an action by reason of the person's performance of  
3 a duty, function, or activity as a member of a licensing board or peer  
4 review committee established to review a licensing matter, or by  
5 reason of a recommendation or action of the board or peer review  
6 committee when the person acts in the reasonable belief that the  
7 action or recommendation is warranted by facts known to the person or  
8 to the board or peer review committee after reasonable efforts to  
9 ascertain the facts upon which the action or recommendation is made.

10 \* Sec. 12. AS 08.04.040 is amended to read:

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

18 \* Sec. 13. AS 08.13.100(a) is amended to read:

19            (a) The board shall authorize the issuance of a license to each  
20 qualified applicant who has passed an examination under AS 08.13.090.  
21 [THE LICENSE IS VALID FOR TWO YEARS AND SUBJECT TO RENEWAL.]

22 \* Sec. 14. AS 08.18.031(a) is amended to read:

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

28 \* Sec. 15. AS 08.32.071 is amended to read:

29            Sec. 08.32.071. RENEWAL OF REGISTRATION. [A REGISTRATION

1 CERTIFICATE IS VALID FOR FOUR YEARS.] At least 60 days before ex-  
2 piration of a licensee's registration certificate, the division of  
3 occupational licensing shall mail a form for renewal of registration  
4 to each licensed dental hygienist. Each licensee who wishes to renew  
5 a registration certificate shall complete the form and return it with  
6 the appropriate fee and evidence of continued professional competence  
7 as required by the board. The division of occupational licensing  
8 shall, as soon as practicable, issue a registration certificate valid  
9 for a stated number of years. Each licensee shall keep the registra-  
10 tion certificate beside or attached to the licensee's license. Fail-  
11 ure to receive the registration form does not exempt a licensee from  
12 renewing registration.

13 \* Sec. 16. AS 08.32.171(c) is amended to read:

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

25 \* Sec. 17. AS 08.36.020 is amended to read:

26 Sec. 08.36.020. [APPOINTMENT AND] TERM OF OFFICE. [MEMBERS OF  
27 THE BOARD ARE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY  
28 THE LEGISLATURE IN JOINT SESSION. EACH BOARD MEMBER SERVES FOR A TERM  
29 OF FOUR YEARS, AND UNTIL THAT MEMBER'S SUCCESSOR IS APPOINTED AND

1 QUALIFIED.] The term of office of a member of the board begins on  
2 February 1. [AN APPOINTMENT TO A VACANCY IS FOR THE UNEXPIRED TERM.  
3 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE  
4 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

5 \* Sec. 18. AS 08.36.025 is amended to read:

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

13 \* Sec. 19. AS 08.36.250(a) is amended to read:

14 (a) [A REGISTRATION CERTIFICATE IS VALID FOR FOUR YEARS.] At  
15 least 60 days before expiration of a licensee's registration certifi-  
16 cate, the division of occupational licensing shall mail a form for  
17 renewal of registration to each licensed dentist. Each licensee who  
18 wishes to renew a license shall complete the form and return it with  
19 the appropriate fee and evidence of continued professional competence  
20 as required by the board. The division of occupational licensing  
21 shall, as soon as practicable, issue a registration certificate valid  
22 for a stated number of years. Each licensee shall keep the registra-  
23 tion certificate beside or attached to the licensee's license. Fail-  
24 ure to receive the registration form does not exempt a licensee from  
25 renewing registration.

26 \* Sec. 20. AS 08.36.320(c) is amended to read:

27 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL  
28 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-  
29 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO

1 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the  
2 license of a licensee who refuses to submit to a physical or mental  
3 examination under AS 08.36.070(b)(1). A person whose license is  
4 suspended under this section is entitled to a hearing by the board  
5 within [NO LATER THAN] seven days after the effective date of the  
6 order. If, after a hearing, the board upholds the suspension, the  
7 licensee may appeal the suspension to a court of competent jurisdic-  
8 tion.

9 \* Sec. 21. AS 08.42.020(b) is amended to read:

10 (b) A person who has actively practiced embalming in the state  
11 for at least one year and holds a valid embalmer's license issued in  
12 this state before January 1, 1977, shall be granted a license to  
13 practice embalming and may renew the license [BIENNIALY]. A person  
14 who has actively practiced in the state as a funeral director for a  
15 period of at least one year shall be granted a license to practice as  
16 a funeral director and may renew that license [BIENNIALY].

17 \* Sec. 22. AS 08.42.020(c) is amended to read:

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

23 \* Sec. 23. AS 08.55.020(b) is amended to read:

24 (b) On or before the expiration of [ONE YEAR AFTER THE ISSUANCE  
25 OF] a license under this chapter, a licensee may apply for renewal of  
26 the license, and the department shall renew the license if the li-  
27 censee pays the renewal fee, has a current business license to act as  
28 a hearing aid dealer under AS 43.70.020, and provides evidence satis-  
29 factory to the department that the individual has not engaged in

1       conduct that is a ground for imposing disciplinary sanctions under AS  
2       08.55.130.

3       \* Sec. 24. AS 08.62.120 is amended to read:

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

8       \* Sec. 25. AS 08.71.020 is amended to read:

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

16       \* Sec. 26. AS 08.72.020 is amended to read:

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

20       \* Sec. 27. AS 08.72.040 is amended to read:

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

27       \* Sec. 28. AS 08.80.020 is amended to read:

28               Sec. 08.80.020. TERM OF OFFICE. [MEMBERS OF THE BOARD ARE  
29       APPOINTED BY THE GOVERNOR, AND CONFIRMED BY THE LEGISLATURE IN JOINT

1 SESSION, FOR OVERLAPPING TERMS OF FOUR YEARS, OR UNTIL THEIR SUCCES-  
2 SORS ARE APPOINTED AND QUALIFIED. THE TERMS OF THE PUBLIC MEMBERS  
3 SHALL BE STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME. AN  
4 APPOINTMENT TO FILL A VACANCY IS FOR THE UNEXPIRED TERM.] The term of  
5 office of a member of the board begins on April 1 of each year. [A  
6 PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAP-  
7 POINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

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

9 (a) There is created the State Physical Therapy Board, which  
10 consists of five members [APPOINTED BY THE GOVERNOR]. The membership  
11 consists of one physician licensed to practice medicine in the state,  
12 three physical therapists licensed in the state or two physical thera-  
13 pists and a physical therapy assistant licensed in the state, and one  
14 lay person with no direct financial interest in the health care indus-  
15 try. Members of the board shall be U.S. citizens domiciled in the  
16 state [AND SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, AND UNTIL  
17 THEIR SUCCESSORS ARE APPOINTED. A MEMBER MAY NOT SERVE MORE THAN TWO  
18 TERMS IN SUCCESSION. THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD  
19 FOR NEGLECT OF DUTY, INCOMPETENCE, DISHONORABLE CONDUCT, OR SUSPENSION  
20 OR REVOCATION OF LICENSE].

21 \* Sec. 30. AS 08.84.010(b) is amended to read:

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

- 25 (1) pass upon the qualifications of applicants;  
26 (2) conduct examinations;  
27 (3) issue temporary permits and licenses to physical thera-  
28 pists and physical therapy assistants qualified under this chapter;  
29 (4) suspend, revoke, or refuse to issue or renew a license

1       under [IN ACCORDANCE WITH] AS 08.84.120;

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

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

8               (7) [LIMIT OR CONDITION THE AUTHORITY TO PRACTICE PHYSICAL  
9 THERAPY, OR DISCIPLINE A PRACTITIONER, IN ACCORDANCE WITH AS 08.84.-  
10 185(a); AND

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

15 \* Sec. 31. AS 08.84.100(b) is amended to read:

16              (b) [BEFORE REINSTATEMENT OF A LICENSE THAT REMAINS LAPSED FOR  
17 MORE THAN 60 DAYS, THE APPLICANT MUST PAY ALL DELINQUENT RENEWAL FEES  
18 AND ANY PENALTY ESTABLISHED UNDER AS 08.01.100(b).] If a license  
19 remains lapsed for more than three years, the board may require the  
20 applicant to take and pass the examination given under AS 08.84.-  
21 030(3).

22 \* Sec. 32. AS 08.88.026 is repealed and reenacted to read:

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

25 \* Sec. 33. AS 08.92.010 is amended to read:

26              Sec. 08.92.010. REGISTRATION REQUIRED. A person may not engage  
27 in the business of promoting concerts in the state without a valid  
28 promoter's certificate of registration issued by the department. To  
29 remain valid, a certificate of registration must be renewed

1 [BIENNIALY] on a date set by the department.

2 \* Sec. 34. AS 08.92.020(b) is amended to read:

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

5 \* Sec. 35. TRANSITION. (a) Notwithstanding secs. 1 - 34 and 36 of  
6 this Act, a member of the Athletic Commission or a member of a board or  
7 commission established under AS 08 who is serving in that position on the  
8 effective date of this Act shall continue to serve the remainder of the  
9 term to which the member was appointed.

10 (b) Notwithstanding secs. 1 - 34 and 36 of this Act, a license regis-  
11 tration, certificate, permit, or other evidence of licensure issued under  
12 AS 08 that is in effect on the effective date of this Act is valid for the  
13 period for which it was issued unless revoked or suspended under procedures  
14 set out in AS 08.

15 \* Sec. 36. AS 08.01.050(c); AS 08.04.430; AS 08.11.030(a), 08.11.-  
16 030(b); AS 08.13.020; AS 08.20.030, 08.20.175; AS 08.32.171(a), 08.32.-  
17 171(b), 08.32.171(d), 08.32.171(e); AS 08.36.320(a), 08.36.320(b), 08.36.-  
18 320(d), 08.36.320(e); AS 08.40.020; AS 08.42.080; AS 08.48.021(b); AS 08.-  
19 54.020, 08.54.190(d); AS 08.55.020(a), 08.55.020(c); AS 08.64.020, 08.64.-  
20 040, 08.64.311; AS 08.68.020, 08.68.030, 08.68.050; AS 08.70.020(b), 08.-  
21 70.020(c), 08.70.140(b), 08.70.160; AS 08.71.045, 08.71.130(a), 08.71.-  
22 130(b), 08.71.175; AS 08.72.025, 08.72.030, 08.72.181(a), 08.72.250, 08.-  
23 72.255; AS 08.80.266; AS 08.84.100(a), 08.84.185; AS 08.86.020, 08.86.025,  
24 08.86.140(b), 08.86.206; AS 08.88.021; AS 08.98.020, 08.98.025, and 08.98.-  
25 240 are repealed.

26 \* Sec. 37. This Act takes effect immediately under AS 01.10.070(c).  
27  
28  
29  
30

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

No. 1

**REQUEST:** \_\_\_\_\_

Bill Version: HB 222  
Publish Date: HOUSE 4/8/87

Revision Date: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.

Title: An Act relating to occupational licensing; and providing for an effective date.

BRU: Occupational Licensing

Sponsor: House Labor & Commerce

Components: All

Requestor: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CAPITAL</b>						
<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS :** (Attach a separate page if necessary)

(See attached)

Prepared by: Jennifer Strickler, Management Analyst

Phone: 465-2144

Division: Occupational Licensing

Date: 4/3/87

Approved by Commissioner: J. Anthony Smith

Date: \_\_\_\_\_

Agency: Commerce and Economic Development

Distribution (by preparer):

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

HB 222

HB 222 makes miscellaneous housekeeping amendments to AS 08.01 to standardize provisions regarding board member appointments, terms of office, duration of licensing periods and disciplinary sanctions.

The bill also make amendments to the various licensing statutes to conform with the standardization in the central licensing act.

One of the amendments in the bill establishes a biennial license renewal cycle for all licensed occupations. This change will allow the division to budget and maintain licensing fees at a rate sufficient to cover expenditures. However, the provisions of the bill do not require new funding in order to be implemented.

HB 222: "An act relating to occupational licensing, and providing for an effective date."

HB 222 provides for miscellaneous amendments to the centralized licensing act (AS 08.01) and to various regulatory board statutes to bring them into compliance with the amendments to AS 08.01. The intent of the proposals is to standardize board membership, terms of office, duties, renewal dates and enforcement powers and are primarily housekeeping amendments. Three of the proposals, however, are substantive.

Section 6. Disciplinary Powers of Boards not only standardizes but increases the sanctions boards can utilize in disciplining incompetent or dishonest professionals. The new provisions, which are not currently utilized by any boards, are:

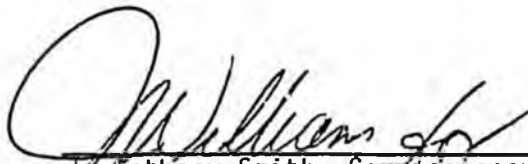
- (a)(5) require a licensee to submit to peer review
- (8) impose a civil fine not to exceed \$5,000.00
- (e) A board may accept the voluntary surrender of a license.

These provisions will increase the enforcement capability of the boards and provide less expensive and time-consuming means of disciplining licensees when license revocation or suspension is not warranted.

Section 7. License Renewal permits the department to renew all occupations on a biennial basis in order to even out the revenue collected from year to year. Currently, eight boards renew their licenses every four years. Although the average revenue collected over a four-year period is sufficient to cover the costs of operating the division from year to year, the revenue varies from year to year to the extent that expenditures are not covered by licensing fees. Biennial renewals will also insure that fees collected can be adjusted on a more timely basis when there are severe fluctuations in the economy.

Section 10. Citation for Unlicensed Practice gives the department the authority to issue citations for unlicensed activity. Currently, the department can issue cease and desist orders which allow for hearings under the Administrative Procedures Act. This is a time consuming and expensive process. Citations, on the other hand, require a mandatory court appearance and penalty fees for each continued day of unlicensed activity.

In summary, the department supports any efforts at increasing the effectiveness and efficiency of the enforcement capability of the regulatory boards.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
Department of Commerce and Economic  
Development

4/3/87  
\_\_\_\_\_  
Date

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1987

SUBJECT: CSHB 222 (Finance)  
(Work Order No. 5-0616)

TO: Representative Al Adams, Chairman  
House Finance Committee

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum accompanies the final CSHB 222 (Finance).

In addition to the new language added to page 1, line 25 of the bill at the direction of the committee, the bill contains a minor amendment to Section 26 of the bill to correct an oversight in drafting. AS 08.86.140(b) is added to the list of sections repealed.

One of the objectives of HB 222 is to provide for biennial licenses for all professions regulated under Title 8. When HB 222 was drafted, AS 08.86.140(b) was overlooked. AS 08.86.140(b) provides that licenses issued to psychologists are valid for four years. By repealing AS 08.86.140(b) the license period for psychologists will be consistent with the other professions regulated under Title 8.

GU:lmb  
M11/091

Enclosure

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

HOUSE BILL NO. 222

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 unexcused absences from  
26 meetings; are cause for removal. *three or more*

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 08.45 for naturopaths, or  
16 under AS 08.55 for hearing aid dealers;
- 17 (5) designate dates examinations are to be held and notify  
18 applicants;
- 19 (6) publish notice of examinations and proceedings [EXAM-  
20 INATION];
- 21 (7) arrange space for holding examinations and proceedings;
- 22 (8) notify applicants of results of examinations;
- 23 (9) issue licenses [AND CERTIFICATES] or temporary licenses  
24 [OR CERTIFICATES] as authorized by the board or as authorized by the  
25 department under AS 08.11 for audiologists, under AS 08.45 for naturo-  
26 paths, or under AS 08.55 for hearing aid dealers;
- 27 (10) issue duplicate licenses [OR CERTIFICATES] upon sub-  
28 mission of a written request [PROOF] by the licensee attesting to [OF]  
29 loss of or the failure to receive the original and payment by the

1 licensee of a fee established by regulation adopted by the department  
2 [OF \$2 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE];

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

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

7 (13) answer routine inquiries;

8 (14) maintain files relating to individual licensees;

9 (15) arrange for printing and advertising;

10 (16) purchase supplies;

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

12 (18) perform other services that may be requested by the  
13 board;

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

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

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

24 Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board  
25 shall perform the following duties in addition to those provided in  
26 its respective law:

27 (1) take [KEEP] minutes and records of all proceedings;

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

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

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

3 (5) prepare and grade board examinations;

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

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

8 (8) forward results of board examinations to the department  
9 within 20 days after the examination is given;

10 (9) notify the department of meeting dates and agenda items  
11 at least 15 days before meetings and other proceedings are held;

12 (10) submit before the end of the fiscal year an annual  
13 performance report to the department stating the board's accomplish-  
14 ments, activities, and needs [MEETING].

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

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

18 (1) permanently revoke a license;

19 (2) suspend a license for a specified period;

20 (3) censure or reprimand a licensee;

21 (4) impose limitations or conditions on the professional  
22 practice of a licensee;

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

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

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

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

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

3 (c) A board may summarily suspend a licensee from the practice  
4 of the profession before a final hearing is held or during an appeal  
5 if the board finds that the licensee poses a clear and immediate  
6 danger to the public health and safety. A person is entitled to a  
7 hearing before the board to appeal the summary suspension within seven  
8 days after the order of suspension is issued. A person may appeal an  
9 adverse decision of the board on an appeal of a summary suspension to  
10 a court of competent jurisdiction.

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

14 (e) A board may accept the voluntary surrender of a license. A  
15 license may not be returned unless the board determines that the  
16 licensee is competent to resume practice and the licensee pays the  
17 appropriate renewal fee.

18 (f) A board shall seek consistency in the application of disci-  
19 plinary sanctions. A board shall explain a significant departure from  
20 prior decisions involving similar facts in the order imposing the  
21 sanction.

22 \* Sec. 7. AS 08.01.100(a) is amended to read:

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

26 \* Sec. 8. AS 08.01.100(b) is repealed and reenacted to read:

27 (b) A license subject to renewal shall be renewed on or before  
28 the date set by the department. If the license is not renewed by the  
29 date set by the department, the license lapses. In addition to

1 renewal fees required for reinstatement of the lapsed license, the  
2 department may impose a delayed renewal penalty, established by regu-  
3 lation, that shall be paid before a license that has been lapsed for  
4 more than 60 days may be renewed. The department may adopt a delayed  
5 renewal penalty only with the concurrence of the appropriate board.

6 \* Sec. 9. AS 08.01.100 is amended by adding new subsections to read:

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

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

12 \* Sec. 10. AS 08.01 is amended by adding new sections to read:

13 Sec. 08.01.102. CITATION FOR UNLICENSED PRACTICE. The depart-  
14 ment may issue a citation for a violation of a license requirement of  
15 a board or profession listed in AS 08.01.010 if there is probable  
16 cause to believe a person has practiced a profession for which a  
17 license is required without holding the license. Each day a violation  
18 continues after a citation for the violation has been issued consti-  
19 tutes a separate violation.

20 Sec. 08.01.103. PROCEDURE AND FORM OF CITATION. (a) A citation  
21 issued under AS 08.01.102 must be in writing. A person receiving the  
22 citation is not required to sign a notice to appear in court.

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

27 (c) The department is responsible for the issuance of books con-  
28 taining appropriate citations, and shall maintain a record of each  
29 book issued and each citation contained in it. The department shall

1 require and retain a receipt for every book issued to an employee of  
2 the department.

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

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

16 (f) If the form of citation includes the essential facts con-  
17 stituting the offense charged, and if the citation is sworn to as  
18 required under the laws of this state for a complaint charging commis-  
19 sion of the offense alleged in the citation, then the citation when  
20 filed with a court having jurisdiction is considered to be a lawful  
21 complaint for the purpose of prosecution.

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

28 \* Sec. 11. AS 08.02.020 is amended to read:

29 Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF LICENSING

1        BOARDS AND PEER REVIEW COMMITTEES. A person is not liable for damages  
2        or other relief in an action by reason of the person's performance of  
3        a duty, function, or activity as a member of a licensing board or peer  
4        review committee established to review a licensing matter, or by  
5        reason of a recommendation or action of the board or peer review  
6        committee when the person acts in the reasonable belief that the  
7        action or recommendation is warranted by facts known to the person or  
8        to the board or peer review committee after reasonable efforts to  
9        ascertain the facts upon which the action or recommendation is made.

10       \* Sec. 12. AS 08.04.040 is amended to read:

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

18       \* Sec. 13. AS 08.13.100(a) is amended to read:

19                (a) The board shall authorize the issuance of a license to each  
20        qualified applicant who has passed an examination under AS 08.13.090.  
21        [THE LICENSE IS VALID FOR TWO YEARS AND SUBJECT TO RENEWAL.]

22       \* Sec. 14. AS 03.18.031(a) is amended to read:

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

28       \* Sec. 15. AS 08.32.071 is amended to read:

29                Sec. 08.32.071.        RENEWAL OF REGISTRATION.        [A REGISTRATION

1 CERTIFICATE IS VALID FOR FOUR YEARS.] At least 60 days before ex-  
2 piration of a licensee's registration certificate, the division of  
3 occupational licensing shall mail a form for renewal of registration  
4 to each licensed dental hygienist. Each licensee who wishes to renew  
5 a registration certificate shall complete the form and return it with  
6 the appropriate fee and evidence of continued professional competence  
7 as required by the board. The division of occupational licensing  
8 shall, as soon as practicable, issue a registration certificate valid  
9 for a stated number of years. Each licensee shall keep the registra-  
10 tion certificate beside or attached to the licensee's license. Fail-  
11 ure to receive the registration form does not exempt a licensee from  
12 renewing registration.

13 \* Sec. 16. AS 08.32.171(c) is amended to read:

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

25 \* Sec. 17. AS 08.36.020 is amended to read:

26 Sec. 08.36.020. [APPOINTMENT AND] TERM OF OFFICE. [MEMBERS OF  
27 THE BOARD ARE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY  
28 THE LEGISLATURE IN JOINT SESSION. EACH BOARD MEMBER SERVES FOR A TERM  
29 OF FOUR YEARS, AND UNTIL THAT MEMBER'S SUCCESSOR IS APPOINTED AND

1 QUALIFIED.] The term of office of a member of the board begins on  
2 February 1. [AN APPOINTMENT TO A VACANCY IS FOR THE UNEXPIRED TERM.  
3 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE  
4 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

5 \* Sec. 18. AS 08.36.025 is amended to read:

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

13 \* Sec. 19. AS 08.36.250(a) is amended to read:

14 (a) [A REGISTRATION CERTIFICATE IS VALID FOR FOUR YEARS.] At  
15 least 60 days before expiration of a licensee's registration certifi-  
16 cate, the division of occupational licensing shall mail a form for  
17 renewal of registration to each licensed dentist. Each licensee who  
18 wishes to renew a license shall complete the form and return it with  
19 the appropriate fee and evidence of continued professional competence  
20 as required by the board. The division of occupational licensing  
21 shall, as soon as practicable, issue a registration certificate valid  
22 for a stated number of years. Each licensee shall keep the registra-  
23 tion certificate beside or attached to the licensee's license. Fail-  
24 ure to receive the registration form does not exempt a licensee from  
25 renewing registration.

26 \* Sec. 20. AS 08.36.320(c) is amended to read:

27 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL  
28 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-  
29 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO

1 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the  
2 license of a licensee who refuses to submit to a physical or mental  
3 examination under AS 08.36.070(b)(1). A person whose license is  
4 suspended under this section is entitled to a hearing by the board  
5 within [NO LATER THAN] seven days after the effective date of the  
6 order. If, after a hearing, the board upholds the suspension, the  
7 licensee may appeal the suspension to a court of competent jurisdic-  
8 tion.

9 \* Sec. 21. AS 08.42.020(b) is amended to read:

10 (b) A person who has actively practiced embalming in the state  
11 for at least one year and holds a valid embalmer's license issued in  
12 this state before January 1, 1977, shall be granted a license to  
13 practice embalming and may renew the license [BIENNIALY]. A person  
14 who has actively practiced in the state as a funeral director for a  
15 period of at least one year shall be granted a license to practice as  
16 a funeral director and may renew that license [BIENNIALY].

17 \* Sec. 22. AS 08.42.020(c) is amended to read:

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

23 \* Sec. 23. AS 08.55.020(b) is amended to read:

24 (b) On or before the expiration of [ONE YEAR AFTER THE ISSUANCE  
25 OF] a license under this chapter, a licensee may apply for renewal of  
26 the license, and the department shall renew the license if the li-  
27 censee pays the renewal fee, has a current business license to act as  
28 a hearing aid dealer under AS 43.70.020, and provides evidence satis-  
29 factory to the department that the individual has not engaged in

1       conduct that is a ground for imposing disciplinary sanctions under AS  
2       08.55.130.

3       \* Sec. 24. AS 08.62.120 is amended to read:

4               Sec. 08.62.120. RENEWAL [DURATION, RENEWAL]. [A LICENSE ISSUED  
5       UNDER THIS CHAPTER SHALL BE RENEWED BIENNIALLY ON DATES SET BY THE  
6       DEPARTMENT.] A license shall be renewed without examination upon the  
7       payment of the [BIENNIAL] license fee.

8       \* Sec. 25. AS 08.71.020 is amended to read:

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

16       \* Sec. 26. AS 08.72.020 is amended to read:

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

20       \* Sec. 27. AS 08.72.040 is amended to read:

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

27       \* Sec. 28. AS 08.80.020 is amended to read:

28               Sec. 08.80.020. TERM OF OFFICE. [MEMBERS OF THE BOARD ARE  
29       APPOINTED BY THE GOVERNOR, AND CONFIRMED BY THE LEGISLATURE IN JOINT

1       SESSION, FOR OVERLAPPING TERMS OF FOUR YEARS, OR UNTIL THEIR SUCCE-  
2       SORS ARE APPOINTED AND QUALIFIED. THE TERMS OF THE PUBLIC MEMBERS  
3       SHALL BE STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME. AN  
4       APPOINTMENT TO FILL A VACANCY IS FOR THE UNEXPIRED TERM.] The term of  
5       office of a member of the board begins on April 1 of each year. [A  
6       PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAP-  
7       POINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

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

9               (a) There is created the State Physical Therapy Board, which  
10       consists of five members [APPOINTED BY THE GOVERNOR]. The membership  
11       consists of one physician licensed to practice medicine in the state,  
12       three physical therapists licensed in the state or two physical thera-  
13       pists and a physical therapy assistant licensed in the state, and one  
14       lay person with no direct financial interest in the health care indus-  
15       try. Members of the board shall be U.S. citizens domiciled in the  
16       state [AND SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, AND UNTIL  
17       THEIR SUCCESSORS ARE APPOINTED. A MEMBER MAY NOT SERVE MORE THAN TWO  
18       TERMS IN SUCCESSION. THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD  
19       FOR NEGLECT OF DUTY, INCOMPETENCE, DISHONORABLE CONDUCT, OR SUSPENSION  
20       OR REVOCATION OF LICENSE].

21       \* Sec. 30. AS 08.84.010(b) is amended to read:

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

- 25                       (1) pass upon the qualifications of applicants;  
26                       (2) conduct examinations;  
27                       (3) issue temporary permits and licenses to physical thera-  
28       pists and physical therapy assistants qualified under this chapter;  
29                       (4) suspend, revoke, or refuse to issue or renew a license

1        under [IN ACCORDANCE WITH] AS 08.84.120;

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

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

8                    (7) [LIMIT OR CONDITION THE AUTHORITY TO PRACTICE PHYSICAL  
9 THERAPY, OR DISCIPLINE A PRACTITIONER, IN ACCORDANCE WITH AS 08.84.-  
10 185(a); AND

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

15 \* Sec. 31. AS 08.84.100(b) is amended to read:

16                    (b) [BEFORE REINSTATEMENT OF A LICENSE THAT REMAINS LAPSED FOR  
17 MORE THAN 60 DAYS, THE APPLICANT MUST PAY ALL DELINQUENT RENEWAL FEES  
18 AND ANY PENALTY ESTABLISHED UNDER AS 08.01.100(b).] If a license  
19 remains lapsed for more than three years, the board may require the  
20 applicant to take and pass the examination given under AS 08.84.-  
21 030(3).

22 \* Sec. 32. AS 08.88.026 is repealed and reenacted to read:

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

25 \* Sec. 33. AS 08.92.010 is amended to read:

26                    Sec. 08.92.010. REGISTRATION REQUIRED. A person may not engage  
27 in the business of promoting concerts in the state without a valid  
28 promoter's certificate of registration issued by the department. To  
29 remain valid, a certificate of registration must be renewed

1 [BIENNIALLY] on a date set by the department.

2 \* Sec. 34. AS 08.92.020(b) is amended to read:

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

5 \* Sec. 35. TRANSITION. (a) Notwithstanding secs. 1 - 34 and 36 of  
6 this Act, a member of the Athletic Commission or a member of a board or  
7 commission established under AS 08 who is serving in that position on the  
8 effective date of this Act shall continue to serve the remainder of the  
9 term to which the member was appointed.

10 (b) Notwithstanding secs. 1 - 34 and 36 of this Act, a license regis-  
11 tration, certificate, permit, or other evidence of licensure issued under  
12 AS 08 that is in effect on the effective date of this Act is valid for the  
13 period for which it was issued unless revoked or suspended under procedures  
14 set out in AS 08.

15 \* Sec. 36. AS 08.01.050(c); AS 08.04.430; AS 08.11.030(a) and (b);  
16 AS 08.13.020; AS 08.20.030, 08.20.175; AS 08.32.171(a), (b), (d), and (e);  
17 AS 08.36.320(a), (b), (d), and (e); AS 08.40.020; AS 08.42.080; AS 08.48.-  
18 021(b); AS 08.54.020, 08.54.190(d); AS 08.55.020(a) and (c); AS 08.64.020,  
19 08.64.040, 08.64.311; AS 08.68.020, 08.68.030, 08.68.050; AS 08.70.020(b)  
20 and (c), 08.70.140(b), 08.70.160; AS 08.71.045, 08.71.130(a) and (b),  
21 08.71.175; AS 08.72.025, 08.72.030, 08.72.181(a), 08.72.250, 08.72.255;  
22 AS 08.80.266; AS 08.84.100(a), 08.84.185; AS 08.86.020, 08.86.025, 08.86.-  
23 206; AS 08.88.021; AS 08.98.020, 08.98.025, and 08.98.240 are repealed.

24 \* Sec. 37. This Act takes effect immediately under AS 01.10.070(c).

C S H B

2 2 2

SENATE COMMITTEE REPORT

FURTHER:

5/11/87

DATE TURNED INTO OFFICE 5/17/87

Mr. President:

FINANCE Committee considered CSHB 222(Fin)

occupational licesing; efd.

and recommended:

replace with CS FOR \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
 zero  fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures: Paul Smith, W. Kersby, etc.]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature]* Do Pass  
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

No. 2

Bill Version: CSHB 222(Fin)  
Publish Date: HOUSE 4/29/87

REQUEST: \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing

Title: An Act relating to occupational licensing; and providing for an effective date.

Sponsor: House Labor & Commerce.

Components: All

Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

(See attached)

Prepared by: Jennifer Strickler, Management Analyst

Division: Occupational Licensing

Phone: 465-2144

Date: 4/3/87

Approved by Commissioner: J. Anthony Smith

Agency: Commerce and Economic Development

Date: \_\_\_\_\_

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

HB 222

HB 222 makes miscellaneous housekeeping amendments to AS 08.01 to standardize provisions regarding board member appointments, terms of office, duration of licensing periods and disciplinary sanctions.

The bill also make amendments to the various licensing statutes to conform with the standardization in the central licensing act.

One of the amendments in the bill establishes a biennial license renewal cycle for all licensed occupations. This change will allow the division to budget and maintain licensing fees at a rate sufficient to cover expenditures. However, the provisions of the bill do not require new funding in order to be implemented.

Original sponsor: Labor and Commerce  
Committee

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 222 (Finance)

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 08.45 for naturopaths, or  
16 under AS 08.55 for hearing aid dealers;
- 17 (5) designate dates examinations are to be held and notify  
18 applicants;
- 19 (6) publish notice of examinations and proceedings [EXAM-  
20 INATION];
- 21 (7) arrange space for holding examinations and proceedings;
- 22 (8) notify applicants of results of examinations;
- 23 (9) issue licenses [AND CERTIFICATES] or temporary licenses  
24 [OR CERTIFICATES] as authorized by the board or as authorized by the  
25 department under AS 08.11 for audiologists, under AS 08.45 for naturo-  
26 paths, or under AS 08.55 for hearing aid dealers;
- 27 (10) issue duplicate licenses [OR CERTIFICATES] upon sub-  
28 mission of a written request [PROOF] by the licensee attesting to [OF]  
29 loss of or the failure to receive the original and payment by the

1 licensee of a fee established by regulation adopted by the department  
2 [OF \$2 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE];

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

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

7 (13) answer routine inquiries;

8 (14) maintain files relating to individual licensees;

9 (15) arrange for printing and advertising;

10 (16) purchase supplies;

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

12 (18) perform other services that may be requested by the  
13 board;

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

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

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

24 Sec. 08.01.070. ADMINISTRATIVE DUTIES OF BOARDS. Each board  
25 shall perform the following duties in addition to those provided in  
26 its respective law:

27 (1) take [KEEP] minutes and records of all proceedings;

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

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

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

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

- 16 Sec. 08.01.075. DISCIPLINARY POWERS OF BOARDS. (a) A board may
- 17 take the following disciplinary actions, singly or in combination:
- 18 (1) permanently revoke a license;
  - 19 (2) suspend a license for a specified period;
  - 20 (3) censure or reprimand a licensee;
  - 21 (4) impose limitations or conditions on the professional
  - 22 practice of a licensee;
  - 23 (5) require a licensee to submit to peer review;
  - 24 (6) impose requirements for remedial professional education
  - 25 to correct deficiencies in the education, training, and skill of the
  - 26 licensee;
  - 27 (7) impose probation requiring a licensee to report regu-
  - 28 larly to the board on matters related to the grounds for probation;
  - 29 (8) impose a civil fine not to exceed \$5,000.

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

3 (c) A board may summarily suspend a licensee from the practice  
4 of the profession before a final hearing is held or during an appeal  
5 if the board finds that the licensee poses a clear and immediate  
6 danger to the public health and safety. A person is entitled to a  
7 hearing before the board to appeal the summary suspension within seven  
8 days after the order of suspension is issued. A person may appeal an  
9 adverse decision of the board on an appeal of a summary suspension to  
10 a court of competent jurisdiction.

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

14 (e) A board may accept the voluntary surrender of a license. A  
15 license may not be returned unless the board determines that the  
16 licensee is competent to resume practice and the licensee pays the  
17 appropriate renewal fee.

18 (f) A board shall seek consistency in the application of disci-  
19 plinary sanctions. A board shall explain a significant departure from  
20 prior decisions involving similar facts in the order imposing the  
21 sanction.

22 \* Sec. 7. AS 08.01.100(a) is amended to read:

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

26 \* Sec. 8. AS 08.01.100(b) is repealed and reenacted to read:

27 (b) A license subject to renewal shall be renewed on or before  
28 the date set by the department. If the license is not renewed by the  
29 date set by the department, the license lapses. In addition to

1 renewal fees required for reinstatement of the lapsed license, the  
2 department may impose a delayed renewal penalty, established by regu-  
3 lation, that shall be paid before a license that has been lapsed for  
4 more than 60 days may be renewed. The department may adopt a delayed  
5 renewal penalty only with the concurrence of the appropriate board.

6 \* Sec. 9. AS 08.01.100 is amended by adding new subsections to read:

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

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

12 \* Sec. 10. AS 08.01 is amended by adding new sections to read:

13 Sec. 08.01.102. CITATION FOR UNLICENSED PRACTICE. The depart-  
14 ment may issue a citation for a violation of a license requirement of  
15 a board or profession listed in AS 08.01.010 if there is probable  
16 cause to believe a person has practiced a profession for which a  
17 license is required without holding the license. Each day a violation  
18 continues after a citation for the violation has been issued consti-  
19 tutes a separate violation.

20 Sec. 08.01.103. PROCEDURE AND FORM OF CITATION. (a) A citation  
21 issued under AS 08.01.102 must be in writing. A person receiving the  
22 citation is not required to sign a notice to appear in court.

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

27 (c) The department is responsible for the issuance of books con-  
28 taining appropriate citations, and shall maintain a record of each  
29 book issued and each citation contained in it. The department shall

1 require and retain a receipt for every book issued to an employee of  
2 the department.

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

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

16 (f) If the form of citation includes the essential facts con-  
17 stituting the offense charged, and if the citation is sworn to as  
18 required under the laws of this state for a complaint charging commis-  
19 sion of the offense alleged in the citation, then the citation when  
20 filed with a court having jurisdiction is considered to be a lawful  
21 complaint for the purpose of prosecution.

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

28 \* Sec. 11. AS 08.02.020 is amended to read:

29 Sec. 08.02.020. LIMITATION OF LIABILITY FOR MEMBERS OF LICENSING

1        BOARDS AND PEER REVIEW COMMITTEES. A person is not liable for damages  
2        or other relief in an action by reason of the person's performance of  
3        a duty, function, or activity as a member of a licensing board or peer  
4        review committee established to review a licensing matter, or by  
5        reason of a recommendation or action of the board or peer review  
6        committee when the person acts in the reasonable belief that the  
7        action or recommendation is warranted by facts known to the person or  
8        to the board or peer review committee after reasonable efforts to  
9        ascertain the facts upon which the action or recommendation is made.

10       \* Sec. 12. AS 08.04.040 is amended to read:

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

18       \* Sec. 13. AS 08.13.100(a) is amended to read:

19                (a) The board shall authorize the issuance of a license to each  
20        qualified applicant who has passed an examination under AS 08.13.090.  
21        [THE LICENSE IS VALID FOR TWO YEARS AND SUBJECT TO RENEWAL.]

22       \* Sec. 14. AS 08.18.031(a) is amended to read:

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

28       \* Sec. 15. AS 08.32.071 is amended to read:

29                Sec. 08.32.071.        RENEWAL OF REGISTRATION.        [A REGISTRATION

1 CERTIFICATE IS VALID FOR FOUR YEARS.] At least 60 days before ex-  
2 piration of a licensee's registration certificate, the division of  
3 occupational licensing shall mail a form for renewal of registration  
4 to each licensed dental hygienist. Each licensee who wishes to renew  
5 a registration certificate shall complete the form and return it with  
6 the appropriate fee and evidence of continued professional competence  
7 as required by the board. The division of occupational licensing  
8 shall, as soon as practicable, issue a registration certificate valid  
9 for a stated number of years. Each licensee shall keep the registra-  
10 tion certificate beside or attached to the licensee's license. Fail-  
11 ure to receive the registration form does not exempt a licensee from  
12 renewing registration.

13 \* Sec. 16. AS 08.32.171(c) is amended to read:

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

25 \* Sec. 17. AS 08.36.020 is amended to read:

26 Sec. 08.36.020. [APPOINTMENT AND] TERM OF OFFICE. [MEMBERS OF  
27 THE BOARD ARE APPOINTED BY THE GOVERNOR, SUBJECT TO CONFIRMATION BY  
28 THE LEGISLATURE IN JOINT SESSION. EACH BOARD MEMBER SERVES FOR A TERM  
29 OF FOUR YEARS, AND UNTIL THAT MEMBER'S SUCCESSOR IS APPOINTED AND

1 QUALIFIED.] The term of office of a member of the board begins on  
2 February 1. [AN APPOINTMENT TO A VACANCY IS FOR THE UNEXPIRED TERM.  
3 A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE  
4 REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

5 \* Sec. 18. AS 08.36.025 is amended to read:

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

13 \* Sec. 19. AS 08.36.250(a) is amended to read:

14 (a) [A REGISTRATION CERTIFICATE IS VALID FOR FOUR YEARS.] At  
15 least 60 days before expiration of a licensee's registration certifi-  
16 cate, the division of occupational licensing shall mail a form for  
17 renewal of registration to each licensed dentist. Each licensee who  
18 wishes to renew a license shall complete the form and return it with  
19 the appropriate fee and evidence of continued professional competence  
20 as required by the board. The division of occupational licensing  
21 shall, as soon as practicable, issue a registration certificate valid  
22 for a stated number of years. Each licensee shall keep the registra-  
23 tion certificate beside or attached to the licensee's license. Fail-  
24 ure to receive the registration form does not exempt a licensee from  
25 renewing registration.

26 \* Sec. 20. AS 08.36.320(c) is amended to read:

27 (c) [THE BOARD MAY SUMMARILY SUSPEND A LICENSE BEFORE FINAL  
28 HEARING OR DURING THE APPEALS PROCESS IF THE BOARD FINDS THAT CON-  
29 TINUED PRACTICE BY THE LICENSEE POSES A CLEAR AND IMMEDIATE DANGER TO

1 THE PUBLIC HEALTH AND SAFETY.] The board may summarily suspend the  
2 license of a licensee who refuses to submit to a physical or mental  
3 examination under AS 08.36.070(b)(1). A person whose license is  
4 suspended under this section is entitled to a hearing by the board  
5 within [NO LATER THAN] seven days after the effective date of the  
6 order. If, after a hearing, the board upholds the suspension, the  
7 licensee may appeal the suspension to a court of competent jurisdic-  
8 tion.

9 \* Sec. 21. AS 08.42.020(b) is amended to read:

10 (b) A person who has actively practiced embalming in the state  
11 for at least one year and holds a valid embalmer's license issued in  
12 this state before January 1, 1977, shall be granted a license to  
13 practice embalming and may renew the license [BIENNIALY]. A person  
14 who has actively practiced in the state as a funeral director for a  
15 period of at least one year shall be granted a license to practice as  
16 a funeral director and may renew that license [BIENNIALY].

17 \* Sec. 22. AS 08.42.020(c) is amended to read:

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

23 \* Sec. 23. AS 08.55.020(b) is amended to read:

24 (b) On or before the expiration of [ONE YEAR AFTER THE ISSUANCE  
25 OF] a license under this chapter, a licensee may apply for renewal of  
26 the license, and the department shall renew the license if the li-  
27 censee pays the renewal fee, has a current business license to act as  
28 a hearing aid dealer under AS 43.70.020, and provides evidence satis-  
29 factory to the department that the individual has not engaged in

1       conduct that is a ground for imposing disciplinary sanctions under AS  
2       08.55.130.

3       \* Sec. 24. AS 08.62.120 is amended to read:

4               Sec. 08.62.120. RENEWAL [DURATION, RENEWAL]. [A LICENSE ISSUED  
5       UNDER THIS CHAPTER SHALL BE RENEWED BIENNIALLY ON DATES SET BY THE  
6       DEPARTMENT.] A license shall be renewed without examination upon the  
7       payment of the [BIENNIAL] license fee.

8       \* Sec. 25. AS 08.71.020 is amended to read:

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

16       \* Sec. 26. AS 08.72.020 is amended to read:

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

20       \* Sec. 27. AS 08.72.040 is amended to read:

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

27       \* Sec. 28. AS 08.80.020 is amended to read:

28               Sec. 08.80.020. TERM OF OFFICE. [MEMBERS OF THE BOARD ARE  
29       APPOINTED BY THE GOVERNOR, AND CONFIRMED BY THE LEGISLATURE IN JOINT

1       SESSION, FOR OVERLAPPING TERMS OF FOUR YEARS, OR UNTIL THEIR SUCCESSIONS ARE APPOINTED AND QUALIFIED. THE TERMS OF THE PUBLIC MEMBERS SHALL BE STAGGERED SO THAT THEY DO NOT EXPIRE AT THE SAME TIME. AN APPOINTMENT TO FILL A VACANCY IS FOR THE UNEXPIRED TERM.] The term of office of a member of the board begins on April 1 of each year. [A PERSON WHO HAS SERVED TWO SUCCESSIVE COMPLETE TERMS MAY NOT BE REAPPOINTED UNTIL FOUR YEARS FROM THE EXPIRATION OF THE SECOND TERM.]

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

9           (a) There is created the State Physical Therapy Board, which consists of five members [APPOINTED BY THE GOVERNOR]. The membership consists of one physician licensed to practice medicine in the state, three physical therapists licensed in the state or two physical therapists and a physical therapy assistant licensed in the state, and one lay person with no direct financial interest in the health care industry. Members of the board shall be U.S. citizens domiciled in the state [AND SHALL BE APPOINTED FOR A TERM OF FOUR YEARS, AND UNTIL THEIR SUCCESSORS ARE APPOINTED. A MEMBER MAY NOT SERVE MORE THAN TWO TERMS IN SUCCESSION. THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR NEGLIGENCE OF DUTY, INCOMPETENCE, DISHONORABLE CONDUCT, OR SUSPENSION OR REVOCATION OF LICENSE].

21       \* Sec. 30. AS 08.84.010(b) is amended to read:

22           (b) The Physical Therapy Board shall control all matters pertaining to the licensing of physical therapists and physical therapy assistants and the practice of physical therapy. The board shall

- 25                   (1) pass upon the qualifications of applicants;
  - 26                   (2) conduct examinations;
  - 27                   (3) issue temporary permits and licenses to physical therapists and physical therapy assistants qualified under this chapter;
  - 28                   (4) suspend, revoke, or refuse to issue or renew a license
- 29

1        under [IN ACCORDANCE WITH] AS 08.84.120;

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

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

8                (7) [LIMIT OR CONDITION THE AUTHORITY TO PRACTICE PHYSICAL  
9 THERAPY, OR DISCIPLINE A PRACTITIONER, IN ACCORDANCE WITH AS 08.84.-  
10 185(a); AND

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

15 \* Sec. 31. AS 08.84.100(b) is amended to read:

16                (b) [BEFORE REINSTATEMENT OF A LICENSE THAT REMAINS LAPSED FOR  
17 MORE THAN 60 DAYS, THE APPLICANT MUST PAY ALL DELINQUENT RENEWAL FEES  
18 AND ANY PENALTY ESTABLISHED UNDER AS 08.01.100(b).] If a license  
19 remains lapsed for more than three years, the board may require the  
20 applicant to take and pass the examination given under AS 08.84.-  
21 030(:).

22 \* Sec. 32. AS 08.88.026 is repealed and reenacted to read:

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

25 \* Sec. 33. AS 08.92.010 is amended to read:

26                Sec. 08.92.010. REGISTRATION REQUIRED. A person may not engage  
27 in the business of promoting concerts in the state without a valid  
28 promoter's certificate of registration issued by the department. To  
29 remain valid, a certificate of registration must be renewed

1 [BIENNIALLY] on a date set by the department.

2 \* Sec. 34. AS 08.92.020(b) is amended to read:

3 (b) The [BIENNIAL] fee for the renewal of a registration certifi-  
4 cate is also established by regulations adopted under AS 08.01.065.

5 \* Sec. 35. TRANSITION. (a) Notwithstanding secs. 1 - 34 and 36 of  
6 this Act, a member of the Athletic Commission or a member of a board or  
7 commission established under AS 08 who is serving in that position on the  
8 effective date of this Act shall continue to serve the remainder of the  
9 term to which the member was appointed.

10 (b) Notwithstanding secs. 1 - 34 and 36 of this Act, a license regis-  
11 tration, certificate, permit, or other evidence of licensure issued under  
12 AS 08 that is in effect on the effective date of this Act is valid for the  
13 period for which it was issued unless revoked or suspended under procedures  
14 set out in AS 08.

15 \* Sec. 36. AS 08.01.050(c); AS 08.04.430; AS 08.11.030(a), 08.11.-  
16 030(b); AS 08.13.020; AS 08.20.030, 08.20.175; AS 08.32.171(a), 08.32.-  
17 171(b), 08.32.171(d), 08.32.171(e); AS 08.36.320(a), 08.36.320(b), 08.36.-  
18 320(d), 08.36.320(e); AS 08.40.020; AS 08.42.080; AS 08.48.021(b); AS 08.-  
19 54.020, 08.54.190(d); AS 08.55.020(a), 08.55.020(c); AS 08.64.020, 08.64.-  
20 040, 08.64.311; AS 08.68.020, 08.68.030, 08.68.050; AS 08.70.020(b), 08.-  
21 70.020(c), 08.70.140(b), 08.70.160; AS 08.71.045, 08.71.130(a), 08.71.-  
22 130(b), 08.71.175; AS 08.72.025, 08.72.030, 08.72.181(a), 08.72.250, 08.-  
23 72.255; AS 08.80.266; AS 08.84.100(a), 08.84.185; AS 08.86.020, 08.86.025,  
24 08.86.140(b), 08.86.206; AS 08.88.021; AS 08.98.020, 08.98.025, and 08.98.-  
25 240 are repealed.

26 \* Sec. 37. This Act takes effect immediately under AS 01.10.070(c).

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 29, 1987

SUBJECT: CSHB 222 (Finance)  
(Work Order No. 5-0616)

TO: Representative Al Adams, Chairman  
House Finance Committee

FROM: George Utermohle *GU*  
Legislative Counsel

This memorandum accompanies the final CSHB 222 (Finance).

In addition to the new language added to page 1, line 25 of the bill at the direction of the committee, the bill contains a minor amendment to Section 26 of the bill to correct an oversight in drafting. AS 08.86.140(b) is added to the list of sections repealed.

One of the objectives of HB 222 is to provide for biennial licenses for all professions regulated under Title 8. When HB 222 was drafted, AS 08.86.140(b) was overlooked. AS 08.86.140(b) provides that licenses issued to psychologists are valid for four years. By repealing AS 08.86.140(b) the license period for psychologists will be consistent with the other professions regulated under Title 8.

GU:lmb  
M11/091

Enclosure

HB 222: "An act relating to occupational licensing, and providing for an effective date."

HB 222 provides for miscellaneous amendments to the centralized licensing act (AS 08.01) and to various regulatory board statutes to bring them into compliance with the amendments to AS 08.01. The intent of the proposals is to standardize board membership, terms of office, duties, renewal dates and enforcement powers and are primarily housekeeping amendments. Three of the proposals, however, are substantive.

Section 6. Disciplinary Powers of Boards not only standardizes but increases the sanctions boards can utilize in disciplining incompetent or dishonest professionals. The new provisions, which are not currently utilized by any boards, are:

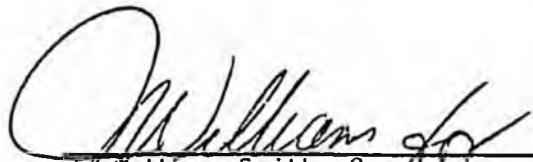
- (a)(5) require a licensee to submit to peer review
- (8) impose a civil fine not to exceed \$5,000.00
- (e) A board may accept the voluntary surrender of a license.

These provisions will increase the enforcement capability of the boards and provide less expensive and time-consuming means of disciplining licensees when license revocation or suspension is not warranted.

Section 7. License Renewal permits the department to renew all occupations on a biennial basis in order to even out the revenue collected from year to year. Currently, eight boards renew their licenses every four years. Although the average revenue collected over a four-year period is sufficient to cover the costs of operating the division from year to year, the revenue varies from year to year to the extent that expenditures are not covered by licensing fees. Biennial renewals will also insure that fees collected can be adjusted on a more timely basis when there are severe fluctuations in the economy.

Section 10. Citation for Unlicensed Practice gives the department the authority to issue citations for unlicensed activity. Currently, the department can issue cease and desist orders which allow for hearings under the Administrative Procedures Act. This is a time consuming and expensive process. Citations, on the other hand, require a mandatory court appearance and penalty fees for each continued day of unlicensed activity.

In summary, the department supports any efforts at increasing the effectiveness and efficiency of the enforcement capability of the regulatory boards.

  
\_\_\_\_\_  
J. Anthony Smith, Commissioner  
Department of Commerce and Economic  
Development

4/3/87  
\_\_\_\_\_  
Date

A M E N D M E N T

Offered in the SENATE

By Fahrenkamp

TO: CSHB 222 (Finance)

Page 3, following line 22

Insert a new bill section to read:

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

(c) A fee established under this section <sup>should</sup> ~~not~~ reflect, but <sup>should</sup> ~~not~~ exceed, the actual costs to the department of the activity for which the fee is charged except that the department may establish a fee that is less than the cost of the activity for which the fee is charged if the department determines that it is not reasonable to impose the full cost of the activity on the applicant or licensee."

Renumber the following bill sections accordingly.

Page 15, line 5:

Delete "1 - 34 and 36"

Insert "1 - 35 and 37"

Page 15, line 10:

Delete "1 - 34 and 36"

Insert "1 - 35 and 37"

SENATE COMMITTEE REPORT

FURTHER: FINANCE

DATE TURNED INTO OFFICE 11/18/87

Mr. President:

LABOR AND COMMERCE Committee considered CSHB 222 (FIN)

occupational licensing; efd

and recommended:

replace with CS FOR \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS FOR \_\_\_\_\_ )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
House  zero  fiscal impact

MEMBERS SIGNING DO PASS

Takrenkamp  
McLachlan  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS

Rich. Kelly (No Rec)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tim Kell-Do Pass  
Chairman signature and recommendation

Committee Backup Attached