

HOUSE FINANCE COMMITTEE
May 09, 2002
1:55 PM

TAPE HFC 02 - 107, Side A

CALL TO ORDER

Co-Chair Williams called the House Finance Committee meeting to order at 1:55 PM.

MEMBERS PRESENT

Representative Bill Williams, Co-Chair
Representative Con Bunde, Vice-Chair
Representative John Davies
Representative Richard Foster
Representative John Harris
Representative Bill Hudson
Representative Ken Lancaster
Representative Jim Whitaker

MEMBERS ABSENT

Representative Eldon Mulder, Co-Chair
Representative Eric Croft
Representative Carl Moses

ALSO PRESENT

Heather Brakes, Staff, Legislative Budget and Audit Committee; Pat Davidson, Director, Division of Legislative Audit; Yuri Morgan, Staff, Senator Wilken; Kevin Brooks, Director, Division of Administrative Services, Department of Fish and Game.

PRESENT VIA TELECONFERENCE

There were no teleconference testifiers.

SUMMARY

CSSB 270(L&C)

"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

HCS CSSB 270(FIN) was REPORTED out of Committee with a "do pass" recommendation and with a new fiscal impact note by the Department of Community and Economic Development.

CSSB 279(FIN)

"An Act authorizing the commissioner of fish and game to issue complimentary sport fishing licenses and tags to September 11 emergency responders and their spouses; and providing for an effective date."

CSSB 279(FIN) was REPORTED out of Committee with a "do pass" recommendation and with previously published fiscal note: #1 CED.

#sb270

CS FOR SENATE BILL NO. 270(L&C)

"An Act extending the termination date of the Board of Dispensing Opticians; relating to the regulation of dispensing opticians; and providing for an effective date."

HEATHER BRAKES, STAFF, LEGISLATIVE BUDGET AND AUDIT COMMITTEE testified in support of the legislation. She observed that the legislation addresses concerns regarding the Board of Dispensing Opticians that were brought to light by a Legislative Budget and Audit Committee audit. Licensing requirements were changed to allow easier access into the profession. The legislation reduces the number of apprenticeship training hours, adds requirements for a home study educational course, removes a subjective practical exam that had been a concern of auditors for a number of years, and adds the passage of a national exam as a requirement. Under the legislation a person who is not a licensed dispensing optician may assist a licensed physician, optometrist, or dispensing optician and may perform dispensing optician tasks that have been delegated by, and performed under the supervision of, the licensed physician, optometrist, or dispensing optician. These persons would not be licensed to work on their own, or be forced out of employment. Currently they can only be employed for six years before they are forced into licensure or out of their employment. The Board would be extended for two years. The legislation also addresses concerns regarding the Board's fiscal deficit. Boards and Commissions are supposed to be self-sufficient. The Board of Dispensing Opticians is approximately \$28 thousand dollars in deficit, which continues to grow by about \$14 thousand dollars a year. The Division of Legislative Audit would review the deficit issue at the next sunset review. She did not know why the Board was collecting insufficient revenues. Representative Bunde expressed concern that the Board would not be self-sufficient for another three years.

Representative Harris asked why hours were decreased. Ms. Brakes observed that it was a concern of the auditors. The amount of apprenticeship hours was a barrier into the profession. Hours were reduced, but educational requirements were increased. There was not statutory authority to make the change through regulation.

Representative John Davies observed that the federal government requires 3,000 apprenticeship hours. Ms. Brakes responded that 27 states do not regulate dispensing opticians. The other 21 states have voluntary programs. Some have a 6,000-hour requirement without the education requirement. She noted that the current provisions are not working.

Representative John Davies referred to page 4. He noted that "direct" was deleted on line 16. Ms. Brakes stated that she would not object to reinstating the word "direct".

Vice-Chair Bunde expressed concern that the Board is not fulfilling the statutory requirement [to be fee supported.] He questioned if there was discussion of an one-year extension to allow fees to come in line with costs. Ms. Brakes clarified that discussions included repeal of the Board and retaining licensure. The abolishment of the practical examine would eliminate the need for the Board, since it's primary function is to administer the exam. The costs should be reduced with the elimination of the exam. Representative Bunde reiterated the need to cover costs and suggested that a one-year extension would be a clear statement of legislative intent. Ms. Brakes responded that the sponsor would not object to a one-year extension.

Representative John Davies MOVED to ADOPT Amendment 1: insert "direct" on page 4, lines 16 and 19 before "supervision".

PAT DAVIDSON, DIRECTOR, DIVISION OF LEGISLATIVE AUDIT, provided information on the proposed amendment. She observed that the word "direct" has been a concern of optometrists, opticians and ophthalmologists. The word "direct" has led to the interpretation that a supervisor must be physically present. The intent was to move away from the word "direct."

Representative John Davies noted that the intent was not to indicate that the supervisor needed to be present every single hour, but emphasized that they would be taking direct responsibility for the person.

Vice-Chair Bunde stated that he would not be comfortable with "mail-order" supervision. He questioned if "regular" supervision would be preferable.

Ms. Davidson noted that under regulation direct supervision would indicate that the supervisor is physically present while dispensing optician tasks are being performed. She observed that "regular" did not carry a definition [in statute] but that the Board could define it under regulation.

Representative John Davies WITHDREW his amendment.

Representative Davies MOVED to ADOPT Amendment 2: insert "regular" where appropriate before "supervision".

Ms. Davidson provided the definition of supervision: (4) "supervision" means the provision of any needed direction, control, consultation, instruction, evaluation, and personal inspection of work being performed.

There being NO OBJECTION, it was so ordered.

Vice-Chair Bunde MOVED to ADOPT Amendment 3 on page 1, line 14: delete "2004" and insert "2003".

Ms Davidson agreed that the Board should ensure that the fees are sufficient, but pointed out that it is as much the department's responsibility.

There being NO OBJECTION, it was so ordered.

Representative Foster MOVED to report HCS CSSB 278 (FIN) out of Committee with the accompanying fiscal note. There being NO OBJECTION, it was so ordered.

HCS CSSB 270(FIN) was REPORTED out of Committee with a "do pass" recommendation and with a new fiscal impact note by the Department of Community and Economic Development.

#sb279

CS FOR SENATE BILL NO. 279(FIN)

"An Act authorizing the commissioner of fish and game to issue complimentary sport fishing licenses and tags to September 11 emergency responders and their spouses; and providing for an effective date."

YURI MORGAN, STAFF, SENATOR WILKEN, testified in support of the legislation. He noted that on September 11, 2002, the United States experienced terrorist attacks within its borders. The legislation says thanks to the first responders of September 11th terrorist attacks. Senate Bill 279 authorizes the Commissioner of Fish and Game to issue up to 250 complimentary sport fishing licenses and salmon tags, as appropriate, per year to firemen, police, and emergency medical technicians (EMT) who responded to the events on September 11, 2001 at the World Trade Center in New York and the Pentagon in Washington D.C. The intent is not to impose any administrative difficulties on the department. The legislation would limit the provisions to the first responders from September to November.

Representative Bunde questioned how the licenses would be administered. Mr. Morgan noted that they would not come from the vendors. The department would draft a letter to the

appropriate entities in the surrounding areas and allow them to distribute notice and verify requests.

Representative Hudson questioned if the legislation would apply to firemen that that responded to the disaster from areas outside of New York. Mr. Morgan responded that letters could be sent to neighboring areas such as Philadelphia.

Vice-Chair Bunde suggested that those that responded to the Pentagon disaster and the crash site in Pennsylvania would be included. Mr. Morgan acknowledged that many people responded, but emphasized that the intent was to limit the work of the department.

Vice-Chair Bunde questioned if the legislation would cause problems for the department.

KEVIN BROOKS, DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES, DEPARTMENT OF FISH AND GAME, provided information. The department has worked with the sponsor to narrow the scope of the legislation. The information would be given to fire commissioners in New York, Pennsylvania, New Jersey, Washington D.C., Virginia and Maryland. There would be a verification process and the license would be processed through the mail. There would be no impact to vendors. The department is comfortable that they can implement the legislation.

Representative Hudson expressed his intent that the Pennsylvania crash site also be included. Members and the sponsor's representative agreed with the intent.

Mr. Brooks observed that Pennsylvania would be contacted and that the department would have the authority to extend the exemption to those that responded to the Pennsylvania crash site.

Representative Foster MOVED to report CSSB 279 (FIN) out of Committee with the accompanying fiscal note

CSSB 279(FIN) was REPORTED out of Committee with a "do pass" recommendation and with previously published fiscal note: #1 CED.

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ADJOURNMENT

The meeting was adjourned at 2:27 PM