

S B

5 8 5

Introduced: 5/13/80  
Referred: Commerce and  
Finance

BY THE RULES COMMITTEE  
BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 585

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to review of public need for regula-  
7 tion of occupations."

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

9 \* Section 1. AS 08.03 is amended by adding new sections to read:

10 CHAPTER 03. TERMINATION, CONTINUATION AND REESTABLISHMENT  
11 OF REGULATORY BOARDS, AND EVALUATION OF NEED FOR REGULATION.

12 ARTICLE 2. EVALUATION OF NEED FOR REGULATION.

13 Sec. 08.03.040. EVALUATION OF NEED FOR REGULATION OF AN OCCUPATION.

14 (a) Upon the <sup>written</sup> request of practitioners of <sup>an</sup> ~~an~~ occupation or members of  
15 the public, the department shall evaluate an occupation which is not  
16 regulated under this title to determine whether the occupation should be  
17 regulated.

18 (b) At the discretion of the commissioner, the department may  
19 evaluate an occupation which is not regulated under this title to deter-  
20 mine whether the occupation should be regulated.

21 Sec. 08.03.050. HEARINGS. As part of an evaluation of an occupa-  
22 tion, the department shall hold hearings and invite practitioners of the  
23 occupation and members of the public to comment. If persons engaged in  
24 an occupation are seeking to be regulated, the department shall request  
25 the following information from them:

26 (1) a definition of the problems which create a need for  
27 regulation of the occupation;

28 (2) the nature of potential harm to the public if the occupa-  
29 tion is not regulated;

1 (3) the extent to which there is a threat or existing harm to  
2 the public health, safety, or economic well-being;

3 (4) the extent to which consumers of services provided by the  
4 occupation will benefit from a method of regulation which identifies  
5 competent practitioners of the occupation;

6 (5) the extent to which the occupation calls for independent  
7 judgment and the exercise of special skills or training which makes it  
8 difficult for consumers to determine the quality of service being offered  
9 by particular practitioners;

10 (6) the extent to which practitioners of the occupation are  
11 currently supervised through existing law or regulation;

12 (7) efforts made by practitioners of the occupation to deal  
13 with the problem which create a need for regulation of the occupation  
14 and the results of the efforts;

15 (8) alternatives to regulation;

16 (9) the extent to which regulation is expected to restrict  
17 entry into the occupation;

18 (10) whether the occupation is regulated in other jurisdic-  
19 tions;

20 (11) the extent to which the problems present in the occupa-  
21 tion can reasonably be expected to be eliminated by regulation; and

22 (12) the system of regulation proposed.

23 Sec. 08.03.060. REPORTS. After the completion of an evaluation  
24 under AS 08.03.040, the department shall submit to the presiding officers  
25 of both houses of the legislature a report containing

26 (1) findings as to whether

27 (A) regulation of an occupation is needed to protect the  
28 public health, safety, and welfare;

29 (B) high standards of professional competence are cur-

1           rently upheld by practitioners of an occupation;

2                   (C) the public is generally able to determine the compe-  
3           tence of practitioners of an occupation;

4                   (D) professional associations currently provide adequate  
5           protection against incompetent practitioners;

6                   (E) existing laws and regulations are adequate to protect  
7           the public from incompetent practitioners;

8                   (F) practitioners of an occupation perform a service  
9           which may affect third parties relying on expert skill and train-  
10          ing; and

11                   (G) characteristics of an occupation make it impractical  
12          to regulate;

13                   (2) summation of hearings conducted and comments presented;

14                   (3) alternatives to regulation considered, including possible  
15          statutory changes;

16                   (4) recommendations, including details of any proposed system  
17          of regulation.

18           Sec. 08.03.070. RECOMMENDATIONS. (a) Before the department may  
19          recommend that an occupation be regulated under this title, it must  
20          determine that

21                   (1) the unregulated practice of the occupation can harm or  
22          endanger the public health, safety and welfare and that the potential  
23          for harm is not remote;

24                   (2) the occupation has qualities that distinguish it from  
25          other unregulated occupations and which make regulation appropriate;

26                   (3) the public will benefit from regulation of the occupa-  
27          tion; and

28                   (4) the public cannot be protected from incompetent practi-  
29          tioners of the occupation by other means.



Official Business

# Alaska State Legislature

## Senate

### Committee on Commerce

Pouch V  
State Capitol  
Juneau, Alaska 99811

May 14, 1980

Ms. Lois Cook  
Department of Commerce  
and Economic Development  
Pouch D, Mail Stop 0800  
Juneau, AK 99811

Dear Ms. Cook:

Enclosed is SENATE BILL 585.

I would appreciate your comments/position papers on this SENATE BILL to include a fiscal note, if appropriate. If you decide that a fiscal note is not required, please make such a statement in your reply. If your Department recommends specific changes, in addition to general comments, I would prefer that they be keyed to page and line numbers.

If you know of other departments or agencies that have an interest in this legislation, please let me know so that I may get the benefit of comments from all knowledgeable and interested parties.

In consideration of a productive and expeditious session, we request that your comments/position be returned to the Senate Commerce Committee within 10 days.

Sincerely,

A handwritten signature in cursive script that reads "Brad Bradley".

Brad Bradley  
Chairman  
Senate Commerce Committee

BB/jss  
Enclosure

cc: David Creekman, Information Officer

May 13, 1980

*Letter of Intent.*

Senator Clem Tillion, President  
Alaska State Legislature

Terry Gardiner, Speaker  
Alaska State Legislature

Mr. Speaker:  
Mr. President:

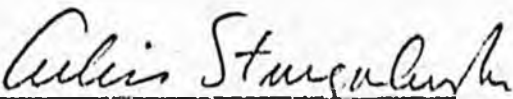
During the research of the Free Conference Committee into the hearings, audits, and history of the health and health related boards and from discussions with representatives of the administration, board members and legislators, it became increasingly clear to the Committee that additional screening processes might insure that professions which sought regulation were, indeed, needing of regulation through establishment of boards, licensing, and practice acts. It was felt by the Committee that screening of professions and development of substantive answers to a wide variety of questions about professions seeking regulation was advisable and would best be handled through the executive branch of government for action by the legislature.

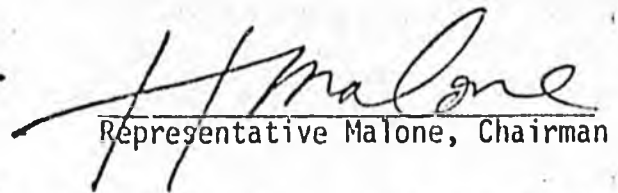
Therefore, the Free Conference Committee had legislation drafted which establishes such a systematic review of professions seeking regulation. The Committee wishes to make clear that in signing this letter there is no endorsement or approval of this particular bill, as there have been no hearings on this bill. Rather, the Committee feels strongly that the concept needs to be available to the public and circulated, and the public should have an opportunity to respond to legislators regarding this concept between now and the next legislative session.

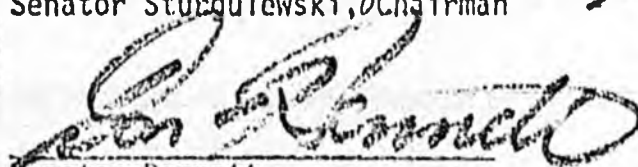
The Free Conference Committee requests that the Rules Committees of the House and of the Senate introduce this legislation so that it may be publically available for discussion, hearing and eventual action.

Senate Members:

House Members

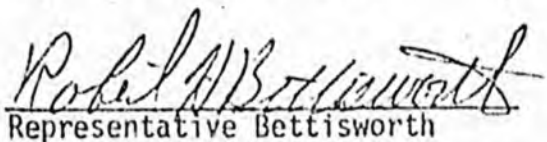
  
Senator Sturgulewski, Chairman

  
Representative Malone, Chairman

  
Senator Bennett

  
Representative Osterback

  
Senator Fahrenkamp

  
Representative Bettisworth