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HOUSE  
COMMITTEE REPORT

3/7

(7)

Date referred: 2/14/86

FURTHER REFERRALS: HESS

DATE: MAR. 5, 1986

The LABOR & COMMERCE Committee has considered HB 603

"An Act relating to dispensing opticians; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS HB 603 (LHC)  same title
- new title

and recommends DO PASS

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note Supplement # 95
  - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Mike Favane

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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COLLINS

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Mike Favane  
Chairman

Offered: 3/7/86  
Referred: Health, Education &  
Social Services

Original sponsor: Rules/Governor

BY THE LABOR AND  
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 603 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to dispensing opticians; and provid-  
7 ing for an effective date."

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

9 \* Section 1. AS 08.03.010(c)(5) is amended to read:

10 (5) Board of Dispensing Opticians (AS 08.71.010) -- June  
11 30, 1989 [1985].

12 \* Sec. 2. AS 08.71.110 is amended to read:

13 Sec. 08.71.110. QUALIFICATIONS OF APPLICANTS FOR EXAMINATION.

14 (a) A person is entitled to take the examination who

15 (1) has had education equivalent to four years attendance  
16 at a high school;

17 (2) [(1)] has either

18 (A) completed at least 6,000 hours of training as an  
19 apprentice, or

20 (B) been engaged for at least 6,000 hours as a prac-  
21 ticing optician in good standing in a state, territory, district  
22 or possession of the United States; and

23 (3) [(2)] has paid the required examination fee.

24 (b) Graduation from an associate degree program in a recognized  
25 school or college of opticianry may be substituted for 4,000 of the  
26 6,000 hours of experience required by (a)(2) of this section.

27 \* Sec. 3. AS 08.71.130(d) is amended to read:

28 (d) Before a license may be renewed the licensee shall submit to  
29 the board evidence of 30 [15] hours of continuing competence in

1        optical dispensing as prescribed by regulations of the board.  
2        \* Sec. 4. This Act takes effect immediately in accordance with AS 01.-  
3        10.070(c).

MEMORANDUM

TO: House HESS Committee Members  
FROM: Lisa McLaren, Committee Staff  
DATE: March 18, 1986  
RE: HB 603 - Dispensing Opticians

Two bills were introduced last year to extend the Board of Dispensing Opticians: HB 216 and SB 167. Attached please find the bill histories for these measures. Neither measure came to the House HESS Committee, but I note that six of the seven House HESS Committee members are sponsors or co-sponsors for HB 216.

The Senate measure passed the Legislature last year but was vetoed by the Governor. (See the attached letter from the Governor in the Senate Journal.) During the interim, a working group did meet and I assume HB 603 is the result of the interim process.

A brief comparative sectional analysis of HB 603 follows.

COMPARATIVE SECTIONAL ANALYSIS FOR HB 603  
WITH LAST YEAR'S BILLS SB 167 and CSSB 167 (L & C)

Section 1 -- Extends the Board until June 30, 1988 (last year's bills also contained an extension of the board).

Section 2 -- Adds an "education equivalent to four years attendance at a high school" to the qualifications required for taking the dispensing opticians examination (not in last year's bills).

Section 3 -- Increases the number of required hours of demonstrated continuing competency from 15 to 30 hours (contained in last year's bills).

Section 4 -- Immediate effective date (as in last year's bills).

June 20, 1985

The Governor signed  
passed and enrolled  
bill for permanent

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The Governor signed  
passed and enrolled  
bill for permanent

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The Governor signed  
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stating the Governor  
the engrossed and  
governor's Office for

78(L&C)  
ensing fees;

June 20, 1985

1361

SB 167

Message dated May 29 and received May 30:

Re: CS FOR SENATE BILL NO. 167 (L&C)  
An Act relating to dispensing  
opticians and optometrists; and  
providing for an effective date.

Dear Senator Bennett:

I have vetoed CSSB 167 (L&C), which would have extended the termination date of the Board of Dispensing Opticians from June 30, 1985 to June 30, 1986. The bill would also have made several amendments to AS 08.71 concerning dispensing opticians, and would have required the appointment of a working group to consider the consolidation of the Board of Dispensing Opticians with the Board of Examiners in Optometry.

I have taken this action based on the recommendation of the division of legislative audit in its June 30, 1984, Performance Report on the Board of Dispensing Opticians (Recommendation No. 1, pages 9-11), that the board be allowed to terminate because it is unnecessary for the protection of the public.

My veto of this bill also protects the 72 licensed dispensing opticians in the state, all of whom need to renew their expiring four-year licenses by June 30, 1985, from a 100 percent increase in the number of continuing education hours required for a renewal and from a 150 percent increase in the renewal fee. (Secs. 4 and 1 of the bill, respectively.) These increases may well be completely justified, but I believe that to impose them on such short notice for the July 1, 1985 renewals is not only unfair, but, in the case of the continuing education hours increase, also possibly a violation of due process because of the extreme practical difficulty of satisfying the greatly increased requirement in such a short time.

Even though I have vetoed this bill, the Board of Dispensing Opticians will have until June 30, 1986 to conclude its affairs. (See AS 08.03.020(a).) During this time the board will operate with the full power and authority it now exercises so that it can continue to regulate dispensing opticians. At the same time, I will soon appoint a working group, like that required by section 5 of the bill, to consider and make recommendations on the need for the board, ways to improve the efficiency of state regulation of dispensing opticians, and the possibility of combining this board with the Board of Examiners in Optometry.

Despite my veto of CSSB 167 (L&C), the provisions of sec. 3 of the bill authorizing the setting of fees by regulations will take effect immediately under SCS CSMB 78 (L&C) which I intend to sign into law in the near future.

SB 167 cont'd

I am confident that my veto of this bill will enable us to review, with the help of a working group, solutions to the problems identified by the legislative auditor while, at the same time, avoiding any detrimental effect on the dispensing opticians and on the consumers of their services.

Sincerely,

/s/ Bill Sheffield

Bill Sheffield  
Governor

SB 266

Message  
signed  
enrolled  
permane

Chapter 38 is on page 1374.

Chapter 39 is on page 1375.

Chapter 40 is on page 1366.

Chapter 41 is on page 1366.

SB 162

Message  
signed  
enrolled  
permane.

43 19

Message dated May 29 and received June 3, stating the Governor signed the following bill and transmitted the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

CS FOR HOUSE BILL NO. 19 (JUD)  
An Act relating to runaway and missing  
minors.

Chapter 42, SLA 1985

Chapter 43 is on page 1366.

Chapter 44 is on page 1375.

Chapter 45 is on page 1367

Chapter 46 is on page 1367.

Chapter 47 is on page 1375.

Chapter 48 is on page 1367.

Chapter 49 is on page 1368.

SB 17

Message  
signed  
enrolled  
permaner

AN ACT RELATING TO DISPENSING OPTICIANS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: KOPONEN

CO-SPONSORS: GRUNBERG, CUTTEN, HANLEY, TAYLOR, HURLEY, DEHLING, PHILLIPS, FURNACE  
PETTYJOHN, COLLINS

CURRENT STATUS: (H) FIN

DATE		PAGE	ACTION
02/20/85	(H)	393	READ THE FIRST TIME - REFERRAL(S)
03/01/85	(H)	481	L&C RPT CS 6DP 1NR
03/01/85	(H)	481	ZERO FISCAL NOTE FINANCE RULES

SB 167

MEASURE HISTORY

PAGE 01 OF 02

CSSB 167 L&C

AN ACT RELATING TO DISPENSING OPTICIANS AND OPTOMETRISTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIME SPONSOR: RAY

CO-SPONSORS: RODEY, JOSEPHSON, DEVRIES, AROOD, FISCHER, P, STURGULEWSKI

1000 GENERAL(FNOTE)

1000 OTHER(FNOTE)

CURRENT STATUS: VETOED BY GOVERNOR

DATE		PAGE	ACTION
02/20/85	(S)	337	READ THE FIRST TIME - REFERRAL(S)
02/20/85	(S)	340	L&C REFERRAL ADDED
03/17/85	(S)	578	L&C RPT CS 4DP NEW TITLE
03/19/85	(S)	578	HESS COMM REFERRAL WAIVED
04/03/85	(S)	703	FIN RPT 5DP L&C CS 1NR
04/03/85	(S)	703	FISCAL NOTE ZERO
04/04/85	(S)	715	RLS RPT CALENDAR TODAY
04/04/85	(S)	716	READ THE SECOND TIME
04/04/85	(S)	716	L&C CS ADOPTED UNAN CONSENT
04/04/85	(S)	717	ADVANCED TO THIRD READING UNAN CONSENT

SB 167

MEASURE HISTORY

PAGE 02 OF 02

DATE		PAGE	ACTION
04/04/85	(S)	717	READ THE THIRD TIME CSSB 167 L&C
04/04/85	(S)	717	PASSED Y15 N- X4 A1
04/04/85	(S)	717	EFFECTIVE DATES SAME AS PASSAGE
04/04/85	(S)	720	TRANSMITTED TO (H)
04/08/85	(H)	835	READ THE FIRST TIME - REFERRAL(S)
04/30/85	(H)	1180	FIN RPT 5DP 1DNP 4NR
05/05/85	(H)		RLS TO CALENDAR 5/5/85
05/05/85	(H)	1332	READ THE SECOND TIME
05/05/85	(H)	1332	AM NO 1 FAILED Y5 N34 X- A1
05/05/85	(H)	1332	ADVANCED TO THIRD READING UNAN CONSENT
05/05/85	(H)	1333	READ THE THIRD TIME CSSB 167(L&C)
05/05/85	(H)	1333	PASSED Y38 N2
05/05/85	(H)	1333	EFFECTIVE DATE SAME AS PASSAGE
05/05/85	(H)	1333	SZYMANSKI NOTICE OF RECONSIDERATION
05/06/85	(H)	1333	RECONSIDERATION NOT TAKEN UP
05/06/85	(H)	1378	RETURNED TO (S)
05/07/85	(S)	1127	2:10 PM 5/7/85 TRANSMITTED TO GOVERNOR
05/29/85	(S)	1361	GOVERNOR VETOED

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS  
FROM: LISA MCLAREN, COMMITTEE STAFF  
RE: HB 603/CS HB 603 (L&C)  
DATE: MARCH 19, 1986

Labor & Commerce Committee passed out a CS for HB 603 "An Act relating to dispensing opticians" which extends the board until June 30, 1989 rather than June 30, 1988 as in the original bill. This is the only change to the bill.

According to Labor & Commerce Committee staff this change was made to be consistent with Labor & Commerce Committee policy of having sunset reviews scheduled in the first year of a legislative session rather than the second so that the boards and commissions can receive a full, unhurried review, and so that there is the second year of the session to correct any problems which may arise.

HESS Committee staff was unaware of the L&C CS and so Committee members yesterday received only a copy of the original HB and a discussion regarding the differing sunset dates did not take place. Today the Committee may wish to discuss the issue of the sunset date and affirm their decision to pass out CS HB 603 (L&C).

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

POUCH D  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-2534

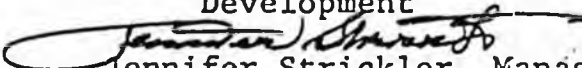
DIVISION OF OCCUPATIONAL LICENSING

January 17, 1986

M E M O R A N D U M

TO: Honorable Bill Sheffield  
Governor

FROM: Loren H. Lounsbury, Commissioner  
Department of Commerce & Economic  
Development

BY:  Jennifer Strickler, Management Analyst  
Division of Occupational Licensing  
Department of Commerce & Economic  
Development

RE: Report of Dispensing Opticians/Optometrists  
Working Group

This memorandum is the report of the Opticians/Optometrists Working Group mentioned in your veto letter of CSSB 167 relating to dispensing opticians and optometrists. The working group is composed of the following members:

Maynard Falconer, Optometrist and former Board of Examiners in Optometry chair;

John Demske, Optometrist and current Board of Examiners in Optometry chair;

Larry Harper, Dispensing Optician and former Board of Dispensing Opticians chair;

Gregg McClanahan, Dispensing Optician and current Board of Dispensing Opticians member;

Peter E. Froehlich, Assistant Attorney General;

Jennifer Strickler, Management Analyst, Division of Occupational Licensing, Department of Commerce and Economic Development.

After you appointed the working group members on September 30, 1985, we held several meetings by teleconference and one meeting in Anchorage to discuss and formulate recommendations

on the following three issues listed in your veto letter:

1. the need for the Board of Dispensing Opticians;
2. ways to improve the efficiency of state regulation of dispensing opticians; and
3. the possibility of combining the Board of Dispensing Opticians with the Board of Examiners in Optometry.

Regarding the first issue, the working group agreed unanimously that there is a need for some regulation of dispensing opticians. It was the consensus of the working group by a 4-2 vote, that dispensing opticians should be regulated by a board of some kind. After much discussion of the possibility of a combined board, the working group could not agree on a composition satisfactory to both professions. Largely for that reason, the group split evenly on whether the dispensing opticians should be regulated by a combined or a separate board. Therefore, by a 4 -- 0 vote, the working group voted to recommend that the Board of Dispensing Opticians be continued until June 30, 1988, the same sunset date as Board of Examiners in Optometry.

The working group went on to address the second issue and made recommendations on ways to improve efficiency of state regulation of dispensing opticians. These recommendations, with the votes on each in parentheses, are as follows:

I. Amendments for 1986:

(a) Amend AS 08.71.110 which sets the qualifications for licensure by examination to require a high school diploma, and to provide that an associate degree in opticianry is equal to 4,000 of the required 6,000 hours of work experience. (6-0)

(b) To amend AS 08.71.130(d) to correct the number of continuing education hours required for license renewal from 15 to 30 since this was an oversight in 1980 when the renewal frequency was changed from biennial to quadrennial. (4-0)

II. Development of Amendments for Next Legislature:

(a) Develop new statutory language for AS 08.71.200 and AS 08.72, the optometry chapter, concerning opticians fitting contact lenses, including a definition of a "contact

lens prescription." (6-0)

(b) Develop new statutory language for both AS 08.71, on opticians, and AS 08.72, on optometrists, to prohibit either Board from unilateral adoption of regulations on subjects like contact lenses, which affect both professions. (4-2)

(c) Develop new statutory language for AS 08.71.-240(5), which defines the word "supervision" required by AS 08.71.200 of opticians who fit contact lenses. (4-2)

(d) Develop new statutory language to clarify AS 08.-71.230 regarding the exemptions from licensing requirements for dispensing opticians. (6-0)

(e) To continue the working group so that it can work on resolving the controversies between the two professions, combining the two boards, and developing the new statutory language in recommendations numbers (a) -- (d). (4-0)

The third issue you asked the working group to consider was the possibility of combining the Board of Dispensing Opticians and the Board of Optometrists. As stated above, no consensus was reached and it appears that no agreement can be reached on this issue until the controversial issues relating to the fitting of contact lenses are resolved. Another area of disagreement which must be resolved is the composition of a combined board. The working group believes that these issues are more likely to be resolved when both boards are under simultaneous sunset review. That is the rationale for our recommendation that the Board of Dispensing Opticians be continued until June 30, 1988.

We hope this report is helpful and we look forward to continued effort towards better cooperation between these two inter-related professions.

JS:md

cc: Work Group Members

Barbara Dale, Special Assistant to the  
Governor for Boards & Commissions

Nancy Dunn, Director  
Div. of Occupational Licensing  
Dept. of Commerce & Economic Development

Offered: 3/1/85  
Referred: Finance

Original sponsors: Koponen, Gruenberg,  
Cotten, et al

BY THE LABOR AND COMMERCE  
COMMITTEE

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 216 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to dispensing opticians; and provid-  
7 ing for an effective date."

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

9 \* Section 1. AS 08.03.010(c)(5) is amended to read:

10 (5) Board of Dispensing Opticians (AS 08.71.010) --  
11 June 30, 1989 [1985].

12 \* Sec. 2. AS 08.71.120 is amended to read:

13 Sec. 08.71.120. FEES. The following fees shall be imposed under  
14 this chapter when applicable:

- 15 (1) examination fee ..... \$175 [\$ 50]  
16 (2) initial dispensing optician license fee .... 350 [ 50]  
17 (3) renewal fee, due every four years ..... 500 [ 200]

18 \* Sec. 3. AS 08.71.120 is repealed and reenacted to read:

19 Sec. 08.71.120. FEES. The department shall set fees under  
20 AS 08.01.080 for examination, initial license, and license renewal.  
21 In setting the amount of the fees the department shall reflect, to the  
22 extent possible, the actual costs to the department of the activity  
23 for which the fee is charged. The department may not set a fee unless  
24 the board concurs.

25 \* Sec. 4. AS 08.71.130(d) is amended to read:

26 (d) Before a license may be renewed the licensee shall submit to  
27 the board evidence of 30 [15] hours of continuing competence in opti-  
28 cal dispensing as prescribed by regulations of the board.

29 \* Sec. 5. AS 08.71 is amended by adding a new section to read:

1           Sec. 08.71.147. TEMPORARY PERMIT. The board may issue a tempo-  
2           rary permit to an applicant who has submitted a completed application  
3           for licensure under AS 08.71.145.

4       \* Sec. 6. Section 3 of this Act takes effect July 1, 1986.

5       \* Sec. 7. Sections 1 - 2 and 4 - 5 of this Act take effect immediately  
6       in accordance with AS 01.10.070(c).

Offered: 3/19/85  
Referred: Finance

Original sponsors: Ray, Rodey,  
Josephson, et al

BY THE LABOR AND  
COMMERCE COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 167 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

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2           rary permit to an applicant who has submitted a completed application  
3           for licensure under AS 08.71.145.

4       \* Sec. 6. (a) The governor shall appoint a six-member working group to  
5       consider and make recommendations on the consolidation of the Board of  
6       Dispensing Opticians and the Board of Optometric Examiners. Membership on  
7       the working group includes one representative from the Board of Dispensing  
8       Opticians, one representative from the Board of Optometric Examiners, one  
9       representative from the Department of Commerce and Economic Development,  
10       one representative from the civil division of the Department of Law, one  
11       licensed optometrist, and one licensed optician.

12       (b) The working group shall report its recommendations to the legis-  
13       lature by January 15, 1986.

14       \* Sec. 7. Section 6 of this Act is repealed.

15       \* Sec. 8. Sections 3 and 7 of this Act take effect July 1, 1986.

16       \* Sec. 9. Sections 1 - 2 and 4 - 6 of this Act take effect immediately  
17       in accordance with AS 01.10.070(c).