


Call To Order / Roll Call

Ethics Report

MEMORANDUM

State of Alaska Department of Law

TO: _____ DATE: _____
FILE NO.: _____
TEL. NO.: _____
FROM: Angie White
Litigation Assistant
Department of Law
Opinions, Appeals, & Ethics Section
FAX: _____
SUBJECT: Executive Branch Ethics Act, AS
39.52 Quarterly Report


******SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD ******

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ___ notification(s) of a potential violation and ___ requests for ethics determinations under the Ethics Act (AS 39.52). I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [*insert brief description*]____. *Insert disposition:* [S/He refrained from participation.] *or* [I determined s/he could [could not] participate.] *or* [The Board [Commission] members voted to permit [not to permit] participation.]

CONFIDENTIAL

ETHICS SUPERVISOR DETERMINATION FORM

(Board or Commission Member)

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

does or would violate AS 39.52.110 - .190. Identify applicable statute below.

does not or would not violate AS 39.52.110 - .190.

Signature of Designated Ethics Supervisor (Chair)

Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Large light blue rectangular area for comments.

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

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State of Alaska
Department of Law
Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
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Review / Approve Agenda



**The State of Alaska
Board of Certified Real Estate Appraisers Regulations Subcommittee
State Office Building
333 Willoughby Ave, 9th Floor Conference Room B
Juneau, AK 99801**

Zoom Webinar Number and ID:

Zoom Webinar: 408 638 0968

Webinar ID: 138-509-977

<https://zoom.us/j/138509977>

February 18, 2020

10:00 AM

DRAFT Meeting Agenda

<u>Item</u>	<u>Time</u>	<u>Subject</u>	<u>Lead</u>
1.	10:00	Call to Order / Roll Call	Chair
2.	10:05	Ethics Report	Chair
3.	10:10	Review/Approve Agenda	Chair
4.	10:15	Proposed Statute Changes <ul style="list-style-type: none">• Plan to create a statute that limits professional liability for appraisers to 5 years.• Plan to contact LAW for advice on appraisers performing evaluations.• Remove requirement for Alaska to be no more stringent than Federal requirements for appraisal licensing.	Chair
5.	11:15	Proposed Regulation Changes <ul style="list-style-type: none">• Approve Continuing Education Courses that are AQB/IDECC approved.• Remove 15 Day Filing Deadline for Applications	Chair



**The State of Alaska
Board of Certified Real Estate Appraisers Regulations Subcommittee
State Office Building
333 Willoughby Ave, 9th Floor Conference Room B
Juneau, AK 99801**

Zoom Webinar Number and ID:

Zoom Webinar: 408 638 0968

Webinar ID: 138 509 977

<https://zoom.us/j/138509977>

February 18, 2020

10:00 AM

DRAFT Meeting Agenda

- | | | |
|----------|-------------------|-------|
| 6. 12:15 | Regulations Recap | Chair |
| 7. 12:30 | Adjourn | Chair |

Proposed Statute Changes

THE LEGISLATURE

The Alaska State Legislature consists of 60 members in two houses, The Senate and the House of Representatives. There are 20 Senators and 40 Representatives. The presiding officer or head of the Senate is the President of the Senate and the presiding officer or head of the House of Representatives is the Speaker of the House.

A Legislature consists of two regular sessions, a first Regular Session convening in odd-numbered years and a second Regular Session convening in the following, even-numbered year, and any special sessions held during that two year period. The Constitution of the State of Alaska requires that the Legislature adjourn 120 days after the day the Legislature convenes (the constitutional 121 day session limit) unless extended for up to 10 days by a two-thirds vote of each house. By law (AS 24.05.150), the Legislature must adjourn within 90 days of convening (the statutory 90 day session limit). Regular sessions begin in January.

CLERICAL OFFICERS: House Chief Clerk and Senate Secretary

The Chief Clerk of the House of Representatives and the Secretary of the Senate, along with their technical staffs, maintain official records of action in each body, prepare the daily journals, and facilitate the transmittal of work to and from the committees, between the two houses, and to the Governor. They are responsible for the flow of journal information and data entry for the history of each piece of legislation. This information is transmitted to the Legislative Affairs Agency for inclusion in the computerized systems available to the public. This information can be found on the Legislature's website at akleg.gov.

UNIFORM RULES

The Constitution of the State of Alaska provides: "The houses of each legislature shall adopt uniform rules of procedure." The uniform rules are intended to permit the members to conduct and the public to follow the legislative process without confusion. The rules were adopted by both houses sitting in joint session as one body in 1981. The rules have been and can be amended by the passage of a concurrent resolution.

- 1 -
The rules are designed as an aid to legislators and both houses in the conduct of their business in the formal processing of legislative

documents and the exercise of other powers and duties assigned the Legislature by the constitution and by statute.

When the legislature meets for its daily session, it follows the order of business set out in Uniform Rule 17.

UNIFORM RULE 17. DAILY ORDER OF BUSINESS.

Unless changed by a two-thirds vote of the full membership of the house, the daily order of business of each house is as follows:

1. Roll call
2. Invocation or meditation
3. Pledge of Allegiance
4. Certification by the chief clerk or secretary to the house as to the correctness of the journal of the previous day, journal approved or ordered changed
5. Introduction of guests
6. Messages from the Governor
7. Messages from the other house
8. Communications
9. Reports of standing committees
10. Reports of special committees
11. Introduction of resolutions
12. Introduction, first reading and reference of bills
13. Consideration of daily calendar
 - A. Second reading of bills of house
 - B. Second reading of bills of other house
 - C. Third reading of bills of house
 - D. Third reading of bills of other house
 - E. All other matters up for final action in the house
14. Unfinished business
15. Announcement of committee meetings
16. Special orders (not set for a particular hour)
17. Adjournment

BILL PROCESS

THE IDEA

The idea for a bill, or proposed legislation, may come from a legislator, a legislative committee, a group of legislators, a state or local agency, a business, professional or fraternal group, an individual citizen, a lobbyist, the Governor, etc. The idea must be communicated to a legislator, legislative committee, or the Governor for further action, as all bills must be introduced by a legislator, a legislative committee, or the Governor through the Rules Committee.

BILL DRAFTING

A legislator or a legislative committee transmits a proposal for a bill to the Legislative Affairs Agency, Legal Services. A work order is completed and the Director of Legal Services assigns the request to a staff member for action. The legal staff concentrates on legal research, drafting, and review to assist the legislators and the committees in their efforts to propose new law, amend or repeal existing law, annul regulations, etc. This is a technical service carried out by the professional and administrative staff of the Legislative Affairs Agency under provisions of law (AS 24.08), the Uniform Rules of the Alaska State Legislature, and the Legislative Drafting Manual.

The legislation proposed by the Governor is prepared by the staff of the Department of Law under provisions of law and the Legislative Drafting Manual.

BILL INTRODUCTION

Once a bill has been prepared by Legal Services, the prime sponsor (either an individual legislator or a committee chair) receives the bill with the necessary copies. A member introduces the bill by giving it to the Chief Clerk of the House of Representatives or the Secretary of the Senate on the afternoon before it is to be introduced. Bills by the Governor are introduced by the Rules Committees and bear the sponsor notation: Rules Committee by request of the Governor. The House Chief Clerk or the Senate Secretary will assign the bill its number.

FIRST READING: Referral to Committee(s)

During the Daily Order of Business, a bill is introduced and read the first time with the number, sponsor(s), and the title of the bill. This is referred to as the First Reading. The bill is not read in its entirety. The presiding officer will refer the bill to a committee or committees. The jurisdiction of the various standing committees is set out in Rule 20 of the Uniform Rules.

Uniform Rule 20. STANDING COMMITTEES.

- (a) Each house has the following standing committees with the jurisdiction indicated:

Education (the programs and activities of the department of Education and Early Development and the University of Alaska)

Finance (all appropriation, revenue, capital improvement, and bonding measures, the executive budget, and the programs and activities of the Department of Revenue)

Health and Social Services (the programs and activities of the Department of Health and Social Services)

Judiciary (the programs and activities of the Alaska Court System and the Department of Law, and the legal and substantive review of bills referred to it for that purpose)

Labor and Commerce (the programs and activities of the Department of Labor and Workforce Development relating to labor-management relations, industrial safety, unemployment compensation, and workers' compensation and the programs and activities of the Department of Commerce, Community and Economic Development that do not primarily relate to local government or to government services or functions in the unorganized borough)

Community and Regional Affairs (the programs and activities of the Department of Commerce, Community and Economic Development that primarily relate to local government and government services or functions in the unorganized borough, and other matters relating to political subdivisions)

Resources (the programs and activities of the Departments of Fish and Game, Natural Resources, and Environmental Conservation)

Rules (interpretation of the Uniform Rules, calendar, the internal administration of the house and matters pertaining to the management of the legislature as a whole)

State Affairs (programs and activities of the Office of the Governor and the Departments of Administration, Military and Veterans' Affairs, Corrections, and Public Safety, and programs and activities of the Department of Transportation and Public Facilities relating to public facilities)

Transportation (programs and activities of the Department of Transportation and Public Facilities relating to transportation and other legislative matters relating to transportation).

(b) The committee chair is authorized to form such subcommittees as they determine to be necessary.

One copy of the bill is delivered to the first committee of referral and the original copy of the bill is kept on file by the Senate Secretary or the House Chief Clerk until passed by the house of origin.

COMMITTEE CONSIDERATION

The committee to which the bill is referred may consider the bill with public hearings at the Capitol or elsewhere. The committee may combine bills that deal with the same subject or add or delete its own ideas for the bill. The committee reports the bill out of committee as introduced or with changes incorporated into a committee substitute or with attached amendments. Legislative Affairs Agency, Legal Services prepares the committee substitute or amendments. Committee substitutes do not replace the original bill but are considered as proposed amendments to the legislation, unless and until a committee substitute is adopted in the second reading of the bill. The committee then returns the bill with its report to the House Chief Clerk or Senate Secretary.

The report is read under Reports of Standing Committees as part of the Daily Order of Business. The bill is then transmitted to the next committee of referral by the House Chief Clerk or Senate Secretary. If the bill does not have another committee referral, it is delivered to the Rules Committee, which may schedule the bill on the Daily Calendar for Second Reading. The Rules Committee may also hold

hearings on the bill and may propose amendments or a committee substitute of its own.

SECOND READING (Receipt of committee reports; consideration of amendments)

Once the bill has been scheduled for floor action by the Rules Committee, the bill appears on the calendar in Second Reading. The bill is again read by number, sponsor(s), and title along with the standing committee reports. A motion is made on the floor to adopt a committee substitute, if any, in Second Reading. If there is an objection to adoption of a committee substitute, a roll call vote must be taken and recorded in the journal. Any amendments to the bill are offered and voted on in Second Reading. Drafted amendments should be requested through Legislative Affairs Agency, Legal Services, by the sponsor of the amendments.

Approved amendments are engrossed (integrated) in the bill by the Office of the House Chief Clerk or Senate Secretary. Often a bill which has been read a second time will be considered engrossed and advanced to Third Reading for final passage on the same day. This special advancement motion requires the affirmative vote of three-fourths of the full membership (30 in the House, 15 in the Senate).

If the bill was not advanced to Third Reading on the same day it was read in Second Reading, it automatically appears on the Calendar in Third Reading on the next day the Legislature convenes.

THIRD READING (Final Passage)

After the bill is read the third time and is in Third Reading, a motion may be made to return the bill to Second Reading for a specific amendment. This motion requires the affirmative vote of the majority of the full body (21 in the House, 11 in the Senate). Only action on that specific amendment may be taken at that time. Following the vote on the specific amendment, the bill is again in Third Reading.

The bill is passed if it receives an affirmative vote of a majority of the members of the body. If the bill has an effective date clause, for example, the bill provides for an immediate effective date or a specific date, a separate two-thirds vote of the full membership is required to pass (27 in the House, 14 in the Senate). Without an effective date clause, the

bill takes effect ninety days after it has been signed by the Governor or permitted to become law without the Governor's signature. An immediate effective date causes a bill to take effect the day following the Governor's signature or day of enactment without the Governor's signature. A bill may also have a specific effective date, such as July 1, 2019 or January 1, 2020. See AS 01.10.070 regarding effective dates.-

RECONSIDERATION

As provided in Rule 30 of the Uniform Rules, a member may give notice of reconsideration of his/her vote on a bill. Reconsideration may be taken up on the next legislative day unless the body, by a two-thirds vote (27 in the House, 14 in the Senate), orders the reconsideration to be taken up on the same day.

Calling up reconsideration on the next legislative day automatically places the question to be reconsidered again before the body in Third Reading. Calling up reconsideration cancels the previous vote on the question to be reconsidered as completely as though the vote had never been taken.

The time for reconsideration expires at adjournment on the next legislative day unless an extension of time is granted to the next legislative day or to a date certain by a majority vote of the members present.

CONSIDERATION IN THE OTHER HOUSE

After final passage in one house, the bill is then engrossed and sent to the other house, where it again goes through the same introduction, committee referral, and three readings as in the ~~house of origin.~~

IN CASE OF DISAGREEMENT (Conference Committees)

If the second house amends the bill and adopts the amended version, the bill is returned in its amended form to the house of origin. Upon receipt of the amended bill, a motion is required to concur (agree) or not to concur in the amendments. If the house of origin concurs with the amendments from the other body, the bill is sent to the Legislative Affairs Agency, Legal Services, for enrollment.

amendments, the bill then goes back to the house of origin for enrollment. If the other body refuses to recede, it so advises the presiding officer of the house of origin. It is then in order for the presiding officer of each house to appoint three members to a conference committee to resolve the differences and bring in a report offering a solution.

A conference committee addresses only those points of contention in the previously adopted versions of the bill adopted by either house. If the two houses cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order for the conference committee to request limited powers of free conference.

Conference Committees and Free Conference Committees with Limited Powers of Free Conference

The presiding officer of each house may grant limited powers of free conference related only to those specific points of disagreement contained in the conference committee report.

If the members of a Conference Committee with limited powers of free conference cannot agree on amendments, or one or both houses refuses to adopt the committee report, it is then in order to appoint a Free Conference Committee. A member who serves on a Conference Committee with limited powers of free conference may not be appointed to a subsequent Conference Committee or Free Conference Committee concerning the same bill.

The vote on adoption of the conference committee report in each house is recorded in the journals and requires a majority vote of the full membership of each body (21 in the House, 11 in the Senate). A conference committee report cannot be amended.

ENROLLMENT AND SIGNATURE

When a bill has been passed by both houses, the bill is sent to the Legislative Affairs Agency, Legal Services, where it is rechecked by the enrolling secretary and the Revisor of Statutes. The Legal Editor for Legal Services is the enrolling secretary for the Legislature. Any needed corrections are made, and a cover page and authentication page are added. If corrections are made by the enrolling secretary and the Revisor of Statutes, the House Chief Clerk and Senate Secretary are notified and they must notify the Speaker of the House and President of the Senate. The bill in final form is then returned to the house of origin, where it is signed by the presiding officer and House Chief Clerk or Senate Secretary and then sent to the second house for like

of origin and formally transmitted to the Governor for review and action.

ROLE OF THE GOVERNOR

The Governor has 15 days, Sundays excluded, to act on a bill if the Legislature is in session. If the Legislature has adjourned, the Governor has 20 days, excluding Sundays. During either period, the Governor may have the bill examined by the Department of Law and affected agencies before acting on it.

By constitutional mandate, the Governor must sign the bill, veto the bill or let it become law without signature. If the Governor vetoes a bill or reduces or vetoes an appropriation item (line item veto), the Governor must return it to the house of origin with a statement of the Governor's reasons for vetoing the bill and do so within the constitutional time limits.

When the Governor allows a bill to become law without signature, the Governor returns the bill and so advises the Legislature.

If the Legislature is in session, both houses may agree on a time to meet in joint session to override or sustain the veto. The houses sit in joint session as a unicameral body and it requires two-thirds (three-fourths if an appropriation bill or a bill to raise revenue) of the membership of the combined houses to override the veto and have the bill become law. If the Legislature has adjourned, the vetoed bill must be taken up within five days after the convening of the Legislature in its second regular session or any special session.

If the Governor vetoes a bill after the adjournment of a second regular session of a Legislature, the veto will not be addressed unless a special session is called before the next Legislature convenes.

FROM A BILL TO AN ACT TO LAW

When the Governor signs the bill, allows it to become law without signature, or the Governor's veto is overridden, the bill is enacted and becomes an Act and is given a chapter number and is now a session law. The session law is returned to the Legislative Affairs Agency, where the notations on the date of signing and actual effective date of the Act are affixed. The former bill is now designated as Chapter ____,

Session Laws of Alaska 20__ (Current year) and is printed in slip law form.

When the session work is completed, the Session Laws of Alaska are compiled, indexed, and distributed to legislators and Legislative Information Offices. The Alaska State Library makes other distributions and prepares complete indexed sets available for public purchase. The session laws are reviewed by the Revisor of Statutes for placement in the *Alaska Statutes* with appropriate annotations and notes and sent on to the publisher of the *Alaska Statutes*, along with the revisor's instructions and notes, for printing. At the end of each session, the Legislative Affairs Agency, Legal Services, publishes the *Summary of Alaska Legislation*, which contains synopses of all bills enacted or vetoed, tables of statute sections amended or repealed, and other statistical data on the session.

Approximately three months after all session-related materials are sent to the publisher, the *Alaska Statutes*, which are the permanent law and temporary and special acts, are ready for use. A new replacement set of the *Alaska Statutes* is published in even-numbered years and a supplement is published in odd-numbered years. In the meantime, the session laws as published in slip law form, along with any technical modification noted by the revisor, are in general use.

AND THEN . . .

Under the Constitution of the State of Alaska an Act takes effect 90 days after it is enacted. The Act is enacted when it is signed by the Governor or it becomes law without the governor's signature. The Legislature by a two-thirds vote of the full membership can provide for a different or specific effective date in the Act. When an Act becomes effective it is subject to enforcement, observance, and administrative action, as appropriate. The Act, now law, may be subject to implementation by an agency through the adoption of administrative regulations, which spell out the details of how the law is to be applied. (See AS 44.62).

276 **Agenda Item #12** **Review Regulations for Regulations Change Project**

277
278 Chair Derry brought the board to the next topic of discussion regarding a review of the boards
279 statutes and regulations and decisions to make any changes to the current APR statutes and
280 regulations. Chair Derry then directed the board back to the meeting minutes from the
281 November meeting so he could once again discuss some of his strategic plan items with the
282 board. He believed the board should attempt to get a legislative bill out to adopt changes on the
283 appraiser statute of limitations on the professional liability period capping it at 5 years. This will
284 keep the liability period in line with the records retention law. He noted many states are
285 choosing to do this because of the 2008 real estate market crash.

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287 Bill Barnes agreed that this would be a worthwhile pursuit as appraisers are being held liable in
288 professional liability suites for incidents that happened 12+ years ago long after the records have
289 been purged according to record retention laws. Chair Derry asked if this was something the
290 Alaska Chapter of Appraisal Institute would endorse? Bill Barnes is the chapter president and he
291 believed the Appraisal Institute does not endorse topics but he would double check.

292
293 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed by roll call vote,**
294 **it was RESOLVED to APPROVE the regulations committee to work to change the statutes**
295 **to shorten the professional liability period for appraisers to 5 years from the date of the**
296 **appraisal report.**

297
298 **Roll Call Vote:**

299

300 Board Member	Approve	Deny	Recuse	Absent
301				
302 David Derry	X			
303 Wendy Lawrence				X
304 William Barnes	X			
305 Renee Piszczek	X			
306 Ashlee Stetson	X			

307
308 Chair Derry directed the board to turn to page 8 of the November meeting minutes. He wanted
309 to board to consider adopting a statute that would allow appraisers to perform evaluations. This
310 is a topic that has come up nationally. In Alaska, if an evaluation is completed by an appraiser it
311 is not USPAP compliant and all Alaska appraisers are required to comply with USPAP. If the
312 statute was changed to allow appraisers to perform evaluations for lenders, the evaluations may
313 not always require USPAP compliance. The ASC had previously recommended to board contact
314 law for guidance on the issue.

315

316 It was the opinion of board member Ashlee Stetson to obtain an opinion from law on the issued
317 instead of going forth without an opinion. She felt it could get messy involving banks and
318 lenders. Bill Barnes asked Renee her thoughts based on her banking experience. She stated as a
319 lender it would be nice to see something from appraisers that is very general. She stated a lot of
320 appraisers do not have time to get a LAM appraisal. She consults with real estate agents to try to
321 get opinions of values and she would like to be able to contact an appraiser for something
322 generic and usable.

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324 **On a motion made by Dave Derry, seconded by Renee Piszczek, and passed by roll call**
325 **vote, it was RESOLVED to APPROVE that the board pursue changing the statute to allow**
326 **certified appraisers to perform evaluations in conformance with federal definitions that**
327 **would not require compliance with USPAP.**

328
329 **Roll Call Vote:**

330 Board Member	331 Approve	332 Deny	333 Recuse	334 Absent
335 David Derry	336 X			
337 Wendy Lawrence				338 X
339 William Barnes	340 X			
341 Renee Piszczek	342 X			
343 Ashlee Stetson	344 X			

345
346 Chair Derry then brought up the topic of changing the documentation required for continuing
347 education course approvals. He would like to be able to review and approve an application for
348 continuing education credit that has been approved by IDECC or the AQB without all the other
349 requirements. He does not like the cumbersome, time consuming task of reviewing all the
350 documents for a course that already has AQB or IDECC approval. Board member Renee
351 Piszczek agreed. Chair Derry is hoping to change the regulations to streamline the process to
352 review AQB and IDECC approved courses.

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354 **On a motion made by Dave Derry, seconded by Bill Barnes, and passed by roll call vote, it**
355 **was RESOLVED to APPROVE that the board pursue a regulatory change to allow**
356 **changing the statute to allow an abbreviated submission for education credit when the**
357 **course has already been approved by the AQB and/or the IDECC. The details of the**
358 **written regulations would be discussed with the regulations specialist.**

356 **Roll Call Vote:**

357

358 Board Member	Approve	Deny	Recuse	Absent
359				
360 David Derry	X			
361 Wendy Lawrence				X
362 William Barnes	X			
363 Renee Piszczek	X			
364 Ashlee Stetson	X			

365

366 Chair Derry stated that he would follow up with the regulations specialist regarding the changes
367 discussed and asked that they be added to his task list. OLE made note and will distribute a task
368 list after the meeting.

369

370 **Agenda Item #13 Review/Approve Tabled Applications**

371

372 Chair Derry directed the board to the next topic of reviewing tabled applications. The first
373 application to review was the HVCC Appraisal Ordering, INC. There were some differences in
374 votes from the board. There was no appraisal panel listing Alaskan appraisers. AS 08.87.135 (4)
375 and (5) a. The application seemed incomplete. In addition, the owner and control person never
376 disclosed all the states they were ever licensed in. It was suggested by OLE Supervisor Joe
377 Bonnell to table the application until additionally requested information is provided.

378

379 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed by roll call vote,**
380 **it was RESOLVED to APPROVE the HVCC #150939 AMC Application pending receipt of**
381 **the complete list of all states the owner and controlling person have ever held an appraisal**
382 **license in. It was further amended to ask the applicant for a certified statement how the**
383 **AMC will form their Alaska appraisal panel of Alaska state certified appraisers.**

384

385 **Roll Call Vote:**

386

387 Board Member	Approve	Deny	Recuse	Absent
388				
389 David Derry	X			
390 Wendy Lawrence				X
391 William Barnes	X			
392 Renee Piszczek	X			
393 Ashlee Stetson	X			

394

395 The board then went on to review the application from Sara Benham. She has submitted an
396 additional explanation regarding the required verification of work experience from someone in

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329 **Roll Call Vote:**

330 Board Member	Approve	Deny	Recuse	Absent
331 David Derry	X			
332 Wendy Lawrence				X
333 William Barnes	X			
334 Renee Piszczek	X			
335 Ashlee Stetson	X			

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357

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359				
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361 Wendy Lawrence				X
362 William Barnes	X			
363 Renee Piszczek	X			
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386

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388				
389 David Derry	X			
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391 William Barnes	X			
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396 additional explanation regarding the required verification of work experience from someone in

Some Items to Consider:

To create a statute allowing appraisers to perform evaluations that are not USPAP compliant, the following statutes would be affected. They may need to be changed or have an amendment made to them to allow for the exemption of USPAP compliance by all licensed appraisers in the state.

AMC's:

08.87.135 (3), (6) and (3) d

08.87.140

Maybe add a section to AMC exemptions 08.87.160 allowing a licensed or certified appraiser to perform evaluations that are not USPAP compliant under conditions a, b, or c.

All others:

08.87.110 (B) and 08.87.110(e)

08.87.200 (3) would need to include exemption for situations an appraiser covered under any section of this chapter can perform evaluations that are not USPAP compliant.

Sher will need 30 minutes.

Proposed Regulation Changes

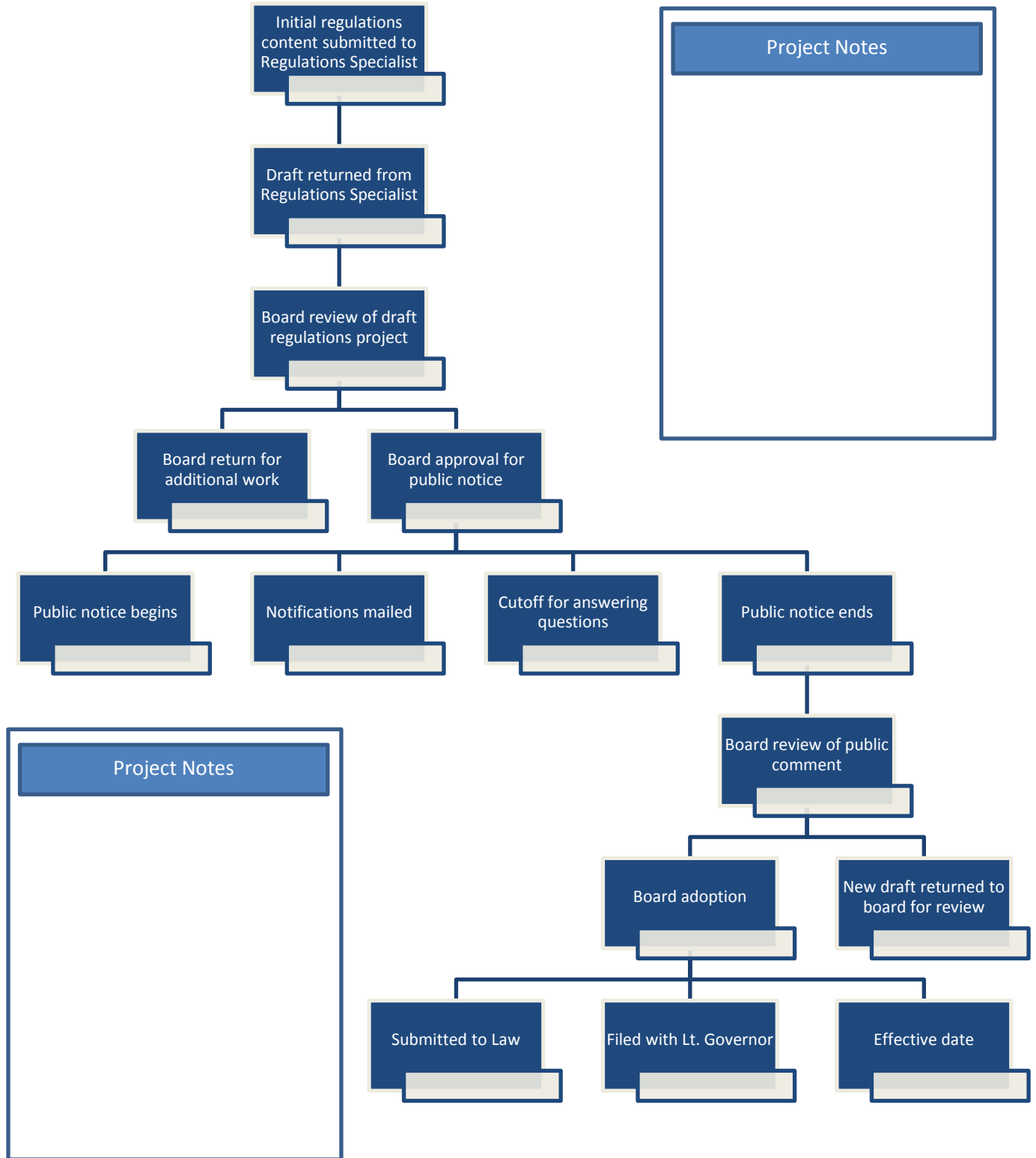
Steps in the Board Regulation Adoption Process

<i>Day 1</i>	<p>1 At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.</p>	<i>Day 65</i>	<p>7 Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.</p>	<p><i>Once Regulations Are Effective</i></p> <p>14a Agency posts summary on Alaska Online Public Notice System</p> <p>14b Regulation published in Alaska Administrative Code</p> <p>14c Forms & FAQ updated on program web page</p>
<i>Day 30</i>	<p>2 Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.</p>	<i>Day 75</i>	<p>8 Regulations Specialist compiles public comments for distribution to board.</p>	
	<p>3 Approved language is reviewed by Division attorney.</p>	<i>Day 90</i>	<p>9 Board holds an open meeting to review public comments, make minor changes, and adopt regulations. Substantive changes may require additional drafting and public notice (Step 2).</p>	
	<p>4 Department of Law opens file.</p>		<p>10 Division submits final regulation package to Department of Law for review and approval, and to the Governor's office.</p>	
<i>Day 45</i>	<p>5 Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties. Public notice posted in newspaper and on Alaska Online Public Notice System</p>		<p>11 Agency attorney reviews regulation</p>	
	<p>6 Public comment period and/or hearing (if applicable).</p>	<i>Day 110</i>	<p>12 Regulations attorney reviews and either approves or disapproves regulation</p>	
		<i>Day 150</i>	<p>13 Unless returned by the Governor, Lt. Governor's office files approved regulation; regulations become effective in 30 days</p>	

All timeframes are estimated, dependent upon staff and attorney workflow and board scheduling.

Regulations Project Tracker

CBPL Board: _____
General topic of regulations: _____
Regulations being amended: 12 AAC _____



(h) An applicant's classroom hours of instruction must include coverage of the full scope of the fundamentals of appraisal theory, principles, and practices. A course that is highly specialized or narrow in focus will not be credited toward an applicant's required classroom hours of instruction unless the applicant has also completed sufficient courses to cover the fundamental aspects of appraisal theory, principles, and practices.

(i) The board will not award credit for more than eight classroom hours of instruction per day. If no breakdown of instructional, assignment, and examination hours is given for a course or seminar, the board will award three and one half classroom hours of instruction for the last day of the course or seminar and seven classroom hours of instruction for all other days of the course or seminar.

(j) The board will require additional information if necessary to determine if an applicant's classroom hours of instruction meet the requirements in this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

Editor's note: Copies of the Appraiser Qualification Criteria adopted by reference in 12 AAC 70.140 are available from the Appraisal Qualifications Board of the Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005-3517; phone: (202) 347-7722; website at www.appraisalfoundation.org.

12 AAC 70.145. APPROVAL OF COURSE OR SEMINAR FOR INITIAL CERTIFICATION OR TRAINEE REGISTRATION. (a) The board will use the standards established in this section to determine if a course or seminar is in a subject related to real estate appraisal and will be credited toward an applicant's total classroom hours of instruction.

(b) The board will review each course or seminar submitted with an individual's application for certification or registration and approve a course or seminar that meets the requirements of this section. The board will require an applicant to submit additional information, including the information required in (e)(3) - (10) of this section, if necessary to determine if a course or seminar meets the requirements in this section.

(c) The board will review and preapprove a course or seminar that meets the requirements of this section if an individual or organization submits the course or seminar to the board for preapproval under (e) of this section.

(d) To be approved by the board, a course or seminar must meet the following requirements:

(1) the primary focus of the course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal;

(2) the course or seminar must be a minimum of 15 classroom hours in duration and include successful completion of a final examination; except as provided in 12 AAC 70.140(g), time spent on

(A) the final examination will be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(B) an assignment will not be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(3) the number of hours of instruction must be sufficient for quality instruction on the subject matter covered by the course or seminar.

(e) An individual or organization wishing to receive preapproval of a course or seminar shall submit to the board

(1) a completed application form for course approval;

(2) the course approval fee in 12 AAC 02.370;

(3) the name of the course or seminar provider;

(4) a complete course description, including the course title and a description of the learning objectives;

(5) a course syllabus;

(6) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;

(7) a list of texts and instructional materials used in the course or seminar;

(8) repealed 6/22/2005;

(9) the instructor's résumé that includes the instructor's

(A) name;

(B) recognition in the real estate appraisal industry; and

(C) professional designations and affiliations; and

(10) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance.

(f) An individual or organization that has received preapproval of a course or seminar shall notify the board of any change in the information submitted under (e) of this section for an approved course or seminar.

(g) Course and seminar approval under this section is valid for three years from the date of approval.

(h) The board will maintain a list of courses and seminars approved under this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

12 AAC 70.150. APPLICATION DEADLINE. To be scheduled for board review, an application for certification or course approval must be complete and filed with the department, as defined in 12 AAC 02.920, at least 15 days before the scheduled date of the board's application review.

Steps in the Regulation Process for a Board and Commission (board)¹

Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
 - A private person
 - Another state agency
 - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
 - Another state agency: None known
 - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes² or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
 - Are the regulations controversial and is there likely to be substantial public interest in them?
 - Would those most affected by the regulations be better able to participate if an oral hearing were held?
 - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, the Administrative Regulation Review Committee, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:

- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
 - b. Choose to take no action on them.
 - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
- a. The chair signs the adoption/certification order; and
 - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

Finalizing the regulation change process

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review, and to the chair and all members of Administrative Regulation Review Committee (ARRC), together with any fiscal note if required. The ARRC chair has 10 days to submit to the governor comments on the regulations.
18. Unless returned by the governor, when the governor, the ARRC, and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

Once regulations are effective

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Lt. Governor's office sends regulations to ARRC.
22. Regulation published in Alaska Administrative Code.

¹ The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

² Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

12 AAC 70.175. ANNUAL REPORTING AND FEDERAL REGISTRY REQUIREMENTS FOR APPRAISAL MANAGEMENT COMPANIES. (a) A registered appraisal management company shall report annually on a form provided by the department and submit the registry fee required in 12 AAC 02.370(b)(5) for each appraiser on the appraiser panel performing appraisals for federally related transactions in the state during the preceding calendar year.

(b) Federally regulated appraisal management companies shall report annually to the board information required by AS 08.87.155 on a form provided by the department and submit the registry fee required in 12 AAC 02.370(b)(5) for each appraiser on the appraiser panel performing appraisals for federally related transactions in the state during the preceding calendar year.

Authority: AS 08.87.020 AS 08.87.135 AS 08.87.155
AS 08.87.130

12 AAC 70.180. RETENTION OF RECORDS AND INSPECTION BY THE BOARD. A registered appraisal management company must retain all records as described in AS 08.87.150 and make the records available to the board or its designee upon request.

Authority: AS 08.87.020 AS 08.87.150

ARTICLE 2. CONTINUING EDUCATION REQUIREMENTS.

Section

- 200. Application for continuing education course or seminar approval**
- 210. Approved continuing education courses and seminars**
- 215. Approved online courses**
- 220. Hours of continuing education required**

12 AAC 70.200. APPLICATION FOR CONTINUING EDUCATION COURSE OR SEMINAR APPROVAL. (a) A person or an organization wishing to sponsor a real estate appraisal continuing education course or seminar shall apply for board approval of that course or seminar by submitting

- (1) a completed application on forms provided by the department;
- (2) any fees required in 12 AAC 02.370;
- (3) the following information:
 - (A) a complete course description, including the course or seminar title and a description of the learning objectives;
 - (B) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;
 - (C) the name of the course or seminar provider;
 - (D) repealed 6/22/2005;
 - (E) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance;
 - (F) a course syllabus;
 - (G) a list of texts and instructional materials used in the course or seminar;
 - (H) the instructor's résumé that includes the instructor's
 - (i) name;
 - (ii) recognition in the real estate appraisal industry; and
 - (iii) professional designations and affiliations.

(b) An applicant for renewal may petition the board for approval of a course or seminar that the applicant believes will meet the requirements of 12 AAC 70.210.

(c) The board will award up to 10 hours of continuing education credit for nonstudent participation in an educational program as provided for in AS 08.87.120(b)(2). To receive credit under this subsection, an applicant for renewal shall provide the documentation necessary to substantiate the applicant's participation and experience, including

- (1) information on the topics covered and the hours spent in the program; and
- (2) documentation that the applicant's involvement in the program was in the technical and professional aspects of real estate appraisal and that the primary focus of the program was directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(d) Courses and seminars that are not approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) are valid for three years from the date of initial approval.

(e) Courses and seminars approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) are given an expiration date consistent with the organization's expiration date, as follows:

(1) the department will update the course or seminar expiration date if the course provider submits recertification documents, but will not update the course or seminar expiration date if the AQB or IDECC recertification exceeds three years from the date of initial approval;

(2) a course or seminar that expires after three years must be re-submitted if the provider requests reapproval.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.210. APPROVED CONTINUING EDUCATION COURSES AND SEMINARS. (a) To be approved by the board, the primary focus of a continuing education course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(b) The board will approve a course or seminar on the following topics if the course or seminar meets the requirements of (a) of this section:

- (1) repealed 9/14/2012;
- (2) construction cost estimating;
- (3) ethics and standards of professional appraisal practice;
- (4) land use planning, zoning, and taxation;
- (5) property development;
- (6) real estate appraisal (including valuations and evaluations);
- (7) real estate financing and investment;
- (8) real estate law;
- (9) real estate litigation;
- (10) real estate appraisal related computer applications;
- (11) other topics related to real estate appraisal that are approved by the board.

(c) In addition to the courses approved by the board under 12 AAC 70.200, the following courses are approved for continuing education when they are consistent with (a) of this section and an application provided by the department for course approval is submitted with the appropriate application fee and is approved by the board:

- (1) courses offered by a member organization of The Appraisal Foundation;
- (2) courses offered by a regionally accredited junior college, college, or university;
- (3) courses approved by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation; or
- (4) distance education courses approved by the International Distance Education Certification Center (IDECC).

(d) To be approved by the board, a continuing education course or seminar must include a minimum of two classroom hours, that meet the requirements of (a) of this section.

(e) The board will award continuing education credit for completion of a course by distance education if the course meets the requirements of 12 AAC 70.140(f).

(f) Course and seminar approval under this section is valid for three years from the date of approval.

(g) Consistent with Appraiser Qualification Criteria in *The Real Property Appraiser Qualification Criteria*, adopted by reference in 12 AAC 70.140, the board will award continuing education credit for participation in one in-person or teleconference board meeting each biennial licensing period if participation meets the requirements of this section:

- (1) the participant is a certified real estate appraiser subject to the requirements of 12 AAC 70.220;
- (2) the board meeting is a minimum of two hours;
- (3) the hours claimed for participation do not exceed seven hours;
- (4) attendance is maintained throughout the duration of the scheduled meeting;
- (5) participation is documented on a form provided by the department and returned to the board.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.215. APPROVED ONLINE COURSES. (a) To be approved by the board to meet the continuing education requirements of 12 AAC 70.220, the primary purpose of an online course must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(b) The board will approve an online course on the following topics if the online course meets the requirements of (a) of this section:

- (1) repealed 6/28/2015;
- (2) construction cost estimating;
- (3) ethics and standards of professional appraisal practice;
- (4) land use planning, zoning, and taxation;
- (5) property development;
- (6) real estate appraisal, including valuations and evaluations;

- (7) real estate financing and investment;
 - (8) real estate law;
 - (9) real estate litigation;
 - (10) real estate appraisal related computer applications;
 - (11) other topics related to real estate appraisal that are approved by the board.
- (c) In addition to the online courses approved by the board under (b) of this section, the following online courses are approved for continuing education if they are consistent with (a) of this section:
- (1) courses presented by a regionally accredited junior college, college, or university that offers distance education programs in other disciplines;
 - (2) repealed 1/16/2005;
 - (3) distance education courses approved by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation;
 - (4) repealed 6/28/2015.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.220. HOURS OF CONTINUING EDUCATION REQUIRED. (a) At the time of certificate renewal, an applicant for renewal who has been certified for

- (1) 24 months or more shall document satisfactory completion of at least 28 hours of continuing education;
- (2) at least 185 days, but less than 24 months, shall document satisfactory completion of at least 14 hours of continuing education;
- (3) less than 185 days is not required to meet continuing education requirements for that renewal.

(b) The board will not recognize continuing education hours claimed by an applicant for renewal for taking the same, or substantially identical, course more than once during a certification period.

(c) Except as provided in (d) of this section, credit is given for classroom and examination hours only and not for hours devoted to class preparation or completion of assignments. A classroom hour is defined in 12 AAC 70.910.

(d) Up to one-half of the hours required by this section may be obtained through distance education approved under 12 AAC 70.210 or online courses approved under 12 AAC 70.215.

(e) As part of the requirements of (a)(1) of this section, an applicant for renewal of a certificate shall document satisfactory completion of a seven-hour National USPAP Update Course, taught by an Appraiser Qualifications Board certified instructor who is a certified appraiser. The board will accept courses determined as equivalent by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation. Completion of the 15-hour national USPAP course used for certification under 12 AAC 70.115 may not be used to satisfy the continuing education renewal requirements of the seven-hour USPAP Update Course required in this subsection.

Authority: AS 08.87.020 AS 08.87.120

Editor's note: A list of certified instructors by the Appraisal Foundation, Appraiser Qualification Board, may be obtained from the Appraisal Foundation, 1155 15th Street, N.W., Suite 1111, Washington, D.C. 20005.

ARTICLE 3. LIMITED CERTIFICATION.

Section

300. (Repealed)

310. (Repealed)

12 AAC 70.300. SCOPE OF LIMITED REAL ESTATE APPRAISER. (Repealed 4/15/94)

12 AAC 70.310. QUALIFICATIONS FOR LIMITED REAL ESTATE APPRAISER CERTIFICATION.
(Repealed 4/15/94)

ARTICLE 4. GENERAL PROVISIONS.

Section

900. Standards of practice

910. Definition of classroom hours

920. Courtesy License

930. Federal Registry

935. Supervision of trainee appraisers

940. Retention of records

Steps in the Regulation Process for a Board and Commission (board)¹

Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
 - A private person
 - Another state agency
 - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
 - Another state agency: None known
 - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes² or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
- Are the regulations controversial and is there likely to be substantial public interest in them?
 - Would those most affected by the regulations be better able to participate if an oral hearing were held?
 - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, the Administrative Regulation Review Committee, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:

- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
 - b. Choose to take no action on them.
 - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
 - a. The chair signs the adoption/certification order; and
 - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

Finalizing the regulation change process

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review, and to the chair and all members of Administrative Regulation Review Committee (ARRC), together with any fiscal note if required. The ARRC chair has 10 days to submit to the governor comments on the regulations.
18. Unless returned by the governor, when the governor, the ARRC, and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

Once regulations are effective

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Lt. Governor's office sends regulations to ARRC.
22. Regulation published in Alaska Administrative Code.

¹ The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

² Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

**CHAPTER 87.
REAL ESTATE APPRAISERS.**

Article

- 1. Board of Certified Real Estate Appraisers (§§ 08.87.010, 08.87.020)**
- 2. Certification (§§ 08.87.100—08.87.120)**
- 3. Prohibited Practices and Disciplinary Proceedings (§§ 08.87.200, 08.87.210)**
- 4. General Provisions (§§ 08.87.300—08.87.900)**

**ARTICLE 1.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Section

- 10. Board created**
- 20. Powers and duties of board**

Sec. 08.87.010. Board created. There is created in the Department of Commerce, Community, and Economic Development the Board of Certified Real Estate Appraisers. The board is composed of five members appointed by the governor. At least one member shall be a person certified under this chapter as a general real estate appraiser, at least one member shall be a person certified under this chapter as a residential real estate appraiser, at least one member shall be an executive in a mortgage banking entity, and at least one member shall represent the public. The board shall elect a chair from among its membership.

Sec. 08.87.020. Powers and duties of board. (a) In addition to the powers and duties conferred on the board by AS 08.01, the board shall

(1) establish the examination specifications for certification as a general real estate appraiser, as a residential real estate appraiser and as an institutional real estate appraiser;

(2) adopt rules of professional conduct to establish and maintain a high standard of integrity in the real estate appraisal profession;

(3) adopt regulations necessary to carry out the purposes of this chapter, including regulations

(A) necessary to comply with the requirements of

(i) 12 U.S.C. 3331 – 3355 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act); the regulations adopted by the board under AS 08.87.110, 08.87.120, 08.87.135, 08.87.220, and 08.87.310 may not be more stringent than the corresponding minimum requirements for receiving approval of the state's program of certification of real estate appraisers and registration of real estate appraisal management companies under 12 U.S.C. 3331 – 3355 or other federal law; and

(ii) 15 U.S.C. 1639e (Truth in Lending Act);

(B) establishing registration procedures and standards for a real estate appraisal management company; and

(C) establishing the standards for the real estate appraisal management company's appraiser panel, including panel size and member qualifications; and

(4) report relevant information regarding a real estate appraisal management company's operations, including a disciplinary action under this chapter or a violation of state or federal law, to the Appraisal Subcommittee established under 12 U.S.C. 3310.

(b) The board may

(1) examine the records of a real estate appraisal management company operating in the state;

(2) require a real estate appraisal management company to submit reports, information, and documents to the board;

(3) investigate alleged violations of this chapter;

(4) conduct background investigations as provided in AS 08.87.135(c).

**ARTICLE 2.
CERTIFICATION.**

Section

- 100. Certificate required**
- 110. General, residential, and institutional real estate appraiser certificates**
- 120. Continuing education requirements for renewal of certificate**

Sec. 08.87.100. Certificate required. A person is guilty of a class B misdemeanor who

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required in 12 AAC 70.115(c) or (d), as applicable;

(C) work experience verification forms and a log of completed appraisals that meet the requirements of 12 AAC 70.110 and that verify the real estate appraisal experience required in 12 AAC 70.108(b);

(D) subject to the penalties of unsworn falsification as defined in AS 11.56.210, a list of crimes described in AS 08.87.110 and AS 08.87.210 for which the applicant has been convicted; and

(E) a copy of the work product from a minimum of two appraisals performed by the applicant, selected by the board, and included in the log of appraisals submitted under 12 AAC 70.110(a); and

(2) pay any fees required in 12 AAC 02.370.

(c) A certificate to practice under this section will not be issued until

(1) the board has approved the applicant's work product submitted under (b)(1)(E) of this section; and

(2) the applicant has passed the examination required under AS 08.87.110(b)(3) and 12 AAC 70.130.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.106. APPLICATION FOR GENERAL REAL ESTATE APPRAISER OR RESIDENTIAL REAL ESTATE APPRAISER CERTIFICATION BY RECIPROCITY. (a) The board will issue a certification to practice as a general real estate appraiser or residential real estate appraiser by reciprocity to an applicant who meets the requirements of AS 08.87.110(c) and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include the personal identification information requested on the form;

(2) pay any fees required in 12 AAC 02.370; and

(3) submit verification of current certification or licensure from another state on a form provided by the department.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.107. APPLICATION FOR INSTITUTIONAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as an institutional real estate appraiser to an applicant who meets the requirements of AS 08.87.110(e) and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required of general real estate appraisers in 12 AAC 70.115(a) or (b), as applicable; and

(C) proof of full-time employment with a financial institution with offices in this state; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.108. WORK EXPERIENCE REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION. (a) An applicant for certification as a general real estate appraiser shall submit verification of 3,000 hours of appraisal work obtained continuously over a period of not less than 18 months. At least 1,500 hours of the appraisal work must be in nonresidential appraisal work. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time that the work experience was obtained.

(b) An applicant for certification as a residential real estate appraiser shall submit verification of 1,500 hours of appraisal experience obtained continuously over a period of not less than 12 months. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with the USPAP in effect at the time that the work experience was obtained.

(c) An applicant may not receive credit for more than 1,250 hours of experience in real property appraisal in a 12-month period.

(d) In this section, a residential property is one to four residential units.

Authority: AS 08.87.020

SENATE BILL NO. 157

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/22/20

Referred: Labor and Commerce, Health and Social Services, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to professional licensing; relating to temporary licenses for some
2 professions; relating to audiologists and speech-language pathologists; relating to the
3 regulation of hair braiding; relating to the demonstration of traditional Alaska Native
4 tattoo techniques; relating to home inspector licensing; relating to collection agency
5 licensing; relating to hearing aid dealer licensing; repealing requirements for
6 certification of professional geologists; repealing the requirements for registration of
7 concert promoters; repealing the athletic commission; relating to boxing, sparring and
8 wrestling contests, matches, and exhibitions; relating to dental radiological equipment;
9 repealing certain oil and gas business bonding and cash deposit requirements; and
10 providing for an effective date."

11 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12 * **Section 1.** AS 08.01.020 is amended to read:

1 **Sec. 08.01.020. Board organization.** Board members are appointed by the
 2 governor and serve at the pleasure of the governor. Unless otherwise provided, the
 3 governor may designate the chair of a board, and all other officers shall be elected by
 4 the board members. Unless otherwise provided, officers of a board are the chair and
 5 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR
 6 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR
 7 REMOVAL].

8 * **Sec. 2.** AS 08.01.062 is repealed and reenacted to read:

9 **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,
 10 the department shall issue an applicant a temporary license under this section to
 11 engage in a profession regulated under this chapter if

12 (1) the applicant

13 (A) is licensed or credentialed to practice the profession in
 14 another state or territory of the United States or a foreign country, territory, or
 15 province that

16 (i) has requirements for a license to practice the
 17 profession that are substantially equivalent to or greater than the
 18 requirements listed in the applicable chapter of this title; or

19 (ii) authorizes a scope of practice substantially
 20 equivalent to the scope of practice of the corresponding license in the
 21 state;

22 (B) meets the qualifications and requirements for a license as
 23 listed in the applicable chapter of this title and resides in a state or territory of
 24 the United States or in a foreign country, territory, or province that does not
 25 license individuals to practice that profession;

26 (C) is awaiting the results of an examination required for
 27 licensure in a profession regulated under this chapter and meets the remaining
 28 qualifications and requirements listed in the applicable chapter; or

29 (D) if applicable, meets the qualifications and requirements for
 30 a license under the applicable chapter of this title through military education,
 31 training, and service under AS 08.01.064(a) and does not already hold a license

1 to practice that profession in another jurisdiction as a member of the armed
2 forces listed in AS 08.01.064(a)(2);

3 (2) at the time of the application, the applicant is not subject to
4 disciplinary action related to the profession in another jurisdiction or the subject of an
5 ongoing review or disciplinary proceeding by the profession's licensing entity in that
6 jurisdiction;

7 (3) within 10 years before submitting an application, the applicant has
8 not committed an act in another jurisdiction that would have constituted grounds for
9 the denial or revocation of a license, certificate, or permit to practice that occupation
10 under this title at the time the act was committed; and

11 (4) the applicable fees are paid.

12 (b) If the department or applicable board requires that an applicant for a
13 professional license undergo a criminal history record check, the applicant for a
14 temporary license will be subject to the same requirements. The department may
15 consider an application and grant a temporary license before obtaining any resulting
16 report. If the department subsequently receives criminal record information that would
17 authorize the department or board to take disciplinary action, the department or board
18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An
20 applicant may apply for one 180-day extension, which will be approved at the
21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued
23 under this section for an occupation listed in AS 08.01.010, excluding the professions
24 regulated under AS 08.54 and AS 08.62, satisfies the requirements to temporarily
25 practice the profession for which a license was granted within the scope designated by
26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or
28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under
30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this
31 section if the applicant shows that the required professional training period is longer

1 than 180 days.

2 (g) The department shall set fees for temporary licenses under AS 08.01.065.

3 * **Sec. 3.** AS 08.01.064(c) is amended to read:

4 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure
5 for issuance of a license or certificate under AS 08.01.062 [(b) OF THIS SECTION]
6 for an applicant who is on active duty **or is the spouse of an active duty member of**
7 **the armed forces of the United States**.

8 * **Sec. 4.** AS 08.01.065(h) is amended to read:

9 (h) Notwithstanding (c) of this section, the department shall establish fee
10 levels under (a) of this section so that the total amount of fees collected by the Board
11 of Barbers and Hairdressers approximately equals the total regulatory costs of the
12 department, the board, and the Department of Environmental Conservation for all
13 occupations regulated by the board. For purposes of this subsection, the regulatory
14 costs of the Department of Environmental Conservation for the occupations regulated
15 by the board include the cost of inspections under AS 08.13.210(b), the cost of
16 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,
17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and
18 permanent cosmetic coloring establishments, and the cost to the Department of
19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,
20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL
21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A
22 PRACTITIONER'S LICENSE ISSUED UNDER AS 08.13.100 SO THAT THE
23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL
24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND
25 HAIRDRESSERS].

26 * **Sec. 5.** AS 08.01.065 is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee
28 levels under (a) of this section so that the total amount of fees collected by the Board
29 of Dental Examiners approximately equals the total regulatory costs of the department,
30 the board, and the Department of Health and Social Services for all occupations
31 regulated by the board. For purposes of this subsection, the regulatory costs of the

1 Department of Health and Social Services for the occupations regulated by the board
2 include the cost of inspecting dental radiological equipment under AS 08.36.075.

3 * **Sec. 6.** AS 08.01.077 is amended by adding new subsections to read:

4 (b) Notwithstanding any other provision of this title, a charge, indictment, or
5 arrest that does not lead to a conviction may not alone be grounds for denial or
6 nonrenewal of a license or for disciplinary action.

7 (c) Each licensing board and the department shall specify in regulation each
8 criminal conviction that will disqualify an applicant from obtaining or renewing a
9 license. Each licensing board and the department shall define good moral character
10 and moral turpitude in regulation if either standard is used by the licensing board or
11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal
13 conviction not listed in regulation under (c) of this section, the board or department
14 shall consider

15 (1) the nature and seriousness of the crime;

16 (2) the amount of time that has passed since the conviction;

17 (3) the relationship between the nature of the crime and the duties and
18 responsibilities of the occupation for which the license is sought; and

19 (4) evidence of rehabilitation or treatment undertaken by the applicant
20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board
22 or department for a determination of whether the individual's conviction will
23 disqualify the individual from obtaining a license. The licensing board or department
24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by
26 substantial evidence in light of the whole record, that an applicant's criminal
27 conviction is a disqualifying conviction and document how the conviction is related to
28 the duties and responsibilities of the licensed occupation. The board or department
29 shall make written findings for each of the factors under (d) of this section for
30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's

1 prior criminal conviction, the board or department shall notify the applicant
 2 (1) of the grounds and reasons for the denial or disqualification;
 3 (2) of the applicant's right to a hearing;
 4 (3) of the earliest date the applicant may reapply for the license; and
 5 (4) that evidence of rehabilitation or treatment may be considered upon
 6 reapplication.

7 * **Sec. 7.** AS 08.01.080 is amended to read:

8 **Sec. 08.01.080. Department regulations.** The department shall adopt
 9 regulations to carry out the purposes of this chapter, including describing

10 (1) how an examination is to be conducted;

11 (2) what is contained in application forms;

12 (3) how a person applies for an examination or license;

13 **(4) the attendance and participation thresholds for removal of a**
 14 **board member.**

15 * **Sec. 8.** AS 08.11.010 is amended by adding a new paragraph to read:

16 (5) meets any additional requirements provided in regulation adopted
 17 by the department.

18 * **Sec. 9.** AS 08.11.015 is amended by adding a new paragraph to read:

19 (6) meets any additional requirements provided in regulation adopted
 20 by the department.

21 * **Sec. 10.** AS 08.11.043(a) is amended to read:

22 (a) The department shall register an individual as a speech-language
 23 pathologist assistant if the individual submits an application on a form approved by the
 24 department, pays the required fee, and

25 (1) submits proof satisfactory to the department that the individual has
 26 successfully completed

27 (A) an associate of applied science degree in disabilities with a
 28 speech-language support emphasis [EITHER] from **an** [THE UNIVERSITY
 29 OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM
 30 SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved
 31 program; or

1 (B) a bachelor's degree in speech-language pathology from an
2 accredited institution; [AND]

3 (2) submits proof satisfactory to the department that the individual has
4 successfully completed 100 hours of field work supervised by a licensed speech-
5 language pathologist; **and**

6 **(3) meets any additional requirements provided by the department**
7 **in regulation.**

8 * **Sec. 11.** AS 08.11.070 is amended to read:

9 **Sec. 08.11.070. Dealing in hearing aids.** An audiologist may deal in hearing
10 aids as a hearing aid dealer without being licensed as a hearing aid dealer under
11 AS 08.55, but shall comply with AS 08.55.050, 08.55.070, 08.55.100, 08.55.110(a),
12 **(b)(3), and (c) - (h)** [08.55.110(b)(3) AND (c) - (h)], and **08.55.130(7) - (12)**
13 [08.55.130(7) - (13)] when dealing in hearing aids.

14 * **Sec. 12.** AS 08.11.090(c) is amended to read:

15 (c) The department may summarily suspend a license **or registration** before
16 final hearing or during the appeals process if the department finds that the licensee **or**
17 **registrant** poses a clear and immediate danger to the public welfare and safety if the
18 licensee **or registrant** continues to practice. An individual whose license **or**
19 **registration** is suspended under this subsection is entitled to a hearing conducted by
20 the office of administrative hearings (AS 44.64.010) not later than seven days after the
21 effective date of the order. The individual may appeal the suspension after the hearing
22 to the superior court.

23 * **Sec. 13.** AS 08.11.200 is amended by adding a new paragraph to read:

24 (13) "field work" means engaging in activities permitted under
25 AS 08.11.042(d)(1) - (5) under the supervision of a licensed speech pathologist but
26 does not require observation hours.

27 * **Sec. 14.** AS 08.13.030(b) is amended to read:

28 (b) The board shall

29 (1) examine applicants and approve the issuance of licenses and
30 permits to practice;

31 (2) authorize the issuance of licenses for schools of barbering,

1 hairdressing, manicuring, and esthetics;

2 (3) develop written instructions and notices that tattooing, permanent
3 cosmetic coloring, and body piercing shop owners and practitioners are required to
4 give or display under AS 08.13.215;

5 (4) enforce the provisions of this chapter, regulations adopted under
6 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]
7 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

8 * **Sec. 15.** AS 08.13.120(b) is amended to read:

9 (b) The regulations adopted under (a) of this section must include provisions
10 under which the board may issue a temporary shop license to a person who has a
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized
13 under this subsection may only be issued to cover a site where the practitioner intends
14 to hold a workshop or to demonstrate techniques as part of a convention or other
15 special event, as defined by the board, that includes other practitioners of tattooing,
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates
18 techniques at a convention or special event shall have a separate temporary shop
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a
21 temporary shop license upon receipt of an application from a practitioner
22 demonstrating compliance with the regulations adopted under this section and
23 payment of the appropriate fee; however, the temporary shop license may be
24 summarily revoked, without refunding of the fee, if the Department of Environmental
25 Conservation determines after an inspection that the cleanliness or sanitation
26 conditions at the site covered by the temporary license pose a clear and immediate
27 danger to the public health or safety. A licensee may appeal a summary revocation
28 under this subsection to the superior court.

29 * **Sec. 16.** AS 08.13.150 is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
31 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,

1 refuse, suspend, or revoke a license, **temporary shop license**, student permit, **or**
 2 temporary license **under AS 08.01.062** [, OR TEMPORARY PERMIT] for failure to
 3 comply with this chapter, with a regulation adopted under this chapter, with a
 4 regulation adopted by the Department of Environmental Conservation under
 5 AS 44.46.020, or with an order of the board.

6 * **Sec. 17.** AS 08.13.160(d) is amended to read:

7 (d) The licensing and permit provisions of this chapter do not apply to

8 (1) a person practicing barbering, hairdressing, hair braiding,
 9 manicuring, or esthetics in a community having a population of less than 1,000 people
 10 that is not within 25 miles of a community of more than 1,000 people and who does
 11 not use chemicals or uses only chemicals available to the general public;

12 (2) a licensed health care professional;

13 (3) a person licensed **or permitted in another** [BY ANOTHER
 14 LICENSING] jurisdiction in a field of practice **regulated** [LICENSED] by this
 15 chapter while demonstrating techniques or products to persons holding licenses or
 16 permits under this chapter;

17 (4) a person practicing tattooing, permanent cosmetic coloring, or body
 18 piercing solely on the person's own body;

19 (5) the practice of manicuring by a student as part of instruction in a
 20 12-hour course approved under AS 08.13.110(d);

21 **(6) a person demonstrating traditional Alaska Native tattoo**
 22 **techniques at a special event who holds a temporary shop license issued under**
 23 **AS 08.13.120(b).**

24 * **Sec. 18.** AS 08.13.175 is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who **receives a temporary**
 26 **license under AS 08.01.062 must work** [MEETS THE REQUIREMENTS OF
 27 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY
 28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER
 29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical
 30 presence, of a person who is licensed in the area of practice for which the applicant
 31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS

1 SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON
 2 MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH
 3 AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION
 4 FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING
 5 LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE
 6 REQUIRED UNDER AS 08.13.185].

7 * **Sec. 19.** AS 08.13.190(a) is amended to read:

8 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
 9 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
 10 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
 11 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
 12 temporary license under AS 08.01.062, or student permit and who is not exempt
 13 under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

14 * **Sec. 20.** AS 08.13.195(f) is amended to read:

15 (f) If a person fails to pay a civil penalty not later than [WITHIN] 30 days
 16 after entry of an order under (a) of this section, or if the order is stayed pending an
 17 appeal, not later than [WITHIN] 10 days after the court enters a final judgment in
 18 favor of the board of an order appealed under (e) of this section, the board shall notify
 19 the attorney general. The attorney general may commence a civil action to recover the
 20 amount of the penalty.

21 * **Sec. 21.** AS 08.18.022(a) is amended to read:

22 (a) The department shall issue a certificate of registration as a home inspector
 23 for new homes, existing homes, or both, as appropriate, to an individual who

24 (1) passes the appropriate home inspection examination; for purposes
 25 of this paragraph, the appropriate home inspection examination for an individual who
 26 applies to be registered for inspection of

27 (A) existing homes is the examination offered by the American
 28 Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME
 29 INSPECTORS];

30 (B) new homes or for a joint registration is the examination
 31 offered by the International Code Council;

1 (2) meets the educational and experience requirements adopted by the
2 department in regulations for the type of registration applied for;

3 (3) submits a complete application for registration either

4 (A) within three years after passing the examination required
5 under (1) of this subsection; or

6 (B) accompanied by documentation that the applicant has
7 completed continuing education requirements established by the department;

8 (4) within the seven years preceding the date of application, has not
9 been under a sentence for an offense related to forgery, theft in the first or second
10 degree, extortion, or defrauding creditors or for a felony involving dishonesty;

11 (5) has not had the authority to perform home inspections revoked in
12 this state or in another jurisdiction;

13 (6) is not the subject of an unresolved criminal complaint or
14 unresolved disciplinary action before a regulatory authority in this state or in another
15 jurisdiction related to real estate or home inspection matters; and

16 (7) pays the appropriate fees.

17 * **Sec. 22.** AS 08.18.031(c) is amended to read:

18 (c) A certificate of registration as a home inspector may not be renewed unless
19 the home inspector has complied with the continuing competency requirements
20 established by the department in regulation [. THE DEPARTMENT SHALL ADOPT
21 REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY
22 REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT
23 HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING
24 PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING
25 COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING
26 ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF
27 THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS
28 ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER
29 THIS SUBSECTION:

30 (1) ALASKA HOUSING FINANCE CORPORATION;

31 (2) UNIVERSITY OF ALASKA;

1 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA
2 CHAPTER;

3 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL
4 ALASKA;

5 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR

6 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT
7 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].

8 * **Sec. 23.** AS 08.20.180(a) is amended to read:

9 (a) An applicant for an examination, reexamination, issuance of a temporary
10 permit under **AS 08.01.062** [AS 08.20.160, ISSUANCE OF A LOCUM TENENS
11 PERMIT UNDER AS 08.20.163], issuance of a license by credentials under
12 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or
13 renewal of an active or inactive license shall pay a fee established under
14 AS 08.01.065.

15 * **Sec. 24.** AS 08.24.110 is amended to read:

16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an
17 operator's license, the applicant shall

18 (1) be a high school graduate, or have the equivalent education of a
19 high school graduate;

20 (2) [BE OF GOOD MORAL CHARACTER;

21 (3)] not have been convicted of violating this chapter, nor have any
22 unsettled complaints under this chapter against the applicant;

23 **(3)** [(4)] not have been convicted of a felony or a crime of larceny or
24 embezzlement or a crime involving moral turpitude **within 10 years before applying**;

25 **(4)** [(5)] be 19 years of age or older at the time of application;

26 **(5)** [(6)] not be a disbarred attorney [OR HAVE FILED
27 BANKRUPTCY];

28 **(6)** [(7)] pay the biennial license fee.

29 (b) The commissioner may waive or modify the requirements specified in
30 **(a)(1) - (3) and (5)** [(a)(1), (3), (4) AND (6)] of this section for good cause shown.

31 * **Sec. 25.** AS 08.24.240 is amended to read:

1 **Sec. 08.24.240. Failure to file statement.** If the annual statement of collection
 2 is not filed as required under AS 08.24.210, the failure to file constitutes grounds for
 3 the immediate suspension of the collection agency license of the licensee failing to file
 4 the statement, and the department shall notify the licensee [BY REGISTERED OR
 5 CERTIFIED MAIL] that the license of the licensee will be suspended upon the
 6 expiration of **30** [15] days after the date on which the notice was mailed unless the
 7 licensee complies with the provisions of AS 08.24.210. However, for good cause
 8 shown and upon satisfactory proof furnished by the licensee that the failure to file the
 9 statement was due to a condition not within the control, or was due to excusable
 10 neglect, of the licensee, the department may permit the filing of the statement after the
 11 time limited and excuse the failure to file the statement within the time limited. If the
 12 statement required by AS 08.24.210 is not filed as required by this section, the
 13 department shall revoke the license.

14 * **Sec. 26.** AS 08.24.290 is amended to read:

15 **Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a**
 16 **license or certificate.** The department may suspend, revoke, or refuse to renew or
 17 grant a license issued or applied for under this chapter if the licensee or applicant or a
 18 partner, associate, or major stockholder of a collection agency has [SINCE THE
 19 DATE OF THE APPLICATION] been disbarred from the practice of law or been
 20 convicted of fraud, embezzlement, obtaining money under false pretenses, a crime
 21 involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of
 22 this chapter, or violation of a regulation adopted under authority of this chapter.

23 * **Sec. 27.** AS 08.24.340 is amended to read:

24 **Sec. 08.24.340. Statement of persons employed by agency.** (a) A [WITHIN
 25 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency
 26 shall submit **annually** to the department a list of all persons employed by the agency [.
 27 THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION
 28 AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE
 29 DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE
 30 FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

31 (b) There shall be submitted **in the annual report** with the name of **each**

1 [THE] employee employed by the collection agency the following information:

2 (1) the employee's residence address;

3 (2) the employee's length of residence in the state;

4 (3) a statement of any [THE] new employee's previous employment in
5 the last year;

6 (4) further information which the department may require.

7 (c) Any statement of previous employment [THE STATEMENT] shall be
8 verified by the employee before a notary public or other person authorized to
9 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on
11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was
12 hired and that the new employee is an employee of the collection agency at the time
13 the form is executed.

14 * **Sec. 28.** AS 08.36.075(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish
16 standards that comply with applicable federal law for the registration, use, and
17 inspection of dental radiological equipment, including standards for record keeping
18 relating to the control panels and the use of the equipment [. THE BOARD MAY
19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED
20 UNDER THIS SECTION].

21 * **Sec. 29.** AS 08.36.100 is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
23 08.36.254], a person may not practice, or attempt to practice, dentistry without a
24 license.

25 * **Sec. 30.** AS 08.42.085(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062
27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of
28 this section [. THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR
29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE
30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES
31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall

1 charge a fee for processing applications and renewals under this section that will be
2 sufficient to cover administrative costs.

3 * **Sec. 31.** AS 08.55.010(b) is amended to read:

4 (b) An individual who is a physician or an audiologist may deal in hearing
5 aids without being licensed under this chapter, but shall comply with AS 08.55.050,
6 08.55.070, 08.55.100, 08.55.110(a), and 08.55.130(7) - (12) [08.55.130(7) - (13)]
7 when dealing in hearing aids.

8 * **Sec. 32.** AS 08.55.020(b) is amended to read:

9 (b) On or before the expiration of a license under this chapter, a licensee may
10 apply for renewal of the license, and the department shall renew the license if the
11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT
12 AS A HEARING AID DEALER UNDER AS 43.70.020,] and provides evidence
13 satisfactory to the department that the individual has not engaged in conduct that is a
14 ground for imposing disciplinary sanctions under AS 08.55.130.

15 * **Sec. 33.** AS 08.55.110(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a
17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel
18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if

19 (1) the hearing aid dealer is not a physician or an audiologist, and
20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the
21 notice to be provided under (c) of this section, whichever receipt is later, a physician
22 or an audiologist advises the person in writing to cancel the sale or lease and specifies
23 in writing the medical or audiological reason for the advice; or

24 (2) the hearing aid dealer, if not a physician or audiologist, has violated
25 a provision of this chapter in the sale or lease of the hearing aid to the person;

26 (3) the hearing aid dealer who is a physician or audiologist has violated
27 (a) or (c) - (h) of this section or AS 08.55.050, 08.55.070, 08.55.100, or 08.55.130(7) -
28 (12) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.

29 * **Sec. 34.** AS 08.64.279 is amended to read:

30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a
31 resident permit, or a temporary permit under AS 08.01.062 [FOR LOCUM TENENS

1 PRACTICE] may be interviewed in person by the board, a member of the board, the
 2 executive secretary of the board, or a person designated for that purpose by the board.

3 * **Sec. 35.** AS 08.84.010(b) is amended to read:

4 (b) The board shall control all matters pertaining to the licensing of physical
 5 therapists, physical therapy assistants, occupational therapists, and occupational
 6 therapy assistants and the practice of physical therapy and the practice of occupational
 7 therapy. The board shall

8 (1) pass upon the qualifications of applicants;

9 (2) provide for the examination of applicants;

10 (3) issue [TEMPORARY PERMITS AND] licenses to persons
 11 qualified under this chapter;

12 (4) suspend, revoke, or refuse to issue or renew a license under
 13 AS 08.84.120;

14 (5) keep a current register listing the name, business address, date, and
 15 number of the license of each person who is licensed to practice under this chapter;

16 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
 17 necessary to carry out the purposes of this chapter including regulations establishing
 18 qualifications for licensure and renewal of licensure under this chapter.

19 * **Sec. 36.** AS 08.84.150 is amended to read:

20 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
 21 to practice physical therapy without being licensed under this chapter unless the
 22 person is

23 (1) a student in an accredited physical therapy program;

24 (2) a graduate of a foreign school of physical therapy fulfilling the
 25 internship requirement of AS 08.84.032, and then only unless under the continuous
 26 direction and immediate supervision of a physical therapist; or

27 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**
 28 [AS 08.84.075].

29 (b) A person may not provide services that the person describes as
 30 occupational therapy without being licensed under this chapter unless the person is

31 (1) a student in an accredited occupational therapy program or in a

1 supervised field work program;

2 (2) a graduate of a foreign school of occupational therapy fulfilling the
3 internship requirement of AS 08.84.032, and then only unless under the continuous
4 direction and immediate supervision of an occupational therapist;

5 (3) an occupational therapist or occupational therapy assistant
6 employed by the United States government while in the discharge of official duties;

7 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**
8 [AS 08.84.075];

9 (5) licensed under this title and uses occupational therapy skills in the
10 practice of the profession for which the license is issued; or

11 (6) employed as a teacher or teacher's aide by an educational
12 institution and is required to use occupational therapy skills during the course of
13 employment, if

14 (A) the occupational therapy skills are used under a program
15 implemented by the employer and developed by a licensed occupational
16 therapist;

17 (B) the employer maintains direct supervision of the person's
18 use of occupational therapy skills; and

19 (C) the person does not represent to

20 (i) be an occupational therapist or occupational therapy
21 assistant; and

22 (ii) practice occupational therapy.

23 * **Sec. 37.** AS 08.98.120(a) is amended to read:

24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
25 the person is licensed as a veterinarian under this chapter or has a temporary permit
26 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
27 functions authorized by

28 (1) regulation of the board if the person is licensed as a veterinary
29 technician; or

30 (2) a permit issued under AS 08.02.050 if the person is employed by
31 an agency that has a permit issued under AS 08.02.050.

1 * **Sec. 38.** AS 08.98.165(a) is amended to read:

2 (a) An applicant is qualified to receive a license as a veterinarian who

3 (1) is a graduate of an accredited veterinary school or who has
4 successfully completed **a foreign graduate certification process approved by the**
5 **board** [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY
6 GRADUATES CERTIFICATION PROCESS];

7 (2) has, within the 60 months preceding application for the license,
8 passed a national examination for veterinarians approved by the board;

9 (3) has passed the written examination of the state on specific Alaska
10 issues of veterinary practice;

11 (4) is in good standing, as defined by the board in regulations; and

12 (5) has paid required fees.

13 * **Sec. 39.** AS 08.98.180 is amended to read:

14 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**
15 **license by the department under AS 08.01.062 must work** [MEETS THE
16 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE
17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE
19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE
20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE
21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY
22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND
23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER
24 AS 08.98.190].

25 * **Sec. 40.** AS 09.65.290(e)(4) is amended to read:

26 (4) "sports or recreational activity"

27 (A) means a commonly understood sporting activity, whether
28 undertaken with or without permission, including baseball, softball, football,
29 soccer, basketball, hockey, **boxing, mixed martial arts, sparring or**
30 **wrestling matches,** bungee jumping, parasailing, bicycling, hiking,
31 swimming, skateboarding, horseback riding and other equine activity, farm

1 touring, dude ranching, mountain climbing, river floating, whitewater rafting,
 2 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
 3 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
 4 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle
 5 use;

6 (B) does not include

7 (i) [BOXING CONTESTS, SPARRING OR
 8 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE
 9 SUBJECT TO THE REQUIREMENTS OF AS 05.10;

10 (ii)] activities involving the use of devices that are
 11 subject to the requirements of AS 05.20; or

12 (ii) [(iii)] skiing or sliding activities at a ski area that are
 13 subject to the requirements of AS 05.45.

14 * **Sec. 41.** AS 31.05.009(a) is amended to read:

15 (a) Members shall be qualified as follows:

16 (1) one member shall be a petroleum engineer who

17 (A) holds a certificate of registration as an engineer under
 18 AS 08.48 and, under regulations adopted to implement that chapter, has
 19 qualified as a petroleum engineer; or

20 (B) has earned a degree from a university in the field of
 21 engineering and has at least 10 years of professional subsurface experience in
 22 the oil and gas industry in drilling, well operations, production process
 23 operations, reservoir engineering, or a combination thereof; for the purposes of
 24 this subparagraph, a person meets the requirement of earning a degree in the
 25 field of engineering if the person obtains an undergraduate or graduate degree
 26 in engineering that meets the requirements for program accreditation by the
 27 Engineering Accreditation Commission of the Accreditation Board for
 28 Engineering and Technology and the person completes university or industry
 29 training specific to petroleum engineering that illustrates application of
 30 engineering principles to the problems encountered and methods used in the
 31 petroleum industry, including drilling, production, reservoir engineering, fluid

1 flow through subsurface formations, and hydrocarbon transportation;

2 (2) one member shall be a geologist who

3 (A) holds a national certification as a professional geologist **by**
 4 **the American Institute of Professional Geologists** [UNDER AS 08.02.011]
 5 and has professional experience in the field of petroleum geology; or

6 (B) has earned a degree in the field of geology from a
 7 university accredited in the field of geology and has a minimum of 10 years
 8 professional experience in the field of petroleum geology; and

9 (3) one member who shall have training or experience that gives the
 10 person a fundamental understanding of the oil and gas industry in the state.

11 * **Sec. 42.** AS 44.29.020 is amended by adding a new subsection to read:

12 (d) The Department of Health and Social Services shall establish standards
 13 that comply with federal law for the registration, use, and inspection of dental
 14 radiological equipment, including standards for record keeping relating to equipment
 15 control panels and use.

16 * **Sec. 43.** AS 44.46.020(a) is amended to read:

17 (a) The Department of Environmental Conservation shall

18 (1) have primary responsibility for coordination and development of
 19 policies, programs, and planning related to the environment of the state and of the
 20 various regions of the state;

21 (2) have primary responsibility for the adoption and enforcement of
 22 regulations setting standards for the prevention and abatement of all water, land,
 23 subsurface land, and air pollution, and other sources or potential sources of pollution
 24 of the environment, including by way of example only, petroleum and natural gas
 25 pipelines;

26 (3) promote and develop programs for the protection and control of the
 27 environment of the state;

28 (4) take actions that are necessary and proper to further the policy
 29 declared in AS 46.03.010;

30 (5) adopt regulations for

31 (A) the prevention and control of public health nuisances;

1 (B) the regulation of sanitation and sanitary practices in the
2 interest of public health;

3 (C) standards of cleanliness and sanitation in connection with
4 the construction, operation, and maintenance of a camp, cannery, food
5 handling establishment, food manufacturing plant, mattress manufacturing
6 establishment, industrial plant, school, barbershop, hairdressing, [HAIR
7 BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring,
8 body piercing, or ear piercing establishment, soft drink establishment, beer and
9 wine dispensaries, and for other similar establishments in which lack of
10 sanitation may create a condition that causes disease;

11 (D) the regulation of quality and purity of commercially
12 compressed air sold for human respiration.

13 * **Sec. 44.** AS 44.46.029 is amended to read:

14 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not
15 authorize the department to register, inspect, test, or otherwise regulate dental
16 radiological equipment or records relating to dental radiological equipment regulated
17 by the **Department of Health and Social Services** [BOARD OF DENTAL
18 EXAMINERS] under **AS 44.29.020** [AS 08.36.075].

19 * **Sec. 45.** AS 05.05.010, 05.05.020, 05.05.030, 05.05.040; AS 05.10.010, 05.10.020,
20 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100,
21 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170;
22 AS 08.01.010(4), 08.01.010(13), 08.01.010(21), 08.01.063, 08.01.064(b), 08.01.064(d);
23 AS 08.02.011; AS 08.11.020, 08.11.025; AS 08.13.160(a), 08.13.160(b), 08.13.170,
24 08.13.220(14); AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.24.370; AS 08.26.050;
25 AS 08.36.254; AS 08.45.035(a), 08.45.035(b); AS 08.55.010(a)(4), 08.55.010(a)(6)(D),
26 08.55.130(13); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210;
27 AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166;
28 AS 08.92.010, 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070,
29 08.92.080, 08.92.090; AS 08.95.125; AS 08.98.050(8), 08.98.186, 08.98.190(6),
30 08.98.190(7); AS 25.27.244(s)(2)(A)(i); AS 43.70.025, 43.70.028; and AS 44.29.027 are
31 repealed.

1 * **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,
4 Community, and Economic Development, the Department of Health and Social Services, and
5 the Department of Environmental Conservation may adopt regulations necessary to
6 implement the changes made by this Act. The regulations take effect under AS 44.62
7 (Administrative Procedure Act), but not before the effective date of the law implemented by
8 the regulation.

9 (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,
10 Community, and Economic Development may amend or repeal regulations adopted by the
11 athletic commission established in AS 05.05.010, as that section read the day before the
12 effective date of this Act, as necessary to carry out this Act.

13 (c) The Department of Commerce, Community, and Economic Development shall
14 account for any licensee bond filed under AS 05.10.090 or AS 08.92.030, repealed by sec. 45
15 of this Act, and take any action necessary to release a bond under AS 05.10.090 or
16 AS 08.92.030, repealed by sec. 45 this Act.

17 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,
20 and other proceedings pending under a law amended or repealed by this Act, or in connection
21 with functions transferred by this Act, continue in effect and may be continued and completed
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23 (b) Certificates, orders, permits, and regulations issued or adopted under authority of
24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,
25 vacated, or otherwise modified under the provisions of this Act.

26 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
29 property of agencies of the state whose functions are transferred under this Act shall be
30 transferred to implement the provisions of this Act.

31 * **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under AS 01.10.070(c).

1 * **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.

[Home](#) [Bill & Laws](#)

HB 216: "An Act relating to professional licensing; relating to temporary licenses for some professions; relating to audiologists and speech-language pathologists; relating to the regulation of hair braiding; relating to the demonstration of traditional Alaska Native tattoo techniques; relating to home inspector licensing; relating to collection agency licensing; relating to hearing aid dealer licensing; repealing requirements for certification of professional geologists; repealing the requirements for registration of concert promoters; repealing the athletic commission; relating to boxing, sparring and wrestling contests, matches, and exhibitions; relating to dental radiological equipment; repealing certain oil and gas business bonding and cash deposit requirements; and providing for an effective date."

00 HOUSE BILL NO. 216
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06 certification of professional geologists; repealing the requirements for registration of
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08 wrestling contests, matches, and exhibitions; relating to dental radiological equipment;
09 repealing certain oil and gas business bonding and cash deposit requirements; and
10 providing for an effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * **Section 1.** [AS 08.01.020](#) is amended to read:
01 **Sec. 08.01.020. Board organization.** Board members are appointed by the
02 governor and serve at the pleasure of the governor. Unless otherwise provided, the
03 governor may designate the chair of a board, and all other officers shall be elected by
04 the board members. Unless otherwise provided, officers of a board are the chair and
05 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR
06 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR
07 REMOVAL].
08 * **Sec. 2.** [AS 08.01.062](#) is repealed and reenacted to read:
09 **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,
10 the department shall issue an applicant a temporary license under this section to
11 engage in a profession regulated under this chapter if
12 (1) the applicant
13 (A) is licensed or credentialed to practice the profession in
14 another state or territory of the United States or a foreign country, territory, or
15 province that
16 (i) has requirements for a license to practice the
17 profession that are substantially equivalent to or greater than the
18 requirements listed in the applicable chapter of this title; or
19 (ii) authorizes a scope of practice substantially
20 equivalent to the scope of practice of the corresponding license in the
21 state;
22 (B) meets the qualifications and requirements for a license as
23 listed in the applicable chapter of this title and resides in a state or territory of
24 the United States or in a foreign country, territory, or province that does not
25 license individuals to practice that profession;
26 (C) is awaiting the results of an examination required for
27 licensure in a profession regulated under this chapter and meets the remaining
28 qualifications and requirements listed in the applicable chapter; or
29 (D) if applicable, meets the qualifications and requirements for
30 a license under the applicable chapter of this title through military education,
31 training, and service under [AS 08.01.064](#)(a) and does not already hold a license
01 to practice that profession in another jurisdiction as a member of the armed
02 forces listed in [AS 08.01.064](#)(a)(2);
03 (2) at the time of the application, the applicant is not subject to
04 disciplinary action related to the profession in another jurisdiction or the subject of an
05 ongoing review or disciplinary proceeding by the profession's licensing entity in that
06 jurisdiction;
07 (3) within 10 years before submitting an application, the applicant has
08 not committed an act in another jurisdiction that would have constituted grounds for
09 the denial or revocation of a license, certificate, or permit to practice that occupation
10 under this title at the time the act was committed; and
11 (4) the applicable fees are paid.
12 (b) If the department or applicable board requires that an applicant for a

13 professional license undergo a criminal history record check, the applicant for a
14 temporary license will be subject to the same requirements. The department may
15 consider an application and grant a temporary license before obtaining any resulting
16 report. If the department subsequently receives criminal record information that would
17 authorize the department or board to take disciplinary action, the department or board
18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An
20 applicant may apply for one 180-day extension, which will be approved at the
21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued
23 under this section for an occupation listed in [AS 08.01.010](#), excluding the professions
24 regulated under [AS 08.54](#) and [AS 08.62](#), satisfies the requirements to temporarily
25 practice the profession for which a license was granted within the scope designated by
26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or
28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under

30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this
31 section if the applicant shows that the required professional training period is longer
01 than 180 days.

02 (g) The department shall set fees for temporary licenses under [AS 08.01.065](#).

03 * **Sec. 3.** [AS 08.01.064](#)(c) is amended to read:

04 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure
05 for issuance of a license or certificate under [AS 08.01.062](#) [(b) OF THIS SECTION]
06 for an applicant who is on active duty **or is the spouse of an active duty member of**
07 **the armed forces of the United States.**

08 * **Sec. 4.** [AS 08.01.065](#)(h) is amended to read:

09 (h) Notwithstanding (c) of this section, the department shall establish fee
10 levels under (a) of this section so that the total amount of fees collected by the Board
11 of Barbers and Hairdressers approximately equals the total regulatory costs of the
12 department, the board, and the Department of Environmental Conservation for all
13 occupations regulated by the board. For purposes of this subsection, the regulatory
14 costs of the Department of Environmental Conservation for the occupations regulated
15 by the board include the cost of inspections under [AS 08.13.210](#)(b), the cost of
16 developing and adopting regulations under [AS 44.46.020](#) for barbershop, hairdressing,
17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and
18 permanent cosmetic coloring establishments, and the cost to the Department of
19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,
20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL
21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A
22 PRACTITIONER'S LICENSE ISSUED UNDER [AS 08.13.100](#) SO THAT THE
23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL
24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND
25 HAIRDRESSERS].

26 * **Sec. 5.** [AS 08.01.065](#) is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee
28 levels under (a) of this section so that the total amount of fees collected by the Board
29 of Dental Examiners approximately equals the total regulatory costs of the department,
30 the board, and the Department of Health and Social Services for all occupations
31 regulated by the board. For purposes of this subsection, the regulatory costs of the
01 Department of Health and Social Services for the occupations regulated by the board
02 include the cost of inspecting dental radiological equipment under [AS 08.36.075](#).

03 * **Sec. 6.** [AS 08.01.077](#) is amended by adding new subsections to read:

04 (b) Notwithstanding any other provision of this title, a charge, indictment, or
05 arrest that does not lead to a conviction may not alone be grounds for denial or
06 nonrenewal of a license or for disciplinary action.

07 (c) Each licensing board and the department shall specify in regulation each
08 criminal conviction that will disqualify an applicant from obtaining or renewing a
09 license. Each licensing board and the department shall define good moral character
10 and moral turpitude in regulation if either standard is used by the licensing board or
11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal
13 conviction not listed in regulation under (c) of this section, the board or department
14 shall consider

- 15 (1) the nature and seriousness of the crime;
- 16 (2) the amount of time that has passed since the conviction;

17 (3) the relationship between the nature of the crime and the duties and
18 responsibilities of the occupation for which the license is sought; and

19 (4) evidence of rehabilitation or treatment undertaken by the applicant
20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board
22 or department for a determination of whether the individual's conviction will
23 disqualify the individual from obtaining a license. The licensing board or department
24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by

26 substantial evidence in light of the whole record, that an applicant's criminal
 27 conviction is a disqualifying conviction and document how the conviction is related to
 28 the duties and responsibilities of the licensed occupation. The board or department
 29 shall make written findings for each of the factors under (d) of this section for
 30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's
 01 prior criminal conviction, the board or department shall notify the applicant
 02 (1) of the grounds and reasons for the denial or disqualification;
 03 (2) of the applicant's right to a hearing;
 04 (3) of the earliest date the applicant may reapply for the license; and
 05 (4) that evidence of rehabilitation or treatment may be considered upon
 06 reapplication.

07 * **Sec. 7.** [AS 08.01.080](#) is amended to read:
 08 **Sec. 08.01.080. Department regulations.** The department shall adopt
 09 regulations to carry out the purposes of this chapter, including describing
 10 (1) how an examination is to be conducted;
 11 (2) what is contained in application forms;
 12 (3) how a person applies for an examination or license;

13 **(4) the attendance and participation thresholds for removal of a**
 14 **board member.**

15 * **Sec. 8.** [AS 08.11.010](#) is amended by adding a new paragraph to read:
 16 (5) meets any additional requirements provided in regulation adopted
 17 by the department.

18 * **Sec. 9.** [AS 08.11.015](#) is amended by adding a new paragraph to read:
 19 (6) meets any additional requirements provided in regulation adopted
 20 by the department.

21 * **Sec. 10.** [AS 08.11.043](#)(a) is amended to read:
 22 (a) The department shall register an individual as a speech-language
 23 pathologist assistant if the individual submits an application on a form approved by the
 24 department, pays the required fee, and
 25 (1) submits proof satisfactory to the department that the individual has
 26 successfully completed
 27 (A) an associate of applied science degree in disabilities with a
 28 speech-language support emphasis [EITHER] from an [THE UNIVERSITY
 29 OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM
 30 SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved
 31 program; or
 01 (B) a bachelor's degree in speech-language pathology from an
 02 accredited institution; [AND]
 03 (2) submits proof satisfactory to the department that the individual has
 04 successfully completed 100 hours of field work supervised by a licensed speech-
 05 language pathologist; **and**
 06 **(3) meets any additional requirements provided by the department**
 07 **in regulation.**

08 * **Sec. 11.** [AS 08.11.070](#) is amended to read:
 09 **Sec. 08.11.070. Dealing in hearing aids.** An audiologist may deal in hearing
 10 aids as a hearing aid dealer without being licensed as a hearing aid dealer under
 11 [AS 08.55](#), but shall comply with [AS 08.55.050](#), 08.55.070, 08.55.100, 08.55.110(a),
 12 **(b) (3), and (c) - (h)** [08.55.110(b) (3) AND (c) - (h)], and **08.55.130 (7) - (12)**
 13 [08.55.130(7) - (13)] when dealing in hearing aids.

14 * **Sec. 12.** [AS 08.11.090](#)(c) is amended to read:
 15 (c) The department may summarily suspend a license **or registration** before
 16 final hearing or during the appeals process if the department finds that the licensee **or**
 17 **registrant** poses a clear and immediate danger to the public welfare and safety if the
 18 licensee **or registrant** continues to practice. An individual whose license **or**
 19 **registration** is suspended under this subsection is entitled to a hearing conducted by
 20 the office of administrative hearings ([AS 44.64.010](#)) not later than seven days after the
 21 effective date of the order. The individual may appeal the suspension after the hearing
 22 to the superior court.

23 * **Sec. 13.** [AS 08.11.200](#) is amended by adding a new paragraph to read:
 24 (13) "field work" means engaging in activities permitted under
 25 [AS 08.11.042](#)(d) (1) - (5) under the supervision of a licensed speech pathologist but
 26 does not require observation hours.

27 * **Sec. 14.** [AS 08.13.030](#)(b) is amended to read:
 28 (b) The board shall
 29 (1) examine applicants and approve the issuance of licenses and
 30 permits to practice;
 31 (2) authorize the issuance of licenses for schools of barbering,
 01 hairdressing, manicuring, and esthetics;
 02 (3) develop written instructions and notices that tattooing, permanent
 03 cosmetic coloring, and body piercing shop owners and practitioners are required to
 04 give or display under [AS 08.13.215](#);
 05 (4) enforce the provisions of this chapter, regulations adopted under
 06 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]
 07 manicuring, and esthetics adopted under [AS 44.46.020](#)(a) (5) (C).

08 * **Sec. 15.** [AS 08.13.120](#)(b) is amended to read:

09 (b) The regulations adopted under (a) of this section must include provisions
10 under which the board may issue a temporary shop license to a person who has a
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized
13 under this subsection may only be issued to cover a site where the practitioner intends
14 to hold a workshop or to demonstrate techniques as part of a convention or other
15 special event, as defined by the board, that includes other practitioners of tattooing,
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates
18 techniques at a convention or special event shall have a separate temporary shop
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a
21 temporary shop license upon receipt of an application from a practitioner
22 demonstrating compliance with the regulations adopted under this section and
23 payment of the appropriate fee; however, the temporary shop license may be
24 summarily revoked, without refunding of the fee, if the Department of Environmental
25 Conservation determines after an inspection that the cleanliness or sanitation
26 conditions at the site covered by the temporary license pose a clear and immediate
27 danger to the public health or safety. A licensee may appeal a summary revocation
28 under this subsection to the superior court.

29 * **Sec. 16.** [AS 08.13.150](#) is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
31 **or permit.** The board may, in addition to the actions authorized under [AS 08.01.075](#),
01 refuse, suspend, or revoke a license, temporary shop license, student permit, or
02 temporary license under AS 08.01.062 [, OR TEMPORARY PERMIT] for failure to
03 comply with this chapter, with a regulation adopted under this chapter, with a
04 regulation adopted by the Department of Environmental Conservation under
05 [AS 44.46.020](#), or with an order of the board.

06 * **Sec. 17.** [AS 08.13.160](#)(d) is amended to read:

07 (d) The licensing and permit provisions of this chapter do not apply to
08 (1) a person practicing barbering, hairdressing, hair braiding,
09 manicuring, or esthetics in a community having a population of less than 1,000 people
10 that is not within 25 miles of a community of more than 1,000 people and who does
11 not use chemicals or uses only chemicals available to the general public;
12 (2) a licensed health care professional;
13 (3) a person licensed or permitted in another [BY ANOTHER
14 LICENSING] jurisdiction in a field of practice regulated [LICENSED] by this
15 chapter while demonstrating techniques or products to persons holding licenses or
16 permits under this chapter;
17 (4) a person practicing tattooing, permanent cosmetic coloring, or body
18 piercing solely on the person's own body;
19 (5) the practice of manicuring by a student as part of instruction in a
20 12-hour course approved under [AS 08.13.110](#)(d);
21 (6) a person demonstrating traditional Alaska Native tattoo
22 techniques at a special event who holds a temporary shop license issued under
23 [AS 08.13.120](#)(b).

24 * **Sec. 18.** [AS 08.13.175](#) is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who receives a temporary
26 license under AS 08.01.062 must work [MEETS THE REQUIREMENTS OF
27 [AS 08.13.080](#)(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY
28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER
29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical
30 presence, of a person who is licensed in the area of practice for which the applicant
31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS
01 SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON
02 MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH
03 AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION
04 FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING
05 LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE
06 REQUIRED UNDER [AS 08.13.185](#)].

07 * **Sec. 19.** [AS 08.13.190](#)(a) is amended to read:

08 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
09 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
10 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
11 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
12 temporary license under AS 08.01.062, or student permit and who is not exempt
13 under [AS 08.13.120](#) or under [AS 08.13.160](#)(d) is guilty of a class B misdemeanor.

14 * **Sec. 20.** [AS 08.13.195](#)(f) is amended to read:

15 (f) If a person fails to pay a civil penalty not later than [WITHIN] 30 days
16 after entry of an order under (a) of this section, or if the order is stayed pending an
17 appeal, not later than [WITHIN] 10 days after the court enters a final judgment in
18 favor of the board of an order appealed under (e) of this section, the board shall notify
19 the attorney general. The attorney general may commence a civil action to recover the
20 amount of the penalty.

- 21 * **Sec. 21.** [AS 08.18.022](#) (a) is amended to read:
- 22 (a) The department shall issue a certificate of registration as a home inspector
 23 for new homes, existing homes, or both, as appropriate, to an individual who
 24 (1) passes the appropriate home inspection examination; for purposes
 25 of this paragraph, the appropriate home inspection examination for an individual who
 26 applies to be registered for inspection of
 27 (A) existing homes is the examination offered by the American
 28 Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME
 29 INSPECTORS];
 30 (B) new homes or for a joint registration is the examination
 31 offered by the International Code Council;
 01 (2) meets the educational and experience requirements adopted by the
 02 department in regulations for the type of registration applied for;
 03 (3) submits a complete application for registration either
 04 (A) within three years after passing the examination required
 05 under (1) of this subsection; or
 06 (B) accompanied by documentation that the applicant has
 07 completed continuing education requirements established by the department;
 08 (4) within the seven years preceding the date of application, has not
 09 been under a sentence for an offense related to forgery, theft in the first or second
 10 degree, extortion, or defrauding creditors or for a felony involving dishonesty;
 11 (5) has not had the authority to perform home inspections revoked in
 12 this state or in another jurisdiction;
 13 (6) is not the subject of an unresolved criminal complaint or
 14 unresolved disciplinary action before a regulatory authority in this state or in another
 15 jurisdiction related to real estate or home inspection matters; and
 16 (7) pays the appropriate fees.
- 17 * **Sec. 22.** [AS 08.18.031](#) (c) is amended to read:
- 18 (c) A certificate of registration as a home inspector may not be renewed unless
 19 the home inspector has complied with the continuing competency requirements
 20 established by the department **in regulation** [. THE DEPARTMENT SHALL ADOPT
 21 REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY
 22 REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT
 23 HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING
 24 PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING
 25 COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING
 26 ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF
 27 THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS
 28 ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER
 29 THIS SUBSECTION:
 30 (1) ALASKA HOUSING FINANCE CORPORATION;
 31 (2) UNIVERSITY OF ALASKA;
 01 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA
 02 CHAPTER;
 03 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL
 04 ALASKA;
 05 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR
 06 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT
 07 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].
- 08 * **Sec. 23.** [AS 08.20.180](#) (a) is amended to read:
- 09 (a) An applicant for an examination, reexamination, issuance of a temporary
 10 permit under [AS 08.01.062](#) [[AS 08.20.160](#), ISSUANCE OF A LOCUM TENENS
 11 PERMIT UNDER [AS 08.20.163](#)], issuance of a license by credentials under
 12 [AS 08.20.141](#), one-time issuance of a retired status license, or initial issuance or
 13 renewal of an active or inactive license shall pay a fee established under
 14 [AS 08.01.065](#).
- 15 * **Sec. 24.** [AS 08.24.110](#) is amended to read:
- 16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an
 17 operator's license, the applicant shall
 18 (1) be a high school graduate, or have the equivalent education of a
 19 high school graduate;
 20 (2) [BE OF GOOD MORAL CHARACTER;
 21 (3)] not have been convicted of violating this chapter, nor have any
 22 unsettled complaints under this chapter against the applicant;
 23 **(3)** [(4)] not have been convicted of a felony or a crime of larceny or
 24 embezzlement or a crime involving moral turpitude **within 10 years before applying**;
 25 **(4)** [(5)] be 19 years of age or older at the time of application;
 26 **(5)** [(6)] not be a disbarred attorney [OR HAVE FILED
 27 BANKRUPTCY];
 28 **(6)** [(7)] pay the biennial license fee.
- 29 (b) The commissioner may waive or modify the requirements specified in
 30 **(a) (1) - (3) and (5)** [(a) (1), (3), (4) AND (6)] of this section for good cause shown.
- 31 * **Sec. 25.** [AS 08.24.240](#) is amended to read:
- 01 **Sec. 08.24.240. Failure to file statement.** If the annual statement of collection
 02 is not filed as required under [AS 08.24.210](#), the failure to file constitutes grounds for

03 the immediate suspension of the collection agency license of the licensee failing to file
 04 the statement, and the department shall notify the licensee [BY REGISTERED OR
 05 CERTIFIED MAIL] that the license of the licensee will be suspended upon the
 06 expiration of 30 [15] days after the date on which the notice was mailed unless the
 07 licensee complies with the provisions of [AS 08.24.210](#). However, for good cause
 08 shown and upon satisfactory proof furnished by the licensee that the failure to file the
 09 statement was due to a condition not within the control, or was due to excusable
 10 neglect, of the licensee, the department may permit the filing of the statement after the
 11 time limited and excuse the failure to file the statement within the time limited. If the
 12 statement required by [AS 08.24.210](#) is not filed as required by this section, the
 13 department shall revoke the license.

14 * **Sec. 26.** [AS 08.24.290](#) is amended to read:

15 **Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a**
 16 **license or certificate.** The department may suspend, revoke, or refuse to renew or
 17 grant a license issued or applied for under this chapter if the licensee or applicant or a
 18 partner, associate, or major stockholder of a collection agency has [SINCE THE
 19 DATE OF THE APPLICATION] been disbarred from the practice of law or been
 20 convicted of fraud, embezzlement, obtaining money under false pretenses, a crime
 21 involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of
 22 this chapter, or violation of a regulation adopted under authority of this chapter.

23 * **Sec. 27.** [AS 08.24.340](#) is amended to read:

24 **Sec. 08.24.340. Statement of persons employed by agency.** (a) **A** [WITHIN
 25 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency
 26 shall submit annually to the department a list of all persons employed by the agency [.
 27 THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION
 28 AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE
 29 DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE
 30 FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

31 (b) There shall be submitted in the annual report with the name of each
 01 [THE] employee employed by the collection agency the following information:

- 02 (1) the employee's residence address;
- 03 (2) the employee's length of residence in the state;
- 04 (3) a statement of any [THE] new employee's previous employment in
 05 the last year;
- 06 (4) further information which the department may require.

07 (c) Any statement of previous employment [THE STATEMENT] shall be
 08 verified by the employee before a notary public or other person authorized to
 09 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on
 11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was
 12 hired and that the new employee is an employee of the collection agency at the time
 13 the form is executed.

14 * **Sec. 28.** [AS 08.36.075](#)(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish
 16 standards that comply with applicable federal law for the registration, use, and
 17 inspection of dental radiological equipment, including standards for record keeping
 18 relating to the control panels and the use of the equipment [. THE BOARD MAY
 19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED
 20 UNDER THIS SECTION].

21 * **Sec. 29.** [AS 08.36.100](#) is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in [AS 08.36.238](#) [AND
 23 08.36.254], a person may not practice, or attempt to practice, dentistry without a
 24 license.

25 * **Sec. 30.** [AS 08.42.085](#)(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062
 27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of
 28 this section [. THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR
 29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE
 30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES
 31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall
 01 charge a fee for processing applications and renewals under this section that will be
 02 sufficient to cover administrative costs.

03 * **Sec. 31.** [AS 08.55.010](#)(b) is amended to read:

04 (b) An individual who is a physician or an audiologist may deal in hearing
 05 aids without being licensed under this chapter, but shall comply with [AS 08.55.050](#),
 06 [08.55.070](#), [08.55.100](#), [08.55.110](#)(a), and [08.55.130\(7\) - \(12\)](#) [[08.55.130\(7\) - \(13\)](#)]
 07 when dealing in hearing aids.

08 * **Sec. 32.** [AS 08.55.020](#)(b) is amended to read:

09 (b) On or before the expiration of a license under this chapter, a licensee may
 10 apply for renewal of the license, and the department shall renew the license if the
 11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT
 12 AS A HEARING AID DEALER UNDER [AS 43.70.020](#),] and provides evidence
 13 satisfactory to the department that the individual has not engaged in conduct that is a
 14 ground for imposing disciplinary sanctions under [AS 08.55.130](#).

15 * **Sec. 33.** [AS 08.55.110](#)(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a
 17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel
 18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if
 19 (1) the hearing aid dealer is not a physician or an audiologist, and
 20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the
 21 notice to be provided under (c) of this section, whichever receipt is later, a physician
 22 or an audiologist advises the person in writing to cancel the sale or lease and specifies
 23 in writing the medical or audiological reason for the advice; or
 24 (2) the hearing aid dealer, if not a physician or audiologist, has violated
 25 a provision of this chapter in the sale or lease of the hearing aid to the person;
 26 (3) the hearing aid dealer who is a physician or audiologist has violated
 27 (a) or (c) - (h) of this section or [AS 08.55.050](#), 08.55.070, 08.55.100, or [08.55.130\(7\) -](#)
 28 [\(12\)](#) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.
 29 * **Sec. 34.** [AS 08.64.279](#) is amended to read:
 30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a
 31 resident permit, or a temporary permit under [AS 08.01.062](#) [FOR LOCUM TENENS
 01 PRACTICE] may be interviewed in person by the board, a member of the board, the
 02 executive secretary of the board, or a person designated for that purpose by the board.
 03 * **Sec. 35.** [AS 08.84.010](#)(b) is amended to read:
 04 (b) The board shall control all matters pertaining to the licensing of physical
 05 therapists, physical therapy assistants, occupational therapists, and occupational
 06 therapy assistants and the practice of physical therapy and the practice of occupational
 07 therapy. The board shall
 08 (1) pass upon the qualifications of applicants;
 09 (2) provide for the examination of applicants;
 10 (3) issue [TEMPORARY PERMITS AND] licenses to persons
 11 qualified under this chapter;
 12 (4) suspend, revoke, or refuse to issue or renew a license under
 13 [AS 08.84.120](#);
 14 (5) keep a current register listing the name, business address, date, and
 15 number of the license of each person who is licensed to practice under this chapter;
 16 (6) adopt regulations under [AS 44.62](#) (Administrative Procedure Act)
 17 necessary to carry out the purposes of this chapter including regulations establishing
 18 qualifications for licensure and renewal of licensure under this chapter.
 19 * **Sec. 36.** [AS 08.84.150](#) is amended to read:
 20 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
 21 to practice physical therapy without being licensed under this chapter unless the
 22 person is
 23 (1) a student in an accredited physical therapy program;
 24 (2) a graduate of a foreign school of physical therapy fulfilling the
 25 internship requirement of [AS 08.84.032](#), and then only unless under the continuous
 26 direction and immediate supervision of a physical therapist; or
 27 (3) issued a temporary [LIMITED] permit under [AS 08.01.062](#)
 28 [[AS 08.84.075](#)].
 29 (b) A person may not provide services that the person describes as
 30 occupational therapy without being licensed under this chapter unless the person is
 31 (1) a student in an accredited occupational therapy program or in a
 01 supervised field work program;
 02 (2) a graduate of a foreign school of occupational therapy fulfilling the
 03 internship requirement of [AS 08.84.032](#), and then only unless under the continuous
 04 direction and immediate supervision of an occupational therapist;
 05 (3) an occupational therapist or occupational therapy assistant
 06 employed by the United States government while in the discharge of official duties;
 07 (4) granted a temporary [LIMITED] permit under [AS 08.01.062](#)
 08 [[AS 08.84.075](#)];
 09 (5) licensed under this title and uses occupational therapy skills in the
 10 practice of the profession for which the license is issued; or
 11 (6) employed as a teacher or teacher's aide by an educational
 12 institution and is required to use occupational therapy skills during the course of
 13 employment, if
 14 (A) the occupational therapy skills are used under a program
 15 implemented by the employer and developed by a licensed occupational
 16 therapist;
 17 (B) the employer maintains direct supervision of the person's
 18 use of occupational therapy skills; and
 19 (C) the person does not represent to
 20 (i) be an occupational therapist or occupational therapy
 21 assistant; and
 22 (ii) practice occupational therapy.
 23 * **Sec. 37.** [AS 08.98.120](#)(a) is amended to read:
 24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
 25 the person is licensed as a veterinarian under this chapter or has a temporary permit
 26 issued under [AS 08.01.062](#) [[AS 08.98.186](#)], except that a person may perform
 27 functions authorized by
 28 (1) regulation of the board if the person is licensed as a veterinary

29 technician; or
 30 (2) a permit issued under [AS 08.02.050](#) if the person is employed by
 31 an agency that has a permit issued under [AS 08.02.050](#).

01 * **Sec. 38.** [AS 08.98.165](#)(a) is amended to read:
 02 (a) An applicant is qualified to receive a license as a veterinarian who
 03 (1) is a graduate of an accredited veterinary school or who has
 04 successfully completed **a foreign graduate certification process approved by the**
 05 **board** [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY
 06 GRADUATES CERTIFICATION PROCESS];
 07 (2) has, within the 60 months preceding application for the license,
 08 passed a national examination for veterinarians approved by the board;
 09 (3) has passed the written examination of the state on specific Alaska
 10 issues of veterinary practice;
 11 (4) is in good standing, as defined by the board in regulations; and
 12 (5) has paid required fees.

13 * **Sec. 39.** [AS 08.98.180](#) is amended to read:
 14 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**
 15 **license by the department under AS 08.01.062 must work** [MEETS THE
 16 REQUIREMENTS OF [AS 08.98.165](#)(a)(1), (4), AND (5) IS ENTITLED TO BE
 17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
 18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE
 19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE
 20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE
 21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY
 22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND
 23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER
 24 [AS 08.98.190](#)].

25 * **Sec. 40.** [AS 09.65.290](#)(e)(4) is amended to read:
 26 (4) "sports or recreational activity"
 27 (A) means a commonly understood sporting activity, whether
 28 undertaken with or without permission, including baseball, softball, football,
 29 soccer, basketball, hockey, **boxing, mixed martial arts, sparring or**
 30 **wrestling matches**, bungee jumping, parasailing, bicycling, hiking,
 31 swimming, skateboarding, horseback riding and other equine activity, farm
 01 touring, dude ranching, mountain climbing, river floating, whitewater rafting,
 02 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
 03 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
 04 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle
 05 use;
 06 (B) does not include
 07 (i) [BOXING CONTESTS, SPARRING OR
 08 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE
 09 SUBJECT TO THE REQUIREMENTS OF [AS 05.10](#);
 10 (ii)] activities involving the use of devices that are
 11 subject to the requirements of [AS 05.20](#); or
 12 **(iii)** [(iii)] skiing or sliding activities at a ski area that are
 13 subject to the requirements of [AS 05.45](#).

14 * **Sec. 41.** [AS 31.05.009](#)(a) is amended to read:
 15 (a) Members shall be qualified as follows:
 16 (1) one member shall be a petroleum engineer who
 17 (A) holds a certificate of registration as an engineer under
 18 [AS 08.48](#) and, under regulations adopted to implement that chapter, has
 19 qualified as a petroleum engineer; or
 20 (B) has earned a degree from a university in the field of
 21 engineering and has at least 10 years of professional subsurface experience in
 22 the oil and gas industry in drilling, well operations, production process
 23 operations, reservoir engineering, or a combination thereof; for the purposes of
 24 this subparagraph, a person meets the requirement of earning a degree in the
 25 field of engineering if the person obtains an undergraduate or graduate degree
 26 in engineering that meets the requirements for program accreditation by the
 27 Engineering Accreditation Commission of the Accreditation Board for
 28 Engineering and Technology and the person completes university or industry
 29 training specific to petroleum engineering that illustrates application of
 30 engineering principles to the problems encountered and methods used in the
 31 petroleum industry, including drilling, production, reservoir engineering, fluid
 01 flow through subsurface formations, and hydrocarbon transportation;
 02 (2) one member shall be a geologist who
 03 (A) holds a national certification as a professional geologist **by**
 04 **the American Institute of Professional Geologists** [UNDER [AS 08.02.011](#)]
 05 and has professional experience in the field of petroleum geology; or
 06 (B) has earned a degree in the field of geology from a
 07 university accredited in the field of geology and has a minimum of 10 years
 08 professional experience in the field of petroleum geology; and
 09 (3) one member who shall have training or experience that gives the
 10 person a fundamental understanding of the oil and gas industry in the state.

11 * **Sec. 42.** [AS 44.29.020](#) is amended by adding a new subsection to read:

12 (d) The Department of Health and Social Services shall establish standards
13 that comply with federal law for the registration, use, and inspection of dental
14 radiological equipment, including standards for record keeping relating to equipment
15 control panels and use.

16 * **Sec. 43.** [AS 44.46.020](#)(a) is amended to read:

17 (a) The Department of Environmental Conservation shall

18 (1) have primary responsibility for coordination and development of
19 policies, programs, and planning related to the environment of the state and of the
20 various regions of the state;

21 (2) have primary responsibility for the adoption and enforcement of
22 regulations setting standards for the prevention and abatement of all water, land,
23 subsurface land, and air pollution, and other sources or potential sources of pollution
24 of the environment, including by way of example only, petroleum and natural gas
25 pipelines;

26 (3) promote and develop programs for the protection and control of the
27 environment of the state;

28 (4) take actions that are necessary and proper to further the policy
29 declared in [AS 46.03.010](#);

30 (5) adopt regulations for

31 (A) the prevention and control of public health nuisances;

01 (B) the regulation of sanitation and sanitary practices in the
02 interest of public health;

03 (C) standards of cleanliness and sanitation in connection with
04 the construction, operation, and maintenance of a camp, cannery, food
05 handling establishment, food manufacturing plant, mattress manufacturing
06 establishment, industrial plant, school, barbershop, hairdressing, [HAIR
07 BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring,
08 body piercing, or ear piercing establishment, soft drink establishment, beer and
09 wine dispensaries, and for other similar establishments in which lack of
10 sanitation may create a condition that causes disease;

11 (D) the regulation of quality and purity of commercially
12 compressed air sold for human respiration.

13 * **Sec. 44.** [AS 44.46.029](#) is amended to read:

14 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not

15 authorize the department to register, inspect, test, or otherwise regulate dental
16 radiological equipment or records relating to dental radiological equipment regulated
17 by the **Department of Health and Social Services** [BOARD OF DENTAL
18 EXAMINERS] under [AS 44.29.020](#) [[AS 08.36.075](#)].

19 * **Sec. 45.** [AS 05.05.010](#), 05.05.020, 05.05.030, 05.05.040; [AS 05.10.010](#), 05.10.020,
20 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100,
21 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170;
22 [AS 08.01.010](#)(4), 08.01.010(13), 08.01.010(21), 08.01.063, 08.01.064(b), 08.01.064(d);
23 [AS 08.02.011](#); [AS 08.11.020](#), 08.11.025; [AS 08.13.160](#)(a), 08.13.160(b), 08.13.170,
24 08.13.220(14); [AS 08.15.030](#); [AS 08.20.160](#), 08.20.163; [AS 08.24.370](#); [AS 08.26.050](#);
25 [AS 08.36.254](#); [AS 08.45.035](#)(a), 08.45.035(b); [AS 08.55.010](#)(a)(4), 08.55.010(a)(6)(D),
26 08.55.130(13); [AS 08.63.130](#); [AS 08.64.101](#)(b)(2), 08.64.270, 08.64.275; [AS 08.68.210](#);
27 [AS 08.70.130](#); [AS 08.80.150](#), 08.80.155; [AS 08.84.065](#), 08.84.075; [AS 08.86.135](#), 08.86.166;
28 [AS 08.92.010](#), 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070,
29 08.92.080, 08.92.090; [AS 08.95.125](#); [AS 08.98.050](#)(8), 08.98.186, 08.98.190(6),
30 08.98.190(7); [AS 25.27.244](#)(s)(2)(A)(i); [AS 43.70.025](#), 43.70.028; and [AS 44.29.027](#) are
31 repealed.

01 * **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to
02 read:

03 TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,
04 Community, and Economic Development, the Department of Health and Social Services, and
05 the Department of Environmental Conservation may adopt regulations necessary to
06 implement the changes made by this Act. The regulations take effect under [AS 44.62](#)
07 (Administrative Procedure Act), but not before the effective date of the law implemented by
08 the regulation.

09 (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,
10 Community, and Economic Development may amend or repeal regulations adopted by the
11 athletic commission established in [AS 05.05.010](#), as that section read the day before the
12 effective date of this Act, as necessary to carry out this Act.

13 (c) The Department of Commerce, Community, and Economic Development shall
14 account for any licensee bond filed under [AS 05.10.090](#) or [AS 08.92.030](#), repealed by sec. 45
15 of this Act, and take any action necessary to release a bond under [AS 05.10.090](#) or
16 [AS 08.92.030](#), repealed by sec. 45 this Act.

17 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,
20 and other proceedings pending under a law amended or repealed by this Act, or in connection
21 with functions transferred by this Act, continue in effect and may be continued and completed
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23 (b) Certificates, orders, permits, and regulations issued or adopted under authority of

24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,
25 vacated, or otherwise modified under the provisions of this Act.

26 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
29 property of agencies of the state whose functions are transferred under this Act shall be
30 transferred to implement the provisions of this Act.

31 * **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under [AS 01.10.070](#)(c).

01 * **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.