

Introduced: 1/15/76
Referred: Commerce and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 578

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska State Credentialing
7 Review Commission."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 03. PROFESSIONAL AND OCCUPATIONAL CREDENTIALING.

11 ARTICLE 1. POLICY AND PURPOSE.

12 Sec. 08.03.010. POLICY AND PURPOSE OF CHAPTER. The legislature
13 finds that there are an increasing number of requests to regulate
14 various occupations by means of required credentialing; that the need
15 for this type of regulation is not always clearly defined; that regula-
16 tion inhibits competition and restricts the individual's right to work
17 in the occupation of his choice; and that, therefore, a need has
18 developed to provide a mechanism for the orderly adoption and imple-
19 mentation of a credentialing policy. For this purpose, it is desirable
20 for the state to have a comprehensive plan for the identification and
21 credentialing of those occupations which in the public interest should
22 be regulated.

23 ARTICLE 2. ALASKA STATE CREDENTIALING REVIEW COMMISSION.

24 Sec. 08.03.020. COMMISSION CREATED. There is created in the
25 department the Alaska State Credentialing Review Commission. The
26 commission shall

27 (1) formulate and keep current a comprehensive plan for the
28 identification and credentialing of those occupations which in the
29 public interest should be regulated; and

1 (2) exercise care to prevent the proliferation of unessen-
2 tial regulation of occupations.

3 Sec. 08.03.030. COMPOSITION, APPOINTMENT OF COMMISSION; TERM OF
4 OFFICE. (a) The commission consists of the commissioner and four
5 public members, one of whom is an attorney, appointed by the governor
6 to four-year, staggered terms and confirmed by a majority of the
7 members of the legislature in joint session. Public members shall
8 serve at the pleasure of the governor.

9 (b) An appointed member may not serve more than two successive
10 terms; however, upon the expiration of his term, he may continue to
11 hold office until his successor is appointed and qualifies.

12 (c) An appointed member may not be nor ever have been engaged in
13 an occupation regulated by one of the boards listed in AS 08.01.010,
14 or be the spouse of, or be associated by contract with, a person so
15 engaged except as a consumer of the services of those occupations.

16 Sec. 08.03.040. VACANCIES. A vacancy in commission membership
17 shall be filled in the same manner as an original appointment. An
18 appointee to fill a vacancy holds office for the balance of the term
19 for which his predecessor on the commission was appointed. A vacancy
20 in commission membership does not impair the authority of a quorum of
21 the members to exercise all the powers and duties of the commission.

22 Sec. 08.03.050. QUALIFICATIONS OF COMMISSION MEMBERS. In
23 making his appointments to the commission, the governor should con-
24 sider ensuring that at least two members of the commission have a
25 background in consumer affairs.

26 Sec. 08.03.060. OFFICERS. The commissioner is the chairman of
27 the commission. The commission shall elect annually a vice-chairman
28 and secretary from among its membership. No member of the commission
29 may hold two commission offices at the same time.

1 Sec. 08.03.070. MEETINGS, RULES, QUORUM, VOTES REQUIRED.

2 The commission shall prescribe its own rules of procedure. It
3 shall meet at least once a month at a time and place determined
4 by the chairman, and at other times and places as the chairman or
5 a majority of the members consider necessary. A quorum is a
6 majority of the members of the commission. The votes of the
7 commission members shall be recorded, and effective action requires
8 the affirmative vote of a majority of the commission members. No
9 commission member may, with respect to a matter before the commission,
10 vote for or on behalf of, or in any way exercise the vote of,
11 another member of the commission.

12 Sec. 08.03.080. EXECUTIVE OFFICER; COMMISSION PERSONNEL.

13 (a) The commissioner or his designee shall serve as executive
14 officer of the commission.

15 (b) The department may employ or contract for the services
16 of experts, consultants, agents, assistants and other staff
17 essential to the execution of the powers and duties of the
18 commission.

19 Sec. 08.03.090. LEGAL COUNSEL. (a) The attorney general is
20 legal counsel for the commission. He shall advise the commission in
21 legal matters arising in the discharge of its duties and represent the
22 commission in actions to which it is a party.

23 (b) The commission may contract for legal counsel
24 from time to time in matters in which the commission is
25 involved.

26 Sec. 08.03.100. COMPENSATION. Members of the commission
27 are entitled to per diem and travel allowances provided by law
28 for other boards and commissions.

29 Sec. 08.03.110. RESTRICTIONS ON COMMISSION MEMBERS AND EMPLOYEES.

1 No commission member or employee may have an official or professional
2 connection or relation with, or hold stock or securities in, or have
3 any other pecuniary or property interest in, a corporation, partner-
4 ship, company or association engaged in the practice of one of the
5 occupations regulated by the boards listed in AS 08.01.010. However,
6 this restriction does not prevent the commission from obtaining expert
7 technical assistance from a practitioner of an occupation regulated
8 under this title. No member or employee may act upon a matter in
9 which his relationship with another person creates a conflict of
10 interest.

11 ARTICLE 3. POWERS AND DUTIES OF THE COMMISSION.

12 Sec. 08.03.120. DUTY TO REVIEW STATUTES. (a) The commission
13 shall review Alaska statutes which require credentialing before entry
14 into an occupation. In doing so, the commission shall consider the
15 purpose of the specific statute, the areas of need for public protec-
16 tion, the probable public damage which would occur in the absence of
17 state regulation, the cost of regulation, and alternative methods of
18 regulation.

19 (b) The commission shall submit a written report of its findings
20 and recommendations to the legislature within 10 days of the convening
21 of a regular session of the legislature.

22 Sec. 08.03.130. DUTY TO REVIEW PROPOSED LEGISLATION. The com-
23 mission shall

24 (1) review all bills introduced in the legislature which
25 would require credentialing before entry into an occupation and make a
26 written report of the commission's findings and recommendations to the
27 legislature;

28 (2) at the request of a legislator, review requests made to
29 him by persons who wish to require credentialing before entry into an

1 occupation and make a written report of the commission's findings and
2 recommendations to the legislator.

3 Sec. 08.03.140. DUTY TO REVIEW REGULATIONS. The commission
4 shall review all regulations which have been adopted or are proposed
5 to be adopted under the Administrative Procedure Act by the boards
6 listed in AS 08.01.010 and shall make a written report of its findings
7 and recommendations to the appropriate board, the members of the
8 legislature, and the attorney general.

9 Sec. 08.03.150. CONTENT OF REPORTS. (a) The reports required
10 under secs. 120--140 of this chapter shall include the following:

11 (1) a recommendation for approval or denial of credential-
12 ing for an occupational group, if the recommendation is relevant to
13 the material reviewed;

14 (2) an analysis of the impact to be expected upon enact-
15 ment, including the impact on consumer interests;

16 (3) an analysis of the area of public concern and the
17 actual harm being suffered by the public in the absence of credential-
18 ing;

19 (4) an analysis of the probable cost of administering a
20 proposed statute;

21 (5) an analysis of alternative means of providing regulation
22 of the subject occupation;

23 (6) an analysis of applicable enforcement provisions;

24 (7) an analysis of the specific provisions of each section
25 of proposed legislation;

26 (8) the sources of information and data used by the com-
27 mission in preparing its report; and

28 (9) any other information which in the opinion of the com-
29 mission is relevant.

1 (b) In making its recommendations and analysis, the commission
2 shall consider individual civil liberties as they may be affected,
3 including the interstate mobility of skilled and professional members
4 of the labor force and the probability of discrimination against
5 minority groups.

6 Sec. 08.03.160. GENERAL POWERS. The commission may

7 (1) adopt regulations in accordance with the Administrative
8 Procedure Act (AS 44.62);

9 (2) conduct public hearings concerning any issue within its
10 jurisdiction;

11 (3) review at any time all laws, regulations, guidelines
12 and policies adopted by, applicable to and administered by the licens-
13 ing agencies with the purpose of making recommendations for appropriate
14 changes;

15 (4) receive and review annual reports from each licensing
16 agency, and make comments and recommendations on actions taken under
17 the authority of the boards; and

18 (5) cooperate with federal, municipal, and other state
19 agencies.

20 Sec. 08.03.170. POWER TO REQUIRE VALIDATION. (a) The commission
21 may require licensing agencies to show evidence that examinations
22 being used are valid.

23 (b) If, within six months of being required to do so by the
24 commission under (a) of this section, a licensing agency is unable to
25 show evidence that the examinations it administers are valid, the
26 commission shall direct the agency to adopt valid examinations. An
27 agency has six months to comply with a directive issued under this
28 subsection; however, the agency may continue to use the challenged
29 examination during that time.

1 (c) For the 12 months immediately following adoption of an
2 examination under (b) of this section, a person who took the challenged
3 examination unsuccessfully any time between the first day of the
4 calendar year preceding adoption of a valid examination and the date
5 of its adoption may be re-examined without payment of additional fees.

6 Sec. 08.03.400. DEFINITIONS. In this chapter

7 (1) "commission" means the Alaska State Credentialing
8 Review Commission;

9 (2) "commissioner" means the commissioner of commerce and
10 economic development;

11 (3) "credentialing" means the regulation of an occupation
12 by means of limiting entry into the occupation and includes statutory
13 licensing, registration, and certification requirements;

14 (4) "department" means the Department of Commerce and
15 Economic Development;

16 (5) "examination" means any measure used as a basis for any
17 licensing decision and includes, but is not restricted to, measures of
18 general intelligence, specific intellectual abilities, knowledge and
19 proficiency; all formal, scored, quantified or standardized techniques
20 of assessing occupational suitability; specific qualifying or dis-
21 qualifying personal history or background requirements; specific
22 educational or work history requirements; scored or unscored interviews;
23 biographical information blanks; interviewers' rating scales; experience
24 evaluating criteria; and other similar indicia;

25 (6) "occupation" means any commonly recognized trade,
26 occupation or profession;

27 (7) "valid examination" means any examination that is pre-
28 dictive of or significantly correlated with important elements of work
29 behavior which comprise or are relevant to the occupation for which

1 candidates are being evaluated, as evidenced by empirical data based
2 on studies employing generally accepted procedures for determining
3 criterion-related validity;

4 (8) "challenged examination" means any examination which
5 the commission designates under sec. 170 of this chapter.
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