

Section 2. This Act shall become operative upon repeal of the Eighteenth Amendment to the Constitution of the United States.

Approved April 27, 1933.

CAPTER 51.

AN ACT

[H. B. 44]

To amend Section 1772, Compiled Laws of Alaska, 1913, relating to appeals from Probate Courts.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Section 1772, Compiled Laws of Alaska, 1913, be, and the same is, hereby amended to read as follows:

“Section 1772. There shall be an appeal to the District Court of the Territory of Alaska from all orders, decrees and judgments of the Commissioner exercising the jurisdiction of a Court of Probate.”

Appeals to District Court from Probate Court.

Approved April 27, 1933.

CHAPTER 52.

AN ACT

[S. B. 3]

Creating a Territorial Board of Examiners in Optometry, providing for the registration of optometrists, defining and regulating the practice of optometry and providing penalties for the violation of the terms of said Act, and to repeal Chapter 30, Session Laws of Alaska, 1917.

Be it enacted by the Legislature of the Territory of Alaska:

That Section 1 to 6, both inclusive, be stricken from Chapter 30, Session Laws of Alaska, 1917, and that

the law is hereby amended and re-enacted to read as follows:

Optometry—
definition of.

“Section 1. Definition. The practice of optometry is hereby declared to be the practice of a profession and defined to be the employment of any means or methods, other than the use of drugs, for the diagnosis of any optical deficiency or deformity, visual or muscular anomaly of the human eye, or the prescription or application of lenses, prisms or ocular exercises for the correction or relief of same.

Optometrist—
definition of.

A person practices optometry within the meaning of this Act, who, by any means or methods other than the use of drugs, diagnoses any optical deficiency or deformity, visual or muscular anomaly of the human eye, or prescribes lenses, prisms or ocular exercises for the correction or relief of the same, or holds himself out as being able to do so.

Board of
Optometry
created.

Section 2. Territorial Board of Examiners. There is hereby created a Board, whose duty it shall be to carry out the purposes of this Act, to be known as the Board of Examiners in Optometry. The said Board shall consist of three persons, appointed by the Governor, and the term of each member of said Board shall be three years, except that the members appointed under the provisions of this Bill as the first Board shall serve for one, two and three years each or until his successor is appointed, and vacancies shall be filled for the unexpired term only. Appointments to fill vacancies from any cause shall be made by the Governor for the residue of such term, from the list of licensed, practicing optometrists who actually reside in the Territory of Alaska, and who have been residents of the Territory for at least three years prior to their appointment.

Boards—
powers of.

Section 3. Powers of the Board. The said Board of Examiners in Optometry shall have the following powers:

(a) To make such rules and regulations, not inconsistent with the law, as may be necessary for the proper performance of its duties.

(b) To make such rules and regulations, not inconsistent with the law, governing the applicants and applications for admission to licensure.

(c) To make such rules and regulations, not inconsistent with the law, relative to registration.

(d) To make such rules and regulations not inconsistent with the law, as may be necessary to govern the practice of optometry.

All of the rules and regulations to be made or promulgated by the said Board of Examiners in Optometry shall be in keeping with, and not inconsistent with the provisions of this Act. The Board or any member thereof, upon being duly designated by the Board, may issue subpoenas, administer oaths and take testimony concerning any matter within the jurisdiction of the Board. The said Board may adopt a seal, and shall select from its members, a President and Secretary. For the purpose of examining applicants for license to practice optometry, the Board shall meet at least once a year, at the call of the Secretary, the first meeting of the Board to be within ninety days after the passage of this Act. The members of the said Board shall serve without pay, except that each member may be reimbursed for his actual traveling and hotel expenses during Board examinations, and the Secretary may be paid, upon approval by the Board, a salary not to exceed Five Dollars (\$5.00) per day, for the performance of clerical duties imposed upon him by the Board, the total of such compensation to be not more than One Hundred Dollars (\$100.00) per year. The Secretary shall keep a record of all proceedings, including therein, the name of every applicant for examinations or registration, each record to be open for public inspection.

Only licensed optometrist may sell, etc., glasses—except.

Section 4. Legislative Intent. It shall be unlawful for any person who is not licensed as an optometrist in this Territory to fit, sell, or dispose of or to take, receive or solicit any order for fitting, sale or disposition of any spectacles, eye-glasses or lenses for the correction of any optical or visual defect of the human eye, or for the relief thereof, and the peddling of spectacles, eye-glasses or lenses from house to house, or in the streets or highways, also shall be unlawful, notwithstanding any law for licensing peddlers. Nothing in this Act shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses, or complete ready-made spectacles and eye-glasses sold as merchandise only, or the sale or repair of eye-glass frames, or repair or replacement of lenses without pretense of adapting them to the eyes in evasion of this Act.

Requirements for registration.

Section 5. Registration. It shall be unlawful hereafter for any person to practice, or attempt, or offer to practice, optometry within the Territory without first having obtained a certificate of registration from the Optometry Board, and without having filed the same for record with the Clerk of each judicial division in which he engages in practice.

Certificate to be displayed.

Section 6. Out of Office Practice. Every registered optometrist, who shall temporarily practice optometry outside or away from his regular place of business, shall display his registration certificate and shall deliver to each patient or person fitted or supplied with glasses, a receipt or record which shall contain his signature and show his permanent place of business or post office address, and the number of his certificate, together with the amount charged therefor, but nothing contained in this sub-division shall be construed as to permit peddling or canvassing by licensed optometrists. A failure on the part of the licensee to comply with any of the foregoing provisions for six

months after issuance of the certificate, shall forfeit the same.

Section 7. Annual Re-registration. Before the first day of January of each year, the Secretary of the Board shall mail to every optometrist registered in the Territory of Alaska, a blank application for re-registration, addressing the same in accordance with the post office address given at the last previous registration. Upon receipt of such application blank, which shall contain space for the insertion of his name, office and post office address, date and number of his license, and such other information and questions as the said Board may deem necessary, he shall sign and forward this statement and application for renewal of his registration to the Secretary of the said Board, together with the prescribed fee for registration re-newal. Upon receipt of such application and fee, the Secretary of the Board shall issue a certificate of registration, which shall render the holder thereof a legal practitioner of optometry for the ensuing year.

Section 8. Collection and Disposition of Fees. The Secretary of the Board shall collect all fees due the Board and shall keep a complete record of every transaction, and shall remit to the Territorial Treasurer all moneys received, not later than on the fifth day succeeding the first day of each calendar month, and shall sign and issue vouchers for necessary disbursements to carry out the provisions of this Act.

Section 9. Bonding of Secretary. The Secretary shall execute a good and sufficient bond approved by the Auditor of the Territory, in the sum of not less than One Thousand Dollars (\$1,000.00), running to the Territory of Alaska, conditioned upon the faithful performance of his duties, which bond shall be filed with the Auditor of the Territory.

Section 10. Revocations of Certificates of Registration. The Board shall have the power to revoke any

certificate of registration or exemption granted by it pursuant to this Act the holder of which is guilty of a violation of any of the rules, orders or regulations promulgated by the said Board, and in addition thereto, the said Board shall have the power to revoke any certificate of registration or exemption granted by it under this Act, or suspend the right to practice of any person who has been convicted of any violation of this Act or of any other criminal offense, or who is found by the Board, to be grossly incompetent, afflicted with a contagious disease, a habitual drunkard or guilty of unprofessional conduct, and the said Board shall have the power to determine what acts on the part of a licensee constitute unprofessional conduct.

Procedure to
revoke certi-
ficates.

The proceeding for the revocation of a certificate of registration or for the annulment of registration shall be begun by filing a written charge or charges against the accused. These charges may be preferred by any person or corporation or by members of the Board. Said charges shall be filed with the Secretary of the Board and a time and place for a hearing of said charges shall be fixed by the Board as soon as convenient, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused or his counsel, at least fifteen days before the date actually fixed for said hearing. At said hearing, the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally or by counsel. The said Board shall make a complete written report of its findings, and if the Board shall unanimously find that the said charges, or any of them, are sustained, the Board may thereupon revoke the said certificate of the accused or annul his registration, or do both. If the Board shall annul such registration, it shall forthwith transmit to the Clerk of the Judicial Division of the Territory, in which the said accused is registered as an opto-

metrist, a certificate under its seal, certifying that said registration has been annulled, and said Clerk shall, upon receipt of said certificate file the same and forthwith mark said registration 'ANNULLED'. Where the certificate of any person has been revoked, or his registration has been annulled as herein provided, the Board may, after the expiration of one year, entertain an application for a new certificate, in like manner as original applications for certificates are entertained; and upon such application, they may, in their discretion, exempt the applicant from the necessity of undergoing any examination.

Section 11. Examinations. The Board shall admit to take examinations for licensure to practice optometry any person who shall furnish satisfactory proof to the said Board that he possessed the following qualifications: (a) That he is at least twenty-one years of age and of good character; (b) has normal color perception and a visual acuity of a standard known as 20/40 in at least one eye; (c) is not afflicted with a contagious or infectious disease; (d) who has had preliminary education the equivalent of four years attendance at a Territorial High School; (e) and has had professional training in optometry amounting to not less than two thousand hours in actual attendance at a reputable school or college of optometry.

Qualifications
for applicants
for examina-
tion.

All applications shall be made in writing and accompanied with the examination fee, and be in the hands of the Secretary at least fifteen (15) days prior to the date of examination. Upon successfully completing the examination, after paying the proper fee, the candidate shall be issued a certificate of registration as a licensed optometrist, and upon the proper filing of said certificate for record, shall be entitled to practice the profession of optometry in the Territory of Alaska.

Fees for exam-
ination.

Re-examina-
tion may be
after failure.

Failure to pass in any one, or at most two subjects, shall entitle the applicant to a re-examination in the subjects in which he failed, at the next meeting of the Board, and without any additional fee for such examination. Failure in more than two subjects shall require a complete re-examination at a subsequent meeting of the Board and the payment of one half of the original examination fee in addition to the original amount paid.

Practicing
optometrists
entitled certi-
ficate, when.

Section 12. Exemptions. The Board shall issue to each optometrist and optician who is a bona fide resident of Alaska at the time of this enactment, and who is established as such in the Territory, and who is qualified to practice optometry as herein defined, a certificate of registration to practice optometry within the Territory, providing that the said person make application to the Secretary of the Board within ninety (90) days after this law becomes effective, and providing the said application is accompanied with the amount of Ten Dollars (\$10.00) in payment of the required registration fee. The said registration certificate shall be valid and remain in force until the first day of January, 1934, and shall remain in force providing the holder thereof continues annually to pay the required fee for its renewal, as provided for in this Act, and that the said certificate is properly recorded and is not revoked or annulled for cause.

(a) The Board may grant to an optometrist who is registered and licensed to practice the profession of optometry under the laws of another state or territory, or foreign country, a certificate to practice as a registered optometrist without having to take and pass an optometry examination by the said Board of examiners, upon making application to the Board Secretary and remitting the required fee, providing, as follows:

(1) That the said applicant furnish proof to the Board of his possessing all of the qualifications re-

quired of applicants for licensure by Board examinations,

(2) And that the applicant has, at the time of making such application, a license or certificate of registration, then in full force, and valid, in such other state, territory or country.

Section 13. Previous Licensures. This Act shall not be understood to disqualify any person who shall have received, and who holds, a license to practice optometry in Alaska prior to the date of this enactment, nor shall such previous licensure be understood to exempt such person from abiding by the provisions of this Act. Exemptions.

Section 14. Violations of Article. No person shall falsely personate a registered optometrist of a like or different name, nor buy, sell or fraudulently obtain a certificate of registration issued to another or advertise the practice of optometry in violation of rules to be made by the said Board. Practicing or offering to practice optometry shall be sufficient evidence of a violation of this article. Penalty for personating optometrist or fraud.

Section 15. Penalties. All persons who shall violate any of the provisions of this Act shall upon conviction thereof be deemed guilty of a misdemeanor and shall be fined not less than Fifty Dollars (\$50.00), and not more than Five Hundred Dollars (\$500.00), or shall serve in jail a term of not less than ten (10) days and not more than ninety (90) days, or both. Penalty for violations.

Section 16. The right herein given to any person to practice optometry in this Territory may be revoked by the district court upon proof of the violation of the law in any respect in regard thereto, or for any cause for which the Optometry Board is authorized to refuse to admit persons to its examinations, as provided in this Act; and it shall be the duty of the district attorneys of the Territory to file and prosecute Revocation of license, when.

appropriate judicial proceedings, in the name of the Territory, upon request of any member of the Optometry Board.

Registration
with clerks of
District Court.

Section 17. Optometry Registry. It is hereby the duty of the Clerk of the Court of each Judicial Division of Alaska to keep a book or other form of record known as the "Optometry Register" of such Division, and to record the name and record of each optometrist who presents a certificate from the Optometry Board, issued under this Act. The said Clerk shall be paid the regular filing fee, from each optometrist so registered. When an optometrist shall die, or have his certificate suspended or revoked, it shall be the duty of the Clerk to make a note of such fact upon the said record. A copy from the "Optometry Register" pertaining to any person, certified to by the said Clerk, under the seal of his Office, also a certificate issued by the said official, certifying that any person named has or has not registered in said Division, as required by this Act, shall be admitted in all hearings for revocation of certificates.

Validity of
Act.

Section 18. Validity. In case for any reason any paragraph or any part of this Act shall be held by any court to be unconstitutional or invalid, the same shall not be held to effect any other paragraphs or provisions or part of this Act.

Repeal.

All Acts and parts of Acts so far as inconsistent herewith, are hereby repealed.

Nothing in this Act shall be construed as forbidding any person licensed to practice any other profession in this Territory from engaging in such profession as it may now be defined by law.

Singular in-
cludes plural—
visa-versa.

Section 19. Wherever in this Act the singular is used, it shall be interpreted as meaning both singular and plural, if compatible with the sense of the language used, and vice versa; and whenever the masculine

gender is used it shall be construed as comprehending also the feminine gender.

Section 20. Fees. The fee for exemption admittance of optometry applicants for licensure, who may be admitted on certificate of registration or license from other optometry boards, in accordance with Section 12 of this Chapter, shall be Twenty-five Dollars (\$25.00); the fee for examination for licensure by the examining board shall be Thirty-five Dollars (\$35.00); the fee for a certificate of registration shall be Ten Dollars (\$10.00) and the fee for the annual renewal of the certificate of registration shall be Ten Dollars (\$10.00). ^{Fees.}

Section 21. This law shall be known and cited as the Optometry Law. ^{Act, how cited.}

Section 22. That Chapter 30 Session Laws of Alaska, 1917, be, and the same is, hereby repealed." ^{Repeal.}

Approved April 27, 1933.

CHAPTER 53.

AN ACT

[S. B. 77]

To amend Section 1, Chapter 1, Session Laws of Alaska, 1913, granting the elective franchise to women.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Section 1, Chapter 1, of the Session Laws of Alaska, 1913, be, and the same is, hereby amended to read as follows: ^{Rights of women to vote and hold office.}

"Section 1. When they possess the other qualifications of an elector, the rights of women to the elective