

LEG. FINANCE - BILLS 1979 - 1980 1318

CSRB 241 cont., thru SB 242

1318

Generally, we find that the board has acted in a discriminatory manner by not developing regulations or formal procedures for the grading and processing of examinations; has encouraged a "not to compete provision" which is unduly restrictive; and has not substantially complied with the Administrative Procedures Act when carrying out suspension proceedings.

Although the board has proposed regulations to attempt to standardize professional educational requirements, the board has not adopted reciprocity or continuing education amendments to its regulations and has not recommended any parallel statutory changes. It has not adopted a code of ethics for the profession.

The use of unwritten examination grading procedures, and the use of questionable employment contracts indicate possible restriction of qualified applicants from entry into the occupational market.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

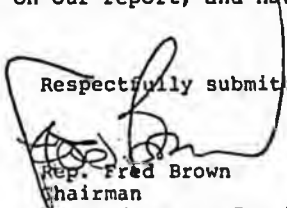
The committee is of the opinion that public policy considerations cannot justify the continued existence of this board. Inherent in a licensing and regulatory scheme for a profession regulated by a board of its peers is a very real human problem. It is very difficult for a person in a profession to be totally objective in regulating entry into that profession which then causes further competition. The board member who is of the highest level of integrity is still subject to these very real human pressures. This is not the fault of any of these seven boards, nor the fault of any one board member of this board: It is inherent in the regulatory scheme. It appears to the committee that admission into the profession can be handled by the Division of Occupational Licensing using available examination materials from national sources and by, when necessary, seeking professional guidance from admitted professionals in Alaska. The proliferation of professional boards under Title 8 has been extensive. Currently, there are twenty-one boards each of which regulates a profession or trade and each of which deals with the Division of Occupational Licensing. Currently, there are pressures to create even more boards. Yet in each situation matters involving professional standards and entrance into an identifiable market for services would be determined largely by participators in that market. This should occur only when there are other public policy considerations which require it, as in the case of the four boards already listed who deal with the most advanced of the healing arts.

Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Chiropractic Examiners but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

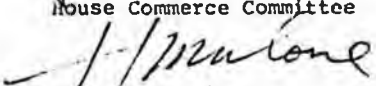
The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.

Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

Respectfully submitted,



Rep. Fred Brown  
Chairman  
House Commerce Committee



Rep. Hugh Malone



Rep. Joyce Munson



Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.



Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Veterinary Examiners, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence. However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 10-12 of the Performance Review of the Board of Veterinary Examiners prepared by the Division of Legislative Audit, dated November 1, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

The Board of Veterinary Examiners has submitted substantial recommendations for revisions to its Practices Act, which are subject to consideration during this legislative session. Generally, we find that the board is unable to document the extent to which it has encouraged feedback from interested persons, or solicited public participation in the regulatory and decision-making process. Major problems encountered by the Board of Veterinary Examiners may be attributed to weaknesses within the Division of Occupational Licensing.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

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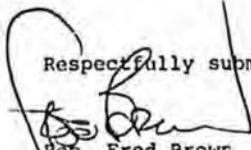
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Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Veterinary Examiners but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.


The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.

Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

Respectfully submitted,

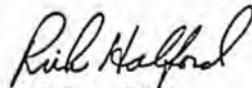
  
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Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Nursing Home Administrators, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence: However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 16-19 of the Performance Review of the Board of Nursing Home Administrators prepared by the Division of Legislative Audit, dated October 20, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

Board members concurred with the Legislative Audit finding that the Board of Nursing Home Administrators should be terminated. Justification for continuance of the NHA licensing requirement is to permit the "pass through" of Federal Medicaid dollars. An effort should be made to obtain U.S. Department of Health, Education and Welfare (HEW) approval to move the licensing function to the Division of Occupational Licensing, and to bring Alaska statutes into conformance with 42 U.S.C. Sec. 1396(c)(2). Subsequent to such action, we would recommend the addition of presently exempted resident care facilities into the licensure requirement. Additionally, the licensing process for Nursing Home Administrators should be subject to the Administrative Procedures Act, and appropriate statutory changes are in order to accomplish this. Also, under our proposal, the outgoing board and the Division of Occupational Licensing should work toward a program of continuing education. Current board members concur with the need for continuing education, but it is essential that the criteria for CE be applied uniformly and fairly.

Once the transfer to the Division of Occupational Licensing has been accomplished, it is advised that the licensure requirement be upgraded to biennial, rather than annually.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

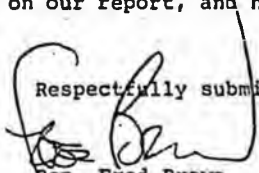
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Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Nursing Home Administrators but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

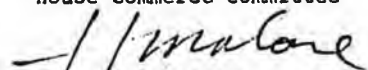
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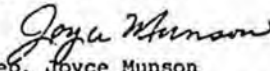
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March 14, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Psychologist and Psychological Associate Examiners, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. A member of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The board has not operated in the public interest, to the extent that it can justify its continued existence: However, this is not the fault of any present or prior board or board member, but is inherent in the regulatory scheme.

The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 17-20 of the Performance Review of the Board of Psychologist and Psychological Associate Examiners prepared by the Division of Legislative Audit, dated October 31, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

The committee finds that because of inconsistent application of the psychology licensing requirements contained in the Alaska Statutes, professionals have been denied entry into the profession, or have been held back from entry for inordinate periods of time. Delays in promulgation of regulations, failure to regulate professionals within the field, and a general reluctance to adhere to legal advice provided through the office of the Attorney General, indicates an overall unwillingness on the part of the board to adhere to the public interest. Testimony was received which indicated that many of the internal differences, were the result of longstanding philosophical disputes within the profession, and constitute unnecessary "turf-protection."

Further statutory requirements for licensing of psychological associates are unnecessarily restrictive by requiring two of the three years of acquired experience to be completed in Alaska, and the requirement of one year's continuous residency in Alaska is of dubious value.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

The board and the licensing scheme are intended to address the need to assure that competent practitioners are available in sufficient numbers to address the health needs of the residents of the state of Alaska. There are several other boards which have similar objectives with regard to other professions which, like this one, do not usually deal with life-and-death situations in the practice of a highly advanced healing art, as do the boards which regulate the professions of nursing, medicine and surgery, dentistry, and pharmacy. For this reason, the committee is of the view that those boards can be eliminated while still assuring that the licensing scheme functions and that proper discipline is maintained within the profession.

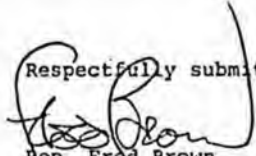
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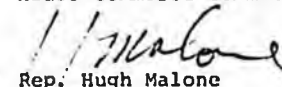
Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Psychologist and Psychological Associate Examiners but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

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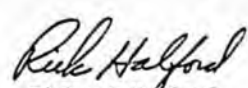
  
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Speaker of the House  
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Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Board of Dispensing Opticians, pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written testimony of the Commissioner of the Department of Commerce and Economic Development was received and representatives of the Division of Occupational Licensing of that Department were available for questioning by the committee. Members of the board testified in person or by teleconference. The committee considered the proposed budget of the board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

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The Commerce Committee generally concurs in the nine findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 14-16 of the Performance Review of the Board of Dispensing Opticians prepared by the Division of Legislative Audit, dated November 1, 1978, which is hereby incorporated by reference as though fully set out herein. We do note, however, that the board has recently taken action to remedy some of the matters raised as criticisms in these findings.

Generally, the Board of Dispensing Opticians has not adequately enforced the Dispensing Opticians Law, nor has it adopted regulations necessary for the enforcement of existing statutes. Further, in April of 1976 the board adopted a resolution stating that it should not become involved in consumer complaints against opticians.

During the period of consideration the number of licensed opticians currently practicing in the state of Alaska declined, although the concentration of dispensing opticians remained uniformly high in the urban centers of the state.

The above findings, including adoption of the findings of the Legislative Audit Division report, constitute compliance with AS 44.66.050(c) by this committee in the course of its review.

Many of the other criticisms of the board arise from problems caused by action or inaction by the Division of Occupational Licensing and its employees. The Division is presently attempting to address these problems, and has made some progress. However, further legislative scrutiny of the Division is vital to assure that the licensing process with regard to many professions is adequately carried out, and that investigations of unlicensed practitioners and of improper conduct by practitioners in all professions are effective to serve the public. This is not within the scope of this review, but it should be considered during the "Sunset" review of the public protection portion of the budget during the 1980 legislative session.

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The committee is of the opinion that public policy considerations cannot justify the continued existence of this board. Inherent in a licensing and regulatory scheme for a profession regulated by a board of its peers is a very real human problem. It is very difficult for a person in a profession to be totally objective in regulating entry into that profession which then causes further competition. The board member who is of the highest level of integrity is still subject to these very real human pressures. This is not the fault of any of these seven boards, nor the fault of any one board member of this board: It is inherent in the regulatory scheme. It appears to the committee that admission into the profession can be handled by the Division of Occupational Licensing using available examination materials from national sources and by, when necessary, seeking professional guidance from admitted professionals in Alaska. The proliferation of professional boards under Title 8 has been extensive. Currently, there are twenty-one boards each of which regulates a profession or trade and each of which deals with the Division of Occupational Licensing. Currently, there are pressures to create even more boards. Yet in each situation matters involving professional standards and entrance into an identifiable market for services would be determined largely by participators in that market. This should occur only when there are other public policy considerations which require it, as in the case of the four boards already listed who deal with the most advanced of the healing arts.

Therefore, the House Commerce Committee does not recommend the retention or continuation of the Board of Dispensing Opticians but it should also terminate in a manner different from that anticipated by the present language of Alaska's "Sunset" law found in AS 44.66. The Commerce Committee will introduce legislation to provide for termination of the board on January 1, 1981, but still allowing the board to fully function up to that time, allowing admission to the profession, while also cooperating with the Division of Occupational Licensing of the Department of Commerce and Economic Development to facilitate the transfer of the licensing function of this profession to that Division. This will give the board and the Division one entire budget cycle with which to deal with the transfer and will avoid what the Commerce Committee sees as an unfortunate ambiguity in the "Sunset" law about the role of the board during its final year of operation if terminated.

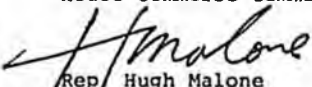
The Commerce Committee anticipates that the Division of Occupational Licensing will regulate admission into the profession using examinations from nationally recognized sources in the profession to the extent possible, and, if necessary, will establish a scheme for utilizing the talents of individual members of the profession in examination and licensing when necessary.

Mr. Bettisworth and Mr. Randolph do not join in the majority of the committee on our report, and have filed a minority report herewith.

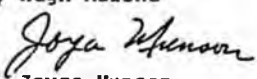
Respectfully submitted,



Rep. Fred Brown  
Chairman  
House Commerce Committee



Rep. Hugh Malone



Rep. Joyce Munson



Rep. Alvin Osterback

I concur in general with the committee report. However, I am concerned that the "Sunset" of this board must not result in simply the transfer from board to bureaucrats, but rather in the elimination of unnecessary regulation and the simplification of remaining regulations. It is imperative that the Division of Occupational Licensing operate with this concern in mind while implementing the "Sunset" recommendations.



Rep. Richard Halford

March 14, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Alaska Transportation Commission, pursuant to your referral under AS 44.66.010 and 44.66.050.

In accordance with the statutory requirements, a public hearing was held on the review of this commission. The hearing extended over a period of three days, during March 1-3, 1979 and included over twenty hours of hearings and deliberations by the committee. During that time, testimony was heard from the Deputy Commissioner of the Department of Commerce and Economic Development representing the Commissioner (in accordance with the statute), from all members of the commission itself, and substantial public testimony from interested individuals and from representatives of the private sector affected by the regulatory scheme, representing all aspects of Alaskan transportation. The last few hours of the March 3 hearing extended into the early hours of March 4, during which members of the committee asked extensive questions of the members of the commission about various matters that came to light during the "Sunset" review. Extensive use was made of the Legislative teleconferencing network, which allowed the participation by witnesses and observers in Fairbanks, Barrow, Nome, Kotzebue, Anchorage, Kodiak, Sitka and Ketchikan. Other stations may have had listeners or observers on the line but did not check in.

The committee considered the proposed budget of the Alaska Transportation Commission for FY 1980, and particularly examined the performance audit of the activities of the commission prepared by the Legislative Audit Division. Representatives of the Audit Division were present at all hearings and participated in the considerations with the committee and followed up inquiries that had begun during the audit.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The committee concurs in the nine findings made by the Division of Legislative Audit in considering the factors required under 44.66.050(c), as they appear on pages 23-25 of the Performance Review of the Alaska Transportation Commission prepared by the Division of Legislative Audit, dated October 24, 1978, which are hereby incorporated by reference as though fully set out herein. However, to the extent that the findings stated there refer to report conclusions or recommendations made within the audit, the committee drew some, but not all of the same conclusions, and will make somewhat different recommendations. However, the findings of fact anticipated by 44.66.050(c) contained within pages 23-25 of the audit report, without regard to those recommendations, are justified by our hearings and are reaffirmed by the committee. In fact, the members of the commission indicated that they had no major disagreements with the findings of the Legislative Audit Division.

The Alaska Transportation Commission exists to provide certain protections to the public with regard to the conduct of the transportation industry in the state of Alaska and to assure a viable economic climate for those parties who participate within that industry. The objective or goal is, theoretically, to have a stable and reliable private transportation system, both surface and air, available to Alaskans, with services provided at prices that are not unreasonable according to certain familiar and traditional regulatory standards. There are not any other State programs which have similar, conflicting, or duplicating objectives, in short of arguable deregulation, there appear no alternative methods of achieving the purposes of the program. This excludes consideration of relevant Federal regulation which does impact upon the transportation industry in Alaska. Some Alaskan surface carriers are certificated and regulated by the Interstate Commerce Commission, and some Alaskan air carriers are regulated by the Civil Aeronautics Board. All Alaskan air carriers are subject to the regulations of the Federal Aviation Agency, particularly as to air safety and flying practices.

During our hearings, substantial questions were raised about the need for regulation of certain industries in light of competitive factors which would normally exist and the predominant Federal regulatory scheme, particularly as it relates to air commerce. In light of these considerations, it appears that some reduction in the jurisdiction of the Alaska Transportation Commission is appropriate. This deregulation of certain areas of transportation, tied to a two-year renewal of the Alaska Transportation Commission under the "Sunset" law, will give Alaskans and their public officials an opportunity to compare certain branches of the transportation industry which remain regulated with those which become deregulated under State law. This and only this, in the opinion of the committee, can fully answer the questions raised by the Alaskan "Sunset" law and by the current inquiries into deregulation which are popular on a national level.

The above recommendations and summary comply with the requirements of 44.66.050(d), to the extent that they relate to the Alaska Transportation Commission.

The Committee on Commerce of the Alaska State House of Representatives will soon be introducing a bill which will provide for a limited two-year extension of the life of the Alaska Transportation Commission; accomplish certain reforms in the practices of the Alaska Transportation Commission as recommended by the Division of Legislative Audit in its report and as recommended by some of the witnesses who testified before the committee; provide for partial deregulation of one or more elements of the Alaskan transportation industry; provide for total State deregulation of other elements of the Alaska transportation industry. Consideration will be given to the resources of the commission, possible inclusion of a staff lawyer or law member of the commission, and consideration of the relationship of the Alaska Transportation Commission's regulatory jurisdiction to other relevant State law.

It is hoped that some of the (apparently valid) criticisms of the Alaska Transportation Commission by the Division of Legislative Audit and the witnesses can be addressed if the commission's resources are applied in more limited and concentrated areas of regulation after deregulation of certain activities. This may give the commission an opportunity to demonstrate that it can function in the public interest and that the regulatory scheme is working and is not antiquated or inappropriate.


The two-year continuation (rather than the four-year continuation anticipated by the "Sunset" law) is dictated by the questionable nature of the commission's present activities and by the substantial questions about its public justification which were raised in the committee hearings and in the report of the Division of Legislative Audit.

The committee is particularly concerned with the conduct of some of the commissioners, both as related in the report of the Audit Division and as it appeared to the committee during the hearings. The commissioners should remember that, like judges, they must not only be acting properly, they must appear to be acting properly. The confidence of the public should not be lost on the basis of some extraordinary action of a commissioner (whether accepting a free ride from a certificated carrier, or using unusual lobbying practices during "Sunset" review), even if there is available a justification or an adequate explanation. The appearance remains the same and undermines the confidence of the public in the regulatory scheme, to the same extent that it would undermine the confidence of the public in the judiciary if such actions were to be taken by a judge. Admittedly, because of the large economic stakes involved in the regulation of an industry such as the transportation industry in Alaska, the pressures upon the members of the commission are no doubt severe, and their present regulatory load is substantial. However, these pressures should not result in conduct which, even though thoroughly explainable,

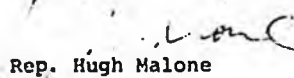
might by its mere appearances call into question the integrity of the commission and of the regulatory scheme. The commission is not a political body under the law: It is a quasi-judicial regulatory agency.

Corresponding legislation will be introduced soon to accomplish the goals of this report.

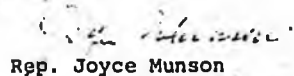
Respectfully submitted,



Rep. Fred Brown  
Chairman  
House Commerce Committee



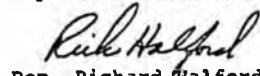
Rep. Hugh Malone



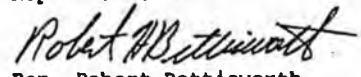
Rep. Joyce Munson



Rep. Alvin Osterback



Rep. Richard Halford



Rep. Robert Bettisworth



Rep. Richard Randolph

March 14, 1979

The Honorable Terry Gardiner  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. Speaker:

Your House Commerce Committee has had under consideration for "Sunset" review the Alcoholic Beverage Control Board, pursuant to your referral under AS 44.66.010 and 44.66.050.

In accordance with the statutory requirements, a public hearing was held on the review of this commission. The hearing extended over a period of three days, during March 7-9, 1979 and included over twelve hours of hearings and deliberations by the committee. During that time, testimony was heard from the Deputy Commissioner of the Department of Commerce and Economic Development representing the Commissioner (in accordance with the statute), from three members of the board and the Executive Director of the board, and public testimony from interested individuals and from representatives of the private sector affected by the regulatory scheme. Extensive use was made of the Legislative teleconferencing network, which allowed the participation by witnesses and observers in Fairbanks, Barrow, Nome, Kotzebue, Anchorage, Kodiak, Sitka and Ketchikan. Other stations may have had listeners or observers on the line but did not check in.

The committee considered the proposed budget of the Alcoholic Beverage Control Board for FY 1980, and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division. Representatives of the Audit Division were present at all hearings and participated in the considerations with the committee and followed up inquiries that had begun during the audit.

Guided in part by the report prepared by the Legislative Audit Division, the committee took into consideration the factors required under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings:

The committee concurs in the nine findings made by the Division of Legislative Audit in considering the factors required under AS 44.66.050(c), as they appear on pages 22-24 of the Performance Review of the Alcoholic Beverage Control Board prepared by the Division of Legislative Audit, dated November 3, 1978, which are hereby

incorporated by reference as though fully set out herein. However, to the extent that the findings stated there refer to report conclusions or recommendations made within the audit, the committee drew some, but not all of the same conclusions, and will make somewhat different recommendations. However, the findings of fact anticipated by AS 44.66.050(c) contained within pages 22-24 of the audit report, without regard to those recommendations, are justified by our hearings and are reaffirmed by the committee.

The Alcoholic Beverage Control Board is intended to provide protections to the public regarding the conduct of the industries involved in the distribution and sale of alcoholic beverages within the state of Alaska, and to assure viable economic climate for those parties who participate within that industry. The objective or goal is, theoretically, to assure that this unique industry which can so easily affect the social and health conditions of any community, does not act contrary to the public interest in carrying on its business. However, the statutes establishing the Alcoholic Beverage Control Board are a historical hodge podge of many different legislative intentions, and there is no unanimity within the State as to what this "public interest" is as it relates to this industry. There are not any other State programs which have similar, conflicting, or duplicating objectives, in short of arguable deregulation. The purposes of the program may be achieved by alternate methods, including the elimination of the board and the streamlining of the procedure.

Also unique to the industry is the manner in which it relates to the wishes of local government entities. Serious question has arisen in the past as to the role of local governments in licensing. Current law requires local governments to make certain recommendations to the Alcoholic Beverage Control Board, but also allows the board to totally ignore those recommendations. In recent years this has not been the practice, but it is still possible under current law.

During our hearings, questions were raised about the advisability of the quota system of licensing and about the enforcement practices (to the extent there are any) under the alcoholic beverage control laws. Also, the members of the committee are quite familiar with the history of the board and the industry in Alaska. The board and its director and staff seem to spend much of their time on economic matters, particularly acting as a collection agency for local government taxing units and for the wholesalers, because of the questions involved in the transfer of a liquor license from a businessman who may have certain unpaid obligations. This is hardly in the public interest, and is not justified even under current law (however impenetrable current Title IV may seem).

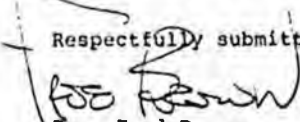
It seems that the board spends much of its time going through merely ministerial actions with regard to applications for licenses or transfers that are not opposed. Those not opposed are nearly always granted. When a licensing matter is contested, frequently it is initially heard by a hearing officer.

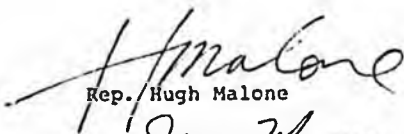
In light of these considerations, and in light of the social and political sensitivity of the issues involved in the regulation of the industry, the committee has concluded that, while the licensing scheme should continue, the board should be eliminated. However, to assure that the practices of the licensing scheme are periodically brought to the attention of the Legislature in harmony with the "Sunset" law, the statutory provisions providing for the quota system (which is the heart of the licensing scheme) should be subject to "Sunset" review even after elimination of the board.

The Committee on Commerce of the Alaska State House of Representatives will soon be introducing a bill to provide for elimination of the Alcoholic Beverage Control Board; addition of a four-year "Sunset" repealer on certain provisions in Title IV that establish the quota system and relate to the quota system; requiring that in most cases, local government findings and recommendations with regard to licensing issues cannot be overturned by the State except in very unusual cases (that is, providing a limited scope of review as to both issues of fact and law); barring the State from participation in collection of debts under the alcoholic beverage licensing scheme, except for obligations owed directly to the State, but providing for notification to creditors, public and private; and incorporating at least some of the revisions of Title IV of the Alaska Statutes which have been proposed by legislative interim committees and by the Alaska Code Revision Commission.

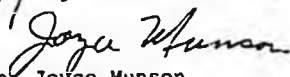
It is hoped that the recommendations of this committee will adequately address some of the criticisms of the alcoholic beverage licensing scheme by the Division of Legislative Audit and by witnesses before this committee as well as matters that have arisen in legislative and Code Revision Commission meetings over the last recent years.

Respectfully submitted,

  
Rep. Fred Brown  
Chairman  
House Commerce Committee



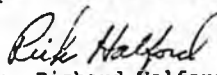
Rep. Hugh Malone



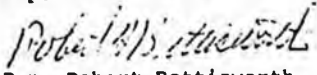
Rep. Joyce Munson



Rep. Alvin Osterback



Rep. Richard Halford



Rep. Robert Bettisworth



Rep. Richard Randolph

## ADDENDUM

honorable Jerry Gardiner  
Speaker of the House  
Alaska State Legislature

Dear Speaker Gardiner:

During the past one and one half months the House Commerce Committee has been involved in an intensive effort to carry out the purposes of "sunset" review. The hearing requirements of law were observed scrupulously by the chairman and the committee.

During that time, the committee reviewed eleven health care occupational licensing boards and two major quasi-judicial commissions under sunset. In addition, it was essential to review the operation and budgets of the Division of Occupational Licensing in the Department of Commerce and Economic Development.

This process has taken virtually all of the committee's time, to the exclusion of other important items. However, a singular advantage of placing this burden on one committee is allowing that committee to consider the sunset process in its entirety. The committee report recommends some necessary changes in that process.

"Sunset" is a blunt instrument, expressing an either/or idea. The concept must be adapted to the state function under review to be of much use.

The legislature has responsibility for the statutory framework and the first scrutiny must be focused on these laws.

Appropriation of the budget level greatly affects agency activity, and this question should be studied next.

Finally, the legislature has oversight responsibility for executive performance. But in this area, the first duty lies with the governor to see that the administration is efficient and laws are followed.

Sunset review should recognize these things. Also, selection of areas for review based on where legislators think the problems are would make sense.

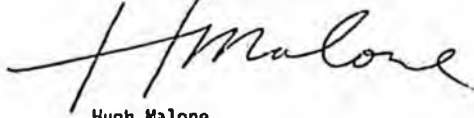
I am recommending to the chairman that the sunset process itself be reviewed. At best, only a very small part of government activity will be subjected to sunset, due to constraints of time and politics. The subjects for review must be chosen carefully if the process is to make any real difference in how government works.

Specifically, the entire system of statutes for occupational licensing should be consolidated, at least in the health area. On-going review, within that function, should take place according to standards in law. The minority report is correct I believe, in pointing out the potential of citizen boards. Under current law and practice, this potential is unrealized. Neither, however, are all the existing boards necessary. Realistically, both the public and the private interests in licensing of occupations must be recognized and accommodated in the law, since both interests exist.

The report of the committee, though, is the first step in straightening out problems uncovered. The committee will be introducing legislation to correct these.

As the sunset work proceeds through legislation and budgeting, continuous improvements in this beginning effort will be made.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "H Malone". The signature is written in dark ink and is positioned above the printed name.

Hugh Malone



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

3/23/90  
Date

# COMMITTEE REPORT

## HOUSE

FURTHER:

April 6, 1979

Date: 4-24-79

Mr. Speaker:

The Committee on FINANCE has had SB 240

"An Act continuing the existence of the State Medical Board; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>HOUSE (Commerce)</sup> CS for SB 240  same title  
 new title
- and recommends report it back with individual recommendations
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

McKinney

Smith

Rosen

Freeman

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Montgomery - no Rec

Montgomery - no Rec

\_\_\_\_\_

\_\_\_\_\_

Freeman  
CHAIRMAN

Original sponsor: Health, Education and  
Social Services Committee

Offered: 4/6/77  
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the State Medical  
7 Board and amending the laws regulating the medical  
8 profession; and providing for an effective date."

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

10 \* Section 1. AS 08.03.010 is amended by adding a new subsection to read:

11 (f) The following board has the termination date provided by this  
12 subsection: State Medical Board (AS 08.64.010) -- June 30, 1980.

13 \* Sec. 2. AS 08.64.010 is amended to read:

14 Sec. 08.64.010. CREATION AND MEMBERSHIP OF STATE MEDICAL BOARD.

15 The governor shall appoint a board of medical examiners, to be known as  
16 the State Medical Board, consisting of four [FIVE] licensed physicians,  
17 residing in as many separate Alaska judicial districts as possible, and  
18 three [TWO] persons with no direct financial interest in the health care  
19 industry.

20 \* Sec. 3. AS 08.64.020 is amended to read:

21 Sec. 08.64.020. STATE MEDICAL BOARD TERM OF OFFICE. Members shall  
22 be appointed for staggered terms [A TERM] of four years, subject to  
23 confirmation by a majority of the members of the legislature in joint  
24 session, and shall hold office until their successors are appointed and  
25 qualified. The terms of the public members of the board shall be  
26 staggered so that they do not expire at the same time.

27 \* Sec. 4. AS 08.64 is amended by adding a new section to read:

28 Sec. 08.64.025. LIMITATION ON TERMS. A board member may not serve  
29 more than two consecutive terms. Time served in filling an unexpected

1 vacancy of two years or less is not considered a term.

2 \* Sec. 5. AS 08.64 is amended by adding a new section to read:

3 Sec. 08.64.075. EXECUTIVE OFFICER OF THE BOARD. (a) The depart-  
4 ment, in consultation with the board, shall employ an individual who is  
5 not a member of the board to serve as executive officer of the board.

6 (b) The executive officer shall

7 (1) perform the administrative duties required by this chap-  
8 ter and the department;

9 (2) carry out regulations and policy decisions made by the  
10 board;

11 (3) assist the board in conducting examinations, continuing  
12 education programs, and other administrative work for the board.

13 \* Sec. 6. AS 08.03.010(c) is amended to read:

14 (c) Upon termination, each board listed in [(a) AND (b) OF] this  
15 section shall continue in existence until June 30 of the next succeeding  
16 year for the purpose of concluding its affairs. During this period,  
17 termination does not reduce or otherwise limit the powers or authority  
18 of each board. One year after the date of termination, a board not  
19 continued shall cease all activities.

20 \* Sec. 7. An incumbent member does not lose membership on the State  
21 Medical Board because of the reallocation of the membership enacted by sec. 2  
22 of this Act but appointments after the effective date of this Act must be  
23 consistent with AS 08.64.010.

24 \* Sec. 8. AS 08.03.010(a)(3) is repealed.

25 \* Sec. 9. This Act takes effect immediately in accordance with AS 01.10.-  
26 070(c).

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST House CS for SB 240  
 Bill/Resolution No. An act continuing the existence of the State Medical Board  
 Title and amending the laws regulating the medical profession;  
and providing for an effective date.  
 Requested by Commerce Committee Date 4/5/79

II. FISCAL DETAIL  
 Agency Affected Commerce and Economic Development  
 Program Category Affected Public Protection  
 Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	50.9	53.9	57.2	60.6	64.3
200 TRAVEL	-0-	2.3	2.5	2.6	2.8	3.0
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	2.8	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	6.0	6.3	7.0	7.1	7.6
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	62.0	62.7	66.8	70.5	74.9

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	62.0	62.7	66.8	70.5	74.9
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

FULL TIME	-0-	2	2	2	2	2
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Personnel Services required for this act would be one R-18 position for all administrative duties and one Clerk Typist III position to provide clerical support. The present clerical staffing in the Juneau office can not supply the needed assistance. The Clerk Typist would most likely be used 50-75% for support to the Executive Officer. The balance of time would be used as support to other division needs. The R-18 position would be required to attend all board meetings at three days each and attend one out of state National organization conference for 6 days per year. The positions would be housed in Juneau. Equipment needs would only be required in FY80. Shortage of space availability in the existing Juneau office would require the renting of an additional 400 square feet for these positions.

a 6% inflation rate is used. See attached for further breakdowns.

IV. DATE 4/5/79 PREPARED BY Don Hostak  
 AGENCY Occupational Licensing  
 PHONE 465-2534

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Analysis:

Personnel Services

12 months, partially exempt, Range 18	
Benefits = \$4422, FICA = \$1588, Health = \$1716	\$32,710
12 months, Clerk Typist III, Range 8	
Benefits = \$1555, FICA = \$1588, Health = \$1716	<u>18,155</u>
	\$50,865

Travel

Field/Administrative Travel	
7 Board meetings (2 Fairbanks, 2 Anchorage,	
2 Jureau, 1 Ketchikan) Transportation	\$ 846
Per Diem	846
1 Out-of-State Travel Transportation	350
Per Diem	<u>300</u>
	\$ 2,342

Equipment (FY80 Only)

2 Side Chairs	\$152	
1 Desk	370	
1 Exec. Chair	128	
1 Credenza	295	
2 file cabinets	344	
1 book shelf	87	
1 desk - Clerk	370	
1 Typewriter table	62	
1 file cabinet	172	
1 Chair - Clerk	91	
1 Typewriter	<u>706</u>	\$ 2,777

Land and Structures

Space for Range 18 and Clerk Typist would	
require 400 square feet at \$1.25/foot/month	\$ 6,000

The above is based on a 6% inflation rate.

Introduced: 3/14/79  
Referred: Health, Education & Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the State Medical  
7 Board; and providing for an effective date."

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

9 \* Section 1. AS 08.03.010(c) is repealed and reenacted to read:

10 (c) The following board has the termination date provided by this  
11 subsection: State Medical Board (AS 08.64.010) -- June 30, 1983.

12 \* Sec. 2. AS 08.03 is amended by adding a new section to read:

13 Sec. 08.03.020. TERMINATION, CONTINUATION, AND REESTABLISHMENT OF  
14 REGULATORY BOARDS. (a) Upon termination, each board listed in AS 08.-  
15 03.010 shall continue in existence until June 30 of the next succeeding  
16 year for the purpose of concluding its affairs. During this period,  
17 termination does not reduce or otherwise limit the powers or authority  
18 of each board. One year after the date of termination, a board not  
19 continued shall cease all activities.

20 (b) The termination, dissolution, continuation or reestablishment  
21 of a regulatory board shall be governed by the legislative oversight  
22 procedures of AS 44.66.050.

23 (c) A board scheduled for termination under this chapter may be  
24 continued or reestablished by the legislature for a period not to exceed  
25 four years.

26 \* Sec. 3. AS 08.03.010(a)(3), (d) and (e) are repealed.

27 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-  
28 070(c).

29



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James A. Smith  
Signature of Camera Operator

3/23/90  
Date

# COMMITTEE REPORT HOUSE

FURTHER:

April 5, 1979

Date: 4-24-79

Mr. Speaker:

The Committee on FINANCE has had SB 241

"An Act continuing the existence of the Board of Nursing; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>Commerce House</sup> ACS for SB 241  same title  
 new title
- and recommends reports it back without recommendation
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

Freeman Do Pass

Rogers Do Pass

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

~~Freeman No Rec~~

McKinnon No Rec

Smith No Rec

~~Rogers No Rec~~

Do not Pass - Montgomery

Freeman  
CHAIRMAN

Vice

# HOUSE JOURNAL

## LETTER OF INTENT

FOR

HCS FOR SB 241, 242, 243, 244, 245, 247 & 248  
and  
SB 246 and HB 446 & 447

(SUNSET LEGISLATION)

When the House Finance Committee considered and approved its version of the Fiscal Year 1980 budget it did not have in its possession the several measures constituting the "Sunset" package for various boards and commissions. As a result the question of staffing to provide improved public service by the surviving boards was not addressed. The Senate in its version of the budget approved the addition of the following positions in the Occupational Licensing program:

Administrative Support Tech II, Juneau	18,700
Clerk Typist III, Anchorage	18,700
Special Investigator, Anchorage	<u>31,900</u>
	69,300

The House Finance Committee now wishes to support before the full House and the House conferees on the budget a request that these new positions be approved for inclusion in the Fiscal Year 1980 budget for Occupational Licensing.

The Division of Occupational Licensing shall report to the Second Session of the Eleventh Legislature the results of its efforts to correct practices found objectionable and meet requirements of the various legislative audits and committee reports pertaining to boards and commissions. This requirement applies equally to those boards approved for continuation this year and those under review during the budget year.

  
House Finance Committee

Original sponsor: Health, Education and  
Social Services Committee

Offered: 4/5/79  
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 241

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the Board of

7

Nursing and amending the laws regulating the nursing

8

profession; and providing for an effective date."

9

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

10

\* Section 1. AS 08.03.010 is amended by adding a new subsection to read:

11

(f) The following board has the termination date provided by this

12

subsection: Board of Nursing (AS 08.68.010) -- June 30, 1983.

13

\* Sec. 2. AS 08.68.010 is amended to read:

14

Sec. 08.68.010. CREATION AND MEMBERSHIP OF BOARD OF NURSING.

15

There is created a Board of Nursing, consisting of seven members

16

appointed by the governor. One member shall be currently involved in

17

institutional nursing service, one member in community or public health

18

nursing and one member [TWO MEMBERS] in basic or continuing nursing

19

education, one nurse at large, and three [TWO] persons who have no

20

direct financial interest in the health care industry.

21

\* Sec. 3. AS 08.68.020 is amended to read:

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Sec. 08.68.020. TERM OF OFFICE. Members serve staggered terms of

23

four [FIVE] years and until their successors are appointed. The terms

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of the public members on the board shall be set so that they do not

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expire at the same time. Vacancies on the board shall be filled for the

26

unexpired term.

27

\* Sec. 4. AS 08.68.410(5) is amended to read:

28

(5) "practice of professional nursing" means the performance

29

for compensation of observation, care and counsel of the ill, injured,

1 or infirm, or the maintenance of health or prevention of illness of  
2 others, the supervision and teaching of personnel; or the administration  
3 of medications and treatments prescribed by a licensed physician or  
4 dentist which require substantial specialized judgment and skill based  
5 on knowledge and application of the principles of biological, physical,  
6 and social science; but the foregoing do not include acts of medical  
7 diagnosis and [OR] the prescription of medical therapeutic or corrective  
8 measures unless authorized by regulations promulgated [JOINTLY] by [THE  
9 STATE MEDICAL BOARD AND] the Board of Nursing and as implemented by the  
10 Board of Nursing;

11 \* Sec. 5. AS 08.03.010(c) is amended to read:

12 (c) Upon termination, each board listed in [(a) AND (b) OF] this  
13 section shall continue in existence until June 30 of the next succeeding  
14 year for the purpose of concluding its affairs. During this period,  
15 termination does not reduce or otherwise limit the powers or authority  
16 of each board. One year after the date of termination, a board not  
17 continued shall cease all activities.

18 \* Sec. 6. An incumbent member does not lose membership on the board  
19 because of the reallocation of the membership enacted by sec. 2 of this Act  
20 but all appointments after the effective date of this Act must be consistent  
21 with AS 08.68.010.

22 \* Sec. 7. AS 08.03.010(a)(4) is repealed.

23 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.-  
24 070(c).

Introduced: 3/14/79  
Referred: Health, Education  
& Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

SENATE BILL NO. 241

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the Board of  
Nursing; and providing for an effective date."

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(c) The following board has the termination date provided by this

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subsection: Board of Nursing (AS 08.68.010) -- June 30, 1983.

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\* Sec. 2. AS 08.03 is amended by adding a new section to read:

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14

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(b) The termination, dissolution, continuation or reestablishment

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of a regulatory board shall be governed by the legislative oversight

22

procedures of AS 44.66.050.

23

(c) A board scheduled for termination under this chapter may be

24

continued or reestablished by the legislature for a period not to exceed

25

four years.

26

\* Sec. 3. AS 08.03.010(a)(4), (d) and (e) are repealed.

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\* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-

28

070(c).

29

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST House Committee Substitute for Senate Bill 241, 242, 243, 244, 245,  
Bill/Resolution No. 246, 247, and 248. House Bill 446 and 447.  
Title Acts relating to Sunset Legislation  
Requested by Finance Committee Date 4/24/79

II. FISCAL DETAIL  
Agency Affected Commerce and Economic Development  
Program Category Affected Public Protection  
Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	23.4	50.0	52.7	56.5
200 TRAVEL	-0-	-0-	(9.5)	(20.1)	(21.3)	(22.6)
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	3.4	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	17.3	29.9	31.4	33.4

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	17.3	29.9	31.4	33.4
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	2	2	2
PART TIME	-0-	-0-	2	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79 PREPARED BY Don Hostak, Director  
AGENCY Occupational Licensing  
PHONE 465-2534  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

In regard to the termination of seven health care boards effective January 1, 1981 and the resulting assumption of the licensing function by the Division of Occupational Licensing, it is difficult to estimate fiscal impact at this time. However, overall results are estimated to be:

1. Elimination of board meetings  
(travel and per diem)
2. Elimination of Practical examinations on:
  - a. Chiropractors
  - b. Optometrists
  - c. Veterinarians
  - d. Dispensing Opticians
3. Licensure would be by
  - a. National examination (4 boards currently use)
  - b. State examination (7 boards currently use)
  - c. Educational requirements; or
  - d. Endorsement

The period prior to termination will be used to work with the boards in updating statutes and regulations in order to define set criteria for licensure and regulation of each profession. If problems arise after transfer of this function, assistance could be obtained from State Professional Associations and/or former board members.

Two additional support personnel (6-12's) would be needed to complement current staff. License examiners would be relieved of some duties currently being performed for board members. These duties would be replaced by detailed review and licensure of applicants.

Analysis:

Personnel Services

For FY81 (2) full time positions for only half the year at R-12 with Benefits = \$3,028, FICA = \$1588 and Health Insurance = \$1716 \$23,444

For FY 82 and every year thereafter (2) full time positions for full years at R-12 with Benefits, FICA and Health Insurance \$49,701

A 6% inflation rate is used for FY83 and 84.

Travel

Travel expenditures were estimated for FY80. To estimate travel savings for FY81 half of FY80 figures were used being as the boards will continue through half of the year. The savings for FY82, FY83 and FY84 will be double of FY81 plus a 6% inflation rate.

Travel for FY81 by board is estimated to be:

Psychology	2.2
Nursing	-0-
Dental	-0-
Chiropractor	1.6
Veterinary	1.1
Phy. Therapy	.9
Disp. Optician	.8
Optometry	.9
Pharmacy	-0-
Medical	-0-
Nursing H. Admin.	2.0
	(9.5)

Equipment

For FY81 and only that year the estimated cost to equip the 2 R-12 positions would be:

2 desks 70 X 36	\$370 ea.
2 credenza 19 X 36	295 ea.
2 file cabinets	172 ea.
2 chairs posture	91 ea.
2 typewriters	706 ea.
2 type tables	62 ea.
	\$3,392 Total

Original sponsor: Health, Education and  
Social Services Committee

Offered: 4/5/79  
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 241

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the Board of

7

Nursing and amending the laws regulating the nursing

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subsection: Board of Nursing (AS 08.68.010) -- June 30, 1983.

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24 070(c):

Introduced: 3/14/79  
Referred: Health, Education  
& Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
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SENATE BILL NO. 241

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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Referred: Health, Education  
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070(c).

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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

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I. REQUEST House Committee Substitute for Senate Bill 241, 242, 243, 244, 245, Bill/Resolution No. 246, 247, and 248. House Bill 446 and 447.  
Title Acts relating to Sunset Legislation  
Requested by Finance Committee Date 4/24/79

II. FISCAL DETAIL  
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Program Category Affected Public Protection  
Budget Request Unit(s) Affected Regulation and Licensing of Professions

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600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>17.3</b>	<b>29.9</b>	<b>31.4</b>	<b>33.4</b>

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	17.3	29.9	31.4	33.4
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79

PREPARED BY Don Hostak, Director  
AGENCY Occupational Licensing  
PHONE 465-2534

Original: Legislative Finance  
cc: Budget and Management  
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# HOUSE JOURNAL

## LETTER OF INTENT

FOR

HCS FOR SB 241, 242, 243, 244, 245, 247 & 248  
and

SB 246 and HB 446 & 447

(SUNSET LEGISLATION)

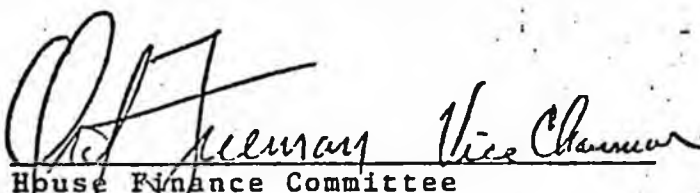
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Clerk Typist III, Anchorage	18,700
Special Investigator, Anchorage	<u>31,900</u>

69,300

The House Finance Committee now wishes to support before the full House and the House conferees on the budget a request that these new positions be approved for inclusion in the Fiscal Year 1980 budget for Occupational Licensing.

The Division of Occupational Licensing shall report to the Second Session of the Eleventh Legislature the results of its efforts to correct practices found objectionable and meet requirements of the various legislative audits and committee reports pertaining to boards and commissions. This requirement applies equally to those boards approved for continuation this year and those under review during the budget year.

  
House Finance Committee

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST      House Committee Substitute for Senate Bill 241, 242, 243, 244, 245,  
Bill/Resolution No. 246, 247, and 248.    House Bill 446 and 447.  
Title Acts relating to Sunset Legislation  
Requested by Finance Committee      Date 4/24/79

II. FISCAL DETAIL  
Agency Affected Commerce and Economic Development  
Program Category Affected Public Protection  
Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES    (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	23.4	50.0	52.7	56.0
200 TRAVEL	-0-	-0-	(9.5)	(20.1)	(21.3)	(22.6)
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	3.4	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>17.3</b>	<b>29.9</b>	<b>31.4</b>	<b>33.4</b>

FUNDING    (Thousands of Dollars)

GENERAL FUND	-0-	-0-	17.3	29.9	31.4	33.4
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	-0-	-0-	-0-	2	2	2
PART TIME	-0-	-0-	2	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79      PREPARED BY Don Hostak, Director  
AGENCY Occupational Licensing  
PHONE 465-2534  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

In regard to the termination of seven health care boards effective January 1, 1981 and the resulting assumption of the licensing function by the Division of Occupational Licensing, it is difficult to estimate fiscal impact at this time. However, overall results are estimated to be:

1. Elimination of board meetings  
(travel and per diem)
2. Elimination of Practical examinations on:
  - a. Chiropractors
  - b. Optometrists
  - c. Veterinarians
  - d. Dispensing Opticians
3. Licensure would be by
  - a. National examination (4 boards currently use)
  - b. State examination (7 boards currently use)
  - c. Educational requirements; or
  - d. Endorsement

The period prior to termination will be used to work with the boards in updating statutes and regulations in order to define set criteria for licensure and regulation of each profession. If problems arise after transfer of this function, assistance could be obtained from State Professional Associations and/or former board members.

Two additional support personnel (R-12's) would be needed to complement current staff. License examiners would be relieved of some duties currently being performed for board members. These duties would be replaced by detailed review and licensure of applicants.

Analysis:

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For FY81 (2) full time positions for only half the year at  
R-12 with Benefits = \$3,028, FICA = \$1588 and  
Health Insurance = \$1716 \$23,444

For FY 82 and every year thereafter (2) full time positions  
for full years at R-12 with Benefits, FICA and  
Health Insurance \$49,701

A 6% inflation rate is used for FY83 and 84.

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Travel expenditures were estimated for FY80. To estimate travel savings  
for FY81 half of FY80 figures were used being as the boards will continue  
through half of the year. The savings for FY82, FY83 and FY84 will be  
double of FY81 plus a 6% inflation rate.

Travel for FY81 by board is estimated to be:

Psychology	2.2
Nursing	-0-
Dental	-0-
Chiropractor	1.6
Veterinary	1.1
Phy. Therapy	.9
Disp. Optician	.8
Optometry	.9
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Medical	-0-
Nursing H. Admin.	2.0
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Equipment

For FY81 and only that year the estimated cost to equip the 2 R-12  
positions would be:

2 desks 70 X 36	\$370 ea.
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2 file cabinets	172 ea.
2 chairs posture	91 ea.
2 typewriters	706 ea.
2 type tables	62 ea.
	<u>\$3,392 Total</u>



# RECORDS



# CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith  
Signature of Camera Operator

3/23/90  
Date

# COMMITTEE REPORT

## HOUSE

FURTHER:

April 5, 1979

Date: 4-24-79

Mr. Speaker:

The Committee on FINANCE has had SB 242

"An Act continuing the existence of the Board of Chiropractic Examiners; eff. date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>Commerce HOUSE</sup> CS for SB 242  same title  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

Freeman

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

McKinnon - No Rec.

Smith - No Rec.

Rogers - No Rec.

\_\_\_\_\_

Montgomery - No Rec.

\_\_\_\_\_

Freeman

CHAIRMAN

Original sponsor: Health, Education and  
Social Services Committee

Offered: 4/5/79  
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 242

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act terminating the existence of the Board of  
7 Chiropractic Examiners on January 1, 1981 and reassign-  
8 ing its responsibilities to the Department of Commerce  
9 and Economic Development; and providing for an effec-  
10 tive date."

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

12 \* Section 1. TERMINATION OF BOARD OF CHIROPRACTIC EXAMINERS. Notwith-  
13 standing the provisions of AS 08.03.010, the Board of Chiropractic Examiners  
14 will continue in existence until January 1, 1981, and after that date the  
15 Department of Commerce and Economic Development will have jurisdiction over  
16 the licensing of chiropractors and the practice of chiropractic under the  
17 provisions of AS 08.20.005 - 08.20.220. During the period until January 1,  
18 1981, the members of the board will facilitate the orderly transfer of  
19 functions and responsibilities of the board to the department. Nothing in  
20 this Act or AS 08.03.010 reduces or limits the authority of the board under  
21 AS 08.20.010 - 08.20.220 before January 1, 1981.

22 \* Sec. 2. AS 08.01.010 is amended by adding a new subsection to read:

23 (b) This chapter applies to the responsibilities of the department  
24 over licensing and regulation of chiropractors (AS 08.20.005).

25 \* Sec. 3. AS 08.01.050(a)(19) is amended to read:

26 (19) provide investigative services to the boards established  
27 under [AS 08.20,] AS 08.32, AS 08.36, AS 08.64, AS 08.68, AS 08.71,  
28 AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the purpose of assisting  
29 those boards in matters of professional discipline.

1 \* Sec. 4. AS 08.01.050(a) is amended by adding a new paragraph to read:

2 (20) conduct investigations in matters of professional disci-  
3 pline for the profession established under AS 08.20.

4 \* Sec. 5. AS 08.01.050(b) is amended to read:

5 (b) The form and content of a license [,] authorized under AS 08  
6 [BY A BOARD LISTED IN AS 08.01.010], including any document evidencing  
7 renewal of a license, shall be determined by the department after con-  
8 sultation with and consideration of the views of any [THE] board con-  
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11 Sec. 08.20.005. AUTHORITY OF DEPARTMENT. The department has  
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13 chiropractic under this chapter.

14 \* Sec. 7. AS 08.20.055 is amended to read:

15 Sec. 08.20.055. DEPARTMENTAL [BOARD] REGULATIONS. The department  
16 [BOARD] shall adopt substantive regulations necessary to effect the  
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18 \* Sec. 8. AS 08.20.110 is amended to read:

19 Sec. 08.20.110. APPLICATION FOR LICENSE. A person desiring to  
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21 \* Sec. 9. AS 08.20.120 is amended to read:

22 Sec. 08.20.120. QUALIFICATIONS FOR LICENSE. An applicant shall be  
23 issued a license to practice chiropractic if he

24 (1) (repealed)

25 (2) has had a high school education or its equivalent;

26 (3) has successfully completed at least two academic years of  
27 study in a college of liberal arts or sciences;

28 (4) is a graduate of a legally chartered accredited school or  
29 college of chiropractic, approved by the department [BOARD], which

1 requires for graduation a residence course of instruction of not less  
2 than four years of nine months each;

3 (5) passes an examination given by the department [BOARD];

4 (6) (repealed)

5 (7) passes to the satisfaction of the department [BOARD] Part  
6 I and Part II of the examination of the National Board of Chiropractic  
7 Examiners.

8 \* Sec. 10. AS 08.20.130(a) is amended to read:

9 (a) Examinations for a license to practice chiropractic may be  
10 held in the time and manner fixed by the department [BOARD].

11 \* Sec. 11. AS 08.20.140 is amended to read:

12 Sec. 08.20.140. OUT-OF-STATE LICENSES. The department [BOARD] may  
13 issue a license without examination to an applicant presenting satis-  
14 factory proof of the possession of a license or certificate of registra-  
15 tion in a state or territory of the United States, or a foreign country,  
16 if the requirements for registration at the date of his license are  
17 considered by the department [BOARD] as equivalent to those in this  
18 chapter, and if the licensing jurisdiction extends the same privilege to  
19 those holding a license from this state.

20 \* Sec. 12. AS 08.20.160 is amended to read:

21 Sec. 08.20.160. TEMPORARY PERMITS. Temporary permits may be  
22 issued to persons apparently qualified until the next regular examina-  
23 tion [MEETING OF THE BOARD].

24 \* Sec. 13. AS 08.20.170 is amended to read:

25 Sec. 08.20.170. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO  
26 ISSUE A LICENSE. (a) The department [BOARD] may refuse to issue, or  
27 may suspend or revoke a license upon any of the following grounds:

28 (1) malpractice;

29 (2) misrepresentation;

1 (3) unprofessional conduct, including but not limited to the  
2 denial of care or treatment to a patient or person seeking assistance  
3 from the chiropractor if the sole reason for the denial is the failure  
4 or refusal of the patient or person seeking assistance to execute an  
5 agreement to arbitrate a dispute, controversy, or issue arising out of  
6 the care or treatment, as provided in AS 09.55.535(a);

7 (4) habitual intemperance, or addiction to the use of narco-  
8 tics;

9 (5) conviction of a felony or misdemeanor involving moral  
10 turpitude;

11 (6) violation of any provision of this act.

12 (b) The Administrative Procedure Act (AS 44.62) applies to any  
13 action taken by the department [BOARD] for the suspension or revocation  
14 of a license.

15 (c) Any person whose license is suspended or revoked may within  
16 two years from date of suspension apply for reinstatement, and if the  
17 department [BOARD] is satisfied that the applicant should be rein-  
18 stated, it shall order reinstatement.

19 \* Sec. 14. AS 08.20.175 is amended to read:

20 Sec. 08.20.175. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)  
21 In addition to action under AS 08.20.170, upon a finding that by reason  
22 of demonstrated problems of competence, experience, education or health  
23 the authority to practice chiropractic should be limited or conditioned  
24 or the practitioner disciplined, the department [BOARD] may reprimand,  
25 censure, place on probation, restrict practice by specialty, procedure  
26 or facility, require additional education or training, or revoke or  
27 suspend a license.

28 (b) The Administrative Procedure Act (AS 44.62) applies to any  
29 action taken by the department [BOARD] under this section.

1 \* Sec. 15. AS 08.20.180 is amended to read:

2 Sec. 08.20.180. FEES. The department [BOARD] shall impose and  
3 collect the following fees:

- 4 (1) upon the filing of an application for examination, \$25;  
5 (2) upon application for re-examination, \$10;  
6 (3) for issuance of temporary permit, \$25;  
7 (4) initial and renewal biennial license, \$50;  
8 (5) associate license, \$30.

9 \* Sec. 16. AS 08.20.19. ; amended to read:

10 Sec. 08.20.190. DISPOSITION OF FEES. All fees collected by the  
11 department [BOARD] shall be paid into the general fund of the state.

12 \* Sec. 17. AS 08.20.200 is amended to read:

13 Sec. 08.20.200. VIOLATION OF AS 08.20.100. A person who violates  
14 AS 08.20.100 is guilty of a class B misdemeanor |, AND UPON CONVICTION  
15 IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR  
16 NOT MORE THAN A YEAR, OR BY BOTH]. In prosecutions under this section,  
17 evidence that the defendant has failed to file his certificate of  
18 registration with the department [BOARD] is prima facie evidence that he  
19 is not a licensed chiropractor.

20 \* Sec. 18. REPEALER. AS 08.01.010(4), AS 08.03.010(a)(1), AS 08.20.010 -  
21 08.20.050, 08.20.060, and 08.20.090 are repealed.

22 \* Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect  
23 immediately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act  
24 take effect January 1, 1981.

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Introduced: 3/14/79  
Referred: Health, Education &  
Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. SB 242

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Board of  
7 Chiropractic Examiners; and providing for an effective  
8 date."

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

10 \* Section 1. AS 08.03.010(c) is repealed and reenacted to read:

11 (c) The following board has the termination date provided by this  
12 subsection: Board of Chiropractic Examiners (AS 08.20.010) -- June 30,  
13 1983.

14 \* Sec. 2. AS 08.03 is amended by adding a new section to read:

15 Sec. 08.03.020. TERMINATION, CONTINUATION, AND REESTABLISHMENT OF  
16 REGULATORY BOARDS. (a) Upon termination, each board listed in AS 08.-  
17 03.010 shall continue in existence until June 30 of the next succeeding  
18 year for the purpose of concluding its affairs. During this period,  
19 termination does not reduce or otherwise limit the powers or authority  
20 of each board. One year after the date of termination, a board not  
21 continued shall cease all activities.

22 (b) The termination, dissolution, continuation or reestablishment  
23 of a regulatory board shall be governed by the legislative oversight  
24 procedures of AS 44.66.050.

25 (c) A board scheduled for termination under this chapter may be  
26 continued or reestablished by the legislature for a period not to exceed  
27 four years.

28 \* Sec. 3. AS 08.03.010(a)(1), (d) and (e) are repealed.

29 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-

1 070(c).

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# HOUSE JOURNAL

## LETTER OF INTENT

FOR

HCS FOR SB 241, 242, 243, 244, 245, 247 & 248  
and  
SB 246 and HB 446 & 447

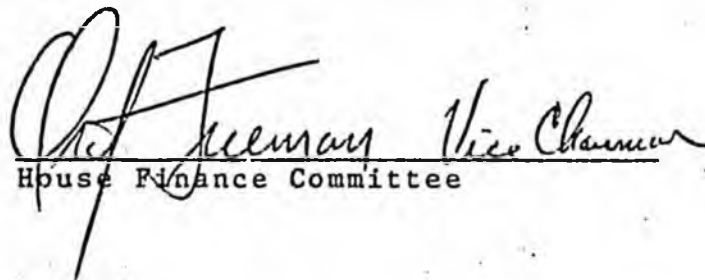
(SUNSET LEGISLATION)

When the House Finance Committee considered and approved its version of the Fiscal Year 1980 budget it did not have in its possession the several measures constituting the "Sunset" package for various boards and commissions. As a result the question of staffing to provide improved public service by the surviving boards was not addressed. The Senate in its version of the budget approved the addition of the following positions in the Occupational Licensing program:

Administrative Support Tech II, Juneau	18,700
Clerk Typist III, Anchorage	18,700
Special Investigator, Anchorage	<u>31,900</u>
	69,300

The House Finance Committee now wishes to support before the full House and the House conferees on the budget a request that these new positions be approved for inclusion in the Fiscal Year 1980 budget for Occupational Licensing.

The Division of Occupational Licensing shall report to the Second Session of the Eleventh Legislature the results of its efforts to correct practices found objectionable and meet requirements of the various legislative audits and committee reports pertaining to boards and commissions. This requirement applies equally to those boards approved for continuation this year and those under review during the budget year.

  
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Title Acts relating to Sunset Legislation  
Requested by Finance Committee Date 4/24/79

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Program Category Affected Public Protection  
Budget Request Unit(s) Affected Regulation and Licensing of Professions

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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See attached analysis

IV. DATE 4/24/79 PREPARED BY Don Kozlak, Director  
AGENCY Occupational Licensing  
PHONE 465-2534  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

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Original sponsor: Health, Education and  
Social Services Committee

Offered: 4/5/79  
Referred: Finance

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 242

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - FIRST SESSION

5

A BILL

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23 issued a license to practice chiropractic if he

24 (1) (repealed)

25 (2) has had a high school education or its equivalent;

26 (3) has successfully completed at least two academic years of  
27 study in a college of liberal arts or sciences;

28 (4) is a graduate of a legally chartered accredited school or  
29 college of chiropractic, approved by the department [BOARD], which

1 requires for graduation a residence course of instruction of not less  
2 than four years of nine months each;

3 (5) passes an examination given by the department [BOARD];

4 (6) (repealed)

5 (7) passes to the satisfaction of the department [BOARD] Part  
6 I and Part II of the examination of the National Board of Chiropractic  
7 Examiners.

8 \* Sec. 10. AS 08.20.130(a) is amended to read:

9 (a) Examinations for a license to practice chiropractic may be  
10 held in the time and manner fixed by the department [BOARD].

11 \* Sec. 11. AS 08.20.140 is amended to read:

12 Sec. 08.20.140. OUT-OF-STATE LICENSES. The department [BOARD] may  
13 issue a license without examination to an applicant presenting satis-  
14 factory proof of the possession of a license or certificate of registra-  
15 tion in a state or territory of the United States, or a foreign country,  
16 if the requirements for registration at the date of his license are  
17 considered by the department [BOARD] as equivalent to those in this  
18 chapter, and if the licensing jurisdiction extends the same privilege to  
19 those holding a license from this state.

20 \* Sec. 12. AS 08.20.160 is amended to read:

21 Sec. 08.20.160. TEMPORARY PERMITS. Temporary permits may be  
22 issued to persons apparently qualified until the next regular examina-  
23 tion [MEETING OF THE BOARD].

24 \* Sec. 13. AS 08.20.170 is amended to read:

25 Sec. 08.20.170. GROUNDS FOR SUSPENSION, REVOCATION OR REFUSAL TO  
26 ISSUE A LICENSE. (a) The department [BOARD] may refuse to issue, or  
27 may suspend or revoke a license upon any of the following grounds:

28 (1) malpractice;

29 (2) misrepresentation;

1 (3) unprofessional conduct, including but not limited to the  
2 denial of care or treatment to a patient or person seeking assistance  
3 from the chiropractor if the sole reason for the denial is the failure  
4 or refusal of the patient or person seeking assistance to execute an  
5 agreement to arbitrate a dispute, controversy, or issue arising out of  
6 the care or treatment, as provided in AS 09.55.535(a);

7 (4) habitual intemperance, or addiction to the use of narco-  
8 tics;

9 (5) conviction of a felony or misdemeanor involving moral  
10 turpitude;

11 (6) violation of any provision of this act.

12 (b) The Administrative Procedure Act (AS 44.62) applies to any  
13 action taken by the department [BOARD] for the suspension or revocation  
14 of a license.

15 (c) Any person whose license is suspended or revoked may within  
16 two years from date of suspension apply for reinstatement, and if the  
17 department [BOARD] is satisfied that the applicant should be rein-  
18 stated, it shall order reinstatement.

19 \* Sec. 14. AS 08.20.175 is amended to read:

20 Sec. 08.20.175. LIMITS OR CONDITIONS ON LICENSE; DISCIPLINE. (a)  
21 In addition to action under AS 08.20.170, upon a finding that by reason  
22 of demonstrated problems of competence, experience, education or health  
23 the authority to practice chiropractic should be limited or conditioned  
24 or the practitioner disciplined, the department [BOARD] may reprimand,  
25 censure, place on probation, restrict practice by specialty, procedure  
26 or facility, require additional education or training, or revoke or  
27 suspend a license.

28 (b) The Administrative Procedure Act (AS 44.62) applies to any  
29 action taken by the department [BOARD] under this section.

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\* Sec. 15. AS 08.20.180 is amended to read:

Sec. 08.20.180. FEES. The department [BOARD] shall impose and collect the following fees:

- (1) upon the filing of an application for examination, \$25;
- (2) upon application for re-examination, \$10;
- (3) for issuance of temporary permit, \$25;
- (4) initial and renewal biennial license, \$50;
- (5) associate license, \$30.

\* Sec. 16. AS 08.20.190 is amended to read:

Sec. 08.20.190. DISPOSITION OF FEES. All fees collected by the department [BOARD] shall be paid into the general fund of the state.

\* Sec. 17. AS 08.20.200 is amended to read:

Sec. 08.20.200. VIOLATION OF AS 08.20.100. A person who violates AS 08.20.100 is guilty of a class B misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN A YEAR, OR BY BOTH]. In prosecutions under this section, evidence that the defendant has failed to file his certificate of registration with the department [BOARD] is prima facie evidence that he is not a licensed chiropractor.

\* Sec. 18. REPEALER. AS 08.01.010(4), AS 08.03.010(a)(1), AS 08.20.010 - 08.20.050, 08.20.060, and 08.20.090 are repealed.

\* Sec. 19. EFFECTIVE DATE. Section 1 of this Act takes effect immediately in accordance with AS 01.10.070(c). Sections 2 - 18 of this Act take effect January 1, 1981.

Introduced: 3/14/79  
Referred: Health, Education &  
Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. SB 242

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Board of  
7 Chiropractic Examiners; and providing for an effective  
8 date."

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

10 \* Section 1. AS 08.03.010(c) is repealed and reenacted to read:

11 (c) The following board has the termination date provided by this  
12 subsection: Board of Chiropractic Examiners (AS 08.20.010) -- June 30,  
13 1983.

14 \* Sec. 2. AS 08.03 is amended by adding a new section to read:

15 Sec. 08.03.020. TERMINATION, CONTINUATION, AND REESTABLISHMENT OF  
16 REGULATORY BOARDS. (a) Upon termination, each board listed in AS 08.-  
17 03.010 shall continue in existence until June 30 of the next succeeding  
18 year for the purpose of concluding its affairs. During this period,  
19 termination does not reduce or otherwise limit the powers or authority  
20 of each board. One year after the date of termination, a board not  
21 continued shall cease all activities.

22 (b) The termination, dissolution, continuation or reestablishment  
23 of a regulatory board shall be governed by the legislative oversight  
24 procedures of AS 44.66.050.

25 (c) A board scheduled for termination under this chapter may be  
26 continued or reestablished by the legislature for a period not to exceed  
27 four years.

28 \* Sec. 3. AS 08.03.010(a)(1), (d) and (e) are repealed.

29 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-

1 070(c).

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